

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

REDEVELOPMENT AGENCY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

4:00 pm
February 4, 2002

CALL TO ORDER: Mayor Frank Aiello

PLANNING COMMISSION INTERVIEWS - 4:00 pm

COMMUNITY ADVISORY COMMISSION INTERVIEWS - 4:05 pm

PUBLIC COMMENT

ADJOURN TO CLOSED SESSION - 4:40 pm

WORKSHOP: BLACK DIAMOND - 5:00 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: January 22, 2002 (Recommend Approval)

ACTION:

CONSIDERATION

1. **MINUTE ORDER** Amicus Support in 99 Cents Only Stores v. Lancaster Redevelopment Agency (Recommend Approval)

The League of California Cities and the California Redevelopment Association are requesting that Cities and Redevelopment Agencies join as amicus curiae in a case pending before the Ninth Circuit Court of Appeals entitled 99 Cents Only Stores v. Lancaster

Redevelopment Agency. The case as far-reaching consequences to Redevelopment Agencies and the power to exercise eminent domain to eliminate blight.

ACTION:

PUBLIC HEARING

1. **RESOLUTION 02-812**

Exclusive Right to Negotiate for Black Diamond (Recommend Approval)

The Redevelopment Agency Board has received proposals for development of the Black Diamond Project Area (the "Project Area") from the following entities: Em Johnson Interests Inc., Greigo Designs, The Olson Company, and Roger Riley Realty. The Project Area consists of three blocks which include 39 parcels bordered by Black Diamond Street to the west, Railroad Avenue to the east, 5th Street to the north and 8th Street to the north. The residential component of the Project will continue the Agency's efforts to increase the density in downtown while the commercial component will increase the supply of retail amenities. The ultimate goal of the project is to serve as a catalyst for future commercial development within the downtown.

ACTION:

2. **RESOLUTION 02-813**

Determination that it is in the Best Interest of the Los Medanos Redevelopment Los Medanos Community Development Project that Several Parcels Along the North Side of East 10th Street be Assembled and Developed by a Single Developer as a Unified Development (Recommend Adoption)

Staff is proposing that the following parcels, located on the north side of East 10th Street between Railroad Avenue to the west and East Street to the east (APNs: 085-182-009, 085-195-005, 085-195-006, 085-195-007, 085-169-001, and 085-196-002, please see attachment) are assembled to be developed by a master developer. This Sub-Project Area will be called the East 10th Street Project Area and will consist of approximately 105,169 square feet (approximately 2.4 acres).

ACTION:

ADJOURNMENT: To: February 19, 2002

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

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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).

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: January 16, 2002 and January 30, 2002
(Recommend Acceptance)

ACTION:

b. **MINUTES** Dated: November 16, 2001 Verbatim and January 22,
2002 (Recommend Approval)

ACTION:

c. **CLAIMS** #1422 Leroy Lackland (Recommend Denial)

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

- d. **RESOLUTION 02-9552** Annual Condominium Conversion Report for 2001 (Recommend Adoption)

This resolution establishes a maximum number of apartment units that may be approved for conversion to condominiums in the 2002 calendar year, in accordance with Pittsburg Municipal Code Section 17.44.070.

ACTION:

- e. **RESOLUTION 02-9556** Notice of Completion and Acceptance of Public Improvements Within Subdivision 7362, San Marco Unit 1 for Continuous Maintenance (Recommend Adoption)

The Developer has completed the public improvements within Subdivision 7362, San Marco Unit 1 and they are ready for acceptance and continuous maintenance by the City.

ACTION:

- f. **RESOLUTION 02-9557** Notice of Completion and Acceptance of Public Improvements Within Subdivision 8042, Oak Hills South, Unit 5, for Continuous Maintenance (Recommend Adoption)

The Developer has completed the public improvements within Subdivision 8042, Oak Hills South, Unit 5, and they are ready for acceptance and continuous maintenance by the City.

ACTION:

- g. **RESOLUTION 02-9558** Supporting Senate Bill 106 Amending Section 9250.7 of the California Vehicle Code Relating to the Abandon Vehicle Abatement Program (Recommend Adoption)

State Assembly Bill AB 4114, implemented in 1991, established the Abandon Vehicle Abatement "Service Authority" for California Cities and Counties. It provides a partial fiscal reimbursement to participating agencies for the enforcement and abatement costs of abandon and non-operative vehicles. California Vehicle Code Section 90250.7 statutorily establishes the reimbursement authority, which is set to expire in April of 2002. Senate Bill 106 amends the Vehicle Code to authorize extension of the Service Authority in increments of up to ten years.

ACTION:

- h. **RESOLUTION 02-9559** Rescind and Re-award Fleet Vehicle Contracts

(Recommend Adoption)

On October 15, 2002, the City Council awarded contracts to a variety of auto dealers and specialty contractors for the replacement of fleet vehicles. Since the time of the award, several of the vendors claimed to have made bidding errors and cannot provide the specified vehicles for the amount of the award. The City's purchasing policy requires that the City Council authorize purchases of the amounts involved for these fleet purchases. Therefore, the City Council must rescind the previous purchase awards and re-award the purchase contracts to the second low bidder.

ACTION:

- i. **RESOLUTION 02-9560** Authorize Five Full Time Regular Public Services Positions (Recommend Adoption)

The 1,000 seasonal hour limitation imposed by PERS membership, extensive training to meet OSHA safety requirements, and a newly imposed mandate for water distribution worker certification, makes the use of temporary employees impractical for most utility maintenance work. The Public Services Department is requesting authorization for an additional five (5) full-time (regular) Public Services Worker I positions. The new positions will be funded by a corresponding elimination of (seasonal) Maintenance Aide salaries so there will be no net budget increase.

ACTION:

- j. **RESOLUTION 02-9561** Approval of Amendment No. 2 to a Memorandum of Understanding Between Seecon and the City of Pittsburg for Traffic Mitigation Fee (San Marco Fee Project) (Recommend Adoption)

In 1992 the City entered into an agreement with Seecon which entitled Seecon to a partial fee credit for the construction of the West Leland Road extension for the San Marco Subdivision. In 2000, this Memorandum of Understanding was amended to defer Seecon's obligations concerning the construction of the San Marco Lanes to allow for orderly planning, acquisition of right of way, and formation of funding mechanisms for the construction of the West Leland Road Extension. The City of Pittsburg and Seecon desire to amend the Memorandum of Understanding for the Traffic Mitigation Fee (West Leland Fee Project and San Marco Fee Project), which would update the construction costs of the San Marco Fee Project and the West Leland Fee Project, and would provide Seecon a fee credit against

future projects.

ACTION:

k. **MINUTE ORDER**

Referral to the City of Pittsburg Planning Commission for Consideration of the Land Use Designation of Certain Alves Ranch Project Residential Property (Recommend Adoption)

On November 16, 2001, the City Council adopted the General Plan. Upon reviewing the verbatim transcript of the minutes of the meeting, the Council Members determined that there was no meeting of the minds as to motion concerning the land use designation of certain residential property located on the Alves Ranch Project parcel north of West Leland Road. For the sole purpose of clarifying the record, the Council desires to send this matter back to the Planning Commission for consideration and input from interested parties. The specific residential property is designated on the map attached as Exhibit A.

ACTION:

CONSIDERATION

1. **RESOLUTION 02-9554**

Participation in the “Contra Costa: Shaping Our Future” Program (Recommend Adoption)

The Contra Costa Conference of Mayors “Contra Costa: Shaping Our Future” plan is a proposal for the development of a future vision and growth management strategy for Contra Costa County. The purpose of this plan is to establish a position from which Contra Costa County and its member cities can work toward comprehensive approaches to growth and change in the county.

ACTION:

2. **MINUTE ORDER**

Appointment of Committee Member (Recommend Approval)

In accordance with the City of Pittsburg “Policies and Procedures for the City Council” adopted by the City Council on September 4, 2001 by Resolution No. 01-9475, the Mayor and Vice-Mayor shall appoint individual Council Members to standing and ad hoc committees. A need currently exists to appoint a Council liaison for the Youth Advisory Commission.

ACTION:

3. **APPOINTMENT**

Planning Commission Vacancy Appointment (Recommend Appointment)

An opening exists on the Planning Commission due to the resignation of Commissioner Allen Valentine. This appointment will be effective only for the remainder of his term, until June, 2002.

ACTION:

4. **APPOINTMENT** Community Advisory Commission Appointments (Recommend Appointments)

Six openings exist on the Community Advisory Commission in all quadrants. The City has advertised for all openings and received five applications for two quadrants.

ACTION:

PUBLIC HEARING

- 1 **ORDINANCE 02-1190** Petsport Rezoning Ordinance (Recommend Introduction and Waive First Reading)

This is an application by Peter Hass requesting approval of a rezoning of 1.2 acres from RM (Medium-Density Residential) to CS-O (Service Commercial with a Limited Overlay) conditionally permitting Limited Manufacturing located at 1160 Railroad Avenue; APN 086-122-029.

ACTION:

ADJOURNMENT To: February 19, 2002

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)

City Council Committees - 2002

<u>COUNCIL MEMBER</u>	<u>COMMITTEE</u>	<u>MEETING DATES</u>	<u>STAFF</u>
Frank Aiello	ABAG Representative	ABAG Annual	G. Evans
	Delta Diablo Sanitation District	2 nd Wednesday	J. Fuller
	Foreign Trade Zone	Ad Hoc	G. Evans
	Mayor's Conference	1 st Thursday	W. Casey
	Tri-Delta Transit - Alt.	4 th Wednesday	N. Shirazi
	Water Transit Authority Comm. Advisory-Alt	As needed	J. Fuller
Yvonne Beals-Rogers	ABAG Representative - Alt.	ABAG Annual	G. Evans
	CAC/CDBG Sub-committee	As needed	B. Eklund
	Centennial Celebration Committee	As needed	P. Flores
	City & County Relations Committee - Alt. Ad Hoc		W. Casey
	Economic Development Committee	Quarterly	G. Evans
	Library Commission	As needed	P. Flores
	LMC Foundation Scholarship - Alt.	Ad Hoc	P. Flores
	Mayor's Conference - Alt.	1 st Thursday	W. Casey
	PEHDC	As needed	G. Evans
	PCSI Partnership	Ad Hoc	G. Evans
	RDA Subcommittee	Quarterly	G. Evans
	School District Liaison	Quarterly	P. Flores
	Tri-Delta Transit	4th Wednesday	N. Shirazi
Water Transit Authority Comm. Advisory	As needed	J. Fuller	
Aleida Rios	Audit Committee	Quarterly	J.Holmes/N.Shirazi
	CAC/CDBG Subcommittee	As needed	B. Eklund
	Contra Costa Transportation Authority	3 rd Wednesday	N. Shirazi
	Council/Commission Development Projects	Ad Hoc	R. Jerome
	East Bay League of California Cities	3 rd Thursday	B. Nail
	East County Habitat Conservation - Alt.	As needed	R. Jerome
	Fee & Finance Authority (Transplan) - Alt.	2 nd Thursday	N. Shirazi
	Foreign Trade Zone	Ad Hoc	G. Evans
	RDA Subcommittee	Quarterly	G. Evans
	School District Liaison	Quarterly	P. Flores
	Robert Lewis	BART Station Specific Plan	As needed
Centennial Celebration Committee		As needed	P. Flores
City & County Relations Committee		Ad Hoc	W. Casey
Contra Costa Consolidated Fire District		2 nd Monday	N. Shirazi
East County Water Mgt. Assn.		Annual	J. Fuller
Economic Development Committee		Quarterly	G. Evans
Island Energy Advisory Commission - Alt.		As needed	G. Evans
PCSI Partnership		Ad Hoc	G. Evans
Water Management Association		Annual	J. Fuller
Frank Quesada	Audit Committee	Quarterly	J.Holmes/N.Shirazi
	Council/Commission Development Projects	Ad Hoc	R. Jerome
	Delta Diablo Sanitation District- Alt.	2 nd Wednesday	J. Fuller
	East County Habitat Conservation	As needed	R. Jerome
	East County Water Mgt. Assn. - Alt.	Annual	J. Fuller
	Fee & Finance Authority (Transplan)	2 nd Thursday	N. Shirazi
	Island Energy Advisory Committee	As needed	G. Evans
	LMC Foundation Scholarship Committee Ad Hoc		P. Flores
	PEHDC	As needed	G. Evans
Tri-Delta Transit	Last Wednesday	N. Shirazi	

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 February 4, 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)

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.)

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

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

or

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

 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)

One (1) case

(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.)

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."

- ___ 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)
- 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)