



CITY OF PITTSBURG AGENDA

MONDAY, MAY 1, 2006

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

**CLOSED SESSION
6:45 P.M.**

**REGULAR MEETINGS
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 – 6:45 p.m.

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

Redevelopment Agency of the City of Pittsburg v. Moore et al., Contra Costa County Superior Court Case No. C05-02379

RECONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Report on ePPAC Visit to Portland for eBART Line

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)*

REGULAR REDEVELOPMENT AGENCY MEETING

CONSIDERATION

1. **RESOLUTION 06-1122**
Combined w/CC 06-10536 Approval of the Renewal of a Cooperative Agreement for Services between the Redevelopment Agency and the City of Pittsburg (Recommend Adoption)

For accounting and auditing purposes, it is necessary for the Redevelopment Agency of the City of Pittsburg and the City of Pittsburg to execute a Cooperative Loan and Repayment Agreement to establish a mechanism for compensation of administrative costs, programs, and future public works improvement costs. The attached Cooperative Agreement restates the relationship between the Agency and the City.

PUBLIC HEARING

1. **RESOLUTION 06-1118** Approval of an Amendment to a Disposition and Development Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Olson Urban Housing LLC (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Olson Urban Housing LLC have executed a Disposition and Development Agreement for the development of approximately 123 single family residential units, also known as Mariner Walk. The Agency and the Developer wish to amend the DDA. The Public Hearing was originally noticed for April 17, 2006. At that time, the Public Hearing was opened, testimony was accepted, and the Public Hearing was continued to this date.

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: April 17, 2006 (Recommend Approval)
- b. **RESOLUTION 06-1123** Authorization for the Redevelopment Agency to Enter into an Exclusive Negotiating Rights Agreement with Resources for Community Development for the Development of an Affordable Housing Project (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg

received five complete proposals for the development of the subject site herein referenced. While a preferred developer was identified, the exclusive negotiating period with the developer ended without the Agency and the developer signing a Disposition and Development Agreement. The Agency has subsequently identified another suitable developer for the proposed project and therefore requests that the Agency Board authorize the Executive Director to enter into an Exclusive Negotiating Rights Agreement with Resources for Community Development for the development of approximately three acres of real estate located at Crestview Drive and Frontage Road.

- c. **RESOLUTION 06-1124** Approving the Redevelopment Agency of the City of Pittsburg Fiscal Year 2005-2006 Expenditure for a State Mandated Education Revenue Augmentation Fund (ERAF) Takeaway in the Amount of \$2,886,953 (Recommend Adoption)

The State of California budget included as one of its deficit eliminating measures, the transfer of \$250,000,000 in property tax revenues from redevelopment agencies to the Education Revenue Augmentation Fund (ERAF). These shifted monies will be given to K-12 schools and community colleges to free-up, for other uses, state revenues that have supported schools in past years.

- d. **RESOLUTION 06-1125** Approval of a Relocation Impact Statement for the Vidrio Project Area, 500-520 Railroad Avenue and 96 East 5th Street (Recommend Adoption)

The City of Pittsburg established the Los Medanos Community Development Project Area and established the Redevelopment Agency of the City of Pittsburg to address blight and conditions that contribute to blight within the Project Area. The subject property, commonly referred to as 500-520 Railroad Avenue and 96 E. 5th Street, is located within the Project Area and the development of the Site is considered important to implementing the Los Medanos Community Development Plan. Therefore, the Agency is interested in redeveloping the Site with a mixed-use development project which will include certain public improvements. The redevelopment of the Site includes acquisition of the subject property and the relocation of the project occupants. The Site includes a two story commercial building which is occupied by six (6) business tenants and the Agency is responsible for relocating those tenants. A Relocation Impact Statement has been prepared for Agency approval.

- e. **RESOLUTION 06-1126** Reallocating Funds Appropriated for an Associate Planner Position to Fund Temporary Professional Planning Services (Recommend Adoption)

The Agency funded a two year Associate Planner position within the Planning Department to work on Redevelopment Agency projects and the position is currently vacant. The Planning Department requests that the remaining funds be reallocated to allow it to provide these same services to the Redevelopment Agency through a consultant service contract with Pacific Municipal Consultants (PMC) through FY 06-07.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: May 15, 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: April 17, 2006 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 06-10527** Public Hearing to Receive Testimony for the Annexation of Highlands Ranch into the Citywide Landscaping and Lighting Assessment District 1988-01 (Recommend Adoption)

The City Council is being asked to conduct a Public Hearing for the proposed annexation of the residential properties within the Highlands Ranch subdivision and two adjacent non-residential properties (collectively referred to as "Highlands Ranch") to the Citywide Landscaping and Lighting Assessment District 1988-01 and imposition of an assessment on assessable parcels within Highlands Ranch.

CONSIDERATION

1. **RESOLUTION 06-10528** Order for Improvements and Annexation of Highlands Ranch into the 1988-01 District and Confirming the Diagram and Assessment Pursuant to the Requirements of the Landscaping and Lighting Act of 1972 (Recommend Adoption)

The attached Resolution, if adopted by the City Council, will order the improvements and annexation of Highlands Ranch subdivision and two adjacent industrial and commercial properties (referred to as "Highlands Ranch") into the 1988-01 Citywide Landscaping and Lighting District, and order the levy and collection of assessment for FY 2006-07 and for each future year following the annexation.

2. **RESOLUTION 06-10536** Approval of the Renewal of a Cooperative Agreement for Services between the Redevelopment Agency and the City of Pittsburg (Recommend Adoption)
Combined w/RDA 06-1122

See Executive Summary for Redevelopment Agency Resolution No. 06-1122.

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: April 17, 2006 (Recommend Approval)

- b. **RESOLUTION 06-10529** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-01, Citywide (FY 2006-07) (Recommend Adoption)

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Citywide Landscaping & Lighting Maintenance District 88-01. Upon receipt and approval of the Engineer's report, Council will then order that the liens be placed on the County tax roll. Revenue collected through this district is necessary to fund the landscaping and lighting operations on a citywide basis.

- c. **RESOLUTION 06-10530** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-02, Oakhills (FY 2006-07) (Recommend Adoption)

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Oakhills Landscaping & Lighting Maintenance District 88-02. Upon receipt and approval of the Engineer's report, the City Council will order that the liens be placed on the County tax roll. Revenue collected through this district is necessary to fund the City's landscaping and lighting operations in the Oakhills area.

- d. **RESOLUTION 06-10531** Declining Bids for Construction of Contract No. 05-05, Pittsburg Marina Bed & Breakfast Project (Recommend Adoption)

Bids have been opened for the construction of improvements of the Pittsburg Marina Bed & Breakfast Inn Project to be located at 51 Marina Boulevard. The apparent low bidder, Taber Construction, Inc. of Concord, California, submitted a base bid in the amount of Six Million Sixty Thousand Dollars (\$6,060,000). The cost estimate for the Project projected a construction cost of \$4,354,500, thus the low bidder is \$1,705,500, or approximately 28%, over the anticipated construction cost.

- e. **RESOLUTION 06-10532** Authorize Use of Marina Reserve Funds for the Purchase of New Marina Vessel and Security Surveillance Equipment and for the Contract of Architectural Services to Design Proposed Marina Hotel/Restaurant and Security Patrol Services for the

Marina's George Lowy Basin Marina (Recommend Adoption)

It is the intention of the City of Pittsburg to utilize Pittsburg Municipal Marina reserve funds for a variety of unexpected, extraordinary purchases and services to include: a) the purchase of a new Marina vessel; b) the purchase of security surveillance equipment; c) the contract of architectural services to design the proposed Marina boutique hotel and restaurant; and d) the contract of security patrol services for the Marina's George Lowy Basin.

- f. **RESOLUTION 06-10533** Rescind and Replace Resolution 06-10518 (Eliminating Seasonal Job Classes and Revising the Salary Schedule) (Recommend Adoption)

Rescind and replace Resolution 06-10518 (*eliminating seasonal job classes and revising the salary schedule*) by correcting an error in the seasonal salary schedule which omitted salary steps for Maintenance Aide, Maintenance Helper, and Police Officer-Trainee.

- g. **RESOLUTION 06-10534** Requesting the Consolidation of the Municipal Election with Other Elections to be Held on Tuesday, November 7, 2006 General Election Date for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities and Levying a Charge and Establishing Word Limitation for Candidates Statements (Recommend Adoption)

Pursuant to Elections Code Section 10400, et. seq., the City must, at least 88 days prior to the date of the election, file with the board of supervisors a resolution of its governing board requesting the consolidation of elections and setting forth the exact form of any office to be voted upon at the election, and establishing the word limitation for candidates' statements.

- h. **RESOLUTION 06-10535** Amend FY 2005/06 and FY 2006/07 Sewer Maintenance Budgets for Contractual Maintenance (Recommend Adoption)

In January 2002, the City of Pittsburg assumed maintenance responsibilities for the portion of sewer laterals located in the public right-of-way for its 15,400 sewer customers. Based on previous needs, the budget for lateral repairs for FY 05-06 was set at \$38,000. Based on the work that now needs to be done, the estimated cost for lateral repairs for FY 05-06 has increased to \$70,000 and a budget adjustment is required.

ADJOURNMENT To: May 15, 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 of 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 taken 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 - 2006

Updated February 27, 2006

<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

<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

<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