



**CITY OF PITTSBURG
AGENDA**

MONDAY, APRIL 16, 2007

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

**CLOSED SESSION
5:00 P.M.**

**WORKSHOP
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 – 5:00 p.m.

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

Property:

1. 301 E. 10th Street (APN 085-182-009)
2. 901 Los Medanos Street (APN 085-182-001)

Agency Negotiator:

1. Marc Grisham, Randy Starbuck, Kerry Lyman
2. Marc Grisham, Randy Starbuck, Kerry Lyman

Negotiating Parties:

1. Jose Rodriguez
2. Chattal Properties, Inc.

Under Negotiation:

1. Both price and terms of payment
2. Both price and terms of payment

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subdivision (b) of Section 54956.9:

Three (3) cases

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

One (1) case

CONVENE IN OPEN SESSION FOR WORKSHOP – 6:00 p.m.

1. Zoning Code Update Phase 2

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. East Bay Regional Communication System
2. New Employee Introductions

COUNCIL MEMBER REPORTS/REMARKS – *Council Members may make brief announcements or informal comments at this time. Council members may ask questions for clarification from City staff, and make a report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate). (No Action Required)*

CITY MANAGER REPORTS/REMARKS – *The City Manager may make brief announcements or informal comments at this time and brief the Council on items of interest. (No Action Required)*

CITIZENS REMARKS – *Members of the audience who wish to address the City Council or Agency Boards on issues that are not scheduled for the agenda and on any items listed as part of the Consent Calendar should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. (No Action Required)*

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: March 31, 2007 (Recommend Approval)
- b. **MINUTES** Dated: March 19, 2007 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: May 21, 2007

REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 07-1193**
Combined w/07-10765 Approval of a Disposition, Development, and Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Resources for Community Development and Making Certain Findings Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Resources for Community Development, a California nonprofit public benefit corporation, have negotiated terms for a Disposition, Development and Loan Agreement for the development of 71 rental dwellings and an approximate 3,400-square-foot community center to serve the residents of the development on a vacant, approximately 3.25-acre parcel of land located to the south of Frontage Road between Crestview Drive and Marsh Street, in the City of Pittsburg. Forty-nine percent (49%) of the units (or 35 units) will be restricted to extremely low, very low, and low income households while the other fifty-one percent (51%) of the units will be restricted to moderate income households.

CONSIDERATION

1. **RESOLUTION 07-1194** Consideration of an Exclusive Negotiating Rights Agreement with Garaventa Enterprises Inc. for a Proposed Business Park for the Site LA Unified Development Area (Recommend Adoption)

Garventa Enterprises, Inc. proposes developing the Site LA UDA as a business park. The purposed ENRA would provide for an 18-month negotiating period with the Developer to arrive at terms for an Owner Participation Agreement (OPA) or Disposition and Development Agreement (DDA) for the proposed project.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: May 7, 2007

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 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 086-190-03.

2. **RESOLUTION 07-10745** Adoption of a Resolution Approving the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) (Recommend Adoption)

On March 19, 2007, the City Council held a public hearing on the adoption of a Resolution approving the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) then continued the item to April 16, 2007 to allow additional time for completion of the Faria South/Montecito Mitigation and In-Lieu Fee Agreement. The City Council is being requested to adopt a resolution approving the HCP/NCCP as amended through December 19, 2006, including related CEQA findings. The resolution will also authorize the City Manager to execute the Implementing Agreement for HCP/NCCP and the Joint Exercise of Powers Agreement creating the East Contra Costa County Habitat Conservancy. The Council is also being requested to appoint the City's representative and alternate to the East Contra Costa County Habitat Conservancy.

3. **RESOLUTION 07-10765**
Combined w/07-1193 Approval of a Disposition, Development, and Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Resources for Community Development and Making Certain Findings Herewith (Recommend Adoption)

See Executive Summary for Resolution 07-1195.

CONSIDERATION

1. **RESOLUTION 07-10762** Naming and Dedicating Delta View Park as Officer Larry Lasater Park (Recommend Adoption)

An interest in naming the neighborhood park located adjacent to the Delta View Elementary School as Officer Larry Lasater Park has developed and gained community support. As known, Officer Larry Lasater served the Pittsburg community as a dedicated Police Officer whose watch ended in the performance of his duties. The naming of this park will honor Officer Lasater and the contribution he and his fellow Police Officers have made toward protecting and serving the City of Pittsburg.

- e. **RESOLUTION 07-1195** Provide Funds for an Additional Police Assistant Position
Combined w/07-10766 (Recommend Adoption)
- The Neighborhood Improvement Team (NIT) requires meetings with the public and individual property owners to improve conditions within the redevelopment area on both public and private property. The NIT recommends adding one (1) Police Assistant in order to better support the administration and ongoing programmatic needs of the NIT for the next two years.
- f. **RESOLUTION 07-10766** Increase the City's Staffing Allocation by One (1) Police
Combined w/07-1195 Assistant (Recommend Adoption)
- See Executive Summary for Resolution 07-1195.
- g. **RESOLUTION 07-1196** Declaration of Intent Regarding the New Mecca Square
Combined w/07-10767 Project as it Relates to the New York Landing Historic District (Recommend Adoption)
- The Redevelopment Agency of the City of Pittsburg formed a UDA for the Site Which is located within the District and contains the Contributing Buildings. The Developer submitted a Concept Proposal pursuant to the Agency's Owner Participation Rules. The City Council and the Agency Board desire that the Contributing Buildings are to remain in place for adaptive reuse consistent with the Secretary of the Interior's Standards and find that the Concept Proposal is not consistent with the City Council's or Agency Board's desires and goals in relation to the retention of the Contributing Buildings and that any proposals, agreement, or other actions related to the potential future development of the Site shall include retention and adaptive reuse of the Contributing Buildings.
- h. **RESOLUTION 07-10767** Declaration of Intent Regarding the New Mecca Square
Combined w/07-1196 Project as it Relates to the New York Landing Historic District (Recommend Adoption)
- See Executive Summary for Resolution 07-1196.
- i. **RESOLUTION 07-1197** Authorizing the Purchase of a Certain Portion of the Power
Combined w/07-10768 Avenue Right of Way from the City of Pittsburg (Recommend Adoption)
- One of the Agency's priority projects is the development a 5 story office building near the intersection of Power and Railroad Avenue in the southeast corner of the Civic Center master plan block. The City owns approximately 7.2 acres of right of way and associated parcels adjacent to existing Power Avenue (Exhibit A). This right of way is critical to the

future development of the Mid-Rise project and the eventual development of the southern portion of the Civic Center block. The Agency has budgeted \$3.9 million of tax increment funds to acquire the Power Avenue right of way from the City. On May 1, 2006 the Agency approved the expenditure of \$2.1 million in tax increment funds for the purchase of Phase I and on June 26, 2006, \$1.8 million in tax increment funds were allocated to complete the purchase of Phase II.

- j. **RESOLUTION 07-10768** Authorizing the Purchase of a Certain Portion of the Power Avenue Right of Way from the City of Pittsburg (Recommend Adoption)
Combined w/07-1197

See Executive Summary for Resolution 07-1197.

- k. **RESOLUTION 07-10770** Approval of Submission of CalHome Program Application for Mortgage Assistance and Owner Occupied Rehabilitation (Recommend Adoption)

The California Department of Housing and Community Development (HCD) have announced that it is accepting applications for funding under the CalHome Program. The Department of Housing and Community Programs would like to submit an application for funding in the amount of \$600,000.

- l. **RESOLUTION 07-10771** Adopt a Resolution Accepting Contract 2005-29, Central Park Soccer Field, Pittsburg-Antioch Highway at USS-POSCO Driveway, as Complete (Recommend Adoption)

Contract 2005-29 City Park Soccer Field Project has provided a new lighted grass soccer field located in a formerly unimproved area of Central Park along Pittsburg-Antioch Highway. Planned Environments Inc. completed construction of this field on March 29, 2007 at a total cost of \$622,334.12.

- m. **RESOLUTION 07-10772** Approval of Sister City Visit to Shimonoseki, Japan (Recommend Adoption)

The City of Pittsburg has maintained a sister city relationship with the City of Shimonoseki, Japan since 1998 with an interest to pursue cultural, social, educational and economic development between the two cities. Toward the continuation of this relationship the Mayor of Shimonoseki, Kiyoshi Ejima, has extended an invitation to the Mayor of Pittsburg and his staff to visit Shimonoseki during its Goldenweek Festival. Relative to the adopted sister city policy staff is now presenting to City Council the proposed sister city visit to Shimonoseki for consideration and approval.

- n. **REPORT** Receive Staff Report on the Review of Development Impact Fees Received by the City of Pittsburg that are Subject to AB 1600 Reporting Requirements (Recommend Acceptance)

With the passage of AB 1600 (Government Code Sections 66000-66008) cities must justify and account for developer fees which they enact, increase or impose as a condition of new development for the purposes of financing "public facilities and improvements." Also under AB 1600 there is a reporting requirement for an annual review of the developer fees that have been collected and spent during the previous fiscal year.

- o. **RESOLUTION 07-10773** Receive Report and Adopt Resolution Approving the City of Pittsburg Investment Policy of Public Funds to be Effective April 16, 2007 (Recommend Adoption)

State law recommends that public agencies submit a Statement of Investment Policy to the legislative body on an annual basis for review and adoption. Eligible investments are those allowable by the State of California (Government Code Section 53600 et. seq.) and not restricted by the current investment policy for the City of Pittsburg. The City further restricts its permitted investments beyond the scope set forth by the State to provide additional safety in the management and investment of its public funds. It should be noted that the overall objective of the City's investment policy is safety of principal. The City's portfolio has been designed in a manner responsive to the public trust and consistent with State and local law.

- p. **RESOLUTION 07-10774** Review and Approval of the Growth Management Program Compliance Checklist for Calendar Years 2004 and 2005 (Recommend Adoption)

Contra Costa Transportation Authority (CCTA) requires the City to submit a biennial Measure C Growth Management Program (GMP) Compliance Checklist in order to be eligible to receive its portion of Measure C's 18% Local Street Maintenance and Improvement funds for Fiscal Years 2005-06 and 2006-07. This checklist covers the reporting period of Calendar Years 2004 and 2005. The estimate of the City's FY 2005-06 allocation is \$685,000.

- q. **RESOLUTION 07-10775** Authorizing Participation in the East Bay Regional Communication System (EBRCS) (Recommend Adoption)

The City Manager recommends the City Council adopt a resolution which authorizes participation in the establishment

of an East Bay Regional Communication System (EBRCS) to consist of a joint powers authority consisting of 23 member public agencies within Alameda and Contra Costa counties to provide for an interoperable communications system for law enforcement and fire department services.

r. **REPORT**

Summary of Key Events of Santa Lucia Slide (Recommend Acceptance)

On June 6 and July 13, 2006 a landslide event took place along the common property line between Vista Del Mar Subdivision and the San Marco Subdivision as grading was being performed to construct Vista Del Mar. City inspectors and Geotechnical Consultants have been involved throughout the analysis and repair process on a daily basis. The City has contracted with consulting firms to monitor movement of affected homes and provide peer reviews on proposed repair methodologies. Soil stabilization work in the area was completed in November 2006.

ADJOURNMENT To: May 7, 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