

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**November 18, 2002**

Chair Frank Aiello called the meeting of the Housing Authority to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

**MEMBERS PRESENT:** Beals, Lewis, Quesada, Rios, Wallen, Aiello

**MEMBERS ABSENT:** Leatherwood

**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 the Redevelopment Agency, Garrett Evans  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Interim Finance Director, Pete Kolf  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
CDBG Coordinator, Annette Landry  
Police Records Manager, Virginia Flores  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**PLEDGE OF ALLEGIANCE**

Councilmember-elect Nancy Parent led the Pledge of Allegiance.

**CITIZENS REMARKS**

There were no citizens' remarks.

**MEMBERS REMARKS**

There were no Members remarks.

**CONSENT**

On motion by Vice-Chair Beals, seconded by Member Rios and carried unanimously

to adopt the Consent Calendar, as follows:

- a. **DISBURSEMENT LIST**      Period Ending: October 31, 2002  
Approved Disbursement List period ending October 31, 2002.
- b. **MINUTES**                      Dated: October 21, 2002  
Approved Minutes dated October 21, 2002.
- c. **RESOLUTION 02-206**      Revisions to the Housing Authority Administrative Plan  
Adopted Resolution 02-206.

### **PUBLIC HEARING**

Mayor Aiello CONVENED JOINTLY the HOUSING AUTHORITY, REDEVELOPMENT AGENCY, CITY COUNCIL, PITTSBURG POWER COMPANY, SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II and the PUBLIC FINANCING AUTHORITY to consider the new Conflict of Interest Code.

1. **RESOLUTION 02-207**      Adopt the New Conflict of Interest Code  
(Housing Authority)

Assistant City Attorney Carol Victor reported that as part of a required biennial review of the City's Conflict of Interest Code, staff had determined that the City's various related entities should adopt the City of Pittsburgh's Conflict of Interest Code as their own to ensure that all of the applicable Conflict of Interest Codes were consistent. She noted that in the past the City had attempted to mirror State regulations although that had gone out of date. It had been determined by the Fair Political Practices Commission (FPPC) that it would be better for the City to adopt the State adopted Model Conflict of Interest Code. She noted that each related entity would adopt the City's code as its own. While a major change from the past, she stated that the adoption would represent a huge improvement from the past.

Mayor Aiello opened the public hearing for all agencies. There was no one to speak for or against the resolutions.

The Mayor closed the public hearing on the Conflict of Interest Code for all agencies.

On motion by Member Rios, seconded by Member Quesada and carried unanimously to adopt Resolution 02-207 (**Housing Authority**).

The resolutions for the Redevelopment Agency, City Council, Pittsburgh Power Company, Southwest Pittsburgh Geologic Hazard Abatement District II and the Public Financing Authority where the membership involved the same five parties were considered together under the auspices of the Redevelopment Agency.

**ADJOURNMENT**

The meeting adjourned at 7:05 P.M. to the next meeting set for January 21, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**November 18, 2002**

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:06 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Interim Finance Director, Pete Kolf  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
CDBG Coordinator, Annette Landry  
Police Records Manager, Virginia Flores  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**PUBLIC HEARING**

2. **RESOLUTION 02-856** Adopt the New Conflict of Interest Code  
(**Redevelopment Agency**)
1. **RESOLUTION 02-9721** Adopt the New Conflict of Interest Code  
(**City Council**)
1. **RESOLUTION 02-083** Adopt the New Conflict of Interest Code  
(**Pittsburg Power Company**)
1. **RESOLUTION 02-008** Adopt the New Conflict of Interest Code  
(**Southwest Pittsburg Geologic Hazard Abatement District II**)

1. **RESOLUTION 02-014** Adopt the New Conflict of Interest Code  
(**Public Financing Authority**)

Assistant City Attorney Carol Victor reported that as part of a required biennial review of the City's Conflict of Interest Code, staff had determined that the City's various related entities should adopt the City of Pittsburg's Conflict of Interest Code as their own to ensure that all of the applicable Conflict of Interest Codes were consistent. She noted that in the past the City had attempted to mirror State regulations although that had gone out of date. It had been determined by the Fair Political Practices Commission (FPPC) that it would be better for the City to adopt the State adopted Model Conflict of Interest Code.

Adoption of the FPPC's model Conflict of Interest Code would ensure that the City's Conflict of Interest Code was always consistent with law, promote ease of use, and decrease the need for amendments during the biennial review process. Each related entity would adopt the City's code as its own. While a major change from the past, the adoption would represent a huge improvement from the past.

Ms. Victor added that while the items had been included on the Pittsburg Power Company, Southwest Pittsburg Geologic Hazard Abatement District II and Public Financing Authority agendas as Consent items, all were public hearing items and should be considered as such.

Mayor Aiello opened the public hearing for all agencies. There was no one to speak for or against the resolutions. The Mayor closed the public hearing on the Conflict of Interest Code for all agencies.

On motion by Member Rios, seconded by Member Quesada and carried unanimously to adopt Resolution 02-856 (**Redevelopment Agency**).

On motion by Councilmember Lewis, seconded by Councilmember Quesada and carried unanimously to adopt Resolution 02-9721 (**City Council**).

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-083 (**Pittsburg Power Company**).

On motion by Vice Chair Beals, seconded by Member Quesada and carried unanimously to adopt Resolution 02-008 (**Southwest Pittsburg Geologic Hazard Abatement District II**).

On motion by Mayor Aiello, seconded by Vice Mayor Beals and carried unanimously to adopt Resolution 02-014 (**Public Financing Authority**).

**CITIZENS REMARKS**

There were no citizen remarks.

## **MEMBERS REMARKS**

There were no Member remarks.

## **CONSENT**

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

a. **MINUTES** Dated: November 4, 2002

Approved Minutes dated November 4, 2002.

The following item was removed from the Consent Calendar:

b. **RESOLUTION 02-853** Approval of a Loan and Repayment Agreement for Services Between the Redevelopment Agency and the City of Pittsburg

The City of Pittsburg is currently providing services to the Redevelopment Agency and the Agency is compensating the City for these services. The agreement attached to the staff report dated November 18, 2002 would formalize the relationship between the Agency and the City.

Member Quesada advised that he had removed the item from the Consent Calendar given that he would be voting no.

Chair Aiello suggested that the item should be continued to the January meeting so that the new Council majority could make the decision related to the Loan and Repayment Agreement between the Agency and the City.

On motion by Chair Aiello, seconded by Member Quesada to continue Resolution 02-853 to the January 6, 2003 meeting to allow the new Council to make that decision.

Interim Finance Director Pete Kolf explained that the item was not actually a loan. It was an instrument to recognize the relationship between the Redevelopment Agency and the City of Pittsburg. He noted that the Redevelopment Agency Consultant Don Fraser had previously discussed tax increment with the Council and the methods of incurring debt so that the Agency could use tax increment through debt service for bonds, developer agreements and transactions between the City and the Agency. The item would solidify the relationship between the City and the Agency to ensure being legally able to collect tax increment to cover the administrative charges and project costs being paid directly with tax increment. He emphasized that no money or cash was being transferred between the City and the Agency.

The intent was to attach a legal status to the use of the tax increment for the purpose

of paying the administrative expenses and the project costs being paid directly with tax increment needed in order to legitimize the Statement of Indebtedness, and to ensure that the collection of \$20 million of tax increment being allocated to the two projects would not be jeopardized. As such, Mr. Kolf urged the Council to approve the item. In response to Member Rios as to the urgency in this case, he stated it was needed housecleaning to ensure the City's compliance with Redevelopment Law. Without the agreement between the City and the Agency, tax increment could not be used for administrative expenses and for direct payment of project costs, which would put \$20 million in limbo, which funds had been in limbo for quite awhile. He stated that the funds would be in jeopardy if the Agency were challenged and that the County could reallocate the funds to various other jurisdictions.

Property Manager Ursula Luna emphasized that because of the State budget crises, the State Department of Housing and Community Development (HCD), which audited redevelopment agencies, was only auditing agencies within driving distance. She stressed the City's vulnerability and the need to be compliant now since the City had not been compliant in the past.

Member Lewis verified the intent of the resolution to formalize an agreement that had been operated informally for many years and that due to the State budget crises the funds could be jeopardized if no formal agreement had been executed.

Director of the Redevelopment Agency Garrett Evans explained that due to the situation where cities were now more vulnerable to taking than before, other cities were pursuing the same legalization. He stated that the City of Vallejo had just adopted the same cooperative agreement to legitimize their situation.

In response to Member Lewis as to what would occur if the resolution were to be deferred for a period of six weeks, Mr. Kolf emphasized that if challenged, the \$20 million in tax increment would be in jeopardy.

Member Lewis emphasized his understanding of the intent to formalize what had been done in the past. He saw no reason to place \$20 million in jeopardy because of a potential challenge. Since it would not change what had previously been done, he did not see why there would be a problem proceeding at this time.

Mr. Kolf reiterated that the proposal represented housekeeping that should have previously occurred. He advised that he had presented an analysis of the Redevelopment Agency at the Ad Hoc Budget Committee at its September 30 meeting and the item would not affect that analysis in any way.

Chair Aiello commented that if desired by the new City Council, a special meeting could be called in December as had occurred in the past.

On the motion by Chair Aiello, seconded by Member Quesada to continue Resolution 02-853 to the January 6, 2003 meeting to allow the new Council to make the decision,

carried by the following vote:

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

## **CONSIDERATION**

### 1. **RESOLUTION 02-854** Affordable Housing Staff Report Update

Executive Director Willis Casey reported that a major goal of the Los Medanos Project Area was to increase the quality and quantity of affordable housing stock. The staff report detailed and updated the Agency's current housing status and incorporated comments from three community workshops.

Mr. Casey recommended the acceptance of the report and the adoption of the resolution and its findings.

Vice Chair Beals inquired how the workshops had proceeded. Since the law would sunset, she further inquired what plans had been proposed for next year.

Mr. Evans reported that the other two workshops had moderate attendance but had gone well formulating ideas at how to address ways to bring affordable housing to the City's development projects. Programs similar to those developed by Southern California and Vacaville for encouraging renters was recommended, with a continuous dialogue to occur with the Agency on a quarterly basis. He characterized those workshops as a good forum to discuss the different areas of affordable housing.

As to how the sunset would be addressed, Mr. Evans explained that the impacts of sunsetting had been discussed with Agency Counsel. It was expected that the results would be presented to the Redevelopment Subcommittee the first quarter of next year to offer direction in the future given the anticipated financial impacts.

On motion by Member Rios, seconded by Member Quesada and carried unanimously to adopt Resolution 02-854.

## **PUBLIC HEARING**

### 1. **RESOLUTION 02-855** Amending the Implementation Plan for the Los Medanos Project Area 1999-2004 (The "First Amendment")

Mr. Casey stated that the Redevelopment Agency of the City of Pittsburg, consistent with its goals and objectives to eliminate blight had proposed the amendment.

The proposal was to amend Section 1 of the Implementation Plan for the Los Medanos Project Area 1999-2004 to include a subsection entitled "Redevelopment



Activities." Also contained in the report was a review of the current Implementation Plan.

Mr. Casey recommended the approval of the First Amendment to the Implementation Plan for the Los Medanos Project Area 1999-2004.

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

On motion by Member Lewis seconded by Vice Chair Beals to adopt Resolution 02-855, failed by the following vote:

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

Member Rios recommended that the new Council make the decision to amend the Implementation Plan.

In response to the question from Member Lewis to the ramifications for denying the item, City Attorney Daube explained that the item could be returned to the Council at a later date if Vice Chair Beals, as the only member who had voted to approve the item requested reconsideration.

Mr. Evans explained that the item required 30 days public notice and would have to be approved in December or the City would be out of compliance with Redevelopment Law.

Vice Chair Beals commented that tabling items and not passing critical items was being done based on the assumption of some majority. She emphasized that the current Council remained intact at this time and needed to move forward. She stated that it was inappropriate to assume that a new majority would be formed on December 2 since it was unknown what the new Council would do until the new Council was seated. She emphasized that the current Council had to act on its duty at this time.

Member Quesada concurred but noted a concern with some of the projects that he suggested would be double in cost. He referenced the Buchanan Road Bypass as one of those projects and suggested that the new Council would have to make decisions based on the best interests of the City.

City Attorney Daube inquired of Mr. Evans the potential ramifications for not adopting the item by December 13.

Mr. Evans explained that by not adopting the item the Agency would be constrained given a December 13 deadline for a mid-term review and a requirement for a 30-day noticing period. He added that the Buchanan Road Bypass project was outside the project area and would not be subject to the proposal.

Ms. Luna also noted that the project was a plan and the item would have to return to

the Agency to have money funded prior to approval.

Member Rios expressed concern that the Agency had not been informed that the item was time sensitive. With respect to projects, she commented that the Black Diamond project was controversial and should be addressed by the new Council. She suggested that Vice Mayor Beals bring the matter back for a vote.

As to whether or not the appropriate amount of time was available to meet the noticing requirements, Mr. Evans stated that the time was not available but staff would renote anyway and the Agency would continue to be out of compliance in the interim.

Vice Chair Beals identified her intent to return Resolution 02-855 for reconsideration at a special meeting to be scheduled for December 16, 2002.

### **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 7:34 P.M. to the next meeting set for December 2, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**City Council Minutes**  
**November 18, 2002**

Mayor Frank Aiello called the meeting of the City Council to order at 7:35 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

**MEMBERS PRESENT:** Beals, 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  
Director of the Redevelopment Agency, Garrett Evans  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
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**CITIZENS REMARKS**

EARL WASHINGTON, Pittsburg, expressed concern for a number of items, particularly for the loss of the Teen Center and the fact that there was no determination when and where the Teen Center would be replaced to serve the youth of the community.

Vice Mayor Beals emphasized that the Council had over the past two years invited and encouraged representatives from the Youth Commission to the City Council to identify its needs. She noted that the next Council would make that decision and she expressed her hope that the Council would make that issue a priority.

As the liaison to the Youth Commission, Councilmember Rios noted that there had been no quorum at the Youth Commission for some time and no meeting could be held.

Councilmember Rios added that staff had been asked repeatedly for a status of the

Youth Center. She stated that issues beyond the Council's control had delayed the situation. She stressed that the youth of the community would not be forgotten.

Mayor Aiello, whose daughter was on the Youth Commission, stated that he was aware that one of the priorities was to design a Teen Center and submit a design to the Council for its approval. To his knowledge that had not been done for various reasons. In the meantime, City youth were using the Neighborhood Center. He emphasized that the Teen Center was a priority. He recommended that Mr. Washington pursue the use of Fire Station #85 that would soon be vacated by the Contra Costa County Fire Protection District since that building could serve as a Teen Center given its prime location in relation to other City facilities. He emphasized that the Youth Commission needed to appear before the Council at its next meeting to provide a report on its activities.

Mr. Washington spoke with respect to the lights at City Park and inquired whether or not lights could be provided at all City parks.

Mayor Aiello urged Mr. Washington to meet with City staff to identify the process and to address the issue with respect to lights at City Park.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), bid farewell to the three members of the Council who would be leaving and wished them well in all future endeavors. He stated it had been a pleasure to debate with the Mayor even though they had been on opposing sides for a number of issues. He added that he would now learn about Redevelopment Law to ensure that the City would remain in compliance.

Mayor Aiello thanked Mr. Mims for his kind words and stated that he had also enjoyed the debates.

CHARLES SMITH, Pittsburg, requested that staff be directed to address the Gladstone Calming Project in which Gladstone Street had been recommended for closure. He sought a way that the surrounding community could express its comments for or against the proposed closure to address problems with respect to speeding and traffic volume. He suggested that other means could be taken to address the concern without requiring the closure of the roadway. He further commented that the "No Thru Traffic" signs had been placed inappropriately to offer any help in addressing the problems. He urged that staff investigate the situation to avoid a closure of the street.

Member Lewis commented that he had also been concerned with that situation after he had received a number of related calls. He emphasized that the City Council would make any decision with respect to closure and not City staff.

TUAN MAI, Pittsburg, who lives around the corner from the signs in question, suggested that a road closure would cause more problems than it would resolve. He objected to a road closure. Mr. Mai acknowledged that the Police Department had been monitoring speeders in the area. He objected to any decision without the consent of those who lived on the street and who had to live with the results.

Mayor Aiello advised that the item had not been considered, at least by the City Council, and would have to be considered by the new Council in that there was a process that would have to be pursued. It was his understanding that much information would have to be secured before a decision was made.

Mr. Smith urged the Council to consider the fact that the "No Thru Traffic" signs had been inappropriately placed and had exacerbated the problem. He also noted the medical offices in the area that generated significant through traffic.

City Engineer Joe Sbranti reported that a workshop had been scheduled to discuss the situation with the involved residents, which workshop had been scheduled for the Traffic and Circulation Advisory Committee (TCAC) December 5 meeting when traffic counts, exhibits and alternatives would be presented. He added that the situation was being monitored to minimize the through traffic and the Police Department had also been working with the Engineering Department to address that situation.

MICHAEL TISCARENO, Pittsburg, as a daily user of Gladstone Drive noted that he had not been aware of a police presence in the area. He referred to speeding around public schools and explained that was a serious concern. He did not believe that streets should be closed off to address traffic concerns and suggested that more and not less traffic would be created.

## **COUNCIL REPORTS**

Vice Mayor Beals reported that she had represented the City at the last Mayors Conference in Clayton, and had attended the 150th Anniversary of the Third Baptist Church in San Francisco when the keynote speaker was former President Bill Clinton, the Pittsburg Unified School District (PUSD) Parent University Training at the Boys and Girls Club when the theme was *Spirit of Our Youth*, and the Diablo Valley Radio Controllers where the facility on John Henry Johnson Parkway had been dedicated in honor of Thomas C. Allen, father of Orin Allen, because of his historical aviation history as one of the first African-Americans to fly from the East Coast to the West Coast.

The Vice Mayor advised with respect to the Centennial Committee that the first quarter activities continued to be planned and where a Faith Community Breakfast would kick off the yearlong celebrations on January 11, 2003.

Councilmember Lewis stated with respect to the Centennial Committee that the commemorative medals had arrived. He noted that the gold and bronze would be available for \$1 each to help defray the cost of producing the medals. One hundred commemorative silver and antique bronze collector sets would also be sold for \$25 each. The Chamber of Commerce and the Recreation Department were currently taking orders. The press was asked to alert the citizenry that the medals were now available.

Councilmember Rios reported that she had attended the Veterans Memorial event along with Vice Mayor Beals and Senator Tom Torlakson. She thanked the Chief of Police

for being part of that event. She congratulated the Pittsburg High School Football Team for winning the Big/Little Game, and she reminded those who were on the ballot that the City, with the assistance of the Community Advisory Commission (CAC) had revamped the ordinance where election signs would be removed by candidates or by the City for a fee.

## **CONSENT CALENDAR**

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to adopt the Consent Calendar with the removal of items e. g. h. i. p and r.

- a. **DISBURSEMENT LISTS**      Periods Ending: October 31, 2002, November 1, 2002 and November 13, 2002

Approved Disbursement Lists periods ending October 31, November 1, and November 13, 2002.

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

Approved Minutes dated November 4, 2002.

- c. **CLAIMS**    #1481 Estelle Blackman, #1482 DeAries Ingram, #1486 Adeline R. Tafoya

Denied Claims #1481 Estelle Blackman, #1482 DeAries Ingram and #1486 Adeline R. Tafoya.

- d. **ORDINANCE 02-1203**      Adoption of an Ordinance to Rezone 1.94 Acres Located at 1115 North Parkside Drive from IL (Limited Industrial) to IL-O (Limited Industrial with a Limited Overlay) (Landmark Missionary Baptist Church Overlay RZ-02-15)

Adopted Ordinance 02-1203 and waived second reading.

- f. **RESOLUTION 02-9708**      COPS More 2002 Grant

Adopted Resolution 02-9708.

- i. **RESOLUTION 02-9711**      Expansion of the City of Pittsburg Enterprise Zone Boundary

Adopted Resolution 02-9711.

- j. **RESOLUTION 02-9712**      Accept the Yosemite Drive Culvert Maintenance Cleaning Contract as Complete

Adopted Resolution 02-9712.

- k. **RESOLUTION 02-9713** Approving the Termination of an Offer of Deduction of the Northerly-most Portion of Martin Way As Shown on Minor Subdivision 678-92

Adopted Resolution 02-9713.

- m. **RESOLUTION 02-9715** Approval to Dispose of Sixty (60) Cell Phones by Way of Donation

Adopted Resolution 02-9715.

- n. **RESOLUTION 02-9716** Approve Paper Supply Contract by way of Request for Quote (#PAP09002) to the Lowest Bidder, Corporate Express

Adopted Resolution 02-9716.

- o. **RESOLUTION 02-9717** Approval to implement Cal-Card as a Six Month Pilot Program

Adopted Resolution 02-9717.

- q. **RESOLUTION 02-9719** Award Purchase Contract for Step Van Aerial Lift

Adopted Resolution 02-9719.

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

- e. **RESOLUTION 02-9707** Accept the 2002 Patch Paving Contract as Complete

MCK Services, Inc. completed the 2002 Street Patch Paving work project on October 9, 2002, per the specifications. The 2002 Patch Paving Contract, dated July 15, 2002, is considered complete and acceptable for final payment.

WILLIE MIMS, Pittsburg, representing the BPA, referenced the budgeted amount and statement related to the 2002 Patch Paving Contract and noted that although the Public Works Department had repaved the side streets to his street, it had not paved Newcastle Way where he lived. Having spoken to Public Works Director Fuller, he had been apprised that his street would be paved next year. He commented that if the Public Works Department did not have the funds to complete the job in a specific neighborhood, the budget would need to be increased to allow that to be done. He inquired whether or not the Public Works Department budget would be increased to ensure the completion of the process.

Mayor Aiello reported that any increase would have to be recommended by the City Engineer and the City Council would have to vote on any request.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9707.

- g. **RESOLUTION 02-9709** Amending the Planning Department Budget for FY 2002 -2003 to Budget for Reimbursable Services

The Annual Budget for the Planning Department Reimbursable Programs account was budgeted for \$43,000 in error. The amount should have been \$250,000. Revenues were estimated at the correct amount. The budget must be amended to correct appropriations.

WILLIE MIMS, Pittsburg, representing the BPA, referred to the Planning Department budget for plan check where \$43,000 had originally been sought while \$250,000 was required. He questioned that error. He sought some assurance that would not happen again.

Interim Finance Director Kolf reported that the \$250,000 in revenue had been budgeted correctly for reimbursable services to be provided by contractual plan checking firms and that the City had billed and had been reimbursed for the services. The revenues had been estimated at \$250,000 and the expenses should have been estimated at \$250,000, although that had not occurred in that only \$43,000 had been shown, which was all that could be reimbursed. He stated that \$250,000 would be spent and \$250,000 would need to be reimbursed.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to adopt Resolution 02-9709.

- h. **RESOLUTION 02-9710** Transfer of General Fund Reserve to the Industrial Park Assessment District #88-3 to Cover a Deficit Caused by Foreclosures

Industrial Park Assessment District #88-3, Fund No. 68, has a deficit balance of \$700,000 because of foreclosures. It is necessary to transfer funds from the General Fund Reserves to eliminate the deficit. GASB 34 mandated accounting requirements required the removal of the deficit.

WILLIE MIMS, Pittsburg, representing the BPA, referred to the deficit balance of \$700,000 as a result of foreclosures. He referenced the background that noted that parcels had been foreclosed for debt services not paid. He questioned the foreclosures in this case.

JOHN KNOX, Attorney with Orrick, Herrington and Sutcliffe, the legal counsel to the City on various issues, explained that the bonds originally issued for the Assessment



District required that if the owner did not pay the assessments the City would be obligated to foreclose, which the City had done. Given the value of the property, he stated that no one had bid the minimum amount to pay off the minimum installments and no one thought the property was worth enough to pay that amount. The City had worked out an agreement that the Council had previously approved where the party purchasing the property would acquire the bonds and would in turn exchange those bonds for the property, which should resolve the situation. He stated that the bond documents originally entered into in 1988 had required a foreclosure even though it was fruitless.

Mr. Kolf stated it was unfortunate but the City had a negative balance in that account for \$700,000 and that the City was expected to recover \$50,000 at best. The balance would be lost. He stated that the situation had occurred years ago and the balance would have to be written off.

Mr. Mims clarified that the City had carried the deficit for many years.

In response, Mr. Knox noted that the situation had occurred in 1992 and the Council at that time had taken action to keep the bond current without defaulting. He stated that the foreclosure was not successful and the City's advances were outstanding and it had been recommended that the property was a loss. With the agreement, the property would be placed on the tax rolls and ultimately accrue income for the City.

Councilmember Quesada stated that the item had to be cleaned up. He thanked staff for getting the property back on the tax rolls to be able to allow the property to generate money for the City.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9710.

- I. **RESOLUTION 02-9714** Approval of a Loan and Repayment Agreement for Services Between the Redevelopment Agency and the City of Pittsburg

The City of Pittsburg is currently providing services to the Redevelopment Agency and the Agency is compensating the City for these services. The agreement formalized the relationship between the Agency and the City.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to continue Resolution 02-9714 to the January 6, 2003 meeting when it could be considered by the new City Council.

- p. **RESOLUTION 02-9718** Accept the 2002 CAPE/Slurry Seal Program Contract as Complete

Graham Contractors completed the 2002 CAPE/Slurry Seal work on various streets throughout the City on September 17, 2002 per the specifications. The 2002 CAPE/Slurry

Seal Contract is considered complete and acceptable for final payment.

WILLIE MIMS, Pittsburg, representing the BPA, stated that the item was similar to the 2002 Patch Paving Contract. He did not believe that the item was complete in that his street had not been paved. He asked the Council to seriously consider giving the Public Works Department more money so that the job could be done right. He added that he did not appreciate driving down his street over the last fifteen years when no work had been done.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9718.

- r. **RESOLUTION 02-9720** Approving an Amendment to an Agreement Resolving Delinquent Assessments Levied Against Builders Industrial Park Assessment District No. 88-3 Extension of an Agreement with the City of Pittsburg and Pittsburg Equities LLC

The Agreement between Pittsburg Equities, LLC ("PELLC") and property owners to resolve pending delinquencies on Assessment District No. 88-3, which was adopted on April 15, 2002, terminates on November 30, 2002. The parties have requested that the Agreement be extended for an additional five (5) months to allow additional time to complete all transactions.

WILLIE MIMS, Pittsburg, representing the BPA, acknowledged that the item was directly connected with the delinquent assessment of \$700,000 that had previously been discussed. He expressed concern excusing over \$2 million in funds when the developers could be sued to pay overdue tax assessments. He inquired why that had not occurred.

JOHN KNOX explained that the property had been delinquent for over ten years and the City had sued the property owner who had created the District and who had created the delinquency. He stated that the only remedy was to foreclose on the property. The City had done that, had filed litigation, had obtained a judgment and had attempted to execute on that judgment by foreclosing on that property although no one wanted to bid because the debt limit was too high. The City had agreed with an investor who was not the original property owner to obtain bonds in the open market and to essentially cancel the bonds to get the property back.

Mr. Knox stated that the penalties and interest accruing on the delinquent taxes, which after ten years was a very large number, could not be paid back by the accrual of the property given that the property could not support paying back that amount. He stated that the City had agreed in April 2002 to do that. Given that the deadline was November 30, 2002 he stated that an extension of time would have to be approved. The developer building on that property had an application into the City but needed more time to get the property back into productive use to be able to pay the taxes.

Mr. Knox added that the other amendment to the agreement related to a change to the structure of the transaction to take advantage of a Revenue and Taxation Code section that would allow the City to request the County to similarly waive the penalties and interest on the property taxes to make the property economically viable again given that the debt it carried made it not economically viable. He stated that the penalties and interest could come back to the City if collected, although the City had tried to do so for ten years and had not been able to do so. Not to pursue the agreement could result in a loss of the investor and a continuing vacancy and blight of the property.

Mr. Mims inquired why the County would not waive the fees. He also commented that those who had failed to pay were still doing business in the City and he suggested that the City stop doing business with those who still owed the assessment.

In further response, Mr. Knox stated that the County property taxes were not the City's obligation. The City was simply cooperating to ask the County to waive those taxes, a decision that the Board of Supervisors would have to address. He stated that the City had no liability in that case.

Councilmember Quesada emphasized that the City wanted to clear up the situation that had been a concern for ten years. He supported the effort to pursue a viable property that would generate taxes for the community. He added that the current buyers was not the initial buyer.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9720.

## **PUBLIC HEARING**

### 1. **RESOLUTION 02-9721** Adopt the New Conflict of Interest Code

The City of Pittsburg is required to adopt and maintain a Conflict of Interest Code, which was to be reviewed biannually. As part of this biennial review, staff determined that the City should adopt the Fair Political Practices Commission's Model Code as the Conflict of Interest Code for the City of Pittsburg and the City's related agencies. Adoption of the Fair Political Practices Commission Model Conflict of Interest Code would: (1) ensure that the City's Conflict of Interest Code was always consistent with law; (2) promote ease of use; and (3) decrease the need for amendments during the biennial review process.

In Joint Public Hearing with the Housing Authority, the Redevelopment Agency, the City Council, the Pittsburg Power Company, the Southwest Pittsburg Geologic Hazard Abatement District II and the Public Financing Authority, the new Conflict of Interest Code was adopted as follows:

On motion by Councilmember Lewis, seconded by Councilmember Quesada and carried unanimously to adopt Resolution 02-9721.

2. **RESOLUTION 02-9722** 2003-2004 Local Community Needs for the Community Development Block Grant Program (CDBG)

City Manager Willis Casey advised that the United States Department of Housing and Urban Development required public comment on local community needs for the 2003-2004 Community Development Block Grant (CDBG) program. This is the first of two public hearings and a notice had been published on November 4, 2002. The purpose of the public hearing was to identify local community needs.

Mr. Casey recommended that the City Council open the public hearing, receive testimony and close the public hearing and adopt the resolution.

Mayor Aiello opened the public hearing on Resolution 02-9722.

WILLIE MIMS, Pittsburg, representing the BPA, referred to the Executive Summary and the purpose of the public hearing to identify local community needs. He sought a definition of local.

CDBG Coordinator Annette Landry advised that local in this case represented the needs of the residents of the City of Pittsburg.

Mr. Mims commented that last year grants had been offered to entities and organizations outside the community. He urged that the funds remain within the confines of the City to allow those funds to be more effective. He urged the retention of the funds for local use.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition and the Delta Pedalers Bicycle Club requested that bicycle facilities be included in all improved streets and that the City consider a multi-use trail extending from the River to the hills starting with the PG&E power line right of way from Tenth Street to the DeAnza Trail to provide a north/west and north/south trail in the community. He otherwise acknowledged that it would be expensive to build bridges over the freeway over the Mococo lines and over other "obstructions." He urged some consideration of that need. He suggested that tied into the situation where youth in the nation were becoming obese and he suggested that a way to get youth to exercise would be worthwhile.

MARY ROSAS, Pittsburg, thanked the Council for its vision and the support of the CAC and the CDBG process. She stated that Councilmembers Beals and Rios had worked with the Executive Committee of the CDBG process to create a streamlined, effective way of providing funds to the organizations that provided much needed services to the community. In that process she noted that the City had sometimes not been able to house the non-profits that provided services to Pittsburg residents and the City worked with organizations outside of the City to provide those services.

There were no other comments. Mayor Aiello closed the public hearing on Resolution 02-9722.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to adopt Resolution 02-9722.

**ADJOURNMENT**

The meeting of the City Council adjourned at 8:40 P.M. to the next meeting set for December 2, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

als

**CITY OF PITTSBURG**  
**Pittsburg Power Company Minutes**  
**November 18, 2002**

Chair Frank Aiello called the meeting of the Pittsburg Power Company to order at 8:41 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Interim Finance Director, Pete Kolf  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
CDBG Coordinator, Annette Landry  
Police Records Manager, Virginia Flores  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

There were no citizens remarks.

**MEMBERS REMARKS**

There were no Members remarks.

**CONSENT**

On motion by Vice Chair Beals, seconded by Member Quesada to adopt the Consent Calendar carried by the following vote:

Ayes: Beals, Lewis, Quesada, Rios

Noes: None  
Abstain: Aiello  
Absent:None

a. **MINUTES** Dated: September 16, 2002

Approved Minutes dates September 16, 2002.

In Joint Public Hearing with the Housing Authority, the Redevelopment Agency, the City Council, the Pittsburg Power Company, the Southwest Pittsburg Geologic Hazard Abatement District II and the Public Financing Authority, the new Conflict of Interest Code was adopted as follows:

### **PUBLIC HEARING**

1. **RESOLUTION 02-083** Adopt the New Conflict of Interest Code

As part of a required biennial review of the City's Conflict of Interest Code, staff had determined that the City's various related entities should adopt the City of Pittsburg's Conflict of Interest Code as their own. This would ensure that all of the applicable Conflict of Interest Codes were consistent.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-083.

### **ADJOURNMENT**

The meeting adjourned at 7:42 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Southwest Pittsburg Geologic Hazard**  
**Abatement District II Minutes**  
**November 18, 2002**

Chair Frank Aiello called the meeting of the Southwest Pittsburg Geologic Hazard Abatement District II to order at 8:43 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Interim Finance Director, Pete Kolf  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
CDBG Coordinator, Annette Landry  
Police Records Manager, Virginia Flores  
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 Vice Chair Beals, seconded by Member Quesada and carried unanimously to approve the Consent Calendar, as shown.

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



Approved Minutes dated July 15, 2002.

In Joint Public Hearing with the Housing Authority, the Redevelopment Agency, the City Council, the Pittsburg Power Company, the Southwest Pittsburg Geologic Hazard Abatement District II and the Public Financing Authority, the new Conflict of Interest Code was adopted as follows:

### **PUBLIC HEARING**

1. **RESOLUTION 02-008** Adopt the New Conflict of Interest Code

As part of a required biennial review of the City's Conflict of Interest Code, staff had determined that the City's various related entities should adopt the City of Pittsburg's Conflict of Interest Code as their own. This would ensure that all of the applicable Conflict of Interest Codes were consistent.

On motion by Vice Chair Beals, seconded by Member Quesada and carried unanimously to adopt Resolution 02-008.

### **ADJOURNMENT**

The meeting of the Southwest Pittsburg Geologic Hazard Abatement District II adjourned at 8:44 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Public Financing Authority Minutes**  
**November 18, 2002**

Chair Frank Aiello called the meeting of the Public Financing Authority to order at 8:45 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Interim Finance Director, Pete Kolf  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
CDBG Coordinator, Annette Landry  
Police Records Manager, Virginia Flores  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

There were no citizens remarks.

**MEMBER REMARKS**

There were no Member remarks.

**CONSENT**

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

a. **MINUTES**

Dated: November 19, 2001

Approved Minutes dated November 19, 2001.

In Joint Public Hearing with the Housing Authority, the Redevelopment Agency, the City Council, the Pittsburg Power Company, the Southwest Pittsburg Geologic Hazard Abatement District II and the Public Financing Authority, the new Conflict of Interest Code was adopted as follows:

### **PUBLIC HEARING**

1. **RESOLUTION 02-014** Adopt the New Conflict of Interest Code

As part of a required biennial review of the City's Conflict of Interest Code, staff had determined that the City's various related entities should adopt the City of Pittsburg's Conflict of Interest Code as their own. This would ensure that all of the applicable Conflict of Interest Codes were consistent.

On motion by Mayor Aiello, seconded by Vice Mayor Beals and carried unanimously to adopt Resolution 02-014.

### **ADJOURNMENT**

The meeting of the Public Financing Authority at 8:46 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als