

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**June 2, 2003**

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 6:30 P.M. in Closed Session 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.

City Attorney Linda Daube reported that the City Council had voted unanimously in Closed Session to approve a settlement in the case of Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg and Dow Chemical Company, Superior Court Case No. C02-02065. As a result of the settlement she advised that the parties would now be exchanging some information in order to develop a Consent Decree, which will concern various mitigation measures for the new plant. The Consent Decree would be presented to the City Council for a public hearing to allow public comment at either the next meeting on June 16 or the meeting thereafter on July 7, 2003.

**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  
Deputy City Clerk, Alice Evenson  
Director of the Redevelopment Agency, Garrett Evans  
Director of Economic Development, Brad Nail  
Director of Public Works, John Fuller  
Director of Finance, Marie Simons  
City Engineer, Joe Sbranti  
Planning Manager, Melissa Ayres  
CDBG Coordinator, Annette Landry  
Human Resources Analyst III, Michelle Fitzer  
Police Lieutenant, Nick Baker  
Police Commander, Evan Kohler  
Police Inspector, John Conaty  
Police Chief, Aaron Baker

**PLEDGE OF ALLEGIANCE**

Pittsburg Librarian Marian Partridge led the Pledge of Allegiance.

## **CITIZENS REMARKS**

There were no citizens remarks.

## **MEMBERS REMARKS**

There were no Member remarks.

## **CONSENT**

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

- a. **MINUTES** Dated: May 19, 2003

Approved Minutes dated May 19, 2003.

## **CONSIDERATION**

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

1. **RESOLUTION 03-886** Approving Funding and Awarding a Consultant  
**Combined w/CC 03-9842** Agreement to Mark Thomas & Company for the Design of Water and Sewer Installations on Pittsburg-Antioch Highway from Loveridge Road to Arcy Lane

City Manager Willis Casey reported that there were 10 properties located along the south side of the Pittsburg-Antioch Highway, east of Loveridge Road, that were currently relying on well water and septic systems for their water and sewer service. The property owners in the area had expressed a desire to be connected to the City water and sewer system. The City had solicited a proposal for a design of these systems from Mark Thomas & Company.

City Engineer Joe Sbranti advised that the total project cost was currently estimated at \$1 million to install water and sewer lines on the Pittsburg-Antioch Highway from Loveridge Road to Arcy Lane. Property owners in the project area had indicated a willingness to share in the project costs, although no formal agreement had been made with those property owners at this time. The proposal from Mark Thomas & Company for design services was for \$35,348 which, if approved, would come from the Redevelopment Agency Tax Reserves.

Mr. Casey recommended that the City Council adopt Redevelopment Agency Resolution 03-886 making certain findings and consenting to the Redevelopment Agency's expenditure of funds for the project and awarding a Consultant Agreement to Mark Thomas

& Company in the amount of \$35,348 for design of the water and sewer lines and authorize the design portion of the project budget. It was further recommended that the City Council adopt Resolution 03-9842 authorizing the City Manager to execute the Consultant Agreement.

In response to Member Parent's inquiry of whether or not the work could be done in conjunction with the Pittsburg-Antioch Highway improvements, Mr. Sbranti explained that the item had been submitted because of the work related to the Pittsburg-Antioch Highway. While not all improvements would necessarily be incorporated, he explained that the City would be able to pursue the construction and not have to undo any other future improvements planned for the area. Mr. Sbranti added that at this point only the design cost was being pursued and only 50 percent of the cost would be involved. Prior to the commencement of construction, written agreements with the applicable property owners were to be in place. He stated that staff was working with the Economic Development and Finance Departments to complete that process prior to construction.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) expressed concern that without a signed agreement the City could lose the \$35,000 related to the design aspect of the proposal. He noted the reference to the 10 properties involved and requested a clarification of those properties. He also inquired of the reference to the project as Categorical Exempt from the regulations of the California Environmental Quality Act (CEQA) under Class 4, Minor Alteration to Land. Because the ground would have to be dug up as part of the process he suggested that the environmental impacts were unknown at this time. Further with respect to a shared cost, he inquired whether or not that was a standard procedure for property owners who wanted to connect to the City.

Mr. Sbranti stated that the properties in question were owned by a variety of different businesses, including Dow Chemical, Paradigm Concrete, a hotel, Navland, and Agorra Brick.

Councilmember Kee noted that he was familiar with the properties having done work in the area. He was aware that the referenced properties were on wells and septic systems and could not expand without connecting to the City's water and sewer systems because fire sprinklers, for instance, could not be provided where wells were involved. He added that businesses had been lost in that area as a result of not being able to expand. He added that the property had originally been given to the City by the County with the intent that the City would bring the property into compliance with water and sewer services.

On motion by Member Kee, seconded by Chair Beals and carried unanimously to adopt Redevelopment Agency Resolution 03-886.

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 03-9842.

## **PUBLIC HEARING**

1. **RESOLUTION 03-894** Approval of a Right of Way Contract By and Between the Redevelopment Agency of the City of Pittsburg and the County of Contra Costa

Executive Director Casey advised that the Redevelopment Agency had acquired the property located at 2091 Railroad Avenue on June 11, 2001. The County had offered to purchase a portion of the property for a Temporary Construction Easement needed for the realignment of Railroad Avenue and the westbound on-ramp to State Route 4.

Mr. Casey advised that the Agency would receive \$1,650 for the purchase of the Temporary Construction Easement. He recommended that the Right of Way Contract between the County of Contra Costa and the Redevelopment Agency be approved. He further recommended that the Agency Board authorize and direct the Executive Director to execute the Right of Way Contract on behalf of the Agency, and that the Board 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 Right of Way Contract.

Chair Beals opened the public hearing on Resolution 03-894. There were no public remarks. Chair Beals closed the public hearing.

On motion by Vice Chair Rios, seconded by Member Parent and carried unanimously to adopt Resolution 03-894.

### **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 7:14 P.M. to the next meeting set for June 16, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**City Council Minutes**  
**June 2, 2003**

Mayor Yvonne Beals called the meeting of the City Council to order at 7:15 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, California after having met at 6:30 P.M. in Closed Session 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.

City Attorney Linda Daube reported that the City Council had voted unanimously in Closed Session to approve a settlement in the case of Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg and Dow Chemical Company, Superior Court Case No. C02-02065. As a result of the settlement she advised that the parties would now be exchanging some information in order to develop a Consent Decree, which will concern various mitigation measures for the new plant. The Consent Decree would be presented to the City Council for a public hearing to allow public comment at either the next meeting on June 16 or the meeting thereafter on July 7, 2003.

**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  
Deputy City Clerk, Alice Evenson  
Director of the Redevelopment Agency, Garrett Evans  
Director of Economic Development, Brad Nail  
Director of Public Works, John Fuller  
Director of Finance, Marie Simons  
City Engineer, Joe Sbranti  
Planning Manager, Melissa Ayres  
CDBG Coordinator, Annette Landry  
Human Resources Analyst III, Michelle Fitzer  
Police Lieutenant, Nick Baker  
Police Commander, Evan Kohler  
Police Inspector, John Conaty  
Police Chief, Aaron Baker

**CITIZENS REMARKS**

BEN JOHNSON, Pittsburg, speaking for the Community Presbyterian Church, reiterated comments he had previously offered with respect to the Presidio Village project

and the need for the water lines installed as part of the improvements in that area to appropriately address the problems related to water pressure for adjacent properties.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) noted that the questions he had asked as part of his comments to the Redevelopment Agency had not been answered. He expected that those questions would be answered and he urged the Mayor in the future to direct staff to do that. Mr. Mims concurred with a previous recommendation from Vice Mayor Rios that the Council sessions be televised to assist those in the City who could not otherwise attend Council meetings. Mr. Mims also noted that at the last meeting the City's Equal Employment Opportunity (EEO) Plan had been approved. He urged the Council to review that plan. He also noted that the Council had come under scrutiny at the last meeting related to City Attorney expenditures. He suggested that the City Council and past Councils had made poor decisions that had caused the City to be under tremendous litigation. As such, he suggested that the City Attorney's expenditures were a result of City Council action and not City Attorney action.

GREG ENHOLM, Bay Point, reported that as a courtesy the City Council joint session with the Bay Point Municipal Advisory Council (MAC) of a few weeks ago would be televised this date from 9:00 to 10:00 P.M. on Comcast Cable Channel 26. That joint session would also be rebroadcast on June 9 from 9:00 to 10:00 P.M. He presented announcements to identify those broadcast dates.

In keeping with Mr. Mim's earlier request to televise meetings, Councilmember Parent verified with Mr. Enholm that he volunteered his time to televise the Bay Point MAC meetings using his own equipment. Mr. Enholm also advised that he edited the sessions and delivered the tapes of those sessions to Comcast Cable.

## **COUNCIL REPORTS**

Vice Mayor Rios reported that the Redevelopment Subcommittee had met and had reviewed the well-received Rehabilitation Loan Program. The Subcommittee had also discussed budget issues and the priority list that would ultimately be evaluated by the full Council.

Councilmember Glynn stated that the Centennial Committee had met and he had attended the meeting of the Island Energy Group. He had also served as the Master of Ceremonies at the Veterans Memorial Celebration on Memorial Day and had participated in the Harbor Street Overcrossing ribbon cutting.

Councilmember Parent noted that the full Council had attended the Memorial Day event that had been televised by KRON TV. She had also attended the Harbor Street Overcrossing and the grand opening of the Eighth Street Linear Park, along with Fair Board functions at the Contra Costa County Fairgrounds in Antioch. She noted that every City in the County, with the exception of one, had submitted a proclamation of support for the County Fair.

Councilmember Kee stated that he had attended many of the same events that other members of the Council had identified.

Mayor Beals reiterated that the Harbor Street Overcrossing was now complete and represented one of two phases of ongoing work. She thanked the community for its patience during the period of construction and urged the same patience with the Railroad Avenue Overcrossing project that would commence later in the year.

Mayor Beals reported that the Centennial Committee had also met and that a Centennial Dinner had been scheduled for June 27. She stated that the Eighth Street Linear Park had been opened over the weekend and she thanked the staff and community who had participated at that time.

The Mayor added that she had provided commencement remarks for the Lighthouse Christian Center as well as providing students at Central Jr. High with some information on politics as part of Career Week. She also took this opportunity to thank all the Veteran Associations that had put together the well-done Memorial Day event and the recognition of the Giacomelli family at that time.

Mayor Beals further noted that she would be representing the City at an upcoming US Conference of Mayors in Denver. She noted that this was the 71<sup>st</sup> Conference of Mayors that would this year also be celebrated by International Mayors.

### **CITY MANAGER REPORT**

City Manager Willis Casey reported that the bond issue had been completed and all required signatures had been provided. While the full impact of the State Budget was not known at this point, he stated that the full attention of the Finance Director and the rest of City staff would be on this year's budget with the expectation and hope to have a balanced budget by the end of the month.

### **PROCLAMATIONS**

1. Honoring Inspector Raymond Giacomelli

Mayor Beals offered a special proclamation to the Giacomelli family honoring Inspector Raymond J. Giacomelli who was killed in the performance of his duty on April 15, 2003.

Police Chief Aaron Baker, Commander Evan Kohler, Inspector John Conaty and Lieutenant Nick Baker were present with Maria Giacomelli and her daughters Christina and Jessica and other members of the Giacomelli family to receive the proclamation in honor of Inspector Giacomelli, a 23-year member of the Pittsburg Police Department.

Mayor Beals advised that Inspector Giacomelli's sacrifice would be memorialized by naming the State Route 4/Loveridge Road Overcrossing as a fitting and lasting tribute to

the fallen officer. She added that the proposal to rename State Route 4/Loveridge Road was being pursued by the City of Pittsburg in conjunction with local law enforcement agencies, Senator Torlakson, Caltrans and all transportation authorities.

## **CONSENT CALENDAR**

City Attorney Daube removed Item b for clarification.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn to approve Consent Calendar Items a and c.

- a. **MINUTES** Dated: May 19, 2003

Approved Minutes dated May 19, 2003.

- c. **RESOLUTION 03-9836** Amend the Department Director Benefits and Salary Schedule

Adopted Resolution 03-9836.

The City Attorney had removed the following item for discussion given the need to identify typographical errors that had been corrected in the document. She clarified that the ordinance was the same document that had been introduced and waived further reading at the last meeting of the City Council.

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

On May 19, 2003, the Council introduced Ordinance 03-1210 establishing new interim zoning regulations for the streamlined issuance of land use entitlements consistent with the General Plan. The ordinance must now be adopted before it can take effect. Ordinances become effective 30 days after adoption.

Planning Manager Melissa Ayres referred to Section I, B of the ordinance related to the background recital of previous ordinances approved last year.

The correction was to the year approved and the first sentence in that paragraph was to read:

*The City Council adopted Urgency Ordinance 02-1189 establishing interim zoning procedures on January 22, 2002 and adopted Ordinance 02-1191 on February 19, 2002 extending the provisions of the Urgency Ordinance to January 22, 2003.*

On motion by Vice Mayor Rios, seconded by Councilmember Glynn to adopt Ordinance 03-1210, with the amendment as noted.

## **CONSIDERATION**

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

Mr. Casey recommended Council review and acceptance of the draft Buchanan Road Bypass Project Study Report (PSR) 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 was identified with a project estimate of \$56.4 million.

City Engineer Joe Sbranti stated that the PSR funded by the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) identified a \$55 to \$70 million roadway project. Current funding involved \$4 million from the ECCRFFA and \$6.38 million from the City's Local Traffic Mitigation Fee for an estimated revenue total of \$10.38 million, with a shortfall of approximately \$36 million. Mr. Sbranti clarified that staff was not asking the Council to approve the PSR or select the alignment as the chosen alignment. He noted that because of other issues related to traffic mitigation fees and reconsidering mitigation fees for traffic, the PSR had been submitted as background information when making other determinations. As such, he recommended that staff accept the report. Staff would return to Council to identify options to fully fund the project or to reduce the estimated project costs through means of altering the design at a later date.

BEN JOHNSON, Pittsburg, expressed concern with the project that he suggested had been ongoing for the last 30 years. With the current State shortfall, he expressed a concern for the City's ability to secure the necessary funds to pursue the project. He also noted that the Environmental Impact Report (EIR) conducted for the project was 10 years old and an updated EIR would surely be required. He also noted that the issue of the City's discussions related to rejoining the ECCRFFA was under discussion and no resolution of that issue had been completed to date. With those and other issues including the Urban Limit Line (ULL) and the fact that the property involved was not all situated in the City of Pittsburg, Mr. Johnson suggested that the \$70 million cost would certainly increase. As such, he suggested it was premature to consider the item at this time.

BONNIE SCOTT, Pittsburg, objected to the project, noted that she lived adjacent to the area on the ULL near where the road alignment was likely to occur, stated that the property owner had owned the property for a hundred years and did not want to sell, and suggested that opening that area would simply facilitate development and assist cities to the east. While she did not like the current traffic congestion, she suggested that a better use of the money would be to meter the lights and wait for the completion of the State Route 4 widening prior to proceeding with a Buchanan Road Bypass. She strongly opposed the project until the necessary funds were available, until the City of Antioch shared in the expense, and until State Route 4 had been completed.

WILLIE MIMS, Pittsburg, representing the BPA, also shared the concerns expressed by Mr. Johnson with respect to a 10-year-old EIR that would essentially be unusable. He questioned where the \$46 million shortfall could be funded, particularly when the staff report had referenced options and those options had not been identified. He also sought a clarification of the environmental constraints referenced in the staff report.

City Engineer Sbranti stated that he would be happy to go over the entire report as well as the constraints portion of the report at Mr. Mims' convenience. He also clarified that the City was not relying upon the 10-year-old EIR and emphasized that the staff report had advised that the purpose of the PSR was to identify a preferred alignment and that once the alignment had been identified it would be used as the basis for the preparation of an EIR with the goal of selecting an ultimate alignment for the project.

Mr. Mims referred to the resolution itself and noted the statement that the City as the lead agency desired to advance project development. He sought a clarification of the use of the term "advance" in that case.

Mr. Sbranti clarified that the item related to a phase of the process that was involved in developing the project. He reiterated that an alignment was not being approved and funds were not being authorized. The PSR had been submitted simply to provide information. He stated that staff was not prepared to recommend an alternative and move forward with the project at this time. He said the statement quoted by Mr. Mims was identifying the fact that work remained to be done.

Mayor Beals reiterated that the report was informational only at this point and allowed the City Council to direct staff to clarify whether or not the proposal was a possibility and to discuss the issues with the other cities, other applicable agencies, and the other transportation agencies to identify the viability of the proposal. Along with that would be the continuing discussion of whether or not the City would be increasing its fees and what that increase might be. Whether or not the City was accepted back into the ECCRFFA, Mayor Beals emphasized that work remained to be done. The report had been submitted to the Council for informational purposes only. She urged Mr. Mims to meet with Mr. Sbranti to address his other questions.

BEN JOHNSON requested that the report clarify what the Mayor had indicated. He was also urged by the Mayor to meet with staff if clarification was needed.

WILLIAM LEE, Pittsburg, inquired of the cost of the report.

Mr. Sbranti advised that the budget for the budget was funded by the ECCRFFA and was not paid by the City of Pittsburg. He estimated the project PSR cost at \$370,000. When asked to estimate the Measure C monies associated with the State Route 4 widening between Railroad Avenue and Loveridge Road, he estimated that total at approximately \$100 million.

Mayor Beals urged Mr. Lee to meet with Mr. Sbranti to discuss the technical issues of

the project.

Councilmember Parent stated that she had sought more time to read the report, which she described as a technical report and a small step to determine whether or not to pursue the Buchanan Road Bypass. Having read the report, she moved to accept the report.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9825.

Vice Mayor Rios clarified for the record that the City of Pittsburg remained a partner in the ECCRFFA, although three cities had since created a separate Joint Exercise of Powers Authority, the East County Transportation Improvement Authority, of which the City of Pittsburg was not a member.

2. **RESOLUTION 03-9837** Authorization for Extra Work Payment to Cutler-Hammer, Inc. for High Level Pumping Plant Electrical Update Contract

Mr. Casey stated that in October 2002, the City of Pittsburg contracted with Cutler-Hammer, Inc. for Repairs at the Water Treatment Plant's High Level Pumping Station. Deteriorating conditions and corrosion of the electrical cabinet not visible prior to commencing the repairs were discovered and required additional work. Staff requested City Council authorization to amend the contract and pay for the necessary extra work.

Public Works Director John Fuller advised that \$7,386.87 was necessary to pay for the extra work required to complete the repair of the High Level Pump Station, which funds were available in the Public Works Department - Water Plant annual operating budget.

Mr. Fuller added that in the future contingency funds would be included in similar contracts. In this case no contingency funds had been included.

Mr. Casey recommended the adoption of Resolution 03-9837 authorizing the additional payment of \$7,386.87 to Cutler-Hammer, Inc. for unanticipated extra work associated with the repair of the High Level Pumping Station Motor Control Center.

On motion by Councilmember Glynn, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9837.

3. **RESOLUTION 03-9838** Approving a Consultant Agreement with Mark Thomas & Company for Design Review and Design Support Services During Construction of Contract 99-05, State Route 4 Flood Relief Project at Loveridge Road

Mr. Casey stated that on May 19, 2003, Contract 99-05, State Route 4 Flood Relief Project was awarded by the Council. Mark Thomas & Company was contracted by the City

as a consultant for the design of this project. Staff had solicited a proposal from Mark Thomas & Company for engineering support services during construction.

Mr. Sbranti stated that the total project budget for Contract 99-05, State Route 4 Flood Relief Project had been approved by the Council on May 19 at \$8.665 million. The proposal for construction management support received from Harrison Engineering was for \$156,320. The project budget approved last month including funding for engineering support services as proposed. No additional funding was required.

Mr. Casey recommended the adoption of Resolution 03-9838 approving the Consultant Agreement and authorizing the City Manager to execute the Agreement on behalf of the Council.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9838.

4. **RESOLUTION 03-9839** Awarding a Consultant Agreement for Construction Management Support Services to Harrison Engineering for Contract 99-05, State Route 4 Flood Relief Project at Loveridge Road

Mr. Casey stated that on May 19, 2003, Contract 99-05, State Route 4 Flood Relief Project was awarded by Council. Staff had recently solicited proposals for construction management support services for the project. Harrison Engineering had been selected by City Staff as the most qualified to provide the required services.

As previously reported, Mr. Sbranti stated that no additional funding was required.

Mr. Casey recommended the adoption of Resolution 03-9839 approving the Consultant Agreement and authorizing the City Manager to execute the Agreement on behalf of the Council.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9839.

5. **RESOLUTION 03-9840** Accepting as Complete Contract 02-05; Golf Course Improvement Project with WICE, Inc., and Joseph J. Albanese, Inc., and Authorizing Contract Budget Adjustments

Mr. Casey stated that the City Council had contracted with Joseph J. Albanese, Inc. and WICE, Inc., for construction of site and electrical improvements at the Delta View Golf Course. Construction required by the contract had been completed on April 15, 2003.

Mr. Sbranti reported that the current overall project budget was \$511,773. Of that amount, \$68,900 had originally been allocated for electrical improvements to be completed

by WICE, Inc. As a result of changes due to PG&E requirements and other changes to the scope of work, the total cost must be adjusted to \$81,344.92. Of the overall project budget, \$136,234 had been allocated for site improvements to be completed by Joseph J. Albanese, Inc. As a result of the changes required by PG&E requirements and other changes, the total cost required an adjustment to \$144,758.33. The current project budget included the funds to pay the additional contract expenses and no additional funds were required.

Mr. Casey recommended the adoption of Resolution 03-9840 in accordance with the City Council adopted purchasing policy. Approval of the adjustments were recommended as was the acceptance of Contract 02-05, Golf Course Improvements, as complete, authorizing staff to make final payments and authorizing the City Engineer to execute a Notice of Completion for the contracts with WICE, Inc. and Joseph J. Albanese, Inc.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to adopt Resolution 03-9840.

6. **RESOLUTION 03-9841** Authorize the Renewal of an Agreement for Financial Auditing and Consulting Services to Caporicci & Larson for Fiscal Year 2002-2003

At the February 22, 2000 meeting, the City Council awarded a contract to Caporicci & Larson to provide financial audit services for three fiscal years beginning June 30, 1999 through 2001 with the option to renew the contract for the fourth and fifth years. As a rule most public agencies maintained the same audit firm for a period of at least five to ten years.

Finance Director Marie Simons advised that the audit agreement proposed to provide audit services in the amount of \$33,525, the same fee that was charged to the City last year. The audit would also include a comprehensive review of the City's cash handling procedures within City Hall as well as off-site facilities such as the Marina and the Golf Course. The findings of that review would be presented to the City Council along with any other audit findings.

The agreement would also include Governmental Accounting Standard Board (GASB) 34 consulting services in the amount of \$27,500 for a total contract amount of \$61,025. The FY 2002/2003 budget included an allocation of \$50,000 for GASB 34 implementation to be used by both the Engineering and Finance Departments. The cost of the annual audit services would be included in the FY 2003/2004 operating budget.

For the benefit of the public, Ms. Simons explained that GASB set the accounting rules and reporting standards for all governmental agencies and non-profit organizations throughout the nation. GASB 34 was considered a major revision which would basically change the way that audited reports had been presented to the Council and the public, bringing governmental accounting closer to private accounting to offer the public more of an idea of the total financial condition of the city including all debt as well as the value of the



same appointees needed to be recycled over and over on City commissions. He urged the Council to consider other citizens who were interested in participating in the process.

Councilmember Kee commended the City Attorney for putting together the document that outlined the various City commissions and which had identified a number of inconsistencies in the City's commissions and in City internal policies. He acknowledged staff's request for Council direction. He also agreed with some of Mr. Mims comments.

As a former Planning Commissioner, Councilmember Kee recommended a revision to the way Planning Commission terms were considered. He noted that current Commission appointments ran to the end of June. He suggested that appointments run on a calendar year more consistent with City Council election cycles.

Councilmember Kee asked staff to consider that each Councilmember appoint one Planning Commissioner, which appointment should be in line with the election cycles, and with the remaining two appointments to be made in between election cycles, to be appointed by the City Council as a whole. He suggested that system would be fair and equitable and allow each member of the Council to have a voice on the Planning Commission.

Mayor Beals noted that the packet of information had identified committees and commissions of which she had previously been unaware. As a whole, she suggested that the Council evaluate and assess the City's active commissions and offer direction in the area of recruitment, publicizing, and notifying the public of the commissions.

Mayor Beals agreed that the committees and commissions should be reflective of the community, although she emphasized that interested parties would also have to apply for the positions. As such, she emphasized the importance of letting the public know that the commissions existed. She also commented that appropriate public outreach had been stressed in prior discussions with the Community Advisory Commission (CAC).

Mayor Beals urged the consideration of an ad hoc committee with Councilmembers Kee and Parent who served as the liaison to the CAC, which committee could review all of the commissions and make recommendations to the full Council as to how to move forward. She suggested that be offered in a workshop setting when comment from the commissions and members of the public could be presented and deliberated to allow the Council to receive direction from the community as to how to move forward.

Mayor Beals sought the establishment of an ad hoc committee to review all the commissions together and offer recommendations, with a return to the Council in July. She noted that the City's commissions, while underutilized, were powerful tools for the community. She suggested that now was a great opportunity for the Council to evaluate the process.

Councilmember Parent expressed her particular interest in term limits, which had been changed by the previous City Council. She suggested that members would have to

be off a particular commission for at least a complete term, such as four years, as opposed to the previous change where an outgoing member would only have to be off a commission for one year.

Councilmember Parent referred to the report from the City Attorney and the section where comments could be offered for each commission. She urged each member of the Council to fill out that form and submit it to an ad hoc committee, if created, to identify the recommendations and suggestions from all members. She suggested that exercise should help in the workshop process. In response to the comment of advising the public when openings were available, she emphasized that the City spent a considerable amount of money advertising openings. She offered her support for a comment from a member of the CAC who had requested that commission openings be listed on the City's website.

Councilmember Glynn noted that the report from the City Attorney was interesting because it had presented the original purpose for the establishment of the commissions as opposed to how those same commissions had evolved and deviated over time. He volunteered to serve with Mr. Kee on the Committee.

As a former member of both the Planning Commission and the CAC, along with other commissions in the City and being retired, Councilmember Glynn emphasized the importance of civilian participation and advisory roles to the City Council and the importance of having the time to fulfill that role. Councilmember Glynn noted, for instance, that without the help of the CAC the Council could not appropriately and correctly sort through the tremendous process related to the Community Development Block Grant (CDBG) fund allocation. The same was true for other processes where citizen input and participation was critical.

Vice Mayor Rios concurred with the comments and the need to reconsider and revamp the commissions, with the ad hoc subcommittee to consider term limits, the size of the commissions, a potential combination of some inactive committees/commissions, and a consideration of all suggestions and possibilities.

Councilmember Kee expressed an interest in being a member of the ad hoc committee. He too recommended that each member of the Council fill out the comment sheet to help the ad hoc committee in the review process.

Mayor Beals suggested that each Councilmember fill out the comment sheets for each commission within the next two weeks and no later than the June 16 Council meeting, to submit to the ad hoc committee by June 16, with that committee to meet sometime in the next two weeks and with a public workshop to be scheduled after that time.

Mayor Beals recommended items for consideration as part of that process as term limits, the purpose of each commission, size, outreach efforts as well as advertisements, and the dissolution or combination of commissions. The date of the workshop would be announced at the next meeting.

On motion by Mayor Beals, seconded by Vice Mayor Rios and carried unanimously to

appoint Councilmembers Kee and Glynn to serve on an ad hoc committee to review City Commissions.

## **PUBLIC HEARING**

1. **RESOLUTION 03-9843** Consideration of an Approval of the Housing Rehabilitation Program Offering Home Improvement Services Citywide

Mr. Casey advised that since 1979 the City of Pittsburg had operated a Housing Rehabilitation Program offering low interest, deferred loans to low-income property owners and certain investors of rental properties for the purpose of making basic residential repairs. Currently, this program is restricted to Black Diamond Park, Bayside Knolls, Parkside Manor, Central Addition, Carpino Area, Pittsburg Park, and High School Village. On the recommendation of the Department of Housing and Urban Development (HUD) these services should be offered citywide.

Mr. Casey explained that the action would have no fiscal impact on the City. The program had the ability to draw upon Federal and Redevelopment funds as well as Program income.

Mr. Casey added that it was a self-sufficient program that had no bearing on the City's General Fund. He recommended that Housing Rehabilitation Services be offered to low-income homeowners and to investors willing to rent to low-income families citywide.

Mayor Beals thanked staff for bringing the item forward. She noted that the program would allow some improvements to other areas that were aging.

Mayor Beals opened the public hearing for Resolution 03-9843.

WILLIE MIMS, Pittsburg, representing the BPA, commented that he had read the staff report and was concerned with the reference to investors. He inquired why investors should be given low interest deferred loans to fix up his/her properties to rent out to low income people when investors should be made to fix up his/her own property and avoid a potential abuse/misuse of the program.

CDBG Coordinator Annette Landry advised, when asked, that the program was an existing program offered by the City, which program had been in effect over 20 years. She stated that the idea of providing assistance to investors was to benefit the low income resident in Pittsburg and to ensure the availability of affordable housing. No changes could be made to the program without the authorization from HUD. Ms. Landry affirmed that the change to the program was to expand the area where the program could be implemented to assist more low-income residents of the City as recommended by HUD and staff.

Mayor Beals closed the public hearing on Resolution 03-9843.

Councilmember Parent used the example of a resident who did not live within the

currently prescribed areas of the City who could have been assisted by the program given that she had no other way to effect repairs to her property. In that case, the Rotary Club and the Police Department had conducted the necessary repairs to that home and four others that had not otherwise qualified for the program. She supported the implementation of the program on a citywide basis to help all qualified residents of the City.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9843.

2.     **RESOLUTION 03-9844**     Approve an Amendment to the Contract Between the  
       **Combined w/CC 03-1211**     Board of Administration of the California Public  
  Employees' Retirement System (PERS) and the City  
  Council of the City of Pittsburg
  
3.     **ORDINANCE 03-1211**     Agreement to Amend the Contract Between the Board  
       **Combined w/CC 03-9844**     of Administration of the California Public Employees'  
  Retirement System (PERS) and the City Council of the  
  City of Pittsburg

Mr. Casey reported that Government Code Section 20903 permits the City of Pittsburg to amend its contract for retirement benefits to provide for two years additional service credit for PERS local miscellaneous members should the City Council wish to offer this benefit. Adoption of the contract amendment merely makes this Government Code provision available for the City Council's consideration at a later date.

Mr. Casey stated that there was no fiscal impact for adoption of the proposed contract amendment. He recommended the adopt of the Resolution of Intention to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City Council of the City of Pittsburg and the introduction, waive further reading, and pass to second reading an Ordinance to amend the contract between the Board of Administration of the PERS and the City Council.

Mayor Beals opened the public hearing for Resolution 03-9844 and Ordinance 03-1211. There was no one to speak to either item. Mayor Beals closed the public hearing.

On motion by Councilmember Glynn seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9844.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to introduce Ordinance 03-1211 and waive first reading.

## **ADJOURNMENT**

The meeting of the City Council adjourned at 8:37 P.M. to the regular City Council meeting scheduled for June 16, 2003

Respectfully submitted,

Lillian J. Pride, City Clerk

als