



**CITY OF PITTSBURG
AGENDA**

MONDAY, JULY 16, 2007

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

**CLOSED SESSION
4:30 P.M.**

**PRESENTATION – DESTINATION DEVELOPMENT INC.
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.

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 – 4:30 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, Teamsters, AFSCME (Miscellaneous A), AFSCME (Miscellaneous/Professional/Confidential)

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

One (1) case

c. PUBLIC EMPLOYMENT PERFORMANCE EVALUATION:

City Attorney

d. PUBLIC EMPLOYMENT PERFORMANCE EVALUATION:

City Manager

CONVENE IN OPEN SESSION FOR PRESENTATION – 6:30 p.m.

1. Destination Development Inc.

CONVENE IN OPEN SESSION FOR REGULAR MEETING – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Neighborhood Improvement Team – Helen Putnam Award Winner

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: May 31, 2007 and June 30, 2007 (Recommend Approval)
- b. **MINUTES** Dated: June 18, 2007 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: August 20, 2007

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10843** Confirming the Engineer's Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-02, Oak Hills (Fiscal Year 2007-08) (Recommend Adoption)

Landscaping and Lighting Assessment District 1988-02, Oak Hills has been in existence since 1988 and the funds collected are necessary for the City to maintain the public desired level of lighting and landscaping in the Oak Hills area. Each year, prior to ordering the improvements and levying the assessments, the City Council holds a public hearing.

CONSIDERATION

1. **MINUTE ORDER** City Council Recess for Summer Months (Recommend Adoption)

Historically, the City Council takes a recess during the summer months to allow for both staff and Council vacations. This recess has typically been taken during the period that would encompass the second meeting of August or the first meeting of September; however, a recess and/or the scheduled date is at the discretion of the Council.

2. **RESOLUTION 07-10844** Adoption of a Resolution Supporting State Constitutional Amendment (SCA) 12 – Stormwater and Urban Runoff (Recommend Adoption)

State Senators Tom Torlakson and Leland Yee have introduced Senate Constitutional Amendment 12 (SCA 12) that would change the current law so that any future fee increases for the City's NPDES Program, while subject to a vote of the public, would not be required to achieve a 2/3rds voter approval under Proposition 218. The City Council is being asked to adopt a resolution supporting SCA 12 and to direct staff to forward a copy of the resolution to the bill's author, legislators representing Pittsburg, and the Governor.

**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. **CLAIMS**

#1789 Gustav S. Kramer, Gary Rutland, Linda Rutland, Francisco Castro, Pilarsita Castro, Eme V. Fabia, Chris Hothem, Veronica Marquez-Hothem, Larry F. Reinhardt, Denise Reinhardt; #1789A Gustav S. Kramer, Gary Rutland, Linda Rutland, Francisco Castro, Pilarsita Castro, Emal Delary, Vanessa Lobaton, Eme V. Fabia, Chris Hothem, Veronica Marquez-Hothem, Larry F. Reinhardt, Denise Reinhardt; #1789B Emal Delary, Vanessa Lobaton (Recommend Denial)

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

b. **RESOLUTION 07-1222**

Appropriating Funds for a Railroad Avenue Corridor Study (Recommend Adoption)

The Agency is being requested to appropriate \$74,000 for a Railroad Avenue Corridor Study, including a \$64,000 grant to UC Berkeley in support of a proposed graduate studies course which will result in a draft master plan for the Railroad Avenue corridor for council action.

c. **RESOLUTION 07-1224
Combined w/07-10850**

Approve Extension of Existing Agreement for Professional Services Between the City of Pittsburg and Destination Development Inc. to Include Additional Website Development Services and a Wayfinding, Signage and Gateway Plan (Recommend Acceptance)

The City of Pittsburg and the Redevelopment Agency of the City of Pittsburg have an aggressive plan to revitalize the Pittsburg Municipal Marina as the centerpiece of Pittsburg's historical downtown to provide a destination for its residents and visitors, improve the quality of life for the community, remove blight and stimulate economic development opportunities, in efforts to increase the economic vitality of the Marina, 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 is currently in contract with Destination Development, Inc. to create a professional Brand Development and Marketing Action Plan to further support the important revitalization efforts, by assisting the City in successfully promoting the Marina, the core downtown area and the surrounding jewels of the City, that make Pittsburg a true destination. It is the City and Agency's intention to expand the current Agreement for Professional Services with DDI to include additional Website Development Services and a Wayfinding, Signage and Gateway Plan.

- d. **RESOLUTION 07-10845** Adoption of a Resolution in Support of Three Priority Development Area Grant Applications for the FOCUS Planning Initiative (Recommend Adoption)

FOCUS, short for Focusing Our Vision, is a multi-agency, regional planning initiative which will award grants to areas designated as Priority Development Areas (PDA). The City of Pittsburg is submitting applications for designation of two different PDAs under this program, and is submitting a joint (third) application with Contra Costa County for one PDA under this program. The City Council is asked to adopt a resolution in support of all three applications.

- e. **RESOLUTION 07-10846** Acceptance and Approval of a Grant to Fund Photo Simulations for the Railroad Avenue eBART Specific Plan from the East Bay Community Foundation (Recommend Adoption)

The City of Pittsburg Planning Department has been awarded a \$5,000 grant from the East Bay Community Foundation to fund the development of photo simulations for the Railroad Avenue eBART Specific Plan project. Before utilizing these funds, the City Council must approve and accept the grant.

- f. **RESOLUTION 07-10847** Authorizing City Manager to Determine Whether Issuance of Liquor License Serves Public Convenience or Necessity Pursuant to Business and Professions Code Section 23958.4 (Recommend Adoption)

Business and Professions Code Section 23958.4 permits the issuance of new or revised liquor licenses within a concentrated area only upon determination by the local governing body that such a permit would serve the public convenience or necessity ("Determination"). On December 2, 1996, the City Council delegated authority for the Determination to the City's Community Development Director. The position of Community Development Director was subsequently abolished. The attached Resolution, if adopted, would authorize the City Manager or his or her

designee to exercise the discretion as to whether to make the Determination for future liquor license applications within concentrated areas as defined by Business and Professions Code Section 23958.4.

- g. **RESOLUTION 07-10848** Award FY 2007-2008 Purchase Contract for Fuel Supplies (Recommend Adoption)

The City of Pittsburg Public Works and Economic Development Departments each require large quantities of supplies to carry out their responsibilities. These required supplies include fuel supplies, which are necessary to maintain operations. Gasoline services were advertised for bid and a purchase contract for Fiscal Year 2007/08 is ready to be awarded by the City Council.

- h. **RESOLUTION 07-10849** Amend Resolution No. 07-10752 to Include Interwest Consulting Group within Section 2 (Recommend Adoption)

It is necessary to amend Resolution No. 07-10752 by adding Interwest Consulting Group, Inc. to the list of approved consulting firms included in Section 2. This will assure an adequate pool of qualified consultants exists in order to provide engineering plan check services for the development community.

- i. **RESOLUTION 07-10850**
Combined w/07-1225 Approve Extension of Existing Agreement for Professional Services Between the City of Pittsburg and Destination Development Inc. to Include Additional Website Development Services and a Wayfinding, Signage and Gateway Plan (Recommend Acceptance)

See Executive Summary for Redevelopment Agency Resolution 07-1225.

- j. **RESOLUTION 07-10851** Sewer System Management Plan – Development Plan and Schedule (Recommend Adoption)

The City of Pittsburg is required by both the State and Regional Water Quality Control Boards to prepare a Sewer System Management Plan (SSMP). Regulations further require that the City Council adopt an SSMP Development Plan and Schedule. This action will adopt the SSMP Development Plan and Schedule and authorize staff to certify approval using the State Water Resources Control Board Electronic Reporting System.

ADJOURNMENT To: August 6, 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