

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

**REDEVELOPMENT AGENCY AGENDA**

65 Civic Avenue  
PITTSBURG, CALIFORNIA

5:00 pm  
August 4, 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: July 21, 2003 (Recommend Approval)

**CONSIDERATION**

1. **RESOLUTION 03-904**  
(Combined w/CC 03-9875)

Allocating Funding, Approving Plans and Specifications Authorizing Bidding, Approving a Consultant Agreement and Making Certain Findings in Connection Herewith for Contract 02-04, Presidio Lane Improvement Project (Recommend Adoption)

The Presidio Lane Improvement Project will provide for installation of off site underground utilities to the Senior Center and Presidio Village as well as rehabilitation of the pavement on Presidio Lane. The original design consultant, Santina & Thompson, Inc. has gone out of business. A new Consultant Agreement with LP2A, Inc. is required to finalize the design.

2. **RESOLUTION 03-905**  
(Combined w/CC 03-9876) Allocating Funding, Approving Plans and Specifications Authorizing Bidding, Approving a Consultant Agreement Amendment and Making Certain Findings in Connection Herewith for Contract 02-07, Marina Dock Replacement Project, Phase I (Recommend Adoption)

The Marina Dock Replacement Project will include the installation of new docks and facilities at the George Lowy Marina. This project is to be constructed in two phases due to environmental restrictions. Phase I will include removal and installation of concrete piles in preparation for Phase II. In order to complete the design of new underground fuel facilities and additional environmental permitting, an amendment to the Consultant Agreement with Concept Marine Associates, Inc., must be executed.

3. **RESOLUTION 03-906**  
(Combined w/CC 03-9879) 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.

4. **RESOLUTION 03-907** Authorizing the Executive Director to Enter into a Consultant Agreement with Willdan and Associates for the Purpose of Developing a Downtown Infrastructure Report (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg (the Agency) would like to enter into a Consultant Agreement with Willdan and Associates for the purpose of developing a Downtown Infrastructure Report to determine what types of redevelopment projects can be undertaken in the Downtown. This report will also establish an accurate estimate of costs to help Agency Members and staff determine if a proposed project is economically feasible.

**ADJOURNMENT:** To: **August 11, 2003 Special Budget Workshop, 5:00 p.m.**

**CITY OF PITTSBURG  
CITY COUNCIL AGENDA**

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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)

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

1. National Night Out
2. Immigrant Workers Freedom Ride

**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: July 21, 2003 (Recommend Approval)
- b. **RESOLUTION 03-9874** Approving an Updated Agreement with the Housing

Authority of the County of Contra Costa for the City to Provide Water, Sewer, Street Sweeping, Lighting and Other Municipal Services to the El Pueblo Project (Recommend Adoption)

The subject agreement, effective July 1, 2003, updates and supersedes an agreement for the same services dated March 8, 1993. This updated agreement will result in increased fees to the City of Pittsburg for the fiscal year 2003/2004 and affords an annual review and adjustment of the contract/charges applicable to the Housing Authority of the Contra Costa County for the provision of utility services to the El Pueblo Project.

- c. **RESOLUTION 03-9877** Adopt Resolution Establishing the Appropriations Limit for the Fiscal Year 2003-2004 in Accordance with Proposition III and Article XIII (B) (Recommend Adoption)

In November, 1979, the voters of California approved Proposition 4, commonly known as the Gann Initiative. This proposition created Article XIII(B) of the State Constitution placing limits on the amount of revenue which can be appropriated by all government entities in any fiscal year. This legislation mandates all local governing bodies including the City of Pittsburg to annually establish the Appropriations Limit.

## **CONSIDERATION**

1. **RESOLUTION 03-9875**  
**(Combined w/RDA 03-904)** Allocating Funding, Approving Plans and Specifications Authorizing Bidding, Approving a Consultant Agreement and Making Certain Findings in Connection Herewith for Contract 02-04, Presidio Lane Improvement Project (Recommend Adoption)

The Presidio Lane Improvement Project will provide for installation of off site underground utilities to the Senior Center and Presidio Village as well as rehabilitation of the pavement on Presidio Lane. The original design consultant, Santana & Thompson, Inc. has gone out of business. A new Consultant Agreement with LP2A, Inc. is required to finalize the design.

2. **RESOLUTION 03-9876**  
**(Combined w/RDA 03-905)** Allocating Funding, Approving Plans and Specifications Authorizing Bidding, Approving a Consultant Agreement Amendment and Making Certain Findings in Connection Herewith for Contract 02-07, Marina Dock Replacement Project, Phase I (Recommend Adoption)

The Marina Dock Replacement Project will include the installation of new docks and facilities at the George Lowy Marina. This project is to be constructed in two phases due to environmental restrictions. Phase I will include removal and installation of concrete piles in preparation for Phase II. In order to complete the design of new underground fuel facilities and additional environmental permitting, an amendment to the Consultant Agreement with Concept Marine Associates, Inc., must be executed.

3. **RESOLUTION 03-9878** Approving an Agreement By and Between the City of Pittsburg and USS-POSCO Industries for the Removal and Disposal of Contaminants of Concern Found on Land Condemned for the Construction of the State Route 4 Flood Relief Project (Recommend Adoption)

The City acquired a strip of land by condemnation for construction of the State Route 4 Flood Relief Project. The strip of land is located northerly of and contiguous to the Pittsburg-Antioch Highway, and was formerly part of the lands of USS-POSCO Industries. After the commencement of construction on the State Route 4 Flood Relief Project, contaminants of concern were identified on the strip of land. The removal and disposal of the contaminants is required prior to the commencement of excavation for the channel improvements. The agreement with USS-POSCO Industries establishes the general framework under which the removal and disposal is to be financed, constructed and administered. This agreement settles USS-POSCO's liability related to identified contaminants on the property acquired by the City of Pittsburg.

4. **RESOLUTION 03-9879**  
**(Combined w/RDA 03-906)** Adoption of a Resolution Authorizing the City Manager to Amend the 1997 Consultant Agreement with the Firm of Dyett & Bhatia to Incorporate Council-Approved and Staff Recommended Changes into the General Plan Document (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.

5. **RESOLUTION 03-9880** Adoption of a Resolution Clarifying Application of Hillside/Ridgeline Protection Policies and Initiating a General Plan Amendment to Incorporate this Clarification into the General Plan (Recommend Adoption)

On June 23, 2003, the City Council and Planning Commission held a joint workshop to discuss planning related matters, including the application of hillside standards to new developments in the southern hills. After much discussion, the Council deferred the matter until August and requested that staff bring back a recommended definition of hillside development to the Council.

## **PUBLIC HEARING**

1. **RESOLUTION 03-9881** Confirming the Engineer=s Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2003-04) (Recommend Adoption)

Landscaping & Lighting District 1988-01, Citywide has been in existence since 1988 and the funds collected are necessary for the City to maintain the public desired level of lighting and landscaping throughout the City. Each year, prior to ordering the improvements and levying the assessments, the City Council holds a public hearing.

2. **RESOLUTION 03-9882** Confirming the Engineer=s Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2003-04) (Recommend Adoption)

Landscaping & Lighting District 1988-01, Oakhills has been in existence since 1988 and the funds collected are necessary for the City to maintain the public desired level of lighting and landscaping in the Oakhills area. Each year, prior to ordering the improvements and levying the assessments, the City Council holds a public hearing.

**ADJOURNMENT** To: **August 11, 2003 Special Budget Workshop, 5:00 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 <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
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 August 4, 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)

  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)    APN 085 130 006  
        APN 085 141 002  
        APN 085 141 003  
        APN 085 141 004  
        APN 085 141 005  
        APN 085 141 007  
        APN 085 141 009  
        APN 085 142 001  
        APN 085 142 002  
        APN 085 142 003  
        APN 085 142 004  
        APN 085 142 005  
        APN 085 142 006  
        APN 085 143 001  
        APN 085 143 002  
        APN 085 143 003  
        APN 085 143 004  
        APN 085 143 005  
        APN 085 143 006
  
- 2)    APN 086 175 012 (101, 107, 108, 109 School Street and 1631 and 1633 Railroad Avenue)

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

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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."

2) Willis A. Casey, Garrett Evans

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

1) The Olson Company

2) John and Nicolle Seuss

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

1) Both

2) 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)

Three (3) 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: 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)

\_\_\_ 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)