

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**January 7, 2002**

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:11 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 – Anticipated Litigation pursuant to Government Code Section 54956.9 regarding three (3) cases and Conference with Labor Negotiators pursuant to Section 54957.6. There was nothing to report.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Administrative Analyst, Dave Hobbs  
Director of Economic Development, Garrett Evans  
Economic/Redevelopment Coordinator, Brad Nail  
Director of Finance, Jim Holmes  
Director of Personnel Services, Marc Fox  
Director of Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Director of Planning and Building, Randy Jerome  
Acting City Engineer, Wally Girard  
Senior Engineer, Joe Sbranti  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
Police Commander, Evan Kohler  
Executive Assistant to the City Manager, Alice Evenson

**PLEDGE OF ALLEGIANCE**

Jim Holmes led the Pledge of Allegiance.

**CITIZEN REMARKS**

There were no citizen remarks.

**MEMBER REMARKS**

There were no member remarks.

## **CONSENT**

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

- a. **MINUTES** Dated: December 3, 2001 and December 10, 2001

Approved Minutes dated December 3 and December 10, 2001.

- b. **RESOLUTION 02-809** Adopting Amended Rules for Business Tenant Preference and Owner Participation and Authorizing Transmittal of Same to the City Council of the City of Pittsburg

Pursuant to California Redevelopment Law, rules for owner participation and business tenant preferences must be provided for each redevelopment project area. The Pittsburg Redevelopment Agency adopted such rules as part of the adoption of the Redevelopment Plan for the Los Medanos Community Development Project. It is the policy of the Agency to minimize acquisition to the extent reasonably consistent with the goals and objectives of the Amended Plan, and therefore the Agency's policy of encouraging participation of property owners and businesses within the Project Area shall be vigorously pursued.

Adopted Resolution 02-809.

## **PUBLIC HEARING**

1. **MINUTE ORDER** RDA Plan Deletion

City Attorney Daube reported that the Redevelopment Agency of the City of Pittsburg (the Agency) staff had caused to be prepared the Amendment to the Redevelopment Plan to delete territory from the Los Medanos Community Development Project (the "Plan Amendment"), and related reports and environmental documentation. Pursuant to the California Community Redevelopment Law, the Agency opened a joint public hearing with the City Council on Monday, November 19, 2001. It was recommended that the Agency continue the Joint Public Hearing until March 18, 2002 so that staff could assess the impact the expansion would have on the Los Medanos Community Development Project.

Chair Aiello opened the public hearing. There was no one to speak to the item, which was then continued to the March 18, 2002 meeting.

Chair Aiello CONVENED THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY JOINTLY to consider the following:

2. **RESOLUTION 02-810** Lease Agreement Between the Redevelopment Agency

and Contra Costa County for the Use of 415 Railroad Avenue (Redevelopment Agency)

2. **RESOLUTION 02-9542** Lease Agreement Between the Redevelopment Agency and Contra Costa County for the Use of 415 Railroad Avenue (City Council)

City Manager Willis Casey reported that the Pittsburg Redevelopment Agency and the County of Contra Costa (the "County") had negotiated terms for the lease of 415 Railroad Avenue located on the east side of Railroad Avenue in the downtown between 4<sup>th</sup> Street and 5<sup>th</sup> Street. The County would lease the premises for \$7,500 per month for a two and a half-year period commencing retroactively to July 1, 2001. The Agreement represented a value of \$225,000 to the Agency over the life of the term.

Mr. Casey recommended that the Lease Agreement between the County and the Pittsburg Redevelopment Agency be approved, and that the Agency authorize and direct the Executive Director of the Agency to execute the Agreement on behalf of the Agency.

Mayor Aiello opened the public hearing for the Redevelopment Agency's Resolution 02-810 and the City Council's Resolution 02-9542.

BEN JOHNSON, Pittsburg, inquired how the lease was structured as far as the responsibility for the maintenance of the building was concerned.

Director of Economic Development Garrett Evans reported that staff was working out one final item with the County prior to the approval and execution of the lease. At this time, he recommended that the item be opened, that comments be taken and that the item be continued to the meeting of January 22, 2002. He noted that the City and Redevelopment Agency had a new policy where the City would take care of the shell of the building including the roof and HVAC, while the internal maintenance related to the improvements would be the responsibility of the tenant, which policy would be implemented in all future lease agreements.

Mayor Aiello continued the public hearings on Resolution 02-810 and Resolution 02-9542 to the meeting of January 22, 2002.

3. **RESOLUTION 02-811** Disposition and Development Agreement With James Miller and Jean Miller for the Sale and Development of APN 085-171-013-7, Located at the Southwest Corner of Cumberland Street and 6<sup>th</sup> Street (Redevelopment Agency)
1. **RESOLUTION 02-9540** Disposition and Development Agreement With James Miller and Jean Miller for the Sale and Development of APN 085-171-013-7, Located at the Southwest Corner of Cumberland Street and 6<sup>th</sup> Street (City Council)

City Manager Casey reported that the Pittsburg Redevelopment Agency and James Miller and Jean Miller ("Developer") had negotiated terms for the disposition and development of Assessor's Parcel No. 085-171-013-7 located at the southwest corner of Cumberland Street and 6<sup>th</sup> Street. James and Jean Miller would purchase the parcel for \$26,000. The purchase price represented fair market value as determined by an appraisal dated September 10, 2001. The proposed development would consist of a mixed-use, infill project including ground floor office space and two second story apartment units.

Mr. Casey recommended that the Disposition and Development Agreement (DDA) between James Miller and Jean Miller and the Pittsburg Redevelopment Agency be approved, that the Chairman of the Agency be authorized and directed to execute the Agreement on behalf of the Agency and that the Executive Director of the Agency be authorized and directed to attest thereto. The Chairman and Executive Director were further authorized to execute such further documents and take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to the Agreement.

Mayor Aiello opened the public hearing for the Redevelopment Agency's Resolution 02-811 and the City Council's Resolution 02-9540. There was no one to speak for or against the resolution. The public hearing was closed.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-811.

On motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers and carried unanimously to adopt Resolution 02-9540.

**ADJOURNMENT:**

There being no further business, the meeting of the Redevelopment Agency adjourned at 7:22 P.M. to the Workshop regarding the Financial Status of the City on January 14, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**January 7, 2002**

Mayor Frank Aiello called the meeting of the City Council to order at 7:23 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager, Willis Casey  
Assistant City Manager, Nasser Shirazi  
City Attorney, Linda Daube  
Assistant City Attorney, Carol Victor  
City Clerk, Lillian Pride  
Administrative Analyst Dave Hobbs  
Director of Economic Development, Garrett Evans  
Economic/Redevelopment Coordinator, Brad Nail  
Director of Finance, Jim Holmes  
Director of Personnel Services, Marc Fox  
Director of Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Director of Planning and Building, Randy Jerome  
Acting City Engineer, Wally Girard  
Senior Engineer, Joe Sbranti  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
Police Commander, Evan Kohler  
Executive Assistant to the City Manager, Alice Evenson

Given that this was the first meeting of the new year, Mayor Aiello took this opportunity to highlight the various informational items included on each meeting agenda, including the "Notice to Public" section where designated spokespersons for recognized groups or organizations would be allowed five minutes to address the Council, and individual parties would be allowed three minutes to address the Council. He stated that he would allow and adhere to a five minute speaker limit for all individuals.

**CITIZENS REMARKS**

BRUCE OHLSON, Pittsburg, as Pittsburg's bicycle advocate, reported that the Safe Routes to School Bill had been signed into law by Governor Davis, which law provided \$70 million more for bicycle and pedestrian facilities to allow children to get to school safely.

Noting that California cities had submitted \$244 million worth of projects for the \$40

million available two years ago, Mr. Ohlson emphasized the importance of safe routes and reported that approximately 25 percent of local morning commute traffic was associated with parents dropping children off at school, and 78 percent of children Statewide had failed the standard fitness test offered last spring.

Mr. Ohlson stated that he would be addressing the Pittsburg Unified School District (PUSD) Board of Directors requesting that they work with the City Traffic Engineering Department to identify suitable projects. He requested that the City Council instruct staff to submit several projects for each of the three funding cycles.

LONELL NOLEN, Pittsburg, presented information related to a preliminary business he proposed in the City at 985 Railroad Avenue, the site of the former Salty Dog. He noted that he had discussed his proposal with City staff and had been apprised of the possibility that the property could be demolished. He expressed an interest in enhancing the property on the corner. He reported that it was his intention as Phase I to open up a lounge, with a Phase 2 restaurant on the Tenth Street side of the building. He acknowledged that there had been issues in the past with the building, an issue he had discussed with the Code Enforcement Division. He reiterated his desire to pursue the use of the building and he requested that the item be placed on a future agenda as he continued through the planning process for his project.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) referred to the flooding of the Pittsburg/Antioch Highway west of Loveridge Road and the sand bags that had been placed at the corner of Diane and California Avenues. He referenced his previous comments related to the clean-out of the Dow Channel and he reiterated his previous comments that the cleaning had not gone far enough. He suggested that had the clean-out been carried farther, the road would not have flooded. He suggested that the City had not cleaned the creek more than 200 feet west of Loveridge Road, which had created the problem. Mr. Mims noted that the rains that had occurred to create the flooding were not as serious as could occur and he expressed concern for potential flood impacts to that part of the community if heavier rains were to occur.

Mayor Aiello stated that he had requested the placement of the sandbags as a preventative measure to address potential flooding at the site.

BEN JOHNSON, Pittsburg, inquired when the sound wall on Buchanan Road would be completed, to which Public Services Director John Fuller advised that the contractor was scheduled to do the work on January 9 if it did not rain in that the footings could not be placed until the rain had eased. Mr. Fuller clarified that the wall was not a pre-cast wall. It would be a built-in-place wall to attempt to avoid the failure that had initially created the problem.

## **COUNCIL REPORTS**

Councilmember Lewis referenced a report received on January 2, 2002, which had outlined pending projects through the planning process. He requested information on the Arco station that had been proposed on the southwest corner of Leland and Loveridge Roads given his understanding that property had been zoned for Office Commercial purposes.

Director of Building and Planning Randy Jerome reported that staff had received an application for an Arco station on the southwest corner of Leland and Loveridge Roads. He noted that an application had been approved a number of years ago for a similar service station that had not been built. He advised that the General Plan land use was Retail Commercial, although the site had historically been designated as Office Commercial with the intent at that time to reserve areas for additional medical office uses in that area. M Jerome explained that two other sites had been keyed in for service stations; the current Shell site and the Navlet's property, which had later been occupied by a restaurant and auto parts store. He explained that the Council had approved a land use change to allow more general types of uses on that corner. He clarified that the Arco station would require a use permit to be evaluated by the Planning Commission. If appealed, that item would be referred to the City Council.

Councilmember Quesada noted that he had attended a number of meetings, such as the East Contra Costa Regional Fee and Financing Authority (ECCRFFA), and stated that there would be another ECCRFFA and TRANSPLAN meeting on January 10. He advised that the City's written comments had not been identified at the previous ECCRFFA meeting, and ensured this would be done at the January 10 meeting. Councilmember Quesada also attended a meeting with the City of Vallejo and Island Energy where some residential and commercial uses had been proposed. He reported that significant fees were being imposed to any use occupying the island, which had made it more difficult to secure businesses for that area. He noted that the City Attorney and the Economic Development Director were pursuing a mutual agreement to address the situation. A report on that issue would be provided when available.

Councilmember Rios wished everyone a Happy New Year and a Prospero Año Nuevo. She reported that she had attended the League of California Cities (LCC) meeting in Sacramento when Governor Davis made a presentation to the League and indicated that he would not take away the portion of the vehicle license fee (VLF) that would otherwise be distributed to the City. She also noted the communications related to a quarter sales tax that would be directed to firefighters and law enforcement personnel. She stated that the majority of those present had not been impressed with the Governor's presentation. Councilmember Rios also reported that she had also attended the Mayors' Conference.

Mayor Aiello reported that he had attended the Mayors' Conference in San Pablo and that the next agenda of the Mayors' Conference would include an item related to the power issue. He added that the City would be getting the support of the County that the move by the State to take over \$100 million from the City was incorrect. In addition, there was an anticipated majority of support from the County Board of Supervisors to endorse the City's efforts to retain the power plant funds. He stated that a presentation would be made to the

LCC to solicit League support to ensure that the monies remained in Pittsburg.

## **PRESENTATION**

### 1. Shopping Cart Report

City Manager Casey reported that the City's Shopping Cart Ordinance had been in effect for one year. The report and the accompanying presentation were intended to provide the City Council with an overview of the effectiveness of the ordinance. The presentation would also provide the City Council with an opportunity to comment on the Abandoned Shopping Cart Abatement Program and provide direction to staff if desired.

Administrative Analyst Dave Hobbs reported that the program had been running almost two years having become active in February 2000. He stated that the Pittsburg ordinance was different in that the approach had involved the Public Services Department and the retailers as an active participant in the program. There were 21 retailers identified as needing to participate in the program, which were those with more than ten shopping carts in their cart fleet. In addition, the Police Department had been involved with enforcement when shopping carts were removed without permission. The Police Department had retained over 140 individuals who were in illegal possession of a shopping cart.

Mr. Hobbs also noted that one of the most successful components of the program was the institution of a Shopping Cart Hotline, which was operated through Public Services Department Administrative staff. He added that while the program was working well, it was not perfect and additional efforts to improve the system were being implemented. He expressed thanks to the members of the public who had called and who had assisted City staff in locating shopping carts off-site. He also explained that flyers had been included in water billings and would be again in February to solicit further public assistance in addressing the problem.

Mr. Hobbs stated that other cities had contacted the City with respect to its ordinance and he commended the efforts of Councilmember Lewis in working with the business community, the retailers, and the State Grocer's Association, which had allowed the City to take a comprehensive approach and be more successful than some of the other communities that had tried to approach the issue. Mr. Hobbs added that Pittsburg could take pride in the comprehensive approach it had pursued as part of the Shopping Cart Ordinance.

Councilmember Lewis stated that while the City had made an effort to deal with the problem, he was not totally satisfied with that effort and suggested that there are problems with the Shopping Cart Hotline. He commented that he and others had made calls to the Hotline and there had been several days to a week or more before the carts had been removed. He recommended that any cart reported on the Hotline should routinely be removed within 48 hours. While not a high profile crime, he suggested that not enough time and effort had been spent by the Police Department to enforce the ordinance. He



noted, for instance, a continuing problem around the recycling center and bus stops where numerous carts had routinely been abandoned. Councilmember Lewis commented that Ross and Albertsons stores had instituted successful measures to keep the shopping carts on their property. He noted that 40 citations had been issued to those who had taken carts from store property. He suggested that the ordinance be more rigorously enforced to upgrade the image of the City and he urged that a penalty be imposed. He also recommended that the retailers of the community make a concerted effort to police the carts around the vicinity of their property.

Mayor Aiello suggested that no store would authorize an employee to pick up carts outside the store boundaries given the extreme liability. He also explained that a union employee could be terminated for going off the premises of a work site. He suggested that Councilmember Lewis consider more stringent guidelines and return them to the Council for consideration.

### **CONSENT CALENDAR**

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

- a. **DISBURSEMENT LIST**      Period Ending: December 6, 2001, December 10, 2001, December 27, 2001

Approved Disbursement Lists dated December 6, December 10 and December 27, 2001.

- c. **CLAIMS**                      #1412 Irineo Garcia; #1412A Leonar Garcia; #1413 Eleanor Culcasi; #1416 David L. Kehler; #1419 Augustine Mayfield; #1420 Linda F. Nellums

Denied Claims #1412 Irineo Garcia; #1412A Leonar Garcia; #1413 Eleanor Culcasi; #1416 David L. Kehler; #1419 Augustine Mayfield; #1420 Linda F. Nellums.

- d. **RESOLUTION 02-9539**      Amending Personnel Rules to Include Veterans Preference

Government Code Section 50088 requires cities to establish a veterans' preference for applicants in entrance examinations in the competitive service by January 2002 or adopt a resolution indicating why it is not implementing such a system. Proposed Personnel Rule 44, Veterans Preference, attached as Exhibit A, would establish such a veterans' preference system in compliance with the Government Code.

Adopted Resolution 02-9539.

- e. **RESOLUTION 02-9541**      Reclassification of Positions at Golf Course

The City Manager proposes a reorganization of City golf course positions through the use of qualified Recreation/Leisure Services employees instead of PGA-certified golf professionals.

Adopted Resolution 02-9541.

The following item was pulled from the Consent Calendar for discussion.

- b. **MINUTES**                      Dated: December 3, 2001 and December 10, 2001

Vice Mayor Beals-Rogers had pulled the item to inquire of the status of the November 16, 2001 meeting minutes, which had not yet been approved.

City Attorney Daube reported that the minutes would be submitted for approval at the next Council meeting or the meeting thereafter.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Rios to approve the minutes dated December 3 and December 10, 2001, as submitted.

## **CONSIDERATION**

1. **MINUTE ORDER**                      City Council Committee Assignments

In accordance with the City of Pittsburgh "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 Councilmembers to standing and ad hoc committees and such appointments shall be approved by the entire Council at its first meeting in January following reorganization.

Mayor Aiello made a correction to the report that Councilmember Quesada had been designated as the member to the ECCRFFA, while Councilmember Rios was the alternate.

Vice Mayor Beals-Rogers reported that she and the Mayor met in early December to discuss the requests for committee assignments by Councilmembers. Taking into consideration the requests that had been made, she suggested that both she and the Mayor had come to conclusions on a fair and equitable process and had taken steps to operate more efficiently and functionally to delete inoperable committees and to add new necessary committees.

Mayor Aiello noted the committee assignments that had been deleted were the AT&T, Industrial Advisory, and Civic Center Arts Committees, and Economic Development and

Centennial Celebration Committees had been added, while it had been recommended that the RDA , Economic Development and School Liaison Subcommittees be scheduled on a quarterly basis, or more as needed, with referral to the PUSD and the Mt. Diablo Unified School District (MDUSD) to allow them to take collaborative action.

Vice Mayor Beals-Rogers also requested that staff assignments be made to each committee, and when done requested that a meeting be set up as soon as possible for the Centennial Celebration Committee.

Councilmember Lewis noted for the record that the Committee List in the agenda did not match the Committee List in the packet. He clarified that the Committee List in the packet was the list submitted for approval. He was advised that was the case.

On motion by Councilmember Lewis, seconded by Councilmember Rios and carried unanimously to approve the Councilmember Committee Assignments for 2002, shown as Exhibit A in the staff report dated January 7, 2002.

## 2. **MINUTE ORDER** LMCH Board Appointment

City Attorney Daube reported that Mayor Aiello and Councilmember Rios had requested that the City Council send a letter to Supervisor Federal Glover and the Contra Costa County Board of Supervisors concerning the recent appointment of Bruce Croskey to the Los Medanos Community Healthcare District Board. The gist of the proposed communication was that the City Council felt that a candidate with more voter support in the 2000 election should have been selected. The recommendation was to adopt a minute order to that effect.

WILLIE MIMS, Pittsburg, reported that he had read the minute order and he inquired how the adoption of that order would in any way change the makeup of the Los Medanos Community Hospital Board. He noted that the Council had previously made appointments to Commissions that had not been supported by the public. He suggested that the City had more pressing issues that warranted the Council's attention, such as the issue of the two power plants given the tremendous potential loss of revenue from the City.

DARNELL TURNER, Secretary of the Los Medanos Hospital Tax District, and speaking as a resident, taxpayer and voter, stated that for too long the voters and taxpayers had been denied due process as to how the tax district tax dollars should be spent. Without voter approval, he stated that a Board majority that willfully circumvented voter input had unilaterally shifted the mission of the LMCH. He stated that the District was using tax money to support causes that brought no benefit to the LMCH. Mr. Turner objected to the appointment of Bruce Croskey to the LMCH Board in defiance of the voters and taxpayers of the District, given that Mr. Croskey had finished fourth among four candidates to the Board and whose policies, practices and behaviors were repugnant to voters and taxpayers.

To address that concern, he requested that the Council communicate by letter to the

Hospital Tax District, the Local Agency Formation Commission (LAFCO), Senator Torlakson, the Bay Point Municipal Advisory Commission (MAC), the County Board of Supervisors and the State Assembly in support of the voters and taxpayers deciding the future of the District, whether or not it should dissolve or evolve. He also asked the Council to go on record against the District's unilateral change from an organization that provided vital hospital and medical services to one that now merely gave away tax money.

TANYA LEE DUKE, Bay Point, noted that she had run in the 2000 election to offer a voice to Bay Point in that a Bay Point resident had not sat on the LMCH Board for over ten years. As a member of the community that helped pass the bond for the hospital, she had gotten involved in a grass roots campaign and had campaigned as part of that process. She was appalled with the way the situation had been handled and she sought a way to address the needs of the District. She supported the Minute Order in that the voters needed to be heard and to ensure that others needed to be part of the process.

DAN DeMIGLIO, Pittsburg, thanked the Council for placing the item on the agenda, which would notify the County that the City did not support the County's action related to the District. He suggested that the letter would make a difference. He noted that protocol in the County had always been that the next highest recipient of the vote in an election was appointed, contrary to the action taken by Supervisor Glover, who had picked the person who had placed last, which person he suggested was responsible for the loss of the Hospital as he had let the LMCH license expire. He supported the Minute Order and urged the Council to send the letter.

Vice Mayor Beals-Rogers requested an amendment to the letter to ensure that it was also submitted to Senator Torlakson, Assemblyman Canciamilla, the LMCH District Board, LAFCO, the Bay Point MAC and the Board of Supervisors.

Councilmember Lewis noted that the situation was a long running problem in the City, and an issue during the last two to three elections for the LMCHD. He stated that the City Council had not been asked whether or not it wanted to take over the Hospital before the dissolution backers assumed that would be the Council's course of action.

Whether pro or anti-dissolution of the LMCHD, Councilmember Lewis suggested that a majority needed to be elected to the Board of Directors that favored dissolution. He suggested it was appropriate that Supervisor Glover had appointed a person who would essentially be a caretaker for the next eleven months until the next election when the issue would hopefully be decided by ballot when a clear majority of pro or anti-dissolution could be elected. He suggested that shifting the balance onto the Board of Directors for pro or anti-dissolution by appointing someone from the opposite camp would fly in the face of the Democratic process. He therefore suggested that it would be inappropriate for the City to send the letter.

Vice Mayor Beals-Rogers suggested that the voters had spoken, that the process was one that needed to be followed and she made a motion to submit the letter.

Councilmember Rios concurred that the voters had spoken and seconded the motion.

Mayor Aiello sought the inclusion of more information. He concurred that the voters had spoken, that the voters had asked for dissolution, which dissolution had been denied by LAFCO by a six to one vote, and had rejected the will of the voters. He recommended that the letter include the fact that there was a conflict of interest by the Board of Supervisors given that the Board was the tenant to the LMCHD as the landlord. He added that the City would have to reiterate to the County that under no circumstances would the community accept a mental health clinic at the LMCH facility or at the School Street site. He stated that the County had made a commitment to the City and had agreed that would not occur, although the County was pursuing that very thing. He emphasized that the community would not accept a Mental Health Clinic at the LMCH facility or at the School Street site.

Councilmember Lewis suggested that the modifications had exceeded the scope of the agenda. While he did not disagree with some of the comments, he could not support the letter as modified. He also suggested that there was no conflict of interest and noted that whether or not the LMCHD was dissolved, the ability to use the building would move forward. He suggested that the two issues of the County's use of the building and the dissolution of the LMCHD were two separate issues. He reiterated that if the dissolution backers wanted to dissolve the LMCHD, the Board needed to be comprised of a majority in favor of dissolution.

When asked, City Attorney Daube stated with respect to the conflict of interest issue, that the suggestion had been that there might be a conflict of interest. A determination of a conflict as a matter of law would require further evaluation.

Mayor Aiello commented that there was the appearance of perceived conflict and under a Fair Political Practices Commission (FPPC) ruling that appearance would justify that there was a conflict at the Directors level.

City Attorney Daube noted that the letter could indicate that there was a perceived conflict. She also noted that the comment that "under no circumstances would the City accept a mental health clinic at either the LMCH site or at the School Street site" could also be added to the letter.

Councilmember Lewis recommended the preparation of two letters given his support of a statement in opposition to the placement of mental health facilities at the clinic at Loveridge and Leland Roads and at School Street.

Vice Mayor Beals-Rogers would not accept the preparation of two letters given that the letter related to the process of voter rights and following the process of the voting laws and had nothing to do with dissolution issues or local politics. She suggested that there was a conflict. With respect to the mental health issue, she supported the inclusion of a statement in firm opposition to a mental health facility at the two locations.

Councilmember Lewis pointed out that the last two times there had been a vacancy on the City Council, the next highest vote getter had not been appointed to the City Council. As such, he suggested that there was nothing in the law requiring that the next highest recipient of the vote be appointed to fill a vacancy.

As the second to the motion offered by Vice Mayor Beals-Rogers to approve the letter as modified, Councilmember Rios also declined the request for two separate letters. She emphasized that the Council was trying to establish some order in the City.

Mayor Aiello stated that the matter had to do with the respect of the will of the voters of the City, Bay Point and the LMCH District. He urged a strong statement to the County that the City of Pittsburg would no longer tolerate disrespect from the County.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Rios to adopt by Minute Order the proposed communication attached as Exhibit A to the staff report dated January 7, 2002, as amended, carried by the following vote:

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

3. **RESOLUTION 02-9543** Highway 4 - Harbor Street Cooperative Agreement

City Manager Casey presented the agreement between CALTRANS, the Contra Costa Transportation Authority (CCTA) and the City for the implementation of improvements related to the widening of Highway 4 in the vicinity of Harbor Street. It includes provisions for a new Harbor Street freeway over-crossing, installation and payment of \$350,000 by the City for a 20" diameter City waterline in the over-crossing, and construction and maintenance of a new signal at the Harbor Street/California Avenue intersection.

Mr. Casey recommended the adoption of the resolution authorizing the City Manager to execute the cooperative agreement with minor revisions as indicated in the resolution, on behalf of the City.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to adopt Resolution 02-9543.

**PUBLIC HEARING**

1. **RESOLUTION 02-9540** Disposition and Development Agreement With James Miller and Jean Miller for the Sale and Development of APN 085-171-013-7, Located at the Southwest Corner of Cumberland Street and 6<sup>th</sup> Street

The resolution was approved in Joint Session with the Redevelopment Agency.

2.    **RESOLUTION 02-9542**    Lease Agreement between the Redevelopment Agency and Contra Costa County for the Use of 415 Railroad Avenue

In Joint Session with the Redevelopment Agency, Resolution 02-9542 was continued to the meeting of January 22, 2002.

**ADJOURNMENT**

There being no further business, the meeting of the Redevelopment Agency adjourned at 8:35 P.M. to the Workshop regarding the Financial Status of the City on January 14, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

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**CITY OF PITTSBURG**  
**Pittsburg Power Company Minutes**  
**January 7, 2002**

Chair Frank Aiello called the meeting of the Pittsburg Power Company to order at 8:36 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Administrative Analyst, Dave Hobbs  
Director of Economic Development, Garrett Evans  
Economic/Redevelopment Coordinator, Brad Nail  
Director of Finance, Jim Holmes  
Director of Personnel Services, Marc Fox  
Director of Leisure Services, Paul Flores  
Director of Public Services, John Fuller  
Director of Planning and Building, Randy Jerome  
Acting City Engineer, Wally Girard  
Senior Engineer, Joe Sbranti  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
Police Commander, Evan Kohler  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

There were no citizens remarks.

**MEMBERS REMARKS**

There were no Member remarks.

**CONSENT**

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

a. **MINUTES**

Dated: November 5, 2001



Approved Minutes dated November 5, 2001.

## **CONSIDERATION**

1. **RESOLUTION 02-064**      Accepting Water Treatment Plant Dredge Spoils Contract as Complete

Executive Director Willis Casey reported that the Pittsburg Power Company awarded the Water Plant Dry Sludge Removal and Disposal Contract on October 15, 2001 to AEI Consultants, Incorporated. The work was completed on November 15, 2001, and the contract was ready to be accepted by the Pittsburg Power Company as complete.

Mr. Casey recommended the adoption of Resolution 02-064 and the Acceptance of the Water Treatment Plant Dry Sludge Removal and Disposal Contract as complete for the amount of \$63,539.

Public Services Director John Fuller reported that the project had come in way under budget.

Vice Chair Beals-Rogers commended staff for the project that had come in well under budget.

On motion by Vice Chair Beals-Rogers, seconded by Member Rios and carried unanimously to adopt Resolution 02-064.

## **ADJOURNMENT**

The meeting adjourned at 8:38 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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