



**CITY OF PITTSBURG
AGENDA**

MONDAY, AUGUST 6, 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 REAL PROPERTY NEGOTIATOR (Section 54956.8):

Property:

1. 190 E. 4th Street, APN 085-109-006
2. 1605 Railroad Avenue, APN 086-175-014
3. 2000 Railroad Avenue

Agency Negotiator:

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

Negotiating Parties:

1. Anna Marie Aiello
2. Robert R. Fitz-Stephens
3. Dr. Barbara Wilson

Under Negotiation:

1. Both price and terms of payment
2. Both price and terms of payment
3. Both price and terms of payment

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

PRESENTATION

1. CAB Grant Challenge Program Update

PROCLAMATION

1. National Night Out

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

CONSIDERATION

1. **RESOLUTION 07-1225** Approving a Replacement Housing Plan for Properties Located within the Los Medanos Community Project (Recommend Adoption)

Pursuant to Health and Safety Code Section 33413(a), whenever dwelling units housing persons and families of low-or moderate-income are removed from the community's housing stock as a result of the redevelopment program, the Redevelopment Agency of the City of Pittsburg must cause to be made available within four (4) years of removal of such units, an equal number of replacement dwelling units at a similar affordable housing cost within the Los Medanos Community Development Project. The Agency acquired certain properties more particularly described in the *BACKGROUND* section of this Staff Report as part of a redevelopment program and is prepared to move forward with a demolition plan to demolish the properties in order to remove blighting conditions within the Project Area. The Agency is required to adopt a Replacement Housing Plan thirty days prior approving a contract to demolish any habitable properties.

2. **RESOLUTION 07-1226** Awarding an Exclusive Negotiating Rights Agreement by and between the Redevelopment Agency of the City of Pittsburg and Domus Development LLC (Recommend Adoption)

On February 5, 2007, the Agency Board approved Resolution No. 07-1177 which established a Unified Development Area bordered by Tenth Street to the south, Ninth Street to the north, Cumberland Street to the West, and East Street to the East. The Redevelopment Agency of the City of Pittsburg desires to enter into an Exclusive Negotiating Rights Agreement with Domus Development, LLC which provides procedures and standards for the negotiation by the Agency and Developer of a Disposition and Development Agreement for acquisition and development of certain properties within the UDA.

CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 07-1288** Amending Chapter 15.14 of the Pittsburg Municipal Code, Entitled Maintenance of Boarded and Vacant Buildings, Section 15.14.020, Definitions (B) "Vacant Building" (Recommend Introduction and Waive First Reading)

It is necessary to clarify the definition of the term "Vacant Building" as it is defined within Section 15.14.020 of the Pittsburg Municipal Code. As written, the definition limits enforcement action to properties which are entirely vacant and/or boarded. This ordinance provides language that allows for enforcement action when a property is only partially vacant and/or boarded.

CONSIDERATION

1. **REPORT** Triennial Report on Drinking Water Public Health Goals (Recommend Receive and File)

Public water systems having more than 10,000 service connections must prepare a written report every three years that gives information on the detection of any contaminant above the Public Health Goals established by the California Office of Environmental Health Hazards Assessment. The attached report is intended to provide information to the public, in addition to the Annual Water Quality Report that is mailed to each customer in June/July.

**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: July 2, 2007 and July 16, 2007 (Recommend Approval)

b. **CLAIMS** #1764 Katrina Prater, #1772 Antonini Freight Express Inc., #1781 Delta View Apts., #1784 Tyiest Mayo, #1788 Horace and Mary Abono, #1791 Tom Cacciola (Recommend Denial)

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

c. **RESOLUTION 07-1227** Approval of a Second Amendment to a Disposition and Development Agreement by and between the Redevelopment Agency of the City of Pittsburg and Olson 737-Pittsburg 2 LLC (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Olson 737-Pittsburg 2 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.

d. **RESOLUTION 07-1228** Approval of a Predevelopment Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Eden Housing Inc. (Recommend Adoption)

Eden Housing, Inc. is interested in developing affordable housing on E. Santa Fe Avenue, consisting of new construction and substantial rehabilitation. Eden is requesting a predevelopment loan of \$200,000 from the Redevelopment Agency of the City of Pittsburg to study the project feasibility.

e. **RESOLUTION 07-1229** Approval of a License and Right of Entry Agreement with Antioch Building Materials for the City/Agency Property at 1301 Standard Oil Avenue (Recommend Adoption)

Redevelopment staff is currently working on a Disposition and Development Agreement with Antioch Building Materials (ABM) to convey this 7.5-acre parcel to ABM in order to retain ABM's presence and sales tax dollars in the City of Pittsburg. Due to the timeline ABM has to vacate its current site before the end of the year, the Agency Board is being asked to approve an agreement that would allow ABM to prepare the property for their use, prior to conveyance of the property to ABM.

- f. **RESOLUTION 07-1230**
Combined w/CC 07-10853 Approval of the Transfer of 1301 Standard Oil Avenue from the City of Pittsburg to the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

Redevelopment staff is currently working on a Disposition and Development Agreement with Antioch Building Materials (ABM) to convey this 7.5-acre parcel to ABM in order to retain ABM's presence and sales tax dollars in the City of Pittsburg. Due to the long term sales tax dollars ABM will generate at this site, the fact that ABM will pay approximately \$395,000 to demolish existing improvements, grade the site and cover it with gravel, and the fact that the Agency may ultimately pay more than the land's appraised value in environmental cleanup costs, the City is being requested to convey the site to the Agency at no cost.

- g. **RESOLUTION 07-1231** Amendment of Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and SZFM Design Studio Inc. (Recommend Adoption)

On April 17, 2006 the Redevelopment Agency of the City of Pittsburg adopted Resolution 06-1122 which allocated funding for the Old Town Streetscape Master Plan and awarded a consultant agreement by and between the Agency and SZFM Design Studio, Inc. in collaboration with Ralph Alexander Landscape Architect. On September 25, 2006, the Agency approved the First Amendment to the Agreement to increase the scope of services. There is a need to again increase the scope of services and the Agency and the Consultant propose to amend the Agreement to add Exhibit C which outlines the additional scope of work for a cost not to exceed One Hundred Five Thousand Dollars (\$105,000).

- h. **RESOLUTION 07-10853**
Combined w/RDA 07-1230 Approval of the Transfer of 1301 Standard Oil Avenue from the City of Pittsburg to the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 07-1229.

- i. **MINUTE ORDER** Support of Energy Efficiency Block Grant Program (Recommend Adoption)
- The City Council has received a request from The United States Conference of Mayors urging support for energy legislation that includes an Energy Efficiency Block Grant program. Provisions and language of the bill are attached.
- j. **RESOLUTION 07-10852** Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program (Recommend Adoption)
- The Pittsburg Police Department is seeking City Council approval of the application to the U.S. Department of Justice for funding under the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program and authorization for the City Manager, or his designee, to act on behalf of the City in this application.
- k. **RESOLUTION 07-10854** Awarding Project 2007-20 "Lift Stations Abandonment" Contract (Recommend Adoption)
- Contract 2007-20, Lift Stations Abandonment Project, consists of abandoning two inactive sewer lift stations located on Range Road and Frontage Road for health and safety reasons.
- l. **RESOLUTION 07-10855** Authorizing Declaration of Surplus City Property – Information Technology Equipment for City of Yahualica de Gonzalez, Gallo, Jalisco, Mexico (Recommend Adoption)
- The City Manager herein requests City Council authorization to declare ten (10) information technology (IT) equipment and miscellaneous computer items to be deemed obsolete and non-usable property for City operations as City surplus. Upon declaration of City surplus, staff will properly dispose of the subject equipment to the City of Yahualica de Gonzalez Gallo, Jalisco, Mexico as a means to foster and promote good will, and community relations.
- m. **RESOLUTION 07-10856** Authorizing Joint Powers Agreement Among the Counties of Alameda and Contra Costa and the Cities of the Counties of Alameda and Contra Costa Forming the East Bay Regional Communications System Authority (EBRCS) (Recommend Adoption)
- The City Manager recommends the City Council adopt a resolution which authorizes the City Manager to execute a Joint Powers Agreement among the Counties of Alameda and Contra Costa and the Cities of Alameda and Contra Costa forming the East Bay Regional Communication System (EBRCS) Authority to consist of a joint powers

authority consisting of 23 member public agencies within Alameda and Contra Costa Counties to provide for an interoperable communications system for law enforcement and fire department services.

- n. **RESOLUTION 07-10857** Award of Contract 2005-13 to Loving & Campos of Walnut Creek for Construction Management Services for Fire Station 85 Project (Recommend Adoption)

Contra Costa Fire Protection District intends to relocate Fire Station 85 to a new site at 2331 Loveridge Road. Under an Agreement among the District, the City and the Redevelopment Agency, the City will oversee construction. Contract 2005-13 will engage Loving & Campos, a consulting firm experienced with the design and construction of fire stations, to manage the construction project. The project is scheduled to be advertised for bid in Spring 2008, with completion scheduled for Summer 2009.

- o. **RESOLUTION 07-10858** Approval of Security Camera Installation Project, Appropriation of Funds to the Project, and Award of Contract 2007-27 to Odin Systems of Long Beach (Recommend Adoption)

The Neighborhood Improvement Team (NIT), Police and the City Engineer identified approximately 35 locations recommended for security cameras and prioritized them according to factors related to vandalism, crime incidence and resident concerns. This project will install cameras in the first 10 priority locations, including six city parks, and will replace one camera at John S. Bryant Park damaged by vandalism.

ADJOURNMENT to August 20, 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