

**CITY OF PITTSBURG  
MEETING OF THE REDEVELOPMENT AGENCY AND CITY COUNCIL**

**REDEVELOPMENT AGENCY AGENDA**

65 Civic Avenue  
PITTSBURG, CALIFORNIA

5:00 pm  
April 1, 2002

**CALL TO ORDER: Mayor Frank Aiello**

**COMMUNITY ADVISORY COMMISSION INTERVIEWS** - 5:00 pm

**PUBLIC COMMENT**

**CONVENE IN CLOSED SESSION** - 5:15 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: March 18, 2002 (Recommend Approval)

**ADJOURNMENT:** To: April 15, 2002

**CITY OF PITTSBURG  
CITY COUNCIL AGENDA**

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5:00 PM  
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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).

**PROCLAMATIONS**

1. Cesar Chavez Day

**PRESENTATIONS**

1. Contra Costa Water District - Bette Boatman

**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: March 27, 2002 (Recommend Acceptance)
- b. **MINUTES**                      Dated: March 18, 2002 (Recommend Approval)
- c. **CLAIMS**                              #1438 John Calderoni (Recommend Denial)

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

- d. **RESOLUTION 02-9579** Authorizing Enforcement Assistance Grant Application for 2002-2003 and 2003-2004 (Recommend Adoption)

The California Integrated Waste Management Board (CIWMB) maintains a grants program to support solid waste facilities permit and inspection programs. The Local Enforcement Assistance Grant applications are due the end of April and require a resolution from the participating jurisdiction as part of its submittal package for each grant application.

- e. **RESOLUTION 02-9580** Authorize Two (2) Full Time Golf Shop Attendance Positions in the Leisure Services Department (Recommend Adoption)

The realization of Delta View Golf Course's planned goals which include quality customer service, employee skill development, service consistency and the 1,000 seasonal hour limitation imposed by PERS membership makes the use of temporary employees impractical for a recreational facility which operates on a year round basis. The Leisure Service Department is requesting authorization of two (2) full time Golf Attendants who will be utilized to meet the demands as stated. The new positions' cost will be offset by the elimination of four (4) seasonal employee positions.

- f. **RESOLUTION 02-9581** Stormwater Utility Area Equivalent Runoff Units (ERU's) for the 2002-2003 Fiscal Year (Recommend Adoption)

This is a resolution establishing the rate per Equivalent Runoff Unit for FY 2002-2003 and requesting the Contra Costa County Flood Control and Water Conservation District (District) to adopt an annual parcel assessment for drainage maintenance and the National Pollutant Discharge Elimination System (NPDES) Program.

- g. **RESOLUTION 02-9582** Notice of Intent to Adopt a Tier I 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 ("eligible employees"). This supplemental retirement benefit is for those eligible employees who concurrently retire from the City of Pittsburg and the California Public

Employees' Retirement System (CalPERS).

h. **MINUTE ORDER**

Policies and Procedures for City Council Appointed Commissioners and Committee Members: Interaction with City Staff/Officials (Recommend Adoption)

In accordance with the City of Pittsburg Municipal Code and its "Policies and Procedures for the City Council" adopted by the City Council on September 4, 2001 by Resolution No. 01-9475, the City Council shall adopt rules and procedures regarding the appointment of citizens to serve on the City's various standing commissions and special purpose committees. Further, the City Council may adopt guidelines for the conduct of business of the various commissions and committees including procedures for the interaction between commissioners and committee members and City staff. Accordingly, the City Council desires to adopt procedures concerning City staff/official interactions.

i. **MINUTE ORDER**

Approval of Letter of Support for SB 1509 (Recommend Adoption)

Mayor Aiello is requesting the Council adopt a Minute Order approving a letter of support for Senate Bill 1509. SB 1509 is legislation that would financially reward cities and counties for approving new affordable housing developments. SB 1509 would compensate local governments for their share of lost revenue from developments that qualify for the property tax exemption. It would reduce cities' ERAF contributions by the amount of the property tax they would otherwise have received.

j. **ORDINANCE 02-1192**

Adding Municipal Code Section 2.40.080, Relating to Powers and Responsibilities of the Mayor and City Council (Recommend Adoption)

Adoption of the ordinance introduced by the City Council on March 18, 2002, to codify Section III, "Powers and Responsibilities" of the Policy and Procedures for City Council adopted by Resolution No. 01-9475 on September 4, 2001.

k. **ORDINANCE 02-1193**

Amending the Schedule of Permitted Uses and Development Regulations of an Existing CS-O Zone (Service Commercial with a Limited Overlay, Ordinance No. 92-1043), for Mill Creek Development RZ-01-02 (Recommend Adoption)

Adoption of the ordinance introduced by the City Council on March 18, 2002, in response to a request by John Tomasello, Mill Creek Development LLC, to amend zoning regulations of the existing CS-O zone (Ordinance 92-1043) to allow construction of a Limited Warehousing and Storage facility with reduced parking, and a three-story extended stay hotel on a 16.23 acre, undeveloped site located on the north side of California Avenue and west of Loveridge Road.

I. **ORDINANCE 02-1194**

Amending Municipal Code Section 2.50.020 - Filling Vacancies on the Community Advisory Commission (Recommend Adoption)

Adoption of the ordinance introduced by the City Council on March 18, 2002, amending Municipal Code Section 2.50.020.

**CONSIDERATION**

1. **RESOLUTION 02-9583**

Foreign Trade Zone International Marketing (Recommend Adoption)

On July 2, 2001, the City of Pittsburg passed a resolution to collaborate with Oakland's Foreign Trade Zone (FTZ). The Bay Area Foreign Trade Center (BAWTC) is the grantee of Oakland's FTZ. As such, BAWTC is the legal entity with which the City will conduct business. This collaboration is a win-win proposal for everyone concerned. The City may advertise FTZ services as one of Pittsburg's economic development incentives; cost effectively serving the existing business community by identifying programs that increase profits. The BAWTC proposal will continue strengthening this process of global commerce for local companies by creating a stronger network of economic and political resources with our sister cities and by leveraging the relationships BAWTC has built regionally, domestically and internationally.

2. **REPORT**

East-Central Traffic Management Study Update (Recommend Acceptance)

All participating jurisdictions have now approved the East-Central Traffic Management Study prepared by DKS Associates under the direction of multi-jurisdictional Policy Advisory, and Technical Advisory Committees.

The study has recommended a preferred alternative for control point metering of eastbound, morning commute traffic at Buchanan Rd./Meadows Ave. and at Kirker Pass Rd./Nortonville Rd. City staff will work with CCTA to come up with a schedule for implementation.

## **PUBLIC HEARING**

1. **RESOLUTION 02-9585**

Consideration and Approval of the Preliminary 2002-2003 Community Development Block Grant Annual Action Plan (Recommend Adoption)

The Department of Housing and Urban Development (HUD) requires the City Council to review and approve the 2002-2003 Community Development Block Grant Annual Action Plan. The preliminary Annual Action Plan is being presented to the City Council for approval. This Plan includes the preliminary CDBG funding recommendations for the 2002-2003 program year that the Council approved on March 18, 2002. HUD also requires a public hearing and public comment period before submitting the Annual Action Plan to HUD.

2. **RESOLUTION 02-9586**

A Resolution of Necessity Finding and Determining the Public Interest, Convenience and Necessity Require the Acquisition of Certain Pittsburg Unified School District Property for Public Purposes in Connection with the Kirker Creek Flood Control Project (Recommend Adoption)

Staff submits for the City Council's consideration, proposed Resolution of necessity authorizing the commencement of eminent domain proceedings involving Pittsburg Unified School District (PUSD) to acquire certain interests in land necessary to achieve certain public purposes in connection with Kirker creek Flood Control Project. The legal descriptions of these real property interests are attached to the Resolution. (Exhibit 1, Resolution No. 02-9586)

**ADJOURNMENT** To: April 15, 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 <sup>nd</sup> Wednesday	J. Fuller
	Foreign Trade Zone	Ad Hoc	G. Evans
	Mayor's Conference	1 <sup>st</sup> Thursday	W. Casey
	Tri-Delta Transit - Alt.	Last 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 <sup>st</sup> 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
	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 <sup>rd</sup> Wednesday	N. Shirazi
	Council/Commission Development Projects	Ad Hoc	R. Jerome
	East Bay League of California Cities	3 <sup>rd</sup> Thursday	B. Nail
	East County Habitat Conservation - Alt.	As needed	R. Jerome
	Fee & Finance Authority (Transplan) - Alt.	2 <sup>nd</sup> Thursday	N. Shirazi
	Foreign Trade Zone	Ad Hoc	G. Evans
	Library Commission - Alt.	As needed	P. Flores
	RDA Subcommittee	Quarterly	G. Evans
	School District Liaison	Quarterly	P. Flores
	Youth Advisory Commission Liaison	As needed	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 <sup>nd</sup> 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
Frank Quesada	Audit Committee	Quarterly	J.Holmes/N.Shirazi
	Council/Commission Development Projects	Ad Hoc	R. Jerome
	Delta Diablo Sanitation District- Alt.	2 <sup>nd</sup> Wednesday	J. Fuller
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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 April 1, 2002.

The following description of closed session agenda item(s) is provided pursuant to Government Code section 54954.5.<sup>1</sup>

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)

APN 088-151-008; APN 088-151-012; APN 088-151-013

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 Casey, Garrett Evans

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

Markstein Properties

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 No. N02-0401

or

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

<sup>1</sup> 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 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.)

One (1) Case

\_\_\_ 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)

X 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.)

Marc Fox, IEDA

Employee organization: (Specify name of organization representing employee)

Miscellaneous A, Miscellaneous B, Management/Professional/Confidential Unit, PPOA, PPMG

And

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

All unaffiliated employees

\_\_\_ 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)