



**CITY OF PITTSBURG
AGENDA**

TUESDAY, FEBRUARY 20, 2007

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

**CLOSED SESSION
5:30 P.M.**

**PRESENTATION
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 – 5:30 p.m.

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

Property:

701 Willow Pass Road

Agency Negotiator:

Marc Grisham, Brad Nail, Randy Starbuck

Negotiating Parties:

Ron Lloyd

Under Negotiation:

Both price and terms of payment

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

West Coast Home Builders, Inc., and Seecon Financial & Construction Co., Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, Does 1-50 inclusive

PRESENTATION – 6:00 p.m.

1. Priority Workplan Update
2. New Objectives

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Destination Development Incorporated

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: January 31, 2007 (Recommend Approval)
- b. **MINUTES** Dated: January 16, 2007 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: March 19, 2007

REDEVELOPMENT AGENCY MEETING

CONSIDERATION

1. **RESOLUTION 07-1181** Authorize the Executive Director to Execute and Fund Planning and Study Agreements Regarding the Pittsburg/Bay Point BART Station Transit Village (Recommend Adoption)

The City of Pittsburg has a tremendous opportunity to capture the office and residential market along the Highway 4 corridor by creating a Transit Village adjacent to the location of the Pittsburg/Bay Point BART Station. The Redevelopment Agency of the City of Pittsburg desires to enlist the services of Hellmuth, Obata and Kassabaum Inc., and Panattoni Development Company to conduct a planning, project phasing, and budget for the BART Station parking lot.

2. **RESOLUTION 07-1184**
Combined w/07-10723 Receive Fiscal Year 2006-2007 Mid-Year Financial Review Report and Adopt a Resolution of the City Council and the Redevelopment Agency to Authorize Budget Adjustments for Fiscal Year 2006-2007 (Recommend Adoption)

Staff has completed the review of the Fiscal Year 2006-2007 Mid-Year budget review status for all City and Redevelopment Agency Funds. The attached Fiscal Year 2006-2007 Mid-Year Financial Review Report compares all actual revenues and expenses to the amended budget for all City and Redevelopment Agency funds.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: March 5, 2007

**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 5, 2007 (Recommend Approval)

- b. **CLAIMS** #1757 Alfred J. Abono (Recommend Denial)

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

- c. **RESOLUTION 07-1182** Approving a Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and Dominion Environmental, LLC (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg desires to retain the services of Dominion Environmental, LLC, an Arizona limited liability company to oversee the remediation project being conducted in the California Theatre by Restoration Management Company.

- d. **RESOLUTION 07-1183** Approval of an Exclusive Negotiating Rights Agreement by and between the Redevelopment Agency of the City of Pittsburg and Rainbow Homes, Inc. (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Rainbow Homes, Inc., a California corporation desire to execute an Exclusive Negotiating Rights Agreement to establish the procedures and standards for the negotiations between the Agency and the Developer. Successful negotiations will result in a Disposition and Development Agreement for the Developer acquisition and development of Agency-owned land of approximately seven (7) acres, located at 500 School Street.

- e. **RESOLUTION 07-10718** Authorizing Consultant Agreement Amendment No. 1 to the Contract with Harris & Associates for Design of Contract 2004-10, Old Town Infrastructure Project (Recommend Adoption)

Contract 2004-10, Old Town Infrastructure Project, is for the rehabilitation of several blocks of residential infrastructure in the old town area. The rehabilitation includes replacement of sewer, water, storm drain, undergrounding of overhead utilities and street/sidewalk reconstruction. This Resolution will authorize Consultant Agreement Amendment No. 1 to the contract with Harris & Associates, Inc. for design of the Project to account for additional scope of work required to complete the design.

- f. **RESOLUTION 07-10720** Approve the Execution of the Associate Membership Agreement by and between the California Enterprise Development Authority and the City of Pittsburg (Recommend Adoption)

It is the intention of the City of Pittsburg to join the California Enterprise Development Authority as an Associate Member through the execution of an Associate Membership Agreement. The Authority is a joint powers authority whose purpose is to issue tax-exempt and taxable conduit revenue bonds to fund industrial and commercial development projects and other public purpose projects within the current and future member jurisdictions. The City's Associate Membership will extend the member jurisdictions of the Authority to include the City of Pittsburg.

- g. **RESOLUTION 07-10721** Establishment of Annual Condominium Conversion Rate (Recommend Adoption)

Section 17.44.070 of the Municipal Code limits the number of apartments that can be converted annually to condominiums to an amount established by the City Council at the beginning of each calendar year. The Council is requested to establish the number for the year 2007.

- h. **RESOLUTION 07-10722** Clarify Benefits Provided to Elected Officials (Recommend Adoption)

The City Council adopted Resolution 04-9983 listing in one source document the benefits provided to the City's elected officials (Council Members, City Clerk, and City Treasurer). The City also provides benefits to regular full-time City employees. It is possible for a City employee to also be the City Clerk or the City Treasurer and it is unclear which benefits are provided when an individual is both an elected official and a regular full-time City employee. The proposed Resolution clarifies the City-provided benefits.

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 07-10717** Approving Amendment No. 2 to the City's Wastewater Collection System Master Plan (Recommend Adoption)

MWH Consulting Engineers has prepared a second amendment to the City's Wastewater Collection System Master Plan primarily in response to proposed land development changes in the Railroad Avenue corridor, north of Highway 4 and changes in capital construction costs. These changes are ready to be adopted as Amendment No. 2 to the Wastewater Collection System Master Plan.

2. **RESOLUTION 07-10719** Approval of Issuance of \$10,000,000 of California Enterprise Development Authority Revenue Bonds for the Benefit of RAMAR International Corporation and/or Related Entity (Recommend Adoption)

RAMAR International Corporation is currently in the process of acquiring, improving and equipping food-processing facilities to be located at 335 Central Avenue and 1101 Railroad Lane, in Pittsburg. In efforts to assist RAMAR in obtaining assistance through the California Enterprise Development Authority, the City of Pittsburg has joined the Authority to expand the member jurisdictions to include Pittsburg. With City approval, the Authority will finance RAMAR's expansion and improvement of its Pittsburg Facilities with the proceeds from an industrial development revenue bond issuance in an amount not to exceed \$10,000,000.

CONSIDERATION

1. **MINUTE ORDER** Commission/Committee Appointments (Recommend Appointments)

Openings exist on the Contra Costa Mosquito and Vector Control District (CCMVCD) and Contra Costa Transportation Authority Citizens Advisory Committee (CCTA-CAC). The City has advertised for all openings and received applications for each Commission and Committee. Applicants were invited to interview with the City Council on February 5, 2007 and one applicant was interviewed at that time. One incumbent applicant was out of the country on a prior planned vacation.

2. **RESOLUTION 07-10723** Receive Fiscal Year 2006-2007 Mid-Year Financial Review Report and Adopt a Resolution of the City Council and the Redevelopment Agency to Authorize Budget Adjustments for Fiscal Year 2006-2007 (Recommend Adoption)
Combined w/07-1184

See Executive Summary for Redevelopment Agency Resolution No. 07-1184.

ADJOURNMENT To: March 5, 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 |