

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

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met in Closed Session at 6:30 P.M. in 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; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case.

Assistant City Attorney Carol Victor advised that the City Council had met on two items in Closed Session. 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  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Economic Development, Brad Nail  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
City Engineer, Joe Sbranti  
Property Manager, Ursula Luna  
Police Chief, Aaron Baker

**PLEDGE OF ALLEGIANCE**

The Pittsburg High School Marching Show Band performed the National Anthem and the Bandleader led the Pledge of Allegiance.

Chair Aiello took the agendas out of order at this time to present a Proclamation.

1. Pittsburg High School Marching Show Band, Wind Ensemble and Jazz Bands

Mayor Aiello read the Proclamation to be presented to the Pittsburg High School Marching Show Band, Wind Ensemble and Jazz Bands.

The Proclamation was presented in recognition of the Band's accomplishments and

ambassadorship for the City, primarily for winning the prestigious King Walnut Award at the Walnut Festival Parade in Walnut Creek for an unprecedented 16th time and for placing first and second at the San Francisco Columbus Day Parade for the last two years. Copies of the Proclamation were presented to each member of the Band.

Vice Chair Yvonne Beals-Rogers took this opportunity to explain that she had grown up in Pittsburg and as a child had lived in an area where she could hear the Marching Band practice. She described her two proudest moments related to the Band, both as a Freshman Cheerleader and years later as a City resident when she had been present at the Walnut Festival where the Band had recently performed. She encouraged the Band to keep on representing that Pirate Pride.

The Pittsburg Pirates Marching Show Band performed at this time.

### **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 Quesada and carried unanimously to approve the Consent Calendar, as follows:

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

Approved Minutes dated September 16, 2002.

### **CONSIDERATION**

1. **MINUTE ORDER** Black Diamond Mixed Use Project Update

Executive Director Willis Casey advised that the Redevelopment Agency had awarded an Exclusive Right to Negotiate for the Black Diamond Mixed Use Project to Griego Designs on February 4, 2002. The Exclusive Right to Negotiate Period had now expired.

Mr. Casey recommended against further extensions of the Exclusive Right to Negotiate Period with the Development Team for the Black Diamond Mixed Use Project.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), expressed his support for the professional recommendation from staff. He encouraged the Agency to accept that recommendation. He pointed out a number of significantly important

items that the applicant had not been provided as required. He urged the Agency to accept the staff recommendation to reject the Black Diamond Mixed Use Project.

RON WAITE, Pittsburg, stated that Griego Designs had come up with a plan that everyone liked and even though the applicant had not met the requirements of the extension, he suggested at the minimum that the Agency should attempt to purchase the Griego design, which would allow the City to develop the project.

MARY ERBEZ, Pittsburg, a former member of City staff, stated that she had played an integral part in the formation of the Redevelopment Agency in the 1980's, the results of which action were producing \$25 million a year for the City. Fully aware of the redevelopment process, she was concerned with the Black Diamond Mixed Use Project. She commented that the live-work artistic theme was a great idea although she suggested that the conditions set forth by the developers were unacceptable to the community.

Ms. Erbez asked a number of questions and sought answers to those questions to be apprised of what had been proposed. Included in those questions were why an exclusive option had been granted to Griego Design and Indigenous Global Development Corporation (IGDC) when \$10 had been offered to purchase 6.5 acres of property valued at \$1 million, and for that same fee the Agency had been requested to purchase an additional \$2 million worth of property for the applicant's use. She noted that every other developer had paid for property to be developed in downtown Pittsburg.

Ms. Erbez also inquired why the Agency had granted an exclusive right to the developer when that developer had requested to be exempt from taxes. She stated if that requested exemption had referred to redevelopment tax increment that would save the developer \$4 to \$5 million over the 17-year life of the redevelopment project. She suggested that request was not clear and was confusing at best. She noted that the Agency spent millions of dollars purchasing properties, relocating families and businesses and demolishing buildings in order to sell the land, and the only way to reimburse those costs was through tax increment. She questioned why a project would be supported where the tax would be given away.

Ms. Erbez further inquired why an exclusive option had been offered to a firm that would not construct streets in the project; rather the Agency was expected to do that. She stated that every other developer was required to install streets. She also inquired why the company was given an exclusive right when the staff had not been provided with information to complete the Disposition and Development Agreement (DDA). She stated that until such time as a proforma analysis and other documentation was supplied by developers, it was impossible for staff to render a logical recommendation to Agency members. She added that all other developers were required to submit appropriate information.

Ms. Erbez referenced the proposed grant deed, where 90 percent of the language required by the Agency when conveying land was eliminated by the developer. She stated that the developer's request that bothered her more than the millions the Agency was

willing to hand over to them was the fact that the developer wanted no controls over their project. She questioned what responsible City Council would give up the City's requirements to demand compliance with its requirements for building homes and or commercial buildings.

Ms. Erbez emphasized that after reading over the Agency's proposed DDA and all applicable information, she had found that the project was not fair, reasonable, nor profitable for the City of Pittsburg. Unless the members had information the public was not provided, she respectfully requested that the proposal be rejected.

ROGER RILEY, Pittsburg, an affected property owner, stated that he had been included in the project having been asked whether or not he was in or out in the beginning. He chose to be included although he had never been included in anything by either the developer, after being chosen, or by City personnel, and had not been provided any information at any time from anybody until after the last Council meeting.

Mr. Riley emphasized that he had not been provided any information and he had even learned that the applicant was considering the purchase of his property, a situation he had previously been unaware. While the idea of dealing with Jason Griego on the project design was creditable, he suggested that the Agency would otherwise be a laughing stock if it allowed the proposal to proceed.

JASON GRIEGO, stated that although the partners, IGDC had chosen to pull out of the project, he spoke out for the project and explained that he and his wife had come to the City three years ago and wanted to help and shape the City's growth and redevelopment at that time. He stated that he and his wife now considered Pittsburg their home. He commented that they had been victims of bad press for too long. He suggested that allowing outsiders to dictate the City's future was wrong. He referred to negative articles that there had been no progress in the project although he referred to displayed binders, plans, blueprints and other information to show that he had been working on the proposal for some time.

Mr. Griego thanked Garrett Evans for his support of the project. He acknowledged his wife as the better half of the team and stated that they would continue to fight for the downtown. He agreed with the staff recommendation that the project not be extended. He otherwise emphasized that the design was still valid and worthwhile.

Chair Aiello applauded Mr. Griego for his courage in standing up to say that the project was not the right thing for Pittsburg and he applauded his statement for wanting to do the best for Pittsburg.

TOM BACA, as President of the 30,000 members of the Building Trades and the 80,000 members of the AFL-CIO members of the County, he asked that the staff recommendation not to grant an extension for the project be accepted.

Member Rios expressed disappointment with staff on what she suggested had been a

lack of cooperation in offering what was needed to allow the project to proceed.

On motion by Member Rios, seconded by Member Quesada and carried unanimously to adopt the staff recommendation against further extensions of the Exclusive Right to Negotiate Period with the Development Team for the Black Diamond Mixed Use Project.

Member Rios directed staff to negotiate with the designer to purchase the designer's rights to pursue the vision of the project and have the City own the project and send it out to bid.

Chair Aiello noted that any direction to staff would have to return to the Agency for approval.

Assistant Legal Counsel Victor opined that the matter could be a Council request to return a proposal for consideration.

Vice Chair Beals-Rogers supported the project but wanted to see more public input. She described the project as privileged to those invited to participate in the hearings. She emphasized that the downtown would be utilized by all Pittsburg residents. She sought a public workshop to consider input from the entire community prior to moving forward.

Member Lewis commented that from the beginning the problem had never been with the project design, his concern had been with the designer's development partner. He supported some effort to utilize the design and come up with a proposal more in line with what the City hoped to accomplish. He urged staff to work with Mr. Griego on other development partners.

Chair Aiello emphasized that as a property owner, Mr. Riley should be included in the process and that he be kept fully apprised of the situation and allow him to determine if he would or would not want to participate in the process. He noted that in addition to Mr. Riley, Mr. Alker was an affected property owner who should also be included in the process.

## **PUBLIC HEARING**

1. **RESOLUTION 02-844** Authorization and Approval of Funds in the Amount of \$800,000 to Presidio Village Senior Housing, Inc. as a Construction Loan for the Presidio Village Senior Housing Project

Mr. Casey stated that pursuant to the execution of a Disposition and Development Agreement (DDA) between the Redevelopment Agency (Agency) of the City of Pittsburg and Presidio Village Senior Housing Inc. (PVSHI) the parent company of Pacific Community Services, the Agency has been assisting PVSHI for the development of Presidio Village Senior Housing Project. PVSHI had approached the Agency requesting \$800,000 for the purpose of on-site improvements within the project.

Mr. Casey recommended the execution of a loan agreement with Presidio Village Senior Housing Inc. to finance development costs in connection with a Housing Development for low-income and very-low income seniors, and make findings and approvals pursuant to the California Environmental Quality Act (CEQA).

Chair Aiello opened the public hearing.

TOM LaFLEUR, Pittsburg, acknowledged the team effort, noted that there were two non-profit corporations that were directly related to the project, PEHDC/PCSI, and PVSHI and stated that the President and Vice President of those corporations were present to address the Agency.

Mr. LaFleur clarified that he had previously identified the \$800,000 funding gap and had asked the Agency for help. He expressed his sincere thanks to the City Attorney who had performed admirably and had cooperated with them all.

RHONDA WILSON-RICE, President of PCSI, stated that she was eager to pursue the project. She stated that they had done everything they could to solve the funding gap on their own and had reluctantly asked for the City's help to avoid losing the multi-million dollar project. She stressed the deadlines involved.

BILL GLYNN, President of PVSHI, suggested that HUD did not appreciate the high cost of housing in the Bay Area. He emphasized that they needed to fill the funding gap to be able to produce the 104 senior housing units.

Chair Aiello closed the public hearing on Resolution 02-844.

Assistant Legal Counsel Victor noted that there had been a small revision to the agreement this date, which revision affected the residual receipts with a 48/52 split in favor of the County, which differed from the initial 50/50 split. The revision had been required to reflect that the County had offered more money.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-844, as amended.

The Redevelopment Agency and the City Council CONVENED IN JOINT SESSION at this time to consider Resolution 02-845 (Redevelopment Agency) and Resolution 02-9688 (City Council).

2. **RESOLUTION 02-845** Award of Construction Contract No. 00-11 for the Senior Center Improvements (Redevelopment Agency)
1. **RESOLUTION 02-9688** Award of Construction Contract No. 00-11 for the Senior Center Improvements (City Council)

Mr. Casey reported that bids had been opened for the construction of improvements of the Pittsburg Senior Center to be located at 300 Presidio Lane. Proposed improvements for this project include: A single story 10,690 square foot facility enclosing a catering kitchen, banquet room, computer lab, game room, arts and crafts room, restrooms, and office space. The apparent low bidder, Krama, Inc. of Oakland, California, submitted a Base Bid Proposal in the amount of Three Million Three Hundred Twenty Four Thousand Dollars and No Cents (\$3,324,000.00). In addition to the base bid for construction, other project costs include construction costs for additive alternate bid items 1, 3, 4 and 6, design costs, construction administration and material testing costs, furnishing costs, and a project contingency. A review project authorization form breaking down these costs had been provided to the Agency. In all, the total estimated cost to complete the project was now \$4.75 million.

Mr. Casey stated that although the amount of the low bid exceeded the current project budget, the competitive nature of the seven bids received for the project caused staff to recommend that the Agency adopt the resolution and authorize the project budget, to be supplemented by \$1.25 million of Agency reserve funds, and award Contract No. 00-11; Pittsburg Senior Center to Krama, Inc. of Oakland, California.

Mayor Aiello opened the public hearing on Resolution 02-845 (Redevelopment Agency) and Resolution 02-9688 (City Council). There was no one to speak for or against the resolutions. Mayor Aiello closed the public hearing.

Councilmember Quesada supported the proposal even though the cost was higher to be able to pursue the development of the Senior Center to benefit City residents.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Redevelopment Agency Resolution 02-845.

On motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers and carried unanimously to adopt City Council Resolution 02-9688.

## **ADJOURNMENT**

The meeting adjourned at 7:53 P.M. to the next meeting set for October 21, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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

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Assistant City Attorney Carol Victor advised that the City Council had met on two items in Closed Session. There was nothing to report.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager, Willis Casey  
Assistant City Manager, Nasser Shirazi  
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Police Chief, Aaron Baker

**CITIZENS REMARKS**

DONNA GADDIS-WOLF, staff of the City's Recreation Department and the Manager of Small World Park for the past eight seasons invited everyone to attend the annual Pumpkin Patch on October 15, 16 and 17 from 9:00 A.M. to 12:00 Noon.

JOE CANCIAMILLA, Assemblymember 11th District, stated that he was present as a resident of the City and not in an official capacity. He was present to speak to two projects that had previously been scheduled for approval that had been on a path for an expedited review. He asked the Council not to act on the projects without an Environmental Impact Report (EIR) and not act on either project before a new Council was seated.

Mr. Canciamilla stated that he was pleased to see four former Mayors and Councilmembers in the audience. He noted that they had all approved projects without

adequate EIR's with good reason and in some cases without good reason. When the San Marco project was approved, he stated that had been done with a Negative Declaration given the fight for a landfill and the fact that the approval of that project would have headed off the siting of the landfill and given the understanding that there were no environmental issues that could not be mitigated for that project.

Mr. Canciamilla stated that it had since been learned that there were environmental concerns, that the landfill had been sited, and that there were problems with traffic. He stated that it had been learned that it was important to take time and demand the same quality of projects that other communities got, which the City had not done and where projects with no open space and few amenities had resulted. He suggested that expediting the two projects would make that same mistake.

Not commenting on the merits of the projects themselves, Mr. Canciamilla spoke with respect to process and urged the Council to take its time and think carefully given the current litigation on some Negative Declarations and identify what was desired by the community to be proudest of, projects that offered the same amenities as offered in other communities, that offered services and that mitigated their impacts on the community. He stated that requiring an EIR, taking time to move forward in a strategic way allowed those things to be accomplished. He urged the Council to defer any further actions on the two projects until after the preparation of an EIR and the selection of a new Council.

FEDERAL GLOVER, Supervisor 5th District, stated that he was encouraged by a number of things that had taken place, the band, the decision in terms of the downtown project, and the fact that the Council was listening to the community. Speaking to the two items that had been removed from the agenda, he thanked the Seeno Company for pulling those items from the agenda and encouraged the Council to take a close review of what would be submitted on October 21. While not discussing the integrity of the project, he stated the Council would have to consider what was important, namely that a full EIR would be required prior to moving forward with the project.

Mr. Glover emphasized that the City was currently in litigation over a Negative Declaration and he urged the Council to make good policy decisions to make sure that all mitigated actions were taken prior to moving forward with a project. He supported the preparation of a full EIR to make sure that the City Council had done the best job for its residents.

GREGORY OSORIO, Pittsburg, representing Pittsburg Better Together, urged the Council not to vote on the issue pending more detailed information and pending a set date to allow the community to offer public input.

Assistant City Attorney Carol Victor pointed out to members of the audience that the item was not on the agenda. There was a public hearing scheduled for October 21 that had been noticed and where the City would be considering all evidence, including public comment at that time. She stated that testimony would be taken at that time, although action was not necessarily expected at that time. She urged that comments be submitted

at that time and in writing for the record. When asked, she stated that the hearing would be scheduled at 7:00 P.M. as a regular Council meeting.

MICHAEL KEE, Pittsburg, noted that the two projects were scheduled to be heard at the current meeting and at the last moment they were removed from the agenda and moved back two weeks. He stated that he had been working with the Save Pittsburg Coalition and he represented more than 3,000 people whose signatures had been obtained who were opposed to the projects without the preparation of an EIR. He suggested that what had happened was standard operating procedure when the item had been deferred two weeks given that the public was known to be present.

As a candidate for the City Council, he had signed a pledge that candidates would oppose the approval of either item prior to the pursuit of an EIR and prior to the swearing in of Councilmembers after the November 2002 election. He asked the members of the Council to sign the same pledge.

Mayor Aiello explained that the current forum was not a campaign forum and he would not sign a document at this time without receiving all the required information given that could potentially be a violation of the Brown Act. By not signing the document, he stated that there would be no conflict of interest and he would remain able to represent the public and make an informed decision.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) directed a comment to the City Attorney related to Section 54954.3 of the Brown Act that gave every individual a right to come to the City Council to speak to any item not on the agenda.

Mr. Mims commended the City Council for its passage of the Senior Citizen Center project. He also expressed his disappointment at the last City Council meeting in which there had been some resolutions passed on the transfer of power reserve money. He noted that thus far only the developers and the dealers had benefited from that money and he questioned when the taxpayers of the City would start benefiting from the power company reserve funds.

Mr. Mims added that a resolution had been adopted on the Park Place residential development downtown off of Montezuma Street. He expressed his disappointment with the passage of that resolution.

CHARLES SMITH, Pittsburg, a retired environmental scientist with the Department of Energy, spoke to the condition of Kirker Creek and noted that for the past eighteen months he had approached the Council with respect to the condition of Kirker Creek. He expressed his concern that those issues had never been addressed. He specifically referenced the water level at this time as with all other times at California and Diane Avenues. His concern was with the level of the water and the fact that level would rise with the onset of the rainy season. He also referenced a clean out section for Yosemite and Harbor and commented that when done, more water would flow downstream, ultimately resulting in floods on Diane and Carpino Avenues.

Mr. Smith reiterated his previous comments with respect to the concern for that area, stated that the City now had a permit to do whatever it wanted to do at the site to alleviate the problem, explained that a beaver in the area had exacerbated the problem and urged that the environmental problem be corrected by cleaning out the creek.

Mr. Smith noted that he had also previously asked the Council to appropriately address the problem with the power plant money. He stated that the community had been promised that when the money came through in August that meetings would be held to discuss the appropriate use of that money. He inquired when the Council would use that money to specifically address the problem with Kirker Creek.

Mayor Aiello stated that immediately after the signing of AB 81 an open forum had been held with the community and all City commissions and committees to be able to discuss all the issues involved. He stated that few people had attended that meeting.

Mayor Aiello added that he did look at California Avenue and he urged Mr. Fuller to address that issue.

Public Works Director John Fuller stated that he had inspected the creek and the creek did have water and there was a beaver dam. He reported that the State Department of Fish and Game had mandated that the beaver dam be removed by hand to drive the beaver away naturally. He had directed his staff to completely remove that dam. He added that since there was no immediate threat of rain the work could not be done under an emergency situation and the current permit for the creek project could not be used for the minor cleaning project since it was only associated with the larger project when and if built.

Mayor Aiello concurred that the situation raised by Mr. Smith was a public health and safety issue that needed to be addressed. He agreed that the creek needed to be cleaned out as Mr. Smith had pointed out.

Mayor Aiello recognized a speaker card from DIANE ARMSTRONG of Pittsburg who did not wish to speak but who requested that her comments be read into the record, as follows: "I am opposed to anyone buying influence. All decisions should be made based upon what best served the community, not what best served a small few; e.g., developers and City Councilmembers."

Vice Mayor Beals-Rogers applauded the community on participating in the many issues involved both on the item under the Redevelopment Agency and on the non-agendized items. In particular, those who spoke to the item that had initially been on the agenda and might be continued for October 21. She asked that staff not bring the issue back on the 21<sup>st</sup> given her understanding that a public hearing would not be appropriate without the proper information.

Vice Mayor Beals-Rogers requested that the item not be returned until an EIR was pursued and until all the information had been disclosed, including issues such as police services, infrastructure, schools, parks, water, mail service and cable service, all issues

that would be faced by the residents who lived in the area. Without an EIR or any study to look into the issues, she suggested that the Council could not pursue the item.

Councilmember Rios stated that she had not been informed that the item would not be on the October 7 agenda until she had received the agenda on Saturday. She stated that the Council was not always fully informed by staff.

Assistant City Attorney Victor pointed out that the issue was not on the agenda and there should be no discussion. She reiterated that the Council would consider the item on October 21, which item was an appeal of a Planning Commission decision. Within that process, the Council could uphold the Planning Commission's decision, overturn that decision, or require an EIR, which would all be considered in the decision making process on October 21.

## **COUNCIL REPORTS**

Vice Mayor Beals-Rogers commended staff for the information being supplied to the Council and for the job that they so eloquently did to provide the information to inform the Council as well as the information that was extended to the community. She noted that in the last two weeks affordable housing workshops had been conducted, which workshops had been very informative. She thanked staff for providing that avenue for the community on what was affordable in the City.

Vice Mayor Beals-Rogers stated that she had also attended the *Shaping Our Future* workshop to address regional housing, jobs and infrastructure issues in a vision of how to shape the future. She had also represented the City in commending the East County Branch of the NAACP for their Antioch office opening. She noted that the NAACP was not only an organization that offered services to African-Americans but that the organization helped all peoples. The Vice-Mayor added that she had attended the League of California Cities (LCC) Conference in Long Beach. She described that conference as informative and expressed her pleasure in being able to participate. In addition, she acknowledged October as Breast Cancer Awareness Month and emphasized that was a health concern for both men and woman.

Councilmember Rios reported that she had also attended the LCC Conference representing the City, at which time speakers had included Bill Simon, a representative of Governor Gray Davis and the State Treasurer, speaking on a theme of unity.

Mayor Aiello noted his absence at the last meeting due to a family illness and thanked everyone for the flowers sent to his wife. Mayor Aiello also reported that In and Out Burger would be open to the public on October 8.

The Mayor declared a recess at 8:31 P.M. The Council reconvened at 8:44 P.M. with all Councilmembers present.

## **PROCLAMATIONS**

### 2. Honoring Cesar Chavez

Mayor Aiello reported that the City of Pittsburg was the first City in California to honor Cesar Chavez with Cesar Chavez Day.

Councilmember Quesada read the Proclamation honoring Cesar Chavez and presented it to Gil Ruiz and Carmen Ojoi.

### 3. National Hispanic Heritage Month

Councilmember Rios read the proclamation for National Hispanic Heritage Month and presented it to Carmen Ojoi, who commended the City for the proclamations.

Ms. Ojoi noted that this was the first time that the City had issued the proclamation on its own and she was pleased to see the City become familiar with National Hispanic Heritage Month. She thanked the community and offered help in the cultural setting on the Centennial Celebration. She added that the organization was also commemorating the Day of the Dead for the fourth year.

## **CONSENT CALENDAR**

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to adopt the Consent Calendar as follows, with the removal of Items b, i, l, and m.

### a. **DISBURSEMENT LISTS**      Periods Ending: October 1 and October 2, 2002

Approved Disbursement Lists October 1 and October 2 2002.

### c. **CLAIMS**                              #1476 Michael Rahbari; #1478 Mary Dodge

Denied Claims #1476 Michael Rahbari and #1478 Mary Dodge.

### d. **RESOLUTION 02-9679**      Amending the Memorandum of Understanding Between the City of Pittsburg and the Pittsburg Police Managers' Group

Adopted Resolution 02-9679.

### e. **RESOLUTION 02-9680**      Ratification of the AFSCME Management/Professional Confidential Memorandum of Understanding

Adopted Resolution 02-9680.

- f. **RESOLUTION 02-9681** Ratification of the AFSCME Miscellaneous A Unit Memorandum of Understanding

Adopted Resolution 02-9681.

- g. **RESOLUTION 02-9682** Amend the Memorandum of Understanding Between the City of Pittsburg and the Pittsburg Police Officers' Association

Adopted Resolution 02-9682.

- h. **RESOLUTION 02-9683** Amend the Memorandum of Understanding Between the City of Pittsburg and Teamsters Local 856

Adopted Resolution 02-9683.

- j. **RESOLUTION 02-9684** Establish a Budget for the Development and Construction of Americana Park

Adopted Resolution 02-9684.

- k. **RESOLUTION 02-9685** Approval of a Purchase and Sale Agreement By and Between the City of Pittsburg and Union Pacific Railroad Company for Development of Americana Park

Adopted Resolution 02-9685.

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

- b. **MINUTES** Dated: September 16, 2002

On motion by Councilmember Lewis, seconded by Vice Mayor Beals-Rogers to approve the minutes of the September 16, 2002 meeting, as submitted, carried by the following vote:

Ayes: Beals-Rogers, Lewis, Quesada, Rios  
Noes: Aiello (Due to absence)  
Absent:None

- i. **ORDINANCE 02-1202** Adoption of an Ordinance to Zone 3.53 Acres at the Southern Terminus of Montezuma Street to a RM-0 (Medium Density Residential with a Limited Overlay) zoning district) (RZ 02-10)

On September 16, 2002, the Council introduced an ordinance to zone a 3.53 acre parcel (APN 085-252-025) located at the southern terminus of Montezuma Street to an RM-

0 (Medium Density Residential with a Limited Overlay) zoning district. The Council must now adopt the ordinance in order to implement the proposed zoning.

CHARLES SMITH, Pittsburg, speaking for his mother who lived in the neighborhood, expressed concern for the proposal for 40 homes on a 3-acre lot that would generate significant traffic in the area and where the design of the units would be incompatible with the existing neighborhood. He objected to the preparation of a Negative Declaration for that project given that document did not address the issues that adversely affected the existing neighborhood. He recommended a more detailed evaluation of what had been proposed.

WILLIE MIMS, Pittsburg, concurred with Mr. Smith's comments, stated that he had problems with the staff report, and disagreed with the staff determination that no significant effects were expected to occur. He noted that staff had not done a traffic study and it was unknown what kind of environmental impact the proposal would have on the community. He suggested that the homes would increase the flow of traffic. He emphasized that the community needed to be considered before the project was approved with a haphazard environmental study.

Mr. Mims also expressed concern with the removal of the mature trees in the area and reminded the City that it had received a Tree City USA award for being a tree friendly city.

Mr. Mims highlighted the environmental checklist Initial Study and disagreed with the staff recommendation that the proposal would have no environmental impact on the surrounding neighborhood.

SALVATORE EVOLA, 4601 Port Chicago Highway, Port Chicago, representing Discovery Builders, stated that they were present to establish the zoning in the downtown area that currently had no zoning. He stated that they had worked with staff to address the issues and he expected a good project to result.

Councilmember Quesada inquired of the trees and was advised that most of the trees were palm trees. All had been identified on the tentative map. The trees in the rear yards that would not interfere with the footprint of the buildings would be retained and there might be a way to relocate some of the trees that would have to be moved.

Vice Mayor Beals-Rogers requested that the trees that would provide environmental protection to the residents be retained. She questioned whether or not it would be possible to return the matter to the Planning Commission to address some of the concerns.

Mr. Evola noted that they were working with the Engineering Department and had been working diligently with staff to address all of the items, infrastructure, drainage, sewer, traffic and other issues. He did not believe it was appropriate to return the item to the Planning Commission.

Councilmember Quesada noted the two previous high-density proposals that had been denied for the site. He supported the current medium density proposal with single family homes.

On motion by Councilmember Quesada, seconded by Vice Mayor Beals-Rogers to waive second reading and adopt Ordinance 02-1202, with the stipulation for the retention of the trees that were not in the footprint of the buildings with new trees to be replanted to replace any in need of removal. The motion carried by the following vote:

Ayes: Beals-Rogers, Lewis, Quesada, Rios

Noes: Aiello

Absent:None

I. **RESOLUTION 02-9686** Award Yosemite Drive/Kirker Creek Culvert Cleaning

The Yosemite Drive Culvert Maintenance Cleaning Contract funding is from the City's Non-Point Pollution Discharge Elimination System (NPDES) contractual services account.

The cleaning is part of a comprehensive and systematic creek and channel maintenance program, which is still being developed. The Contractor is to clean two corrugated 9-foot diameter metal pipes that lie beneath Yosemite Drive at Harbor Street.

WILLIE MIMS, Pittsburg, stated that he was not against the cleaning out of the channel. Under the background section of the staff report, he read that "Unfortunately due to the many neglected channel maintenance sites within the City, the Public Works Maintenance Program was focusing its efforts on the worst locations." His concern was that the worst location that he had seen was at the corner of Diane and California Avenues where nothing had been done from that corner to the Pittsburg Antioch Highway, the portion of the creek that paralleled the Black community. He urged that the creek be cleaned as required.

Mr. Mims also noted the reference in the staff report to the Dow Channel maintenance and inquired what that had to do with the Yosemite Drive Culvert Maintenance Cleaning Contract. The City Engineer advised that reference was in error.

Councilmember Quesada emphasized that the NPDES requirements would become costly to the City.

CHARLES SMITH clarified his understanding of NPDES systems and management control. He emphasized that cleaning upstream was fine as long as the downstream could accept it.

In response to the Vice Mayor, Mr. Fuller detailed the work that was being done to clean up that portion of Kirker Creek from the highway downstream, which work should have been under construction, although that had not occurred. He described the limited resources available and explained that the City was only able to spot clean where it could.

He emphasized that the Department would be working in the creek until the standing water was gone.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9686.

- m. **RESOLUTION 02-9687** Approval of Consultant Agreement Contract 99-05, Amendment No. 4 Mark Thomas & Co., Inc.

Amendment No. 4 to the Consultant Agreement with Mark Thomas & Co. Inc. for additional tasks beyond their original scope of work in connection with Contract 99-05, Kirker Creek Improvements Project. Amendment No. 4 authorizes an additional \$95,000 for consultant design services. Funding for the addendum to be taken from the Kirker Creek Improvements Project budget (Contract #99-05).

In response to Mr. Mims, Mr. Sbranti described the change to an amended contract, which included undergrounding of a portion of a storm drain that would perilously have been a portion of channel flow. In addition to that change there were other changes to the consultant agreement.

On motion by Councilmember Rios, seconded by Vice Mayor Beals Rogers and carried unanimously to adopt Resolution 02-9687.

Mayor Aiello took this opportunity to report that there would be Proclamations issued at the Hall of Fame Football dinner for Thomas Roblin 1937-38; Art Perez 1964-65; Dwayne Coleman 1979-80; Percy McGee 1990-91; Chris Shipe 1989-91; and John Garcia, Outstanding Contributor.

## **CONSIDERATION**

1. **RESOLUTION 02-9689** Capital Improvement Program (CIP) Priority Project List

Mr. Casey reported that on July 29, 2002, the City Council and Redevelopment Agency of the City of Pittsburg had a joint workshop to review City projects and the availability of funds for them. Staff is currently preparing a project list for prioritization and approval by the City Council. The City Council will decide the type and priority of the projects to be included in the next Five-Year CIP Plan. The presentation to the City Council for prioritization of the project list was planned for early 2003.

Mr. Casey recommended that the City Council adopt the resolution authorizing the City Engineer to add the Range Road interchange for consideration and prioritization on the next Five Year CIP, scheduled for review in early 2003.

WILLIE MIMS, Pittsburg, clarified his concern for a segment of the community that might be left off the list.

BEN JOHNSON, Pittsburg, supported the inclusion of the Range Road interchange and expressed his appreciation to the Council for its efforts in that regard. He emphasized the importance of that work given the current congestion on City streets.

BRUCE OHLSON, Pittsburg added that the Pittsburg bicycle community would be interested in ensuring that the overpass would accommodate bicycles.

Councilmember Lewis supported the Range Road project but emphasized the need to commit funds to redo the infrastructure north of the freeway given the narrow underpass and narrow Parkside Drive overpass, which would create a tremendous pinch point for traffic. He encouraged staff to look at the cost of a Range Road interchange or a westbound/eastbound on ramp and consider the cost of widening an overpass where Willow Pass Road and Range Road would meet.

On motion by Councilmember Lewis, seconded by Councilmember Quesada to adopt Resolution 02-9689.

## **PUBLIC HEARING**

1. **RESOLUTION 02-9688** Award of Construction Contract No. 00-11 for the Senior Center Improvements (City Council)

Mr. Casey reported that bids had been opened for the construction of improvements of the Pittsburg Senior Center to be located at 300 Presidio Lane. Proposed improvements for this project include: A single story 10,690 square foot facility enclosing a catering kitchen, banquet room, computer lab, game room, arts and crafts room, restrooms, and office space. The apparent low bidder, Krama, Inc. of Oakland, California, submitted a Base Bid Proposal in the amount of Three Million Three Hundred Twenty Four Thousand Dollars and No Cents (\$3,324,000.00). In addition to the base bid for construction, other project costs include construction costs for additive alternate bid items 1, 3, 4 and 6, design costs, construction administration and material testing costs, furnishing costs, and a project contingency. A review project authorization form breaking down these costs had been provided to the Agency. In all, the total estimated cost to complete the project was now \$4.75 million.

Mr. Casey stated that although the amount of the low bid exceeded the current project budget, the competitive nature of the seven bids received for the project caused staff to recommend that the Agency adopt the resolution and authorize the project budget, to be supplemented by \$1.25 million of Agency reserve funds, and award Contract No. 00-11; Pittsburg Senior Center to Krama, Inc. of Oakland, California.

Resolution 02-9688 was approved on motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers and carried unanimously in JOINT SESSION with the REDEVELOPMENT AGENCY.

**ADJOURNMENT**

The meeting adjourned at 9:34 P.M. to the next meeting set for October 21, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

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