



**CITY OF PITTSBURG
AGENDA**

MONDAY, MAY 21, 2007

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

and via teleconference for Vice Mayor Casey:

**50 LAKE STREET
PITTSBURG, CA 94565**

**CLOSED SESSION
6:00 P.M.**

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

**HOUSING AUTHORITY
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**

**For the Housing Authority:
Jerlean Mixon, Housing Authority Member
Cathy Wallen, 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 – 6:00 p.m.

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

Three (3) cases

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

Property:

2020 Railroad Avenue (APN 086-100-007, 086-007-021 (portion), 086-007-022 (portion))

Agency Negotiator:

Marc Grisham, Randy Starbuck, Kerry Lyman

Negotiating Parties:

Judicial Council of California, Administrative Office of the Courts

Under Negotiation:

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

PRESENTATION

1. Pittsburg Historical Society
2. Visit to Sister City of Shimonoseki, Japan

PROCLAMATIONS

1. 10 Year Anniversary of Black Diamond Blues Festival
2. Public Works Week

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: April 30, 2007 (Recommend Approval)
- b. **MINUTES** Dated: April 16, 2007 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: June 18, 2007

**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 7, 2007 (Recommend Approval)
- b. **CLAIMS** # 1771 Otto Hernandez Cristales (Recommend Denial)
- (Claims against the City which may cause expenditure of funds – on file
 in the Office of the City Clerk)
- c. **RESOLUTION 07-162** Approving the Increase of Funding for the Purchase of Wholesale Electricity and Natural Gas (Recommend Adoption)
- The Pittsburg Power Company requires an increase of \$200,000 to Island Energy’s budget to cover the purchase costs for wholesale electricity and gas for resale by Island Energy. Due to unforeseen climate conditions, the purchase budgets for wholesale electricity and natural gas will be exceeded. Extra funds are required to cover the purchase of gas and electricity to meet Island Energy customer requirements.
- d. **RESOLUTION 07-1204** Authorizing the Executive Director to Execute Assessment Ballots on Behalf of the Redevelopment Agency for the Proposed Increase to the Citywide Landscaping and Lighting District 1988-01 Annual Assessment (Recommend Adoption)
- The City is proposing an increase to the existing Citywide Landscaping and Lighting District 1988-01 (the District) for FY 2007-08 and for each future year following approval of the assessment increase. The Redevelopment Agency is the record property owner of 90 parcels within the District that are subject to the proposed assessment increase. Therefore, the Agency must authorize the Executive Director to execute the ballots on behalf of the City.
- e. **RESOLUTION 07-10792** Authorizing the City Manager to Execute Assessment Ballots on Behalf of the City for the Proposed Increase to the Citywide Landscaping and Lighting District 1988-01 Annual Assessment (Recommend Adoption)
- Combined w/RDA 07-1204

The City is proposing an increase to the existing Citywide Landscaping and Lighting District 1988-01 (the District) for FY 2007-08 and for each future year following approval of the assessment increase. The City of Pittsburg is the record property owner of 25 parcels within the District that are subject to the proposed assessment increase. Therefore, City Council must authorize the City Manager to execute the ballots on behalf of the City.

- f. **RESOLUTION 07-1205** Authorizing the Sale of 14 West Boulevard to the
Combined w/CC 07-10793 Redevelopment Agency of the City of Pittsburg
(Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is requesting authorization by the Agency Board to acquire 14 West Boulevard, from the City of Pittsburg.

- g. **RESOLUTION 07-10793** Authorizing the Sale of 14 West Boulevard to the
Combined w/RDA 07-1205 Redevelopment Agency of the City of Pittsburg
(Recommend Adoption)

See Executive Summary for 07-1205.

- h. **RESOLUTION 07-1206** Appropriating Funds and Extending Agreement for Contract
Planning Services (Recommend Adoption)

The Agency funded a two year Associate Planner/consultant position within the Planning Department to work on Redevelopment Agency projects and the funding is expended. The Agency is being requested to extend the funding and Pacific Municipal Consultants (PMC) consultant services agreement for this position through the end of fiscal year 07-08.

- i. **ORDINANCE 07-1284** Comprehensive Zoning Code Update, Phase II
(Recommend Adoption)

On May 7, 2007, the Council introduced Ordinance No. 07-1284 amending Pittsburg Municipal Code Title 18 (Zoning Ordinance), in order to implement the goals, policies and land uses in the General Plan. Ordinance No. 07-1284 is being brought back before the Council for adoption.

- j. **RESOLUTION 07-10794** Acceptance of Public Improvements Within Subdivision
8795 Stanford Place for Continuous Maintenance
(Recommend Adoption)

The Developer has completed the public improvements within Subdivision 8795, Stanford Place, and they are ready for acceptance and continuous maintenance by the City.

- k. **RESOLUTION 07-10795** Establishing a Deposit Reimbursement Account for Buildings Plan Check Services Related to Major Commercial Projects (Recommend Adoption)

Staff recommends the City Council authorize staff to establish a deposit reimbursement account for Plan Check Services for major commercial projects whereby fees collected according to the Master Fee Schedule will be deposited into the account and used to pay the City's plan checking consultants. At the conclusion of the project, remainder funds will be transferred to the General Fund for reimbursement of the City's administrative costs for these services.

- l. **RESOLUTION 07-10796** Clarification of the Declaration of Intent Regarding the New Mecca Square Project as it Relates to the New York Landing Historic District (Recommend Adoption)

The City Council of the City of Pittsburg adopted Resolution No. 07-10767 on April 16, 2007. The resolution that the City Council approved was a draft version of the resolution that was inadvertently included in the Council packets in place of the final version. The attached resolution, Resolution No. 07-10796, is the corrected and intended version that should rescind and replace Resolution No. 07-10767.

- m. **RESOLUTION 07-10797** Approve Authorizing a Total Expenditure of \$78,000 to Ajilon for Temporary Staffing in the Finance Department and \$118,000 for Utility Billing Postage and Mailing Services to Mail Stream (Recommend Adoption)

Approve the payments for utility billing mailing services (including postage) and for temporary staffing service in the Finance Department required during Fiscal Year 2006/2007 due to the unforeseen two account clerk and one accounting technician vacancies. In addition, additional temporary staffing was necessary to provide assistance in converting to the new utility billing and business license software within defined time constraints.

- n. **RESOLUTION 07-10798** Authorizing Used Oil Block Grant Program Application (Recommend Adoption)

The California Integrated Waste Management Board maintains a grant program to fund projects that promote used motor oil recycling. The Used Oil Block Grant application to promote used oil and filter recycling requires a resolution from the participating jurisdiction as part of its submittal package for this non-competitive funding.

- o. **RESOLUTION 07-10799** Approve Authorization of Staffing Increase of One (1)
Combined w/07-1207 Additional Finance Division Manager Position Within the
Finance Department (Recommend Adoption)

The City Manager/Executive Director is recommending the addition of one Finance Division Manager to better support the administration and on-going professional accounting and reporting needs of the Finance Department.

- p. **RESOLUTION 07-1207** Approve Authorization of Staffing Increase of One (1)
Combined w/07-10799 Additional Finance Division Manager Position Within the
Finance Department (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 07-1207.

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10735** Appeal of Planning Commission Approval of Victory Outreach Recovery Home (AP-06-379) (UP) (Recommend Deny Appeal and Uphold Planning Commission Decision)

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.

2. **RESOLUTION 07-10779** City-initiated General Plan Amendments in Conjunction with the Phase II Zoning Code Update (Recommend Adoption)

On May 7, 2007, the Council introduced Ordinance No. 07-1284 amending Pittsburg Municipal Code Title 18 (Zoning Ordinance), in order to implement the goals, policies and land uses in the General Plan. Ordinance No. 07-1284 is being brought back before the Council for adoption.

3. **RESOLUTION 07-10787** Black Diamond (Vidrio) Project – Consideration of Supplemental Environmental Impact Report (Recommend Adoption)

A Supplemental Environmental Impact Report (SEIR) was prepared for the Black Diamond (Vidrio) Project in response to a settlement agreement resulting from a CEQA legal challenge on the project. The Council is being asked to certify the SEIR and adopt related CEQA findings. The Redevelopment Agency will consider a separate related request to amend the project Disposition Development Agreement (DDA).

4. **RESOLUTION 07-10788**
Combined w/RDA 07-1202 Approval of a First Amendment to the First Amended and Restated Disposition and Development Agreement by and among the Redevelopment Agency of the City of Pittsburg, Trinity Housing Foundation, and Black Diamond Old Town, LLC (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 07-1202.

5. **ORDINANCE 07-1285** Introduction of an Ordinance Prezoning Sky Ranch II Development Area RZ-02-21 (Recommend Introduction and Waive First Reading)

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.

6. **RESOLUTION 07-10789** Approving CEQA Findings, Adopting a Statement of Overriding Considerations and Adopting a Mitigation Monitoring and Reporting Program for Sky Ranch II Project (Recommend Adoption)

See Executive Summary for Ordinance No. 07-1285.

7. **RESOLUTION 07-10790** Establishing an Appeals Processing Fee (Recommend Adoption)

It is necessary to establish enforceable minimum standards for existing structures and property located within the City of Pittsburg. City Ordinance No. 06-1272, entitled "Maintenance of Boarded and Vacant Buildings" and Ordinance No. 05-1245, entitled "Administrative Citations" each support the issuance of citations and fines to gain compliance with minimum standards. In addition they each support the levying of an "Appeals Processing Fee" to recover the costs of providing an avenue for appealing such citations and fines.

CONSIDERATION

1. **RESOLUTION 07-10780** Denying an Appeal, Adopting a Negative Declaration and Approving Design Review Application No. 05-283 (Dow Chemical Company MEI Project) (Recommend Deny Appeal and Uphold Planning Commission Decision, Adopt Resolution)

The City Council is requested to take action on an appeal filed by Tanya A. Gulesserian of Adams Broadwell Joseph & Cardozo, on behalf of local/regional trade unions, regarding Planning Commission Resolution No. 9693 approving Design Review Application No. 05-283 for plans to add equipment to an existing three to five story tall steel lattice frame rack system within an existing Methyl Ester Intermediate (MEI) production plant located at 901 Loveridge Road, IG (General Industrial) District; APN 073-220-028. The public hearing on this item was closed and

no further testimony will be accepted. The item was then continued from the May 7, 2007 Council meeting to allow the Council more time to read information it received on this item.

2. **RESOLUTION 07-10791**
Combined w/RDA 07-1203 Approval of a Real Property Exchange Agreement by and Between the Redevelopment Agency of the City of Pittsburg and the Judicial Council of California, Administrative Office of the Courts for a New Pittsburg Superior Courthouse (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 07-1203.

ADJOURNMENT To: June 4, 2007

REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 07-1202**
Combined w/CC 07-10788 Approval of a First Amendment to the First Amended and Restated Development Agreement by and among the Redevelopment Agency of the City of Pittsburg, Trinity Housing Foundation, and Black Diamond Old Town, LLC (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg entered into a Disposition and Development Agreement, dated November 7, 2005, with Black Diamond Old Town, LLC to develop a three-block, mixed-use project in Old Town. The Agency entered into the First Amended and Restated Disposition and Development Agreement, dated June 19, 2006, with the Developer and Trinity Housing Foundation. The Agency proposes to enter into a First Amendment to the Amended and Restated DDA to allocate additional funds for the Project and to change certain timeframes outlined in the Schedule of Performance associated with Phase II.

CONSIDERATION

1. **RESOLUTION 07-1203**
Combined w/CC 07-10791 Approval of a Real Property Exchange Agreement by and Between the Redevelopment Agency of the City of Pittsburg and the Judicial Council of California, Administrative Office of the Courts for a New Pittsburg Superior Courthouse (Recommend Adoption)

Under the terms of the proposed agreement, the Agency will deed the courts 3.11 acres of city and school district property, and after construction of a new courthouse on the 3.11 acres, the courts will deed the Agency a portion of the existing court property, consisting of approximately 2.86 acres. The new courthouse will expand Pittsburg court facilities from 4 courtrooms to 7, with the ability to expand to 10 courtrooms at a later date. The Agency will also be required to provide some parking on Agency land for the new courthouse.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: June 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