

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**September 16, 2002**

Vice Chair Yvonne Beals-Rogers 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 5:30 P.M. in Closed Session for Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding APNs 085-166-009, 085-165-009, 085-165-012, 085-164-005, 085-164-015, 085-164-016, 085-165-017, 085-165-016 and 085-165-015; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one (1) case; Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSME (Management/Professional/Confidential Unit), Teamsters Local 856, Pittsburg Police Officers' Association, and Pittsburg Police Managers' Group.

Vice Chair Beals-Rogers advised that there were no reportable items out of the Closed Session.

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

**MEMBERS EXCUSED:** Leatherwood, Aiello

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Economic Development, Brad Nail  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Planning Manager, Melissa Ayers  
City Engineer, Joe Sbranti  
Director of Housing, Buck Eklund  
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 Rios, seconded by Member Quesada and carried unanimously to adopt the Consent Calendar, as shown.

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

Approved Disbursement List period ending August 30, 2002.

- b. **MINUTES**                      Dated: August 19, 2002

Approved Minutes dated August 19, 2002.

- c. **RESOLUTION 02-205**      Annual Submittal of the Housing Authority Investment Policy Required by California Government Code Section 53646

Adopted Resolution 02-205.

## **ADJOURNMENT**

The meeting adjourned at 7:02 P.M. to the next meeting set for October 21, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**September 16, 2002**

Vice Chair Yvonne Beals-Rogers called the meeting of the Redevelopment Agency to order at 7:03 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 P.M. in Closed Session for Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding APNs 085-166-009, 085-165-009, 085-165-012, 085-164-005, 085-164-015, 085-164-016, 085-165-017, 085-165-016 and 085-165-015; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one (1) case; Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSME (Management/Professional/Confidential Unit), Teamsters Local 856, Pittsburg Police Officers' Association, and Pittsburg Police Managers' Group.

Vice Chair Beals-Rogers advised that there were no reportable items out of the Closed Session.

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

**MEMBERS EXCUSED:** Aiello

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Economic Development, Brad Nail  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Planning Manager, Melissa Ayers  
City Engineer, Joe Sbranti  
Director of Housing, Buck Eklund  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

TOM LaFLEUR, Pittsburg, took this opportunity to introduce Rhonda Wilson-Rice, the new President of Pacific Community Services, Inc. (PCSI). He reported that there was an

\$800,000 funding gap in the Presidio Village Project, and if not funded, stated that the entire \$13 million project would be in jeopardy.

Mr. LaFleur pointed out the high quality design of the proposed project, consistent with the quality of the Stoneman I and II projects, and stated that the Department of Housing and Urban Development (HUD) had set the budget for the project over two years ago and had not raised that budget. By March 2002, he explained that the project contractor, who had been involved in the project from the beginning, had announced a \$2.2 million budget shortfall. Given that the contractor was not going to help solve the problem, he described how a new interview process had replaced that contractor. Through that process, those interviewed had identified a \$1.1 as opposed to a \$2.2 million shortfall.

Mr. LaFleur reported that Keller Builders had been selected as the new contractor for the project and that PCSI had worked with that firm to value engineer the project to make every economy possible without affecting the overall quality, livability or the aesthetic value of the project. As a result, the \$1.1 million gap had been reduced to \$800,000. Noting a plan to resolve that situation, Mr. LaFleur stated that PCSI had proposed doing what had been done with Stoneman I and II, seeking additional funds from HUD. In addition, some additional assistance from the City and the County was being sought, although the bulk of the \$800,000 would have come from HUD.

Mr. LaFleur advised that PCSI had met with HUD on September 4, and had been advised unequivocally if that was done that the project would go over the January 19, 2003 drop dead date, along with the HUD policy that no additional funding could be recommended because the project was designed to be too nice.

Mr. LaFleur reported that to be able to preserve the HUD grant, PCSI would need to close the project with HUD before December 15, 2002. HUD had set December 1, 2002 as a target and had directed PCSI to provide a firm commitment application by October 15, 2002 for processing when all the costs, the project, the imminent issuance of a building permit and all the funding would have been secured. He stated that PCSI had done that, with the exception of the \$800,000. He also noted that the County had offered \$850,000 cash as a 3 percent deferred loan. For any increase to that amount, three to four months processing time would be required, which would go beyond the January 19, 2003 drop date, jeopardizing the project.

Mr. LaFleur suggested that the only way to secure the project at this point was to ask the Redevelopment Agency for a loan, although the letter he had submitted to the Agency had sought a grant. He stated that PCSI could accept a loan from the City as long as the terms of the loan were the same as the County, 3 percent interest, paid out over the 45-year life of the project and paid out of residual receipts. He stated that he had briefly spoken to the City Attorney and had described the mechanics of that process.

Mr. LaFleur emphasized that he would not be asking the Agency for the loan if there was any other way to complete the project. He stated that the City had treated PCSI and all three senior projects generously. In the past, PCSI had never asked for cash money. He

noted that costs had changed and were now much higher. With the current project just 8 percent over the overall budget that had been adopted two years ago and having retained the quality of the proposal, he stressed that it was time to secure the project in its full quality. PCSI needed the Agency's help to do that within a very short timeframe.

RHONDA WILSON-RICE, the new President of PCSI suggested that there was little more to say other than that the Presidio Village Project was a good project, good for the City and for seniors, providing senior housing for primarily low income seniors most in need of housing.

Ms. Wilson-Rice emphasized that PCSI sought assistance from the Agency to fill the gap because every other avenue had been explored. The project needed to be done now to be able to be accomplished.

Member Lewis expressed concern with the timing of the issue, particularly since the item was not on the agenda and there was not a full Council available at this time. He inquired of the City Attorney whether or not she would have sufficient time to agendize the item for the October 7 meeting, to generate the document and to make the necessary changes to execute the documents and get them to HUD for review and execution prior to the October 15 deadline.

City Attorney Daube expressed her understanding that the loan document had already been prepared and that the language was in place.

Mr. LaFleur stated that PCSI had an existing agreement with the City and an existing loan document with the County. He proposed to prepare a one-page amendment to identify the \$850,000 as a cash injection to be secured by a loan and use the County's Note and Deed of Trust, and get the County to sign off on it to have a co-equal first, which he suggested the City Attorney would be able to review and have in place prior to the October 7. With that, a complete packet could be presented to HUD on October 8 for review to be able to meet HUD's October 15 deadline.

City Attorney Daube stated that based on those representations there should be no problem given that the Agency had been involved in the first round with the County.

Vice Chair Beals-Rogers requested that some documentation from the Finance Director be presented to the Agency to identify the financial feasibility, to which Ms. Daube advised as with all projects, that information would be included in the staff report.

## **MEMBERS REMARKS**

Member Quesada stated that he had spoken to the City Attorney with respect to code enforcement issues affecting High School Village, the area of McArthur, Navy, Army, Avon and Victory Streets where the Code Enforcement Officer had placed the area in a hold status. He explained that the majority of the owners of the property were retired persons on fixed incomes and those residents were being required to paint their homes. He stated

that was a very expensive proposition, particularly for those on a fixed income. He sought information on that situation.

Member Quesada suggested that redevelopment funds might be able to assist those homeowners. He emphasized that the public and the Agency needed to be apprised of the situation to determine whether or not funds could be made available to assist homeowners in that regard.

Vice Chair Beals-Rogers directed that situation to the attention of the Housing Authority given that some rehabilitation loans were available through the Housing Authority.

## **CONSENT**

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

a. **MINUTES** Dated: September 3, 2002

Approved Minutes dated September 3, 2002.

The following item was pulled from the Consent Calendar for discussion.

b. **RESOLUTION 02-843** Awarding Contract 93-13, Willow Pass Road/Polaris Drive Improvement Project and Authorizing the Executive Director to Execute Contract Documents

Staff opened bids for this project on September 10, 2002. The apparent low bidder was Granite Construction with a bid proposal in the amount of five hundred and forty-one thousand, six hundred and twenty five dollars, and fifty-one cents (\$541,625.51). The proposed improvements for this project include widening a section of Willow Pass Road from the western border of the City near Bay Point to the intersection at Loftus Road. The widening to include the installation of curb ramps, a sidewalk and restriping. The proposed improvements to conform to the same road width and alignment as that on the County side of the road.

This project also includes improvements to be constructed on Polaris Drive from Range Road to East Catamaran Circle. Improvements include resurfacing and traffic calming to be accomplished by restriping the road and the installation of a median, along with a parking lane. In addition to the base bid for construction, staff requested that an additional 15 percent of the contract amount (\$81,000) be authorized for contingencies. The total estimated contract cost including the contract with Granite Construction and 15 percent for contingencies fall well within the budget amount previously authorized for this project by the Redevelopment Agency.

BRUCE OHLSON, Pittsburg, reported that the item had raised a concern with him given that there was no mention of bicycle facilities. At a meeting approximately five weeks

ago, he had approached the Agency and had been assured that the project would receive bicycle lanes, which were needed to complete that stretch of road.

Member Quesada noted that two bicycle advocates had requested an increase in the allocation for regional fees to 5 percent for bicycle facilities as the City of Pittsburg had supported, although the City had been outvoted at the TRANSPLAN Committee meeting held on September 14, and would also be considered at the next meeting of TRANSPLAN.

Mr. Ohlson emphasized the need for bicycle facilities to address alternative modes of transit other than automobiles.

In response to Member Lewis as to whether or not bicycle lanes had been included in the project, City Engineer Joe Sbranti reported that bicycle lanes had been included in the project but had inadvertently not been included in the description of the project provided to the Agency. He stated that the road was being widened to the full width of the west side of Willow Pass Road to ensure the same accommodations on that portion of Willow Pass Road.

On motion by Member Lewis, seconded by Member Rios and carried unanimously to adopt Resolution 02-843.

## **CONSIDERATION**

### 1. **RESOLUTION 02-842**      Redevelopment Budget Extension

Assistant Executive Director Nasser Shirazi advised that the Agency Board had approved the FY 2002-2003 Budget for the Redevelopment Agency of the City of Pittsburg with the stipulation that the budget would be brought back to the Agency when the State passed its budget. The State had passed its budget with a fiscal impact to the Redevelopment Agency. The impact to the Agency was estimated to be approximately \$623,809.

Mr. Shirazi recommended the adoption of Resolution 02-842 asking that the budget restrictions currently in place for the Redevelopment Agency be removed and direct staff to work with the County Auditor to finalize the amount to be shifted from the Agency to the Educational Revenue Augmentation Fund (ERAF).

Member Rios requested that the item be continued. She stated that she would not support the resolution. She also noted that she had previously requested that staff provide the numbers for how the impact of AB 81 would affect the Redevelopment Agency, which had not been provided to the Agency. She noted that the staff report had indicated that the fiscal impact of the State's Budget to the Redevelopment Agency would be softened by AB 81, although she reiterated that specific ERAF figures had not been provided.

Member Rios requested a continuance of the item until the information had been provided. She made a motion to that effect.

City Attorney Daube reminded the Agency that it had put in place a partial budget that would end on September 30, 2002. She stated that the item could still be modified although if no action was taken at this time, after September 30 there would be no authority for the Agency to expend funds.

Member Quesada added with respect to the \$800,000 request by PCSI that the Agency would have to be advised of where those needs might be accommodated. As such, he suggested that the budget would have to be reevaluated to determine how that would be done. He seconded Member Rios' motion to continue the item.

Member Lewis inquired whether or not the funding for Stoneman III, for instance, would come from the redevelopment bonding capacity that would be available to the City.

Director of the Redevelopment Agency Garrett Evans stated that item could be structured as a debt to the Agency and could be prioritized to determine whether or not there were other available funds in the Agency's General Fund to meet PCSI's immediate needs, which would be presented to the Agency on October 7.

Member Lewis noted that with no budget in place for the Agency after September 30, in recognition of Member Rios' concern for hard numbers for which to base the budget, and not being aware of the availability for extra meetings the rest of the month, he inquired of the ramification of operating the Agency with no budget after that time.

In response to the question as to the ramifications for operating the Agency for a week with no budget, Mr. Evans explained that approximately \$4 million of the Agency was allocated to salaries, which would mean that people would not be paid until the budget had been approved.

Member Lewis suggested that was one of the problems for not adopting the budget in total when recurring situations created difficult situations. He inquired whether or not the Agency could legally not have a budget approved.

In response, Ms. Daube stated that legally there would be no authorization to spend money without the authorization of the Agency, similar to what had recently occurred with the State Budget.

As such, Member Lewis suggested that the budget should be approved.

When asked by Member Rios for her recommendation, City Attorney Daube recommended that the motion be amended to approve the budget extension and to ask that the requested information be returned on October 7, which would allow the Agency to continue to get information, modify and make adjustments to the budget as necessary. She suggested that the extension should be approved and that the specificity of Member Rios' concerns be identified.

Vice Chair Beals-Rogers reported that the Budget Subcommittee was scheduled to meet on September 30, which might be an opportunity to address any additional questions before the budget was returned to the Agency in October.

Member Rios did not want employees to go without pay because the requested information had not been provided. She therefore reluctantly amended her motion to adopt the resolution with the understanding that staff would provide that information prior to the Budget Subcommittee meeting on September 30.

As the maker of the second to the original motion to continue, Member Quesada accepted the amendment to the motion.

On motion by Member Rios, seconded by Member Quesada and carried unanimously to adopt Resolution 02-842 with the proviso that staff provide the requested information prior to the Budget Subcommittee meeting on September 30, 2002.

### **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 7:33 P.M. to the next meeting set for October 7, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Pittsburg Power Company Agenda**  
**September 16, 2002**

Vice Chair Yvonne Beals-Rogers called the meeting of the Pittsburg Power Company to order at 7:34 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 P.M. in Closed Session for Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding APNs 085-166-009, 085-165-009, 085-165-012, 085-164-005, 085-164-015, 085-164-016, 085-165-017, 085-165-016 and 085-165-015; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one (1) case; Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSME (Management/Professional/Confidential Unit), Teamsters Local 856, Pittsburg Police Officers' Association, and Pittsburg Police Managers' Group.

Vice Chair Beals-Rogers advised that there were no reportable items out of the Closed Session.

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

**MEMBERS EXCUSED:** Aiello

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Assistant Legal Counsel, Carol Victor  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Economic Development, Brad Nail  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Planning Manager, Melissa Ayers  
City Engineer, Joe Sbranti  
Director of Housing, Buck Eklund  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

There were no citizens remarks.

## **MEMBERS REMARKS**

There were no Members remarks.

## **CONSENT**

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

- a. **MINUTES** Dated: September 3, 2002  
Approved Minutes dated September 3, 2002.
- b. **RESOLUTION 02-081** Award of Contract for Water Valve Replacement Project  
Adopted Resolution 02-081.

## **CONSIDERATION**

1. **RESOLUTION 02-082** Transfer Power Company Reserve Funds for Auto Mall Pylon Sign Loan

Assistant Executive Director Nasser Shirazi reported that on March 18, 2002 the Pittsburg City Council approved Resolution 02-9578 that authorized a 10-year loan to Century Plaza Development Corporation for the construction of the Century Auto Mall Pylon Reader Board Sign. The City Council directed the City Attorney to negotiate the terms of the loan and return it for approval. The funds for the loan that is not to exceed \$680,000 are to be transferred from the Pittsburg Power Company Reserve Fund to the City of Pittsburg's General Fund. It is anticipated that these funds will be replaced by payments from the Delta Energy Center T-Line Agreement. The Power Company Reserve Fund currently has a balance of \$4,338,384.

Mr. Shirazi recommended that the Pittsburg Power Company Board approve the transfer of an amount not to exceed \$680,000 from the Pittsburg Power Company Reserve fund to the City of Pittsburg's General Fund to fund a 10-year loan to the Century Plaza Development Corporation for the construction of the Century Auto Mall Pylon Sign.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) spoke to the transfer of funds. He noted that on September 3 the Power Company had approved a transfer of \$375,000 to the Delta View Golf Course, and also on that date the Power Company had approved a transfer of reserve fund money to pay for the advertising assessment of four dealers in the Auto Mall for a total of \$777,000. Mr. Mims expressed concern with the transfer of funds and he questioned why the Power Company money was not being used to directly benefit the taxpayers of the City.

Mr. Mims suggested that some of the funds could be used to fund the construction of

a new library or to replace some of the deteriorated sewer lines on Carpino and School Streets. He suggested that the Power Company was basically giving away all the power company funds to directly benefit dealers and developers. He urged that the funds be used to directly benefit the taxpayers of the City.

BRUCE OHLSON, Pittsburg, representing bicyclists in the East County and Pittsburg stated that since the discussion was committing Power Company money to the Auto Mall, he raised the issue again of bike lanes for Century Boulevard between Leland Road and the Los Medanos Wasteway. As he had previously reported, the street had been mentioned in both the 1988 and the 2001 General Plans as being slated to receive bicycle lanes. He stated that an error on the part of City staff had allowed the consultant to design the new stretch of road to match the existing stretch of road, which had been built to a non-bicycle friendly size. He suggested that it was not too late to do something about that.

In response, Mr. Sbranti advised that at this time the project did not include the widening of the road in that area, although when it did, bicycle lanes would be addressed.

BEN JOHNSON, Pittsburg, expressed his concern for the expenditure of the funds. He noted that the first Auto Mall sign had been built close to the freeway and the second sign was also planned to be built close to the freeway. He suggested that the signs could be in jeopardy as a result of the work currently being conducted by the Contra Costa Transportation Authority (CCTA). He urged that the signs not be placed such that the widening of the freeway would require their relocation. He did not want to see the money spent if the sign would have to be moved later on.

Mr. Sbranti explained that issue had been addressed by staff. At this point, the CCTA and Caltrans had preliminary plans only and there was no plan to encroach in the area of the signs. He stated at this time there was no conflict, although that would be verified as the work proceeded.

Member Quesada noted that the CCTA had negotiated with the company to buy more right of way in the area so that neither the building nor signs would have to be moved. Member Quesada also reported for the record that he would abstain on this and the related item on the City Council agenda.

On motion by Member Rios, seconded by Member Lewis to adopt Resolution 02-082, carried by the following vote:

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

## **ADJOURNMENT**

The meeting of the Pittsburg Power Company at 7:46 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**September 16, 2002**

Vice Mayor Yvonne Beals-Rogers called the meeting of the City Council to order at 7:47 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 5:30 P.M. in Closed Session for Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding APNs 085-166-009, 085-165-009, 085-165-012, 085-164-005, 085-164-015, 085-164-016, 085-165-017, 085-165-016 and 085-165-015; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 regarding Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. C02-02334; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one (1) case; Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSME (Management/Professional/Confidential Unit), Teamsters Local 856, Pittsburg Police Officers' Association, and Pittsburg Police Managers' Group.

Vice Chair Beals-Rogers advised that there were no reportable items out of the Closed Session.

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

**MEMBERS EXCUSED:** Aiello

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Assistant City Manager, Nasser Shirazi  
City Attorney, Linda Daube  
Assistant City Attorney, Carol Victor  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Economic Development, Brad Nail  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Planning Manager, Melissa Ayers  
City Engineer, Joe Sbranti  
Director of Housing, Buck Eklund  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

The agenda was taken out of order at this time.

**PRESENTATIONS**

1. Assemblymember Joe Canciamilla

Assemblymember Canciamilla stated that he was meeting with all the cities in the Assembly District as well as the special districts and some of the school districts to highlight the State Budget from the perspective of what had occurred this year and what was expected to occur next year. He stated that this had been a difficult year with a record two-month late budget approved for \$98.9 billion with a shortfall of nearly \$24 billion. He stated that while the shortfall had been filled, much had been deferred to next year, and much had been reallocated through the use of reserves and other funds.

Assemblymember Canciamilla stated that larger cost items had been deferred. Tobacco Tax Settlement monies had been secured to allow the receipt of a one-time lump sum payment of \$4.5 billion, and some 7,000 positions had been cut out of an additional 6,000 that had previously been cut, for a total loss of 13,000 positions. Next year there would be an institutional or structural deficit of \$8 to \$10 billion, and an additional set of cuts in the area of \$5 to \$6 billion would have to be made this year. Next year there would be no reserves, no fund shifts, and most savings would come from cuts to existing budgets.

Having been designated a part of the team that negotiated the Budget, Assemblymember Canciamilla anticipated that the budget process would start much earlier next year but it was still expected to be very difficult to attain an approved budget given the number of cuts involved. Given the number of difficulties, he suggested that things that had not been considered in the past would be considered this year.

Assemblymember Canciamilla commented that cities had always been offered assurances that there would be backfill, although this year that had been questioned by both administrative and legislative officials. He stated that the Council was well aware of the cut that affected redevelopment through the application of Educational Revenue Augmentation Fund (ERAF) rules, noted that multi-county jurisdictions had been saved from the same cut that would have affected BART, AC Transit, the East Bay Municipal Utility District (EBMUD) and many other regional jurisdictions, but expressed his doubt that would occur next year. He urged the Council to be cautious in what it did with budgets this year that would have ongoing effects as a result of next year's budget given the need for more changes next year.

As far as his work for the year, Assemblymember Canciamilla distributed some background information that he had made to the Speaker and to the Senate with respect to recommendations for changing the process used to adopt the State Budget. Whether or not those recommendations were adopted for the budget process, he intended to adopt them for his own committees to use as a guide for his legislative agenda for the year and focus for the first several months of the session on the budget and on oversight of the jurisdictions of his committee. As such, he would be introducing no new legislation until that issue was resolved.

Vice Mayor Beals-Rogers thanked Assemblymember Canciamilla for his presentation.

**CITIZEN REMARKS**

ROGER RILEY, Pittsburg, expressed concern for the downtown in the Redevelopment Area and commented that since he had become a property owner in 1993, he had been assured by the City that there would be a parking lot behind his building, which had been promised year after year.

In anticipation of the parking lot, Mr. Riley stated that he had submitted plans in October 2001 to make improvements to his building and he had heard nothing from the City since that time. Acknowledging that he would require an easement along the west boundary of the property, he stated that neither the building nor the easement issues had been resolved to allow him to make the improvements to his building. As such, he had decided to be a part of the project in the downtown and had raised the issue with City officials in June that he was still waiting for a response from the Building Department and for the easement.

Mr. Riley urged some resolution of the issues to allow him to secure the building permits to improve his building and be able to secure tenants to the site. He also noted that he had tried to work with Jason Griego who had promised that he would write a letter to offer the necessary easement, although that had not occurred.

Vice Mayor Beals-Rogers directed staff to set up a meeting with Mr. Riley as soon as possible to address his concerns.

## **COUNCIL REPORTS**

Councilmember Quesada advised that a Technical Study/Summary of Progress report had been provided to the Council of a meeting held on September 14 with the East County Transit Study Policy Advisory Committee (PAC), the TRANSPLAN Committee and the East Contra Costa Regional Fee and Financing Authority. He noted that the PAC meeting had been broken down into five areas to address such things as Union Pacific Railroad, Transit Oriented Development (TOD), a utility survey, ridership forecasting and operation, maintenance costs and revenues. The meeting had been rescheduled from its usual Thursday slot on September 12 to Saturday, September 14 at 8:30 A.M. The next meeting of those committees has been scheduled for Saturday, October 5 at 8:30 A.M. at the Senior Center in Antioch. Councilmember Quesada added that at that meeting, the Chair of the TRANSPLAN Committee, a Councilmember from Oakley had recommended another \$2,500 increase in transportation fees on top of the request for \$7,500 in fees for State Route 4 improvements in East County, which improvements would be those beyond Sommersville Road east to Byron.

Councilmember Quesada also reported on the 16th of September remembrance of Mexican Independence Day from 1810 when Mexico had broken from Spain and had become a democratic country. He stated that the remembrance organization had expressed a desire to be included in next year's Centennial celebrations.

Councilmember Rios requested that the meeting be adjourned in memory of Mary Mentz, a Pittsburg citizen who touched the hearts of those in which she came in contact.

Councilmember Rios reported that she had attended the Mayors' Conference. She also took this opportunity to commend the Chamber of Commerce for an excellent job with the Seafood Festival and commended the Public Services and Police Departments for their outstanding work on behalf of the Seafood Festival in promoting the economic development and health of the City.

Vice Mayor Beals-Rogers reported that she had attended the Mayors Conference when Mayor Aiello had also been present and when Assemblymember Canciamilla had made a presentation, as had the League of California Cities regarding the State Budget. Vice Mayor Beals-Rogers stated that she had also attended a September 11 remembrance at the Pittsburg Seventh Day Adventist, and had attended the First Baptist Church Eleventh Pastoral Anniversary at which time the church had been presented with a proclamation in honor of their service.

Councilmember Quesada displayed an award he had been presented by the Post Office Department in appreciation of then Mayor Quesada's partnership with the U.S. Postal Service in providing customer service to the community. He thanked the Council for the opportunity to serve and for the presentation.

## **PROCLAMATIONS**

### 1. Race Equality Week

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), stated that he had read the proclamation pertaining to the promotion of Race Equality Week between September 23 and September 27, and expressed his hope that would become a fact of life. He noted that his organization and the NAACP had received numerous complaints from Black employees, which complaints had dealt with discriminatory practices and in some cases a hostile work environment, without receiving due redress, all of which represented a violation of the Title VII Act of 1964.

With the proclamation Mr. Mims requested that the Council do what he suggested had not been done in that if the City had been practicing racial equality and racial justice his organization and the NAACP would not be receiving the complaints every day, especially complaints of on the job harassment. He therefore suggested that the City practice the tenets of the proclamation and continue that practice.

Mr. Mims referenced the paragraph in the proclamation where the Mayor of Minnetonka, Minnesota had invited local officials across the country to renew their commitment to ensure racial equality and justice for all during the week of September 23, 2002 by reporting on successful programs and announcing specific actions plans for the coming year. He inquired how the City would respond to that call to action.

Vice Mayor Beals-Rogers requested that the City Manager's Office and the Personnel Director provide a report on those actions and future programs referenced by Mr. Mims.

## **CONSENT CALENDAR**

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

- a. **DISBURSEMENT LISTS**      Periods Ending: September 6 and September 11, 2002

Approved Disbursement Lists dated September 6 and September 11, 2002.

- b. **MINUTES**                      Dated: September 3, 2002

Approved Minutes dated September 3, 2002.

- c. **RESOLUTION 02-9676**      Conflict of Interest Code

Adopted Resolution 02-9676.

- e. **ORDINANCE 02-1201**      Railroad Terrace Residential Subdivision Rezoning RZ-02-09

Adopted Ordinance 02-1201.

The following item was removed from the Consent Calendar by Councilmember Quesada due to the fact that he would abstain on the vote for that item.

- d. **RESOLUTION 02-9677**      Approval of the Loan Agreement to Century Plaza Development Corporation for Auto Mall Pylon Sign

On March 18, 2002 the Pittsburg City Council approved Resolution 02-9578 which determined that an Auto Mall Pylon Sign is essential to the success of the Auto Mall, and authorized a 10-year loan to the Century Plaza Development Corporation not to exceed six hundred and eighty thousand dollars (\$680,000) to construct the Century Auto Mall Pylon Sign. The City Council further directed the City Attorney to negotiate the terms of the loan agreement and return to the City Council for approval. The City Attorney and staff had negotiated the terms of the Auto Mall Pylon Sign Loan Agreement to the Century Plaza Development Corporation, with terms incorporated by reference and presented for approval.

WILLIE MIMS, Pittsburg, representing the BPA, spoke with respect to the Auto Mall Pylon Sign and noted the resolution for the transfer of money and the action to fund the sign. He commented that his problem was that the staff analysis had estimated that the first four dealers alone would generate in excess of \$130 million in sales and it was in the best interest of the City to do all that it could to encourage the developments. Mr. Mims suggested that the \$130 million was predicated on future earnings that might or might not occur. If that was not done, he inquired how payment would be assured. He suggested

that something else needed to be included as security given that a standing sign was no security. He suggested that the Council was giving away taxpayer money to the developer and the dealers who appeared to be the primary benefactors of power company funds with nothing being directed towards the taxpayers of the City.

On motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers to adopt Resolution 02-9677, carried by the following vote:

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

## **CONSIDERATION**

1. **MINUTE ORDER** Request for Sponsorship for Lisa's Closet Annual Child Fair

Assistant City Manager Nasser Shirazi reported that Lisa's Closet was a non-profit agency founded in memory of Lisa Norrell who was a victim of youth violence in November 1998. The mission of Lisa's Closet is to raise safety awareness among children and families and to provide new/pre-owned basic and special occasion clothing to needy youth. Toward reaching the goals of Lisa's Closet, a child safety fair is scheduled to take place on Saturday, September 21, 2002. This event will include video imaging, fingerprinting, demonstrations by the Contra Costa Search and Rescue Dog Team, informational speeches and a number of other activities and displays which focus on child safety awareness. This event is open and free to the community and requires sponsorship, which has been requested by Lisa's Closet Director/President Minnie Norrell. The sponsorship requested is \$500 and the waiver of City service fees.

Mr. Shirazi advised that the Recreation Commission was to have considered the request at its September 12, 2002 meeting and report to the Council. He recommended that the request for City sponsorship include the waiver of City service fees and a sponsorship of \$500.

Councilmember Quesada thanked the Police Department, which took full part in the program, and he thanked the other organizations in their work to fingerprint and identify children. He also took this opportunity to inquire whether or not the City was participating in the Amber Alert Network.

Police Chief Aaron Baker reported that the Community Relations Officer would participate in the Lisa's Closet event when there would be fingerprinting services provided, along with a K-9 demonstration, and motor officers would be available to participate.

As far as the Amber Alert Program, Chief Baker stated that the City was part of the program and he had spoken with the California Highway Patrol (CHP) Commander for this area to activate message signs. He noted that there were no message signs on State

Route 4. There would be a 30-minute set up time to activate the message signs on I-680, I-880, I-80 and I-280 and there would be a time delay in getting the information out. As such, the fact that there were no message signs on State Route 4 might not be an impairment. He added that in the event of an Amber Alert, helicopter or fixed aircraft would be made available as soon as possible.

Councilmember Quesada suggested that the Auto Mall pylon signs be used as part of the Amber Alert network in the event of an emergency.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt the staff recommendation for the Lisa's Closet Annual Child Fair.

2. **MINUTE ORDER** City of Pittsburg Centennial Celebration

Mr. Shirazi reported that the City of Pittsburg would mark 100 years as an incorporated city on June 25, 2003. Toward celebrating this centennial event the City Council created a City Council subcommittee to develop a program of civic events. Toward that goal the subcommittee had conducted planning meetings to include two public workshops which had resulted in incorporating monthly centennial celebrations by the City of Pittsburg and interested civic, business, cultural or community organizations within the Pittsburg area. The subcommittee recommended approval of the monthly event concept and the item identified within the project's budget.

Mr. Shirazi recommended that the City Council approve the proposed centennial program.

WILLIE MIMS, Pittsburg, representing the BPA, referred to the staff report and requested a clarification of the reference to the Chamber of Commerce Seafood Festival given that the advertisements for the event advertised the event as a City of Pittsburg Seafood Festival.

Recreation Director Paul Flores reported that the Seafood Festival had, since its inception eighteen years ago, been a Chamber of Commerce event, although the City had always been a sponsor of the event.

Mr. Mims referred to the monthly events and noted that the month of February was listed as African American Heritage Month - BPA. He stated that the BPA had not been approached in that regard.

In response to Mr. Mims, Vice Mayor Beals-Rogers explained that the Centennial Committee had held a number of workshops and all city organizations had been invited to attend. She stated that some organizations not in attendance at those meetings had been recommended to host events. She stated that there would be a planning meeting for each quarter of the year and those agencies listed as recommended host agencies would be contacted to participate in those planning meetings. She stated that the BPA had been

recommended as one of those local organizations to host the African-American Month. All organizations had been invited to participate in the workshops.

Mr. Flores added that the list had identified suggested activities. It was hoped that all organizations would incorporate centennial events in their annual events.

Councilmember Quesada recommended that the Latin American Women's League for the month of September be included on the list. He also reported that Arne Murillo who was associated with the veterans would like to work with an event.

Vice Mayor Beals-Rogers read two letters of acknowledgment into the minutes, the first dated September 16, 2002 from William G. Glynn representing the Pittsburg Historical Society Museum stated:

"I am writing this letter in support of the proposed 2003 Centennial Program to be presented to you this evening by Mr. Paul Flores, Director of Leisure Services. The Pittsburg Historical Society (PHS) is proud of the expeditious and thorough manner in which Vice Mayor Beals Rogers, Councilman Bob Lewis and Mr. Paul Flores planned for this momentous event along with representatives of the numerous organizations who will be participating in this important program. I believe that the thematic approach, which was developed by the Centennial Celebration Committee, is the appropriate format for the 2003 Centennial Year program and has ensured that all organizations are afforded an opportunity to feature both their role and contributions to our great City. Most importantly, it has provided for the inclusion of all citizens in this year long celebration and permits one and all to be proud of both their cultural heritage and the great City of Pittsburg. I would urge the City Council to approve the proposed schedule of events and budget for the 2003 Centennial Celebration program. You have the unanimous support of the membership of the Pittsburg Historical Society."

The second letter, also dated September 16, 2002 from Mary Coniglio, Executive Vice President and CEO of the Pittsburg Chamber of Commerce stated:

"The Pittsburg Chamber of Commerce will support the City of Pittsburg in the celebrating of the City's Centennial with the 19<sup>th</sup> Annual Pittsburg Seafood Festival and the 7<sup>th</sup> Annual California Zinfandel Championship in 2003."

Mr. PIZZIMENTI, the Chair of the Recreation Commission took this opportunity to endorse the concept for the Centennial celebrations as proposed.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to approve the proposed Centennial Program.

## **PUBLIC HEARING**

1. **ORDINANCE 02-1202** Park Place Residential Development RZ-02-10

Mr. Shirazi advised that the Planning Commission recommended that the Council rezone 3.53 acres located at the southern terminus of Montezuma Street to RM-0 (Medium Density Residential with a Limited Overlay): APN 085-252-025

Mr. Shirazi recommended the introduction of Ordinance 02-1202, waiving the first reading to rezone 3.53 acres at the southern terminus of Montezuma Street to RM-0.

Vice Mayor Beals-Rogers opened the public hearing for Ordinance 02-1202.

DAVID and FELICIA HAWKINS, West 13<sup>th</sup> Street residents since 1953, expressed concern for the new development related to traffic.

Ms. Hawkins noted that school buses, delivery trucks, food service vehicles and cars sped up and down the street. She suggested that the new homes would bring more cars. With a church at the corner of 12th Street and Montezuma Street, additional cars would further impact the area. She suggested that a new entrance be considered to avoid more congestion and traffic in the area. With respect to safety, Ms. Hawkins advised that children played in the street in the area given that there was no park in the area. She noted the comment from the Planning Commission that children could cross Tenth Street to play in that park, although she suggested that was not appropriate and not safe for the children. She requested that the Council address the problems.

DAVID HAWKINS, Pittsburg, reiterated the situation with respect to the numerous cars in the area, particularly those parking on both sides of the street. He stated that the streets were already crowded.

CHARLES SMITH, Pittsburg, emphasized the narrowness and the short length of the streets in question. He stated that the plan for Park Place was to place 40 homes in a very small area. He suggested when that was done a minimum of 80 cars would be associated with those homes exacerbating a current traffic problem. He urged the Council to send the proposal back to staff to work with the developer to reduce the number of homes that had been proposed and to potentially reduce the style of the homes given that they were not compatible with the existing homes in the area. He urged that the proposal be returned to staff to address the concerns.

WILLIE MIMS, Pittsburg, representing the BPA, agreed with the comments but also objected to the Notice of Intent to adopt a Mitigated Negative Declaration, which he suggested was an inappropriate document for the subject property.

Mr. Mims inquired whether or not the developer would create another access into the project given the current one way in/one way out of the development, which was through the existing neighborhood, and which would impact that neighborhood. He also inquired how the removal of the mature trees in the area could be mitigated. With respect to the staff report and the references to biological resources, Mr. Mims commented that no impacts had been reported. He suggested whether or not there would be impacts associated with the project would be unknown unless an Environmental Impact Report

(EIR) had been prepared. With respect to the heritage trees, he suggested that the trees were as old and ancient as those in the City park and he suggested that their removal would have a negative impact on the environment.

Mr. Mims also emphasized the issue of environmental justice in the neighborhood in question, which was low income and minority and which would suffer a negative impact if the rezoning and the project were approved. He urged the Council to do something right and reject the project so that those in the community could receive justice and racial equality such as the Council stated it would practice.

SALVATORE EVOLA, 137 San Thomas, Pittsburg, Discovery Builders, the applicant, sought support for the project. He explained that the project had been increased by two lots as recommended by staff in that Discovery Builders had worked with staff on increasing the lots and on the design of the homes. He added that the map had been circulated to all appropriate agencies. A Mitigated Negative Declaration had been posted for the project on July 3, 2002. The primary issue related to the sound wall to mitigate the noise from the trains.

Mr. Evola noted his understanding that the proposal was technically to create zoning for the parcel given that the zoning for the site had not previously been established in the General Plan. He added his understanding that the project was in conformance with the General Plan and with the Downtown Specific Plan.

Councilmember Quesada offered some background to the property, noted that two different high density apartment projects had been proposed for the area, and explained that both projects had been denied by the City. He also emphasized that the proposal would help upgrade the property and offer the pride of home ownership to more people. He supported the proposal as representing the best use of the property to date.

When asked, Mr. Evola stated that the project had been reviewed and approved by the Planning Commission on August 13, 2002 and that the issue related to the entrance had been discussed at that time with a looped entrance recommended as the best alternative for emergency vehicle access. He also explained in response to a comment that the number of vehicle trips expected to be generated was not considered sufficient by staff to warrant a traffic study.

Vice Mayor Beals-Rogers clarified with Mr. Evola that the plan originally had two less lots although the project had been increased to better conform to the density of the Downtown Specific Plan.

Mr. Sbranti explained that the street had the capacity of handling the additional trips to be generated by the 40 homes. As to whether or not there was a significant need for a traffic study, he stated that in this particular case given the width of the streets and the entire project, it had been determined that a traffic study was not required.

DARNELL TURNER, Pittsburg, stated that the project was one that had raised

questions by members of the public and the community. He stated that the question was whether or not there had been a study by staff of an analysis of the services that the City provides for new development in the downtown area in relationship to other developments elsewhere in the City, to offer adequate services that would need to be provided to the development, such as sewer, water, police and other services.

Mr. Turner noted that the development would be large for the number of spaces allocated and impose a barrier to the other activities going on in the area. He stated that a traffic problem on Tenth Street had yet to be resolved, with high speeding, road maintenance, curb cuts and sewer problems, and there was not enough sewer capacity in some of the older parts of town, which would be a problem with another rainy season. He suggested that it would be an advantage to the Council to evaluate whether or not there were some alternatives to make the project more amenable to address the problems raised at this time. He also emphasized that the services the City provided to the residents in the community would have to be factored in, particularly related to new developments.

Councilmember Quesada emphasized the redevelopment work in the downtown to develop the necessary infrastructure, including sewers, water and the like, which had been funded through redevelopment funds to prepare the downtown for future development to ensure that the services were in place to accommodate development.

Mr. Turner noted that the current staffing levels of the Police Department had not been included in the Planning Commission's report. He suggested that section of Pittsburg was currently underserved. With the proposed development and given that families with children were likely to occupy the homes, he suggested that would place a serious burden on the City's services and on school services, as well as shopping and other services.

CHARLES SMITH, Pittsburg, stated that the concern was not to develop, but to develop something good for the community. He noted that elderly people could have purchased one-story homes, but two story homes would not be appropriate for them.

There being no one else to speak, Vice Mayor Beals-Rogers closed the public hearing.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried unanimously to introduce Ordinance 02-1202 and waive first reading.

2. **RESOLUTION 02-9678** Supplemental Law Enforcement Services Fund (SLESF)

Mr. Shirazi presented the item to authorize the acceptance and use of funds from the Supplemental Law Enforcement Services Fund 2002-2003 Allocation. He recommended that the City Council approve the requests of the Chief of Police to accept and appropriate funds from the SLESF.

Vice Mayor Beals-Rogers opened the public hearing. There was no one to speak for or against Resolution 02-9678. The Vice-Mayor closed the public hearing.

On motion by Councilmember Rios, seconded by Councilmember Lewis and carried unanimously to adopt Resolution 02-9678.

**ADJOURNMENT**

The meeting of the City Council adjourned at 9:10 P.M. *in memory of Mary Mentz* to the next meeting set for October 7, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary

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