



CITY OF PITTSBURG

AGENDA

MONDAY, FEBRUARY 2, 2004

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

**CLOSED SESSION
6:00 P.M.**

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

**REDEVELOPMENT AGENCY
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**

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 – 6:00 p.m.

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

One (1) case

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

Name of case:

AFSCME Local 512 (Management/Professional/Confidential Unit) vs. City of Pittsburg, Unfair Labor Practice Case No. SF-CE-140-M

c. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property:

APN No.	Owner	Address
086-221-003-6	Charles & Clara M. Reeves	2083 Railroad Avenue
086-221-004-4	Banana Bug, LLC	2075 Railroad Avenue
086-221-005-1	Jack & Kelly Tre Moore	2067 Railroad Avenue
086-221-006-9	Dave Shepard	2059 Railroad Avenue
086-221-008-5	David & Randi Shepard	2043 Railroad Avenue
086-221-009-3	Juan C. Maldonado	2035 Railroad Avenue
086-221-010-1	Thomas Fougere	2027 Railroad Avenue
086-221-013-5	Siino	2003 Railroad Avenue
086-221-014-3	Jose Roberto Maltez	114 Victory Avenue
086-221-015	Donnie L. & Marcia A. Anthony	104 Avon Street
086-221-016-8	Humberto & Martha Garcia	112 Avon Street
086-221-018-4	Neno G. & Marceline Tre Bruno	128 Avon Street
086-221-019-2	Antonio & Ramona Solis	136 Avon Street
086-221-020	Leticia & Silvia Mendez	144 Avon Street
086-221-021-8	Yolanda Faye Bolden	152 Avon Street
086-221-022-6	Ellen G. Tre Walker	160 Avon Street
086-221-023-4	Donald J. Jr. & Nancy K. Best	168 Avon Street
086-221-024-2	Margarito Nunez	174 Avon Street
086-221-025-9	Rogelio & Asuncion P. Sornia	180 Avon Street
086-221-026-7	Jack & Ottavia Gray	188 Avon Street
086-221-028-3	Contra Costa County	2099 Railroad Avenue
086-224-024-9	Frances D. Cataline	117 Victory Avenue
086-224-025-6	Frances D. Cataline	113 Victory Avenue
086-224-026-4	Frances D. Cataline	1999 Railroad Avenue

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

Les White, Garrett Evans, Lynn Hutchins

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

See Owners Above

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

Both

RECONVENE IN OPEN SESSION – 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

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 REDEVELOPMENT AGENCY MEETING

CONSIDERATION

1. **RESOLUTION 04-943**
Combined w/CC 04-9996 Consenting to the Award of a Consultant Agreement for the Design of a New Public Library and Making Certain Findings in Connection Herewith (Recommend Adoption)

On February 3, 2003, the City Council approved Resolution No. 03-9763 which established the Capital Improvement Program and included the new Library project. On November 3, 2003 the City Council authorized staff to negotiate a consultant agreement with Noll & Tam Architects to complete construction documents for the New Public Library in Pittsburg. The estimated cost of the Improvement is approximately Seven Million Five Hundred Thousand Dollars (\$7,500,000). The Redevelopment Agency of the City of Pittsburg needs to allocate this amount for the project. Staff has negotiated a price of Five Hundred Sixty-Three Thousand Eight Hundred Eighty-Five Dollars (\$563,885) for the Agreement.

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 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: January 20, 2004 (Recommend Approval)
- b. **RESOLUTION 04-944**
Combined w/CC 04-9998 Authorizing Year-End Carryover Budget Adjustments in the Amount of \$294,560.12 for the 2003-2004 Fiscal Year (Recommend Adoption)

Staff has been reviewing the Redevelopment Agency's financial records in preparation for the Mid-Year of the Fiscal Year 2003-2004 Citywide Operating Budget. As a result of this review, staff has determined that there were three Agency projects that were inadvertently not carried forward into the Fiscal Year 2003-2004. These projects are related to the Housing Element consultant work, the Century Plaza Pylon Sign Loan and the Library Expansion feasibility study efforts. To provide a clear audit trail and a more accurate picture of budget estimates staff is recommending that budget amendments be approved for these account items.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: February 17, 2004

REGULAR CITY COUNCIL MEETING

CONSIDERATION

1. **RESOLUTION 04-9996** Consenting to the Award of a Consultant Agreement for the Design of a New Public Library and Making Certain Findings in Connection Herewith (Recommend Adoption)
Combined w/RDA 04-943

This item is combined with RDA Resolution 04-943. See Executive Summary under RDA 04-943.

2. **REPORT** Consideration of Water Rate Increase (Recommend Acceptance)

Recent discoveries by the Finance Department indicate that the City's Water Fund has not been collecting sufficient revenue to meet operating costs for several years. The repeated shortfall in annual operating revenue has depleted that Water Fund reserves to an unacceptable low level of \$645,730 with proposed reductions by July 1, 2004. A water rate increase of eight-percent (8%) is needed immediately to meet annual operational expenses for the coming fiscal year.

3. **MINUTE ORDER** Inclusionary Housing Ordinance – Work Program (Recommend Adoption)

On January 20, 2004 the City Council requested City staff return with an inclusionary housing ordinance suitable for adoption in Pittsburg after holding workshops to gain public input on the matter. Staff has submitted a proposed work program and draft timeline to accomplish this task.

4. **MINUTE ORDER** Development of Hillside Development Work Program (Recommend Adoption)

On January 5, 2004 the City Council reconfirmed its position that the General Plan Hillside Development policies are to apply to all land above the 500-foot contour level. Staff submitted a work program to create a set of hillside development guidelines and/or performance standards, with public participation, to implement the hillside development policies.

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 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: January 5, 2004 (Recommend Approval)
- b. **CLAIMS** #1563 Kevin Johnson (Recommend Denial)

(Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)
- c. **ORDINANCE 04-1214** Adoption of an Ordinance to Rezone Two Parcels for Empire Business Park Rezoning. AP-03-46 (RZ) (Recommend Adoption)

On January 20, 2004 the City Council introduced and waived the first reading of Ordinance 04-1214, which would rezone a 4.22 acre parcel from IP-O (Industrial Park with a Limited Overlay) to a new IP-O and a 35.95 acre parcel from IP (Industrial Park) to IP-O. Ordinance 04-1214 is being brought back before the Council for adoption.
- d. **RESOLUTION 04-9998** Authorizing a Year-End Carryover Budget Adjustment in the Amount of \$46,011.25 for the 2003-2004 Fiscal Year (Recommend Adoption)
Combined w/RDA 04-944

Staff has been reviewing the City's financial records in preparation for the Mid-Year review of the Fiscal Year 2003-2004 Citywide Operating Budgets. As a result of this review, staff has determined that there was one city administrative project that was inadvertently not carried forward into the Fiscal Year 2003-2004. This project is related to the Governmental Accounting Standards Board (GASB) #34 compliance work for both finance and engineering activities. To provide a clear audit trail and a more accurate picture of budget estimates staff is recommending that a budget amendment be approved for this account item.
- e. **RESOLUTION 04-9999** Authorizing Acceptance of Used Oil Recycling Block Grant Funds (Recommend Adoption)

The California Integrated Waste Management Board maintains a grant program to fund projects that promote used motor oil recycling. The City was awarded the non-competitive Used Oil Recycling Block Grant and a resolution is required to receive these funds into an account to implement used oil and filter recycling programs.

- f. **RESOLUTION 04-10000** Review and Approve the Extension of Hours for the Combination Building/Housing Rehabilitation Inspector (Recommend Adoption)

The Housing Rehabilitation Division of the City Manager's Office recently hired a part-time Combination Building/Housing Rehabilitation Inspector to enhance the quality of home improvement services offered to eligible homeowners throughout the City of Pittsburg. There is an urgent need to increase the Inspector's work hours from 30 to 40 hours per week in order to address the severe backlog of eligible applicants.

- g. **RESOLUTION 04-10001** Approve the Alves Ranch-Vista Del Mar Water Supply Assessment (Recommend Adoption)

State law, enacted in 2002, now requires retail water agencies to prepare an assessment of their ability to serve water to large residential and commercial developments. The Public Works Department has prepared a Water Supply Assessment for the Vista Del Mar portion of the Alves Ranch development site. The Water Supply Assessment concludes that, with minor findings, the City's water system can serve the Vista Del Mar development within the Alves Ranch site water for now and in the foreseeable future.

- h. **RESOLUTION 04-10002** Ratifying a Side Letter of Agreement with the Pittsburg Police Officer's Association (Recommend Adoption)

The City of Pittsburg and the Pittsburg Police Officer's Association (POA) have entered into a three year collective bargaining agreement for the term of July 1, 2002 through June 30, 2005. As part of this agreement the shift differential provided to employees working 5:00 p.m. to 7:00 a.m. ended June 30, 2003. The proposed Side Letter of Agreement amends the collective bargaining agreement by continuing the shift differential. In exchange, the POA agrees to assume all liability for the City's prior improper overtime payment calculations of POA members' holiday pay.

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.)*

ADJOURNMENT OF THE CITY COUNCIL To: February 17, 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 Consolid. Fire Dist.	Michael Kee / William Glynn Alt.	Standing	2 nd Monday	N. Shirazi
Delta Diablo Sanitation	Aleida Rios / Nancy Parent Alt.	Standing	2 nd 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 nd 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 rd 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 st 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 st 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