



**CITY OF PITTSBURG
AGENDA**

MONDAY, AUGUST 7, 2006

**CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA**

**CLOSED SESSION
6:00 P.M.**

**REGULAR MEETING
7:00 P.M.**

**REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
CITY COUNCIL**

PRESIDING

**Michael Kee, Mayor/Chair
William Glynn, Vice-Mayor/Vice-Chair
Ben Johnson, Council Member/Board Member
Will Casey, Council Member/Board Member
Nancy Parent, Council Member/Board Member**

Pittsburg City Council meetings are held the first and third Mondays of each month at 7:00 p.m. The Housing Authority meets in conjunction with the City Council on the third Monday of each month. The City Council meets regularly in the Council Chambers at 65 Civic Avenue, unless otherwise noted above.

AUDIENCE REMARKS – *The Audience Remarks period is for the public to comment on any items scheduled to be heard during the Closed Session portion of the meeting, if applicable.*

CONVENE IN CLOSED SESSION – 6:00 p.m.

- a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8):

Property:

3745 Railroad Avenue, APN 088-061-025

Agency Negotiator:

Matt Rodriguez, Juliet Cox, Maria Aliotti

Negotiating Parties:

Vahid Millani

Under negotiation:

Both price and terms of payment

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

One (1) case

- c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

One (1) case

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

1. Farmer's Market Month

COUNCIL MEMBER REPORTS/REMARKS – *Council Members may make brief announcements or informal comments at this time. Council members may ask questions for clarification from City staff, and make a report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate). (No Action Required)*

CITY MANAGER REPORTS/REMARKS – *The City Manager may make brief announcements or informal comments at this time and brief the Council on items of interest. (No Action Required)*

CITIZENS REMARKS – *Members of the audience who wish to address the City Council or Agency Boards on issues that are not scheduled for the agenda calendar should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. (No Action Required)*

REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 06-1142** Authorizing the Transfer of \$5,000,000 from the Agency
Combined w/CC 06-10603 to the City of Pittsburg (Recommend Adoption)

The City of Pittsburg and the Agency have been working cooperatively with the Pittsburg Unified School District. The City is about to enter into a Joint Use Agreement with the District. Funding associated with this pending Joint Use Agreement has been included in the Agency Capital Improvement Projects and needs to be transferred to the City prior to the City entering into the Joint Use Agreement.

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **MINUTES** Dated: July 10, 2006 (Recommend Approval)
- b. **RESOLUTION 06-1143** Authorizing the Executive Director to Enter into a
Combined w/CC 06-10618 Purchase Agreement with David Vick for a Public Art Sculpture (Recommend Adoption)

The Agency has received a proposal from sculptor David Vick offering to sell his sculpture *The Hook* to the Agency for public display. A scale model of the Sculpture is available for review in the Executive Director's office and a photo is attached to this staff report. The Sculpture is approximately 24 feet in height and 16 feet in width. Mr. Vick is proposing to refinish and repaint the Sculpture, install a mechanism to allow the Sculpture to rotate 360 degrees and oversee its installation. It is envisioned that the Sculpture will be located on the Civic Center block near the site of the proposed mid-rise office tower.

- c. **RESOLUTION 06-1144** Approve Loan by and between the Redevelopment Agency of the City of Pittsburg and Mary Anne Douville, Doing Business As Faultless Cleaners (Recommend Adoption)

Mary Anne Douville, as Successor Trustee of the Douville Trust dated May 31, 1994, doing business as "Faultless Cleaners" has requested a twelve thousand

five hundred dollar (\$12,500) loan from the Redevelopment Agency of the City of Pittsburg to assist with building improvements at 427 E. 10th Street in connection with the operation of the business.

- d. **RESOLUTION 06-1145**
Combined w/CC 06-10612 Accepting Plans and Specifications, Allocating Additional Funding and Awarding Contract 2005-28, California Avenue Pavement Rehabilitation Project to Bay Cities Paving & Grading, Inc. of Concord, California (Recommend Adoption)

Contract No. 2005-28, California Avenue Pavement Rehabilitation Project will provide the rehabilitation of asphalt concrete pavements on California Avenue. This Resolution will accept the plans and specifications for the California Avenue Pavement Rehabilitation Project that were prepared by Azari Engineering, Inc., award a contract to Bay Cities Paving & Grading, Inc. of Concord, California in the amount of \$ 1,612,306.60, and allocate additional funding for the Project.

- e. **RESOLUTION 06-1146**
Combined w/CC 06-10613 Awarding Leland Road Pavement Rehabilitation Construction Contracts 2005-08A (Dover Way to Harbor Street) and 2005-08B (Harbor Street to West of Century Boulevard) and Allocating Additional Funding (Recommend Adoption)

City Staff opened bids for the two Leland Road Pavement Rehabilitation Construction Contracts; Contract 2005-08A (Dover Way to Harbor Street), on July 19, 2006, and Contract 2005-08B (Harbor Street to West of Century), on July 26, 2006. These projects primarily consist of the pavement rehabilitation of Leland Road. The low bidder for construction of Contract 2005-08A is MCK Services Inc., of Concord, California. MCK Services Inc. submitted a bid proposal in the amount of \$1,279,725.25. The low bidder for construction of Contract 2005-08B is Bay Cities Paving and Grading, Inc. of Concord, California. Bay Cities Paving and Grading, Inc. submitted a bid proposal in the amount of \$2,103,876.25.

- f. **RESOLUTION 06-1147**
Combined w/CC 06-10614 Awarding Construction Contract 2004-06, 2005/06 Citywide Pavement Rehabilitation Project and Allocating Additional Funding (Recommend Adoption)

City Staff opened bids for Contract 2004-06, 2005/06 Citywide Pavement Rehabilitation Project, on July 26, 2006. This project primarily consists of the rehabilitation of various roadways, installation of speed humps, and improvements to alleyways throughout the City of

Pittsburg. The low bidder for construction of Contract 2004-06 is Bay Cities Paving and Grading, Inc. of Concord, California with a base bid proposal in the amount of \$2,465,250.65.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: August 21, 2006

PITTSBURG POWER COMPANY MEETING

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or the public prior to the time the Council votes on the motion to adopt.*

a. **MINUTES**

Dated: July 17, 2006 (Recommend Approval)

ADJOURNMENT

CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 06-1270** Introduction of an Ordinance Amending City Council Ordinance No. 93-1057 to Amend San Marco Development Park Requirements (AP-06-346 (RZ)) (Recommend Introduction and Waive First Reading)

This is a public hearing to review and consider changes to the park requirements for the San Marco Planned Development (PD) District as recommended by the Planning Commission. The amendments would consolidate four small "village" parks and one-half of an obsolete utility/trail corridor within the San Marco Development into the large community park planned at the southeastern corner of San Marco Boulevard and the future extension of West Leland Road. The amendment would also change the timing of when the large community park must be built, relocate the Parcel "D" park (3-acres in size) to a more centralized location in the western portion of the subdivision, and add a condition to require that all future single-family homes in the subdivision, starting with Unit 6, be annexed into a new supplemental lighting and landscape maintenance district.

2. **RESOLUTION 06-10603** Authorizing the Transfer of \$5,000,000 from the Agency
Combined w/RDA 06-1142 to the City of Pittsburg (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution No. 06-1142.

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **MINUTES** Dated: July 17, 2006 and July 26, 2006 (Recommend Approval)
- b. **CLAIMS** #1718, Bobby Blackwood (Recommend Denial)

(Claims against the City which may cause expenditure of funds – on file in the Office of the City Clerk)
- c. **ORDINANCE 06-1266** Adoption of an Ordinance to Rescind Ordinance 05-1248 Pertaining to Amendments to the Historic Resources

Ordinance and the Historic Resources Commission
(Recommend Adoption)

On July 17, 2006, the Council introduced Ordinance No. 06-1266 rescinding Ordinance No. 05-1248, which set forth amendments to Chapter 15.84 (Preservation of Historic Structures and Establishment of Historical Districts) and Chapter 19.20 (Sign Ordinance) of the Pittsburg Municipal Code (PMC). The Council must now adopt the ordinance before it can take effect.

d. **ORDINANCE 06-1267**

Amendments to Municipal Code Section 13.08.040, 13.10.030, 15.90.040 and 15.100.040 Related to the Payment of Various Fees in New City Developments (Recommend Adoption)

The attached Ordinance, if adopted by the City Council, will establish clearer standards for the timing of payment of various fees in the City. The proposed amendments to the Municipal Code will assist staff as to the timing of payment of various development-related fees, will help minimize the negative effects of prepayment of these development fees, and will reduce the administrative costs associated with the collection of those fees. The payment of development fees “at the time of issuance of any required building permit” or “as requested in writing by the City Engineer and approved by the City Manager and as consistent with applicable law” ensures that the City will recover those fees at a time when the impacts of development may be determined with greater accuracy. The attached Ordinance was introduced at the regular City Council meeting on July 17th, 2006. This is the second reading of the proposed Ordinance.

e. **RESOLUTION 06-10606**

Approval of a Resolution Authorizing Execution of a Joint Use Agreement Between the City and Pittsburg Unified School District (Recommend Adoption)

At the request of Pittsburg Unified School District the City has been working cooperatively regarding the District’s efforts to construct a new elementary school on the block bounded by Railroad Avenue on the east, Black Diamond on the west, E. Tenth Street on the south, and Eighth Street on the north. The proposed Joint Use Agreement will govern the investment of five million dollars (\$5,000,000) of City funds in order to enhance certain recreational aspects of the new school and the periodic use of said recreational facilities by the City.

- f. **RESOLUTION 06-10610** Approval of Declaration of Official Intent of the City of Pittsburg to Reimburse Certain Sewer Related Expenditures from Proceeds of Bond Indebtedness (Recommend Adoption)

The attached Resolution of Intent meets U.S. Treasury regulations regarding tax-exempt bond financing that will allow for all current or future costs related to the acquisition and construction of additions, extensions and improvements to the sanitary sewer system to be reimbursed by bond proceeds to the City of Pittsburg and/or the Pittsburg Redevelopment Agency.

- g. **RESOLUTION 06-10611** Approval of Proposed Territory for Annexation to the Community Facilities District (CFD) No. 2005-1 (Public Safety Services) (Recommend Adoption)

In accordance with the policy of the City Council and the written approvals by current property owners with respect to Delta Hawaii Senior Condominiums and East Leland II (formerly Stanford Place II), certain territory is proposed for annexation to the Community Facilities District (CFD) No. 2005-1 (Public Safety Services) to provide funding for police services in the respective subdivision areas. On August 1, 2005 the City Council, in a public hearing, took testimony, adopted a Resolution of Formation which formally established the District and also included a process for annexations if property owners of the proposed territory provided written approval to the City Clerk by a predetermined date, called for an Election, conducted the Election, adopted a Resolution declaring the results of the Election and introduced Ordinance No. 05-1246. Then on August 15, 2005, the City Council adopted the subject Ordinance No. 05-1246 Levying a Special Tax in Community Facilities District (CFD) 2005-1 (Public Safety Services).

- h. **RESOLUTION 06-10612**
Combined w/RDA 06-1145 Accepting Plans and Specifications, Allocating Additional Funding and Awarding Contract 2005-28, California Avenue Pavement Rehabilitation Project to Bay Cities Paving & Grading, Inc. of Concord, California (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 06-1146.

- i. **RESOLUTION 06-10613**
Combined w/RDA 06-1146 Awarding Leland Road Pavement Rehabilitation Construction Contracts 2005-08A (Dover Way to Harbor Street) and 2005-08B (Harbor Street to West of Century Boulevard) and Allocating Additional Funding (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 06-1147.

- j. **RESOLUTION 06-10614** Awarding Construction Contract 2004-06, 2005/06
Combined w/RDA 06-1147 Citywide Pavement Rehabilitation Project and Allocating Additional Funding (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 06-1148.

- k. **RESOLUTION 06-10615** Authorize Use of Marina Reserve Funds and Approve Agreement for Professional Services between the City of Pittsburg and Destination Development Incorporated (Recommend Adoption)

It is the intention of the City of Pittsburg to utilize Pittsburg Municipal Marina reserve funds for the professional services of Destination Development, Incorporated, to develop an effective marketing program that will provide a Brand Development and Marketing Action Plan to further assist the City in successfully promoting the Marina and the surrounding jewels of the City that make Pittsburg a true destination.

- l. **RESOLUTION 06-10616** Authorize the City Manager to Execute an Updated Agreement between the City of Pittsburg and Contra Costa County Animal Services for Fiscal Year 2006-2007 (Recommend Adoption)

By letter dated May 5, 2006 the Contra Costa County Animal Services Department presented the City of Pittsburg with a revised City-County Animal Services Agreement reflecting an increased cost for services totaling \$226,004.05 for Fiscal Year 2006/2007.

- m. **RESOLUTION 06-10617** Acceptance of Public Improvements within Subdivision 8845, Rose Glen, for Continuous Maintenance (Recommend Adoption)

The Developer has completed the public improvements within Subdivision 8845, Rose Glen, and they are ready for acceptance and continuous maintenance by the City.

- n. **RESOLUTION 06-10618** Authorizing the Executive Director to Enter into a Purchase Agreement with David Vick for a Public Art Sculpture (Recommend Adoption)
Combined w/RDA 06-1143

See Executive Summary for Redevelopment Agency Resolution 06-1143.

ADJOURNMENT To: August 21, 2006

NOTICE TO PUBLIC

SPEAKER'S CARD

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the agenda should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City residence in a clear and audible tone of voice.

PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action take by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled citizens. Upon request, an agenda for any meeting shall be made available in appropriate alternative formats. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the sound amplifier from the City Clerk for personal use during Council meetings. If you need special assistance to participate in this meeting, or are requesting a specially formatted agenda, please contact the City Clerk at 925-252-4850. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)

DISRUPTIVE CONDUCT

The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

City Council Outside Agency/Liaison/ Sub-Committees Assignments - 2005

Updated February 27, 2006

OUTSIDE AGENCY BOARDS

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Michael Kee / William Glynn Alt.	Standing	Annual	B. Nail
BART Station Specific Plan	Michael Kee / William Glynn	Ad Hoc	As needed	M. Ayres
Bay Area Water Quality Dist.	Ben Johnson / Will Casey Alt.	Standing	As needed	M. Ayres
Contra Costa County Fire Dist.	Will Casey / Ben Johnson Alt.	Standing	2 nd Monday	M. Rodriguez
Delta Diablo Sanitation	Nancy Parent / William Glynn Alt.	Standing	2 nd Wednesday	J. Fuller
East County Habitat Conserv.	Will Casey / Ben Johnson Alt.	Standing	Monthly	M. Ayres
East County Water Mgt.	Michael Kee / William Glynn Alt.	Standing	Annual	J. Fuller
ePPAC	William Glynn / Ben Johnson Alt.	Standing	2 nd Thursday	J. Sbranti
Fee & Finance Authority/TRANSPLAN	William Glynn / Ben Johnson Alt.	Standing	2 nd Thursday	J. Sbranti
Tri-Delta Transit	Michael Kee & William Glynn	Standing	Last Wednesday	M. Rodriguez
Water Transit Authority Comm.	Will Casey / Ben Johnson Alt.	Standing	Monthly/Thursdays	J. Fuller

LIAISON TO

<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Michael Kee / William Glynn Alt.	Standing	3 rd Thursday	B. Nail
Library Commission	Nancy Parent / Will Casey	Standing	As needed	P. Flores
Mayor's Conference	Michael Kee / William Glynn Alt.	Standing	1 st Thursday	M. Grisham
School District Liaison	Nancy Parent & Ben Johnson/William Glynn Alt.	Standing	Quarterly	P. Flores

SUBCOMMITTEE

<u>SUBCOMMITTEE</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
CAC/CDBG	Will Casey & Nancy Parent	Standing	As needed	A. Landry
California Theatre Study*				
City/County Relations	Michael Kee / William Glynn Alt.	Standing	As needed	M. Grisham
Concord Naval Weapons Station	William Glynn / Ben Johnson	Ad Hoc	As needed	M. Rodriguez
Economic Development	Ben Johnson & Will Casey/Nancy Parent Alt.	Standing	Quarterly	B. Nail
Finance Subcommittee	Ben Johnson & Will Casey	Ad Hoc	As needed	M. Simons
Land Use Subcommittee	Ben Johnson & Nancy Parent/Will Casey Alt.	Ad Hoc	As needed	M. Ayres
Power Company Advisory	Nancy Parent & William Glynn	Standing	As needed	G. Evans
PEHDC	Will Casey & Ben Johnson	Standing	1 st Thursday	G. Evans
RDA Subcommittee	Michael Kee & Nancy Parent/William Glynn Alt.	Standing	Quarterly	G. Evans
Sister City Committee	Michael Kee & William Glynn	Ad Hoc	As Needed	B. Nail

*Combined w/RDA Subcommittee