



**CITY OF PITTSBURG
AGENDA**

TUESDAY, JANUARY 16, 2007

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

**PRESENTATION
5:00 P.M.**

**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.

PRESENTATION – 5:00 p.m.

1. 500 School Street Project

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:

500 School Street, APN 073-121-001

Agency Negotiator:

Marc S. Grisham, Randy Starbuck, Maria Aliotti

Negotiating Parties:

George Harris for Rainbow Homes and Albert Seeno III for Discovery Builders

Under Negotiation:

Both price and terms of payment

- b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Section 54956.9(a)):

Redevelopment Agency of the City of Pittsburg v. Raizel Sydell Enterprises et al.,
Contra Costa County Superior Court Case No. C05-02492

- c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

One (1) case

- d. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

Seven (7) cases

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

FERRIS WHEEL DONATION

1. Dow Chemical Corporation

PRESENTATION

1. New Employee Introductions
2. Citizen Response Management System Demonstration

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

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: December 31, 2006 (Recommend Approval)
- b. **MINUTES** Dated: December 18, 2006 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: February 20, 2007

REDEVELOPMENT AGENCY MEETING

CONFLICT OF INTEREST DECLARATION – *Redevelopment 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 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. **MINUTES** Dated: December 18, 2006 (Recommend Approval)
- b. **RESOLUTION 07-1176** Rescinding Resolution 06-1169 and Authorizing the Executive Director to Execute a Consultant Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Jon K. Takata Corporation (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg would like to retain the services of Jon K. Takata Corporation, a California corporation, doing business as Restoration Management Company, who possess the knowledge and technical skills necessary to remediate the contamination in the California Theatre that when finished, will provide the Agency's architect a safe environment to conduct its work.

- c. **REPORT** Acceptance of the Redevelopment Agency's Annual Report for Fiscal Year 2005-2006 (Recommend Acceptance)

Pursuant to Health and Safety Code 33080.4, the Redevelopment Agency of the City of Pittsburg is required to present an annual report to its legislative body within six months of the end of the Agency's fiscal year. The Annual Report packages were delivered to the Agency Board Members on December 22, 2006. The Annual Report included any requested changes made by the Agency Board before submission to the State of California.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: January 29, 2007

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10698** Establishing the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services), Providing for Future Annexation of territory and Providing for the Levy of a Special Tax therein to Finance Certain Public Services in and for Such Community Facilities District and Calling a Special Election to Submit to the Qualified Electors Within Such Community Facilities District the Question of Levying Such Special Tax and Establishing an Appropriations Limit for Such Community Facilities District (Recommend Adoption)

Combined w/07-10699

Combined w/07-1283

In accordance with the terms of the Development Agreement between the City of Pittsburg and William Lyon Homes, Inc., a Community Facilities District (CFD) or other financing mechanism shall be formed to provide funding for Park Maintenance and related services in the Vista Del Mar Subdivision. This matter was considered by the City Council at the November 27, 2006 meeting. By Resolution No. 06-10678 the City Council approved a proposed boundary map, declared Council intention to establish a Community Facilities District No. 2007-1 (Park Maintenance Services) and to levy a special tax therein to finance Park Maintenance and related services therein, including but not limited to the maintenance, operations (not including recreation program services) and repair of parks and related facilities, including replacements as needed of related facilities, including but not limited to buildings and structures, asphalt paths, concrete curbs and walks, trees, shrubs, vines, ground cover, turf, lights and irrigation systems, and services including but not limited to litter and debris removal, graffiti abatement, painting repairs to landscape structures, building maintenance and repairs, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, moving of lawns, trimming of vegetation, and the maintenance, repair and replacement of lighting systems within the parks, as defined in Exhibit A of the attached resolution. This resolution also provided for the future annexation of territory and had set a public hearing for January 16, 2007.

2. **RESOLUTION 07-10699** Determining the Result of the Special Mailed-Ballot Election Held in its Community Facilities District No. 2007-1 (Park Maintenance Services), on January 16, 2007 (Recommend Adoption)

Combined W/07-10698

Combined w/07-1283

See Executive Summary for Resolution No. 07-10698.

3. **ORDINANCE 07-1283**
Combined w/07-10698
Combined w/07-10699 Introduction of an Ordinance Levying a Special Tax for the Fiscal Year 2007-2008 and Following Fiscal Years Solely Within and Relating to the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services) (Recommend Introduction and Waive First Reading)

See Executive Summary for Resolution No. 07-10698.

4. **ORDINANCE 07-1282** Introduction of an Ordinance Approving Lawlor Estates Development Agreement AP-06-391 (DA) (Recommend Introduction and Waive First Reading)

Discovery Builders filed an application on behalf of Lawlor Estates, LLC, requesting approval of a development agreement to satisfy the affordable housing requirement for Tract 8112 by constructing three accessory dwelling units within Tract 8112, located on the south side of W. Leland Road, west of Chestnut Drive in the RS-O (Single Family with an Overlay (03-1212)) District. The Planning Commission is recommending approval of this application.

5. **RESOLUTION 07-10700** Amending the General Plan Relating Primarily to Measure P and Memoranda Of Understanding (MOU's) (Recommend Adoption)

The Council is requested to adopt a resolution to amend the General Plan to: 1) establish a new 'proposed sphere of influence line' to include all areas brought within the new urban limit line (ULL) and removing area within Norton Valley; 2) re-designate the Norton Valley areas outside the 'proposed SOI' as Open Space; 3) establish guidelines in the General Plan for developing new greenbelts within the southern foothills, along the inner edges of the urban limit line; and 4) align City policies for conducting traffic studies for new developments with Contra Costa Transportation Authority (CCTA) standards. This is a City initiated project.

CONFLICT OF INTEREST DECLARATION – *City Council 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. **MINUTES** Dated: December 18, 2006 (Recommend Approval)
- b. **CLAIMS** #1724 Marquita Arias, Joshua-Broadfoot Mathis; #1749 Trudie Rogers; #1752 Rebecca Doss; #1753 Michelle V. DeCoy (Recommend Denial)

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

- c. **ORDINANCE 06-1280** Adoption of an Ordinance to Amend the Community Development Plan for the Los Medanos Community Development Project to Extend by Two Years and Respective Time Limits on the Effectiveness of the Redevelopment Plan and the Receipt of Property Taxes (Recommend Adoption)

On December 18, 2006, the Council introduced and waived the first reading of an ordinance to amend the Los Medanos Community Development Project. The Council must now adopt the ordinance for it to take effect.

- d. **ORDINANCE 06-1281** Adoption of an Ordinance Amending Chapter 15.90, "Transportation Mitigation Fee," of the Pittsburg Municipal Code (Recommend Adoption)

On November 6, 2006, the Council introduced and waived the first reading of an ordinance to amend Pittsburg Municipal Code's Chapter 15.90, "Transportation Mitigation Fee." The Council must now adopt the ordinance for it to take effect.

- e. **MINUTE ORDER** Termination of Agreement Between Joe A. Gonsalves & Son and the City of Pittsburg Providing Services in Legislative Advocacy and Governmental Affairs (Recommend Adoption)

The City of Pittsburg desires termination of the agreement between Joe A. Gonsalves & Son and the City of Pittsburg providing services in legislative advocacy and governmental affairs. Staff is seeking Council approval to effect this cancellation.

- f. **RESOLUTION 07-10701** Awarding the Purchase Contract for a Jet Rodder/Vacuum Truck to Municipal Maintenance Equipment Inc. (Recommend Adoption)

The City of Pittsburg Public Works Department maintains a vehicle and equipment fleet with a replacement value of over \$6 million. The Department has requested, and received, bids from multiple vendors for replacement of its 1995 Jet Rodder/Vacuum truck used by the storm drain maintenance crew. The bids exceed the \$50,000 threshold that requires approval of the City Council. This vehicle is necessary to maintain efficient operations of the City and a purchase contract is ready to be awarded.

- g. **RESOLUTION 07-10702** Awarding Purchase Contract for Six (6) 2007 Ford Motor Company Police Patrol Interceptors (Recommend Adoption)

The City of Pittsburg Public Works Department maintains a vehicle and equipment fleet with a replacement value of over \$6 million. The Department has requested, and received, bids from multiple vendors for replacement of vehicles that are past their useful life, have lower reliability and are requiring higher maintenance levels. The recommended bid award exceeds the \$50,000 threshold that requires approval of the City Council. These vehicles are necessary to maintain efficient operations of the City, and purchase contracts are ready to be awarded.

- h. **RESOLUTION 07-10703** Approving a List of Landscape Architectural Firms for On-Call Professional Architectural Services as Required by City Staff, and Authorizing the City Manager to enter into Agreements with Selected Firms (Recommend Adoption)

An on-call landscape architectural list allows staff to use pre-qualified landscape architectural firms on an as-needed basis to perform design work and augment Staff for landscape architectural requirements. This Resolution will create a new on-call landscape architecture list to replace the recently expired list.

- i. **RESOLUTION 07-10704** Awarding Contract 2006-09B, City Park Tree Removal Project to Atlas Tree Service of Pleasant Hill, California for Removal of Several Trees at City Park (Recommend Adoption)

The City currently has plans to construct a soccer field at City Park for use by local residents. This Resolution will authorize staff to execute Contract 2006-09B, City Park Tree Removal Project to make room for the installation of a full size artificial turf soccer field now being designed.

ADJOURNMENT To: January 29, 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