

CITY OF PITTSBURG
Redevelopment Agency Minutes
June 3, 2002

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:04 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. for Commissioner interviews, and at 6:00 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9, subdivision (b) regarding four cases, initiation of litigation pursuant to subdivision (c) of Section 54956.9 for two cases, and Liability Claims pursuant to Section 54956.95 regarding DeMiglio & Associates.

City Attorney Daube reported that the City Council had considered several items in Closed Session, one of which was the claim from DeMiglio & Associates which had been brought to the attention of the Council at its last meeting. She reported that the Council had considered and had denied that claim.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Assistant Legal Counsel, Carol Victor
City Clerk, Lillian Pride
Director of Economic Development, Garrett Evans
Economic/Redevelopment Coordinator, Brad Nail
Director of Public Services, John Fuller
Director of Leisure Services, Paul Flores
Director of Planning and Building, Randy Jerome
Director of Personnel Services, Marc Fox
City Engineer, Joe Sbranti
Director of Housing, Buck Eklund
Records Manager, Mary Ellen Overgaard
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Elizabeth Smith 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 Beals-Rogers, seconded by Member Quesada and carried unanimously to approve the Consent Calendar, as follows:

- a. **MINUTES** Dated: May 20, 2002

Approved Minutes dated May 20, 2002.

PUBLIC HEARING

Mayor Aiello CONVENED THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY JOINTLY to consider Redevelopment Agency Resolution 02-826 and City Council Resolution 02-9612.

1. **RESOLUTION 02-826** Disposition and Development Agreement with Habitat for Humanity for the Sale and Development of Three Parcels Located Along Herb White Way (APNs 085-222-001, 085-222-015 and 085-222-016)

2. **RESOLUTION 02-9612** Disposition and Development Agreement with Habitat for Humanity for the Sale and Development of Three Parcels Located Along Herb White Way (APNs 085-222-001, 085-222-015 and 085-222-016)

The Pittsburg Redevelopment Agency and Habitat for Humanity had negotiated terms for the disposition and development of three parcels located off of Herb White Way in downtown Pittsburg. Habitat would purchase the three lots for one dollar per lot and would develop eight detached, single-family, owner-occupied, affordable dwelling units for lower income households.

Mayor Aiello opened the public hearing on Resolution 02-826 and Resolution 02-9612.

BRUCE OHLSON, Pittsburg, reported that the Pittsburg bicycle community was concerned with the proposal only in that Herb White Way had been listed on the General

Plan as a bicycle facility and there had been problems in that regard between Eighth Street and Marina Boulevard. He requested that there be no problems with the remainder of Herb White Way as it developed.

Mayor Aiello closed the public hearing.

Member Lewis clarified with staff that the referenced section of Herb White Way was bicycle oriented, and City Engineer Joe Sbranti affirmed that the portion of Herb White Way referenced by Mr. Ohlson had been addressed and would continue to be addressed as the area further developed.

On motion by Member Quesada, seconded by Member Lewis and carried unanimously to adopt Redevelopment Agency Resolution 02-826.

On motion by Councilmember Quesada, seconded by Councilmember Lewis and carried unanimously to adopt City Council Resolution 02-9612.

ADJOURNMENT:

The meeting adjourned at 7:11 P.M. to the next meeting set for the Budget Workshop on June 10, 2002 at 5:00 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
June 3, 2002

Mayor Frank Aiello called the meeting of the City Council to order at 7:12 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. for Commissioner interviews, and at 6:00 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9, subdivision (b) regarding four cases, initiation of litigation pursuant to subdivision (c) of Section 54956.9 for two cases, and Liability Claims pursuant to Section 54956.95 regarding DeMiglio & Associates.

City Attorney Daube reported that the City Council had considered several items in Closed Session, one of which was the claim from DeMiglio & Associates which had been brought to the attention of the Council at its last meeting. She reported that the Council had considered and had denied that claim.

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Willis Casey
Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
City Clerk, Lillian Pride
Director of Economic Development, Garrett Evans
Economic/Redevelopment Coordinator, Brad Nail
Director of Public Services, John Fuller
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CITIZENS REMARKS

SHEILA SANDERS, Pittsburg, explained that she had previously approached the City Council on an issue with respect to an application that she had made and had been referred to the Planning Department. She reported that she had received limited help from that department. She described her efforts to open a business in the City in an existing building and advised that she had been told of the need to have her building rezoned. She

stated that she had been having a difficult time and she sought help from the Council on where to proceed. She emphasized that the proposed use of the building was consistent with an entertainment use. She asked to be treated fairly and expressed her frustration with the situation.

Vice Mayor Beals-Rogers requested that the Director of Building and Planning meet with Ms. Sanders to address her concerns and to walk Ms. Sanders through the City's process.

Director of Building and Planning Randy Jerome advised that Ms. Sanders always had the right and ability to file an application and go through due process based on the type of use proposed consistent with the City's General Plan and zoning laws. He stated that staff would be more than willing to help Ms. Sanders start that process.

BRUCE OHLSON, Pittsburg, stated that the East County's *Shaping Our Future* workshop had been set for June 5 at Freedom High in Oakley. Having attended Central County's *Shaping Our Future* meeting in Concord, he stated that he had not been impressed. He noted that the non consideration of two items at that meeting was consistent in that bicycles had not been listed as a viable transportation option and it had never been mentioned that there was a jobs/housing imbalance in Contra Costa County and the transportation problems that engendered. He urged the Council and all citizens to attend the meeting on June 5.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), commended the staff who had participated, orchestrated and operated the Blues Festival, which he had found to be successful. He commented that he had seen no Councilmembers at the Blues Festival and he questioned the Council's commitment to that event. He described the day of his attendance as truly a diverse event.

Speaking to the continued problems identified by Sheila Sanders, Mr. Mims questioned the City's commitment to its minority citizens and its minority businesses.

In response, Councilmember Lewis commented that he had attended the Blues Festival and had helped set up some of the tables. He stated that the City had a commitment to all businesses of all races. With respect to Ms. Sanders' issue, he added that the City still had policies and procedures that had to be followed consistently throughout.

Councilmember Rios stated that she had also attended the Blues Festival this year as she had in the past.

Mayor Aiello also reported that he had attended the Blues Festival on Sunday and had participated and helped in that event.

Vice Mayor Beals-Rogers commented that while she had other commitments during the period of the Blues Festival that had made it impossible for her to attend, she would be

attending the Scottish Renaissance Festival.

Councilmember Quesada stated that he had also attended the Blues Festival and had suggested to staff that it was unfortunate that the Blues Festival had been scheduled for the Memorial Day weekend.

WILLIAM LEE, Pittsburg, reported that he was still having police problems, particularly from one person. He requested that those tactics be terminated.

COUNCIL REPORTS

As the Council's representative to the *Shaping Our Future* program, Councilmember Lewis reiterated the earlier comment that the East County meeting of *Shaping Our Future* had been set for June 5 at 6:00 P.M. at Freedom High in Oakley.

Vice Mayor Beals-Rogers reported on the School/City District Liaison Committee when she and Councilmember Rios had met with the Superintendent of the Mt. Diablo Unified School District (MDUSD) and had discussed the anticipated school in the Oak Hills area, anticipated schools in the Bay Point area and other educational highlights with respect to the MDUSD. She characterized that meeting as productive and noted that discussions would continue in the future. Vice Mayor Beals-Rogers also highlighted the well-attended Memorial Day celebration in Stoneman Park of which she had been proud to participate.

Councilmember Quesada concurred that the Memorial Day celebration was one of the best held. He commended those involved and thanked all the service organizations that had put the event together.

Councilmember Rios commended staff for their outstanding job on the Blues Festival. She had also attended the Memorial Day event that other Councilmembers had attended. She concurred that the School District Liaison meeting had gone well and showed promise as the start of good discussions to come. She added that staff would be selected to work with the MDUSD to address issues of mutual concern.

Mayor Aiello stated that he had been honored to speak at the Memorial Day celebration and emphasized that the honor should be bestowed on those who had and who continued to serve this country. He included the fire and police personnel in those who should be honored for their service to the country.

Mayor Aiello stated that he had asked staff to return with a policy direction to increase the traffic mitigation fee by \$2,500 per unit per development, which should be submitted to the City Council shortly for consideration, to be used for Pittsburg roads.

PRESENTATIONS

1. Contra Costa Transit Authority

Susan Miller, Engineering Manager for the Contra Costa Transportation Authority (CCTA) offered an update for the State Route 4 East Corridor Transit Study. She stated that many types of transit improvements, including express bus service, local bus improvements, bicycle and pedestrian improvements, particularly to connect to transit hubs, as well as light rail were being considered.

Ms. Miller reported that the focus had been on the potential that there would be economic development in the future and to find ways to make the transit network best serve development and growth in the future. She advised that the study had been discussed for one year and important decisions would be made this summer.

Bill Hurrell of Wilbur Smith Associates provided an update of the State Route 4 (SR4) East Corridor Transit Study and reported on the many meetings that had been held to solicit public input. He addressed BART and eBART modes of transportation, which he noted were where some of the key decisions in terms of stations would have to be made. He commented that they had started with five options for BART extension and stations and he described the factors involved to provide adequate space to meet the operational needs of a BART extension.

Mr. Hurrell described each of the BART options. BART-1, a short extension to Railroad Avenue via SR4 would have required the displacement of significant businesses and properties and had been eliminated from consideration as an end line station, although an infill station could be considered at that location. BART-2, an extension to Century Boulevard via SR4 had similar problems with respect to the amount of land for a station and yard and would also only be considered as an infill station. BART-3, an extension to Hillcrest Avenue via SR4 was as the others an extension of BART in the Highway 4 corridor, although with ample land, and that option had been retained for further study. BART-4 and BART-5 were similar options, extending to Hillcrest Avenue via SR4 and the Union Pacific (UP) line. While BART-4 had been dropped from further study given the lack of land available in that case, BART-5 had been retained for further study given that there was sufficient land to consider that option.

Presenting eBART options, Mr. Hurrell explained that eBART would use a technology called a diesel motorized multiple unit (DMU), which vehicles would be operated on the UP/Mococo tracks. He explained that the existing UP track would be moved to one side to allow freight lines to continue to operate. The service would be designed to emulate BART using the same 15-minute daily frequency and connect in as simple a transfer as possible to regular BART, which would be a less costly system than the BART system.

eBART 1 would start at Byron taking UP tracks to Bailey Road and into the Pittsburg/Bay Point BART station, although there were concerns with that option. eBART 2 was similar but would come in at Loveridge Road down the median of Highway 4 to the Pittsburg/Bay Point station, which could allow direct transfers to the BART system. BobBART had also been proposed, using BART cars that could couple up to a BART train. While eBART 2 had a lot of potential and had been retained for further study, the eBART 1

option had been recommended for elimination due to Bailey Road conflicts.

Bus rapid transit was also being considered as another option, as was high occupancy vehicle (HOV) improvements to Highway 4 and Express Bus improvements. Express bus improvements involved eleven new routes. All options were being considered in terms of ridership and cost.

With respect to the schedule for the study, Mr. Hurrell stated that a major study session with the Policy Advisory Commission (PAC) had been scheduled for June 22, to discuss cost, ridership, station area planning and the different options, after which a series of PAC meetings would focus on the results of the study session and narrow down and package the options. In August, the PAC would be asked to take formal action on the preferred transit improvement. After the July meeting, there would be a third round of public meetings to further engage the public in the process.

Councilmember Lewis commented that any proposal would have to have a direct connection to the BART station. He suggested that eBART showed potential other than extending BART all the way to Hillcrest. He commented that he had been surprised that an option of swinging eBART tracks back onto the BART tracks between Railroad Avenue and Bailey Road on the PG&E right of way had not been considered as a viable option. He noted that idea had previously been raised for consideration.

Ms. Miller stated that option had been discussed with PG&E, which had not supported the use of their main transmission corridor. She commented that what had been found was that there was a spur line that came to and crossed the freeway, which would allow an easy transition into the spur track. She added that UP was very open to a purchase of that portion of the right of way.

Mr. Hurrell added that the option recommended by Councilmember Lewis had been considered. He explained that running high transportation rail in the vicinity of the high voltage lines created serious technology issues, which was why PG&E was concerned with allowing that use. The PAC had considered the possibility of upgrading eBART to an actual BART service. In the proposed option, the eBART system would be designed to BART standards to allow a potential future conversion to a BART line.

Mayor Aiello stated with respect to cost that given BART's current status and potentially cutting service to Pittsburg, he inquired of the cost to the consumer to take eBART from Antioch to San Francisco on BART.

Mr. Hurrell stated that while not specifically based upon current BART fares, there could be a fare similar to a Pittsburg/Bay Point fare to San Francisco, or roughly a \$5 one way fare.

Susan Miller advised that the fare system, as well as operation issues, had yet to be discussed.

Mayor Aiello inquired of the issue of the potential for the economic impact to the businesses using that spur line, to which Ms. Miller stated that they were in discussions with UP regarding improvements at the Loveridge Interchange for the freeway project aside from the transit study and considering different options as to whether or not to continue using the spur line to the businesses or considering a team-track area to provide a trucking operation to those businesses.

Ms. Miller stated that UP was anxious to keep their customers happy and discussions were ongoing.

As to the current estimated cost of eBART at this point in time in response to the Mayor, Mr. Hurrell stated that the current estimated cost had yet to be developed, although the cost of eBART per mile was roughly half the cost of BART. Roughly \$100 million dollars a mile for BART and \$50 million for eBART.

Mayor Aiello inquired why a region would want to spend more than \$200 million on a system when \$200 million could be spent on jobs to the County where the system would not be needed. He suggested that locating job centers in East County would negate the need for the system and suggested that \$200 million was being proposed to accommodate ten percent of the consumers. He suggested that a temporary eastbound off ramp at Range Road and a westbound on ramp at Range Road would help ease the burden of traffic and represent a feasible solution to that problem in recognition of what the residents of the City would have to go through given that all of the traffic was being generated from the east.

Mr. Hurrell acknowledged that issue was a major concern. He noted that part of the work being done was considering the issue of the balance of jobs to housing and what could be done to attract more jobs to locations around transit stations where there would be a high degree of accessibility. He stated that the study would not address the economic question as to the overall cost effectiveness of the options. He emphasized that land use and jobs/housing balance issues would be addressed.

Susan Miller explained that the bus options were more cost effective and while not quite as high profile as the BART/eBART options, the many bus options would be more cost effective. She added that the transit improvement proposals would not address the full issue of growth.

Ms. Miller further explained that early on in looking at construction impacts that Range Road had been considered but had been eliminated given the impacts that would be imposed on residential areas creating noise issues and significant truck traffic. Instead, the mitigation included in the approved environmental document was to do the Harbor overcrossing first prior to the construction of Railroad Avenue.

Ms. Miller added that they were working closely with City staff and the Pittsburg Unified School District (PUSD) to identify the impacts, and were working with Caltrans to change the signal timings where appropriate and where improvements would be provided,

as well as taking all steps possible to phase the proposed construction, to monitor traffic and through a public relations firm to identify the upcoming changes to residents and businesses to alleviate the impacts to Pittsburg to the greatest extent possible.

Councilmember Rios reported that she had met with the District Manager for Caltrans in reference to Range Road and had been advised that the Range Road project had not been eliminated, although it had been pushed farther down on the list of priorities. She stated that efforts were continuing to allow that item to be considered for further discussion.

Ms. Miller expressed her understanding that Councilmember Rios' references were to a Project Study Report (PSR) where Caltrans had agreed to include Range Road on a list for a PSR, which could move the project forward. She noted that the reauthorization discussions for Measure C were ongoing and potential projects for the new measure were being considered, which would allow the City an opportunity to further move that project along.

Councilmember Rios stated that Assistant City Manager Shirazi would be submitting a request to forward consideration of Range Road in the near future.

Councilmember Quesada explained that federal transportation funding had been committed for the next twenty years and there would therefore be limited funding available through State, regional and local sources to be able to address transportation improvements in the area.

Ms. Miller stated that the final product of the study would include cheaper cost effective things, such as what to do within the next five years, and to identify where the funding would come from to implement the projects.

Councilmember Lewis emphasized that the City had discussed the Range Road concept for eight to ten years and one of the problems was the need to conduct major infrastructure improvements north of Highway 4 to be able to allow a feasible Range Road on and off-ramp. He suggested that the City would have to make a significant commitment to improve its infrastructure independent of whatever funds might be available to construct a Range road on and off ramp configuration.

Mayor Aiello announced that AB 81 had passed the Senate by a 30 to 3 margin and was now an Assembly concurrence, and the item could be discussed as part of the Council's goals and priorities once the Governor had signed the bill.

Ms. Miller encouraged attendance at the June 22 workshop at Ambrose Community Center from 8:30 A.M. to 12:30 P.M.

2. City Road Closure Schedule for 2002-2003

City Engineer Joe Sbranti presented the timeline of roadway improvements and noted that the State Route 4 widening projects were underway and would be ongoing for the next

several years. In addition, the City was undertaking several capital improvement projects that would present many challenges to City residents.

Mr. Sbranti also reported that the Harbor Street Bridge would be taken out of commission in the next two weeks for the next year. In that situation, traffic would be detoured to Railroad Avenue or the Loveridge Road Bridge to connect north and south Pittsburg. The Pittsburg-Antioch Highway would also be closed west of Loveridge Road between Loveridge and Columbia Avenue between August and October this year.

Mr. Sbranti described the list of projects as extensive and explained that copies of the list of road closures and roadwork was available for the audience and the public.

Given the trucks that used Harbor Street to California Avenue, Mayor Aiello inquired what had been proposed to address that truck traffic, to which Mr. Sbranti stated that the Pittsburg-Antioch Highway would not be closed simultaneous with the restricted movements from California onto Harbor Street, which would dictate when the Pittsburg-Antioch Highway would be closed.

Mr. Sbranti stated that there were still federal requirements involved and the reported schedule could change.

Vice Mayor Beals-Rogers inquired of the signage proposed with respect to the closure of the Harbor Street Bridge and whether or not there would be accommodations for residents who lived on California Avenue to ensure that residents would be able to get in and out of their homes.

ANDY KLEIBER, the CCTA's Resident Engineer for the Harbor Street and Frontage Road projects, reported that there would be advance notices posted for the closure of Harbor Street, there were extensive signage plans with plans on Harbor south of Leland Road as well as on the north side of the freeway, and everything would be done to accommodate all residents. Notices had been delivered to all residents in water bills to identify the projects and a telephone Hot Line had been set up to address concerns.

In further response to Vice Mayor Beals-Rogers, Mr. Kleiber stated that traffic was being monitored and traffic counts were being taken in advance of the work, and if residents in the affected area were having a hard time getting in and out of their homes, those issues would be addressed.

Vice Mayor Beals-Rogers emphasized that there were currently problems on Harbor east where huge backups occurred. She urged that "keep clear" signs or other accommodations should be provided.

Councilmember Lewis commented that Navy, Clyde and Avon Streets already had marked "keep clear" zones. He concurred that the same would have to be provided east of Harbor Street at Benjamin, Edward, Newport and Patricia Streets.

Mr. Sbranti highlighted the projects scheduled for the summer period, including Harbor Street, Frontage Road, the connector road project, Kirker Creek, Pittsburg-Antioch Highway, Senior Center, Central Park and the Willow Pass Widening projects.

BEN JOHNSON, Pittsburg, suggested as a temporary gap fix that there be another exit into and out of the City through Range Road.

WILLIE MIMS, Pittsburg, representing the BPA, stated with respect to the construction timeline that he saw no construction work being done on School Street and Carpino Street. He inquired why those streets had not been included and asked when the last time reconstruction had been conducted in those areas.

With respect to California Avenue, Mr. Mims suggested that a “keep clear” sign would not address the concerns. He suggested that stop signs or stop lights would be required to allow those residents ingress and egress to their homes. He recommended that a stop sign be placed at Diane Avenue.

Mayor Aiello stated that the City had to start somewhere and if the “keep clear” signs did not work, another step would be taken to address the concern. With respect to Carpino and School Streets, he added that the Council would have to consider those streets in the goal setting process. He suggested that the water lines and other components of the streets in those areas would also have to be addressed.

Mayor Aiello declared a recess at 8:30 P.M. The meeting reconvened at 8:41 P.M. with all members present.

CONSENT CALENDAR

On motion by Councilmember Quesada, seconded by Vice Mayor Beals-Rogers and carried unanimously to adopt the Consent Calendar as follows, with the removal of Items d and e and f.

- a. **DISBURSEMENT LIST** Period Ending: May 29, 2002

Adopted Disbursement List period ending May 29, 2002.

- b. **MINUTES** Dated: May 20, 2002

Approved Minutes dated May 20, 2002.

- c. **CLAIMS** #1451 Al's Snack Shop; #1452 Ann Robbins

Denied Claims #1451 Al's Snack Shop and #1452 Ann Robbins.

- g. **RESOLUTION 02-9607** Adoption of Records Retention Schedules and Authorizing Destruction of Certain City Records

Adopted Resolution 02-9607.

- h. **RESOLUTION 02-9608** Award Water Treatment Plant Chemical Purchase Contract

Adopted Resolution 02-9608.

City Attorney Daube reported that at the request of the Mayor, the City Attorney's Office had pulled Items d and e. Based on recent news articles her office had referred the allegations to the Fair Political Practices Commission (FPPC) for a legal opinion. As soon as a legal opinion was received, the items would be returned for Council consideration.

- d. **RESOLUTION 02-9604** Adoption of a Resolution Requesting the Local Agency Formation Commission (LAFCO) to Take Proceedings for the Oak Hills South Unit 5 (Subdivision 8042) Boundary for a Second Revision and Revise the Final Boundary of Annexation 120 (LAFCO 01-16) which had Amended the City's Sphere of Influence and Concurrently Annexed to the City of Pittsburg, the Delta Diablo Sanitation District Zone 2, the Contra Costa Water District and Detached from the Ambrose Park District Territory Known as Elworthy/Keller Area Boundary Reorganization

Resolution 02-9604 was continued to a date to be determined.

- e. **RESOLUTION 02-9605** Subdivision 8423, San Marco Unit 5, Approval of the Final Map, Improvement Plans and Subdivision Improvement Agreement

Resolution 02-9605 was continued to a date to be determined.

Councilmember Rios had pulled Item f for discussion.

- f. **RESOLUTION 02-9606** Adoption of the Records Management Program

The resolution involved the adoption of the proposed resolution to revise the City's Records Management Program and would apply efficient and economical methods to the creation, utilization, maintenance, retention, preservation and disposal of all City records.

Councilmember Rios noted her understanding that the Police Department had a separate filing system.

Assistant City Attorney Carol Victor reported that the Police Department program had not been specifically spelled out in the program although it would apply to the Police

Department as it would to other departments in the City. She explained that the Police Department had strict procedural requirements and there would be no change with how those records were addressed.

Councilmember Rios suggested an acknowledgment that the Police Department had its own system and wanted to make certain that every City department was included in the program, to which Ms. Victor stated that the item was intended to be Citywide and there was nothing that would preclude the Police Department from having its own system.

City Records Manager, Mary Ellen Overgaard suggested that the Police Department be contacted and be incorporated within the Citywide procedures.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to refer Resolution 02-9606 back to the Records Manager to include the Police Department in the Records Management Program, to be returned to the Council at the next meeting.

CONSIDERATION

1. **RESOLUTION 02-9609** First Amendment to the Relocation Agreement Between City of Pittsburg and Praxair for the Relocation of USS-POSCO, Inc. (UPI) Facilities in Connection with the Kirker Creek Flood Control Project

City Manager Will Casey stated that as part of the Kirker Creek Flood Control Project, the City required the relocation of certain utility facilities. Because certain facilities were not in the public right of way, the City was required to reimburse the affected utilities their cost for relocating them.

Mr. Casey recommended the adoption of the resolution authorizing the City Manager to execute the First Amendment to the Relocation Agreement between the City of Pittsburg and Praxair subject to non-substantive changes.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9609.

2. **RESOLUTION 02-9610** Reimbursement Agreement Between City of Pittsburg and PG&E for the Relocation of their Facilities for the Kirker Creek Flood Control Project

Mr. Casey stated that as part of the Kirker Creek Flood Control Project, the City required the relocation of certain utility facilities. Because certain facilities were not in the public right of way, the City was required to reimburse the affected utilities their cost for relocating them.

Mr. Casey recommended the adoption of the resolution authorizing the City Manager

to execute the Reimbursement Agreement between the City of Pittsburg and PG&E subject to any minor technical changes as may be necessary.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to adopt Resolution 02-9610.

3. **RESOLUTION 02-9611** Reimbursement Agreement Between City of Pittsburg and Pacific Gas and Electric (PG&E) for the Relocation of Electric Transmission Utilities for the Kirker Creek Flood Control Project

As with the other agreements, Mr. Casey stated that as part of the Kirker Creek Flood Control Project, the City required the relocation of certain utility facilities. Because certain facilities were not in the public right of way, the City was required to reimburse the affected utilities their cost for relocating them.

Mr. Casey recommended the adoption of the resolution authorizing the City Manager to execute the Actual Cost Contract Agreement between the City of Pittsburg and PG&E subject to any minor technical changes as may be necessary.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9611.

PUBLIC HEARING

1. **ORDINANCE 02-1197** Reconsideration of Introduction of an Ordinance to Amend the Zoning Map from CO (Office Commercial) to CC (Community Commercial) at the Southwest Corner of East Leland Road and Loveridge Road for ARCO Service Station APN 088-230-012

Mr. Casey presented the reconsideration of an application by Peter Tobin of Tait and Associates on behalf of ARCO Service Station, to rezone a 3.55 acre parcel from CO (Office Commercial) to CC (Community Commercial) to allow a service station including a convenience store and car wash located at the southwest corner of East Leland Road and Loveridge Road.

Mr. Casey recommended the adoption of the ordinance to amend the Zoning Map from CO (Office Commercial) to CC (Community Commercial) as shown on the Exhibit A attached to the staff report dated June 3, 2002.

Mayor Aiello opened the public hearing on Ordinance 02-1197.

JIM DAVIS, the Real Estate Manager in charge of the project, identified the benefits to the City the project would provide with a \$2.5 million state of the art ARCO AM/PM with a car wash in a facility that was appealing to the eye, would provide tax benefits to the City,

would provide lower gas prices to City residents, would represent the only ARCO facility in the City, and would provide jobs to City residents. Given that it was a national major tenant, he suggested that others would also want to locate in the City as well.

Mr. Davis provided a detailed description of the proposed facility, which would also include a drive through self-service state of the art car wash and the first solar canopy in Northern California. He provided photos of the proposed facility and stated that one of the most important items in any city was ARCO's alcohol and tobacco programs. With respect to that issue, he described the products that would be sold. He stated that hard liquor would not be sold. Beer and wine would be sold representing ten percent of their sales. No fortified wine would be sold, and no 40-ounce beers would be sold. Fourteen categories of other products would be sold at AM/PM. He stated that limited signs and displays would be allowed in the facility. No tobacco displays would be utilized. With respect to training programs, Mr. Davis presented a binder that represented the ARCO Alcohol Training Program and offered an example of the types of training involved. He stated that anyone who appeared to be under 35 years of age needed to have an ID. There was a similar program for tobacco products.

Given that two schools were located nearby, Mr. Davis stated that they had worked with the local Police Department to understand the needs and concerns of the City related to the sale of alcohol and tobacco. He stated that in their discussions with Commander Hendricks of the Police Department, they had agreed to a number of conditions in the operation of the AM/PM. Those conditions had been verified by letter.

There would be no sale of liquor, only beer and wine representing approximately ten percent of sales. There would be no sale of fortified wines, no forty ounce, no tobacco signage, and no self-serve tobacco racks. ARCO had also agreed to participate in sting operations with the Police Department in addition to the sting operations that ARCO itself would operate.

Mr. Davis reiterated that they had met with local law enforcement, had agreed to participate in sting operations, had worked with the Planning Department to address land issues, and that the hours of the car wash had been reduced in consideration of the adjacent neighbors. An eight-foot masonry wall would also be built to help keep out noise.

With respect to light, Vice Mayor Beals-Rogers inquired whether or not the lighting would disturb the residents of the neighboring properties, to which Mr. Davis stated that the lighting would provide illumination for the site but would not shine onto adjacent properties.

Vice Mayor Beals-Rogers inquired whether or not malt liquor would be sold, to which Mr. Davis stated that he did not think malt liquor would be provided.

Although he did not wish to speak, Mayor Aiello reported that M.P.R. HOWARD had submitted a card to inquire whether or not the Council would address the close proximity of the proposal to two schools.

ELIZABETH SMITH, Pittsburg, suggested an alternative to a gas station. She had nothing against ARCO, but she did not believe that an ARCO facility was particularly needed in the City. She recommended that a Camp Stoneman Interpretive Center be developed at the corner of Leland and Loveridge Roads. She read a prepared statement that she submitted for the record to describe her request. She also noted that she had previously lived adjacent to a gas station in another city and had had been negatively impacted by gas fumes when the underground tanks at that station were refilled.

RANDY ASHFORD, Pittsburg, suggested that the City should create an ordinance that if someone was caught selling alcohol to a minor in the City, that person should lose his/her license for a year.

WILLIE MIMS, Pittsburg, representing the BPA, urged the Council to deny the application and not to change the zoning. He suggested that one of the problems with the proposal was the letter from the PUSD Superintendent of Schools who had indicated no opposition to the operation of an ARCO gas station at the corner of Leland and Loveridge Roads. He noted his understanding that the company had been referred back to the Planning Commission to do a presentation before the PUSD Board of Trustees, which he suggested had yet to occur. He therefore suggested that the letter should not be used to support the proposal. Speaking to the staff analysis, Mr. Mims noted that it had been determined that the project would not result in a significant effect on the environment. He stated that there was a serious traffic problem on Leland Road, that a service station at the corner of Leland and Loveridge Road already sold alcohol and tobacco products, as did a similar operation in the same area. He suggested that the proposal would have a negative impact on the environment increasing traffic and offering another place where children on the way to school would have the opportunity to attempt to acquire tobacco and alcohol. He supported the idea for a Camp Stoneman Interpretive Center.

Mayor Aiello closed the public hearing.

Councilmember Lewis inquired of Mr. Davis the result of his presentation to the School Board, to which Mr. Davis stated that they had contacted the School Superintendent to meet with School Boardmembers individually to explain the project. He explained that his Project Manager had spoken to Boardmember McDonald, and a call to Boardmember Rosalez had not been returned. He had also been advised by ARCO legal counsel that talking to more than two Boardmembers would represent a violation of the Brown Act.

Councilmember Lewis emphasized that the Council had directed ARCO to make a presentation to the School Board of Trustees to solicit their feedback.

Mr. Davis stated that they had a meeting scheduled for May 22, and two days before that had found that the item was to be reconsidered by the City Council, and had then tried to meet with each School Boardmember. He characterized being told to go to the School Board to get an approval for an AM/PM project as like asking them to approve a video arcade or like asking Mothers Against Drunk Driving to put their approval on a sports bar.

Councilmember Lewis reiterated the Council's request that the applicant was to have met with the PUSD Board.

Councilmember Rios referenced Ms. Smith's issue with gas fumes and asked how ARCO would address that situation.

In response, Mr. Davis stated that they had worked with the Planning Department to schedule refueling only during certain hours of the day, primarily during off-peak hours. With respect to fumes, he stated that things had changed in the last few years with significant monitoring by governmental entities. He anticipated no problem in that regard.

Councilmember Quesada suggested that the applicant had bent over backwards to address the issues.

Mayor Aiello stated that he had talked to Commander Hendricks. With respect to the issue of school age children going into the facility before school, he verified with Mr. Davis that there was an agreement that no children would be allowed in the market one-hour before school and one hour after the close of school. He sought a modification to the conditions of approval, which modification would be that should the facility be caught in a sting operation by either ARCO or the City within the next eighteen months from the start of operation, its license to sell alcohol would be revoked.

Mr. West stated that with ARCO's Alcohol Awareness Program, he would feel comfortable accepting that additional condition of approval.

While that condition was found to be acceptable to Councilmembers Quesada and Rios who had made a motion and second to approve the application, Councilmember Rios suggested that would have to be applied to all other applicants.

City Attorney Daube stated that with the applicant's willingness to accept the Mayor's condition, it could be imposed on the project, although the same condition would not automatically apply to other applications, which would have to be considered on a case by case basis. The legal research would also have to verify the legality of that situation.

Councilmember Lewis suggested that the alcohol/tobacco issue was secondary to his concern for the use of the corner as a gas station. He preferred to see something better on the site than a gas station. While he could not fault the ARCO presentation and proposal, he suggested that the site was inappropriate for a gas station. He was also disappointed that the Council's direction from the last meeting that the applicant seek approval from the School Board had been ignored by the applicant. He reiterated his opinion that it was extremely shortsighted to grant an inappropriate land use for the site.

Mayor Aiello commented that the property was currently being used as a used car lot and that the site across the street and others owned by the Los Medanos Community Hospital District were not being maintained. He inquired of Mr. Davis the plans for the development of the rest of the land and inquired whether or not he would be agreeable to

work with the Economic Development Department on the development of that property.

In response, Mr. Davis stated that they would like to place something on that property that would be acceptable to the City. He agreed to work with the Economic Development Department in the development of the remainder of the parcel.

Councilmember Quesada reiterated that what had been characterized as prime choice property had been sitting empty for 35 years.

Councilmember Lewis suggested that if a development plan had been proposed for the entire parcel, it should have been submitted initially, as had been done with the Mill Creek proposal, which had created a buffer to adjacent uses. He suggested that the proposal as submitted represented an inappropriate way to develop the parcel. As far as the property being vacant, he remained of the opinion that the property is prime property.

On motion by Councilmember Quesada, seconded by Councilmember Rios to introduce Ordinance 02-1197 and waive first reading, as amended that should the facility be caught in a sting operation by either ARCO or the City of Pittsburg within the next eighteen months from the start of operation that the license for selling alcohol would be revoked. The motion carried by the following vote:

Ayes: Quesada, Rios, Aiello
Noes: Beals-Rogers, Lewis
Absent:None

2. **RESOLUTION 02-9612** Disposition and Development Agreement with Habitat for Humanity for the Sale and Development of Three Parcels Located Along Herb White Way (APNs 085-222-001, 085-222-015 and 085-222-016)

Resolution 02-9612 was adopted in JOINT SESSION with the REDEVELOPMENT AGENCY.

ADJOURNMENT

The meeting adjourned at 9:40 P.M. to the next meeting set for the Budget Workshop on June 10, 2002 at 5:00 P.M.

Respectfully submitted,

Lillian J. Pride, City Clerk

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CITY OF PITTSBURG
Pittsburg Power Company
June 3, 2002

Chair Frank Aiello called the meeting of the Pittsburg Power Company to order at 9:41 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. for Commissioner interviews, and at 6:00 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9, subdivision (b) regarding four cases, initiation of litigation pursuant to subdivision (c) of Section 54956.9 for two cases, and Liability Claims pursuant to Section 54956.95 regarding DeMiglio & Associates.

City Attorney Daube reported that the City Council had considered several items in Closed Session, one of which was the claim from DeMiglio & Associates which had been brought to the attention of the Council at its last meeting. She reported that the Council had considered and had denied that claim.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Assistant Legal Counsel, Carol Victor
City Clerk, Lillian Pride
Director of Economic Development, Garrett Evans
Economic/Redevelopment Coordinator, Brad Nail
Director of Public Services, John Fuller
Director of Leisure Services, Paul Flores
Director of Planning and Building, Randy Jerome
Director of Personnel Services, Marc Fox
City Engineer, Joe Sbranti
Director of Housing, Buck Eklund
Records Manager, Mary Ellen Overgaard
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

BEN JOHNSON, Pittsburg, thanked the Council for its attendance at the Memorial Day event in honor of the country's veterans and provided an update on the efforts to secure a tank for the site. With respect to the corner under discussion for the ARCO project, he stated that the landscaping was not being maintained and he suggested that action be taken to force an appropriate clean up by the property owner, the Los Medanos Community Hospital District.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt the Consent Calendar, as follows:

- a. **MINUTES** Dated: May 20, 2002

Approved the Minutes dated May 20, 2002.

CONSIDERATION

Legal Counsel advised that the following items could be considered together with separate votes.

1. **RESOLUTION 02-070** Appropriation of Funds for Additional Marina Dredging

Executive Director Willis Casey reported that City staff and consultants had secured a dredge spoil disposal site at Winter Island, obtained regulatory permits and prepared plans and specifications for the dredging of the municipal marina. The Authority Board authorized staff to advertise the project for bid on January 22, 2002. Project bids were received on May 14, 2002 with Camenzind Dredging the apparent low bidder. The project must be awarded if the marina was to remain operational and meet regulatory permit conditions.

Mr. Casey recommended the adoption of Resolution No. 02-070 amending the Annual Budget of the Pittsburg Power Company and thereby provide additional funding to finance the Marina Dredging Project; the adoption of Resolution No. 02-069 awarding the Marina Dredging Project, Contract No. 00-06 to Camenzind Dredging in an amount of \$1,350,000 for the base bid plus alternate, and authorize the Executive Director to execute the contract, and any necessary change orders, on behalf of the City; and approve Resolution No. 02-071 authorizing the Executive Director to negotiate and execute Amendment No. 3 to the Concept Marine Associates, Inc. consultant agreement.

RICHARD AINSLEY, Pittsburg, was pleased with the award of contract but asked that the specifications of the contract ensure that the riprap in the marina be extended to the river.

Director of Public Services Fuller acknowledged the receipt of that request.

BEN JOHNSON, Pittsburg, inquired of the process for how the dredging would be done and how boat owners would be apprised of the procedure.

Mr. Fuller stated that dredging operations could not start prior to July 1. All owners would be apprised of the situation and the process would be coordinated through the Harbormaster in cooperation with the Public Services Department and contractor staff. The estimated completion of the dredging was anticipated within the time allowed, prior to the end of October.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), referred to the staff report and inquired how it had been determined that the contractor was the most qualified to do the work.

Mr. Fuller advised that through a Request for Proposal (RFP) process, different consulting firms had been approached to provide proposals for review. Proposals had been received from three firms. He stated that marina dredging was specialized work and there were few contractors that could do the work and the regulatory permitting required. Concept Marine Associates, Inc. was clearly the only one qualified to do the work.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-070.

2. **RESOLUTION 02-069** Award Contract 00-06; Marina Dredging Project to Camenzind Dredging

On motion by Member Quesada, seconded by Vice Chair Beals-Rogers and carried unanimously to adopt Resolution 02-069.

3. **RESOLUTION 02-071** Second Amendment to Marina Dredging Consultant Contract

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-071.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:55 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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