

**CITY OF PITTSBURG
MEETING OF THE HOUSING AUTHORITY, REDEVELOPMENT AGENCY, PUBLIC
FINANCING AUTHORITY and CITY COUNCIL**

HOUSING AUTHORITY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:00 pm
May 19, 2003

CALL TO ORDER: Mayor Yvonne Beals

AUDIENCE REMARKS

CONVENE IN CLOSED SESSION - 6:00 p.m.

RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 p.m.

MEMBERS OF THE HOUSING AUTHORITY

Dana Leatherwood _____
Cathy Wallen _____
William Glynn _____
Michael Kee _____
Nancy Parent _____
Aleida Rios _____
Chair Yvonne Beals _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

a. **DISBURSEMENT LIST** Period Ending: April 30, 2003 (Recommend Approval)

b. **MINUTES** Dated: April 21, 2003 (Recommend Approval)

ADJOURNMENT to June 16, 2003

**CITY OF PITTSBURG
REDEVELOPMENT AGENCY AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:00 pm
May 19, 2003

CALL TO ORDER: Mayor Yvonne Beals

AUDIENCE REMARKS

CONVENE IN CLOSED SESSION - 6:00 p.m.

RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 pm

MEMBERS OF THE REDEVELOPMENT AGENCY

William Glynn _____
Michael Kee _____
Nancy Parent _____
Aleida Rios _____
Chair Yvonne Beals _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

a. **MINUTES** Dated: May 5, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-882** Accepting Contract 99-03, North Park Plaza/Century Blvd. Connector Road as Complete (Recommend Adoption)

The City Council awarded Contract 99-03; Northpark Plaza/Century Blvd. 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, street lights, and other miscellaneous improvements. The project was substantially completed on January 31, 2003.

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

175-013 (Recommend Adoption)

In January of 2000, the Agency Board adopted the Five Year Implementation Plan, and set aside \$2,200,000 for Railroad Avenue Redevelopment. The real property located at 1611 Railroad Avenue is currently on the market for \$295,000 and is located within the Railroad Avenue Corridor.

3. **RESOLUTION 03-884**

Authorizing the Programming and Funding for a Commercial Rehabilitation Loan/Grant Program (Recommend Adoption)

The Redevelopment Agency is 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 8th Street to the south. The program will provide funding for business consultation, architectural design services, seismic retrofitting, accessibility improvements, and general rehabilitation.

4. **RESOLUTION 03-885**

Adopt a Resolution Appropriating Funds for Pittsburg/Bay Point BART Station Area Specific Plan, EIR and Related Documents (Recommend Adoption)

The City entered into a Memorandum of Understanding in 1996 with BART and Contra Costa County to participate in the development of a specific plan and 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.

5. **RESOLUTION 03-887**

Authorize Budget Amendments to the Redevelopment Agency Fund to Cover Full-Time Salary Adjustments that were Effective January 2003 (Recommend Adoption)

On June 17, 2002 and October 7, 2002, the City Council 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 there 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.

6. **RESOLUTION 03-888**

Appropriating Funds to Update the General Plan (Recommend Adoption)

Council-approved changes to the General Plan and Land Use Diagram adopted on November 16, 2001 have 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, has 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 has determined should also be made.

7. **RESOLUTION 03-889**

Appropriating Funds to Update the City=s Housing Element (Recommend Adoption)

The City needs 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, has submitted a bid of \$36,800 to update the Housing Element.

8. **RESOLUTION 03-890**
(Combined w/CC 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 (Recommend Adoption)

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 \$6,833,135.00. This project is partially funded by a STIP Grant in the amount of \$3,500,000. 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.

9. **RESOLUTION 03-891**
(Combined w/CC 03-9820)

Allocating Funding and Awarding Contract No. 00-03, 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 (Recommend Adoption)

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. They submitted a bid proposal in the amount of \$1,669,551.71. City Council approved the plans and specifications and authorized bidding for this project on July 16, 2001, with the adoption of Resolution No. 01-9428. This project will receive \$849,000 from various Federal grants.

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 \$95,000,000 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 (Recommend Adoption)

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 have determined that, due to current market conditions and certain technical restrictions on the method of refinancing the Series 1993A Bonds, it is now advantageous for the Agency to refinance the **entire** amount of outstanding Series 1993A Bonds. Accordingly, these attached 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 are made to the authorization given on April 21, 2003. If this is approved, the Agency expects to be in the market this week to lock in interest rates, which are at historic low levels.

11. **RESOLUTION 03-893**
(Combined w/RDA 03-892)
(Combined w/PFA 03-016)
(Combined w/CC 03-9825)

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 (Recommend Adoption)

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 have determined that, due to current market conditions and certain technical restrictions on the method of refinancing the Series 1993A Bonds, it is now advantageous for the Agency to refinance the **entire** amount of outstanding Series 1993A Bonds. Accordingly, these attached 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 are made to the authorization given on April 21, 2003. If this is approved, the Agency expects to be in the market this week to lock in interest rates, which are at historic low levels.

ADJOURNMENT: To: June 2, 2003

**CITY OF PITTSBURG
PUBLIC FINANCING AUTHORITY**

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:00 pm
May 19, 2003

CALL TO ORDER: Mayor Yvonne Beals

AUDIENCE REMARKS

CONVENE IN CLOSED SESSION - 6:00 p.m.

RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 pm

MEMBERS OF THE PUBLIC FINANCING AUTHORITY

William Glynn _____
Michael Kee _____
Nancy Parent _____
Aleida Rios _____
Chair Yvonne Beals _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

a. **MINUTES**

Dated: April 21, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-016**
(Combined w/RDA 03-892)
(Combined w/RDA 03-893)
(Combined w/CC 03-9835)

Amended and Restated Resolution Authorizing the Execution and Delivery of a Bond Purchase Agreement By and Between the Redevelopment Agency of the City of Pittsburg, the City of Pittsburg Public Financing Authority and US Bancorp Piper Jaffray, Inc. (Recommend Adoption)

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 have determined

that, due to current market conditions and certain technical restrictions on the method of refinancing the Series 1993A Bonds, it is now advantageous for the Agency to refinance the **entire** amount of outstanding Series 1993A Bonds. Accordingly, these attached 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 are made to the authorization given on April 21, 2003. If this is approved, the Agency expects to be in the market this week to lock in interest rates, which are at historic low levels.

ADJOURNMENT

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:00 PM
May 19, 2003

CALL TO ORDER: Mayor Yvonne Beals

AUDIENCE REMARKS

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RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 pm

MEMBERS OF THE CITY COUNCIL

William Glynn _____
Michael Kee _____
Nancy Parent _____
Aleida Rios _____
Mayor Yvonne Beals _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS - Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the consent calendar should complete a Speaker=s Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City residence in a clear and audible tone of voice. (No Action Required)

COUNCIL REPORTS - Council members may ask questions for clarification from City staff, and make a brief announcement or report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate). (No Action Required)

CITY MANAGER REPORT - City Manager may brief the Council on items of interest. (No Action)

CONSENT CALENDAR - All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council prior to the time the Council votes on the motion to adopt.

a. **MINUTES** Dated: May 5, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-9818** Allocating Funding and Awarding Contract 99-05, State

(Combined w/RDA 03-890)

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 (Recommend Adoption)

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 \$6,833,135.00. This project is partially funded by a STIP Grant in the amount of \$3,500,000. 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.

2. **RESOLUTION 03-9820**
(Combined w/RDA 03-891)

Allocating Funding and Awarding Contract No. 00-03, 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 (Recommend Adoption)

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. They submitted a bid proposal in the amount of \$1,669,551.71. City Council approved the plans and specifications and authorized bidding for this project on July 16, 2001, with the adoption of Resolution No. 01-9428. This project will receive \$849,000 from various Federal grants.

3. **RESOLUTION 03-9821**

Appropriating Funds to Update the General Plan (Recommend Adoption)

Council-approved changes to the General Plan and Land Use Diagram adopted on November 16, 2001 have 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, has 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 has determined should also be made.

4. **RESOLUTION 03-9822** Appropriating Funds to Update the City=s Housing Element (Recommend Adoption)

The City needs 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, has submitted a bid of \$36,800 to update the Housing Element.

5. **RESOLUTION 03-9823** Authorize Budget Amendments to Various City Funds to Cover Full-Time Salary Adjustments that were Effective January 2003 (Recommend Adoption)

On June 17, 2002 and October 7, 2002, the City Council 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 there 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 other various City funds that were also impacted by the citywide salary adjustments.

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

At its meeting on March 17, 2003, City Council 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.

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

Council review and accept 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.

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

In February, Public Works staff 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 is requesting City Council authorization to pay for the extremely urgent and unavoidable extra work.

9. **RESOLUTION 03-9827** Award the 2003 Patch Paving Contract to AJW Construction (Recommend Adoption)

The 2003 Patch Paving Contract is 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.

10. **RESOLUTION 03-9828** Award 2003/2004 Water Treatment Plant Chemical Purchase Contracts (Recommend Adoption)

The City operates a Water Treatment Plant that utilizes 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 has requested, and received bids, from chemical suppliers for these water treatment chemicals. These chemicals are necessary to maintain operations at the Water Treatment Plant and the chemical bids are ready to be awarded.

11. **RESOLUTION 03-9829** Authorizing Local Enforcement Agency Assistance Grant

Application for FY 2003/2004 to and Including FY 2008/2009 (Recommend Adoption)

The California Integrated Waste Management Board maintains a grants program to support Local Enforcement Agency=s solid waste facilities permit and inspection programs. The Local Enforcement Assistance Grant application is due the end of May and requires a City Council resolution from the participating jurisdiction as part of its submittal package for each grant application.

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

The Developer has completed the public improvements within Subdivision 8587, Loveridge Commercial Center, and they are ready for acceptance and continuous maintenance by the City.

13. **REPORT** Equal Employment Opportunity Plan (Recommend Receive and File)

The City of Pittsburg is 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.

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 (Recommend Adoption)

Contra Costa Transportation Authority (CCTA) requires 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 is \$629,216.

15. **RESOLUTION 03-9832**

Reclassify Various Positions within the Competitive Service as Employees are Working Out-Of-Class (Recommend Adoption)

The Human Resources Department, in cooperation with three other departments, has completed several reclassification studies. The results of these studies finds that four positions and incumbents are working out-of-class and that a reclassification is appropriate.

16. **RESOLUTION 03-9833**

Change of Insurance Carriers for Selected Employee Insurance Plans (Recommend Adoption)

On May 8, 2003 City staff 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.

17. **REPORT**

Receive and File Quarterly Investment Report as of March 31, 2003 (Recommend Receive and File)

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.

18. **RESOLUTION 03-9834**

Amending the 2002/2003 City Attorney Budget Resulting from Unforeseen Litigation Expenses (Recommend Adoption)

The City Attorney is requesting an increase in the 2002-2003 budget to cover litigation expenses incurred during this fiscal year that had not been included in the budget. There were 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 is no attorney fee reimbursement available for the Alves matter, attorney fees and costs are allowed in De Bonneville.

19. **RESOLUTION 03-9835**
(Combined w/RDA 03-892)
(Combined w/RDA 03-893)
(Combined w/PFA 03-016)

Second Amended and Restated Resolution of the City Council of the City of Pittsburg Approving the Issuance and Sale of Not To Exceed \$95,000,000 Aggregate Principal Amount of Redevelopment Agency of the City of Pittsburg, Los Medanos Community Development Project Tax Allocation Bonds, Series 2003A (Recommend Adoption)

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 have determined that, due to current market conditions and certain technical restrictions on the method of refinancing the Series 1993A Bonds, it is now advantageous for the Agency to refinance the **entire** amount of outstanding Series 1993A Bonds. Accordingly, these attached 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 are made to the authorization given on April 21, 2003. If this is approved, the Agency expects to be in the market this week to lock in interest rates, which are at historic low levels.

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 (Recommend Introduction and Waive First Reading)
The Council 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 has 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.

ADJOURNMENT To: June 2, 2003

NOTICE TO PUBLIC

SPEAKER=S CARD

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the consent calendar should complete a Speaker=s Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City residence in a clear and audible tone of voice.

AUDIENCE REMARKS

The Audience Remarks period is for the public to comment on any items scheduled to be heard during the Closed Session portion of the meeting, if applicable.

CITIZENS REMARKS

The Citizens Remarks period is the time when the public may come forward to address the Council on any issues they wish that are not scheduled for the agenda and on any items listed as part of the consent calendar.

PRESENTATIONS AND PROCLAMATIONS

Presentations are directed to the City Council. Proclamations are issued by the Mayor at his/her sole discretion. Accordingly, the public may address the Council on items scheduled as a Presentation or Proclamation during the time allowed for Citizens Remarks.

CONSENT CALENDAR

All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council prior to the time the Council votes on the motion to adopt.

PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled citizens. Upon request, an agenda for any meeting shall be made available in appropriate alternative formats. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber=s sound system. You may request the sound amplifier from the City Clerk for personal use during Council meetings. If you need special assistance to participate in this meeting, or are requesting a specially formatted agenda, please contact the City Clerk at 925-252-4850. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)

DISRUPTIVE CONDUCT

The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or

slandrous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

City Council Outside Agency/Liaison/ Sub-Committees Assignments - 2003

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Yvonne Beals / Aleida Rios Alt.	Standing	Annual	B. Nail
BART Station Specific Plan	Michael Kee / William Glynn Alt.	Ad Hoc	As needed	R. Jerome
Bay Area Water Quality Dist.	William Glynn / Nancy Parent Alt.	Standing	As needed	R. Jerome
Contra Costa Consolid. Fire Dist.	Michael Kee / William Glynn Alt.	Standing	2 nd Monday	N. Shirazi
Delta Diablo Sanitation	Yvonne Beals / Aleida Rios Alt.	Standing	2 nd Wednesday	J. Fuller
East County Habitat Conserv.	Aleida Rios / Michael Kee Alt.	Standing	Monthly	R. Jerome
East County Water Mgt.	William Glynn / Nancy Parent Alt.	Standing	Annual	J. Fuller
Fee & Finance Authority/TRANSPLAN	William Glynn / Michael Kee Alt.	Standing	2 nd Thursday	N. Shirazi
Tri-Delta Transit	Yvonne Beals & Nancy Parent	Standing	Last Wednesday	N. Shirazi
Water Transit Authority Comm.	William Glynn / Nancy Parent Alt.	Standing	Monthly/Thursdays	J. Fuller
<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Yvonne Beals / Aleida Rios Alt.	Standing	3 rd Thursday	B. Nail
Library Commission	Yvonne Beals & Aleida Rios	Standing	As needed	P. Flores
LMC Foundation Scholarship	Yvonne Beals / Aleida Rios Alt.	Standing	As needed	P. Flores
Mayor=s Conference	Yvonne Beals / Aleida Rios Alt.	Standing	1 st Thursday	W. Casey
School District Liaison	Nancy Parent & William Glynn	Standing	Quarterly	P. Flores
<u>SUBCOMMITTEE</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
CAC/CDBG	Nancy Parent & Michael Kee	Standing	As needed	A. Landry
Centennial Celebration	Yvonne Beals & William Glynn	Ad Hoc	As needed	P. Flores
City/County Relations	Nancy Parent / Michael Kee Alt.	Standing	As needed	W. Casey
Economic Development	Yvonne Beals & William Glynn	Standing	Quarterly	B. Nail
Finance Subcommittee	Aleida Rios & Nancy Parent	Ad Hoc	As needed	M. Simons
PEHDC	Michael Kee & William Glynn	Standing	1 st Thursday	G. Evans
Power Company Advisory	William Glynn & Nancy Parent	Standing	As needed	G. Evans
RDA Subcommittee	Aleida Rios & Michael Kee	Standing	Quarterly	G. Evans

Exhibit "A"

This exhibit is attached to and made a part of the agenda for the meeting of the City Council and Redevelopment Agency, held on May 19, 2003.

The following description of closed session agenda item(s) is provided pursuant to Government Code section 54954.5.¹

 A. LICENSE/PERMIT DETERMINATION (Section 54956.7)

Applicant(s): (Specify number of applicants)

 B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency Negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating Parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

 X C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Section 54956.9)

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

Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065

City of Pittsburg vs. Griego, Contra Costa Superior Court Case No. C03-00473

or

 Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

 X CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

¹ Government Code section 54954.5 provides in part: "No legislative body or elected official shall be in violation of section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided [in this section], irrespective of its format."

X Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
(Specify number of potential cases)

One (1) case

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

___ Initiation of litigation pursuant to subdivision b) of Section 54956.9: (Specify number of potential cases)

___ D. LIABILITY CLAIMS (Section 54956.95)

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

___ E. THREAT TO PUBLIC SERVICES OR FACILITIES (Section 54957)

Consultation with: (Specify name of law enforcement agency and title of officer)

___ F. PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

___ G. PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

___ H. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

___ I. PUBLIC EMPLOYEE DISCIPLINE/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release)

X J. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6)

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Willis A. Casey; Marc Fox, Robert Muszar

Employee organization: (Specify name of organization representing employee)

AFSCME (Miscellaneous A Unit); AFSCME (Management/Professional/Confidential Unit); and Teamsters Local 856

And/Or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

Department Directors

___ K. CASE REVIEW/PLANNING (with respect to closed sessions called pursuant to Section 54957.8)

___ L. REPORT INVOLVING TRADE SECRET; HEARINGS (Section 54962 and Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code)

___ REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

___ HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)