

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

REDEVELOPMENT AGENCY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:00 pm
November 3, 2003

CALL TO ORDER: Mayor Yvonne Beals

COMMISSION REVIEW WORKSHOP - 5:00 p.m.

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: October 20, 2003 (Recommend Approval)

ADJOURNMENT: To: November 17, 2003

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

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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)

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

1. Homeless Awareness Month

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

1. Business Improvement District - Chamber of Commerce

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: October 20, 2003 (Recommend Approval)

b. **CLAIMS** #1528 Arthur J. Sarvis; #1539 Josefina Alvarez
(Recommend Denial)

(Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)

c. **ORDINANCE 03-1213** Ordinance of the City Council of the City of Pittsburg Approving and Adopting the Fifth Amendment to the Community Development Plan for the Los Medanos Community Development Project and Approving a Notice of Exemption for the Plan Amendment
(Recommend Adoption)

The purpose of this Fifth Plan Amendment is to detach certain properties, Contra Costa Assessor=s Parcel Nos. 073-190-003, 073-200-013, 073-210-031, and 073-220-037, from the Los Medanos Community Development Project affected by the Redevelopment Plan. The detachment of these parcels is necessary because of the downward reassessment of these property values for property tax purposes which has resulted in the Agency=s inability to collect tax increment from the portion of the Project Area added in 1993. This Proposed Plan Amendment will not change the land uses permitted within the Project Area. The Proposed Plan Amendment will also extend the deadline for commencement of eminent domain proceedings by the Agency within the Project Area.

d. **RESOLUTION 03-9937** Approving the Transfer of Prior Year Grant Balances as of June 30, 2003 into the FY 03-04 Budget for the City of Pittsburg in the Amount of \$515,053. (Recommend Adoption)

The City of Pittsburg has federal, state and local grants funding Police, Public Works and Community Development Block Grant (CDBG) activities which were not completed during the prior year. The City received most of the funding in advance except for the CDBG. This is paid to the City on a reimbursement basis. In compliance with federal, state and local grant agreements as well as governmental accounting standards, these grant commitments need to be transferred to the FY 2003-04 budget.

e. **RESOLUTION 03-9939** Notice of Completion and Acceptance of Public Improvements Within Subdivision 8576 Oak Hills South Unit 7A for Continuous Maintenance (Recommend

Adoption)

The Developer has completed the public improvements within Subdivision 8576, Oak Hills South, Unit 7A, and they are ready for acceptance and continuous maintenance by the City.

f. **REPORT**

Receive and File Quarterly Investment Report as of September 30, 2003 (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.

CONSIDERATION

1. **RESOLUTION 03-9938**

Authorize Staff to Negotiate a Design Contract with Noll & Tam Architects to Complete Construction Contract Documents for a New Library (Recommend Adoption)

On September 15, 2003 the City Council approved and accepted the Needs Assessment and Programming Study for a New Public Library in Pittsburg. At that meeting, the City Council asked that the Library subcommittee reconvene to further explore methods of funding the operations and maintenance of a new Library. The subcommittee met on October 21 and concluded that the design of the library should move forward while the City continues to explore funding options for operation and maintenance.

2. **RESOLUTION 03-9940**

Approval of the Business Improvement District Consultant Agreement with the Pittsburg Chamber of Commerce for Fiscal Year 2003-2004 (Recommend Adoption)

Since the inception of the Business Improvement District in 1972, the Pittsburg Chamber of Commerce has been designated as the Advisory Board for the business Improvement District to promote business in the City of Pittsburg and to develop programs to help our local businesses succeed. The annual Consultant Agreement with the Pittsburg Chamber of Commerce for the specified BID Scope of Services to be performed during the 2003-2004 fiscal year will not exceed \$58,000.

3. **MINUTE ORDER**

Letter to Board of Supervisors Regarding Urban Limit Line (Recommend Adoption)

The cities of Antioch, Brentwood and Oakley have asked the City of Pittsburg to participate collaboratively in drafting a letter to the Board of Supervisors regarding the proposed voter initiative on the Urban Limit Line.

4. **RESOLUTION 03-9942**

Contra Costa County Employees= Retirement Association (CCCERA) Invoice (Recommend Adoption)

The Contra Costa County Employees= Retirement Association (CCCERA) has settled the *Paulson* and *Walden* lawsuits (Contra Costa Superior Court No. C-96-02939 and C-97-03935). These lawsuits centered on what compensation was included by CCCERA when determining retirements benefits. The CCCERA had set aside \$115,116,014 towards the costs of these lawsuits and this set-aside is insufficient to pay the total settlement costs of \$149,346,218. CCCERA has invoiced the City of Pittsburg for its additional share of the settlement costs.

5. **RESOLUTION 03-9943**

Clarifying Application of Hillside Development Policies and Initiating a General Plan Amendment to Incorporate this Clarification into the General Plan (Recommend Adoption)

The City Council requested the Planning Commission submit its recommendation to the Council clarifying the intended application of General Plan hillside development policies. The Planning Commission recommends that General Plan hillside development policies be applied only to land designated Hillside Low Density Residential by the General Plan.

6. **RESOLUTION 03-9944**

Approve the Recommendation to Research a Firm to Provide Assistance with the Preparation of a Citywide Finance Strategic Plan (Recommend Adoption)

On August 18, 2003 the City Council adopted a General Fund operating budget that included spending reductions in the amount of \$2 million and the use of one time revenues in the amount of \$1.4 million for the purpose of closing a budget shortfall of \$3.4 million. This shortfall was the result of General Fund revenues not keeping pace with on-going expenditures. Staff is forecasting that these fiscal pressures are going to continue to worsen for Fiscal Year 2004-2005. The City is facing significant challenges particularly in the area of securing the stabilizing revenues for on-going operations and deferred capital maintenance costs associated with

parks and streets. It is staff=s recommendation that the City Council begin to address these fiscal challenges with the preparation of a ACitywide Finance Strategic Plan.@

7. **MINUTE ORDER**

Alternative Retirement Plan for Seasonal Employees
(Recommend Adoption)

Federal law requires public employers to offer all employees a retirement plan. For our regular employees the City offers both Social Security and a defined benefit plan (i.e., CalPERS). The City provides its seasonal employees with membership into the Social Security system. Research by the Human Resources Department and the City Attorney=s Office confirms that the City may provide an alternative retirement plan, and not Social Security, to our seasonal employees. (The City of Pittsburg does not have the same option of withdrawing from the Social Security system for its regular employees.)

ADJOURNMENT To: November 17, 2003

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MEMBERS OF THE PITTSBURG POWER COMPANY

William Glynn _____
Michael Kee _____
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Chair Yvonne Beals _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

a. **MINUTES**

Dated: September 15, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-094**

Approving the Transfer of Funds from the Pittsburg Power Company (Fund 59) to Island Energy (Fund 58) for the Purpose of Establishing a Reserve Account (Recommend Adoption)

The Pittsburg Power Company is doing business as Island Energy on Mare Island. The transfer of funds from the Pittsburg Power Company to Island Energy is for the purpose of establishing a Reserve Fund. The transfer allows Island Energy to continue operation inline with the change in account philosophy by the Finance Department. The accounting mythology previously used was accomplished by transferring funds from Pittsburg Power Company in and out Island Energy annually, which met existing cash flow requirements. The creation

of the Island Energy Reserve Fund will allow this Enterprise Fund to continue to operate with sound accounting practices.

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
California Theatre Study	William Glynn & Michael Kee	Ad Hoc	As needed	G. Evans
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
City Commission Review	Michael Kee & William Glynn	Ad Hoc	As needed	W. Casey
Economic Development	Yvonne Beals & William Glynn	Standing	Quarterly	B. Nail
Fee & Finance Review	William Glynn & Michael Kee	Ad Hoc	As needed	J. Sbranti
Finance Subcommittee	Aleida Rios & Nancy Parent	Ad Hoc	As needed	M. Simons
Power Company Advisory	William Glynn & Nancy Parent	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 November 3, 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)

The City of Pittsburg vs. Cheri De Bonneville, Contra Costa County Superior Court Case No. C03-00484

Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781

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)

Two (2) 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)

X H. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

City Attorney

___ 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)