

CITY OF PITTSBURG
Housing Authority Minutes
May 20, 2002

Chair Frank Aiello called the meeting of the Housing Authority to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:00 P.M. for Housing Authority Commission interviews and 5:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9 Re Alves Ranch LLC v. City of Pittsburg, Superior Court N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three (3) cases; and Conference with Labor Negotiators pursuant to Section 54957.6 Re Miscellaneous A, Miscellaneous B, Management/Professional/Confidential Unit, PPOA, PPMG, Teamsters Local 856, unrepresented employee and all unaffiliated employees. There was nothing to report.

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

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
Economic/Redevelopment Coordinator, Brad Nail
Director of Public Services, John Fuller
Director of Leisure Services, Paul Flores
Director of Planning and Building, Randy Jerome
Director of Personnel Services, Marc Fox
Senior Engineer, Joe Sbranti
Director of Housing, Buck Eklund
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Peter Hellmann led the Pledge of Allegiance.

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

PRESENTATION

1. Cleon Peterson

Chair Aiello presented Cleon Peterson with a Plaque of Appreciation in honor of his many years of service to the community and to the Pittsburg Housing Authority.

CONSENT

On motion by Vice Chair Beals-Rogers, seconded by Member Quesada and carried unanimously to adopt the Consent Calendar, with the removal of Item b.

- a. **DISBURSEMENT LIST** Period Ending: April 30, 2002

Approved Disbursement List period ending April 30, 2002.

The following item was removed from the Consent Calendar.

- b. **MINUTES** Dated: April 15, 2002

On motion by Vice Chair Beals-Rogers, seconded by Member Rios to approve the Minutes dated April 15, 2002, carried by the following vote:

Ayes:	Beals-Rogers, Quesada, Rios, Aiello
Noes:	None
Abstain:	Lewis
Absent:	None

ADJOURNMENT

The meeting adjourned at 7:05 P.M. to the next meeting set for June 17, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Redevelopment Agency Minutes
May 20, 2002

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:06 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:00 P.M. for Housing Authority Commission interviews and 5:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9 Re Alves Ranch LLC v. City of Pittsburg, Superior Court N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three (3) cases; and Conference with Labor Negotiators pursuant to Section 54957.6 Re Miscellaneous A, Miscellaneous B, Management/Professional/Confidential Unit, PPOA, PPMG, Teamsters Local 856, unrepresented employee and all unaffiliated employees. There was nothing to report.

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

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
Economic/Redevelopment Coordinator, Brad Nail
Director of Public Services, John Fuller
Director of Leisure Services, Paul Flores
Director of Planning and Building, Randy Jerome
Director of Personnel Services, Marc Fox
Senior Engineer, Joe Sbranti
Director of Housing, Buck Eklund
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

Chair Aiello identified the request for the removal of Item b from the Consent

Calendar.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to approve the Consent Calendar, with the removal of Item b.

a. **MINUTES** Dated: May 20, 2002

Approved Minutes dated May 20, 2002.

c. **RESOLUTION 02-825** Award of Contract 01-11 Marina Center Improvements to CJE/RTE (Joint Venture) of Concord, California and adopt Resolution No. 02-825

City Attorney Linda Daube advised that Item b had a companion item on the City Council agenda and the items could be considered jointly.

Mayor Aiello CONVENED THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY JOINTLY to consider Redevelopment Agency Resolution 02-824 and City Council Resolution 02-9601.

b. **RESOLUTION 02-824** Award of Contract 99-03; North Park Plaza/Century Boulevard Connector Road to North Bay Construction, Inc. of Petaluma, California (Redevelopment Agency)

g. **RESOLUTION 02-9601** Award of Contract 99-03; North Park Plaza/Century Boulevard Connector Road to North Bay Construction, Inc. of Petaluma, California (City Council)

WILLIE MIMS, representing the Black Political Association (BPA) noted that while the contract award totaled \$597,636.40, which was identified as the lowest bid, the staff analysis had indicated that the project cost was being revised upward to \$2 million.

City Engineer Joe Sbranti reported that the contract for \$2 million would include not only the cost of construction, but land acquisition costs, the cost to rework the railroad crossing at that location, design costs and miscellaneous other fees associated with the project, which had all been estimated at \$2 million.

Mr. Mims expressed concern with that total, although Chair Aiello clarified that the amount of the bid was only for the construction of the roadway, not for the entire project.

On motion by Member Quesada, seconded by Member Lewis and carried unanimously to adopt Redevelopment Agency Resolution 02-824.

On motion by Councilmember Quesada, seconded by Councilmember Lewis and carried unanimously to adopt City Council Resolution 02-9601.

ADJOURNMENT:

The meeting adjourned at 7:11 P.M. to the next meeting set for June 17, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
May 20, 2002

Mayor Frank Aiello called the meeting of the City Council to order at 7:12 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:00 P.M. for Housing Authority Commission interviews and 5:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9 Re Alves Ranch LLC v. City of Pittsburg, Superior Court N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three (3) cases; and Conference with Labor Negotiators pursuant to Section 54957.6 Re Miscellaneous A, Miscellaneous B, Management/Professional/Confidential Unit, PPOA, PPMG, Teamsters Local 856, unrepresented employee and all unaffiliated employees. There was nothing to report.

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

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
Economic/Redevelopment Coordinator, Brad Nail
Director of Public Services, John Fuller
Director of Leisure Services, Paul Flores
Director of Planning and Building, Randy Jerome
Director of Personnel Services, Marc Fox
Senior Engineer, Joe Sbranti
Director of Housing, Buck Eklund
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) expressed his concern and disappointment with the City Council's failure at its last meeting to resolve the problem he had with Resolution 02-9597 and 02-9596. He noted that he had been advised at that time that there had been a typo. He had requested that the Council correct that situation since the error had been included throughout the correct Resolution 02-9596.

Mr. Mims also expressed his disappointment on what he suggested was the Council's

failure to focus on the Marina Center and suggested that the City was wasting \$910,000 to renovate the Teen Center. He urged that the Council allow the Leisure Services Department to efficiently operate the Marina Center for the benefit of the taxpayers, particularly since he suggested it would only cost \$400,000 to renovate the Marina Center.

Mayor Aiello commented that the \$900,000 was a grant application, that the City had directed no funds, and that the Marina Center, which was being leased, still belonged to the taxpayers. Further, he stated that the record from the last meeting had reflected the correction to Resolution 02-9596.

SHEILA SANDERS, Pittsburg, thanked the Council for helping her deal with her problem reported at the last meeting with respect to opening up a business. She stated that she had been led in the right direction. Commenting that she had received a letter identifying the need for an appeal, she sought more guidance in that respect.

Mayor Aiello referred Ms. Sanders to Director of Building and Planning Randy Jerome to assist her in working through the required process.

PETER HELLMANN thanked the Mayor for allowing him to lead the Pledge of Allegiance. He referred to Item i on the Consent Calendar and sought an opportunity to speak to that item at this time.

Mayor Aiello advised that Mr. Hellmann could request the removal of Item i from the Consent Calendar for discussion. Mr. Hellmann made that request.

COUNCIL REPORTS

Councilmember Lewis reported that in June there would be a regional meeting for the *Shaping Our Future* committee. He advised that he would provide the necessary information for distribution to the Council and to the general public. As part of a series of regional meetings in the *Shaping Our Future* process, he announced that an East County meeting would be held in Oakley on June 10. Details would be provided when available. With respect to the Centennial Committee, Councilmember Lewis stated that he would defer that report to the item under Council Consideration.

Councilmember Quesada reported that on May 18 he had attended the opening of the Sunnybrook Learning Center in Bay Point representing the City of Pittsburg along with Supervisor Glover. He stated that the facility, the first of its kind in Bay Point and funded by the Keller Landfill, had been well received by the community. Councilmember Quesada added that he had also attended the Young Ladies Institute (YLI) function at the Good Shepherd Hall, at which time he had been asked to speak to some of the traffic issues affecting City residents.

Councilmember Rios stated that she and Councilmember Quesada had attended the Bocce Court dedication. She thanked Paul Flores and the Public Services Department for

expediting that process.

On behalf of the Youth Commission which had met on May 8, Councilmember Rios reported that the Commission was readying its bylaws and codifying itself. The Commission had requested that she apprise the Council of several fundraising events in process, one of which was a fashion show scheduled for July 13 in Buchanan Park. Stating that the Commission had requested that Councilmembers participate in that fashion show she sought volunteers and stated that more details would be provided, when available.

Councilmember Rios also reported that the Pittsburg Historical Society dinner had been well attended, as had the Fundraiser for R.J. Moffatt where over 600 tickets had been sold to help the 10 year old who had cancer. She also reported she had attended the Police Department Inspection and took this opportunity to express her pride with the Pittsburg Police Department. Further, she had presented a summary update from the League of California Cities on the State Budget. More details would be provided when available.

Vice Mayor Beals-Rogers also congratulated the Police Department on its very well done and distinguished inspection. She stated that it had been a privilege to participate in that ceremony. She had also had the privilege of representing the City at the Mayors Conference co-hosted by Alameda and Contra Costa County. She applauded the opportunity to meet other Mayors in Contra Costa.

Mayor Aiello stated with respect to the Police Inspection that violent crime in Pittsburg had dropped 53 percent in the last ten years, which he characterized as a major achievement for the City, one in which all officers and all residents of the City should be proud.

Mayor Aiello stated that he had been honored to be invited by the Governor's Office of Planning and Research to sit on a panel at the University of Southern California for environmental justice where testimony had been taken over two days on issues related to remediation and how to move forward to make certain that would not continue to occur in areas already overburdened. He noted that he had made a proposal to the state to freeze air credits, which he suggested with the best available technology would allow air emissions to be reduced, air quality to be increased, and the quality of life of all citizens to be improved. He had also recommended that given that some areas were already overburdened, the industrial impacts should be distributed equally throughout the state. Mayor Aiello added that there were 35 air districts in California, all operating under separate rules. The proposal would be to eliminate 33 districts and include a Northern and Southern District with more personnel placed in the field for inspections. He stated all of that had been accepted and was being considered by the Governor's Office of Planning and Research. He reported that on June 4 he would be speaking with the Air Resources Board on how to implement Phase I, the freezing of air credits.

PROCLAMATIONS

1. Watershed Cleanup Proclamation

WILLIE MIMS, representing the BPA, stated that the Watershed Appreciation Proclamation being awarded to a partnership including the Kirker Creek Watershed Committee was a concern to him given that the proclamation was from the City to the Committee in appreciation, although he suggested that the City had not shown a total appreciation for the Kirker Creek Project.

Mr. Mims explained that part of the creek that bordered the black community from California Avenue to the Pittsburg-Antioch Highway had been left untreated. He suggested as part of its appreciation, the Council would destroy a perfect creek that had life 12 months of the year every year, destroying the creek, the trees, and the ecology of the community. He described that community as a victim of environmental justice and emphasized that the City had not treated that part of the creek fairly. He suggested that the City was in the process of creating environmental damage to that community.

Vice Mayor Beals-Rogers read the proclamation to recognize an appreciation for the work that would be done on the Kirker Creek Watershed. She presented the proclamation to the Kirker Creek Watershed Committee in recognition of Watershed Appreciation Day on May 25, 2002.

TOM ARBUCKLE, a teacher at Pittsburg High School and co-Advisor of the School's Ecology Club, reported that they had worked to restore native plants in the creek through a creek cleanup as part of the Dow Chemical Environmental Fair.

Mayor Aiello took this opportunity to identify teaching awards that Tom Arbuckle and Mitch Schweichert had received. Tom Arbuckle, teaching advanced placement biology at Pittsburg High had been named Teacher of the Year for the Pittsburg Unified School District, and Mitch Schweichert, a chemistry instructor at Los Medanos College, had been awarded the Hayward Award for Teaching Excellence by the California Community College Board of Governors. He stated that it was teachers like Tom and Mitch that gave young people hope, encouragement and the education to move forward.

CHARLES SMITH supported the Kirker Creek Watershed Committee for all the work that had been done but otherwise expressed concern for the total destruction of a swath of land and expressed concern for the expected removal of trees in that area. As a member of the Committee, he stated that he would resign from the Committee because of his belief that the Council would use that Committee to cover up the City's mistakes. In sum, he read the statement that "Environmental justice is a goal to be achieved for all communities and persons across this nation. Environmental justice is achieved when everyone regardless of race, color or income enjoys the same degree of protection from environmental and health hazards and equal access to decision making processes to have a healthy environment in which to live, learn and work."

Mr. Smith stated that when destroying Kirker Creek behind Martin Luther King, an ecological gem will have been removed from the City. Referring to the despoliation of that

living environment, he stated that the watershed community group was working to remediate those types of concerns.

2. Bike to Work Day

Councilmember Quesada read the proclamation for Bike to Work Day and presented the proclamation to Bruce Ohlson of Pittsburg. He also noted that through Mr. Olson's efforts, the City was promoting other bike lanes in the City.

PRESENTATIONS

1. Governor's Office of Planning and Research

Mayor Aiello advised that the item was being removed from the agenda, not to be returned. He stated that the item related to environmental justice. He commented that he had been presented a plaque for his participation, and he noted that the Mission Statement was currently being revitalized and some of the phrases that he had recommended were being included in the Mission Statement.

CONSENT CALENDAR

On motion by Councilmember Lewis, seconded by Councilmember Rios and carried unanimously to adopt the Consent Calendar as follows, with the removal of Item a and i and in acknowledgment that Item g had already been approved.

b. **MINUTES** Dated: May 20, 2002

Approved Minutes dated May 20, 2002.

c. **CLAIMS** #1444 Charles Bell; #1445 Peter J. Johnson, Jr.; #1450 Launce M. Turner

Denied Claims #1444 Charles Bell; #1445 Peter J. Johnson, Jr.; and #1450 Launce M. Turner.

d. **RESOLUTION 02-9598** Renewal of the Contra Costa Home Program Consortium Agreement
Adopted Resolution 02-9598.

e. **RESOLUTION 02-9599** Reallocate the Position of Micrographics Technician to Engineering Technician in the Engineering Department
Adopted Resolution 02-9599.

f. **RESOLUTION 02-9600** Reclassify Three Positions and Incumbents from Public Services Worker I to Public Services Worker II

Adopted Resolution 02-9600.

- g. **RESOLUTION 02-9601** Award of Contract 99-03; North Park Plaza/Century Boulevard Connector Road to North Bay Construction, Inc. of Petaluma, California

Resolution 02-9601 was adopted in Joint Session with the Redevelopment Agency.

- h. **RESOLUTION 02-9602** Approve and Authorize Transportation Account (BTA) Fund Applications to Provide a Class III Bicycle Facility on North Parkside Drive from Railroad Avenue to Willow Pass Road/Range Road and a Class II Bicycle Facility on West Leland Road from Dover Way to Bailey Road

Adopted Resolution 02-9602.

- j. **ORDINANCE 02-1198** Revising Pittsburg Municipal Code Section 10.16.190 "Maximum Weight of Commercial Vehicles in Certain Districts"

Adopted Ordinance 02-1198.

The following items had been removed from the Consent Calendar for discussion:

- a. **DISBURSEMENT LIST** Periods Ending: May 1, 2002, May 3, 2002, and May 15, 2002

Councilmember Rios referred to a check to be made out to a Brian Villaneuva for the Blues Festival. She recommended that the check be made out to the Director of the Leisure Services Department.

Director of Leisure Services Paul Flores concurred with the recommendation and stated that the check could be made out to him and he would be responsible for disbursing the funds, as required.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to adopt the Disbursement List periods ending May 1, 2002, May 3, 2002 and May 15, 2002, as amended.

- i. **RESOLUTION 02-9603** Clarification of the General Plan Land Use Designation of Certain Alves Ranch Project Residential Property

PETER HELLMANN, representing the Alves Ranch, 2108 Grant Street, Concord, stated that before the resolution was adopted by the Council on May 6 no evidence had been presented to the record in support of the decision made based on the California

Environmental Quality Act (CEQA). Rather, he stated that evidence had been presented for the record that would indicate that just the opposite was true and that the decision made on May 6 would result in significant environmental impacts. He also suggested that the current action was procedurally flawed with CEQA findings being made subsequent to the adoption of the resolution on May 6. He submitted a letter into the public record at this time.

City Attorney Daube advised that staff's reading of CEQA required that an Addendum to the EIR be adopted based on the action taken at the last meeting. The item was therefore properly before the City Council.

WILLIE MIMS, Pittsburg, representing the BPA, commented that this would offer another opportunity to reject the item and leave the General Plan as is in terms of a High Density Residential designation.

Mr. Mims urged the City Council, as he had urged the Council at the last meeting, to do something right for the City and the County.

On motion by Councilmember Quesada, seconded by Councilmember Rios to adopt Resolution 02-9603, carried by the following vote:

Ayes: Quesada, Rios, Aiello
Noes: Beals-Rogers, Lewis
Absent:None

For the record and in response to Mr. Mims' request to speak to Item j, Ordinance 02-1198, Mayor Aiello reported that Item j had been approved through the Consent Calendar, which action had occurred prior to Mr. Mims' request to speak to the item.

CONSIDERATION

1. **MINUTE ORDER** Letter In Opposition to AB 2073 (Canciamilla)

City Manager Will Casey reported that Assembly Member Joe Canciamilla had proposed a bill in the current legislative session (AB 2073) that if passed would require that if a city annexes territory that contains an electric generation facility, the county in which that city is located would continue to receive the revenues that the county received prior to that annexation.

Mr. Casey recommended that the City Council authorize a letter opposing AB 2073 signed by the Mayor to be sent to Assemblymember Canciamilla and make it known to all interested parties that the City of Pittsburg opposes the legislation.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to authorize the letter opposing AB 2073 signed by the Mayor to be sent to Assemblymember Canciamilla and to make it known to all interested parties that the

City of Pittsburg opposed the legislation.

2. **MINUTE ORDER** Reconsideration of Ordinance 02-1197

Mr. Casey advised that pursuant to the City Council's Policies and Procedures adopted by Resolution 01-9475, a Councilmember who voted in the majority on a matter can request the item be reconsidered and, if the majority of the Council approves the request, the item can subsequently be placed on a future agenda for consideration. Mayor Aiello has requested reconsideration of the Ordinance in light of new information that had been brought to staff.

Mr. Casey recommended consideration of Mayor Aiello's request of reconsideration of Ordinance 02-1197 and, if approved, to place the item on a future agenda for consideration.

WILLIE MIMS, Pittsburg, representing the BPA, stated that the problem he had with the ordinance was similar to the passage of the General Plan. He noted that one of the problems was that when making a decision, the Council should stick to its decision. He suggested that the item would open Pandora's box. He urged a rejection of the reconsideration.

JIM DAVIS, Real Estate Manager in charge of the ARCO project at Loveridge and Leland Roads, stated that he was prepared to make a full presentation on the matter. He made himself available to respond to questions.

Mayor Aiello advised that under the Council's Rules and Procedures the only thing the Council could do at this time was to determine whether or not to reconsider the item and then to place that item on an upcoming agenda for consideration, if approved.

Councilmember Lewis did not support a motion to reconsider. He reiterated that the main thrust of his argument against the item was from a land use perspective. While he could appreciate the additional information presented to the City Council, he suggested that none of that information dealt with the strictly land use aspect of the proposal on which his approved motion had been made at the last meeting. As such, he remained in opposition to the proposal.

On motion by Councilmember Rios, seconded by Councilmember Quesada to place the reconsideration of Ordinance 02-1197 on the June 3, 2002 meeting agenda, carried by the following vote:

Ayes: Quesada, Rios, Aiello
Noes: Beals-Rogers, Lewis
Absent:None

3. **MINUTE ORDER** City of Pittsburg's Proposed Centennial Events

Mr. Casey advised that the City of Pittsburg would mark 100 years as a city on June 25, 2003. Toward celebrating this centennial event a City Council subcommittee has met and had developed a program of civic events. A schedule of the programs had been provided to the Council as Exhibit A to the staff report dated May 20, 2002. The subcommittee requested City Council input and approval of funding for the proposed programs. Funding for the proposed programs was approximately \$35,000.00.

Mr. Casey recommended the approval of the proposed centennial program with direction to staff to prepare appropriate documentation for funding expenditures to be adopted in conjunction with the 2002-03 budget.

MARY ROSAS, Pittsburg, supported the fact that the City had an opportunity to celebrate its first 100 years. Ms. Rosas urged increased volunteerism and urged the City to take advantage of interested citizens who would help make the centennial a great historical event. She offered herself as a volunteer.

JOAN DeMIGLIO, Pittsburg, President of DeMiglio & Associates, a minority owned Pittsburg business specializing in event and meeting planning, communications and public relations, and a 12-year resident, stated that on February 16 at the BPA dinner, she had approached the Vice Mayor to advise that DeMiglio & Associates was interested in submitting a proposal to help celebrate the City's centennial celebration. She offered a chronology of her meetings and discussions, suggestions and ideas for the centennial celebration and stated that she had been asked to provide a proposal for consideration,

Ms. DeMiglio stated that she had been told that the centennial subcommittee had elected to pursue another direction which did not require the services of her firm. She expressed her concern as to the process used to review her proposal, and she reported that she had attended 30 hours of meetings, research and other work and she felt somewhat abused and violated. Acknowledging that the City could elect to pursue other directions, she stated that if what she had read in the Contra Costa Times that the City was planning to hold a reception and dinner was true, that would constitute a taking of her vision, ideas and work product. She stated that the City should be promoting local businesses like hers, not exploiting them, their ideas and their work product.

Ms. DeMiglio stated if any part of her proposal, the bids she secured or the ideas laid out in the proposal were used, DeMiglio & Associates expected to be compensated. She submitted an invoice to the City with a packet to identify the firm's time and expenditures to date. She stated that she was also considering other options. She requested that all the packets that she had submitted to the Leisure Services Director be returned to her, that she be compensated for the time spent in preparing the information requested of her, that she receive a letter of apology, and that the City go on record with some form of statement affirming its support of local firms, not exploiting local firms.

Vice Mayor Beals-Rogers reported that the centennial subcommittee, consisting of representation from the Pittsburg Historical Society and the Chamber of Commerce, had started its first meeting in January at which time the subcommittee had considered a

thematic scheme to encompass the ethnicities of the City, its historical aspects, its industry, labor and all the diversity of the City's 100 year history. She described how the process had proceeded from that initial meeting when she had presented a thematic calendar with a proposal to sponsor all the annual events that took place in the City, with the City to offer \$500 to any corporation or group to incorporate a centennial activity in each of those events. Vice Mayor Beals-Rogers stated that a gala had been discussed by the Subcommittee and as part of those discussions, contracting out for services had been suggested.

The Vice Mayor advised that Ms. DeMiglio had approached her at a dinner to consider the services of DeMiglio & Associates, not to retain those services. She explained that the subcommittee had continued to meet and had determined the need to scale down its activities to a more realistic and cost effective celebration. The one-time gala had been scaled down to a reception, expected to occur after the ceremonial proclamation on June 15 when the reception would be held downstairs, or where there could be an option similar to a Mayors' Conference dinner.

Vice Mayor Beals-Rogers described the concept for a series of events that would occur each month. In January, the centennial celebration would start with the Mayor's Prayer Breakfast, followed each month by African-American Month, Historical Society, Pacific Island/Asian Month, the Blues Festival, with June festivities highlighting the Birthday month itself, with an industrial theme in July, August After Hours & Renaissance Festival following that, with the traditional Seafood Festival in September, and Hispanic/Italian Month in October, followed by the Veteran Associations and the City's Christmas Parade in December.

In consideration of how the City would like to move forward with the June events, Vice Mayor Beals-Rogers stated that the City would face unknown costs and the once recommended dinner had therefore been scaled down. She added that in consideration of the services offered by DeMiglio & Associates, the \$20,000 upfront fee for that firm's services had been found to be somewhat steep for the budget. As such, the committee had suggested that the celebrations be scaled down to spread the available funds over the full year.

Councilmember Quesada expressed concern with the recommendation that October be designated as Hispanic/Italian Month, in that May with Cinco de Mayo was traditionally a Latino month of celebration.

Vice Mayor Beals-Rogers concurred and noted that the list of monthly centennial celebrations was a concept only. It was anticipated that a letter would be sent to community organizations to meet with the Subcommittee to look at each month to incorporate all the City's historical ethnicities. She emphasized at this point that merely the concept would be approved although it was anticipated and desired to contact all organizations so that the calendar reflected every single ethnicity in an appropriate way.

Councilmember Rios suggested that the cost would exceed what the City could

afford. Given the request for \$35,000, she suggested that went beyond a concept and represented funding for the program. She was also concerned that the calendar of events had not yet included any citizen involvement. She personally did not like the concept. She also did not want anyone or any business in the City to feel that they could participate and then their ideas would be stolen.

In response to Councilmember Rios, Vice Mayor Beals-Rogers emphasized that she had raised the idea for a gala event, not Ms. DeMiglio.

To clarify the situation, City Attorney Daube stated that Ms. DeMiglio's invoice and documents would be submitted as a claim and be reviewed as such.

Vice Mayor Beals-Rogers emphasized that in interviewing any consultant, a proposal for services would have to be submitted for review, which she stressed was all Ms. DeMiglio had done.

Mayor Aiello referred to the recommendation that the City Council approve the proposed Centennial Program. He suggested that the recommendation be changed to reflect the approval of the concept only in that the calendar itself had not been finalized.

To further clarify the recommendation, Vice Mayor Beals-Rogers stated that the \$35,000 cost would be partially used for commemorative items that would generate funds to reimburse that initial up front cost.

Councilmember Lewis stated that the centennial subcommittee had been working on the proposal for six months and sought approval of the concept for a year long celebration and an attempt to bring all the different groups that made up the City of Pittsburg into the celebration. He stated that the effort was to incorporate functions already scheduled. He noted that the Seafood Festival and the Blues Festival would each have a centennial theme during their 2003 events. Councilmember Lewis sought the Council's approval of a year long celebration that would incorporate each ethnic group and culture that made up the City so that each group had the opportunity to participate in the City's centennial celebration. He noted that one of the events being considered was a Black Tie dinner, although he reiterated that the cost had been found to be prohibitive.

Emphasizing that nothing was being done beyond a typical Request for Proposals (RFP) and that when apprised of the cost, the subcommittee had determined that the cost was not something that the City could afford, Councilmember Lewis stated that the situation had been reconsidered and the celebrations had been scaled down to a reception at City Hall or a dinner similar to those hosted by the City for the Mayors' Conference.

Councilmember Lewis stressed the considerable lead time in the production of some of the items. He offered a presentation of the commemorative items to promote the events and stated that the sale of those items would help reimburse the initial \$35,000 being sought. He listed those potential commemorative items as coins in gold bronze, silver and antique bronze, banners, lapel pins, a poster print similar to the Seafood Festival print,

shirts, tee-shirts, ties and hats, along with modifications to the City logo, both on the City letterhead and on the City stationery. Councilmember Lewis reiterated the concept of a year long celebration and sought approval of the recommendation to provide an affordable and justly appropriate celebration for the City's centennial.

Leisure Services Director Flores concurred that the program was flexible and could incorporate the different civic and community groups within the year-long celebration. In an effort to be as frugal as possible, the subcommittee had realized the need to scale back on some of the concepts, ideas and activities. He stated that there was a joint effort involved taking into consideration all the civic groups as well as the amount of money available to work with and the staff assigned to the project, to include the community and the community involvement. With respect to the proposal for a gala, he stated that had been found to be unrealistic and not within the City's means.

Vice Mayor Beals-Rogers added that if the concept was approved and the Subcommittee had the permission of the Council to move forward, it would be the Subcommittee's intention to contact the Pittsburg Historical Society, the Chamber of Commerce and all community organizations for input with a public workshop to open up the item to plan the event.

DARNELL TURNER, Pittsburg, an Associate of DeMiglio & Associates, noted the several statements made with respect to affordability. He commented that the gala celebration and other suggested programs could have secured corporate sponsorship to offset the \$35,000 that had been proposed to fund the project. He stated that it had also been suggested that the City would allocate staff, and he inquired who, how many and when that staff would start given the time lost to this point. He stated that in the proposal submitted to the subcommittee a detailed description had been outlined as to how to generate revenue to the City and some of the suggestions that had been discussed had been refined by the firm to offer the best public relations image and the most cost effective use of available funds. Further, that the firm would have been responsible for securing corporate sponsorships and would have assumed the responsibility for every aspect of the logistical planning.

Mr. Turner understood the City's need to address the cost factor. He otherwise emphasized that the City would have to put on the best party possible without excessive cost, which is what their proposal had detailed, in consideration of ensuring the cultural sensitivity and diversity and recognizing all ethnicities in the community. He expressed his hope that the Council would consider the proposed invoice submitted to the City. He emphasized that DeMiglio & Associates had been under the impression that the City would accept its proposal. He emphasized that City staff did not have the time or expertise to offer the manner or quality that the firm, which had successfully worked with the Seafood Festival and the Blues Festival, could provide.

WILLIE MIMS, Pittsburg, stated that he had originally not intended to speak to the item although he had decided to do so given his concern. He suggested that a verbal contract under California law was as good as a written contract and that Ms. DeMiglio had

implied a breach of contract with the City. He read the City's policy of competing on projects, particularly with minority owned firms and questioned the City's commitment to its minority owned businesses.

BILL GLYNN, Pittsburg, stated that at one time he had been a member of the centennial subcommittee, after which he represented the Historical Society. He suggested that the minute order be changed to read: "Toward celebrating this centennial event a City Council subcommittee has met and developed a proposed thematic concept calendar for 2003. A proposed schedule for the thematic concept is attached as Exhibit A. This subcommittee is requesting City Council input and approval of funding for the proposed thematic concept. Funding for the proposed thematic concept and memorabilia for 2003 is approximately \$35,000."

Mr. Glynn clarified that the proposal was a concept and not all inclusive. He also commented on the recommendation for 91 banners and suggested that a minimum of 100 banners and posters would be appropriate.

The Vice Mayor clarified that there were only 91 poles in the City, although more posters could be ordered. Vice Mayor Beals-Rogers stated with respect to DeMiglio & Associates services that there was no contract, that DeMiglio & Associates had offered their services and that the subcommittee had evaluated the feasibility of those services.

City Attorney Daube reiterated that the proposal being submitted would be treated as a claim for damages and would be bought back to the Council in Closed Session to consider those impacts.

Councilmember Lewis stated that wherever possible, the subcommittee had tried to piggyback on events that were already taking place and had urged the adoption of a centennial theme for the 2003 celebration with the Seafood Festival and the Blues Festival. He expressed his hope that the Cinco de Mayo celebration would do the same. He noted that there were several months when more than one major celebration would occur. Each group would be offered \$500 to help defray the costs of including the centennial theme in their annual celebration. Councilmember Lewis added that once the Council approved the concept of the year long celebration, they would actively solicit input from all organizations. He stated that what was being sought was the approval of the concept and the basic financing to commence the process. He stated that almost \$6,000 would be needed to mint the coins, although more than \$6,000 would be generated from those coins once sold. He sought Council approval and he supported the wording change offered by Mr. Glynn.

Councilmember Rios agreed that there had been no contract, although she suggested that an idea had been stolen. Regarding the recommendations of the Centennial Subcommittee she supported a dinner only if the citizens of the City were part of such an event. She did not believe that a Black Tie event for an industrial city was appropriate, she did not support an approval of the concept prior to receiving City involvement, she had a problem approving a concept based upon flexibility and with stated costs, and she would not approve the change of language for fear that might somehow be

misunderstood or miscommunicated. Councilmember Rios recommended the return of the proposal to the subcommittee to change the concept and to offer more concrete numbers and with citizen input.

Councilmember Quesada supported more citizen involvement for such an important City function.

Motion by Councilmember Rios, seconded by Councilmember Quesada to return the proposal to the Subcommittee to change the language to include the concept and to offer more concrete numbers, with citizen input.

Mayor Aiello recommended the following changes: To the wording of the recommendation to read: *This subcommittee is requesting City Council input and approval of funding for the proposed centennial concept*; to the calendar of events that the Month of May be Hispanic Month; that a proposal be placed before the Council for a special meeting of the Council with letter to be sent to all community organizations to offer input on the proposed calendar of events; and that the requested funds be set at a maximum of \$35,000. By doing so, he suggested that the concept and flexibility would be offered while soliciting comments from the public.

Councilmember Rios stated that the items could be returned to the Council at the next meeting but she would not alter the motion with that recommendation.

On the motion by Councilmember Rios, seconded by Councilmember Quesada to return the proposal to the Centennial Subcommittee to change the language to include the concept and to offer more concrete numbers, with citizen input, FAILED by the following vote:

Ayes: Quesada, Rios
Noes: Beals-Rogers, Lewis, Aiello
Absent:None

On motion by Mayor Aiello, seconded by Vice Mayor Beals-Rogers that the recommendation be changed to read *This subcommittee is requesting City Council input and approval of funding for the proposed centennial concept*; that the funding limit be set at a maximum of \$35,000, that a special meeting of the City Council be convened on June 24 for the purpose of public input with information to be distributed to all non-profits and to all those on the City's mailing list to solicit comment, and that all suggested changes to the potential calendar at that time be submitted by Councilmembers for input, CARRIED by the following vote:

Ayes: Beals-Rogers, Lewis, Aiello
Noes: Quesada, Rios
Absent: None

Councilmember Lewis emphasized that the Subcommittee would not spend near the \$35,000 requested in that the actual expenditures would be much less given that many of

those funds would be recouped.

ADJOURNMENT

The meeting adjourned at 9:06 P.M. to the next meeting set for June 3, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

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CITY OF PITTSBURG
Pittsburg Power Company
May 20, 2002

Chair Frank Aiello called the meeting of the Pittsburg Power Company to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California. 9:07 P.M, after having met at 5:00 P.M. for Housing Authority Commission interviews and 5:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9 Re Alves Ranch LLC v. City of Pittsburg, Superior Court N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three (3) cases; and Conference with Labor Negotiators pursuant to Section 54957.6 Re Miscellaneous A, Miscellaneous B, Management/Professional/Confidential Unit, PPOA, PPMG, Teamsters Local 856, unrepresented employee and all unaffiliated employees. There was nothing to report.

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

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
Economic/Redevelopment Coordinator, Brad Nail
Director of Public Services, John Fuller
Director of Leisure Services, Paul Flores
Director of Planning and Building, Randy Jerome
Director of Personnel Services, Marc Fox
Senior Engineer, Joe Sbranti
Director of Housing, Buck Eklund
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

Chair Aiello took this opportunity as the Chair of the Delta Sanitation District to report that the Sanitation District had reduced the taxes on sanitary sewer fees by 7.5 percent effective next fiscal year.

CONSENT

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt the Consent Calendar, as follows:

- a. **MINUTES** Dated: May 20, 2002

Approved the Minutes dated May 20, 2002.

CONSIDERATION

1. **RESOLUTION 02-069** Award Contract 00-06; Marina Dredging Project to Camenzind Dredging

City staff and consultants had secured a dredge spoil disposal site at Winter Island, obtained regulatory permits and prepared plans and specification for the dredging of the municipal marina. The City Council authorized staff to advertise the project for bid on January 22, 2002. Project bids were received on May 14th, 2002 with Camenzind Dredging the apparent low bidder.

City Attorney Daube advised that the item had been pulled and would return to the June 3, 2002 meeting agenda. She emphasized that would not change the selection of the vendor. The continuance would allow the resolution itself to contain certain findings with respect to allocation of budget for the project, which had not been included in the staff report. She emphasized that the vendor would remain the same.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:08 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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