



**CITY OF PITTSBURG
AGENDA**

TUESDAY, SEPTEMBER 5, 2006

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

**CLOSED SESSION
5:30 P.M.**

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

**REDEVELOPMENT AGENCY
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 – 5:30 p.m.

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Section 54956.9(a)):

Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433

- b. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

City Attorney

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

Property:

190 E. 3rd Street, APN 085-108-010

Agency Negotiator:

Marc Grisham, Garrett Evans

Negotiating Parties:

Steve Case

Under Negotiation:

Both price and terms of payment

CONVENE IN OPEN SESSION FOR REGULAR MEETING – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

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 06-1149** Adoption of a Unified Development Area Bounded by Center Drive, State Highway 4, Railroad Avenue and the National Guard Armory (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is proposing to designate a Unified Development Area (UDA) generally located south of an east/west alignment of Center Drive between Railroad Avenue and the parcel with the National Guard Armory, and north of State Highway 4, consisting of approximately six-and-a-half (6.5) acres as shown on the maps attached as Exhibit A. Designation of the UDA and potential future redevelopment of the UDA will provide for intense development of the southeast quadrant of the Civic Center "super block" with office uses, a restaurant pad, and a possible parking structure, depending on the intensity of future office development within the UDA. This will provide the kind of development appropriate to be adjacent to the future e-BART station, and will assist in furthering the goals and objectives of the Redevelopment Plan for the Los Medanos Community Development Project Area.

CONSIDERATION

1. **RESOLUTION 06-1150**
Combined w/CC 06-10626 Establishing a Matching Grant Program for the Pittsburg Creative Arts Building Corporation (Recommend Adoption)

The Pittsburg Creative Arts Building Corporation was established February 28, 2006. The purpose of CAB is to raise funds for the renovation of the Creative Arts Building (also known as the Main or Big Theater and the Little Theater). The Redevelopment Agency of the City of Pittsburg is pledging to match the funds raised by CAB at a 3:1 ratio, up to \$100,000.

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: August 21, 2006 (Recommend Approval)

- b. **RESOLUTION 06-1151** Approve Owner Participation and Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and BioZone Laboratories Inc. (Recommend Adoption)

BioZone Laboratories, Inc. has requested a Two Hundred Fifty Thousand Dollar (\$250,000) loan from the Economic Development Department to assist with expansion efforts of the existing business location at 580 Garcia Avenue and the new additional facility to be located at 701 Willow Pass Road in Pittsburg.

- c. **RESOLUTION 06-1152** Authorizing Payment for the City of Pittsburg's Share of the Expenses Associated with the Improvements of the Los Medanos Baseball Field by East County Baseball Group (Recommend Adoption)

East County Baseball Group has submitted invoices and is requesting payment for the City of Pittsburg's share of the expenses incurred for the improvements of the Los Medanos baseball field.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: September 25, 2006

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 06-10625** Establishing Underground Utility District 2006-01 (Areas of East Tenth Street and Cumberland Street) (Recommend Adoption)

The Redevelopment Agency is currently constructing a mixed use building at the intersection of West Tenth Street and Railroad Avenue. The construction is on 3 existing parcels that are to be combined into one parcel. The 2 parcels on the west side of the project site and nearby parcels are not included in Underground Utility District 82-03, which is along Railroad Avenue in this area. This Resolution will establish an underground utility district that will provide for underground utilities near and around the construction site along West Tenth Street and Cumberland Street. Conversion from overhead to underground utilities will be performed at no cost to private property owners in the proposed district. This Resolution is the first step in the process toward undergrounding the existing overhead utilities in the project area and will establish Underground Utility District 2006-01 as required by the Pacific Gas & Electric Company (PG&E) for use of Rule 20 funds.

CONSIDERATION

1. **RESOLUTION 06-10626** Establishing a Matching Grant Program for the Pittsburg Creative Arts Building Corporation (Recommend Adoption)
Combined w/RDA 06-1150

See Executive Summary for Redevelopment Agency Resolution 06-1150.

2. **MINUTE ORDER** Council Member Committee Assignment (Recommend Appointment)

In accordance with the City of Pittsburg Policies and Procedures for the City Council adopted by the City Council on September 4, 2001 by Resolution No. 01-9475, the Mayor and Vice Mayor shall appoint individual Council Members to standing and ad hoc committees. A need currently exists to appoint two committee members to the Alternate Governance Structure ad hoc subcommittee.

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: August 21, 2006 (Recommend Approval)

- b. **CLAIMS** #1727, Reginald Peoples; #1729, Chester Bakari Hynes-Akil; #1731 Paul Robinson, Diane Evans, Open Hearth LLC (Recommend Denial)

(Claims against the City which may cause expenditure of funds – on file in the Office of the City Clerk)

- c. **ORDINANCE 06-1271** Authorizing Notification to the Department of Housing and Community Development, State of California, for the Cancellation of Enforcement Responsibilities for the Mobilehome Parks Act and the Special Occupancy Parks Act (Recommend Adoption)

The City of Pittsburg Building Division is presently the responsible Code Enforcement Agency within the City's two mobilehome parks, The Meadows, 1515 Polaris Drive and Delta Hawaii, 375 Stoneman Avenue. The attached Ordinance, if approved, would return these responsibilities to the Department of Housing and Community Development, State of California. This is the second reading of the proposed Ordinance.

- d. **RESOLUTION 06-10627** Authorizing Amendment No. 3 to the Consultant Agreement with RBF for Preparing an Environmental Impact Report Related to the Buchanan Road Bypass Project (Recommend Adoption)

The Buchanan Road Bypass project proposes construction of a new two- to four-lane roadway in the undeveloped hills of Contra Costa County, south of Pittsburg. While a Program Environmental Impact Report (Program EIR) was complete in 1993, the project was not defined in specific detail with respect to engineering design or precise alignment at the time. With the completion of the Existing Buchanan Road Widening Feasibility Study in January 2006, the City is now positioned to complete the environmental review process for the project with the preparation of a Subsequent/Supplemental Environmental Impact Report. Therefore, approval of a third contract amendment with RBF Consulting is necessary to advance project development to the final design phase.

- e. **RESOLUTION 06-10628** Approval of Business Improvement District Consultant Agreement Between the City of Pittsburg and the

Pittsburg Chamber of Commerce for 2006-2007 Fiscal Year (Recommend Adoption)

In 1972, a levy was imposed on the City of Pittsburg business licensing program to fund a Business Improvement District. Since the inception of the Business Improvement District, the Chamber of Commerce has served as the Advisory Board, promoting commerce in the City and developing programs that would provide aid to the local Pittsburg business community. It is the recommendation of City staff that the Chamber of Commerce continue to serve as the Advisory Board and that an annual Consultant Agreement and corresponding Scope of Services be approved by City Council for the 2006-07 fiscal year, in an amount not to exceed \$58,000.

- f. **RESOLUTION 06-10629** City Initiation of a Zoning and General Plan Study to Accommodate Future Port Activities and Waterfront Mixed-use Development Near the Terminus of Harbor Street (Recommend Adoption)

This is a City initiated proposal to consider amending the General Plan and respective Zoning districts for an area near the terminus of Harbor Street in order to accommodate future Pittsburg port activities and waterfront mixed-use development. The study area includes the entire project area described in the Unified Development Agreement (UDA) adopted by the Redevelopment Agency on July 10, 2006 (Resolution No. 06-1138) and all land south of East Third Street and east of Harbor Street that is presently designated Marine Commercial.

- g. **RESOLUTION 06-10630** Authorizing the City Manager to Award the Marina Launch Ramp and Storm Drain Maintenance Dredging Contract in Excess of Financial Limit Previously Established in Purchasing Policy (Recommend Adoption)

The City Council previously adopted a purchasing policy authorizing the City Manager to award all contracts under \$50,000 in value. In order to expedite the award and completion of the Marina Launch Ramp and Storm Drain Maintenance Dredging Contract City Council is requested to authorize the City Manager to award this specific contract if bids are received under \$125,000.

ADJOURNMENT To: September 25, 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.

LIVE MEDIA BROADCASTING ADVISEMENT

City Council meetings are video-taped for broadcast on Comcast Local Access Channel 26 typically the day after each meeting. For more information, please contact the City Clerk's office at 252-4850.

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