

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

**HOUSING AUTHORITY AGENDA**

65 Civic Avenue  
PITTSBURG, CALIFORNIA

5:00 pm  
November 17, 2003

**CALL TO ORDER: Mayor Yvonne Beals**

**AUDIENCE REMARKS**

**CONVENE IN CLOSED SESSION** - 5:00 p.m.

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

**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 October 31, 2003 (Recommend Approval)

b. **MINUTES**                      Dated: October 20, 2003 (Recommend Approval)

**ADJOURNMENT:**    To: January 20, 2003

**CITY OF PITTSBURG  
REDEVELOPMENT AGENCY AGENDA**

CALL TO ORDER: Mayor Yvonne Beals

**AUDIENCE REMARKS**

**CONVENE IN CLOSED SESSION** - 5:00 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: November 3, 2003 (Recommend Approval)

**CONSIDERATION**

1. **RESOLUTION 03-928**  
Combined w/CC 03-9959

Adopt a Resolution 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 mapping, technical, and formatting modifications which staff has determined should also be made in order to create a user friendly document.

2. **RESOLUTION 03-929**  
Combined w/CC 03-9960

Assignment of Rights to the Pittsburg Yacht Club Ground Lease Agreement from the Redevelopment Agency to the City of Pittsburg City Council

(Recommend Adoption)

Assign all rights under the current Pittsburg Yacht Club Ground Lease Agreement, entered into on August 7, 1989, from the Redevelopment Agency to the City of Pittsburg.

3. **RESOLUTION 03-930**  
Combined w/CC 03-9961  
Combined w/PPC 03-095
- Adopt Resolution Approving the Carryover of FY 2002-2003 Capital Improvement Project Balances at June 30, 2003 into the Current Fiscal Year 03-04 Budget for the City of Pittsburg (Recommend Adoption)

The Redevelopment Agency has multi-year Capital Improvement Program (CIP) Projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2003 need to be carried over into the current fiscal year=s Budget in order to continue and/or complete these CIP projects.

4. **RESOLUTION 03-931**
- Accepting the 2003 Affordable Housing Update (Recommend Adoption)

A major goal of the Los Medanos Community Development Project Area is increasing the quality and quantity of affordable housing stock. The following staff report updates the housing stock information since it was last reported on November 18, 2002.

### **PUBLIC HEARING**

1. **RESOLUTION 03-932**  
Combined w/CC 03-9965
- Approval of a Disposition, Development and Owner Participation Agreement by and Between the Redevelopment Agency of the City of Pittsburg and Roger Riley (Recommend Adoption)

The Pittsburg Redevelopment Agency and Roger Riley as trustee of the Roger E. Riley Living Trust have negotiated terms for a Disposition, Development and Owner Participation Agreement of two parcels of land located between Railroad Avenue and Black Diamond Boulevard to the west and east, respectfully, and between East 5<sup>th</sup> Street and East 6<sup>th</sup> Street to the south and north, respectively, in downtown Pittsburg. The Developer will purchase approximately 2,640 square feet of land from the Agency for the fair market value of \$17,130 as determined by an appraisal dated March 14, 2003 conducted by John Bouyea and Associates and will develop two apartment units, facade improvements

and associated parking, sidewalk and enclosed trash enclosure improvements.

2. **RESOLUTION 03-933**  
**Combined w/CC 03-9966**

Approval of a Declaration of Restrictions, Operating Covenant and Option to Purchase Agreement by and Between the Redevelopment Agency of the City of Pittsburg and the Pittsburg Historical Society (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg desires to enter into a Declaration of Restrictive Covenants, Operating Covenant, and Option to Purchase Agreement with the Pittsburg Historical Society for the premises located at 515 Railroad Avenue. The Agreement will restrict the use of the Property as a historical museum for 20 years and require that PHS open the museum to the general public throughout the term of the Agreement.

3. **RESOLUTION 03-934**

Approval of the First Amendment to the Redevelopment Agency=s Bylaws (Recommend Adoption)

To assure the orderly process and function of the Redevelopment Agency of the City of Pittsburg the Agency now desires to update its operating procedures through the adoption of First Amended and Restated Bylaws which will amend, restate, supercede and replace in their entirety the former Bylaws.

**ADJOURNMENT:** To: December 1, 2003

**CITY OF PITTSBURG**  
**CITY COUNCIL AGENDA**

65 Civic Avenue  
PITTSBURG, CALIFORNIA

**5:00 PM**  
**November 17, 2003**

**CALL TO ORDER: Mayor Yvonne Beals**

**AUDIENCE REMARKS**

**CONVENE IN CLOSED SESSION** - 5:00 p.m.

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

**MEMBERS OF THE CITY COUNCIL**

William Glynn \_\_\_\_\_  
Michael Kee \_\_\_\_\_  
Nancy Parent \_\_\_\_\_

**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)

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

1. Shaping Our Future - Don Blubaugh

**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: November 3, 2003 (Recommend Approval)
- b. **CLAIMS** #1545 Damon Williams, Jr. (Recommend Denial)  
  
(Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)
- c. **RESOLUTION 03-9941** Notice of Completion and Acceptance of Public Improvements within Subdivision 8653 Park Place for Continuous Maintenance (Recommend Adoption)  
  
The Developer has completed the public improvements within Subdivision 8653 Park Place, and they are ready for acceptance and continuous maintenance by the City.
- d. **RESOLUTION 03-9945** Notice of Completion and Acceptance of Public Improvements within Subdivision 8161 Century Plaza III, for Continuous Maintenance (Recommend Adoption)  
  
The Developer has completed the public improvements within Subdivision 8161 Century Plaza III, and they are ready for acceptance and continuous maintenance by the City.

- e. **RESOLUTION 03-9946** Notice of Completion and Acceptance of Contract 02-01, Buchanan Road Undergrounding, Phase 1 Underground District 81-1 Project with Golden State Utility Co., as Complete (Recommend Adoption)

The contractor, Golden State Utility Co., has completed the work associated with Contract 02-01 Buchanan Road Undergrounding - Phase 1, and the project is ready for acceptance.

- f. **RESOLUTION 03-9947** Declaring the City Council=s Intent to Abandon Right-of-Way Known as Builders Circle, and Setting a Public Hearing for January 5, 2004 (Recommend Adoption)

In August 2003, the City Council approved Subdivision 8625, Heritage Pointe, but did not abandon its interest in the street known as Builders Circle, previously dedicated by Subdivision 6843, Builders Industrial Park. Development plans for the new subdivision include a new private street, which will render the current right-of-way unnecessary for present or future public use. Therefore, the developer (Western Pacific Housing) has requested that the City abandon its right-of-way.

- g. **RESOLUTION 03-9948** Declaring the City Council=s Intent to Abandon Two Sanitary Sewer Easements Located in Subdivision 8653, Park Place, and Setting a Public Hearing for January 5, 2004. (Recommend Adoption)

In May, 2003, the City Council approved Subdivision 8653, Park Place, from Discovery Builders, Inc. that included a sanitary sewer easement located on Lot 24 of said subdivision. Also crossing the subdivision is a sanitary sewer easement of undetermined width accepted by the City on October 2, 1950 under Resolution 2111. Development plans for this subdivision include utility improvements, which will render the sewer easement unnecessary for present or future public use. Therefore, the developer (Discovery Builders) has requested that the City abandon these easements in lieu of a new alignment.

- h. **RESOLUTION 03-9949** Adoption of a Resolution to Grant an Easement on Power Avenue to Pacific Gas and Electric Company and Authorizing the City Engineer to Execute an Easement Deed in a Satisfactory Form (Recommend Adoption)

In mid November, Contra Costa County is expected to transfer title to two small parcels of land contiguous to the road right of way commonly known as Power Ave.

Once the County has transferred title to the City of Pittsburg, the Contra Costa Transportation Authority has requested that the City take action concerning the granting of an easement to Pacific Gas and Electric Company for the construction, operation and maintenance of poles, and overhead wires for the transmission of electric energy.

- i. **RESOLUTION 03-9950** Authorizing the City Engineer to Take Action Concerning the Acceptance of, and Consent for Recordation, of Deeds and Grants of a Satisfactory Form (Recommend Adoption)

Contra Costa County, acting under a Joint Powers Agreement with the Contra Costa Transportation Authority for the acquisition of right of way for the SR 4 widening project, has been working to clear the title on two parcels of land contiguous to the road right-of-way known as Power Avenue. Once the acquisition of the two parcels has been completed, the County will transfer title to the City of Pittsburg. It is common practice to record a document that conveys a right, title, or interest in real property. Section 27281 of the Government Code provides that the legislative body of a local public agency may, by resolution, authorize officers and agents to accept, and consent to recordation of, deeds or grants.

- j. **RESOLUTION 03-9951** Approving a Consultant Agreement Amendment No. 2 with Concept Marine Associates, Inc. in Connection with Contract 02-07, Marina Dock Replacement Project (Recommend Adoption)

The George Lowy Marina Dock Replacement Project is being constructed in two phases. Phase I involved driving piles at the Marina. Phase II will include the installation of new docks and facilities at the George Lowy Marina. Consultant Agreement Amendment Number 2 will provide for design support during construction of both phases, the design of bilge pump out facilities for Phase II, and the design of replacement restroom facilities for Phase II.

- k. **RESOLUTION 03-9952** Amend Personnel Rules and Regulations (Recommend Adoption)

On July 6, 2003 the City Council adopted new Personnel Rules, holding in abeyance at staff=s request Personnel Rule 6, Anti-Nepotism Policy, and Personnel Rule 21, PERS Industrial Disability Retirement Procedure for Safety Employees. These Rules were not adopted as

the City and Police Officers= Association were still meeting on them. Those meeting have now concluded and Personnel Rule 6 and Personnel Rule 21 are ready for adoption by the City Council.

- l. **RESOLUTION 03-9953** Accept the Annual Channel Maintenance Cleaning Contract as Complete (Recommend Adoption)

The Annual Channel Maintenance Cleaning Contract was awarded on September 15, 2003, to AEI Consultants. All work on the Annual Channel Maintenance Cleaning Contract has been completed and the contract is ready to be accepted.

- m. **RESOLUTION 03-9954** Approve the Recommendation to Award a Contract in the Amount of \$39,000 to Public Resource Management Group to Prepare a Comprehensive Cost Allocation Plan and User Fee Study (Recommend Adoption)

California local governments are permitted to charge the full cost of user fee related services to those who receive the benefit for that service. User fee related services are provided by many City departments, but tend to be more heavily found in the planning, building engineering, public works and recreation departments. State law precludes the City from charging more than the full cost of services provided. Full cost is defined as both the indirect or administrative cost and the direct cost of the service. The purpose of the Cost Allocation Plan and User Fee Study will evaluate whether the City is undercharging or overcharging for services. Depending on the results of the study, there could be an opportunity to adjust fees to more fully recover the cost of the services being provided by the City.

- n. **RESOLUTION 03-9955** First Amendment to the Joint Exercise of Powers Agreement Between Contra Costa Flood Control and Water Conservation District and the City of Pittsburg (Recommend Adoption)

The City of Pittsburg entered into a Joint Exercise of Powers Agreement (JEPA) with the Contra Costa County Flood Control and Water Conservation District to administer a Special Study to analyze surface water runoff quality from golf course turf and develop turf >best management practices= for Golf Courses in Contra Costa County. Under the JEPA the City administers the contract and the Contra Costa Clean Water Program pays for the cost of the study by reimbursement through



the JEPA. The JEPA will expire on December 31, 2003 and the attached resolution will extend this Agreement to December 31, 2006.

- o. **RESOLUTION 03-9956** Authorize Acceptance and Expenditure of Calpine Community Grant (Recommend Adoption)

The Recreation Department, on behalf of the City of Pittsburg's Senior Center, is a recipient of a Calpine Community Grant in the amount of \$25,000. In order to utilize this grant designated for Senior Center furniture and equipment, City Council must accept the grant and authorize its expenditure.

- p. **RESOLUTION 03-9957** Approval of Final Map, Improvement Plans and Subdivision Improvement Agreement for Subdivision 8605, Willow Heights (Recommend Adoption)

The Final Map, Improvements Plans, and Subdivision Improvement Agreement for Subdivision 8605, Willow Heights, are ready for approval.

- q. **RESOLUTION 03-9958** Adoption of Resolution Awarding the Water and Sewer Rate Analysis Study Contract (Recommend Adoption)

The City has not reviewed its fees, charges and rates for the Water and Sewer service since 1998. The City's Water and Sewer System Enterprises require periodic rate analyses to ensure that funds collected will meet the financial needs for both daily operation and long term rehabilitation of these utility systems, and ensure optimum customer service. The Public Works and Finance Departments have selected the consulting firm of Brown and Caldwell to do an independent review of City Water and Sewer rates and new development connection fees.

## **CONSIDERATION**

1. **RESOLUTION 03-9959**  
**Combined w/RDA 03-928** Adopt a Resolution Authorizing the City Manager to Amend the 1997 Consultant Agreement with the Firm of Dyett & Bhatia to Incorporate Council Approved Modifications and Staff Recommended Technical, Formatting, and Map Corrections to 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 mapping, technical, and formatting modifications which staff has determined should also be made in order to create a user friendly document.

2. **RESOLUTION 03-9960**  
Combined w/RDA 03-929

Approval of an Extension of and Amendment to the Ground Lease Agreement for the Pittsburg Yacht Club (Recommend Adoption)

The Pittsburg Yacht Club has a Ground Lease with the City of Pittsburg for the land on which their clubhouse resides. The Ground Lease was a term of 10 years with two 10-year options to extend the lease. The Club is currently in the first 10-year extension of their lease. Due to financial difficulties the Club is currently facing, City staff recommends an extension and amendment to Ground Lease Agreement, allowing the Pittsburg Yacht Club to continue in operation.

3. **RESOLUTION 03-9961**  
Combined w/RDA 03-930  
Combined w/PPC 03-095

Adopt Resolution Approving the Carryover of FY 2002-2003 Capital Improvement Project Balances at June 30, 2003 into the Current Fiscal Year 03-04 Budget for the City of Pittsburg (Recommend Adoption)

The City of Pittsburg has multi-year Capital Improvement Program (CIP) Projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2003 need to be carried over into the current fiscal year=s Budget in order to continue and/or complete these CIP projects.

4. **RESOLUTION 03-9962**  
Combined w/PPC 03-096

Accept the Annual Patch Paving Contract as Complete (Recommend Adoption)

The Annual Patch Paving Contract was awarded on September 15, 2003 to MCK Services, Inc. All work on the Annual Patch Paving Contract has been completed and the contract is ready to be accepted.

5. **RESOLUTION 03-9963**

Shaping Our Future Agreement (Recommend Adoption)

The Shaping Our Future Policy Committee has completed its work on the Principles of Agreement, the initial document that cities and the Council will be asked to endorse if they wish to embrace the concepts of the Vision for future countywide growth and development. The Committee is requesting City Council review and adoption of the Principles.

6. **RESOLUTION 03-9937** Adopt Resolution 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 \$386,392 (Recommend Adoption)  
**Continued from 11/3/03**

The City of Pittsburg has federal, state and local funding for Police and Public Works activities which were not completed during the prior year. These are multi-year grants, except for the Asset Seizure fund, where most of the funding was received in advance. The Asset Seizure funds are generated from the disposition of assets seized in narcotic related activities and can be used to purchase Police equipment. These funds cannot be used to supplant the General Fund Police operating budget. 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.

7. **MINUTE ORDER** City Council Directive on the 2003-2004 Application for Community Development Block Grant Funding (Recommend Adoption)

The Pittsburg Non-profit Service Center has been in operation, fully subsidized by CDBG funding, since August 1, 2000. As of June 30, 2004, the current CDBG award expires, the current Master Lease Agreement at Stoneman Plaza expires, and the City=s legal obligation to MHCC will be satisfied. It is the opinion of City staff that this is the opportune time to review the Pittsburg Non-profit Service Center, its operations, its subsidies and the continued involvement of City staff that enables the Center=s continued existence.

8. **MINUTE ORDER** Reconsideration of Council Determination Regarding Resolution 03-9943, Clarifying Application of Hillside Development Policies and Inviting a General Plan Amendment (Recommend Discuss Whether to Reconsider or Not)

Mayor Beals and Council Members received a letter from Albert D. Seeno, III of Discovery Builders requesting reconsideration of Resolution No. 03-9943, Application of Hillside Development adopted by the City Council at its November 3, 2003 meeting. A copy of this letter is attached as Exhibit A. Section 18.18.110 of the City of Pittsburg Municipal Code regarding Decision

and Appeals@ of planning and zoning matters, provides that an interested party may file a request for reconsideration with the City Council with fifteen (15) calendar days from the decision. Council should vote as to whether to reconsider this matter at its January 5, 2004 regular meeting.

9. **RESOLUTION 03-9964** Directing Staff to Pursue Grant Funding for Heritage Walk (Recommend Adoption)

The purpose of the Murray-Hayden Grant is to provide grant funding for Capital Projects, including Parks, Park Facilities, Environmental Enhancement Projects, Youth Centers and Environmental Youth Service Centers that will employ neighborhood residents and At-Risk Youth. The City of Pittsburg would like to pursue this grant for Heritage Walk.

## **PUBLIC HEARING**

1. **RESOLUTION 03-9965**  
**Combined w/RDA 03-932** Approval of a Disposition, Development and Owner Participation Agreement by and Between the Redevelopment Agency of the City of Pittsburg and Roger Riley (Recommend Adoption)

The Pittsburg Redevelopment Agency and Roger Riley as trustee of the Roger E. Riley Living Trust have negotiated terms for a Disposition, Development and Owner Participation Agreement of two parcels of land located between Railroad Avenue and Black Diamond Boulevard to the west and east, respectively, and between East 5<sup>th</sup> Street and East 6<sup>th</sup> Street to the south and north, respectively, in downtown Pittsburg. The Developer will purchase approximately 2,640 square feet of land from the Agency for the fair market value of \$17,130 as determined by an appraisal dated March 14, 2003 conducted by John Bouyea and Associates and will develop two apartment units, facade improvements and associated parking, sidewalk and enclosed trash enclosure improvements.

2. **RESOLUTION 03-9966**  
**Combined w/RDA 03-933** Authorization to Execute a Full Reconveyance for a City Note in the Amount of \$20,000 in Favor of the Pittsburg Historical Society (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg desires to enter into a Declaration of Restrictive Covenants, Operating Covenant, and Option to Purchase Agreement with the Pittsburg Historical Society for the premises located at 515 Railroad

Avenue. The Agreement will restrict the use of the property as a historical museum for 20 years and require that PHS open the museum to the general public throughout the term of the Agreement.

3. **RESOLUTION 03-9967** Adoption of a Resolution Amending the Housing Element of the General Plan (Recommend Adoption)

On May 19, 2003, the City Council initiated a General Plan amendment to update the Housing Element and referred the matter to the Planning Commission. The Planning Commission has considered the matter and submitted its recommendation for Council consideration.

4. **RESOLUTION 03-9968** Declaration of Intent to Rename Somersville Road to Auto Center Drive (Recommend Adoption)

On August 20, 23003 staff received a letter from the Acting City Manager of Antioch. This letter requests that the City of Pittsburg order a street name change from ASomersville Road (North of State Route 4) to AAuto Center Drive.

**ADJOURNMENT** To: December 1, 2003

**CITY OF PITTSBURG  
PITTSBURG POWER COMPANY**

65 Civic Avenue  
PITTSBURG, CALIFORNIA

5:00 pm  
November 17, 2003

**CALL TO ORDER: Mayor Yvonne Beals**

**AUDIENCE REMARKS**

**CONVENE IN CLOSED SESSION** - 5:00 p.m.

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

**MEMBERS OF THE PITTSBURG POWER COMPANY**

William Glynn \_\_\_\_\_  
Michael Kee \_\_\_\_\_

**PLEDGE OF ALLEGIANCE**

**CITIZENS REMARKS**

**MEMBERS REMARKS**

**CONSENT**

- a. **MINUTES** Dated: November 3, 2003 (Recommend Approval)
- b. **RESOLUTION 03-094** Accepting the 2003 CAPE/Slurry Seal Contract Awarded to Graham Contractors as Complete (Recommend Adoption)

The 2003 CAPE/Slurry Seal Contract was awarded on September 15, 2003 to Graham Contractors. All work on the 2003 CAPE/Slurry Seal Contract has been completed and the contract is ready to be accepted.

**CONSIDERATION**

1. **RESOLUTION 03-095**  
Combined w/CC 03-9961  
Combined w/RDA 03-930 Adopt Resolution Approving the Carryover of FY 2002-2003 Capital Improvement Project Balances at June 30, 2003 into the Current Fiscal Year 03-04 Budget for the Pittsburg Power Company (Recommend Adoption)

The Pittsburg Power Company has multi-year Capital Improvement Program (CIP) Projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2003 need to be carried over into the current fiscal year=s Budget in order to continue and/or complete these CIP projects.

2. **RESOLUTION 03-096**  
Combined w/CC 03-9962 Accept the Annual Patch Paving Contract as Complete (Recommend Adoption)

The Annual Patch Paving Contract was awarded on September 15, 2003 to MCK Services, Inc. All work on the Annual Patch Paving Contract has been completed and the contract is ready to be accepted.

**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 <sup>nd</sup> Monday	N. Shirazi
Delta Diablo Sanitation	Yvonne Beals / Aleida Rios Alt.	Standing	2 <sup>nd</sup> 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 <sup>nd</sup> 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 <sup>rd</sup> 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 <sup>st</sup> 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 <sup>st</sup> 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 17, 2003.

The following description of closed session agenda item(s) is provided pursuant to Government Code section 54954.5.<sup>1</sup>

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)

West Coast Home Builders Inc. v. City of Pittsburg, Superior Court Case No. C03-02777

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: (Specify number of potential cases)

Three (3) cases

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<sup>1</sup> 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."

(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)

X F. PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

Interim City Manager

\_\_\_ 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)