

CITY OF PITTSBURG
Housing Authority Minutes
December 16, 2002

Chair Yvonne Beals called the meeting of the Housing Authority to order at 7:02 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met in Closed Session at 5:00 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 of the Government Code regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334, Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. N02-0401, City of Pittsburg v. USS Posco Industries, Superior Court Case No. C02-00374, and Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065. Reconvening from Closed Session at 5:46 P.M., City Attorney Daube advised that there was nothing to report from Closed Session, after which the Council then convened the Public Workshop on Bonds/Finance.

MEMBERS PRESENT: Glynn, Kee, Leatherwood, Parent, Rios, Beals

MEMBERS ABSENT: Wallen

STAFF PRESENT: Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Assistant Legal Counsel, Carol Victor
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
City Engineer, Joe Sbranti
Personnel Services Director, Marc Fox
Interim Finance Director, Pete Kolf
Director of Housing, Buck Eklund
Planning Manager, Melissa Ayres
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Leon Bagsby led the Pledge of Allegiance.

At this time, Mayor Beals highlighted several changes to the Notice to Public attachment to each meeting agenda.

Mayor Beals referred to Audience Remarks that were for Closed Session items only, which would be taken prior to Closed Session. She explained that Citizens Remarks were a period of time when the public could address the Council on any issue that was not scheduled for the agenda and on any item listed as part of the Consent Calendar. The

change in this case was that items would not be pulled off of the Consent Calendar for members of the audience. Consent items would only be pulled for discussion by the City Council. Any public comments to be made with respect to the Consent Calendar would be made under the Citizens Remarks portion of the agenda. She added that the previously established three-minute speaking limit would be enforced.

Mayor Beals further explained that no citizens remarks would be permitted on any item scheduled as a Presentation or Proclamation on the agenda.

CITIZENS REMARKS

There were no citizen remarks.

MEMBERS REMARKS

There were no Member remarks.

CONSENT

On motion by Vice Chair Rios, seconded by Member Glynn and carried unanimously to approve the Consent Calendar, with the removal of Item b.

a. **DISBURSEMENT LIST** Period Ending: November 30, 2002

Approved Disbursement List dated November 30, 2002.

The following item had been removed from the Consent Calendar.

b. **MINUTES** Dated: November 18, 2002

On motion by Vice Chair Rios, seconded by Member Parent to approve the minutes dated November 18, 2002, carried by the following vote:

Ayes: Glynn, Kee, Parent, Rios, Beals
Noes: None
Abstain: Leatherwood
Absent:Wallen

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:07 P.M. to the next regular meeting on January 21, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
Redevelopment Agency Minutes
December 16, 2002

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:08 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met in Closed Session at 5:00 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 of the Government Code regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334, Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. N02-0401, City of Pittsburg v. USS Posco Industries, Superior Court Case No. C02-00374, and Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065. Reconvening from Closed Session at 5:46 P.M., City Attorney Daube advised that there was nothing to report from Closed Session, after which the Council then convened the Public Workshop on Bonds/Finance.

MEMBERS PRESENT: Glynn, Kee, Parent, Rios, Beals

MEMBERS ABSENT: None

STAFF PRESENT: Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Assistant Legal Counsel, Carol Victor
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
City Engineer, Joe Sbranti
Personnel Services Director, Marc Fox
Interim Finance Director, Pete Kolf
Director of Housing, Buck Eklund
Planning Manager, Melissa Ayres
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 Parent, seconded by Vice Chair Rios and carried unanimously to approve the Consent Calendar, as follows:

- a. **MINUTES** Dated: December 2, 2002 and December 6, 2002

Approved Minutes dated December 2 and December 6, 2002.

- b. **RESOLUTION 02-857** Acceptance of Contract 01-11, Marina Center Improvements as Complete and Authorizing the City Engineer to Execute a Notice of Final Completion

Adopted Resolution 02-857.

- c. **RESOLUTION 02-858** Reconsideration of the Approval of a Loan and Repayment Agreement for Services Between the Redevelopment Agency and the City of Pittsburg

Adopted Resolution 02-858.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:09 P.M. to the next regular meeting on January 6, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
December 16, 2002

Mayor Yvonne Beals called the meeting of the City Council to order at 7:10 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met in Closed Session at 5:00 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 of the Government Code regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334, Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. N02-0401, City of Pittsburg v. USS Posco Industries, Superior Court Case No. C02-00374, and Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065. Reconvening from Closed Session at 5:46 P.M., City Attorney Daube advised that there was nothing to report from Closed Session, after which the Council then convened the Public Workshop on Bonds/Finance.

MEMBERS PRESENT: Glynn, Kee, Parent, Rios, Beals

MEMBERS ABSENT: None

STAFF PRESENT: Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
City Engineer, Joe Sbranti
Personnel Services Director, Marc Fox
Interim Finance Director, Pete Kolf
Director of Housing, Buck Eklund
Planning Manager, Melissa Ayres
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

A.J. FARDELLA, Pittsburg, welcomed the new members of the City Council and expressed his hope that the residents of the west Pittsburg community could expect some positive results from the Council. He identified some primary concerns of west Pittsburg residents, particularly those served by the Mt. Diablo Unified School District (MDUSD). It was his understanding that a loan agreement had been reached between the MDUSD and the City and he applauded the City for its leadership in that case to allow the development of the San Marco Elementary School in the San Marco development.

Mr. Fardella also emphasized the need for a joint use park as part of the San Marco Elementary School. Unaware how the park would be funded, he referred to a sheet provided by the developer, Seecon, that had identified 11 acres for a joint use park. He noted that the current agreement between the developer and the MDUSD was specifically for 6.3 acres, which was designated as a school site with another 3.6 acres, including a retention basin below, that was to have been developed as a joint use City park. Mr. Fardella urged the Council to take the opportunity to show that the City could plan a master community and do so well by providing the joint use park for the Elementary School.

Mr. Fardella added that Oak Hills and west Pittsburg residents were also concerned with the middle school site that had been established by the previous City Council on the Alves property, and had been specified to be a middle school on level ground. Another concern was the extension of Leland Road through to the San Marco development. He offered handouts and letters requesting the Council's support.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), brought greetings from the BPA to the new Council and expressed his hope that the coming year would spawn new directions for the City. He otherwise inquired why the public would not be allowed to speak to items on the Consent Calendar.

After Mayor Beals advised him that the public could address items on the Consent Calendar during the portion of the agenda reserved for Citizens Remarks, Mr. Mims inquired when action had been taken by the Council to make that change. When advised by the Mayor that such a change did not require a vote of the Council, he cited Section 54954.3 of the Brown Act where every agenda for a regular meeting shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public. He stated that Consent items were items of interest and he expressed concern that he would not be allowed to speak to items on the agenda.

City Attorney Daube explained that the members of the public would have an opportunity to speak to any item on the agenda. She referred to the language under Citizens Remarks and noted that during that period members of the public could speak to non-agenda items and also to any item listed under the Consent Calendar. She stated that in order to expedite the meetings, the intent was to accept those remarks prior to the time the Council considered whether or not to pull one of those items from the Consent Calendar. She stated that represented a change only in the order of speaking to an item.

In further response to Mr. Mims, the Mayor clarified that speakers would be limited to three minutes for each item being addressed.

Speaking to Item b under the Consent Calendar, the minutes of the December 2, 2002 meeting, Mr. Mims stated that he had requested at that time to be specifically allowed to address the new City Council, which request had been denied and which the minutes had not reflected. He requested that his statement be included. He added that the denial to his request to speak to the new Council at that time had also been a violation of the Brown Act.

Further under Presentations, Mr. Mims questioned the change where members of the public would not be allowed to speak. He inquired when that change had occurred.

In response, City Attorney Daube advised that each new Mayor had an opportunity to develop and determine how he/she would like to conduct business. While that had been the policy of the City Council, she stated there was an intent to make it very clear how the meeting would be conducted. In the case of presentations, there was no formal action taken and there was no comment taken from the public.

Mayor Beals explained in further response to Mr. Mims's comments that the public was not being allowed the right to speak, that presentations were from organizations or entities directly to the City Council and required no action. As a result, she stated that there was no need for public comment on presentations to the Council other than from the recipient or the presenter. That situation had been clarified in writing on the agenda.

Mr. Mims requested that any major changes be made by a vote of the City Council.

ROGER RILEY, Pittsburg, welcomed the new Council and stated that he looked forward to working with the Council. His concern was the downtown and his efforts over many years attempting to develop his property. He noted that he had several meetings with staff, although nothing had come of his efforts to develop the property. At the time he had purchased the property it had been included in the Los Medanos Redevelopment Area and a parking lot had been proposed adjacent to his property. He stated that the parking lot had been funded twice and in spite of promises nothing had been done. He urged the Council to assist him in whatever planning was necessary to allow him to develop his property. He commented that he was trying to work in concert with the City and did not want to be in an adversarial position unless forced to do so.

BRUCE OHLSON, Pittsburg, spoke to Resolution 02-9725 on the Consent Calendar where the City and the developer of Century Plaza had built dual right turn lanes from Century Boulevard onto southbound Somersville Road, and the resolution addressed the payment for that work. Explaining that was not his concern, he stated that the bicycle community was concerned with the pedestrian crossing at the intersection and noted that most bicyclists became pedestrians to cross dual right turn lane situations and Caltrans currently had a task force working on methods for pedestrians and bicyclists to cross such areas. As such, he requested that the Engineering Department be aware of the task force and explore the adoption of any reasonable recommendations that Caltrans might make for Statewide safety of pedestrians and bicyclists in dual right turn lane situations.

With respect to Resolution 02-9726, also on the Consent Calendar, Mr. Ohlson noted that dealt with the construction of a road between Century Boulevard and the eastern portion of California Avenue. He thanked the City Council and staff for creating bicycle lanes on that roadway. He explained why that was important as a connection with bicycle lanes on other roadways in and through the community.

BEN JOHNSON, Pittsburg, sought an update on the status of the hotel on California

Avenue. With respect to the Pittsburg/Antioch Highway, he stated that the street had flooded again and he sought a way to resolve that situation once and for all.

In response, Mayor Beals advised that staff would follow up to respond to Mr. Johnson's inquiries.

DR. LARRIE LANCE, Pittsburg, a member of the Oak Hills community, advised that she was one of many very active residents of that community who were seeking more services and more facilities in the community. She was particularly concerned for the preservation of schools and for the development of the park in the San Marco development. She also noted that the freeway backups west of Bay Point were onerous and frequent and the sooner Leland Road was extended the better.

MEMBERS REMARKS

Vice Mayor Rios reported that she had attended the Mayors Conference with the Mayor and the Antioch City Council meeting with the other members of the Pittsburg Council.

Vice Mayor Rios also reported that the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) had met on December 12 and had extended the agreement allowing environmental evaluations for the Buchanan Road Bypass for another year, had reported that an agreement with Tri Delta Transit and BART for the Bliss Avenue Park-and-Ride Lot was imminent, that the final copy of the State Route 4 East Corridor Transit Study had been presented, and that she had accepted a plaque presented in recognition of Frank Quesada's service to the Authority. Further, that since the City had not selected its permanent representatives to TRANSPLAN, that Committee's selection of representation to the Contra Costa Transportation Authority (CCTA) would be deferred to the January meeting at which time the City's assignments would have been made.

Mayor Beals congratulated all of the participants in this year's parade that she described as well done and well attended. She commended the Band Boosters and the Leisure Services Department who had assisted in that event. She had also attended an exercise class and holiday celebration for seniors and had been well entertained by the seniors' energy.

The Mayor reported that she had also attended the Mayors Conference in Hercules. She reported that West County cities were eager and excited with what was occurring in the City of Pittsburg. She also advised that the full Council had attended the searing in ceremony of Antioch City Councilmembers because of the statement it made with respect to regional cooperation.

Mayor Beals further advised that she had attended the Delta Diablo Sanitation District meeting at which time former Mayor Frank Aiello had been presented with a plaque in recognition of his service to that District.

PRESENTATION

1. Pittsburg Historical Society

ROGER MARTIN and ROSE SCUDERO, representing the Pittsburg Historical Society (PHS) took this opportunity to present Certificates of Recognition to each member of the Council for the many services members had previously made and continued to make to the community. Included with the certificates was a PHS membership card for each member's term of office. Mr. Martin reported that in March the PHS would formally dedicate the museum making the memorabilia that had been collected by the PHS over the years available to all members of the public. He stated that individual and collective invitations would be presented to each member prior to that time.

Mayor Beals urged Mr. Martin to make the date of the formal dedication available to Director of Recreation Paul Flores to make certain that the event would be included on the City's Centennial Calendar.

Vice Mayor Rios noted at this point that she had attended the Christmas party for the Pittsburg Historical Society.

CONSENT CALENDAR

City Attorney Daube reported that staff had requested the removal of item h, Resolution 02-9729 regarding the reclassification of Finance Department mid-management positions, due to the fact that additional research and other work was required prior to the resubmittal of the item to the City Council. It would be returned on a future Council agenda.

Councilmember Kee referred to Mr. Mim's earlier comments with respect to the minutes of the December 2, 2002 meeting and requested that the minutes be pulled to allow those corrections to be made.

On motion by Vice Mayor Rios, seconded by Councilmember Kee and carried unanimously to adopt the Consent Calendar, as follows, with the removal of Items b. and h.

- a. **DISBURSEMENT LIST** Periods Ending: November 26, 2002, December 4, 2002 and December 9, 2002

Approved Disbursement Lists periods ending November 26, December 4 and December 9, 2002.

- c. **RESOLUTION 02-9724** Reconsideration of the Approval of a Loan and Repayment Agreement for Services Between the Redevelopment Agency and the City of Pittsburg

Adopted Resolution 02-9724.

- d. **RESOLUTION 02-9725** Approval of a Project to Reimburse Century Plaza Development Corporation for a Traffic Signal and a Right Turn Lane for \$245,360

Adopted Resolution 02-9725.

- e. **RESOLUTION 02-9726** Authorization for the City Manager to Execute a New Public Highway Crossing Agreement with the Union Pacific Railroad

Adopted Resolution 02-9726.

- f. **RESOLUTION 02-9727** Amend the Internal Revenue Code Section 457 Deferred Compensation Plan

Adopted Resolution 02-9727.

- g. **RESOLUTION 02-9728** First Amendment to the Joint Exercise of Powers Agreement for Buchanan Road Bypass Project

Adopted Resolution 02-9728.

The following items were removed from the Consent Calendar.

- b. **MINUTES** Dated: December 2, 2002 and December 6, 2002

Councilmember Kee requested that the minutes of the December 2 meeting be amended to include Mr. Mims' earlier comments that he had requested to address the new City Council at the previous meeting, although the new City Council had not been sworn in at that time.

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to approve the minutes of the December 6, 2002 meeting, as submitted, and to amend the minutes of the December 2, 2002 meeting, as requested.

- h. **RESOLUTION 02-9729** Reclassification of Finance Department Mid-Management Positions

To be returned to a future agenda.

ADJOURNMENT

Mayor Beals adjourned the City Council meeting at 7:43 P.M. wishing all a Happy

Holiday season, to the next regular meeting on January 6, 2003.

Respectfully submitted,

Lillian J. Pride, City Clerk

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