

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**August 19, 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 6:00 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 of the Government Code regarding Communities for a Better Environment and Pesticide Action Network of North America v. City of Pittsburg, Superior Court Case No. C02-02-65 and Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. N02-0401; and Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two cases

City Attorney Linda Daube reported that the City Council had considered the claim filed by Alena Zavala and had unanimously denied that claim.

**MEMBERS PRESENT:** Beals-Rogers, Leatherwood, Lewis, Quesada, Rios, Wallen, Aiello (Member Wallen arrived after roll call)

**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 Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Planning Manager, Melissa Ayres  
Director of Housing, Buck Eklund  
City Engineer, Joe Sbranti  
City Traffic Engineer, Paul Reinders  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**PLEDGE OF ALLEGIANCE**

Charlie Ferreira led the Pledge of Allegiance.

**CITIZENS REMARKS**

There were no citizens remarks.

### **MEMBERS REMARKS**

There were no Members remarks.

### **CONSENT**

On motion by Vice Chair Beals-Rogers, seconded by Member Rios and carried unanimously to approve the Consent Calendar, as follows:

- a. **DISBURSEMENT LIST** Period Ending: July 31, 2002

Approved Disbursement List period ending July 31, 2002.

- b. **MINUTES** Dated: July 15, 2002

Approved Minutes dated July 15, 2002.

### **PUBLIC HEARING**

1. **RESOLUTION 02-204** Annual Plan Changes

Housing Director Buck Eklund reported that as required by the U.S. Department of Housing and Urban Development and contained in CFR 24 parts 35 and 982, the Housing Authority had prepared the updated 2002 Annual Plan. He recommended the adoption of Resolution 02-204 to approve the updated 2002 Annual Plan.

Chair Aiello opened the public hearing. There was no one to speak for or against Resolution 02-204. Chair Aiello closed the public hearing.

On motion by Member Quesada, seconded by Member Rios and carried unanimously to adopt Resolution 02-204.

### **ADJOURNMENT**

The meeting adjourned at 7:04 P.M. to the meeting set for September 16, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary  
als

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**August 19, 2002**

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:05 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 6:00 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 of the Government Code regarding Communities for a Better Environment and Pesticide Action Network of North America v. City of Pittsburg, Superior Court Case No. C02-02-65 and Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. N02-0401; and Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two cases

City Attorney Linda Daube reported that the City Council had considered the claim filed by Alena Zavala and had unanimously denied that claim.

**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 Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Planning Manager, Melissa Ayres  
Director of Housing, Buck Eklund  
City Engineer, Joe Sbranti  
City Traffic Engineer, Paul Reinders  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) stated that at the last Redevelopment Agency meeting, he had been disappointed at the staff criticism of the Black Diamond Mixed Use Project. He stated that the staff report should have been accepted and the extension should not have been offered as had occurred. He opposed the Agency's decision to extend the exclusive negotiating period with Griego Designs for sixty days.

## **MEMBERS REMARKS**

Member Quesada requested that the City Council and the Redevelopment Agency review the following items by August 19, 2002:

- A complete response to the Marina Walk Development (Olson Company);
- The total cost for the City in acquiring all land used for the development including relocation costs;
- The amount of money paid by Olson to acquire the land;
- The amount of money paid by the City for infrastructure improvements as part of the deal;
- Whether or not the Olson Company paid prevailing wage for all subcontractors and contractor;
- Whether the City entered into an exclusive agreement or whether bids had been sought; and
- Whether or not the City required that any of the homes be kept affordable, and if so, the number.

Member Quesada stated that he remained concerned that the document of July 29, 2002 directed to Garrett Evans from Indigenous Global Development Corporation had been made public during an exclusive negotiation period. He also sought the person responsible for that action.

## **CONSENT**

On motion by Vice Chair Beals-Rogers, seconded by Member Rios and carried unanimously to approve the Consent Calendar, as follows:

a. **MINUTES** Dated: August 5, 2002

Approved Minutes dated August 5, 2002.

## **ADJOURNMENT**

The meeting adjourned at 7:11 P.M. to September 3, 2002.

Respectfully submitted,

Lillian J. Pride, Secretary  
als

**CITY OF PITTSBURG**  
**City Council Minutes**  
**August 19, 2002**

Mayor Frank Aiello called the meeting of the City Council to order at 7:12 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 6:00 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 of the Government Code regarding Communities for a Better Environment and Pesticide Action Network of North America v. City of Pittsburg, Superior Court Case No. C02-02-65 and Alves Ranch LLC v. City of Pittsburg, Superior Court Case No. N02-0401; and Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding two cases

City Attorney Linda Daube reported that the City Council had considered the claim filed by Alena Zavala and had unanimously denied that claim.

**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 Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Planning and Building, Randy Jerome  
Planning Manager, Melissa Ayres  
Director of Housing, Buck Eklund  
City Engineer, Joe Sbranti  
City Traffic Engineer, Paul Reinders  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**CITIZENS REMARKS**

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) commented that he had commended Paul Flores on the operation of the Recreation Department, which he characterized as efficient. He inquired when the name of the Leisure Services Department had changed and was advised that had occurred on August 4 and that there was no cost associated with that name change.

Mr. Mims referenced the detention pond situated behind Carpino Avenue and

reported that there was standing water at the corner of Diane and California Avenues. Given the concern for the West Nile Virus and the safety concern standing water now represented, he urged serious thought to carrying out the project. He suggested that the detention pond be covered up.

Mr. Mims also reiterated his earlier concern previously expressed to the Council with respect to cramming 50,000 to 60,000 people into the waterfront area for the Seafood Festival. He urged the Council to consider another area to avoid endangering the public. He also reiterated that without intervention by the Council, the Chamber of Commerce would receive the total revenues generated by the Seafood Festival without reimbursement or sharing with the City. He urged that event be turned over to the Recreation Department to help in that event.

Mr. Mims also noted with respect to perceived or effective conflict of interest related to Councilmembers, that where there were perceived or effective conflict of interest, the Councilmember should recuse himself/herself from the item.

## **COUNCIL REPORTS**

Vice Mayor Beals-Rogers commended the Recreation Department for a well-done Renaissance Festival that had been well attended by a diverse group in the community. She reported that she had attended the National Night Out, which had also been a well-attended, successful event. In addition, she noted that the Solomon Temple Baptist Church had installed a new Pastor, whom she welcomed to the community. She had also attended the 95<sup>th</sup> birthday celebration for Carrie Conrad, had attended the Mt. Zion Block Party, and for all City events taking place over the summer, she congratulated them all for a job well done.

Councilmember Quesada reported that he and the Mayor had attended the groundbreaking for Circuit City that he expected would be open by November. He had also attended the Filipiana Culture on Saturday along with Vice Mayor Beals-Rogers, and had attended the Pittsburg Historical Society's Fiesta with Councilmember Rios at the Community Church. All events had been well attended.

Councilmember Rios commended Public Works and Police Department staff for their assistance in the Renaissance Festival. She also commended the Police Department and City staff who had worked on National Night Out. With respect to her attendance at the Youth Commission meeting, she noted that the Commission was working on its by laws to codify that Commission. She stated that a letter would be sent out to the current members to confirm participants. She had also attended the Pittsburg Historical Society's Mexican Fiesta.

Mayor Aiello commended the National Night Out and credited the Police Department and residents of the community, particularly Bertha Stobb, for a successful event.

Mayor Aiello had also attended the groundbreaking for Circuit City. He explained that

just in the last year, Krispy Kreme, Del Taco, In-N-Out Burger, Taco Bell/Pizza Hut, Circuit City, and hopefully an Auto Mall will have located in that center.

Mayor Aiello added that he had also attended the JFL Fundraiser, and that the Council had a meeting last week with the Bay Point Municipal Advisory Council (MAC) on issues of mutual concern.

## **PROCLAMATIONS**

### 1. Lead Prevention Awareness Month

Mayor Aiello read the proclamation for Lead Prevention Awareness Month and reported that more than 50 percent of the housing stock in the City had been constructed prior to 1978 when the ban on lead based paint on housing had been effected.

ROSE MARY TUMBAGA, Pittsburg, accepted the proclamation for Lead Prevention Awareness Month and thanked the City for recognizing the hazards in the City that residents experienced every day. She asked everyone to read the leaflets placed on the chairs in the Council Chambers to be advised of the effects of lead poisoning on youth.

### 2. Pittsburg Bocce Federation/National Bocce Association Weekend

DEBBIE GEROW, President of the American Bocce Association, reported that Association's National Championships would be held in the City from August 30 to September 1, 2002. She presented a schedule of events and several tokens to Councilmembers in honor of the championships to be held. Members of the Council were made honorary members of the American Bocce Association.

Ms. Gerow introduced the members of the American Bocce Association and the Pittsburg Bocce Federation present to represent both groups.

CHARLIE FERREIRA, President of the Pittsburg Bocce Federation, thanked the American Bocce Association for choosing Pittsburg for the National Championships. He noted that over thirty teams would be participating at that time.

Mayor Aiello read the proclamation and presented it to Mr. Ferreira.

## **CONSENT CALENDAR**

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

- a. **DISBURSEMENT LIST**      Periods Ending: August 2, 2002, August 9, 2002 and August 14, 2002

Approved Disbursement Lists periods ending August 2, August 9 and August 14, 2002.

b. **MINUTES** Dated: August 5, 2002

Approved Minutes dated August 5, 2002.

c. **CLAIMS** #1458 Frank Lombardo; #1465 Terri L. Roper; #1471 Joseph A. Simas, Jr.

Denied Claims #1458 Frank Lombardo; #1465 Terri L. Roper; and #1471 Joseph A. Simas, Jr.

d. **RESOLUTION 02-9658** Adoption of a Resolution Requesting the Local Agency Formation Commission (LAFCO) to Take Proceedings for the Oak Hills South Unit 5 (Subdivision 8042) Boundary for a Second Revision and Revise the Final Boundary of Annexation 120 (LAFCO 01-16) which had Amended the City's Sphere of Influence and Concurrently Annexed to the City of Pittsburg, the Delta Diablo Sanitation District Zone 2, the Contra Costa Water District and Detached from the Ambrose Park District Territory Known as Elworthy/Keller Area Boundary Reorganization (Government Code Sections 56428, 56650, 56652, and 56653) (Recession of Resolution No. 02-9604)

Adopted Resolution 02-9658.

e. **RESOLUTION 02-9659** Subdivision 8469, San Marco Unit 2A, Approval of the Final Map

Adopted Resolution 02-9659.

f. **RESOLUTION 02-9660** Awarding Contract 02-01, Buchanan Road Undergrounding - Phase 1 Underground District 81-1

Adopted Resolution 02-9660.

g. **RESOLUTION 02-9661** Adopting Principles for Implementation and Operation of the East-Central Traffic Management Study

Adopted Resolution 02-9661.

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



- h. **RESOLUTION 02-9663** Approving Changes and Modifications Pursuant to Waivers of 100 Percent of Affected Property Owners and Approving an Amended Boundary Map and an Amended Engineer's Report for the Century Plaza III Auto Mall Assessment District No. 2002-03

In August 2002, the sole property owner in the Century Plaza Auto Mall Assessment District No. 2001-03 had filed a Consent and Waiver with the City Clerk requesting the City Council to conduct change and modification proceedings without notice and hearing to amend the boundaries of the Assessment District to include an additional area of land in the Assessment District, to amend the cost estimate and the assessment roll in the Engineer's Report to more accurately reflect the cost estimate of the improvements in accordance with bids received, and to revise the Assessment Diagram to reflect the changes in the boundaries of and certain lot line adjustments in the Assessment District.

BRUCE OHLSON, Pittsburg, representing the Delta Pedalers Bicycle Club and the East County Bicycle Coalition, noted that Century Boulevard between Leland Road and the Los Medanos Wasteway was on the 1988 and 2001 General Plans as a future bicycle facility. Mr. Ohlson commented that he had been advised that although the City's Traffic Engineer had the project in his budget two years ago, the Planning Department had made an error and the undeveloped portion of Century Boulevard had been planned to have two 12 foot traffic lanes in each direction.

Mr. Ohlson advised that Caltrans did not deem 12-foot traffic lanes to be sharable by bicycles. For the Pittsburg bicycle community, he requested that the necessary 17-foot right lane and the 12-foot center bicycle friendly lanes be installed on the street. He stated that since the owner of the Auto Mall had requested a change, it was only appropriate that Pittsburg bicyclists also be allowed to request a change. He added that the Contra Costa Transportation Authority (CCTA) had promised that when rebuilding the Century Boulevard bridge under Highway 4, a space for bicycles would be included. He noted that the route was critical to continue bicycle routes. He suggested that the needed land could be taken out of the center divider and no modification to curb and gutter would be required. He characterized the request as reasonable.

WILLIE MIMS, Pittsburg, commented that while he had no opportunity to thoroughly analyze the staff report, he had a concern in that there was no intent to allow the public to participate. He questioned the need to change the boundary without public input.

JOHN KNOX, Orrick, Herrington & Sutcliffe, bond counsel for the project, responded that the required notice and hearing had already been established in 2001 when the District had initially been formed. He referenced Section 10352 of the Streets and Highways Code, which authorized changes and modifications after the hearing, without notice, as long as the affected property owner affected by the changes had consented. In this case, the changes involved an increased assessment on the property. Under the assessment acts the property owner was the only one to be noticed. There was only one property owner in this case. That property owner had agreed to waive notice and hearing to expedite the

process.

Mr. Mims referred to the amended paid and unpaid assessments, noted that the Assessment District had been created in 2001, and commented that no assessments had been paid to date. He referenced six unpaid balances and inquired who was responsible for paying those balances.

In response, John Knox stated that the City Council had approved the formation of the District in September 2001 anticipating that the project would have moved forward at that time. The project had slowed down and delayed the completion of the Auto Mall. Under the Assessments Act, the property owner had a thirty-day option to pay for the bonds without an assessment. In this case, the property owner wanted bonds on the property. The assessments would be paid via the property tax bills and installments. Since the bonds had yet to be issued, the payments were not yet due. It was expected that the bonds would be issued in the fall and the next property tax cycle in 2003/2004 would start to appear on the six parcels in question.

Councilmember Quesada advised that he had asked that the items be pulled to abstain from a vote. That applied to Items h. and i.

On motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers to adopt Resolution 02-9663, carried by the following vote:

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

- i. **RESOLUTION 02-9664** Approving the Issuance of Limited Obligation Improvements Bonds, the Forms of the Fiscal Agent Agreement, the Bond Purchase Contract, the Preliminary Official Statement, the Acquisition and Funding Agreement, and the Continuing Disclosure Agreement, and Authorizing Related Actions and Execution of Related Documents in Respect of the Issuance, Sale and Delivery of Said Bonds for the Century Plaza III Auto Mall Assessment District No. 2002-03

In August 2002, the sole property owner in the Century Plaza Auto Mall Assessment District No. 2002-03 had filed a Consent and Waiver with the City Clerk requesting the City Council to conduct change and modification proceedings without notice and hearing to amend the boundaries of the Assessment District to include an additional area of land in the Assessment District, to amend the cost estimate and the assessment roll in the Engineer's Report to more accurately reflect the cost estimate of the improvements in accordance with bids received, and to revise the Assessment Diagram to reflect the

changes in the boundaries of and certain lot line adjustments in the Assessment District.

On motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers to adopt Resolution 02-9664, carried by the following vote:

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

## **CONSIDERATION**

1. **APPOINTMENT** Appointment of Community Advisory Commissioner to the Northwest Quadrant

City Manager Casey advised that two openings existed on the Community Advisory Commission; one in the Northwest Quadrant and one in the Southeast Quadrant. An interview had been held on August 5, 2002 for one candidate in the Northwest Quadrant.

Mr. Casey recommended the appointment of the eligible candidate to the Northwest Quadrant.

On motion by Councilmember Rios, seconded by Vice Mayor Beals-Rogers and carried unanimously to appoint **David E. Fraser** to the Community Advisory Commission representing the Northwest Quadrant.

2. **RESOLUTION 02-9655** Measure C Reauthorization

Mr. Casey advised that TRANSPLAN was asking the City Council to review and comment on the draft recommendations for transportation projects and program percentages for Measure C preauthorization attached to the staff report.

Mr. Casey recommended that the City Council review and approve the draft recommendations from TRANSPLAN on transportation projects and program percentages for the reauthorization of Measure C.

BRUCE OHLSON, Pittsburg, stated that Measure C was the half percent sales tax that provided for transportation infrastructure improvements. The measure was Countywide and would be up for approval in the fall of 2004. He stated that Pittsburg's bicycle community requested that the Council instruct its representatives to TRANSPLAN that 5 percent of Measure C funds be set aside for bicycle and pedestrian projects Countywide. Mr. Ohlson explained that the bicycle community had been left out of the funding for infrastructure over the years. He urged the Council to support the 5 percent setaside for bicycle and pedestrian projects.

Councilmember Quesada supported the request and noted that Mr. Ohlson had made

the same request at the last TRANSPLAN meeting.

On motion by Councilmember Quesada, seconded by Councilmember Lewis and carried unanimously to adopt Resolution 02-9665.

3.     **RESOLUTION 02-9666**                     Authorizing a Project Study Report for Proposed Range Road Interchange on State Route 4

Mr. Casey advised that a Project Study Report (PSR) was required to include a freeway interchange on State Route 4 at Range Road in the State Transportation Improvement Program (STIP).

The City may choose to take the lead in completing the PSR at its own cost, or subject annual requests to the CCTA to support it in their annual proposal to the Metropolitan Transportation Commission (MTC) for Caltrans to complete PSR's at no cost to the local agency. A qualified consultant could complete a PSR in the range of \$50,000 to \$200,000.

Mr. Casey recommended that in order to expedite the project, the City should take the lead in preparing a PSR for the construction of a freeway interchange on State Route 4 at Range Road. Further, the City should perform a traffic study to determine whether the proposed project provides a necessary nexus between the project and new development in the City in order to use local Traffic Mitigation Fees to fund a PSR.

Councilmember Rios thanked Mr. Shirazi for expediting the process.

Vice Mayor Beals-Rogers questioned the cost of the study and sought a more definitive cost before proceeding with the PSR.

City Engineer Joe Sbranti advised that a traffic study at a potential cost of \$10,000 would first commence after which it would be determined whether or not there was the nexus to use the Traffic Mitigation Fees for the project. After that time, a specific cost and specific funding mechanism would be presented to the City Council for consideration when the \$50,000 to \$200,000 cost of the PSR would be further defined.

Councilmember Quesada noted that the current road closures were already impacting the community. He suggested that a Range Road interchange would alleviate some of the existing and future traffic impacts. He emphasized the need for more outlets onto State Route 4 and supported the proposal.

Vice Mayor Beals-Rogers noted that her comments did not relate to the project as much as the range of cost.

In response to the Vice Mayor, Traffic Engineer Paul Reinders stated that the traffic study would take approximately four weeks and potentially three months for the PSR.

Mayor Aiello thanked staff for bringing the matter back to the Council. He suggested that the proposal would offer relief to Bailey and Leland Roads and to Railroad Avenue and would serve as a regional project and assist traffic to the east. He reminded the Council that on July 29 he had proposed the Range Road project as one of the projects to be considered with the use of power plant funds, with a potential City contribution of \$5 million to a Range Road off-ramp.

On motion by Councilmember Rios, seconded by Mayor Aiello and carried unanimously to adopt Resolution 02-9666.

4. **RESOLUTION 02-9667** Supporting SB 1243 Bay Area Regional Planning

Senate Bill 1243 requires the Metropolitan Transportation Commission (MTC) to be renamed the Bay Area Land Use and Transportation Commission, and to assume land use responsibilities of the Association of Bay Area Governments (ABAG). It requires the new commission to adopt a long-range policy plan by January 1, 2005 and each five years thereafter. And it requires the commission to submit a blueprint for combining regional functions to the Legislature.

Mr. Casey reported that Senator Torlakson's office had reported this date that SB 1243 had died in committee and should be removed from the agenda. It was removed from the agenda at this time.

**PUBLIC HEARING**

1. **ORDINANCE 02-1200** Community Advisory Commission Quadrant Restructure

Mr. Casey advised that on August 1, 2002, the Community Advisory Commission sent a letter to the City Council requesting the Council to consider dividing the Southwest Quadrant. This would add a fifth sector to the CAC. The dividing line would be Bailey Road west. They suggested four persons be assigned to this sector, with one person being an at-large member to better serve the interests of that community and create more participation of citizens in the growing City.

Mr. Casey recommended that the Commission introduce and waive the first reading of the amendment to Municipal Code Section 2.50, which would create a nineteen member body with three representatives from each of the City's five sectors. There shall be four at large members. All members shall be appointed by and serve at the pleasure of the City Council. All candidates for membership shall be registered voters of the City, in the sector for that seat, and shall not be a current officeholder of the City. The candidates should be representative of the community as a whole, as determined by the City Council. Should a vacancy occur in a particular sector and no applicants found, the vacancy shall be filled as an "at large" position for a one year term until applicants from the vacant sector became available. If no applicants had been identified after one year, the term may be renewed for another one year period.

Mr. Casey added that staff should be directed to advertise for the new vacancies upon adoption of the ordinance.

Mayor Aiello opened the public hearing. There were no one to speak for or against Ordinance 02-1200. Mayor Aiello closed the public hearing.

On motion by Councilmember Lewis, seconded by Vice Mayor Beals-Rogers and carried unanimously to introduce Ordinance 02-1200 by title only and waive further reading.

2. **MINUTE ORDER** Railroad Terrace Residential Subdivision, Appeal of Planning Commission Approval of Subdivision 8642 and DR-02-15 and Recommendation to Approve RZ-02-09

Mr. Casey presented the public hearing on an appeal by David Alden for Johns Manville, of the Planning Commission approvals of tentative map and design review applications for a 16-lot, single family residential subdivision. The appellant also appealed the Planning Commission recommendation that the City Council approve a rezoning of the project site and an additional acre in the middle of the project site (former Cardinale Bakery) to RM-0 (Medium Density Residential with a Limited Overlay) to establish residential development standards for the project. The subdivision project site is an undeveloped 1.3 acre area located on the south side of East Third Street, west of the Johns Manville Pittsburg Plant, east of Cumberland Street, and north of the Village at New York Landing residential subdivision; APNs 085-370-142 and 085-370-145.

Mr. Casey recommended that the public hearing be opened and continued to the City Council meeting of September 3, 2002.

ROGER RILEY, Pittsburg, clarified that the appellant was not present.

City Attorney Daube reported that the public hearing should be opened and continued to the next meeting at which time the appellant would be present.

To clarify the situation, Mr. Casey advised that representatives from Johns Manville, the appellant, and Discovery Builders, the developer, had requested that the public hearing be continued to the meeting of September 3, 2002 to allow both parties additional time to discuss the concerns raised as the basis for the appeal.

Mayor Aiello opened the public hearing.

ROGER RILEY, Pittsburg, explained that he would not be present on September 3. Not aware of the objections of the appellant, he supported the development rather than to leave the property vacant. He saw no great difference between the proposal and the adjacent existing development.

On motion by Councilmember Rios, seconded by Councilmember Quesada and carried

unanimously to continue the appeal of Railroad Terrace Residential Subdivision to allow both parties additional time to discuss the concerns raised as the basis for the appeal.

### **ADJOURNMENT**

The meeting adjourned at 8:06 P.M. to a Joint Workshop with the CAC scheduled for August 26, 2002, and thereafter to the meeting on Tuesday, September 3, 2002.

Respectfully submitted,

Lillian J. Pride, City Clerk

als