



**CITY OF PITTSBURG
AGENDA**

MONDAY, MARCH 19, 2007

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

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

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

**HOUSING AUTHORITY
REDEVELOPMENT AGENCY
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 REAL PROPERTY NEGOTIATOR (Section 54956.8):

Property:

1. 1605 Railroad Ave. (APN 086-175-014)
2. 1044 Cumberland St. (APN 085-204-010)
3. 1056 Cumberland St. (APN 085-204-011)
4. 1073 Cumberland St. (APN 085-205-002)
5. 554 W. 10th St. (APN 085-270-016)
6. 254 Bay Crest Drive (APN 085-300-162)

Agency Negotiator:

1. Marc Grisham, Randy Starbuck, Kerry Lyman
2. Marc Grisham, Randy Starbuck, Kerry Lyman
3. Marc Grisham, Randy Starbuck, Kerry Lyman
4. Marc Grisham, Randy Starbuck, Kerry Lyman
5. Marc Grisham, Randy Starbuck, Kerry Lyman
6. Marc Grisham, Randy Starbuck, Kerry Lyman

Negotiating Parties:

1. Robert Fitz-Stephens
2. Sabina Velez
3. Valenzuela B. & Rosario Cain
4. Raizel Sydell Enterprises
5. Hitesh D. & Vina H. Patel
6. Bay Harbor Park Homeowner's Association

Under Negotiation:

1. Both price and terms of payment
2. Both price and terms of payment
3. Both price and terms of payment
4. Both price and terms of payment
5. Both price and terms of payment
6. Both price and terms of payment

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

One (1) case

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

Two (2) cases

- c. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Section 564956.9(a))

West Coast Home Builders, Inc., and Seecon Financial & Construction Co., Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, et al, Contra Costa County Case No. N07-0174

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Don't Trash Pittsburg

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 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

PUBLIC HEARING

1. **RESOLUTION 07-228** Adoption of Pittsburg Housing Authority 2007 Annual Plan (Recommend Adoption)

As required by the U.S. Department of Housing and Urban Development and contained in CFR 24 parts 35 and 982, the Housing Authority has prepared the 2007 Annual Plan.

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 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 or the public prior to the time the Council votes on the motion to adopt.*

- a. **DISBURSEMENT LIST** Dated: February 28, 2007 (Recommend Approval)
- b. **MINUTES** Dated: February 20, 2007 (Recommend Approval)
- c. **RESOLUTION 07-229** Adoption of Updated 2007 Utility Allowance Schedule (Recommend Adoption)

The 2007 Utility Allowance Schedule has been updated to indicate current average usage for various property combinations.

ADJOURNMENT OF THE HOUSING AUTHORITY To: April 16, 2007

REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 07-1185**
Combined w/CC 07-10734 Making Certain Findings Required by the Redevelopment Law and Authorizing Funding for an Agreement Between the City of Pittsburg and Harris Design (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg desires to fund the costs incurred by the City of Pittsburg in connection with the services of William Harris, a sole proprietorship, doing business as "Harris Design" to design the master plan for the park that is bordered by North Parkside Drive to the north, Railroad Avenue to the east, Civic Avenue to the south, and Davi Avenue to the west.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: April 2, 2007

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10734** Making Certain Findings Required by the Redevelopment Law and Authorizing Funding for an Agreement Between the City of Pittsburg and Harris Design (Recommend Adoption)
Combined w/RDA 07-1185

See Executive Summary for Redevelopment Agency Resolution No. 07-1185.

2. **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.

3. **RESOLUTION 07-10736** Clear Channel Billboard Relocation Appeal: Appeal of Planning Commission Approval of Design Review Application No. AP-06-402 (Recommend Deny Appeal and Uphold Planning Commission Decision)

The Planning Commission approved a design review application for a replacement commercial billboard to be installed on a 2.8 acre site located at 2691-2695 East Leland Road in the CS (Service Commercial) District. Tina Wehrmeister, the Deputy Director of Community Development for the City of Antioch, filed an appeal of the Planning Commission's approval and the Council must now act on both the appeal and the original design review application.

**REDEVELOPMENT AGENCY 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 or the public prior to the time the Council/Agency votes on the motion to adopt.*

- a. **MINUTES** Dated: February 20, 2007 (Recommend Approval)

- b. **CLAIMS** #1743 James McElroy (Recommend Denial)

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

- c. **RESOLUTION 07-1186** Approval of an Architectural Contract by and between the Redevelopment Agency of the City of Pittsburg and JMA Architecture (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg desires to retain the services of James Miller, a sole proprietorship, doing business as “JMA Architecture” to assist the Agency with the development and completion of the construction plans for the commercial space leased by the Agency.

- d. **RESOLUTION 07-1187** Adopting a Purchase Order Increase for Associated Right of Way Services Inc. (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg desires to adopt a purchase order increase for Associated Right of Way Services, Inc. contract.

- e. **RESOLUTION 07-10737** Proposed Amendment to eBART Memorandum of Understanding (Recommend Adoption)

BART staff is requesting the City enter into an amendment to the Memorandum of Understanding (MOU) with BART, CCTA, Contra Costa County, Tri Delta Transit and the cities of Oakley, Brentwood and Antioch that depicts amended roles and responsibilities for each party as pertaining to the State Route 4 East Corridor Transit Project.

- f. **RESOLUTION 07-10738** Accepting Contract 2005-28, California Avenue Pavement Rehabilitation Project as Complete and Authorizing the City

Engineer to File a Notice of Completion (Recommend Adoption)

The City Council awarded Contract No. 2005-28, California Avenue Pavement Rehabilitation Project to Bay Cities Paving & Grading, Inc. of Concord, California in the amount of \$1,612,306.60, on July 26, 2006. The project scope of work encompassed the rehabilitation of California Avenue between the Harbor Street off-ramp and Carion Court. The project was completed on December 14, 2006.

- g. **RESOLUTION 07-10739** Adopting the City of Pittsburg Capital Improvement Program for Fiscal Years 2006/07 through 2010/11 and Allocating Funding for Projects (Recommend Adoption)

The proposed 5-Year Capital Improvement Program (CIP) for fiscal years 2006/07 through 2010/11 includes 37 street improvement projects, 15 traffic signal projects, 42 water projects, 12 sewer projects, 32 storm drain projects, 16 building projects, 28 park projects, and 11 General projects. Included within these projects are 27 projects on which Staff recommends allocating funding.

- h. **RESOLUTION 07-10740** Acceptance of Contract No. 1999-03B, Traffic Signal Installation, Century Blvd. and North Park Blvd. as Complete (Recommend Adoption)

On June 19, 2006 the City Council adopted Resolution No. 06-10573 awarding Contract No. 1999-03B, to Richard A. Heaps Electrical Contractor, Inc. of Sacramento, California, in the amount of \$305,458 for the installation of a traffic signal at the intersection of Century Blvd. and North Park Blvd. The project encompassed the installation of an underground electric system, pavement widening, and the furnishing and installation of traffic signal equipment. Richard A. Heaps Electrical Contractor, Inc. has performed all the work of public improvement included in Contract No. 1999-03B, and has requested the City accept the Contract as complete.

- i. **RESOLUTION 07-10741** Initiation of Proceedings for the Consideration of an Increase to the Citywide Landscaping and Lighting District 1988-01 Assessment (Recommend Adoption)

In June 1988, the City Council confirmed the Engineer's Report, ordered improvements and levied the first annual assessment for Landscaping and Lighting District 1988-01. The assessment was originally set at \$69.24 and in FY 1990/91 it increased to \$77.18 where it has remained unchanged for the last 17 years. Since FY 1998/1999 the gap between the amount of annual assessments collected and the total amount needed to provide the 1988-01 District

services has increased. Although the District currently collects approximately \$2.0 million annually through property assessments, the shortfall continues to be subsidized by contributions from the General Fund. This year staff is considering an increase in the Assessment to ensure a stable funding mechanism for current and future 1988-01 District activities. This resolution will initiate proceedings for consideration of an increase to the 1988-01 District, pursuant to California Constitution Article XIID, and direct the Engineer of Work (City Engineer) to prepare and file the Engineer's Report.

j. **REPORT**

Receive and File the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006 and the "Audit" Memorandum on Internal Control Structure for the Year Ended June 30, 2006 (Recommend Acceptance)

In June of 1999, the Governmental Accounting Standards Board (GASB) established a new framework for financial reporting (GASB 34), which represents a fundamental revision of the financial reporting model for State and local governments which had been in place since 1979. With the submittal of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006 the City of Pittsburg has again met this new reporting requirement which was mandated beginning for Fiscal Year 2002-2003, and has received an unqualified or "clean opinion" by the City's auditing firm.

k. **REPORT**

Receive and File the Quarterly Investment Report as of December 31, 2006 (Recommend Acceptance)

The State of California recommends that the Chief Fiscal Officer at a minimum submit a comprehensive quarterly report to the legislative body containing detailed information on all securities, investments and funds under the management and oversight of a public agency.

l. **RESOLUTION 07-10742**

Approving a Request to the Metropolitan Transportation Commission for the Allocation of 2007-08 Transportation for Livable Communities Project Funding (Recommend Adoption)

The Contra Costa Transportation Authority administers a portion for the Transportation for Livable Communities (TLC) grant program on behalf of the Metropolitan Transportation Commission (MTC) to support projects for the benefit and/or use of pedestrians and bicyclists. The City Council must first approve a request to MTC before these funds may be allocated. The attached resolution approves the application to MTC for 2007/08 TLC Funds to fund construction of the Bailey Road Transit Access

Improvement Project, which will improve the safety of pedestrians and bicyclists in and around the Pittsburg/Bay Point BART station.

- m. **RESOLUTION 07-10743** Approving a Request to the Metropolitan Transportation Commission for the Allocation of 2007-08 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding (Recommend Adoption)

The Metropolitan Transportation Commission (MTC) provides Transportation Development Act (TDA), Article 3 funds to projects exclusively for the benefit and/or use of pedestrians and bicyclists. The City Council must first approve a request to MTC before these funds may be allocated. The attached resolution approves the application to MTC for 2007/08 TDA Article 3 Pedestrian/Bicycle Funds to provide engineering design for the Bailey Road Transit Access Improvement Project, which will improve the safety of pedestrians and bicyclists in and around the Pittsburg/Bay Point BART station.

- n. **RESOLUTION 07-10744** Request to Increase Police Assistant Allocations by One (Recommend Adoption)

The Police Department staff recommends the allocation of one additional Police Assistant in order to better support the administration and maintenance of Ordinance 06-1272 (Boarded and Vacant Building Ordinance).

- o. **REPORT** Clarification of the Mirant Power Generation Plant Annexation Area (Recommend Acceptance)

On June 19, 2006, the City Council adopted Resolution No. 06-10565 adopting the Negative Declaration and Amending the General Plan Land Use Designation on portions of approximately 1,091 acres for the Mirant Power Generation Plant Annexation. Recently, the Bay Point Municipal Advisory Council has requested clarification on the boundaries of the Mirant Power Generation Plant Annexation Area.

ADJOURNMENT To: March 26, 2007 – Special Meeting

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