

CITY OF PITTSBURG
Housing Authority Minutes
October 20, 2003

Chair Yvonne Beals called the meeting of the Housing Authority to order at 7:22 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened into Closed Session at 5:00 P.M. pursuant to Section 54956.9 of the Government Code, Conference with Legal Counsel - Existing Litigation regarding Joyce Glasper v. City of Pittsburg, Superior Court Case No. C03-00389; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two cases; Liability Claims pursuant to Section 54956.95 regarding Michael Barbanica; and Public Employee Performance Evaluation for the City Attorney.

There was nothing to report from Closed Session.

MEMBERS PRESENT: Glynn, Kee, Leatherwood, Parent, Rios, Beals

MEMBERS ABSENT: Wallen

STAFF PRESENT: Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Director of Planning and Building, Randy Jerome
Director of Public Works, John Fuller
City Engineer, Joe Sbranti
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Marietta Beals led the Pledge of Allegiance.

CITIZENS REMARKS

There were no citizens' remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

On motion by Member Parent, seconded by Vice Chair Rios and carried unanimously to adopt the Consent Calendar, as follows:

- a. **DISBURSEMENT LIST** Period Ending: September 30, 2003

Approved Disbursement List period ending September 30, 2003.

- b. **MINUTES** Dated: September 15, 2003

Approved Minutes dated September 15, 2003.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:24 P.M. to the next meeting set for November 17, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Redevelopment Agency Minutes
October 20, 2003

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:25 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened into Closed Session at 5:00 P.M. pursuant to Section 54956.9 of the Government Code, Conference with Legal Counsel - Existing Litigation regarding Joyce Glasper v. City of Pittsburg, Superior Court Case No. C03-00389; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two cases; Liability Claims pursuant to Section 54956.95 regarding Michael Barbanica; and Public Employee Performance Evaluation for the City Attorney.

There was nothing to report from Closed Session.

MEMBERS PRESENT: Glynn, Kee, Parent, Rios, Beals

MEMBERS ABSENT: None

STAFF PRESENT: Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Director of Planning and Building, Randy Jerome
Director of Public Works, John Fuller
City Engineer, Joe Sbranti
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizens' remarks.

MEMBERS REMARKS

There were no Member remarks.

CONSENT

On motion by Member Glynn, seconded by Member Kee to adopt the Consent Calendar, as follows:

a. **MINUTES**

Dated: October 6, 2003

Approved Minutes dated October 6, 2003.

Mayor Beals CONVENED JOINTLY the CITY COUNCIL and the REDEVELOPMENT AGENCY to consider the following:

CONSIDERATION

1. **RESOLUTION 03-926** Waiver of City Development Fees Associated with a Low
Combined w/CC 03-9928 Income Affordable Housing Project and Reimbursement
From the Agency's Affordable Housing Fund to the City
for the Amount of Waived Fees

Assistant Executive Director Nasser Shirazi advised that the Agency had entered into a Disposition, Development and Owner Participation Agreement to move the residential dwelling unit located at 2901 Railroad Avenue to 39 Locust Drive, rehabilitate the dwelling unit at the new location, and restrict the home to very-low income tenants for a period of not less than fifty-five years with Mary and Kathleen Taylor on August 5, 2002. The City desires to waive the City development fees and the Agency desires to reimburse the City for the amount of the fees in order to bring this project to fruition.

Mr. Shirazi advised that there would be a negative fiscal impact to the Agency in an amount not to exceed \$10,000. He explained that the Fee Schedule Breakdown was attached as Attachment A to the staff report dated October 20, 2003, which schedule provided an estimate of the development fees associated with the project. The fees should be reimbursed to the appropriate City accounts from the Agency's Housing Set Aside Fund.

Mr. Shirazi recommended that the City waive the outstanding City development fees and reimburse the developer for fees already paid and that the Agency reimburse the City for the total amount of the waived fees from the Agency's Housing Set Aside Fund.

Councilmember Kee verified with staff that the item related to one single family home.

On motion by Member Kee, seconded by Member Glynn and carried unanimously to adopt Redevelopment Agency Resolution No. 03-926.

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution No. 03-9928.

Member Kee recused himself from the next item given a potential conflict of interest.

2. **RESOLUTION 03-927** Reimbursement of Waived/Reduced City Development
Fees Pursuant to the Enterprise Zone Fee
Waiver/Reduction Program

Mr. Shirazi reported that on July 21, 2003 the City Council and Agency Board had approved the Enterprise Zone Fee Waiver/Reduction Program and that \$750,000 had been allocated for the Program for fiscal year 2003-2004 to reimburse the City for waived and/or reduced development fees. During the period of July 21, 2003 through September 30, 2003 a total of \$1,571.52 in development fees had been waived and/or reduced.

Mr. Shirazi reported that there would be a negative fiscal impact to the Agency in an amount of \$1,571.52. The funds would reimburse the City for waived and/or reduced development fees that supplement the City's General Fund.

Mr. Shirazi recommended that an amount of \$686.33 be transferred from Account 75-2070-0650-7516 to Account 10-620-0251-BG, with an amount of \$885.19 to be transferred from Account 75-2070-0650-7516 to Account 10-620-0659-PR.

On motion by Vice Chair Rios, seconded by Member Glynn to adopt Resolution 03-927, carried by the following vote:

Ayes: Glynn, Parent, Rios, Beals
Noes: None
Absent: Kee [Recused]

Member Kee rejoined the Agency Board at this time.

PUBLIC HEARING

1. **MINUTE ORDER** Joint Public Hearing on the Fifth Amendment to the
Combined w/CC 03-1213 Community Development Plan for the Los Medanos
Community Development Project and Related
Environmental Documentation

Mr. Shirazi explained that prior to the City Council's consideration of the Fifth Amendment to the Community Development Plan for the Los Medanos Community Development Project, a public hearing must be held to hear all testimony for and against the proposed Plan Amendment and related environmental documentation. The California Community Redevelopment Law (CRL) (Health and Safety Code Section 33000, et seq.) provides that when a City Council serves as the governing board of the Redevelopment Agency, both bodies may hold a joint public hearing to receive testimony on the plan/amendment.

Further, the CRL stipulates that the notice of the joint public hearing: 1) be published in a newspaper of general circulation not less than once a week for three consecutive weeks prior to the hearing; 2) be mailed to all affected taxing agencies via certified mail, return receipt requested; and 3) be mailed to all affected property owners, businesses, residents, and persons, firms and organizations which have acquired property from the Agency in a project area at least 30 days prior to the hearing via first-class mail.

Mr. Shirazi recommended that the Redevelopment Agency and the City Council convene jointly for a public hearing on the City Council's Ordinance approving and adopting the Plan Amendment and Approving a Notice of Exemption for the Plan Amendment pursuant to the California Environmental Quality Act (CEQA) and making certain findings pursuant to the CRL.

Mr. Shirazi explained that following the close of the joint public hearing the City Council acting alone would consider all testimony. He recommended that the City Council introduce and waive first reading of Ordinance 03-1213 amending the Community Development Plan for the Los Medanos Community Development Project Ordinance No. 80-798 adopted on December 1, 1980, Ordinance No. 83-844 adopted on November 28, 1983, Ordinance No. 93-1063 adopted on June 7, 1993, Ordinance No. 94-1089 adopted on January 3, 1995, and Ordinance No. 03-1207 adopted on March 3, 2003. Further, that the Council adopt the proposed Notice of Exemption for the ordinance pursuant to CEQA.

Mr. Shirazi added that following the close of the public hearing, the City Council alone shall consider Ordinance No. 03-1213. He recommended that Ordinance 03-1213 be introduced and that the first reading be waived to approve a Notice of Exemption for the Plan Amendment.

Director of the Redevelopment Agency Garrett Evans presented an overview of the Fifth Amendment to the Community Development Plan for the Los Medanos Community Development Project, described the methods of notification for the Plan Amendment to encourage public participation, described tax increment and noted that tax increment monies were primarily generated to the Redevelopment Agency and spent for Capital Improvement Projects (CIP), programs, the Enterprise Zone and affordable housing, and highlighted the purpose of the Plan Amendment to delete parcels generating negative tax increment.

Mr. Evans explained that the parcels to be deleted would be USS Posco, Dow Chemical, Praxair (Union Carbide) and GWF (National Energy Conservation). The removal of those parcels would increase the Agency's tax increment by over \$1 million. No other properties are affected by the Plan Amendment.

Mr. Evans reported that the Plan Amendment would also extend the Agency's authority to conduct eminent domain activities for another 12 years. Currently eminent domain authority would expire in 2005.

The Planning Commission had approved the adopted amended Plan, the Community Advisory Commission (CAC) had consider the matter on October 1 and a full fledged community meeting had been held on October 2 to respond to questions. At this time, no written objections had been received.

Mr. Evans recommended that the Council receive testimony and introduce and waive the first reading of Ordinance No. 03-1213 and approve a Notice of Exemption for the Plan Amendment. The supplemental report to the Council was submitted to the City Clerk.

Mayor Beals opened the joint public hearing for both the City Council and the Redevelopment Agency and noted that members of both agencies were present.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), referred to the extension of the eminent domain for 12 years, suggested that was a long time, and clarified with Mr. Evans that the 12-year cycle had been extended in 1993 and would expire in 2005.

In response to a concern expressed by Mr. Mims as to whether or not families would be displaced as a result of the proposal, Mayor Beals noted that the four parcels being deleted from the redevelopment area were four existing businesses and that the City would not be developing that property at any rate. She added that the deletion of the four parcels would be advantageous to the remainder of the redevelopment area.

There were no other comments.

Mayor Beals closed the joint public hearing and clarified that the public hearing was for the City Council and the Redevelopment Agency, although only the Council would take action.

On motion by Councilmember Parent, seconded by Councilmember Kee and carried unanimously to waive first reading and introduce Ordinance 03-1213 by title only.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:49 P.M. to the next meeting set for November 3, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
City Council Minutes
October 20, 2003

Mayor Yvonne Beals called the meeting of the City Council to order at 7:50 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened into Closed Session at 5:00 P.M. pursuant to Section 54956.9 of the Government Code, Conference with Legal Counsel - Existing Litigation regarding Joyce Glasper v. City of Pittsburg, Superior Court Case No. C03-00389; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two cases; Liability Claims pursuant to Section 54956.95 regarding Michael Barbanica; and Public Employee Performance Evaluation for the City Attorney.

There was nothing to report from Closed Session.

MEMBERS PRESENT: Glynn, Kee, Parent, Rios, Beals

MEMBERS ABSENT: None

STAFF PRESENT: Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Director of Planning and Building, Randy Jerome
Director of Public Works, John Fuller
City Engineer, Joe Sbranti
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

MARIAN PARTRIDGE, Pittsburg, the Branch Librarian at the Pittsburg Library announced that the author of The New and Elegant But Easy Cookbook would be at the Library at 7:00 P.M. on October 21, when recipes would be available to sample and taste. She also announced a joint fundraiser on November 2 from 11:00 A.M. to 5:00 P.M. at the Solar Gym and Swim in Antioch when Friends of the Pittsburg Library and the Antioch Library were sponsoring a fundraiser called Swim for Books or Get Wet for Books. The fundraiser was intended to help reduce the shortfalls being experienced by both the Pittsburg and the Antioch libraries. She sought volunteers to further that effort.

JONATHAN SAHAGUN, a Paramedic with Contra Costa County and a Shop Steward

for SEIU Local 250, called the Council's attention to matters occurring in the EMS community. He reported that the EMS Council/EMCC Committee had recently received a report by Fitch & Associates, which had been charged to look at the current system and determine how to put paramedics on fire engines. Mr. Sahagun stated that had been done because the County Board of Supervisors in 1988 had charged the EMS to put paramedics on the engines and to keep that cost neutral. What had occurred was that the report from Fitch & Associates had recommended what he characterized as disturbing ways to implement the study.

Noting that the City of Richmond had been approached because of the situation, Mr. Sahagun explained that Richmond was willing to adopt a resolution to state that City would not support the proposal, which would, among other things relax response times for ambulances. He stated the County currently had a requirement that an ambulance make it to the scene of an emergency within 10 minutes ninety percent of the time and those requirements were being met and exceeded. The County wanted to relax response times to 13 minutes.

Mr. Sahagun stated that while the EMS Council/EMCC Committee had no problem with paramedics on the fire engines since that should enhance the County EMS system, he suggested that the several changes that had been proposed were unacceptable and would pose a detriment to the community.

Mayor Beals sought information or language from Mr. Sahagun that could be submitted to the Council.

Mr. Sahagun noted that the City of Richmond was setting up an emergency Council session so that EMS could read the considerable information involved. He sought an emergency meeting of the Pittsburg City Council to address the issue, to open it up for discussion and adopt a resolution and join in fighting the unacceptable recommendations.

TOMMY ANDERSON, Pittsburg, with T&T Enterprises, commented that the City Hall building was to have been set up for bid for janitorial services. He sought information in that regard.

Public Works Director John Fuller stated that when the project had been bid the last time there had been considerable Council debate on the adequacy of the plans and specifications, which had been redone. He advised that janitorial services for City Hall would go out for rebid in the next four to six weeks.

Mayor Beals requested that Mr. Fuller make himself available to respond to Mr. Anderson's questions related to the rebid process.

WILLIE MIMS, representing the Black Political Association (BPA), thanked the Mayor for speaking against Proposition 54, although he criticized the Mayor for her failure to allow the public to speak to the item. He suggested that the placement of the item in the Consent Calendar was a clear violation of Section 54954.3 of The Brown Act.

Mr. Mims added that he had submitted another speaker card to speak to an item on the Consent Calendar, but was choosing not to speak to that item since he had a right, in accordance with Section 54954.3 of The Brown Act to speak to any item on the agenda. If not called to speak at that time, Mr. Mims stated that would be a violation of The Brown Act Section 54954.3.

BEN JOHNSON, Pittsburg, speaking on behalf of the United Veterans Council reported that the WWII tank was currently located at the Armory in Pittsburg and that it would be on public display at the Armory until November 2 or 3, at which time it would be placed on the pad for public viewing. He added that the tank was nearly demilitarized at this point. He invited everyone to the dedication of the tank on November 11 when a ceremony had been planned. He invited the City Council to that event, which would also include a breakfast sponsored by the Kiwanis Club from 8:30 to 10:30 a.m. at Small World Park.

Mr. Johnson also noted that he had previously described some issues of disrepair with respect to Buchanan Road. He urged the Council to repave that roadway to help alleviate the disrepair, which was negatively affecting residents' vehicles.

COUNCIL REPORTS

Councilmember Parent reported that she and Councilmember Glynn had met as the School District Liaison Committee with two members of the Pittsburg Unified School District (PUSD) Board to discuss a number of issues, including joint use of facilities and the funding of crossing guards, and whether to be able to assist the PUSD to recruit fully credentialed teachers by making home ownership in the City more affordable for those teachers.

With respect to the Library Swim on November 4, Councilmember Parent stated that City residents would have to show his/her support for the Pittsburg Library given the County's take of \$9,500 from that library, specifically out of the budget allowing the purchase of new books. She noted that the American Association of University Women (AAUW) was also supporting the swimming competition and she urged residents to contribute to that cause.

Councilmember Parent stated that this week would be the last week of the production of The Miracle Worker. She commended the production. She also reported that the art show had been scheduled until the end of the month and that a special perspective showing of art by some past and current City employees had been well done. Councilmember Parent also commented that the Pittsburg Italian Cultural Society's Pasta and Opera performance had occurred on October 19. She noted that the contributions of those of Italian heritage to the nation and the City had been recognized in this, the City's Centennial Year.

Vice Chair Rios reported that the Finance Subcommittee had met and would be submitting items for Council review.

Councilmember Glynn stated that he had attended the School District Liaison

Committee meeting with the PUSD. He had also attended the Mare Island Energy meeting when rate adjustments had been discussed. He advised that he had also served in the American Legion Honor Guard at the funeral of Charles "Buster" Spears at the First Baptist Church. Further, Councilmember Glynn reported that he had attended the Italian Festival at Good Shepherd Church, the Juvenile Diabetes Research Foundation International (JDRF) walk at Heather Park in Walnut Creek, and the Korean Barbecue put on by those of Korean heritage at USS Posco. He also took this opportunity to thank Senator Torlakson for his participation in the Juvenile Diabetes event and for his remarks related to the onset of juvenile diabetes and how that affected families.

Councilmember Kee had no report.

Mayor Beals advised that the Economic Development Subcommittee had met over the past few weeks and had submitted the report on the agenda at this time. She continued to ask the community to embrace the events listed as part of the City's Centennial celebration.

In honor and memory of his community activism and as a long time supporter of the Boys and Girls Club, Mayor Beals requested that the meeting be adjourned in memory of Charles "Buster" Spears.

CITY MANAGER REPORT

There was no City Manager report.

PROCLAMATIONS

1. National Diabetes Awareness Month

Councilmember Glynn read the proclamation for National Diabetes Awareness Month, November 2003, and presented the proclamation to Diana Mason and Mr. Russo.

As a member of the East Bay Board of Directors of the Juvenile Diabetes Research Foundation, Mr. Russo thanked the City Council for supporting the National Diabetes Awareness Month in November, and noted that while 17 million Americans had diabetes, another 16 million were considered to be pre-diabetic and would become diabetic over the next ten years. Of that total, one million suffered from juvenile diabetes.

Diana Mason also thanked the Council for the proclamation and noted that USS Posco had been involved with the Juvenile Diabetes Research Foundation for nine years as its prime charity. Each year approximately 175 USS Posco employees walked and donated to the JDRF and approximately \$60,000 was raised each year. A total of \$500,000 had been raised in nine years. She thanked the Council for its support.

2. Tri Delta Transit Roadeo Team

Councilmember Parent, who had attended the event, presented the Proclamation to

Jeanne Krieg from Tri Delta Transit in acknowledgment of Tri Delta's Rodeo team's competition at the American Public Transportation Association's International Rodeo in Salt Lake City, Utah and for its win in the prestigious International "Best of the Best" competition beating forty-one other teams representing transit agencies throughout North America, the first small operator to do so.

JEANNE KRIEG, General Manager of Tri Delta Transit described Tri Delta's excitement in winning the award but noted that Tri Delta Transit staff had always known it had the best drivers and the best mechanics, and now had proven that was the case.

Mayor Beals asked that the City Clerk produce additional copies of the proclamation so that each of the winners would have his own proclamation, to be submitted through the Tri Delta Transit Board meeting scheduled for Wednesday, October 22.

CONSENT CALENDAR

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt the Consent Calendar, with the removal of Items e, f, and i, as follows:

- a. **MINUTES** Dated: October 6, 2003
Approved minutes dated October 6, 2003.
- b. **CLAIMS** #1531, Tahmeka Ramirez-Miller; #1542, Jackie Jimenez
Denied Claims #1531, Tahmeka Ramirez-Miller and #1542, Jackie Jimenez.
- c. **RESOLUTION 03-9914** Approval of Agreement 1560.8 with Caltrans for Relocation of Sanitary Sewer Lines in Railroad Avenue
Adopted Resolution 03-9914.
- d. **RESOLUTION 03-9915** Approval of Agreement 1560.7 with Caltrans for Relocation of Water Facilities in Railroad Avenue
Adopted Resolution 03-9915.
- g. **RESOLUTION 03-9926** Authorizing the City Manager to Apply for Grant Funds for the Roberti-Z'Berg-Harris Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002
Adopted Resolution 03-9926.
- h. **RESOLUTION 03-9927** Authorizing the City Manager to Apply for Grant Funds

for the Per Capita Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002

Adopted Resolution 03-9927.

The following items were removed from the Consent Calendar for discussion.

- e. **RESOLUTION 03-9924** Awarding Contract No. 01-10, West Tenth Street Rehabilitation Project, to MCK Services, Inc. of Concord, California, for Constructing Improvements on West Tenth Street

Mr. Shirazi reported that City staff opened bids for Contract 01-10, West Tenth Street Rehabilitation Project, on October 8, 2003. The apparent low bidder was MCK Services Inc. of Concord, California. They submitted a bid proposal in the amount of \$433,344.44. This project will include an asphalt overlay, construction of pedestrian bulb outs, and reconfiguration of pavement striping. The project limits are from Railroad Avenue to Builders Circle.

Mr. Shirazi advised that the total project funding in the amount of \$719,000 had been allocated by the Redevelopment Agency and the City Council on June 16, 2003. The total estimated cost for the project was identified as \$645,000. The project has been partially funded by a Surface Transportation Improvement Program (STIP) grant in the amount of \$371,000.

Mr. Shirazi recommended that the City Council adopt Resolution 03-9924 authorizing the City Manager to execute a contract with MCK Services, Inc., in the amount of \$433,344.44 for construction of the improvements, and that \$75,000 be authorized for contingencies representing 17 percent of the contract.

WILLIE MIMS, Pittsburg, requested a description of the pedestrian bulb outs referenced in the staff report.

In response, City Engineer Joe Sbranti explained that the concrete curb is pushed into the street in a bulb state to essentially shorten the street and create a safe pocket for parking and to also help address the safety concerns related to crossing Tenth Street.

Mr. Mims inquired why the bulb outs were limited to the specific section referenced and not from Railroad Avenue and Tenth Street and Tenth Street to Harbor Street.

Mr. Sbranti stated that he would have to evaluate the original design. The area of the project had been targeted because it was the area eligible for most of that funding. If the project was extended, the money to do that portion would not be available and would have to be covered at a later date.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition and the

Delta Pedalers noted that the bicyclists' understanding was that the roadway would go from four lanes with no turn lanes and no bicycle lanes to two traffic lanes with a turn median with bicycle lanes and with the bulb outs. As such, he suggested that the road would maintain its current efficiency because traffic in the center lanes would not be stopped by other traffic trying to turn left. He noted that bicyclists and pedestrians were very happy with the project and sought funding for that project.

Councilmember Kee stated that he had asked that the item be removed only because of the cost of the item, which he suggested was excessive for a Consent Calendar item.

On motion by Councilmember Kee, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9924.

Vice Mayor Rios had pulled the following item from the Consent Calendar.

- f. **RESOLUTION 03-9925** Reclassify the Position and Incumbent from Waste Reduction/Hazardous Waste Coordinator to Administrative Analyst III

Mr. Shirazi stated that the Human Resources Department had conducted a job analysis for the Waste Reduction/Hazardous Waste Coordinator classification. The job analysis had determined that the scope of work performed would be more appropriately classified as an Administrative Analyst III.

Mr. Shirazi described the fiscal impact and noted that in fiscal year 2002/2003, the Waste Reduction/Hazardous Waste Coordinator position had been budgeted 100 percent to the General Fund. In anticipation of the reclassification, the fiscal year 2003/2004 budget changed the staffing allocation to 10 percent General Fund and 90 percent to other City funds, saving approximately \$82,000 from the General Fund. The cost to implement the reclassification was identified as \$6,520.59 of which \$652.06 was to the General Fund and \$5,863.53 was to other funds such as sewer, water and stormwater.

Mr. Shirazi recommended that the position and incumbent from Waste Reduction/Waste Reduction Coordinator be reclassified to Administrative Analyst III.

Vice Mayor Rios explained that she had pulled the item because there were several other positions on the list for reclassification that had not been reclassified and which were still in process. The current position was not on that reclassification list. She would therefore not support the item.

Councilmember Parent questioned whether or not the proposal was partially to allow the person to perform more diverse work.

Human Resources Director Marc Fox affirmed that was the case, and in order to match the funding for other non-General Fund sources to the work that the person was actually performing, such as work in the sewer, water and National Pollutants Discharge

Elimination System (NPDES) program areas. He added that the reassignment to work followed the retirement of the prior Administrative Analyst within the department, which position had been reassigned to another department.

In further response to Councilmember Parent, Mr. Fuller explained that the employee in question's position had been created as part of the "garbage wars" but also in response to AB 939, the Waste Reduction laws. Many of the programs that had to be implemented and the work that employee had done were no longer in an implementation mode. They were more in a maintenance mode. Since that employee now had more time, the employee had become involved in the City's safety program and it had become inappropriate to give that work to that employee who was not an Administrative Analyst III. While the position had been eliminated from the Department, he stated that the work had not been eliminated. The intent was to utilize an existing staff resource to absorb the work that still needed to be done and to appropriately compensate that employee for work being done outside of her current classification.

On motion by Councilmember Parent, seconded by Councilmember Glynn to adopt Resolution 03-9925, carried by the following vote:

Ayes: Glynn, Kee, Parent, Beals
Noes: Rios

Vice Mayor Rios and Councilmember Glynn had both requested that the next item be pulled from the Consent Calendar.

- i. **RESOLUTION 03-9929** Amend the City's Purchasing Policy to Increase the City's Informal Competitive Bid Threshold from \$500 to \$2,500 and Process Invoices as Direct Invoices Versus a Direct Payment Claim

Mr. Shirazi presented the amendment to the City's Purchasing Policy Informal competitive bid threshold from \$500 to \$2,500 and to process invoices as a Direct Invoice versus a Direct Payment Claim to improve responsiveness, effectiveness and efficiency in the purchasing function for low dollar purchase requisitions and invoices.

With respect to fiscal impact, Mr. Shirazi advised that increasing the City's informal competitive bid threshold from \$500 to \$2,500 would provide savings to the City by reducing administrative costs associated with processing time for all departments. He recommended that the Council authorize the City Manager to increase the informal competitive bid threshold from \$500 to \$2,500 and to process invoices as a Direct Invoice versus Director Payment Claim to improve responsiveness, efficiency and effectiveness in the purchasing process, for low dollar purchase requisitions and invoices.

Vice Mayor Rios explained that she had requested the removal of the item from the Consent Calendar only to stress that department heads would be accountable for proper purchasing policy.

Councilmember Glynn had requested the removal of the item given that the amounts, in some cases, were insufficiently high. In the Marina, for instance, the current gasoline capacity of the marine fuel tanks would require a one time purchase of \$10,000.

Councilmember Glynn therefore recommended an amendment to the Harbormaster's authority to be able to purchase fuel not to exceed \$10,000 during any one time since all of that fuel would be made available to the public for resale. For all other things in the Marina, much of which was also costly, he suggested that the bid threshold be extended to \$5,000. For the Public Works Department, he recommended a \$5,000 minimum as well. Speaking to the Golf Club, he suggested that a \$5,000 threshold would also be important to establish, particularly for those items intended for resale. With those changes, Councilmember Glynn supported the amendment to the City's Purchasing Policy as recommended.

On motion by Vice Mayor Rios, seconded by Councilmember Parent to adopt Resolution 03-9929, as submitted.

Councilmember Glynn requested an amendment to the motion to change the threshold amounts to \$10,000 for fuel at the Marina, and for \$5,000 thresholds for the Public Works Department and for the Golf Course.

Vice Mayor Rios did not accept the amendment.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9929.

CONSIDERATION

1. **RESOLUTION 03-9928** Waiver of City Development Fees Associated with a Low
Combined w/RDA 03-926 Income Affordable Housing Project and Reimbursement from the Agency's Affordable Housing Fund to the City for the Amount of Waived Fees

The Agency entered into a Disposition, Development and Owner Participation Agreement to move the residential dwelling unit located at 2901 Railroad Avenue to 39 Locust Drive, rehabilitate the dwelling unit at the new location, and restrict the home to very-low income tenants for a period of not less than fifty-five years with Mary and Kathleen Taylor on August 5, 2002. The City desires to waive the City development fees and the Agency desires to reimburse the City for the amount of the fees in order to bring this project to fruition.

Action was taken to adopt Resolution 03-9928 in Joint Session with the Redevelopment Agency, as follows:

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 03-9928.

2. **RESOLUTION 03-9930** 2003 Holiday Parade Funding

Mr. Shirazi reported that the Pittsburg Holiday Parade was without funding for the 2003 season. This parade has been a tradition in Pittsburg for the past 21 years. To assist in continuing this community event during the City's Centennial Year, Centennial funds in the amount of \$2,500 had been identified to cover the parade's production and insurance cost. The funds, as needed, would be issued to the Pittsburg Band Boosters who had, in the past years, organized and presented this holiday event. Recreation Department staff would assist the Band Boosters and serve as the City's representatives to this event.

Mr. Shirazi advised that the estimated cost of the event was \$2,500. Funds were available within the General Fund Account 10-1100-7554. The current balance for fiscal year 03-04 is \$9,193. He recommended the adoption of the resolution.

Mayor Beals clarified that the event was not a City event; it was a Band Boosters event. She also noted that there was a one-time source of funding through the Centennial budget this year, which would be a one time funding source. To continue celebrating the Centennial year and to highlight the activities of the community during the holiday season, she recommended the approval of Resolution 03-9930.

On motion by Mayor Beals, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9930.

3. **RESOLUTION 03-9931** Pittsburg High School Band Boosters Request for Community Sponsorship Program Funds

Mr. Shirazi reported that the Pittsburg High School Pirate Marching Show Band had been extended an invitation to represent the City of Pittsburg and Pittsburg Unified School District at Orlando, Florida's Disney World's and Universal Studios' holiday parades. Toward meeting the cost of participating in this event the Pittsburg High School Band Boosters had requested community sponsorship funds in the amount of \$2,000. The requested funds would be specifically used for ground transportation costs. The Recreation Commission had reviewed the application for funding and had interviewed the applicant. The Commission recommends City Council approval of funds in the amount of \$500.

Mr. Shirazi explained that funds were budgeted within the General Fund non-Departmental Account 10-1100-7570. The current balance is \$7,000 for fiscal year 2003-04. He recommended the adoption of the resolution.

CHRIS SEARS, President of the Pittsburg High School Band Boosters for 2003/04 offered the background of the booster organization, which supported the Marching Show Band, four other stage bands and the choir program. He noted ongoing fundraising efforts, which had benefited and would continue to benefit all of the music programs, which were all curriculum classes at Pittsburg High School. He described the significant funding provided to the music programs by the Band Boosters organization and highlighted the efforts to

cover the \$1,039 per student cost for the trip.

Mr. Sears explained that the PUSD had appropriated \$2,000 for the band program and teachers had rallied his/her support. He noted that while grateful for any monetary assistance granted by the City, he urged the Council to reconsider the Leisure Services Commission recommendation of \$500 and grant the \$2,000 requested to cover the majority of the \$2,600 to \$2,700 cost of ground transportation to and from the airport.

WILLIE MIMS, Pittsburg, emphasized the importance of the invitations to the Pirate Marching Band, noted his disappointment with the Recreation Commission to fund only \$500 from the requested \$2,000, commented that the Council had at its last meeting awarded the Junior Football League for its program, and urged the Council to fund the full \$2,000 request.

BEN JOHNSON, Pittsburg, agreed with the comments, suggested that the Pirate Marching Band represented the City well, had won lots of awards, and should be offered \$2,000 rather than the recommended \$500.

Councilmember Kee verified with Mr. Sears that the PUSD had funded \$2,000 towards the cost of the trip.

Councilmember Parent noted that there was only \$7,000 left for the current fiscal year with eight months to go. She agreed that \$500 appeared to be insufficient. She supported a \$1,000 appropriation from the Community Sponsorship Funds for the trip to Florida.

Mayor Beals concurred that \$500 was not enough. To be equitable without comparison to other programs and what had been done previously, she agreed with the recommendation to approve funds for the Pirate Marching Band of \$1,000.

On motion by Councilmember Parent, seconded by Mayor Beals and carried unanimously to adopt Resolution 03-9931, as amended with a contribution of \$1,000.

4. **RESOLUTION 03-9932** Give Always To Others and Co. Request for Sponsorship Funds

Mr. Shirazi advised that Give Always To Others and Co. had requested community sponsorship funds in the amount of \$2,000. This non-profit organization promotes and presents media and multi-cultural events within the City of Pittsburg and East County. The Recreation Commission had reviewed the application request for sponsorship at its September 11, 2003 meeting. The Commission recommended City Council approval of community sponsorship funds in the amount of \$1,000.

Mr. Shirazi stated that funds were budgeted within the General Fund non-Departmental Account 10-1100-7570, which had a current balance for fiscal year 2003-04 of \$7,000. Adoption of the resolution was recommended.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9932.

5. **RESOLUTION 03-9933** Budget Adjustment for the 2003-04 Recreation Department Afterschool For All Program

Mr. Shirazi reported that the Recreation Department requested a budget adjustment of \$56,300 to provide additional recreation services under contract with Pittsburg Unified School District's Afterschool For All Program. The additional service was at the request of the PUSD and would serve students at both Central and Hillview Junior High Schools, and Los Medanos Elementary School. The \$56,300 for Recreation Department services would be reimbursed by PUSD on a monthly basis through the 2003-04 school year.

Mr. Shirazi stated that there would be no impact to the General Fund. The cost for the recreation program would be reimbursed on a monthly basis by PUSD. He recommended the adoption of the resolution to allow the competitive wage rate of up to \$10.90 per hour for Recreation Leader salary rate and to amend the estimated revenues and budget for the Recreation Department by \$56,300.

Vice Mayor Rios asked how reimbursed funds would be tracked and by whom.

Recreation Director Paul Flores reported that the hourly rate would be logged by the City's regular payroll system. Time sheets would be kept and be billed through the City's system. The PUSD would be billed on a monthly basis for hours worked, fringe benefits and any additional supplies incurred for the Afterschool For All Program. All bills related to labor and materials would be submitted to the PUSD on a monthly basis.

In further response to the Vice Mayor, Finance Director Marie Simons stated that the Finance Department would be keeping a separate tracking system for both revenues and costs. She noted that this year's operating budget had divided the Recreation Department into eleven programs. The subject program was one of those separate programs.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9933.

6. **RESOLUTION 03-9934** Ratification of Friendship Agreement with Shenyang, China

Mr. Shirazi explained that on September 16, 2003, Mayor Yvonne Beals accompanied by Brad Nail, Director of Economic Development; Jess Leber, representing the Chamber of Commerce; and Daphne Hsiao, President of Pacific Rim Consulting traveled to Shenyang, China, at the invitation of the Mayor of Shenyang to form a Friendship City Relationship. At a formal ceremony Mayor Beals signed the Friendship Agreement on behalf of the City of Pittsburg.

Mr. Shirazi recommended that the City Council approve the Friendship City

Agreement signed by Mayor Beals on September 18, 2003.

Economic Development Director Brad Nail offered a video presentation from the City of Shenyang to identify the City of 7.2 million people with 54,000 businesses, the largest industrial city in China.

Mr. Nail reported that in November 2002 he had participated in an event at the Santa Clara Convention Center, China Meets Silicon Valley Exposition, at which time he had met representatives from the City of Shenyang who had expressed an interest in developing economic ties with the City of Pittsburg. He noted that in April 2003, an official from Shenyang had met with the Mayor, City staff and Chamber of Commerce representatives. Subsequent to that time the City had received an invitation to visit the City of Shenyang and to enter into a Friendship City Relationship.

On September 16, 2003, Mr. Nail stated that he and the Mayor and Jess Leber from the Chamber of Commerce and Daphne Hsiao, a consultant heading a company that helps create trade between cities had traveled to Shenyang. He offered a presentation of that visit and explained that the city was located in the northeast of China, an hour's flight from Beijing. The City was 2,500 years old, had 22 universities and currently had one other sister city, Chicago, Illinois.

Mr. Nail explained that the next steps would be to identify and meet with Pittsburg's local businesses that might do business in Shenyang. He noted that a survey conducted six months ago had identified over 100 businesses that were either doing business overseas or wanted to do business overseas. Shenyang was also identifying Chinese businesses that might want to locate in Pittsburg utilizing the world trade center concept. Staff would continue to work on the International Trade Center, would meet with the Bay Area World Trade Center, which the City had a consulting contract, would encourage a business delegation from Pittsburg to visit Shenyang in the future and would encourage a delegation from Shenyang to Pittsburg. Steps would also be taken to connect the education communities of each city to begin a student exchange.

Mayor Beals echoed some of the comments she had offered at the last Council meeting on the amount of construction and the level of progression China was making to turn the light industrial city of Shenyang into a leading city of China. She stated that the interest that Shenyang shared of doing business in the United States, particularly with West Coast ports would be an advantage to them and an advantage to the City of Pittsburg. Discussions were positive and could benefit the City and the region.

With respect to the educational possibilities, Mayor Beals noted that the City of Pittsburg had already established certain discussions with its other Sister City of Shimoneseki, with an emphasis on education. She commented that Shenyang was a most promising city because of its advanced progression in the area of technology and business trade.

Mayor Beals noted that Shenyang had wiped out 9,000 acres of its city to rebuild. She

suggested that the progression and governmental investment in Shenyang would make it a leading city in China and in Asian countries. She was excited about the opportunity that would be beneficial to the City, beneficial for developing the marine area of the City, with the possibility of a world trade center, an incubator for local businesses and small businesses.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9934.

7. **RESOLUTION 03-9935** Adoption of a Resolution Approving a Contract for Consultant Services to Conduct a Fiscal Analysis for a Community Facilities District in the San Marco Development

Mr. Shirazi advised that in 1990 the City and Seecon Financial & Construction Company, Inc. entered into a development agreement for approximately a 639-acre property referred to as the San Marco subdivision development. As part of that agreement the developer agreed to establish a Mello Roos or Marks Roos assessment district for the purpose of providing police services to the property. The first step in establishing such a district was to conduct a fiscal analysis so that the City could consider its options in adopting a special fee in order to fund necessary services for the San Marco development. The firm of Vernazza Wolfe Associates, Inc. was recommended as the consultant to conduct such a study.

Mr. Shirazi reported that the proposed cost of the study was \$25,000, to be paid through General Fund reserves if approved by the Council. He recommended that the Council adopt the resolution approving a contract for consultant services with Vernazza Wolfe Associates, Inc. to update and prepare a fiscal analysis to support a fee to support necessary services for the San Marco development.

Councilmember Parent had asked the item to be presented to the Council to keep moving ahead and advancing the source of funding for the basic service that the City needed to provide based on the concept that new people needed to pay his/her way.

On motion by Councilmember Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9935.

8. **MINUTE ORDER** Ad Hoc Committee Assignment for California Theatre Feasibility Study

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 create an ad hoc committee for the California Theatre feasibility study.

Mr. Shirazi advised that there was no fiscal impact. He recommended the appointment of two Councilmembers to the ad hoc subcommittee for the California Theatre feasibility study.

Mayor Beals recommended the adoption of Councilmembers Glynn and Kee to serve as the ad hoc subcommittee for the California Theatre.

On motion by Mayor Beals, seconded by Vice Mayor Rios and carried unanimously to assign Councilmembers Glynn and Kee as the ad hoc committee for the California Theatre Feasibility Study.

9. **MINUTE ORDER** Ad Hoc Committee Assignment for City Manager Recruitment

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 create an ad hoc committee for the City Manager recruitment.

Mr. Shirazi stated that there would be no fiscal impact. He recommended the appointment of two Councilmembers to the ad hoc subcommittee for the City Manager recruitment.

Mayor Beals noted that she and Vice Mayor Rios had met to make recommendations for the ad hoc committee assignment. Prior to making that decision, she noted that the role of the ad hoc committee had been discussed. It had been agreed that the purpose of the ad hoc committee would be best served if all Councilmembers took part in the decision and process of recruiting a City Manager. As such, there would be no recommendations and the process would move forward as the entire Council.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to not assign an ad hoc committee for City Manager recruitment.

PUBLIC HEARING

1. **RESOLUTION 03-9936** Local Law Enforcement Block Grant Proposal

The Pittsburg Police Department is seeking City Council approval of the application to the Bureau of Justice Assistance for funding under the Local Law Enforcement Block Grant program and authorization for the City Manager, or his designee, to act on behalf of the City in this application.

Mr. Shirazi recommended that the Council approve the application to the Bureau of Justice Assistance for funding under the Local Law Enforcement Block Grant.

Mayor Beals opened the public hearing for Resolution 03-9936. There was no one to speak to the item. The public hearing was closed for Resolution 03-9936.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9936.

2. **ORDINANCE 03-1213** Ordinance of the City Council of the City of Pittsburg
Combined w/RDA Public Approving and Adopting the Fifth Amendment to the
Hearing Minute Order Community Development Plan for the Los Medanos
Community Development Project and Approving a
Notice of Exemption for the Plan Amendment.

The purpose of this Fifth Plan Amendment is to detach certain properties, Contra Costa Assessor's Parcel Nos. 073-190-003, 073-200-013, 073-210-031 and 073-220-037 from the Los Medanos Community Development Project affected by the Redevelopment Plan. The detachment of these parcels is necessary because of the downward reassessment of these property values for property tax purposes which has resulted in the Agency's inability to collect tax increment from the portion of the Project Area added in 1993. This Proposed Plan Amendment will not change the land uses permitted within the Project Area. The Proposed Plan Amendment will also extend the deadline for commencement of eminent domain proceedings by the Agency within the Project Area.

Action was taken to introduce Ordinance 03-1213 in joint public hearing with the Redevelopment Agency, as follows:

On motion by Councilmember Parent, seconded by Councilmember Kee and carried unanimously to waive first reading and introduce Ordinance 03-1213 by title only.

ADJOURNMENT

The meeting of the City Council adjourned at 9:30 P.M. in ***Honor and Memory of Charles "Buster" Spears*** to the next meeting set for November 3, 2003.

Respectfully submitted,

Lillian J. Pride, City Clerk

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