

CITY OF PITTSBURG
Redevelopment Agency Minutes
July 2, 2001

Mayor Quesada called the meeting to order at 6:00 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 6:01 p.m.

Mayor Quesada reconvened the meeting at 6:27 p.m. to the Public Workshop regarding the Senior Center. There was nothing to report from the Closed Session agenda.

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Will Casey
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
City Clerk, Lillian Pride
Director of Community Development, Nasser Shirazi
Director of Economic Development, Garrett Evans
Director of Leisure Services, Paul Flores
Police Chief, Aaron Baker
Director of Public Services, John Fuller
Senior Engineer, Joe Sbranti

PUBLIC WORKSHOP

A workshop was held regarding the positioning of the Senior Center. Joe Sbranti presented the possible alternatives of site location and members of the public came forward with their concerns.

Mayor Quesada convened the Redevelopment Agency Meeting at 7:12 p.m.

PLEDGE OF ALLEGIANCE

Sal Cardinale led the Pledge of Allegiance.

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no members remarks.

CONSENT

On Motion by Vice Chair Aiello, seconded by Member Rios to adopt the Consent Calendar by the following vote: **VOTE 5-0**

a. **MINUTES** Dated: June 18, 2001

The minutes of June 18, 2001 were approved.

CONSIDERATION

1. **RESOLUTION 01-779** Approval of the Positioning of the Proposed Pittsburg Senior Center Building on the Property at Presidio and Harbor Street, Contract 00-11 (CIP No. B-9)

On motion by Vice Chair Aiello, seconded by Member Beals to NOT accept Alternate A positioning, DENY Resolution 01-779, and direct Staff to bring back a Resolution at the next Council Meeting for approval of Alternate B. **VOTE: 4-1 (No: Quesada)**

Member Rios stated she still does not feel comfortable with either plan as there seems to be no consensus by City Staff and PCSI. She wants all the facts from both parties before deciding either way.

ADJOURNMENT

There being no further business, the Redevelopment Agency adjourned at 7:17 p.m. to the next meeting set for July 16, 2001.

Respectfully submitted,

Lillian J. Pride, Secretary

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PUBLIC WORKSHOP

A workshop was held regarding the positioning of the Senior Center. Joe Sbranti presented the possible alternatives of site location and members of the public came forward with their concerns.

Mayor Quesada convened the City Council Meeting at 7:18 p.m.

PLEDGE OF ALLEGIANCE

Sal Cardinale led the Pledge of Allegiance.

AUDIENCE REMARKS

Bruce Ohlson, Pittsburg, stated he attended the Antioch City Council Meeting as a representative of the East Bay Bicycle Coalition. He stated Antioch Mayor Freitas made good comments regarding Pittsburg=s Railroad Avenue improvements. He also stated he attended the Pittsburg Planning Commission where the General Plan was voted on, and that the City of Antioch is just starting to work on its General Plan.

Tom and Gwen Simmons, stated they are new residents of Pittsburg in the Oak Hills area. They cited concerns in their neighborhood with the installation of barbed wire fencing. They understand the fencing is for the cattle that will be brought in for weed control; however, they take issue to the location of some of the fencing, and have safety concerns for their children. They asked whether having cattle in that location is legal, and what can be done about it?

City Attorney Daube stated her office has received many calls regarding this issue. She stated staff is working on the issues and will bring them to Council if necessary.

Ben Johnson, Pittsburg, stated he represented the United Veterans Council and they are having a rededication of the Veterans Building and renaming it in honor of Phillip Jack Lee who passed away last November. The Mayor and Council are invited to attend. The ceremony will be held at 10:00 a.m. July 4, 2001, at 186 E. Leland.

Mr. Johnson also addressed the issue of water pressure at both the Presbyterian Church and the Veteran=s Building. He stated the church had an event on Saturday, and there was no water pressure at all. He would like this concern addressed by staff.

COUNCIL REPORTS

Council Member Rios stated she attended the League of California Cities meeting on June 21. Their major concern was the Grassroots Network effort. She attended the Fil Am Grad Night 2001, honoring their graduates for their achievements. The keynote speakers at that event were Assembly Member Canciamilla and Supervisor Glover. She attended the Pittsburg Energy Conservation Fair with the Mayor. She also attended the CAER (County Alert Emergency Response) meeting which was aimed at outreach to the Hispanic community in the area of media service and translation efforts. Saturday she, along with the Mayor and Vice Mayor, attended the Heritage Festival. Sunday she represented the City of Pittsburg at the East County Family Transition Center opening. She was excited that the region pulled together and helped furnish the units.

Council Member Beals attended the Sisters Three Breast Cancer Day of Healing in Buchanan on June 23, and gave the welcoming remarks.

Vice Mayor Aiello asked Staff to draft a letter to Assembly Member Canciamilla addressing concerns about AB81 and the financial impact to local government. He also stated the Health Care District is re-opening July 5; however, he is not celebrating that as the School Street Clinic has not yet been cleaned up. He asked Staff to contact the District 5 Supervisor as to their plans as he does not want to see this area blighted. Vice Mayor Aiello stated he was honored to speak at Pittsburg High School at the Globetrotters Camp that was held there. The City=s Youth Commission also took part. He thanks the School District for putting this event together.

Mayor Quesada stated he attended several events, as mentioned by Council Member Rios. He asked for more attendance at these events, and stated at times there were more volunteers working than people in attendance. He would like to see better advertisement of these events. He noted there was a postal stamp unveiling at the Heritage Festival that honored Frida Kahlo, the first female Hispanic artist that was honored with a stamp. He also stated posters of the stamps that have been unveiled will be available for display in City Hall.

1. American Cancer Society Relay for Life

Judy Trapanese and **Celeste Johnson**, volunteers for the American Cancer Society, invited the Council and citizens to attend the 2001 Relay for Life to be held July 21 at 10:00 at the Antioch High School Football Field. This event has raised over \$99,000 previously. Their goal this year is \$100,000. There are three teams from the City of Pittsburg so far signed up for the event.

CONSENT CALENDAR

On Motion by Member Rios, seconded by Member Beals to adopt the Consent Calendar with the exception of items c and e by the following vote: **VOTE: 5-0**

a. **DISBURSEMENT LIST** Period Ending: June 27, 2001

The Disbursement List of June 27, 2001 was approved.

b. **MINUTES** Dated: June 18, 2001

The Minutes of June 18, 2001 were approved.

c. **RESOLUTION 01-9418** Resolution Denying the Appeal and Upholding the Planning Commission=s Denial of Site Development and Architectural Plans for Albertson=s Shopping Center Retail and Storage Located at Railroad Avenue and Frontage Road

Council Member Beals asked that this item be pulled to address stating her vote.

On Motion by Vice Mayor Aiello, seconded by Member Rios to adopt Resolution 01-9418 by the following vote: **VOTE: 4-1 (No: Beals)**

d. **RESOLUTION 01-9419** Update of the Waiver and/or Reduction of Various Development Fees in the Local Incentive Area of Pittsburg=s Enterprise Zone

Resolution 01-9419 was adopted.

e. **RESOLUTION 01-9420** Approving a Lease Agreement with Rubicon Programs

Council Member Rios pulled this item for clarification of the agreement. She asked how the City is going to benefit from the program. The list of services by Rubicon is in the agreement; however, it states the City is going to provide the material and supplies. She also voiced her concern regarding the hours of operation, and proper supervision of the organization.

John Fuller stated members of Rubicon were in the audience and could speak to supervision of the program. He stated Public Services and the City will benefit by training individuals within the community that need work skills, painting, horticultural, etc. They will start running the greenhouse because it is not cost effective for the City to run. When asked by Member Rios whether we have people already working in the greenhouse, Mr. Fuller stated that program is no longer in effect. Staff from LMC had run the program; however, it has not operated for many years. He stated the City of Pittsburg will provide supplies, but Rubicon staff will tend the garden and greenhouse and flowers used for landscaping around town, and this will cut our operational costs.

Member Rios asked about supervision of the trainees. Mr. Fuller stated they will be on site from 9:00 to 5:00 each day. Member Rios asked that supervision be addressed in the agreement, along with paying for water used.

Mayor Quesada asked the City Attorney for clarification in the voting process for this item.

On Motion by Vice Mayor Aiello, seconded by Member Rios to bring back Resolution 01-9420, with amendments to the agreement as stated, for approval at the next Council meeting, by the following vote: **VOTE: 5-0**

- f. **RESOLUTION 01-9421** Approving a Lease Agreement with the Elks Lodge for 51 Marina Boulevard #C

Resolution 01-9421 was adopted.

- g. **RESOLUTION 01-9422** Approving a Lease Agreement for Dockside Market, 51 Marina Boulevard #B

Resolution 01-9422 was adopted.

- h. **RESOLUTION 01-9423** Approval of Foreign Trade Zone MOU

Resolution 01-9423 was adopted.

CONSIDERATION

1. **RESOLUTION 01-9424** JFL Request for Funding

Paul Flores stated representatives from the Pittsburg Junior Football League addressed the Leisure Services Commission regarding support for the 2001 season. The Leisure Services Commission, by unanimous vote, endorsed the recommendation of providing City sponsorship. Staff also recommends supporting a donation.

Council Member Lewis inquired why no dollar amount was requested. Mr. Flores stated at the time it was presented to the Leisure Services Commission, there was talk of waiver of fees; however, it was decided not to go with the fees for service request, but a donation from Council and there was no specific recommendation of dollar amounts.

Vice Mayor Aiello asked what the fees mentioned in the report were. Mr. Flores stated these were for waiver of green fees for a golf tournament; however, the item could not be presented prior to golf tournament taking place. He stated fees cannot be waived after the fact as this would be a gift of public funds.

Vice Mayor Aiello stated this program has touched thousands of youth over the years. He supports moving in the direction of a donation in the amount of \$4,040. He also asked that these items be brought to the Council earlier to allow the Council to vote on them.

On Motion by Vice Mayor Aiello, seconded by Member Beals to approve a donation in the amount of \$4,040 by the following vote: **VOTE: 5-0**

Council Member Lewis stated the JFL has proven to be one of the more successful program and has provided a great service to the youth of Pittsburg, and he wholeheartedly supports them.

Council Member Rios also gave her support to the program.

Mayor Quesada also gave his support to the program and stated he was proud to be involved with the JFL from its inception.

2. **MINUTE ORDER** Consideration of Second Amendment to Joint Exercise of Powers Agreement for ECCRFFA to Increase Regional Traffic Fees

Nasser Shirazi presented the issue of increasing regional traffic fees. Lowell Tunison from ECCRFFA addressed the Council to speak to this Second Amendment. He stated that there has been a significant shortfall in transportation funding in East Contra Costa County and based on review, the ECCRFFA has recommended raising the fees. A workshop was held, in which Pittsburg was a participant, and based on input from that workshop, the Authority approved the Second Amendment language and requested that it be presented to all agencies for adoption.

Mr. Shirazi stated there are five options for the Council to consider:

- Option 1: Request the Authority to have the consultant respond to the three issues regarding the update of fees.
- Option 2: If Council is inclined to approve the draft second amendment as presented, staff recommends that the separate account held for the Buchanan Road Bypass project is available for a period of 10 years instead of the 5 years proposed.
- Option 3: Include the Buchanan Road Bypass in the Fee program as a fully funded project. The Buchanan Road Bypass could be included in the list of Tier 2/SR 4 Southern Parallel Improvements as a priority project and funded *before* any other northern or southern parallel arterial improvements.

- Option 4: City not participate in the updated Fee program until all preliminary engineering is completed on the Buchanan Road Bypass project. This would include the environmental clearances (CEQA & NEPA) as well as final plans, specifications and a detailed engineer=s estimate of construction costs.
- Option 5: Consideration of indemnity language proposed by the Authority whereby each sponsoring jurisdiction must indemnify the other member jurisdictions, and whether it is acceptable to the City. Compared to other projects in the Fee program, the Buchanan Road Bypass is more controversial and prone to litigation.

Council Member Rios wanted to clarify that the Council did participate in the workshop as stated, but at that workshop she stated she wanted to make sure the money would go back to Pittsburg in the form of the Buchanan Bypass. The report neglected to mention that she stated this would be based on the percentage that the City of Pittsburg uses the highways, whether it be 4%, 10%, of that money to go back to Pittsburg. She read through the amendment and noticed that the Buchanan Bypass has been deleted from the plan, yet the Fee and Finance Authority was put together based on the Buchanan Bypass being the number one priority. She stated she resents the game being played and that they failed to hear the complete message. She is looking favorably at Option 4.

Vice Mayor Aiello looked at the proposal and questions staff projecting 50% of trips and allocating the rest, and asked where the 50% came from. Mr. Tunison stated the table shows what is new growth, new residential development, and you can=t charge a fee to existing trips and existing demand. If you opened up the road, 50% of the traffic would be from existing homes. What they are discussing in the fee program is fees on building permits and fees on new residents. Those would be 50% of the new trips on the road and would have to participate in the program. Vice Mayor Aiello stated that was allocated based on the 34,516 units east of Pittsburg, and if the road were open today, it would have 50% excess capacity. Mr. Tunison said that is not what he is saying; they are looking at the year 2025, and does not know what it would be today. Vice Mayor Aiello stated the reality is that there are no existing trips. Mr. Tunison stated they did not do that analysis because they are looking at what happens when growth occurs and what will be the effect of that growth being assessed.

Vice Mayor Aiello asked what is the nexus of Pittsburg paying \$11,000 and the rest of East County paying \$7,500, because the total amount of fees that Pittsburg would pay would be \$11,000 including Pittsburg traffic mitigation fees. Most of Pittsburg=s development is to the west and Pittsburg will not use the Bypass road. 95% of the traffic that would use the Bypass will be non-Pittsburg residents, yet under the current agreement, with Buchanan Road Bypass deleted, 100% of the funding has to come from Pittsburg residents. He asked why Pittsburg would pay for a road that they are not going to use? Mr. Tunison stated there would be a benefit for Buchanan Road Bypass because the City of Pittsburg has been pursuing it for many years and it relieves traffic on Buchanan Road which will be in significant demand. Vice Mayor Aiello reiterated as to the benefit of paying \$30,000,000 out of Pittsburg=s residents pockets for a road that they will not use.

Mr. Tunison stated this is a regional program, and the allocation of the money is to other projects also, including the parallel arteries north and south which would benefit the residents of the City of Pittsburg. Mr. Tunison stated there is also an impact on other routes on the program from new residents of the City of Pittsburg. He stated those costs are spread to each of those projects and based on an average regional impact fee, and that it benefits all the citizens of East County. Vice Mayor Aiello stated everything in the program was already paid for by the City of Pittsburg, but it is now listed as items to be paid for. For example, California Avenue widening and Highway 4 widening - both cannot be widened. He stated there are flaws in the actual reporting. He also stated if the money is not used it goes back into the Authority to be used on other projects. The City of Pittsburg agreed to indemnify liability as far as the overall project and design review, but he does not want to hold East County harmless for 96% of their cars flowing through the Buchanan Road Bypass. That is not sound government or fiduciary responsibility, and is not even regional cooperation. He stated his opinion is to reject all options, as no option is suitable to the City of Pittsburg or its citizens.

Council Member Beals stated she both agrees and disagrees with Vice Mayor Aiello. She inquired why the option of the increase of \$3500 across the board is not offered, on top of existing fees. We do not know if the Buchanan Bypass is feasible or not and it is important to find out whether it can be implemented.

In response, Mr. Shirazi stated when the JPA was originally approved, the City of Pittsburg was given credit for our local traffic mitigation fee, which we had already implemented. The second amendment is not written in such a manner as to allow for our local traffic mitigation fee. Our fee right now is about \$4,600 total. He stated there is no answer except for the general argument that we all live in East County and we should participate regionally.

Council Member Lewis stated he attended the workshop at ECCRFFA in Oakley. One of the ideas that came out of that workshop was one that he and Council Member Rios shared, that if Pittsburg were to sign up to participate in the increase of fees, at the least Pittsburg should be able to get the funding for Buchanan Bypass as part of the fee increase. The problem that has been facing us since first talking about the Bypass is there is no way for the City of Pittsburg to fund the road. Although it was a top priority in the original Fee and Finance Authority when it was formed, there was no funding for the road beyond the \$4 million for the feasibility study. When asked what is the benefit to the City of Pittsburg for the Bypass, it is obvious that we need to solve the traffic problems on Buchanan Road and the goal we have worked toward is it was thought the solution to the excess traffic would be to build the Buchanan Road Bypass. We tried to communicate that to the rest of the Authority at the workshop. Pittsburg could get rid of our local fee, but he is not recommending that. Council Member Lewis stated he is extremely concerned about the strings that the Fee and Finance Authority has attached to this additional money. He stated we wanted to have the ability to do the Bypass and north/south arterials to Highway 4 at the same time, including Highway 4 widening, Pittsburg- Antioch Highway widening, and the extension of Leland Road. He is concerned that there is no way to guarantee that if the City agrees to pay the higher fee that the increment of the increased fee will stay in the City of Pittsburg to alleviate the problem that we have, which is the traffic problem on Buchanan Road. He stated this is a problem that Pittsburg did not create, but have had to deal with. Our solution has been to build a Bypass. He feels the Bypass should be a fully funded option on the project list if Pittsburg is going to pay any additional fee.

Council Member Lewis stated he is also concerned that we are only in the preliminary stages of the feasibility study, and what happens if we cannot build the Bypass. There needs to be a plan to fall back on in that case, and would like to see all options on the table. If the Bypass were fully funded before Pittsburg commits to an increase of fees, there may be some degree of comfort in recommending this as a solution to a major traffic problem the City of Pittsburg has. Without that kind of guarantee that the funds we are going to pay will solve the problem, it will be difficult to defend paying the extra fees. He also agrees that one alternative would be for Pittsburg to pay only the increase in the fee, and continue with the discounting of the fee that was granted to the City of Pittsburg when the Fee and Finance Authority was originally proposed. He also stated the traffic impacts the City of Pittsburg is having on East County roads do not carry the same degree of severity that some of the other cities do. It is very difficult to make an argument that development in Pittsburg west of Bailey Road carries the same kind of impact on East County roads as development in cities to the east of us where the traffic will flow all the way through East County before it gets over the hill to Concord. If we are going to pay this fee, we have to have some guarantees that it's going to solve the transportation problems that we have in the City of Pittsburg that we have not created ourselves, but have had to deal with because of the growth in other cities.

Vice Mayor Aiello stated the proposal of an across the board increase was rejected by the Fee and Finance Authority. Oakley and Brentwood were adamant that Pittsburg pay its fair share. Concord is metering and the Buchanan Road Bypass or widening Buchanan Road is not a solution as there are only a certain amount of cars that will be able to go over the hill. He stated our job first and foremost is to take care of our citizens. He believes Pittsburg has done its fair share of regional cooperation in many areas, including the Hospital and the Keller Canyon dump. He feels Pittsburg should reject the proposal and leave the fees as is.

Mayor Quesada stated there is no way to widen Buchanan road; this was debated in 1980. He has seen the changes over the years, and years ago the Buchanan Road Bypass was the number one priority, and that was the reason we joined the Authority. We had the vision to take care of our community's traffic needs when the other East County cities did not, and because we had the prudence to take care of our citizens, we are being punished for it. He recommends no changes, and to look at the estimated cost of the Bypass first. He wants to protect our citizens to the fullest and make sure they get what they pay for. He recommends Option 4.

Council Member Rios stated she was favoring Option 4, but wants to second Vice Mayor's motion to reject increasing Fee and Finance fees.

Council Member Beals asked whether moving forward with Option 4 would create a risk of the JPA dissolving and moving forward without us. Assistant City Attorney, Carol Victor, stated that was suggested by another City at the workshop. The City has made similar suggestions with regards to the issue surrounding the controversy. She also wanted to clarify that the options are in the staff report, except for the amendment that came from Fee and Finance, and any other options or suggestions that Council has should also be considered.

Mr. Shirazi stated that if the JPA remains as is today, and no one walks out, we will still have \$4 million that could be used for the preliminary engineering on the Buchanan Bypass and reasonable estimates for the cost of the project.

Council Member Lewis does not think it is wise to reject the fee increase out of hand. He agrees that moving forward with the fee increase without knowing if the Bypass is feasible is an unknown. He feels that if we are going to participate in the fee increase, the Bypass has to become a fully funded project on the priority list. This will buy time to determine the feasibility of the Bypass. We can determine at a later date that we don't want to participate in the fee increase. He feels it is not wise to reject all options now.

Vice Mayor Aiello stated the Mayors of Oakley and Antioch discussed dissolving the JPA at the meeting two months ago. If the JPA were dissolved, the estimated \$31 million is now in the Pittsburg coffers and available to us. He feels that even if Option 3 were inclusive, it still means that Pittsburg residents would fund 96% of East County traffic mitigation. He feels we should not be discussing widening roads, but should discuss bringing jobs to East County to alleviate traffic problems.

Ben Johnson, Pittsburg, stated he has lived in Pittsburg since 1977 and at that time the Buchanan Bypass was a top priority. 24 years later, we are talking about the same issue, and still at the beginning. He stated the Highway 4 Bypass in Brentwood is already built, but no action has been taken on our bypass. He has concerns about spending money on something that is not going to benefit the City of Pittsburg. He feels Option 4 is a good option. He does not feel Pittsburg should be held hostage by the cities of Oakley and Antioch who have threatened to pull out of the JPA if Pittsburg does not cooperate.

Jack Garcia, Pittsburg, stated he was a member of the Transplan Committee for many years and has seen this project move from the number one priority in Transplan to the JPA. He stated there is no need for the JPA if there is no Buchanan Road Bypass project. He stated the former Supervisor, the Mayor of Antioch and a member from Brentwood all asserted they do not see a need for the Buchanan Bypass. They are essentially saying that even if the fees are raised, they do not see a necessity to build the Bypass. He stated the Highway 4 Bypass was built because one of the members declared that Brentwood would not be able to support Measure C if the bypass were not built. Because Pittsburg is financing areas such as the extension of E. Leland Road into Concord, and the Century Blvd./North Park connector road that will be used by commute traffic, Mr. Garcia wondered what we have gotten for our finance fees that we have paid to date.

On Motion by Vice Mayor Aiello, second by Member Rios to reject the Minute Order for consideration of the Second Amendment to the JPA for ECCRFFA to increase regional traffic fees, by the following vote: **VOTE: 3-2 (No: Lewis and Beals)**

3. **MINUTE ORDER** League of California Cities Proposed Bylaws Amendment to Increase Dues to Implement Grassroots Network

Carol Victor presented the staff report. She stated League of California Cities dues would increase approximately \$4,500 per year if the amendment carries by 2/3 of the membership of the League.

Vice Mayor Aiello asked what the advantage would be to the Grassroots Network since we already have a paid lobbyist. He stated that if the Council rejects this, we could be paying anyway.

Ms. Victor stated after having reviewed the League=s documents, she is not sure what the League will be doing. She states the League will be hiring 14 staff members and will possibly be trying to groom local council members as they move up into the assembly to educate them as to local issues. Staff did not make a recommendation either way. If this does not pass by 2/3 of the membership of the League it will fail, and fees will stay as is. If the City rejects it but 2/3 of the membership approves it, the City will be subject to the fee unless the City decides to withdraw from the League of California Cities.

Council Member Rios, as liaison for the League, has been involved in the workshops where the Grassroots Network has been discussed. She sees the Network as working in conjunction with our lobbyist and to concentrate efforts, such as returning ERAF back to local government. She stated she is in support of the project, and our lobbyist, Gonsalves & Son, is in favor of working with the League in this project.

On motion by Council Member Rios, seconded by Vice Mayor Aiello, to approve increased fees to the League of California Cities to implement the Grassroots Network by the following vote: **VOTE: 2-3 (No: Lewis, Quesada, Beals)**

4. **APPOINTMENT** Appointing Leisure Services Commission Member

On Motion by Member Rios, seconded by Member Beals to appoint Kimberly Kee to the Leisure Services Commission by the following vote: **VOTE: 5-0**

5. **APPOINTMENT** Appointing Community Advisory Commission Members

On Motion by Member Lewis, seconded by Member Beals to appoint Robert Spaulding to the Community Advisory Commission by the following vote: **VOTE: 5-0**

On Motion by Vice Mayor Aiello, seconded by Member Rios to appoint Renee Fernandez to the Community Advisory Commission by the following vote: **VOTE: 3-2 (No: Lewis and Beals)**

6. **APPOINTMENT** Appointing Planning Commission Members

Council Member Lewis stated he is not supporting the nomination of George Harris because in the interviews at the last meeting, he gave Mr. Harris every opportunity to own up to the fact that he had not followed the proper procedure as a Planning Commissioner in his previous tenure. At the last meeting, Mr. Harris made an issue of the fact that one of the Planning Commissioners who was there that evening to speak on the issue of the apartments did not clarify that she was speaking as an individual rather than a Planning Commissioner, and yet, Mr. Harris, as a Planning Commissioner, signed a letter not as a private citizen, but as a Planning Commissioner, trying to overturn a decision made by the majority of the Council. He stated he asked during the interviews, and he gave the correct answer, that the Council is supposed to be the final authority and yet that is not the policy that he followed. Member Lewis stated in his opinion that is insubordination, and he will not support a Planning Commissioner that in practice does not acknowledge that the City Council is the final authority on all decisions. Anyone as a private individual has a right to sign any letter that they want, but when the letter is signed as a Planning Commissioner, you have crossed the line and become insubordinate.

On Motion by Member Rios, seconded by Mayor Quesada to appoint George Harris to the Planning Commission by the following vote: **VOTE: 3-2 (No: Lewis and Beals)**

On Motion by Member Beals, seconded by Member Lewis to appoint Michael Kee to the Planning Commission by the following vote: **VOTE: 2-3 (No: Aiello, Rios, Quesada)**

On Motion by Vice Mayor Aiello, seconded by Member Rios to appoint Jack Garcia to the Planning Commission by the following vote: **VOTE: 3-2 (No: Lewis and Beals)**

ADJOURNMENT

There being no further business, the City Council adjourned at 9:30 p.m. to the next meeting scheduled for July 16, 2001.

Respectfully submitted,

Lillian J. Pride, City Clerk

