

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**August 6, 2001**

Chair Frank Quesada called the meeting of the Redevelopment Agency to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after conducting a Workshop regarding East Contra Costa Regional Fee and Financing Authority concerns at 6:38 P.M. There was nothing to report.

**MEMBERS PRESENT:** Aiello, Beals, Lewis, Rios, Quesada

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
Director of Community Development, Nasser Shirazi  
Director of Economic Development, Garrett Evans  
Director of Finance, Jim Holmes  
Director of Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Senior Civil Engineer Joe Sbranti  
Police Commander, William Hendricks

**PLEDGE OF ALLEGIANCE**

Mary Erbez led the Pledge of Allegiance.

**CITIZEN REMARKS**

MARY ERBEZ, Pittsburg, referred to the fact that the Contra Costa County Clinic was expected to open at the old Los Medanos Hospital building in the next two to three weeks with no urgent care services contrary to her understanding that urgent care services were to have been provided at the facility. She emphasized the need for urgent care services in the community and surrounding communities given the high number of uninsured residents in the area.

Ms. Erbez referenced a number of statements that had been made by the County throughout the public process indicating that a 24-hour urgent care center in conjunction with other health care services was promised, even if other health care services were not to be offered. She therefore requested that the City Council exert some pressure on the County Board of Supervisors to offer the community the urgent care services that had been promised, particularly since the Pittsburg Redevelopment Agency had committed \$2 million to the project.

Ms. Erbez also expressed her understanding that while the current clinic was open twice a week for drop-ins, drop-ins would not be accepted once the clinic moved to the Los Medanos facility. As such, she emphasized that there would be fewer services offered to residents with the new facility, and none of the urgent care services that were critically needed in the community.





Referencing Section 4.4.1 of the DDA, Mr. Evans stated that section had yet to be completely negotiated and the full time schedules and cost estimates for some of the off-site improvements had yet to be completed. As such, the process to start the transfer of land was recommended although the full endorsement of the proposal was recommended to be deferred pending the completion of the exact costs and commitments involved.

Mr. Evans recommended the opening of the joint public hearing and the adoption of the resolutions and authorization for the Executive Director to execute the DDA between the City of Pittsburg, the Pittsburg Redevelopment Agency and Pacific Community Services, Inc.

Chair Quesada opened the public hearing.

TOM LaFLEUR, Executive Vice President of PCSI, the developer of the project, thanked the City and staff for the cooperation and generosity in the development of the project. He explained that the award of the funds was the second largest HUD 202 award issued in the United States and the City had waived fees and provided a site to develop the proposal.

Mr. LaFleur noted one point of discussion with respect to the provision of off-site developments. He referenced the issue that the off-sites would have to be identified and limited. He emphasized that PCSI had initially sought from the City the sale of the site for one dollar, waiving all City fees, and providing all off-site improvements to make the site developable.

Mr. LaFleur commented that the City had also previously provided assistance in the provision of utilities from PG&E and AT&T to bring capacity to the site of former PCSI projects, which type of public improvements had not been included in the subject agreement. He delineated the public improvements that PCSI had previously accommodated, such as the key turnaround and some parking spaces by the church, with easements granted to the City to allow the maximization of the number of units and still leave as much room on the site as possible to accommodate the senior community center. Mr. LaFleur urged the City to address PCSI's concern for the off-site improvements to allow a viable project.

BEN JOHNSON, Pittsburg, expressed his support for the project and urged that the City provide the necessary water supply to the facility with the appropriate pressure to ensure adequate water and fire flow for the subject and surrounding uses, including the senior center.

Chair Quesada closed the public hearing.

City Attorney Daube recommended the adoption of City Council Resolution 01-9455 and the DDA, with the exception of Article 4.4 and the relevant sections of Exhibit C, after which the Redevelopment Agency Resolution 01-789 and DDA was recommended for adoption with the exception of Article 4.4 and the relevant sections of Exhibit C.

When asked, City Attorney Daube noted that not all proposals had been worked out. She had sought the removal of the construction schedule and the costs since those items were still under consideration and insufficient information was available to address that situation.

Mr. Evans noted that the associated costs could involve thousands to millions of dollars dependent upon the needs yet to be identified related to water and sewer pressure, among other issues.

In response to Councilmember Lewis, Community Development Director Nasser Shirazi explained that the cost of the improvements previously offered to Stoneman Village would have to be identified.

Councilmember Lewis requested that the costs of the improvements previously offered to the Stoneman Village projects be identified for the record when proceeding to the next phase.

Mayor Quesada reopened the public hearing at the request of John Garcia.

JOHN GARCIA, Pittsburg, explained that the fees for Stoneman II had been paid by the City. He emphasized that the proposal was non-profit and that it had always been understood that the City would pay the fees. Mr. Garcia emphasized that the City had always supported senior housing and he urged that the Council act on the matter at this time and accept the responsibility for the off-site improvement costs.

Chair Quesada closed the public hearing.

2.     **RESOLUTION 01-9455**                   Property Transfer for Presidio Village

On motion by Vice Mayor Aiello, seconded by Councilmember Lewis and carried unanimously to adopt Resolution 01-9455 and the DDA, with the exception of Article 4.4 and the relevant sections of Exhibit C.

1.     **RESOLUTION 01-789**                   Property Transfer for Presidio Village

On motion by Vice Chair Aiello, seconded by Member Lewis and carried unanimously to adopt Resolution 01-789, with the exception of Article 4.4 and the relevant sections of Exhibit C, and subject to the submittal of the anticipated costs to ensure no impact to other budgeted items.

**ADJOURNMENT**

There being no further business, the Redevelopment Agency adjourned at 7:36 P.M. to the next meeting scheduled for September 4, 2001.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**City Council Minutes**  
**August 6, 2001**

Mayor Frank Quesada called the meeting of the City Council to order at 7:37 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

**MEMBERS PRESENT:** Aiello, Beals, Lewis, Rios, Quesada

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager, Willis Casey  
City Attorney, Linda Daube  
Assistant City Attorney, Carol Victor  
Director of Community Development, Nasser Shirazi  
Director of Economic Development, Garrett Evans  
Director of Finance, Jim Holmes  
Director of Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Senior Civil Engineer, Joe Sbranti  
Police Commander, William Hendricks

**AUDIENCE REMARKS**

Members of the Varsity Song Captains of Pittsburg High School reported that they had been invited to attend and perform during half time at the Pro Bowl in Hawaii, a first for a song club at Pittsburg High School. The cost for each member to attend the Pro Bowl was identified as \$1,350. Two of the ten members present described the Varsity Song Captain program, its awards, and its attempts to create fundraisers to pay the cost of attending the Pro Bowl. Assistance from the Council was requested.

As a former cheerleader at Pittsburg High School, Councilmember Beals recommended that the Leisure Services Director and the Leisure Services Commission meet with the Varsity Song Captains to determine whether or not a contribution towards the group's efforts would be possible.

Leisure Services Director Paul Flores reported that the City had a policy for these types of requests where the group would meet with the Leisure Services Commission after which a recommendation would be made to the City Council. With a Leisure Services Commission meeting scheduled for August 9, he stated that a recommendation to the City Council would be forthcoming.

Vice Mayor Aiello supported the request and clarified that three parents would be chaperoning the Varsity Song Captains to the Pro Bowl.

Vice Mayor Aiello referenced occasions when the Song Captains had been invited to other events when the coach had not supported the invitations. As such, he sought the backing of the Coach prior to proceeding with the request.

NITA ESPOSITO, Pittsburg, presented documentation with respect to the plaque for the Fishermen's Memorial in the downtown. She expressed concern that the information on the plaque was incorrect and needed to be corrected and she provided all the necessary information to the City Manager to allow that to be done.

BEN JOHNSON, Pittsburg, reiterated Ms. Esposito's request and affirmed that she had been the unacknowledged Chairman of the project. He supported the correction of the plaque to acknowledge her commitment and service to the project and to the City.

## **COUNCIL REPORTS**

Councilmember Lewis reported that August 16 at the Yacht Club, August 20 at the Council Chambers and potentially August 27 at the Buchanan Center at 7:00 P.M. had been scheduled for public meetings with the Fire Protection District to offer neighborhood presentations regarding the location/relocation of fire district facilities. He noted that the presentation would be made to the City Council at its September 4 meeting to determine whether or not to move forward with the station relocation. He urged the reporter for the local newspaper to properly advertise those public meetings so that all citizen concerns could be presented.

Councilmember Beals explained that the downtown was one of her priorities, and as such it was a pleasure to see staff move forward in the Black Diamond and Marina areas. She took this opportunity to commend City staff on the successful August After Hours held on August 3 as well as the other events scheduled for the remainder of the month. Councilmember Beals also expressed her support for National Night Out and for providing a safe community for children and families. She highlighted the Child Safety Fair scheduled for September 22 and verified the City's sponsorship of Lisa's Closet presented by the Lisa Norrell Foundation.

Councilmember Beals added that she had attended a meeting hosted by the San Francisco Bay Area Water Transit Authority (WTA) in Oakland to address traffic alternatives in the Bay Area. She commented that the WTA was currently conducting meetings throughout the Bay Area, and in addition to the public hearings, a Citizens Advisory Committee (CAC) had been formed to address relief to traffic congestion throughout the Bay Area. She noted the lack of representation from Delta cities, with the exception of Martinez, and urged that the City of Pittsburg participate in the process to be connected to the Bay Area. She sought appointment by the Council to be a member of the Commission.

Vice Mayor Aiello stated that he was a member of the WTA and he had been unaware of any invitation by the WTA to participate in a CAC. He emphasized that he had received no invitation to participate. He stated that as soon as the invitation was submitted, he would be willing to participate.

Councilmember Beals stated that the letters had been submitted to the Mayor and she had been advised that the Mayor had not acknowledged the activities. She stated that she would follow up with that information. She was advised that the item would have to be agendaized for the next meeting to allow further discussion.

Mayor Quesada advised that he had received a letter and had reported that the Vice Mayor was on the Committee and should be invited to participate.

Councilmember Rios reported that she had attended the August After Hours and the meeting on the Habitat Conservation Plan where it was reported that the County had decided to participate, although the City of Antioch had yet to agree to participate in the process. Councilmember Rios also reported that she had attended the League of California Cities Revenue and Taxation Committee meeting where a ballot measure was being sought regarding the reallocation of existing revenues from one local government to another. She reported that a phone and questionnaire survey had been conducted and stated that she would submit more information at the next meeting, including a draft resolution for Council consideration supporting the measure to get local monies back to the cities. She sought comments from the Council to be presented to the next meeting scheduled for September 12. As part of the discussion at the meeting, the possibility of applying sales taxes to Internet activities had been raised.

Vice Mayor Aiello reported that he had attended the well-attended Elks Lodge Dinner on July 21, at which time it was emphasized that the Elks wanted to remain in Pittsburg. He sought efforts to ensure that the Elks Lodge remain in the City and he urged some cooperation from the City to facilitate that process.

Vice Mayor Aiello reported that youth representatives from Shimoneseki, Japan would visit the City from August 23 to 27 and a choir was scheduled to perform on August 28. He added that the Scottish Renaissance Festival would be held on August 11 and 12 in Buchanan Park.

Vice Mayor Aiello also requested that an agenda item be scheduled for the next meeting to consider the submittal of a letter to the Senate in support of SB 5100, and stated that if amended, the bill would reduce electricity rates for citizens who lived around power plants. He sought documentation to be submitted to the State Senate to clarify the City's position on the issue. Further, Vice Mayor Aiello reported that the City of Antioch had requested that under the Household Hazardous Waste Program that the Delta Diablo Sanitation District fully fund the program, although he noted that over the long-term that would unfairly impact Pittsburg and Bay Point residents. As such, he would oppose any amendment without a proviso for an equitable payment from both Antioch and Pittsburg residents.

Mayor Quesada advised that staff had met with Senator Tom Torlakson to discuss the "big box amendments" to ensure no exclusion and to ensure that the Enterprise Zone was not being eliminated as a tool to entice economic development to the City. He added that other issues, such as SB 5100, had also been discussed.

Mayor Quesada also commented that last fall the Mayors at the Mayors' Conference had eliminated the City Managers from the process, a situation that had just been reversed to allow City Managers to again be a part of the process.

Mayor Quesada stated that there would be a request on the next meeting agenda to waive fees for the Lisa's Closet event, that there was a commitment and efforts to retain the Elks Lodge in the City of Pittsburg, and that the meeting with the Habitat Conservation Plan had been successful, as had the day at Buchanan Park when the Mayor's trophy had been presented to a local barber.

## **PROCLAMATIONS**

### 1. National Night Out

Mayor Quesada presented a proclamation to the National Association of Town Watch for National Night Out in continuing police/community crime prevention, with a celebration planned in Small World Park on August 7 from 5:00 to 9:00 P.M. He added that the bicycles would be awarded on September 4.

BERTHA STOBBS, a Neighborhood Watch Coordinator, accepted the proclamation and thanked the Council for the award and invited everyone to attend the celebration on August 7.

## **PRESENTATIONS**

### 1. U.S. Postal Service Tour de France Flag Drawing

DAN DeMIGLIO, Pittsburg, introduced Pittsburg Postmaster Mario Harris and Manager of Customer Services Diana Whiteside. He acknowledged the partnership with the Post Office and the City Council in celebrating a number of events in the City, including a number of cultural events.

Mr. DeMiglio presented the U.S. Pro Bike Team Flag that had been autographed by the entire team, including Lance Armstrong, which flag was to be awarded in a drawing. He noted that forms for the drawing had been available from the City's Leisure Services Department and the Pittsburg Post Office.

Mayor Quesada pulled the form of the winning resident who lived in Pittsburg.

Postmaster Mario Harris stated that the Post Office had enjoyed partnering with the City. He invited the participation of residents at the first Town Hall meeting scheduled for August 29 at the Pittsburg Post Office when customer concerns and desires would be identified and discussed. He also presented pro team sports handbooks that had been signed by the members of the U.S. Pro Bike Team, along with an unsigned sports flag, which were presented to the City in the hope that they might help to defray some of the expenses of the Pittsburg High Varsity Song Captains.

### 2. Chamber of Commerce BID Proposal

DOUG MESSNER, current President of the Pittsburg Chamber of Commerce, presented copies of the Business Improvement District (BID) proposal for Council review and highlighted some of the accomplishments of the BID program for 2000/2001. Some of those items were: The Pittsburg Business Today monthly newspaper, business retention activities, the Business of the Month program, billboards designed to promote the positive aspects of the community, the Energy Conservation Fair, the Fourth of July Fireworks Display, the City Map, the Networking Luncheon, the Fall Trade Show, the SCORE program and the Governmental Affairs/Economic Development Committee.

### 3. Joint Library Status Report

Leisure Services Director Flores introduced Mary Erbez to offer the status of a renovated library project.

MARY ERBEZ, Pittsburg, referenced a number of meetings that had been held to determine whether or not one large super library was preferred over a City Library, County Library, school library and Los Medanos College Library, utilizing a combined availability of funds. Ms. Erbez thanked the City Council for the opportunity to attempt to maximize the available funds, although she expressed her dismay that while a combined program had worked elsewhere, it would not work in this case.

RAUL RODRIGUEZ, Martinez, reported that Los Medanos College had already submitted a library proposal to the State and that the request could not be amended to consider a joint facility at this juncture. As such, he stated that all the partners could not participate and the proposal, although worthy, could not be achieved at this time. Mr. Rodriguez also thanked the City Council and staff for their assistance in the process. He regrettably reported that the State money for the Los Medanos College was now questionable. He expressed a hope to work with the City again in the future.

Given the \$1 million available to the City, Councilmember Rios requested a meeting with the Subcommittee to determine how to proceed prior to a submittal to the City Council.

Leisure Services Director Flores advised that a report on the library renovation project would be presented to the City Council at its September 4 meeting.

Vice Mayor Aiello supported public/private partnerships, noted that they were the way of the future, and requested that the Subcommittee carefully evaluate the situation to possibly continue a pursuit of a "super library" proposal. He referenced a possible \$400,000 from the Mirant project to further the pursuit of a library proposal, although Senior Civil Engineer Joe Sbranti advised that the \$400,000 would be spread out over five years, to be utilized for soft costs, and be spread out to all East County libraries.

### **CONSENT CALENDAR**

On motion by Councilmember Lewis, seconded by Vice Mayor Aiello and carried unanimously to adopt the Consent Calendar, as shown, with Items b, d, e, i, m, s, and u removed for discussion.

a. **DISBURSEMENT LIST** Period Ending: August 1, 2001

Approved Disbursement List period ending August 1, 2001.

c. **CLAIMS** #1401 Edward DeSousa; #1402 Shirley Dryden; #1404 Steven Earls

Denied claims #1401 Edward DeSousa; #1402 Shirley Dryden; and #1404 Steven Earls.



- o. **RESOLUTION 01-9448** Authorizing the City Manager to Enter Into Agreements with Selected Firms for On-Call Engineering

Adopted Resolution 01-9448.

- p. **RESOLUTION 01-9449** Authorization for the Advertising of Bids for Contract No. 01-08 Oakhills Residential Permit Parking (PRPP) Program

Adopted Resolution 01-9449.

- q. **RESOLUTION 01-9450** Authorization for the Advertising of Bids for Contract No. 01-02, Central Park Project

Adopted Resolution 01-9450.

- r. **RESOLUTION 01-9451** Authorizing the City Manager to Enter into a Consultant Agreement with Environmental Science Associates for the Preparation of Required CEQA Analysis and Documentation for the Pre-Zoning of the Northwest River Area West of Downtown Including the Mirant Power Plant and Several Adjacent Parcels Located Between the San Joaquin/Sacramento River Delta and the Northern Border of the City

Adopted Resolution 01-9451.

- t. **RESOLUTION 01-9453** Approving a Consultant Agreement with Noll & Tam Architects for Architectural Services Related to the Completion of Contract 01-07, a Building Evaluation and Assessment Report for the City Owned Building Located at 415 Railroad Avenue

Adopted Resolution 01-9453.

The following items were removed from the Consent Calendar for discussion.

- b. **MINUTES** Dated: July 16, 2001

Councilmember Rios requested a correction to the last paragraph on Page 2 of the minutes, as follows:

*BEN JOHNSON, Pittsburg, representing the United Veterans Council, took this opportunity to thank Mayor Quesada and Councilmember Rios for their attendance at the open house and rededication of the Veterans Building on July 4.*



On motion by Councilmember Rios, seconded by Vice Mayor Aiello and carried unanimously to adopt Ordinance 01-1184.

- i. **RESOLUTION 01-9439** Notice of Completion and Acceptance of Public Improvements Within Subdivision 8260 (47 Lots), Americana Unit No. 3, for Continuous Maintenance

Mayor Quesada clarified that the item had been pulled in error.

On motion by Vice Mayor Aiello, seconded by Mayor Quesada and carried unanimously to adopt Resolution 01-9439.

- m. **RESOLUTION 01-9446** Contra Costa County Transit Authority (CCTA)/ City of Pittsburg Memorandum of Understanding (MOU) for the Relocation and Reconstruction of Frontage as Part of the CALTRANS Highway 4 Project

BEN JOHNSON, Pittsburg, stated that he had pulled the item to identify the timeframe for the relocation/reconstruction of Frontage Road and how that would affect State Route 4 traffic.

Community Development Director Nasser Shirazi introduced Paul Maxwell of the Contra Costa Transportation Authority (CCTA) to respond to the question.

PAUL MAXWELL, CCTA, stated that the schedule of the Frontage Road project would be advertised in late September and a contract should be in place prior to the end of the year, with the primary construction to occur in March 2002, at which time the main traffic impacts would be involved. He reported that the Frontage Road would be closed from the Los Medanos School to the Albertsons store, with access from the streets to the south.

Mr. Maxwell added that the contractor and the design consultant would work with the community to minimize impacts to residents and businesses alike. The Harbor Street project would follow a few months after that time.

Councilmember Lewis noted that one of his concerns was the demolition of buildings associated with the road widening. He wanted to make certain that the buildings would not remain vacant for a long period of time and become a public nuisance. In response, Mr. Maxwell reported that the County had put a demolition contract out to bid, the County Board of Supervisors was expected to award that demolition contract on August 7. A pre-demolition meeting with the low bidder had already been held and he expected that the vacant properties would be demolished by the end of September 2001.

Vice Mayor Aiello inquired whether or not anyone had been contacted given his concern that the Teen Center would not be impacted by the project. He urged that Mr. Maxwell contact Leisure Services Director Flores to address that concern.



u. **RESOLUTION 01-9454** Investment Policy

City Attorney Daube recommended that the City Council convene jointly with the Redevelopment Agency to address both items concurrently.

The City Council convened jointly with the Redevelopment Agency at 9:06 P.M.

Councilmember Rios requested that the items be deferred. She commented the policy stated that the issue be submitted to the City Treasurer, although the report did not clarify that fact. She noted a reference to the Investment Oversight Committee, inquired whether or not the committee had met to prepare the Investment Report, and expressed concern that one individual would have the responsibility for the investment. She wanted to separate who did the investment from the person doing the report to allow more internal controls. Councilmember Rios therefore recommended a deferral to the next meeting with a more detailed investment report to identify the number of transactions per quarter, the volume, the makeup of the portfolio, who dealt with the investment, the type of investment, and the rate of return. She emphasized that the City Council was responsible for overseeing the City's finances and she sought a detailed response as requested.

On motion by Vice Mayor Aiello, seconded by Councilmember Rios and carried unanimously to table Resolution 01-9454 for the City Council and Resolution 01-786 for the Redevelopment Agency, to allow the information to be submitted.

The Joint Meeting adjourned at 9:13 P.M.

**PUBLIC HEARING**

1. **RESOLUTION 01-9431** Confirming the Engineer's Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2001-02)

Assistant City Engineer Wally Girard reported that the Oak Hills and Citywide Landscaping & Lighting Assessment District had been discussed at the last meeting, at which time the lowering of the commercial/industrial rate had been proposed with a promise that a further reduction would be made.

Mr. Girard advised that in 1977 the frontage charge had been reduced. A further reduction to a maximum of \$100,000 had been recommended. He suggested that the most expeditious way to accommodate that reduction could be made by reducing the frontage by another fifty percent, which would reduce fees by \$99,128. He explained that the reduction represented a 14 percent reduction. An Engineer's Report had been prepared to reflect the additional fifty percent reduction. As such, the commercial/residential would have an overall reduction of \$99,128.

Mr. Girard added that when the Landscaping and Lighting District (LLD) had been initiated in 1972, a benefit factor of \$17.18 had been established with no Construction Price Index (CPI) increase. If a CPI had been included in keeping with inflation with construction, everyone in the district would be charged 148 percent more than the current charge. He stated

that since 1997, by not increasing for inflation, the City had lost 93 percent of the LLD. He emphasized that this year the LLD had been subsidized with \$800,000 in General Funds. If the LLD fees were to be reduced by \$100,000, that amount would be gone forever unless it could be done on a one-time basis, or could be reduced in perpetuity, which would require a two thirds vote to ever recoup the funds. He emphasized that the City was losing money every year.

In response to Councilmember Lewis as to the amount of money generated Citywide, Mr. Girard reported that \$1,900,000 was generated overall, of which \$773,000 was generated by commercial/industrial assessments.

Mr. Girard presented a resolution and Engineer's Report to reduce the frontage by fifty percent for perpetuity, and the same Engineer's Report that would reduce the amount of the front footage charge by fifty percent, with a resolution to implement that reduction for one year only. Another Engineer's Report had been prepared with no reduction in the front footage.

Mayor Quesada opened the public hearing.

HENRY ALKER, representing the Chamber of Commerce, reported that the LLD had first been introduced at the suggestion of the then City Manager during Mr. Alker's tenure as President of the Chamber of Commerce. He stated that part of the Chamber of Commerce's mission was to lobby for items of interest in the community.

Mr. Alker sought a permanent reduction in the LLD given the promise that the reduction would be made. He stated that the Pittsburg voters had offered a strong two thirds vote for the LLD, something that would be difficult to achieve today.

Mr. Alker provided some background to the Chamber's position in support of the LLD when proposed, and explained why many businesses had objected to the proposal at the time it was initiated. He emphasized that the Chamber had supported the City's parks as one of its major assets, and had been well aware of the burden on the General Fund at that time.

Stating that the Chamber had also objected to the proposal given that it was intended to circumvent Proposition 13, Mr. Alker suggested that the assessment itself had tripled the property taxes of several commercial properties. He suggested that the larger assessment should offer the greater benefit, which he stated did not occur in the case of the LLD. He also suggested that the assessment formula was weak, particularly with respect to the narrow strips associated with the old railroad right-of-way, which he suggested were virtually impossible to develop and almost worthless for any use. With the excessive frontage in those cases, he stated that the assessments were significant for those narrow strips. He urged that the assessments be reduced on a permanent basis.

ALBERT SEENO, Pittsburg, suggested that the fees not be reduced given the City's desire and intent to upgrade the City, to provide well-maintained streets, landscaping and parks, and with the desire to improve the City's curbside appeal. He characterized the fee as meager, not overwhelming, and suggested that it be kept as is. If the Council determined to reduce the fee at all, he suggested that be done on a one-time basis only.

Mayor Quesada closed the public hearing.

Councilmember Lewis acknowledged staff's analysis and explained that it had been known at its inception that the \$1.9 million generated by the LLD would not cover the City's landscape fees. He stated that a two thirds vote to adopt the LLD had been possible given that there was no accelerated clause to increase the assessment over the years. As such, he could not accept a characterization of that fact as a reduction. While he did not advocate a reduction of lighting and landscaping, he reiterated the commitment to the business community to make adjustments, from time to time, in the calculations for commercial and industrial parcels given the unfair burden imposed on those properties at the time of the inception of the LLD.

Councilmember Lewis characterized the \$99,000 reduction as modest, stated that it addressed the commitment made to the commercial/industrial properties, and inquired of the City Attorney whether or not the reduction could be considered for a five year period with the issue revisited at that time.

In response, City Attorney Daube recommended that a reduction be limited to a one-year period given legal issues as to whether or not the assessment could be reinstated and still comply with the provisions of Proposition 218. She noted that a one-year reduction could represent a one-time rebate. She suggested that the issue could be revisited after that time, if desired.

Councilmember Rios made a motion to leave the engineering report as is, status quo, given the fact that there would be an update to the budget. She suggested that the item be considered at the time the budget was updated.

On motion by Councilmember Rios, seconded by Mayor Quesada to adopt Resolution 01-9431, with Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2001-02) to remain as is.

Mr. John Garcia submitted a speaker card at this time.

JOHN GARCIA suggested it was premature to consider the item which should more appropriately be considered during budget discussions.

On the motion by Councilmember Rios, seconded by Mayor Quesada to adopt Resolution 01-9431, with Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2001-02) to remain as is, failed to carry by the following vote:

Ayes:	Rios, Quesada
Noes:	Aiello, Lewis
Abstain:	Beals
Absent:	None

Given that Councilmember Beals reported that she had pressed the wrong button, there was a revoke of the same motion, which motion failed to carry by the following vote:

Ayes:	Rios, Quesada
Noes:	Aiello, Beals, Lewis
Abstain:	None
Absent:	None

On the question of deferring the matter, Mr. Girard reported that action had to be taken at this time in order to meet the County Assessor's deadline.

On motion by Councilmember Lewis, seconded by Vice Mayor Aiello to adopt Resolution 01-9431, with Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2001-02), with a one-time rebate and with a reevaluation during the budget process, carried by the following vote:

Ayes:	Aiello, Beals, Lewis
Noes:	Rios, Quesada
Abstain:	None
Absent:	None

In response to John Garcia who questioned the first vote, City Attorney Daube noted her understanding of the options recommended by staff and referenced the first motion with a vote of 2-2-1 and her understanding that Councilmember Beals had pressed the wrong button, which had necessitated the revote. With the revote, the vote was 2-3.

Councilmember Beals affirmed for the initial vote that she had pushed the wrong button and that her vote was intended to be a no vote.

### **CONSIDERATION**

1. **MINUTE ORDER** Reconsideration of Planning Commission Committee Appointments

On motion by Vice Mayor Aiello, seconded by Councilmember Beals and carried unanimously to reinstate Bill Glynn as the Planning Commission representative to the TRANSPLAN Committee, with Jack Garcia to serve as the Alternate to that Committee, reversing the Council's decision from the last meeting,

### **ADJOURNMENT**

There being no further business, the City Council meeting adjourned at 9:46 P.M. to the next meeting scheduled for September 4, 2001.

Respectfully submitted,

Lillian J. Pride, City Clerk

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**CITY OF PITTSBURG**  
**Pittsburg Power Company Minutes**  
**August 6, 2001**

Chair Frank Quesada called the meeting of the Pittsburg Power Company to order at 9:47 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

**MEMBERS PRESENT:** Aiello, Beals, Lewis, Rios, Quesada

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
Director of Community Development, Nasser Shirazi  
Director of Economic Development, Garrett Evans  
Director of Finance, Jim Holmes  
Director of Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Senior Civil Engineer, Joe Sbranti  
Police Commander, William Hendricks

**CITIZEN REMARKS**

There were no citizens remarks.

**MEMBERS REMARKS**

There were no Member remarks.

**CONSENT**

On motion by Member Rios, seconded by Vice Chair Aiello and carried unanimously to adopt the Consent Calendar, as shown.

a. **MINUTES** Dated: July 16, 2001

Approved Minutes dated July 16, 2001.

b. **RESOLUTION 01-059** Acceptance of Contract 01-06 Annual Patch  
Paving Contract and Authorizing the Executive  
Director to Execute a Notice of Completion

Adopted Resolution 01-059.

**ADJOURNMENT**

There being no further business, the Pittsburg Power Company adjourned at 9:48 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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