

CITY OF PITTSBURG
City Council Minutes
January 22, 2002

Mayor Frank Aiello called the meeting of the City Council to order at 7:33 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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 Finance, Jim Holmes
Director of Personnel Services, Marc Fox
Director of Leisure Services, Paul Flores
Director of Public Services, John Fuller
Director of Planning and Building, Randy Jerome
City Engineer, Wally Girard
Senior Engineer, Joe Sbranti
Director of Housing, Buck Eklund
Property Manager, Ursula Luna
Police Commander, Evan Kohler
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZEN REMARKS

JOE RUBI, Pittsburg, reported that contrary to the Council's discussion at the last meeting that Supervisor Glover had not reviewed candidates for the Los Medanos Community Hospital District (LMCHD) Board of Directors, as one of the candidates he had been interviewed three times by Supervisor Glover.

Vice Mayor Beals-Rogers noted that her comments had been based on the process of appointment and not on the procedures followed by Supervisor Glover.

Mr. Rubi reiterated that he had been interviewed by Supervisor Glover contrary to published reports and that he had spoken at great length with Supervisor Glover in relation to his candidacy. He had been advised by Supervisor Glover to get involved.

Councilmember Rios commended Mr. Rubi for speaking his mind and for getting involved.

MIKE LENGYEL, Pittsburg, took this opportunity to commend Supervisor Glover for his appointment of Bruce Croskey to the vacancy on the LMCHD Board of Directors, and suggested that Mr. Croskey was the most qualified to be appointed to the Board having previously been a member of the Board for six years. He noted that one third of the approximate 23 health care districts in the State no longer operated hospitals, although they retained power and promise.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) referred to the Council's letter approved by Minute Order in protest of the appointment of Bruce Croskey by Supervisor Glover. He suggested that the closure of the public session with an amendment to the Minute Order to include a reference in protest to potential mental health services was contrary to the Brown Act.

Mayor Aiello noted with respect to the Minute Order referenced by Mr. Mims that the item had been discussed in accordance with the advice of the City Attorney. He stated that as a result, the mental health issue was agendaized for tonight's meeting instead of adding it to the previous letter.

COUNCIL REPORTS

Councilmember Lewis reported that as directed by the City Council at its last meeting, he had convened a meeting pertaining to the enforcement of the Shopping Cart Ordinance. He stated that the meeting had been well attended by four of the five stores invited to that meeting, while the fifth had an extensive phone conversation with a staff member and had made a full report on their position. He stated that fruitful discussions had been held and noted that he would prepare a report of that meeting to be provided to the Council in the next agenda packet. He added that substantive issues had been discussed and he expected to move forward at this point.

Vice Mayor Beals-Rogers advised that the Centennial Committee had met, was in its early stages and was researching the City's history and ideas at this point. She had also attended the East County Library meeting, which was trying to prioritize the needs of the libraries in East Contra Costa County to determine how to spend the Mirant funds. She reported that the funds would be distributed for the extension of library hours and the collection of items in the library, along with after school programs. Further, she noted that she had participated in a Freedom Parade in the Crenshaw district of Los Angeles in honor of Martin Luther King, Jr. She took this opportunity to recognize Dr. King's noble contributions to society.

Councilmember Rios reported that she attended the East Bay Division League of California Cities meeting where AB 81 regarding the power plant property tax for the energy plant had been discussed. She stated the League would be supporting the Pittsburg in its efforts to retain the funds.

Councilmember Rios stated that each city would adopt a resolution in support of AB81 for the City of Pittsburg. She also reported that the Audit Committee had met on January 18, at which time the policies and procedures had been discussed and recommendations made.

Councilmember Quesada reported that he had met with the Planning Department, Planning Commissioners, and Councilmember Rios on the Tenth Street corridor and the development in that area. He stated that the evaluation of that area continued in anticipation of a whole plan that would be submitted to the Planning Commission. The Audit Committee had also met to discuss Purchasing Policies and Procedures with proposed amendments. He thanked staff for their cooperation and for the assist from Councilmember Rios and the City Treasurer to ensure that the established rules and procedures were being followed.

Mayor Aiello reported that he had attended the ceremony at Dow Chemical in honor of Martin Luther King, Jr. that he described as well done and a wonderful tribute. He provided the City Manager with a document to ask that the Community Advisory Commission appoint a Pittsburg representative to the Contra Costa County Advisory Committee on Aging. He also reported that he had appointed Councilmember Rios as a liaison to the Youth Commission. Further, he advised that the City of Clayton had adopted a resolution in support of AB 81 for the City of Pittsburg. He stated that the cities were starting to move ahead and address the issue one by one and through a city by city resolution effort to help support the City of Pittsburg through AB 81.

Vice Mayor Beals-Rogers noted her understanding that any creation of committees or appointments to committees would be by consensus of the Mayor and the Vice-Mayor. As such, she was concerned since she had been unaware of the appointment of a Council liaison to the Youth Commission.

City Attorney Daube advised that the appointment would have to return to the Council at its next meeting to be agendized for discussion.

Councilmember Lewis also commented that anyone else on the Council who might want to serve on that committee should also be considered.

PRESENTATION

1. "Contra Costa: Shaping Our Future" Program

City Manager Casey reported that the Contra Costa Conference of Mayors "Contra Costa: Shaping our Future" proposed the development of a future vision of a growth management strategy for the County. The purpose of the plan was to establish a position from which Contra Costa County and its member cities could work toward comprehensive approaches to growth and change in the County.

Councilmember Julie Pierce of Clayton and Councilmember Maria Alegria of Pinole were available to present an overview of the program.

Mayor Aiello inquired whether or not the City of Pittsburg had been represented on the Committee, to which Ms. Pierce stated that the City had been asked through its City/County Relations representative for participation over the last two years although that had yet to occur. She encouraged a representative from the City of Pittsburg to participate in the process.

Ms. Pierce offered a quick overview of the program to develop a community based unified vision with implementation strategies to guide the growth of Contra Costa County while also preserving the way of life of all Contra Costans. She noted the various bodies involved and explained that it would be helpful to be able to identify the problems and solutions in one place, particularly given the interrelated issues associated with growth, which in East County was primarily associated with traffic congestion and the lack of a job base. Other issues involved affordable housing and the need to address open space and the protection of open space resources.

Noting that historically the general public had not been actively involved in the planning process, Ms. Pierce stated that the intent was to bring people in on the ground level to help shape the County over many years. To do that, a forum had to be created. She stated that a Request for Proposal (RFP) had been issued two years ago with a number of stakeholders representing the environmental community, developers, jobs, housing, labor and others. She noted that the three firms that had responded to the RFP had taken on the beginning of the process.

Ms. Pierce reported that a visioning process Countywide was being attempted, to start with Countywide workshops that would evolve into regional workshops in the five subregions of the area, to solicit new and creative ideas to find a way to address the anticipated growth in the County and to preserve the quality of life.

As such, Ms. Pierce stated that each community would be asked to contribute financially as well as with staff and residents to work on the project and to contribute 60 cents per capita based on the 2000 Census to fund a project manager and a consultant to do the work. Additional monies would be sought through other means, including grants and donors. She stated that a large number of cities had signed on, with Pittsburg, Brentwood and San Pablo yet to make a decision on the issue. She added that the process had been commenced and meetings would be initiated in the near future.

Mayor Aiello commented that any information as to the Shaping our Future Committee Meetings should be addressed through Councilmember Lewis.

Councilmember Lewis noted that as the City/County Relations Member over the last ten months, he had been provided with no information to allow him to attend the meetings, and had therefore not been in attendance.

Ms. Pierce advised that the next meeting was scheduled for February 5 and was always scheduled the day before the Mayors Conference. She welcomed and looked forward to the City's participation.

2. Downtown Update

Economic Development Director Garrett Evans presented the Downtown Update by highlighting the areas in the downtown proposed to be revitalized. He described the projects known as the Gateway Project, the Civic Center Office Project, the 1160 Railroad Avenue Project, the East 10th Street Project, the West 10th Street Project, the Black Diamond Project, the Cumberland Infill Project, and the Marina Project. He detailed the components and phasing of each and described the status and potential timeline of each. He explained that in

total sixteen projects were ongoing as part of the revitalization efforts of the Downtown.

Vice Mayor Beals-Rogers inquired how often the Heritage Walk was being maintained given her discovery that much of the landscaping was overgrown, to which Mr. Evans stated that efforts to better maintain that area were being pursued.

Mayor Aiello advised that the Redevelopment Subcommittee would be meeting on a quarterly basis as would the Economic Development Subcommittee. He urged the subcommittees and staff to address the problems that had been identified.

CONSENT CALENDAR

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to adopt the Consent Calendar, with the removal of Item b for discussion.

- a. **DISBURSEMENT LIST** Period Ending: January 3, 2002

Approved Disbursement List period ending January 3, 2002.

- c. **CLAIMS** #1412 Ruby Brown; #1424 Donald Gordon

Denied claims #1412 Ruby Brown; #1424 Donald Gordon

- d. **RESOLUTION 02-9544** Confirmation of Employee Benefit Status for Police 2001-2002 CDBG/NPDES Grant Employed Personnel
In the grant funding requests and in the awarded appropriations for the 2001-2002 Community Development Block Grant and NPDES Award to the Police Code Enforcement Bureau, it identified funding for full benefits for those employees for the duration of the grant-funded period.

This was not specifically identified in the individual City Council Resolutions ratifying the acceptance of the grant terms and conditions. In addition a typographical error in the CDBG application lists benefits, or the appropriate percentage thereof, for two permanent Sworn personnel, six Regular Permanent Personnel, and one "Hourly" Office Assistant, who is funded by both CDBG and NPDES resources.

Adopted Resolution 02-9544.

- e. **RESOLUTION 02-9545** Authorizing One (1) Full Time Regular Administrative Assistant I for the Economic Development Department, Harbor

The Harbor Division has been using the services of a

seasonal employee for office management and clerical support following the recent restructuring of the Harbor Division. The restructuring was through the enhanced emphasis on Harbor customer service and maintenance through the hiring of a full-time Harbor Master. The need for office management and clerical support cannot be supported through the use of seasonal employees.

Adopted Resolution 02-9545.

- f. **RESOLUTION 02-9546** Utility Relocation Agreement for Mirant Delta LLC

A reimbursement agreement between Mirant Delta, LLC and the City as part of the Kirker Creek Flood Control Project. The City requires the relocation of certain facilities throughout the project and because the Mirant Delta facilities are not in the public right of way, the City is required to reimburse them their cost for relocating their facilities.

Adopted Resolution 02-9546.

- g. **RESOLUTION 02-9547** Utility Relocation Agreement for Chevron Pipeline Co./Chevron USA Inc. for Century Boulevard/North Park Plaza Connector Road

The City Council previously approved this Agreement by Resolution 01-9525 on November 19, 2001. There is a substantive change to the Agreement, which requires City Council approval. Chevron is agreeing to remediate any environmental conditions on its Property caused by it. In exchange, the City is agreeing to waive increased costs in construction caused by the environmental contamination, if any. This is a limited waiver given in consideration of Chevron's agreement to resolve environmental issues present at the site.

Adopted Resolution 02-9547.

- h. **RESOLUTION 02-9548** Utility Relocation Agreement for Chevron Pipeline Co./Chevron USA Inc. for Kirker Creek Flood Control Project

The City Council previously approved this Agreement by Resolution 01-9526 on November 19, 2001. There is a substantive change to the Agreement that requires City Council approval. Chevron is agreeing to remediate any environmental conditions on its Property caused by it. In

exchange, the City is agreeing to waive increased costs in construction caused by the environmental contamination, if any. This is a limited waiver given in consideration of Chevron's agreement to resolve environmental issues present at the site.

Adopted Resolution 02-9548.

- i. **RESOLUTION 02-9549** Reimbursement Agreement Between the City of Pittsburg and Williams Communications, LLC Relocation of Telecommunications Facilities for Kirker Creek Flood Control Project

A reimbursement agreement between Williams Communications, LLC and the City as part of the Kirker Creek Flood Control Project. The City requires the relocation of certain facilities throughout the project and because the Williams facilities are not in the public right of way, the City is required to reimburse them their cost for relocating their facilities.

Adopted Resolution 02-9549.

- j. **RESOLUTION 02-9550** Approve Municipal Well Telemetry Repair

Both City wells were out of service due to equipment failures; therefore, the City had no raw water source independent of Central Valley Project (CVP) water from the Contra Costa Water District (CCWD). Use of the wells reduces the City's expenditures for raw water and provides the City with a raw water source independent of CVP water. Non-operation of the wells costs the City between \$1,500 and \$3,000 per day for additional CVP water purchases from CCWD. Emergency repairs to the wells were necessary to ensure that cost effective water deliveries were not jeopardized.

Adopted Resolution 02-9550.

- k. **RESOLUTION 02-9551** Approval of the Assignment of Grants of Easements and Rights Obtained Through Eminent Domain Proceedings Necessary to the Delta Energy Center Project and Pursuant to that Certain Transmission Line Development and Option Agreement entered into Between Calpine Corporation and the Pittsburg Power Company

Staff submits for the City Council's consideration a proposed resolution authorizing a transfer of certain

easement rights to Delta Energy Center pursuant to provisions of that certain Transmission Line and Development Agreement entered into on August 11, 2000, between Calpine Corporation, as developer, and Pittsburg Power Company.

Adopted Resolution 02-9551.

The following item was removed from the Consent Calendar for discussion.

b. **MINUTES** Dated: January 7, 2002

Mayor Aiello requested the following amendment to the third paragraph on Page 7 of the January 7 minutes in bold:

*Mayor Aiello noted the committee assignments that had been deleted were the AT&T, Industrial Advisory, and Civic Center Arts Committees, and Economic Development and Centennial Celebration Committees had been added, while it had been recommended that the RDA, Economic Development and School Liaison Subcommittees be scheduled on a quarterly basis, or **more** as needed, with referral to the PUSD and the Mt. Diablo Unified School District (MDUSD) to allow them to take collaborative action.*

On motion by Mayor Aiello, seconded by Councilmember Rios and carried unanimously to approve the minutes of the January 7, 2002 meeting, as amended.

CONSIDERATION

1. **REPORT** Investment Report

The State of California Government Code Section 53646 amended by the passing of Senate Bill No. 564 which took effect January 1, 1996 requires the City Treasurer to quarterly submit an investment report to the City Council during a public meeting.

On motion by Councilmember Rios, seconded by Councilmember Lewis and carried unanimously to approve the Investment Report.

2. **RESOLUTION 02-9553** Purchasing Procedures

City Manager Casey stated that in accordance with California Government Code Section 54201 et seq. the City Council desires to update and expand the City's purchasing policies and procedures to provide more uniform and comprehensive standards.

Mr. Casey recommended the adoption of Resolution 02-9553 approving the City of Pittsburg's Purchasing Policies and Procedures.

Councilmember Rios clarified the recommendations listed under the proposed changes

as all being from the Audit Committee.

Councilmember Quesada thanked the City Treasurer and the Finance Director for the many deliberations on the procedure proposed to be followed in print.

Councilmember Lewis expressed concern for the proposed \$50,000 trigger prior to Council involvement and sought a figure in the area of \$25,000 as more appropriate. He recommended that \$1-\$19,999 be triggered by a Department Head, \$20,000-\$29,999 by the City Manager, and anything over \$25,000 by the City Council.

Councilmember Rios noted that was one question that she had posed to the Finance Director.

Finance Director Jim Holmes concurred that the issue had been discussed by the Audit Committee, which had echoed those same concerns. He stated that the procedures could be revised by the City Council at any time. In addition, the higher level had been sought given the number of expenditures in the \$25,000 to \$50,000 range. From that perspective, he noted that those disbursements were standard expenditures, such as utilities, debt service payments and the like. He stated that there was an attempt to ease the administrative load and if the Council concerns for those limits remained, the policy could be revised.

Councilmember Lewis stated that if the Audit Committee was satisfied with the policy, he would support that policy.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9553, with the amendments that had been presented.

3. **RESOLUTION 02-9554** Participation in the "Contra Costa: Shaping Our Future" Program

City Manager Casey advised that the Contra Costa Conference of Mayors "Contra Costa: Shaping Our Future" plan was a proposal for the development of a future vision and growth management strategy for Contra Costa County. The purpose of the plan was to establish a position from which Contra Costa County and its member cities could work toward comprehensive approaches to growth and change in the County.

Mr. Casey recommended the approval of the City of Pittsburg's participation in the Contra Costa Conference of Mayors "Contra Costa: Shaping Our Future" plan.

Councilmember Quesada expressed some concern for the expenditure involved, particularly given the recent increase in League of California Cities fees, and questioned whether or not the expenditure might impact the City with both another expenditure and another layer of government. With the current shortfalls, he questioned whether or not the City had the luxury of becoming involved.

Councilmember Lewis clarified that the participation requested was in the area of \$36,000. He sought a better understanding of the group and suggested that the item be deferred pending the second meeting in February after the City representative had an

opportunity to attend the meeting. Without having attended a meeting, he was reluctant to proceed at this time.

MARIA ALEGRIA, Pinole, spoke to Councilmember Quesada's comment with respect to the increase in League dues.

As a Director of the LCC, Ms. Alegria stated that the LCC was embarking on a grass roots network to bolster lobbying efforts to deal with issues around the protection of local revenues given the need to be unified as cities and given the investment in terms of being able to determine capacities and lobby Sacramento in a unified effort. She advised that there was a trigger to evaluate the proposal in three years after which there would be a review and a reconsideration of support.

Ms. Alegria noted that the City's issue of power plant revenues would be discussed by the LCC in February in Long Beach. While she understood the Council's desire to be more informed, she sought the support of the Council and stated that there was no pressure involved other than the intent to engage in a process to talk to each other. She stated that there would be no mandates of the City's General Plan, policies or region. There would simply be an attempt to work together to address the issues in the County.

Councilmember Quesada noted that regional cooperation was a good concept, although he suggested that the City of Pittsburg had not been included in the regional effort and he disagreed with the effect another layer of government might have on the City. While he sought an ability to work together, he reiterated his serious concern that the City would not be included in the process. He also emphasized the revenue shortfalls that were anticipated and emphasized the need to be fiscally responsible and fiscally frugal.

Vice Mayor Beals-Rogers spoke to the need for regional cooperation and stated that in order for Pittsburg to have its needs met, it had to be in partnership with surrounding cities. She agreed with the recommendation to defer action on the request until the second meeting in February to be able to attend a meeting of the group and become better informed.

Councilmember Rios stated that she had been attending the Mayors Conference and was comfortable supporting the program. She otherwise supported the recommendation for a postponement to allow the Council to become better informed.

Mayor Aiello noted that the City had been contributing \$15,000 a year for several years as part of the Contra Costa Economic Partnership with essentially nothing in return. He noted the situation where surrounding cities had supported the City of Pittsburg in its efforts through AB 81 and he agreed with the spirit of cooperation and did not support a deferment at this time.

Mayor Aiello inquired whether or not the Chair and Vice Chair of the group could meet with Councilmember Lewis and Vice Mayor Beals-Rogers prior to the first Council meeting in February to be able to provide information to address their concerns.

On motion by Vice Mayor Beals-Rogers and seconded by Councilmember Rios to defer action on Resolution 02-9554 to the February 4, 2002 meeting.

The motion carried by the following vote:

Ayes: Beals-Rogers, Lewis, Rios, Aiello
Noes: Quesada

4. **RESOLUTION 02-9555** Authorizing the Executive Director to Execute the 2001-02 Disadvantaged Business Enterprise (DBE) Program to Facilitate the Use of Federal Funds for Capital Improvements Projects

Implementation of a DBE program is required by each Local Agency prior to receiving Federal funds. Staff has established a draft Disadvantaged Business Enterprise (DBE) Program for Federal Fiscal Year 2001-2002 that is in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26. Using a CALTRANS approved method, the DBE participation goal was calculated to be 5.6 percent participation using race conscious methods. In October 2001, CALTRANS approved the draft version of the City's DBE Program, and authorized the City to advertise for public review. A copy of the City's draft DBE Program was open for public review and comment for the necessary 45 days. During this time, no comments had been received from the general public.

Resolution 02-9555 was adopted in Joint Session with the Redevelopment Agency.

5. **ORDINANCE 02-1189** Adopting as an Urgency Measure Interim Zoning Regulations for Issuance of Land Use Entitlements Consistent with the General Plan (RZ-02-01)

City Manager Casey reported that pursuant to Government Code Section 65858, the City Council may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated or newly adopted General Plan. The General Plan was adopted on November 16, 2001, whereby certain inconsistencies may exist between the current Zoning Ordinance and the new General Plan. The interim ordinance provides for the orderly processing of land use applications prior to the adoption of necessary amendments to the Zoning Ordinance for consistency with the General Plan. The urgency measure is valid for 45 days and may be extended after a public hearing.

Mr. Casey recommended the adoption of Ordinance 02-1189 as an urgency measure for interim zoning regulations to provide for issuance of land use entitlements consistent with the newly adopted General Plan.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to introduce Ordinance 02-1189 and to waive full reading.

6. **MINUTE ORDER** Letter to Board of Supervisors re: Mental Health Clinic

Mr. Casey advised that at the January 7, 2002 City Council meeting, the Council approved a letter to Federal Glover and the Board of Supervisors concerning the recent appointment of Bruce Croskey to the LMCH Board. As part of the discussion, an issue was

raised concerning the perception that the County intends to add outpatient psychiatric services at the existing clinic site. The purpose of the proposed letter to the Board of Supervisors is to reiterate the City Council's position concerning additional outpatient mental health facilities.

Mr. Casey recommended the adoption, by Minute Order, of the proposed letter and authorizing the Mayor to sign the letter on behalf of the City Council.

MICHAEL LENGYEL, Pittsburg, characterized the letter as belligerent and counterproductive. He noted that the position had been that the locked psychiatric facility in Martinez should not be moved to Pittsburg, although he suggested that mental health facilities currently existed in the Pittsburg facility. Mr. Lengyel added that the County Board of Supervisors this date had approved bus services to existing mental health clinics in the City. He suggested that the letter would inappropriately jeopardize existing County mental health facilities in the community. He suggested that there was an opportunity to work with the County, the LMCHD and others to gain something good. He objected to approaching the situation with a belligerent point of view.

WILLIE MIMS, Pittsburg, referred to the staff report and inquired of the difference between the proposed Minute Order and the letter sent on May 7, 2001 at which time the Mayor had sought the inclusion of more information and had recommended that the letter include the fact that there was a conflict of interest with the Board of Supervisors and that the City would have to reiterate to the County that under no circumstances would the City accept a mental health clinic in the County.

Mayor Aiello stated that any information regarding a mental health clinic had not been included in the letter that had been submitted.

City Attorney Daube clarified that although the Council had sought the inclusion of the information in the letter at that time, she felt it was more appropriate to bring the mental health issue up in a separate letter from the letter that the Council had approved at the last meeting.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt the Minute Order.

PUBLIC HEARING

1. **RESOLUTION 02-9542** Lease Agreement Between the Redevelopment Agency and Contra Costa County for the Use of 415 Railroad Avenue

Resolution 02-9542 was adopted in Joint Session with the Redevelopment Agency.

ADJOURNMENT

The meeting adjourned at 9:00 P.M. to the next meeting set for February 4, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

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CITY OF PITTSBURG
Housing Authority Minutes
January 22, 2002

Chair Frank Aiello called the meeting of the Housing Authority to order at 7:04 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 of the Government Code regarding Thomas v. City of Pittsburg Case No. C01-02718, and Conference with Legal Counsel - Anticipated Litigation pursuant to Section 54956.9 regarding three (3) cases.

City Attorney Linda Daube advised that there was nothing to report from Closed Session.

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

MEMBERS ABSENT: Peterson (Excused)

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 Finance, Jim Holmes
Director of Personnel Services, Marc Fox
Director of Leisure Services, Paul Flores
Director of Public Services, John Fuller
Director of Planning and Building, Randy Jerome
City Engineer, Wally Girard
Senior Engineer, Joe Sbranti
Director of Housing, Buck Eklund
Property Manager, Ursula Luna
Police Commander Evan Kohler
Police Chief Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Thaddeus Holmes led the Pledge of Allegiance.

CITIZEN REMARKS

There were no citizen remarks.

MEMBER REMARKS

There were no member remarks.

CONSENT

On motion by Member Lewis, seconded by Member Quesada and carried unanimously to adopt the Consent Calendar, with the removal of Items b and c.

- a. **DISBURSEMENT LIST** Periods Ending: November 30, 2001 and December 31, 2001

Approved Disbursement Lists ending November 30 and December 31, 2001.

The following items were removed from the Consent Calendar for discussion.

- b. **MINUTES** Dated: October 15, 2001 and November 19, 2001

On motion by Member Lewis, seconded by Member Quesada to approve the minutes dated October 15 and November 19, 2001, with an abstention from Member Rios on the October 15, 2001 meeting due to absence.

- c. **RESOLUTION 02-199** Administrative Plan Changes

As required by the U.S. Department of Housing and Urban Development and codified in the Code of Federal Regulations (CFR) 24 parts 35 and 982, the Housing Authority had prepared updated policies and procedures for Lead Base Paint elimination in federally assisted housing, as well as updated the Utility Allowance Schedule. These revisions require Housing Authority Commission approval for submittal to HUD and subsequent incorporation into the Authority Administrative Plan.

Member Rios verified that a pamphlet had been provided to those who lived in homes with lead paint. She sought assurance that the pamphlets could be interpreted by those who were not English speaking and those who could not read English. She was advised that the pamphlets were currently provided by HUD in English and Spanish only.

Member Rios inquired whether or not records were retained of the actual number of children involved, to which Mr. Eklund noted that the HUD requirements required an attempt to obtain the names of children who had been identified with elevated blood levels.

Mr. Eklund acknowledged that the City had to improve on its efforts to reach all those involved. He advised that the Authority was utilizing a Community Development Block Grant (CDBG) so that every family with children under the age of six would be eligible for additional training.

Chair Aiello inquired whether or not the City could exceed the HUD requirements to make the community a safer place, to which Mr. Eklund stated that the Authority could do that and require the property owner to remove the lead based paint on the interior and exterior of existing homes.

Chair Aiello also expressed concern with the cumulative levels of lead and inquired whether or not residents were being informed of the effects of accumulation of lead that could ultimately attack bones, and Mr. Eklund noted that the material provided did speak to that point and the Authority would pursue a subsequent CDBG grant to address that problem in the upcoming program year.

On motion by Member Lewis, second by Member Rios and carried unanimously to adopt Resolution 02-199.

CONSIDERATION

1. **REPORT** Investment Report

The State of California Government Code Section 53646 amended by the passing of Senate Bill No. 564 which took effect January 1, 1996 requires the City Treasurer to quarterly submit an Investment Report to the City Council during a public meeting.

On motion by Member Lewis, seconded by Member Rios and carried unanimously to adopt the Investment Report.

ADJOURNMENT

The meeting adjourned at 7:15 P.M. to the next meeting set for February 19, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Redevelopment Agency Minutes
January 22, 2002

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:16 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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 Finance, Jim Holmes
Director of Personnel Services, Marc Fox
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Director of Housing, Buck Eklund
Property Manager, Ursula Luna
Police Commander Evan Kohler
Police Chief Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZEN REMARKS

ROSEMARY TUMBAGA, Pittsburg, took this opportunity to update the Council on the fact that Pacific Community Services, Inc. (PCSI) conducted a Lead Education and Anemic Prevention Program funded by the Public Health Trust, which program had been in effect for six months where lead poisoning awareness was the subject of public outreach. She added that the requested information related to the levels of lead poisoning was available from Contra Costa County.

MEMBER REMARKS

There were no member remarks.

CONSENT

On motion by Vice Chair Beals-Rogers, seconded by Member Rios and carried

unanimously to adopt the Consent Calendar, as shown.

a. **MINUTES** Dated: January 7, 2002

Approved Minutes dated January 7, 2002.

CONSIDERATION

1. **REPORT** Investment Report

Executive Director Will Casey reported that the California Government Code Section 53646 amended by the passing of Senate Bill No. 564, which took effect January 1, 1996, required the City Treasurer to quarterly submit an Investment Report to the City Council during a public meeting.

Mr. Casey recommended the acceptance of the Investment Report for the quarter ending September 30, 2001.

On motion by Vice Chair Beals-Rogers, seconded by Member Rios and carried unanimously to approve the Investment Report.

Chair Aiello CONVENED JOINTLY WITH THE CITY COUNCIL at this time to consider Resolution 02-812 (Redevelopment Agency) and Resolution 02-9555 (City Council).

2. **RESOLUTION 02-812** Authorizing the Executive Director to Execute the 2001-02 Disadvantaged Business Enterprise (DBE) Program to Facilitate the Use of Federal Funds for Capital Improvements Projects.

4. **RESOLUTION 02-9555** Authorizing the Executive Director to Execute the 2001-02 Disadvantaged Business Enterprise (DBE) Program to Facilitate the Use of Federal Funds for Capital Improvements Projects

Executive Director Casey reported that the implementation of a DBE program is required by each Local Agency prior to receiving Federal funds. Staff had established a draft Disadvantaged Business Enterprise (DBE) Program for Federal Fiscal Year 2001-2002 that is in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26. Using a CALTRANS approved method, the DBE participation goal was calculated to be 5.6 percent participation using race conscious methods.

In October 2001, CALTRANS approved the draft version of the City's DBE Program, and authorized the City to advertise for public review. A copy of the City's draft DBE Program was open for public review and comment for the necessary 45 days. During this time, no comments had been received from the general public.

Mr. Casey recommended the adoption of Resolution 02-812 and Resolution 02-9555 authorizing the Executive Director/City Manager to approve and implement the 2001-02 DBE

program using a 5.6 percent participation goal.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-812.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9555.

Mayor Aiello adjourned the City Council meeting at 7:22 P.M. to continue with the remainder of the Redevelopment Agency agenda.

3. **RESOLUTION 02-813** Approval of Funding Not to Exceed \$150,000 for Stabilization and Study for the California Theatre

Mr. Casey reported that the Redevelopment Agency agreed to pay for the possible funding shortfall not to exceed \$135,000 for the seismic stabilization of the California Theatre, and reimburse Pacific Community Services, Inc. \$15,000 for the cost of a stabilization study done by Davidson & Seals. The expenditure of these funds is conditioned on PCSI receiving a grant in the amount of \$350,000 from the State of California, or a like amount from another source.

Mr. Casey recommended the authorization and direction to the Executive Director to fund up to and not to exceed \$150,000 for seismic stabilization, and reimburse PCSI for the stabilization study of the California Theatre, conditioned on PCSI receiving a \$350,000 State grant, or like amount from another source.

TOM LaFLEUR, Pittsburg, thanked City staff for the courtesy and cooperation involved with the ad hoc committee to find the right direction with the California Theatre. He noted that progress had been made and he anticipated the submittal of a complete package in the near future to address the future of the California Theatre. He also noted that the resolution had been separated from the larger recommendations given the uncertainties involved. He suggested that the \$135,000 would triple PCSI's success in receiving stabilization monies, and added that the reimbursement of the funds to PCSI was important to be able to allow them to seek additional funds.

Vice Chair Beals-Rogers inquired whether or not the commitment could be made contingent upon PCSI's receipt of the grant.

In response, Economic Development Director Garrett Evans clarified that the funds had been budgeted and that the City had ensured that there was no obligation beyond the \$150,000 committed.

Member Lewis expressed his support for the project and thanked the committee working with PCSI to get the project underway.

On motion by Vice Chair Beals-Rogers, seconded by Member Lewis and carried unanimously to adopt Resolution 02-813.

Chair Aiello CONVENED JOINTLY WITH THE CITY COUNCIL at this time to consider Resolution 02-810 (Redevelopment Agency) and Resolution 02-9542 (City Council).

PUBLIC HEARING

1. **RESOLUTION 02-810** Lease Agreement Between the Redevelopment Agency and Contra Costa County for the Use of 415 Railroad Avenue

1. **RESOLUTION 02-9542** Lease Agreement Between the Redevelopment Agency and Contra Costa County for the Use of 415 Railroad Avenue

City Manager Will Casey reported that the Pittsburg Redevelopment Agency and the County of Contra Costa (the "County") had negotiated terms for the lease of 415 Railroad Avenue located on the east side of Railroad Avenue in the downtown between 4th Street and 5th Street. The County to lease the premises for \$7,500 per month for a two and a half-year period commencing retroactively to July 1, 2001. The Agreement represented a value of \$225,000 to the Agency over the life of the term.

Property Manager Ursula Luna noted a minor modification to the agreement regarding the holding over rental amount, which had been decreased from \$8,000 to \$7,500 per month, and which was still an increase from the initial term in the amount of \$375 per month. There were no other substantive changes.

Mr. Casey recommended that the Lease Agreement between the County and the Pittsburg Redevelopment Agency be approved, authorizing and directing the Executive Director of the Agency to execute the Agreement on behalf of the Agency.

Mayor Aiello opened the public hearing on Resolution 02-810 and Resolution 02-9542. There was no one to speak for or against the resolutions. The public hearing was closed.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-810.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9542.

ADJOURNMENT:

The meeting adjourned at 7:32 P.M. to the next meeting set for February 4, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
January 22, 2002

Chair Frank Aiello called the meeting of the Pittsburg Power Company to order at 9:01 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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 Finance, Jim Holmes
Director of Personnel Services, Marc Fox
Director of Leisure Services, Paul Flores
Director of Public Services, John Fuller
Director of Planning and Building, Randy Jerome
City Engineer, Wally Girard
Senior Engineer, Joe Sbranti
Director of Housing, Buck Eklund
Property Manager, Ursula Luna
Police Commander Evan Kohler
Police Chief Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZEN REMARKS

There were no citizen remarks.

MEMBER REMARKS

There were no member remarks.

CONSENT

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

a. **MINUTES** Dated: January 7, 2002

Approved Minutes dated January 7, 2002.

CONSIDERATION

1. **RESOLUTION 01-065** Authorization to Advertise for Bid Contract 00-06 - Marina Dredging Project

Executive Director Will Casey reported that City Staff and consultants had been securing a dredge spoil disposal site, regulatory permits, and preparing bid documents for the Marina Dredging Project since early 2000. Staff requested City Council approval of the project scope and proceeding to advertise the project for bid.

Mr. Casey recommended the approval of the plans, specifications and scope of work for the Marina Dredging Project, Contract 00-06 and directing staff to advertise the project for bid.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 01-065.

ADJOURNMENT

The meeting adjourned at 9:02 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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