



CITY OF PITTSBURG AGENDA

TUESDAY, JANUARY 3, 2006

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

**CLOSED SESSION
6:15 P.M.**

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

**REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT
DISTRICT II (GHAD II)
PUBLIC FINANCING AUTHORITY
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, Mayor/Chair**

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 – 6:15 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. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Section 54956.9(c)):

Two (2) cases

- c. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6):

Agency designated representatives:

Marc Grisham, Marc Fox, Bruce Heid

Employee Organization:

AFSCME (Miscellaneous/Professional/Confidential), Teamsters

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. 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

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: December 5, 2005 and December 12, 2005
(Recommend Approval)

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: January 17, 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** December 5, 2005 and December 12, 2005
(Recommend Approval)

- b. **RESOLUTION 06-145** Amending Pittsburg Power Company's Annual Budget for FY 2005-2006 to Provide for Increasing Trans Bay Cable Project Reimbursement Program Funding by \$165,000 for Environmental and Legal Consultants (Recommend Adoption)

The Pittsburg Power Company is requesting a FY 2005-2006 budget increase adjustment of \$165,000 to cover Reimbursable Expenses for the remainder of FY 2005-2006. These Reimbursable Expenses include the costs of Environmental and Legal consultants retained by PPC in performing it's obligations under the Project Development Agreement entered into with Trans Bay Cable, LLC.

ADJOURNMENT

SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II 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** December 12, 2005 (Recommend Approval)

ADJOURNMENT

PUBLIC FINANCING AUTHORITY 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** December 5, 2005 (Recommend Approval)

ADJOURNMENT

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 06-10451** Pittsburg Transportation Mitigation Fee Annual Review (Recommend Adoption)

This is an annual review regarding the Pittsburg Transportation Mitigation Fee charged to new development under Chapter 15.90 of the City's Municipal Code. This review indicates that this fee should be increased 2.6% to reflect an increase in the Engineering News Record's San Francisco construction cost index. This increase has been reflected in construction costs for the City's Capital Improvement Program contracts.

2. **RESOLUTION 06-10452** Regional Transportation Development Impact Mitigation Fee Annual Review (Recommend Adoption)

This is an annual review regarding the Regional Transportation Development Impact Mitigation (RTDIM) fee charged to new development under Chapter 15.102 of the Pittsburg Municipal Code. This review indicates that this fee needs to be increased 2.6% as required by the East Contra Costa Regional Fee and Financing Authority to reflect the annual construction cost index increase from October 2004 to October 2005.

CONSIDERATION

1. **MINUTE ORDER** Council Committee Appointments for 2006 (Recommend Adoption)

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 and such appointments shall be approved by the entire Council at its first meeting in January following reorganization.

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: December 5, 2005 and December 12, 2005 (Recommend Approval)

- b. **ORDINANCE 05-1258** Amending Municipal Code Section 2.04.080, Relating to the Powers And Responsibilities of Mayor and City Council (Recommend Adoption)

The following Ordinance will clarify the City's policy relating to the rotation of Mayor and Vice-Mayor. The policy would be reviewed within six months following the date of the 2006 election.

- c. **RESOLUTION 06-10453** Awarding Contract No. 2004-13, Highlands Ranch Park Project to Robert A. Bothman, Inc. of San Jose, California (Recommend Adoption)

On August 15, 2005, the City Council adopted resolution 05-10364 accepting plans and specifications that were prepared by Hansen McArdel, Inc., and authorizing bidding for contract 2004-13, Highlands Ranch Park Project. Contract 2004-13, Highlands Ranch Park, is for the construction of a 10-Acre Neighborhood Park. The scope of work includes site preparation, grading, paving, irrigation, planting, site furnishings and amenities, site lighting, and utilities. Robert A. Bothman, Inc., of San Jose, California was the low bidder with a Base Bid of \$2,111,950. Staff recommends that Additive Alternate 1 for \$36,000 and Additive Alternate 2 for \$15,000 be awarded with this contract.

- d. **RESOLUTION 06-10454** Approving Plans, Specifications and Authorizing Bidding for Contract 2005-04, East Tenth Street and Railroad Avenue Mixed Use Project (Recommend Adoption)

Contract 2005-04, East Tenth Street and Railroad Avenue Mixed-Use Project, will include construction of a 36,000 square foot, 3 story, mixed-use building on the northeast corner of Railroad Avenue and East Tenth Street. This project was approved by City Council on January 3, 2005 by resolution 05-10211. Design of this project has recently been substantially completed and the project is ready to be advertised for bidding. The attached Resolution will accept the plans and specifications and authorize bidding for Contract 2005-04.

- e. **RESOLUTION 06-10455** Accepting Plans, Specifications and Authorizing Bidding for Contract 2005-05, Marina Bed and Breakfast Project (Recommend Adoption)

Contract 2005-05, Marina Bed and Breakfast Project, will include construction of an approximately 10,000 square foot, 3 story building with 8 guest rooms. This project was approved by the Pittsburg Planning Commission on June 28, 2005, by resolution 95-74. Design of this

project has recently been substantially completed and the project is ready to be advertised for bidding. The attached Resolution will accept the plans and specifications and authorize bidding for Contract 2005-05.

- f. **RESOLUTION 06-10456** Approval of Emergency Water System Inter-tie Project (Recommend Adoption)

The City had previously partnered with the Contra Costa Water District (CCWD) to obtain a Proposition 50 Chapter 3 "Water Security" grant to fund installation of water facilities to interconnect the CCWD's multipurpose pipeline with the City's water distribution system. Public Works staff has been informed by CCWD staff that our grant request has been selected for a final consideration with all likelihood that the grant will be approved. The City needs to establish a project account to pay the City's share of this project, which will be funded 50% by a Proposition 50 grant.

- g. **RESOLUTION 06-10457** Approving the Transfer of Prior Year Grant Balances as of June 30, 2005 into the Fiscal Year 2005-2006 Budget for the City of Pittsburg in the Amount of \$873,208 (Recommend Adoption)

The City of Pittsburg has federal, state and local funding for Police and Public Works activities which were not completed during the prior year. These are multi-year grants where most of the funding was received in advance, except for Asset Seizure funds. Asset Seizure Funds are generated from the disposition of assets seized in narcotic related activities and can be used to purchase Police equipment. These funds cannot be used to supplant the General Fund Police operating budget. In compliance with federal, state and local grant agreements as well as governmental accounting standards, these grant commitments need to be transferred to the Fiscal Year 2005-2006 Budget.

- h. **RESOLUTION 06-10458** Approve Lease Agreement Between Pittsburg Delta View Golf Course and Yamaha Golf-Car Company for the Lease of a New Fleet of Electric Golf Carts (Recommend Adoption)

Delta View Golf Course is approaching the conclusion of the current lease agreement term with E-Z-GO Textron Financial Corporation for the existing fleet of electric carts. Due to the extraordinarily challenging terrain of the course, the existing carts have already begun to decline. To avoid potential costly repairs of the existing fleet, staff has considered written bid proposals from

three major competitors and recommends Council approval of a lease agreement with Yamaha Golf-Car Company, who best meets the needs of Delta View at this time.

- i. **RESOLUTION 06-10459** Acceptance of the 2004/05 CDBG Handicap Ramp Project as Complete (Recommend Adoption)

The City was awarded funding by the Community Development Block Grant Program for the 2004/2005 CDBG Handicap Ramp Installation Project. AJW Construction has completed the installation of 54 ADA Compliant Curb Ramps at intersections throughout the city and additional approved concrete work.

- j. **RESOLUTION 06-10460** Authorizing the Application for the 2005/6 Rubberized Asphalt Concrete Grant Program (SB 1346) (Recommend Adoption)

The City currently has plans to use rubberized asphalt concrete on several paving projects. Rubberized asphalt concrete is made using recycled tire material and is consistent with the City's policy regarding the use and procurement of recycled products. This Resolution will authorize Staff to apply for the 2005/6 Rubberized Asphalt Concrete Grant Program (SB 1346) to help fund the use of rubberized asphalt on several future projects.

- k. **RESOLUTION 06-10461** Authorizing the Application for the 2005/6 Targeted Rubberized Asphalt Concrete Incentive Grant Program (Recommend Adoption)

The City currently has plans to use rubberized asphalt concrete on several paving projects. Rubberized asphalt concrete is made using recycled tire material and is consistent with the City's policy regarding the use and procurement of recycled products. This Resolution will authorize Staff to apply for the 2005/6 Targeted Rubberized Asphalt Concrete Incentive Grant Program to help fund the use of rubberized asphalt on several future projects.

- l. **RESOLUTION 06-10462** Adoption of a Written Policy for the Reimbursement and Ethics Training of City Commissioners and Members of the Housing Authority to Ensure AB 1234 Compliance (Recommend Adoption)

Governor Schwarzenegger recently signed into law the "Local Government Sunshine Bill," Assembly Bill 1234 (D - Salinas). AB 1234 imposes new restrictions on compensation and the reimbursement of expenses for members of local legislative bodies and also creates a

new ethics training requirement for local public officials. The law will go into effect on January 1, 2006. The proposed written policy for the reimbursement and ethics training of City Commissioners and members of the Housing Authority will supplement existing City practices to ensure compliance with AB 1234.

- m. **RESOLUTION 06-10463** Request for Fee Waiver – Contra Costa County Fire Protection District (Recommend Adoption)

The Contra Costa Fire Protection District (District) is requesting a waiver of adopted use permit and design review application fees to process plans for the relocation and construction of a new Fire Station 84 on a vacant lot on Railroad Avenue east of the eastern terminus of Civic Avenue.

- n. **RESOLUTION 06-10464** Authorizing Acquisition of Professional Engineering Consultant Services – Stormwater NPDES Fee Feasibility Study (Recommend Adoption)

The City of Pittsburg, along with Contra Costa County, the Contra Costa County Flood Control and Water Conservation District, and 18 other jurisdictions in Contra Costa County, are required to adhere to all regulatory requirements of the Stormwater Municipal Permit (NPDES Permit No. CAS0029912) issued for compliance with the National Pollution Discharge Elimination System (NPDES), as required by the State Water Resources Control Board. Contra Costa County collects a stormwater utility area property assessment fee each year on behalf of the City to fund stormwater NPDES management activities. The assessment is at its legal maximum and the City's General Fund is projected to begin subsidizing the program not funded by the assessment in FY 2005/06. This is a restrictive fund that can only be used to cover City related costs associated with NPDES activities. An alternative funding source must be identified to meet current service levels and increased regulatory requirements associated with the unfunded state mandate, and to determine the viability of a new NPDES Program Regulatory Fee for the City.

- o. **RESOLUTION 06-10465** Allocating Additional Funding for the City of Pittsburg Park Master Plan (Recommend Adoption)

The drafts of the City of Pittsburg Park Master Plan are currently being prepared by Robert La Rocca & Associates. The master plan will include the ultimate plan for all City owned parks and recreation facilities. It will consolidate into one document the fragmented plans

maintained by several departments and will serve as a companion document to the General Plan. This Resolution will increase funding for the Park Master Plan to include detailed streetscapes and median landscaping, a City corridor master plan, and the final draft of the Park Master Plan.

ADJOURNMENT To: January 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 - 2005

Updated September 19, 2005

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Nancy Parent / Michael Kee 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 / Michael Kee Alt.	Standing	2 nd Wednesday	J. Fuller
East County Habitat Conserv.	Will Casey / Ben Johnson Alt.	Standing	Monthly	R. Jerome
East County Water Mgt.	Nancy Parent / Michael Kee Alt.	Standing	Annual	J. Fuller
ePPAC	William Glynn / Michael Kee Alt.	Standing	2 nd Thursday	J. Sbranti
Fee & Finance Authority/TRANSPLAN	William Glynn / Michael Kee Alt.	Standing	2 nd Thursday	J. Sbranti
Tri-Delta Transit	Nancy Parent & Michael Kee	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	Nancy Parent / Michael Kee Alt.	Standing	3 rd Thursday	B. Nail
Library Commission	Nancy Parent / William Glynn	Standing	As needed	P. Flores
Mayor's Conference	Nancy Parent / Michael Kee Alt.	Standing	1 st Thursday	M. Grisham
School District Liaison	Nancy Parent & William Glynn/Ben Johnson Alt.	Standing	Quarterly	P. Flores

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