



CITY OF PITTSBURG AGENDA

MONDAY, APRIL 3, 2006

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

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

**REGULAR MEETINGS
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 – 6:00 p.m.

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

Pittsburg Society for Preservation of Historical Resources, Susan Lopez, Thomas LaFleur, and Frank Gordon vs. City of Pittsburg, Contra Costa County Case No. 05-1861

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

One (1) case

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

One (1) case

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

Property:

1. 3745 Railroad Avenue (APN 088-061-025)
2. APN 088-152-009
3. 695 E. 3rd Street (APN 073-020-004)

Agency Negotiator:

1. Marc Grisham, Garrett Evans, Randy Starbuck
2. Marc Grisham, Randy Starbuck, Kerry Lyman
3. Marc Grisham, Garrett Evans, Randy Starbuck

Negotiating Parties:

1. Vahid Millani
2. Mercy Housing Corporation
3. California Portland Cement Co.

Under Negotiation:

1. Both Price and Terms of Payment
2. Both Price and Terms of Payment
3. Both Price and Terms of Payment

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. National Library Week
2. New Employee Introductions

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

PUBLIC HEARING

1. **RESOLUTION 06-1114** Amending the Disposition, Development and Loan Agreement with Mercy Housing California to Dedicate Available Inclusionary Housing In Lieu Fees to Assist with a Project Funding Gap and to Amend the Method of Calculating the Annual Rise in Public Safety Fees (Recommend Adoption)

On September 19, 2005, the Agency and Mercy Housing California entered into a Disposition, Development and Loan Agreement for the development of approximately sixty-three (63) one- to four-bedroom rental units to be made available to low and moderate income households. The Mercy Housing project currently has a \$3.9 million funding gap that is likely to shrink as other funding is secured. Mercy Housing plans to apply for \$4.4 million in MHP funding on April 6. If all funding other than MHP funding is not secured prior to the application deadline, Mercy would lose points on its application and likely would be denied the funding being sought. This would increase the funding gap to about \$8.3 million. It is intended that dedication of future inclusionary housing in lieu fees to the Project will close the projected \$3.9 million funding gap and make Mercy's MHP application more competitive. Mercy Housing also plans to apply for \$1.5 million in county HOME funds. Changing the annual 5 percent increase in the Public Safety Fee to the annual increase in Area Median Income, if any, will also make Mercy Housing's HOME application more competitive.

2. **RESOLUTION 06-1115**
Combined w/CC 06-10516 Approval of Amendment No. 1 to Disposition, Development and Loan Agreement with Gateway Mixed Use Development for the Gateway Project (Recommend Adoption)

On November 21, 2005, the Redevelopment Agency of the City of Pittsburg and Domus Development LLC, a California limited liability company, entered into a Disposition, Development and Loan Agreement for the development of twenty-eight (28) residential rental units and an approximate 8,000-square-foot of ground floor commercial space on a vacant Agency owned 27,000 square foot parcel of land at the northeast corner of Railroad Avenue and 10th Street, in the City of Pittsburg, commonly known as "the Gateway Project". In accordance with the DDLA, Domus has assigned its

obligations under the DDLA to Gateway Mixed Use Development, a California Limited Partnership pursuant to an assignment and assumption agreement executed by the Developer and Agency. In order to expedite construction of the Project, the Agency and Developer have negotiated Amendment No. 1 to said DDLA that would permit Developer to implement required environmental remediation activities at the Site and be reimbursed by Agency.

CONSIDERATION

1. **RESOLUTION 06-1116** Approval of Architectural Services Contract for the California Theatre with Architectural Resources Group (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg has conducted a variety of assessments related to the future preservation of the California Theater. In 2005, the Agency budgeted \$2.5 million towards an initial phase of preservation work. Architects, Planners & Conservators, Incorporated doing business as "Architectural Resources Group" has submitted a proposal to prepare exterior and seismic strengthening designs, along with plans and specifications related to this initial phase work. The Agency and Architect propose to enter into a Consultant Agreement for these services.

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: March 20, 2006 (Recommend Approval)
- b. **RESOLUTION 06-1117** Allocation of Funds to Complete Contract 2005-31, Street Sweeping Sign Installation Project (Recommend Adoption)

City Staff received bids for Contract 2005-31, Street Sweeping Sign Installation on March 15, 2006. The project consists of the installation of 325 "No Parking" signs as required by Ordinance No. 05-1254. The apparent low bidder is J W Backhoe & Construction, Inc., with a base bid in the amount of \$64,250.00. Funding in the amount of \$60,000 was originally established with adoption of Ordinance No 05-1254 and an additional \$15,000 is necessary to cover the cost of this project. The additional funds are available from the Street Rehabilitation Pilot Project approved by the Agency Board on March 20, 2006.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: April 17, 2006

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 06-1263** Amendment of Title 15, Chapter 15.08, Building Code, Adding Section 15.08.025, Permit – Applicant Qualifications (Recommend Introduction and Waive First Reading)

It is necessary to amend Title 15, Chapter 15.08 Building Code of the Pittsburg Municipal Code to add minimum requirements for persons engaging in work requiring building permits. Currently sections 15.16 Electrical Code, 15.28 Mechanical Code, and 15.32 Plumbing Code include sections which address minimum qualifications for applicants wishing to obtain the respective permit. No similar requirement exists regarding the issuance of building permits. This amendment would add clarification and bring the building code in alignment with the other construction codes.
2. **RESOLUTION 06-10511** Adoption of the Marina Master Plan (Recommend Adoption)

Planning and Redevelopment staff has been working over the past year to develop a Marina Master Plan. The goal of developing a Master Plan for the Marina is to improve the Marina's value as a recreational amenity to the community and to create a regional recreational destination. The Marina Master Plan will create a mixed-use village atmosphere with public access to the shoreline and a pedestrian friendly layout linking the Marina to the Old Town Pittsburg commercial core. Staff is submitting the Marina Master Plan for Council approval.
3. **RESOLUTION 06-10516** Approval of Amendment No. 1 to Disposition, Development and Loan Agreement with Gateway Mixed Use
Combined w/RDA 06-1115 Development for the Gateway Project (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution No. 06-1115.

CONSIDERATION

1. **RESOLUTION 06-10512** Consideration of Providing Inclusionary Housing "In Lieu" Fees Paid by Third Parties of Up to \$3.9 Million to the City of Pittsburg Redevelopment Agency for the Purpose

of Funding a Loan to Mercy Housing California for the Development of 63 Affordable Rental Dwellings and a Child Care Center (Recommend Adoption)

A related Redevelopment Agency item on this date's Agency agenda calls for an amendment to the Disposition, Development and Loan Agreement with Mercy Housing California. The amendment would close a \$3.9 million project funding gap with in lieu funds, if any, paid by developers. This action is intended to strengthen Mercy's application on April 6 for \$4.4 million in MHP funds that will be dedicated to the project. In order for the Agency to commit these yet-to-be-collected in lieu fees to the Mercy project, the City Council must take action agreeing to transfer in lieu fees to the Agency for this purpose.

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: March 20, 2006 (Recommend Approval)
- b. **CLAIMS** #1700 Clyde Allen; #1701 Robert C. Swithenbank (Recommend Denial)

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

- c. **ORDINANCE 06-1262** Amendment of Chapter 1.08, Notice and Appeals, of the Pittsburg Municipal Code, to Allow the City Manager to Delegate Authority to Conduct Administrative Hearings (Recommend Adoption)

It is necessary to amend Chapter 1.08 of the Pittsburg Municipal Code to provide authorization for the City Manager to delegate authority to conduct administrative appeals hearings. Currently sections 1.08.050 through 1.08.080 require all actions resulting from a request for administrative appeal, when no other procedure is specified, to be conducted by the City Manager. This is neither efficient nor practical, therefore, the addition of language modifying these sections to include "the City Manager or his or her designee" is necessary.

- d. **RESOLUTION 06-10513** Establishment of the Annual Stormwater Utility Area Fee for Fiscal Year 2006/2007 (Recommend Adoption)

The City Council is being requested to establish the Stormwater Utility Area fee to be assessed to properties in the City to finance activities necessary to comply with the Federal Clean Water Act and the City's Joint

Municipal National Pollutant Discharge Elimination System (NPDES) permit.

- e. **RESOLUTION 06-10514** Awarding Contract 2005-31, Street Sweeping Sign Installation, to J W Backhoe & Construction, Inc., of Knightsen, California (Recommend Adoption)

City Staff received bids for Contract 2005-31, Street Sweeping Sign Installation on March 15, 2006. The project consists of the installation of 325 "No Parking" signs as required by Ordinance No. 05-1254. The apparent low bidder is J W Backhoe & Construction, Inc., with a base bid in the amount of \$64,250.00.

- f. **REPORT** Receive and File the Quarterly Investment Report as of December 31, 2005 (Recommend Approval)

The State of California requires the Treasurer or Chief Fiscal Officer at a minimum, to submit a comprehensive quarterly report to the legislative body containing detailed information on all securities, investments and funds under the management and oversight of a public agency.

- g. **RESOLUTION 06-10515** 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 Resolution attached, if approved, would return these responsibilities to the Department of Housing and Community Development, State of California.

ADJOURNMENT To: April 17, 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	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

*Combined w/RDA Subcommittee