



# **CITY OF PITTSBURG**

## **AGENDA**

**MONDAY, APRIL 19, 2004**

**CITY HALL COUNCIL CHAMBER  
65 CIVIC AVENUE, PITTSBURG, CA**

**CLOSED SESSION  
5:00 P.M.**

**REGULAR MEETINGS  
7:00 P.M.**

**HOUSING AUTHORITY  
REDEVELOPMENT AGENCY  
PITTSBURG POWER COMPANY  
CITY COUNCIL**

### **PRESIDING**

**Aleida Rios, Mayor/Chair  
Nancy Parent, Vice-Mayor/Vice-Chair  
Michael Kee, Council Member/Board Member  
William Glynn, Council Member/Board Member  
Yvonne Beals, Council Member/Board Member**

**For the Housing Authority:  
Dana Leatherwood, Housing Authority Member  
Cathy Wallen, Housing Authority Member**

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Pittsburg City Council meetings are held the first and third Mondays of each month at 7:00 p.m. The Housing Authority meets in conjunction with the City Council on the third Monday of each month. The Pittsburg City Council meets regularly in the Council Chambers at 65 Civic Avenue, unless otherwise noted above.

**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.*

**CONVENE IN CLOSED SESSION** – 5:00 p.m.

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

Three (3) cases

b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property:

Owner:

APN-085-193-001

Pittsburg Unified School District

APN-085-193-004

Tony Wong

APN-085-193-006

Sadia & Nadeem Ghani-Igbal

APN-085-193-007

Sadia & Nadeem Ghani-Igbal

APN-085-193-008

Southport Land and Commercial

APN-085-193-009

Southport Land and Commercial

Agency Negotiator:

Les White, Brad Nail, Garrett Evans

Negotiating Party:

Rodney Lohman, Acting President, Alliant University

Under Negotiation:

Both Price and Terms of Payment

c. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Section 54956.9)

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

Gregory Osorio; and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209

d. PUBLIC EMPLOYMENT

Title: City Attorney

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**RECONVENE IN OPEN SESSION** – 7:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATION**

1. National Library Week

**PRESENTATION**

1. East County Habitat Conservation Plan

**COUNCIL MEMBER REMARKS** – *Council Members may make brief announcements or informal comments at this time. (No Action Required)*

**CITY MANAGER REMARKS** – *The City Manager may make brief announcements or informal comments at this time. (No Action Required)*

**CITIZENS REMARKS** – *Members of the audience who wish to address the City Council or Agency Boards on issues that are not scheduled for the agenda 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 of residence in a clear and audible tone of voice. (No action required.)*

## REGULAR HOUSING AUTHORITY MEETING

### CONSIDERATION

1.     **RESOLUTION 04-212**     2004 Utility Allowance Revision (Recommend Adoption)  
  
Updated 2004 Utility Allowance indicating current average usage for various property combinations.
  
2.     **RESOLUTION 04-213**     2004 Annual Plan Revision (Recommend Adoption)  
  
Updated 2004 Annual Plan addressing housing services by the City of Pittsburg Housing Authority.

**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 number of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a.     **DISBURSEMENT LIST**     Dated: March 31, 2004 (Recommend Approval)
  
- b.     **MINUTES**     Dated: March 15, 2004 (Recommend Approval)
  
- c.     **RESOLUTION 04-214**     Adopt a Resolution to Increase the City of Pittsburg Housing Authority Budget by \$438,680 for FY 03-04 (Recommend Adoption)  
  
On May 13, 2003, the U.S. Department of Housing and Urban Development (HUD) granted the City of Pittsburg Housing Authority \$11,449,527 to house 948 low-income families for FY 03-04. On February 11, 2004, HUD approved to increase the funding to a total of \$11,888,207 due to increases in current rental rates.
  
- d.     **RESOLUTION 04-215**     Receive Report and Adopt Resolution Approving the City of Pittsburg Investment Policy of Public Funds to be Effective April 2004 (Recommend Adoption)  
  
State law requires public agencies to submit a Statement of Investment Policy to the legislative body on an annual basis for review and adoption. Eligible investments are those allowable by the State of California (Government Code Section 53600 et. seq.) and not restricted by the current investment policy for the City of Pittsburg. The City further restricts its permitted investments beyond the scope set forth by the State to provide additional safety in the management and investment of its public

funds. It should be noted that the overall objective of the City's investment policy is safety of principal. The City's portfolio shall be designed in a manner responsive to the public trust and consistent with State and local law.

**ADJOURNMENT OF THE HOUSING AUTHORITY** To: May 17, 2004

## REGULAR REDEVELOPMENT AGENCY MEETING

### 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. (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is in need of consulting services to manage certain projects in order to ensure that the Agency can accomplish 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. A Request for Proposals was sent to ten (10) consulting firms that specialize in Redevelopment project management and implementation. Rosenow Spevacek Group, Inc. was selected based on their qualifications.

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 (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is a fee owner of that certain real property known as Assessor's Parcel No. 073-010-002 and commonly referred to as 495 E. 3<sup>rd</sup>, Pittsburg, California. The Agency and Pittsburg Community Theater wish to enter into a Right of Entry Agreement, where the Pittsburg Community Theater desires to lease the storage facility located at the Property.

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a. **MINUTES**

Dated: April 5, 2004 (Recommend Approval)

b. **RESOLUTION 04-957**

Authorizing the Executive Director to Release One Half of the Project Retention for Contact 2000-11, Pittsburg

Senior Center, to Krama, Inc. of Oakland, California  
(Recommend Adoption)

Staff has determined that the construction value of work for Contract 2000-11, Pittsburg Senior Center has been completed beyond 50%. Public contract code allows the retention to be reduced from 10% to 5% of the contract sum when the value of work is more than 50% complete. The contractor, Krama, Inc. has formally submitted a written request that 5% of the retention be released.

c. **RESOLUTION 04-958**

Adam & Associates Business Group LLC  
Reimbursement Request (Recommend Adoption)

Adam & Associates Business Group LLC is requesting reimbursement for eligible expenses incurred prior to September 15, 2003.

**ADJOURNMENT OF THE REDEVELOPMENT AGENCY** To: May 3, 2004

**PITTSBURG POWER COMPANY MEETING**

**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 or the public prior to the time the Council votes on the motion to adopt.*

a. **MINUTES**

Dated: April 5, 2004 (Recommend Approval)

**ADJOURNMENT OF THE PITTSBURG POWER COMPANY**



## REGULAR CITY COUNCIL MEETING

### **PUBLIC HEARING**

1. **ORDINANCE 04-1219** Introduction of an Ordinance Amending Municipal Code, Title V, Chapter 5.04 Relating to Business Licenses and Regulations (Recommend Introduction and Waive First Reading)  
  
The City of Pittsburg Municipal Code provides 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 have 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 provide the enabling authority to accomplish these goals.
  
2. **ORDINANCE 04-1220** Introduction of an Ordinance to Adopt Revised Water Rates and Special Water Rate Eligibility Criteria (Recommend Introduction and Waive First Reading)  
  
On March 1, 2004, the City Council received the recommendation of the City Council Finance sub-committee to raise water rates ten percent (10%). 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.

### **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 (Recommend Acceptance)

In June, 1999, the Governmental Accounting Standards Board (SASB) established new framework for financial reporting (GASB 34), which represents a fundamental revision of the current financial reporting model for State and local governments which has been in place since 1979. With the submittal of the Comprehensive Annual Financial Report for Fiscal Year 2002-2003 the City of Pittsburg has met this new reporting requirement which was mandated for Fiscal Year 2002-2003, and has received an unqualified or "clean opinion" by the City's auditing firm.

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- a. **MINUTES** Dated: April 5, 2004 (Recommend Approval)
- 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 03-04  
(Recommend Adoption)
- See Executive Summary for Housing Authority Resolution 04-214.
- c. **RESOLUTION 04-10053** Authorizing Local Enforcement Agency Assistance Grant Application (Recommend Adoption)
- The California Integrated Waste Management Board maintains a grants program to support Local Enforcement Agency's solid waste facilities permit and inspection programs. The Local Enforcement Assistance Grant application is due the end of April and requires a City Council resolution from the participating jurisdiction as part of its submittal package for each grant application.
- d. **RESOLUTION 04-10054** Authorizing California Beverage Container Recycling and Litter Reduction Act Funding Request (Recommend Adoption)
- The State of California Department of Conservation, Division of Recycling maintains a funding program eligible to cities and counties for projects that promote beverage container recycling and litter clean up. The

funding applications are due May 3, 2004 and requires a City Council resolution for the City to be eligible to receive this non-competitive funding.

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

Authorize the City Manager to execute the Owner Participation Agreements and issue Semi-annual distribution payments to Winter Chevrolet and Winter Honda in accordance with the Owner Participation Agreements, previously approved by Council on January 16, 2001.

- 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 (Recommend Adoption)

Authorize the City Manager to execute the Owner Participation Agreement with Mazzei Pontiac-Cadillac Company and the Sales and Use Tax Sharing Agreement with the City of Antioch; and issue the corresponding Distribution and Disbursement Payments in accordance with the aforementioned Agreements made by the City of Pittsburg in September, 2001.

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

The 2005 Citywide Pavement Rehabilitation Project is for the rehabilitation of selected streets located throughout the City. Staff has identified several potential streets to be included with the Project. This Resolution will allocate Measure C funding to perform material testing and evaluation of the streets that may be included with the Project.

**COUNCIL REPORTS** - *Council members may ask questions for clarification from City staff, and make a 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.)*

1. Staff Teams Progress Report:

Development Review Committee  
Hiring Freeze Committee  
Neighborhood Preservation Team  
Purchasing Committee  
Safety Committee  
Website Team

**ADJOURNMENT OF THE CITY COUNCIL** To: May 3, 2004

## **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 agenda 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.

### **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.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action take by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

### **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 - 2004

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Aleida Rios / Nancy Parent Alt.	Standing	Annual	B. Nail
BART Station Specific Plan	Michael Kee / Yvonne Beals Alt.	Ad Hoc	As needed	R. Jerome
Bay Area Water Quality Dist.	William Glynn / Yvonne Beals Alt.	Standing	As needed	R. Jerome
Contra Costa County Fire Dist.	Michael Kee / William Glynn Alt.	Standing	2 <sup>nd</sup> Monday	N. Shirazi
Delta Diablo Sanitation	Aleida Rios / Nancy Parent Alt.	Standing	2 <sup>nd</sup> Wednesday	J. Fuller
East County Habitat Conserv.	Michael Kee / Yvonne Beals Alt.	Standing	Monthly	R. Jerome
East County Water Mgt.	William Glynn / Yvonne Beals 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	Aleida Rios & Nancy Parent	Standing	Last Wednesday	N. Shirazi
Water Transit Authority Comm.	William Glynn / Yvonne Beals 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	Aleida Rios / Nancy Parent Alt.	Standing	3 <sup>rd</sup> Thursday	B. Nail
Library Commission	Aleida Rios & Yvonne Beals	Standing	As needed	P. Flores
LMC Foundation Scholarship	Aleida Rios / Nancy Parent Alt.	Standing	As needed	P. Flores
Mayor's Conference	Aleida Rios / Nancy Parent Alt.	Standing	1 <sup>st</sup> Thursday	L. White
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
California Theatre Study	William Glynn & Michael Kee	Ad Hoc	As needed	G. Evans
City/County Relations	Nancy Parent / Michael Kee Alt.	Standing	As needed	L. White
Economic Development	William Glynn & Yvonne Beals	Standing	Quarterly	B. Nail
Fee & Finance Review	William Glynn & Michael Kee	Ad Hoc	As needed	J. Sbranti
Finance Subcommittee	Aleida Rios & William Glynn	Ad Hoc	As needed	M. Simons
Power Company Advisory	William Glynn & Nancy Parent	Standing	As needed	G. Evans
PEHDC	Michael Kee & Yvonne Beals	Standing	1 <sup>st</sup> Thursday	G. Evans
RDA Subcommittee	Aleida Rios & Michael Kee	Standing	Quarterly	G. Evans
Shaping Our Future	Michael Kee & William Glynn	Ad Hoc	As needed	L. White