



**CITY OF PITTSBURG
AGENDA**

MONDAY, JUNE 4, 2007

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

**COMMISSION APPLICANT INTERVIEWS
5:00 P.M.**

**CLOSED SESSION
6:30 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.

COMMISSION APPLICANT INTERVIEWS – 5:00 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 LEGAL COUNSEL – EXISTING LITIGATION (Section 54956.9(a)):

Gloria Vaughn, et al v. City of Antioch, et al, Contra Costa Superior Court Case Number C0-00045

- 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

FERRIS WHEEL DONATION PRESENTATION

1. Pittsburg Women’s Community League

PRESENTATION

1. STAND! Delta Project

PROCLAMATIONS

1. Honoring Alex Gaston

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 07-1196**
Combined w/CC 07-10776 Authorize the Executive Director to Execute an Amended and Restated Lease Agreement by and between John Phair dba EJ Phair Brewing Company and the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

On September 5, 2006, the Agency Board approved the acquisition of 190 East Third Street (APN 085-108-010) for the purpose of making a portion of the Property available to John Phair dba EJ Phair Brewing Company. On November 27, 2006, the Agency and EJ Phair entered into the original Lease Agreement for lease of the Premises, commencing as of December 1, 2006. Due to increased building improvement costs, the Original Lease Agreement has been amended and restated for approval.

2. **RESOLUTION 07-1208**
Combined w/CC 07-10800
Combined w/RDA 07-1209 Approval of a Lease and Two Loan Agreements by and between the Redevelopment Agency of the City of Pittsburg and Pacific Plaza Imports, Inc. to Lease and Renovate the Property at 675 Railroad Avenue (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg entered into a long term lease agreement for the property at 675-695 Railroad Avenue in March 2005 in order to attract The Mechanics Bank and other commercial tenants to the Property. The remaining 3,400 square feet of retail space at the Property is vacant and in need of rehabilitation. Agency staff has negotiated lease and loan terms with a gourmet food and drink retailer to lease and rehabilitate the remaining 3,400 square feet of ground floor retail space at the Property. The Agency is being requested to approve the proposed lease and loan agreements.

3. **RESOLUTION 07-1209**
Combined w/CC 07-10800
Combined w/RDA 07-1208 Approval of a Lease and Two Loan Agreements by and between the Redevelopment Agency of the City of Pittsburg and Pacific Plaza Imports, Inc. to Lease and Renovate the Property at 675 Railroad Avenue (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution No. 07-1208.

4. **RESOLUTION 07-1210** **Combined w/CC 07-10801** Approving Amendment #4 to the Disposition and Development and Loan Agreement by and Between the Redevelopment Agency of the City of Pittsburg and Gateway Mixed Use Development, a California Limited Partnership, Authorizing an Additional \$675,000 for the 10th/Cumberland Infrastructure Account, Contract 2006-05 Gateway Off-site Improvements Plans, and Contract 2006-05B Gateway Underground Utility Project; as Well as Approving the Developer as Agent for Off-Site and Tenant Improvements Not to Exceed \$3,110,000; Authorizing the Executive Director to Reallocate Remaining Balances; Authorizing the City Engineer to Approve a Percentage of the Construction Contingency Budget; and Accompanying City Council Resolution (Recommend Adoption)

This item pertains to the mixed-use building currently under construction at the Northeast corner of E. 10 Street and Railroad Avenue. This action allocates funding necessary for certain off-site and utility underground improvements necessary for the Gateway Project. Additionally, this action authorizes Domus Development LLC, a California limited liability company, a general partner of the developer of the Gateway Project, to act as the Agency's limited agent to construct the Off-Site Component and certain tenant improvements to be constructed and installed within a portion of the ground floor of the Gateway Project which the Agency intends to lease to the City of Pittsburg Housing Authority.

5. **RESOLUTION 07-1211** Approval of the Agency List of Projects, Allocations and Funding Sources (Recommend Open Public Hearing and Continue to June 18, 2007)

The Redevelopment Agency of the City of Pittsburg is engaging in various activities in its efforts to remove blighting conditions that still remain in the Los Medanos Community Development Project Area. With the sale of Tax Allocation Bonds in December 2006, and given the complexity of projects and funding sources, the Agency desires to revise its current list of projects and prioritize the use of funds from the 2006 Bonds.

CONSIDERATION

1. **RESOLUTION 07-1212** Consideration of an Exclusive Negotiating Rights Agreement with Garaventa Enterprises, Inc. for a Mid-Rise Office Building in the Civic Center (Recommend Adoption)

Staff has negotiated a 90-day ENRA with Garaventa Enterprises for the design and construction of a mid-rise office building in the Civic Center.

2. **RESOLUTION 07-1213** Authorizing the Executive Director to Execute a Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and the Contra Costa County Employment and Human Service Department on Behalf of the Workforce Development Board's Contra Costa Small Business Development Center (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg, consistent with its goals and strategies outlined in the Agency's Implementation Plan, has a continued partnership with the Contra Costa County Employment and Human Service Department on Behalf of the Workforce Development Board's Contra Costa Small Business Development Center. The Consultant provides business counseling services, training, and seminars to the Pittsburg community. The Agency desires to execute a Consultant Agreement to retain the services of the Consultant.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: June 18, 2007

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10776** Authorize the Executive Director to Execute an Amended and Restated Lease Agreement by and between John Phair dba EJ Phair Brewing Company and the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)
 Combined w/RDA 07-1196

 See Executive Summary for Redevelopment Agency Resolution No. 07-1196.

2. **RESOLUTION 07-10800** Approval of a Lease and Two Loan Agreements by and between the Redevelopment Agency of the City of Pittsburg and Pacific Plaza Imports, Inc. to Lease and Renovate the Property at 675 Railroad Avenue (Recommend Adoption)
 Combined w/RDA 07-1208
 Combined w/RDA 07-1209

 See Executive Summary for Redevelopment Agency Resolution No. 07-1208.

3. **RESOLUTION 07-10801** Approving Amendment #4 to the Disposition and Development and Loan Agreement by and Between the Redevelopment Agency of the City of Pittsburg and Gateway Mixed Use Development, a California Limited Partnership, Authorizing an Additional \$675,000 for the 10th/Cumberland Infrastructure Account, Contract 2006-05 Gateway Off-site Improvements Plans, and Contract 2006-05B Gateway Underground Utility Project; as Well as Approving the Developer as Agent for Off-Site and Tenant Improvements Not to Exceed \$3,110,000; Authorizing the Executive Director to Reallocate Remaining Balances; Authorizing the City Engineer to Approve a Percentage of the Construction Contingency Budget; and Accompanying City Council Resolution (Recommend Adoption)
 Combined w/RDA 07-1210

 See Executive Summary for Redevelopment Agency Resolution No. 07-1210.

4. **RESOLUTION 07-10802** Directing the City Clerk to Tabulate Assessment Ballots for the Proposed Increase to the Citywide Landscaping and Lighting District 1988-01 Annual Assessment and Approving the Engineer's Report as Modified (Recommend Adoption)

The City is proposing an increase to the existing Citywide Landscaping and Lighting District 1988-01 for FY 2007-08 and for each future year following approval of the

assessment increase. Each record owner of a parcel subject to the proposed assessment increase was mailed notice and ballot materials related to the increase. Prior to ordering the improvements and levying an increased assessment the City Council must hold a public hearing. At the public hearing, the City Council will hear and consider testimony related to final approval of the engineer's report and increased assessments, make a "last call" for ballots, close the public hearing and direct the City Clerk or her designee to tabulate ballots that were submitted prior to the conclusion of the public hearing. This item will be continued to June 18, 2007 so that ballots may be tallied and a determination may be made as to whether or not a majority protest against the proposed assessment increase.

5. **RESOLUTION 07-10803** Approval of the 2007-2008 Community Development Block Grant (CDBG) Annual Action Plan (Recommend Adoption)

The Department of Housing and Urban Development (HUD) requires the City Council to review and approve the 2007-2008 Community Development Block Grant Annual Action Plan. The Annual Action Plan includes the CDBG funding recommendations for the 2007-2008 program year that the Council approved on March 20, 2006 as part of a two year funding cycle for July 1, 2006 through June 30, 2008. HUD also requires a public hearing and public comment period before submitting the Annual Action Plan to HUD.

6. **ORDINANCE 07-1286** Introduction of an Ordinance Amending Section 2.04.060 of the Pittsburg Municipal Code Relating to City Commissioners (Recommend Introduction and Waive First Reading)

The City Council appoints residents to serve, at the pleasure of the City Council, on various City commissions. The attached ordinance, if approved, would delete the existing requirement that a commissioner, prior to removal, be provided with the grounds for removal and an opportunity for a public hearing. These amendments effectively clarify that a commissioner serves at the will of the City Council and can be removed with a majority vote of the City Council. This is the first reading of the proposed ordinance.

7. **ORDINANCE 07-1287** Introduction of Ordinance Adopting Description of Eminent Domain Program for the Community Development Plan for the Los Medanos Community Development Project Pursuant to New Health and Safety Code Section 33342.7 (Recommend Introduction and Waive First Reading)

That the City Council introduce and waive first reading of the attached proposed ordinance that contains a description of the previously approved eminent domain program of the Redevelopment Agency of the City of Pittsburg pursuant to the Community Development Plan for the Los Medanos Community Development Project for the Los Medanos Community Development Project Area, and that the City Council adopt the attached Notice of Exemption for the Ordinance.

CONSIDERATION

1. **RESOLUTION 07-10804** Appeal of Planning Commission Approval of Victory Outreach Recovery Home AP-06-379 (UP) (Recommend Adoption)

This is a continued public hearing on an appeal of the Planning Commission approval for a Use Permit to allow Victory Outreach Recovery Home to operate a residential care facility for 12 men recovering from drug and alcohol abuse at 102 School Street in the CO (Office Commercial) District. APN 086-190-037.

**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: May 21, 2007 (Recommend Approval)

- b. **CLAIMS** #1783, Saul Calderon, Marina Calderon and Edwin Calderon (Recommend Denial)

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

- c. **ORDINANCE 07-1285** Adoption of an Ordinance Prezoning Sky Ranch II Development Area RZ-02-21 (Recommend Adoption)

The Planning Commission is recommending that the City Council pre-zone an approximately 166.5 acre unincorporated site located south of Highlands Ranch and the adjacent City-owned Water Tank site to RS-6-O (Single-Family Residential) District with an Overlay Zone that would establish minimum lot sizes and allow City water tanks as a permitted use. APNs 089-050-042, -066, -067, and portions of Highlands Ranch Subdivision.

- d. **RESOLUTION 07-1214** Allocating Funding and Awarding Contract 2006-11, El Dorado Heights Water/Sewer Improvements Project to Atlas Peak Construction of Napa, California (Recommend Adoption)
Combined w/CC 07-10805

Contract 2006-11, El Dorado Heights Water/Sewer Improvements Project is for the installation of water mains and spot repair and replacement of segments of sanitary sewer mains on selected streets located in the El Dorado Heights Subdivision. This project will also repair a 6" water line crossing Kirker Creek near Pittsburg -Antioch Highway that was damaged by an automobile accident. Bids were opened on May 23, 2007, and Atlas Peak Construction of Napa, California submitted the lowest base bid in the amount of \$774,808. This Resolution will allocate funding, accept the plans and specifications for the Project, and award a construction contract to Atlas Peak Construction.

- e. **RESOLUTION 07-10805** Allocating Funding and Awarding Contract 2006-11, El Dorado Heights Water/Sewer Improvements Project to Atlas Peak Construction of Napa, California (Recommend Adoption)
Combined w/RDA 07-1214

See Executive Summary for Redevelopment Agency Resolution No. 07-1214.

- f. **RESOLUTION 07-10806** Awarding Contract No. 2004-10B, Downtown Pittsburg Utility Underground Project (Recommend Adoption)

City Staff opened bids for Contract 2004-10B, Downtown Pittsburg Utility Underground Project, on May 23, 2007. The project consists of supplying and installing PVC conduits and junction boxes for the conversion of overhead utilities to underground, located in several blocks of residential infrastructure in the Old Town area. The low bidder for construction of the Downtown Pittsburg Utility Underground Project is Ranger Pipelines, Inc., of San Francisco, California. Ranger Pipelines submitted a bid proposal in the amount of \$6,216,742.

- g. **RESOLUTION 07-10807** Authorization to Enter into a Memorandum of Understanding with Seecon Financial and Construction Co. Inc., Regarding San Marco Parks (Recommend Adoption)

Staff has negotiated a Memorandum of Understanding (MOU) with Seecon Financial and Construction Co. Inc., developer of the San Marco Subdivision, consolidating and refining numerous park land dedication, fee and park improvement requirements applicable to the San Marco development into a single document and is requesting the Council's approval of the MOU and related deal points.

- h. **RESOLUTION 07-10808** Approval of Final Map for Condominium Purposes for Subdivision 9101, Delta Hawaii (Recommend Adoption)

The Final Map for Subdivision 9101, Delta Hawaii is ready for acceptance.

- i. **RESOLUTION 07-10809** Authorizing Fiscal Year 2006/07 Capital Outlay for Information Technology Equipment (Recommend Adoption)

The City Manager herein requests City Council authorization to direct the City's Informational technology (IT) contractor, CMC Americas, Inc. to proceed with acquisition and procurement of the annual capital outlay of sixty (60) PC desktops to replace non-warranty and outdated equipment in various City Departments as approved under the FY 2006/07 City Operating Budget, and as a service component of the City's Information Technology Agreement with CMC Americas, Inc.

j. **MINUTE ORDER**

Letter in Support of Separate Bay Point Zip Code
(Recommend Adoption)

The City of Pittsburg has received a letter from the Bay Point Municipal Advisory Council (MAC) requesting formal support of Bay Point's request to the U.S. Postmaster for a separate Zip Code designation.

ADJOURNMENT to June 18, 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