

CITY OF PITTSBURG
Housing Authority Minutes
May 19, 2003

Chair Yvonne Beals called the meeting of the Housing Authority to order at 7:11 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met in Closed Session at 6:00 P.M. pursuant to Section 54956.9 of the Government Code, Conference with Legal Counsel - Existing Litigation regarding Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065, and City of Pittsburg vs. Griego, Contra Costa Superior Court Case No. C03-00473; pursuant to subdivision (b) of Section 54956.9, Conference with Legal Counsel - Anticipated Litigation for one case; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit); AFSCME (Management/Professional/Confidential Unit); and Teamsters Local 856 and unrepresented employee.

City Attorney Linda Daube advised that there was nothing to report from Closed Session.

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

MEMBERS ABSENT: Leatherwood

STAFF PRESENT: Executive Director, Willis Casey
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 Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
Human Resources Director, Marc Fox
City Engineer, Joe Sbranti
Executive Assistant to the City Manager, Alice Evenson
Police Chief, Aaron Baker

PLEDGE OF ALLEGIANCE

Maria Aliotti led the Pledge of Allegiance.

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

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

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

Approved Disbursement List period ending April 30, 2003.

- b. **MINUTES** Dated: April 21, 2003

Approved Minutes dated April 21, 2003.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:12 P.M. to the next meeting set for June 16, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Redevelopment Agency Minutes
May 19, 2003

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:13 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met in Closed Session at 6:00 P.M. pursuant to Section 54956.9 of the Government Code, Conference with Legal Counsel - Existing Litigation regarding Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065, and City of Pittsburg vs. Griego, Contra Costa Superior Court Case No. C03-00473; pursuant to subdivision (b) of Section 54956.9, Conference with Legal Counsel - Anticipated Litigation for one case; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit); AFSCME (Management/Professional/Confidential Unit); and Teamsters Local 856 and unrepresented employee.

City Attorney Linda Daube advised that there was nothing to report from Closed Session.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
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 Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
Human Resources Director, Marc Fox
City Engineer, Joe Sbranti
Traffic Engineer, Paul Reinders
Planning Manager, Melissa Ayres
Administrative Analyst, Erin Janes
Executive Assistant to the City Manager, Alice Evenson
Police Chief Aaron Baker

CITIZENS REMARKS

CATHY WALLEN, Pittsburg, suggested that the reopening of the Harbor Street Overcrossing be dedicated in honor and memory of Police Inspector Ray Giacomelli, to

offer a permanent memorial for an outstanding officer of the Pittsburg Police Department.

MEMBERS REMARKS

Vice Chair Rios announced that the Redevelopment Subcommittee, which was scheduled to meet on May 20 at 4:30 P.M. would now meet on May 28, 2003 at 4:30 P.M.

CONSENT

On motion by Vice Chair Rios, seconded by Member Glynn and carried unanimously to adopt the Consent Calendar, as shown.

- a. **MINUTES** Dated: May 5, 2003

Approved Minutes dated May 5, 2003.

CONSIDERATION

1. **RESOLUTION 03-882** Accepting Contract 99-03, North Park Plaza/Century Boulevard Connector Road as Complete

Executive Director Willis Casey reported that the City Council awarded Contract 99-03; Northpark Plaza/Century Boulevard Connector Road, to North Bay Construction on May 20, 2002 by Resolution No. 02-824. The project scope of work encompassed construction of a new asphalt concrete road, concrete sidewalk, curb and gutter, installation of storm drain pipelines, streetlights, and other miscellaneous improvements. The project was substantially completed on January 31, 2003.

Mr. Casey advised that the budget for the project was \$2 million and funds had been allocated from the Redevelopment Agency (RDA) and Traffic Mitigation Fee (TMF). The final cost of the contract with North Bay Construction was \$654,071, while additional project costs for material testing and consultant related services would be \$45,675. From the remaining project budget he stated that \$700,000 must be set aside for the Union Pacific Railroad to complete the railroad crossing at Markstein Boulevard. An additional \$20,000 was required for completion of miscellaneous items related to the project. The budget remaining at the completion of those items would be \$580,253. The remaining funds would be distributed proportionally to the original funding sources.

Mr. Casey recommended that the City Council accept Contract 99-03; Northpark Plaza/Century Boulevard Connector Road, as complete and authorize the City Engineer to execute a Notice of Completion.

BRUCE OHLSON, Pittsburg expressed his appreciation for the bicycle lanes created as part of the project and took the opportunity to thank the RDA for the work that had been done and the City Engineer for following the project to its completion. He stated that what remained was bicycle lanes on the eastern end of California Avenue to allow a connected

series of lanes in the City to extend from downtown all the way to the Antioch border.

For all future projects, Vice Chair Rios requested that a review checklist similar to the environmental review checklist be prepared for all projects from the Finance Department to identify the total funds allocated for each project, the total expended, the source of funds and in the case where funds remained, the disbursement of those remaining funds.

On motion by Vice Chair Rios, seconded by Member Parent and carried unanimously to adopt Resolution 03-882.

2. **RESOLUTION 03-883** Authorizing the Approval of the Property Acquisition for the Property Located at 1611 Railroad Avenue APN 086-175-013

Mr. Casey advised that in January of 2000, the Agency Board adopted the Five Year Implementation Plan and set aside \$2.2 million for Railroad Avenue Redevelopment. The real property located at 1661 Railroad Avenue is currently on the market for \$295,000 and is located within the Railroad Avenue Corridor.

Mr. Casey stated that there would be additional fees associated with the purchase of the property related to transfer as well as relocation costs. The funds would be expensed against the Railroad Avenue Acquisition Project Account. The balance remaining for the project was identified as \$1,298,338.

Mr. Casey recommended that the Agency Board authorize and approve the acquisition of 1611 Railroad Avenue for the amount of \$295,000 and authorize the Executive Director to execute such further documents and take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to the acquisition.

Member Parent commended Agency staff for acquiring the property as soon as it became available.

On motion by Member Parent, seconded by Member Glynn and carried unanimously to adopt Resolution 03-883.

Member Kee advised that he would recuse himself from the next item, Resolution 03-884, due to a potential conflict of interest. He left the dais at this time.

3. **RESOLUTION 03-884** Authorizing the Programming and Funding for a Commercial Rehabilitation Loan/Grant Program

Mr. Casey stated that the Redevelopment Agency was requesting authorization by the Agency Board to establish a Commercial Rehabilitation Loan/Grant Program, providing loans and grants to business and property owners for the improvement of commercial sites throughout the downtown area, bounded by the waterfront on the north and Eighth Street to

the south. The program would provide funding for business consultation, architectural design services, seismic retrofitting, accessibility improvements, and general rehabilitation.

Mr. Casey identified the estimated cost of the program at \$1,050,000, which funds were to be transferred from the RDA reserve funds to an account to be established by the Finance Department and to be used to administer the commercial rehabilitation loan program. Loan payments would be applied into a revolving loan fund so that more loans could be issued as funds became available.

Mr. Casey recommended that the programming and funding for a commercial rehabilitation loan program be authorized by the Agency Board.

Member Parent inquired whether or not the loans would be secured and Mr. Evans advised that the loans would be secured by a Deed of Trust on the real property.

While she supported the commercial rehabilitation loan program, Vice Chair Rios suggested that there should be some policy in place before giving money away. As discussed by the subcommittee, she explained that the subcommittee wanted to make certain that loan funds would take a project to its completion. As such, a policy and procedure would have to be put in place before she would support the program.

On motion by Member Glynn, seconded by Chair Beals to adopt Resolution 03-884, carried by the following vote:

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

4. **RESOLUTION 03-885** Adopt a Resolution Appropriating Funds for Pittsburg/Bay Point BART Station Area Specific Plan, EIR and Related Documents

Mr. Casey explained that the City had entered into a Memorandum of Understanding (MOU) in 1996 with BART and Contra Costa County to participate in the development of a specific plan and Environmental Impact Report (EIR) for the Pittsburg/Bay Point BART Station area. The City also agreed in principal to split with the County the cost of additional environmental/design work attributed to the evaluation of two new alternatives developed and analyzed in the Final EIR which were outside the scope of the original agreement. The County is requesting payment of the City/Agency's pro-rata share of the additional work.

Mr. Casey stated that the City/Agency's pro-rata share of additional work performed outside the original scope of work was \$66,592.75. The specific plan area is within the Redevelopment Project Area. He recommended that all funds be appropriated from the RDA fund.

Mr. Casey recommended the adoption of the resolution appropriating \$66,592.75 in

RDA funds for work completed on the Pittsburg/Bay Point BART Station Area Specific Plan, EIR and related documents.

Member Parent inquired whether or not the funds had originally been budgeted to come out of Redevelopment, to which Redevelopment Agency Director Garrett Evans affirmed that part of the 1993 agreement/settlement with the County was for the Agency to pick up the cost.

On motion by Vice Chair Rios, seconded by Chair Beals and carried unanimously to adopt Resolution 03-885.

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

5. **RESOLUTION 03-887** Authorize Budget Amendments to the Redevelopment
Combined w/CC 03-9823 Agency Fund to Cover Full-Time Salary Adjustments
that were Effective January 2003

Mr. Casey explained that on June 17, 2002 and October 7, 2002, the City Council and Redevelopment Agency approved labor agreements with the Police Officer's Association, the Police Manager's Group, the Teamsters, and AFSCME (Miscellaneous A and Management/Professional/Confidential) employees. These agreements included equity and cost of living salary adjustments that were effective January 2003. With the adoption of the FY 2002-2003 Budget, the General Fund included a salary provision of \$769,201 to cover the citywide full-time salary adjustments. A salary provision was not provided for the Redevelopment Agency fund that was also impacted by the salary adjustments.

Mr. Casey advised that the total salary adjustment for the various City funds was \$242,966 to be covered by the reserves in each respective operating fund; Water, Sewer Maintenance, Golf Course, Marina, Vehicle Maintenance, and Building Operations. The total salary adjustment for the Redevelopment Agency fund was \$161,968 to be covered by the tax increment reserves. Since there was a salary provision set aside within the General Fund there would be no budget increase to this fund.

Mr. Casey recommended that the City Council adopt Resolution 03-9823 authorizing budget amendments to various City funds to cover citywide full-time salary adjustments that were effective January 2003 and that the Redevelopment Agency adopt Resolution 03-887 authorizing budget amendments to the RDA fund to cover full-time salary adjustments that were effective January 2003.

On motion by Member Parent, seconded by Member Kee and carried unanimously to adopt Redevelopment Agency Resolution 03-887.

On motion by Mayor Beals, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 03-9823.

6. **RESOLUTION 03-888** Appropriating Funds to Update the General Plan
Combined w/CC 03-9821

Mr. Casey explained that Council-approved changes to the General Plan and Land Use Diagram adopted on November 16, 2001 had yet to be incorporated into the actual plan documents.

The firm of Dyett & Bhatia, which is under contract to prepare the General Plan on a time and material basis, had submitted a bid of \$30,330 to incorporate Council-approved changes into the plan in addition to numerous technical, formatting and map corrections which staff had determined should also be made.

Mr. Casey identified the fiscal impact and explained that the bid plus a recommended 10 percent contingency reserve equated to \$33,363. He recommended that the funds be appropriated from the RDA fund and the City General Fund at a 75:25 percent ratio, respectively. The City's pro-rata share equated to \$8,340.75. The Agency's pro-rata share equated to \$25,022.25.

Mr. Casey recommended that the Redevelopment Agency adopt Resolution 03-888 appropriating \$25,022.25 to incorporate Council approved modifications to the General Plan and staff recommended technical, formatting and map corrections identified in Tasks 1, 2 and 3 in Attachment 3 to the staff report dated May 19, 2003, for an amount not to exceed \$33,363, split between the Redevelopment Agency and the General Fund Reserve at a 75:25 ratio, respectively.

For the City Council, Mr. Casey recommended the adoption of Resolution 03-9821 authorizing the City Manager to amend the 1997 Consultant Agreement with Dyett & Bhatia to incorporate Council approved modifications to the General Plan and staff recommended technical, formatting and map corrections identified in Attachment 3 as earlier noted for an amount not to exceed \$33,363 with the 75:25 split as previously noted.

Councilmember Parent did not support the approval of the item since the changes that had been proposed had been adopted by the prior City Council at the last minute and had eliminated hillside protections in the areas of San Marco and Sky Ranch. She did not approve an elimination of those hillside protections and she requested that the Council consider whether or not that should be changed. She did not support changes that might have to be reversed through a General Plan Amendment. She sought doing as much as possible in one concise package. She sought the opportunity of the current City Council to consider undoing what had previously been done.

On motion by Member Glynn, seconded by Vice Chair Rios to adopt Redevelopment Agency Resolution 03-888, failed to carry by the following vote:

Ayes: Glynn, Rios
Noes: Kee, Parent Beals

On motion by Councilmember Glynn, seconded by Vice Mayor Rios to adopt City Council Resolution 03-9821, failed to carry by the following vote:

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

7. **RESOLUTION 03-889** Appropriating Funds to Update the City's Housing
Combined w/CC 03-9822 Element

Mr. Casey stated that the City needed to update its Housing Element. The firm of Dyett & Bhatia, which is under contract to prepare the General Plan on a time and material basis, had submitted a bid of \$36,800 to update the Housing Element.

Mr. Casey advised that the bid plus a recommended 10 percent contingency fee equated to \$40,480. He recommended that the funds be appropriated from the Redevelopment Agency and the City General Fund at a 75:25 ratio respectively. The Agency's pro-rata share would equate to \$30,360 while the City's prorate share would equate to \$10,120.

Mr. Casey recommended the adoption of Redevelopment Agency Resolution 03-889 appropriating \$30,360 for the Housing Element Update, and the adoption of City Council Resolution 03-9822 authorizing the City Manager to amend the 1997 Consultant Agreement with Dyett & Bhatia for the preparation of an updated Housing Element for an amount not to exceed \$40,480.

On motion by Member Parent, seconded by Member Glynn and carried unanimously to adopt Redevelopment Agency Resolution 03-889.

On motion by Mayor Beals, seconded by Vice Mayor Rios and carried unanimously to adopt City Council Resolution 03-9822.

8. **RESOLUTION 03-890** Allocating Funding and Awarding Contract 99-05, State
Combined w/CC 03-9818 Route 4 Flood Relief Project, to North Bay Construction,
Inc. of Petaluma, California, for the Construction of
Drainage Improvements to Kirker Creek and Making
Certain Findings in Connection Herewith

City Staff opened bids for Contract 99-05, State Route 4 Flood Relief Project, on May 1, 2003. The work proposed with this project will improve the capacity of Kirker Creek, North of State Route 4. This will reduce the chance of flooding to homes in the area, as well as flooding of State Route 4. The apparent low bidder was North Bay Construction, Inc. of Petaluma, California. They submitted a base bid proposal in the amount of \$6,833,135. This project is partially funded by a State Transportation Improvement Program (STIP) Grant in the amount of \$3.5 million. The City Council approved the plans and specifications and authorized bidding for this project on June 17, 2002, with the adoption of Resolution No. 02-9624.

Mr. Casey reported that the estimated cost of the project was \$8,665,000, to be

partially funded by a STIP grant in the amount of \$3.5 million. The project would require the full amount of funding from the Redevelopment Tax Reserves and 2003 Tax Allocation Bond proceeds.

The Redevelopment Tax Reserves would be replenished upon receipt of the \$3.5 million grant reimbursement. The net total cost to the 2003 Tax Allocation Bond proceeds after reimbursement had been estimated to be \$5,165,000. The estimated costs by construction/contingency, construction management/support, off-site mitigation, utilities/material testing and other miscellaneous items were delineated at this time.

Mr. Casey recommended that the Redevelopment Agency adopt Resolution 03-890 and the City Council to adopt Resolution 03-9818 making certain findings and consenting to the Redevelopment Agency's expenditure of funds for the project and authorizing the City Manager to execute a contract with North Bay Construction, Inc. in the amount of \$6,939,395 for the construction of drainage improvements to Kirker Creek, with \$1 million, or 14 percent of the contract amount, to be authorized for contingencies.

BRUCE OHLSON, Pittsburg, commented that he had followed the project for at least a year. For Pittsburg bicyclists, he requested that a multi-use trail between the Pittsburg-Antioch Highway and California Avenue be constructed on the maintenance road for the project. With \$3.5 million of funding from a STIP grant and since the State urged the accommodation of bicycles and pedestrians in construction projects, as did the Metropolitan Transportation Commission (MTC), the Association of Bay Area Governments (ABAG) and the Pittsburg General Plan, he suggested that there was no reason why a multi-use trail could not be constructed on the maintenance road of the project. He suggested that the cost of the trail would be a pittance compared with the cost of the overall project.

In response to Councilmember Parent, City Engineer Joe Sbranti advised that a project manager would watch over the project to make sure it was properly built, on time and within budget. The primary construction manager on the project would be a City staff member and with this and another project there would be a substantial amount of work involved in what would essentially be a combined \$10 million in projects. He explained that would be a bit more than one person could handle. He reiterated that a construction manager would protect the City's budget and make certain that the end project would be what had been proposed.

With respect to the high contingency, Mr. Sbranti stated with respect to Kirker Creek that the situation was generally digging a ditch and tunneling underneath the railroad and approximately a dozen utilities. The potential for claim on the project was therefore high. While all the utilities had been relocated in advance since the project had been ongoing for some time, he expressed his hope that few claims would result. The City was otherwise prepared to keep the project going without delay if there were claims.

Councilmember Kee verified that the contingency had been added by the City and not by the contractor. He was advised that the City would only process change orders that

were documented and truly needed.

Mr. Sbranti added that any unused funds would be returned to the City, much like the connector road project earlier considered had done when over a half million dollars had been returned.

On motion by Member Glynn, seconded by Vice Chair Rios and carried unanimously to adopt Redevelopment Agency Resolution 03-890.

On motion by Mayor Beals, seconded by Councilmember Parent and carried unanimously to adopt City Council Resolution 03-9818.

9. **RESOLUTION 03-891** Allocating Funding and Awarding Contract No. 00-03,
 Combined w/CC 03-9820 Pittsburg-Antioch Highway Operational Safety
 Improvements Project, to Bay Cities Paving & Grading,
 Inc. of Concord, California for the Construction of Safety
 Improvements to Pittsburg-Antioch Highway and Making
 Certain Findings in Connection Therewith

Mr. Casey reported that City Staff opened bids for Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements Project on May 6, 2003. The apparent low bidder was Bay Cities Paving & Grading, Inc. of Concord, California, which had submitted a bid proposal in the amount of \$1,669,551.71. The City Council had approved the plans and specifications and had authorized bidding for this project on July 16, 2001, with the adoption of Resolution No. 01-9428. This project to receive \$849,000 from various Federal grants.

Mr. Casey stated that the estimated cost of the project was \$2,050,000 to be partially funded by a STIP Grant in the amount of \$397,000, a Surface Transportation Program (STP) Grant in the amount of \$115,000 and a Congestion Mitigation and Air Quality Improvement Program (CMAQ) Grant in the amount of \$337,000 for a total of \$849,000 of supplemental funding. The project required that the full \$2,050,000 of project funding be paid from the Redevelopment Tax Reserves and 2003 Tax Allocation Bond proceeds until reimbursement occurred. The Reserves would be replenished upon receipt of the \$849,000. The estimated net cost to the Reserves and 2003 Tax Allocation Bond proceeds for the project was \$2,201,000.

Mr. Casey delineated the breakdown of the project costs and explained that the estimated project costs and construction included a 14 percent contingency.

Mr. Casey recommended the adoption of Agency Resolution 03-891 and that the City Council adopt Resolution 03-9820 making certain findings and consenting to the RDA's expenditure of funds for the project and authorize the City Manager to execute a contract with Bay Cities Paving & Grading, Inc., in the amount of \$1,669,551.71 for the construction of safety improvements to the Pittsburg-Antioch Highway. He also recommended that

\$233,736 be authorized for contingencies.

BRUCE OHLSON, Pittsburg, noted that the Pittsburg-Antioch Highway was a trunk regional bicycle route adopted by the Contra Costa Transportation Authority (CCTA) as well as Pittsburg, Antioch and other entities in the Delta area, and there would be an eight foot shoulder on each side of the street for which he thanked the Council and staff. With the project, bike lanes or a trail would be provided from Harbor Street to the Pittsburg-Antioch Highway and on to the Antioch border. Bike lanes would then be collected all the way out to Somersville Road. He thanked the Council for the good work in helping to make those connections.

On motion by Member Glynn, seconded by Vice Chair Rios and carried unanimously to adopt Redevelopment Agency Resolution 03-891.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt City Council Resolution 03-9820.

Mayor Beals CONVENED JOINTLY the REDEVELOPMENT AGENCY, the PUBLIC FINANCING AUTHORITY and the CITY COUNCIL at this time to consider the following:

10. **RESOLUTION 03-892**
Combined w/RDA 03-893
Combined w/PFA 03-016
Combined w/CC 03-9835
Second Amended and Restated Sixteenth Supplemental Resolution of the Redevelopment Agency of the City of Pittsburg Authorizing the Issuance of Not to Exceed \$95 million Principal Amount of Redevelopment Agency of the City of Pittsburg, Los Medanos Community Development Project Tax Allocation Bonds, to be Issued as the Series 2003A Bonds

11. **RESOLUTION 03-893**
Combined w/RDA 03-892
Combined w/PFA 03-016
Combined w/CC 03-9835
Approving a Preliminary Official Statement , a Bond Purchase Agreement, and a Continuing Disclosure Agreement; Authorizing Distribution of a Preliminary Official Statement and Preparation and Distribution of a Final Official Statement; and Authorizing Related Actions in Connection with Issuance, Sale and Delivery of Bonds

Mr. Casey advised that on April 21, 2003, the City Council, Redevelopment Agency Board and Public Financing Authority Board approved the issuance of not to exceed \$80 million of Tax Allocation Bonds to finance and refinance the Los Medanos Community Development Project. Up to \$25 million of that authorization was for the purpose of partially refinancing the Agency's Series 1993A Bonds to achieve cost savings. Finance staff and the Agency's Finance Consulting Team had determined that, due to current market conditions and certain technical restrictions on the method of refinancing the Series 1993A Bonds, that it was now advantageous for the Agency to refinance the entire amount of outstanding Series 1993A Bonds. Accordingly, the proposed resolutions amend the April 21, 2003 actions to increase the authorized refunding portion of the financing to \$40 million

that in turn will increase the total authorized amount of \$95 million. The new money portion will remain at the same amount not to exceed \$55 million. No other changes had been made to the authorization given on April 21, 2003. If approved, the Agency expects to be in the market this week to lock in interest rates, which are at historic low levels.

Mr. Casey identified the fiscal impact by stating that the revised resolutions would allow the Agency to refinance the total Series 1993A Tax Allocation Bonds. It was estimated that the refinancing could generate debt service savings of \$75,000 to \$100,000 annually. Actual savings would depend on market interest rates at the time the bonds were refunded.

Mr. Casey recommended the adoption of Redevelopment Agency Resolutions 03-892 and 03-893, Public Financing Authority Resolution 03-016 and City Council Resolution 03-9835 amending the actions of April 21, 2003.

In response to Councilmember Glynn as to the staff recommendation to add an additional \$70 million of new bonds in order to take advantage of the maximum low interest rates on new issues at this time, Finance Director Marie Simons stated that staff continued to recommend a conservative approach with the new money portion. She stated that the Governor's May revision had just been released and had indicated a proposed impact to redevelopment agencies throughout the State, which was reportedly nearly four times the impact identified earlier in the year.

As such, Ms. Simons continued to recommend a conservative approach until both the City Council and the Agency Board had reviewed the total financial condition of the City and the Redevelopment Agency through the budget workshop. She expressed her hope that the net result would end up with more construction funds than had originally been planned.

She noted that the caveat was that interest rates could change in 24 hours and the Financing Team would be pursuing the pricing of the bonds on May 20, 2003.

On motion by Vice Chair Rios, seconded by Member Parent and carried unanimously to adopt Redevelopment Agency Resolution 03-892.

On motion by Member Glynn, seconded by Vice Chair Rios and carried unanimously to adopt Redevelopment Agency Resolution 03-893.

On motion by Member Parent, seconded by Vice Chair Rios and carried unanimously to adopt Public Financing Authority Resolution 03-016.

On motion by Councilmember Parent, seconded by Mayor Beals and carried unanimously to adopt City Council Resolution 03-9835.

Councilmember Parent agreed with Councilmember Glynn that the Redevelopment Agency should consider some additional bonding right away because waiting until September or October could create a bad position. While she understood the need to be conservative, Councilmember Parent did not want to miss a good chance. She asked that

the Financing Team offer a new review for additional money at this time if the interest rates were advantageous to do so.

Ms. Simons stated that staff would so advise the Financing Team.

Mayor Beals also noted for the record that while a portion of the Redevelopment Agency agenda had incorrectly shown the City Council Resolution on the item as 03-9825, it had been correctly shown as 03-9835 on all other agendas.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:04 P.M. to the next meeting set for June 2, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Public Financing Authority Minutes
May 19, 2003

Chair Yvonne Beals called the meeting of the Public Financing Authority to order at 8:05 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met in Closed Session at 6:00 P.M. pursuant to Section 54956.9 of the Government Code, Conference with Legal Counsel - Existing Litigation regarding Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065, and City of Pittsburg vs. Griego, Contra Costa Superior Court Case No. C03-00473; pursuant to subdivision (b) of Section 54956.9, Conference with Legal Counsel - Anticipated Litigation for one case; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit); AFSCME (Management/Professional/Confidential Unit); and Teamsters Local 856 and unrepresented employee.

City Attorney Linda Daube advised that there was nothing to report from Closed Session.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
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 Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
Human Resources Director, Marc Fox
City Engineer, Joe Sbranti
Executive Assistant to the City Manager, Alice Evenson
Police Chief, Aaron Baker

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

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

- a. **MINUTES** Dated: April 21, 2003

Approved Minutes dated April 21, 2003.

CONSIDERATION

1. **RESOLUTION 03-016** Amended and Restated Resolution Authorizing the
Combined w/RDA 03-892 Execution and Delivery of a Bond Purchase Agreement
Combined w/RDA 03-893 By and Between the Redevelopment Agency of the City
Combined w/CC 03-9835 of Pittsburg, the City of Pittsburg Public Financing
Authority and US Bancorp Piper Jaffray, Inc.

On April 21, 2003, the City Council, Redevelopment Agency Board and Public Financing Authority Board approved the issuance of not to exceed \$80 million of Tax Allocation Bonds to finance and refinance the Los Medanos Community Development Project. Up to \$25 million of that authorization was for the purpose of partially refinancing the Agency's Series 1993A Bonds to achieve cost savings. Finance staff and the Agency's Finance Consulting Team had determined that, due to current market conditions and certain technical restrictions on the method of refinancing the Series 1993A Bonds, it was now advantageous for the Agency to refinance the entire amount of outstanding Series 1993A Bonds. Accordingly, the proposed resolutions amend the April 21, 2003 actions to increase the authorized refunding portion of the financing to \$40 million that in turn would increase the total authorized amount of \$95 million. The new money portion would remain at the same amount not to exceed \$55 million. No other changes had been made to the authorization given on April 21, 2003. If approved, the Agency expects to be in the market this week to lock in interest rates, which are at historic low levels.

Action was taken to adopt Resolution 03-016 in Joint Session with the Redevelopment Agency, the City Council and the Public Financing Authority, as follows:

On motion by Member Parent, seconded by Vice Chair Rios and carried unanimously to adopt Public Financing Authority Resolution 03-016.

ADJOURNMENT

The meeting of the Public Financing Authority adjourned at 8:06 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary
als

CITY OF PITTSBURG
City Council Minutes
May 19, 2003

Mayor Yvonne Beals called the meeting of the City Council to order at 8:07 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met in Closed Session at 6:00 P.M. pursuant to Section 54956.9 of the Government Code, Conference with Legal Counsel - Existing Litigation regarding Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065, and City of Pittsburg vs. Griego, Contra Costa Superior Court Case No. C03-00473; pursuant to subdivision (b) of Section 54956.9, Conference with Legal Counsel - Anticipated Litigation for one case; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit); AFSCME (Management/Professional/Confidential Unit); and Teamsters Local 856 and unrepresented employee.

City Attorney Linda Daube advised that there was nothing to report from Closed Session.

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Willis Casey
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 Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
Human Resources Director, Marc Fox
City Engineer, Joe Sbranti
Executive Assistant to the City Manager, Alice Evenson
Police Chief, Aaron Baker

CITIZENS REMARKS

ROSE RODRIGUEZ, Pittsburg, had submitted a card to speak but was not available to do so.

WILLIE MIMS, representing the Black Political Association (BPA) expressed his disappointment in the passage of this year's Community Development Block Grant (CDBG)

Program. He suggested that the City Council should reevaluate and change the committee so that he and others would feel that the process was fair and unbiased.

Mr. Mims expressed concern with the 'No Left Turn' at Power Avenue and Railroad Avenue and suggested that if necessary a stop light should be installed at that location to allow legal left turns. He also commented that unlike elsewhere in the City where parks had been sited throughout the City, there was no City park within the boundaries of School Street, Carpino and Diane. He sought Council consideration of a park in that community.

Noting some police action at School Street and Chester Drive two weeks ago, Mr. Mims stated that the behavior of the police on that scene was out of line in the area where there was a preschool for children and a center for older citizens. Since guns had been drawn that day, he expressed concern for what he characterized as the misbehavior of the police at that time.

COUNCIL REPORTS

Councilmember Parent advised that the opening of the Multicultural Center at the corner of Fifth and Black Diamond Street had been very successful and well attended.

Councilmember Parent took this opportunity to commend the Rotary Club of Pittsburg and members of the Pittsburg Police Department who had been involved in saving the City from having to conduct more code enforcement by finding houses where the occupants were in a circumstance where he/she could not fix up his/her properties. She reported that five houses had been repaired, from reroofing in one case to painting and cleaning up the whole yard. She noted that one of those who had been helped had previously complained to the City Council that the code enforcement division had urged her to clean up her yard, although that individual could not. She emphasized that the volunteer efforts in that regard represented a positive to the whole community.

Councilmember Parent stated that she had toured Los Vaqueros Reservoir and had attended a meeting with the water agency where discussions related to doubling Los Vaqueros had been discussed. She also noted that the May 16 Kennedy-King Dinner had been very successful and the Mayor had raised an extraordinary amount of money for that program. Councilmember Parent reported that she had also attended the Los Medanos Scholarship donors reception. She noted that Los Medanos College (LMC) was very appreciative of the \$100,000 the City had contributed to student scholarships. She and other members of the Council and staff had attended the *Shaping Our Future* Workshop when a number of issues, including the Urban Limit Line (ULL) had been discussed. She suggested that the City Council or a subcommittee of the Council be convened to discuss the *Shaping Our Future* program and offer written comments by the end of June 2003 as requested by that group.

Councilmember Kee described the Kennedy-King Scholarship Award Dinner as great. He had also attended the scholarship program for First Baptist Church in Pittsburg and he applauded all the work in that regard. He noted that similar groups from all other cities in

the County had attended the *Shaping Our Future* session to be able to form some consensus on the overall goal of that program. A policy committee meeting had been scheduled at the Concord Police Station on June 7 at 5:00 P.M. to continue those discussions, with the intent to bring the proposal to the various cities to reach consensus on the shape of the region's future.

Councilmember Kee reported that he had also attended the Contra Costa County Juvenile Justice Program when a number of individuals had been honored for his/her work with juveniles in crime prevention in Contra Costa County.

Councilmember Glynn stated that he had also attended the *Shaping Our Future* meeting at the Concord Police Station on May 7, had attended the opening of the Multicultural Center on Black Diamond on May 8 after which he had attended the TRANSPLAN Meeting at Brentwood City Hall, and on May 9 the Chamber of Commerce Open House. Also on May 9 he had participated in Congressman George Miller's Open House/Birthday Party.

Councilmember Glynn reported that he had attended the American Legion Meeting on May 10, a joint meeting of the Bay Point Municipal Advisory Council (MAC) and the City Council on May 12, had represented the City Council at the LMC Scholarship Awards Program, and had attended the Pittsburg Historical Society Spaghetti Feed on May 15.

Vice Mayor Rios stated that she had missed the Library Meeting, but had attended the League of California Cities (LCC) conference and had returned with information that she made available to the Council and to the public through the City Clerk's office. She had also attended the *Shaping Our Future* event when East Contra Costa County had attempted to speak as one voice. She had suggested to those present that since all items of the compact could not be completed and if no meeting could be put together, that each member of the Council provide his/her comments and offer those comments to Mr. Jerome and then to the full Council.

Vice Mayor Rios reported that the Finance Subcommittee had met and was in the process of reviewing and completing a travel voucher and budget for the Council, which would be part of the full budget process. She had also attended the joint Council/Bay Point MAC meeting.

Vice Mayor Rios made a number of requests that she stated she had previously presented. She requested that the following items be agendaized for the next meeting to allow a discussion by the full Council: 1) Black Diamond Project in relation to purchasing the Griego design; 2) Business License - updating the City's current policies; 3) Televised Council meetings; and 4) City Attorney and City Manager evaluations with the City Attorney evaluation to precede the City Manager's evaluation.

For other matters, Vice Mayor Rios sought a status report on a number of issues: 1) the centers that were vacant since she wanted to know what the City was doing to keep businesses, and she sought some way to organize economic development for the City; 2)

the status of the Good Shepherd application for the park; 3) staff research of the letter where the CCTA had indicated that it did not need additional right of way for the widening of State Route 4 since that was crucial to the City since the media was criticizing Pittsburg for not providing additional space. She sought clarification to the CCTA and the media that the City had taken every measure to work with all stakeholders in the widening of SR 4.

Further, Vice Mayor Rios sought the elevation or the schematics for the proposed bridge on Loveridge Road for eBART given concerns for its location and given height issues. She sought responses to all her requests in writing, suggested that it would not take two weeks to offer those responses, and requested that the responses be copied to the full Council.

Mayor Beals reported that the City Council had met with the Bay Point MAC when the BART Specific Plan, plans for the Mirant Plant and other areas of mutual concern had been discussed. She described that session as very productive and she was appreciative of the continuing communication with Bay Point. She stated that the Library Subcommittee had met and the City was working with the designer and the architect for a feasibility study on potential sites as well as user options with an informational report to be submitted informally to the full Council on the status of that proposal. A public meeting would be scheduled in June, date yet to be determined, which would be the first meeting to get the community involved in the plans and potential locations for the Library site.

Mayor Beals advised that the State of the City Address had been well attended by community, staff and business leaders on May 16, when she had offered an historical perspective of where the City was going in the next hundred years. She had also recognized the City's past and its vibrant role in the community as well as the diversity and culture that had made the City what it was today. She thanked all involved, particularly Administrative Analyst Erin Janes who had prepared the material presented.

Mayor Beals stated that she had attended George Miller's Birthday Dinner. In addition, she had attended the Kennedy-King Memorial Scholarship Foundation Dinner. She noted that Kennedy-King was a scholarship foundation for community college students transferring to a four-year university. The Foundation put together nearly twenty undergraduate scholarships for students from community colleges and provided graduate school scholarships as well. She stated that there were always more students than money and because of the support of the Council, business and community leaders she explained that she had been able to raise \$36,000 toward that effort. As a result, students who had been on the waiting list had been able to be accommodated this year.

Mayor Beals identified some upcoming events including the City's own food pantry, Pisces, the Pittsburg Community Emergency Services, which would be celebrating 30 years of service on May 20 at Noon at Grace Lutheran Church. She invited everyone to attend the Memorial Day event at the Camp Stoneman Memorial and she reiterated that the Harbor Street Overcrossing would be opened on May 30.

Mayor Beals thanked the City Council as a whole and emphasized that the Council

had been very active in the community. She expressed her appreciation for all those efforts.

CITY MANAGER REPORT

City Manager Casey stated that the CCTA had informed the City of the ribbon cutting to the opening of the Harbor Street Overcrossing over State Route 4 on May 30 at 10:00 A.M. He noted that in the fall the CCTA would start working on Railroad Avenue. He stated that the greatest impact related to the Railroad Avenue overcrossing would commence in the spring of 2004.

Mr. Casey added that he had attended the session on the Los Vaqueros proposal to expand that reservoir. He commented that the price of that expansion had been estimated at over \$1 billion. Meetings would be held on May 22, May 29 and June 3 for public input. A decision would be made in July as to whether or not the item would be placed on the November 2003 Ballot.

CONSENT CALENDAR

Vice Mayor Rios requested an amendment on Page 2 of 13 of the May 5, 2003 minutes, as follows:

Vice Mayor Rios also took this opportunity to recognize the Director and employees of each City Department in acknowledgment of the good work of City employees as part of Public Service Recognition Week.

On motion by Vice Mayor Rios, seconded by Councilmember Kee and carried unanimously to adopt the Consent Calendar, as follows:

- a. **MINUTES** Dated: May 5, 2003

Approved Minutes Dated May 5, 2003, as amended.

1. **RESOLUTION 03-9818** Allocating Funding and Awarding Contract 99-05, State Route 4 Flood Relief Project, to North Bay Construction, Inc. of Petaluma, California, for the Construction of Drainage Improvements to Kirker Creek and Making Certain Findings in Connection Herewith
Combined w/RDA 03-890

City Staff opened bids for Contract 99-05, State Route 4 Flood Relief Project, on May 1, 2003. The work proposed with this project will improve the capacity of Kirker Creek, North of State Route 4. This will reduce the chance of flooding to homes in the area, as well as flooding of State Route 4. The apparent low bidder was North Bay Construction, Inc. of Petaluma, California. They submitted a base bid proposal in the amount of \$6,833,135. This project is partially funded by a STIP Grant in the amount of \$3.5 million. The City Council approved the plans and specifications and authorized bidding for this

project on June 17, 2002, with the adoption of Resolution No. 02-9624.

Action was taken to adopt Resolution 03-9818 in Joint Session with the Redevelopment Agency, as follows:

On motion by Mayor Beals, seconded by Councilmember Parent and carried unanimously to adopt City Council Resolution 03-9818.

2. **RESOLUTION 03-9820** Allocating Funding and Awarding Contract 00-03,
Combined w/RDA 03-891 Pittsburg-Antioch Highway Operational Safety
Improvements Project, to Bay Cities Paving & Grading,
Inc. of Concord, California for the Construction of Safety
Improvements to Pittsburg-Antioch Highway and Making
Certain Findings in Connection Therewith

City Staff opened bids for Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements Project on May 6, 2003. The apparent low bidder was Bay Cities Paving & Grading, Inc. of Concord, California, which had submitted a bid proposal in the amount of \$1,669,551.71. The City Council had approved the plans and specifications and had authorized bidding for this project on July 16, 2001, with the adoption of Resolution No. 01-9428. This project is to receive \$849,000 from various Federal grants.

Action was taken to adopt Resolution 03-9820 in Joint Session with the Redevelopment Agency, as follows:

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt City Council Resolution 03-9820.

3. **RESOLUTION 03-9821** Appropriating Funds to Update the General Plan
Combined w/RDA 03-888

Mr. Casey explained that Council-approved changes to the General Plan and Land Use Diagram adopted on November 16, 2001 had yet to be incorporated into the actual plan documents. The firm of Dyett & Bhatia, which is under contract to prepare the General Plan on a time and material basis, had submitted a bid of \$30,330 to incorporate Council-approved changes into the plan in addition to numerous technical, formatting and map corrections which staff had determined should also be made.

Action was taken to adopt Resolution 03-9821 in Joint Session with the Redevelopment Agency, as follows:

On motion by Councilmember Glynn, seconded by Vice Mayor Rios to adopt City Council Resolution 03-9821, failed to carry by the following vote:

Ayes: Glynn, Rios
Noes: Kee, Parent Beals

4. **RESOLUTION 03-9822** Appropriating Funds to Update the City's Housing
Combined w/RDA 03-889 Element

The City needed to update its Housing Element. The firm of Dyett & Bhatia, which is under contract to prepare the General Plan on a time and material basis, had submitted a bid of \$36,800 to update the Housing Element.

Action was taken to adopt Resolution 03-9822 in Joint Session with the Redevelopment Agency, as follows:

On motion by Mayor Beals, seconded by Vice Mayor Rios and carried unanimously to adopt City Council Resolution 03-9822.

5. **RESOLUTION 03-9823** Authorize Budget Amendments to Various City Funds
Combined w/RDA 03-887 to Cover Full-Time Salary Adjustments that were
Effective January 2003

On June 17, 2002 and October 7, 2002, the City Council and Redevelopment Agency approved labor agreements with the Police Officer's Association, the Police Manager's Group, the Teamsters, and AFSCME (Miscellaneous A and Management/Professional/Confidential) employees. These agreements included equity and cost of living salary adjustments that were effective January 2003. With the adoption of the FY 2002-2003 Budget, the General Fund included a salary provision of \$769,201 to cover the citywide full-time salary adjustments. A salary provision was not provided for the Redevelopment Agency fund that was also impacted by the salary adjustments.

Action was taken to adopt Resolution 03-9823 in Joint Session with the Redevelopment Agency, as follows:

On motion by Mayor Beals, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 03-9823.

6. **RESOLUTION 03-9824** Initiating Discussion with the East Contra Costa
Regional Fee and Finance Authority

Mr. Casey reported that at its meeting on March 17, 2003, the City Council had expressed a desire to become a full partner in the East County development fee program for regional transportation improvement funding. This may include increasing the City's regional traffic mitigation fee charged to new development under PMC 15.100 in line with other East County jurisdictions.

Mr. Casey stated that the City collects the Regional Transportation Mitigation Fee (RTMF) from developers and forwards the monies collected to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA), which then administers the fee projects construction.

Mr. Casey stated that if initiating discussions, the fiscal impact on the City was unknown at this time, although negotiations could result in an increase in the RTMF to the same level charged by other East County jurisdictions. Since the other East County jurisdictions currently charged \$7,902 per single family residential dwelling unit, he stated that an increase in the City's fees to the same amount would require an increase by \$6,493 per single family residential dwelling unit.

Mr. Casey recommended the adoption of Resolution 03-9824 directing staff to initiate discussions with the ECCRFFA.

WILLIE MIMS, Pittsburg, representing the BPA, stated that the fees that the City had been charging developers were the result of Council actions and the decision to be made at this time should not attack any developer but make a decision in the best interest of the citizens of the City and the residents of Contra Costa County. He noted that \$6,493 was a significant amount of money although if a developer had not been paying his/her share, it was time that be done.

CHERYL BROWN, Martinez, representing the Contra Costa Central Labor Council representing tens of thousands of residents in the County, spoke in favor of rejoining the ECCRFFA and increasing the impact fee for new housing development particularly given the problems related to traffic. She emphasized the need for all to work together and she was pleased to hear that East County was speaking with one voice. She urged the Council to adopt the resolution and pursue an increase in the fees. She looked forward to working with the Council in the future on similar development issues.

BRUCE OHLSON, Pittsburg, advised that he had been attending the ECCRFFA meetings for four years and had also attended TRANSPLAN and State Route 4 Bypass Authority meetings representing bicycle interests. Having attended CCTA meetings as well, he noted that at those meetings the City of Pittsburg had become a laughing stock in East County when it had refused to cooperate and had then pulled out of the organization. He was therefore glad to see that the City could become a full partner again since that was the reasonable thing to do.

Vice Mayor Rios stated that she would not support the proposal. She explained that when the ECCRFFA had initially been formed, it had been agreed by all members of the authority that the City was to have received credit for its local fee against the proposed mitigation fee. She noted that the City of Pittsburg had its own mitigation fee and the combination of the regional and local fees would be in excess of \$11,000, more than what other cities were charging.

Vice Mayor Rios also noted that Pittsburg had no new projects from the ECCRFFA and she had a problem with a regional fee when the City would receive nothing in return.

Emphasizing the need for good transportation corridors, the Vice-Mayor urged the Council to think outside of the box and consider what was best for the City. Vice Mayor Rios noted that Councilmember Kee had proposed a City increase to developer fees for the

purpose of transportation, which she supported and explained that if a city was to grow both through residential and commercial development the key to success was a good transportation corridor. She emphasized the need to think of what was best for the City.

Vice Mayor Rios expressed her belief that Councilmember Kee's idea should be pursued by directing staff to set up a meeting within the next two weeks either as a subcommittee of the Council or full Council to meet with the cities of Antioch, Brentwood and Oakley to discuss issues related to the ULL to understand the position of surrounding cities and to see if a consensus could be reached as to growth alignments, to discuss the potential for incorporating the Thomas Ranch and other areas approaching Clayton and to develop a strategy to insure the economic well being of the eastern cities. She emphasized the goal to speak as one voice. From her personal standpoint, Vice Mayor Rios noted that she had considered the Thomas Ranch and had thought that the timing might be right for the Thomas family to annex their property. Emphasizing that she had not spoken to the Thomas' about annexing, she suggested that by annexing and moving the ULL, that would allow the construction of the Buchanan Road Bypass with two property owners able to create an assessment district to create competition, to allow private development and to cut the cost of the Bypass, potentially saving taxpayers \$50 million.

Vice Mayor Rios stated that the Thomas Ranch was large enough to allow commercial, multiple and single family residential units for all income levels, and a new developer could be introduced to Pittsburg allowing more competitive pricing which could be significant for Pittsburg development.

Vice Mayor Rios noted that the past Council had been criticized for not being cooperative with neighbors, and she suggested that the meeting could serve as a starting point for a new spirit. Once a dialog with the other cities had begun, she suggested that issues facing all could be addressed to allow a proper solution based on consensus, true regional planning, consistent fees, consistent development terms, consistent planning and engineering standards and consistent transportation planning, as well as shared revenue in a true regional approach with one voice for East Contra Costa County.

Vice Mayor Rios therefore recommended that any decision related to the ECCRFFA be deferred pending a meeting to develop a strategy to ensure the economic well being of the eastern cities, which could potentially save the City \$50 million, which could be better spent on other projects.

Councilmember Kee stated for the record that there was an attachment to the information submitted to the City Council, which had listed the fees for other jurisdictions.

Councilmember Kee advised that the referenced attachment reflected that the City of Oakley currently charged \$15,323 per single family residential dwelling unit, the City of Brentwood charged \$15,811, Bay Point charged \$10,316, City of Antioch charged \$13,248 and the City of Pittsburg charged \$5,063, which included both regional and local fees. Increasing the City of Pittsburg's fees to the level that all other cities charged, the City's fee would be \$11,556, which would only surpass what unincorporated Bay Point currently

charged. The fees for all other cities would be higher than the City of Pittsburg.

Councilmember Kee clarified that the current item did not represent an action to raise fees, it was only a resolution to raise a discussion with the ECCRFFA. He requested that any negotiations include Councilmember Glynn as the Council's representative to the ECCRFFA.

Councilmember Parent characterized the item as another that was long overdue. While she appreciated some of the suggestions offered by Vice Mayor Rios, she emphasized that the proposed resolution did nothing more than begin discussions and would make no commitments on behalf of the City.

Councilmember Parent agreed that the City of Pittsburg should receive something for its contributions but she acknowledged that there were not a lot of projects that were physically located in the City that might apply. She noted that there were significant projects that would alleviate traffic in the community, which traffic was created in some cases primarily by citizens outside the community given the City's position between East County and Central County. She supported moving forward, suggested that the step was minimal and stated that she was supportive of that step.

As Chairman of TRANSPLAN and a member of the ECCRFFA, Councilmember Glynn inquired of the City Attorney whether or not he would have a conflict of interest or the appearance of a conflict of interest on the item.

City Attorney Daube advised that Councilmember Glynn was simply voting and would participate in the discussions to return at a later time. As to whether or not Councilmember Glynn would need to recuse himself at a time when a decision was made, she expressed her doubt that there would be a conflict at that time, although she would verify whether or not that would be the case prior to that time.

Mayor Beals was pleased to see the item return in that she had been disappointed with prior actions. She suggested it was very important that the City remain active with its regional counterparts to maintain a dialogue. She expressed her hope that the resolution would show the City's good faith effort to be a regional partner. She did not want the item to be confused with other projects that could jeopardize the discussions. She urged that the ULL or Measure C not be tied in with the issue at this time. She stressed that the City's fair share had yet to be determined. She urged proceeding in good faith to show a unified voice when dealing with other issues, such as Measure C.

Vice Mayor Rios advised that she would support the proposal with an amendment for a full disclosure of information from staff to Council so that the Council would be fully apprised of everything involved when those discussions occurred.

Mayor Beals suggested that was a given in that staff was to provide the Council with all applicable information. She added that all the meetings were public as well.

City Engineer Sbranti stated that staff would provide a report detailing everything discussed and all the options that would be available for consideration.

On motion by Councilmember Kee, seconded by Mayor Beals and carried unanimously to adopt Resolution 03-9824.

7. **RESOLUTION 03-9825** Approving a Project Study Report and Environmental Constraints Analysis for the Buchanan Road Bypass Project

Mr. Casey requested Council review and acceptance of the draft Buchanan Road Bypass Project Study Report and the Draft Environmental Constraints – Opportunities Analysis for the Buchanan Road Bypass prepared by RBF Consulting. These reports document the analysis, conclusions and recommendations for the Buchanan Road Bypass Project. A recommended alignment is identified with a project estimate of \$56.4 million.

Mr. Casey explained that the draft Buchanan Road Bypass Project Study Report (PSR) had been funded by the ECCRFFA. The PSR identified a \$55 to \$70 million roadway project to alleviate traffic congestion on regional and local roadways in East County. Current funding involved \$4 million from the ECCRFFA and \$6,378,000 of projected revenue from the City's Local Traffic Mitigation Fee, for a total estimated revenue of \$10,378,000. Given the current project funding and the current construction estimate, there was a budget shortfall of approximately \$46 million. He stated that staff would return to the Council to identify options to fully fund the project and or to reduce the estimated project cost in the near future.

Mr. Casey recommended that the Council review and accept the draft Buchanan Road PSR and the Draft Environmental Constraints - Opportunities Analysis for the Buchanan Road Bypass prepared by RBF Consulting.

TINA THOMAS, Pittsburg, stated with respect to Mr. Thomas' letter dated May 19, 2003 and submitted to the Council at this time, that the letter had been submitted to initiate a dialog with respect to the ULL. With respect to the Draft EIR and the Traffic Study she stated that they had not been privileged to review those documents and had not been apprised of the meeting. She therefore sought an opportunity to review those documents.

Ms. Thomas also noted that Seth Adams from Save Mt. Diablo had asked her to express to the Council that he had also had an interest in the Buchanan Road Bypass and he too had not been apprised of the current meeting nor had he been provided with any of the documents.

Ms. Thomas requested that the Council direct staff to notify the Thomas family of all items related to the Buchanan Road Bypass and the Thomas property. She expressed her hope to work together in the future.

Vice Mayor Rios asked the Council to agendize the matter at another time given the

length of the report and the time required to analyze the information. She emphasized the need for all stakeholders to have the opportunity to review the reports as well. She sought a two-week continuance to allow an appropriate review.

Councilmember Kee inquired where the \$46 million shortfall would be sought and Mr. Sbranti noted that the staff report had included a request by staff to explore the options of where that funding could originate or the possibility of reducing project cost. He suggested that regional fees could be one source of funding.

Councilmember Parent concurred with the need to have additional time to review the report, particularly given that there was no urgency with respect to the item.

Councilmember Glynn agreed with the need to continue the item for two weeks.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to continue Resolution 03-9825 for two weeks to allow Council review of the report.

8. **RESOLUTION 03-9826** Cabrillo Court Water Main and Service Replacement Contract Change Order Authorization

Mr. Casey stated that in February, Public Works staff had contracted for the replacement of a water main and six water services on Cabrillo Court utilizing the informal bid process. During construction, deteriorating conditions, in combination with a previously unknown water main configuration, compelled staff to authorize additional work to complete the project and prevent the possible loss of water service to one or more residents. The extra work resulted in the total project cost exceeding the budget limitation for use of the informal bid process. Staff requested City Council authorization to pay for the extremely urgent and unavoidable extra work.

Mr. Casey advised that the \$25,375.92 necessary to finance the additional work required to complete the replacement of the water main and six service connections on Cabrillo Court, for a total cost of \$75,370.92 was available in the Public Works Department - Water Distribution annual operating budget.

Mr. Casey recommended the adoption of Resolution 03-9826 authorizing the additional payment of \$25,375.92 to William McCullough Company for unanticipated extra work associated with the relocation of the Cabrillo Court water main for a total cost of \$75,370.92.

Councilmember Kee inquired whether or not there were any legal ramifications involved given that the limit for bidding had been exceeded, to which City Attorney Daube stated that she had reviewed the item with staff and there were some exceptions and ways to arguably pursue the approval and legitimize the process given the emergency situation.

On motion by Councilmember Parent, seconded by Councilmember Kee and carried unanimously to adopt Resolution 03-9826.

9. **RESOLUTION 03-9827**

Award the 2003 Patch Paving Contract to AJW Construction

Mr. Casey stated that the 2003 Patch Paving Contract was funded by the Public Works Streets Annual Operating Budget Contractual Services Account. The Patch Paving Contract involves removing failed asphaltic concrete and base material, compaction of existing material, and replacing the same with an equivalent amount of asphaltic concrete at various locations in the City.

Mr. Casey reported that AJW Construction's bid of \$75,650 was under the \$90,000 available in the Public Works Streets Division Annual Operating Budget Contractual Services Account and the difference would be used for extra work and contingency purposes. He recommended the adoption of Resolution 03-9827 awarding the 2003 Patch Paving Contract to AJW Construction, the lowest responsible bidder, in the amount of \$75,650.

WILLIE MIMS, representing the BPA, stated that he had addressed the Council last year and had indicated that his street, Newcastle Way, had not been paved since he had lived on the street. He commented that he also previously expressed concern with a problem with the pavement in front of his mailbox and noted that the City had responded to his concern and had paved the street almost all the way up to his home before running out of money. He emphasized that his street was in dire need of serious repair work. Mr. Mims urged the City to pursue the lowest bidder but he did not want the lowest bidder to result in the lowest amount of work performed. He questioned whether or not staff was receiving sufficient funds to properly pave the streets in the City. He also inquired whether or not Newcastle Way was on the list of streets to be repaved.

Vice Mayor Rios inquired whether or not staff could advise when submitting this and future patch paving contracts what areas were involved.

Public Works Director John Fuller advised that the particular contract focused on arterial streets.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9827.

10. **RESOLUTION 03-9828**

Award 2003/2004 Water Treatment Plant Chemical Purchase Contracts

Mr. Casey reported that the City operated a Water Treatment Plant that utilized large quantities of chemicals in the treatment process to clarify and disinfect raw water prior to distribution to residents of the City of Pittsburg. The Public Works Department had requested and received bids from chemical suppliers for these water treatment chemicals, which were necessary to maintain operations at the Water Treatment Plant. He stated that the chemical bids were ready to be awarded.

Mr. Casey added that the funds necessary to support the estimated \$430,255.50 in chemical purchases would be available in the 2003/2004 Water Treatment Plant's operating budget. He recommended the award of the bulk chemical purchase contracts to the lowest responsive/responsible bidders listed in the staff report dated May 19, 2003 and authorize the Finance Director to execute open purchase agreements with the selected suppliers to furnish chemicals for the Pittsburg Water Treatment Plant during the 2003/2004 fiscal year.

On motion by Mayor Beals, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9828.

11. **RESOLUTION 03-9829** Authorizing Local Enforcement Agency Assistance Grant Application for FY 2003/2004 to and Including FY 2008/2009

Mr. Casey stated that the California Integrated Waste Management Board maintained a grants program to support Local Enforcement Agency's (LEA's) solid waste facilities permit and inspection programs. The Local Enforcement Assistance Grant application was due the end of May and required a City Council resolution from the participating jurisdiction as part of its submittal package for each grant application. Approval of the resolution would provide the City a \$15,900 grant to supplement the LEA's existing budget for equipment, supplies, training, technical support and miscellaneous items related to solid waste facilities permit and inspection programs.

Mr. Casey recommended that the City Council adopt Resolution 03-9829 authorizing the submittal of the annual grant application for FY 2003-2004 and authorizing the Director of Public Works to execute the applications in the name of the City of Pittsburg and the Director of Finance to receive these revenue funds.

On motion by Mayor Beals, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9829.

12. **RESOLUTION 03-9830** Notice of Completion and Acceptance of Public Improvements Within Subdivision 8587, Loveridge Commercial Center, for Continuous Maintenance

Mr. Casey noted that the developer had completed the public improvements within Subdivision 8587, Loveridge Commercial Center, which were ready for acceptance and continuous maintenance by the City. The acceptance of the project for continuous maintenance would increase the Public Works Maintenance costs by increasing the inventory of utilities and infrastructure, which the City was responsible for maintaining and eventually replacing.

Mr. Casey recommended the adoption of Resolution 03-9830 accepting the improvements within Subdivision 8587, Loveridge Commercial Center, as complete and assume responsibility, where applicable, for its maintenance, and adopt the Negative

Declaration.

On motion by Councilmember Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9830 and the Negative Declaration.

13. **REPORT** Equal Employment Opportunity Plan

Mr. Casey stated that the City of Pittsburg was committed to the policy of Equal Employment Opportunity (EEO). In its commitment to this policy, the City seeks to establish and maintain an employment environment and an employment system free from discrimination due to race, religion, color, creed, national origin, gender, sexual orientation, marital status, age, physical or mental disability, legally protected medical condition, veteran status, or any other basis protected by state or federal laws. The Equal Employment Opportunity Plan is intended as a guideline and will be periodically revised as the composition of the relevant labor market and the City workforce changes.

Mr. Casey recommended the receipt and file of the Equal Employment Opportunity Plan attached as Exhibit A to the staff report dated May 19, 2003.

WILLIE MIMS, representing the BPA, commended the City for the plan and expressed his hope that the City would enforce the document. He particularly referred to Black employees in the Officials/Administrator category and urged that the administrative staff more appropriately reflect the diversity of the community.

Councilmember Parent noted that among the list of all the categories under the EEO were the disabled yet there were no statistics on the disabled.

Human Resources Director Marc Fox described the report as an EEO No. 4 report and he was unaware whether or not the census information separated out disabled from non-disabled workforce within the census information within the same format. He advised that he would verify that situation.

Councilmember Kee noted that the report had acknowledged several underrepresented groups that he expressed his hope would be better accommodated in the future.

On motion by Vice Mayor Rios, seconded by Councilmember Kee and carried unanimously to receive and file the Equal Employment Opportunity Plan.

14. **RESOLUTION 03-9831** Review and Approval of the Growth Management Program Compliance Checklist for Calendar Years 2000 and 2001 Certifying Policies and Programs of the City Conform to the Contra Costa Transportation Improvement and Growth Management Program

Mr. Casey reported that the Contra Costa Transportation Authority (CCTA) required

the City to submit a biennial Measure C Growth Management Program (GMP) Compliance Checklist in order to be eligible to receive its portion of Measure C's Local Street Maintenance and Improvement Funds for Fiscal Years 2001-02 and 2002-03. This checklist covers the reporting period of Calendar Years 2000 and 2001. The City's FY 2001-02 allocation was \$629,216.

Mr. Casey explained that the approved GMP Compliance Checklist would be reviewed by the CCTA's Citizen Advisory Committee and could be approved by the CCTA on July 16, 2003, after which the City would be granted its portion of Measure C's Local Street Maintenance and Improvement Funds for FY 2001-02 totaling \$629,216. The allocation date for FY 2002-03 Local Street Maintenance and Improvements Funds would be on the one-year anniversary of the FY 2001-02 allocation.

Mr. Casey recommended that the Council review and approve the GMP Compliance Checklist, as noted and authorize the City Manager to certify and submit said checklist certifying compliance with the Contra Costa Transportation Improvement and Growth Management Program.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9831.

15. **RESOLUTION 03-9832** Reclassify Various Positions Within the Competitive Service as Employees Who are Working Out of Class

Mr. Casey reported that the Human Resources Department, in cooperation with three other departments, had completed several reclassification studies. The results of these studies had found that four positions and incumbents were working out-of-class and that a reclassification was appropriate.

Mr. Casey presented the fiscal impact and advised that the total cost of the request for the remainder of the fiscal year would be \$1,676.21 while the cost for the next fiscal year assuming a 4 percent increase in salaries and benefits would be projected at \$20,892.93. That total would be charged and funded through a number of methods for the positions through the Pittsburg Power Company, the Community Development Block Grant (CDBG) Program and the General Fund.

Mr. Casey recommended that all four positions and incumbents be reclassified within the competitive service since the employees were working out-of-class.

Councilmember Glynn noted that the item had not yet been addressed through the organizational structure, reclassifications, justifications for positions or anything else related to the City's current budget preparations. As such, he suggested that the item was out of order and should not occur until after the zero based study approach related to the budget had been considered.

Vice Mayor Rios made a motion to deny Resolution 03-9832 for the reasons offered

by Councilmember Glynn since the discussion should be included in the budget process and not be considered on a piecemeal basis.

When asked by Mayor Beals if the proposal would create an impact, Mr. Fox stated that the employees referenced were currently working out of class and the situation could create grievances with the applicable unions. He clarified that the situation could be considered in conjunction with the budget although it was a separate discussion from the budget. He explained that while the budget typically allocated positions it did not reclassify the individual incumbents within the various classifications. The proposal was intended to recognize the prior work of the four individuals by properly reclassifying them into the jobs that he/she was currently performing.

As to whether or not the amount would impact the budget, Finance Director Simons stated that the amounts were insignificant considering the staff working out of class and doing numerous job duties. It was her belief that the amounts involved were insignificant.

In response to Councilmember Glynn as to who allowed the employees to work out of class, Mr. Fox explained that there were two ways that employees worked out of class; that managers or supervisors provided additional assignments to employees or more typical that the nature of the work changed over time and there was a catch-up with the completion of a reclassification study, which had occurred in this case where the jobs had gradually changed over time. The proposal was intended to recognize that change in job duties.

In further response to Councilmember Glynn as to how often the Human Resources Department performed a desk audit or queried department managers to determine whether or not a reclassification was necessary, Mr. Fox stated that in this case six classifications had been done and four of the six had found that the employee jobs had changed over time. In two of those desk audit reviews, it had been found that employees were not working out of class and a classification change was not recommended. He stated that there a desk audit was always done, and only those cases where reclassification was required were submitted to the Council. He verified that the desk audits had been performed in the current fiscal year. He noted that the reports in this case had been completed in the last one to two months.

Councilmember Glynn stated that he would not support the proposal.

Councilmember Kee clarified the fiscal impact for this and next year and verified staff's intent to justify the fiscal impact in next year's budget.

Vice Mayor Rios inquired of the City Attorney whether or not one of the specific reclassification requests related to a position that involved litigation.

City Attorney Daube clarified that the position referenced was not applicable to the referenced litigation. With respect to the issue at hand, she explained that the Council would have to rely on the Human Resources Department, which had verified after the reclassification study and the desk audits that the specific employees had been found to be

working out of class, which was the issue in terms of any potential litigation.

Vice Mayor Rios noted that the City had a history of employees who were working out of class. She did not see an urgency to approve the item at this time and she preferred that the item be considered as part of the budget process.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn to deny Resolution 03-9832, failed to carry by the following vote:

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

On motion by Mayor Beals, seconded by Councilmember Parent to adopt Resolution 03-9832, carried by the following vote:

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

16. **RESOLUTION 03-9833** Change of Insurance Carriers for Selected Employee Insurance Plans

Mr. Casey stated that on May 8, 2003 City staff had met with the City's benefits broker, ABD Insurance Services, regarding renewals of the City's dental, disability, and life insurance programs. On behalf of the City, ABD Insurance Services had received quotes for services which revealed that the City could realize savings of \$7,224 in dental claims administration, savings of \$32,895 in short-term and long-term disability insurance premiums, and savings of \$20,125 in life insurance premiums during fiscal year 2003/2004. All contractual obligations between the City and the various collective bargaining units would be maintained.

Mr. Casey reiterated the savings that would result from the proposal and recommended that the Council authorize the City Manager to execute agreements to change insurance carriers and/or pooled insurance plans to take advantage of reduced insurance costs.

Mr. Fox stated in response to Councilmember Parent's inquiry related to the ratings of the City's current carriers, that Delta Dental had an A- and Best Rating of A-, which was Excellent and which would remain as is. The Life Insurance was currently through Standard which had an A and Best Rating of A, which was Excellent, and the proposal with Canada Life had an A and Best Rating of A+, which was Superior. The City's Disability insurance was through UNUM Provident, which had an A-, Excellent rating and moving to Fortis Benefits Insurance Company would be slight better, with an A rating.

LYNETTE KOMINSKY of ABD Insurance Services clarified that the change to short-term and long-term disability was to Reliant Standard, which had a rating of A- Excellent,

the same as UNUM Provident.

Responding to Councilmember Parent with respect to a potential penalty if exercising the change before December, Mr. Fox stated that since the staff report had been submitted, Jake O'Mally, the Executive Director of the County's Risk Management pool had advised that there would be no penalty from the City withdrawing from the applicable life insurance pool effective July 1, 2003, as long as there was 30 days written notice.

Councilmember Kee verified with Mr. Fox that there were no changes in the medical plans other than the rate increases in the current Kaiser/Health Net Plans that had taken place in March, and no change to dental. For life insurance, employees would have to fill out new beneficiary cards, and a new enrollment card might have to be filled out by employees for the new disability plan.

On motion by Councilmember Kee, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9833.

17. **REPORT** Receive and File Quarterly Investment Report as of March 31, 2003

Mr. Casey stated that the State of California requires the Treasurer or Chief Fiscal Officer at a minimum to submit a comprehensive quarterly report to the legislative body containing detailed information on all securities, investments and funds under the management and oversight of a public agency.

Mr. Casey explained that there was no fiscal impact to the item. He recommended that the Council receive and file the Quarterly Investment Report as of March 31, 2003.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to receive and file the Quarterly Investment Report as of March 31, 2003.

18. **RESOLUTION 03-9834** Amending the 2002/2003 City Attorney Budget Resulting from Unforeseen Litigation Expenses

Mr. Casey stated that the City Attorney had requested an increase in the 2002-2003 budget to cover litigation expenses incurred during the fiscal year that had not been included in the budget as a result of two major litigation matters responsible for the budget overrun; the Alves vs. City of Pittsburg and the City of Pittsburg vs. Cheri De Bonneville. While there was no attorney fee reimbursement available for the Alves matter, attorney fees and costs were allowed in De Bonneville.

The fiscal impact of \$75,000 increase in the City Attorney's budget could be recouped in whole or in part following the conclusion of the De Bonneville litigation. Any unused monies would be returned to the General Fund.

Mr. Casey recommended the adoption of the resolution authoring the Finance

Director to increase the City Attorney's 2002-2003 budget in the amount of \$75,000 to cover unforeseen litigation costs incurred during the current fiscal year.

Mayor Beals had a problem with an unforeseen item that could cost \$75,000. She sought a way to minimize legal costs before the fact or to apprise the Council of such a situation before the fact. She urged the City Attorney to exercise those options.

City Attorney Daube clarified that the costs related to the City Attorney budget and while some outside experts had been utilized in the Alves case, to reduce those costs that work had been done at the City Attorney's current rate.

Vice Mayor Rios also had a concern with the situation and objected to receiving an invoice for such a significant amount after the fact.

City Attorney Daube stated that she had just found out three weeks prior of the situation related to the City Attorney's budget. She stated that those amounts had not been initially budgeted and as soon as she had found out about the situation and in compliance with the Council's directive, she had so notified the Council.

City Attorney Daube clarified that the amounts had all been included in her bills, though she had not known and had since been informed by the Finance Director of the status of the budget. She noted that the charges related to litigation and not to the regular City Attorney package. She had not previously known where the litigation had been charged. She reiterated that all amounts had previously been billed. The issue was the account that those bills had been paid.

City Attorney Daube further clarified that the De Bonneville litigation would most likely be recouped, but it would not be recouped during the current fiscal year. In keeping with the Council's adopted parameters, she stated that the associated costs had been deducted from the City Attorney's general package. Upon the conclusion of the litigation the fees would be recouped.

Councilmember Kee noted his understanding that the City Attorney's normal package of services did not include litigation costs, although the City Attorney was authorized to pursue the litigation and continued to bill for that litigation. As such, the bills related to litigation had depleted the City Attorney's budget amount for normal services.

Ms. Daube concurred and added that with both Alves and De Bonneville, the services being provided were below the regular budgeted amounts. The situation had resulted when she had been informed how those invoices were being deducted from the budget.

Mayor Beals inquired whether or not there was a litigation spending limit involved in those two cases, and Ms. Daube stated that there was not.

Ms. Daube further commented on her understanding that the authorizations to proceed had not included any assumptions as to cost. She stated that in the past litigation

had been handled separately and had been billed separately and there was never a budget for litigation. In this situation, she was attempting to make sure that there was authorization to expend whatever monies were needed.

Councilmember Parent recollected the discussion about whether or not to start the De Bonneville litigation and there was no discussion by the Council of what that might cost and there was no indication of the magnitude involved. It was her understanding that there had been a considerable amount of background work done prior to the Council authorization. She suggested it would be a good practice for the City Attorney to warn the City what litigation might cost in the future, and she expected that to occur in the future.

Councilmember Kee concurred and suggested that the situation could be used as a learning experience for the Council and for the City Attorney.

On motion by Councilmember Kee, seconded by Councilmember Glynn to adopt Resolution 03-9834, carried by the following vote:

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

19. **RESOLUTION 03-9835** Second Amended and Restated Resolution of the City Council of the City of Pittsburg Approving the Issuance and Sale of Not To Exceed \$95 Million Aggregate Principal Amount of Redevelopment Agency of the City of Pittsburg, Los Medanos Community Development Project Tax Allocation Bonds, Series 2003A Bonds
Combined w/RDA 03-892
Combined w/RDA 03-893
Combined w/PFA 03-016

Mr. Casey advised that on April 21, 2003, the City Council, Redevelopment Agency Board and Public Financing Authority Board had approved the issuance of not to exceed \$80 million of Tax Allocation Bonds to finance and refinance the Los Medanos Community Development Project. Up to \$25 million of that authorization was for the purpose of partially refinancing the Agency's Series 1993A Bonds to achieve cost savings. Finance staff and the Agency's Finance Consulting Team had determined that, due to current market conditions and certain technical restrictions on the method of refinancing the Series 1993A Bonds, it was now advantageous for the Agency to refinance the entire amount of outstanding Series 1993A Bonds. Accordingly, the proposed resolutions amend the April 21, 2003 actions to increase the authorized refunding portion of the financing to \$40 million that in turn would increase the total authorized amount of \$95 million.

The new money portion would remain at the same amount not to exceed \$55 million. No other changes had been made to the authorization given on April 21, 2003. If approved, the Agency expects to be in the market this week to lock in interest rates, which are at historic low levels.

Action was taken to adopt Resolution 03-9835 in Joint Session with the Redevelopment Agency and the Public Financing Authority, as follows:

On motion by Councilmember Parent, seconded by Mayor Beals and carried unanimously to adopt City Council Resolution 03-9835.

PUBLIC HEARING

1. **ORDINANCE 03-1210** Introduction of an Ordinance to Establish New Interim Zoning Regulations Providing for the Issuance of Land Use Entitlements Consistent with the General Plan

Mr. Casey advised that the Council had introduced an interim Zoning Ordinance providing for the streamlined issuance of land use entitlements consistent with the General Plan at its April 21, 2003 meeting. Staff had made amendments to the draft ordinance to further streamline the process for certain project categories not covered in the first draft. The proposed amendments necessitate a new public hearing and a new first reading of the revised ordinance.

Mr. Casey reported that there were no fiscal impacts associated with the proposed ordinance. He recommended that the City Council introduce, waive further reading and pass to second reading the ordinance establishing new interim zoning regulations providing for the issuance of streamlined land use entitlements, consistent with the General Plan.

Mayor Beals opened the public hearing for Ordinance 03-1210.

GABRIEL ALBOR, Escalon, the owner of 150 West Ninth Street, noted that he had applied for a building permit over the last year and a half and could not get that building permit until the zoning regulations had been adopted. He therefore urged the adoption of the Ordinance to allow that to occur.

Mayor Beals closed the public hearing on Ordinance 03-1210.

Councilmember Kee clarified the intent of the ordinance to allow homes to be built in the event of damage or destruction by fire and the like. He questioned how many applicants were affected the way Mr. Albor was affected.

Planning Manager Melissa Ayres reported that there had been two or three requests or inquires for properties that happened to fall in new streets or parkland areas, which occurred when an individual passed away, for instance, and the estate wanted to put the house up for sale and the house happened to be in an area of a planned City park. That had caused problems for people who wanted to sell his/her home or to refinance one of those homes. For those properties in question, she noted that the Redevelopment Agency was not prepared to buy the land at this time. The intent was to avoid inverse condemnation by having land that the property owner could not develop or improve until and if it was redeveloped under the General Plan. The goal was to allow something to be built consistent with the General Plan.

While he supported the proposal, Councilmember Kee urged that staff ensure that the Zoning Ordinance was consistent with the General Plan and vice versa.

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to introduce Ordinance 03-1210 and waive first reading.

ADJOURNMENT

The meeting of the City Council adjourned at 9:55 P.M. to the meeting scheduled for June 2, 2003.

Respectfully submitted,

Lillian J. Pride, City Clerk
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