

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

REDEVELOPMENT AGENCY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:00 pm
October 6, 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 REDEVELOPMENT AGENCY

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

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

a. **MINUTES**

Dated: September 15, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-924**
Combined w/CC 03-9921

Allocating Additional Funding for Contract 99-05, State Route 4 Flood Relief Project and Making Certain Findings in Connection Herewith (Recommend Adoption)

On May 19, 2003, the Redevelopment Agency adopted Resolution No. 03-890 allocating funding for Contract 99-05, State Route 4 Flood Relief Project. On May 19, 2003, the City Council adopted Resolution No. 03-9818, awarding a construction contract in the amount of \$6,833,135. During the course of construction the Contractor has encountered a variety of construction issues which have depleted the contract contingency.

2. **RESOLUTION 03-925**

Authorizing the Executive Director to Enter into a

Consultant Agreement with VenueTech and Architectural Resources Group for the Purpose of Developing a Market and Feasibility Analysis for the California Theatre (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg solicited to have a market and feasibility analysis of the California Theatre. The Agency mailed out a request for proposal to nine consultants to perform the Study. The Agency received three eligible responses and the proposal from VenueTech and Architectural Resources Group was selected. Once the Study has been completed, the Agency Board can determine the proper course of action to best benefit the downtown and the entire community.

ADJOURNMENT: To: October 20, 2003

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

**5:00 PM
October 6, 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 _____
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)

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

1. Contra Costa Water District Project Update

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: September 15, 2003 (Recommend Approval)
- b. **CLAIMS** #1536, Nathaniel Askew (Recommend Denial)

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

- c. **RESOLUTION 03-9909** Accepting as Complete Contract 93-13; Willow Pass Road/Polaris Drive Improvement Project (Recommend Adoption)

The City of Pittsburg Redevelopment Agency awarded Contract 93-13; Willow Pass Road/Polaris Drive Improvement Project to Granite Construction Company by Resolution No. 02-843 on September 16, 2002. The project scope of work encompassed pavement widening; storm drain; curb, gutter, sidewalk, street lights; new signs and other miscellaneous improvements. The project was substantially complete on March 25, 2003.

- d. **RESOLUTION 03-9911** Authorizing Certain Budget Amendments to be Included in the Fiscal Year 2003-2004 Adopted Operating Budgets Document (Recommend Adoption)

Staff has been reviewing and revising the Preliminary FY 2003-2004 Operating Budgets document for preparation of the Adopted FY 2003-2004 Operating Budgets to be published in October 2003. As a result of this review, staff has determined that there are a few budget items that were inadvertently not included in the Preliminary Fiscal Year 2002-2003 Operating Budget document. To provide a clear trail and a more accurate picture, staff is recommending that the Final Budget document include a fund description, fund balance and estimated revenues and expenses to the Economic Development Fund.

- e. **RESOLUTION 03-9912** Authorization to Pay Annual Fees in the Amount of \$128,186 for Animal Services Provided by the Contra Costa County Animal Services Department, Per Agreement Between the City and County Effective July 1, 1986 (Recommend Adoption)

Pursuant to the City-County Animal Services 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 \$32,046.50 payable to the County to provide animal services to the City.

- f. **RESOLUTION 03-9913** Awarding Contract 02-04, Presidio Lane Improvement Project to W. R. Forde Associates Inc. of Richmond, California, for Constructing Improvements on Presidio Lane (Recommend Adoption)

Contract 02-04, Presidio Lane Improvements Project, will provide for modifications to water services to increase water pressure, installation of off site underground utilities to the Senior Center and Presidio

Village, as well as reconstruction of a portion of the pavement on Presidio Lane. W. R. Forde Associates Inc. of Richmond, California was the low bidder with a bid in the amount of \$294,200.

g. **RESOLUTION 03-9916**

Density Bonus Incentive Agreement for Delta Hawaii Senior Apartments (Recommend Adoption)

Request by Brian Temple of Delta Hawaii Apartments LLC for approval of a Bonus Incentive Agreement to allow a 20% increase in housing density (density bonus) and waiver of City parkland dedication fee requirements to construct and establish a 24-unit market-rate senior apartment complex located at 701 Stoneman Avenue.

h. **RESOLUTION 03-9917**

Resolution Opposing Proposition 54 - Classification by Race, Ethnicity, Color or National Origin Initiative Constitutional Amendment (Recommend Adoption)

Mayor Yvonne Beals is requesting the Council adopt a resolution opposing Proposition 54, the classification by race, ethnicity, color or national origin initiative constitutional amendment.

CONSIDERATION

1. **MINUTE ORDER**

Select Firm for City Manager Recruitment (Recommend Adoption)

The contract with City Manager Will Casey expires on December 10, 2003. The City Manager wants the Council to select a City Manager Search Firm. Staff has compiled proposals from three different firms.

2. **RESOLUTION 03-9918**

Resolution Supporting a Statewide Ballot Initiative to Require Voter Approval Before State Government May Confiscate Local Tax Funds (Recommend Adoption)

ABAG has asked its members to do a resolution supporting a statewide ballot initiative to require voter approval before State Government may confiscate local tax funds. This initiative has been sponsored by the League of California Cities and the California State Association of Counties.

3. **REPORT**

General Plan Annual Progress Report (Recommend Acceptance)

Pursuant to State Government Code Section 65400(b), a [report](#) on the implementation of the General

Plan must be submitted to the City Council and responsible State agencies in October of each year.

4. **RESOLUTION 03-9919** Junior Football League Request for Community Sponsorship Funds for the 2003 Season (Recommend Adoption)

The Pittsburg Junior Football League (PJFL) is a community organization which provides athletic services to approximately 200 elementary/middle school age children within the City of Pittsburg. The mission of the PJFL is to present and apply the concept of sportsmanship, physical fitness, fellowship, athletic competition and recreation to the youth it serves. Toward reaching this mission the PJFL is requesting City sponsorship to offset costs in the area of equipment replacement, upgrades, promotions and facility usage cost. The amount requested by PJFL is \$2,000. The Recreation Commission has reviewed the PJFL request for sponsorship within its July 10, 2003 meeting. The commission recommends City Council approval of community sponsorship program funds in the amount of \$2,000.

5. **RESOLUTION 03-9920** Pittsburg Unified School District Request for Community Sponsorship Program Fund (Recommend Adoption)

Pittsburg Unified School District=s Special Education Department is requesting funding from the Community Sponsorship Program to co-sponsor an educational trip to Yosemite Park Institute. The trip is designed to provide twenty (20) challenged students with personal educational experiences relative to the ecosystem and environment. This excursion will also provide recreational activities to include hiking and orienteering. The Recreation Commission has reviewed the request for funds application and interviewed the applicant. The commission found the request for funds in order and recommends City Council approval of \$1,000.

6. **RESOLUTION 03-9921**
Combined w/RDA 03-924 Allocating Additional Funding for Contract 99-05, State Route 4 Flood Relief Project and Making Certain Findings in Connection Herewith (Recommend Adoption)

On May 19, 2003, the Redevelopment Agency adopted Resolution No. 03-890 allocating funding for Contract 99-05, State Route 4 Flood Relief Project. On May 19, 2003, the City Council adopted Resolution No. 03-9818, awarding a construction contract in the amount of \$6,833,135. During the course of construction the

Contractor has encountered a variety of construction issues which have depleted the contract contingency.

PUBLIC HEARING

1. **RESOLUTION 03-9922** Supplemental Law Enforcement Services Fund (SLESF) (Recommend Adoption)

The Pittsburg Police Department is seeking City Council authorization to accept and appropriate funds from the Supplemental Law Enforcement Services Fund 2003-2004.

2. **RESOLUTION 03-9923** Extension of Urgency Measure for the Facility Reserve Charge for Increase in Contra Costa Water District Raw Water Fees (Recommend Adoption)

The Contra Costa Water District Board has regularly raised the raw water fee since 1993. This is in recognition of the rapid growth in water service demand resulting from the dramatic population increase and the need to provide water service in the future to an ever-expanding populace. The urgency-extension resolution before the Council at this time extends the urgency Resolution No. 03-9908, passed by this Council on September 15, 2003, for thirty days or until the permanent Resolution No. 03-9907 takes effect.

ADJOURNMENT To: October 20, 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 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
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 October 6, 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)

 X 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)

1. 415 Railroad Avenue, APN 085-109-001
2. Marina Boulevard, APN 085-001-005, 010, 014, 017, 021

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.)

1. Willis A. Casey, Garrett Evans
2. Willis A. Casey, Garrett Evans

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

1. Adams and Associates Business Group LLC
2. Pittsburg Elks Lodge

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

1. Both
2. 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)

Joyce Glasper v. City of Pittsburg, Superior Court Case No. C03-00389

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."

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)

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)

X D. LIABILITY CLAIMS (Section 54956.95)

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

One (1) case

Agency claimed against: (Specify name)

City of Pittsburg

___ 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)