

CITY OF PITTSBURG
Redevelopment Agency Minutes
May 5, 2003

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:08 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 subdivision (b) of Section 54956.9 of the Government Code, Conference with Legal Counsel – Anticipated Litigation regarding two cases.

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

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

MEMBERS ABSENT: None

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

PLEDGE OF ALLEGIANCE

Police Chief Aaron Baker 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: April 7 and April 21, 2003

Approved Minutes dated April 7 and April 21, 2003.

CONSIDERATION

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

1. **RESOLUTION 03-877**
(Combined w/03-9817) Approving a Consultant Agreement for Engineering Design Services to Azari Engineering, Inc. for Contract 03-01, Reconstruction of Eighth Street (Harbor Street to Herb White Way) and Century Boulevard (Delta Fair Boulevard to 4,780 feet west of Somersville Road) (Redevelopment Agency)

13. **RESOLUTION 03-9817**
(Combined w/03-877) Approving a Consultant Agreement for Engineering Design Services to Azari Engineering, Inc. for Contract 03-01, Reconstruction of Eighth Street (Harbor Street to Herb White Way) and Century Boulevard (Delta Fair Boulevard to 4,780 feet west of Somersville Road) (City Council)

Assistant City Manager Nasser Shirazi reported that the recently completed Linear Park on Eighth Street provided space for parking along Eighth Street that had not been completed. Eighth Street also required a substantial amount of street rehabilitation. Century Boulevard required a substantial amount of rehabilitation from Delta Fair Boulevard to 4,780 feet west of Somersville Road.

The estimated cost of the project was identified as \$1 million. Azari Engineering, Inc. had been selected by City staff from an "on call" list of consultants as the most qualified to provide the required services to design the reconstruction of these road sections. As a result of negotiations, Azari Engineering, Inc. had submitted a proposal in the amount of \$99,984 to perform the requested design work as described in their proposal.

Mr. Shirazi advised that it was necessary to allocate \$1 million of the 2003 Tax Allocation Bond Series proceeds to pay for the cost of the improvements, of which an amount not to exceed \$99,984 would be allocated for the design work.

Mr. Shirazi recommended that the City Council adopt a resolution making certain findings and consenting to the Redevelopment Agency's expenditure of funds for the project and that the Agency adopt a resolution to authorize the project budget and award the Consultant Agreement for design of Contract No. 03-01: Reconstruction of Eighth Street and Century Boulevard to Azari Engineering, Inc.

BRUCE OHLSON, Pittsburg, representing Pittsburg and East County bicyclists noted his understanding that bicycle lanes would be constructed on Eighth Street, although to date he had not seen that occur.

In response, City Engineer Joe Sbranti stated that the design had not yet been completed and he could not verify whether or not bicycle lanes would be included. He noted that Eighth Street was not one of the planned bicycle routes in the City but he would be willing to discuss that issue with Mr. Ohlson.

With respect to Century Boulevard, Mr. Ohlson noted his understanding that the striping would be placed with a 7 foot center lane and a 13 foot outside lane, to which Mr. Sbranti stated that the widening of the road to accommodate the future bicycle routes referenced would be accommodated as part of the widening of Century Boulevard in conjunction with future development. Initially, the road would remain as is. Mr. Ohlson stated that he would meet with Mr. Sbranti to discuss that situation.

Mr. Sbranti described the nature and location of the street rehabilitation as on both the east and west sides of Railroad Avenue, along Eighth Street and along the linear park with the majority of the improvements on the eastbound direction of Eighth Street which was on the south side of the park. He verified for Member Kee that recently paved streets would not be torn up as part of the project.

On motion by Member Glynn, seconded by Chair Beals and carried unanimously to adopt Redevelopment Agency Resolution 03-877.

On motion by Councilmember Glynn, seconded by Mayor Beals and carried unanimously to adopt City Council Resolution 03-9817.

2. **RESOLUTION 03-878** Accept the Redevelopment Agency's Fifty Percent (50%) Share of the Net Profits of The Olson Company's Marina Walk Development

Assistant Executive Director Shirazi advised that pursuant to Section 201 of the Disposition and Development Agreement between the Redevelopment Agency of the City of Pittsburg and The Olson Company, the Developer shall pay the Agency a fifty percent (50%) share of Marina Walk's net profits in excess of \$1.8 million.

Mr. Shirazi recommended the acceptance of \$179,810 as the Redevelopment Agency's fifty-percent share of the net profits of The Olson Company's Marina Walk development.

Vice Chair Rios inquired where the funds would be allocated to which Redevelopment Agency Director Garrett Evans reported that the funds would go into the Redevelopment General Fund with no specific allocation at this point.

On motion by Vice Chair Rios, seconded by Member Parent and carried unanimously

to adopt Resolution 03-878.

3. **RESOLUTION 03-879** Approving the Consultant Agreement with Noll & Tam
(Combined w/03-9816) Architects for a Needs Assessment and Programming
Study for the New Public Library
(Redevelopment Agency)

12. **RESOLUTION 03-9816** Approving the Consultant Agreement with Noll & Tam
(Combined w/03-879) Architects for a Needs Assessment and Programming
Study for the New Public Library
(City Council)

Mr. Shirazi advised that Noll & Tam Architects had provided a Scope of Work in the Consultant Agreement for a Needs Assessment and Programming Study intended to identify future use, programming, facility size and potential location for the new Public Library. Mr. Shirazi explained that approving the Consultant Agreement would result in a cost to the Agency of \$49,801, to be funded through the Library Expansion Account #78-2080-1428, which had an uncommitted balance of \$52,835 to fund the study.

Mr. Shirazi recommended the approval of the resolutions and the authorization to the Executive Director to approve the Consultant Agreement with Noll & Tam for the Needs Assessment and Programming Study for the new Public Library.

Councilmember Kee referred to Section B, Site Selection and Master Planning Phase of the proposal and the listing of a maximum of five sites while the fee proposal listed four sites.

In response, City Engineer Sbranti clarified that the scope with Noll & Tam Architects had been revised to include a total of five sites.

Councilmember Glynn noted his understanding that one of the options was not to consider the expansion of the current library and only to consider a new library, which Mr. Sbranti affirmed was the case.

Vice Mayor Rios reported that the Council Library Subcommittee had agreed to consider two sites. She did not want to waste time, efforts and funds in a consideration of five sites when only two sites had been preferred and considered as feasible.

Mr. Sbranti explained that a cursory study of the five different sites surrounding the Civic Center would be done while the overwhelming bulk of the consultant's time would be spent evaluating the two preferred sites.

Mr. Sbranti also clarified for the Vice-Mayor that the uncommitted balance from the Library Expansion account was the remaining total of the approximately \$100,000 originally set aside for consulting fees.

Councilmember Glynn suggested an option to expand the existing library rather than a proposal to demolish that site with the construction of a new library. He would therefore not support the proposal at this time.

Having just learned that the subcommittee had narrowed down the original five sites to two, which had not been communicated to the full Council, Councilmember Parent expressed concern with the proposal, particularly since she had never been presented with the Library Survey.

Mayor Beals stated with respect to the current site that prior action of the City Council had made choices to indicate that the existing site would not be feasible given that it would be more costly to add on to the existing site. She noted that lease options and the implementation of construction of a new building had been considered in place of an expansion of the current site. The Library Survey had not yet been completed and it would be further reported out. Further, she commented that the two recommended sites from the Council Library Subcommittee had been offered to the architect for direction and did not represent a decision. As such, she stated that the Council was not acting without the full Council being advised in that no decision had been made. The proposal was intended to offer a better focus and more efficient use of the architectural services. The preferred sites were those that surrounded the Civic Center.

On motion by Vice Chair Rios, seconded by Chair Beals to adopt Redevelopment Agency Resolution 03-879, with the understanding that the consultant would evaluate the two locations recommended by the Council Library Subcommittee. The motion carried by the following vote:

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

On motion by Vice Mayor Rios, seconded by Mayor Beals to adopt City Council Resolution 03-9816, with the understanding that the consultant would evaluate the two locations recommended by the Council Library Subcommittee. The motion carried by the following vote:

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

4. **RESOLUTION 03-880** Accept the Loan Forgiveness Pursuant to the Disposition and Development Agreement Between the Redevelopment Agency and The Olson Company, Section 201.1

Mr. Shirazi advised that pursuant to the Disposition and Development Agreement (the "DDA"), Section 201.1, The Olson Company (the "Developer") will be entitled to a credit against the loan equal to 100 percent of the actually incurred hard and soft cost of the development. Staff finds that the Developer has completed its obligation and therefore, has submitted invoices for its costs. Finance has applied the invoices against the remaining

balance of the loan in order to bring the loan balance to zero. Staff further finds that by applying the invoices against the loan balance, the Agency has performed its obligation pursuant to the DDA.

Mr. Shirazi reported that the development of the previously vacant and underutilized land had increased the City's annual tax increment revenue by \$337,867. The loan forgiveness amount of \$1.15 million would be recovered in three and a half years. The Olson Company had developed a non-revenue-generating site into a development that would continue to generate tax increment revenue for the subsequent years.

Mr. Shirazi recommended the acceptance of the loan forgiveness to the DDA Section 201.1.

Member Kee commented that it was clear from the agreement that the Agency was required to forgive the loan. He clarified the actual funds to be forgiven.

Mr. Evans reported that the land had been appraised at \$800,000 while the City had been offered \$2 million in the Request for Proposal (RFP) process. While the price had come down through the negotiation process, the off-site improvements had been performed by the developer instead of by the City. He added that out of 93 RFPs that had been distributed, the applicant's was the only reply.

On motion by Member Parent, seconded by Member Glynn and carried unanimously to adopt Resolution 03-880.

5. **RESOLUTION 03-881** West Leland Road Extension, Design Consultant
 (Combined w/03-9811) Agreement
 (Redevelopment Agency)

7. **RESOLUTION 03-9811** West Leland Road Extension, Design Consultant
 (Combined w/03-881) Agreement
 (City Council)

Mr. Shirazi advised that with the construction of a new elementary school in the San Marco subdivision, it was necessary for the City to construct a portion of West Leland Road from the Oak Hills subdivision westerly across the Alves property to San Marco Boulevard to provide access to the school for residents outside of the San Marco subdivision. Harris and Associates had submitted a proposal to complete the design of the road extension, and had the professional expertise as well as previous background experience with the project.

Mr. Shirazi reported that the estimated cost of the project was \$2.2 million, to be divided between the City's Traffic Mitigation fee (75 percent) and Redevelopment Agency funds (25 percent). The Design Consultant Agreement would require setting aside \$354,395 for design costs.

Mr. Shirazi recommended that the City Council adopt the resolution making certain findings and consenting to the Agency's expenditure of funds for the project, authorizing 75

percent of the project budget and awarding the Consultant Agreement to Harris and Associates, and that the Agency adopt its resolution to authorize the remaining 25 percent of the project budget.

WILSON WENDT, an attorney representing Seecon, suggested that the alternatives that Harris & Associates had suggested where the design work had already been done by Seecon could be utilized as part of the project was a better alternative. He stated that Seecon's concern was that the fees and the work that had already been done by Seecon to date related to a promise of repayment of those costs pursuant to the written Memorandum of Understanding (MOU) with the City. He also noted that the work that had been done at an estimated cost of \$200,000 had included a number of biotic habitat, wetlands delineation, soils and other studies. He felt strongly that the work was reimbursable to Seecon and that there were three basic elements to consider in determining the obligation of reimbursements.

Mr. Wendt described the first as the Vesting Tentative Map that had been approved in the 1980's, the second as the Development Agreement, and the third as the 1982 MOU that actually mentioned reimbursement. He stated that the Vesting Tentative Map condition required Seecon to put the San Marco property into an assessment district to pay the cost of the construction of the roadways.

For a variety of reasons, Mr. Wendt stated that the assessment agreement had never been set up. He noted that litigation had been filed in eminent domain, which had ultimately allowed the City access to the Alves property to conduct the necessary testing. He noted that some of the bills were for that testing which had been done by Seecon. He suggested it was clear that it was always intended that the expenditures would be paid back to Seecon. He also pointed out that the City Attorney had indicated that there was some problem with the design work that had been done, although he disagreed that was the case. He noted that San Marco Boulevard had been extended under the exact same plans and that Seecon had been fully reimbursed in that case.

Mr. Wendt urged the City Council to adopt the alternative submitted by Harris & Associates that used the work prepared by Seecon. He stressed that Seecon was entitled to reimbursement of that \$200,000.

SCOTT HANKS, a consultant representing the Alves Ranch Partners and the proposed purchasers, William Lyons Homes, stated that they had a meeting with Mr. Sbranti related to the proposed design and understood the costs that Seecon was seeking to be reimbursed. He did not disagree with that reimbursement so long as the costs related to the future design and construction of the project. He urged approval of the resolutions so that the extension could proceed. He emphasized the need to expedite the construction of Leland Road through the Alves property and stated that Mr. Alves and the proposed purchaser were in favor of that proposal. He reiterated that there was no problem with either proposal so long as the costs expended by Seecon to date were truly applicable and could be reused by Harris.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, noted that

the street was on the General Plan as a bicycle facility and it was his understanding that the proposal would now include two lanes and bicycle facilities. He thanked staff for including bicycle lanes early rather than late.

Member Parent noted the point that some of the work already done might be useful in the current process. While supportive of that work, she commented that there was a deadline to get the road done and it had already cost a great deal of time given that the developers involved had not gotten the work done. As such, she supported a pursuit of the proposal with Harris Consultants and urged that any useful existing information be utilized, if possible, but that the proposal move forward as quickly as possible.

On motion by Member Parent, seconded by Vice Chair Rios and carried unanimously to adopt Redevelopment Agency Resolution 03-881.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt City Council Resolution 03-9811.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:47 P.M. to the next meeting set for May 19, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
City Council Minutes
May 5, 2003

Mayor Yvonne Beals called the meeting of the City Council to order at 7:48 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

MEMBERS ABSENT: None

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

CITIZENS REMARKS

BERTHA STOBBS, Pittsburg, explained that as an invited volunteer and member of the Community Advisory Commission (CAC), she had been unable to attend Inspector Ray Giacomelli's funeral on April 21 since all Americans with Disabilities Act (ADA) spaces had been blocked off, which had hurt and disappointed her. She urged the City Council to ensure ADA compliance throughout the City at all times.

CHARLES CARTER, Pittsburg, sought a status of the CAC and noted his interest in participating in that group. He also described a recent police incident in the town and expressed his concern over that incident.

COUNCIL REPORTS

Vice Mayor Rios reported that the Redevelopment Subcommittee had met and had considered the scaling down of the Redevelopment Project, which would be submitted to the City Council for approval.

Vice Mayor Rios reported that she had attended the Habitat for Humanity event on May 3 when volunteers had worked to construct a home for a local needy family with six children. She added that she had also attended a City of Pinole Cinco de Mayo event, and

on behalf of the Mayor had attended the Mayors Conference when the *Shaping Our Future* project had been updated. She urged the public to attend the next *Shaping Our Future* meeting at the Holiday Inn in Concord on May 17.

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.

Vice Mayor Rios referred to a prior Black Diamond Project when Jason Greigo had submitted a design and reported that the City Council at that time had expressed a desire to purchase the concept of that design. She sought a status of that situation with a report to the full Council.

Councilmember Parent reported that she and others had opened Praxair's new plant last week that would produce 40 new jobs. She noted that the event had been positive and well attended. She commented that one of those who had attended the event had indicated to her the fact that the City had an Enterprise Zone had encouraged Praxair to close two other plants and bring the jobs from those closed plants to the City of Pittsburg.

Councilmember Parent also reported that she attended the Mayors Conference and explained that the County had developed a map to identify the location of the Urban Limit Line (ULL) lot by lot. She urged City staff to obtain a copy of that map prior to the May 17 meeting of *Shaping Our Future*. She added that the ULL was a major issue in the *Shaping Our Future* process.

With respect to Measure C, Councilmember Parent described a survey where those surveyed identified where they would spend Measure C funds, from freeways to trip reduction measures. While the money would be spread around, she stated that the public would clearly want to spend money on freeways, rails and ferries.

Councilmember Parent also noted a discussion some time ago for a joint meeting with the Planning Commission to offer guidance on general issues related to development. She suggested that another joint meeting be set up with the Planning Commission on a non-Council and non-Planning Commission night to discuss those issues.

Councilmember Kee stated that the Redevelopment Subcommittee had discussed a prioritization of the project list that would soon be submitted to the Council for discussion. He reported that he had attended a session where \$125,000 in Calpine grants had been awarded to worthy groups in the area. He also had the opportunity to attend the Los Medanos Gospel Concert as a representative of the Mayor and City Council. He described that concert as absolutely fabulous highlighting the talent in the community.

Councilmember Glynn stated that he had attended the Island Energy meeting that essentially dealt with the City's energy utility on Mare Island. With respect to the Praxair plant opening he was pleased to see that operation would be consistent with what had been promised to the Planning Commission when approved.

Councilmember Glynn had also attended the NAACP Banquet on May 3 representing the City Council and presented a certificate on behalf of the Mayor at that time. He noted that Centennial meetings were upcoming as were Educational Subcommittee meetings.

Mayor Beals reported that the City was looking for volunteers to serve as a Zone 3 representative (east of Railroad Avenue and south of Atlantic Avenue) on the Traffic and Circulation Advisory Committee (TCAC) that provided public input to the City Engineer on City transportation issues. She noted that the deadline for all applications was May 20, 2003 and she directed those interested to the City Clerk for applications.

Mayor Beals reported that the City Council and the Planning Commission had met on April 29 regarding the BART Specific Plan when direction had been presented to staff and the Planning Commission to consider a combination of Options 5 and 6. She noted that Option 6 had been approved by the County.

Mayor Beals further reported that for the past week she had enjoyed a visit to Pittsburg's Sister City of Shimonoseki, Japan when she had been joined by Recreation Director Paul Flores and Economic Development Director Brad Nail. She reported on discussions in the area of economic development, the opportunities of foreign trade and international trade, and she stated that Shimonoseki was interested in pursuing trade opportunities with the City of Pittsburg. She also identified discussions with Chamber and Industry representatives and potential partnerships to assist small and medium size businesses in conjunction with Shimonoseki.

Mayor Beals reported that she had visited a number of facilities and institutions in Shimonoseki and emphasized the attraction of international student exchange. She stated that she had also participated in many of the historic festivals in Shimonoseki including the festivals held during Gold Week in that city. She described her experiences as enlightening and characterized the Sister City Program as an enriching program, economically, socially and culturally.

Director of Recreation Paul Flores stated that the trip was an exceptional experience that would be cherished for some time and the courtesy, respect and admiration for the City of Pittsburg by the citizens and government of Shimonoseki was exceptional. He noted that Shimonoseki had some of the same common problems as the City of Pittsburg, including the redevelopment of the downtown area of Shimonoseki. He described the common problems in development, education and economy. He added that Shimonoseki was very interested in learning the City of Pittsburg's history and the concept extended to economic development and a sharing of problems everyone faced in one world. Mr. Flores commended the Mayor for her representation of the City and urged a continuation of the program.

Mayor Beals presented the City of Shimonoseki's gift to the City of Pittsburg.

CITY MANAGER REPORT

There was no report.

PROCLAMATIONS

1. Older American's Month

Councilmember Glynn read the proclamation for Older American's Month and presented the proclamation to Bertha Stobb as a representative of the Commission on Aging.

BERTHA STOBBS, Pittsburg, expressed her appreciation for the recognition of Older Americans and stated that she would present a report on the Contra Costa Commission on Aging at some future date. She described the Commission as a working group of 36 members.

Councilmember Glynn stated that while the Mayor was in Japan, he had been pleased to sign off on the final papers with the US Department of Housing and Urban Development (HUD) for the new Presidio Village to provide 104 housing units for seniors.

2. Bike to Work Day

Councilmember Parent read the proclamation for Bike to Work Day and presented the proclamation to Bruce Ohlson.

BRUCE OHLSON, Pittsburg, expressed his wish that every city could be as bicycle friendly as the City of Pittsburg.

3. Multicultural Association

There was no one present to receive the proclamation. Vice Mayor Rios advised that the Multicultural Resource Center at 505 Marina Boulevard would hold its Open House celebration on May 8, 2003.

CONSENT CALENDAR

Mayor Beals pulled the Consent item for discussion.

a. **MINUTES**

Dated: April 7 and April 21, 2003

On motion by Councilmember Parent, seconded by Councilmember Glynn to approve the minutes of the April 7, 2003 meeting, as submitted, carried by the following vote:

Ayes: Glynn, Kee, Parent, Beals

Noes: None

Abstain: Rios

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

approve the April 21, 2003 minutes, as submitted.

CONSIDERATION

1. **RESOLUTION 03-9796** Approving the City of Pittsburg's Wastewater Collection System Master Plan

Assistant City Manager Nasser Shirazi explained that staff had reviewed the City of Pittsburg Wastewater Collection System Master Plan proposed by Montgomery Watson Harza and presented it to the Council for approval. The Master Plan evaluated the current condition and capacity of the City's wastewater (sewer) collection system and recommended necessary improvements to address the system's identified deficiencies as well as future needs for development. Findings and recommendations for the City's sewer system had been summarized in the Master Plan Executive Summary.

Mr. Shirazi reported that the Master Plan recommended several improvement projects to address existing deficiencies not associated with new development. The improvements not related to new development were to be included in the sewer section of the City's 5-year Capital Improvement Program (CIP) and project funding identified as it becomes available. He added that staff would be recommending a sanitary sewer system rate study in the future to determine the adequacy of the current rate structure to fund the projects identified in the Master Plan, including inspection and condition assessment.

Mr. Shirazi recommended the approval of the City of Pittsburg's Wastewater Collection System Master Plan prepared by Montgomery Watson Harza and attached as Exhibit A to the staff report dated May 5, 2003.

Mr. Sbranti responded to questions from Councilmembers Parent and Kee and clarified some of the projects submitted for current funding. With respect to sewer improvements, he explained that approximately \$1 million in sewer improvements would be implemented over the next year.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9796.

2. **RESOLUTION 03-9801** Subdivision 8653, Park Place, Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement

Mr. Shirazi reported that the Final Map, Improvement Plans and Subdivision Improvement Agreement for Subdivision 8653, Park Place, were ready for acceptance. He explained that when the public improvements were accepted, there would be increased maintenance service costs that would be partially offset by the typical revenues collected from private residences.

Mr. Shirazi recommended the approval of the Final Map, Improvement Plans, and

Subdivision Improvement Agreement for Subdivision 8653, Park Place, and the Mitigated Negative Declaration for the project.

On motion by Mayor Beals, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9801.

3. **MINUTE ORDER** Council Committee Assignment

Mr. Shirazi stated that in accordance with the City of Pittsburg "Policies and Procedures for the City Council" adopted by the City Council on September 4, 2001 by Resolution No. 01-9475, the Mayor and Vice Mayor shall appoint individual Councilmembers to standing and ad hoc committees and such appointments shall be approved by the entire Council. A need currently exists to appoint an additional committee member to the Island Energy Advisory Committee. In addition, it is recommended that the committee be renamed the "Pittsburg Power Company Advisory Committee" to better reflect its responsibilities.

Mr. Shirazi advised that there was no fiscal impact related to the item. He recommended the renaming of the Island Energy Advisory Committee to the Pittsburg Power Company Advisory Committee and recommended that the Council appoint an additional member to the Committee.

Vice Mayor Rios nominated Nancy Parent to a renamed Pittsburg Power Company Advisory Committee.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to appoint Nancy Parent to a renamed Pittsburg Power Company Advisory Committee.

4. **RESOLUTION 03-9808** Amending the 2002/2003 Public Works Mechanical Maintenance Funds by an Increase of \$30,000

Mr. Shirazi stated that the City of Pittsburg Public Works Department had requested a \$30,000 increase in its 2002/2003 Mechanical Maintenance and Replacement operations budget to cover unexpected vehicle repair costs due to accidents.

Mr. Shirazi reported that there were sufficient funds in the Motor Vehicle Maintenance and Replacement Fund internal services account to fund the requested \$30,000 increase. There would be no impact to the General Fund for FY 2002-2003. He recommended the authorization to the City Manager and Finance Director to increase the Public Works Department 2002/2003 Mechanical Maintenance budget by \$30,000 for contractual maintenance and repair costs.

In response to Councilmember Glynn as to whether or not some of the costs were recoverable, Public Works Director John Fuller noted that recoverability varied dependent upon the severity of the accident. He explained that the vast majority of the accidents involved some kind of police pursuit and the City's Risk Management deductible for police

cars was \$3,000 per car. Mr. Fuller added that this year there was more repairable damage as opposed to replacement damage, which had impacted the account this year.

On motion by Councilmember Glynn, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9808.

5. **RESOLUTION 03-9809** Delta Diablo Sanitation District Street Sweeping Contract Amendment

Mr. Shirazi reported that the City of Pittsburg's Public Works Department provided street sweeping for the City of Pittsburg functioning as a contractor to Delta Diablo Sanitation District ("the District"). The previous three-year contract issued by the District in 1997, and renewed in June 2000, is about to expire. The District is prepared to enter into a new three-year contract with the City of Pittsburg that will begin July 1, 2003 and run through June 30, 2006.

Mr. Shirazi reported that the City would recover the cost of the program by charges to Delta Diablo Sanitation District. Projected revenue from the contract for FY 03-04 was \$141,000. The contract amendment was for a three-year term and provided for inflationary increases in future years. Staff, equipment and supplies to perform the contract were allocated in the Public Works Department's Streets budget.

Mr. Shirazi recommended that the City Council adopt the resolution and authorize the Public Works Director execute a street sweeping contract amendment with Delta Diablo Sanitation District for street sweeping services in Pittsburg.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9809.

6. **RESOLUTION 03-9810** Approve a Negative Declaration for Construction of Contract 02-07, Marina Dock Replacement Project, and Authorize the City Engineer to File a Notice of Determination

Mr. Shirazi advised that on November 4, 2002, the Redevelopment Agency of the City of Pittsburg had adopted a Consultant Agreement with Concept Marine Associates. Concept Marine Associates had conducted an Initial Study and had prepared a Negative Declaration for Contract 02-07, Marina Dock Replacement Project, for the Council's approval.

Mr. Shirazi stated that the resolution allowed a continuation of the permitting process for replacing the docks at the George Lowy marina. Without replacing the docks at the Marina, the City would not receive revenue from slip rentals. He stated that the Redevelopment Agency would revisit the project to authorize funding for construction and an award of the contract.

Mr. Shirazi recommended that the Council adopt a resolution approving the Negative

Declaration and authorize the City Engineer to file a Notice of Determination.

On motion by Councilmember Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9810.

7. **RESOLUTION 03-9811** West Leland Road Extension, Design Consultant Agreement
(Combined w/03-881)

Action was taken to adopt Resolution 03-9811 in Joint Session with the Redevelopment Agency, as follows:

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt City Council Resolution 03-9811.

8. **RESOLUTION 03-9812** Subdivision 8651, San Marco Unit 2B, Approval of Final Map, Improvement Plans and Subdivision Improvement Agreement

Mr. Shirazi presented the Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8651, San Marco Unit 2B for Council approval.

Mr. Shirazi stated that when the public improvements were accepted, there would be increased maintenance service costs that would be partially offset by the typical revenues collected from private residences. He recommended the adoption of the resolution approving the Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8651, San Marco Unit 2B.

BRUCE OHLSON, Pittsburg stated that the main road into the subdivision was designed and built to collector street standards, although it was in actuality an arterial street. He stated that the difference was street width and the inclusion of bicycle lanes, which arterial streets would provide. He stated that staff had belatedly required the developer to install a bike path on one side of the street. He characterized that bike path as a wide sidewalk. He stated that Pittsburg cyclists requested that the Council remind staff to read the General Plan and make certain that developers followed the General Plan.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9812.

9. **RESOLUTION 03-9813** Subdivision 8693, Cardinale Terrace, Approval of the Final Map, Improvement Plans and Subdivision Improvement Agreement

Mr. Shirazi presented the Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8693, Cardinale Terrace for Council approval.

Mr. Shirazi recommended the adoption of the Final Map, Improvement Plans and Subdivision Improvement Agreement for Subdivision 8693, Cardinale Terrace.

BRUCE OHLSON, Pittsburg, noted that Third Street was on the General Plan as a future bicycle facility. He stated that at the Planning Commission meeting that had discussed the subdivision, he had asked that the curb since it was being excised and recast anyway, be cast far enough back from the centerline of the creek so that a bicycle lane could be included in front of the subdivision. He noted that the General Plan had not been available at the time the Planning Commission had considered the item to verify that a bicycle facility was to have been included.

While he did not request that the project be delayed at this time, Mr. Ohlson urged the City Council to direct City staff to read and follow the City's General Plan.

Councilmember Parent questioned why a private street had been approved that would serve only ten houses.

In response, Mr. Sbranti stated that in order to serve the houses a public street meeting the City's standards could not have been provided in that the number of lots would have had to be substantially reduced.

Councilmember Parent expressed concern with that situation and commented that this was one of the things that she wanted to meet with the Planning Commission to avoid problems with buyers, City staff and the Council in the future. She was very concerned with a private street for ten lots and suggested that would create future problems for the homeowners on that street.

Councilmember Glynn noted with respect to the bicycle lane issues, that it was his understanding that the median strip was to have been narrowed down the middle of the street in order to potentially accommodate bicycles on that street and to redesign that street to avoid unsafe maneuvers.

Mr. Sbranti suggested as far as the narrowing of the median to accommodate a bike lane that would only accommodate a short segment of bike lane and it would be difficult to prove fruitful given such a short segment. He stated that the removal of the median was not currently planned. As to an extension of that median, he stated that an addition of a median was not part of the conditions of approval for that project. As to whether or not parking would be permitted along the front of those houses on Third Street, he was unaware of whether or not that had been addressed.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn to adopt Resolution 03-9813, carried by the following vote:

Ayes: Glynn, Kee, Rios, Beals

Noes: Parent

10. **RESOLUTION 03-9814** Source of Funds for City Related Improvement with the

Highway 4 Project

Mr. Shirazi advised that on January 7, 2002, the City Council approved an agreement with the Contra Costa Transportation Authority (CCTA) and Caltrans allocating \$350,000 for installation of a 20-inch waterline in the Harbor Street/Highway 4 overcrossing. Although allocated, the source of funds for this and other contingencies that had arisen needed to be identified and approved.

Mr. Shirazi reported that the action would require setting aside \$320,000 from the water fund, \$20,000 from the Measure C street fund, and \$10,000 from the National Pollutants Discharge Elimination System (NPDES). He recommended the adoption of the resolution identifying and approving the source of funds for City related improvements with the Highway 4 Project.

On motion by Councilmember Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9814.

11. **RESOLUTION 03-9815** Accepting as Complete, Contract 01-02, Central Park Improvements with Misan Construction, Inc.

Mr. Shirazi stated that the City Council had awarded Contract 01-02, Central Park Improvements to Misan Construction, Inc. on June 25, 2002. The project scope involved the design and construction of an eight acre neighborhood park to include playgrounds, basketball court, horse shoe play area, group picnic areas, concession and restroom structure, planting and irrigation and parking lot per plans and specifications prepared by Robert La Rocca and Associates. Construction of the project was completed in late December 2002 and the contractor was contractually obligated to provide park maintenance through March 31, 2003.

Mr. Shirazi advised that the project had been funded by the Calpine Power Company for an amount of \$1.3 million. A remaining sum of \$177,999.39 was available for future projects and/or Phase II improvements to Central Park, which might include a future soccer field. He recommended the acceptance of Contract 01-02; Central Park Improvements, as complete, and authorize the City Engineer to execute a Notice of Completion.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to adopt Resolution 03-9815.

12. **RESOLUTION 03-9816** Approving the Consultant Agreement with Noll & Tam
(Combined w/03-879) Architects for Needs Assessment and Programming Study for the New Public Library

Action was taken to adopt Resolution 03-9816 in Joint Session with the Redevelopment Agency, as follows:

On motion by Vice Mayor Rios, seconded by Mayor Beals to adopt Resolution 03-

9816, carried by the following vote:

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

13. **RESOLUTION 03-9817** Approving a Consultant Agreement for Engineering Design Services to Azari Engineering, Inc. for Contract 03-01, Reconstruction of Eighth Street (Harbor Street to Herb White Way) and Century Boulevard (Delta Fair Boulevard to 4,780 feet west of Somersville Road)
(Combined w/03-877)

Action was taken to adopt Resolution 03-9817 in Joint Session with the Redevelopment Agency, as follows:

On motion by Councilmember Glynn, seconded by Mayor Beals and carried unanimously to adopt Resolution 03-9817.

PUBLIC HEARINGS

1. **RESOLUTION 03-9819** Consideration and Approval of the 2003-2004 Community Development Block Grant (CDBG) Annual Action Plan

Mr. Shirazi reported that the Department of Housing and Urban Development (HUD) required the City Council to review and approve the 2003-2004 Community Development Block Grant Annual Action Plan. The Annual Action Plan was being presented to the City Council for approval. The Plan included the CDBG funding recommendations for the 2003-2004 program year that the Council approved on March 17, 2003. HUD also required a public hearing and public comment period before submitting the Annual Action Plan to HUD.

Mr. Shirazi advised that the action had no negative fiscal impact on the City. The CDBG grant was awarded to the City on an annual basis to be used for eligible CDBG activities. It is a self-sufficient program that had no bearing on the City's General Fund.

Mr. Shirazi recommended that the Council open the public hearing and receive testimony, close the public hearing and adopt the resolution approving the 2003-2004 Annual Action Plan. It was further recommended that the Council close the public comment period for the Annual Action Plan.

Mayor Beals opened the public hearing for Resolution 03-9819. There were no comments from the public. Mayor Beals closed the public hearing for Resolution 03-9819.

Councilmember Parent thanked the members of the CAC for his/her work on the committee. She recognized the amount of work involved and expressed her appreciation for that work.

Mayor Beals thanked the CAC and Councilmembers Glynn and Parent for working on

the CDBG process this year. She commended all involved.

On motion by Councilmember Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9819.

2. **RESOLUTION 03-9794** Finding and Determining that the Public Interest, Convenience and Necessity Requires the Acquisition of Certain Property for Public Purposes, in Connection with the Hillview Reservoir Storm Drain Project

Mr. Shirazi submitted for the City Council's consideration a proposed Resolution of Necessity authorizing the commencement of eminent domain proceedings involving William Wayne Thomas, to acquire the easement necessary to achieve certain public purposes in connection with the Hillview Reservoir Storm Drain Pipeline Extension. He explained that the public hearing had been opened and continued on April 21, 2003. The legal description of the easement was attached to the Resolution of Necessity included in the staff report dated May 5, 2003.

Mr. Shirazi reported that an offer of fair market value had been made on March 7, 2003 in the amount of \$1,500 for the acquisition of the storm drainage easement located in the northwesterly portion of that parcel of property identified as APN 089-050-056. Acquisition would be charged to the Hillview Reservoir Drain Project #50-5059. A statement of valuation had been prepared for the property and was attached to the Offer to Purchase, attached to the staff report dated May 5, 2003.

Mr. Shirazi recommended that the City Council conduct the public hearing noticed for this date and adopt a Resolution of Necessity, finding and determining that the public interest, necessity and convenience require the acquisition of interest in real property along the easterly line of Kirker Pass Road. The mailing address of the property is 4723 Suzanne Drive, Pittsburg, CA. It was further recommended that the City Attorney's office be directed to proceed with all necessary actions to carry out the acquisition.

Mayor Beals opened the public hearing for Resolution 03-9794.

TINA THOMAS, Pittsburg, representing William Wayne Thomas, the owner of the property, distributed a proposed rough draft agreement including a grant of easement to the City Council.

Ms. Thomas stated that they had been attempting, with Assistant City Attorney Russell Townsend's help, to come to an agreement but had not been able to resolve an important part of the agreement. She noted that Mr. Townsend had informed them that the City was not willing to stand behind the repairs required to be made to the property. She emphasized the importance of that issue and did not believe the property owner should be forced to waive all of his rights with respect to repairs to the property.

Mayor Beals closed the public hearing for Resolution 03-9794.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to adopt Resolution 03-9794.

ADJOURNMENT

Prior to adjournment, Mayor Beals announced that the State of the City Address would be held on May 14, 2003 at 11:00 A.M. at Zandonella's when all were invited to attend.

The meeting of the City Council adjourned at 9:00 P.M. to a Special Joint Meeting with the Bay Point Municipal Advisory Commission (MAC) on May 12, 2003 at 7:00 P.M. and thereafter to the regular City Council meeting scheduled for May 19, 2003

Respectfully submitted,

Lillian J. Pride, City Clerk

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