



**CITY OF PITTSBURG
AGENDA**

MONDAY, JULY 2, 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
SOUTHWEST PITTSBURG GEOLOGIC HAZARD
ABATEMENT DISTRICT II (GHAD II)
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:

901 Los Medanos Street, APN 085-182-001

Agency Negotiator:

Marc Grisham, Randy Starbuck, Kerry Lyman, Janis Glover

Negotiating Parties:

Tony Keslinke

Under Negotiation:

Both price and terms of payment

b. 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)

c. PUBLIC EMPLOYMENT PERFORMANCE EVALUATION:

City Attorney

CONVENE IN OPEN SESSION FOR REGULAR MEETING – 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 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 07-1220**
Combined w/CC 07-10842 Approval of a Disposition, Development, and Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Mark and Kathleen Taylor (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Mark and Kathleen Taylor have negotiated terms for a Disposition, Development, and Loan Agreement for Assessor's Parcel No. 086-221-017, commonly referred to as, 120 Avon Street. The Developer will purchase the improved single family dwelling unit from the Agency for One Dollar (\$1) and will substantially rehabilitate the unit. The Owner will record affordable housing covenants on the Property so that the unit will be made available to very low-income households for a minimum of fifty-five (55) years.

2. **RESOLUTION 07-1221** Approving the Amended and Restated Implementation Plan for the Los Medanos Community Development Project Area 2005-2009 (Recommend Adoption)

Pursuant to Health and Safety Code Section 33490, the Redevelopment Agency of the City of Pittsburg is required to adopt an implementation plan every five years which shall contain the specific goals and objectives of the Agency for the Los Medanos Community Development Project; the specific programs, projects, and estimated expenditures proposed to be made during said five year period and an explanation of how the goals, objectives, programs, projects, and expenditures will eliminate blight within the Project Area. The Agency's current five year implementation plan, *Implementation Plan for the Los Medanos Community Development Project Area 2005-2009* covers the five year period of 2005-2009. There is a need to amend and restate the Implementation Plan to include relevant changes to project names, unit counts, programs, and previously unidentified developments consistent with the Agency's goals and objectives of eliminating blight.

CONSIDERATION

1. **RESOLUTION 07-1223** Approval of a Relocation Impact Statement and Last Resort Housing Plan for the Enean Unified Development Area, the 500 Block of West 10th Street, the Cumberland Unified

Development Area, 1605 Railroad Avenue and 1301 Standard Oil Avenue (Recommend Adoption)

The Agency is either in the process of acquiring or has acquired properties in the Enean and Cumberland Unified Development Areas, the 500 block of West 10th Street, and stand alone properties at 1605 Railroad Avenue and 1301 Standard Oil Avenue. These acquisition activities will require some relocation of occupants. Pursuant to the *California Relocation Law (Government Code 7260 et seq)* and the *California Code of Regulations, Title 25*, the Agency must approve a Relocation Impact Statement and Last Resort Housing Plan whenever a residential occupant is displaced due to Agency acquisition.

PITTSBURG POWER COMPANY MEETING

PUBLIC HEARING

1. **RESOLUTION 07-164** Approving the Electric and Gas Rate Schedule Changes for Es-1, Es-2, Ls, Gs-1 and Gs-2 Rate Schedules for Service on Mare Island for the Pittsburg Power Company d.b.a. Island Energy (Recommend Adoption)

The Pittsburg Power Company, doing business as Island Energy on Mare Island, currently has Electric and Gas Rate Schedules approved on June 19, 2006. Staff has performed a Rate Case Review analysis with the Mare Island Advisory Committee and has determined that the current FY 2006-2007 Electric and Gas Rate Schedules ES-1, ES-2, LS, GS-1 and GS-2 should be revised for FY 2007-2008, effective July 1, 2007 and continue thru June 30, 2008 or until changed.

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10834** Adopt Resolution Amending Various Water and Sewer Fees (Recommend Adoption)

The City Council of the City of Pittsburg has adopted various fees in order to recover the cost of operating the Water and Sewer Utilities. Some of these fees need to be updated and changes are ready to be adopted by the City Council.

2. **RESOLUTION 07-10835** Approving and Adopting Amendment No. 3 of the City Water System Master Plan (Recommend Adoption)

Carollo Engineers has prepared a third amendment to the City's Water System Master Plan in response to changes in the proposed land uses in the southeast hills and to more thoroughly analyze the impacts of infill development in the City. These changes are ready to be adopted as Amendment No. 3 to the Water System Master Plan.

3. **RESOLUTION 07-10842**
Combined w/RDA 07-1220 Approval of a Disposition, Development, and Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Mark and Kathleen Taylor (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 07-1220.

CONSIDERATION

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

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 Mehran Restaurant located 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. **REPORT** Request to Name North Entrance Road into City Park "Eddie Hart Parkway" (Recommend Acceptance)

The City has received a request from Tom Lewis to consider naming the north entrance road into City Park (from North Parkside Drive) "Eddie Hart Parkway" in honor of Pittsburg's only Olympic Gold Medalist. A copy of the letter is attached.

3. **REPORT**

Status Report on Potential Annexation of Bay Point (Recommend Acceptance)

The City Manager herein provides a status report of all issues associated with the potential annexation of Bay Point, CA, an unincorporated community in Contra Costa County, following interest received from a private citizens group from the Bay Point community requesting annexation into the City of Pittsburg.

**REDEVELOPMENT AGENCY, PITTSBURG POWER COMPANY,
SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II (GHAD II)
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: June 18, 2007 (Recommend Approval)
- b. **CLAIMS** #1774 Marina A. Martinez; #1785 John C. Prioleau
(Recommend Denial)
- (Claims against the City which may cause expenditure of funds – on file
 in the Office of the City Clerk)
- c. **RESOLUTION 07-165** Approving an Agreement for Attorney Services for the
Pittsburg Power Company (Recommend Adoption)
- Russell H. Townsend is currently the General Counsel for
 Pittsburg Power Company and handles legal matters for
 the Pittsburg Power Company. The existing contract with
 Russell H. Townsend expires on June 30, 2007 and
 Pittsburg Power Company intends to retain his legal
 services for the Pittsburg Power Company as General
 Counsel for another year.
- d. **RESOLUTION 07-166** Allocating Funding and Awarding Contract 2007-21
 Combined w/07-10836 Housing Authority Furnishings, Furniture and Equipment
(FFE) Project to Sam Clar of Concord, California, for Office
Furniture (Recommend Adoption)
- The Housing Authority is scheduled to move into a newly
 constructed building at 916 Cumberland Street in
 September. This resolution will allocate \$100,000 from
 Pittsburg Power Company Unallocated Reserves to the
 Housing Authority Furnishings, Furniture and Equipment
 (FFE) Project and authorize staff to execute a contract for
 the purchase of office furniture from Sam Clar of Concord,
 California, in an amount not to exceed \$85,000.
- e. **RESOLUTION 07-10836** Allocating Funding and Awarding Contract 2007-21
 Combined w/07-166 Housing Authority Furnishings, Furniture and Equipment
(FFE) Project to Sam Clar of Concord, California, for Office
Furniture (Recommend Adoption)

See Executive Summary for Pittsburg Power Company Resolution 07-166.

- f. **RESOLUTION 07-10837** Establish Salary Range for Community Services Specialist and Allocate Positions (Recommend Adoption)

The City Manager, upon recommendation from the Chief of Police, has reorganized the work within the Police Department. This reorganization is occurring through the merger of the Police Assistant and Code Compliance Specialist classifications into a new classification titled Community Services Specialist. In accordance with the City's Personnel Rules, the City Manager has adopted classification descriptions for the new Community Services Specialist and will abolish the old classifications of Police Assistant and Code Compliance Specialist. The Personnel Rules call for the City Council to establish the salary range for Community Services Specialist and reallocate the incumbent Police Assistants and incumbent Code Compliance Specialists to the new Community Services Specialist classification.

- g. **RESOLUTION 07-10838** Establish Salary Range for Classifications within the Housing Authority and Allocate Positions (Recommend Adoption)

The City Manager/Executive Director, upon recommendation from the Director of Housing and Community Programs, has reorganized the work within the Housing Authority. This reorganization is occurring through the creation of a Housing Operations Specialist, the transfer of the incumbent Housing Manager to this new classification, eliminating the Housing Manager classification, and replacing the manager class with the lower classification of Housing Supervisor. In accordance with the City's Personnel Rules, the City Manager has adopted classification descriptions for the new Housing Operations Specialist and Housing Supervisor classifications and will abolish the old classification of Housing Manager. The Personnel Rules call for the City Council to establish the salary range for the two new classifications and allocate positions.

- h. **RESOLUTION 07-10839** Awarding Contract 2007-15; 2007 Water Valves and Services Replacement Contract to JW Backhoe and Construction Inc. (Recommend Adoption)

The 2007 Water Valves and Services Replacement Contract is part of a proactive approach to replace failing and inoperable water valves; and existing plastic

polybutylene water services before they fail and prepare streets scheduled in the Pavement Rehabilitation Program.

- i. **RESOLUTION 07-10840** Approval of Proposed Territory for Annexation to the Community Facilities District (CFD) 2007-1 (Park Maintenance Services) (Recommend Adoption)

In accordance with the policy of the City Council and the written approvals by the current property owner, with respect to San Marco Unit 6 and Lawlor Estates, certain territory is proposed for annexation to the Community Facilities District (CFD) No. 2007-1 (Park Maintenance Services) to provide funding for increased park maintenance and related services as a result of this new development. The first resolution attached will authorize the proposed territory for annexation to the Community Facilities District No. 2007-1 (Park Maintenance Services). The second resolution attached will reduce the current special tax from \$72.00 to \$47.00 for Fiscal Year 2007-2008 and will revise the current maximum inflation factor of five percent (5%) to the lesser of the San Francisco CPI (Consumer Price Index) or five percent (5%).

- j. **RESOLUTION 07-10841** Establishing a Policy Concerning the Annual Increase in the Actual Amount of Special Tax Levied in Community Facilities District (CFD) 2007-1 (Park Maintenance Services) (Recommend Adoption)

See Executive Summary for Resolution 07-10842.

ADJOURNMENT to July 16, 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