



**CITY OF PITTSBURG  
AGENDA**

**MONDAY, MAY 7, 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  
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**

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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:

Four (4) cases

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)

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

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PRESENTATION**

1. Pittsburg Library 40<sup>th</sup> Anniversary

**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 07-1195**  
          **Combined w/CC 07-10769**

Approval of a Disposition and Development Agreement by and between the Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc. and Making Certain Findings Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc., a California corporation, have negotiated terms for a Disposition and Development Agreement for the development of three single-family homes on a vacant 15,000-square-foot parcel of land at 60 Cornwall Street, in the City of Pittsburg.
  
2.     **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 Open Public Hearing and Continue to June 4, 2007)

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. Staff noticed a public hearing for the amended lease for May 7, 2007. Staff and EJ Phair are still negotiating the lease and request the public hearing be continued until June 4, 2007.
  
3.     **RESOLUTION 07-1197**  
          **Combined w/CC 07-10777**  
          **Combined w/CC 07-10778**

Clarification of the Mirant Power Generation Plant Generation Area (Recommend Adoption)

The City and Agency have been working cooperatively with Contra Costa County pursuant to the Mirant Power Generation Plant Annexation Area. The first agreement is an Allocation of Tax Revenues for the Annexation Area and the second agreement is for the construction of two replacement fire stations for Stations 84 and 85 and a Fire Prevention Bureau.

## CITY COUNCIL MEETING

### PUBLIC HEARING

1.     **RESOLUTION 07-10769**     Approval of a Disposition and Development Agreement by and between the Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc. and Making Certain Findings Herewith (Recommend Adoption)  
          **Combined w/RDA 07-1195**  
  
          The Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc., a California corporation, have negotiated terms for a Disposition and Development Agreement for the development of three single-family homes on a vacant 15,000-square-foot parcel of land at 60 Cornwall Street, in the City of Pittsburg.
  
2.     **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 Open Public Hearing and Continue to June 4, 2007)  
          **Combined w/RDA 07-1196**  
  
          See Executive Summary for Redevelopment Agency Resolution No. 07-1196.
  
3.     **RESOLUTION 07-10777**     Clarification of the Mirant Power Generation Plant Generation Area (Recommend Adoption)  
          **Combined w/RDA 07-1197**  
          **Combined w/CC 07-10778**  
  
          See Executive Summary for Redevelopment Agency Resolution No. 07-1197.
  
4.     **RESOLUTION 07-10778**     Clarification of the Mirant Power Generation Plant Generation Area (Recommend Adoption)  
          **Combined w/RDA-07-1197**  
          **Combined w/CC 07-10777**  
  
          See Executive Summary for Redevelopment Agency Resolution No. 07-1197.
  
5.     **RESOLUTION 07-10779**     City-initiated General Plan Amendments in Conjunction with the Phase II Zoning Code Update (Recommend Adoption)  
  
          This is a City-initiated proposal to amend the Land Use, Downtown, Open Space & Youth & Recreation, Health & Safety, and Housing Elements of the General Plan in order to reflect existing conditions and support private reinvestment in established neighborhoods throughout the City. Other amendments proposed to be made to the General Plan would expand the boundaries of the *Mixed*

Use land use designation to include additional sites along West Tenth Street and West Leland Road, in order to encourage mixed use development and neighborhood-serving commercial nodes in those areas of the City. On March 27, 2007, the Planning Commission held a public hearing and then adopted Resolution No. 9698 recommending adoption of the proposed General Plan amendments.

6. **ORDINANCE 07-1284** Comprehensive Zoning Code Update, Phase II (Recommend Introduction and Waive First Reading)

This is a City-initiated proposal to amend Pittsburg Municipal Code (PMC) Title 18 (Zoning Ordinance), in order to implement the goals, policies, programs and land use designations in the General Plan. This proposal includes both extensive Zoning Ordinance text changes and Zoning Map changes as deemed necessary to make them consistent with the General Plan. On March 27, 2007, the Planning Commission held a public hearing and then adopted Resolution No. 9699 recommending adoption of the proposed Zoning Ordinance amendments.

7. **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.

**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: April 16, 2007 (Recommend Approval)
  
- b. **CLAIMS** #1759 Marie Propps/Lisa T's Pampered Pets; #1760 Paul Orlando; #1762 Ernie S. Gomez (Recommend Denial)  
  
(Claims against the City which may cause expenditure of funds – on file in the Office of the City Clerk)
  
- c. **RESOLUTION 07-1198** Adopting an Updated List of On-Call Environmental Consultants (Recommend Adoption)  
  
The Polanco Redevelopment Act, California Health and Safety Code Section 33459 et seq. provides specifically in section 33459.4(a) that a redevelopment agency may recover costs for environmental clean-up provided that the goods and services were procured in accordance with applicable procurement procedures. On February 22, 2005, the Redevelopment Agency of the City of Pittsburg adopted Resolution 05-1029 establishing applicable procurement procedures when using the Act. In compliance with the procurement procedures the Agency established a list of environmental consultants who have experience with assessment and clean-up of various types of contaminated properties and the use of the Act. The Agency desires to update the list of environmental consultants and to enter into two year agreements with participating Consultants.
  
- d. **RESOLUTION 07-10781** Directing the Engineer of Work to Prepare and File the Annual Report for Oakhills Landscaping and Lighting Assessment District 1988-02, Oakhills (FY 2007-08) (Recommend Adoption)  
  
Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Oakhills Landscaping & Lighting Maintenance District 88-02. Upon receipt and approval of the Engineer's report, the City Council will order that the assessments be placed on the County tax roll. Revenue collected through this district is necessary to fund

the City's landscaping and lighting operations in the Oakhills area.

- e. **RESOLUTION 07-10782** Acceptance of Contract with Ferreira Services, Inc. to Upgrade the City Hall Heating, Ventilation and Air Conditioning Control System as Complete (Recommend Adoption)

On March 6, 2006, the City Council adopted Resolution No. 06-10502 awarding a contract in the amount of \$239,000 to Ferreira Services, Inc. (FSI) to upgrade the City Hall heating, ventilation and air conditioning control system. All of the work for the project has been completed and the City is ready to accept the contract as complete.

- f. **RESOLUTION 07-10783** Allocating Funding and Awarding Contract 2006-09, City Park Soccer Field Project to Cleary Brothers, Inc. of Danville, California for Construction of a Soccer Field at City Park (Recommend Adoption)

The City currently has a shortage of soccer fields available for use by local residents. This Resolution will authorize staff to execute Contract 2006-09 for the construction of an all weather synthetic turf, lighted soccer field at City Park.

- g. **RESOLUTION 07-10784** Authorize Increase in Public Works Maintenance Service Supply Purchase Contracts (Recommend Adoption)

The City of Pittsburg Public Works Department has a budget in excess of \$24 million and requires large quantities of supplies to carry out its repair and maintenance functions. Each fiscal year, the City receives bids and the City Council approves purchase orders for some of the larger supply contracts required by the Public Works Department. As a result of increasing Public Works department productivity and escalating prices, the original authorizations for materials and supplies approved by the City Council earlier this year will be exceeded prior to the end of this fiscal year. Public Works staff is requesting that the City Council increase the authorized spending limits on several purchase orders to allow the Public Works Department to continue to provide maintenance and repair services.

- h. **RESOLUTION 07-10785** Adoption of Updated City Standards (Recommend Adoption)

Standard details and standard specifications are published by public agencies as guidelines for developers, contractors, and the general public that describe the acceptable methods to design, bid and build public improvements. These guidelines must be updated

periodically to remain current with state and federal regulations and new construction methods.

- i. **RESOLUTION 07-10786** Acceptance of Public Improvements within Subdivision 8519, San Marco Unit 6, for Continuous Maintenance (Recommend Adoption)

The Developer has completed the public improvements within Subdivision 8519, San Marco Unit 6, and they are ready for acceptance and continuous maintenance by the City.

**ADJOURNMENT** To: May 21, 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 <sup>nd</sup> Monday	M. Rodriguez
Delta Diablo Sanitation	Nancy Parent / Ben Johnson Alt.	Standing	2 <sup>nd</sup> 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 <sup>nd</sup> 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 <sup>rd</sup> Thursday	B. Nail
Library Commission	Nancy Parent / Michael Kee	Standing	As needed	P. Flores
Mayor's Conference	Ben Johnson / Will Casey Alt.	Standing	1 <sup>st</sup> 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