

**CITY OF PITTSBURG
MEETING OF THE REDEVELOPMENT AGENCY and CITY COUNCIL**

**CITY OF PITTSBURG
REDEVELOPMENT AGENCY AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:30 pm
June 2, 2003

CALL TO ORDER: Mayor Yvonne Beals

AUDIENCE REMARKS

CONVENE IN CLOSED SESSION - 6:30 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 19, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-886** Approving Funding and Awarding a Consultant Agreement to Mark Thomas & Company for the Design of Water and Sewer Installations on Pittsburg-Antioch Highway from Loveridge Road to Arcy Lane (Recommend Adoption)

There are 10 properties located along the south side of the Pittsburg-Antioch Highway, east of Loveridge Road, that are currently relying on well water and septic systems for their water and sewer service. The property owners in this area have expressed a desire to be connected to the City water and sewer system. The City has solicited a proposal for design of these systems from

Mark Thomas & Company.

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 (Recommend Adoption)

The Redevelopment Agency acquired the property located at 2091 Railroad Avenue on June 11, 2001. The County has 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 Highway 4.

ADJOURNMENT: To: June 16, 2003

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CITY COUNCIL AGENDA**

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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)

PROCLAMATIONS

1. Honoring Inspector Raymond Giacomelli

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 19, 2003 (Recommend Approval)

- 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 (Recommend Adoption)

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.

- c. **RESOLUTION 03-9836** Amend the Department Director Benefits and Salary Schedule (Recommend Adoption)

The Department Directors Benefits and Salary Schedule was adopted on June 17, 2002. Subsequently, the City has adopted and/or amended the collective bargaining agreements with each of the five represented employee groups. The City wishes to provide the same benefit levels to the Department Directors as are provided to other City employees. Additionally, the City Council desires to provide the same three percent (3%) salary range change effective July 6, 2003 as is provided to all other regular City of Pittsburg employees. Lastly, the Housing Director classification is no longer needed and the classification specification is hereby deleted. The Department Director Benefits and Salary Schedule has been amended to reflect the changes to benefits and salary.

CONSIDERATION

1. **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.

2. **RESOLUTION 03-9837** Authorization for Extra Work Payment to Cutler-

Hammer, Inc. for High Level Pumping Plant Electrical Upgrade Contract (Recommend Adoption)

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 is requesting City Council authorization to amend the contract and pay for the necessary extra work.

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 (Recommend Adoption)

On May 19, 2003, Contract 99-05, State Route 4 Flood Relief Project was awarded by Council. Mark Thomas & Company was contracted by the City as a consultant for design of this project. Staff has solicited a proposal from Mark Thomas & Company for engineering support services during construction.

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 (Recommend Adoption)

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

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 (Recommend Adoption)

The City Council contracted with Joseph J. Albanese, Inc. and WICE, Inc., for construction of site and electrical improvements at the Delta View Golf Course. Construction as required by these contracts was completed April 15, 2003.

6. **RESOLUTION 03-9841** Authorize the Renewal of an Agreement for Financial

Auditing and Consulting Services to Caporicci & Larson for Fiscal Year 2002-2003 (Recommend Adoption)

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 maintain the same audit firm for a period of at least five to ten years.

7. **RESOLUTION 03-9842**
(Combined w/03-886)

Approving Funding and Awarding a Consultant Agreement to Mark Thomas & Company for the Design of Water and Sewer Installations on Pittsburg-Antioch Highway from Loveridge Road to Arcy Lane (Recommend Adoption)

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

8. **MINUTE ORDER**

Review of City Commissions (Recommend Adoption)

On January 3, 2003, the Council adopted a Minute Order allowing staff additional time to review certain organizational and membership issues regarding the City's Community Advisory Commission and develop appropriate amendments to the Municipal Code. Further, staff was directed to review other City commissions. As a result of the review, staff is seeking direction from the Council as to how to proceed, if at all, in revising the appropriate Municipal Code sections relating to City Commissions.

PUBLIC HEARING

1. **RESOLUTION 03-9843**

Consideration and Approval of the Housing Rehabilitation Program Offering Home Improvement Services Citywide (Recommend Adoption)

Since 1979 the City of Pittsburg has 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 the following areas: 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.

2. **RESOLUTION 03-9844**
(Combined w/CC 03-1211)

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 (Recommend Adoption)

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.

3. **ORDINANCE 03-1211**
(Combined w/CC 03-9844)

Agreement to Amend the Contract between the Board of Administration of the California Public Employees= Retirement System (PERS) and the City Council of the City of Pittsburg (Recommend Introduce and Waive First Reading)

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.

ADJOURNMENT To: June 16, 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

slandorous 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 June 2, 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)

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

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 Pittsburgh, Superior Court Case No. C02-02065

or

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

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."

(Specify number of potential cases)

(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)

___ 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.)

Employee organization: (Specify name of organization representing employee)

And/Or

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

___ 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)