



**CITY OF PITTSBURG
AGENDA**

MONDAY, AUGUST 20, 2007

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

**HOUSING AUTHORITY COMMISSION INTERVIEWS
6:00 P.M.**

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

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

**HOUSING AUTHORITY
REDEVELOPMENT AGENCY
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**

**For the Housing Authority:
Jerlean Mixon, Housing Authority Member
VACANT, 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.

HOUSING AUTHORITY COMMISSION INTERVIEWS – 6:00 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 LABOR NEGOTIATORS (Section 54957.6):

Agency designated representatives:

Marc Grisham, Marc Fox, Bruce Heid

Employee Organization:

Police Officers Association, Police Managers Group, AFSCME (Miscellaneous A), AFSCME (Management/Professional/Confidential)

And

Unrepresented employees

b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8):

Property:

1. 1073 Cumberland, APN 085-205-002
2. 1027 Bending Willow Way

Agency Negotiator:

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

Negotiating Parties:

1. Randi and Dave Shepard
2. Kimberely Augustin

Under Negotiation:

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

CONVENE IN OPEN SESSION FOR REGULAR MEETING – 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 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)*

HOUSING AUTHORITY

CONFLICT OF INTEREST DECLARATION – *Housing Authority 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 votes on the motion to adopt.*

- a. **DISBURSEMENT LIST** Dated: July 31, 2007 (Recommend Approval)
- b. **MINUTES** Dated: July 16, 2007 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: September 17, 2007

REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 07-1232**
Combined w/CC 07-10859 Approval of a Disposition and Development Agreement by and between the Redevelopment Agency of the City of Pittsburg and Antioch Building Materials, Company and Making Certain Findings Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Antioch Building Materials, Company, a California corporation, have negotiated terms for a Disposition and Development Agreement for the development of a concrete batch plant and an asphalt plant on the 7.5-acre parcel of Agency owned land at 1301 Standard Oil Avenue, in the City of Pittsburg.

2. **RESOLUTION 07-1233**
Combined w/CC 07-10860 Approval of a Reimbursement Agreement and Temporary Funding of Architectural Design for the New Civic Center Courthouse to Keep the Project on Schedule (Recommend Adoption)

Due to the Agency not currently having control of the land for the new courthouse, the state Public Works Board (PWB), which funds new courthouse construction, has refused to approve funds for the court's architectural design. It is possible the compromise worked out with the school district may reverse this decision. However, contingencies contained in the compromise may still delay design funding. The Agency is being asked for authorization for the Agency to fund design until the Agency can be reimbursed from design funds later authorized by the PWB.

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10859** Approval of a Disposition and Development Agreement by and between the Redevelopment Agency of the City of Pittsburg and Antioch Building Materials, Company and Making Certain Findings Herewith (Recommend Adoption)
Combined w/RDA 07-1232

See Executive Summary for Redevelopment Agency Resolution No. 07-1232.
2. **RESOLUTION 07-10860** Approval of a Reimbursement Agreement and Temporary Funding of Architectural Design for the New Civic Center Courthouse to Keep the Project on Schedule (Recommend Adoption)
Combined w/RDA 07-1233

See Executive Summary for Redevelopment Agency Resolution No. 07-1233.
3. **ORDINANCE 07-1289** Introduction of an Ordinance to Pre-zone Ambrose Park (Recommend Introduction and Waive First Reading)

The Planning Commission is recommending the City Council pre-zone Ambrose Park to OS (Open Space) District.
4. **ORDINANCE 07-1290** Amendments to Historic Resource Regulations (Recommend Introduction and Waive First Reading)

This is a public hearing on a City-initiated proposal to amend Chapter 15.84 (Preservation of Historic Structures and Establishment of the Historical District), Chapter 18.36 (Design Review), and Title 19 (Sign Ordinance) of the Pittsburg Municipal Code (PMC).
5. **ORDINANCE 07-1291** Introduction of an Ordinance Amending Municipal Code Section 7.04.010 Relating to the Adoption of Contra Costa County Animal Control Regulations (Recommend Introduction and Waive First Reading)

The Contra Costa County Animal Services Department provides animal control services within the City of Pittsburg. Pittsburg Municipal Code Section 7.04.010 incorporates the Contra Costa County Animal Control Ordinance by reference to enable enforcement of animal control within the City. Contra Costa County recently amended its Animal Control Ordinance to provide additional tools to deal with the threat of dangerous animals. Among other things,

owners of dogs deemed dangerous under the County's Ordinance must keep the animal securely contained on their property, and muzzled and leashed when not on the owner's property. Owners of certain dangerous animals may also be required to maintain liability insurance. The County's Ordinance is not breed specific. The attached Ordinance, if adopted, would enable the Contra Costa County Animal Services Department to enforce the dangerous animal regulations within the City of Pittsburg.

**REDEVELOPMENT AGENCY 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: August 6, 2007 (Recommend Approval)

- b. **CLAIMS** #1773 Misha Ervin; #1774 Marina A. Martinez
(Recommend Denial)

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

- c. **RESOLUTION 07-1235** Approval of a Property Exchange Agreement with the
Combined w/CC 07-10861 Pittsburg Unified School District (PUSD) for a Portion of Existing PUSD Property that will Provide Enough Property for a Slightly Amended Site Plan for the New County Courthouse (Recommend Adoption)

Due to the PUSD Board not approving a Memorandum of Understanding (MOU) that was previously approved by the Agency that would transfer existing PUSD property to the Agency in return for relocating PUSD administrative offices to the proposed mid-rise office building, a new agreement for a property exchange has been reached with the PUSD that will still provide the needed land for a new county courthouse, in a slightly amended courthouse site plan.

- d. **RESOLUTION 07-10861** Approval of a Property Exchange Agreement with the
Combined w/RDA 07-1235 Pittsburg Unified School District (PUSD) for a Portion of Existing PUSD Property that will Provide Enough Property for a Slightly Amended Site Plan for the New County Courthouse (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution No. 07-1235.

- e. **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 Adoption)

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.

- f. **RESOLUTION 07-10862** Award of Contract for the 2007 Patch Paving Program (Recommend Adoption)

The Patch Paving Contract involves removing failed asphaltic concrete and base material, compaction of existing material, and replacing the same with an equivalent amount of asphaltic concrete at various locations in the city. This is an annual maintenance program and the 2007 contract is ready for City Council award.

- g. **RESOLUTION 07-10863** Award 2007 CDBG Curb Ramp Installation Project Contract to Acequia Cement (Recommend Adoption)

The City was awarded funding by the Community Development Block Grant Program for the 2007 CDBG Curb Ramp Installation Project. The project consists of installing approximately 58 Americans with Disabilities Act (ADA) Compliant curb ramps at intersections throughout the city. The 2007 curb ramp project has been bid and a contract is ready for Council award.

- h. **RESOLUTION 07-10864** Accept the 2006 CDBG Handicap Ramp Installation Project Contract as Complete (Recommend Adoption)

The City was awarded funding by the Community Development Block Grant Program for the 2006 CDBG Handicap Ramp Installation Project. AJW Construction has completed the installation of 89 ADA compliant handicap ramps at priority intersections throughout the city and approved miscellaneous concrete work.

- i. **RESOLUTION 07-10865** Approving a Letter to State Legislators Supporting Contra Costa Transit Authority's Attempt to Modify Existing Eminent Domain Law (Recommend Adoption)

SB 1210, which was signed into law last year, altered the eminent domain process in a way that has the potential to cause significant time delays and increased costs in the delivery of public projects. This resolution will approve sending a letter to state legislators supporting CCTA's efforts to develop proposed legislative language that would modify the provisions of SB 1210, now existing law.

- j. **RESOLUTION 07-10866** Accepting Contract 2004-07, 2005/2006 Sewer Improvements Project as Complete and Authorizing the City Engineer to File a Notice of Completion (Recommend Adoption)

The City Council awarded Contract No. 2004-07, 2005/2006 Sewer Improvement Project to Hess Concrete Construction Co., Inc. of American Canyon, California in the amount of \$3,991,498.00, on July 17, 2006. The project scope of work encompassed the reconstruction of sanitary sewer mains throughout Pittsburg. The project was completed on June 15, 2007.

- k. **REPORT** Receive and File the Investment Report as of June 30, 2007 (Recommend Acceptance)

The State of California recommends that the Chief Fiscal Officer submit a comprehensive report to the legislative body containing detailed information on all securities, investments and funds under the management and oversight of a public agency.

ADJOURNMENT To: September 17, 2007 (No Council Meeting September 4, 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