

**CITY OF PITTSBURG
MEETING OF THE HOUSING AUTHORITY, REDEVELOPMENT AGENCY,
and CITY COUNCIL**

HOUSING AUTHORITY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:00 pm
December 16, 2002

CALL TO ORDER: Mayor Yvonne Beals

AUDIENCE REMARKS

CONVENE IN CLOSED SESSION - 5:00 p.m.

CONVENE PUBLIC WORKSHOP ON BONDS/FINANCE - 5:30 p.m. - 7:00 p.m.

RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 p.m.

MEMBERS OF THE HOUSING AUTHORITY

Dana Leatherwood _____
Cathy Wallen _____
William Glynn _____
Michael Kee _____
Nancy Parent _____
Aleida Rios _____
Chair Yvonne Beals _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

- a. **DISBURSEMENT LIST** Period Ending: November 30, 2002 (Recommend Approval)

- b. **MINUTES** Dated: November 18, 2002 (Recommend Approval)

ADJOURNMENT to January 21, 2003

**CITY OF PITTSBURG
REDEVELOPMENT AGENCY AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:00 pm
December 16, 2002

CALL TO ORDER: Mayor Yvonne Beals

AUDIENCE REMARKS

CONVENE IN CLOSED SESSION - 5:00 p.m.

CONVENE PUBLIC WORKSHOP ON BONDS/FINANCE - 5:30 p.m. - 7:00 p.m.

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

MEMBERS OF THE REDEVELOPMENT AGENCY

William Glynn _____
Michael Kee _____
Nancy Parent _____
Aleida Rios _____
Chair Yvonne Beals _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

- a. **MINUTES** Dated: December 2, 2002, and December 6, 2002
(Recommend Approval)

- b. **RESOLUTION 02-857** Acceptance of Contract 01-11, Marina Center
Improvements as Complete and Authorizing the City
Engineer to Execute a Notice of Final Completion
(Recommend Adoption)

Contract No. 01-11, Marina Center Improvements was substantially completed the first week of September, 2002. The total project cost is \$427,466 and \$2,534 remains from the authorized total budget of \$430,000. Project acceptance was primarily delayed due to contract change orders resulting from extra work (primarily additional roof replacement), stucco replacement, and painting.

- c. **RESOLUTION 02-858** Reconsideration of the Approval of a Loan and Repayment Agreement for Services Between the Redevelopment Agency and the City of Pittsburg (Recommend Adoption)

On November 18, 2002, the Redevelopment Agency Board voted 2 to 3 for the approval of a cooperative agreement between the City of Pittsburg and the Redevelopment Agency. During the December 6, 2002 joint Council/Redevelopment Agency Meeting, the Agency Board approved a Minute Order for reconsideration of the Cooperative Agreement on December 16, 2002. The Cooperative (Loan and Repayment) Agreement is a common vehicle instituted by cities and agencies to formalize their unique working relationships.

ADJOURNMENT: To: January 6, 2003

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:00 PM
December 16, 2002

CALL TO ORDER: Mayor Yvonne Beals

AUDIENCE REMARKS

CONVENE IN CLOSED SESSION - 5:00 p.m.

CONVENE PUBLIC WORKSHOP ON BONDS/FINANCE - 5:30 p.m. - 7:00 p.m.

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

MEMBERS OF THE CITY COUNCIL

William Glynn _____
Michael Kee _____
Nancy Parent _____
Aleida Rios _____
Chair Yvonne Beals _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS - Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the consent calendar should complete a Speaker=s Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City residence in a clear and audible tone of voice. (No Action Required)

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). (No Action Required)

PRESENTATION - No Citizens Remarks permitted on Presentations to Council. (No Action Required)

1. Pittsburg Historical Society

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 prior to the time the Council votes on the motion to adopt.

- a. **DISBURSEMENT LIST** Period Ending: November 26, 2002, December 4, 2002, and December 9, 2002 (Recommend Acceptance)
- b. **MINUTES** Dated: December 2, 2002 and December 6, 2002 (Recommend Approval)

- c. **RESOLUTION 02-9724** Reconsideration of the Approval of a Loan and Repayment Agreement for Services Between the Redevelopment Agency and the City of Pittsburg (Recommend Adoption)

On November 18, 2002, the Redevelopment Agency Board voted 2 to 3 for the approval of a cooperative agreement between the City of Pittsburg and the Redevelopment Agency. During the December 6, 2002 joint Council/Redevelopment Agency Meeting, the Agency Board approved a Minute Order for reconsideration of the Cooperative Agreement on December 16, 2002. The Cooperative (Loan and Repayment) Agreement is a common vehicle instituted by cities and agencies to formalize their unique working relationships.

- d. **RESOLUTION 02-9725** Approval of a Project to Reimburse Century Plaza Development Corp. For a Traffic Signal and a Right Turn Lane for \$245,360.00 (Recommend Adoption)

Century Plaza Development Corporation agreed that they would install a Traffic Signal on Century Boulevard for Century Plaza II and Right Turn Lane off of Century Boulevard only Somersville Road as part of their development, but that the City was responsible for 50% of the cost of the traffic signal and 80% of the right turn lane. They have completed installation of these improvements and are requesting reimbursement.

- e. **RESOLUTION 02-9726** Authorization for the City Manager to Execute a New Public Highway Crossing Agreement with the Union Pacific Railroad (Recommend Adoption)

The City of Pittsburg has recently constructed a road connecting Century Boulevard and the eastern portion of California Avenue. The portion of this connecting roadway, known as Markstein Boulevard, crosses a spur track of the Union Pacific Railroad.

- f. **RESOLUTION 02-9727** Amend the Internal Revenue Code Section 457 Deferred Compensation Plan (Recommend Adoption)

The City's Internal Revenue Code Section 457 Deferred Compensation Plan provider has agreed to lower the administrative fee charged to participants and eliminate the deferred sales charge in exchange for a five year

period in which the current provider will be the exclusive Section 457 deferred compensation plan provider.

- g. **RESOLUTION 02-9728** First Amendment to the Joint Exercise of Powers Agreement for Buchanan Road Bypass Project (Recommend Adoption)

This Resolution is to extend the Joint Exercise of Powers Agreement between the East Contra Costa Regional Fee and Financing Authority and the City of Pittsburg for the Buchanan Road Bypass Project for one year or until an environmental document is final, whichever occurs first.

- h. **RESOLUTION 02-9729** Reclassification of Finance Department Mid-Management Positions (Recommend Adoption)
An organizational audit of the Finance Department was completed by Sinclair & Associates in June 2002. The audit found a variety of organizational inefficiencies and recommended the reclassification of Finance Department mid-management positions to mitigate the identified inefficiencies. The proposed reclassifications are an important step in remedying the organizational audit findings.

ADJOURNMENT To: January 6, 2003

NOTICE TO PUBLIC

SPEAKER=S CARD

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the consent calendar should complete a Speaker=s Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City residence in a clear and audible tone of voice.

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 that are not scheduled for the agenda and on any items listed as part of the consent calendar.

PRESENTATIONS AND PROCLAMATIONS

Presentations are directed to the City Council. Proclamations are issued by the Mayor at his/her sole discretion. Accordingly, no Citizens Remarks will be permitted on any item scheduled as a Presentation or Proclamation.

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 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 Alt.	Standing	Annual	G. Evans
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 / 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 & Aleida Rios	Standing	As needed	P. Flores
LMC Foundation Scholarship	Frank Quesada / Yvonne Beals Alt.	Standing	As needed	P. Flores
Mayor=s Conference	Frank Aiello / Yvonne Beals Alt.	Standing	1 st Thursday	W. Casey
School District Liaison	Yvonne Beals & 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 & 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 & Aleida Rios	Standing	As needed	B. Eklund
Centennial Celebration	Yvonne Beals & Robert Lewis	Ad Hoc	As needed	P. Flores
City/County Relations	Robert Lewis / Yvonne Beals Alt.	Standing	As needed	W. Casey
Economic Development	Yvonne Beals & Robert Lewis	Standing	Quarterly	G. Evans
Foreign Trade Zone	Frank Aiello & Aleida Rios	Standing	As needed	G. Evans
Island Energy Advisory	Frank Quesada / Robert Lewis Alt.	Standing	As needed	G. Evans
PCSI Partnership-California Theatre	Yvonne Beals & Robert Lewis	Ad Hoc	As needed	G. Evans
PEHDC	Yvonne Beals & Frank Quesada	Standing	1 st Thursday	G. Evans
RDA Subcommittee	Yvonne Beals & 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 December 16, 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)

Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334

Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. N02-0401

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

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."

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

___ CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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