

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**October 21, 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, after having met at 5:00 P.M. in Closed Session for Conference with Legal Counsel - Existing Litigation Section 54956.9 of the Government Code regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334; and Public Employee Performance Evaluation regarding the City Manager.

City Attorney Linda Daube advised that there were no reportable items from the Closed Session.

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

**MEMBERS ABSENT:** Leatherwood, Wallen

**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  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**PLEDGE OF ALLEGIANCE**

Earl Washington led the Pledge of Allegiance.

**CITIZENS REMARKS**

There were no citizens remarks.

**MEMBERS REMARKS**

There were no Members remarks.

## **CONSENT**

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

- a. **DISBURSEMENT LIST**      Period Ending: September 30, 2002

Approved Disbursement List period ending September 30, 2002.

The following item was removed from the Consent Calendar:

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

On motion by Vice Chair Beals-Rogers, seconded by Member Lewis to approve the minutes of the September 16, 2002 meeting carried by the following vote:

Ayes:              Beals-Rogers, Lewis, Quesada, Rios  
Noes:              None  
Abstain:          Aiello  
Absent:Leatherwood, Wallen

## **ADJOURNMENT**

The meeting adjourned at 7:03 P.M. to the next meeting set for November 18, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**October 21, 2002**

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:04 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:00 P.M. in Closed Session for Conference with Legal Counsel - Existing Litigation Section 54956.9 of the Government Code regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334; and Public Employee Performance Evaluation regarding the City Manager.

City Attorney Linda Daube advised that there were no reportable items from the Closed Session.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
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  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

RON WAITE, Pittsburg, referenced the discussion at the last meeting of the Redevelopment Agency where a Citywide opinion would be sought regarding the purchase of the Griego plan, which had been proposed for the Black Diamond Mixed Use Project. He inquired whether or not that had been done or would be done. He emphasized that those who lived in the downtown supported the Griego plan, although he noted his understanding that the City would be submitting a request for new proposals. He stated that the Griego plan met the needs of the downtown and he urged that it be pursued.

Member Lewis commented that the Griego plan was not the only plan that had been

discussed at the last meeting in that there were other developers interested in working with Mr. Griego on the plan. He added that he had never had a problem with the Griego plan, although he did have a problem with Mr. Griego's development partner. He urged moving forward to find another development partner to pursue the Griego plan.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) commended the Agency for rejecting the Black Diamond Mixed Use Project that he suggested should have been rejected the first time it had been presented to the Agency.

### **MEMBERS REMARKS**

There were no Member remarks.

### **CONSENT**

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

- a. **MINUTES** Dated: October 7, 2002

Approved Minutes dated October 7, 2002.

- b. **RESOLUTION 02-846** Authorization of a Consulting Agreement Between the Agency and the Small Business Development Center

Adopted Resolution 02-846.

### **CONSIDERATION**

1. **REPORT** Report on Staff Meeting with the Ad Hoc Budget Committee

Executive Director Will Casey reported that when the Agency had approved the Final Budget for the Redevelopment Agency of the City of Pittsburg, the Agency had requested that staff meet with the Agency Ad Hoc Budget Committee to review the status of the Agency finances and the anticipated tax increment for FY 2002-2003.

Mr. Casey recommended that the report be accepted.

On motion by Member Rios, seconded by Member Lewis and carried unanimously to adopt the report on the staff meeting with the Ad Hoc Budget Committee.

Mayor Aiello convened the REDEVELOPMENT AGENCY and the CITY COUNCIL JOINTLY to consider Resolution 02-848 (Redevelopment Agency) and Resolution 02-9700 (City Council).

## **PUBLIC HEARING**

1.     **RESOLUTION 02-848**                     Disposition and Development Agreement with Discovery Builders, Inc. for the Sale and Development of Two Parcels Located on the South Side of E. 3<sup>rd</sup> Street APNs 085-370-142 and 085-370-145. (Redevelopment Agency)
  
1.     **RESOLUTION 02-9700**                     Disposition and Development Agreement with Discovery Builders, Inc. for the Sale and Development of Two Parcels Located on the South Side of E. 3<sup>rd</sup> Street APN: 085-370-142 and 085-370-145. (City Council)

Executive Director Casey reported that the Pittsburg Redevelopment Agency and Discovery Builders, Inc. had negotiated terms for the disposition and development of two parcels of land located on the south side of East 3<sup>rd</sup> Street in downtown Pittsburg. Discovery Builders, Inc. would purchase the approximately 1.3 acres of land for the fair market value of \$340,812, as determined by an appraisal dated October 17, 2001 and would develop sixteen detached, single-family dwelling units.

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

Mayor Aiello opened the joint public hearing on Resolution 02-848 (Redevelopment Agency) and Resolution 02-9700 (City Council). There was no one to speak for or against the resolutions. Mayor Aiello closed the public hearing.

City Attorney Linda Daube advised that each resolution should be voted on separately.

With respect to the resolution for the Redevelopment Agency, the City Attorney clarified that the Agency Chair was to execute further documents, which was to include the execution of the Final Subdivision Map.

On motion by Member Rios, seconded by Member Lewis and carried unanimously to adopt Redevelopment Agency Resolution 02-848, with the amendment that the documents to be executed by the Agency Chair would also include the Final Subdivision Map.

On motion by Councilmember Lewis, seconded by Councilmember Rios and carried unanimously to adopt City Council Resolution 02-9700.

## **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 7:12 P.M. to the next meeting set for November 4, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**City Council Minutes**  
**October 21, 2002**

Mayor Frank Aiello called the meeting of the City Council to order at 7:13 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:00 P.M. in Closed Session for Conference with Legal Counsel - Existing Litigation Section 54956.9 of the Government Code regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334; and Public Employee Performance Evaluation regarding the City Manager.

City Attorney Linda Daube advised that there were no reportable items from the Closed Session.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager, Willis Casey  
Assistant City Manager, Nasser Shirazi  
City Attorney, Linda Daube  
Assistant City Attorney, Carol Victor  
City Clerk, Lillian Pride  
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  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

PHYLLIS GORDON, Pittsburg, reported that the Community Advisory Commission (CAC) along with the League of Women Voters had hosted a Candidates Forum on October 15, which forum had been scheduled for the City Council Chambers in arrangements with the City Manager's Office on May 5, 2002. Given the Monday holiday she had not been informed until the morning of the forum that the Planning Commission had booked the Council Chambers for an unscheduled Planning Commission meeting. As a result, the forum had been moved elsewhere at City Hall and had suffered as a result.

Ms. Gordon took this opportunity to commend Buck Eklund and Paul Flores who had

worked with AT&T Broadband to get everything set up for the event. Given the problems that had resulted, among them disruptions from the Commission meeting in the building, she urged that a plan be put in place to avoid such scheduling conflicts in the future

TED STICHT, an Oak Hills resident, Pittsburg, advised that he did not support high density housing adjacent to the Oak Hills residential area given negative impacts such as a higher crime rate, the lowering of property values, that such housing would not pay for itself in civil services and that it would aggravate traffic problems. He recommended that Mr. Seeno and Mr. Alves work together to develop the area around Oak Hills to avoid impacts to the Oak Hills residents. He strongly opposed high-density housing in the area.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), concurred with the concerns expressed for the CAC's Candidates Forum where one Commission had superceded another, which he opposed. He also expressed his opposition to the City Council's passage of the Park Place development for 40 homes in the downtown where the City had accepted a Mitigated Negative Declaration for the development. He suggested that the removal of all the trees could not be mitigated and with the preparation of no traffic study he suggested that the negative impact of the project on the existing low income and minority community had not been identified, which he suggested raised clear social justice issues. He remained in support of a full EIR for the area as a result of the development.

Mr. Mims also raised concerns with the detention pond proposed in the rear of Carpino Avenue. He reminded the City Council of the West Nile Virus threat and noted that since the mosquito was the carrier of the virus, the concerns for standing water in a detention pond were even more in need of attention. He suggested that also raised an additional environmental justice issue.

DAVID GOLD, Walnut Creek, representing Alves Ranch LLC, a land use attorney, noted that both public hearings on the Council agenda related to Seeno-related entities. At this point, he requested that the Mayor and Councilmember Quesada recuse themselves and not vote on those two agenda items.

Mr. Gold added that legally under the Political Reform Act, the recent father/son transformation from the Albert Seeno Jr. SEECOM entity to his son's Albert Seeno III's Discovery Builders could not get around serious conflict issues. He stated that the Political Reform Act was concerned with financial conflicts of interest where public officials may not vote or influence any governmental decision in which they had a financial interest. If a public official was prohibited from voting on projects proposed by one business and that business was related to a second business, the public official could not vote on a project proposed by the second business as well. He suggested it was obvious that the father/son entities were related.

At this time, City Attorney Daube advised that Mr. Gold was speaking to a matter that had been agendized. As such, his comments would be appropriate during the public hearing on the items that he had referenced. She clarified that the current portion of the

meeting was related to public comments on items not on the meeting agenda.

MIKE LENGYEL, Pittsburg, offered an update on Mill Creek development related to the storage portion of the proposal. He also referred to an election/campaign-related mailing and sought an identification of a Postal Permit Number referenced in the mailing.

City Attorney Daube advised that if Mr. Lengyel had specific questions related to election procedures there were avenues where those issues could be raised. She stated that the issue was clearly a campaign issue and she advised that there were other avenues to raise his concerns.

Mayor Aiello advised that the Fair Political Practices Commission (FPPC) was on line and had online complaint forms if Mr. Lengyel wished to address those issues.

## **COUNCIL REPORTS**

Councilmember Lewis reported from the Centennial Celebration Committee that the commemorative medals being minted for next year's celebration would arrive next month. He noted that certain criteria had been imposed to ensure a fair and equitable distribution of the medals. He reported that there would be 4,000 gold and bronze medals at \$1 apiece and 100 special commemorative sets of a silver medal and an antique bronze medal at \$25 apiece. There was a limit of two sets per person on the silver medals and a limit of five on the individual gold and bronze medals. Interested parties could contact the Recreation Department or the Pittsburg Chamber of Commerce to purchase the medals. He added that the yearlong centennial celebration would be kicked off at the Mayors' breakfast in January. The City would sponsor some events while others would be sponsored by private organizations.

Vice Mayor Beals-Rogers reported that she had represented the Mayor at the Monthly Mayors Conference in Oakley when the *Shaping Our Future* project, which was moving forward, had been discussed. She also clarified based on an earlier comment from Ron Waite with respect to "her brother's" association with the Black Diamond Mixed Use Project, that she did not have a brother who was in the architectural development or design business.

Mayor Aiello reported that he had attended the Football Hall of Fame Dinner where National Football League (NFL) Hall of Famer John Henry Johnson had been in attendance. He had also attended the PICA Italian Opera Luncheon. He also reported that the Auto Mall groundbreaking was scheduled for October 23.

Mayor Aiello took this opportunity to announce that after reviewing many documents and listening to public testimony, he would direct staff to prepare an emergency ordinance to be returned to the City Council at its next meeting on November 4 under Public, Health and Safety for a 12-month growth moratorium in the City, with the exception of commercial and industrial buildings, so that the newly elected Council could have a year to create a plan to address such issues as fire, police protection and traffic mitigation. He clarified with

the City Attorney that such an ordinance would require a 4/5ths vote of the Council.

Councilmember Rios requested that the meeting be adjourned in memory of Andy DeStefano who had been honored in the Hall of Fame and who had worked for many years at Pittsburg High School as an instructor, guidance counselor and a coach.

## **PROCLAMATIONS**

1. Californians for Drug-Free Youth, Inc. Red Ribbon Week Campaign (October 23<sup>rd</sup> - October 31<sup>st</sup>)

Vice Mayor Beals-Rogers read the proclamation for Californians for Drug-Free Youth Inc., Red Ribbon Celebration from October 23-31 and presented the Proclamation to MICHAEL STARK of Pittsburg, who thanked the Council for highlighting the importance of Red Ribbon Week. He emphasized that children needed role models and he urged everyone to be a role model to sacrifice and give up things that they did not want to do to become productive citizens of the community and to serve as role models for the youth of the community.

***Mayor Aiello modified the agenda at this time for the benefit of the public to consider Resolution 02-9701 out of agenda order.***

## **PUBLIC HEARING**

2. **RESOLUTION 02-9701** Appeals of Planning Commission Approvals of the Mitigated Negative Declaration, Tentative Map (Subdivision 8475), Rezoning (RZ-02-03) and Development Agreement for Sky Ranch II

Appeals of the Planning Commission decisions to approve a Mitigated Negative Declaration, recommend approval to the City Council of an application to prezone 166.5 acres to RS (Single-Family Residential) and an application to enter into a Development Agreement with the Applicant (Seecon Financial and Construction Co., Inc. on behalf of Discovery Builders, Inc.) and an application for a Vesting Tentative Map that subdivides two parcels into 386 single-family residential lots ranging in size from 8,000 square feet to 6.06 acres, and requires the Applicant to construct a water tank and related improvements in an undeveloped area located south of the existing Highlands Ranch Subdivision Tract 7217, south of Buchanan Road. The project site is designated Low Density Residential (1-7 dwelling units/acre) on the Pittsburg General Plan. It is within the County Urban Limit Line and City of Pittsburg's Sphere of Influence. The majority of the project is located outside City limits. APNs 089-050-041 and 042 (and portions of Highland Ranch).

City Attorney Daube reported that the City had received a letter from the applicant, Discovery Builders, Albert D. Seeno III, withdrawing the project and asking that the project be sent back to the Planning Commission for the preparation of a full Environmental Impact Report (EIR). Ms. Daube stated that the letter was dated October 21, 2002. She asked

Albert Seeno III, who was in the audience, if he agreed that the whole project was to be withdrawn and referred back to the Planning Commission with a full EIR. Mr. Seeno responded with "That's correct."

Ms. Daube stated in that situation any public hearing would be moot, although she acknowledged the many people who wanted to speak at this time. She recommended that comments be limited in that case.

Mayor Aiello declared a three-minute limit per speaker. He emphasized that there was no public hearing although testimony would be accepted from the public. He took this opportunity to recognize Mr. Seeno for listening to the people and for doing the right thing.

TANYA GULESSERIAN, Attorney with Adams Broadwell, Joseph & Cardozo representing the International Brotherhood of Electrical Workers (IBEW) Local 302, stated that she had been prepared to comment on the need for a full EIR and to respond to a comment in Mr. Seeno's letter regarding the position of the union, although given that the project had been withdrawn those comments would be reserved at this time.

Mayor Aiello referred to Ms. Gulesserian's documentation and read a letter from the firm that at numerous times information had been requested and self-addressed paid envelopes had been submitted to get all information related to the California Environmental Quality Act (CEQA) on projects in Pittsburg, although the firm had not received the proper notifications. As such, he inquired how staff could address that situation. He referred to three different letters from the Adams Broadwell firm addressing the issue, which he suggested was one of due process. He directed staff to rectify that situation.

MICHAEL KEE, Pittsburg, stated that he would reserve his comments for the Planning Commission.

DAVID GOLD, Walnut Creek, stated that he would defer any detailed comments with respect to the EIR given that the applicant had agreed to process a full EIR. He stated that they had submitted a letter and the letter spoke to those issues. He suggested that the more global issue was whether or not Mayor Aiello and Councilmember Quesada would be able to participate in those decisions.

City Attorney Daube noted that Mr. Gold's firm had included those arguments in their litigation.

Mr. Gold reiterated his concern and pointed out that the website of Discovery Builders included no information on that firm. It only identified Seeno Homes. With respect to Secretary of State corporate filings for both Seecon and Discovery Builders, he stated that both father and son sat on the Board of Directors for one another's corporation. He also noted that those filings had identified the same address for each. He urged the inclusion of that information as part of the process.

City Attorney Daube clarified with Mr. Gold his desire that the letter from his firm

dated October 21, 2002 would be made a part of the public record.

PAULETTE LAGANA, Pittsburg, representing CAP-IT, an environmental education group in Pittsburg, urged the members of the public to show up, speak up and make his/her opinions known at the public hearings to be scheduled for the EIR for the Sky Ranch Project.

WILLIE MIMS, Pittsburg, representing the BPA, supported the return of the Item for a full EIR and commented that if the Planning Commission had initially requested a full EIR the item would not have gotten to the point that it had. He urged the Planning Commission to do the right thing when it comes before them.

BRUCE OHLSON, Pittsburg, speaking for the East Bay Bicycle Coalition, noted his understanding that there was a possibility that the eastern segment of the Buchanan Bypass would not be connected to Ventura Drive until the western segment of the Bypass had been built. While the bicycle community had no problem prohibiting commuters from cutting through residential areas, he suggested it was appropriate that pedestrians, bicyclists and emergency vehicles be allowed to move freely between those two streets. He also requested assurance that arterial and collector streets in and around the Sky Ranch II development would have bicycle lanes constructed.

BEN JOHNSON, Pittsburg, suggested that some of the City's problems were being created from areas to the east where significantly more development than was being conducted in the City of Pittsburg was impacting City residents and affecting the development of the Buchanan Road Bypass. He urged that the City's traffic problems be addressed. He suggested that a moratorium would help only marginally given that Antioch, Oakley and Brentwood were still developing and still impacting the City of Pittsburg with traffic. He urged working with the other communities to address the concern.

Mayor Aiello challenged the cities to the east to match the proposed moratorium and to match the effort to develop an appropriate plan to address the issues. He noted that because those cities were doing the wrong thing did not mean that the City of Pittsburg could not do the right thing.

***Mayor Aiello declared a recess at 7:56 P.M. The meeting reconvened at 8:05 P.M. with all members present.***

Mayor Aiello advised that there were additional speakers on the previous item, Resolution 02-9701.

SETH ADAMS, Director of Land Programs for Save Mount Diablo, one of the appellants on both San Marco Meadows and Sky Ranch II applications, expressed his appreciation that the application for Sky Ranch II had been withdrawn. Mr. Adams commented that one of the reasons for his concern was that the Black Diamond Mines in the Pittsburg foothills were the foothills of Mt. Diablo, which had led to a concern for the process without adequate environmental information. He otherwise noted his confusion

that the San Marco Meadows application had not been withdrawn and he inquired why that had occurred. He supported the preparation of a full EIR for both projects and a preservation of the scenic backdrop for the City, the wildlife corridors and habitat leading up to the Black Diamond Mines Regional Preserve. He provided information on Save Mount Diablo for the Council.

CHARLES SMITH, Pittsburg, spoke in support of the preparation of a full EIR.

JOSEPH METZ and ARLENE METZ from Pittsburg, who did not speak at this time, had submitted speaker's Cards.

### **CONSENT CALENDAR**

On motion by Councilmember Lewis, seconded by Councilmember Quesada and carried unanimously to adopt the Consent Calendar, with the removal of Items c and d, as follows:

- a. **DISBURSEMENT LISTS**      Periods Ending: October 3 and October 16, 2002

Approved Disbursement Lists dated October 3 and October 16, 2002.

- b. **MINUTES**                              Dated: October 7, 2002

Approved Minutes dated October 7, 2002.

- e. **RESOLUTION 02-9692**      Authorize Advertising for Bids to Construct Electrical Improvements at Delta View Golf Course as part of Contract 02-05, Golf Course Improvements

Adopted Resolution 02-9692.

- f. **RESOLUTION 02-9693**      Accepting Contract 00-05; Traffic Signal Installation at Loveridge Road and Ventura Drive as Complete

Adopted Resolution 02-9693.

- g. **RESOLUTION 02-9694**      Amendment to the Stoneman Plaza Commercial Lease Agreement Between Frank Boides Associates and the City of Pittsburg

Adopted Resolution 02-9694.

- h. **RESOLUTION 02-9695**      Award High Level Booster Plan Electrical Upgrade Contract

Adopted Resolution 02-9695.

- i. **RESOLUTION 02-9696** Awarding Contract No. 02-05, Golf Course Improvements to Joseph J. Albanese, Inc. of Santa Clara, California for site work at Delta View Golf Course

Adopted Resolution 02-9696.

The following items had been removed from the Consent Calendar for discussion:

- c. **RESOLUTION 02-9690** Subdivision 8642, Railroad Terrace, Approval of the Final Map, Improvement Plans and Subdivision Improvement Agreement

The Developer had submitted for approval a Final Map, Improvement Plans and a Subdivision Improvement Agreement for San Marcos Unit 5 for approval.

BRUCE OHLSON, Pittsburg, reported that Pittsburg's Bicycle community wanted to be assured that arterial and collector streets in the two developments would be constructed with bicycle facilities included as required by the 2001 General Plan.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9690.

- d. **RESOLUTION 02-9691** Final Adoption of City of Pittsburg Budget for FY 2002/2003

The City Council approved the FY 2002-2003 Budget for the City of Pittsburg with the stipulation that spending would be limited to 50 percent as of December 31, 2002 subject to the State of California passing a budget and subject to review by the Ad Hoc Budget Committee of the City of Pittsburg

Councilmember Rios reported that she had pulled the item to commend staff for providing the information that the Ad Hoc Budget Committee had requested. She advised the public that any information as part of the project that had been reviewed by the Committee was available to the public through the City's regular procedures.

On motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers and carried unanimously to adopt Resolution 02-9691.

## **CONSIDERATION**

1. **RESOLUTION 02-9697** Pittsburg High School Band Booster Request for City Sponsorship; 22<sup>nd</sup> Annual Holiday Parade

City Manager Will Casey advised that for the past two years the City of Pittsburg had co-sponsored the event providing funds to the Band Boosters for the parade's operational expense. The Pittsburg High School Band Boosters are requesting the continuation of this

co-sponsorship for their 2002 holiday parade. The amount requested is \$1,240.

Mr. Casey reported that the Recreation Commission had reviewed the Band Booster application for funds and had recommended City Council approval of \$1,240. The approved amount must be applied to event insurance costs with the City of Pittsburg named as co-insured.

There was no one to speak for or against the item.

On motion by Councilmember Lewis, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9697.

2. **RESOLUTION 02-9698** Junior Football League Request for City Sponsorship; 2002 Season

Mr. Casey reported that the Pittsburg Junior Football League (PJFL) is requesting City sponsorship to offset costs in the area of equipment replacement, upgrades promotions and facility usage costs. The amount requested by PJFL is \$2,000.

Mr. Casey reported that the Recreation Commission had reviewed the PJFL request for sponsorship at its April and September meetings. The Commission had recommended City Council approval of community sponsorship programs funds in the amount of \$2,000.

VINCE FERRANTE, Board Member and Grant Writer and JOSE AGUILAR, Vice President, were present to respond to questions.

Vice Mayor Beals-Rogers stated that because she sat on the Board as a Trustee of the PJFL, she would have to recuse herself from the item.

On motion by Councilmember Lewis, seconded by Councilmember Quesada to adopt Resolution 02-9698, carried by the following vote:

Ayes: Lewis, Quesada, Rios, Aiello  
Noes: None  
Abstain: None  
Absent: Beals-Rogers

On behalf of the Pittsburg Junior Football League, Mr. Ferrante thanked the Recreation Commission and the City Council for supporting the youth of Pittsburg.

3. **RESOLUTION 02-9699** Determination of the Most Appropriate Location for a New 300-Seat Banquet and Lodge Facility Along the Downtown Waterfront Area

City Manager Casey reported that on July 1, 2002, the Pittsburg Elks were temporarily relocated to the vacant New York Landing Restaurant located at 51 Marina

Boulevard #C because of the widening of Highway 4. For the past 15 months, the Elks had been eager to initiate discussions regarding a permanent banquet and lodge facility in the downtown. The Pittsburg Elks had requested that staff begin the process to determine the most appropriate location for a 300-seat banquet and lodge facility along the waterfront. Staff is seeking direction to explore the possibility of future property negotiations and associated City/Redevelopment Agency costs related to the establishment of a permanent home for the Pittsburg Elks Lodge in the Downtown Marina Area.

Mr. Casey recommended that staff be directed to research and locate the most appropriate site for a new 300-seat banquet and lodge facility along the Downtown Waterfront Area. Upon determination of the most appropriate site and related City/Redevelopment Agency costs, staff would return to the City Council for further direction.

Councilmember Quesada presented some background to the proposal by the Elks Lodge and by the Black Elks Lodge given their several relocations in the City.

RON WAITE, Pittsburg, noted that the City currently had no plan to develop the downtown and the Marina and it would be unacceptable to negotiate property arrangements without one. He emphasized that downtown residents wanted to be part of the process. He noted that the Liberty Hotel and the proposed Elks Lodge would both be in the same area of the Marina and City staff had advised that there could be 300 or more cars traveling to the banquet center. He objected to increased traffic in the downtown. Acknowledging the good work of the Elks Club he otherwise recommended that the waterfront be used to serve the City.

IDA MAY WAGNER, Pittsburg, an actively involved resident of the City for the last four years stated that she and others had been led to believe that there would be many public hearings on the item. She questioned how many residents were aware of the issue. She emphasized that a well thought out determination of what the City and its residents wanted to do with the waterfront property was required. She did not support a piecemeal approach. She urged the development of a master plan.

WAYNE TILLEY, Brentwood, representing the Pittsburg Elks Lodge #1474 offered a presentation of the Elks Waterfront Development Proposal.

Mr. Tilley explained that the Elks Lodge had been located in Pittsburg since 1923, had been on Frontage Road from 1962 to 2001 but had been relocated as a result of the Highway 4 expansion. The former lodge could accommodate a banquet for 300 people and was 13,000 square feet in size. The lodge had been relocated temporarily to 51 Marina Boulevard until a new facility could be constructed. He described the many community activities and affairs that the Elks Lodge had been involved with over the years. He emphasized that Elks Lodge activities would attract people to the downtown, would begin the waterfront revitalization for Pittsburg, would provide Pittsburg with a banquet facility competitive with surrounding communities, and would provide tax revenue to the City. He clarified in response to a comment that the Elks Lodge was paying the City for the use of

51 Marina Boulevard.

Mr. Tilley stated that the membership was comprised of residents from as far away as Discovery Bay and Byron to the east and Martinez from the west, and members from Antioch, Clayton and Concord were co-shared. He asked the many members of Elks Lodge #1474 in the audience to rise at this time.

Mr. Tilley presented the plan to build on a 12,000 square foot pad in a two-story building to be able to seat 300 people. Space would be available for a Harbormaster office.

The banquet facility would be available for public rental. He emphasized that the Elks had the money to invest in downtown Pittsburg, wanted to remain in downtown Pittsburg and urged the City to pursue a proposal to develop the Elks Lodge in the downtown.

FRED HEWINS, Oakley, explained that the purpose of the presentation was not to ask what the City could do for the Elks but how the Elks could work in conjunction with the City to help Pittsburg gain positive notoriety.

JAN KNIGHT, a new Pittsburg resident, voiced her concerns for the proposal particularly given that there was no master plan for the development of the downtown. She urged the Council to listen to the concerns of the residents who lived in the adjacent residential neighborhoods.

JOYCE GUNN, Pittsburg, described the Pittsburg waterfront as a treasure that belonged to everyone in the City and should be enjoyed by everyone in the Bay Area. She noted that the area had high visibility and that the area would be a draw to others interested in water activities or views of the water. She suggested that the downtown area with sufficient parking would be a more appropriate site for the proposal. She recommended that a plan be developed for the Marina as a whole to address the needs and desires of the Elks Lodge and of the entire population of the City.

CHARLES SMITH, Pittsburg, who had grown up around the waterfront when Cody Street existed noted at one time that there had been a public park at the Marina. Not in opposition to any relocation of the Elks Lodge, he suggested that another spot in the downtown, such as the former Lucky store, would be an appropriate location to consider.

WILLIE MIMS, Pittsburg, referred to Councilmember Quesada's comparison of the two Elks Lodges and noted that the Black Elks had been moved to the far end of Pittsburg on land that was not prime land. He noted the difficulties that group had securing property to serve their needs. With respect to Lodge #1474, he stated that the waterfront land was prime land that was more appropriately reserved for use by the citizens and taxpayers of the City. He suggested that a location in the downtown would be more appropriate for the placement of the Elks. He did not want the waterfront to be taken from the taxpayers and citizens of the community. He also questioned whether or not any survey had been conducted of the area.

Director of the Redevelopment Agency Garrett Evans advised that part of the process

was to determine the most appropriate location for the banquet and lodge facility in the downtown waterfront area, which was requested to be initiated by the Council's action to return with the results of that study and to work in with a master plan to be submitted to the Council in early 2003.

Mayor Aiello read comments into the record from Richard Conn who had submitted a Speaker's Card but who wished not to speak at this time. Mr. Conn's card stated "The Marina waterfront should be developed as a total plan serving all of Pittsburg. It is not appropriate for a private club - Elks or others - to occupy this limited and available space. There are a number of downtown locations - not waterfront - that may be appropriate."

Vice Mayor Beals-Rogers sought clarification and was advised by Mr. Evans that the proposal had been made for the George Lowy area of the waterfront, a ten-acre parcel, who stated that a 12,000 square foot pad would represent 1/40<sup>th</sup> of that entire parcel, which was being evaluated for the best location along the waterfront area.

Vice Mayor Beals-Rogers noted that the item had been submitted to the City Council sometime back at which time a discussion had evolved into what was best suited for the downtown and what the residents in that area desired. She was uncertain whether or not the process with that community involvement had occurred to identify what was best for that parcel of property along the waterfront. If there was no specific timeline involved, she suggested it was important to return the issue to the Redevelopment Agency to conduct a public meeting with input so that when returned to the Council in 2003 a series of informational opportunities and input from the community could be pursued. She inquired whether or not the item could be tabled to allow the Agency to pursue a public hearing and/or determine what the master plan would be and how the Elks Club would fit into that.

Mr. Evans noted that the Elks Club had looked at other sites given the ongoing delays in the process, including some sites in the City of Antioch.

The Vice Mayor also noted that the issue of cost had not been clarified. She inquired whether or not the Elks Lodge had the financial resources to meet their demands.

Mr. Evans stated that this was the beginning of the process to find out what was necessary and what potential commitments would be required of either the Elks Lodge or to the City.

Councilmember Quesada emphasized that the City had demanded that the Elks Lodge move from their location given the widening of Highway 4 and the expansion of the Railroad Avenue Bridge. As part of relocation, he stated that the City had always done what could be done for the relocatee and it had been the City's preference to relocate within the City. He noted that the Elks had been waiting for 15 months for the City to do something to allow them to pursue the development of a replacement facility and he suggested that the City owed the Elks an opportunity to develop in the City given that the City had forced them to move.

On motion by Councilmember Quesada, seconded by Councilmember Rios to adopt Resolution 02-9699.

Councilmember Rios stated that the intent of the resolution was to commence negotiations to help locate a site. She emphasized that the citizenry would be involved in anything that would be developed in the area of the Marina.

Reading from the staff report, Mayor Aiello clarified the purpose of the resolution. "Staff would like to determine the development costs related to the project, as well as the determination of whom (Elks or Agency) will pay for said costs, before any City Council action on property negotiations. The costs will include: site preparation, infrastructure demands, parking requirements, building and total project costs. Staff will work closely with the Redevelopment Agency subcommittee during the site determination process to maintain direction and guidance." He emphasized that the subcommittee meetings were open public meetings and that any member of the public could attend those meetings and participate in that process.

As a member of the Redevelopment Agency subcommittee, Vice Mayor Beals-Rogers sought discussions with the Elks Lodge in an entirely comprehensive plan and with a whole master plan to include the Elks in the discussion of the entire parcel. She was not comfortable pursuing the item without knowing what would be there. Acknowledging that the Elks Lodge had been relocated, she expressed a desire to retain the Lodge in the community, but she also commented that the City's teens were similarly without a center and many residents of the community had also been moved out of their homes. She emphasized the need for an evaluation of the entire project.

Member Lewis clarified with Mr. Evans that in the development of the specific plan for the marina area the master planning process would include numerous public forums, public hearings and workshops, What was proposed for approval was to determine how the Elks Club would fit in that overall master plan if they decided to do that when the master plan was fully developed.

Mr. Evans stated that a significant portion of the master plan process would involve community meetings and there would be a determination of whether or not the Elks Lodge would fit within that master plan with a 12,000 square foot pad.

In response to the Vice Mayor as to why the resolution had been proposed at this time given a previous commitment from the City to include the Elks Lodge as part of the master plan, Mr. Evans stated that staff was trying to bifurcate the process because the issue had been brought up a couple of other times. Staff wanted to start the process with an interested party that had significant dollars in case there were other delays in the master plan development process.

On the motion by Councilmember Quesada, seconded by Councilmember Rios to adopt Resolution 02-9699, carried by the following vote:

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

4. **MINUTE ORDER** Approval of Concept to Consider Linking Work Programs of Various City Departments Between the Cities of Pittsburg and Antioch

City Manager Casey reported that Mayor Frank Aiello and Antioch Councilmember Arne Simonsen had had discussions over the past six months about linking the operations of both the City of Pittsburg's and the City of Antioch's economic development, planning, engineering and public works departments in an effort to reduce or eliminate a duplication of work, to share workloads for better efficiency, to pool purchasing power for new equipment and to pursue projects and programs that would benefit the East County region.

Mr. Casey recommended that appropriate City staff be directed to meet with commensurate staff from the City of Antioch to discuss opportunities and methods of potential merging and sharing of work programs and assignments.

BRUCE OHLSON, Pittsburg, representing the Delta Pedalers with membership in East County and Martinez noted that the City of Antioch had the representation of being unfriendly to bicyclists, although the East County's bicycle community had no problem linking the two City's departments. He expressed his hope that Pittsburg's bicycle friendliness would rub off on Antioch. He noted that the Pittsburg Planning Commission and the Antioch City Council met on the same night. Even if departments were not linked, he inquired whether or not the meetings could be unlinked. He stated that he would approach Contra Costa County with that suggestion as part of the County's next General Plan update, which might not occur until 2008.

CHARLES SMITH, Pittsburg, noted that the City was working this date to relieve some of the standing water at Kirker Creek. He suggested that the equipment being used by the City of Pittsburg in that case was wanting. He suggested that linking work programs with the City of Antioch might be a good idea given that Antioch's equipment was reportedly much better than that utilized by the City of Pittsburg employees.

Vice Mayor Beals-Rogers questioned the concept noting that would include Economic Development and other areas. She inquired whether the Economic Development subcommittee had considered the idea or whether staff was aware of the objective of the partnership. She sought more information on what was intended to be accomplished. Before moving forward she sought more of a consensus as to whether or not the City of Antioch would be as eager to participate.

Mayor Aiello noted that as stated in the report he and Councilmember Simonsen had been discussing the item for the last six months, primarily related to the upcoming State budget crunch and the efforts for regional cooperation. He noted that there would be savings in consultant costs and there had been a recommendation that Oakley and

Brentwood be included in the proposal. He stated that the proposal would be the start of a plan to have local government work together.

Mayor Aiello added that the proposal was expected to be submitted to the Antioch City Council on November 12 for conceptual approval. He stated that the entire plan would have to come back to the new Council many times. It was not intended to be implemented until the next fiscal year. During that time the two staff could plan the implementation of the proposal. He emphasized the fees that could be saved in consultant fees alone of potentially \$750,000 in fees in a cooperative basis, along with a savings of staff time. He added that The Contra Costa Times and the East Bay Times had endorsed the proposal.

Councilmember Rios made a motion to adopt the minute order, which motion was seconded by Vice Mayor Beals-Rogers for purposes of discussion.

Councilmember Lewis expressed concern for first learning of the proposal through the newspaper. He suggested that the Mayor should have discussed the situation with the Council and at least through the Economic Development subcommittee. While supportive of the concept, he questioned the timing and he suggested that the matter be continued to the second meeting in November after which the City of Antioch would have discussed the plan prior to the City of Pittsburg's acceptance of the plan. He reiterated his disappointment that the full Council had not discussed the item. He suggested that the item could have been agendized and discussed by the Council as a whole.

Mayor Aiello noted that to discuss the item with two other Councilmembers would have been a violation of the Brown Act.

On the motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers to approve the concept to consider linking work programs of various city departments between the cities of Pittsburg and Antioch, carried by the following vote:

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

## **PUBLIC HEARING**

1. **RESOLUTION 02-9700** Disposition and Development Agreement with Discovery Builders, Inc. for the Sale and Development of Two Parcels Located on the South Side of E. 3<sup>rd</sup> Street APN: 085-370-142 and 085-370-145.

The Pittsburg Redevelopment Agency and Discovery Builders, Inc. had negotiated terms for the disposition and development of two parcels of land located on the south side of East 3<sup>rd</sup> Street in downtown Pittsburg. Discovery Builders, Inc. would purchase the approximately 1.3 acres of land for the fair market value of \$340,812, as determined by an

appraisal dated October 17, 2001 and would develop sixteen detached, single-family dwelling units.

On motion by Councilmember Lewis, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9700. The item had been approved in Joint Session with the Redevelopment Agency.

### **ADJOURNMENT**

The meeting of the City Council adjourned at 9:16 P.M. *in memory of Andy DeStefano* to the next meeting set for November 4, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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