

CITY OF PITTSBURG
Redevelopment Agency Minutes
November 4, 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.

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 Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Planning and Building, Randy Jerome
City Engineer, Joe Sbranti
Interim Finance Director, Pete Kolf
Personnel Services Director, Marc Fox
Chief Building Official, John Little
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Nita Esposito led the Pledge of Allegiance.

CITIZENS REMARKS

There were no Citizens remarks.

MEMBERS REMARKS

There were no Member remarks.

CONSENT

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

a. **MINUTES** Dated: October 21, 2002

Approved Minutes dated October 21, 2002.

- b. **RESOLUTION 02-849** An Agreement with BondLogistiX, Inc. to Provide Ongoing Arbitrage Calculations for Agency Bonded Indebtedness

Adopted Resolution 02-849.

- c. **RESOLUTION 02-850** Approving a Consultant Agreement for Engineering Design Services to Santina & Thompson for Contract 02-04, Presidio Lane Improvements

Adopted Resolution 02-850.

- d. **RESOLUTION 02-851** Approving a Consultant Agreement Amendment for Architectural Design Services to Group 4 Architects

Adopted Resolution 02-851.

- e. **RESOLUTION 02-852** Approving a Consultant Agreement for Engineering Design Services to Concept Marine Associates, Inc. for Contract 02-07, Marina Dock Replacement

Adopted Resolution 02-852.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:01 P.M. to the next meeting set for November 18, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
November 4, 2002

Mayor Frank Aiello called the meeting of the City Council to order at 7:02 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Willis Casey
Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
Assistant City Attorney, Carol Victor
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Planning and Building, Randy Jerome
City Engineer, Joe Sbranti
Interim Finance Director, Pete Kolf
Personnel Services Director, Marc Fox
Chief Building Official, John Little
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

EVELYN CARDINALE, 3890 Lassen Drive, Pittsburg, noted that her home had been monitored by the City for 34 years during which time her home had been subject to much vandalism and theft, which had been very expensive to repair over the years. Noting that she could keep up her home as long as she had money, she no longer had the funds to do so. While the City had indicated to her that she could mortgage her home to make repairs, she stated that the City had caused the vandalism and she urged that the City take the responsibility for making the necessary repairs.

City Attorney Daube advised that the situation referenced by Ms. Cardinale related to a Code Enforcement citation, which would be addressed at a later date by the City Council.

ALLEN TATOMER, Pittsburg, expressed his outrage at what he suggested was a biased, frequently slanderous and one-sided attack in the last two months on City planning officials, staff members and current Councilmembers. Mr. Tatomer characterized the current election as one marked by insinuation and unproven misdeeds and with an over usage of charges of scandal, which had marked past elections as well. He suggested that

the Contra Costa Times had gone out of its way to take sides and he urged the Times to better utilize its editors and writers to offer fair and balanced reporting and to better serve the community.

BEN JOHNSON, Pittsburg, expressed a number of concerns. He inquired of the status of the approval of the City's Housing Element by the State Housing and Community Development Department (HCD). He sought information with respect to Measure BB [BART retrofit] and inquired whether or not the City was supporting that measure as were all surrounding cities. He also referred to the Measure C renewal process with respect to the Buchanan Road Bypass and sought information on what was being done and what would be done to move that proposal forward. With respect to a proposal for a Range Road intersection, he urged the pursuit of that project given that he had personally counted 37,000 cars on Railroad Avenue this date from 6:00 A.M. to 9:00 A.M. He also recommended that the traffic signals on Railroad Avenue be synchronized to better address that traffic congestion. Further with respect to the Range Road process, Mr. Johnson recommended that the City work with the Contra Costa Transportation Authority (CCTA) and with Caltrans to make that project a reality. He expressed his serious concern that the City had no priority projects on a list of projects to pursue as part of the Measure C renewal process. He requested that the Council address his concerns.

Mayor Aiello advised that he would direct staff to meet with Mr. Johnson to address his concerns. He otherwise noted that the Range Road proposal would have to be addressed by the new City Council to carry that project through the required process.

COUNCIL REPORTS

Councilmember Quesada reported that he had attended the PACO event at the Gallery on the Day of the Death held this last weekend, and he had attended the Senior Citizens Gym Class Halloween Party held on October 30. He thanked Paul Flores and his staff for that event where 125 seniors had attended.

Councilmember Lewis referred to a letter with respect to the potential closure of Gladstone Drive in Pittsburg, which letter had been submitted under the signature of the City Traffic Engineer advising that the City's Traffic and Circulation Advisory Committee (TCAC) had unanimously voted to close Gladstone Drive at the Delta DeAnza Trail in order to reduce speeding and cut through traffic. Councilmember Lewis emphasized that no such closure could occur without a hearing before the City Council, which was the policy making body of the City and not the TCAC. He stated that the letter should have indicated that a recommendation would be made to the City Council that Gladstone Road would be closed.

In response to the number of calls that he had received with respect to that potential closure, Councilmember Lewis emphasized that he had been assured by the City Manager that would not be the case without City Council consideration. He urged staff to ensure that communications distributed to the citizenry accurately identify the policy making body as opposed to the advisory bodies of the City.

Councilmember Rios stated that she and City staff consisting of Paul Flores, Brad Nail and Sherri Hoyt had met with the Foreign Trade Committee, and ultimately with the Bay Area World Trade Center in Oakland to negotiate trade with Isola della Femmine, Italy.

Mayor Aiello added that a dinner had been held for the Mayor of Isola della Femmine, Italy. He reported that an Economic Development Agreement had been signed with Isola della Femmine to import some of their goods into the City of Pittsburg and to potentially export goods from Pittsburg to Isola. He stated that there were now Economic Development Agreements with all three of the City's Sister Cities. Since the City was entering the global market, he emphasized the opportunity for the next Council to aggressively move forward and work with the Sister Cities to create jobs in both those cities and in Pittsburg for the benefit of all residents.

PROCLAMATIONS

1. Hospice Month November 2002

Councilmember Lewis read the Proclamation for Hospice Month November 2002 and described the care options for the elderly, disabled and infirm offered by the Hospice organizations. He commented that in the last months of her life, his mother had found great peace and comfort in the Hospice care that she had received.

LaMONT CAMPBELL, representing Hospice of Contra Costa accepted the Proclamation, thanked the City for its support, and stated that they were close to celebrating 25 years of service.

CONSENT CALENDAR

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt the Consent Calendar, with the removal of Item g.

a. **DISBURSEMENT LISTS** Periods Ending: October 18 and October 30, 2002

Approved Disbursement Lists dated October 18 and October 30, 2002

b. **MINUTES** Dated: October 21, 2002

Approved Minutes dated October 21, 2002.

c. **CLAIMS** #1480 Maria Naves, #1484 Francine Regina Holland, #1488 Bill Parker Jr.

Denied claims #1480 Maria Naves, #1484 Francine Regina Holland, #1488 Bill Parker Jr.

- d. **RESOLUTION 02-9702** An Agreement with BondLogistiX, Inc. to Provide Ongoing Arbitrage Calculations for Agency Bonded Indebtedness

Adopted Resolution 02-9702.

- e. **RESOLUTION 02-9703** Create the Economic Development Fund and Transfer \$6 Million from the Reserves of the General Fund to the Economic Development Fund

Adopted Resolution 02-9703.

- f. **RESOLUTION 02-9704** Recognize the Reversal of a Loan Made to the Golf Course Prior to FY 1995/96 Resulting in the Granting of the Golf Course to the City of Pittsburg

Adopted Resolution 02-9704.

The following item had been removed from the Consent Calendar for discussion.

- g. **RESOLUTION 02-9705** Subdivision 8587, Loveridge Commercial Center, Approval of the Final Map, Improvement Plans, Subdivision Improvement Agreement and Deferred Improvement Agreement

The City Engineer had determined that the Final Map, Grading Plans and the Improvement Plans are in compliance with the approved Tentative Map, subdivision regulations, and construction standards. The City and Developer to enter into a Subdivision improvement Agreement and a Deferred Improvement Agreement guaranteeing satisfactory completion of all improvements for Subdivision 8587, Loveridge Commercial Center by the Developer.

BRUCE OHLSON, Pittsburg noted that the Loveridge Commercial Center fronted California Avenue between Loveridge Road and areas to the west. While California Avenue had marked shoulders for part of the distance and bicyclists used California Avenue to go from Loveridge Road where marked bicycle lanes were located and Harbor Street, an area designated by the General Plan for bicycle lanes, he urged assurance that the marked shoulder lanes in front of the project be retained as de facto bicycle lanes even if not formally declared as bicycle lanes.

Responding to Councilmember Quesada, Mr. Ohlson thanked the City for the installation of striped bicycle lanes on North Park Plaza.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Lewis and carried unanimously to adopt Resolution 02-9705.

CONSIDERATION

1. **RESOLUTION 02-9706** Approval of Owner Participation Agreement Between the City of Pittsburg and Lithia Real Estate, Inc.

City Manager Willis Casey presented the Owner Participation Agreement between the City of Pittsburg and Lithia Real Estate, Inc. for a new Volkswagen dealership in the Century Plaza Auto Mall. This would approve financial assistance to be disbursed over a 20-year period in an amount not to exceed \$875,000. Mr. Casey recommended that the City Council approve the Owner Participation Agreement between the City of Pittsburg and Lithia Real Estate Inc. and authorize the City Manager to execute the Owner Participation Agreement, to be disbursed over a 20-year period and not to exceed \$875,000.

BRUCE OHLSON, Pittsburg, noted that the City was planning to give away \$875,000 to one car dealership out of 13 possibilities and the City could not see clear to construct the bicycle lanes on Century Boulevard in front of the dealership that had been called for in the General Plan. He sought assurance that the City Council would instruct staff to require bicycle lanes as called for in the General Plan.

On motion by Councilmember Rios, seconded by Mayor Aiello to adopt Resolution 02-9706 with staff to address the bicycle lane issue.

On the question, Vice Mayor Beals-Rogers commented that while supportive of the Auto Mall, she was concerned with the expenditure of funds by the City to address the shortfall involved in the process. She inquired whether or not there would be another dealership that would receive the same offer.

Economic Development Director Brad Nail expressed the hope as the Auto Mall filled that there would be less and less a need for subsidy to occupy the Auto Mall. He stated it was important for the first dealers to occupy the Auto Mall to have the assistance to be able to move forward. Now that the Auto Mall was under construction there were other dealers desirous of locating at the site. He suggested that there might be a need for additional subsidies, but he emphasized the need to see what the Auto Mall would generate for the City. He emphasized that of all the subsidies being disbursed, that total was less than ten percent of what was expected to be generated to the City. He stressed that they were trying to do the best job they could with the least amount of money.

In further response to the Vice Mayor, Mr. Nail expressed staff's intent that with the generation of sales tax, one third would go to Lithia, one third would repay the funds generated to Lithia, and the final third would be directed into the General Fund. He stated that in less than 20 years the entire amount would be directed to the General Fund. It was staff's desire to retain the \$6 million in the fund to use for future projects in the City.

the City was doing to make certain that timeframe was met.

Councilmember Lewis stated that the item had been placed on the agenda at his request given that the property was at one of the most highly visible intersections in the City. As such, he had been monitoring the project for many years. He noted that a building permit issued in June 2000 was now two and a half years old. While he was pleased to see that work was now being undertaken on an almost daily basis, he sought assurance that the exposed plywood that had now weathered two winters would be replaced by new plywood sufficient to do the job.

With respect to timelines, Councilmember Lewis wanted to make certain that there was a set schedule as to when the highly visible symbol of one of the City's key intersections be put in an appropriate condition. He otherwise acknowledged the several changes in the architects and others associated with the project that had made it difficult for staff to address the project. He commended staff for their efforts but urged them to remain diligent to avoid further delays. With a continued failure to meet its timelines, he suggested that penalties be considered.

Chief Building Official John Little explained that the permit had actually been issued in June 2002 and the primary problem with the project was that the original architect was not an architect, and the original contractor had made continual errors in the process of demolition and construction when six Stop Work orders had to be issued. He had since learned that contractor might not have been a licensed contractor. He stated that the church had essentially been victimized by both the architect and the contractor. A legitimate architect had now been addressing the situation that had evolved from a basic tenant improvement to an unsafe building with no architect and no contractor.

Mr. Little explained that he had been working with the pastor of the church who had been extremely cooperative throughout the process. He explained that the project was expected to come along quickly within the next couple of months. He emphasized that the structural engineer would evaluate all of the plywood on the building. As a result, much of the plywood would be replaced.

Councilmember Lewis inquired whether or not the City was facing any potential liability for allowing the occupancy of what had been described as an unsafe building.

In response, Mr. Little stated that the only portion allowed occupancy was the sanctuary in the concrete portion of the structure, which had been certified to be safe. The three-story wood story section facing Central Avenue and the two-story section facing Railroad Lane was not being occupied and there was no liability expectation.

As part of the permit process, Mayor Aiello urged some assurance that architects and contractors involved in projects within the City were licensed.

Mr. Little explained that staff normally looked into the architect and contractor licenses, although in this case the original person in charge had passed himself off as a

project manager who would eventually hire an architect, although that had not been done. Having worked with that individual previously, Mr. Little stated that individual had previously hired an architect on another project and had completed the work and there was no reason to believe that would not be the same in this case. He emphasized that normally the City would verify the applicable licenses of those involved.

Councilmember Rios inquired how long the program, Stronger Neighborhood Initiative, had been in place, whether or not there was consistency or a penalty clause when obligations were not fulfilled, whether or not all citizens were treated fairly in the process, and whether or not information was available to better describe the program which she had previously not been aware.

Mr. Little stated that his portion of the proposal was through the Code Enforcement Division in conjunction with the Police Department. He was otherwise unfamiliar with the program that it was his understanding involved assistance in the form of low interest loans.

Councilmember Rios sought more information on the Stronger Neighborhood Initiative to apprise the Council of the program and the criteria involved.

City Attorney Daube noted that several departments had been put together some six months ago for a program initially called The Sweet Sixteen Program that was apparently now called the Stronger Neighborhood Initiative Program, which met every Monday at 9:00 A.M.

Councilmember Rios stated that she was otherwise unaware of the details of the program. She requested that the Council and the public be apprised of the situation.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Lewis and carried unanimously to accept the Report on the Status of the Rehabilitation at the former Vogue Theater at 1210 Railroad Lane.

PUBLIC HEARING

1. **ORDINANCE 02-1203** Introduction of an Ordinance to Rezone 1.94 Acres Located at 1115 North Parkside Drive from IL (Limited Industrial) to IL-O (Limited Industrial with a Limited Overlay) in Order to Add *Religious Assembly* as a Conditionally Permitted Use (RZ-02-15)

Mr. Casey advised that on October 15, 2002, the Planning Commission adopted Resolution No. 9375 recommending that the City Council establish an overlay zone in order to legalize the existing Landmark Missionary Baptist Church located on the site. Rezoning with the overlay district zoning would allow the church to make additional improvements to the site, including construction of a classroom for ancillary Bible Study classes.

Mr. Casey recommended the introduction of the ordinance to rezone 1.94 acres

located at 1115 North Parkside Drive from IL (Limited Industrial) to IL-O (Limited Industrial with a Limited Overlay) and to waive the first reading.

Mayor Aiello opened the public hearing for Ordinance 02-1203.

BRUCE OHLSON, Pittsburg, stated that North Parkside Drive was part of the East Contra Costa County North of Highway 4 Trunkline Bicycle Route, which extended from Concord to Brentwood. He noted that Pittsburg's Traffic Engineer had applied for a grant to construct shoulders on North Parkside Drive between Willow Pass Road and Bay Point and Railroad Avenue in Pittsburg. He stated that this was the most direct route between downtown Pittsburg and Bay Point and the Central County that did not utilize the narrow, dangerous underpass at the end of Willow Pass Road. He stated that the Pittsburg bicycle community wanted to be assured that if the additional improvements to the site included any improvements to the street access, that the curbs and gutters be placed far enough back so that sufficient space was left to accommodate the planned shoulders.

BASHIR RAHIMI, Pittsburg, the owner of the property adjacent to the church basically supported the previous comments.

Mayor Aiello closed the public hearing.

On motion by Councilmember Lewis, seconded by Councilmember Rios and carried unanimously to introduce Ordinance 02-1203 and waive further reading.

ADJOURNMENT

The meeting of the City Council adjourned at 7:58 P.M. to the next meeting set for November 18, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

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