

**CITY OF PITTSBURG**  
**Housing Authority**  
**October 15, 2001**

Mayor Frank Quesada called the meeting of the City Council to order at 6:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, and immediately adjourned into Closed Session for Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9 regarding one case City of Pittsburg v. Affinito, Case No. C92-00612, and Conference with Legal Counsel – Anticipated Litigation regarding significant exposure to litigation pursuant to subdivision (b) of Section 54956.9.

The City Council reconvened at 7:31 P.M. and City Attorney Linda Daube reported that four items had been considered in Closed Session. There was nothing to report.

Chair Quesada called the meeting of the Housing Authority to order at 7:32 P.M.

**MEMBERS PRESENT:** Aiello, Beals-Rogers, Lewis, Peterson, Quesada

**MEMBERS EXCUSED:** Rios

**MEMBERS ABSENT:** Wallen

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of Economic Development, Garrett Evans  
Director of Personnel Services, Marc Fox  
Director of Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Assistant City Engineer, Wally Girard  
Senior Civil Engineer, Joe Sbranti  
Director of Housing, Buck Eklund  
Administrative Assistant I, Tiffany Ashworth  
Housing Specialist, Lisa Bautista-Rivera  
Executive Assistant to the City Manager, Alice Evenson  
Police Chief, Aaron Baker

Chair Quesada reported that Member Rios was in Korea for economic development.

**PLEDGE OF ALLEGIANCE**

Alice Evenson led the Pledge of Allegiance.

**CITIZENS REMARKS**

There were no citizens remarks.

## **MEMBERS REMARKS**

There were no Members' remarks.

## **PRESENTATION**

### 1. Housing Authority Lease-up Report and Current/Historical Trends

Buck Eklund, Director of the Pittsburg Housing Authority, reported that Housing Authority staff would present three reports, status and updates regarding the Authority's lease and contract rate, the status of the Authority's Community Development Block Grant (CDBG) for lead poisoning prevention awareness, and the planned public meeting for participating and potential landlords. He stated that the landlord meeting was a joint project of the Housing Authority and staff from the City Police Department's Code Enforcement Division.

Mr. Eklund presented the status of the lease and contracts administered by the Housing Authority on behalf of choice voucher participants and landlords, which contracts administered by the Authority were an indicator of the Authority's caseload as well as the basis by which the Housing Authority earned administrative fees collectable from the Department of Housing and Urban Development (HUD).

Mr. Eklund presented a comparison of the number of contracts administered by the Housing Authority for contract years 2000/2001 and 2001/2002. He explained that HUD had allocated 824 total vouchers for the Authority and projections had been expressed as achievable goals, indicating to HUD the Authority's intention to fully utilize allocated vouchers and addressing the housing shortage for the very low and low-income residents of Pittsburg. He stated that in order to remain in good standing with HUD, the public authority would strive for a contract rate of at least 90 percent of allocated vouchers, which was an achievable goal given the Authority's current contract rate of 87.1 percent.

Mr. Eklund added that throughout the City, property owners' participation and perception of the program had steadily been improving due in large part to staff's continued public relations efforts and strict enforcement of program regulations.

Identifying an unofficial notification from HUD of the possibility that a property owner of 126 multi-family units in Pittsburg might not renew the contract for the upcoming contract year, Mr. Eklund stated that would affect the projected growth and the Authority would be required to absorb all the families who desired to convert project based assistance to one of the vouchers, which would result in HUD's issuance of 126 additional vouchers to the Authority. If that were to occur, there would be a one-time administrative fee as well as continued unit monthly fees due the Authority for all contracts initiated with the new clientele.

Vice Chair Aiello thanked Mr. Eklund for the report to the Authority and to the public and commented that there had not been a report on the Housing Authority for some time.

### 2. Status of Community Development Block Grant (CDBG) - Lead Education and Awareness Program

Administrative Assistant Tiffany Ashworth presented the status of the Lead Education and Awareness Program (LEAP) for which the Housing Authority had submitted an application for CDBG funds for the 2001-2002 program year. She stated that the purpose of submitting the application was to meet HUD's requirement that housing staff perform assessment and informational referral services in order to reduce the risk of lead poisoning in HUD assisted housing units.

Ms. Ashworth reported that the Housing Authority had been awarded \$10,000 as opposed to the original request of \$46,000 to implement LEAP activities required by HUD. She stated that those activities had been adjusted to meet realistic goals and objectives to conduct educational outreach, conduct six educational and outreach workshops, execute a contract for workshops to be facilitated by Fred L. Davis, Sr. the Program Coordinator, and limit the targeted clientele to Housing Authority families with children under six years of age. A consultant agreement with Mr. Davis was currently being prepared and workshops were scheduled to begin at least thirty days after the execution of the contract agreement. She added that LEAP updates would be presented to the Council on a regular basis.

Ms. Ashworth presented a 2001 calendar and a pamphlet on lead paint to the Council at this time. She added that the pamphlet was one of the many informational materials that would be presented during the workshops.

Vice Chair Aiello inquired whether or not the cumulative impact of lead would be addressed as part of the workshops, to which Ms. Ashworth stated that at this point the final materials were being gathered. When the final update was available, it would be presented to the Authority.

### 3. Upcoming Housing Authority Landlord Meeting

Lisa Bautista-Rivera, Housing Specialist, extended an invitation to members to attend the Housing Authority Landlord meeting scheduled for October 23 at 5:00 P.M. at the Buchanan Center. She stated that the event was open to the first 100 people who called to reserve a seat. Staff was working in collaboration with other City Departments, including Commander Hendricks from the Code Enforcement Department, to provide awareness and outreach for the Housing Authority.

Presenters would discuss three topics at the meeting; code enforcement and how the City could maintain the image and property value of the City, the eviction process, and how to screen tenants. She explained that the presentation training for landlords was a free service that would be conducted on a quarterly basis.

Ms. Bautista-Rivera reported that the City's Housing Authority served over 700 low income families in Pittsburg and continued to strive to improve and maintain community relations and to ultimately beautify and expand the image of the City. She described how the Housing Authority worked in partnership with landlords to assist owners when tenants broke their leases in any way by sending letters, scheduling tenants for counseling appointments and ending housing assistance after all avenues had been explored. She also identified some of the occurrences that could result in the termination of housing assistance due to the failure to comply with the Housing Authority.

Ms. Bautista-Rivera commented that a benefit of renting to a Section 8 tenant was a guaranteed rental payment at the beginning of each month where landlords received competitive market rents when supplying quality rental housing to families.

Ms. Bautista-Rivera advised that the Authority was currently in the planning stages for a spring tenant meeting. She stated that more information would follow. She emphasized that the Authority encouraged tenant involvement with the community with the overall goal of becoming self-sufficient. She thanked the Housing Authority Board for the time and support of the Housing Authority.

Vice Chair Aiello clarified with Ms. Bautista-Rivera that there was currently a shortfall of landlords and the process was intended to recruit more landlords. He supported the tenant meeting and sought a way to eliminate the landlords who did not comply with the requirement of providing safe, decent housing.

Ms. Bautista-Rivera advised that was why the Housing Authority was working closely with the Code Enforcement Department to ensure clean, sanitary housing that was up to code.

### **CONSENT**

a. **MINUTES** Dated: September 17, 2001

On motion by Member Beals-Rogers, seconded by Member Lewis and carried unanimously to adopt the Consent Calendar, as shown.

### **ADJOURNMENT**

There being no further business, the Housing Authority adjourned at 7:46 P.M. to November 19, 2001.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Redevelopment Agency**  
**October 15, 2001**

Chair Frank Quesada called the meeting of the Redevelopment Agency to order at 7:47 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California

**MEMBERS PRESENT:** Aiello, Beals-Rogers, Lewis, Quesada

**MEMBERS EXCUSED:** Rios

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of Economic Development, Garrett Evans  
Director of Personnel Services, Marc Fox  
Director of Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Assistant City Engineer, Wally Girard  
Senior Civil Engineer, Joe Sbranti  
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**CITIZENS REMARKS**

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) referred to Resolutions 01-798 and 01-9511 with respect to a Redevelopment Plan Amendment, and inquired whether or not those resolutions would be discussed concurrently.

Chair Quesada reported that Redevelopment Agency Resolution 01-798 and City Council Resolution 01-9511 would be considered concurrently.

ROGER RILEY, Pittsburg, questioned the Request for Proposals (RFP) for the Downtown that had recently been distributed since his property had been included and he had not previously been notified that would be the case. He inquired of the City's intentions in the matter.

Economic Development Director Garrett Evans reported that a letter would be submitted to the three affected property owners this week inviting those property owners to participate in the development in its entirety. He commented that those property owners would have sixty days to



creation of the PAC would therefore not be formed in connection with the proposed Plan Amendment.

While a PAC would not be formed, Mr. Evans stated that the Agency desired to continue to seek active consultation with interested residents, business owners and community organizations in the project area concerning the preparation, adoption and implementation of the proposed Plan Amendment and future redevelopment projects. Public input would continue to be solicited throughout the process, including input from advisory groups such as the Planning Commission and the Community Advisory Commission (CAC), both of which had been presented with an outline of the plan deletion process.

Mr. Evans added that all landowners had been contacted and staff would remain in contact with those owners throughout the process. Booklets containing all the details and information of the Plan Amendment had been mailed this week, which booklets had been approved by the City Council and the Redevelopment Agency in the last month.

Mr. Evans reported that two other meetings had been proposed to address the Plan Amendment, scheduled on October 19, 2001 at 6:00 P.M. on the first floor of City Hall where staff would identify the issues and take comments, and on November 19 at a regularly scheduled Redevelopment Agency meeting.

Mr. Evans recommended that the Redevelopment Agency and the City Council adopt the separate resolutions and authorize the Executive Director or his designee to consult with and obtain the advice of the residents, business owners and community organizations within the Project Area in the manner provided in the Health and Safety Code Section 33385.3 not requiring the formation of a statutory PAC.

WILLIE MIMS, Pittsburg, representing the BPA, expressed concern that a PAC was not being formed given the need to include members of the community. He inquired whether or not there were property owners within the Project Area that would have to be involved.

Mr. Evans reported that he was aware of no legal residents in the USS POSCO property, the DOW property or anywhere near there or the Praxair or GWF plants. The properties were located next to each other in an area zoned heavy industrial, and there were no low or very low income residents living adjacent to those properties. He added that with the planned deletion, there would actually be more money available to the low and moderate-income fund given the generation of tax increment from the Project Area.

Mr. Evans added that not pursuing the Plan Amendment would mean the loss to the City of a \$1 million each year, which would equate to \$200,000 less for the 20 percent setaside fund for low-income individuals.

On motion by Vice Chair Aiello, seconded by Member Lewis and carried unanimously to adopt Resolution 01-798.

On motion by Councilmember Lewis, seconded by Vice Mayor Aiello and carried unanimously to adopt Resolution 01-9511.

**ADJOURNMENT:**

There being no further business, the Redevelopment Agency adjourned at 8:02 P.M. to November 5, 2001.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**City Council**  
**October 15, 2001**

Mayor Frank Quesada called the meeting of the City Council to order at 8:03 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California

**MEMBERS PRESENT:** Aiello, Beals-Rogers, Lewis, Quesada

**MEMBERS EXCUSED:** Rios

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager, Willis Casey  
Assistant City Manager, Nasser Shirazi  
City Attorney, Linda Daube  
Assistant City Attorney, Carol Victor  
City Clerk, Lillian Pride  
Director of Economic Development, Garrett Evans  
Director of Personnel Services, Marc Fox  
Director of Leisure Services, Paul Flores  
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**CITIZENS REMARKS**

ELVIN SCOTT, Pittsburg, reported on a series on television that addressed pension “terrorists” primarily affecting veterans’ pensions and reported that he had started to distribute information to address the concern.

**COUNCIL REPORTS**

Vice Mayor Aiello reiterated to staff his request for an answer on the Keller Canyon Mitigation Funds to determine what could be done with those funds. He thanked John Fuller and his staff for addressing the crosswalks that had been requested at the last meeting by Bishop Timmons. He also sought a verbatim copy of the last Planning Commission minutes so that he could determine what type of action might need to be presented to the Council for further review.

Councilmember Beals-Rogers reported that she had attended Assemblyman Canciamilla's

Special Select Committee hearing on water quality and had the privilege of participating in a patriotic rally at USS POSCO that had been well attended.

Councilmember Beals-Rogers commended the Leisure Services Department for providing an update on their activities, although she still had some concern for the Pittsburg Youth Commission and some of the activities that had been conducted in the past. She stated that she had yet to receive information related to the structuring of future activities and any information on how that Commission could be incorporated into City Council meetings.

Councilmember Beals-Rogers also took this opportunity to thank the Police Department for its participation in her neighborhood forum for the areas of Carpino and School Street.

Mayor Quesada reported that he had also attended the patriotic rally at USS-POSCO, which had been attended by Senator Torlakson, Assemblyman Canciamilla, and Supervisor Glover, Clerical Steel Workers Union 2571, and Steelworkers Union 1440, as well as Robert Smith, the President of USS-POSCO. He applauded the well-organized rally.

Mayor Quesada stated that he had also attended the Contra Costa Habitat Consortium and the meeting of the East Contra Costa Regional Fee and Financing Authority (ECCRFFA), along with a celebration honoring Hispanic Month from September 15 to October 15 at East County Mall, which had been well attended.

## **PROCLAMATION**

### 1. Teen Read Week

Mayor Quesada read the Proclamation for Teen Read Week, celebrated the week of October 14 to 20, to emphasize the need to encourage teens to read regularly and often.

Marion Partridge, the Pittsburg Branch Librarian, introduced Leanna Darden, a Pittsburg High School senior and homework help volunteer at the Pittsburg Library, who accepted the Proclamation for Teen Read Week. Ms. Partridge added that in celebration of Teen Read Week, there would be a special program on October 20 at noon when a free program, an adaptation of The Hobbit "Make Reading A Hobbit" would be presented by the Traveling Lantern Company.

## **CONSENT CALENDAR**

Councilmember Beals-Rogers pulled Item b from the Consent Calendar.

On motion by Vice Mayor Aiello, seconded by Councilmember Lewis and carried unanimously to approve the Consent Calendar consisting of Item a.

### a. **DISBURSEMENT LIST**      Periods Ending: October 1, 2001, and October 10, 2001

Approve Disbursement Lists periods ending October 1 and October 10, 2001.

The following item had been removed from the Consent Calendar.

b. **MINUTES** Dated: October 1, 2001

Councilmember Beals-Rogers requested an amendment to the first paragraph under Council Reports on Page 4 of the minutes, to reflect the fact that at the August 6 meeting she had sought appointment to the Water Transit Authority and her attendance had not been at the Vice Mayor's request as the minutes had stated.

On motion by Councilmember Beals-Rogers, seconded by Councilmember Lewis and carried unanimously to adopt the minutes of the October 1, 2001 meeting, as amended.

**CONSIDERATION**

1. **RESOLUTION 01-9501** Reimbursement Agreement Between City of Pittsburg and SFPP, L.P. for Relocation of Petroleum Product Pipeline and Appurtenances for Kirker Creek Flood Control Project

Assistant City Engineer Wally Girard presented the item, which he reported was part of the Kirker Creek Flood Control Project. He reported that the Environmental Impact Report (EIR) had been completed for the very complex project that involved working with the Martin Luther King School, the railroad, SFPP, L.P. and many other companies.

Mr. Girard advised that there was a SFPP, L.P. pipeline paralleling the railroad within the right-of-way. Since a box culvert would have to be run through that line, he stated that pipeline would have to be relocated. An Engineer's Estimate had been prepared and reviewed by City staff and the City Attorney. The cost to relocate the line had been estimated at \$195,000. The actual cost would be tracked and the agreement was a not-to-exceed \$195,000 plus ten percent.

Mr. Girard recommended the adoption of Resolution 01-9501 authorizing the City Manager to execute the Reimbursement Agreement between the City of Pittsburg and SFPP, L.P.

Councilmember Beals-Rogers inquired where the pipeline would be relocated, reported by Mr. Girard that it was a pressured line and a box culvert would have to be installed. The line would be lowered so that the culvert could cross over it at the Pittsburg-Antioch highway.

For the record, Councilmember Beals-Rogers stated that she had previously taken a stand on portions of the Kirker Creek Flood Control Project, and as such she would not support the application.

On motion by Vice Mayor Aiello, seconded by Mayor Quesada to adopt Resolution 01-9501, carried by the following vote:

Ayes: Aiello, Lewis, Quesada  
Noes: Beals-Rogers  
Absent: Rios (Excused)

2.     **RESOLUTION 01-9502**     Authorizing Execution of an Agreement to Pool 1959 Survivor Benefits Assets and Liabilities Between the Board of Administration of the Public Employees' Retirement System (PERS) and the City of Pittsburgh

Marc Fox, Director of Personnel Services, presented the follow-up of the collective bargaining process between the City and the two Police safety bargaining units. As part of that collective bargaining process, he stated that the Council had authorized an amendment to the PERS contract that had recently been enacted, calling for increased pension benefits to surviving spouse and children should a Police Officer die prior to retirement.

Mr. Fox stated that the resolution pooled the assets and liabilities of the program with other PERS-participating employers in what had been called the Fourth Level of 1959 Survivor Benefits. He reported that the Council had previously authorized the Mayor to sign an agreement with PERS, which had pooled the Third Level 1959 Survivor Benefits. PERS required that moving from one level to the next required the adoption of a resolution authorizing the pool of assets and liabilities, which he described as a good risk sharing technique.

Mr. Fox recommended the adoption of Resolution 01-9502 authorizing the execution of an agreement to pool 1959 Survivor Benefits assets and liabilities between the Board of Administration of the Public Employees' Retirement System (PERS) and the City Council of the City of Pittsburgh.

On motion by Councilmember Lewis, seconded by Vice Mayor Aiello and carried unanimously to adopt Resolution 01-9502.

Mayor Quesada clarified that the next two items could be considered concurrently, with separate votes to be taken on each.

3.     **RESOLUTION 01-9503**     Establishing a Procedure for Industrial Disability Retirement Determinations of Local Safety Members of the Public Employees' Retirement System (PERS)
4.     **RESOLUTION 01-9504**     Delegating Authority to the Employee Relations Officer to Make Determinations Under Government Code Section 21152(c) as to Industrial Disability Retirements of PERS Safety Members

Mr. Fox presented the resolution to establish a procedure for industrial disability retirement determinations of local safety members of the PERS System and explained that when the City was participating in the County Retirement Plan, the County Retirement Plan Board made all the determinations related to disability retirements, whether industrial, police safety or non-safety retirements. He explained that PERS assigned to the local employer the responsibility of determining whether or not a police safety retirement should be industrially retired or not industrially retired. The first resolution established a procedure for the Council to act should a member or the employer wish to pursue an industrial retirement of a Police Officer, Sergeant,

Lieutenant Commander or Chief.

Mr. Fox explained that the second resolution would assign that responsibility to an Employer Relations Officer, who was designated by Ordinance 00-1168 as the City Manager or his designee. The approval of a procedure for the industrial disability retirement process was being sought and delegating that authority to the Employer Relations Officer, who was the City Manager or his designee.

On motion by Councilmember Lewis, seconded by Councilmember Beals-Rogers and carried unanimously to adopt Resolution 01-9503.

On motion by Councilmember Lewis, seconded by Vice Mayor Aiello and carried unanimously to adopt Resolution 01-9504.

5.     **RESOLUTION 01-9505**     Subdivision 8576, Oak Hills South Unit 7A, Approval of the Final Map, Improvement Plans and Subdivision Improvement Agreement

Assistant City Engineer Girard presented the staff report for the 13 lots of Subdivision 8576, designated as Unit 7A for the Oak Hills South subdivision, one of the final phases of that development. He stated that the plans had been submitted, inspected and approved and a subdivision agreement had been prepared and was ready for execution by the City Council.

Mr. Girard recommended the adoption of the resolution approving the final map, improvement plans, and subdivision improvement agreement for Subdivision 8576, Oak Hills South Unit 7A.

On motion by Councilmember Lewis, seconded by Vice Mayor Aiello and carried unanimously to adopt Resolution 01-9505.

6.     **RESOLUTION 01-9506**     Subdivision 8592, Highlands Ranch Unit 4A Approval of the Final Map, Improvement Plans and Subdivision Improvement Agreement

Assistant City Engineer Girard reported that the item was similar to the previous approval involving the final approval of a unit of a phased subdivision. In this case there was no recommended subdivision agreement since the public improvements and infrastructure had already been completed and installed. All that remained on the five units was to obtain building permits and complete the construction of the lots.

Mr. Girard recommended the adoption of the resolution approving the final map for Subdivision 8592, Highlands Ranch Unit 4A.

Councilmember Beals-Rogers verified with staff that there was no subdivision improvement agreement for the item given that the improvements were being conducted under a previously approved Subdivision Improvement Agreement.

On motion by Councilmember Lewis, seconded by Vice Mayor Aiello and carried unanimously to adopt Resolution 01-9506.

7. **RESOLUTION 01-9507**      Rejecting All Bid Proposals for Contract 01-02, Central Park Project, Amendment of the Design Contract with Robert LaRocca & Associates for Central Park Redesign, and Authorize the City Engineer to Re-Advertise the Project for Bid

Mr. Girard reported that the proposed resolution would not authorize a rebid of the project. He explained that with \$1.2 million appropriation for the project consisting of multi-purpose field, tot lot, horseshoe pits, picnic area with barbecue grills, a 56-space parking lot, pedestrian path and a potential five alternates after design and other considerations, there remained only \$1.07 for the project. Only one bid, in the amount of \$1,124,400 from Merz Construction, had been considered and that bid exceeded the budgeted amount.

In this case, Mr. Girard recommended rejecting the bid. He commented that the bidding atmosphere had not been favorable for the City in this case and it had been difficult finding contractors interested in doing the work. He recommended that the design contractor, Robert LaRocca, be asked to reevaluate the plan to determine whether or not it could be modified to be more affordable, after which a recommendation would be forwarded to the City Council.

Mr. Girard recommended the adoption of the resolution rejecting the bid received from J.K. Merz Construction Inc., and direct the City Engineer to amend the design contract with Robert La Rocca & Associates for the redesign of the project in a note to exceed \$10,000.

Vice Mayor Aiello inquired whether Mr. LaRocca had already been paid the \$130,000, reported by Mr. Girard that had occurred given that total had involved the design costs. The additional \$10,000 was recommended to allow Mr. LaRocca to reduce the design and the cost of the project.

Senior Civil Engineer Joe Sbranti added that Mr. LaRocca would be redesigning the snack bar/bathroom facility that was part of the current project, which portion of the project had come in with an alternative bid of \$350,000, which was excessive. A more scaled down restaurant facility to allow snacks to be sold in that area had been proposed and an architect was needed to create an alternative design. He stated that the \$10,000 was a not-to-exceed amount and it was expected that the total would be less than that.

Vice Mayor Aiello emphasized that the park had been part of an agreement with Enron, now Calpine, and was to have been operational when the plant was operational to allow the park for the residents' use at that time. Given that had not occurred, he sought some way to resolve the situation to provide the park as promised to the residents of the Central Addition and suggested that anything less was unacceptable.

On motion by Councilmember Lewis, seconded by Vice Mayor Aiello and carried unanimously to adopt Resolution 01-9507.

8. **RESOLUTION 01-9508** Award 2000-2001 Purchase Contracts for Fleet Vehicle Replacements and Additions

Public Services Director John Fuller reported that this year all the vehicles had been bid at one time and the City had received bids from approximately 30 bidders. He noted that the specs had been structured to pick and choose the lowest prices. He stated that Pittsburg Ford was the low bidder on the majority of the vehicles, 13 out of the 26, for a total of \$226,000, and Stan Morri Ford-Mercury of Tracy was the next low bidder on seven vehicles. Four other bidders had been the low bidders on six other vehicles, with some receiving bids on some specialty vehicles.

All together the bids totaled over \$650,000, representing an approximate 10 percent of the replacement of the total fleet. There were funds available with the Public Services Department operating budget, coupled with grants from the Police Department and the Island Energy budget, to purchase the vehicles.

Vice Mayor Aiello commended the report and noted that a local buying policy had been utilized in the process, which had resulted in the purchase of 13 vehicles purchased locally.

On motion by Vice Mayor Aiello, seconded by Councilmember Lewis and carried unanimously to adopt Resolution 01-9508.

9. **RESOLUTION 01-9509** Acceptance of the Dow Channel Maintenance Cleaning Contract with Cable Moore, Inc. and Authorize the City Manager to Execute a Notice of Completion

Mr. Fuller reported that typically the type of project acceptance was ministerial on the Council's part, although the item had been submitted to the Council given its controversial nature. He presented before and after pictures of the channel work and explained that the Public Services Department did not have the necessary equipment to clean the channels.

Mr. Fuller recommended the adoption of the resolution to accept the contract for Dow Channel Maintenance Cleaning as complete in the amount of \$65,225, and authorize the Public Services Director to execute a Notice of Completion.

WILLIE MIMS, Pittsburg, representing the BPA reported that he had seen the channel and he concurred that a good job had been done, although he suggested that the work should have been extended to Diane and California Avenues and all along the Pittsburg-Antioch Highway. He commented that those who lived in that area felt that they had been abandoned. In that particular area he stated that there were logs, branches, heavy brush, rocks, boulders, weeds, grass and a variety of other items resting in the creek. Given that the winter season was imminent and residents in that area had suffered from flooding in their back yards, he suggested that was the result of a lack of stormwater maintenance in that section of the community.

Mr. Mims inquired what the City would do for the area from California Avenue at the intersection of Diane Avenue all the way to the Pittsburg-Antioch Highway. He requested that the

area that had been impacted by floods because of the lack of clean up be addressed as soon as possible and he inquired if the City had any plans to address that portion of the creek.

Mr. Girard explained that one of the first items on the agenda was the relocation of the pipeline. He stated that there were plans to get that work done and he noted that they were working with the Martin Luther King School and a detention basin to address the excess water. He added that the City had been stymied by all the regulations for the mitigation of the creekbank and wetlands, as well as the relocation of utilities. He emphasized that the City was working with the school to provide a nice, safe and adequate channel in the area referenced by Mr. Mims. He affirmed that there were plans to do that work, although negotiations were ongoing to address that area.

Mr. Girard also noted with respect to the Department of Fish and Game, that it would not be until spring when that section could be addressed given the need to comply with the requirements of that Department.

Mr. Mims reiterated his concern that the winter season would once again jeopardize the homes in the area and he urged that a clean up of the creek be initiated as soon as possible.

Councilmember Lewis noted that he had supported the resolution related specifically to the area that had already been completed.

Councilmember Beals-Rogers stated that she had also been pleased with the work that had been done on that portion of the creek, although she also had concerns with the statement that the completed portion of the creek had been considered to be the worst location. She was concerned with the community, the flooding of the school over the years, and while she looked forward to a springtime clean up, she sought clarification of the work to be done. For the sake of consistency with her vote on September 4, she stated that she would not support the resolution.

On motion by Councilmember Lewis, seconded by Vice Mayor Aiello to adopt Resolution 01-9509, carried by the following vote:

Ayes:	Aiello, Lewis, Quesada
Noes:	Beals-Rogers
Absent:	Rios (Excused)

10. **RESOLUTION 01-9510** Award Water Treatment Plant Dredge Spoil Disposal Contract

Mr. Fuller reported that the City treated water that it received from the Contra Costa Canal, which was river water, with various chemicals to enhance the particle formation so that particles in the water would settle out in sedimentation basins at the water treatment plant, after which it would be filtered. He noted that the filters had to be backwashed every couple of days to remove debris caught in the filters, and the backwash washed that material into a recovery pond. The material that accumulated in the sedimentation basins would have to be cleaned out three or four times a year. He stated that the million plus gallon basins had to be emptied to be cleaned out. That material would go into a recovery pond where it could be reclaimed and used again so that the million gallons of water would not be lost.

Given the debris and silt from the sedimentation basins that had settled into the pond, Mr. Fuller stated that the pond would have to be dredged. That process involved removing the material and spreading that material into a higher drying basin, which was currently completely filled from past dredging operations over previous decades, which material needed to be cleaned out prior to the cleaning of the sedimentation pond.

Mr. Fuller reported that the pond had been treated in the past with copper sulfate to control algae growth and that chemical had built up in the sediments in the bottom of the pond. Under current environmental laws, the material in the drying basin was too heavily laden with copper residual to be dumped into an open land basin and would now have to be dumped into a Class 2 landfill in Keller Canyon, requiring a purchase order to Keller Canyon for dump fees in excess of \$300,000. While Keller Canyon would take clean material from the City for free, a tipping fee was required in this case to compensate Keller Canyon for the garbage space to be occupied by the Class 2 material.

Mr. Fuller emphasized that the fee was actually a reduced rate and the project had been bid with the excavating contractors allowed to seek an alternative dumpsite to secure a better bid, if possible. That had not been possible and the Keller Canyon fee was the best rate that could be found.

Vice Mayor Aiello inquired whether or not the dredged spoils could be burned and Mr. Fuller stated that could not be done. He stated that the volume of the material was too high and the cost could potentially be higher to burn the material.

On motion by Councilmember Lewis, seconded by Mayor Quesada and carried unanimously to adopt Resolution 01-9510.

11. **RESOLUTION 01-9511**      Redevelopment Plan Amendment Determination That it is Not Necessary to Form a Project Area Committee

Resolution 01-9511 had been approved in Joint Session with the Redevelopment Agency.

## **ADJOURNMENT**

There being no further business, the City Council adjourned at 9:00 P.M. to November 5, 2001.

Respectfully submitted,

Lillian J. Pride, City Clerk

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