



**CITY OF PITTSBURG
AGENDA**

MONDAY, OCTOBER 1, 2007

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

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

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

**REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
CITY COUNCIL**

PRESIDING

**Ben Johnson, Mayor/Chair
Will Casey, Vice-Mayor/Vice-Chair
Nancy Parent, Council Member/Board Member
Salvatore Evola, Council Member/Board Member
Michael Kee, 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)):

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

Calpine Corporation, et al. v. California State Board of Equalization, et al. Case No. BC359455

Perla Vega, Barbara Vega, Norma Salazar v. Paul G. Robinson, et al., Contra Costa County Superior Court Case No. C06-00459

Gloria Vaughn, et al vs. City of Pittsburg, Contra Costa County Superior Court Case No. C07-00045

West Coast Home Builders Inc., and Seecon Financial & Construction Co., Inc. vs. City of Pittsburg, Contra Costa County Superior Court Case No. N07-0174

- b. 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 FOR REGULAR MEETING – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. STAND! Against Domestic Violence
2. National Family History Month

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 and on any items listed as part of the Consent 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 07-1240**
Combined w/CC 07-10885 Approval of an Amended and Restated First Amendment to the Disposition, Development and Loan Agreement with Mercy Housing California (Recommend Adoption)

When the Agency Board approved the first amendment to the Disposition, Development and Loan Agreement with Mercy Housing California, which provided an additional \$3.9 million in inclusionary housing "in lieu" fees to the proposed affordable housing project, the amendment reduced the \$3.9 million contribution by the amount of funds obtained from other sources that were not already anticipated. Since that time, the Developer has obtained about \$1.5 million in HOME funds from Contra Costa County. However, due to rising construction costs, the project now needs the \$1.5 million in HOME funds, plus all of the \$3.9 million of "in lieu" fees. The proposed amended amendment would provide for this additional financial assistance, except the \$3.9 million now would be provided as additional loan funds from the Agency.

PITTSBURG POWER COMPANY MEETING

CONSIDERATION

1. **REPORT**

Status Report on Island Energy's Rates (Recommend Acceptance)

The Pittsburg Power Company, doing business as Island Energy on Mare Island, currently has a Gas and Electric Rate Schedule for FY 2007-2008, which was approved on July 2, 2007. During the public hearing reviewing the rates, three commercial customers, including Lennar Mare Island LLC, requested further review of the rate case on the competitiveness of Island Energy's rates when compared to Pacific Gas and Electric. The Board directed staff to conduct a further review and report back to the Board.

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10885** Approval of an Amended and Restated First Amendment to the Disposition, Development and Loan Agreement with Mercy Housing California (Recommend Adoption)
Combined w/RDA 07-1240

See Executive Summary for Redevelopment Agency Resolution No. 07-1240.

2. **ORDINANCE 07-1292** Ordinance Establishing New Municipal Code Chapter for Special Event Permit Program and Resolution Adopting Program Fees (Recommend Hold Public Hearing Open and Continue to October 15, 2007 to Introduce and Waive First Reading)

On September 17, 2007, the City Council opened and continued the public hearing until October 1, 2007 to introduce a new Ordinance regulating special event permit requirements, and adopt a resolution establishing fees for the City's newly proposed Special Event Permit Program. This evening, the City Manager requests the City Council open and continue the public hearing until October 15, 2007.

3. **ORDINANCE 07-1293** Introduction of a Habitat Conservation Plan (HCP) Implementing Ordinance and Adoption of a Resolution Establishing HCP/Natural Community Conservation Plan (NCCP) Development Fee, Wetland Fee, Administration Fee and Fee Calculation Methodology (Recommend Continue to October 15, 2007 to Introduce and Waive First Reading)

The City Council is requested to continue the introduction and consideration of the adoption of a Habitat Conservation Plan (HCP) Implementing Ordinance and adoption of a resolution establishing HCP/Natural Community Conservation Plan (NCCP) Development Fee, Wetland Fee, and Administration Fee Calculation methodology to the October 15, 2007 Council meeting.

CONSIDERATION

1. **REPORT** Review of Mehran Restaurant Live Entertainment Use Permit (AP-04-178) (Recommend Acceptance)

On November 21, 2005, the City Council approved Use Permit Application No. 04-178 (City Council Resolution No. 05-10416) to allow live entertainment at the Mehran

Restaurant, located at 3841 Railroad Avenue. The use permit included a condition requiring that the approved use be reviewed by the Council for compliance with the conditions of approval. This report summarizes the status of Mehran Restaurant's compliance with the conditions of the approval associated with this use permit.

2. **RESOLUTION 07-10886** Receive Fiscal Year 2006-2007 Year-End Financial Review and Adopt a Resolution Authorizing Year-End Adjustments and Reimbursements to and from the General Fund (Recommend Adoption)
 Combined w/RDA 07-1241

Staff has completed the review of the Fiscal Year 2006-2007 year-end financial status for all City and Redevelopment Agency funds in preparation for the annual audit process that will begin on October 9, 2007. The attached Fiscal Year 2006-2007 Year-End Financial Review Preliminary – “Unaudited” Report compares all actual revenues and expenses to the amended budget for all City and Redevelopment Agency funds. This report also sets forth procedures used in past and current fiscal years for reimbursement by Special Funds to the General Fund for monies advances by the General Fund for specific administrative support and non-general fund programs.

3. **RESOLUTION 07-1241** Receive Fiscal Year 2006-2007 Year-End Financial Review and Adopt a Resolution Authorizing Year-End Adjustments and Reimbursements to and from the General Fund (Recommend Adoption)
 Combined w/CC 07-10886

See Executive Summary for City Council Resolution 07-10886.

4. **APPOINTMENT** Appointment to the Contra Costa Library Commission (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 make appointment to standing and ad hoc committees. A need currently exists to appoint a representative to the Contra Costa County Library Commission. The current term of appointment is July 1, 2007 through June 30, 2009. Staff has advertised, and one application has been received. The candidate was interviewed on September 17, 2007.

**REDEVELOPMENT AGENCY, PITTSBURG POWER COMPANY AND CITY COUNCIL
COMBINED CONSENT CALENDAR**

CONFLICT OF INTEREST DECLARATION – *City Council/Agency Members may make any conflict of interest declarations pertaining to Consent Calendar items at this time.*

CONSENT CALENDAR – *All matters listed under Consent Calendar are considered by the Council/Agency 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/Agency prior to the time the Council/Agency votes on the motion to adopt.*

- a. **MINUTES** Dated: September 17, 2007 (Recommend Approval)
- b. **RESOLUTION 07-1244** Approve Contract for Services between the City of Pittsburg
 Combined w/CC 07-10888 and Tassa Consulting Group, LLC and Snodgrass &
 Micheli, LLC and Authorize Necessary Funding to
 Complete a 2007-08 Enterprise Zone Application
 (Recommend Adoption)

The City of Pittsburg and the Redevelopment Agency of the City of Pittsburg have an aggressive plan to improve the quality of life for the community, remove blight and stimulate economic development opportunities, in efforts to increase the economic vitality of the City and local Pittsburg business community in accordance with, and pursuant to, the Community Development Plan for the Los Medanos Community Development Project. The City/Agency have administered the State of California Enterprise Zone Program since Pittsburg's designation as a Program Area on January 11, 1988. Upon the expiration of Pittsburg's current Enterprise Zone designation in January 2008, the City/Agency intends to submit a joint application with Contra Costa County, requesting a new 2008 Enterprise Zone designation for a term of fifteen (15) years. The areas to be proposed for designation will include eligible portions of both Pittsburg and neighboring Bay Point, to further strengthen the City's application and eligibility rating during a very competitive designation round.

- c. **RESOLUTION 07-10888** Approve Contract for Services between the City of Pittsburg
 Combined w/RDA 07-1244 and Tassa Consulting Group, LLC and Snodgrass &
 Micheli, LLC and Authorize Necessary Funding to
 Complete a 2007-08 Enterprise Zone Application
 (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution No. 07-1244.

- d. **RESOLUTION 07-1245** Approving the Carryover of FY 2006-2007 Redevelopment Agency Capital Improvement and Administrative Project Balances at June 30, 2007 into the Current Fiscal Year 07-08 Budget for the Redevelopment Agency of the City of Pittsburgh (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburgh has multi-year Capital Improvement Program (CIP) Projects and some administrative projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2007 need to be carried over into the current fiscal year's Budget in order to continue and/or complete these CIP and Administrative Projects.

- e. **RESOLUTION 07-169** Approving the Carryover of FY 2006-2007 Pittsburgh Power Company Capital Improvement and Administrative Project Balances at June 30, 2007 into the Current Fiscal Year 07-08 Budget for the Pittsburgh Power Company (Recommend Adoption)

The Pittsburgh Power Company of the City of Pittsburgh has multi-year Capital Improvement Program (CIP) Projects and some administrative projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2007 need to be carried over into the current fiscal year's Budget in order to continue and/or complete these CIP and Administrative Projects.

- f. **RESOLUTION 07-10889** Approving the Carryover of FY 2006-2007 Capital Improvement and Administrative Project Balances at June 30, 2007 into the Current Fiscal Year 07-08 Budget for the City of Pittsburgh (Recommend Adoption)

The City of Pittsburgh has multi-year Capital Improvement Program (CIP) Projects and some administrative projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2007 need to be carried over into the current fiscal year's Budget in order to continue and/or complete these CIP and administrative projects.

- g. **RESOLUTION 07-10890** Amend the Executive Team Salary and Benefits Schedule (Recommend Adoption)

The City Manager proposes increasing the Executive Team's salary schedule and making changes to some of the benefits provided by the City. The Executive Team is comprised of the City's Department Directors, Executive Assistant, and Assistant to the City Manager.

- h. **RESOLUTION 07-10891** Amending the City Manager Agreement (Recommend Adoption)

City Manager Marc Grisham began employment on June 1, 2004. The City of Pittsburg and Mr. Grisham entered into an employment contract which, in part, calls for regular performance evaluations and consideration of a salary increase on Mr. Grisham's anniversary date. The proposed action provides a salary increase effective June 3, 2007 (the completion of his third year of City service and also the beginning of a pay period).

- i. **RESOLUTION 07-10892** Awarding Contract 2007-28 Pittsburg Water Plant Pump Replacement Project to Pump Repair Service Company, Inc. (Recommend Adoption)

The Public Works Department requested bid proposals for the replacement of three pumps at the City of Pittsburg Water Treatment Plant and a fourth pump replacement as a bid alternate. Bids have been received and a contract is ready to be awarded.

- j. **RESOLUTION 07-10893** Accepting Contract 2005-09, Marina Promenade Project as Complete and Authorizing the City Engineer to File a Notice of Completion (Recommend Adoption)

Contract 2005-09 Marina Promenade Project consisted of the construction of a waterfront promenade with lighting, landscaping, and the two parking lots adjacent to the future Bed & Breakfast and Harbormaster buildings. Bay Cities Paving and Grading, Inc. of Concord, California, has completed contract work for this Project. This Resolution will accept construction as complete and authorize the City Engineer to file a Notice of Completion for the Project.

- k. **RESOLUTION 07-10894** Approval of Purchase of New Microphones, Plasma Screen and Connection Components for the Granicus System (Recommend Adoption)

The City is in need of items which were not included in the original proposal for the Granicus webcasting and voting system which is currently scheduled to be on line by December 2007. These items are necessary to allow the project to be completed.

- l. **RESOLUTION 07-10895** Authorizing Consultant Agreement Amendment Number 1 for Additional Scope of Work for Material Testing of Contract 2004-10, Downtown Water, Sewer, and Storm Drain Improvements (Recommend Adoption)

Contract 2004-10, Downtown Water, Sewer, and Storm Drain Improvements is for the replacement of water, sewer,

and storm drainage facilities in an older residential area of downtown. This Resolution will authorize Consultant Agreement Amendment Number 1 to the existing On-Call Agreement with ENGEO Inc., for additional scope of work for material testing on the project.

- m. **RESOLUTION 07-10896** Adoption of a Resolution Initiating Annexation of Ambrose Park (Recommend Adoption)

The City Council is being requested to initiate LAFCO proceedings for the annexation of Ambrose Park.

- n. **RESOLUTION 07-10897** Approving Loan from the General Fund to the Community Facilities District No. 2007-1 (Park Maintenance Services) Fund to Cover Costs Incurred in Fiscal Year 2006-200 and Fiscal Year 2007-2008 to be Repaid from Future Tax Assessments (Recommend Adoption)

On January 16, 2007, the City Council took action to establish the formation of the Community Facilities District (CFD) No. 2007-1 (Park Maintenance Services). This District was authorized to provide funding for park maintenance services in the respective subdivision areas. It has been determined by staff that the General Fund will be required to advance funds during both Fiscal Year 2006-2007 and Fiscal Year 2007-2008 to cover the legal formation and administrative costs related to this district. The loan of funds for this District will be repaid back to the General Fund from future tax assessments.

ADJOURNMENT To: October 15, 2007

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 – 2007

Updated April 16, 2007

| <u>OUTSIDE AGENCY BOARDS</u> | <u>COUNCIL MEMBER(S)</u> | <u>TYPE</u> | <u>MEETS</u> | <u>STAFF</u> |
|---|--|-------------|---------------------------|----------------------|
| ABAG | Ben Johnson / Will Casey Alt. | Standing | Annual | B. Nail |
| Bay Area Water Quality Dist. | Nancy Parent / Salvatore Evola Alt. | Standing | As needed | M. Ayres |
| Contra Costa County Fire Dist. | Michael Kee / Nancy Parent Alt. | Standing | 2 nd Monday | M. Rodriguez |
| Delta Diablo Sanitation | Nancy Parent / Ben Johnson Alt. | Standing | 2 nd Wednesday | J. Fuller |
| East Co. Co. County Habitat Conservancy | Will Casey / Michael Kee Alt. | Standing | Monthly | M. Ayres |
| East County Water Mgt. | Ben Johnson / Will Casey Alt. | Standing | Annual | J. Fuller |
| Fee & Finance Authority/TRANSPLAN/ ePPAC | Ben Johnson / Salvatore Evola Alt. | Standing | 2 nd Thursday | J. Sbranti |
| Tri-Delta Transit | Michael Kee & Will Casey, Salvatore Evola Alt. | Standing | Last Wednesday | M. Rodriguez |
| Water Transit Authority Comm. | Michael Kee / Salvatore Evola 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 | Ben Johnson / Will Casey Alt. | Standing | 3 rd Thursday | B. Nail |
| Library Commission | Nancy Parent / Michael Kee | Standing | As needed | P. Flores |
| Mayor's Conference | Ben Johnson / Will Casey Alt. | Standing | 1 st Thursday | M. Grisham |
| School District Liaison | Michael Kee & Salvatore Evola, Will Casey Alt. | Standing | Monthly | P.Flores/M.Rodriguez |
| | | | | |
| <u>SUBCOMMITTEE</u> | <u>COUNCIL MEMBER(S)</u> | <u>TYPE</u> | <u>MEETS</u> | <u>STAFF</u> |
| Alternate Governance Structure | Ben Johnson & Will Casey | Ad Hoc | As needed | M. Rodriguez/M. Fox |
| CAC/CDBG | Nancy Parent & Salvatore Evola | Standing | As needed | A. Landry |
| City/County Relations | Ben Johnson / Will Casey Alt. | Standing | As needed | M. Grisham |
| Concord Naval Weapons Station | Ben Johnson & Salvatore Evola | Ad Hoc | As needed | M. Rodriguez |
| Economic Development | Salvatore Evola & Nancy Parent/Will Casey Alt. | Standing | Quarterly | B. Nail |
| Finance Subcommittee | Michael Kee & Nancy Parent | Ad Hoc | As needed | M. Simons |
| Land Use Subcommittee | Michael Kee / Will Casey, Salvatore Evola Alt. | Ad Hoc | As needed | M. Ayres |
| Power Company Advisory | Nancy Parent & Salvatore Evola | Standing | As needed | G. Evans |
| RDA Subcommittee | Michael Kee & Salvatore Evola/Will Casey Alt. | Standing | Quarterly | R. Starbuck |
| Sister City Committee | Ben Johnson & Will Casey | Ad Hoc | As needed | B. Nail |