

**CITY OF PITTSBURG
MEETING OF THE REDEVELOPMENT AGENCY, CITY COUNCIL and
PITTSBURG POWER COMPANY**

REDEVELOPMENT AGENCY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:30 pm
April 7, 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: March 17, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-872** Approving an Increase of \$623,825 to the FY 2002-2003 Pittsburg Redevelopment Agency Budget for a Mandated ERAF Takeaway in the Amount of \$623,825 (Recommend Adoption)

The State of California adopted its initial budget on September 5, 2002. The State budget included as one of its deficit eliminating measures the transfer of \$75 million of tax increment funds from local government redevelopment agencies to the Education Revenue Augmentation Fund (ERAF). These shifted monies will be given to school districts which will free up, for other uses, state revenues that have supported schools in past years.

2. **RESOLUTION 03-873** Authorization for City Engineer to Utilize Informal Bidding Procedures to Obtain Bids for Seismic Improvements on the City Owned Building Located at 415 Railroad Avenue (Recommend

Adoption)

On August 5, 2002, the City of Pittsburg Redevelopment Agency adopted a Resolution No. 02-838 authorizing the City Engineer to advertise for bids to construct seismic improvements to the City owned building located at 415 Railroad Avenue. On February 26, 2003, the City began advertising for bids to construct the improvements. The bid opening was scheduled for March 18, 2003 after a bid period of three weeks. The planned bid opening did not occur due to the fact that no bids were received for the project.

ADJOURNMENT: To: April 21, 2003

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

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CALL TO ORDER: Mayor Yvonne Beals

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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 - Public Comment considered only under Citizens Remarks. (No Action Required)

1. Supporting the United States Armed Forces

PRESENTATIONS - Public Comment considered only under Citizens Remarks (No Action Required)

1. National Library Week

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: March 17, 2003 (Recommend Approval)
- b. **CLAIMS** #1495, Mario Gomez, #1497 Gavin Cox, #1508 Grace Webster (Recommend Denial)

(Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)
- c. **ORDINANCE 03-1206** Adoption of an Ordinance to Amend the Builders Circle IP-O District (Ordinance No. 96-1118). (Heritage Pointe Residential Development RZ-02-12) (Second Reading) (Recommend Adoption)

On March 17, 2003, the Council introduced Ordinance No. 03-1206 which would rezone 22.07 acres located on Builders Circle in order to allow development regulations for single-family residential development to be established by a use permit. Ordinance No. 03-1206 is being brought back before the Council for second reading and adoption.
- d. **RESOLUTION 03-9788** Approving a Request to the Metropolitan Transportation Commission by the City of Pittsburg for an Allocation of Transportation Development Act Article 3 Pedestrian/ Bicycle Project Funding for FY 2003-2004 (Recommend Adoption)

The Metropolitan Transportation Commission (MTC) provides Transportation Development Act (TDA) Article 3 Funds to fund projects exclusively for the benefit and/or use of pedestrians and bicyclists. The City Council must approve a request to MTC for the allocation of TDA. The attached resolution approves the application for 2003-2004 TDA Article 3 Funds to sign and stripe a Class II bicycle facility on Polaris Drive from the PG&E right-of-way to East Catamaran Circle.
- e. **RESOLUTION 03-9789** Authorize Water Treatment Plant Filter Testing Study Contract Amendment to Include Clearwell Repair (Recommend Adoption)

The City of Pittsburg=s Water Treatment Plant has two small

concrete tanks or clearwells, which are used as suction tanks for six large pumps that serve the City's water system. One of the clearwells needs to be repaired to maintain the reliability of the pumps. The Public Works Staff has selected the consulting firm of Camp Dresser & McKee, Inc. (CDM) to provide services to design and construct a baffle wall inside the South Clearwell. CDM is currently under contract and is therefore in the best position to provide this service in the most timely and cost effective manner.

CONSIDERATION

1. **RESOLUTION 03-9785** Support of East County Collaborative Effort for Review and Study of the Feasibility of a Regional Minor League Baseball Sports Facility (Recommend Adoption)

This is a resolution asking Delta 6 members for support of an East County collaborative effort for review and study of a regional minor league baseball sports facility.
2. **RESOLUTION 03-9790** Authorization to Pay for Animal Control Services Provided by Contra Costa County Animal Services Department (Recommend Adoption)

Pursuant to the City and County Animal Service Agreement effective July 1, 1986, and the Food and Agricultural Code Section 30501 and 30801, the City of Pittsburg shall make quarterly payments in the amount of \$30,911.50, due and payable to the County to provide animal services to the City.
3. **RESOLUTION 03-9791** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2003-04) (Recommend Adoption)

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Citywide Landscaping & Lighting Maintenance District 88-01. Upon receipt and approval of the said Engineer's report, it will determine the total amount of revenue to be collected through the Assessment District for FY 2003-2004 and the assessments will be placed on the County tax roll. Revenue collected through this district is necessary to fund the landscaping and lighting operations on a citywide basis.
4. **RESOLUTION 03-9792** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2003-04) (Recommend Adoption)

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Oakhills Landscaping & Lighting Maintenance District 88-02. Upon receipt and approval of the said

Engineer=s report, it will determine the total amount of revenue to be collected through the Assessment District for FY 2003-2004 and the assessments will be placed on the County tax roll. Revenue collected through this district is necessary to fund the City=s landscaping and lighting operations in the Oakhills area.

5. **RESOLUTION 03-9793** Approving a First Amendment to an Agreement Resolving Delinquent Assessments Levied Against Builders Industrial Park Assessment District No. 88-3 (Recommend Adoption)

In 1988, the City formed an Assessment District No. 88-3 on undeveloped land parcels referred to as Builders Industrial Park and in conjunction with the formation of the District, issued Improvement Bonds. In 1992, the City initiated foreclosure proceedings and obtained judgements against the property owners. In September 2001, the City began negotiations with Pittsburg Equities, LLC (APELLC@) and the property owners to resolve the outstanding delinquencies and the pending litigation. The result of such negotiations was an Agreement adopted by the City Council on April 15, 2002. This Agreement was extended to April 15, 2003. The parties have requested that the Agreement be extended for an additional six (6) months to allow time to complete all transactions.

6. **REPORT** Receive and File Quarterly Investment Report for the Month of December, 2002 (Recommend Acceptance)

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.

PUBLIC HEARING

1. **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 (Recommend Adoption)

Staff submits for the City Council=s consideration, 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 Hillview Reservoir Storm Drain Pipeline Extension. The legal description of the easement is attached to the Resolution.

2. **ORDINANCE 03-1208** Introduction of an Ordinance to Rezone 7.8 Acres from IP and IP-O to a New IP-O District (Security Public Storage Overlay. RZ-02-

18) (Recommend Introduction and Waive First Reading)

This is a public hearing on an application to rezone 7.8 acres, located on the northeast corner of Harbor Street and Harbor Court, from IP (Industrial Park District) and IP-O (Industrial Park with a Limited Overlay District, Ord. No. 91-1007) to a new IP-O District, in order to allow self-storage as a conditionally permitted use, reduce the parking requirements for self-storage uses, and increase the floor area ratio allowed thereon. On January 28, 2003, the Planning Commission adopted Resolution No. 9406 recommending that the Council approve the new IP-O District.

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PITTSBURG POWER COMPANY AGENDA**

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MEMBERS OF THE PITTSBURG POWER COMPANY

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

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

a. **MINUTES** Dated: February 18, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-086** Accept Contract 00-06, Marina Dredging Project, as Complete by Camenzind Dredging (Recommend Adoption)

Contract 00-06, Marina Dredging Project, was awarded to Camenzind Dredging on June 3, 2002. All aspects of the plans and specifications have been completed and the contract is ready to be accepted by the Agency.

ADJOURNMENT

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 slanderous 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
Island Energy Advisory	William Glynn	Standing	As needed	G. Evans
PEHDC	Michael Kee & William Glynn	Standing	1 st Thursday	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 April 7, 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)

or

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

 X CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

 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

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."

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)