

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

REDEVELOPMENT AGENCY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:30 pm
May 5, 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: April 7, 2003, and April 21, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-877**
(Combined w/03-9817)

Approving a Consultant Agreement for Engineering Design Services to Azari Engineering, Inc. for Contract 03-01, Reconstruction of 8th Street (Harbor Street to Herb White Way) and Century Blvd. (Delta Fair Blvd. To 4,780 feet West of Somersville Road) (Recommend Adoption)

The Recently completed Linear Park on 8th Street provides space for parking along 8th Street that has not been completed. 8th Street also requires a substantial amount of street rehabilitation. Century Blvd. requires a substantial amount of rehabilitation from Delta Fair Blvd. to 4,780 feet West of Somersville Road. The estimated cost of the project is One Million Dollars (\$1,000,000). Azari Engineering, Inc. has been selected by City Staff

from an Aon call@ list of consultants as the most qualified to provide the required services to design the reconstruction of these road sections. As a result of negotiations, Azari Engineering, Inc. has submitted a proposal in the amount of Ninety-Nine Thousand Nine Hundred Eighty-Four Dollars (\$99,984.00) to perform the requested design work as described in their proposal.

2. **RESOLUTION 03-878**

Accept the Redevelopment Agency=s Fifty Percent (50%) Share of the Net Profits of The Olson Company=s Marina Walk Development (Recommend Adoption)

Pursuant to Section 201 of the Disposition and Development Agreement (the ADDA@) between the Redevelopment Agency of the City of Pittsburg (the AAgency@) and the Olson Company (the ADeveloper@), the Developer shall pay the Agency a fifty percent (50%) share of Marina Walk=s net profits in excess of One Million Eight Hundred Thousand Dollars (\$1,800,000).

3. **RESOLUTION 03-879**
(Combined w/03-9816)

Approving the Consultant Agreement with Noll & Tam Architects for a Needs Assessment and Programming Study for the New Public Library (Recommend Adoption)

Consultant Noll & Tam Architects have provided a Scope of Work in the Consultant Agreement, for a Needs Assessment and Programming Study. This study will identify future use, programming, facility size and potential location for the new Public Library.

4. **RESOLUTION 03-880**

Accept the Loan Forgiveness Pursuant to the Disposition and Development Agreement between the Redevelopment Agency and The Olson Company, Section 201.1 (Recommend Adoption)

Pursuant to the Disposition and Development Agreement (the ADDA@), Section 201.1, The Olson Company (the ADeveloper@) will be entitled to a credit against the loan equal to 100% of the actually incurred hard and soft cost of the development. Staff finds that the Developer has completed its obligation and therefore, has submitted invoices for their costs. Finance has applied the invoices against the remaining balance of their loan in order to bring the loan balance to zero. Staff further finds that by applying the invoices against the loan balance, the Agency has performed its obligation pursuant to the DDA.

5. **RESOLUTION 03-881**

West Leland Road Extension, Design Consultant

(Combined w/03-9811)

Agreement (Recommend Adoption)

With the construction of a new elementary school in the San Marco subdivision, it is necessary for the City to construct a portion of West Leland Road from the Oak Hills subdivision, westerly across the Alves property to San Marco Blvd. to provide access to the school for residents outside of the San Marco subdivision. Harris and Associates has submitted a proposal to complete the design of the road extension. They have the professional expertise as well as previous background experience with this project.

ADJOURNMENT: To: May 19, 2003

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:30 PM
May 5, 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 CITY COUNCIL

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

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS - Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the consent calendar should complete a Speaker=s Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City residence in a clear and audible tone of voice. (No Action Required)

COUNCIL REPORTS - Council members may ask questions for clarification from City staff, and make a brief announcement or report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate). (No Action Required)

CITY MANAGER REPORT - City Manager may brief the Council on items of interest. (No Action)

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

1. Older American=s Month
2. Bike to Work Day

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: April 7, 2003, and April 21, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-9796**

Approving the City of Pittsburg=s Wastewater Collection System Master Plan (Recommend Adoption)
Staff has reviewed the City of Pittsburg Wastewater Collection System Master Plan prepared by Montgomery Watson Harza and is presenting it now to Council for approval. The Master Plan evaluates the current condition and capacity of the City=s wastewater (sewer) collection system and recommends necessary improvements to address the system=s identified deficiencies as well as future needs for development. Findings and recommendations for the City=s sewer system are summarized in the Master Plan Executive Summary.

2. **RESOLUTION 03-9801**

Subdivision 8653, Park Place, Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement (Recommend Adoption)

The Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8653, Park Place, are ready for acceptance.

3. **MINUTE ORDER**

Council Committee Assignment (Recommend Adoption)

In accordance with the City of Pittsburg @Policies and Procedures for the City Council@ adopted by the City Council on September 4, 2001 by Resolution No. 01-9475, the Mayor and Vice-Mayor shall appoint individual Council Members to standing and ad hoc committees and such appointments shall be approved by the entire Council. A need currently exists to appoint an additional committee member to the Island Energy Advisory Committee. In addition, it is recommended that the committee be renamed the @Pittsburg Power Company Advisory Committee@ to better reflect its responsibilities.

4. **RESOLUTION 03-9808**

Amending the 2002/2003 Public Works Mechanical Maintenance Fund by an Increase of \$30,000 (Recommend Adoption)

The City of Pittsburg Public Works Department has requested a \$30,000 increase in its 2002/2003 Mechanical Maintenance and Replacement operations

budget to cover unexpected vehicle repair costs due to accidents.

5. **RESOLUTION 03-9809** Delta Diablo Sanitation District Street Sweeping Contract Amendment (Recommend Adoption)

The City of Pittsburg=s Public Works Department provides street sweeping for the City of Pittsburg functioning as a contractor to Delta Diablo Sanitation District (Athe District@). The previous three-year contract issued by the District in 1997, and renewed in June 2000, is about to expire. The District is prepared to enter into a new three-year contract with the City of Pittsburg that will begin July 1, 2003 and run through June 30, 2006.

6. **RESOLUTION 03-9810** Approve a Negative Declaration for Construction of Contract 02-07, Marina Dock Replacement Project, and Authorize the City Engineer to File a Notice of Determination (Recommend Adoption)

On November 4, 2002, the Redevelopment Agency of the City of Pittsburg adopted a consultant agreement with Concept Marine Associates. Concept Marine Associates has conducted an initial study and prepared a Negative Declaration for Contract 02-07, Marina Dock Replacement Project, for the Council=s approval.

7. **RESOLUTION 03-9811**
(Combined w/03-881) West Leland Road Extension, Design Consultant Agreement (Recommend Adoption)

With the construction of a new elementary school in the San Marco subdivision, it is necessary for the City to construct a portion of West Leland Road from the Oak Hills subdivision, westerly across the Alves property to San Marco Blvd. to provide access to the school for residents outside of the San Marco subdivision. Harris and Associates has submitted a proposal to complete the design of the road extension. They have the professional expertise as well as previous background experience with this project.

8. **RESOLUTION 03-9812** Subdivision 8651, San Marco Unit 2B, Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement (Recommend Adoption)

The Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8651, San Marco Unit 2B, are ready for approval.

9. **RESOLUTION 03-9813** Subdivision 8693, Cardinale Terrace, Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement (Recommend Adoption)

The Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8693, Cardinale Terrace, are ready for approval.
10. **RESOLUTION 03-9814** Source of Funds for City Related Improvement with the Highway 4 Project (Recommend Adoption)

On January 7, 2002, the City Council approved an agreement with the Contra Costa Transit Authority (CCTA) and CALTRANS allocating \$350,000 for installation of a 20" waterline in the Harbor Street/Highway 4 overcrossing. Although allocated, the source of funds for this and other contingencies that have arisen need to be identified and approved.
11. **RESOLUTION 03-9815** Accepting as Complete, Contract 01-02, Central Park Improvements with Misan Construction Inc. (Recommend Adoption)

The City Council awarded Contract 01-02, Central Park Improvements, to Misan Construction Inc. on June 25, 2002. The project scope involved the design and construction of an eight acre neighborhood park to include, playgrounds, basketball court, horse shoe play area, group picnic areas, concession and restroom structure, planting and irrigation and parking lot per plans and specifications prepared by Robert La Rocca and Associates. Construction of this project was completed late December 2002 and the contractor was contractually obligated to provide park maintenance through March 31, 2003.
12. **RESOLUTION 03-9816**
(Combined w/03-879) Approving the Consultant Agreement with Noll & Tam Architects for a Needs Assessment and Programming Study for the New Public Library (Recommend Adoption)

Consultant Noll & Tam Architects have provided a Scope of Work in the Consultant Agreement, for a Needs Assessment and Programming Study. This study will identify future use, programming, facility size and potential location for the new Public Library.
13. **RESOLUTION 03-9817**
(Combined w/03-877) Approving a Consultant Agreement for Engineering Design Services to Azari Engineering, Inc. for Contract

03-01, Reconstruction of 8th Street (Harbor Street to Herb White Way) and Century Blvd. (Delta Fair Blvd. To 4,780 feet West of Somersville Road) (Recommend Adoption)

The recently completed Linear Park on 8th Street provides space for parking along 8th Street that has not been completed. 8th Street also requires a substantial amount of street rehabilitation. Century Blvd. requires a substantial amount of rehabilitation from Delta Fair Blvd. to 4,780 feet West of Somersville Road. The estimated cost of the project is One Million Dollars (\$1,000,000). Azari Engineering, Inc. has been selected by City Staff from an Aon call@ list of consultants as the most qualified to provide the required services to design the reconstruction of these road sections. As a result of negotiations, Azari Engineering, Inc. has submitted a proposal in the amount of Ninety-Nine Thousand Nine Hundred Eighty-Four Dollars (\$99,984.00) to perform the requested design work as described in their proposal.

PUBLIC HEARING

1. **RESOLUTION 03-9819**

Consideration and Approval of the 2003-2004 Community Development Block Grant (CDBG) Annual Action Plan (Recommend Adoption)

The Department of Housing and Urban Development (HUD) requires the City Council to review and approve the 2003-2004 Community Development Block Grant Annual Action Plan. The Annual Action Plan is being presented to the City Council for approval. This Plan includes the CDBG funding recommendations for the 2003-2004 program year that the Council approved on March 17, 2003. HUD also requires a public hearing and public comment period before submitting the Annual Action Plan to HUD.

2. **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.

ADJOURNMENT To: May 12, 2003 **Special Meeting Joint with Bay Point MAC at 65 Civic Avenue 7:00 p.m.**

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 May 5, 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)

Two (2) cases

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."

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

___ Initiation of litigation pursuant to subdivision b) of Section 54956.9: (Specify number of potential cases)

___ D. LIABILITY CLAIMS (Section 54956.95)

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

Agency claimed against: (Specify name)

___ E. THREAT TO PUBLIC SERVICES OR FACILITIES (Section 54957)

Consultation with: (Specify name of law enforcement agency and title of officer)

___ F. PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

___ G. PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

___ H. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

___ I. PUBLIC EMPLOYEE DISCIPLINE/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release)

___ J. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6)

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee)

And/Or

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

_____ K. CASE REVIEW/PLANNING (with respect to closed sessions called pursuant to Section 54957.8)

_____ L. REPORT INVOLVING TRADE SECRET; HEARINGS (Section 54962 and Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code)

_____ REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

_____ HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)