

CITY OF PITTSBURG
Redevelopment Agency Minutes
February 4, 2002

Planning Commission and Community Advisory Commission interviews were held for their respective vacancies from 4:02 p.m. to 5:03 p.m. at which time the Council adjourned to Closed Session. The Council reconvened at 5:18 p.m. for the Workshop regarding the Black Diamond Area Mixed-Use Project until 6:43 p.m. at which time the Council again adjourned to Closed Session. The City Council reconvened in open session at 7:03 p.m. at which time City Attorney Linda Daube reported that the City Council voted unanimously to send a letter drafted by J. William Yeates regarding the Keller Canyon Landfill Gas Power Plant to the Board of Supervisors meeting on February 5, 2002.

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Will Casey
Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
Deputy City Clerk, Alice Evenson
Director of Economic Development, Garrett Evans
Economic/Redevelopment Coordinator, Brad Nail
Director of Finance, Jim Holmes
Director of Leisure Services, Paul Flores
Director of Planning and Building, Randy Jerome
Director of Public Services, John Fuller
Acting City Engineer, Wally Girard
Director of Housing, Buck Eklund
Police Chief, Aaron Baker

PLEDGE OF ALLEGIANCE

Randy Jerome led the Pledge of Allegiance.

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no members remarks.

CONSENT

On motion by Member Rios, seconded by Member Beals-Rogers to adopt the Consent Calendar by the following vote: **VOTE: 5-0**

a. **MINUTES**

Dated: January 22, 2002

The minutes of January 22, 2002 were approved.

CONSIDERATION

1. **MINUTE ORDER**

Amicus Support in 99 Cents Only Stores v. Lancaster Redevelopment Agency

The League of California Cities and the California Redevelopment Association are requesting that Cities and Redevelopment Agencies join as amicus curiae in a case pending before the Ninth Circuit Court of Appeals entitled 99 Cents Only Stores v. Lancaster Redevelopment Agency. The case has far-reaching consequences to Redevelopment Agencies and the power to exercise eminent domain to eliminate blight.

City Manager Casey presented the staff report.

On motion by Member Lewis, seconded by Member Rios to approve the amicus support by the following vote: **VOTE: 5-0**

PUBLIC HEARING

1. **RESOLUTION 02-815**

Exclusive Right to Negotiate for Black Diamond

The Redevelopment Agency Board has received proposals for development of the Black Diamond Project Area (the "Project Area") from the following entities: Em Johnson Interests Inc., Greigo Designs, The Olson Company, and Roger Riley Realty. The Project Area consists of three blocks which include 39 parcels bordered by Black Diamond Street to the west, Railroad Avenue to the east, 5th Street to the north and 8th Street to the north. The residential component of the Project will continue the Agency's efforts to increase the density in downtown while the commercial component will increase the supply of retail amenities. The ultimate goal of the project is to serve as a catalyst for future commercial development within the downtown.

City Manager Casey presented the staff report.

Chair Aiello opened the public hearing.

MARTIN TUCKER, Antioch, presented a speaker card which read: "I volunteer many hours weekly in Pittsburg because I see potential for an arts community and a vibrant downtown. Don't miss the opportunity to be a special town in these regards."

ALEX DREYER, Pittsburg, offered his support for the Greigo design.

MARIE DREYER, Pittsburg, stated she wants an arts community, which the Greigo design offers.

ED SANCHEZ, Antioch, offered two perspectives, one as a member of the Pittsburg Police Department, and one as an environmental design graduate. He stated the Greigo design is the best and most responsible design, and has the best safety accessibility. He stated the project is a beautifully designed and artistic development, with a destination location.

TIM BARRETT, Pittsburg, stated he has been a resident since 1983 in Bay Harbor Park. He felt the Greigo design is the first unique design for the downtown area.

BEN SANDOVAL, Pittsburg, stated he has been a resident for four years. He felt this would be a new beginning for the City of Pittsburg and strongly supports the Greigo design.

SHARON MARK, Pleasant Hill, stated she is a former resident of Pittsburg. She said she remembers when Pittsburg was vibrant, and the Greigo design is exciting and stimulating for the City.

ALLEN MARK, Pleasant Hill, stated he agreed wholeheartedly with the consensus. He said he was impressed with Mr. Greigo's presentation and with how impressed the Council was. He noted there was some hesitance because of no financing in hand, but with community support he sees no problem in getting a developer or financing to bring to the project.

GIL TERAN, Pittsburg, stated he moved here two and a half years ago. He stated he has gotten to know the merchants and residents of the downtown area. He stated the Greigo design is a unique concept, and recaptures a vibrant sense of community. He stated the retail portion is keynote, and likes the vision and input from community.

CAROLYN KRANTZ, Pittsburg, stated she represents St. Peter Martyr Church. She stated Mr. Greigo's design is favorable to the church. She stated the plaza on the south side of the development would augment the process of the design, and she is against a high density development.

JERRY OLIVAREZ, Pleasant Hill, is the Director of Operations for Brendan Theaters. He congratulates a hometown resident for coming forward to present a design. He stated that Mr. Greigo has taken root and is a part of the community. He feels confident that if Mr. Greigo gets the project he will get the financing.

CARMEN AGUILAR-OCHOA, Antioch, represents Give Always to Others and Company. She stated the downtown area has not been the same since the loss of homes. She believes Greigo's design will fill the void and it will be a positive highlight for all of east county.

FRANK GORDON, Pittsburg, spoke on behalf of PCSI. He commented on the failure of the resolution itself. He stated the resolution should clearly set out project goals and set out staff direction, and that currently the resolution says the City will negotiate with

no guidelines. He stated it ignores the RFP and does not maintain the integrity of the general plan and density of between 12 and 18 units. He commented that The Olson Company's proposal is well below the 12 units; the Em Johnson proposal is well above 18. He also voiced his concern that historically significant structures were not addressed. He offered a letter that included language he feels would address these issues.

HENRY ALKER, San Francisco, spoke on behalf of Southport Land and Development Co. He suggested Greigo Design was a highly creative proposal, and encouraged the City Council to allow enough time to see if the financing would come through.

There being no one further to speak either for or against the Resolution, Chair Aiello closed the public hearing.

Member Lewis stated he would repeat comments he has made from time to time in looking at this piece of property in the downtown. He does not believe that building more housing will be the trigger to revitalizing the downtown. Of the proposals tonight the only one that speaks to his vision of what he would like to happen in the downtown is Greigo Designs' proposal. He feels the Agency has nothing to lose by giving him the opportunity for six months to come up with the finances. He feels this is a unique opportunity to give a local person a chance with an innovative plan and would like to afford him the opportunity.

Member Rios echoed Member Lewis's remarks. She confirmed the need to give one of our own the opportunity. She asked for any interested developers to join Greigo Designs. **She moved to support Greigo Designs and decline The Olson Company project.**

Member Quesada seconded the motion. He would like to speak to the other developers to see if they will go along with the Greigo design. He stated he does not want to see absentee landlords and would like to see ownership and feels Greigo's plan provides that. He asked the other developers to support him financially.

Member Beals-Rogers commented on the proposals. She echoes the other Agency members. She feels there are innovative ideas that fit well into the Pittsburg scheme. She also likes the Em Johnson developers and their aggressiveness. She would like to see Em Johnson work with Greigo Designs. She stated that while Em Johnson is capable of bringing financing, retail and housing, Greigo has the artistic feel.

Member Lewis stated he does not disagree with Member Beals-Rogers, but thinks the Agency should support Greigo Designs. He is confident Mr. Greigo would welcome the opportunity to work with any developer. He stated he sees different visions between Greigo and Em Johnson. He asked for clarification of the motion and whether it is to give Mr. Greigo a six month period of time to work with other developers, including the two here tonight, to bring this vision to a reality. If this is the case, he wholeheartedly supports this.

Member Beals-Rogers asked Mr. Greigo if he had potential, concrete sources to contact for finances? Mr. Greigo stated council backing would make it a more concrete issue.

Chair Aiello stated all presentations were well done, and noted that Em Johnson had invested over two years in this project. He said Member Lewis stated it correctly -

should we grant Greigo Designs the opportunity as there is nothing to lose and everything to gain. He then called for the vote.

On motion by Member Rios, seconded by Member Quesada to adopt Resolution 02-815 granting the exclusive right to negotiate for the Black Diamond Project to Greigo Designs by the following vote: **VOTE: 5-0**

Chair Aiello encouraged other developers to come forward to work with Greigo Designs. He stated he wants the matter brought to the RDA subcommittee, which Member Beals-Rogers and Member Rios participate in, within a month.

2. **RESOLUTION 02-814**

Determination that it is in the Best Interest of the Los Medanos Redevelopment Los Medanos Community Development Project that Several Parcels Along the North Side of East 10th Street be Assembled and Developed by a Single Developer as a Unified Development

Staff is proposing that the following parcels, located on the north side of East 10th Street between Railroad Avenue to the west and East Street to the east (APNs: 085-182-009, 085-195-005, 085-195-006, 085-195-007, 085-169-001, and 085-196-002, please see attachment) are assembled to be developed by a master developer. This Sub-Project Area will be called the East 10th Street Project Area and will consist of approximately 105,169 square feet (approximately 2.4 acres).

City Manager Casey presented the staff report.

Chair Aiello opened the public hearing.

LONNIE NOLEN, Pittsburg, stated he is currently in the process of acquiring the property at 985 Railroad Avenue, formerly known as the Salty Dog. He has acquired the financing to go forward to turn this property into a restaurant/lounge. He stated he believes there are issues surrounding this property that are unfounded, and is aware of what the City is trying to do to redevelop the area. He would like the City to exclude this building in the redevelopment area.

PASTOR LEON BROWN, Pittsburg, stated he had concerns that the property owners should be given a reasonable opportunity to participate in the redevelopment plan. He stated he just received the letter today, and does not feel this is enough time. He stated he wants the opportunity to notify his church members, and stated they do have plans to develop this property in the future.

There being no one further to speak either for or against the Resolution, Chair Aiello closed the public hearing.

Chair Aiello had questions and concerns with regards to both the notification time

and Mr. Nolen's concerns. He asked staff if the item has appeared before the RDA subcommittee. Economic Development Director Garrett Evans confirmed it had not.

Chair Aiello moved that Resolution 02-814 be rejected and sent back to the RDA subcommittee, at which time a full recommendation can come back to the council in 30 days. The motion was seconded by Member Beals-Rogers and passed by the following vote: VOTE: 5-0

ADJOURNMENT

There being no further business, the Redevelopment Agency adjourned at 7:56 p.m. to February 19, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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Planning Commission and Community Advisory Commission interviews were held for their respective vacancies from 4:02 p.m. to 5:03 p.m. at which time the Council adjourned to Closed Session. The Council reconvened at 5:18 p.m. for the Workshop regarding the Black Diamond Area Mixed-Use Project until 6:43 p.m. at which time the Council again adjourned to Closed Session. The City Council reconvened in open session for the Redevelopment Agency business at 7:03 p.m. at which time City Attorney Linda Daube reported that the City Council voted unanimously to send a letter drafted by J. William Yeates regarding the Keller Canyon Landfill Gas Power Plant to the Board of Supervisors meeting on February 5, 2002. The Council Meeting convened at 7:56 p.m.

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Will Casey
Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
Deputy City Clerk, Alice Evenson
Director of Economic Development, Garrett Evans
Economic/Redevelopment Coordinator, Brad Nail
Director of Finance, Jim Holmes
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PLEDGE OF ALLEGIANCE

Randy Jerome led the Pledge of Allegiance.

CITIZENS REMARKS

BEN JOHNSON asked where the City stood on SB1243 which involves the merger of ABAG and the MTC, and whether a recommendation has been made for or against. He also asked if the Council will be making a recommendation on the BART fare hikes.

Mayor Aiello asked Mr. Johnson to go through staff and ask that the item be placed on the agenda.

Member Rios stated she attended the East Bay Division Revenue and Taxation Committee where City staff gave a presentation regarding the AB81 power plant property tax. She stated this was unanimously supported and forwarded to the executive committee. She also stated she met with Ignacio de la Fuente, President of Council of City of Oakland and stated their support also looks favorable. They will be contacting the City with their decision. She stated the CDBG subcommittee has been meeting and are reviewing applications at this time. Saturday, she attended the East County Transit Study Advisory Committee State Route 4 corridor study area for potential sites for BART stations, eBART and bus stations. It was a full day with representatives from Clayton, Concord, Antioch, Oakley and other citizens in attendance.

Member Lewis reported that as the City/County Relations liaison, he met with representatives from the Shaping Our Future committee and will defer further remarks until that agenda item.

Member Quesada reported that he attended the grand opening and ribbon cutting of Anna's Linens and with the Mayor and Vice-Mayor attended the installation of officers of the Chamber of Commerce. He extended his congratulations to the Business of the Year, Citizen of the Year and Veteran of the Year.

Mayor Aiello stated he attended the Chamber Installation Dinner and installed the officers. He stated the Chamber has put education as their number one priority. He reported that he received word that the League of California Cities has unanimously supported AB81 for Pittsburg's position, and that gives us statewide support. He also mentioned the upcoming Mayor's Forum to be held February 28 at 11:00 a.m. to 1:30 p.m. for goals of the city community input. Please contact the City Manager's Office if anyone wants to attend.

CONSENT CALENDAR

On motion by Member Rios, seconded by Member Lewis to adopt the Consent Calendar with the exception of items b, h and j, by the following vote: **VOTE 5-0**

- a. **DISBURSEMENT LIST** Period Ending: January 16, 2002 and January 30, 2002

The Disbursement Lists were accepted.

- b. **MINUTES** Dated: November 16, 2001 Verbatim and January 22, 2002

Member Rios pulled this item for corrections to the January 22, 2002 minutes as follows: page 2 of 14 reported she attended the LCC meeting, it should read the East Bay Division and should also read for the energy plant regarding power plant property tax. The last sentence, page 3 of 14 should read that each City would adopt a resolution in support of AB81 for the City of Pittsburg. The second sentence stated she attended the

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arts committee; it should read audit committee. In the same sentence add "and recommendations made" after "should be discussed."

On motion by Member Rios, seconded by Member Lewis to approve the minutes as

amended by the following vote: **VOTE: 5-0**

- c. **CLAIMS** #1422 Leroy Lackland

Claim #1422 was denied.

- d. **RESOLUTION 02-9552** Annual Condominium Conversion Report for 2001

This resolution establishes a maximum number of apartment units that may be approved for conversion to condominiums in the 2002 calendar year, in accordance with Pittsburg Municipal Code Section 17.44.070.

Resolution 02-9552 was adopted.

- e. **RESOLUTION 02-9556** Notice of Completion and Acceptance of Public Improvements Within Subdivision 7362, San Marco Unit 1 for Continuous Maintenance

The Developer has completed the public improvements within Subdivision 7362, San Marco Unit 1 and they are ready for acceptance and continuous maintenance by the City.

Resolution 02-9556 was adopted.

- f. **RESOLUTION 02-9557** Notice of Completion and Acceptance of Public Improvements Within Subdivision 8042, Oak Hills South, Unit 5, for Continuous Maintenance

The Developer has completed the public improvements within Subdivision 8042, Oak Hills South, Unit 5, and they are ready for acceptance and continuous maintenance by the City.

Resolution 02-9557 was adopted.

- g. **RESOLUTION 02-9558** Supporting Senate Bill 106 Amending Section 9250.7 of the California Vehicle Code Relating to the Abandon Vehicle Abatement Program

State Assembly Bill AB 4114, implemented in 1991, established the Abandon Vehicle

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Abatement "Service Authority" for California Cities and Counties. It provides a partial fiscal reimbursement to participating agencies for the enforcement and abatement costs of abandon and non-operative vehicles. California Vehicle Code Section 90250.7 statutorily establishes the

reimbursement authority, which is set to expire in April of 2002. Senate Bill 106 amends the Vehicle Code to authorize extension of the Service Authority in increments of up to ten years.

Resolution 02-9558 was adopted.

h. **RESOLUTION 02-9559**

Rescind and Re-award Fleet Vehicle Contracts

On October 15, 2002, the City Council awarded contracts to a variety of auto dealers and specialty contractors for the replacement of fleet vehicles. Since the time of the award, several of the vendors claimed to have made bidding errors and cannot provide the specified vehicles for the amount of the award. The City's purchasing policy requires that the City Council authorize purchases of the amounts involved for these fleet purchases. Therefore, the City Council must rescind the previous purchase awards and re-award the purchase contracts to the second low bidder.

Member Lewis stated there were typographical errors that listed the date of October 18, 2002. On motion by Member Lewis, seconded by Member Beals-Rogers to adopt Resolution 02-9559 with the date changed to October 18, 2001, by the following vote:
VOTE: 5-0

i. **RESOLUTION 02-9560**

Authorize Five Full Time Regular Public Services Positions

The 1,000 seasonal hour limitation imposed by PERS membership, extensive training to meet OSHA safety requirements, and a newly imposed mandate for water distribution worker certification, makes the use of temporary employees impractical for most utility maintenance work. The Public Services Department is requesting authorization for an additional five (5) full-time (regular) Public Services Worker I positions. The new positions

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will be funded by a corresponding elimination of (seasonal) Maintenance Aide salaries so there will be no net budget increase.

Resolution 02-9560 was adopted.

j. **RESOLUTION 02-9561**

Approval of Amendment No. 2 to a Memorandum of Understanding Between Seecon and the City of

Pittsburg for Traffic Mitigation Fee (San Marco Fee Project)

In 1992 the City entered into an agreement with Seecon which entitled Seecon to a partial fee credit for the construction of the West Leland Road extension for the San Marco Subdivision. In 2000, this Memorandum of Understanding was amended to defer Seecon's obligations concerning the construction of the San Marco Lanes to allow for orderly planning, acquisition of right of way, and formation of funding mechanisms for the construction of the West Leland Road Extension. The City of Pittsburg and Seecon desire to amend the Memorandum of Understanding for the Traffic Mitigation Fee (West Leland Fee Project and San Marco Fee Project), which would update the construction costs of the San Marco Fee Project and the West Leland Fee Project, and would provide Seecon a fee credit against future projects.

BRUCE OHLSON, from the East Bay Bicycle Coalition, stated he would like to be assured that the East Leland Road construction would be planned to have and constructed to have bicycle lanes on each side of that street.

On motion by Member Lewis, seconded by Member Rios to adopt Resolution 92-9561 by the following vote: **VOTE: 5-0**

Mayor Aiello stated he understood that it was always the intention for bicycle lanes to be part of the plan.

k. **MINUTE ORDER**

Referral to the City of Pittsburg Planning Commission for Consideration of the Land Use Designation of Certain Alves Ranch Project Residential Property

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On November 16, 2001, the City Council adopted the General Plan. Upon reviewing the verbatim transcript of the minutes of the meeting, the Council Members determined that there was no meeting of the minds as to motion concerning the land use designation of certain residential property located on the Alves Ranch Project parcel north of West Leland Road. For the sole purpose of clarifying the record, the Council desires to send this matter back to the Planning Commission for consideration and input from interested parties. The specific residential property is designated on the map attached as Exhibit A.

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The Minute Order was adopted.

CONSIDERATION

1. **RESOLUTION 02-9554** Participation in the “Contra Costa: Shaping Our Future” Program

The Contra Costa Conference of Mayors “Contra Costa: Shaping Our Future” plan is a proposal for the development of a future vision and growth management strategy for Contra Costa County. The purpose of this plan is to establish a position from which Contra Costa County and its member cities can work toward comprehensive approaches to growth and change in the county.

City Manager Casey presented the staff report.

Mayor Aiello moved to adopt Resolution 02-9554. The motion was seconded by Member Rios.

Member Quesada stated that he will not be voting in favor of this resolution as he feels it is adding another layer of government and that others will be directing the shape of the City’s future. He feels the City will get nothing in return and does not want to waste taxpayers money which would otherwise be spent paving streets or planting trees.

Member Lewis stated he met with Julie Pierce from the “Shaping Our Future” committee to understand the purpose and intent of the organization. He stated both he and Council Member Beals-Rogers will be sitting on the committee. He stated this effort grew out of the fact that the Mayors Conference was dissatisfied with ABAG and what areas they were focused on. They wanted to give each city an opportunity to articulate what their needs are and what they see as their future. Every city with the exception of San Pablo has agreed to participate. He stated this is a one time fee that will allow the group to hire a consultant to develop a master plan in lieu of what ABAG was presenting. He stated this will give us a chance to discuss our particular needs and the group will produce a viable document in a year’s time. He is in support of this process which will go on with or without the City’s participation.

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Mayor Aiello pointed out that we have paid \$15,000 to the Contra Costa Economic Partnership with nothing to show for it. He feels we can get a lot out of this program, including regional cooperation. At this time he called for the question.

On motion by Mayor Aiello, seconded by Member Rios to adopt Resolution 02-9554 by the following vote: **VOTE: 4-1 (Quesada: no)**

2. **MINUTE ORDER** Appointment of Committee Member

In accordance with the City of Pittsburg “Policies and Procedures for the City Council” adopted by the City Council on September 4, 2001 by Resolution

No. 01-9475, the Mayor and Vice-Mayor shall appoint individual Council Members to standing and ad hoc committees. A need currently exists to appoint a Council liaison for the Youth Advisory Commission.

Mayor Aiello stated the recommendation is to appoint Council Member Rios to the Youth Advisory Commission.

On motion by Member Beals-Rogers, seconded by Member Lewis to appoint Member Rios to the Youth Advisory Commission by the following vote: **VOTE: 5-0**

3. **APPOINTMENT**

Planning Commission Vacancy Appointment

An opening exists on the Planning Commission due to the resignation of Commissioner Allen Valentine.

This appointment will be effective only for the remainder of his term, until June, 2002.

On motion by Member Beals-Rogers, seconded by Member Rios, based on the Council's Policies and Procedures, to continue the Planning Commission Appointment to the February 19, 2002 meeting, by the following vote: **VOTE: 5-0**

Member Lewis commented that in the future, staff make recommendations consistent with the Policies and Procedures that have been adopted.

Member Quesada stated there is nothing in writing determining how to fill a position vacancy during mid-term. He was hoping to appoint the Planning Commission Member at tonight's meeting for expediency rather than leaving the Planning Commission short-staffed.

4. **APPOINTMENT**

Community Advisory Commission Appointments

Six openings exist on the Community Advisory Commission in all quadrants. The City has advertised for all openings and received five applications for two quadrants.

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On motion by Member Beals-Rogers, seconded by Member Rios, to continue the Community Advisory Commission Appointments to the February 19, 2002 meeting by the following vote: **VOTE: 5-0**

PUBLIC HEARING

1 **ORDINANCE 02-1190**

Petsport Rezoning Ordinance

This is an application by Peter Hass requesting approval of a rezoning of 1.2 acres from RM (Medium-Density Residential) to CS-O (Service Commercial with a Limited Overlay) conditionally permitting Limited Manufacturing located at 1160 Railroad Avenue; APN 086-122-029.

City Manager Casey presented the staff report.

Mayor Aiello opened the public hearing.

BRUCE OHLSON, stated Pittsburg's bicycle community would like a reasonable amount of bicycle parking included if the zoning is changed.

Member Lewis stated he does not understand how this area was ever approved as medium residential as it has always been a commercial area with a long history as a Lucky Store. He stated the rezoning was consistent with the intent of the use of the property. He concurs with Mr. Ohlson that adequate bicycle parking be provided at the entrance to the establishment.

On motion by Member Lewis, seconded by Member Beals-Rogers to accept by title only, waive further reading and introduce Ordinance 02-1190 by the following vote: **VOTE: 5-0**

ADJOURNMENT

There being no further business, the City Council adjourned at 8:23 p.m. to February 19, 2002.

Respectfully submitted,

Lillian J. Pride
City Clerk