

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

REDEVELOPMENT AGENCY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

**6:30 PM
October 7, 2002**

CALL TO ORDER: Mayor Frank Aiello

PUBLIC COMMENT

ADJOURN TO CLOSED SESSION - 6:30 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: September 16, 2002 (Recommend Approval)

CONSIDERATION

1. **MINUTE ORDER** Black Diamond Mixed Use Project Update (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 Exclusive Right to Negotiate Period has expired. Staff recommends against future extensions.

PUBLIC HEARING

1. **RESOLUTION 02-844** Authorization and Approval of Funds in the Amount of \$800,000 to Presidio Village Senior Housing Inc. as a Construction Loan for the Presidio Village Senior

Housing Project (Recommend Adoption)

Pursuant to the execution of a Disposition and Development Agreement (DDA) between the Redevelopment Agency (Agency) of the City of Pittsburg and Presidio Village Senior Housing Inc. (PVSHI) the parent company of Pacific Community Services, the Agency has been assisting PVSHI for the development of Presidio Village Senior Housing Project. PVSHI has approached the Agency requesting \$800,000 for the purpose of on-site improvements with the the project. Staff recommends that the Agency issue an \$800,000 construction loan to PVSHI to fund the construction of Presidio Village.

2. **RESOLUTION 02-845**

Award of Construction Contract No. 00-11 for the Senior Center Improvements (Recommend Adoption)

Bids have been opened for the construction of improvements of the Pittsburg Senior Center to be located at 300 Presidio Lane. Proposed improvements for this project include: A single story 10,690 square foot facility enclosing a catering kitchen, banquet room, computer lab, game room, arts and crafts room, restrooms, and office space. The apparent low bidder, Krama, Inc. of Oakland, California, submitted a Base Bid Proposal in the amount of Three Million Three Hundred Twenty Four Thousand Dollars and No Cents (\$3,324,000.00). In addition to the base bid for construction, other project costs include construction costs for additive alternate bid items 1, 3, 4, and 6, design costs, construction administration and material testing costs, furnishing costs, and a project contingency. A review project authorization form breaking down these costs is attached. In all, the total estimate cost to complete the project is now \$4.75 Million. Staff recommends that the contract be awarded.

ADJOURNMENT: To: October 21, 2002

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

**6:30 PM
October 7, 2002**

CALL TO ORDER: Mayor Frank Aiello

PUBLIC COMMENT

ADJOURN TO CLOSED SESSION - 6:30 pm

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).

PROCLAMATIONS

1. Pittsburg High School Marching Show Band, Wind Ensemble and Jazz Bands
2. Honoring Cesar Chavez
3. National Hispanic Heritage Month

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: October 1, 2002, and October 2, 2002
(Recommend Acceptance)

- b. **MINUTES** Dated: September 16, 2002 (Recommend Approval)

- c. **CLAIMS** #1476, Michael Rahbari; #1478 Mary Dodge
(Recommend Denial)

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

- d. **RESOLUTION 02-9679** Amending the Memorandum of Understanding Between the City of Pittsburg and the Pittsburg Police Managers' Group (Recommend Adoption)

The City of Pittsburg and the Pittsburg Police Managers' Group (PMG) have entered into a three year collective bargaining agreement for the term of July 1, 2002 through June 30, 2005. The proposed Side Letter of Agreement amends the collective bargaining agreement by providing additional retiree health insurance benefits.

- e. **RESOLUTION 02-9680** Ratification of the AFSCME Management/Professional/Confidential Memorandum of Understanding (Recommend Adoption)

The City of Pittsburg and AFSCME Management/Professional/Confidential Unit have met and conferred in good faith regarding wages, hours, and other terms and conditions of employment and have reached agreement on a new collective bargaining agreement. AFSCME Management/Professional/Confidential Unit has ratified the collective bargaining agreement and the City Council is required to ratify the collective bargaining agreement for it to become effective.

- f. **RESOLUTION 02-9681** Ratification of the AFSCME Miscellaneous A Unit Memorandum of Understanding (Recommend Adoption)

The City of Pittsburg and AFSCME Miscellaneous A Unit have met and conferred in good faith regarding wages, hours, and other terms and conditions of employment and have reached agreement on a new collective bargaining agreement. AFSCME Miscellaneous A Unit has ratified the collective bargaining agreement and the City Council is required to ratify the collective bargaining agreement for it to become effective.

- g. **RESOLUTION 02-9682** Amend the Memorandum of Understanding Between the City of Pittsburg and the Pittsburg Police Officers' Association (Recommend Adoption)

The City of Pittsburg and the Pittsburg Police Officers' Association (POA) have entered into a three year collective bargaining agreement for the term of July 1, 2002 through June 30, 2005. The proposed Side Letter of Agreement amends the collective bargaining agreement by providing additional retiree health insurance benefits.

- h. **RESOLUTION 02-9683** Amend the Memorandum of Understanding Between the City of Pittsburg and Teamsters Local 856 (Recommend Adoption)
- The City of Pittsburg and Teamsters Local 856 (“Teamsters”) have entered into a two year collective bargaining agreement for the term of July 1, 2001 through June 30, 2003. The proposed Side Letter of Agreement amends the collective bargaining agreement by extending the term, providing wage increases during the extended term, discontinuing the health club reimbursement program, and providing additional retiree health insurance benefits.
- i. **ORDINANCE 02-1202** Adoption of an Ordinance to Zone 3.53 Acres at the Southern Terminus of Montezuma Street to a RM-O (Medium Density Residential with a Limited Overlay) zoning district) (RZ 02-10) (Recommend Waive Second Reading and Adopt)
- On September 16, 2002, the Council introduced an ordinance to zone a 3.53 acre parcel (APN 085-252-025) located at the southern terminus of Montezuma Street to an RM-O (Medium Density Residential with a Limited Overlay) zoning district. The Council must now adopt the ordinance in order to implement the proposed zoning.
- j. **RESOLUTION 02-9684** Establish a Budget for the Development and Construction of Americana Park (Recommend Adoption)
- The Americana Park Project was originally planned in the late 1990's during the construction of the Americana Subdivision. The total cost of this project is currently estimated to be \$500,000. Adequate funds for this project are available in City Fund 98, which was generated from Park Dedication Fees.
- k. **RESOLUTION 02-9685** Approval of a Purchase and Sale Agreement by and Between the City of Pittsburg and Union Pacific Railroad Company for Development of Americana Park (Recommend Adoption)
- The City desires to acquire an approximate 0.179 of an acre parcel from Union Pacific Railroad Company for \$20,000 to assemble with property that the city already owns for the purpose of constructing a public park within the Americana Subdivision.

- l. **RESOLUTION 02-9686** Award Yosemite Drive/Kirker Creek Culvert Cleaning (Recommend Adoption)

The Yosemite Drive Culvert Maintenance Cleaning Contract funding is from the City's Non-Point Pollution Discharge Elimination System (NPDES) contractual services account. The cleaning is part of a comprehensive and systematic creek and channel maintenance program which is still being developed. The Contractor is to clean two corrugated 9 foot diameter metal pipes that lie beneath Yosemite Drive at Harbor Street.

- m. **RESOLUTION 02-9687** Approval of Consultant Agreement Contract 99-05, Amendment No. 4, Mark Thomas & Co., Inc. (Recommend Adoption)

Amendment No. 4 to the Consultant Agreement with Mark Thomas & Co. Inc. Is for additional tasks beyond their original scope of work in connection with Contract 99-05, Kirker Creek Improvements Project. Amendment No. 4 authorizes an additional \$95,000.00 for consultant design services. Funding for this addendum will be taken from the Kirker Creek Improvements Project budget (Contract #99-05).

CONSIDERATION

1. **RESOLUTION 02-9689** Capital Improvement Program (CIP) Priority Project List (Recommend Adoption)

On July 29, 2002 the City Council and Redevelopment Agency of the City of Pittsburg had a joint workshop to review City projects and the availability of funds for them. Staff is currently preparing a project list for prioritization and approval by City Council. City Council will decide the type and priority of the projects to be included in the next Five Year CIP Plan. The presentation to City Council for prioritization of the project list is planned for early 2003.

PUBLIC HEARING

1. **RESOLUTION 02-9688** Award of Construction Contract No. 00-11 for the Senior Center Improvements (Recommend Adoption)

Bids have been opened for the construction of improvements of the Pittsburg Senior Center to be located at 300 Presidio Lane. Proposed improvements

for this project include: A single story 10,690 square foot facility enclosing a catering kitchen, banquet room, computer lab, game room, arts and crafts room, restrooms, and office space. The apparent low bidder, Krama, Inc. of Oakland, California, submitted a Base Bid Proposal in the amount of Three Million Three Hundred Twenty Four Thousand Dollars and No Cents (\$3,324,000.00). In addition to the base bid for construction, other project costs include construction costs for additive alternate bid items 1, 3, 4, and 6, design costs, construction administration and material testing costs, furnishing costs, and a project contingency. A review project authorization form breaking down these costs is attached. In all, the total estimate cost to complete the project is now \$4.75 Million. This amount exceeds the current project budget by \$1.25 Million. Staff recommends that the contract be awarded.

ADJOURNMENT To: October 21, 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 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	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 / Yvonne Beals-Rogers 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	J. Holmes
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	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-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 October 7, 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)

Both

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

 X 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

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

 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

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."

(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: Finance Director (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

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)