



CITY OF PITTSBURG AGENDA

TUESDAY, FEBRUARY 21, 2006

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

**RECREATION COMMISSION INTERVIEWS
6:15 P.M.**

**CLOSED SESSION
6:30 P.M.**

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

**HOUSING AUTHORITY
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**

**For the Housing Authority:
Jerlean Mixon, Housing Authority Member
Cathy Wallen, Housing Authority 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.

RECREATION COMMISSION INTERVIEWS – 6:15 p.m.

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 – 6:30 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 REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property:

APN 086-100-024 & 026

Agency Negotiator:

Marc Grisham, Garrett Evans, Randy Starbuck

Negotiating Parties:

Mike Hurd, Reynolds & Brown

Under negotiation:

Both price and terms of payment

- c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

One (1) case

CONVENE IN OPEN SESSION – 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)*

REGULAR HOUSING AUTHORITY MEETING

CONSIDERATION

1. **RESOLUTION 06-223** Approval of Updated 2006 Utility Allowance Schedule (Recommend Adoption)

Updated 2006 Utility Allowance Schedule indicating current average usage for various property combinations.

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. **DISBURSEMENT LISTS** Dated: January 31, 2006 (Recommend Approval)
- b. **MINUTES** Dated: January 17, 2006 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: March 20, 2006

REGULAR REDEVELOPMENT AGENCY 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: February 6, 2006 (Recommend Approval)
- b. **RESOLUTION 06-1108** Approving the Revised Replacement Housing Plan for 107 School Street, 109 School Street, 109B School Street, 1631 Railroad Avenue, 1633 Railroad Avenue, 2003 Railroad Avenue, 2035 Railroad Avenue, 2035 Railroad Avenue-Converted Garage, 2043 Railroad Avenue, 1049 Cumberland Street, 1068 Cumberland Street and 1073 Cumberland Street (Recommend Adoption)
- On June 20, 2005, the Agency Board adopted the Replacement Housing Plan for all the above listed properties except for 2043 Railroad Avenue. Due to circumstances that could allow the property to be used as residential, staff and legal counsel recommend that the Agency add 2043 Railroad Avenue to the previously adopted plan. As a result, a Revised Replacement Housing Plan is presented for the Agency Board's consideration.
- c. **RESOLUTION 06-1109** Authorizing the Purchase of 6 West Boulevard, Contra Costa Assessor Parcel 087-114-012 (Recommend Adoption)
- The current owner of 6 West Boulevard has expressed a desire to sell to the Redevelopment Agency of the City of Pittsburg a four-unit residential building, located at 6 West Boulevard for the amount of Five Hundred Sixty Thousand Dollars (\$560,000), pursuant to a purchase and sales agreement negotiated by the Seller and the Agency.
- d. **RESOLUTION 06-1110** Acceptance of the Redevelopment Agency's Annual Report for Fiscal Year 2004-2005 (Recommend Adoption)
- Pursuant to Health and Safety Code 33080.1, the Redevelopment Agency of the City of Pittsburg is required to present an annual report to its legislative body within six months of the end of the Agency's fiscal year. The Annual Report packages were delivered to

the Agency Board Members on January 18, 2006. This staff report includes any requested changes made by the Agency Board before submission to the State of California.

- e. **RESOLUTION 06-1111** Authorize the Programming and Funding for a Residential Renter-Occupied Rehabilitation Loan Program on West Boulevard (Recommend Adoption)

The Redevelopment Agency is requesting authorization by the Agency Board to establish a multi-family, renter-occupied Rehabilitation Loan Program, providing low interest loans to property owners on West Boulevard. The program aims to improve housing conditions on West Boulevard.

- f. **RESOLUTION 06-1112**
Combined w/CC 06-10495 Confirming Agreement to Advance Funds for the Preparation of the Railroad Avenue BART Specific Plan (Recommend Adoption)

The City Council has been requested to adopt a resolution authorizing the City Manager to enter into an agreement(s) with the Metropolitan Transportation Commission (MTC) to obtain up to \$350,000 in station area planning funds (on a reimbursement basis) for the Railroad Avenue BART Specific Plan and related studies. The Redevelopment agency has been requested to confirm it will advance the funds until funds are reimbursed by MTC.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: March 6, 2006

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 06-10485** Adopt Resolution Approving the 2005 Urban Water Management Plan (Recommend Adoption)

The Urban Water Management Planning Act requires every urban water supplier providing water to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually to prepare and adopt an Urban Water Management Plan every five years. The City of Pittsburg Water System fits the defined criteria and the Public Works Department has prepared this 2005 Urban Water Management Plan, for City Council consideration and adoption.

2. **ORDINANCE 06-1260** Amend Pittsburg Municipal Code to Add Chapter 2.85, Purchasing System and to Amend Chapter 2.86, Informal Bidding Procedures (Recommend Introduction and Waive First Reading)

The City Council finds it advantageous to make amendments to the Pittsburg Municipal Code and other City purchasing-related policies in order to provide clarity of policy, clarity of procedures, and to delineate the roles and responsibilities of parties involved with City purchases. The City Council finds that the existing purchasing ordinance is too narrowly focused and that it does not establish the City's enabling legislation to enact purchasing procedures. The City Council further finds that it wishes to amend the Pittsburg Municipal Code to establish enabling legislation to enact purchasing policies and procedures, to adopt purchasing authorizations and limits by resolution, and to authorize purchasing procedures by administrative order as established by the City Manager in accordance with City Council adopted purchasing policies.

CONSIDERATION

1. **RESOLUTION 06-10487** Adoption of the FY 2005-2007 Council Priority Workplan (Recommend Adoption)

Staff was directed to draft a proposed City Council Priority Workplan for FY 2005-07 for City Council adoption by Resolution following the City Council's Goal Setting Workshop on Saturday, February 4, 2006. The

proposed Workplan is designed to be a fluid and evolving policy document which lists by category all City Council and organizational priorities, projects, programs and services. The Workplan is a guideline as to the courses of action for the FY 2005-07 period. Nearly three hundred (300) policy items are contained within the Workplan and are intended to keep the organization on track as an internal resource policy document should any re-prioritization occur with any subsequent City Council amendments or milestones reached through the FY 2005-07 period.

2. **RESOLUTION 06-10488** Give Always to Others (GATO) Request for Community Sponsorship Funds (Recommend Adoption)

Give Always To Others is a non-profit organization who sponsors and presents multicultural activities within East County. Toward that goal a request for community sponsorship funding in the amount of \$1,000.00 has been submitted. The requested funds will be applied toward a May 26, 2006 Mariachi concert in honor of Cesar Chavez. The Recreation Commission has reviewed the request within their January 2006 meeting and recommends approval.

3. **RESOLUTION 06-10489** Eddie Hart All in One Foundation Request for Community Sponsorship Funds (Recommend Adoption)

The Eddie Hart All In One Foundation is requesting \$2,000.00 in community sponsorship funds to provide a track and field competition for local youth between 8 – 17 years of age. The event is designed to present a positive educational and athletic clinic under the supervision of Olympic athletes and coaches. The request for funds has been reviewed by the Recreation Commission within their January 2006 meeting. The Commission recommends approval of requested funds.

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: February 4, 2006 and February 6, 2006 (Recommend Approval)

- b. **CLAIMS** #1683 James E. Brown, Latonya Brown, James E. Brown, Jr., Jerrin E. Brown (Recommend Denial)

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

- c. **ORDINANCE 06-1259** Amending Municipal Code to Add Chapter 15.91 Regarding the Residential Rental Property Inspection Program and Repealing Ordinance No. 05-1244 (Recommend Adoption)

It is necessary to establish a method by which all residential rental properties are proven to comply with minimum health, safety and housing codes. This must be accomplished in order to maintain a healthy and sustainable rental housing stock. This program will establish enforceable minimum standards for such properties and provide a formal procedure for enforcing these standards. This was introduced and approved on February 6, 2006. This will signify final adoption.

- d. **RESOLUTION 06-10490** Authorize Winter Chevrolet Inc. and Winter Honda Inc. 2005-06 Semi-annual Distribution Payments (Recommend Adoption)

In connection with the development of the Winter Chevrolet and Winter Honda auto dealerships located in Pittsburg's Century Auto Mall, the City of Pittsburg entered into Owner Participation Agreements with Rose Winter in January 2001. In accordance with the terms and conditions of the aforementioned agreements, the City of Pittsburg will be required to issue Semi-annual Distribution Payments for Winter Chevrolet and Winter Honda during the 2005-06 fiscal year.

- e. **RESOLUTION 06-10491** Authorize Mazzei Pontiac-Cadillac's 2005-06 Semi-annual Distribution Payments and the City of Antioch's 2005-06 Annual Sales and Use Tax Disbursement Payment (Recommend Adoption)

In September 2001, the City of Pittsburg entered into an Owner Participation Agreement with Mazzei Pontiac-Cadillac Company, to bridge the gap of affordability for the development of a new Mazzei Pontiac-Cadillac, GMC dealership in Pittsburg's Century Auto Mall. In compliance with Assembly Bills AB 178 and AB 2008, that mandate the equitable distribution of Sales and Use Tax between communities that have business relocations, the City of Pittsburg entered into a Sales and Use Tax Sharing Agreement with the City of Antioch. In May 2005, the City entered into an Amendment to the Owner Participation Agreement with Mazzei, to bridge the gap of affordability for the expansion of the Mazzei Pontiac-Cadillac, GMC dealership. During the 2005-06 fiscal year, in accordance with the terms and conditions of the aforementioned agreements, the City of Pittsburg will be required to issue Semi-annual Distribution

Payments to Mazzei and an Annual Disbursement Payment to the City of Antioch.

- f. **RESOLUTION 06-10492** Acceptance of Public Improvements within Subdivision 7514, Harbor Lights, for Continuous Maintenance (Recommend Adoption)

The Developer has completed the public improvements within Subdivision 7514, Harbor Lights, and they are ready for acceptance and continuous maintenance by the City.

- g. **RESOLUTION 06-10493** Reallocating Funding and Awarding a Contract to W. Bradley Electric for Construction of Contract 2005-12, 2005 Traffic Signal Project (Recommend Adoption)

Contract 2005-12, 2005 Traffic Signal Project, is for the installation of four traffic signals at the following intersections: West Leland Road at Burton Avenue, West Leland Road at Woodhill Drive, West Leland Road at Montevideo Drive, and Harbor Street at Bliss Avenue. This Resolution will reallocate project funding and award a contract to W. Bradley Electric for construction of the Project.

- h. **RESOLUTION 06-10494** Replace Exhibit "A" of Resolution 06-10470 with Revised Exhibit "A" Dated February 21, 2006 (Recommend Adoption)

On February 6, 2006, Resolution 06-10470, to initiate proceedings pursuant to the Landscaping and Lighting Act of 1972 for the creation of an overlay landscaping and lighting assessment district for the San Marco and Vista Del Mar subdivisions was adopted with modifications to Exhibit "A", the proposed boundary diagram for San Marco Subdivision. The modifications are necessary to accurately depict the property to be included in District 2006-01. This resolution will replace Exhibit "A" of Resolution 06-10470 with Revised Exhibit "A" dated February 21, 2006, attached to the resolution.

- i. **RESOLUTION 06-10495**
Combined w/RDA 06-1112 Authorization to Enter into an Agreement with the Metropolitan Transportation Commission (MTC) for Station Area Planning Grant Funds to Prepare the Railroad Avenue BART Specific Plan (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 06-1112.

ADJOURNMENT To: March 6, 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 January 3, 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	William Glynn / Ben Johnson 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