

CITY OF PITTSBURG
Redevelopment Agency Minutes
August 5, 2002

Chair Frank Aiello called the meeting of the Redevelopment Agency to order at 7:01 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, having met at 5:00 P.M. for Community Advisory Commission interviews, and at 5:30 P.M. in Closed Session for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 302 E. 3rd Street, Pittsburg (APN 085-370-054, 085-370-143 and 085-370-144); Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding City of Pittsburg v. USS Posco Industries, Superior Court Case No. C02-00374 and Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065; and Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases.

Assistant Legal Counsel Carol Victor reported that the City Council had, in Closed Session, unanimously approved a settlement with Granite Construction Company arising out of the Water Main Replacement Project in an amount of \$160,000, and had unanimously denied a tort claim filed on July 19, 2002 by Joyce Glasper.

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
City Engineer, Joe Sbranti
Police Commander, Evan Kohler
Police Commander, William Hendricks
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Nancy Parent 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 Vice Chair Beals-Rogers and carried unanimously to adopt the Consent Calendar, as follows, with the removal of Item c.

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

Approved Minutes dated July 15, 2002.

- b. **RESOLUTION 02-837** Approval of Plans and Specifications and Authorization for Advertising Bids for Contract No. 01-07, 415 Railroad Avenue Improvement Project

Adopted Resolution 02-837.

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

- c. **RESOLUTION 02-838** Promotional Signage at Century Plaza

Executive Director Willis Casey advised that on August 6, 2001 the Redevelopment Agency of the City of Pittsburg had approved the placement of three pylon signs in the Los Medanos Community Development Project Area. The three pylon signs allowed highway and street visibility for new and existing businesses located in the Century Plaza, Century Auto Mall, and Delta Gateway retail areas. In 2000, the Century Plaza Shopping Center generated 62 percent of Pittsburg's sales tax revenue, or \$3,396,482.

The Century Plaza Development Corporation had requested the Redevelopment Agency's assistance in the form of a loan to construct and pay for the Century Plaza Shopping Center Pylon Sign. On November 19, 2001 the Agency Board approved a loan to the Century Plaza Development Corporation for the construction of the pylon sign, and had directed Agency counsel to create the loan documents. The loan documents had been created and were submitted for approval by the Agency Board.

Member Quesada recused himself from the item due to a potential conflict of interest. He left the dais at this time.

NANCY PARENT, Pittsburg, expressed concern with some of the terms of the agreement, and noted that three different signs had been proposed for the area and that the sign would replace the current Century Plaza sign. While she agreed that it made

sense to move the sign, she suggested that the terms were not favorable to the City given that the City would be paying \$235,000 for the sign. While the terms provided that the developer would have to pay some of the funds back if in ten years the sign was not maintained, she suggested that any developer would maintain the sign given the reimbursement of \$78,333 a year to do so.

Ms. Parent questioned why the potential increases in revenues to the City for the Delta Gateway portion of the property had been included in the forgiveness of a sign for Century Plaza when it appeared that there would be a request for a future sign for Delta Gateway. She commented that there was now no revenue from Delta Gateway and she assumed that would only serve to meet the 20 percent increase over ten years, or only two percent revenue to the City per year required to forgive another \$78,333.

Further, Ms. Parent noted the requirement that there be 100 new jobs created and the combination was 100 new jobs not only in Century Plaza but also in Delta Gateway. She stated that there were currently no jobs in Delta Gateway. She characterized the agreement as among the most one-sided deals she had seen in a long time.

Economic Development Director Brad Nail commented that there were three pylon signs that had been authorized and approved by the City Council and the Council had directed Agency counsel to draft a loan agreement. He stated that the issue with the Century Plaza sign was that the new businesses in the Delta Gateway Center would be difficult to build without the Century Plaza sign given that the existing tenants in Century Plaza had view corridor restrictions in their leases and the Delta Gateway Center would essentially block the view corridor to State Route 4.

By building the sign, Mr. Nail noted that the Delta Gateway Center could be developed. He stated that Circuit City was under construction. It had been estimated that Circuit City alone in one year would generate sales tax revenues that would cover the cost of the sign, although he added that there were other companies planned for the area, such as Del Taco, In-N-Out Burgers, Krispy Kreme, and a 7-11 store. He suggested that development would not be able to take place were it not for the Century Plaza sign.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), referred to the staff report and noted that the loan to the Century Plaza Development Corporation had been approved on November 19, 2001 for the construction of the pylon sign when Agency counsel had been directed to create the loan documents. He inquired why it had taken nine months to create those documents, and a sign had still not been installed. He commented that the Council had loaned the Century Plaza Development Corporation \$625,000 for a sign in November 2001, which sign had also yet to be installed. The same corporation was now seeking \$235,000 to construct a Century Plaza shopping center pylon sign. He questioned which sign was being requested and expressed concern for the additional funds. He urged a rejection of the request.

Mr. Nail clarified that the \$625,000 had not yet been loaned for the sign.

On motion by Member Rios, seconded by Member Lewis to adopt Resolution 02-835.

On the question, Member Lewis acknowledged the comments from Nancy Parent, noted that the proposal was not the most advantageous to the City, but commented that the project had been in process for many years to bring an Auto Mall business to the community. He stressed that the sales tax revenue that would be generated by the Auto Mall was significant. He added that the agreement had been difficult to negotiate, and he suggested that the loan was a small price to pay to bring the Auto Mall to fruition after so many years. While not the most favorable terms, he suggested that the advantages far outweighed the disadvantages in this case.

Chair Aiello commented that Target, Toys R Us, Old Navy and others in Century Plaza had view corridors maintained and had waived that part of their lease so that their names could be placed on the proposed pylon sign. He suggested that showed a commitment on their part to remain in Pittsburg and retain jobs and sales taxes in Pittsburg. He compared the situation with the former efforts to retain the Adtranz business when more funds had been expended in that case to effect the same result.

On the motion by Member Rios, seconded by Member Lewis to adopt Resolution 02-838, carried by the following vote:

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

CONSIDERATION

1. **REPORT** Black Diamond Project Status Report

Executive Director Casey reported that the Redevelopment Agency awarded an Exclusive Right to Negotiate for the Black Diamond Mixed Use Project to Griego Designs on February 4, 2002. The 180-day negotiating period allowed Griego Designs to create a team of financial and development partners as well as finalize a Disposition and Development Agreement (DDA). The staff report detailed the results from the 180-day negotiating period that expired on August 3, 2002.

Mr. Casey recommended that staff be directed on the Agency Board's preferred course of action to realize development of the Black Diamond Mixed Use Project.

PUBLIC COMMENTS:

DIANA ANDERSON, Pittsburg, referenced an August 3 article in the Contra Costa Times, spoke in support of the project, and reported that she had written a letter to the Mayor that she had shared with her neighbors, homeowners and businesses and had gathered 40 signatures in a short period of time as a result. The letter stated: "Mayor Aiello was quoted in an article in Saturday's Contra Costa Times as saying 'The issue becomes . . . what do the people of downtown Pittsburg want?' As residents who live

and/or work in the area north of 10th Street, we are writing to express our support for an extension to the 180-day negotiating period granted the 'Greigo/Indigenous group' last February. We feel this visionary project is a vital component of a vibrant downtown community, and will bring credit to all of Pittsburg. Since the City Council voted 5-0 in February to adopt this design, it obviously saw the merit of the proposal. We believe this group has the capacity to make it happen, and we ask that **in good faith, the City make every effort to assure a fair, honestly negotiated development agreement with the Griego/Indigenous group.** We are only a few of the local residents who support his plan; there are many more, and we hope the City will value the community's input."

NANCY PARENT, Pittsburg, spoke to the quality of the offer that had been made to the City after the 180 day exclusive right to negotiate with the developer that had proposed the plan. She suggested that after 180 days a developer should be farther along in the process from offering a marked up proposal that the Agency had first proposed. She described the offer as insulting, requesting multimillion-dollar land for \$10, and requiring the City to acquire more property at the Agency's expense with no obligation to the developer for either the land or relocation. She expressed her serious concern that there were a number of other rights being offered the proposed developer that were disadvantageous to the Agency and to the City.

WILLIE MIMS, Pittsburg, concurred with Ms. Parent's comments and urged the Agency Board to deny the request given the fact that it was not advantageous to the Agency or to the City. He referred to the staff report and pointed out a number of cases where the proposal would represent a serious injustice to the taxpayers of the community.

ROGER RILEY, Pittsburg, reported that his property bounded the subject site. He noted that he had been asked to participate in the proposal and he had indicated a willingness to do so, although he now understood that his property was being considered for acquisition as part of the proposal. He added that he had submitted an application for building permits to improve his property, which application had been made in October 2001 with no permits issued to date. Stating that he was trying to be patient, Mr. Riley questioned the intent of the proposal.

Mr. Riley explained that he had requested easements along the west side of his property to be able to place some doors and windows on the side of the property. Mr. Riley stated that he had no response to his request. He questioned the proposal and urged the Agency to consider those who had a serious financial interest in the area.

RON WAITE, Pittsburg, read the applicable sections of The Brown Act in regards to the proposal and suggested that the public supported the extension and the cooperation of the staff to be able to proceed with the Griego proposal. He noted that the Agency Board had also not always lived up to its deadlines, such as with the dredging project in the Marina. He recommended that both parties meet to resolve the perceived discrepancies to allow the project to move forward.

RON SULLIVAN, referenced the newspaper article and stated that he was

representing the developer. He commented that the developer had received the DDA rather late, had sought an e-mail copy of the DDA that had not been submitted until last Thursday, and had submitted a redlined copy of changes to the DDA to Mr. Evans as a result. He noted the work that the developer had accomplished to date to proceed with the project and provided copies of all the arrangements that had been made to date, in that they had the financing, the mortgage people and were already preselling the property. He stated that they were ready to proceed and that the reason why the price on the property had been dropped was because other things had been added by staff to the agreement that had not previously been discussed, such as the repair of the streets.

Mr. Sullivan also referenced the issue of low income housing, and reported that Washington Mutual, their financier, wanted low income housing, although he noted that staff wanted no low income housing. He suggested that the project would not work in that case. He emphasized their intent to create a proposal that was financeable and workable. He noted that there was not a whole lot of money to be made out of the project. Mr. Sullivan emphasized that they had not delayed the project. He stated that they could do a good job on the project and they were ready to do that.

JASON GRIEGO, addressed some of the issues and noted in response to comments that there was no intention of acquiring Mr. Riley's building. He assured Mr. Riley that his project would not be touched. He stated that there would be an offer to Mr. Riley for easements and parking. Describing a number of issues of concern, Mr. Griego stated that they had been asked to pay for public parking. While he had been advised by Mr. Evans that parking had not been included, he emphasized that parking had been budgeted in the proposal. He stated that they had every intention of moving forward with the project. He emphasized the intention to create a project that would do justice to the community.

Vice Chair Beals-Rogers suggested that the vision of the project was a good one, although over the past six months little progress had been made.

Vice Chair Beals-Rogers expressed concern with a lack of professionalism and with inexperience related to the project. She explained that while the Agency Board had offered to give the Griego group some consideration for a specified period of time, the other entities that had been interested at that point were willing to pay full price for the land, had the experience and financing up front and were willing to incorporate the community's vision and energy, as well as the concerns of the residents. That entity had no problem paying for and accommodating parking.

Vice Chair Beals-Rogers applauded the supporters of the Griego vision, but noted the question of what was behind the project. She characterized the overall comments about the project as questionable. She suggested that in no way could a project, as proposed, be held to the standard and be considered as doable, appropriate, or professional. She remained concerned with the quality of the project and the stipulations within the project.

The Vice Chair reiterated her concerns as to whether or not the development team had shown the quality, caliber or expertise necessary for the project. She emphasized that

the downtown was important to Pittsburg as a whole.

With respect to low income housing, Vice Chair Beals-Rogers clarified that the project was not intended to be reserved for low income housing. The intent was to provide affordable housing.

Member Rios suggested that Agency staff had not cooperated or negotiated with the team. Without staff's cooperation, she suggested that the City was not fulfilling the requirements of the resolution to allow the exclusive right to negotiate.

With respect to parking, Member Rios noted that was not an issue until there was a stumbling block. She suggested that someone on staff did not want the project to proceed and that in her opinion someone was "sabotaging" the project. She characterized the project as a good one, noted that the resolution, when approved, required the Agency Board to direct the Executive Director and staff to negotiate the terms of the DDA with Griego and Company, with a return to the Agency Board for approval. She suggested that staff had not negotiated as directed.

On motion by Member Rios to extend the exclusive negotiating period for 60 days. The motion was seconded by Member Quesada.

On the question, Member Lewis emphasized that his remarks had nothing to do with the proposal from Griego Designs, which he described as bold and innovative. He noted that the City had learned that housing by itself would not create the synergy needed in the downtown, which was why he was such a strong supporter of the Griego proposal. He continued to support the Griego vision and plan for the final portion of the downtown redevelopment. He added, however, that he had serious concerns for the development partners that had surfaced with the project.

Member Lewis did not believe that staff had delayed the project in any way. Given the number of items staff had sought from the developer, he inquired of Mr. Evans whether or not the specific information requested by staff through a May 7, 2002 letter, had been provided. He specifically inquired whether or not a copy of the technical feasibility study had been provided, a copy of the authority feasibility study, a copy of the market study, the detailed site costs both hard and soft and related to proforma information, engineered plans and drawings for the project, or other items that had been requested three months ago, including the requirements for the project's use of CRA funding.

In response, Director of the Redevelopment Agency, Garrett Evans advised that none of those items that staff had requested on May 7 had been provided. He did report that staff had received an indication from Griego Designs of their willingness to provide funding for the acquisition of additional parcels.

Member Lewis continued to have serious concerns about the development partner that had surfaced. While not all members of the City Council had received the information, he stated that a letter dated March 18, 2002 had identified a consultant that Griego was

using, which consultant was not acceptable to the City of Pittsburg. A second letter dated June 5, 2002 had stated that the consultant was no longer affiliated with the Pittsburg Renaissance Village, as the project was being called.

Member Lewis also referred to a July 18, 2002 memo that listed the attendees at a meeting of the organization. He noted that two Pittsburg Councilmembers, Mayor Aiello and Councilmember Rios, had been listed as being participants. A member of the Planning Commission had also been listed as being in attendance at the meeting. Expressing concern as to why Mayor Aiello and Councilmember Rios had attended that meeting given that they were neither the membership of the Redevelopment Subcommittee or of the Economic Development Committee, he emphasized that no other members of the City Council had been apprised of the meeting prior to that meeting.

Mayor Aiello stated that he had not attended that meeting in that he had been working at Safeway on the date in question, and could provide proof to that effect.

Member Lewis emphasized his serious concerns as to the integrity of the development company, particularly since other companies had expressed an interest in working with Mr. Griego on his design and his plan. He did not believe that staff had delayed the project and he could not support the extension of the project at this time. He expressed his preference that another development company be brought in to work with Mr. Griego. He also emphasized his objection to any change in the development plan that would abrogate the authority of the Redevelopment Agency.

Vice Chair Beals-Rogers noted and verified with staff that the Redevelopment Subcommittee had last met on July 18 and had discussed the proposal, as it had at many previous meetings of the subcommittee.

When asked, Member Rios stated that she had been present at the meeting in question and had understood that all Councilmembers had been invited to attend. She identified the meeting as being with Frank Ramos from the Department of Defense encouraging businesses to locate in the community.

Vice-Chair Beals-Rogers also expressed concern for the lack of information to the full Council, particularly related to being apprised of a meeting after it had occurred. She was not comfortable moving forward with the item. She echoed Member Lewis' comments, stated it was not a discredit to the Griego vision or proposal, but also expressed a preference to see another developer work with Griego Designs. She could not support the project with those that were currently involved given that the proposal slapped the citizens of the community in the face by "reaching back to do business with people that are clearly unethical, morally wrong and have been proven so in a court of law." She did not support the extension.

Member Rios reiterated that in her opinion, staff was somehow trying to undermine the project. She noted that the DDA had been provided by staff and had only been redlined and did not provide the team the opportunity to do the DDA.

Member Lewis clarified for the record that the City had sent a clean DDA to the developer and that the redlined copy had been sent back by the developer. He suggested at the least that the agreement could have been retyped in a professional manner. He emphasized that the staff had submitted a clean copy of the agreement to the developer.

Vice Chair Beals-Rogers inquired of the City Attorney whether or not there was any conflict of interest of Councilmembers voting on the project.

In response, City Attorney Daube stated that she did not know enough about the meeting in question to be able to clarify the situation. She did comment that there was an issue of conflict of interest so far as whether or not those members who had either received an invitation or had attended the meeting had a relationship with the advisory board or whatever the meeting was, under the Conflict of Interest Code, which would preclude those individuals from voting on any kind of contractual relationship before the Agency Board.

The City Attorney added that there could be a potential conflict under the Political Reform Act under certain situations, and as had previously been done, an opinion from the Fair Political Practices Commission could be requested to resolve that question.

Vice Chair Beals-Rogers sought an amendment to the motion to include a provision in the contract that there be no contact with the current Agency Board in the discussion of the project, to which Member Rios noted that if she could be convinced, she would include such a provision in her amended motion.

Vice Chair Beals-Rogers noted her understanding that proof was not necessary.

When asked, the City Attorney stated that the requested amendment was standard language that protected the Council from any perception of impropriety.

Member Rios did not accept the amendment to her motion. She stated that a report had been prepared on the meeting and had been sent out. With respect to the DDA issue, she suggested that was a negotiated document with staff and the negotiating team.

Member Lewis spoke to the request for the amendment and reminded those present that the stated goal of the Council, as part of its adopted Policies and Procedures, was that each Councilmember would have the same information submitted to all Councilmembers. He suggested that at least two Councilmembers had no information as to when the meeting had taken place. For no other reason, he suggested that would be a sufficient reason to include the amendment to the motion.

When asked for verification by the Chair, Member Rios stated that Chair Aiello was not present at the meeting in question.

Chair Aiello noted the comments on the issue and stated that the one constant was that Jason Griego's project was a good project. With that, due diligence, and representing

the community, he stated that he would not accept \$10 as payment for the property since that was unacceptable. He suggested that a 60-day extension would not hurt the Agency in that the Agency would still own the land and could still proceed if the current project did not move forward. As such, he expressed his support for a 60-day extension but emphasized that he would not support a 61-day extension.

On the motion by Member Rios to extend the exclusive negotiating period for 60 days, amended to have the City Attorney and Mr. Evans continue to finalize negotiations, and for the full Council to receive a weekly report as to the status, was seconded by Member Quesada, and carried by the following vote:

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

Mayor Aiello CONVENED THE REDEVELOPMENT AGENCY JOINTLY WITH THE CITY COUNCIL to consider the following Public Hearing Items.

PUBLIC HEARING

1. **RESOLUTION 02-839** Disposition, Development and Owner Participation Agreement with Mark and Kathleen Taylor for the Sale of the Improved Dwelling Unit Located at 2091 Railroad Avenue and the Development of APN: 086-122-014 Located at 39 Locust Drive with an Affordable Dwelling Unit (Redevelopment Agency)

1. **RESOLUTION 02-9657** Disposition, Development and Owner Participation Agreement with Mark and Kathleen Taylor for the Sale of the Improved Dwelling Unit Located at 2091 Railroad Avenue and the Development of APN: 086-122-014 Located at 39 Locust Drive with an Affordable Dwelling Unit (City Council)

City Manager Casey advised that the Pittsburg Redevelopment Agency and Mark and Kathleen Taylor (“Developer/Owner”) had negotiated terms for the development of Assessor’s Parcel No. 086-122-014 located at 39 Locust Drive. The Developer/Owner would purchase the improved dwelling unit located at 2091 Railroad Avenue from the Agency for \$1 and would rehabilitate and relocate the structure to 39 Locust Drive. The Owner would record affordable housing covenants on the property so that the unit would be made available to very low-income households for a minimum of fifty-five (55) years.

Mr. Casey recommended that the Disposition, Development and Owner Participation Agreement between Mark and Kathleen Taylor and the Pittsburg Redevelopment Agency be approved, and that the Chairman of the Agency be authorized and directed to execute the Agreement on behalf of the Agency, that the Secretary of the Agency be authorized and

directed to attest thereto. Further, that the Chairman and Executive Director be authorized to execute such further documents and take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to the Agreement.

Mayor Aiello opened the public hearing on Redevelopment Agency Resolution 02-839 and City Council Resolution 02-9657. There was no one to speak for or against either Resolution 02-839 or Resolution 02-9657.

On motion by Vice Chair Beals-Rogers, seconded by Member Rios and carried unanimously to adopt Redevelopment Agency Resolution 02-839.

On motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously to adopt City Council Resolution 02-9657.

ADJOURNMENT:

The meeting of the Redevelopment Agency adjourned at 8:24 P.M. to August 19, 2002.

Sincerely,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
August 5, 2002

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Assistant Legal Counsel Carol Victor reported that the City Council had, in Closed Session, unanimously approved a settlement with Granite Construction Company arising out of the Water Main Replacement Project in an amount of \$160,000, and had unanimously denied a tort claim filed on July 19, 2002 by Joyce Glasper.

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Willis Casey
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City Engineer, Joe Sbranti
Police Commander, Evan Kohler
Police Commander, William Hendricks
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), referred to a previous comment from staff that a \$625,000 loan had been approved to the Century Development Corporation.

Mayor Aiello advised that the loan had not been completed because the deal fell

apart.

Mr. Mims also referenced the previously approved funds dedicated to the improvement of the Pittsburg Library, which had yet to occur.

City Engineer Joe Sbranti stated that in mid-July authorization had been issued to improve the bathrooms at the library, which work was expected to be done this fall to bring the bathrooms up to Americans with Disabilities Act (ADA) standards. The overall remodeling of the library had yet to commence.

Mr. Mims took this opportunity to thank Public Works Director Fuller for his assistance in repairing the potholes on the street where he lived.

Speaking to the Seafood Festival, Mr. Mims commented that his problem was with the location of the Seafood Festival. He suggested that there was a health and safety issue given that there should not be a concentration of 50,000 to 60,000 people crammed into one dense park at the waterfront. He suggested that the proposal should be replanned to ensure the safety of the citizenry and visitors to the festival. He urged that a relocation be considered.

With respect to the corner of Diane Avenue and California Street, Mr. Mims stated that water was still standing in that area. He requested that some resolution of that concern be addressed.

Mayor Aiello advised for Mr. Mims' benefit that similar comments made by Charles Smith of standing water at Diane Avenue and California Street had been noted and that Mr. Smith had been referred to the Mosquito Abatement District. With respect to the Seafood Festival, he suggested that the Chamber of Commerce, the sponsor of the event, had members in the audience who heard Mr. Mims' comments.

BRUCE OHLSON, Pittsburg, referred to Measure C and the transportation improvements that had been conducted in the City because of Measure C. He noted the City's representation on the various transportation committees and commented that bicycles and pedestrians had been left out when the original Measure C was apportioned. He urged the Council when considering a project list for the Measure C renewal that a 5 percent setaside be designated for bicycle and pedestrian projects.

Councilmember Quesada advised that the TRANSPLAN Committee as part of the Measure would consider the request for a 5 percent setaside C renewal discussions, at its September 12 meeting.

COUNCIL REPORTS

Councilmember Rios stated that she had attended the Mayors Conference on August 1, at which time Supervisor Uilkema had requested that cities support the Amber Alert system. She requested that item be agendaized for institutionalization. She also reported

that she had attended a celebration of the Pope's canonization of Juan Diego in Mexico and that nun's rectory at St. Peter Martyr Church had been dedicated as the Center for San Juan Diego. She stated that the event had been well attended.

Councilmember Quesada reported that he had also attended the celebration of the canonization of Juan Diego and the procession to the convent. He suggested that 3,000 to 4,000 people had attended that event.

Vice Mayor Beals-Rogers reported that the subcommittee for the Centennial Celebration had met and had a final meeting with the Leisure Services Commission.

Vice Mayor Beals-Rogers described the tremendous input from the community and its various organizations and advised that the committee would make a presentation to the City Council as a whole in September. She suggested that the Council would be pleased with the community response and for the ideas that had been solicited.

The Vice-Mayor thanked Councilmember Rios for standing in for her at the Mayors Conference given a family emergency that had made it unable for her to attend.

Mayor Aiello stated that Pittsburg High School Cheerleaders had been selected again to represent the City of Pittsburg at the Pro Bowl, and that three of those cheerleaders had been selected to go to Paris for the New Year's celebration. He urged the community to support those students in those events.

Mayor Aiello commended the young people in Bay Harbor Park who had put on event to raise funds for projects in their community.

The Mayor also reported that he had received reports from the Community Advisory Commission (CAC) asking about a quadrant change, which item he requested be placed on the next meeting agenda for discussion.

Mayor Aiello identified a letter from Assemblyman Canciamilla seeking participation on how to make the State budget process work smoother. He directed staff to contact the Assemblymember to advise that the City was interested in participating in such a process.

Mayor Aiello sought the preparation of a proclamation for Equality Week for September 23-29 sponsored by the League of California Cities, and noted that the Metropolitan Transportation Commission (MTC) had requested to make a presentation to the Council regarding SB 1243, sponsored by Senator Torlakson, who should also be invited to attend that meeting. Further, he stated that he would make an individual donation to the Mary Ann Wright foundation, a non-profit operation in Oakland, helping to collect funds to buy a fire truck for New York City.

PRESENTATIONS

1. Presentation by Impact

SARAH JOOST and NANETTE PEREZ of Impact, a new State program to improve access, counseling and treatment for Californians with prostate cancer, the second most common cancer found in men. She distributed brochures to identify the services available through Impact, and explained that while the reason was unknown, minorities were 1.5 times as likely to get and two to three times more likely to die from prostate cancer.

Vice Mayor Beals-Rogers commended the organization and its work given that her father had been diagnosed with prostate cancer and was a survivor. She pledged her support for the program.

2. Chamber of Commerce Business Improvement District

DIANA RUBIALES-MASON, a member of the Pittsburg BID Advisory Board and President of the Chamber of Commerce, submitted the Business Improvement District (BID) proposal for the coming year and stated that the Chamber looked forward to serving the City and the business community. She presented the annual BID proposal and highlighted the Chamber's accomplishments over the last year. She noted that Pittsburg would be highlighted in an ongoing series on Contra Costa County communities published by the Contra Costa Times.

Councilmember Lewis commended the work being done by the Chamber, acknowledged the Chamber's efforts, and suggested that the Chamber conduct another business survey, which could be included with the City's business license renewal to attain a greater return on the survey from what had initially been realized.

PROCLAMATIONS

1. National Night Out

Mayor Aiello read the proclamation for National Night Out and noted the celebration planned at Small Work Park on August 6, 2002.

Pittsburg Police Commander Evan Kohler and Bertha Stobb accepted the proclamation for National Night Out. Commander Kohler stated that Bertha Stobb and other volunteers had helped the City reach its goals.

BERTHA STOBB reported that 329 people were expected in Small World Park for a barbecue where a fingerprint ID program would be conducted, along with other events. She emphasized the intent of the program to allow neighborhoods to get to know their neighbors to be able to better address issues related to crime.

CONSENT CALENDAR

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

d, e, h, i and j.

- a. **DISBURSEMENT LIST** Periods Ending: July 12, 2002, July 26, 2002, and July 31, 2002

Approved Disbursement Lists periods ending July 12, July 26, and July 31, 2002.

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

Approved Minutes dated July 15, 2002.

- c. **CLAIMS** #1448 Julia Gallardo; #1459 Jackie Garner; #1462 James Albert Smith; #1467 Carl P. Brown, Jr.

Denied Claims #1448 Julia Gallardo; #1459 Jackie Garner; #1462 James Albert Smith; and #1467 Carl P. Brown, Jr.

- f. **RESOLUTION 02-9652** Reclassification of Position and Incumbent from Civil Engineer II to Senior Civil Engineer

Adopted Resolution 02-9652.

- g. **RESOLUTION 02-9653** Acceptance of Contract 01-03; Water Main Replacement and 2001 Citywide Pavement Rehabilitation Project

Adopted Resolution 02-9653.

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

- d. **RESOLUTION 02-9650** Approval of Business Improvement District Contract for Fiscal Year 2002-2003

In 1972, the Pittsburg Chamber of Commerce was designated as the Advisory Board for the Business Improvement District. Since the inception of the Business Improvement District, the majority of the funds collected have been designated to the Pittsburg Chamber of Commerce, and the Chamber has used these funds to promote business in the City and develop programs to help our local businesses succeed. Attached to the staff report was the annual Consultant Agreement between the City of Pittsburg and the Pittsburg Chamber of Commerce for specific services to be performed by the Chamber during the fiscal year.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), commended the Chamber of Commerce for its accomplishments in the City but otherwise expressed concern with the lack of revenue sharing between the City and the Chamber given the City's commitment in City staff, property and other resources for the two-day Seafood Festival, when the City had received little in return. He urged the City to look out

for the taxpayers of the City so that the taxpayers would also be able to enjoy some part of the revenue generated by the event. To allow that to occur, he sought a revenue-sharing contract between the City and the Chamber. He commented that rather than approach the Chamber of Commerce, which was not a public body, he had sought relief through the public body, which was the City Council.

Vice Mayor Beals-Rogers took this opportunity to commend the Chamber for its past, current and ongoing work in the City. She commented that the Seafood Festival, among many other similar events in the City, had been evaluated. Referring to the BID and given that the Seafood Festival was one of the largest revenue generators in the City, she noted that the BID had included no comments with respect to the cost, expenditures, or anticipated revenues from the Seafood Festival. She urged that information be included in the report from the Chamber, for not only the City's benefit but for the benefit of the City's citizens.

Economic Development Director Nail advised that the City Manager had previously requested a report on the various festivals in the City, which report was nearing completion and would be provided to the Council this week.

MARY CONIGLIO, Executive Vice President/CEO of the Chamber of Commerce stated that the Chamber had never previously been asked to provide that kind of information. She described the Seafood Festival as fairly self-sufficient, although police services and some City personnel were required during the two-day festival. A budget was being prepared in response to requests and that budget would be presented this year.

Councilmember Lewis described the origin of the Seafood Festival and noted that nearly twenty years ago, the former Director of the Chamber, Bob Jones, had sought ways to identify improvements to the City's downtown. It was Mr. Jones' suggestion that given the City's tie to the fishing industry a Seafood Festival should be created to allow the improvements to the downtown to be highlighted. He characterized the Seafood Festival as an invaluable public relations tool. Noting the comment that the Festival was outgrowing its location, he explained how the Festival had already outgrown a number of locations in the downtown. Councilmember Lewis commented that without any share of the profits from the Seafood Festival, the City did receive invaluable benefits and high school students and community organizations had also benefited from their volunteer efforts, which resulted in donations to those organizations further benefiting the City.

Councilmember Quesada also commended the benefits of the Seafood Festival and supported the resolution.

On motion by Councilmember Lewis, seconded by Councilmember Quesada and carried unanimously to adopt Resolution 02-9650.

- e. **RESOLUTION 02-9651** Notice of Intention to Adopt a Supplemental Retirement Plan

The City of Pittsburg desires to provide a supplemental retirement benefit to former Contra Costa County Employees' Retirement Association (CCCERA) non-safety tier one retirement plan participants ("eligible employees").

JOHN GARCIA, Benicia, advised that as a former member of tier one he had presented a counter proposal on July 12 to the Finance Department based on the "last, best, final" offer of the supplemental retirement plan. He had also requested that the issue be discussed with the City Council on July 15. He inquired whether or not the proposal had been presented to the Council.

City Attorney Daube stated that the proposal that had been discussed was the exact proposal referenced.

Mr. Garcia recommended that the Council make the tier one people "whole." He noted that over \$700,000 had been owed to tier one retirees. As the City Treasurer, he suggested that the City could easily handle the issue within its own Finance Department by setting the item up as a liability to be funded each year. He suggested that would offer a fair and equitable way to make tier one employees whole, as promised by the Council.

Councilmember Rios requested a clarification of the item, reported by the City Attorney that the two-phase process was to first adopt the Notice of Intent, after which, at a subsequent time, the final program would be adopted. The City Attorney noted that California law required the Notice of Intent to clarify the Council's direction, after which there could be public comment and any adjustments desired for the final program. With no adoption of the intent, the process would be delayed.

On motion by Vice-Mayor Beals-Rogers, seconded by Councilmember Rios and carried unanimously to adopt Resolution 02-9651, with the understanding that further negotiations would be pursued.

Councilmember Quesada suggested that the Council's promise of an equitable treatment for tier one employees would have to be honored to repay them for the years of service to the City of Pittsburg.

When asked by the Chair, City Attorney Daube stated that with respect to Item i, the item was a sphere of influence, a resolution of application demonstrating an intent to initiate proceedings for a sphere of influence (SOI). She reported that the map had been amended from what the Council had originally received. Copies of the map were provided for the public. She added that staff had met with representatives of the Local Agency Formation Commission (LAFCO), which had directed that the map be clarified. While the resolution had not changed, the map had changed.

- h. **RESOLUTION 02-9654** Application by the City of Pittsburg Requesting the Contra Costa Local Agency Formation Commission

("LAFCO") to Initiate Proceedings for an Amendment to
the City Sphere of Influence for Southwest Hills

This is an application to the Contra Costa Local Agency Formation Commission ("LAFCO") in order to initiate proceedings pursuant to Government Code Section 56428 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for an amendment to the City of Pittsburg's Sphere of Influence in the Southwest Hills Subarea to include the approximately 231 acre parcel adjacent to and south of the San Marco subdivision.

PUBLIC COMMENTS:

MICHAEL KEE, Pittsburg, spoke with respect to Resolutions 02-9654 and 02-9655. He requested that Mayor Aiello and Councilmember Quesada should recuse themselves from the item.

Mayor Aiello stated that as previously reported at the last meeting, the Fair Political Practices Commission (FPPC) had cleared him of any conflict of interest and conflict of interest was not an issue with regards to the projects.

When asked by Councilmember Quesada, City Attorney Daube stated that under a conflict of interest assessment under the Conflict of Interest Code 1090, that only would preclude Councilmember Quesada from voting on other conflicts with respect to the developer in question. With respect to the FPPC, she stated that she had contacted them, for an advisory opinion and given the facts as stated in the newspaper if a particular loan at issue was paid in 1999, there would be nothing to preclude Councilmember Quesada from voting on the item.

Particularly with respect to item i, Mr. Kee questioned whether or not the difference in development fees would create a conflict of interest.

City Attorney Daube stated that issues involving development and payment of development fees and so forth was something that had to be worked out with Supervisor Glover and the City of Antioch and the City of Pittsburg would have to meet to work out an agreement with respect to specific developments. The current item related to a change in the SOI, removing land from Antioch and placing that land in Pittsburg.

ALLEN VALENTINE, Pittsburg, spoke with respect to Items h, i and j and noted that there was a cloud of suspicion that he suggested had yet to be cleared. He suggested that Mayor Aiello and Councilmember Quesada had no reason to vote on any items related to the developer in question.

CAROLYN FRAKES, Pittsburg, stated that she was a new resident of San Marco and had a number of concerns that needed to be addressed. She stated that she did not have mail service or cable television service. She commented that 112 homes did not have mail service in the San Marco area, a situation that had never been disclosed to the

homebuyers. She suggested that the developer was being allowed to do anything he wanted and she was appalled that apartment houses were being allowed when homes were to have been provided. She expressed concern with the loss of value of her home and she emphasized that before any other permits were allowed, the existing concerns should be addressed.

KATHLEEN WEST, an Oak Hills resident, Pittsburg, stated that she had found it frustrating, absurd and obscene that three resolutions were being presented without a publicly displayed and discussed plan. She stated that she had been promised a school in Oak Hills, which had never been provided. She emphasized the absurdity of approving land when the residents did not have the rightful services they were promised. She stressed the need to have proper policies and procedures in place so that when dealing with a developer, mail service and schools would be provided. In regards to a conflict of interest, Ms. West understood that while members of the Council had been cleared of bias, she suggested that by conscience, those members should recuse themselves. She urged the submittal of more thorough information prior to pursuing any further agreements.

Councilmember Lewis noted that the first step of completing a development is to have LAFCO include the area in the SOI. He stated that the item was the first step with LAFCO to bring the property into the City of Pittsburg. He commented that if LAFCO did not agree that the property should be in the City's SOI, it would be a moot question and the property would remain in the County. The County would then be the regulator of the development. He supported the resolution because it would represent just one step in a long process.

Vice Mayor Beals-Rogers stated that to even let the application go to LAFCO, the City had a responsibility as to what would be submitted to that Commission for recommendation. Given her concern for the project and the continued protection of open space and the hillsides, she did not support the proposal.

On motion by Councilmember Rios, seconded by Councilmember Quesada to adopt Resolution 02-9654 carried by the following vote:

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

As a resident of Highlands Ranch, Mayor Aiello recused himself from the next item. He left the dais at this time.

- i. **RESOLUTION 02-9655** Application by the City of Pittsburg Requesting the Contra Costa Local Agency Formation Commission ("LAFCO") to Initiate Proceedings for an Amendment to the City Sphere of Influence for Southeast Buchanan Road

This is an application to the Contra Costa Local Agency Formation Commission

("LAFCO") in order to initiate proceedings pursuant to Government Code section 56428 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for an amendment to the City of Pittsburg's Sphere of Influence in the Buchanan Subarea to include the approximately 200 acre parcel adjacent to and east of the Highlands Ranch subdivision along Buchanan Road.

KATHLEEN WEST, Pittsburg, sought a proactive move to force the City to come forward with a plan for how to deal with a 779-unit apartment building, to address concerns primarily with respect to traffic and schools. She acknowledged the process but urged the Council to be proactive and not reactive.

Councilmember Lewis clarified that the subject proposal involved the area in the far east part of town adjacent to Antioch. The proposal was to shift the SOI, within the Urban Limit Line in an incorporated area from Antioch's SOI to Pittsburg's SOI for future annexation and development within Pittsburg. He described that as simply a preliminary step.

With respect to the southwest hills, Director of Building and Planning Randy Jerome reported that the previously referenced 779 units was not for apartments, but for single family homes for an area south of the current San Marco development, and that the City was processing the development for Sky Ranch II which would be presented to the City's Planning Commission on August 13. He stated that he would be willing to review the proposal with both Ms. Frakes and Ms. West.

Councilmember Lewis noted with respect to the Baker property that when brought into the City of Pittsburg years ago, LAFCO had decided to split the old Chevron Tank Farm, i.e. Sky Ranch, between Pittsburg and Antioch. He did not support the proposal unless the City of Antioch supported a change to its SOI.

On motion by Councilmember Lewis, seconded by Councilmember Rios to adopt Resolution 02-9655, carried by the following vote:

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

- j. **RESOLUTION 02-9656** Application by the City of Pittsburg Requesting the Contra Costa Local Agency Formation Commission ("LAFCO") to Initiate Proceedings for a Jurisdictional Change for San Marco Meadows and Sky Ranch II

This is an application to the Contra Costa Local Agency Formation Commission ("LAFCO") in order to initiate proceedings pursuant to Government Code section 56428 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for a reorganization to accomplish the annexation into the City of both the San Marco Meadows subdivision comprising approximately 231 acres located adjacent to and south of the San

Marco development in the Southwest Hills Subarea, and the Sky Ranch II subdivision of approximately 166 acres located in the Buchanan Subarea adjacent to and south of the Highlands Ranch subdivision.

When asked, both Ms. West and Mr. Kee advised that their previous comments related to Resolution 02-9656 as they had for Resolutions 02-9654 and 02-9655.

WILLIE MIMS, representing the BPA, suggested that given the alleged and perceived conflict of interest between Councilmember Quesada, the Mayor and the developer, he asked that both recuse themselves from voting and discussing the issue.

JOHN GARCIA, referenced the comments and suggested that the speakers would rather have the County place low cost housing on the border of the community. He suggested that was the conflict. He suggested that the Council should be making the decisions affecting the City's boundaries and not the County.

Vice Mayor Beals-Rogers emphasized the Council's responsibility for its own community. She stated it was not about ranch style homes or apartments. Her priority was preservation of land, open space and hillsides, which was why she did not support the recommendation.

On motion by Councilmember Rios, seconded by Councilmember Quesada, to adopt Resolution 02-9656, carried by the following vote:

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

CONSIDERATION

1. **MINUTE ORDER** Pittsburg Unified School District Request for Community Sponsorship Program Fund

City Manager Casey reported that the Pittsburg Unified School District (PUSD) Special Education Department requested funding from the Community Sponsorship Program to co-sponsor an educational trip to Yosemite Park Institute. The trip is designed to provide thirty (30) challenged students with personal educational experiences relative to the ecosystem and environment. This excursion will also provide recreational activities to include hiking and orienteering. The Leisure Service Commission has reviewed the request for funds application and interviewed the applicant. The commission found the request for funds in order and recommends City Council approval of \$1,000.00.

Mr. Casey recommended that the Council approval of Community Sponsorship Program funds in the amount of \$1,000 per the recommendation of the Leisure Services Commission.

Vice Mayor Beals-Rogers noted that she had been fortunate enough to be at the Leisure Services Commission meeting when the presentation had been made. She commended the program and supported the item.

Councilmember Lewis stated that he had also been present at that time, noted that the \$1,000 was a minimal cost and explained that would represent only a small portion of the cost and that other fundraising was ongoing. He supported the program and the minute-order.

On motion by Vice Mayor Beals-Rogers, seconded by Councilmember Lewis and carried unanimously to approve the Community Sponsorship Program funds in the amount of \$1,000 per the recommendation from the Leisure Services Commission.

2. **MINUTE ORDER** Letter of Support for Senate Bills 1523 and 1619

The City of Pittsburg was approached by Mr. Scott Ribble of Californians Against Waste asking for a letter of support for Senate Bills 1523 and 1619. These bills would establish an "Advanced Recovery Fee" on every CRT sold in California at the point of purchase. This fee would be no more than \$30 and would be administered by the California Integrated Waste Management Board for the purpose of reimbursing local governments, non-profits, and waste haulers that collect or recycle hazardous CRT devices.

Mr. Casey recommended the submittal of a letter in support of SB 1523 and 1619.

On motion by Mayor Aiello, seconded by Councilmember Rios and carried unanimously to submit a letter in support of SB 1523 and 1619.

PUBLIC HEARING

1. **RESOLUTION 02-9657** Disposition, Development and Owner Participation Agreement with Mark and Kathleen Taylor for the Sale of the Improved Dwelling Unit Located at 2091 Railroad Avenue and the Development of APN: 086-122-014 Located at 39 Locust Drive with an Affordable Dwelling Unit

The Pittsburg Redevelopment Agency and Kathleen Taylor ("Developer/Owner") have negotiated terms for the development of Assessor's Parcel No. 086-122-014 located at 39 Locust Drive. The Developer/Owner will purchase the improved dwelling unit located at 2091 Railroad Avenue from the Agency for \$1 and will rehabilitate and relocate the structure to 39 Locust Drive. The Owner will record affordable housing covenants on the property so that the unit will be made available to very low-income households for a minimum of fifty-five (55) years.

Mr. Casey recommended that the Disposition, Development and Owner Participation

Agreement between Mark and Kathleen Taylor and the Pittsburg Redevelopment Agency be approved, and that the Chairman of the Agency be authorized and directed to execute the Agreement on behalf of the Agency, that the Secretary of the Agency be authorized and directed to attest thereto. Further, that the Chairman and Executive Director be authorized to execute such further documents and take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to the Agreement.

In Joint Session with the Redevelopment Agency, Resolution 02-9657 was adopted on motion by Councilmember Quesada, seconded by Councilmember Rios and carried unanimously.

ADJOURNMENT

The meeting adjourned at 10:06 P.M. to August 12, 2002 at the Ambrose Recreation and Park District Offices in Bay Point, and then to a regular meeting on August 19, 2002. Councilmember Lewis advised that he would be unable to attend the August 12 meeting.

Respectfully submitted,

Lillian J. Pride, City Clerk

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
August 5, 2002

Chair Frank Aiello called the meeting of the Pittsburg Power Company to order at 10:07 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, having met at 5:00 P.M. for Community Advisory Commission interviews, and at 5:30 P.M. in Closed Session for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 302 E. 3rd Street, Pittsburg (APN 085-370-054, 085-370-143 and 085-370-144); Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding City of Pittsburg v. USS Posco Industries, Superior Court Case No. C02-00374 and Communities for a Better Environment and Pesticide Action Network of North America vs. City of Pittsburg, Superior Court Case No. C02-02065; and Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases.

Assistant Legal Counsel Carol Victor reported that the City Council had, in Closed Session, unanimously approved a settlement with Granite Construction Company arising out of the Water Main Replacement Project in an amount of \$160,000, and had unanimously denied a tort claim filed on July 19, 2002 by Joyce Glasper.

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
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Planning and Building, Randy Jerome
City Engineer, Joe Sbranti
Police Commander, Evan Kohler
Police Commander, William Hendricks
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 Quesada, seconded by Member Lewis and carried unanimously to adopt the Consent Calendar, as shown.

a. **MINUTES** Dated: July 15, 2002

Approved Minutes dated July 15, 2002.

b. **RESOLUTION 02-077** Award of Contract for 2002 CAPE/Slurry Seal Program

Adopted Resolution 02-077.

ADJOURNMENT

The meeting adjourned at 10:08 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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