

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

REDEVELOPMENT AGENCY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

5:00 pm
July 7, 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: June 16, 2003 (Recommend Approval)

CONSIDERATION

1. **RESOLUTION 03-899** Authorization to Approve Delivery and Installation of Furnishings for New Senior Center, Contract 00-11 (Recommend Adoption)

The selection of the Pittsburg Senior Center furnishings has been confirmed through a community selection process. Furniture manufacturers, KI and One Work Place L. Ferrari submitted quotes under the Corporate Purchasing Agreements competitively bid by the lead agencies, Alameda County General Services Department and the US Communities Fairfax Purchasing Consortium, County of Fairfax.

ADJOURNMENT: To: July 21, 2003

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

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5:00 PM
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CALL TO ORDER: Mayor Yvonne Beals

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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)

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: June 16, 2003 and June 25, 2003 (Recommend Approval)

b. **CLAIMS** #1514, Michelle Newman; #1517 Greg F. Caret; #1522 Veronica Hernandez; #1525 George L. Johnson (Recommend Denial)

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

- c. **RESOLUTION 03-9849** Approving a Resolution Adopting Personnel Rules and Regulations (Recommend Adoption)

The Pittsburg Municipal Code delegates to the City Manager or his/her designee the responsibility of administering the City=s personnel system. The current Personnel Rules were originally adopted in 1986 with various amendments through 1998. Additionally, the Personnel Rules have been supplemented with City Manager initiated Administrative Orders. The current Personnel Rules are out of date and ineffective because, in part, they cover topics that are governed by various collective bargaining agreements and, in part, because they do not cover topics that should be included. Revised Personnel Rules were prepared to address the deficiencies of the current Personnel Rules and the proposed Personnel Rules have been reviewed by the City Attorney=s Office for legal compliance, by the City Manager and department directors, and by collective bargaining units.

- d. **ORDINANCE 03-1211** Approve an Amendment to the Contract Between the Board of Administration of the California Public Employees= Retirement System (PERS) and the City Council of the City of Pittsburg (Recommend Adoption)

On June 2, 2003 the City Council adopted a Resolution of Intention providing notice that the City of Pittsburg intended to amend its contract with PERS to include Government Code Section 20903. Also on June 2, 2003 the City Council introduced, waived further reading, and passed to second reading an ordinance to amend its PERS contract. Government Code Section 20903 permits the City of Pittsburg to amend its contract for retirement benefits to provide for two years additional service credit for PERS local miscellaneous members should the City Council wish to offer this benefit. Adoption of the contract amendment merely makes this Government Code provision available for the City Council=s consideration at a later date.

- e. **RESOLUTION 03-9851** Amendment to the Stoneman Plaza Commercial Lease Agreement Between Frank Boides Associates and the City of Pittsburg (Recommend Adoption)

The City and Frank Boides Associates desires to amend the Stoneman Plaza Commercial Lease Agreement.

- f. **RESOLUTION 03-9852** Allocating Funding and Approving a Consultant

Agreement for Contract 02-06, Americana Park
(Recommend Adoption)

The Americana Park Project was originally planned in the late 1990's during construction of the Americana Subdivision. The total cost of this project is currently estimated at \$500,000. Bellecci & Associates, Inc. has been selected by staff from an Aon-call@ list of consultants as the most qualified to provide the required services to complete the design and engineering of this project.

- g. **RESOLUTION 03-9853** Authorizing a Pre-Tax Payroll Deduction Plan for Service Credit Purchases with CalPERS (Recommend Adoption)

Internal Revenue Code Section 414(h)(2) allows employees to make retirement contributions on a pre-tax basis. This provision also extends to payroll deductions made and paid to CalPERS on behalf of employees who are individually purchasing eligible service credit (such as service prior to membership, etc.). The attached resolution is required for the City to offer this pre-tax payroll deduction option to our employees.

- h. **RESOLUTION 03-9854** Contra Costa Clean Water Program Agreement (2003-2010) for the Reissued Joint Municipal NPDES Permit (Recommend Adoption)

Approving the attached resolution will allow the City Manager to execute the amended Program Agreement (2003-2010), which will allow the City to continue to participate in the implementation of reissued Joint Municipal NPDES Permits.

- i. **RESOLUTION 03-9855** NPDES - Stormwater Utility Area Agreement 2003 Between the Contra Costa County Flood Control and Water Conservation District and the City of Pittsburg (Recommend Adoption)

Approving the attached resolution will allow the City Manager to execute the Stormwater Utility Area Agreement 2003, which sets forth responsibilities regarding the collection, administration, distribution, and expenditures of monies derived from stormwater utility assessments levied in the City=s Stormwater Utility Area under the National Pollutant Discharge Elimination System (NPDES) Permit.

CONSIDERATION

1. **RESOLUTION 03-9856** Approving the Engineer=s Report and Declaring the City Council=s Intent to Order Improvements for the Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2003-2004) (Recommend Adoption)

The City Council is being asked to adopt the resolution approving the Engineer=s Report for Landscaping and Lighting Maintenance Assessment District 1988-01, Citywide (Fiscal Year 2003-04) and to set July 21, 2003, as the public hearing for this matter.

2. **RESOLUTION 03-9857** Approving the Engineer=s Report and Declaring the City Council=s Intent to Order Improvements for the Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2003-2004) (Recommend Adoption)

The City Council is being asked to adopt the resolution approving the Engineer=s Report for Landscaping and Lighting Maintenance Assessment District 1988-02, Oakhills (Fiscal Year 2003-04) and to set July 21, 2003, as the public hearing for this matter.

PUBLIC HEARING

1. **RESOLUTION 03-9858** Approve the Installation of Four (4) Speed Humps on Ventura Drive (Recommend Adoption)

The City=s speed hump policy states that installation of speed humps are recommended only after other conventional methods of reducing speeds have failed. Despite implementing traffic calming measures on Ventura Drive over the last 8 years, the critical speed remains 10 mph over the posted speed limit. In an attempt to address speeding and cut-through traffic on Ventura Drive, the installation of four (4) permanent speed humps is being recommended by staff and presented to Council for consideration.

2. **RESOLUTION 03-9859**
(Combined w/03-1212) Lawlor Estates Residential Development (General Plan Map Amendment, Rezoning, and Appeal of Approval of Tentative Subdivision Map) (Recommend Adoption of Resolution and Deny Appeal)

This is a public hearing on a request by Albert Seeno III of Discovery Builders to amend the General Plan map to change the land use designation of a 10.8 acre site from Medium Density Residential to Low Density Residential

and to rezone the site from RM to RS-O. This public hearing is also being held to consider an appeal of the Planning Commission's approval of a tentative map for a 50-unit residential subdivision.

3. **ORDINANCE 03-1212**
(Combined w/03-9859)

Ordinance to Rezone a 10.8 Acre Site Located at the South Side of West Leland Road, East of Evergreen Estates and West of Chestnut Drive from RM (Medium Density Residential) to RS-O (Single-Family Residential with a Limited Overlay) to Allow a 50-unit Residential Subdivision for "Lawlor Estates" (RZ-02-14)
(Recommend Introduction and Waive First Reading)

This is a public hearing on a request by Albert Seeno III of Discovery Builders to amend the General Plan map to change the land use designation of a 10.8 acre site from Medium Density Residential to Low Density Residential and to rezone the site from RM to RS-O.

ADJOURNMENT To: July 21, 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
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 July 7, 2003.

The following description of closed session agenda item(s) is provided pursuant to Government Code section 54954.5.¹

 A. LICENSE/PERMIT DETERMINATION (Section 54956.7)

Applicant(s): (Specify number of applicants)

 B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

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

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

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

 C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Section 54956.9)

 Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

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

 X CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

 X Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
(Specify number of potential cases)

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.)

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."

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

X D. LIABILITY CLAIMS (Section 54956.95)

Claimant: William R. Hendricks (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: City of Pittsburg (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: City Attorney (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)