

**CITY OF PITTSBURG  
MEETING OF THE HOUSING AUTHORITY, REDEVELOPMENT AGENCY,  
AND CITY COUNCIL**

**AGENDA**

**TUESDAY, JANUARY 20, 2004**

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

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

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

**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  
Dana Leatherwood, Housing Authority Member  
Cathy Wallen, Housing Authority Member**

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**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:

Two (2) cases

b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Section 54956.0)

Name of case:

West Coast Home Builders, Inc., and Seecon Financial and Construction Company, Inc. v. City of Pittsburg, City Council of the City of Pittsburg et al, Contra Costa County Superior Court Case No. C03-02777

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

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**CITY MANAGER REPORT** - *City Manager may brief the Council on items of interest. (No Action.)*

1. Preliminary Assessment of Governor's Proposed State Budget

**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**

**CONSENT**

a. **DISBURSEMENT LIST** Period Ending November 30, 2003 & December 31, 2003 (Recommend Approval)

b. **MINUTES** Dated: November 17, 2003 (Recommend Approval)

**ADJORNMENT:** To: February 17, 2004

## REGULAR REDEVELOPMENT AGENCY MEETING

### CONSIDERATION

1. **RESOLUTION 04-940**  
**Combined w/CC 04-9989** Authorizing Additional Construction Contingency for Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements and Making Certain Findings in Connection Herewith (Recommend Adoption)  
  
On May 19, 2003, the City Council adopted Resolution No. 03-9820, awarding a construction contract to Bay Cities Paving and Grading for Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements. During the course of construction, the Contractor has encountered numerous underground utility conflicts resulting in unanticipated additional costs which have resulted in a depletion of the project contingency. At this time, the project is 80% complete.
  
2. **RESOLUTION 04-941** Reimbursement of Waived/Reduced City Development Fees Pursuant to the Enterprise Zone Fee Waiver/Reduction Program (Recommend Adoption)  
  
On July 21, 2003 the City Council and Agency Board approved the Enterprise Zone Fee Waiver/Reduction Program. \$750,000 was allocated for the Program for fiscal year 2003-2004 to reimburse the City for waived and/or reduced development fees. During the period of October 1, 2003 through December 31, 2003 a total of \$2,685.63 in development fees were waived and/or reduced.

**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. **REPORT** Approval of the Redevelopment Agency's Annual Report for Fiscal Year 2002-2003 (Recommend Approval)  
  
Pursuant to Health and Safety Code 33080.1, the Redevelopment Agency of the City of Pittsburg is required to present an annual report to its legislative body within six months of the end of the Agency's fiscal

year. The Agency Board received the Annual Report Package on December 30, 2003. This staff report includes any requested changes made by the Board before submission to the State of California.

- c. **RESOLUTION 04-942** Approving the FY 2003-2004 Pittsburg Redevelopment Agency Expenditure for a State Mandated ERAF Takeaway in the Amount of \$1,089,885 (Recommendation Adoption)

The State of California budget included as one of its deficit eliminating measures the transfer of \$135 million of tax increment funds from local government redevelopment agencies to the Education Revenue Augmentation Fund (ERAF). These shifted monies will be given to school districts to free up, for other uses, state revenues that have supported schools in past years.

**ADJOURNMENT OF THE REDEVELOPMENT AGENCY** To: February 2, 2004

## REGULAR CITY COUNCIL MEETING

### PROCLAMATION

1. Loaves and Fishes
2. National Volunteer Blood Donor Month

### PUBLIC HEARING

1. **ORDINANCE 04-1214** Introduction of an Ordinance to Rezone Two Parcels for Empire Business Park Rezoning. AP-03-46 (RZ) (Recommend Introduction and Waive Second Reading)

This is a public hearing on an introduction of an ordinance to 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. The properties are located on the south side of Willow Pass Road. The 4.22-acre parcel lies between the 35.92 acre parcel (7801 Willow Pass Road) and Heritage Pointe Residential Subdivision (Builder's Circle).

2. **ORDINANCE 04-1215** Ordinance Establishing Interim Zoning Regulations Providing for Issuance of Land Use Entitlements Consistent with the General Plan (Recommend Introduction and Waive Second Reading)

The City Council is asked to adopt an interim zoning ordinance to facilitate continued development within the City until completion of the comprehensive zoning update, which is anticipated to be completed in 2006. An interim zoning ordinance is necessary to provide regulatory procedures that will allow land use proposals and permit applications consistent with the General Plan to continue to be processed.

### CONSIDERATION

1. **RESOLUTION 04-9989**  
**Combined w/RDA 04-940** Authorizing Additional Construction Contingency for Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements and Making Certain Findings in Connection Herewith (Recommend Adoption)

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Cities Paving and Grading for Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements. During the course of construction, the Contractor has encountered numerous underground utility conflicts resulting in unanticipated additional costs which have resulted in a depletion of the project contingency. At this time, the project is 80% complete.

**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** #1551 Anitra Brown; #1564 Todd Michael Billeci;  
(Recommend Denial)

(Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)

c. **RESOLUTION 04-9990** Authorize Funding Payment to Contra Costa County Pittsburg Library for Additional Hours of Service in the Amount of \$72,448.91 for FY 02/03 and \$79,400 for FY 03/04 (Recommend Adoption)

Approve funding the payment for additional hours of service at the Contra Costa County Pittsburg Library for FY 02-03 in the amount of \$72,448.91 and \$79,000 for FY 03-04. The City of Pittsburg, along with most other Contra Costa cities has been contributing towards the cost of providing additional hours of library service since FY 93-94. This additional funding allows the County to provide an increase to the hours of service over the base hours per week within respective communities (hours of service may vary from City to City based upon levels of service).

d. **RESOLUTION 04-9991** Approving the Plans and Specifications and Authorizing Bidding for Contract 02-07, Marina Dock Replacement Project Phase II (Recommend Adoption)

Contract 02-07, Marina Dock Replacement Project will include the installation of new docks and facilities at the George Lowy Marina. This project is being constructed in two phases due to environmental restrictions. Phase I is approaching completion. This resolution will authorize the City Engineer to advertise for bids to construct Phase II of the project which includes the dock installation and other facilities.

- e. **RESOLUTION 04-9992** Approval of Professional Services Contractual Agreement between the City of Pittsburg and John Bartley Kerr (Recommend Adoption)

Pittsburg Delta View Golf Course has recently completed a \$375,000 improvement project, allowing Delta View to be competitive with the amenities offered by other local golf courses in the surrounding areas. Now that the improvements have been completed, the management of the systems and the marketing of the golf course and its services begin. City staff recommends the City continue to contract the professional services of John Bartley Kerr for the management and marketing responsibilities at Delta View. Mr. Kerr has demonstrated his management abilities thus far, in the direction provided at Delta View to date, and has the experience and expertise in marketing to create and implement a strong, aggressive marketing plan.

- f. **RESOLUTION 04-9995** Approve the Intent to Refund the Wastewater Revenue Refunding Bonds, Series 1994 (Recommend Adoption)

The City has the ability to refund its Series 1994 Wastewater Revenue Refunding Bonds to generate significant savings. The City has an objective of generating at least 3% net present value savings (at this time, this refunding generates savings of approximately 5.92% or \$56,000 per year for the remaining life of the bonds) when it refunds its outstanding debt. It is staff's recommendation that the City approve proceeding with the refunding of the Series 1994 Wastewater Revenue Refunding Bonds and that the City approve the same financing team used for the most recent Redevelopment Agency financing for this refunding issue.

**COUNCIL REPORTS** - *Council members may ask questions for clarification from City staff, and make a brief announcement or report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate). (No Action Required.)*

**ADJOURNMENT OF THE CITY COUNCIL** To: February 2, 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 <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