



**CITY OF PITTSBURG
AGENDA**

MONDAY, APRIL 2, 2007

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

**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.

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 REAL PROPERTY NEGOTIATOR (Section 54956.8):

Property:

1301 Standard Oil Avenue (APN 073-230-007)

Agency Negotiator:

Marc Grisham, Randy Starbuck, Kerry Lyman

Negotiating Parties:

City of Pittsburg

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

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 07-1188**
Combined w/CC 07-10747 Authorize the Executive Director to Execute a Lease Agreement by and between the Redevelopment Agency of the City of Pittsburg and Nicolas Mamaari and Johny Khalilieh (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Nicolas Maamari and Johny Khalilieh, doing business as "La Veranda Bar and Grill", desire to execute a sublease agreement for the lease of commercial space located at 444-446 Railroad Avenue.

CONSIDERATION

1. **RESOLUTION 07-1189** Approving a Commercial Rehabilitation Loan to Nicolas Mamaari and Johny Khalilieh (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Nicolas Mamaari and Johny Khalilieh, doing business as "La Veranda Bar and Grill" desire to enter into a loan agreement for One Million Three Hundred Thousand Dollars (\$1,300,000). The Loan shall be used to renovate the existing commercial spaces located at 444-446 Railroad Avenue.

2. **RESOLUTION 07-1190** Consideration of Authorization to Prepare and Execute Assignment Agreements for the Purchase of 554 and 559 E. 10th Street, the Deluxe Motel and the Budget Motel (Recommend Adoption)

West 10th Street Associates, LLC (Stan Davis) is in escrow to purchase 554 and 559 W. 10th Street by April 16. Staff seeks authorization to prepare and execute assignment agreements for the properties so the Agency may purchase same, make relocation payments to the tenants and demolish the structures.

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10747** Authorize the Executive Director to Execute a Lease Agreement by and between the Redevelopment Agency of the City of Pittsburg and Nicolas Mamaari and Johny Khalilieh (Recommend Adoption)
Combined w/RDA 07-1188

See Executive Summary for Redevelopment Agency Resolution No. 07-1188.

2. **RESOLUTION 07-10748** Resolution to Pass on the Increase in the Contra Costa Water District's Untreated (Raw) Water Service Revenues and Facilities Reserve Charges (Recommend Adoption)

The Contra Costa Water District raises its raw water facility reserve charges annually. This is in recognition of the rapid growth in water service demand due to an ever expanding populace. The resolution before Council passes on this latest increase in the Contra Costa Facility Reserve Charge on to the new user in 60 days.

**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: March 19, 2007 (Recommend Approval)
- b. **CLAIMS** #1761 Debra Anderson; #1763 Kenneth Tanksley; #1766 Byron Blansett (Recommend Denial)

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

- c. **RESOLUTION 07-1191** Approval of a Demolition Contract by and between the Redevelopment Agency of the City of Pittsburg and Complete Decon, Inc. for the Property Located at 96 E. 5th Street and 500–520 Railroad Avenue (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg solicited bids to demolish the existing improvements located on Assessor’s Parcel Number 085-166-016 and commonly referred to as 96 East 5th Street and 500-520 Railroad Avenue. Complete Decon, Inc. was the low bidder at Sixty Eight Thousand Four Hundred Twenty Five Dollars (\$68,425). The Agency and the Contractor desire to enter into a construction contract to demolish the improvements.

- d. **RESOLUTION 07-1192** Approval of an Owner Participation and Acquisition Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Palm Plaza Group, LLC (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Palm Plaza Group, LLC have negotiated terms for an Owner Participation and Acquisition Loan Agreement for the acquisition and rehabilitation of two (2) four-plexes of 2-bedroom apartments for a total of eight units located at 424-426 West 10th Street and within the redevelopment project area boundaries. The Borrower intends to acquire the Property and substantially rehabilitate the improvements on the Property into eight (8) 2-bedroom, 1-bathroom apartment units. The Borrower intends to rent three (3) rehabilitated units to very low income and five (5)

rehabilitated units to moderate income households at affordable housing costs.

- e. **RESOLUTION 07-160** Amending Pittsburg Power Company's Annual Budget for FY 2006-2007 to Provide for Increasing Trans Bay Cable Project Reimbursement Program Funding by \$150,000 for Legal Consultants (Recommend Adoption)

The Pittsburg Power Company is requesting a budget increase adjustment of \$150,000 to cover Legal Expenses for the Trans Bay Cable Project for the remainder of Fiscal Year 2006-2007. PPC has retained legal services from Mr. Russell Townsend in performing its obligations under the Project Development Agreement entered into with Trans Bay Cable, LLC. In order to continue PPC's due diligence and participation in the Trans Bay Cable Project, staff is recommending that the Pittsburg Power Company legal budget for FY 2006-2007 be increased by \$150,000.

- f. **RESOLUTION 07-161** Authorizing the Executive Director to Accept the Assignment of the State Lands Commission Lease for the Trans Bay Cable Project (Recommend Adoption)

The Pittsburg Power Company has negotiated a joint power development project with Trans Bay Cable LLC, a subsidiary of Babcock and Brown Power Operating Partners LLC, on a direct current transmission line between the City of Pittsburg and the City of San Francisco. The project site in Pittsburg is the West 10th Street Alternative 1 Converter Station Site as modified in the EIR Addendum, with the DC Transmission Line running under the San Francisco Bay to the vicinity of the Potrero Power Plant and Substation. The Project includes a lease with the State Lands Commission that must be assigned effective upon Commercial Operation.

- g. **RESOLUTION 07-10749** Approve a Resolution Creating a List of Approved Contractors Who Offer Services to Board Up Residences which are Subject to Ordinance No. 06-1272, Maintenance of Boarded and Vacant Buildings (Recommend Adoption)

It is necessary to assemble a list of qualified contractors to provide board up services in conjunction with City of Pittsburg Ordinance 06-1272, Maintenance of Boarded and Vacant Buildings.

- h. **RESOLUTION 07-10750** Accepting Contract 2006-09B, City Park Tree Removal Project as Complete (Recommend Adoption)

Contract 2006-09B, City Park Tree Removal Project was for the removal of several trees at City Park to make room for the installation of a full size artificial turf soccer field now

being designed. The tree removal is now complete for a total cost of \$78,915. This Resolution will accept Contract 2006-09B as complete.

- i. **RESOLUTION 07-10751** Contributing Sponsorship for the Fifth Annual Day of the Teacher 2007 (Recommend Adoption)

The California State University, East Bay, Concord Campus is hosting the 5th Annual Day of the Teacher 2007 to be held Saturday, April 28, 2007. Consequent to tremendous budget cuts for educational institutions the California State University, East Bay, is requesting the assistance and support of our local community toward ensuring the success of this event.

- j. **RESOLUTION 07-10752** Amend Resolution No. 06-10521 to Include West Coast Code Consultants Inc. and Bureau Veritas North America, Inc. Within Section 2 and Remove Linhart, Peterson, Powers Associates and Berryman & Henigar, LLC from Section 2 (Recommend Adoption)

It is necessary to amend Resolution No. 06-10521 by adding West Coast Code Consultants, 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. The firms of Linhart, Peterson, Powers Associates and Berryman & Henigar, LLC have joined and are today part of Bureau Veritas North America, Inc.

- k. **RESOLUTION 07-10753** Approving a Request to the California Department of Housing and Community Development for Allocation of Workforce Housing Reward Funds for 2006 Program Year (Recommend Adoption)

The California Department of Housing and Community Development (HCD) administers the Workforce Housing Reward (WFH) Grant reward program as an incentive to cities and counties that meet certain key requirements related to construction of housing affordable to low and very low income renters and buyers. The City Council must first approve a request to HCD before these funds may be allocated. The attached resolution approves the application to HCD for 2006 Program Year WFH Grant Reward Program funds to provide funds for a survey of ADA compliance of curb ramps throughout the city.

- l. **RESOLUTION 07-10754** Establishment of the Annual Stormwater Utility Area Fee for Fiscal Year 2007/2008 (Recommend Adoption)

The City Council is being requested to establish the Stormwater Utility Area fee to be assessed to properties in the City to finance activities necessary to comply with the Federal Clean Water Act and the City's Joint Municipal National Pollutant Discharge Elimination System (NPDES) permit.

- m. **RESOLUTION 07-10755** Authorizing the City Manager to Execute a Quitclaim Deed Conveying Title of Real Property to Contra Costa County for a Highway Right-Of-Way (Recommend Adoption)

The Contra Costa County Public Works Department has identified the need to acquire a portion of certain real property owned by the City of Pittsburg to be used as highway right-of-way for a previously completed phase of freeway widening and improvement. The County has requested that the City execute a quitclaim deed to convey title of the real property to the County.

- n. **RESOLUTION 07-10756** Approval of the Engineer's Report for the Proposed Increase to the Citywide Landscaping and Lighting District 1988-01 Assessment (Recommend Adoption)

On March 19, 2007, the City Council of the City of Pittsburg initiated proceedings for consideration of an increase to the Citywide Landscaping and Lighting District 1988-01; and directed the Engineer of Work, (City Engineer) to prepare an Engineer's Report for the proposed increase. The Engineer's Report was prepared in accordance with the requirements of California Constitution Article XIID and the 1972 Act. The Engineer's Report recommends an increase to the assessment for a residential land use by \$25 for a total assessment of \$102.18 per benefit factor. This amount is still substantially less than the actual assessment needed to cover all District costs based on current maintenance costs (\$121.74 per benefit factor). The City Council is being asked to adopt this resolution approving the Engineer's Report for the proposed assessment increase to the District.

- o. **RESOLUTION 07-10757** Declaration of Intent to Levy and Collect an Increased Annual Assessment for the Citywide Landscaping and Lighting District 1988-01 and to Schedule a Public Hearing on the Proposed Citywide 1988-01 District Assessment Increase (Recommend Adoption)

The City Council is being asked to adopt the resolution declaring the City's intent to levy and collect increased annual assessment for the Citywide Landscaping and Lighting District 88-01 and to schedule a Public Hearing on the proposed increase to the District assessment for FY

2007-08 and for each future year following approval of the assessment increase.

- p. **RESOLUTION 07-10758** Memorandum of Understanding with Pittsburg Soccer League for Stoneman Park Field Use (Recommend Adoption)

A Memorandum of Understanding has been developed relative to exclusive cost free usage of Stoneman Park Fields by the Pittsburg Soccer League. This non-profit league serves over 500 local youth who represent a large factor of the community's diverse make up. The league, in lieu of fees for field use, will provide field maintenance assistance, youth soccer camps and coaching instruction to city operated soccer programs. The league will also pay a field use fee per player as of the 2008 soccer season.

- q. **RESOLUTION 07-10759** Authorizing a Contract for Professional Financial Audit Services to Caporicci & Larson for Fiscal Years 2006-2007 through 2008-2009 and Authorizing the City Manager to Execute Such Agreement (Recommend Adoption)

It is common practice among municipalities to change audit firms every so many years for the purpose of acquiring a different accounting and financial perspective, and for the varied audit experience and approach. A rotational policy applied to audit firms can also increase management's confidence with the City's internal control practices, financial systems and procedures.

- r. **RESOLUTION 07-10760** Fiscal Year 2007/2008 Service Reduction Plan for the Departmental Budgets Related to the City Manager, City Clerk and Economic Development (Recommend Adoption)

The City Manager recommends a number of efficiency service reductions to spending that pertain to the departments of the City Manager, City Clerk and Economic Development. The recommendations presented in the Service Reduction Plan are programmed for implementation with the proposed Fiscal Year 2007-2008 City Operating Budget forecasted for adoption in June 2007.

- s. **RESOLUTION 07-10761** Authorizing Execution of Master Tax-Exempt Lease/Purchase Agreement for Voice Over Internet Protocol (VoIP) Telephone Equipment and Maintenance Services (Recommend Adoption)

The City Manager recommends execution of a five (5) year master tax-exempt lease agreement between the City of Pittsburg and Key Government Finance, Inc. to ensure financing for acquisition of a telephone VoIP system from CISCO Systems, Inc. which replaces an aging City

telephone system, and to ensure long-term maintenance services.

ADJOURNMENT To: April 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 December 18, 2006

<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 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