

CITY OF PITTSBURG
Redevelopment Agency Minutes
September 4, 2001

Mayor Quesada called the meeting to order at 5:33 p.m. He advised that the Council will meet in Closed Session. There being no one to speak from the public concerning Closed Session matters, he adjourned to Closed Session at 5:33 p.m.

Mayor Quesada reconvened the Redevelopment Agency Meeting at 7:03 p.m. City Attorney Daube stated there was nothing to report from the Closed Session Agenda.

MEMBERS PRESENT: Beals, Lewis, Rios, Quesada

MEMBERS ABSENT: Aiello

STAFF PRESENT: City Manager, Will Casey
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
City Clerk, Lillian Pride
Acting Assistant City Manager, Nasser Shirazi
Director of Economic Development, Garrett Evans
Acting Director of Engineering, Wally Girard
Director of Finance, Jim Holmes
Director of Leisure Services, Paul Flores
Police Chief, Aaron Baker
Acting Director of Planning and Building, Randy Jerome
Director of Public Services, John Fuller
Administrative Analyst, Michelle Fitzer
Police Records Manager, Virginia Flores

PLEDGE OF ALLEGIANCE

The PHS Cheerleaders led the pledge of allegiance.

CITIZENS REMARKS

There were no citizen remarks.

MEMBERS REMARKS

There were no members remarks.

CONSENT

On motion by Member Rios, seconded by Member Lewis to unanimously adopt the Consent Calendar as follows: **VOTE: 4-0 (Aiello absent)**

The minutes of August 6, 2001 were approved.

- b. **RESOLUTION 01-790** Approval of a Lease Agreement Between the Pittsburg Redevelopment Agency and Mr. and Mrs. Alexander R. Vasquez for the Use of 120 Avon Street (APN 086-221-017) as a Residential Dwelling Unit

Resolution 01-790 was adopted.

- c. **RESOLUTION 01-791** Approval of a Lease Agreement Between the Pittsburg Redevelopment Agency and the Pittsburg Post #1898 Veterans of Foreign Wars for the Use of 2011 Railroad Avenue (APN 086-221-012) as General Office Space and a Membership Gathering Hall

Resolution 01-791 was adopted.

- d. **RESOLUTION 01-792** Awarding Consultant Agreement with Noll & Tam for Library

Resolution 01-792 was adopted.

ADJOURNMENT

There being no further business, the Redevelopment Agency adjourned at 7:06 p.m. to the next meeting scheduled for September 11, 2001 for a Fee and Finance Authority Workshop.

Respectfully submitted,

Lillian J. Pride
Secretary

September 4, 2001

Mayor Quesada called the meeting to order at 5:33 p.m. He advised that the Council will meet in Closed Session. There being no one to speak from the public concerning Closed Session matters, he adjourned to Closed Session at 5:33 p.m.

Mayor Quesada reconvened the City Council Meeting at 7:20 p.m. City Attorney Daube stated there was nothing to report from the Closed Session Agenda.

MEMBERS PRESENT: Beals, Lewis, Rios, Quesada

MEMBERS ABSENT: Aiello

STAFF PRESENT: City Manager, Will Casey
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
City Clerk, Lillian Pride
Acting Assistant City Manager, Nasser Shirazi
Director of Economic Development, Garrett Evans
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CITIZENS REMARKS

Erika Vigil, Captain of the PHS Freshman Cheerleading Squad requested sponsorship for the Citrus Bowl on December 31, 2001.

Council Member Beals stated that as a former cheerleader of PHS, the Council is supportive of our cheerleaders; however, the sponsorship request was forwarded to the Leisure Services for consideration.

Dianne Beaulieu Arms, Pittsburg, representing the Pittsburg Community Theater requested support from the Council in honoring the historic 20 year agreement of reciprocity between the City, PUSD and PCT. She stated PUSD is requiring a payment of \$3500 by this Friday for custodian services at the Creative Arts Building.

Council Member Lewis stated he was very concerned that the PUSD has taken it upon themselves to change the reciprocity agreement and is disappointed in the short timeframe in which to come up with the \$3500 fees. He urged the School District Subcommittee to meet within the next day or two with the PUSD, or recommend the Council send a letter to hold the fees in abeyance until such time as the subcommittees can meet to iron out the differences. Council Members Rios and Beals will meet with PUSD, along with Paul Flores. In the meantime, a letter will be drafted to PUSD to put off the fees until there is a consensus.

Elizabeth Smith, Pittsburg, representing the Pittsburg Italian Cultural Association presented plans to create an Italian cultural center in or near the downtown area. She stated the community has been responsive re: the fisherman statue, cannery workers, fishing boat, sister city, etc. This would be a large tourist attraction in the form of an Italian village.

William Lee, Pittsburg, stated last year at this time the Council moved to stop funds donated from the City for the high school press box. The money is needed now, as the press box is completed. He would like the Council to authorize the City Manager to release the funds. City Attorney Daube suggested this matter be referred to staff and explained to Mr. Lee that because the item is not on the agenda no action can be taken at this time.

Willie Mims, Pittsburg, stated he attended a Council meeting where a vote was taken on Resolution 01-9403 regarding a Resolution of Necessity for Eminent Domain. He stated there was a transcriber taking notes of the proceedings, which he believes should have become a public document. He stated that according to the California Public Records Act he has a right by law to view and to copy the document. He said he has tried unsuccessfully to get a copy of the document and the City Attorney has directed the City Clerk's office not to allow him a copy of the document. He also stated the City Attorney has refused to give him the denial in writing which she must do according to the law. He commented he was allowed to read the document. He stated he has a right by California law to not only view the document but to copy it as well. He is requesting the City Council instruct the City Attorney to allow copying of the document.

City Attorney Daube stated she thought the matter was resolved, and that the issue is the cost of the document. She asked that he contact her office the next day, and apologized as she thought the matter was resolved. Mr. Mims stated he got no response. He understands that he was told to go to Zandonella's and have them copy it, but California law states that you cannot charge any more than 6 cents to 24 cents for any document. City Attorney Daube again asked Mr. Mims to contact his office. Mr. Mims stated he wants his response in writing.

Charles Smith, Pittsburg, stated he attended a Planning Commission meeting and was surprised about the level of concern regarding street vendors not having licenses, etc.; however, when Dow Chemical asked to install a 40,000 gallon tank there was no question regarding the chemicals that would be put in the tank. He also has an argument that it is not SERA exempt. He stated Dow Chemical has to prepare emergency plans for the tank, and the community has a right to know about damaging chemicals. These are issues that staff did not look at completely. Planning Commission staff acknowledged there would be no visibility of the tank; however, he is

When questioned by Mayor Quesada whether he spoke at the Planning Commission meeting, Mr. Mims stated he did not make an appeal at the time.

Richard Stypman, San Francisco, stated he is a legal technician speaking on behalf of Mr. Bashir Rahimi, a taxpayer in Pittsburg. He stated Mr. Rahimi Adilly-dallied@ in obtaining use permits for property he owns at 5 Industrial. City Attorney Daube stated this issue is under litigation and the claim has been referred to Risk Management. She informed Mr. Stypman that his approach to the Council was improper communication and any proposed settlement needs to be directed to Mr. Edrington, our Risk Management attorney.

Council REPORTS

Council Member Lewis reported as liaison to the Contra Costa Fire District, that two community information sessions were held in August regarding relocation of the downtown fire station. While not well attended, there were many questions raised. There will be a presentation and agenda item tentatively scheduled for October 1, 2001. He requested that Council Members forward any concerns to him to pass along to the CCFD.

Mayor Quesada stated he and Council Member Lewis have been assigned to meet with CCFD to discuss location and relocation.

Council Member Rios stated she attended National Night Out and commented that the Police Department and volunteers did an excellent job. She attended PUSD Superintendent Dr. Wong=s reception welcoming him to the City. She attended the Renaissance Festival. She was present at the police academy graduation, with four new police officers sworn in. She and Council Member Beals met with the library committee and discussed hiring a consultant to do feasibility studies. She also spent a full day at Marine World with students from Shimonoseki, Japan, our Sister City. She also attended the August After Hours events but will defer to Council Member Beals for a report.

Council Member Beals stated she was excited about the month of August that was full of exciting events downtown. She attended the National Night Out and congratulated the Police Department and all organizations that participated and made it a successful event. She attended the swearing in ceremony of police officers that included a cousin, and two PHS graduates. On August 21 she participated in a Water Transit Authority meeting in Martinez to explore using water transit as an alternative to Highway 4 commute traffic. She attended the library committee meeting. She stated that August After Hours was a very successful program and thanked all the restaurants and bands that participated. On August 24 PACO had the opening of their summer festival which was a well attended event showcasing local artists. Last Saturday she participated as an alumni in a reunion of El Pueblo grammar school (now Martin Luther King Preschool). She stated this was a well attended event with people coming from as far as Colorado. She encourages all to attend upcoming Seafood Festival. She also announced that on September 15 at 11:00 there will be dedication ceremony for the late Taylor Davis.

Council Member Rios stated Vice Mayor Aiello asked that she convey a message regarding placing a sign on the freeway dedicated to John Henry Johnson, PHS alum and Football Hall of Fame member.

Mayor Quesada stated he attended most of the above functions. He thanked staff from

Leisure Services and other city employees for the reception shown to the students from Shimonoseki, Japan that were here. He encouraged everyone to attend the upcoming Seafood Festival and the Taylor Davis dedication ceremony. He also commented he attended a meeting with the Elks to encourage them to stay in the City of Pittsburg.

PROCLAMATION

1. Honoring Keith Gripe

Keith Gripe was not in attendance, however the Proclamation was read and will be delivered to him.

2. Mexican Independence Day

Members of the Latin American Women=s League were presented with a Proclamation in commemoration of Mexican Independence Day which was read by Mayor Quesada.

PRESENTATION

1. East County Cheetahs

The East County Cheetahs board members were not able to participate in tonight=s presentation. Council Member Beals stated they wanted to present accomplishments to the Council promoting the sport of track and field in the East County area. Throughout the summer they have performed at the All Comers Meets at DVC and Member Beals feels the group should be applauded for the work they do.

2. Bicycle Safety Awareness Contest Winners

Virginia Flores stated some of the students participating in the event are absent because of school. Leonard Costa, volunteer coordinator was present. She stated police volunteers have sponsored several safety contests over the years. This year, they held a poster and essay contest sponsored by many local businesses and service clubs. 6th and 7th graders participated in the poster contest and essay winners were 8th graders. Central Junior High School, Hillview Junior High School, Christian Center School and St. Peter Martyr School participated. Essay finalists were selected by editors and newswriters from the Ledger Dispatch. She commended the volunteers for their hard work with these safety programs.

3. Pittsburg Lifeguards

Ken Gray stated three teams from the City of Pittsburg participated in the California Lifeguard games competing against 33 teams. This year they brought home two trophies; a first place and first place overall were presented to the Council.

CONSENT CALENDAR

On motion by Council Member Lewis, seconded by Member Rios to adopt the Consent Calendar with the exception of items c, j, and m by the following vote: **VOTE: 4-0 (Aiello**

Resolution No. 01-9457 was adopted.

- i. **RESOLUTION 01-9458** Authorizing the City Manager to Execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and Any Amendments Thereto with California Department of Transportation

Resolution No. 01-9458 was adopted.

- j. **RESOLUTION 01-9459** Award of Contract for Drainage Channel Cleaning

Willie Mims stated he opposes Resolution 01-9459. He stated Charles Smith will speak on this in detail. He stated he has walked the creek and observed there is severe blockage east of Loveridge. He stated the work should not be done west of Loveridge Road, but east of Loveridge Road.

Charles Smith stated he gave Mr. Mims the wrong direction. He surveyed the area and there is blockage east of Loveridge. He said there is also blockage west of Loveridge and throughout the whole channel. He also observed that someone has gone in and started to do work as much of the debris has been removed. He asked Mr. Fuller to explain the engineering. The westward area of the channel is starting to dry up, except underneath the bridges. He wonders if the City is waiting to do work which was previously authorized for the elevation of the Pittsburg-Antioch Highway before working on the channel in that area. There is still blockage of water from the steel mill behind Carpino and Diane Avenue to the school and behind Praxair. He feels the engineering there does not fit the concept of where the water is going to flow. The work that has been done in that area has released quite a bit of water on Loveridge eastward. He questioned the goal of the work being done in that 500 feet area. He stated further down toward the steel mill gates towards the entrance to USS Posco water is still standing under the bridge, and stands all the way to California Avenue.

John Fuller stated the project under Resolution 01-9459 is to clean 4000 feet not 500 feet. The cleaning will begin at 500 feet west of Loveridge, from that point and everything east of that point all the way to the City limit line. He stated the entire channel will be cleaned and that the City is obligated to clean that area based on a resolution passed two years ago. Everything upstream of the point where they are going to stop will be handled by the larger project that Community Development is working on next year.

Mr. Mims stated the resolution states 500 feet east and does not say 5000 feet. In July the channel was clogged from Loveridge east. Today the channel is not clogged and work has been done there already.

Mr. Fuller again clarified the area that would be cleaned.

A motion was made by Council Member Lewis and seconded by Member Rios to adopt Resolution 01-945.

Council Member Beals stated she shared the concerns of Mr. Mims for the Kirker Creek

project. She asked if the property is in the Carpino area. Mr. Mims stated the area behind Praxair is still clogged and asked whether that area is going to be cleaned. Council Member Beals asked why this area is not a priority to be cleaned and whether the current work planned will help the flow downstream. John Fuller stated the area upstream will not be an immediate help. Mr. Fuller also stated the permit for the current work was applied for last year. The permit to do the area in question would not allow the work to start until June, 2002. Mr. Mims stated the Kirker Creek permit is already issued to start the work.

Per the motion the following vote was taken: **VOTE: 3-1 (Beals no; Aiello absent)**

- k. **RESOLUTION 01-9460** Award Contract No. 01-08, Oakhills Residential Permit Parking (PRPP) Program

Resolution 01-9460 was adopted.

- l. **RESOLUTION 01-9461** Lisa=s Closet Request for Funding and Waiver of Fees

Resolution 01-9461 was adopted.

- m. **RESOLUTION 01-9462** Request for Funding for PHS Song Leaders

The Song Leaders stated they have been holding many fundraisers.

Council Member Beals asked about the flag and program that the U.S. Postal Service donated to fundraise, and was told they have not yet received the flag, but it will be posted on eBay.

On motion by Council Member Beals, seconded by Member Lewis to adopt Resolution 01-9462 by the following vote: **VOTE: 4-0 (Aiello absent)**

Mayor Quesada called for a five minute break at 9:02 p.m. before proceeding with the Public Hearing Section.

Mayor Quesada reconvened the meeting at 9:13 p.m.

PUBLIC HEARING

1. **RESOLUTION 01-9464** Stoneman Airpark Lease Agreement and Adoption of Negative Declaration

Garrett Evans presented the staff report. He stated the City was approached by the Diablo Valley Radio Controllers to find a suitable location to move their radio controlled model airplane park to within the City. Staff found the old rifle range to be an appropriate area. Diablo Valley Radio Controllers have agreed to do substantial improvements to the location over the next ten years. The lease is a ten year lease with a ten year option. Due to the improvement costs that they will cover at their expense, the City is asking for the lease to be \$1 per year. Diablo Valley Radio Controllers will also work with Leisure Services to offer courses for the community.

Staff is also asking that the Negative Declaration be approved as there are no environmental impacts per the CEQA act as amended.

Mayor Quesada opened the public hearing.

Orin Allen of Diablo Valley Radio Controllers stated he is gratified that the City of Pittsburg and staff have put this proposition together. He stated any time you can provide a young person an avenue, you can save a life. He thanked the Council for the opportunity presented to the club.

There being no one further to speak either for or against the Resolution, Mayor Quesada closed the public hearing.

On motion by Council Member Lewis, seconded by Member Rios to adopt Resolution 01-9464 by the following vote: **VOTE: 4-0 (Aiello absent)**

2. **RESOLUTION 01-9465** Authorizing Approval of an Agreement Between Wood Recycling Center, Inc. and the City of Pittsburg Regarding the Operation of a Recycling Facility

John Fuller presented the staff report. He stated Wood Recycling is currently operating at 1501 Loveridge Road. The facility has been operated under various names in the past. This resolution proposes that the current agreement be amended to provide Public Services with the ability to deliver up to 8 tons of wood waste material collected from our parks and right of way areas by the landscape staff, to be delivered at no cost to the City. They also provided up to 20 tons of wood chip material a month to be used as mulch and weed abatement. They provide a Christmas tree recycling program free to the public and they provide us with AB939 reporting information to use in reporting to the Integrated Waste Management Board to meet our 50% reduction requirements. The most important amendment to the agreement is that the new agreement would begin with Wood Recycling paying us \$1 per ton for all material that they process at the site and that fee would increase by 25 cents a ton every year that the agreement runs for five years so that in the fifth year it would be \$2 per ton. Conservatively, this agreement would net between \$20,000 and \$40,000 a year depending on the amount of material that is processed.

Mr. Fuller stated the operators are good corporate entities within the City and have assisted many different organizations including Many Hands, Habitat for Humanity, Contra Costa Food Bank. They are also providing wood chip material to Pittsburg High School for their campus beautification program and are proposing to establish a \$10,000 scholarship program and Teacher of the Year Award at the High School. Staff recommendation is to approve the agreement.

Mayor Quesada opened the public hearing.

Rich Chapman and **Gary Hammaker** of Wood Recycling addressed the Council. They stated they were the original owners of the pallet company. They are excited about the opportunity to support the High School with scholarship money as is planned.

There being no one to speak either for or against the Resolution, Mayor Quesada closed the public hearing.

Council Member Rios asked about \$20,000 to \$40,000 additional fees. She wanted to make sure that Council Members are included in the discussion of spending funds coming in. She also asked whether this proposition been discussed with Code Enforcement. John Fuller stated Code Enforcement did not need to be contacted.

On motion by Council Member Beals, seconded by Member Lewis to adopt Resolution 01-9465 by the following vote: **VOTE: 4-0 (Aiello absent)**

3. **RESOLUTION 01-9466** Authorizing Utilization of Supplemental Law Enforcement Services Funds

Chief Baker presented the staff report. He stated 10% of the money would be spent matching LLFBG and the remainder would be spent on equipment purchases. Staff is requesting approval and acceptance of the grant money.

Mayor Quesada opened the public hearing. There being no one to speak either for or against the Resolution, the public hearing was closed.

On motion by Council Member Beals, seconded by Member Rios, to adopt Resolution 01-9466 by the following vote: **VOTE: 4-0 (Aiello absent)**

4. **RESOLUTION 01-9467** Approving Report and Levying Assessments for Century Plaza Auto Mall Assessment District No. 2001-03

Garrett Evans presented the staff report for both Resolution 01-9467 and 01-9468. The Century Plaza Auto Mall Assessment District will pay for the acquisition and construction of approximately 124,300 feet of street improvements in the area. At the July 16, 2001 the Council approved the commencement of the Assessment District formation process. The financing is structured to be comparable to the recently approved San Marco and Oak Hills V, VI, VII financing except that the land use for the Auto Mall is commercial and the others were residential.

Mark Curran, US Bancorp Piper Jaffray will outline more specifics on the Assessment District. Bond Counsel Orrick Herrington & Sutcliffe is also present should there be any questions.

The Auto Mall Assessment District is being considered by the City at the request of the property owner. Property owner consent for final approval of the formation of the District is to be considered a prerequisite for City implementation and financing. Staff recommendation is to open a joint Public Hearing receiving comments and approve the Resolutions via separate votes.

Mayor Quesada opened the public hearing.

Mark Curran stated the project has been worked on for many years and the property owner has requested the Assessment District.

There being no one to speak either for or against the Resolutions, Mayor Quesada closed the public hearing.

On motion by Council Member Rios, seconded by Member Lewis to adopt Resolution 01-9467 by the following vote: **VOTE: 4-0 (Aiello absent)**

5. **RESOLUTION 01-9468** Authorizing Issuance of Bonds and Approving Forms of Financing Documents for Century Plaza Auto Mall Assessment District No. 2001-03

On motion by Council Member Lewis, seconded by Member Rios to adopt Resolution 01-9468 by the following vote: **VOTE: 4-0 (Aiello absent)**

6. **RESOLUTION 01-9469** Resolution of Intention to Amend the Contract Between the City Council of the City of Pittsburg and the Board of Administration of the California Public Employees Retirement System (PERS)

Michelle Fitzer presented the staff report. A contract for retirement benefits between the City of Pittsburg and the California Public Employees Retirement System (PERS) became effective June 24, 2001. This contract provides for the 2% at 55 retirement formula for miscellaneous or non-safety employees, and 3% at 50 formula for safety employees. The initial contract did not provide for PERS service credit of Pittsburg employees prior to the June 24 contract date, although the City=s termination date with Contra Costa Retirement Association specifies all retirement service will transfer to PERS. Additionally, the City has negotiated enhancements to the PERS contract as part of the collective bargaining process with the various employee associations. The Resolution and Ordinance provide the mechanism for the City to amend the PERS contract in accordance with the previously agreed upon benefit levels. The contract amendments will be effective October 14, 2001.

The Public Employees Retirement Law, known as the PERL is the PERS governing law and requires cities to amend their retirement contracts by ordinance. The recommended actions before the Council comply with the PERL by adopting a resolution of intention to amend the retirement contract and introducing under first reading the ordinance that amends the retirement contract.

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The PERL states that the City Council may hold the second reading of the ordinance following 20 days after first reading. Assuming adoption of both the resolution of intention and first reading of the ordinance, the ordinance will be presented to Council on October 1 for final adoption. Also scheduled for October 1 will be a resolution that permits the City to report the employees portion of the PERS contribution as compensation for retirement calculations. Adoption of such resolution will fulfill the City=s obligation under the collective bargaining agreements.

The Council will also be asked on October 1 to adopt another resolution pooling the 1959 survivor benefit assets and liabilities with program participants. The Council previously adopted Resolution 01-9408 to pool the safety employees third level 1959 survivor benefits and through the collective bargaining process agreed to provide the fourth level 1959 survivor benefits and another resolution to pool assets and liabilities is required. The City and the employees and the collective bargaining units have previously agreed that the City would transfer all County retirement plan service credit of current employees to CalPERS. Employees previously elected to become members of PERS in this election was part of the contract initiation process. PERS now requires the City to conduct an employee election as to the transfer of service credit from the County retirement system to CalPERS. The election will be held between the first and second readings of the ordinance amending the PERS contract. Two-thirds of the employees eligible to vote must approve the transfer of service credit from the retirement plan to PERS. The City specifically did not initially contract with PERS for the inclusion of all County retirement plan service. Had the contract been retroactive immediately, the funding period for the payment of accrued liability would have been 13

years. By initially contracting for prospective only PERS membership and then amending the contract for the inclusion of all County retirement plan service, the funding period for the accrued liability is increased to 20 years thus reducing the impact to the City=s employer contribution rate. PERS calculates the retirement costs will increase from 8.694% to 17.386 percent of reportable payroll for miscellaneous employees and from 18.891% to 42.723% of reportable payroll for safety employees. However, those rates do not take into account the City=s assets that are transferring from the County=s retirement system to PERS. Those assets are estimated to be \$996,836 for miscellaneous employees and \$10,246,708 for safety employees. Consequently, the projected PERS employer rate will be 16.512% for miscellaneous employees and 25.908% for safety employees and these projected rates are in line with the budgeted retirement costs.

Staff has two recommendations as there are two items on the agenda. The first is recommendation of adoption of Resolution 01-9469 and secondly to introduce, waive further reading and pass to second reading Ordinance 01-1186.

Mayor Quesada opened the public hearing. There being no one to speak either for or against the issue, the public hearing was closed.

On motion by Council Member Rios, seconded by Member Lewis to adopt Resolution 01-9469 by the following vote: **VOTE: 4-0 (Aiello absent)**

7. **ORDINANCE 01-1186** Amending the Contract between California Public Employees Retirement System (PERS) and the City of Pittsburg (Recommend Introduce and Waive Further Reading)

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On motion by Council Member Rios, seconded by Mayor Quesada to introduce and waive further reading Ordinance 01-1186 by the following vote: **VOTE: 4-0 (Aiello absent)**

8. **RESOLUTION 01-9470** General Plan and Final Environmental Impact Report (EIR) Approval

City Attorney Daube recommended the Public Hearing be opened and continued to a special meeting to be held September 15. Council Member Beals mentioned that two Council Members will be at the League of California Cities Conference on that date.

Randy Jerome presented the staff report. The General Plan was last adopted in September 1988. Two years prior to that a Downtown Specific Plan was adopted. Four years ago, Council directed staff to hire a consultant and begin a comprehensive update of our General Plan process. In those four years, there have been 15 public workshops, presentations, and stakeholder meetings and the draft General Plan and draft Environmental Impact Report came out in January of 2001 and has gone for public circulation. There have been 13 public hearings before the Planning Commission relative to the various issues and policies and maps associated with the draft plan itself. Staff is now ready to bring it before the Council. This is the hearing draft that was presented to the Council earlier last month, along with the response to comments on the draft EIR which was also sent out in January, 2001. The draft EIR, along with those comments, constitutes the final EIR which must be certified prior to adoption of the General Plan. Mr. Jerome also noted for the public and Council=s information, that the updated document is now on the City=s website and can be accessed there. He also presented a letter received from Johns Manville today in support. Staff intention is to open the public hearing and continue to a special meeting. At that time Dyett and Bahia, the consultant, will

give a brief presentation on the General Plan.

Mayor Quesada opened the public hearing. City Attorney Daube asked for a date to continue the public hearing. She stated one option is to start the meeting on September 17 at 5:00 p.m. The Council was in consensus on this date.

There being no one further to speak either for or against the Resolution, the public hearing was continued to September 17 at 5:00 p.m.

9. **RESOLUTION 01-9471** Ordering the Abandonment of a Portion of a Storm Drain Easement Accepted on Lot 12 of Subdivision 7514, Regency Estates (704-10; A-001)

Wally Girard presented the staff report. He stated that more easement was granted than was necessary due to the revised storm drain system. State law requires that a resolution of intention to abandon any public land be done, followed by a public hearing. The resolution of intention to abandon was adopted on August 6, 2001. Staff is recommending adoption of Resolution 01-9471.

Mayor Quesada opened the public hearing. There being no one to speak either for or against, the public hearing was closed.

On motion by Council Member Rios, seconded by Mayor Quesada to adopt Resolution 01-9471 by the following vote: **VOTE: 4-0 (Aiello absent)**

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10. **RESOLUTION 01-9472** Appeal of Planning Commission's Approval of a Use Permit for Christ Church Assembly

Randy Jerome stated this appeal was presented by Mr. Allen Valentine. Staff received a phone message that he will not be in attendance.

City Attorney Daube clarified it is the discretion of the Council whether to hear the item or not. She stated generally the appellant has to appear to state his case. In the current matter, staff did not talk directly to Mr. Valentine and received no formal written request for continuance; consequently, the recommendation under those conditions is that the appeal be denied, the Planning Commission decision upheld, and as a result of that decision, Mr. Valentine will be given notice that there are further appeal rights through the courts if the Council wishes to take this particular action. Her recommendation is to open the public hearing.

Mayor Quesada opened the public hearing.

Randy Jerome presented the staff report. The Planning Commission originally denied the application, but later agreed to the usage of the facility as it was presented as a temporary situation.

Al Arrellano, Antioch, stated he is a member of the church and hoped the Council will consider denying the appeal.

Ed Goodson, San Ramon, Attorney for Christ Church Assembly, stated they agree with everything in the staff report and hoped the Council would consider denying the appeal.

Kenneth Edmonson, Sr., Clayton, Pastor of Christ Church Assembly, urged the Council to

go forward with denying the appeal. He stated the Church is looking to build something larger and better that people can look to.

Mayor Quesada closed the public hearing.

Council Member Rios stated that the City's current General Plan does not address this problem and feels it would not be fair to deny them the right of the church facility. However, she would like some language included specifying the use would be for a period of one to two years, and not to exceed that period of time.

On motion by Council Member Rios, seconded by Member Lewis to adopt Resolution 01-9472 with the stipulation that the use would be for a period of one to two years, and not to exceed that period of time, by the following vote: **VOTE: 4-0 (Aiello absent)**

11. **RESOLUTION 01-9473** Approval of Owner Participation Agreement between the City of Pittsburg and Mazzei Pontiac-Cadillac Co.

This item was presented in conjunction with the Pittsburg Power Company.

On motion by Council Member Rios, seconded by Member Lewis to adopt Resolution 01-9473 by the following vote: **VOTE: 4-0-1 (Aiello absent)**

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CONSIDERATION

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1. **RESOLUTION 01-9474** Funding Allocation for Sister City Trip to Shimonoseki, Japan

Paul Flores presented the staff report. An invitation was extended to certain Council Members and staff to attend the Fish Festival in Shimonoseki, Japan, our Sister City. Costs to attend the festival would be \$680 for airfare. The City of Shimonoseki would provide meals and lodging. Staff recommends accepting the invitation from the Mayor of Shimonoseki.

Council Member Rios stated she will refrain from voting as her name is one listed as an invitee to attend.

Council Member Lewis stated he is in favor of Sister City relationships. However, he stated we would be breaking new ground as all previous trips to sister cities' transportation costs were paid for by the individual Council Members, and not by the City. He stated he is reluctant to break this precedent. He asked that the Resolution be continued to allow all members of the Council to vote on it.

Council Member Beals asked if there was a response to Council Member Lewis' concerns and why this trip is recommended to be financed by the City.

Mayor Quesada stated previously Council Members went to Japan and the City of Shimonoseki paid for the trip in its entirety. At this time, the Mayor is requesting the Economic Development Director and Paul Flores as well as two Council members visit.

Council Member Beals stated this did not answer her question, as the staff report states they will pay for meals and lodging and wanted to know how this was different from other trips. In

response, Paul Flores stated that if it is a City related trip, not a social trip, the costs would be borne by the City. If it is purely a social trip, the costs should not be borne by the City.

Council Member Lewis stated it was his understanding that City funds were not used for transportation costs for previous Sister City trips. At no time in the past have we expended City funds for travel costs for City officials to visit our sister cities. He is not necessarily saying that is good or bad, simply that this is a break from what has been done in the past, and he is not comfortable financing travel costs.

Council Member Beals asked what criteria was used for invitation of Council Members. Mr. Flores stated the two members of the Council invited were members of the Economic Development subcommittee, as well as Garrett Evans and himself. The invitation was extended by the Mayor to our Mayor. Mr. Flores stated the benefit of this meeting is that it is not a social exchange, but has an opportunity to do City business relative to economic development.

Mayor Quesada clarified that the expenditure was only for travel expenses. Lodging and meals would be taken care of by Shimonoseki and their Chamber of Commerce.

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On motion by Council Member Lewis, seconded by Member Beals to continue Resolution 01-9474 to the meeting scheduled for September 17, 2001, by the following vote: **VOTE: 3B0-1 (Rios abstain)**

2. **MINUTE ORDER**

Proposals for Increasing Regional Traffic Mitigation Fee

Nasser Shirazi presented the staff report. The City Council has been in discussion with the Fee and Finance Authority on several occasions. There are current two proposals, one from the Mayor and Vice Mayor with a \$2,500 increase in fees. The second proposal is from Brad Nix and Supervisor Glover for the fee to be \$7,500 across the board. Lowell Tunison, staff to the ECCRFFA, is in attendance to answer any questions.

Council Member Rios moved to recommend approval for the first proposal from the Mayor and Vice-Mayor increasing the RTMF by a uniform \$2,500. The motion was seconded by Mayor Quesada.

Council Member Lewis raised issues from the workshop as to how the increase we are offering to chip in to the Authority would be utilized. He is concerned that given the project list handed out at the last workshop we may not see any of the projects developed in East County that are important to the City of Pittsburg. Without the Buchanan Bypass, and whether or not that project is going to move forward, but also other projects that the Council has expressed an interest in; i.e. The north and south arterial to Highway 4; his understanding was that funding for these projects was contingent upon the City of Pittsburg paying the \$7,500 fee. He is concerned that we are committing ourselves to paying this extra fee and not deriving any benefit from it. Also, there has been no compromise in this process. Vice Mayor Aiello proposed the \$2,500 across the board increase that was rejected at the workshop. He is willing to support what the Council majority wants to move forward. He stated Vice-Mayor Aiello mentioned he had an alternative plan that called for a \$3,000 increase rather than \$2,500 and this may be a compromise measure. Member

Lewis stated he wants to make sure the City gets something out of the extra fee whether the fee is \$2,500, \$3,500 or \$7,500. He has concerns about the project list and what the City of Pittsburg will get for \$2,500. He stated this will be a topic for him at the workshop on September 11. The Council was told that Tier II projects would not be done unless \$7,500 was the agreed amount and that Tier I projects did not have any impact on the City of Pittsburg.

Council Member Beals expressed disappointment that we are coming forward with this proposal with no compromise by the Fee and Finance Authority. She is also disturbed that the City of Pittsburg has no priorities on the table. She believes that we should move forward with the \$7,500 to get more for the City and help pay for regional transportation issues and that we should be more regional-minded. She is disappointed with the lack of dialogue and that we are not negotiating and stated she will not support the motion.

Nasser Shirazi stated the answer is in the proposal, #4 - priority given to RTMF projects must be acceptable to the City of Pittsburg.

Council Member Lewis does not believe the Authority will eliminate projects, but that there will simply be no funding. He asked the maker of the motion to consider a compromise of \$3,500.

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Mayor Quesada stated we have put the olive branch out there and he does not want to compromise with a \$3,500 fee. He feels we are being as considerate as we can be. He called for the vote.

Council Member Rios stated she does not want to increase the fee to \$3,500; she stated there are additional fees coming back to the public. She said the City of Pittsburg has been in dialogue with the Authority, but they have chosen to have the mentality of my way or no way. Pittsburg deserves to be a player. She wants to make sure that in the language of this proposal we include projects for the City of Pittsburg. There is a list; however, the priority of the list has not been given.

The motion was amended to include language that some of the money will go to fund City of Pittsburg project. Mayor Quesada seconded the amendment.

Council Member Lewis stated he will vote in support of the motion, but questions whether we have the ability to compromise based on what will be discussed at the next session on September 11. He hopes that at the workshop there will be more proposals.

Mayor Quesada again called for the vote.

VOTE: 3-1 (Beals no)

3. **RESOLUTION 01-9475** Resolution Regarding Conduct of Council Business

City Attorney Daube presented the resolution which was a result of study sessions and hard work by the Council. The guidelines point out those items that were agreed to during these sessions. Generally there is agreement with all but two items: seniority and rotation of vice mayor. The impact of Proposals 1 and 2 are reported along with a history of rotation of mayor and vice mayor since 1985. Both proposals recognize that the vice mayor will automatically be elevated to mayor. The difference is the levels of seniority. The first is ranked by seniority and number of votes. The second proposal only recognizes seniority by the number of votes. The Council needs to decide on the proposals and then the remaining resolution on conduct of business.

Council Member Lewis recommends using Proposal 2 for both the seniority and mayoral rotation. It was his original intention. He stated there is a correction in the chart: 1985 5th name should be Ron Rives and Mr. Lettman should not appear until 1986. The rotation in the chart is based on the placing in the most recent election.

Council Member Lewis moved to adopt Proposal 2. Council Member Beals seconded.
VOTE: 4-0 (Aiello absent)

Willie Mims stated his speaker card was on the entire resolution and would have liked to have been called on before any votes were taken. Council Members explained to him that no vote was taken on the resolution as of yet; the Council was simply deciding which Proposal would be included in the resolution.

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Mr. Mims stated he was glad that the Brown Act was included in the Council procedures. He stated he is disappointed on the appointment of the advisory bodies that there are no term limits.

City Attorney Daube clarified that term limits are addressed in the Municipal Code.

Mr. Mims stated on Page 16, the 2nd paragraph, no person shall approach a Council Member while the Council is in session. He would appreciate following this procedure. He has a problem with not following the same procedures for public speakers. He also pointed out that on page 22, members of the public shall be afforded to speak on any issue. Regarding page 25, he would like to recall at the last meeting two votes were taken, and the second vote was illegal and the motion to strike the first vote was not made. He asked to speak and was told no, which was a violation of his right. He stated Ms. Beals may have made a mistake, but the vote was illegal.

Council Member Beals had a question regarding Council compensation on page 9, in that she thought salary was based on population. City Attorney Daube clarified the Council would have to pass an enabling ordinance consistent with state law in order to be compensated based on population.

On motion by Council Member Rios, seconded by Member Lewis to adopt Resolution 01-9475 with Proposal No. 2 by the following vote: **VOTE: 4-0 (Aiello absent)**

ADJOURNMENT

There being no further business, the City Council adjourned at 10:54 p.m. to the next meeting set for September 11, 2001 for a Fee and Finance Authority Workshop at 5:00 p.m.

Respectfully submitted,

Lillian J. Pride
City Clerk

**CITY OF PITTSBURG
Power Company Minutes
September 4, 2001**

Mayor Quesada called the meeting to order at 5:33 p.m. He advised that the Council will meet in Closed Session. There being no one to speak from the public concerning Closed Session matters, he adjourned to Closed Session at 5:33 p.m.

Mayor Quesada reconvened the Power Company Meeting at 7:07 p.m. City Attorney Daube stated there was nothing to report from the Closed Session Agenda.

MEMBERS PRESENT: Beals, Lewis, Rios, Quesada

MEMBERS ABSENT: Aiello

STAFF PRESENT: City Manager, Will Casey
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
City Clerk, Lillian Pride
Acting Assistant City Manager, Nasser Shirazi
Director of Economic Development, Garrett Evans
Acting Director of Engineering, Wally Girard
Director of Finance, Jim Holmes
Director of Leisure Services, Paul Flores
Police Chief, Aaron Baker
Acting Director of Planning and Building, Randy Jerome
Director of Public Services, John Fuller
Administrative Analyst, Michelle Fitzer
Police Records Manager, Virginia Flores

PLEDGE OF ALLEGIANCE

The PHS Cheerleaders led the pledge of allegiance.

CITIZENS REMARKS

There were no citizens remarks.

MEMBER REMARKS

There were no members remarks.

CONSENT

On motion by Member Rios, seconded by Member Beals to unanimously adopt the Consent Calendar as follows: **VOTE: 4-0 (Aiello absent)**

Pittsburg Power Company

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a. **MINUTES**

Dated: August 6, 2001

The minutes of August 6, 2001 were approved.

b. **RESOLUTION 01-060**

Accept Contract 01-04 Water Valve Replacement Project and Authorize the Executive Director to Execute a Notice of Completion

Resolution 01-060 was adopted.

CONSIDERATION

1. **RESOLUTION 01-061**

Approval of Owner Participation Agreement between the Pittsburg Power Company and Mazzei Pontiac-Cadillac Co.

City Attorney Daube asked that the City Council be convened to join the Pittsburg Power Company and that City Council Resolution 01-9473 be considered simultaneously with Resolution 01-061 as a public hearing.

Garrett Evans gave a brief presentation outlining the Century Plaza 3 and the Auto Mall in general, with specifics regarding the Mazzei Pontiac-Cadillac Owner Participation Agreement.

Chair Quesada opened the public hearing. There being no one to speak for or against the Resolutions, Chair Quesada closed the public hearing.

Member Lewis clarified that he would not categorize dealership as moving from Antioch, but rather, returning to Pittsburg as they were here many years before their move to Antioch.

On motion by Member Lewis, seconded by Member Rios to adopt Resolution 01-061 by the following vote: **VOTE: 4-0 (Aiello absent)**

11. **RESOLUTION 01-9473**

Approval of Owner Participation Agreement between the City of Pittsburg and Mazzei Pontiac-Cadillac Co.

On motion by Member Rios, seconded by Member Lewis to adopt Resolution 01-9473 by the following vote: **VOTE: 4-0 (Aiello absent)**

ADJOURNMENT

There being no further business, the Pittsburg Power Company adjourned at 7:20 p.m.

Respectfully submitted,

Lillian J. Pride,
Secretary

Pittsburg Power Company

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