

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

REDEVELOPMENT AGENCY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:30 pm
September 3, 2002

CALL TO ORDER: Mayor Frank Aiello

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: August 19, 2002 (Recommend Approval)

b. **RESOLUTION 02-841**

Annual Submittal of Pittsburg Redevelopment Agency Investment Policy Required by California Government Code Section 53646 (Recommend Adoption)

The State of California Government Code Section 53646 amended by the passing of Senate Bill No. 564 which took effect January 1, 1996 requires the Treasurer to submit to the Redevelopment Agency at a public meeting an annual Investment Policy for their review and approval. The intent is to provide the local governing body with the authority to review the policy.

. **RESOLUTION 02-842**

Authorization for Funding (Recommend Adoption)

The Agency approved the FY2002-2003 Budget for the Redevelopment Agency of the City of Pittsburg with the stipulation that the budget would be brought back to the

Agency when the State passed its budget. The Agency also stipulated that spending would be limited to 25% of the budget as of September 30, 2002 or earlier should the percentage be reached earlier.

ADJOURNMENT: To: September 16, 2002

CITY OF PITTSBURG
PITTSBURG POWER COMPANY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:30 pm
September 3, 2002

CALL TO ORDER: Mayor Frank Aiello

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: August 5, 2002 (Recommend Approval)

b. **RESOLUTION 02-078**

A Transfer of \$375,000 from the Reserves of the Power Company to the Delta View Golf Fund to Provide Needed Improvements and Meet State Mandates (Recommend Adoption)

The State of California has mandated that all gasoline powered golf carts be replaced with electric carts by January 1, 2003. The requirement was mandated by the Environmental Protection Agency. To meet this mandate, the golf course must build a facility to accommodate 80 electric carts with the appropriate battery charging equipment. This in turn, will affect other facilities at the golf course and require placement of a modular pro-shop, restrooms, and supporting improvements, such as electrical and phone installations. There is little choice but to comply with the State mandate. Golf carts are required on our Delta View Golf Course because of topography. Without electric carts, the golf course could not remain open as one of the City of Pittsburg's recreational assets.

c. **RESOLUTION 02-079**

Approve and Authorize the Executive Director to Execute a Memorandum of Understanding with Permission to Demolish Existing Facilities, Exchange of Easements, and Transfer New Facilities from Lennar Mare Island LLC to Pittsburg Power Company (Recommend Adoption)

The Pittsburg Power Company doing business as Island Energy ("Utility") on Mare Island is a participant in the redevelopment of Mare Island. The Utility has easements for the gas and electric distribution systems throughout Mare Island Service territory. Lennar Mare Island LLC ("Owner") received title to certain land from the City of Vallejo to facilitate redevelopment on Mare Island. Staff has been negotiating with the Owner this Memorandum Of Understanding ("MOU") that allows the Owner within a designated project area to demolish existing facilities, exchange easements, construct to standards and transfer new facilities to the Utility.

d. **RESOLUTION 02-080**

Resolution of Intent Approving Funding for Auto Mall Dealership Business Association (Recommend Adoption)

One of the key components to the success of the Century Plaza Auto Mall will be a strong Dealership Business Association that has the ability to advertise and aggressively promote the Auto Mall. It is in the City of Pittsburg's best interest because the success of the Auto Mall will be directly reflected in the amount of sales taxes the City receives from the Mall. It is estimated that the first four dealers will generate about \$3 million per year to the City of Pittsburg in sales taxes. In the negotiations with the first three dealers, their cash flow considerations became a serious consideration, and funding the Dealer Association was at risk. Subject to approval, the advertising assessment for the first three dealers, \$37,000 for each dealer per year will be paid for the first seven years from the Power Company Reserve Fund. The total amount committed over the seven year period will be \$777,000, or \$111,000 per year.

ADJOURNMENT

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

**5:30 PM
September 3, 2002**

CALL TO ORDER: Mayor Frank Aiello

PUBLIC COMMENT

CONVENE IN CLOSED SESSION - 5:30 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. Patriot Day
2. 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 or the public prior to the time the Council votes on the motion to adopt.

a. **DISBURSEMENT LIST** Period Ending: August 22, 2002, August 28, 2002
(Recommend Acceptance)

b. **MINUTES** Dated: August 19, 2002 (Recommend Approval)

c. **CLAIMS** #1460 Valerie Lessley; #1463 Nancy Collins
(Recommend Denial)

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

d. **RESOLUTION 02-9668** Authorize Advertising for Bids to Construct Site
Improvements at Delta View Golf Course as Part of

Contract 02-05, Golf Course Improvements
(Recommend Adoption)

Construction contract documents (plans and specifications) are being developed for the site work required for installation of a new golf cart barn, clubhouse and pro shop at the Delta View Golf Course. The proposed improvements will provide the sewer, water, storm drain, electrical and asphalt required to develop the site in preparation for the new buildings. The estimated cost for construction of the site improvements is \$180,000.00.

e. **RESOLUTION 02-9669**

Awarding Contract No. 02-05, Golf Course Improvements to Rios Earthworks of San Francisco, California for Demolition of Existing Facilities
(Recommend Adoption)

The contract with Rios Earthworks is for the demolition of the existing golf cart garages and caretaker's residence at the Delta View Golf Course. This will make space available for a new pro shop and a golf cart barn that will be used for rental of electric golf carts.

f. **RESOLUTION 02-9670**

Approving the Congestion Management Plan Compliance Checklist for Local Jurisdictions
(Recommend Adoption)

The Contra Costa Transportation Authority (CCTA) is asking the cities and county to complete and approve a Congestion Management Program Compliance Checklist. The checklist states conformance with the congestion management program (CMP) as it relates to the City's participation in multi-jurisdictional planning, attainment of level-of-service standards, trip reduction ordinance, and land use evaluation.

g. **RESOLUTION 02-9671**

Annual Submittal of City of Pittsburg Investment Policy Required by California Government Code Sec. 53646
(Recommend Adoption)

The State of California Code Section 53646 amended by the passing of Senate Bill No. 564 which took effect January 1, 1996 requires the Treasurer to submit to the City Council at a public meeting an annual Investment Policy for their review and approval. The intent is to provide the local governing body with the authority to review the policy.

- h. **RESOLUTION 02-9672** Amending the Annual Budget to Receive \$375,000 from the Power Company, Appropriate Various Improvements, and Estimate Net Revenues of \$61,773 from the Golf Cart Trade In (Recommend Adoption)

The State of California has mandated that gasoline powered golf carts be replaced by electric golf carts effective January 1, 2003. The City has no recourse but to comply with the State mandate. To comply, a new cart barn with battery charging equipment will have to be constructed. In order to build the cart barn, other improvements will have to occur at the golf course. Net cost of the required improvements because of the State mandate is \$375,000, including contingencies. Financing of these improvements is contingent on Power Company budget action to provide a transfer of \$375,000 from Power Company Reserves. This action will amend the Golf Course Annual Budget for fiscal year 2002-2003 to receive the Power Company transfer and to appropriate the various required improvements.

- i. **RESOLUTION 02-9673** Requests to Extend the General Fund and Local Law Enforcement Block Grant Fund Budgets to 12/30/02 and Approve all Other City Budgets (Recommend Adoption)

Council approved the FY2002/03 Operating Budget with the stipulation that the budget would be brought back to Council when the State passed its budget. Council also stipulated that spending would be limited to 25% of the budget as of September 30, 2002 or earlier should the percentage be reached earlier.

- j. **ORDINANCE 02-1200** Community Advisory Commission Quadrant Restructure (Recommend Adoption)

Adoption of the ordinance introduced by the City Council on August 19, 2002 amending Municipal Code Section 2.50.020, to include a fifth sector.

CONSIDERATION

1. **RESOLUTION 02-9674** Approval of a Consultant Agreement with Fehr & Peers Associates, Inc. to Prepare a Pittsburg Traffic Mitigation Fee Update Study (Recommend Adoption)

Fehr & Peers Associates, Inc. has proposed to prepare a Pittsburg Traffic Mitigation Fee Update Study for an amount not to exceed \$100,000. The study will provide the necessary analysis to increase the City's Traffic Mitigation Fee (TMF).

2. **RESOLUTION 02-9675** Amending the Annual Budget to Provide Financing for Traffic Mitigation Fee (Recommend Adoption)

Fehr & Peers Associates, Inc. has proposed to prepare a Pittsburg Traffic Mitigation Fee Update Study for an amount not to exceed \$100,000. The study will provide the necessary analysis to increase the City's Traffic Mitigation Fee (TMF).

PUBLIC HEARING

1. **ORDINANCE 02-1201** Railroad Terrace Residential Subdivision. RZ-02-09. (Recommend Introduce and Waive First Reading)

This is a continued public hearing on an application by Albert Seeno III, Discovery Builders, to rezone 1.3 acres to RM-O (Medium-Density Residential with a Limited Overlay) in order to establish development regulations that would allow the construction of a 16-lot, single-family residential subdivision ("Railroad Terrace"). At the close of a public hearing held on June 25, 2002, the Planning Commission recommended that the Council rezone the Railroad Terrace subdivision site as well as a one-acre site (former Cardinale Bakery) in the middle of the subdivision. The 2.3-acre site of the recommended rezoning is on the south side of East Third Street, west of the Johns Manville Plant, east of Cumberland Street, and north of the Village at New York Landing residential subdivision; APNs 085-370-054 and 085-370-142 through -145.

ADJOURNMENT To: September 16, 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)

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

OUTSIDE AGENCY BOARDS	COUNCIL MEMBER (S)	TYPE	MEETS	STAFF
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

LIAISON TO	COUNCIL MEMBER (S)	TYPE	MEETS	STAFF
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

SUBCOMMITTEE	COUNCIL MEMBER (S)	TYPE	MEETS	STAFF
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 September 3, 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)

 X 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)

<u>Parcel Number</u>	<u>Owner</u>	<u>Street Address</u>
085 166 009	Caprio, John & Elaine	2 E. 5 th St.
085 165 009	Southport Land & Commercial Co.	28 W. 6 th St.
085 165 012	Southport Land & Commercial Co.	W. 6 th St.
085 164 005	Southport Land & Commercial Co.	W. 8 th St.
085 164 015	Redevelopment Agency	700 Railroad Ave.
085 164 016	Southport Land & Commercial Co.	Railroad Ave.
085 165 017	Southport Land & Commercial Co.	600 Railroad Ave.
085 165 016	Southport Land & Commercial Co.	638 Railroad Ave.
085 165 015	Southport Land & Commercial Co.	690 Railroad Ave.

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))

See owners above

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)

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

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

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)

X 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)

X One (1) case

___ 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

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)