

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

Mayor Aleida Rios called the meeting of the Housing Authority to order at 7:56 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. into Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding three cases; Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APNs 085-193-001, 085-193-004, 085-193-006, 085-193-007, 085-193-008 and 085-193-009; Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding The City of Pittsburg vs. Cheri De Bonneville, Contra Costa County Superior Court Case No. C03-00484, Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, and Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209; and Public Employment for the City Attorney.

Mayor Rios advised that there was nothing to report from Closed Session.

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

**MEMBERS ABSENT:** Leatherwood

**STAFF PRESENT**

Interim Executive Director, Les White  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
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 Planning and Building, Randy Jerome  
Housing & Community Programs Manager, Annette Landry  
Human Resources Director, Marc Fox  
Redevelopment Agency Director, Garrett Evans  
City Engineer, Joe Sbranti  
Police Chief, Aaron Baker  
Administrative Assistant, Delores Magallon

**CONSIDERATION**

1. **RESOLUTION 04-212** 2004 Utility Allowance Revision

Housing and Community Programs Manager Annette Landry reported that the updated 2004 Utility Allowance indicated the current average usage for various property

combinations. She noted that the annual allowance was required by the U.S. Department of Housing and Urban Development (HUD) addressing gas, electric, water and trash services, which amount would be based on the number of people in each unit and the bedroom count.

There was no fiscal impact associated with the 2004 Utility Allowance revision. The adoption of the Resolution to update the 2004 Utility Allowance was recommended, to then be submitted to HUD for approval.

On motion by Member Beals, seconded by Member Glynn and carried unanimously to adopt Resolution 04-212.

2. **RESOLUTION 04-213** 2004 Annual Plan Revision

Ms. Landry advised that the updated 2004 Annual Plan addressed housing services by the City of Pittsburgh Housing Authority. The City was in the fourth year of a five year plan that had been submitted to the Housing Authority for approval in 2000. No major changes had been made to the plan. A new five year plan would be submitted for Authority consideration next year.

There was no fiscal impact associated with the 2004 Annual Plan revision. The adoption of the Resolution to update the 2004 Annual Plan was recommended.

On motion by Member Glynn, seconded by Chair Rios and carried unanimously to adopt Resolution 04-213.

**CONSENT CALENDAR**

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

a. **DISBURSEMENT LIST** Period Ending: March 31, 2004

Approved Disbursement List period ending March 31, 2004.

b. **MINUTES** Dated: March 15, 2004

Approved Minutes dated March 15, 2004.

c. **RESOLUTION 04-214** Adopt a Resolution to Increase the City of Pittsburgh  
**Combined w/CC 04-10052** Housing Authority Budget by \$438,680 for FY 2003-2004

Adopted Resolution 04-214.

- d. **RESOLUTION 04-215** Receive Report and Adopt Resolution Approving the City of Pittsburg Investment Policy of Public Funds to be Effective April 2004

Adopted Resolution 04-215.

**ADJOURNMENT**

The meeting of the Housing Authority adjourned at 8:00 P.M. to the next meeting set for May 17, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

als

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

Mayor Aleida Rios called the meeting of the Redevelopment Agency to order at 8:01 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. into Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding three cases; Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APNs 085-193-001, 085-193-004, 085-193-006, 085-193-007, 085-193-008 and 085-193-009; Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding The City of Pittsburg vs. Cheri De Bonneville, Contra Costa County Superior Court Case No. C03-00484, Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, and Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209; and Public Employment for the City Attorney.

Mayor Rios advised that there was nothing to report from Closed Session.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Interim Executive Director, Les White  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
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 Planning and Building, Randy Jerome  
Housing & Community Programs Manager, Annette Landry  
Human Resources Director, Marc Fox  
Redevelopment Agency Director, Garrett Evans  
City Engineer, Joe Sbranti  
Police Chief, Aaron Baker  
Administrative Assistant, Delores Magallon

**CONSIDERATION**

1. **RESOLUTION 04-955** Award of Consulting Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Rosenow Spevacek Group, Inc.

Interim Executive Director Les White stated that the Redevelopment Agency of the City of Pittsburg was in need of consulting services to manage certain projects in order to ensure that the Agency could accomplish the goals and objectives provided by the Agency Board.

The Agency Board, in closed session on February 2, 2004, directed staff to solicit proposals from the consultant community for needed services related to the Railroad Avenue Corridor Project and to return to the Agency Board to approve a Consultant Agreement. Request for Proposals (RFP) had been sent to ten (10) consulting firms that specialized in Redevelopment project management and implementation. Rosenow Spevacek Group, Inc. was selected based on its qualifications.

Mr. White noted that the cost of the agreement had been seriously considered given the amount involved. He noted that the agreement involved a variety of tasks. The amount of the Consultant Agreement was \$550,150. The Railroad Avenue Corridor Project Account (78-2004-1705-4301) had a budget of \$5 million. The Agreement would be expensed against that account.

Director of the Redevelopment Agency Garrett Evans explained that after receiving direction from the Agency Board on February 2, an RFP had been conducted and input had been solicited from ten different firms. Three responses had been received, the most complete of which was from Rosenow Spevacek Group, Inc. The group had also been listed by the City of Los Angeles as a Women Owned Business Enterprise (WBE). He reported that the firm's references had been found to be excellent and it was expected that the firm would offer an efficient program and a full product.

Chair Rios stated that the item had been submitted to the Redevelopment Subcommittee and the Subcommittee had made a recommendation for Rosenow Spevacek Group, Inc.

Mr. Evans recommended that the Agency Board approve the Agreement and authorize and direct the Executive Director to execute the Agreement on behalf of the Agency. It was further recommended that the Executive Director be authorized to execute such further documents and take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to the Agreement.

On motion by Member Kee, seconded by Member Glynn and carried unanimously to adopt Resolution 04-955.

2.     **RESOLUTION 04-956**     Approving the Right of Entry Agreement By and Between the Redevelopment Agency of the City of Pittsburg and the Pittsburg Community Theater

Mr. White stated that the Redevelopment Agency of the City of Pittsburg was a fee owner of that certain real property known as Assessor's Parcel No. 073-010-002 and commonly referred to as 495 E. Third Street, Pittsburg, California. The Agency and

Pittsburg Community Theater wished to enter into a Right of Entry Agreement where the Pittsburg Community Theater desired to lease the storage facility located at the property.

Mr. White reported that the Agency would receive \$1.00 per year for the rental of the storage unit. The approval of the Right of Entry Agreement by and between the Redevelopment Agency of the City of Pittsburg and the Pittsburg Community Theater was recommended for approval.

Chair Rios stated that the item had also been brought before the Redevelopment Subcommittee which had recommended Agency Board approval.

On motion by Vice Chair Parent, seconded by Member Glynn and carried unanimously to adopt Resolution 04-956.

### **CONSENT CALENDAR**

On motion by Vice Chair Parent, seconded by Member Glynn and carried unanimously to adopt the Consent Calendar, as follows with the removal of Items a and c.

- b. **RESOLUTION 04-957** Authorizing the Executive Director to Release One Half of the Project Retention for Contract 2000-11, Pittsburg Senior Center, to Krama, Inc. of Oakland, California.

Adopted Resolution 04-957.

The following items were removed from the Consent Calendar for discussion. The minutes were removed by Member Beals given the fact that she had not been present at the last meeting.

- a. **MINUTES** Dated: April 5, 2004

On motion by Vice Chair Parent, seconded by Chair Rios to approve the minutes of the April 5, 2004 meeting, as submitted, carried by the following vote:

Ayes: Glynn, Kee, Parent, Rios  
Noes: None  
Abstain: Beals

This following item was removed by Member Kee due to a client conflict. He recused himself and left the room at this time.

- c. **RESOLUTION 04-958** Adam & Associates Business Group LLC Reimbursement Request

On motion by Member Beals, seconded by Member Glynn to adopt Resolution 04-958 carried by the following vote:

Ayes: Beals, Glynn, Parent, Rios  
Noes: None  
Absent: Kee [Recused]

Member Kee rejoined the Agency Board at this time.

**ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 8:08 P.M. to the next meeting set for May 3, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

als

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

Mayor Aleida Rios called the meeting of the Pittsburg Power Company to order at 8:09 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. into Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding three cases; Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APNs 085-193-001, 085-193-004, 085-193-006, 085-193-007, 085-193-008 and 085-193-009; Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding The City of Pittsburg vs. Cheri De Bonneville, Contra Costa County Superior Court Case No. C03-00484, Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, and Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209; and Public Employment for the City Attorney.

Mayor Rios advised that there was nothing to report from Closed Session.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Interim Executive Director, Les White  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
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 Planning and Building, Randy Jerome  
Housing & Community Programs Manager, Annette Landry  
Human Resources Director, Marc Fox  
Redevelopment Agency Director, Garrett Evans  
City Engineer, Joe Sbranti  
Police Chief, Aaron Baker  
Administrative Assistant, Delores Magallon

**CONSENT CALENDAR**

On motion by Member Glynn, seconded by Member Parent to adopt the Consent Calendar, carried by the following vote:

Ayes: Glynn, Kee, Parent, Rios



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

Mayor Aleida Rios called the meeting of the City Council to order at 7:23 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. into Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding three cases; Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APNs 085-193-001, 085-193-004, 085-193-006, 085-193-007, 085-193-008 and 085-193-009; Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding The City of Pittsburg vs. Cheri De Bonneville, Contra Costa County Superior Court Case No. C03-00484, Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, and Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209; and Public Employment for the City Attorney.

Mayor Rios stated that there was nothing to report from Closed Session.

Mayor Rios advised that Ana Maria Mason would be operating the camera for the City's first televised meeting to air on April 26, 2004 at 9:00 P.M.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Interim City Manager, Les White  
Assistant City Manager, Nasser Shirazi  
City Attorney, Linda Daube  
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 Planning and Building, Randy Jerome  
Housing & Community Programs Manager, Annette Landry  
Human Resources Director, Marc Fox  
Redevelopment Agency Director, Garrett Evans  
City Engineer, Joe Sbranti  
Police Chief, Aaron Baker  
Administrative Assistant, Delores Magallon

Mayor Rios considered the following general City Council items prior to pursuing the Housing Authority agenda.

## **PLEDGE OF ALLEGIANCE**

Ana Maria Mason led the Pledge of Allegiance.

## **PROCLAMATIONS**

### 1. National Library Week

Councilmember Kee read the Proclamation for National Library Week, April 18 to April 24, 2004 and presented the Proclamation to Jen Camera and Jackie Hurtado of the Friends of the Pittsburg Library.

JEN CAMERA Co-President of the Friends of the Pittsburg Library accepted the Proclamation for National Library Week and advised that she was representing Marian Partridge, Pittsburg Librarian who was attending a task force committee meeting with the Pittsburg Unified School District (PUSD) and could not be present at the meeting.

Ms. Camera presented members of the City Council with a So-Many-Books-So-Little-Time bag and other momentos in recognition of National Library Week. She emphasized that the Library had free information as well as cultural and educational opportunities for everyone in the community.

JACKIE HURTADO, Co-President of the Friends of the Pittsburg Library, reported that circulation continued to grow. She stated that the March 2003 circulation was 9,143 and March 2004 circulation had climbed to 10,621. She reported that the Pittsburg Library was serving many members of the community and people of all ages. She highlighted the outstanding programs at the Library and described some of the activities that had been planned as part of National Library Week, with April as National Library Month, and reported that some Key Club members from the High School had volunteered to help at the Library. Ms. Hurtado thanked the City Council and the City of Pittsburg for its support.

## **PRESENTATION**

### 1. East County Habitat Conservation Plan

Director of Building and Planning Randy Jerome introduced the East County Habitat Conservation Plan (HCP) and stated that the City had become a member of the HCP some years ago as a joint powers association made up of a number of East County cities and the Contra Costa Water District (CCWD). At this stage a presentation was being made to the various communities involved with the HCP. He stated that John Kopchik of the Contra Costa County Community Development Department would make the presentation and provide an update of the HCP.

JOHN KOPCHIK, Contra Costa County Community Development Department, advised that information had been distributed to the Council prior to the meeting. He briefly described the HCP, noted that Mayor Rios and Councilmember Kee were members of the

Executive Committee covering the governance of the plan and explained that an HCP was a way to secure State and federal environmental permits. The intent of the HCP was to integrate the multitude of applicable permits into one plan intended to make the mitigation process more effective.

Mr. Kopchik noted that the HCP could be a controversial process because the HCP would have to identify areas that would be allowed to grow over the next 30 years, which was the life of the plan. He explained that the HCP was intended to sidestep that issue in that the HCP should not be the footprint where growth would be decided. He added that the HCP would not replace General Plans or zoning, was not a land use designation, was more of a permit process and had been drafted to be flexible. It had anticipated that the current Urban Limit Line (ULL) was the initial permit area. With a change in city limits or in the ULL, the HCP would be flexible and provide permits for those areas.

With the 15,000 acres of development to be permitted under the HCP over the next 30 years, Mr. Kopchik reported that the plan would call for 20,000 to 30,000 acres of conservation from willing sellers using funds from a variety of sources, but primarily through permit fees that would be banked, pooled and used to acquire land from willing sellers consistent with the HPC. He reported that many of the areas to be preserved were the hillsides of Contra Costa County stretching to the Alameda County Line.

Mr. Kopchik noted that there was an 800 page working draft of the HCP that was available on line at [www.cococo.hcp.org](http://www.cococo.hcp.org). In late fall the draft plan would be produced and more public comments would be solicited. A final plan was expected to be completed in early 2005.

In response to the Mayor, Mr. Kopchik stated that one city in East County would not be participating in the HCP. The cities involved in the HCP were Brentwood, Clayton, Oakley and Pittsburg. The City of Antioch was not participating in the HCP.

Councilmember Glynn noted Mr. Kopchik's statement that the ULL was the start of an area, but he noted that the boundary of the City of Pittsburg and the ULL were not co-terminus.

Mr. Kopchik stated that the HCP would focus on both the city boundary and the ULL.

### **COUNCILMEMBER REMARKS**

Vice Mayor Parent stated that the City had recently adopted a First Time Homebuyer Program and a workshop was needed to inform people of how they could participate in the program. That workshop had been scheduled for Thursday, April 29 in the City Council Chambers from 6:00 to 8:00 P.M. She explained that the program would provide up to 17 percent of a purchase price for a maximum \$35,000 as down payment assistance, subject to qualifications. She urged first time homebuyers to attend the workshop.

With respect to the Pittsburg Community Theater and the program called "Baby," Vice

Mayor Parent stated that the performance would be continued on Friday and Saturday at 8:00 P.M. and Sunday at 2:00 P.M.

On April 24, Los Medanos College (LMC) would celebrate its 30<sup>th</sup> Anniversary from 4:00 to 6:00 P.M. at the college with a fund-raiser.

Vice Mayor Parent thanked the Mayor for the opportunity to present a proclamation to the Lion's Center for the Visually Impaired about volunteerism in the community. She stated that those being recognized had been very appreciative of the City's proclamation.

The Vice Mayor also reported that the initiative to be placed on the ballot in November to keep the State from continually raiding city tax sources would probably qualify for the ballot. She also noted that she had visited the Oakley City Council meeting. Further, the City's Senior Center had opened its bingo program when 90 to 100 people had participated where normally 65 would have been present.

Councilmember Glynn presented the status of the Armed Forces Parade and noted that the item would be scheduled for the May 3 agenda to approve the parade and to welcome home troops who had served overseas both currently and in the past. He reported that the 870<sup>th</sup> MP Battalion had recently returned and a welcome home for the battalion had been scheduled for July 4. He had also attended a concert at Good Shepherd Church when 200 to 300 people had attended that musical event. A similar event would be held in 60 to 90 days and he encouraged residents to attend.

Mayor Rios advised that she would be visiting Shimoneseki, Japan, Pittsburg's Sister City. She noted that the Sister City Subcommittee had planned an appropriate gift from the City of Pittsburg to Shimoneseki, which gift was displayed to the Council at this time.

Recreation Director Paul Flores displayed a redwood virgin stock sculpted in the City's logo. The redwood stock was once used for the City's water tank built in the early 1950's and had been identified as 70 to 75 years old. The City's icon would be mounted on a concrete or polished pedestal at an angle, to be placed in either the aquarium or the City Hall Park Complex in Shimoneseki. An accompanying plaque would read: *To our Sister City Citizens Shimoneseki, Japan from the Citizens of the City of Pittsburg*. A copy of the plaque would be placed on a freestanding base adjacent to the logo. Mr. Flores explained that wood was special in Japan since it did not have an abundance of wood products, especially redwood.

Mayor Rios reported that the logo had been commissioned by Frances Palermo, a Pittsburg resident and artist.

### **CITY MANAGER REMARKS**

Interim City Manager Les White reported that he would present a detailed Staff Team progress report at the end of the meeting.

## **CITIZENS REMARKS**

NONA VAN DAMME, Pittsburg, sought a reconsideration of a claim that had been denied in September 2001. She reported that she had continuing sewer problems through 2000 and 2001 when plumbers had noted that it was a City main problem, although the City had disagreed at that time. The problems had been identified as 80 to 100 feet down the line and had cost hundreds of dollars for her to repair. In December 21, 2003, she had the City run a camera down the line. A problem had been found on the City's main, which had been repaired. She requested that the City pay for the 2001 costs, which she believed were also the City's responsibility.

When asked, City Attorney Linda Daube stated that there would be a procedure in writing where facts and figures would be resubmitted to the City's self-insurance, the Contra Costa Joint Powers Authority. Ms. Van Damme was encouraged to pursue that process.

CORDELL FLUCUS, Pittsburg, was present with his wife to address the Council regarding police harassment. He reported that he and his wife and two sons had been harassed by Pittsburg Police for the last eighteen months. He stated that the police had indicated that they were dealing drugs, and that he, his wife and two of his sons had been arrested as a result. He detailed some of the harassment and stated that the five officers involved were always the same and the harassment was frequent, at least twice a month. He commented that he and his family were afraid for their lives.

Mayor Rios noted the process where a complaint could be filed.

Mr. Flucus advised that a complaint had been filed and had been returned. He described the most recent arrest of his son on April 18 and stated that litigation was being pursued.

Mayor Rios referred Mr. Flucus to the Chief of Police and to the City Manager.

VERNA JOHNSON, Pittsburg, thanked the City for funding the Positive Edge Program.

Vice Mayor Parent commented that the Community Development Block Grant program had allocated funds to the Positive Edge Program, giving wardrobes to allow recipients to be presentable when looking for a job through referrals from the Employment Development Department (EDD). She noted that anyone willing to donate clothes should do so since over 100 people were served by the program each year.

A three minute recess was taken at this time to allow members of the Housing Authority to join the Council.

Mayor Rios convened the Housing Authority at 7:56 P.M. and returned to the City Council agenda at 8:11 P.M.

Vice Mayor Parent and Councilmember Kee recused themselves from the next item because each had a business license with the City of Pittsburgh.

## **PUBLIC HEARING**

1. **ORDINANCE 04-1219** Introduction of an Ordinance Amending Municipal Code, Title V, Chapter 5.04 Relating to Business Licenses and Regulations

Interim City Manager Les White stated that the City of Pittsburgh Municipal Code provided for both general and specific regulations of businesses operating within the City. City staff representing planning and building, police, code enforcement, finance, economic development, and the City Attorney had been meeting to review the City's Municipal Code and business license processing procedures with the goal of 1) streamlining the procedures, 2) enhancing effective coordination of City departments relating to the issuance and renewal of business licenses, and 3) insuring full collection of license and administrative fee revenues in accordance with the City's Municipal Code. The proposed amendments to Chapter 5.04 of the Municipal Code provided the enabling authority to accomplish those goals.

City Attorney Linda Daube reported that the item related to proposed amendments to the Municipal Code Section 5.04 dealing with businesses licenses. She stated that the item had been ongoing through a number of City departments for the last two years. She noted that the original request had come from two Planning Commissioners who had hoped to use that process to regulate and ensure that businesses in the community remained in conformance with their permits.

Ms. Daube explained that the existing business license program was not regulatory, it was a revenue generating kind of ordinance. To make it regulatory would preclude the City from collecting as a matter of gross receipts and would only allow the City to collect those monies used in the actual enforcement effort. She added that while there would be some enforcement, the business license program was not an enforcement ordinance.

Ms. Daube emphasized that the team approach had sought to use the business license processing as a way to trigger the process of enforcement through a number of departments. Through that process, it had been found that there were a number of administrative procedures that could be implemented as an enforcement mechanism.

Ms. Daube described the cooperative relationship with the Pittsburgh Chamber of Commerce, which routinely visited businesses through the City's Business Improvement District (BID). She clarified that the ordinance would provide a structure between the revenue generating function and the enforcement function and would also help to streamline the process and offer the Finance Director more enforcement ability to conduct audits, to revoke or to suspend a business license and to allow administrative fees to be collected for the processing.

Ms. Daube emphasized that the ordinance would strengthen the City's ability to

administer the processing and collection of business license taxes and would, on its face, have no fiscal impact. Aggressive enforcement of the ordinance and any administrative regulations would require increases to department budgets which would be considered by the City Council during the 2004-2005 budget deliberations.

Ms. Daube recommended that the City Council introduce and waive first reading of Ordinance No. 04-1219.

Mayor Rios opened the public hearing for Ordinance 04-1219. There was no one to speak. The public hearing for Ordinance 04-1219 was closed.

Mayor Rios commented that there was no one present to represent the Chamber of Commerce. With respect to the letter from the Chamber that had been submitted to the Council, she noted that the Chamber would be responsible for making business retention visits to local businesses although it did not outline a concrete plan as to how businesses would be retained. She asked Economic Development Director Brad Nail to discuss that issue with the Chamber and to incorporate that point.

Ms. Daube stated that although Vice Mayor Parent had recused herself, she had requested some clarifications to the language in the ordinance. The first change dealt with Section 3, E and the definition of "Vendor." The Vice Mayor had pointed out that coin operated vending machines were not just coin operated but now were card operated as well. As such, an amendment to the second sentence in that section was requested as follows: *Vendor includes, but is not limited to, any vending operations business conducted or carried on by any person engaged in the business of owning, renting, leasing, lending, or otherwise distributing or supplying coin and/or card operated machines while retaining title thereto.*

With respect to Section 8A, the first sentence was recommended for modification as follows: *A person aggrieved by a decision of the finance director with respect to the issuance or refusal to issue or renew a license, or the amount of a license tax, or the revocation of a license, may appeal to the city council by filing a notice of appeal with the director of finance within fifteen (15) calendar days of mailing of the decision.*

On motion by Mayor Rios, seconded by Councilmember Glynn to introduce Ordinance 04-1219, as amended, by title only and waive first reading, carried by the following vote:

Ayes: Beals, Glynn, Rios  
Noes: None  
Absent: Kee, Parent [Both Recused]

Vice Mayor Parent and Councilmember Kee rejoined the Council at this time.

1. **ORDINANCE 04-1220** Introduction of an Ordinance to Adopt Revised Water

## Rates and Special Water Rate Eligibility Criteria

Mr. White advised that on March 1, 2004 the City Council received the recommendation of the City Council Finance Subcommittee to raise water rates ten percent. The City thereafter adopted Resolution 04-10020 directing the Public Works and Finance Department staff to make recommended reductions in the 2003-2004 water treatment and distribution system annual operating budgets, institute appropriate public notification, and proceed with Pittsburg Municipal Code revisions to raise water rates and revise eligibility criteria for special reduced water rates for low income and handicapped customers.

Mr. White reported that a flyer had been distributed through the entire water billing cycle to advise residents of the rate increases. Three responses had been received. He noted that responses would likely increase once the rate had been initiated. He added that to the credit of the Council Finance Subcommittee the importance of the rate increase had been emphasized. With respect to fiscal impact, a ten percent water rate increase would generate an estimated \$1 million in additional operating revenue to the water fund. The increased revenue would provide much needed funding for water system operations and rehabilitation.

Mayor Rios opened the public hearing for Ordinance 04-1220. There was no one to speak for or against the ordinance. The public hearing for Ordinance 04-1220 was closed.

When asked by the Vice Mayor, Public Works Director John Fuller advised that the water bill included a flat fee meter charge and a water quantity charge, both of which would be increased by 10 percent. He stated that the Brown and Caldwell rate study currently being conducted might later generate a recommendation for a sewer rate increase, although that was not recommended at this time. Only water service rates would be increased. He estimated that the average residential monthly bill would increase by \$5.

On motion by Councilmember Glynn, seconded by Mayor Rios and carried unanimously to introduce Ordinance 04-1220 by title only and waive first reading.

### **CONSIDERATION**

1. **REPORT** Receive and File the Comprehensive Annual Financial Report for Fiscal Year 2002-2003 and the "Audit" Letter of Recommendations to Management for the Year Ended June 30, 2003

Mr. White reported that in June 1999, the Governmental Accounting Standards Board (GASB) established new framework for financial reporting (GASB 34), which represented a fundamental revision of the current financial reporting model for State and local governments which had been in place since 1979.

With the submittal of the Comprehensive Annual Financial Report for Fiscal Year

2002-2003 the City of Pittsburg had met the new reporting requirement which was mandated for Fiscal Year 2002-2003, and had received an unqualified or "clean opinion" by the City's auditing firm.

Mr. White acknowledged the role of the Finance Subcommittee in the review of the item and the several appropriate suggestions that had been made to the audit.

Finance Director Marie Simons presented the annual financial reports for Fiscal Year Ended 2002-2003 which were in compliance with GASB 34, the Agency responsible for regulating accounting and financial reporting for all government agencies. GASB 34 represented the pronouncement three years ago that required all government agencies to make a major change to its annual financing reporting.

In summary, Ms. Simons stated that GASB 34 maintained the traditional accounting but brought governmental accounting more in line with private sector accounting by taking all of the City's' funds and reporting it in one entity, the Government Wide Statement. Another major change was the inventory and costing of the City's infrastructure, including streets, sidewalks, parks and storm drains, none of which had been required in past reporting.

Because of the changes that represented a major undertaking, Ms. Simons took this opportunity to recognize the members of the Engineering and Finance Departments, with particular thanks to Thua Pham, the City's Finance Division Manager over Accounting. Without Mr. Pham's perseverance and dedication to the City, she stated that the item would not have been accomplished. She stated that Mr. Pham was an unsung hero who had been working behind the scenes with his staff to maintain the City's financial records, making sure that payroll was accomplished, making sure that the bills were paid and that revenues were collected, as he had done for the last 22 years.

Ms. Simons also commended the Finance Subcommittee for asking staff to provide more thorough and more specific responses. She also commended the City's auditor in charge of the audit representing Caporicci & Larson, the audit company providing audits to the City for the last five years. She further expressed her appreciation to Nazia Raizan with the audit firm who had incorporated all the changes within a short period of time. She emphasized that the City had received an unqualified (clean) opinion.

Nazia Raizan with Caporicci & Larson, independent auditors, reported that for the first time, the report was in compliance with GASB Statement 34. She noted that the Statement had created havoc because there had been no new reporting model in over 20 years. She characterized the report as complicated and stated that the statements were presented in an integrated approach, but instead of being presented by fund type it was based on major funds. In addition, the Government Wide Financial Statement attempted to present a more government wide presentation of the City as a whole separating government activities from business activities.

Ms. Raizan added that the new infrastructure requirements created effort on the part

of all municipal governments to report infrastructure for the first time and the new management discussion and analysis was also a first time requirement for government entities. The tasks required for the project were therefore quite voluminous.

Ms. Raizan described the role of the auditor and the process taken to evaluate the City's books resulting in an unqualified opinion for the City of Pittsburg, meaning that there were no material weaknesses and the financial statements were fairly presented. She stated that the auditor's responsibility was to obtain a reasonable assurance that the financial statements were free from material misstatements, to examine all supporting documentation, to evaluate the City's internal controls, policies and procedures, and to identify any fraud that might affect the financial statements. With that analysis an unqualified opinion was provided from the firm.

In addition to the comprehensive financial report, Ms. Raizan referred to the Management's Recommendations Letter designed to help the City have a more efficient and efficient operation. None of the items were material weaknesses. She noted that if they were, an unqualified opinion could not have been issued. Most recommendations had either been implemented or were in the process of being implemented. She also noted that several of the comments related to the overall task of GASB 34.

Mayor Rios thanked Ms. Raizan for the work performed on the audit. She acknowledged and thanked all staff involved in putting the audit together.

There was no fiscal impact for the City Council to receive the reports. It was noted that over the past year the City had expended approximately \$50,000 to Harris & Associates and the City's audit firm to comply with the new reporting model.

It was recommended that the Council receive and file the Comprehensive Annual Financial Report for Fiscal Year 2002-2003 and the "audit letter" of Recommendations to Management for the Year Ended June 30, 2003.

On motion by Mayor Rios, seconded by Councilmember Kee and carried unanimously to receive and file the Comprehensive Annual Financial Report for Fiscal Year 2002-2003 and the audit letter of Recommendations to Management for the Year Ended June 30, 2003.

### **CONSENT CALENDAR**

On motion by Councilmember Beals, seconded by Councilmember Glynn and carried unanimously to adopt the Consent Calendar, with the removal of Item a.

- b. **RESOLUTION 04-10052** Adopt a Resolution to Increase the City of Pittsburg  
**Combined w/HA 04-214** Housing Authority Budget by \$438,680 for FY 2003-2004

The following motion was taken in Joint Session with the Housing Authority:

On motion by Councilmember Beals, seconded by Vice Mayor Parent and carried unanimously to adopt Resolution 04-10052.

- c. **RESOLUTION 04-10053** Authorizing Local Enforcement Agency Assistance Grant Application

Adopted Resolution 04-10053.

- d. **RESOLUTION 04-10054** Authorizing California Beverage Container Recycling and Litter Reduction Act Funding Request

Adopted Resolution 04-10054.

- e. **RESOLUTION 04-10055** Authorize Winter Chevrolet Inc. and Winter Honda Inc. 2003-2004 Semi-Annual Distribution Payments

Adopted Resolution 04-10055.

- f. **RESOLUTION 04-10056** Authorize Mazzei Pontiac-Cadillac's 2003-2004 Semi-Annual Distribution Payments and the City of Antioch's 2003-2004 Annual Sales and Use Tax Disbursement Payment

Adopted Resolution 04-10056.

- g. **RESOLUTION 04-10057** Authorizing Measure C Funds for the Material Testing and Evaluation of Potential Streets for 2005 Citywide Pavement Rehabilitation Project

Adopted Resolution 04-10057.

The following item was removed from the Consent Calendar for action:

- a. **MINUTES** Dated: April 5, 2004

On motion by Vice Mayor Parent, seconded by Councilmember Glynn to approve the minutes dated April 5, 2004, carried by the following vote:

Ayes: Glynn, Kee, Parent, Rios  
Noes: None  
Abstain: Beals

## **COUNCIL REPORTS**

Councilmember Kee highlighted the Redevelopment Subcommittee meeting, and the meeting on the East Contra Costa County Habitat Conservation Plan (HCP) which had been presented earlier in the meeting.

Mayor Rios reported that the Finance Subcommittee had reviewed the audit report that had previously been presented and the Redevelopment Agency had updated the Subcommittee on a number of projects.

## **CITY MANAGER REPORT**

### 1. Staff Teams Progress Report

Mr. White reported on the six staff teams that had been working on a variety of issues. He stated that each of the six committees would report out individually

#### Development Process Review Committee

Director of Building and Planning Randy Jerome stated that the Development Process Review Committee had just recently been initiated to address areas of concern expressed to the Interim City Manager by the development community for the City's development and permitting process. Those concerns had been organized into a comment letter shared with staff, after which the Interim City Manager had met with some of the department heads associated with development and permit processing. He stated that a meeting had been held and the Committee had addressed the processing of permits and the development of applications. The ad hoc Development Process Review Committee had then been organized and had been comprised of employees who had a passion for the development process. Brad Nail would act as a liaison between the City.

Mr. Jerome stated that there was a cross section of staff members involved in the process, comments had focused on communications and miscommunications. He noted the strong focus for how to improve that capability and there was a discussion of the need for communication between the professional community and the public. The committee could review other communities and cities to see how those cities pursued their processing which could improve the City's handouts and other communication processes. Another meeting would be held on April 20 when a Chair and Vice Chair would be selected.

#### Hiring Freeze Committee

Human Resources Director Marc Fox reported that the Hiring Freeze Committee was comprised of four department heads, Directors of Finance, Human Resources, Public Works and the City Engineer given that next year's expected revenues would be short of expected expenditures and staff would have to bring balance between revenues and expenditures to mitigate any kind of service impacts.

The specific purpose of the Committee was to look at each non-safety position that

became open (regular and seasonal) and provide recommendations to the City Manager as to whether a position should be permanently held frozen, filled at a later date or filled immediately. The Committee had developed a question and answer component that had been distributed to the bargaining unit representatives so that he/she understood that the City was carefully considering positions when they became available.

Mr. Fox noted that 8 percent of the City's non-safety full time staff positions were currently vacant and most were held frozen. There was a 12.5 percent vacancy for police officer positions although aggressive recruitment to fill all those positions continued. A number of seasonal positions were also currently vacant and considered on a case by case basis.

Mr. White stated that if there were associated service level impacts from the desire to hold positions, that situation would be returned to the Council for discussion.

#### Neighborhood Preservation Team

Public Works Director John Fuller, the co-chair with Recreation Director Paul Flores reported that the Neighborhood Preservation Team had first been formed in February and had made some accomplishments. The Team was comprised of several staff members from nearly every department in the City with a mission to engage neighborhood citizens in dialogue about issues of concern in the neighborhoods and how the City could best meet its needs. The Team had been meeting weekly for the last three months and had then conducted meetings in the neighborhood. At those meetings the task was both to educate the citizens who attended the meetings about how local government worked and how local government could provide better services to the neighborhood. The objectives of the team were to engage the residents in that communication, to establish and strengthen lines of communication, to establish funding recommendations for various project types and to establish priorities within those projects types on funds.

Mr. Fuller stated that meetings had been held with three neighborhoods. A follow up meeting would be held in the West Tenth Street area on a Saturday. A City newsletter would also be developed to advertise the efforts and availability of services from the Neighborhood Preservation Team and to discuss other city projects and programs.

#### Purchasing Committee

Joyce Baker representing the Police Department reported that she was one of ten employees on the City's Purchasing Committee, which began its work on March 5 and which was to present rewritten purchasing policies and procedures that would meet business objectives and user needs to the Finance Director by July 15. She offered examples of those objectives and user needs and advised that the Committee would visit the cities of Richmond, Fairfield and Brentwood to confirm that the written policies and procedures of those cities worked as well in real life purchasing situations as they appeared to in print.

Ms. Baker stated that the Committee had met nine times and was progressing on

target for its July 15 goal. To date, the Committee had defined purchasing objectives, received a presentation from the City Attorney who provided an overview and understanding of the laws, discussed and drafted a table of contents and researched and discussed the City's existing policies and those from other cities.

The meeting scheduled for April 22 would map out how the purchase of goods, services, professional services and public works contracts should be reflected in the new policies and procedures. The first draft report to the City Manager and all other department heads was due on June 17 and that target date would be met on deadline.

### Safety Committee

Human Resources Analyst III Michelle Fitzer spoke with respect to the Safety Committee and reported that the Committee was representative of all City departments, with 14 members of staff. She and Laura Wright served as co-chair to the Committee. Over the last fourteen months the Committee had reviewed the City's Safety Plan. She advised that the purpose of the Committee was to assess the City's Safety Plan and ensure compliance with the City's Injury and Illness Prevention Plan (IIPP), which was the guiding document for the safety program.

The Committee had initiated a prioritized list of training topics and policies to be developed and had then reviewed and reissued the No. 1 priority, the City's IIPP, which had been done to all employees. Emergency Action Procedure flip charts had been issued for City Hall and the Committee was working with the satellite facilities as well. All staff would be trained in that regard by the end of June.

Ms. Fitzer added that 38 safety binders had been issued throughout the City for departments to keep the IIPP and all of the safety procedures available to all employees and the Committee was working with Public Works to procure a communications system throughout the City, similar to what had been created for the Police Department, to be used in the event of an emergency. The work plan for next year had been included in the summary presented to the City Council.

### Website Team

Sherri Hoyt from the Economic Development Department reported that a contract with CMC Americas had been approved by the Council on March 1, 2004 for the design and maintenance of the City's website. She advised that a Website Team had been formed with representatives from each department Citywide. The team would be meeting on a weekly basis as needed to work in partnership with CMC Americas on the creation of the City's new and improved website. Each team member would compile the data content and the graphics necessary to complete his/her individual webpages to ensure that each department's needs were met by CMC.

Three website team meetings had been held to date. Three sample home page

designs had been presented by CMC and had been considered by the Team, which had chosen a final home page which would be presented to the City Council as a recommendation. Each Team member was currently creating a website navigation chart for each individual departments to design the basic layout and structure for the department's webpages, to be completed and submitted by April 21. On that same date, the Website Team would again meet to proceed to the next assignment to progress toward the completion of compiling all of the data, content and graphics needed to create and finalize all department webpages Citywide.

Ms. Hoyt reported that the entire website project had an estimated date of completion of June 2004. By June 20, the procurement of all necessary hardware and software needed to host the new site would be complete. By June 30, all content would up uploaded to the new site. By July 8, three-day training sessions for all City representatives would be completed and by July 9, 2004, the City website would go live.

Mr. White thanked each speaker for doing a great job in summarizing some complex efforts by over 60 staff members working as part of the Staff Teams. He noted that the teams represented extra assignments and all staff were doing a wonderful job in moving forward to resolve the issues.

Mayor Rios thanked the members of the Staff Teams and noted that it would show the public that the City was moving forward and working hard to serve its residents.

## **ADJOURNMENT**

The meeting of the City Council adjourned at 9:00 P.M. to the next meeting set for May 3, 2004.

Respectfully submitted,

Lillian J. Pride, City Clerk

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