

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**April 15, 2002**

Chair Frank Aiello called the meeting of the Housing Authority to order at 7:15 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 P.M. for Leisure Services Commission Interviews and in Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding APN 088-171-005, 012, 013, 014, 020, 024, 026, 027, 029, 031, and 032; Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding Alves Ranch LLC v. City of Pittsburg, Superior Court No. N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two (2) cases; Public Employment regarding Finance Director; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding Miscellaneous A, Miscellaneous B, Management/Professional/Confidential Unit, PPOA, PPMG, unrepresented employees and all unaffiliated employees. There was nothing to report.

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

**MEMBERS ABSENT:** Lewis (Excused), Wallen

**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 Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Director of Personnel Services, Marc Fox  
Director of Planning and Building, Randy Jerome  
City Engineer, Joe Sbranti  
Associate Planner, Chris Bekiaris  
Property Manager, Ursula Luna  
Police Chief Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**PLEDGE OF ALLEGIANCE**

Bill Glynn led the Pledge of Allegiance.

**CITIZEN REMARKS**

There were no citizen remarks.

**MEMBER REMARKS**

There were no Member remarks.

## **CONSENT**

On motion by Member Quesada, seconded by Vice Chair Beals-Rogers and carried unanimously to adopt the Consent Calendar, as follows:

- a. **DISBURSEMENT LIST**      Period Ending: March 31, 2002

Approved Disbursement List period ending March 31, 2002.

- b. **MINUTES**                      Dated: March 18, 2002

Approved Minutes dated March 18, 2002.

## **ADJOURNMENT**

The meeting adjourned at 7:17 P.M. to the next meeting set for May 20, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**April 15, 2002**

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:18 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 P.M. for Leisure Services Commission Interviews and in Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding APN 088-171-005, 012, 013, 014, 020, 024, 026, 027, 029, 031, and 032; Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding Alves Ranch LLC v. City of Pittsburg, Superior Court No. N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two (2) cases; Public Employment regarding Finance Director; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding Miscellaneous A, Miscellaneous B, Management/Professional/Confidential Unit, PPOA, PPMG, unrepresented employees and all unaffiliated employees. There was nothing to report.

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

**MEMBERS ABSENT:** Lewis (Excused)

**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 Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Director of Personnel Services, Marc Fox  
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City Engineer, Joe Sbranti  
Associate Planner, Chris Bekiaris  
Property Manager, Ursula Luna  
Police Chief Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

Chair Aiello reported that the item related to the assemblage of parcels between East Eighth and East Tenth Streets and Black Diamond and Harbor Streets had been canceled. Notifications had been sent out to all parcel owners on Friday, April 12. As such, the item was not on the current meeting agenda. Speakers were encouraged to speak under non-agenda items.

**CITIZENS REMARKS**

GREGORY OSORIO, Pittsburg, spoke with respect to the faith community, organized labor and non-profits in the community. Speaking to the item referenced by the Chair for an Housing Authority Minutes

assemblage of parcels in the area of Tenth Street, he expressed concern with the proposal and with the process and sought the formation of a citizens advisory committee to address the churches in the corridor that would be impacted and with the elimination of low income housing units in the City.

CHERYL BROWN, Oakland, representing *Pittsburg Better Together*, submitted a letter to request a public hearing to discuss downtown redevelopment, the plan for the assemblage of properties in the area of Tenth Street, as noted, the process, and the formation of a citizens advisory committee.

PASTOR LEON B. BROWN, Pittsburg Seventh Day Adventist Church, Pittsburg, identified the many members of the audience representing *Project Care*, and explained that the City had approached the church three years ago to work along with the City to develop the City. He stated that the church had purchased the property located behind it and wanted to develop it. With respect to the process related to the assemblage of properties on Tenth Street, he expressed concern for the process and emphasized the need to make certain that those who lived in the affected area would have more say as to what would occur in the area. He suggested that the process had commenced too quickly and he requested an appropriate amount of time to allow input from the community.

MARCO ANTONIO HERRERA, Pittsburg, expressed his concern with the assemblage of properties in the area of Tenth Street and with the potential removal of houses in the downtown. He questioned whether or not those who lived in the area would be relocated as part of the process.

Chair Aiello advised that the project had been deferred at this time and there was as yet no answer to the question of relocation of the affordable units in the downtown. He advised that the Redevelopment Agency Subcommittee, at its publicly noticed meetings on a quarterly basis, would address the issues. He urged the public to participate in that process and in the City's existing Community Advisory Commission (CAC) process where the issues could be addressed.

Chair Aiello added that prior to the item returning to the Agency for consideration, there would be an opportunity and different forums to allow public input allowing the public an opportunity to address the issues.

### **MEMBERS REMARKS**

There were no remarks from Members.

### **CONSENT**

On motion by Member Rios, seconded by Member Quesada and carried unanimously to approve the Consent Calendar with the removal of Items a and b.

- c. **RESOLUTION 02-823** Accept Bocce Court Contract Rehabilitation as Complete

Adopted Resolution 02-823.

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

a. **MINUTES** Dated: April 1, 2002

On motion by Member Quesada, seconded by Member Rios to approve the minutes dated April 1, 2002, carried by the following vote:

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

b. **RESOLUTION 02-822** Approval of the Project Plans and Authorizing the Advertising for Contract 01-11, Marina Center Improvements

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), urged the rejection of the use of taxpayer monies for the renovation of the Marina Center, which he suggested had been given to Los Medanos College (LMC) some years ago. Since taxpayers could not use that facility, he stated that taxpayer funds should not be used to improve the facility. He also referenced the staff report where the Contra Costa County Sheriff's Department was planning to use the facility as a Police Academy and would relocate the training program from LMC to the Marina Center.

Property Manager Ursula Luna clarified that the Marina Center was being leased through the lease agreement that had been adopted in July 2001 by the Agency and LMC, although that agreement had never been executed. She explained that the intent was always that the site would house the Police Academy and LMC would have been the leaseholder. Subsequently, it had been deemed to be simpler to have the lease agreement between the County, on behalf of the Sheriff's Department, for the Police Academy through the partnership between LMC and the Sheriff's Department. The City remained the owner of the building. A full long-term lease agreement would be executed by the end of the month.

Mr. Mims referred to the staff report and the reference to the City's Capital Improvement Program (CIP) for Fiscal Years 2000-01 to 2004-05, which had identified the improvements to the Marina Center as generally the replacement of the existing roof. Given that the proposed improvements at this time exceeded that level of improvement, he questioned the \$430,000 cost involved, particularly given the fact that LMC had agreed to spend only \$150,000 for those improvements. The balance of \$280,000 would have to be paid by the City and with no public access to that building. He reiterated his opinion that the City should expend no taxpayer funds to improve the building, and therefore urged the rejection of the resolution.

Member Quesada clarified that the work to be done was work that should have been done prior to this time to allow the continued lease of the building to generate revenue for the City. He noted that LMC and the County had invested monies in the building for the Police Academy, which would also offer City residents an opportunity to pursue that livelihood if that was their choice.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-822.

**ADJOURNMENT**

The meeting adjourned at 7:34 P.M. to the meeting set for May 6, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**April 15, 2002**

Mayor Frank Aiello called the meeting of the City Council to order at 7:35 p.m. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 p.m. for Leisure Services Commission Interviews and in Closed Session at 6:00 p.m. for Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding APN 088-171-005, 012, 013, 014, 020, 024, 026, 027, 029, 031, and 032; Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding Alves Ranch LLC v. City of Pittsburg, Superior Court No. N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two (2) cases; Public Employment regarding Finance Director; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding Miscellaneous A, Miscellaneous B, Management/Professional/Confidential Unit, PPOA, PPMG, unrepresented employees and all unaffiliated employees. There was nothing to report.

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

**MEMBERS ABSENT:** Lewis (Excused)

**STAFF PRESENT:** City Manager, Willis Casey  
Assistant City Manager, Nasser Shirazi  
City Attorney, Linda Daube  
Assistant City Attorney, Carol Victor  
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Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

WILLIAM LEE, Pittsburg, spoke with respect to the Eighth Street project and expressed concern with the poor work that had been done on a commercial sidewalk in that area. He stated that a 2 percent fall was required to correct water on a pitch grade and handicapped access would be needed in that area for the property owner. He requested that the item be corrected and he suggested that a correction would be possible for little cost given that the contractor was still on the site. He requested that problem be expedited at soon as possible.

clean up the drug activity in the City, he stated that he had been "attacked" by being sent a letter that he described as slander, which he wanted to be corrected. He added that he would pursue that situation through other means as well.

Mr. Lee also referred to the building at 985 Railroad Avenue and expressed his objections to the complaints with respect to the color of the building. He urged that situation be corrected.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), spoke to the library parking and the truck parking on Power Avenue. After a review of the ordinance adopted in July of 1965, one year prior to the construction of the library, he stated that the ordinance had allowed truck traffic on Power Avenue. He recommended that the Council issue a minute order to temporarily stop all parking on the north side of Power Avenue pending a review and modification to the ordinance that had allowed that truck parking. He stated that the lives of those using the library were in jeopardy in that the trucks created a sight distance safety concern that he urged be addressed to protect the citizenry.

Mr. Mims noted his disappointment with the adoption of the Resolution of Necessity to confiscate the portion of Kirker Creek owned by the Pittsburg Unified School District (PUSD). He was also concerned with the item related to an assemblage of parcels in the area of Tenth Street and inquired when those occupying that area would be required to move as part of the process.

Mr. Mims further referred to the sudden departure of Finance Director Jim Holmes and questioned whether or not that had anything to do with micro-management by the Council.

LONNIE NOLEN, Pittsburg, spoke with respect to his efforts to open a lounge at 985 Railroad Avenue. He suggested that his efforts had been undermined by City staff and he objected to those efforts to disallow him to open a viable and first class business in the community to offer entertainment locally so that local citizens would not have to leave town to enjoy that type of entertainment. He expressed concern with the due process related to his proposal, particularly since the site was located in the City's Enterprise Zone, which should allow the proposal to be reviewed on a fast track basis. Mr. Nolen emphasized that he had a three-year lease with a first option to purchase the property in question. He urged the Council to consider the issue as one where there might be overzealous individuals in the City who were trying to prevent something that would enhance the community.

Mayor Aiello stated that both Mr. Nolen's item related to the property at 985 Railroad Avenue and the assemblage of parcels in the area of Tenth Street would be referred to the Redevelopment Agency Subcommittee, which would hear the item and make a decision and a recommendation to the City Council. With respect to Mr. Nolen's concerns, he stated that the Redevelopment Subcommittee would set the meetings to pursue due process.

JULIO VAZQUEZ, Pittsburg, whose Spanish was interpreted by Councilmember Rios, spoke with respect to the Eighth Street Linear Park. As a new property owner in the

area he had learned that barbecue grills and picnic tables would be placed in that area. He suggested that was not appropriate for the area and he and some friends had gathered signatures from those who agreed with the inappropriateness of the proposal.



Mayor Aiello advised Mr. Vazquez that the petition had been received and would be addressed by the City.

BERT LÖEHNIG, Pittsburg, speaking on behalf of Lonnie Nolen and his proposal for the Palace Lounge at 985 Railroad Avenue, explained that he had done a preliminary artists rendering of the general layout of the building. As the owner of the building at the corner of Tenth Street and Railroad Avenue, he explained the difficulties in being able to work with the City's Planning Department to allow the occupancy of the building. He described the many roadblocks that had been placed in his and prospective applicants' plans to develop the property.

Mr. Löehning emphasized that the building had been renovated although he had not been able to lease or rent the building given the restrictions imposed by the City. He explained that the lounge that had been proposed by Mr. Nolen was expected to be a blues/jazz lounge, although he emphasized that Mr. Nolen had been told that something would be found to close the business down.

Mr. Löehning stated that the site was ready to go while the City was delaying the process by eight months. He suggested that the whole downtown was the same way. He urged the City to let business take care of business. He stated that the building would be stucco and would be a beautiful landmark. With respect to the color he explained that the building had been painted that color previously. He urged the City Council to stop putting obstacles in the way of the businessmen of the community. Mr. Löehning added that since the building was located in the Enterprise Zone applicants were to have been assisted throughout the process. He urged the City Council to address the obstacles keeping the business from opening.

Mayor Aiello stated that direction had already been given that Mr. Nolen and any other citizen would have to go through the proper process and the Council had directed that be done.

## **COUNCIL REPORTS**

Vice Mayor Beals-Rogers reported that she had been one of the guest speakers to encourage and commend the Pittsburg High School Academic Achievers, well over 300 students who had performed regularly on the honor role and merit list, which students had been awarded certificates, jackets and other items.

As a member of the Redevelopment Agency Subcommittee, Vice Mayor Beals-Rogers advised that she and Councilmember Rios met with staff to discuss the issue of the assemblage of parcels in the area of Tenth Street, and had directed staff to work closely with the residents, the existing businesses and potential businesses in consideration of the project. She emphasized the intent to create development in the downtown area that would

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best benefit residents and businesses alike. She stated that staff had been directed to work closely and to listen to the concerns of each resident. She was confident that a fair process would result. With respect to the Economic Development Subcommittee, a number of issues had been discussed at that meeting.

Vice Mayor Beals-Rogers stated that she also attended the East County Business and Education Alliance luncheon with Congressman Miller. She stated that it had been inspiring to learn that the City had the support from all levels of State and federal government on the importance of business and the education of youth to prepare them academically and with skills for the work force of tomorrow. She also attended the George de la Cruz Computer Lab opening. While there was a computer lab in El Pueblo, she urged the development of more computer labs to help all residents become more computer literate. She commended the Ambrose Recreational Center for instituting that computer lab.

Vice Mayor Beals-Rogers further reported that she had held her second neighborhood forum on March 19, the first being in the Carpino Street area and the second being in the area of Goff Street, which forums were intended to respond to the members of the community who had called her to ask for assistance. She stated that she was working to address the issues of traffic, drugs, and code enforcement issues in that area. She thanked all those who were involved from the CAC, the Traffic Advisory Committee, the Police Department, the Contra Costa Transportation Authority (CCTA) and the County Board of Supervisor who had attended that forum to address some concerns.

Councilmember Quesada reported that he attended the celebration of the Bataan Death March 60<sup>th</sup> Anniversary. There were now 13 survivors living in the City. He stated that the event had been well attended by the City of Pittsburg, by the Councilor General of the Philippines, by the Mayor and Councilmember Rios, and by a Senator from the Philippines. He added that young Fil-Americans who were willing to take over for the older residents had also participated in the event.

Council Member Quesada also reported on the last TRANSPLAN meeting where a draft letter in response to TRANSPAC, the Central County Regional Transportation Planning Committee (RTPC) related to traffic from East County, had been discussed. The letter had charged that the City of Pittsburg was imposing impacts on Central County through the Leland Road Extension to Avila Road. North Park Plaza to Century Plaza was also discussed. The response letter had indicated that the two roadway projects had been proposed more than 25 years ago, and that the City's intent had been well known to both Central County and East County. He thanked staff for the letter and for clarifying the City's position.

Councilmember Rios echoed and reiterated the situation with respect to the Tenth Street project where staff had been directed to work closely with the affected citizens and businesses. She emphasized that there was no hidden agenda, that an open process was involved and that citizen participation was encouraged.

Councilmember Rios reported that she and the Mayor had attended the Foreign Trade Zone (FTZ) meeting in Oakland with Congresswoman Barbara Lee where it was reported that the World Trade Center (WTC) had a number of concerns and needed the

City's support to address those concerns. To that end, the City was being asked for a letter of support. Federal funding for marina dredging in Oakland was also being pursued and a letter of support from Pittsburg in that regard had also been requested, which would

also allow the City to seek federal funding on its dredging project. Congresswoman Lee was pursuing market trade with Africa, which the City might also pursue through the FTZ.

Mayor Aiello reported that he had attended the Fall of Bataan ceremony and the FTZ meeting, which he characterized as enlightening. With respect to the WTC, he reported that Elihu Harris, President of the WTC, had requested that he and Jose Duenas put together a forum on the FTZ, to include Congressman Miller. City staff would be directed to do so to offer an update on the FTZ and its aspects to the citizens of Pittsburg.

## **PROCLAMATIONS**

### 1. Alcohol Awareness Month

Councilmember Rios read the proclamation to announce Alcohol Awareness Month and presented the proclamation to Michael Starks of New Connections.

MICHAEL STARKS commented that several people were present to represent the success of New Connections and to help the community by not drinking and by being valuable members of the community. He thanked the City for its support and stated they would be as successful as they could one day at a time.

### 2. Honoring Ken Simonton

Given that Ken Simonton was not present, Mayor Aiello requested that the proclamation be deferred until Mr. Simonton could be present.

## **PRESENTATIONS**

### 1. National Library Week

MARIAN PARTRIDGE, the Branch Librarian of the Pittsburg Library reported that April 20 was National Library Day when the Friends of the Library would hold its annual book sale. Given its declining membership, she stated that the Friends could use the City's support.

Ms. Partridge reported that the circulation of the Library had increased ten percent in the last eighth months and that in February the San Pablo and Pittsburg Libraries had applied for and had been awarded a grant called Live Homework Help where professional tutors were provided on line to help students with homework in the subjects of English, Math, Science and Social Sciences. Ms. Partridge added that with the City's support and the Mirant donation to East County libraries, the Pittsburg Library would now be open 52 hours a week.

## **CONSENT CALENDAR**

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to approve the Consent Calendar with the removal of Item b.

### a. **DISBURSEMENT LISTS** Periods Ending: April 2, 2002 and April 10, 2002

Approved Disbursement Lists periods ending April 2 and April 10, 2002.

### c. **CLAIMS**

#1435 Connie and Bennett Gaxiola

Denied Claim #1435, Connie and Bennett Gaxiola.

- d. **RESOLUTION 02-9584** Approving a Contract for Professional Services Regarding the Implementation of an Agreement Resolving Delinquent Assessments Levied Against Builders Industrial Park Assessment District No. 88-3

Adopted Resolution 02-9584.

- e. **RESOLUTION 02-9588** Authorization to Readvertize for the Central Park Project, Contract 01-02 (CIP No. B18)

Adopted Resolution 02-9588.

Vice Mayor Beals-Rogers had pulled Item b given her absence from the last meeting.

- b. **MINUTES** Dated: April 1, 2002

On motion by Councilmember Rios, seconded by Councilmember Quesada to approve the minutes dated April 1, 2002, carried by the following vote:

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

## **CONSIDERATION**

1. **APPOINTMENTS** Community Advisory Commission Appointments

City Manager Will Casey reported that four openings existed on the Community Advisory Commission; one in the Northeast Quadrant and three in the Southeast Quadrant. The City had advertised for all openings and had received one application for the Northeast Quadrant. As no applications had been received for the Southeast Quadrant, those applicants interviewed on February 4, 2002 for other quadrants could be placed in that Quadrant pursuant to Ordinance 02-1194.

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Mr. Casey recommended the appointment of the eligible candidate to the Northeast Quadrant and appoint the remaining candidates to the Southeast Quadrant pursuant to Ordinance No. 02-1194.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to appoint the eligible candidate to the Northeast Quadrant and appoint the remaining candidates to the Southeast Quadrant pursuant to Ordinance No. 02-1194, which would leave one vacancy in the Southeast Quadrant.

Mayor Aiello congratulated the new members of the CAC and looked forward to their participation.

**PUBLIC HEARING**

- 1. **ORDINANCE 02-1195** Ordinance to Amend the Prior Approved PD-1170 (Planned Development) Zoning District for Presidio Village to Reduce the Number of Secured Parking Spaces and Increase the Number of Visitor Parking Spaces for a 104-Unit Senior Apartment Complex on a 3.21 Acre Site Located at 200 Presidio Lane, PD (Planned Development) Zone, APN 088-184-028. RZ-0202

City Manager Casey identified the public hearing on an application by Tom LaFleur, Pacific Community Services, to amend the PD-1170 (Planned Development) zoning district for Presidio Village, located at 200 Presidio Lane, and approved on February 7, 2000, to reduce the number of secured parking spaces from 104 to 65 spaces and to increase the number of visitor parking spaces from 43 to 50 spaces due to the required increase by the Housing and Urban Development Department (HUD) of the minimum age of residents.

Mr. Casey recommended the introduction and the waiving of further reading of Ordinance No. 02-1195 to amend PD-1170 to reduce the number of secured parking spaces from 104 spaces to 65 spaces and to increase the number of visitor parking spaces from 43 spaces to 50 spaces.

Mayor Aiello opened the public hearing for Ordinance 02-1195.

TOM LaFLEUR, Pittsburg, Pacific Community Services, Inc. stated that the application had been made to correct a situation related to the minimum age of residents, which had allowed a reduction of the parking for aesthetic purposes. He stated that HUD would be required to concur with the proposal.

In response to Councilmember Quesada, Mr. LaFleur clarified that funds had been sought from the State of California for a tax credit project which had a minimum age requirement of 55 years of age and from the U.S. Government from HUD under Section 202, which had an age requirement of 62 years of age. The funding that had been provided was the HUD funding which had the age requirement of 62.

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Councilmember Quesada clarified with City Engineer Joe Sbranti that the situation would not impact the City's senior center parking, but could enhance that parking.

Mr. LaFleur suggested that ten spaces would be picked up with the change, as requested.

With no other comments for or against the ordinance, Mayor Aiello closed the public hearing for Ordinance 02-1195.

On motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers and carried unanimously to introduce Ordinance 02-1195 and waived first reading.

- 2. **ORDINANCE 02-1196** Ordinance to Amend the Prior Approved PD-1172 (Planned Development) Zoning District and PD-1042 Zoning District for the Oak Hills South Unit 5 Subdivision

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(Tentative Map No. 8042), and a Prezoning of 1.1 Acres to PD and Approval of a PD Plan to Allow Construction of 12 Single Family Homes; Portions of APNs 094-360-001 and 097-170-027. RZ-01-08.

City Manager Casey presented the public hearing on an application from Albert D. Seeno, Jr. of Seecon, Inc., for a zoning amendment of the 12.86 acre PD-1172 (Planned Development) zoning district and to a 0.5 acre portion of the PD-1042 zoning district to PD (Planned Development), and prezoning of 1.1 acres to PD and for approval of a PD Plan to allow the construction of 12 single-family homes within the Oak Hills South Unit 5 Subdivision (Tentative Map No. 8042), generally located south of West Leland Road and west of Bailey Road.

Mr. Casey recommended the introduction and waiving of further reading of Ordinance No. 02-1196 to amend both PD-1172 and PD-1042, and to prezone 1.1 acres to PD (Planned Development) and approve a PD Plan to allow construction of 12 single-family homes.

Mayor Aiello opened the public hearing for Ordinance 02-1196. There was no one to speak for or against the application. Mayor Aiello closed the public hearing for Ordinance 02-1196.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to introduce Ordinance 02-1196 and waived first reading.

3. **RESOLUTION 02-9587** Approving an Agreement Resolving Delinquent Assessments Levied Against Builders Industrial Park Assessment District No. 88-3

City Manager Casey reported that in 1988, the City had formed an Assessment District No. 88-3 on undeveloped land parcels referred to as Builders Industrial Park and in connection therewith, issued Improvement Bonds. In 1992, the City initiated foreclosure

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proceedings and obtained judgments against the property owners. In September 2001, the City began negotiations with Pittsburg Equities, LLC ("PELLC") and the property owners to resolve the outstanding delinquencies and the pending litigation. Resolution of the delinquent assessments and the judicial proceedings would provide opportunities for the property to be developed. All bondholders had been properly noticed of the public hearing as evidenced by Exhibit A to the staff report dated April 15, 2002.

Mr. Casey recommended that the public hearing be opened, comment taken and that the resolution approving an Agreement between the City and Pittsburg Equities, a California Limited Liability Company be adopted, and the City Attorney directed to prepare and the City Manager to execute a settlement/release agreement between the City and the property owners thereby dismissing all litigation related to the matter.

Mayor Aiello opened the public hearing for Resolution 02-9587. There was no one to speak for or against the resolution. Mayor Aiello closed the public hearing for Ordinance 02-9587.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9587.

**ADJOURNMENT**

The meeting adjourned at 8:35 p.m. to the next meeting scheduled for May 6, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

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