

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**July 19, 2004**

Chair Aleida Rios called the meeting of the Housing Authority to order at 7:35 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 6:31 P.M. into Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APNs 085-164-001, 085-164-002, 085-164-003, 085-164-004, 085-164-005, 085-164-007, 085-164-008, 085-164-009, 085-164-010, 085-164-011, 085-164-012, 085-164-013, 085-164-015, 085-164-016, 085-165-002, 085-165-003, 085-165-004, 085-165-005, 085-165-006, 085-165-007, 085-165-008, 085-165-009, 085-165-012, 085-165-015, 085-165-016, 085-165-017, 085-166-003, 085-166-004, 085-166-005, 085-166-006, 085-166-007, 085-166-008, 085-166-009, 085-166-010, 085-166-011, 085-166-012, 085-166-013, 085-166-015; and Conference with Legal Counsel - Anticipated Litigation pursuant to Section 54956.9 regarding one case.

There was nothing to report from Closed Session.

**MEMBERS PRESENT:** Beals, Glynn, Kee, Parent, Wallen, Rios

**MEMBERS ABSENT:** Leatherwood [Excused]

**STAFF PRESENT** Acting Executive Director, Aaron Baker  
Legal Counsel, Ruthann Ziegler  
City Clerk, Lillian Pride  
Director of Economic Development, Brad Nail  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
Director of Public Works, John Fuller  
Director of Human Resources, Marc Fox  
Director of Planning and Building, Randy Jerome  
Director of the Redevelopment Agency, Garrett Evans  
Executive Assistant to the City Manager, Alice Evenson

**CONSENT CALENDAR**

On motion by Member Wallen, seconded by Member Beals and carried unanimously to adopt the Consent Calendar, as follows:

a. **DISBURSEMENT LIST** Dated: June 30, 2004

Approved Disbursement List dated June 30, 2004.

b. **MINUTES** Dated: June 21, 2004  
Approved Minutes dated June 21, 2004.

- c. **RESOLUTION 04-217** Consideration and Approval of the 2004 Administrative Plan Revisions

Adopted Resolution 04-217.

**ADJOURNMENT**

The meeting of the Housing Authority adjourned at 7:37 P.M. to the next meeting set for September 20, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**July 19, 2004**

Chair Aleida Rios called the meeting of the Redevelopment Agency to order at 7:38 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 6:31 P.M. into Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APNs 085-164-001, 085-164-002, 085-164-003, 085-164-004, 085-164-005, 085-164-007, 085-164-008, 085-164-009, 085-164-010, 085-164-011, 085-164-012, 085-164-013, 085-164-015, 085-164-016, 085-165-002, 085-165-003, 085-165-004, 085-165-005, 085-165-006, 085-165-007, 085-165-008, 085-165-009, 085-165-012, 085-165-015, 085-165-016, 085-165-017, 085-166-003, 085-166-004, 085-166-005, 085-166-006, 085-166-007, 085-166-008, 085-166-009, 085-166-010, 085-166-011, 085-166-012, 085-166-013, 085-166-015; and Conference with Legal Counsel - Anticipated Litigation pursuant to Section 54956.9 regarding one case.

There was nothing to report from Closed Session.

**MEMBERS PRESENT:** Beals, Glynn, Kee, Parent, Rios

**MEMBERS ABSENT:** None

**STAFF PRESENT**

- Acting Executive Director, Aaron Baker
- Legal Counsel, Ruthann Ziegler
- City Clerk, Lillian Pride
- Director of Economic Development, Brad Nail
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Director of Public Works, John Fuller
- Director of Human Resources, Marc Fox
- Director of Planning and Building, Randy Jerome
- Director of the Redevelopment Agency, Garrett Evans
- Executive Assistant to the City Manager, Alice Evenson

Mayor Rios CONVENED JOINTLY the CITY COUNCIL and the REDEVELOPMENT AGENCY to consider the following:

**CONSIDERATION**

1. **RESOLUTION 04-971** Adopting the City of Pittsburg Capital Improvement  
**Combined w/CC 04-10111** Program for Fiscal Years 2004/5 through 2008/9,  
Allocating Funding, and Making Certain Findings in  
Connection Herewith

City Engineer Joe Sbranti stated that the proposed 5-year Capital Improvement Program (CIP) for fiscal years 2004/5 through 2008/9 included 27 street improvement projects, 19 traffic signal projects, 45 water projects, 24 sewer projects, 35 storm drain projects, 9 building projects, 16 park projects, and 10 general projects. Included within those projects were 17 projects on which staff recommended allocating funding for the total estimated project cost. Also included were 5 projects on which staff recommended allocation of partial funding for estimated design costs or annual expenditure only. He noted that comments from the Planning Commission, the Community Advisory Commission (CAC), the Leisure Services Commission and the comments from the workshop had been incorporated into the document.

The total estimated cost of all projects included within the CIP exceeded \$235,970,191. A partial allocation from a variety of funding sources from the Redevelopment Agency, Measure C, the Sewer Operations Fund, the Water Operations Fund, Sewer Facility Reserve and the Park Dedication Fund was requested.

Mr. Sbranti recommended that the City Council adopt the resolution adopting the CIP and allocating funding and consenting to allocation of Redevelopment Agency funds for projects as listed on the Detailed Funding Allocation list attached to the staff report dated July 19, 2004, and direct staff to proceed with the projects on that list. It was further recommended that the Redevelopment Agency adopt the resolution allocating Redevelopment Agency funds for projects listed on the Detailed Funding Allocation list.

BEN JOHNSON, Pittsburg, spoke to the street projects and concerns related to projects that had earlier been on the CIP but were no longer included on the CIP. He referred to areas of Calistoga and Mariposa Drives that had not been included. He also referred to the Carpino area where there were projects that had earlier been included on the CIP but which were no longer included. Mr. Johnson further referred to parks and stated that his concern was that Central Park and others had been started. In the case of Central Park, he stated that park was half finished since the soccer fields had not been completed. He emphasized that when starting a project, that project should be completed before moving on to another.

In response, Mr. Sbranti stated that the streets on the list currently went forward one year only. No streets had been listed beyond the coming year given that it was too difficult to project the work needed given the 130 miles of streets throughout the City. He agreed with Mr. Johnson that the streets mentioned needed work, although that work was being coordinated with other projects for the infrastructure under the surface. He emphasized that it was the staff intent to complete all the street, park and other projects in the CIP.

With respect to Central Park, Mr. Sbranti reported that was a phased project with the first funding provided by the power plants. He stated that \$1.1 million had been set aside for that project, the project had been bid, had come in high and needed to be rebid, which had resulted in a smaller project. While the second phase of the project has been pushed out a few years, no parks had fallen off the list and all would be addressed when possible.



Mr. Alker described some of the arbitrary features of the Engineer's Report where some properties and public lands were being assessed while others were not. He also commented that the ballot argument provided a "for" argument with no balancing "against" feature. Having reviewed the documentation thoroughly, he opposed the proposal.

BRUCE OHLSON, Pittsburg, speaking for City bicyclists, members of the Delta Pedalers and the East Bay Bicycle Coalition, and as a freshman member of the Planning Commission, urged the preservation of open space for the future. He emphasized that once built, open space would be lost forever. As such, he recommended the adoption of the resolution to allow the preservation of open space for future residents.

Mayor Rios reported that she did not support the ballot measure. She noted that most of the money would be used to acquire open space, although the document did not state how that open space would be maintained. She added that the money asking for existing open space was minimal and she questioned whether or not a measure would be approved to allow the Agency to buy and not maintain the open space.

Councilmember Kee concurred with the sentiment that once built the land would not be returned to open space. He supported open space for the future residents of the City.

On motion by Member Kee, seconded by Member Beals to adopt Redevelopment Agency Resolution 04-974 and direct staff to approve the Property Assessment Ballot for the Open Space Protection and Enhancement Funding Measure.

On the question, Vice Mayor Parent had the same reservations as the Mayor, noted the formula where the assessment could increase substantially, and commented that the City operated with the same problem, acquisition and maintenance. While she wanted to protect the hills, she did not know whether or not any of the land proposed for purchase in the area of Pittsburg was inside the Urban Limit Line (ULL). She suggested that if passed, the proposal would require funding from not only the City but from every citizen as well. She did not support the measure.

Councilmember Glynn pointed out that the properties the proposal Agency currently owned were not well maintained within the current budget, which would further jeopardize its capacity to maintain those properties. He suggested that further acquisition of more land would result in more problems. He also noted that the current ULL in the City of Pittsburg was inside the City limits, which was illegal. If voting on the item, the question would be when the ULL would be approved. He suggested that there were too many questions and he did not see how the City would be benefited.

Councilmember Beals questioned who from the City would participate in the July 26 hearing to represent the City.

Ms. Simons suggested that no one from the City would be represented. Action on the resolution would allow the City to send in the ballot based on the direction from the Council and the Board, which would be the representation of the City.

Ms. Simons added that there could be City residents at that meeting. As to the City's involvement up to this point, she was unaware of what had transpired prior to this date. She stated that the project had been presented to staff last week and the staff report had presented staff's understanding of the issue up to this point.

On the motion by Member Kee, seconded by Member Beals to adopt Redevelopment Agency Resolution 04-974 and direct staff to approve the Property Assessment Ballot for the Open Space Protection and Enhancement Funding Measure FAILED by the following vote:

Ayes: Kee  
Noes: Beals, Glynn, Parent, Rios

On motion by Vice Mayor Parent, seconded by Mayor Rios to adopt City Council Resolution 04-10112 and direct staff to cast a NO VOTE on the Property Assessment Ballot for the Open Space Protection and Enhancement Funding Measure, carried by the following vote:

Ayes: Beals, Glynn, Parent, Rios  
Noes: Kee

Councilmember Beals requested a letter to the JPA to address some of the issues to be raised on behalf of the City and to seek more clarification, or to present those issues to the JPA prior to a vote to describe why the City had taken its position, with a follow up report post hearing to be returned to the City Council to identify the status of the situation. As the JPA continued to move forward, she suggested that the City might want to participate in the process.

On motion by Vice Chair Parent, seconded by Member Glynn to adopt Redevelopment Agency Resolution 04-974 and direct staff to cast a NO VOTE on the Property Assessment Ballot for the Open Space Protection and Enhancement Funding Measure, carried by the following vote:

Ayes: Beals, Glynn, Parent, Rios  
Noes: Kee

### **CONSENT CALENDAR**

On motion by Member Beals, seconded by Member Parent and carried unanimously to adopt the Consent Calendar, as follows:

- a. **MINUTES** Dated: July 6, 2004

Approved minutes dated July 6, 2004.

- b.     **RESOLUTION 04-975**     Approving a Commercial Rehabilitation Loan by and Between the Redevelopment Agency of the City of Pittsburg and Vahid Millani for 3745 Railroad Avenue (APN 088-061-025)

Adopted Resolution 04-975.

**ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 8:07 P.M. to August 2, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Pittsburg Power Company Minutes**  
**July 19, 2004**

Chair Aleida Rios called the meeting of the Pittsburg Power Company to order at 8:08 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 6:31 P.M. into Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APNs 085-164-001, 085-164-002, 085-164-003, 085-164-004, 085-164-005, 085-164-007, 085-164-008, 085-164-009, 085-164-010, 085-164-011, 085-164-012, 085-164-013, 085-164-015, 085-164-016, 085-165-002, 085-165-003, 085-165-004, 085-165-005, 085-165-006, 085-165-007, 085-165-008, 085-165-009, 085-165-012, 085-165-015, 085-165-016, 085-165-017, 085-166-003, 085-166-004, 085-166-005, 085-166-006, 085-166-007, 085-166-008, 085-166-009, 085-166-010, 085-166-011, 085-166-012, 085-166-013, 085-166-015; and Conference with Legal Counsel - Anticipated Litigation pursuant to Section 54956.9 regarding one case.

There was nothing to report from Closed Session.

**MEMBERS PRESENT:** Beals, Glynn, Kee, Parent, Rios

**MEMBERS ABSENT:** None

**STAFF PRESENT** Acting Executive Director, Aaron Baker  
Legal Counsel, Ruthann Ziegler  
City Clerk, Lillian Pride  
Director of Economic Development, Brad Nail  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
Director of Public Works, John Fuller  
Director of Human Resources, Marc Fox  
Director of Planning and Building, Randy Jerome  
Director of the Redevelopment Agency, Garrett Evans  
Executive Assistant to the City Manager, Alice Evenson

**CONSENT CALENDAR**

On motion by Vice Chair Parent, seconded by Member Glynn and carried unanimously to adopt the Consent Calendar, as follows:

a. **MINUTES** Dated: July 6, 2004

Approved minutes dated July 6, 2004.

**ADJOURNMENT**

The meeting of the Pittsburg Power Company adjourned at 8:09 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**City Council Minutes**  
**July 19, 2004**

Mayor Aleida Rios called the meeting of the City Council to order at 8:10 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 6:31 P.M. into Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APNs 085-164-001, 085-164-002, 085-164-003, 085-164-004, 085-164-005, 085-164-007, 085-164-008, 085-164-009, 085-164-010, 085-164-011, 085-164-012, 085-164-013, 085-164-015, 085-164-016, 085-165-002, 085-165-003, 085-165-004, 085-165-005, 085-165-006, 085-165-007, 085-165-008, 085-165-009, 085-165-012, 085-165-015, 085-165-016, 085-165-017, 085-166-003, 085-166-004, 085-166-005, 085-166-006, 085-166-007, 085-166-008, 085-166-009, 085-166-010, 085-166-011, 085-166-012, 085-166-013, 085-166-015; and Conference with Legal Counsel - Anticipated Litigation pursuant to Section 54956.9 regarding one case.

There was nothing to report from Closed Session.

**MEMBERS PRESENT:** Beals, Glynn, Kee, Parent, Rios

**MEMBERS ABSENT:** None

**STAFF PRESENT** Acting City Manager, Aaron Baker  
City Attorney, Ruthann Ziegler  
City Clerk, Lillian Pride  
Director of Economic Development, Brad Nail  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
Director of Public Works, John Fuller  
Director of Human Resources, Marc Fox  
Director of Planning and Building, Randy Jerome  
Director of the Redevelopment Agency, Garrett Evans  
Executive Assistant to the City Manager, Alice Evenson

Mayor Rios considered the following general City Council items at 7:11 P.M. prior to pursuing the Housing Authority agenda.

**PLEDGE OF ALLEGIANCE**

Police Sergeant Rod Dupont led the Pledge of Allegiance.

**COUNCILMEMBER REPORTS/REMARKS**

Vice Mayor Parent reported that she had attended the Delta 6 meeting on July 15, at which time representatives from Supervisors Greenberg and Glover had attended the session that offered an opportunity for East County jurisdictions to keep apprised of matters affecting the East County area. Some areas of discussion related to Vasco Road safety improvements and Tri Delta Transit's subscription commuter bus service dedicated for Vasco Road to two major employment centers, the City of Oakley's acknowledgment that it had instituted an abbreviated version of the City of Pittsburg's Neighborhood Youth Program where young people worked in public works related activities, the status of the baseball team and the ongoing effort to secure a baseball provider, as well as an announcement of the Seafood Festival. She also noted that the City of Brentwood was advancing funds to allow the acceleration of the State Route 4 Bypass project. The next meeting on October 21 would be hosted by the City of Pittsburg.

Councilmember Kee announced that through the efforts of some of the members of the Recreation Commission, Pittsburg would soon offer adult drop-in basketball at the Boys and Girls Club on Tuesdays and Fridays.

### **CITY MANAGER REPORTS/REMARKS**

#### 1. State Route 4 Update

Acting City Manager Aaron Baker reported that the City Engineer would present an update to changes on State Route 4.

City Engineer Joe Sbranti reported that the State Route 4 Project was in the second stage of a six-stage construction process, originally scheduled for completion in the late spring of 2006. The contractor was ahead of schedule by several months and the project could be completed six months early. He stated that the work focused on the on and off ramps at Railroad Avenue, which were scheduled to be opened for use by traffic in mid-August. At that time the contractor would shift traffic and reorganize the lanes in that area resulting in a substantial number of changes.

Once the off-ramp at Railroad Avenue was opened up, Mr. Sbranti reported that it would be a right turn only off-ramp. A detour would be in place for those making the wrong turn. He stated that signage would identify that situation and identify the Bailey Road and Loveridge Road off-ramps for freeway access in the other direction. Traffic flows would be monitored and modifications would be made as necessary.

### **CITIZENS REMARKS**

BASHIR RAHIMI, Pleasant Hill, noted that he had addressed the City Council on July 6. Having contacted the City Manager's office on multiple occasions he had received no response. An appointment had later been scheduled for July 12, only to be canceled by the City Manager's Office. On his continued efforts to get some response from the City or the City Attorney and with no response, Mr. Rahimi stated that he had been advised that

with his ongoing litigation City staff could not speak to him about the issue. He sought help from the City Council.

City Attorney Ruthann Ziegler stated that she was unaware of any phone calls from Mr. Rahimi. She advised that she would coordinate communication between Mr. Rahimi and the City Manager's office and the appropriate City departments.

Acting City Manager Baker invited Mr. Rahimi to the City offices to discuss the issues.

Mayor Rios asked Mr. Rahimi to give his phone number to staff so that an appointment could be made. When advised of Mr. Rahimi's concerns for a deadline related to the Enterprise Zone, she recommended that the meeting be held on July 20.

VICTORIA MICU, Pittsburg, as a 40 year resident of the Central Addition, expressed her thanks to Captain Baker and Sergeant Calia of the Police Department who had helped with a situation in her neighborhood as a result of noisy gatherings, cars gathered in the carports, cars stopping on the street, loud radios, and cars racing up and down Central Avenue running stop signs, negatively affecting the residents. She stated that the Police Department had responded quickly and effectively as a result of calls from neighbors. While the neighborhood was quieter, she stated that problems remained. She urged the City Council to help stabilize and preserve the Central Addition neighborhood, similar to what had been done with the Heritage District in Vallejo.

Mayor Rios adjourned to the Redevelopment Agency at 7:35 P.M. and reconvened as the City Council at 8:10 P.M.

## **PUBLIC HEARING**

1. **RESOLUTION 04-10109** Confirming the Engineer's Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2004-05)

City Engineer Joe Sbranti advised that the Landscaping and Lighting Assessment District 1988-01, Citywide had been in existence since 1988 and the funds collected were 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 would hold a public hearing.

For Fiscal Year 2004-05, the District was estimated to collect \$2,036,164 in assessments with a budget of \$3,055,772. A transfer of \$1,019,608 would be needed from the General Fund to cover the expenditures that exceeded the assessments collected for the District. Given that shortfall, Mr. Sbranti stated that staff would return to the Council at its next meeting to authorize funds to work with the consultant to further investigate opportunities to increase revenues for the District.

Mr. Sbranti recommended the adoption of the resolution confirming the diagram and assessments and levying the annual assessment for Landscaping and Lighting Assessment District 1988-01, Citywide, for Fiscal Year 2004-05.

Mayor Rios opened the public hearing for Resolution 04-10109.

HENRY ALKER, San Francisco, noted some of the important basis for street lighting and assessment districts and explained that he had worked on the matter for years through his work with the Pittsburg Chamber of Commerce. He offered some history of the District with respect to some abuses that had occurred with the process related to such districts. He noted that the District had been adopted by two-thirds vote, as required, and the Chamber of Commerce had ultimately supported the proposal. He otherwise commented that the cost had been a great and debilitating expense to many small businesses. He emphasized the meaning and importance of providing real benefits for real dollars that were not arbitrary and that were cost effective.

Mayor Rios closed the public hearing for Resolution 04-10109.

On motion by Vice Mayor Parent, seconded by Councilmember Beals and carried unanimously to adopt Resolution 04-10109.

2.     **RESOLUTION 04-10110**   Confirming the Engineer's Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2004-05)

Mr. Sbranti stated that Landscaping and Lighting Assessment District 1988-02, Oakhills had been in existence since 1988 and the funds collected were 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 would hold a public hearing.

Mr. Sbranti stated that District 1988-02 was similar to District 1988-01, although a smaller district with no significant shortfall. For Fiscal Year 2004-05, the District was estimated to collect \$33,882 in assessments for a budget of \$36,627. The only fiscal impact would therefore be a debit of \$2,745 against the reserves of \$16,027.

Mr. Sbranti recommended the adoption of the resolution confirming the diagram and assessments and levy the annual assessment for Landscaping and Lighting Assessment District 1988-02, Oakhills for Fiscal Year 2004-05.

Mayor Rios opened the public hearing for Resolution 04-10110.

There were no comments from the public.

Mayor Rios closed the public hearing for Resolution 04-10110.

Councilmember Kee verified that the assessment for Oakhills was the same assessment imposed on the rest of the City.

On motion by Vice Mayor Parent, seconded by Councilmember Kee and carried unanimously to adopt Resolution 04-10110.

3. **ORDINANCE 04-1225** Amend Pittsburg Municipal Code Chapter 2.52, Personnel System

Director of Human Resources Marc Fox stated that on July 7, 2003 the City Council adopted new, comprehensive Personnel Rules. The Personnel Rules plus collective bargaining agreements for unionized employees, spelled out the rights and obligations of the City and of employees. Pittsburg Municipal Code Chapter 2.52, Personnel System, covered topics already addressed in the Personnel Rules. To provide clarity of administration, the duplicative portions of the Municipal Code were recommended for removal.

There was no fiscal impact involved, although there would be a fiscal impact for the duplication costs of amending the actual text within the Municipal Code and publishing in a newspaper of general circulation the Ordinance that made those amendments. Those costs were expected to be minimal, in the area of \$200.

Mr. Fox recommended that the City Council introduce, waive further reading and pass to second reading the Ordinance amending Pittsburg Municipal Code Chapter 2.52, Personnel System.

Mayor Rios opened the public hearing for Ordinance 04-1225.

Vice Mayor Parent verified with Mr. Fox that on June 27, 2004 each of the bargaining groups had been sent letters to advise of the proposal.

There were no comments.

Mayor Rios closed the public hearing for Ordinance 04-1225.

On motion by Councilmember Glynn, seconded by Mayor Rios and carried unanimously to introduce Ordinance 04-1225 by title only and waive first reading.

### **CONSIDERATION**

1. **RESOLUTION 04-10111** Adopting the City of Pittsburg Capital Improvement Program for Fiscal Years 2004/5 through 2008/9, Allocating Funding, and Making Certain Findings in Connection Herewith  
**Combined w/RDA 04-971**

The proposed 5-year Capital Improvement Program (CIP) for fiscal years 2004/5

through 2008/9 included 27 street improvement projects, 19 traffic signal projects, 45 water projects, 24 sewer projects, 35 storm drain projects, 9 building projects, 16 park projects, and 10 general projects. Included within those projects were 17 projects on which staff recommended allocating funding for the total estimated project cost. Also included were 5 projects on which staff recommended allocation of partial funding for estimated design costs or annual expenditure only.

In Joint Session with the Redevelopment Agency, the City Council took the following action.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 04-10111.

2. **RESOLUTION 04-10112** Consideration of the Property Assessment Ballot for the Open Space Protection and Enhancement Funding Measure  
**Combined w/RDA 04-974**

Contra Costa County and the East Bay Regional Park District (EBRPD) had formed a Joint Powers Funding Authority. The purpose of the Authority was to acquire, improve and maintain land in Contra Costa County for parks, recreational and open space purposes. In order to achieve this purpose, the Authority had completed a Preliminary Engineer's Report that summarized the costs associated with planned parks/open space improvements and acquisitions, determining the special and general benefits and apportioning the proposed assessments to property owners within a newly formed Assessment District that included the entire County. The Governing Board of the Authority had accepted the Preliminary Engineer's Report and had authorized an assessment ballot proceeding subject to the procedures and approval process of Proposition 218. As a property owner within the Assessment District, the City of Pittsburg was subject to this assessment.

In Joint Session with the Redevelopment Agency, the City Council took the following action:

On motion by Vice Mayor Parent, seconded by Mayor Rios to adopt City Council Resolution 04-10112 and direct staff to cast a NO VOTE on the Property Assessment Ballot for the Open Space Protection and Enhancement Funding Measure, carried by the following vote:

Ayes: Beals, Glynn, Parent, Rios  
Noes: Kee

3. **RESOLUTION 04-10113** Allocating Additional Funds and Awarding Contract No. 02-06, Americana Park Project, to Misan Construction Inc., of Livermore, California for Construction of a Neighborhood Park and Detention Basin

City Engineer Sbranti reported that Contract 02-06, Americana Park Project, would

provide for the construction of a 2.5 acre Neighborhood Park and Detention Basin. Misan Construction Inc., of Livermore, California was the low bidder with a Base Bid of \$857,000. He recommended that Add Alternate 1 for \$41,000 and Add Alternate 2 for \$295,000 be awarded as part of the contract for a total contract amount of \$1,193,000.

Mr. Sbranti explained that on May 17, 2004, the City Council had approved a total project budget in the amount of \$500,000 for the project. After opening bids, it was determined that the total estimated project costs for the project exceeded the budgeted cost for construction. Staff had determined that additional funds of \$926,000 would be required, which would result in a project budget of \$1,426,000. Additional funds were recommended for allocation from Park Dedication Fees (PDF). The remaining balance of PDF funds after allocation of funds, as requested, would be \$191,788. He noted that the discrepancy in the bids had centered around the earthwork on the project.

Mr. Sbranti reported that the bid had been determined to be competitive. He recommended that the City Council allocate an additional \$926,000 for a total project budget of \$1,426,000. He further recommended that the Council adopt the resolution awarding a contract in the amount of \$1,333,100 to Misan construction Inc., of Livermore, California for construction of the base bid (construction of the park and playgrounds), Bid Alternate 1 (construction of a shade pavilion) and Bid Alternate 2 (construction of a pedestrian path around the detention basin). A construction contingency of \$120,000 or 10 percent of the contract amount was requested for the project.

In response to Vice Mayor Parent's inquiry with respect to the increase in the estimated cost, Mr. Sbranti explained that the 2.5 acre park was limited in size, residents were concerned with the shrinking scale of the park, and staff did not want to recommend that the amenities of the park be further reduced without the Council being informed. He stated that the alternatives could be eliminated, if so desired by the Council, and the cost of those alternatives could be removed from the staff recommendation.

In further response to the Vice Mayor as to whether or not the alternate items had also come in over bid, Senior Civil Engineer Ron Nevels explained that the alternate items were comparative to the Engineer's Estimate. The increase in bid amount primarily related to the earthwork involved. The alternate items related to a pavilion shade structure over a picnic area with tables and construction, landscaping and irrigation of a pedestrian path around the detention basin, along with a pedestrian bridge over the actual infall into the detention basin.

Councilmember Glynn questioned whether or not it would be more advisable to pursue the base bid and to defer the alternate bids pending further consideration.

Mr. Sbranti stated that staff could proceed with the base bid and consider the alternate items as a later phase. He agreed with Councilmember Glynn's assumption that the need for alternate items would be better known after the park was in operation. In response to Mayor Rios, he acknowledged that rebidding all or a portion of a project would incur additional costs given staff time and other costs, even if the price of the item was the

same. If staff was able to adjust the design to create efficiencies there could be savings. He referred to Fire Station 87 where a substantial amount of redesign had saved \$100,000 after \$50,000 worth of redesign. He noted that the amenities of that facility had been shrunk down to effect those savings.

As to whether or not the community had been promised the park with those amenities, Mr. Sbranti stated that the amenities under discussion had been in the design presented to the residents.

In response to Councilmember Beals as to what would remain with the elimination of the two alternates, Mr. Nevels stated that there would still be a concrete barbecue/picnic area in the center of the park, a school age playground and a pre-school age tot lot along with landscaping in the area, as well as a drinking fountain.

Councilmember Beals clarified that residents had not been made aware of the potential elimination of the two amenities.

Councilmember Kee noted situations where residents had been promised amenities that were then eliminated. He wanted to avoid situations where someone bought a home and was promised specific parks that ultimately ended up being much less than what had been "promised." In this case, he supported the proposal with the alternatives.

Vice Mayor Parent verified that the park in question was the same park where a basketball court had already been eliminated.

BEN JOHNSON, Pittsburg, noted his concern where the CIP had been approved and would now be increased with an item of \$693,000 over what had been approved in the CIP. He suggested that the CIP should have been changed prior to submittal to the Council.

Mr. Nevels stated with respect to the CIP that the actual numbers in the portion of the CIP where park dedication funds had been shown had included the revised actual bid cost of the project.

Vice Mayor Parent commented that in spite of her reservations she would not amend the project, as recommended. She made a motion to approve the project with the alternate bid items.

On motion by Vice Mayor Parent, seconded by Councilmember Beals and carried unanimously to adopt Resolution 04-10113.

## **CONSENT CALENDAR**

On motion by Councilmember Beals, seconded by Councilmember Kee and carried unanimously to adopt the Consent Calendar, as follows, with the elimination of Item h.

- a. **MINUTES** Dated: July 6, 2004.  
Approved minutes dated July 6, 2004.
- b. **CLAIMS** #1592 James Carlile  
Denied claim #1592 for James Carlile.
- c. **ORDINANCE 04-1224** Adoption of an Ordinance to Rezone 4.56 Acres at the Southwest Corner of Central Avenue and Solari Street from RM to PD District (St. Vincent de Paul Property, AP-03057)  
  
Adopted Ordinance 04-1224.
- d. **RESOLUTION 04-10114** Award Sewer Collection Rehabilitation Program Consultant Contract  
  
Adopted Resolution 04-10114.
- e. **RESOLUTION 04-10115** Accepting as Complete Contract 01-10; West Tenth Street Rehabilitation Project (Railroad Avenue to Builders Circle)  
  
Adopted Resolution 04-10115.
- f. **RESOLUTION 04-10116** Accepting as Complete Contract 02-07; Marina Dock Replacement Project (Phase 1)  
  
Adopted Resolution 04-10116.
- g. **RESOLUTION 04-10117** Accepting as Complete Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements  
  
Adopted Resolution 04-10117.
- i. **RESOLUTION 04-10119** Amendment to the Plan Document for the 457 Deferred Compensation Plan to Include a Loan Provision  
  
Adopted Resolution 04-10119.
- j. **RESOLUTION 04-10120** Approving Amendments to the Agreement with Contra Costa Waste Services for the Operation of a Municipal Solid Waste Recovery and Transfer Station  
  
Adopted Resolution 04-10120.

The following item was removed by Councilmember Glynn who did not support the item given his understanding that the punch list was not complete.

- h. **RESOLUTION 04-10118** Accepting as Complete Contract 00-11; Pittsburg Senior Center and Authorizing the City Engineer to Execute a Notice of Completion

Specifically, Councilmember Glynn stated as an example that the pipe between the roof penetrations and the downspout hubs had not been installed in the front entryway. He suggested that the item be tabled to a time when the punch list was complete.

Mr. Sbranti stated that the remaining amount on the project was 5 percent. The item referenced by Councilmember Glynn and approximately 20 others were scheduled for completion on Wednesday, July 21. The project would continue for several months during the one-year warranty period, which would start July 20, 2004. He estimated that the contractor would be in and out the entire year. He noted that it was difficult for items on the punch list to be completed since new items were added each day. He stated that the contractor had been responsive and the contractor had been made well aware that he would not receive his funds until 35 days after the Council's adoption of the resolution. Payment would be withheld for any items of significance.

Councilmember Glynn verified with Mr. Sbranti that funds could be held in equivalence to the value of the items yet to be completed. He was advised that the estimated 5 percent remaining represented \$170,000.

On that basis, Councilmember Glynn supported Resolution 04-10118.

On motion by Councilmember Glynn, seconded by Vice Mayor Parent and carried unanimously to adopt Resolution 04-10118 on the basis of withholding payment for significant items that had not been completed.

## **ADJOURNMENT**

The City Council adjourned at 8:34 P.M. to the regular meeting on August 2, 2004.

Respectfully submitted,

Lillian J. Pride, City Clerk

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