

CITY OF PITTSBURG
City Council Minutes
March 18, 2002

Mayor Frank Aiello called the meeting of the City Council to order at 9:01 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 6:00 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two (2) cases; and Initiation of Litigation pursuant to subdivision (c) of Section 54956.9 regarding one (1) case. There was nothing to report.

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

MEMBERS ABSENT: Rios (Excused)

STAFF PRESENT: City Manager, Willis Casey
Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
City Clerk, Lillian Pride
Director of Economic Development, Garrett Evans
Economic/Redevelopment Coordinator, Brad Nail
Director of Finance, Jim Holmes
Director of Leisure Services, Paul Flores
Director of Public Services, John Fuller
Director of Planning and Building, Randy Jerome
City 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

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) took this opportunity to commend Lillian Pride for her superb decorations offered as part of the Black History Program.

Mr. Mims referred to the Marina Center, which belonged to the City, and suggested that the Council had given the Marina Center away in that it was no longer being used as a public facility. He suggested that could be a violation of law.

Speaking to the City Library where little parking was available given that the on-street parking in that area was being used for truck parking, Mr. Mims urged some attention to that situation and requested that the on-street parking in front of the library be reserved for

library parking during library hours.

When asked, Director of Planning and Building Randy Jerome referred to the parking on Power Avenue and explained that Power Avenue had been designated for truck parking under the City's Municipal Code.

City Clerk Lillian Pride commented that the issue had arisen recently given the increased truck parking in the area. It was her understanding that the Municipal Code had designated Power Avenue for truck parking many years ago to keep trucks from parking in the residential areas of the City. She noted that the ordinance had not been revised for many years, and added that some background was available to describe why that practice had been initiated.

Mayor Aiello advised that portion of the code would be evaluated with potential revisions by the Council if found to be appropriate.

RON WAITE, a resident of Bay Harbor Park, and employed at the Marina, spoke to the development plan for the Marina. He commended Economic Development Director Garrett Evans for leasing the former restaurant in the Marina to the Elks while they were seeking a new home. He otherwise stated that he opposed any plan that would make the Elks permanent residents in the Marina. He noted that the Elks had been present in the Marina on a temporary basis and he suggested that the use had impacted the Marina, was not an appropriate use for the Marina, and would impact the economy of the Marina. He recommended that more suitable space be offered to the Elks while retaining the Marina property for job producing uses that offered a public benefit. He urged that economic development be retained as the goal.

COUNCIL REPORTS

Councilmember Lewis reported that the *Shaping our Future* Committee now had the participation of all nineteen of the cities in Contra Costa County. The Committee was currently in the planning stages of the study and actively soliciting contributions from various organizations and individuals to make up the gap between what the cities had pledged of \$590,000 and the anticipated need of \$750,000.

Speaking to the Centennial Celebration Committee, Councilmember Lewis reported that a meeting had been held last week, another would be held this week, and a presentation to the City Council was anticipated in April.

Councilmember Quesada reported that the TRANSPLAN Committee had met on March 14 and the agenda for that meeting had included two items in Pittsburg; the Alves Ranch Project and the Bailey Estates Project, which had been clarified given that the Alves Ranch Project had incorrectly been shown to involve a General Plan Amendment, which was not the case. He stated that those two items had been accepted, although they would be further discussed on a subsequent agenda with respect to a policy related to projects in East County.

Vice Mayor Beals-Rogers thanked the NAACP and the City of Pittsburg for hosting the reception for the Reverend Billy Kyles, who was one of the civil rights activists who had spent the last living hour with Martin Luther King, Jr. She also thanked the cities of Oakley, Antioch and Brentwood, which had participated in the reception, as well as Mayor Aiello, Councilmember Lewis and staff, who had also helped in the event, and Mr. Mims' acknowledgment to Ms. Pride for her decorations for that event. She noted that Reverend Kyles was expected to return to the City in May. The Vice-Mayor also reported that the Centennial Committee had met, as had the Redevelopment Subcommittee. She noted that although she had missed the Mayors Conference, she had been a representative of the City at a meeting with Assemblymember Herb Wesson. She reported that the Schools Liaison Committee had also met and was just beginning the foundation of communications between the Council and the Pittsburg Unified School District (PUSD). She had also attended the USS-Posco rededication of the rebuilt mill facility that had been damaged by fire, and had served as a judge at the Pittsburg Soroptomist International Torch Competition.

Councilmember Quesada advised that he, Councilmember Lewis, and City staff had also attended the USS-Posco opening and had taken a tour of the area damaged by fire, at which time the technological upgrades had been identified, which upgrades had regrettably eliminated a number of jobs.

Mayor Aiello reiterated his earlier announcement that Assembly Bill 81 was on the Senate floor for adoption, which when approved, would represent \$80 to \$100 million to the City. The Mayor added that he had also attended the Mayors Conference.

PROCLAMATIONS

1. Arbor Day

Mayor Aiello read the Proclamation for Arbor Day and presented the Proclamation to Scout Troop 101.

CHRIS SEARS, the Scoutmaster of Troop 101, described the troop as a relatively new troop in the City. He accepted the proclamation and thanked the Council for the recognition.

CONSENT CALENDAR

On motion by Councilmember Lewis, seconded by Vice Mayor Beals-Rogers and carried unanimously to adopt the Consent Calendar, with the removal of Items b, c, f, g, i.

a. **DISBURSEMENT LIST** Period Ending: March 1, 2002 and March 13, 2002

Approved Disbursement Lists periods ending March 1, 2002 and March 13, 2002.

d. **RESOLUTION 02-9571** Authorizing California Beverage Container Recycling and Litter Reduction Act Funding Request for Fiscal

Years 2001-02 and 2002-03

Adopted Resolution 02-9571.

- e. **RESOLUTION 02-9572** Authorizing Used Oil Block Grant Application - Eighth Cycle 2002-2003

Adopted Resolution 02-9572.

- h. **RESOLUTION 02-9575** Opposing AB 680 - Reallocating Sales Tax and State Revenues

Adopted Resolution 02-9575.

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

- b. **MINUTES** Dated: March 4, 2002

On motion by Councilmember Lewis, seconded by Vice Mayor Beals-Rogers to approve the minutes dated March 4, 2002, carried by the following vote:

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

- c. **RESOLUTION 02-9570** Acceptance of Calpine's Commitments to Install Public Improvements as Complete

On August 3, 1999, the City of Pittsburg, the Pittsburg Power Company and the developer of the power plant (Calpine) executed a development agreement entitled "Agreement Concerning Other Matters." As a result of this agreement, Calpine was obligated to construct certain public improvements. Calpine has completed these improvements in compliance with acceptable City standards and specifications, except for the Central Park improvements for which Calpine has given the City the stipulated amount of funds which will be used to augment the amount of funds available for the City's Central Park project that is now being redesigned for bidding.

MIKE LENGYEL, Pittsburg, sought an identification of the cost of the truck bypass road, who was paying for it, and the traffic anticipated in 2002 and 2005.

Assistant City Manager Nasser Shirazi advised that he would research that information to identify who paid for the bypass, which he stated in some cases was paid by Calpine, and the information would be provided to Mr. Lengyel. In further response, he reported that no assessment district was involved with the truck bypass.

On motion by Councilmember Lewis, seconded by Vice Mayor Beals-Rogers and

carried unanimously to adopt Resolution 02-9570.

- f. **RESOLUTION 02-9573** Approval of Consultant Agreement Amendment #1 with Robert Bein, William Frost & Associates for Contract 97-05, Buchanan Road Bypass Project

City Council to review and approve Amendment No. 1 to the Consultant Agreement with Robert Bein, William Frost & Associates (RBF) for Contract 97-05, Buchanan Road Bypass Project. The amendment increased RBF's "not-to-exceed" fee by \$124,091 to cover wage and overhead increases, subconsultant fee increases, additional traffic analysis, and security personnel for fieldwork. The amendment also identified Mr. William Conyers as the new project manager and Mr. Garrett Gritz as the new principal in charge for RBF.

BRUCE OHLSON, Pittsburg, sought assurance that bicycle lanes would be installed the entire length of the Buchanan Road Bypass Project within a width consistent with what was being proposed by the City of Antioch, which was reported to be eight feet.

On motion by Councilmember Quesada, seconded by Councilmember Lewis and carried unanimously to adopt Resolution 02-9573.

- g. **RESOLUTION 02-9574** Installation of Parking and Sidewalk Safety Upgrades on 8th Street in Lieu of a Sound Wall at the West End of the Calpine Transition Structure Project

At the February 19, 2002 Council meeting by Resolution 02-9566 the Council accepted \$58,322 from Calpine in lieu of construction of the subject sound wall. Staff proposed that 53 parking spaces along the 8th Street Greenbelt corridor west of Railroad Avenue, along with curb gutter and sidewalk safety improvements as shown on Exhibit "A" of the proposed resolution could be installed with these funds. The Council directed staff to present this proposal to the Redevelopment subcommittee at their March 7, 2002 meeting. This was done and staff proposed that these funds be used to finance a change order to the current Railroad Avenue Rehabilitation contract. The subcommittee concurred with the proposal.

WILLIE MIMS, Pittsburg, representing the BPA, restated his previous position on the \$58,322 Calpine buyout from its responsibility to build a sound wall and the Council's willingness to accept which he suggested was not in the City's best interest. He also suggested that the 53 parking spaces were all available in the front of the St. Peter Martyr Church, which he suggested was an inappropriate use of taxpayer funds. Mr. Mims also suggested that the \$58,322 would be insufficient to accommodate all of the necessary improvements. He suggested that funds were being taken from one project to fund another, with the total cost unknown. He urged the Council not to adopt the resolution in that the total cost was unknown and would probably have a serious impact on the Railroad Avenue funds. If constructing parking spaces for one church, he suggested that the City should construct parking spaces for all churches.

City Engineer Joe Sbranti reported that the 8th Street Park ran along the median where the parking spaces were proposed to be paved. The spaces would provide access to the park, to St. Peter Martyr Church, and to other adjacent businesses including a funeral home and other businesses in the area that would benefit from the development of the spaces serving a larger area of the community. With respect to the temporary sidewalk, he suggested that should be completed without tapping into the Railroad Avenue contingency funds and that the handicapped ramps would probably be the only improvements to use those funds. Since it was the City's goal to replace all non-compliant street corners with Americans with Disabilities Act (ADA) compliant ramps, Mr. Sbranti suggested that was a suitable use of those funds. He added that there were Redevelopment Agency funds set-aside for handicap issues that could also be used.

Vice Mayor Beals-Rogers requested clarification that the funds were not taxpayer funds and were coming from Calpine, which was verified by Mr. Sbranti who noted that the \$58,322 was the in-lieu fee from Calpine that was to have been used for the sound wall that was now being applied to the identified upgrades.

Councilmember Quesada added that the liability to the City with the sidewalk that had been damaged by the construction on 8th Street had exposed the City to claims and could further expose the City to more claims.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Quesada, and carried unanimously to adopt Resolution 02-9574.

i. **RESOLUTION 02-9578** Auto Mall Pylon Sign Agreement

The City of Pittsburg desires to facilitate the development of the Century Auto Mall proposed by the Century Plaza Development Corporation. The Auto Mall will generate many new jobs, and when complete, is projected to increase the City's sales tax revenue by 20 to 50 percent. The Auto Mall sign is critical to the success of the Auto Mall, but the cost of the sign is proving to be a hardship for both the developer and the proposed tenants, and threatens to halt development of the Auto Mall. Century Plaza Development Corporation has approached the City of Pittsburg for a loan of up to \$625,000 to construct the sign so that the project could move forward and be successful.

WILLIE MIMS, Pittsburg, representing the BPA, urged the Council to reject the staff recommendation to loan \$625,000 to allow the construction of the pylon sign in that the developer should bear the cost and not the taxpayers of the City, particularly since the sign had become a contentious issue between the developer and the auto dealers and the upfront cost of the sign threatened to jeopardize the negotiations for the Auto Mall. He again urged staff to reject the recommendation to approve a loan that would be at the taxpayer's expense.

BRUCE OHLSON, Pittsburg, noted that the lack of bicycle lanes on Century Boulevard between East Leland Road and the Los Medanos wasteway, as called for in the 1988 and 2001 General Plans, was a hardship to bicyclists. He suggested that it was not too late to change the plans to include bicycle lanes as earlier promised.

Councilmember Quesada explained that the Auto Mall pylon signs would be the electronic signs used to advertise all the businesses along that corridor, including Home Depot, which would need that extra visibility to compete with Lowe's currently under construction nearby. Councilmember Quesada suggested that the funds would be returned to the City in a short period of time, that the proposal was in the best interest of the City, and that the sign would advertise the uses in the area to increase the sales taxes to the City.

In response to Vice Mayor Beals-Rogers, Economic Development Director Evans reported that the terms of the loan would be negotiated by the City Attorney at the direction of the City Council. He stated that the auto dealers in question had made a strong point that the signs would significantly expedite the process.

The Vice Mayor also verified with Mr. Evans that no Redevelopment funds would be used or were allowed and that the due diligence period was ending this month for two dealerships. The timing was critical as a result.

On motion by Councilmember Quesada, seconded by Vice Mayor Beals-Rogers and carried unanimously to adopt Resolution 02-9578.

PUBLIC HEARING

1. **ORDINANCE 02-1192** Adding Municipal Code Section 2.40.080, Relating to Powers and Responsibilities of Mayor and City Council

City Manager Will Casey advised that In accordance with California Government Code Section 36813 the City Council desired to codify certain portions of Resolution No. 01-9475, adopted by the Council on September 4, 2001. Resolution No. 01-9475 established policies and procedures for the conduct of City Council business. The proposed ordinance would codify Section III of the procedures, "Powers and Responsibilities."

Mr. Casey recommended that the Ordinance be introduced and that the first reading waived, adding Municipal Code Section 2.40.080, relating to the Powers and Responsibilities of the Mayor and City Council, provided as Exhibit A to the staff report.

Mayor Aiello opened the public hearing on Ordinance 02-1192. There was no one to speak for against the ordinance. The public hearing was closed.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Lewis to introduce Ordinance 02-1192 by title only and waive further reading, carried by the following vote:

Ayes: Beals-Rogers, Lewis, Aiello
Noes: Quesada
Absent: Rios (Excused)

Due to an emergency, Councilmember Lewis left the meeting at 9:44 P.M.

2. **ORDINANCE 02-1193** Amending the Schedule of Permitted Uses and Development Regulations of an Existing CS-O Zone (Service Commercial with a Limited Overlay, Ordinance No. 92-1043) Located North of California Avenue and West of Loveridge Road, for Mill Creek Development RZ-01-02

City Manager Casey reported that the public hearing was a request by John Tomasello, Mill Creek Development LLC, to amend zoning regulations of the existing Limited Overlay Zone (Ordinance 92-1043) to allow construction of a Limited Warehousing and Storage facility with reduced parking, and a three-story extended stay hotel on a 16.23-acre, undeveloped site located on the north side of California Avenue and west of Loveridge Road in a CS-O (Service Commercial with a Limited Overlay) zone.

Mr. Casey recommended that Ordinance No. 02-1193 to amend the schedule of permitted uses and development regulations of the 16.23 acre Limited Overlay Zone (Ordinance 92-1043) be introduced.

Mayor Aiello opened the public hearing for Ordinance 02-1193.

CHARLES SMITH, Pittsburg, spoke to mitigated negative declarations to ensure that there would be no harm to the environment with the development of construction projects. With respect to environmental issues, he suggested that the hotel should face State Route 4. He noted that Pittsburg winds tended to be westerly and he suggested that the entrance to the hotel should be turned away from uses, such as the adjacent Praxair and Dow Chemical facilities, that would impact the hotel. He also suggested that the Kirker Creek Watershed had been ignored. Referencing a project along Buchanan Road, Mr. Smith commented that big hay barrels had been used as mitigating factors. He suggested that the uses in the area emitted pollutants, that Pittsburg was impacted with projects where the cumulative effects had not been considered, and that the proposal needed to be addressed as a whole area. He commented that the City was in an area of pollutants from 1:100,000 where a healthy situation would be at a 1:1,000,000 ratio.

MARY and PETER MOM, Pittsburg, the resident managers of Stormaster Self Storage on California Avenue, suggested that Pittsburg was over saturated with seven self-storage facilities, where there was an average of 65 vacancies in each facility. Mr. Mom stated that more and more business was being lost. He was concerned with the loss of business and with the current difficulties with potential customers finding the Stormaster facility. He suggested that the proposal would negatively impact their facility and the other storage facilities in the community. As a result, Ms. Mom urged that the storage portion of the facility not be approved.

MARK ARMSTRONG, representing the applicant, JOHN TOMASELLO, the project architect and the transportation engineer, were present to respond to the Council. He

stated that the project had already been approved by the Planning Commission, which project had been modified by additional input from staff and from Planning Commissioner Harris.

JOHN TOMASELLO presented the overall proposal as proposed and as amended by comments from Commissioner Harris to provide a mixed-use development of a hotel, Jack in the Box restaurant, Chevron, research and development buildings and a self-storage facility. He noted that it was not their initial intent to provide storage units, but given the proximity of that portion of the site to the adjacent Praxair industrial use, a storage facility had been the only use that would be appropriate to serve as a visual and audio buffer between Praxair and the other uses proposed for the site. Mr. Tomasello acknowledged that the current storage market was distressed as a result of September 11, but he suggested that would be a temporary situation.

Mr. Armstrong highlighted the overlay changes that had been made to the overlay zone which were specific to the site and did not affect other properties elsewhere. He stated that the height change from 35 to 36 feet would allow the three story extended stay hotel. A hotel stay limit of six or fewer months was required as part of the overlay zone to address the current hotel definition in the General Commercial zone. He noted his understanding that the hotel zone in the overlay zone allowed an extended stay facility with minimal kitchen facilities. The overlay zone was to be amended to allow the commercial self-storage proposal subject to a use permit, which storage had been proposed because of the adjacent Praxair use. The self-storage was also compatible with the other proposed uses. Mr. Armstrong advised that the applicant was confident that the requirements could be met. He urged the support of the staff recommendation and the adoption of the ordinance which would create a better project.

ALLEN TATOMER, Pittsburg, speaking as a local businessman and founder of the Central Addition Neighbors and Boardmember of the Los Medanos Health Care District, urged the Council to amend the request for a use permit of a storage facility and to exclude it as part of the proposal, although he acknowledged that the proposal had a lot of merit. He commented that the hotel was a great idea but as a businessman he suggested that the addition of more self-storage units in an already saturated environment would work against the existing self-storage facilities in the community. Mr. Tatomer provided the results of an informal survey that he had conducted of the eight self storage facilities in the community, acknowledged that the facility was intended to serve as a buffer, but suggested that based on the economy and the State Route 4 expansion, that component of the project needed to be excluded.

Mr. Tatomer quoted some statistics based on his survey to explain that every self-storage facility in the community was suffering some distress as a result of serious vacancies. He urged the deferral of the storage facility for a one to two year period to allow the existing facilities to get on their feet.

DAVID and SHARON WILLIAMS, managers of Security Public Storage, stated that they had 93 vacancies. As a former highway bridge inspector Mr. Williams stated that he was aware of how the impending construction in the area would impact adjacent facilities. He supported the recommendation to defer the approval of the self-storage facility proposed as part of the subject project to allow an opportunity for the other self-storage

facilities in the community to get back on their feet.

SHARON WILLIAMS, stated that they had taken over Security Public Storage in June 2001 when the facility was 96 to 98 percent full. With the current 93 vacancies, the facility would be uprooted as part of the State Route 4 expansion and 300 of the 700 plus units in the facility would be eliminated as part of that project. While she emphasized that all of the facilities basically helped each other, she suggested that the proposed facility would be too close and another storage unit would make it difficult for any of the other facilities in the community to survive.

JAY ROGERS, manager of Fort Knox Storage, and the prior manager of Acorn Self-Storage on Railroad Avenue, noted that Acorn had 413 units while Fort Knox currently had 500 units completed and had been approved for 800 units. He concurred with the other managers that the self-storage facility for the proposed project should be shelved until the population of the City had increased to allow the facilities to increase their occupancy rates.

WILLIE MIMS, Pittsburg, noted that while a hotel was needed in the community, his concern was with the environmental impacts between Diane Avenue and Loveridge Road. He suggested that the City did not need additional self-storage facilities and he commented that the question was the environmental impacts of the proposal on the City and on the residents of the City. He suggested that the series of projects bordered on environmental justice concerns and he urged the denial of the proposal given the negative impacts to the surrounding community.

BRUCE OHLSON, Pittsburg, advised that the Pittsburg bicycle community requested that adequate space on the street be reserved for bicycle lanes along any curb the developer constructed along California Avenue. He also sought the installation of sufficient bicycle parking racks for the extended stay hotel.

Mayor Aiello closed the public hearing for Ordinance 02-1193.

In response to Councilmember Quesada as to the number of units to be lost as a result of the State Route 4 expansion, Mr. Jerome stated it was his understanding that 300 units would be lost from the Security Public Storage site. Mr. Jerome added it was that owner's hope that the 300 units could be replaced on other available lands adjacent to the current property.

Vice Mayor Beals-Rogers noted that while the existing self storage facilities might not be at capacity, with the effects of the State Route 4 widening and with the loss of other square footage of rental properties, she suggested that the proposal would help make up for that loss. She supported the self-storage proposal as a buffer, for its location right off of the freeway, and to help the City increase its capacity of rental facilities.

Aware of the effects of the current economy on existing businesses, Vice Mayor Beals-Rogers otherwise suggested that the proposal was appropriate, represented a good site for the uses, particularly with the self-storage use serving as a buffer between Praxair and the hotel and a restaurant that had been proposed, and with the prime location off of the freeway. She supported the approval of the project.

On motion by Vice-Mayor Beals-Rogers, seconded by Councilmember Quesada and carried unanimously to introduce Ordinance 02-1193 by title only and waived further reading.

3. **ORDINANCE 02-1194** Amending Municipal Code Section 2.50.020 - Filling Vacancies on the Community Advisory Commission

City Manager Casey stated that on March 4, 2002, the City Council asked that the Community Advisory Commission (CAC) review the structuring of the Commission and provide their input to the Council by March 18, 2002. The issue of vacancies currently needed to be addressed. At their March 6 meeting, the CAC did not finalize this issue, but continued it to their April 3, 2002 meeting. Mayor Aiello has asked that the item be brought before Council, as planned, on March 18, 2002.

Mr. Casey recommended the introduction and waiver of the first reading of the following amendment to Municipal Code Section 2.50 - Community Advisory Commission: "Should a vacancy occur in a particular quadrant and no applicants have been found, the vacancy shall be filled as an 'at large' position for a one year term until such applicants that live in the vacant quadrant become available. If, after this one year period, no applicants have been identified, this term may be renewed for another one year period as deemed necessary."

Mayor Aiello opened the public hearing for Ordinance 02-1194. There was no one to speak for or against the item. The public hearing was closed.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Quesada and carried unanimously to introduce Ordinance 02-1994 by title only and waived further reading.

4. **RESOLUTION 02-9576** Administrative Plan Changes

City Manager Casey stated that the Department of Housing and Urban Development (HUD) required the City Council to make final funding recommendations for the use of Community Development Block Grant (CDBG) funds. The Community Advisory Commission (CAC) established a CDBG Subcommittee that made funding recommendations for the 2002-2003 CDBG program year that are being presented to the City Council for approval.

Mr. Casey recommended that the City Council review the CDBG application summaries, review the CDBG Subcommittee recommendations, consider the Community Advisory Commission-CDBG Subcommittee funding recommendations, and adopt the Resolution.

Mayor Aiello opened the public hearing for Resolution 02-9576.

RUTH FERNANDEZ, Pittsburg, Program Director for OPTIC, thanked the Council for considering Optic's application for CDBG funding. She sought support in their mission to

provide training and placement to low income residents in Contra Costa County. She stated that currently seven low income Pittsburg residents were being served, with four having graduated and three in an on the job training program of basic to advanced computer skills.

MARTHA NICHOLS of Stand! had submitted a card to speak but was not available when called.

WILLIE MIMS, Pittsburg, representing the BPA, expressed concern with the number of City projects being funded and the amount of money being directed to the City. He requested a clarification of the funding amount given what he suggested was an inconsistency in the proposal. He inquired what would occur with those funds, and he further inquired of the projected allocation for each project area and whether or not there was a duplication of services offered.

CDBG Coordinator Annette Landry clarified the funding total in response to Mr. Mims by explaining that of the total \$732,000 to be received in CDBG funds, \$187,000 represented the planning and administration cost allowed by HUD for the program. She explained that there was a 15 percent cap to be used for public services and a 20 percent cap for planning and administration.

In further response to comments, Ms. Landry explained that there was no projected allocation per area in that it was based on the number of applications received and whether or not those applications met HUD's criteria of benefiting a low or moderate income person, eliminating slum and blight, or an urgent need. She stated that 38 applications totaling over \$1,500,000 had been received for an actual grant of \$532,000, and further that 80 to 90 percent of the actual applications received would benefit low to moderate-income people.

Ms. Landry added that there were a number of agencies that provided services countywide, some benefiting seniors and the disabled, and there were a number of projects that served Pittsburg residents. She advised that staff would return the one year action plan to the Council on April 1, which would include the recommendations and detail the plans for the target year representing seven target areas.

Mayor Aiello recommended that Mr. Mims set an appointment with staff to clarify his questions with staff. For the specific data, Mr. Mims was directed to meet with the CDBG Coordinator.

TOM LaFLEUR, Pittsburg thanked the committee for its hard work, supported the projects on the list, noted the many good causes and recognized the limited funds available to support those causes. He thanked the CAC for funding the Bedford Center and pointed out that the funds would not only help the Center but help residents of the City in dire need of that help. He also thanked the Council for the recommendation of \$25,000 for public facilities improvements for a handicap entrance to the California Theater and explained that would relieve the Redevelopment Agency for that level of funding given that the Agency would likely fund the remaining work for the California Theater.

THOMAS FULTON with the Northern California Family Center dealing with runaway

youth, noted that this was the first time the Center's application had been approved. He expressed his appreciation to the CAC and urged the Council to accept the recommendations from staff.

CHARLES SMITH, Pittsburg, questioned the “unevenness” for which the funds had been allocated and suggested that the senior outreach proposal should not be approved given that a \$330,000 allocation appeared to serve no one. He therefore suggested that the package was not complete. He referred to examples of requests where no one would reportedly be served and he therefore questioned the allocations compared to the number of people served and expressed a concern for the apparent imbalance involved.

ROSS DeBOIE, Pittsburg, a member of the CDBG Committee, emphasized the new law that as of July 1 no CDBG funds could be rolled over. As a result, the projects had to be evaluated in terms of whether or not the funds would be used. He emphasized that not all of the money from the projects would come from the City of Pittsburg in that the applicants would have to seek funds from other sources as well.

TINA SUERTE, an employee, horticultural therapist and supervisor from Rubicon Programs, which had received a grant from the City, noted that their application had reflected a zero number served as a result of the date that the request had been submitted. She stated that they had slowly gotten involved in the Pittsburg area in that their base was in West County, although many Pittsburg residents had availed themselves of the program over the years. She added that the program did work and they were appreciative of the amount offered. Ms. Suerte otherwise concurred that there were other funding sources that helped her organization, and others provide services to the citizens of Pittsburg. She expressed a hope to provide more seasonal labor through their training program in the City.

Mayor Aiello closed the public hearing.

As a member of the Council’s CDBG Subcommittee, Vice Mayor Beals-Rogers commended staff, the CAC and the process, noted that not all applications could be funded, and explained why the number serviced was incongruous in some cases. She also explained that organizations received funding from a number of sources. She emphasized that the requirements to be provided by the applicants were not always met, which resulted in non-funding in some cases. She described the process as tedious, emphasized the level of work involved, and characterized the proposal as a fair representation of funding.

Mayor Aiello reported that two years ago the CAC had put a lot of work into the proposals and had urged the Council to listen to its recommendations. He stated that all involved had done the best of their ability and he thanked all those who were involved in the process.

On motion by Councilmember Quesada, seconded by Vice Mayor Beals-Rogers, and carried unanimously to adopt Resolution 02-9576.

5. **RESOLUTION 02-9577** Resolution to Deny an Appeal of the Planning Commission Approval of a Use Permit (UP-01-29) for

Shiloh Missionary Baptist Church located at 1105
Harbor Street

The public hearing related to an appeal by Mike Lengyel, Pittsburg resident, of the Planning Commission's decision to exclude Mr. Lengyel's proposed condition of approval from a recently approved use permit (UP-01-29) for Shiloh Missionary Baptist Church. Mr. Lengyel's proposed condition would have prohibited diesel trucks from using the new leg of the Pittsburg/Antioch Highway. The use permit allowed a Religious Assembly use within an existing 3,051 square foot building (former St. Dionysios Church recreation hall) located at 1105 Harbor Street on the southeast corner of Harbor Street and Pittsburg/Antioch Highway, RS-O (Single Family Residential with a Limited Overlay) zone.

Mr. Casey recommended that the Council move to adopt the resolution denying the appeal and upholding the Planning Commission's action approving UP-01-29.

City Attorney Daube reported that the City had received a letter from Mr. Lengyel dated March 18, 2002, which letter was made a part of the public record. She stated that the letter had raised several issues. She also noted that she had reviewed the appeal and had written a letter to Mr. Lengyel concerning testimony that may or may not be presented.

City Attorney Daube advised that Mr. Lengyel's letter had alleged that the City Attorney was attempting to rig the outcome of the appeal given that she had opined that his recommended condition to prohibit truck traffic was not relevant to the review of the conditional use permit. She reported that she had found as a matter of law that the two were not connected whatsoever, although she invited Mr. Lengyel to demonstrate the connection if he still believed that was the case. Ms. Daube added that she was compelled to state that there were some allegations in Mr. Lengyel's March 18 letter that the City Attorney had a conflict of interest in the matter. She advised that she was compelled given her ethical obligation to the California Bar to state that she had reviewed the matter and could assert with no reservation that there was no conflict of interest.

Mayor Aiello opened the public hearing.

MIKE LENGYEL, Pittsburg, the appellant, introduced two pictures and a document representing his presentation to be included in the administrative record. The Mayor admitted the submittals into the administrative record at this time.

Mr. Lengyel supported the use of the property for church purposes and would like to welcome Shiloh church into the neighborhood, although he objected to the impacts of the truck bypass road to the church and suggested that church goers would be poisoned by the diesel exhaust emitted by the trucks using that bypass, the curb line of which was only 12 feet away from the church. He urged the City to address that situation given that diesel exhaust, pursuant to Prop 65, was a chemical known by the State of California to cause cancer, with children affected most of all. He explained that the Central Park was also in close proximity to the roadway, which was also a concern to him. He urged the City to take the spirit of the conditions that he had offered and direct staff to prepare a study on the effects of diesel exhaust.

DAVID DONAHUE, Chairman of the Trustee Board for the Church of the Living God, the owners of the property, also spoke on behalf of Shiloh Baptist Church. While he was pleased that Mr. Lengyel was concerned with the health of those attending services at the site, he stated that they had never been asked if they were concerned. He stated that Mr. Lengyel was concerned with the diesel in the area while the two buildings still had an asbestos roof. He requested that the Council deny the appeal.

WILLIE MIMS, Pittsburg, concurred that diesel fuel and any kind of pollution could be harmful to health, but in attendance at the Planning Commission at the time of the use permit request and having spoken in favor of the permit at that time, he requested a denial of the appeal. He commented that the trucks had already been using the road prior to the occupancy by the church. He stated that church members needed a place of worship and were willing to live with the roadway. He urged the denial of the appeal.

DARNELL TURNER, Pittsburg, asked that the request be denied in that the appeal was based on issues having nothing to do with the church.

Mayor Aiello closed the public hearing.

Councilmember Quesada commented that the truck bypass road was to have been placed farther north.

On motion by Councilmember Quesada, seconded by Vice Mayor Beals-Rogers and carried unanimously to adopt Resolution 02-9577.

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

City Manager Casey explained that Agency staff began 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 appeal of Dow's proposed plant expansion also needed to be resolved before the Agency could move forward.

Mr. Casey recommended that the City Council continue the Joint Public Hearing until the May 6, 2002 meeting of the Redevelopment Agency, as had been done by the Agency, so that staff could assess the impact the expansion and its potential appeals would have on the Los Medanos Community Development Project. On May 6, 2002, the City Council should reopen the Joint Public Hearing, accept comments, close the public hearing and take the necessary steps to approve the Plan Amendments.

Mayor Aiello opened the public hearing. There was no one to speak. The public hearing was closed.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Quesada and carried unanimously to continue the Joint Public Hearing to the May 6, 2002 meeting of the

Redevelopment Agency.

ADJOURNMENT

The meeting adjourned at 11:04 P.M. to the next meeting set for April 1, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

Als

CITY OF PITTSBURG
Housing Authority Minutes
March 18, 2002

Chair Frank Aiello called the meeting of the Housing Authority to order at 7:09 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 6:00 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two (2) cases; and Initiation of Litigation pursuant to subdivision (c) of Section 54956.9 regarding one (1) case. There was nothing to report.

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

MEMBERS ABSENT: Peterson (Resigned), Rios (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 Finance, Jim Holmes
Director of Leisure Services, Paul Flores
Director of Public Services, John Fuller
Director of Planning and Building, Randy Jerome
City Engineer, Joe Sbranti
Director of Housing, Buck Eklund
CDBG Coordinator, Annette Landry
Police Chief Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

Chair Aiello announced that Cleon Peterson had resigned his position on the Housing Authority effective March 18, 2002. The Chair wished Mr. Peterson well. He advised that there was now an opening on the Housing Authority to fill Mr. Peterson's position.

PLEDGE OF ALLEGIANCE

Local Boy Scouts, Pack 101, led the Pledge of Allegiance.

CITIZEN REMARKS

There were no citizen remarks.

MEMBER REMARKS

Member Quesada requested a moment of silence in memory of Dolores Listek, a City employee in the Personnel Department, who had recently passed on. There was a moment of silence in memory of ***Dolores Listek***.

CONSENT

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

- a. **DISBURSEMENT LIST** Period Ending: February 28, 2002

Approved Disbursement List period ending February 28, 2002.

- b. **MINUTES** Dated: February 19, 2002

Approved Minutes dated February 19, 2002.

ADJOURNMENT

The meeting adjourned at 7:13 P.M. to the next meeting set for April 15, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Redevelopment Agency Minutes
March 18, 2002

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:14 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 6:00 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two (2) cases; and Initiation of Litigation pursuant to subdivision (c) of Section 54956.9 regarding one (1) case. There was nothing to report.

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

MEMBERS ABSENT: Rios (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 Finance, Jim Holmes
Director of Leisure Services, Paul Flores
Director of Public Services, John Fuller
Director of Planning and Building, Randy Jerome
City 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 citizen remarks.

MEMBERS REMARKS

Chair Aiello reported that the City had been advised that Assembly Bill 81 had passed Appropriations and had moved to the Senate for a vote. It was expected that within the next few days the Senate would adopt AB 81, which would protect the City of Pittsburg's \$100 million. He thanked staff and the consultants who had been working to ensure the retention of the City's revenues from the power plants in the City.

CONSENT

On motion by Vice Chair Beals-Rogers, seconded by Member Lewis to adopt the Consent Calendar with the removal of Item a.

- b. **RESOLUTION 02-818** Authorization for the Advertising of Bids for Contract No. 99-03, North Park Connector Road Project

Adopted Resolution 02-818.

- c. **RESOLUTION 02-819** Amend and Restate the Fifteenth Supplemental Resolution of the Redevelopment Agency Tax Allocation Refunding Bonds, Series 2002A

Adopted Resolution 02-819.

The following item was removed from the Consent Calendar.

- a. **MINUTES** Dated: March 4, 2002

On motion by Member Lewis, seconded by Vice Chair Beals-Rogers to approve the minutes dated March 4, 2002, carried by the following vote:

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

CONSIDERATION

- 1. **RESOLUTION 02-820** Vacant Parcels on East Third Street (APNs: 085-370-056-5; 085-370-142-3; and 085-370-145-6) Offer to Negotiate Exclusively

Executive Director Will Casey advised that the Pittsburg Redevelopment Agency owned three parcels of property located on the south side of East 3rd Street between Cumberland Street to the west of the Johns Manville plant to the east. Discovery Builders had approached the Agency with an interest in developing a residential project on the 3rd Street properties, which was consistent with the General Plan.

Mr. Casey recommended that the Agency authorize and direct the Executive Director to execute an Exclusive Negotiating Agreement for a period of 90 days on behalf of the Agency and return to the Agency Board upon completion of the Disposition Development Agreement.

On motion by Member Quesada, seconded by Vice Chair Beals-Rogers and carried unanimously to adopt Resolution 02-820.

2. **RESOLUTION 02-821** Approving Feasibility Study for Big League Dreams

Mr. Casey reported that Mayor Frank Aiello had proposed that staff study the possibility of bringing a Big League Dreams Sports Park to the City of Pittsburg. Big League Dreams Sports Parks currently operated sports parks in the cities of Riverside and Cathedral City. The proposed development of a Big League Dreams Sports Park would be located on the 27-acre site now occupied by City Park. To facilitate the evaluation of the proposal, staff requested funding for a feasibility study and the preparation of a preliminary layout and financial analyses including the economic impact to the City.

Mr. Casey recommended that the Agency Board authorize the Executive Director to expend up to \$75,000 to conduct the study.

DON WEBER, Vice President of Development for Big League Dreams Sports Parks identified the proposal for a feasibility study where the City and Big League Dreams Sports Parks would consider a variety of options with respect to facilities, financing, layout of facilities and operations. He reported that Big League Dreams was a sports park operator partnering with cities in public/private partnerships to help cities design, develop, operate and maintain the sports parks. As sports park operators, maintenance and designers, Big League Dreams would accept all responsibility for the maintenance and operations of the facilities. Those involved represented a management team consisting of professional athletes, ex-professional athletes with real estate development background, sports park operations management, as well as national and international amateur sports, finance and management.

Mr. Weber explained that sports parks had been so well received that Big League Dreams had been barraged by cities throughout the country and were responding to requests from all over the country. Two existing parks were operating successfully in Cathedral City and in Mira Loma in Riverside County. Two parks were under construction and four additional projects were in the planning and design stages. He described the awards that had been associated with the parks, one of which was from the League of California Cities for the best public/private partnership in the State.

Mr. Weber's presentation described the success of the sports parks, identified the fact that the public would be educated as part of the process, explained that 50 to 60 people would be hired to operate and maintain the park for the City, and described the kinds of activities that were possible at the park from multiple youth sports to citywide events and other special events. He explained that the youth leagues would be given priority with respect to scheduling and field use, with the goal that those leagues would pay less or the same as paid to the City. The organization would help the leagues through fundraising, scholarships and sponsorships. Adult leagues would also be accommodated. He characterized the Big League Dreams Parks as a tournament destination and he offered pictures of what the parks would look like.

Mr. Weber stated that the organization could bring Pittsburg a first class multiple use recreational facility bringing a variety of sports to the City, and as a local employer, the organization could save taxpayers \$300,000 to \$400,000 on maintenance costs and could

be a destination of amateur sports in the region. He offered a seven-minute video presentation to further identify the Big League Dreams Sports Parks.

Mayor Aiello opened the item to public comment at this time.

MICHAEL KEE, Pittsburg, requested that the Council consider that it was being asked to spend \$75,000 for a study, and pending successful approval the City had been asked to put up \$10 million to build the sports park. He suggested it appeared as if the City was taking all the risk and being asked to share the reward. He emphasized that the City should ask to share the risk. He suggested that the \$10 million could be better used to update the City Library, for instance, and to improve the City's current playfields. Mr. Kee commented that there was little parking available to meet the needs of a successful regional facility. He also commented that while the City wanted to build a regional facility, it was unwilling to participate in the regional planning to mitigate the traffic that the facility would bring to the City. Mr. Kee urged that his comments be considered as part of the Agency's deliberations.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) did not disagree with the plans for a sports park, although he was concerned for the location and the elimination of the City Park that benefited the community. He noted that the \$75,000 feasibility study would create a financial impact on the community. He sought a different location and a less expensive feasibility study. He also suggested that the proposal would destroy one park to be replaced by another.

GAEL ALFONSO, Pittsburg, noted that with the replacement of the City park with a Big Dreams Park, Little League would be lost as Little League was not allowed to play where attendance fees were involved. She offered to provide the applicable paperwork to the Agency to verify that situation where Little League would be unable to participate in a Big Dreams Park. She urged the Council to consider all implications the proposal would entail.

TAMI DOLG, a single mother with two children in Little League and who volunteered many hours to the League, reported that many parents could not afford to pay to allow their children to play. She suggested that many children would be left out of the opportunity as a result and could not pay to play a sport and be kept off the street. She also noted that it would cost parents to watch their children play, which many parents could not afford.

PHIL BRADLEY, a member of the District Board of Little League, concurred that Little League could not and would not allow charges for Little League play, although there could be a charge for other leagues. He advised that approximately one hundred children currently did not pay to play. While he supported the proposal, he commented that no other Northern California city had considered such a proposal. He stated that not only Little League, but Softball and Pony Leagues had their own parks. He suggested that the \$75,000 would be better spent elsewhere on the City Library, on City streets, or on other needed facilities. He again applauded the proposed facility but urged the City to see what other cities were doing to provide playfields for the community.

DENNIS COSTANZA, Pittsburg, President of Pittsburg Pony Baseball and

representing Rich Alioti, President of Pittsburg Peanut League, spoke with the support of his Board and stated that Pittsburg Pony Baseball supported the study to see how the park enhancement could benefit the City. He urged the Council to allow the process to work. He suggested that by significantly altering the park and its management, youth sports in the City would greatly improve, as would businesses such as hotels, restaurants, shopping and other activities, and that the revenue generated from the peripheral businesses would benefit the City and help support future development. Mr. Costanza suggested that the opportunity would allow Pittsburg to offer other communities a reason to come to Pittsburg. Mr. Costanza encouraged the Council and the citizens of the community to think positively to make the proposal work. He supported the 90-day study. He stated that Pittsburg Pony Baseball was excited to work with Big League Dreams, Pittsburg Peanut League and Pittsburg National Little League to make the proposal work.

DR. VINCENT SILVA, Pittsburg, noted that as a Little League volunteer and League doctor, he supported the multiple sports concept as proposed to provide activities for the youth of the community. He reported that local teams traveled to Cathedral City two to three times a year to play in the Big League Dreams Sports Complex in that City. He suggested that type of complex in Pittsburg would allow more activities and more youth groups to participate in one location where multiple sports would be offered. While not familiar with all the associated and potential impacts, Dr. Silva suggested that the feasibility study would offer the best way to find out what the implications would be. He supported the feasibility study. He stated that he would visit the Cathedral City complex in April and he encouraged the members of the Agency to do the same.

BEN NAVARRO, Vice President of Little League, described the Little League organization in the City, noted that many low income residents participated in the sports, and emphasized that the proposal could make that participation questionable.

A.J. FARDELLA, Pittsburg, as a parent he expressed his concern with the activities where his children would become involved in the community. He suggested that Big League Dreams would represent a good idea for the City and he suggested that the time and money was warranted to determine whether or not the proposal was viable for the community to offer a way for all in the community to participate.

JOHN TAYLOR, Vice President of Pittsburg National Little League Seniors and Juniors Baseball, commended the presentation but stated that his concern related to the fact that the Bylaws of the Little League organization would not allow fees to be imposed. He described how he had become aware of the proposal, his understanding that a meeting between members of the City had not included the Pittsburg National Little League, and his suggestion that Pittsburg National Little League would expressly be precluded from participating in the proposal. Mr. Taylor emphasized that the proposal would exclude the Little League organization. He did not believe that the City should be charging for any organization. He expressed concern for being excluded and he stated that he had just received notice of the proposal which further appeared to exclude Little Leaguers.

JANICE SISK, Pittsburg, a coach for the Pittsburg National Little League and a single mother with three daughters who played in the League, stressed that the elimination of Little League would be very detrimental to the community.

BILL GLYNN, Pittsburg, questioned the potential job market that could be created as a result of the construction of the facility. He suggested that the proposal would not be confined to maintenance jobs in that food preparation, maintenance, security, concessionaires and the like, along with needed supplies from the local community, could become very lucrative to the community. He sought some emphasis on a jobs/construction balance related to the project particularly given the magnitude of the number of employees who would be required to operate the facility. He urged that the local job market be considered first.

TOM LaFLEUR, Pittsburg, suggested that the Mayor and staff had shown vision for the consideration of the proposal. He suggested that the City of Pittsburg deserved a first class facility and that the feasibility study would identify a strong market for the proposed facility in the City. He was confident that Little League would not be left out. He supported the exciting opportunity that he suggested be explored, to include the entire City, and supported the feasibility study.

EILEEN FOSTER, Pittsburg, on the Board for Pittsburg National Little League, expressed her concern that the Little League might be shut out. She suggested that the field, as shown, was a beautiful field, although in her opinion, the \$75,000 for a feasibility study could be better used for Pittsburg education. She noted that a 21st century program was ongoing in a number of schools, expressed concern that there was no after school program, and emphasized the importance of Little League in the community. She stressed that many in the community could not afford to pay for the programs that might be offered by a Big Dreams Park. Ms. Foster also noted her understanding that alcoholic beverages would be sold at the park. She applauded the Little League organization where no alcohol was permitted. She added that competitive parents and alcohol could be a dangerous combination on the field.

MARIANNE ALEXANDER commented that she had also just found out about the hearing and the possibility that Little League could be eliminated from the community. As a player/agent for Little League, she emphasized that Little League did not turn anyone away who could not afford the program. She expressed serious concern for what could happen to Little League if the proposal was approved. She also suggested that the Boys and Girls Club and other City facilities were not being used to their maximum opportunities.

Councilmember Lewis characterized the proposal as bold and innovative, although he was concerned with the proposal and stated that one of the key issues the Council had to face was the passage of AB 81. With the passage of that bill and the signing by the Governor, the City would have between \$80 and \$100 million from the two power plants located in the City. He suggested that once AB 81 passed and was signed by the Governor, and the City was assured that the \$80 to \$100 million would become available, the City Council would need to set a priority list.

Councilmember Lewis suggested that if the City decided to spend the money to build the park, and with an arrangement to address the needs of the low income in the City, the \$10 million would not be available for some other project. He referenced other areas of need, such as the renovation of the California Theater, finishing the downtown

redevelopment, helping the public library, creating a business/commercial park across from the Civic Center, further redevelopment in the Tenth Street area, widening the Pittsburg-Antioch Highway and completing the drainage improvements, and many others, including street, sewer and water valve repairs and replacements, among others. He suggested that it would be improper to spend \$75,000 until the City could be assured of the passage and signing of AB 81.

Councilmember Lewis suggested that the project should be placed on the list with other projects and if deemed by the majority that the project should be included with the anticipated funds, that could then be done. He did not support a \$75,000 expenditure without knowing the outcome of AB 81. He recommended that the project be required to proceed through the normal approval process at which time the availability of funding could be identified.

Vice Chair Beals-Rogers concurred with the innovative program that would be an asset to the City and provide jobs to the community during the construction phase and with ongoing maintenance and operational work. She was otherwise very concerned with respect to AB 81 and the question of funding availability. She also expressed concern with the existing Big League Dreams parks and whether or not the Big League Dreams Sports Parks had replaced existing parks in those cases. She questioned whether or not the Teen Center would be eliminated by the proposal, whether or not the Pittsburg Unified School District (PUSD) would be involved in the funding given that many PUSD activities took place in the park, and whether or not scheduling conflicts could arise given that the PUSD also used the City Park.

Vice Chair Beals-Rogers inquired whether or not the \$300,000 or \$400,000 potential savings represented an accurate amount of what the City was currently paying for maintenance costs and queried what the average cost of renting the facility would be and whether or not those costs would be affordable. As to the timeline, Vice Chair Beals-Rogers inquired whether or not the proposal would need an immediate response. She suggested that there be another approach to the existing agencies to accommodate their needs if the proposal were to proceed.

Vice Chair Beals-Rogers emphasized that the City had a laundry list of priorities that the City needed to address. While she was supportive of the proposal, she listed the struggles in the downtown, the Tenth Street Corridor, transportation, street repairs and maintenance, sewer and other issues that also needed attention in the City. Vice Chair Beals-Rogers also expressed a desire to see a world class library in the City given that sports was not the only area for which the City should focus in that education was also required to provide the youth of the community unlimited dreams. She therefore supported a deferral of any feasibility study pending the certainty of funds to be generated by AB 81. She otherwise suggested that the proposal represented one of the areas where the City needed to proceed.

Member Quesada commented that the City's children and their children needed to have the facilities to play sports in the City as they had over many years. He suggested that the City had spent more than \$75,000 to upgrade the two concession stands in City Park and more work was still required to meet the needs of the community. Along with a

Big League Dreams Sports Park, he suggested would be the need for a hotel, which the City did not have, to provide lodging opportunities for those who would use the park.

Member Quesada noted that many years ago the City Park had been leased to the Pittsburgh Diamonds Triple A Ball Club and the City received no money in that case in that few used the park. He did not want that to occur in this case and he did not want to jeopardize the Little Leaguers. He sought a guarantee of a place for the Little Leaguers to play and suggested that one third of the players could not afford to pay the cost of uniforms, travel and other requirements of the League. He wanted a guarantee that all children would be allowed an opportunity to play, without fail, which he stated was an arrangement that would have to be made with all those involved. Member Quesada stated that the proposed park was beautiful although he reiterated the need for some guarantees to provide for the community.

Chair Aiello stated that he had researched the project for seven months as a parent with children who played Pony League and Little League. As a coach of those and other leagues, he emphasized that the opportunity would have to be provided for all children in the community to ensure that everyone was included and that no one was excluded.

City Attorney Daube read a communication dated March 14, 2002 from Member Rios into the record to note that while she could not be present for the meeting, she requested that the following statement be added to the public record:

"I Councilmember Aleida Rios strongly support Resolution 02-821 (Big League Dreams Sports Park). The Sports Park will definitely have a positive economic impact on the City. This partnering would benefit all players including the community. I applaud Mayor Aiello for his foresight and leadership in bringing this project forward."

With respect to AB 81, Chair Aiello concurred with the need to be apprised of the settlement of that legislation. He moved to table Resolution 02-821 to the meeting of April 1, 2002 pending the outcome of AB 81.

Councilmember Lewis supported the concept of tabling the plan pending final word on AB 81. He also wanted to see a comprehensive list of projects to be considered prior to expending funds on any particular project, at which time all projects, including the Big League Dreams Sports Park, could be considered for a priority list to allow the expenditure of the funds. He suggested that the expenditure of \$75,000 on a feasibility study was unnecessary in that if the City were to expend \$10 million, the project would be feasible. He suggested that the City should make the commitment that 12 to 15 percent of the funds to be garnered through AB 81 would be expended on the project if that was what the Agency wanted to do.

Chair Aiello emphasized the need to look at ways to ensure that everyone could participate, and if all could be included, he recommended that the proposal be pursued. He suggested that part of the feasibility study would be to identify ways to address those potential hardships to allow all organizations and all kids an opportunity to play and to ensure that all of the questions had been addressed, particularly to address the hardships

for those who could not afford to play. He suggested that the proposal would provide what was needed in the community in the way of sports activities for the youth of the community.

Chair Aiello suggested that the community could come together as it had never done before because it had a commitment to youth and to a sports tradition to youth and for education. He urged being visionary, and he suggested that the \$75,000 would be appropriate to pursue that goal.

Vice Chair Beals-Rogers reiterated that the National Little League Association needed to be approached to accommodate their issues. She sought the same dedication to committing a large sum of money to a new library.

Given that he did not support the motion to table the item, Member Lewis clarified that while he was not opposed to the project, he wanted a feasibility study after the City had or had not determined that the project should be pursued, and be pursued out of the AB 81 funds, assuming that was the case. He suggested that it was premature to do otherwise.

Chair Aiello commented that while in most circumstances he would agree, in this case, he explained that there were other cities within the jurisdiction who were also considering the facility. He added that part of the reason for the study was a copyright infringement that prevented other facilities from being built within a specific radius. He suggested that the pursuit of the feasibility study would allow the City to retain the control of its destiny.

On motion by Chair Aiello, seconded by Vice Chair Beals-Rogers, to table Resolution 02-821 to the meeting of April 1, 2002 pending the outcome of AB 81. The motion failed to carry by the following vote:

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

On motion by Member Lewis, seconded by Member Quesada and carried unanimously to table Resolution 02-821 pending the Agency's assurance of the receipt of AB 81 funds and determination that the Big League Dreams Sports Park would be placed on the project list for those funds at which time the feasibility study would be pursued.

PUBLIC HEARING

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

Mr. Casey advised that Agency staff began 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 have impacted staff's original evaluation. Further, the appeal of Dow's proposed plant expansion needed to be resolved before the Agency could move forward.

Mr. Casey recommended that the Agency Board continue the Joint Public Hearing until the May 6, 2002 meeting of the Redevelopment Agency so that staff could assess the impact the expansion and its potential appeals would have on the Los Medanos Community Development Project. On May 6, the Agency Board should reopen the Joint Public Hearing, accept comments, close the public hearing, and take the necessary steps to approve the Plan Amendments.

Chair Aiello opened the public hearing. There was no one to speak for or against the item. The public hearing was closed.

On motion by Member Lewis, seconded by Member Quesada and carried unanimously to continue the hearing on the Redevelopment Plan Amendment to the May 6, 2002 meeting.

ADJOURNMENT

The meeting adjourned at 8:47 P.M. to the meeting set for April 1, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Pittsburg Power Company Minutes
March 18, 2002

Chair Frank Aiello called the meeting of the Pittsburg Power Company to order at 11:05 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 6:00 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9; Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two (2) cases; and Initiation of Litigation pursuant to subdivision (c) of Section 54956.9 regarding one (1) case. There was nothing to report.

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

MEMBERS ABSENT: Rios (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 Finance, Jim Holmes
Director of Leisure Services, Paul Flores
Director of Public Services, John Fuller
Director of Planning and Building, Randy Jerome
City 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 citizen remarks

MEMBERS 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. **MINUTES** Dated: February 19, 2002

Approved Minutes dated February 19, 2002.

b. **RESOLUTION 02-067** Acceptance of Calpine's Commitments to Install Public Improvements as Complete

Adopted Resolution 02-067.

ADJOURNMENT

The meeting adjourned at 11:06 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als