

CITY OF PITTSBURG
Redevelopment Agency Minutes
May 6, 2002

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9 Re Alves Ranch LLC v. City of Pittsburg, Superior Court N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three (3) cases; and Conference with Labor Negotiators pursuant to Section 54957.6 re 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, 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 Leisure Services, Paul Flores
Director of Planning and Building, Randy Jerome
Assistant Planner, Chris Bekiaris
Director of Personnel Services, Marc Fox
Senior Engineer, Joe Sbranti
Director of Housing, Buck Eklund
CDBG Coordinator, Annette Landry
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Chief Aaron Baker 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 Member Rios to adopt the Consent Calendar carried by the following vote:

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

a. **MINUTES** Dated: April 15, 2002

Approved Minutes of the April 15, 2002 meeting.

Mayor Aiello CONVENED THE CITY COUNCIL JOINTLY WITH THE REDEVELOPMENT AGENCY at this time.

PUBLIC HEARING

1. **MINUTE ORDER** Redevelopment Plan Amendment Joint Public Hearing (Redevelopment Agency)
3. **MINUTE ORDER** Redevelopment Plan Amendment Joint Public Hearing (City Council)

Agency staff had begun a plan amendment process to delete four parcels from the Los Medanos Community Development Project Area over one year ago. At that time, the loss in Assessed Value was in excess of \$100 million. Recent proposed developments and new assessed valuations of the four parcels had impacted staff=s original evaluation.

City Attorney Daube advised that the item was recommended for continuance to the meeting of July 1, 2002.

Mayor Aiello opened the joint public hearing on the Redevelopment Plan Amendment. There was no one to speak for or against the item, and the joint public hearing was closed.

On motion by Member Rios, seconded by Vice Chair Beals-Rogers and carried unanimously to continue the Minute Order for the Redevelopment Agency on the Redevelopment Plan Amendment Joint Public Hearing to July 1, 2002.

On motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers and carried unanimously to continue the Minute Order for the City Council on the Redevelopment Plan Amendment Joint Public Hearing to July 1, 2002.

ADJOURNMENT

The meeting adjourned at 7:30 P.M. to the next meeting set for May 20, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
May 6, 2002

Mayor Frank Aiello called the meeting of the City Council to order at 7:04 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9 Re Alves Ranch LLC v. City of Pittsburg, Superior Court N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three (3) cases; and Conference with Labor Negotiators pursuant to Section 54957.6 re 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, 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
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CITIZENS REMARKS

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) expressed concern with the construction in the area of the creek near Diane Street/Carpino Avenue, which construction had disrupted the ecology and the environment of that community and had created an invasion of rats. He inquired what the City planned to do to protect the taxpayers from the rat invasion.

Mayor Aiello directed the City Manager to contact the County Health Department to address the concern.

Mr. Mims also referred to the Council's recent adoption of the Resolution of Necessity

to acquire a portion of the creek area from the Pittsburg Unified School District (PUSD). He stated that he had also expressed his disappointment to the PUSD, which had not been represented at that time. Referring to the plans for the area addressed by the Resolution of Necessity, Mr. Mims noted his understanding that a fourteen foot hole filled with water and surrounded by a fence would be situated in the rear of Carpino Avenue, which would impact the community. He urged that residents be considered before more damage was done.

SHEILA SANDERS, an employee of CCTV in Martinez, reported that she was having a problem doing business in the City. She noted that she had a current business license and had been advised that was not the proper license for her operation. She explained that she had been told to hire an architect for an existing building and had been told that she could not apply for the permit prior to securing an architect. As a videographer and interior decorator, she sought what she suggested would be a commercial/recreation and entertainment permit. She briefly described her business, presented a letter that she had submitted to the Planning Commission, and sought information from the Council on the steps that she would need to take to properly operate her business.

Mayor Aiello referred Ms. Sanders to the City Manager to address her concerns.

BEN JOHNSON, Pittsburg, speaking on behalf of the United Veterans Council, invited Councilmembers and City staff to celebrate Veterans Memorial Day on Monday, May 27, 2002.

COUNCIL REPORTS

Councilmember Quesada reported that on behalf of the Mayor and the Council, he had attended the Eighth Gospel Celebration Concert at the Creative Arts Building, which he described as well attended and enjoyable.

Vice Mayor Beals-Rogers reported with respect to Junior Achievement that she had recently participated in classrooms in the local schools. She stated that over the past five weeks she had the privilege of sharing the education of the community with a second grade class at Heights Elementary School. She urged the City to adopt such a program and urged employees to volunteer and participate in similar situations. She presented pictures and stories that the children had shared with her. She urged the City to consider such an investment.

Vice Mayor Beals-Rogers took this opportunity to congratulate Officer Edwin Hawkins, who was one of the first officers of the Pittsburg Police Department to be awarded a certificate and pin from the California Highway Patrol (CHP) and the American Automobile Association (AAA) for a record recovery of stolen vehicles.

The Vice Mayor also attended Take Back the Night, an awareness rally on domestic violence and rape, had attended the Mayors Conference, and had participated in the Highway 4 Groundbreaking, as well as having attended the NAACP 46th Annual Banquet

when local students had received scholarships and when a local veteran had been honored as the Veteran of the Year.

Councilmember Lewis reported that the *Shaping Our Future* committee was continuing through the process with every city and the County now on board. Policy statements were being refined and an important meeting for the Pittsburg area would be held in June. A report of that meeting would be provided at the next Council meeting.

Councilmember Lewis also reported that on May 20 there would be a presentation from staff on the Centennial Celebration Committee, at which time the outline of the programs proposed for the City's year long centennial would be identified and an idea of the budget sought to defray some of those costs would be provided.

Councilmember Rios reported that the Redevelopment Subcommittee had met and the items that had been discussed at that meeting would be included in the Mayor's update to the City on the status of the City. She added that she had also attended the Mayor's Conference.

Vice Mayor Beals-Rogers requested that the Council Committee assignment list reflect that she was a member of the Tri-Delta Transit Board. As a representative to the Water Transit Authority, she also requested that staff contact the appropriate party in that she had not been provided with the notifications of those meetings.

Mayor Aiello reported that the Mayors Conference had opposed SB 1243, as currently written for the merger of the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). A letter to Senator Torlakson had been proposed to seek a one-year period to allow ABAG and MTC to meet to resolve the outstanding issues to allow a smooth transition and result in a savings of local government funds if a merge should occur.

Mayor Aiello urged everyone to buy a ticket to the State of the City event scheduled for May 8. With respect to AB 81, he reported that bill was still pending and still on the Senate floor. He also announced a Mayor's Forum for June 20 on international trade to be held at Zandonella's. He urged residents to attend that forum and characterized that upcoming event as an exciting forum for businesses.

Mayor Aiello advised that he had also attended the Take Back the Night event that he described as somber. He commented that at some point there needed to be a society where a proclamation was not needed to create an awareness month. He emphasized the need for a society that would be aware every day to enhance the quality of life for all citizens.

The Mayor added that he had also attended the Highway 4 Groundbreaking and that significant improvement was being made in that area.

PROCLAMATIONS

1. Day of the Teacher

Chris Rhode was present on behalf of the Superintendent and the 516 teachers of the PUSD to accept the proclamation from the Mayor in honor of the service of the community's teachers as part of Day of the Teacher. She stated that the teachers would continue to work hard for the children of the community.

PRESENTATIONS

1. Fil-Am Certificates of Appreciation

Mayor Aiello recognized a number of children in the community who had donated their time as part of the anniversary of the Fall of Bataan, which children were the descendants of those who had fought the battle. He thanked those involved for their commitment and pride in their community, and he awarded certificates to 17 young people.

2. Governor's Office of Planning and Research

Mayor Aiello reported that the Governor's Office of Planning and Research had deferred their presentation until May 20, 2002.

CONSENT CALENDAR

On motion by Councilmember Rios, seconded by Councilmember Lewis and carried unanimously to adopt the Consent Calendar, with the removal of Items b, d, and i.

a. **DISBURSEMENT LIST** Period Ending: May 1, 2002

Approved Disbursement List period ending May 1, 2002.

b. **CLAIMS** #1414 Marquise D. Sims; #1440 Aisha W. Bell

Denied Claims #1414 Marquise D. Sims and #1440 Aisha w. Bell.

e. **RESOLUTION 02-9590** Award Contract for Water Treatment Plant Filter Study

Adopted Resolution 02-9590.

f. **RESOLUTION 02-9591** Establish Telecommunications Specialist Classification

Adopted Resolution 02-9591.

g. **ORDINANCE 02-1195** Adoption of an 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

Adopted Ordinance 02-1195.

- h. **ORDINANCE 02-1196** Adoption of an 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 (Tentative Map 8042), and 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

Adopted Ordinance 02-1196.

- j. **RESOLUTION 02-9593** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping and Lighting Assessment District 1988-01 Citywide (Fiscal Year 2002-03)

Adopted Resolution 02-9593.

- k. **RESOLUTION 02-9594** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping and Lighting Assessment District 1988-02 Oakhills (Fiscal Year 2002-03)

Adopted Resolution 02-9594.

- l. **RESOLUTION 02-9596** Approving the Application for Grant Funds for the Murray-Hayden Program Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000

Adopted Resolution 02-9596.

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

- b. **MINUTES** Dated: April 15, 2002
On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Rios to approve the minutes dated April 15, 2002, carried by the following vote:

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

Abstain: Lewis
Absent: None

City Attorney Daube advised that Item d., Resolution 02-9589, was to have been placed as a Public Hearing item on the agenda. It had clearly been shown as a public hearing item in the staff report and had been properly noticed on April 19, 2002. The item was moved to Item 1 under Public Hearings.

- i. **RESOLUTION 02-9592** Approving 2002/2003 Transportation Development Act (TDA) Project Application for Installing Class II Bicycle Lanes on Eighth Street

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition and the Delta Pedalers stated that the Pittsburg bicycle community was supportive of the bicycle lanes to be installed on Eighth Street. He stated that the bicycle community was concerned with the bicycle lanes proposed to be installed on Herb White Way between the end of Eighth Street and Marina Boulevard to ensure some connectivity. With respect to Herb White Way, he noted that the contractor had accidentally made the road too narrow with no room for the bike lanes. He stated that he had been assured by staff that the mistake would be rectified, but he urged the Council to instruct staff to ensure that the error be corrected.

WILLIE MIMS, Pittsburg, representing the BPA stated that he had no problem with bike lanes. He had a problem in that when creating a bike lane and an eight-foot wide walking path, some shoddy construction had created a negative impact on Dan Scale's business. He stated that Mr. Scale had received no compensation for that negative impact and he urged the Council to address that issue and correct the negative situation that had affected Mr. Scale's business.

Mayor Aiello directed the City Engineer to address the problem with the Dan Scale business.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to adopt Resolution 02-9592, subject to the amendment from Mr. Olson to instruct staff to correct the error on Herb White Way.

At this point, Mayor Aiello noted that Mr. Mims had also requested the removal of Item I. from the Consent Calendar for discussion.

To address the concern for the item that Mr. Mims had requested be addressed, City Attorney Daube recommended that the motion approving the Consent Calendar be reconsidered, with the removal of Items b, d, i and I.

On motion by Councilmember Rios, seconded by Councilmember Lewis, and carried unanimously to reapprove the Consent Calendar with the removal of Items b, d, i. and I. Item I. was reconsidered at this time.

- I. **RESOLUTION 02-9596** Approving the Application for Grant Funds for the Murray-Hayden Program Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000

WILLIE MIMS, Pittsburg, referred to the item and questioned why Resolution 02-9296 was dependent upon Resolution 02-9597, as shown on the agenda, which had nothing to do with the development or the renovation of the Youth Center.

City Attorney Daube clarified that the item was a typo and that the language on the agenda sheet should have read Resolution 02-9596 and not Resolution 02-9597, as shown.

Mr. Mims commented that the typo had been repeated throughout the resolution.

Referring to the development of the Youth Center from the grant, Mr. Mims suggested that if the City was successful in acquiring the funds, those funds could better be used for the renovation of the Marina Center, which building was a public building. He suggested that the taxpayers deserved a better vision for the center. He urged the rejection of the proposal.

Mayor Aiello stated that the building at the Marina Center was being leased with an operation that was training 150 safety officers, which officers were on the street in the downtown on a constant basis in a program in partnership with Los Medanos College, which college educated the youth of the community.

Mayor Aiello emphasized that he would not support a denial of an action that would offer funds to support the youth of the community.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9596.

CONSIDERATION

1. **RESOLUTION 02-9595** Policy Recommendations on Community Requests for City Sponsorship

City Manager Will Casey advised that one of the primary goals of the Pittsburg City Council and its Leisure Service Commission was to improve the quality of life for the residents of Pittsburg. Toward that end the Leisure Services Commission had developed a City of Pittsburg Community Sponsorship Program which was designed to provide public funding to assist organizations or individuals in realizing their goals. The sponsorships would be made to qualifying City of Pittsburg individuals, youth, adults, educational, cultural and civic organizations per City Council approval.

Mr. Casey recommended that the City Council approve Resolution 02-9595.

Vice Mayor Beals-Rogers inquired who would be selecting the awards for the sponsorships. When advised by the City Manager that the award of the sponsorships would be selected by the Leisure Services Commission, she suggested that it would be more appropriate for a Council subcommittee to review applications from community organizations applying for the sponsorships. She referred to the Community Advisory Commission (CAC) and the Council Subcommittee that had reviewed the Community Development Block Grant (CDBG) process as an example of an appropriate process to consider.

Leisure Services Director Paul Flores noted that the Leisure Services Commission had already been set in place for that task. He stated that could be done similarly to the CDBG process, although he stated that the established Leisure Services Commission was an advisory body to the City Council to set up the recommendations, with the City Council to have the final approval of those recommendations.

Vice Mayor Beals-Rogers requested that the item be referred to the CAC to determine whether or not it would be appropriate to consider a subcommittee in this case.

Councilmember Quesada suggested that the Council could make that decision on its own. He emphasized that the Council made the final decision and established funding amounts. He supported the Vice-Mayor's proposal.

Councilmember Rios concurred with the Vice-Mayor's proposal similar to the CDBG process with citizen input. She sought that process in the proposed resolution. She also referred to the cover sheet and urged that the language reflected "sponsorship" and not a "grant" in this case.

Councilmember Lewis clarified that what was being proposed was a Council subcommittee to only participate with the Leisure Services Commission to review requests for sponsorships but would otherwise not participate in other Leisure Services Commission functions.

Mayor Aiello suggested that the document would be able to proceed since a Council subcommittee would be appointed by the Council, which would have to be done at a separately agendized meeting.

Vice Mayor Beals-Rogers recommended that the item be referred to the Leisure Services Commission first for consideration and recommendation to the City Council to ensure the retention of positive relationships.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Quesada to adopt Resolution 02-9595, as amended to be referred to the Leisure Services Commission for consideration and recommendation to the City Council.

PUBLIC HEARING

The following item had been removed from the Consent Calendar given that it was a duly noticed public hearing item.

1. **RESOLUTION 02-9589** Consideration and Approval of the 2002-2003 Community Development Block Grant Annual Action Plan

City Manager Casey reported that the Department of Housing and Urban Development (HUD) required the City Council to review and approve the 2002-2003 Community Development Block Grant Annual Action Plan. The Annual Action Plan was being presented to the City Council for approval. This Plan included the CDBG funding recommendations for the 2002-2003 program year that the Council approved on March 18, 2002. HUD also required a public hearing and public comment period before submitting the Annual Action Plan to HUD.

Mr. Casey recommended that the public hearing be opened, testimony received and that the public hearing be closed, with Resolution 02-9589 to be adopted approving the 2002-2003 Annual Action Plan. It was also recommended that the public comment period for the Annual Action Plan be closed.

Mayor Aiello opened the Public Hearing on Resolution 02-9589.

WILLIE MIMS, Pittsburg, referenced the CDBG grant and noted that one of his concerns was the expansion of the target areas from three to seven, which expansion with the Council's approval had diluted the purpose of the grant. He noted that in 1989 only thirteen agencies had been funded while currently there were over thirty agencies funded.

Mr. Mims referred to the HUD letter to the Mayor, which letter had questioned the funding and had recommended a limit to the number of applicable agencies so that the grant would be more successful and more of an asset to the community. Acknowledging the effort of all those involved, he suggested that the efforts should have been more proactive to limit the number of agencies involved. To address his concern for process, he stated that he would send a letter of complaint to HUD with respect to the process.

DALE BAXTER, serving as the Development Director for the Contra Costa Child Care Council, expressed his appreciation for the funding from all those utilizing their services. He added that this was the fourth year that the City had funded the project and he emphasized the significant impact the funding had on those low income people utilizing the program in the City.

CANDY DePERRIER of the Child Care Council also thanked the Council for providing the funding to provide a safe and secure place for children in the program.

Mayor Aiello closed the public hearing on Resolution 02-9589 and closed the public

comment period on the Annual Action Plan.

Councilmember Quesada thanked all those Councilmembers who served with the CAC and staff on the CDBG grants to ensure the greatest benefits from the grant.

Vice Mayor Beals-Rogers acknowledged the limited amount of funds available and suggested that limiting the organizations that could use the funds was unfair. She suggested that spreading the funds out did a greater service to the community and she did not want to short change the residents of the community. She emphasized the hard work as part of the process and stated that the process was fair and representative of the Council's views to support and serve the needs of the community.

Councilmember Lewis concurred, noted that there was only about ten percent of the funding available to address the requests, suggested that the process was fair and that the process was the most important task performed by the CAC. He thanked the CAC, acknowledged the thankless task, and supported the proposal and the recommendations. He also expressed the hope to be able to increase the amount of funds provided year after year.

Councilmember Rios supported the comments.

Mayor Aiello explained that the CAC had emphasized in the past after the Council had changed its recommendations that it had worked long and hard hours to review the applications. He commented that the CAC had charged that the Council was not listening to its recommendations. To ensure the CAC that the Council was listening, he stated that there was 100 percent agreement this year on the CAC's recommendations and he thanked the members of the CAC and applauded the process that had resulted from that situation.

On motion by Councilmember Quesada, seconded by Vice Mayor Beals-Rogers and carried unanimously to adopt Resolution 02-9589.

1. **ORDINANCE 02-1197** 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

City Manager Casey presented the request by Peter Tobin of Tait and Associates for 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 that the ordinance be introduced and that the first reading be waived to amend the zoning map from CO to CC as shown in Exhibit A attached to the staff report dated May 6, 2002.

City Attorney Linda Daube reported that the Planning Commission had already

approved the design and the project. She clarified the issue to be considered by the Council as the necessary zoning changes in order to implement that project.

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

PETER TOBIN, Tait and Associates, stated that he was in agreement with all of the conditions. He commended staff for the work on behalf of the project, stated that there was no opposition from the Police Department or the PUSD, and advised that Jim Davis from ARCO was present to respond to any questions.

Mr. Tobin acknowledged the colored packets that had been submitted to the Council for its review and introduced one of the colored packets into the record.

Vice Mayor Beals-Rogers verified with Mr. Tobin that he had the support of the PUSD through Dr. William Wong, PUSD Superintendent, who had submitted a letter dated April 8, 2002 indicating the PUSD's support of the proposal.

WILLIE MIMS, Pittsburg, suggested that the proposal would have to be approved by the School Board. He was concerned with the environmental impact the proposal would have on the community. It was clarified that Mr. Mims was speaking to another site and not to the subject site. He apologized for the error.

MPR HOWARD, with the Pittsburg Courier, a local newspaper, clarified that the facility would be within 600 feet of a school and that alcohol would be sold in the facility, which he suggested would be in direct conflict with certain ABC guidelines.

Mayor Aiello closed the public hearing for Ordinance 02-1197.

Councilmember Quesada commented that there was a 7-11 across from Central Junior High School and the subject proposal was a bit farther than that. He noted the many requests over a long period of time to place a gas station in that area.

Councilmember Quesada explained that the City had been required to resolve a number of traffic circulation problems in that area, which had been done and which would allow the placement of the station subject to conditions.

Councilmember Lewis commented that the subject proposal was basically the same project that had been evaluated two years ago when the City Council had sought something better for the site than another gas station, market and car wash. Councilmember Lewis stated that it had also been determined that in the past while the sale of alcohol and tobacco had been approved with no consideration as to their proximity to schools, the Council had determined that was a situation that would not be repeated.

Councilmember Lewis sought an alternative to the motion and suggested that the item be returned to staff to develop an overlay zone for the parcel to identify the things that the Council did not want to see on the site, such as a gas station, a fast food restaurant, or a mini-mart selling alcohol and tobacco. What was supported was office use, consistent

with the current use of the hospital property. He recommended that the item be returned to staff to create an overlay zone to address those concerns.

Councilmember Quesada stated that previously when a housing development was to have been considered on Leland Road and in front of the rehabilitation facility on Gladstone Drive where medical offices were proposed, only commercial was to have been allowed in that area. He stated that the Council and the Planning Commission had worked to make certain that what was proposed would be an asset to the community. He commented that the proposal would not utilize the entire parcel that had been vacant for some time.

While Councilmember Rios agreed with the change to commercial zoning, she was concerned with the proposal to sell alcohol at the facility. She otherwise acknowledged that there were other facilities in the surrounding area that did sell alcohol. As such, Councilmember Rios did not believe it was fair to allow one use to sell alcohol while prohibiting the sale of alcohol by another use. She suggested that the Council was not in a legal position to prohibit the sale of alcohol.

Mayor Aiello acknowledged that the Superintendent of Schools had reviewed the project, although he did not believe that the School Board had reviewed the project. As a result, he suggested that the Board of Trustees be allowed the opportunity to review the project and make recommendation on the proposal. He therefore sought an amendment to the motion to allow the proposal to be considered by the Board of Trustees.

When asked, City Attorney Daube read the April 8, 2002 letter to Jim Davis, Vice President, West Coast Products, LLC from William Wong, PUSD Superintendent of Schools written to confirm that the PUSD did not oppose the operation of an ARCO gas station at the corner of Leland and Loveridge, which consideration had been made in consideration of the stringent policy of the firm related to the sale of alcohol and tobacco products to minors. Mr. Wong had indicated in his letter that he fully expected that policy to be fully and aggressively enforced at all times.

Councilmember Quesada reiterated that nearby uses, such as the Shell station and the 7-11, sold tobacco and alcohol, and had for some time. He suggested that the City did not have the jurisdiction to prohibit those sales and he suggested that the Planning Commission had considered that and other issues prior to approving the proposal.

Vice Mayor Beals-Rogers commented that she had mixed feelings about the project and was not comfortable at this time moving forward without the proposal being considered by the PUSD Board of Trustees.

On motion by Councilmember Quesada, seconded by Councilmember Rios to introduce Ordinance 02-1197 by title only and waive further reading, FAILED to carry by the following vote:

Ayes:	Quesada
Noes:	Beals-Rogers, Lewis, Rios, Aiello

Absent: None

On motion by Councilmember Lewis, seconded by Mayor Aiello to refer Ordinance 02-1197 to staff to develop an overlay zone for specific uses that the City would like to prohibit, to be returned to the City Council for reconsideration at the earliest possible date, with the item to be referred to the PUSD Board of Trustees for their approval of the proposal, carried by the following vote:

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

When asked, Director of Building and Planning Randy Jerome advised that the zoning had been changed with the new General Plan to Community Commercial, and would be appropriate with that zoning, although he noted that overlay devices could be considered with the property to be consistent with the General Plan but be further modified by the Council to identify certain types of land uses that might not be appropriate.

Councilmember Quesada commented that a similar action had not been taken with the Shell station and he suggested that one individual was being singled out. He was not comfortable with that situation.

Councilmember Rios stated that she had voted no not because she supported an overlay zone, which she did not, but because she believed that the PUSD Board of Trustees should have an opportunity to consider the proposal.

Mayor Aiello advised that he had not supported the same proposal two years ago for the reasons outlined as a result of the impact on the youth of the community.

2. **ORDINANCE 02-1198** Revising Pittsburg Municipal Code Section 10.16.190
Maximum Weight of Commercial Vehicles in Certain Districts

Mr. Casey presented the public hearing to revise PMC 10.16.190 to restrict overnight truck parking on the north side of Power Avenue, between Railroad Avenue and Davi Avenue, while allowing overnight truck parking on the south side. Currently trucks were allowed to park overnight on both sides of the street.

Mr. Casey recommended the introduction of Ordinance 02-1198 and waive the first reading to revise Pittsburg Municipal Code 10.16.190, "Maximum Weight of Commercial Vehicles in Certain Districts" as shown in Ordinance 02-1198.

Mayor Aiello opened the public hearing for Ordinance 02-1198.

WILLIE MIMS, Pittsburg, urged the Council to adopt the ordinance but had a question based on the staff report related to the maximum weight to comply with the

California Vehicle Code, from 4,500 to 10,000 pounds.

In response, City Engineer Joe Sbranti stated that the Code currently read that trucks weighing over 4,500 pounds were allowed to park overnight in the area and the ordinance was being revised to comply with the Vehicle Code, which used a 10,000 pound weight as opposed to 4,500 pounds.

Mayor Aiello clarified that the proposal would restrict parking on the north side with no parking on the library side of the street. He verified with Mr. Mims that had clarified his concern.

Mayor Aiello closed the public hearing for Ordinance 02-1198

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Rios and carried unanimously to introduce Ordinance 02-1198 by title only and waive further reading.

3. **MINUTE ORDER** Redevelopment Plan Amendment Joint Public Hearing

Agency staff had begun a plan amendment process to delete four parcels from the Los Medanos Community Development Project Area over one year ago. At that time, the loss in Assessed Value was in excess of \$100 million. Recent proposed developments and new assessed valuations of the four parcels had impacted staff=s original evaluation. The item had been considered in Joint Public Hearing with the Redevelopment Agency at which time on motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers and carried unanimously to continue the Minute Order for the City Council on the Redevelopment Plan Amendment Joint Public Hearing to July 1, 2002.

4. **RESOLUTION 02-9597** Clarification of the General Plan Land Use Designation of Certain Alves Ranch Project Residential Property

Mr. Casey explained that the action was intended to clarify the administrative record concerning the appropriate General Plan Land Use designation of a 35 acre residential area between State Highway 4 and West Leland Road and westerly of the Pittsburg/Bay Point BART Station located within the 294 acre Alves Ranch Project. On November 16, 2001, the City Council adopted by Resolution 01-9490 the City of Pittsburg General Plan entitled "Pittsburg 2020: A Vision for the 21st Century." Upon a review of the verbatim transcript of the minutes of the meeting, the Council determined that there was no meeting of the minds with respect to the specific residential parcel. The proposed General Plan land use for this site, as originally considered by the Planning Commission, was indicated as High Density Residential. The City Council to consider whether or not this area should be designated as Low Density Residential.

Mr. Casey recommended the adoption of Resolution 02-9597 clarifying the administrative record by establishing the appropriate GP land use designation on the Alves Ranch project residential property and directing the City Attorney to prepare the appropriate modifications to this and other relevant resolutions as required by law.

City Attorney Daube clarified the purpose of specifying the most appropriate land use classification for the parcel. In the event that additional documentation was needed, she advised that it would be returned to a future public hearing.

Mayor Aiello reported that the City had received comments to enter into the record from Bruce Ohlson, Pittsburg, which had requested that the decision be deferred pending a decision on the *Shaping Our Future* program.

The Mayor added that Ms. Phyllis Roff of Walnut Creek, community activist, had also called to oppose a low-density vote on the Alves property.

Mayor Aiello declared a recess at 8:30 P.M. to allow the applicant to set up his presentation. The meeting reconvened at 8:38 P.M. with all Councilmembers present.

Mayor Aiello opened the public hearing on Resolution 02-9597.

PETER HELLMANN, representing the Alves Ranch, 2108 Grant Street, Concord, urged that the land use for the subject parcel remain as High Density residential as property adopted with the General Plan on November 16, 2001. He stated that the current disagreement was completely contrary to their interest and their intentions and nothing would make them happier than to withdraw the issue and work constructively with the City leadership and staff.

Mr. Hellmann stated that his team had been asked to come on board by Jerry Alves and Roger Picchi because of his successful dealings with the adjacent land owners, by a good working relationship with City staff and by their ability to bring together the finest land planners and architects to work on the project. He urged the ability to negotiate the situation to design an outstanding project for the City. He also pledged to work fully with the adjacent landowners and bear their fair share cost of the public infrastructure to serve the project. He emphasized if that was allowed to occur, the work product would surpass anything previously approved in East County.

Mr. Hellmann explained that the issue of density near transit centers was of vital interest to the Bay Area, and with little effort the project had generated tremendous support in the press with strong editorial statements from the Contra Costa Times and the East Bay Business Times, and where the San Francisco Chronicle and the San Francisco Business Times had both provided editorial support of housing density near transit centers. In addition, public business agencies and business groups active in regional and the regional planning processes had also offered their support, including BART, the Bay Area Council, the Contra Costa Council, the Contra Costa Economic Partnership, and the Contra Costa Center Association.

Mr. Hellmann emphasized that high density housing near transit centers was right for the Bay Area, to protect open space, reduce the number of cars on freeways, better air quality, create housing for firefighters, police officers, teachers and other members of the

work force, and through the regional planning efforts be able to preserve the quality of life in the Bay Area.

Mr. Hellmann stated that low density housing near transit centers would not improve air quality in that the opposite would occur. He also noted that high density did not equate to low quality and he referred to the new condominiums being constructed around the Pleasant Hill BART Station as an example. He added that the most exciting and attractive neighborhoods being developed were those being developed for the transit centers.

Mr. Hellmann emphasized that those very goals and policies of building high density around transit centers were the goals and policies shown in the City's own General Plan. He questioned whether BART would have located in Pittsburg had the City's preference for low density housing near the BART station been known at the time.

Mr. Hellmann stressed that low density; suburban, single family lots were not appropriate for the property. The east side of the subject property was one-quarter mile away from the BART station itself, and the west side at least a half a mile. He suggested that distance was of easy walking distance for the occupants of high density housing. Given the land use setting of the parcel with Highway 4 on the north, Bailey Road on the east, Community Commercial, the BART Village which would be four residential stories over two stories of parking, and with office buildings up to 150 feet tall, he emphasized that large lot single family suburban lots would be inappropriate in that setting, particularly with business and neighborhood commercial to the east along with high density residential.

Mr. Hellmann emphasized that there was no other Low-Density Residential designation along Highway 4. He also identified High-Density and Medium Density Residential designations south of Leland Road.

With all that, Mr. Hellmann questioned why the subject property had been singled out as it had. He otherwise suggested that estate homes in the southwest hills were preferred as being more sensitive and sensible in that location and suggested that there was a much greater demand for larger homesites in the southwest hills than had previously been proposed given the growing market for luxury homes in Pittsburg. He stated that argument did not extend to flat land adjacent to the highway adjacent to intense development and a business park.

Mr. Hellmann requested to be given a chance. He sought the design team's ability to create a proposal in Alves Ranch that was appropriate for its market, sensitive to its environment and outstanding in its design. He urged that the project be judged on its merit and if not acceptable, it could be denied. He objected to a change of the land use designation, as proposed, as improper, contrary to the interest to the region and completely inappropriate to the land. Mr. Hellmann submitted a letter into the public record, and expressed his hope to be able to establish a successful working relationship with the City and its staff.

KEVIN CONNOLLY, Senior Planner at BART, Contra Costa Division, read a letter

dated May 3, 2002 from the President of the BART Board of Directors Joel Keller, in opposition to the proposed General Plan land use designation of Low Density Residential which would create incompatible land uses within close proximity to a major transit station. A copy of the letter was provided to the City Clerk at this time.

Mayor Aiello noted that the letter had mentioned the need for high density to ensure the attraction of commercial development. Commenting that there was high density on the corner of Leland and Bailey Roads, he stated that no commercial had located in that area across the street from Safeway in the past eight or nine years even though the property had been for sale during that time. He suggested that there was a problem as a result.

In response, Mr. Connolly noted that Board President Keller had referred to more office type development in that area.

Councilmember Lewis suggested that part of the problem with the property at Leland and Bailey Roads was that it had not been assembled into one unit and being in the County was not readily developable due to the lack of timely processing with the County.

MIKE DALEY, a staff member with the Sierra Club, El Cerrito resident and representing the Delta Group of the Sierra Club, stated that the Sierra Club supported smart growth in Contra Costa County and had supported the *Shaping Our Future* process. Mr. Daley stated that there was an opportunity to build thousands of homes with minimal impact on pollution, traffic and water use. He commented that every environmental impact tended to be less with high-density multifamily housing. He opposed low density zoning for the area.

Mr. Daley stated that from the City's zoning, if downzoned, 450 to 600 people would not have an opportunity to live close to BART and those 450 to 600 people would drive to BART instead of walking to BART. He urged the City to retain the High-Density Residential designation near transit stations.

Mayor Aiello noted that the Sierra Club had supported the placement of a dump in the City of Pittsburg and had opposed the entire San Marco project. He therefore questioned how the Sierra Club could support high density housing on another project.

Mr. Daley stated that the site was an appropriate place for high-density development, that the Sierra Club supported high-density development at transit stations, and that the City would be doing a service for the region and for the community by retaining the High-Density designation in the General Plan.

WILLIE MIMS, Pittsburg, representing the BPA, referred to Page 1 of the staff report, which stated that upon review of the verbatim transcript the Council had determined that there was no meeting of the minds with respect to the residential parcel. He stated that the General Plan had been reviewed by the City over and over. He noted that the Council's minds had met numerous times and he suggested that was the excuse used by the Council to make a change to the General Plan. He referred to the letter from the Contra Costa

Council and urged the City Council to take heed of the letter and to make a smart decision in this case.

DICK SCHERMERHORN, Project Director for the Contra Costa Economic Partnership Work Force Housing Initiative, described the Economic Partnership as a non-partisan, non-profit organization of employers in Contra Costa County, which had created the Initiative to address the lack of an adequate supply of housing for the work force. He noted the forecast of new job development in the county of 70,000 for the next ten years, approximately fifty percent in the service industry with the remaining fifty percent in the managerial areas, creating a need for a large range of housing. He stated that the initiative was reviewing the housing and the various elements of jurisdictions in the County as a way of getting additional housing in the marketplace.

Mr. Schermerhorn stated that they had been impressed with many of the objectives included in the City's General Plan to create a diversity of types of housing, to get a range of densities in place, and to have high density in the downtown and adjacent to transit. He suggested that the subject issue was contra to the policy position that the Council had approved on November 16, 2001.

Mr. Schermerhorn added that he supported the direction of the City's overall General Plan in increasing the diversity of housing and higher density in appropriate areas of the community, and he urged the City to stay that course. He also noted a concern that the proposal was being contemplated without a Housing Element in place. He questioned whether or not what the City had contemplated was or was not in contradiction with its Housing Element.

On behalf of the partnership, Mr. Schermerhorn encouraged the Council to encourage higher density development in proximate to transit.

Councilmember Rios stated that as the original maker of the motion, the process had been intended to clarify the minutes of the November 16, 2001 meeting in that there had not been a meeting of the minds. She expressed her appreciation to all of the organizations represented but emphasized that those people did not live in Pittsburg. She congratulated former Councilmembers Joe Canciamilla and Mary Erbez who had started a positive trend in the City to build upscale housing. She stated that the current Council was continuing that trend, which she suggested was smart growth.

Councilmember Rios added that when the Alves Ranch property had been annexed into the City in 1992, it had been annexed with a Low-Density Residential designation. Understanding that change did occur, she reiterated that the area had been specified as Low Density residential when annexed, which had been supported by the City Council at that time. The intent was not to change that designation at this time.

Emphasizing her intent with the motion when approving the General Plan to retain the Low Density Residential designation, Councilmember Rios explained how there had been some confusion at that time, which had required the current clarification. She stated

that the City had a responsibility to the residents of Oak Hills whose home values would decline with high density.

Councilmember Rios stated that she also had concerns with traffic congestion and she did not believe that a person who would be living in a high-density apartment near the BART station would walk to BART. She added that code enforcement issues would also have to be considered in that a high density development could become another Lido Square.

Councilmember Rios remained in support of a Low Density Residential designation south of the freeway, not south of East Leland Road.

Vice Mayor Beals-Rogers commented that whenever there was a conversation of high density and apartments, she took offense to the implication that those apartments would be low income. She referred to a new apartment complex on Atlantic Plaza and stated that those apartments were not low income. She added that the Oak Hills Apartments in that same area were not similar to other apartments, such as the Lido Square apartments that had been referenced.

Vice Mayor Beals-Rogers suggested that transit oriented development (TOD) was not just smart growth, it was intelligent growth. She stated that Pleasant Hill, Richmond and all the other cities with BART stations were leaning towards TOD. Given the BART station, she suggested that the City owed it to the community to provide and accommodate such life styles. She stated that looking at that map with a BART station, a business park, and high density, it made no sense to have single family homes on the one parcel in the middle of high rises right next to the freeway.

With respect to the placement of the Low Density Residential designation in 1992 when the property had been annexed, Vice Mayor Beals-Rogers emphasized that was before the development of BART, and stated things have changed since that time.

Vice Mayor Beals-Rogers expressed her appreciation of the letters of support from all the agencies, organizations and environmental clubs and suggested that a High Density Residential designation would represent intelligent and common sense growth. She supported the retention of that High Density designation.

Councilmember Lewis concurred that so much had changed since 1992 when the City had first considered the development plan for the Alves Ranch. He commented that the City owed a debt of gratitude to Nello Bianco and Dan Boatwright for using their power and influence to bring BART to Pittsburg. He stated that the Alves Ranch development plan had been considered in 1992. As such, what had been envisioned in that area for 1992 was nothing compared with what now existed with a viable BART station, which would probably be the end of the line for many years to come. As the Council representative for the BART Specific Plan, Councilmember Lewis noted the most recent alternative that offered a lot more office commercial for the City and still left enough high density residential to make a viable option for BART.

Councilmember Lewis stated that just recently, the City had celebrated the groundbreaking ceremony for the next segment of the Highway 4 widening from Railroad Avenue to Loveridge Road. Even with that widening project, he stated that with just the growth already approved in East County not considering anything that might be approved in the future, that roadway would be at the worst level of congestion five years from now.

Councilmember Lewis stated that East County was counting on BART to be the vehicle that would help solve the transportation problems as they moved beyond 2002 into 2010 and 2015 and everyone in East County was counting on BART to solve those transportation problems. He noted that high density residential adjacent to BART stations proposed almost 50 percent BART use and that office/commercial complexes provided adjacent to the BART station would provide employment centers in East County, which would prevent people from having to commute into employment centers.

Councilmember Lewis emphasized that many East County residents were spending two to three hours per day commuting on Highway 4, which would only continue. He reiterated that all young families in East County were counting on BART to solve regional transportation problems and as the gateway to East County, the City had to be smart as to what it would support adjacent to BART stations. He noted that people were already walking a quarter mile to BART since they were parking in Oak Hills neighborhoods to get to BART and prompting the City to issue special parking permits for some areas.

Councilmember Lewis emphasized the need to be intelligent in addressing growth. He supported bigger housing and upscale housing in the City and suggested that large lot residential development adjacent to a transit hub was not smart growth. He was a supporter of residential property south of Leland Road with higher densities. He suggested that no one would want to buy a large executive home next to the freeway and next to high-rise employment centers.

Councilmember Lewis stressed the importance of the decision being made at this time. He stated that he had been clear what he had been voting on at the November 16, 2001 meeting, and had supported a rezoning of the area south of Leland Road. He stated that the small improvements being made to Highway 4 would be dwarfed by what was being developed east of the City. He did not believe that the developer would build low income housing and he anticipated that high rise upscale apartments would be proposed.

Councilmember Lewis commended the developers in the City who were building quality housing, including quality apartments, which had a place in the City's housing mix. If considering high density apartments, he stated that nowhere was better than adjacent to BART stations. He stated that would allow the City to meet its Housing Element and allow appropriate housing for the working population of the community. That decision could also help keep BART a viable transportation option.

Councilmember Lewis urged his fellow Councilmembers to consider the fact that adjacent to a BART station and a freeway was not appropriate for executive single family homes. He suggested that the City could be part of the solution or it could be part of the

problem. He urged being a partner in regional issues for East County to address the commute considerations.

Councilmember Rios stated that when the General Plan process had started, the original plan did not state high density and she suggested that somewhere in mid-stream it had changed to high density. As such, she was sticking with the original General Plan designation of Low Density Residential.

Councilmember Quesada suggested that the Council had an obligation to the residents of the City, particularly those living in Oak Hills, to avoid allowing the development of multi-family homes adjacent to those homes. He stated that Pittsburg got everybody's traffic and he suggested that making high density in any of those areas would be inappropriate.

Councilmember Quesada noted that the area didn't even have a school, which affected City residents and those adjacent residents in Bay Point, and was tired of having others tell the City what the City needed to do. Councilmember Quesada stated that for years people from all over had told the City where it should build affordable and low cost housing. He stated that Pittsburg was not just a city of gardeners and service employees and he sought a place where residents could move up in their own community.

Mayor Aiello referenced the recent newspaper article where he had been quoted as a Mayor who flies in the face of conventional wisdom when it comes to building smart growth. He suggested that smart growth would be to place the job centers in Pittsburg and East County. He also suggested that credibility would also have to be brought to the table, and he used the Sierra Club, which had opposed the San Marco subdivision and now offered its support of another project, as an example of concern. He noted that Pittsburg had constantly been dumped on and he questioned the credibility being brought to the table.

Mayor Aiello urged attention to the facts. He stated that the requirement for large lot, low density housing would be imposed on all builders. He also noted that on August 6, 1991, Jerry Alves had filed a General Plan Amendment from Medium Density Residential, Low Density Residential, Residential Estate, Rural Estate and Open Space to Low Density Residential and Residential Estate and Open Space. He stated that the proposed land use amendment by the applicant was not to increase the total density of residential units permitted on the property, but would permit development on currently designated Open Space in the lower elevations, allow very low densities in the hillsides and preserve the southern ridgelines of the property.

Further, Mayor Aiello disagreed that air quality would be decreased with the placement of high density units, and he suggested that the air quality of the community would be increased, decreasing the quality of life in the community. He suggested that the 28,000 vehicle trips through Leland Road would increase with the high density proposal. He also questioned the credibility of BART. Mayor Aiello stated he supported the Low Density Residential designation on the Alves property.

Councilmember Lewis suggested at some point past battles had to be put aside. He stated that the question was whether or not to do smart growth adjacent to the BART station, which was being done by all of the other cities that had transit centers. He added that the City was on the verge of abandoning Railroad Avenue as a BART site for certain economic reasons, which would mean that if there was ever another BART station in East County, it would be farther east and be much farther into the future. He suggested it would be a giant step backward for the City to designate the property as low density.

On motion by Councilmember Quesada, seconded by Councilmember Rios to designate the 35 acre residential area between State Highway 4 and West Leland Road and westerly of the Pittsburg/Bay Point BART Station located within the 294 acre Alves Ranch Project as Low Density Residential, and directing the City Attorney to prepare the appropriate modifications to this and other relevant resolutions as required by law, carried by the following vote:

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

ADJOURNMENT

The meeting adjourned at 9:43 P.M. to the next meeting set for May 20, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
May 6, 2002

Chair Frank Aiello called the meeting of the Pittsburg Power Company to order at 9:44 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9 Re Alves Ranch LLC v. City of Pittsburg, Superior Court N02-0401; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three (3) cases; and Conference with Labor Negotiators pursuant to Section 54957.6 re 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, 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 Leisure Services, Paul Flores
Director of Planning and Building, Randy Jerome
Assistant Planner, Chris Bekiaris
Director of Personnel Services, Marc Fox
Senior Engineer, Joe Sbranti
Director of Housing, Buck Eklund
CDBG Coordinator, Annette Landry
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizens remarks.

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: March 18, 2002

Approved Minutes dated March 18, 2002.

CONSIDERATION

1. **RESOLUTION 02-068** Approve and Authorize the Executive Director to Execute a Consent to Assignment and Assumption Agreement, a Secured Promissory Note, and a Security Agreement Between Sempra Energy International and the Pittsburg Power Company (PPC); and a Professional Energy Management Services Agreement Between Mare Island Operating Company, Inc. and the PPC

Executive Director Will Casey reported that the Pittsburg Power Company (PPC) doing business as Island Energy on Mare Island currently had an existing Memorandum of Understanding (MOU) with Sempra Energy International (SEI) to provide operating, administration and management services for Island Energy. SEI had elected to terminate the MOU and assign a professional service to a third party. Staff had been negotiating with SEI and Mare Island Operating Company on the Assignment of the professional services required to fulfill SEI's responsibility.

Mr. Casey recommended that the Executive Director be authorized to execute the Agreements as stated in Resolution 02-068 between SEI and PPC regarding the termination of the MOU; and between MIOC and PPC regarding the new Professional Energy Management Services Agreement ("PEMA").

Chair Aiello recognized the work done on the item by Russ Townsend of the City Attorney's Office.

On motion by Vice Chair Beals-Rogers, seconded by Member Rios and carried unanimously to adopt Resolution 02-068.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:46 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary
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