

**CITY OF PITTSBURG
MEETING OF THE REDEVELOPMENT AGENCY,
CITY COUNCIL, and PITTSBURG POWER COMPANY**

REDEVELOPMENT AGENCY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:00 pm
August 5, 2002

CALL TO ORDER: Mayor Frank Aiello

COMMUNITY ADVISORY COMMISSION INTERVIEWS - 5:00 pm

PUBLIC COMMENT

CONVENE IN CLOSED SESSION - 5:30 pm

RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 pm

MEMBERS OF THE REDEVELOPMENT AGENCY

Yvonne Beals-Rogers _____
Robert Lewis _____
Frank Quesada _____
Aleida Rios _____
Chair Frank Aiello _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

- a. **MINUTES** Dated: July 15, 2002 (Recommend Approval)
- b. **RESOLUTION 02-834** Approval of Plans and Specifications and Authorization for Advertising Bids for Contract No. 01-07, 415 Railroad Avenue Improvement Project (Recommend Adoption)
- Construction contract documents (plans and specifications) have been prepared for the City owned property located at 415 Railroad Avenue. The proposed renovation included seismic upgrade of the structural systems, removal and replacement of roof system with related carpentry, related mechanical and electrical and other incidentals. The City Engineer has reviewed and approved the plans and specifications for this project.
- c. **RESOLUTION 02-835** Promotional Signage at Century (Recommend Adoption)
- On August 6, 2001 the Redevelopment Agency of the

City of Pittsburg approved the placement of three pylon signs in the Los Medanos Community Development Project Area. The three pylon signs allow highway and street visibility for new and existing businesses located in the Century Plaza, Century Auto Mall, and Delta Gateway retail areas. In 2000 the Century Plaza Shopping Center generated 62% of Pittsburg=s sales tax revenue, of \$3,396,482.

The Century Plaza Development Corporation has requested the Redevelopment Agency=s assistance in the form of a loan to construct and pay for the Century Plaza Shopping Center Pylon Sign. On November 19, 2001 the Agency Board approved a loan to the Century Plaza Development corporation for the construction of the Pylon Sign, and directed Agency counsel to create the loan documents. The loan documents have been created and are submitted for approval by the Agency Board.

CONSIDERATION

1. **REPORT**

Black Diamond Project Status Report (Recommend Adoption)

The Redevelopment Agency awarded an Exclusive Right to Negotiate for the Black Diamond Mixed Use Project to Griego Designs on February 4, 2002. The 180-day negotiating period allowed for Griego Designs to create a team of financial and development partners as well as finalize a Disposition and Development Agreement (DDA). The staff report details the results from the 180-day negotiating period that expired on August 3, 2002.

PUBLIC HEARING

1. **RESOLUTION 02-836**

Disposition, Development and Owner Participation Agreement with Mark and Kathleen Taylor for the Sale of the Improved Dwelling Unit Located at 2091 Railroad Avenue and the Development of APN: 086-122-014 Located at 39 Locust Drive with an Affordable Dwelling Unit (Recommend Adoption)

The Pittsburg Redevelopment Agency and Kathleen Taylor (ADeveloper/Owner@) have negotiated terms for the development of Assessor=s Parcel No. 086-122-014 located at 39 Locust Drive. The Developer/Owner will purchase the improved dwelling unit located at 2091 Railroad Avenue from the Agency for \$1 and will rehabilitate and relocate the structure to 39 Locust Drive.

The Owner will record affordable housing covenants on the property so that the unit will be made available to very low-income households for a minimum of fifty-five (55) years.

ADJOURNMENT: To: August 19, 2002

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

**5:00 PM
August 5, 2002**

CALL TO ORDER: Mayor Frank Aiello

COMMUNITY ADVISORY COMMISSION INTERVIEWS - 5:00 pm

PUBLIC COMMENT

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RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 pm

MEMBERS OF THE CITY COUNCIL

Yvonne Beals-Rogers _____
Robert Lewis _____
Frank Quesada _____
Aleida Rios _____
Chair Frank Aiello _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

COUNCIL REPORTS - Council members may ask questions for clarification from City staff, and make a brief announcement or report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate).

PRESENTATIONS

1. Presentation by Impact
2. Chamber of Commerce Business Improvement District

PROCLAMATIONS

1. National Night Out

CONSENT CALENDAR - All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or the public prior to the time the Council votes on the motion to adopt.

- a. **DISBURSEMENT LIST** Period Ending: July 12, 2002, July 26, 2002, and July 31, 2002 (Recommend Acceptance)
- b. **MINUTES** Dated: July 15, 2002 (Recommend Approval)
- c. **CLAIMS** #1448 Julia Gallardo; #1459 Jackie Garner; #1462,

James Albert Smith; #1467 Carl P. Brown Jr.
(Recommend Denial)

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

d. **RESOLUTION 02-9650**

Approval of Business Improvement District Contract for Fiscal Year 2002-2003 (Recommend Adoption)

In 1972 the Pittsburg Chamber of Commerce was designated as the Advisory Board for the Business Improvement District. Since the inception of the Business Improvement District the majority of the funds collected have been designated to the Pittsburg Chamber of Commerce, and the Chamber has used these funds to promote business in the City and develop programs to help our local businesses succeed. Attached to this staff report is the annual Consultant Agreement between the City of Pittsburg and the Pittsburg Chamber of Commerce for specific services to be performed by the Chamber during the fiscal year.

e. **RESOLUTION 02-9651**

Notice of Intention to Adopt a Supplemental Retirement Plan (Recommend Adoption)

The City of Pittsburg desires to provide a supplemental retirement benefit to former Contra Costa County Employees= Retirement Association (CCCERA) non-safety tier one retirement plan participants (Aeligible employees@).

f. **RESOLUTION 02-9652**

Reclassification of Position and Incumbent from Civil Engineer II to Senior Civil Engineer (Recommend Adoption)

The Personnel Services and Engineering Departments have conducted a review of classifications within the Development Division and have determined it would be more appropriate for the Civil Engineer II position to be reclassified to Senior Civil Engineer.

g. **RESOLUTION 02-9653**

Acceptance of Contract 01-03; Water Main Replacement and 2001 Citywide Pavement Rehabilitation Project (Recommend Adoption)

Contract 01-03, Water Main Replacement and 2001 Citywide Pavement Rehabilitation Project, was substantially completed in January 2002 for a construction cost of \$2,840,128.30 with \$127,471.70 remaining from contingency. Project acceptance was delayed due to unresolved issues between the City and

contractor. A settlement agreement has since been reached between both parties. City staff recommends Council acceptance of the project.

h. **RESOLUTION 02-9654**

Application by the City of Pittsburg Requesting the Contra Costa Local Agency Formation Commission (ALAFCO) to Initiate Proceedings for an Amendment to the City Sphere of Influence for Southwest Hills (Recommend Adoption)

This is an application to the Contra Costa Local Agency Formation Commission (ALAFCO) in order to initiate proceedings pursuant to Government Code section 56428 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for an amendment to the City of Pittsburg's Sphere of Influence in the Southwest Hills Subarea to include the approximately 231 acre parcel adjacent to and south of the San Marco subdivision.

i. **RESOLUTION 02-9655**

Application by the City of Pittsburg Requesting the Contra Costa Local Agency Formation Commission (ALAFCO) to Initiate Proceedings for an Amendment to the City Sphere of Influence for Southeast Buchanan Road (Recommend Adoption)

This is an application to the Contra Costa Local Agency Formation Commission (ALAFCO) in order to initiate proceedings pursuant to Government Code section 56428 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for an amendment to the City of Pittsburg's Sphere of Influence in the Buchanan Subarea to include the approximately 169.7 acre parcel adjacent to and east of the Highlands Ranch subdivision along Buchanan Road.

j. **RESOLUTION 02-9656**

Application by the City of Pittsburg Requesting the Contra Costa Local Agency Formation Commission (ALAFCO) to Initiate Proceedings for a Jurisdictional Change for San Marco Meadows and Sky Ranch II (Recommend Adoption)

This is an application to the Contra Costa Local Agency Formation Commission (ALAFCO) in order to initiate proceedings pursuant to Government Code section 56428 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for a reorganization to accomplish the annexation into the City of both the San Marco Meadows subdivision comprising approximately 231 acres located adjacent to and south of the San Marco development in the Southwest Hills Subarea, and

the Sky Ranch II subdivision of approximately 166 acres located in the Buchanan Subarea adjacent to and south of the Highlands Ranch subdivision.

CONSIDERATION

1. **MINUTE ORDER**

Pittsburg Unified School District Request for Community Sponsorship Program Fund (Recommend Adoption)

Pittsburg Unified School District=s (P.U.S.D.) Special Education Department is requesting funding from the Community Sponsorship Program to co-sponsor an educational trip to Yosemite Park Institute. The trip is designed to provide thirty (30) challenged students with personal educational experiences relative to the ecosystem and environment. This excursion will also provide recreational activities to include hiking and orienteering. The Leisure Service Commission has reviewed the request for funds application and interviewed the applicant. The commission found the request for funds in order and recommends City Council approval of \$1,000.00.

2. **MINUTE ORDER**

Letter of Support for Senate Bills 1523 and 1619 (Recommend Adoption)

The City of Pittsburg was approached by Mr. Scott Ribble of Californians Against Waste asking for a letter of support for Senate Bills 1523 and 1619. These bills would establish an "Advanced Recovery Fee" on every CRT sold in California at the point of purchase. This fee would be no more than \$30 and would be administered by the California Integrated Waste Management Board for the purpose of reimbursing local governments, non-profits, and waste haulers that collect or recycle hazardous CRT devices.

PUBLIC HEARING

1. **RESOLUTION 02-9657**

Disposition, Development and Owner Participation Agreement with Mark and Kathleen Taylor for the Sale of the Improved Dwelling Unit Located at 2091 Railroad Avenue and the Development of APN: 086-122-014 Located at 39 Locust Drive with an Affordable Dwelling Unit (Recommend Adoption)

The Pittsburg Redevelopment Agency and Kathleen Taylor ("Developer/Owner") have negotiated terms for the development of Assessor=s Parcel No. 086-122-014 located at 39 Locust Drive. The Developer/Owner will purchase the improved dwelling unit located at 2091

Railroad Avenue from the Agency for \$1 and will rehabilitate and relocate the structure to 39 Locust Drive. The Owner will record affordable housing covenants on the property so that the unit will be made available to very low-income households for a minimum of fifty-five (55) years.

ADJOURNMENT To: August 12, 2002

**CITY OF PITTSBURG
PITTSBURG POWER COMPANY AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:00 pm
August 5, 2002

CALL TO ORDER: Mayor Frank Aiello

COMMUNITY ADVISORY COMMISSION INTERVIEWS - 5:00 pm

PUBLIC COMMENT

CONVENE IN CLOSED SESSION - 5:30 pm

RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 pm

MEMBERS OF THE PITTSBURG POWER COMPANY

Yvonne Beals-Rogers _____
Robert Lewis _____
Frank Quesada _____
Aleida Rios _____
Chair Frank Aiello _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

a. **MINUTES**

Dated: July 15, 2002 (Recommend Approval)

b. **RESOLUTION 02-077**

Award of Contract for 2002 CAPE/Slurry Seal Program
(Recommend Adoption)

The CAPE Seal and Slurry Seal are preventative maintenance treatments used to extend the life of existing asphalt pavement. Applied on streets at proper intervals, they greatly extend the time before a costly overlay or reconstruction project is necessary. The 2002 CAPE/Slurry Seal Contract funding is from Pittsburg Power Company Revenue allocated in the Capital Improvement Project (CIP) and the Public Services Streets Annual Operating Budget Contractual Services Account.

ADJOURNMENT

NOTICE TO PUBLIC

SPEAKER=S CARD

Members of the audience who wish to address the City Council should complete a Speaker=s Card available at the dais. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

AUDIENCE REMARKS

The Audience Remarks period is for the public to comment on any items scheduled to be heard during the Closed Session portion of the meeting, if applicable.

CITIZENS REMARKS

The Citizens Remarks period is the time when the public may come forward to address the Council on any issues they wish, excluding items scheduled for this agenda.

CONSENT CALENDAR

All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or the public prior to the time the Council votes on the motion to adopt.

PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

NOTICE TO THE DISABLED AND HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled citizens. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber=s sound system. You may request the sound amplifier from the City Clerk for personal use during Council meetings. If you need special assistance to participate in this meeting, please contact the City Clerk at 252-4850. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

DISRUPTIVE CONDUCT

The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

City Council Outside Agency/Liaison/ Sub-Committees Assignments - 2002

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Frank Aiello / Yvonne Beals-Rogers Alt.	Standing	Annual	B. Nail
BART Station Specific Plan	Robert Lewis	Ad Hoc	As needed	R. Jerome
Contra Costa Consolid. Fire Dist.	Robert Lewis	Standing	2 nd Monday	N. Shirazi
Contra Costa Trans. Authority	Aleida Rios	Standing	3 rd Wednesday	N. Shirazi
Delta Diablo Sanitation	Frank Aiello / Frank Quesada Alt.	Standing	4 th Wednesday	J. Fuller
East County Habitat Conserv.	Frank Quesada / Aleida Rios Alt.	Standing	As needed	R. Jerome
East County Water Mgt.	Robert Lewis / Frank Quesada Alt.	Standing	Annual	J. Fuller
Fee & Finance Authority	Frank Quesada / Aleida Rios Alt.	Standing	2 nd Thursday	N. Shirazi
Tri-Delta Transit	Frank Quesada / Frank Aiello Alt.	Standing	Last Wednesday	N. Shirazi
Water Transit Authority Comm.	Yvonne Beals-Rogers / Frank Aiello Alt.	Standing	As needed	J. Fuller
<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Aleida Rios	Standing	3 rd Thursday	B. Nail
Library Commission	Yvonne Beals-Rogers & Aleida Rios	Standing	As needed	P. Flores
LMC Foundation Scholarship	Frank Quesada / Yvonne Beals-Rogers Alt.	Standing	As needed	P. Flores
Mayor=s Conference	Frank Aiello / Yvonne Beals-Rogers Alt.	Standing	1 st Thursday	W. Casey
School District Liaison	Yvonne Beals-Rogers & Aleida Rios	Standing	Quarterly	P. Flores
Youth Commission	Aleida Rios	Standing	2 nd /4th Wednesday	P. Flores
<u>SUBCOMMITTEE</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
Audit Committee	Aleida Rios & Frank Quesada	Standing	Quarterly	P. Kolf
Budget Committee	Yvonne Beals-Rogers & Aleida Rios	Ad Hoc	As needed	P. Kolf
Builders Circle Project	Frank Quesada & Aleida Rios	Ad Hoc	As needed	R. Jerome
CAC/CDBG	Yvonne Beals-Rogers & Aleida Rios	Standing	As needed	B. Eklund
Centennial Celebration	Yvonne Beals-Rogers & Robert Lewis	Ad Hoc	As needed	P. Flores
City/County Relations	Robert Lewis / Yvonne Beals-Rogers Alt.	Standing	As needed	W. Casey
Economic Development	Yvonne Beals-Rogers & Robert Lewis	Standing	Quarterly	B. Nail
Foreign Trade Zone	Frank Aiello & Aleida Rios	Standing	As needed	B. Nail
Island Energy Advisory	Frank Quesada / Robert Lewis Alt.	Standing	As needed	G. Evans
PCSI Partnership-California Theatre	Yvonne Beals-Rogers & Robert Lewis	Ad Hoc	As needed	G. Evans
PEHDC	Yvonne Beals-Rogers & Frank Quesada	Standing	1 st Thursday	G. Evans
RDA Subcommittee	Yvonne Beals-Rogers & Aleida Rios	Standing	Quarterly	G. Evans

Exhibit "A"

This exhibit is attached to and made a part of the agenda for the meeting of the City Council and Redevelopment Agency, held on August 5, 2002.

The following description of closed session agenda item(s) is provided pursuant to Government Code section 54954.5.¹

A. LICENSE/PERMIT DETERMINATION (Section 54956.7)

Applicant(s): (Specify number of applicants)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

302 E. 3rd Street, Pittsburg, Ca 94565 (APN 085-370-054, 085-370-143 and 085-370-144)

Agency Negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Willis A. Casey, Garrett Evans

Negotiating Parties: (Specify name of party (not agent))

Heller First Capital Corp., Will Stuart

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

Both

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

City of Pittsburg v. USS Posco Industries, Superior Court Case No. C02-00374

Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

¹ Government Code section 54954.5 provides in part: "No legislative body or elected official shall be in violation of section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided [in this section], irrespective of its format."

X CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

X Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
(Specify number of potential cases)

Three (3) cases

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

___ Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

___ D. LIABILITY CLAIMS (Section 54956.95)

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

___ E. THREAT TO PUBLIC SERVICES OR FACILITIES (Section 54957)

Consultation with: (Specify name of law enforcement agency and title of officer)

___ F. PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

___ G. PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

___ H. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

___ I. PUBLIC EMPLOYEE DISCIPLINE/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release)

___ J. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6)

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee)

And/Or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

___ K. CASE REVIEW/PLANNING (with respect to closed sessions called pursuant to Section 54957.8)

___ L. REPORT INVOLVING TRADE SECRET; HEARINGS (Section 54962 and Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code)

___ REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

___ HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)