

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**February 18, 2003**

Chair Yvonne Beals called the meeting of the Housing Authority to order at 7:02 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after meeting jointly with the Planning Commission for a workshop at 5:30 P.M. and in Closed Session at 6:30 P.M. pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Anticipated Litigation regarding significant exposure to litigation for one case.

City Attorney Linda Daube reported that the City Council had voted unanimously in Closed Session to pursue litigation against Greigo Designs concerning a contract for a statue.

**MEMBERS PRESENT:** Glynn, Kee, Parent, Rios, Beals

**MEMBERS ABSENT:** Leatherwood, Wallen (Wallen excused)

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Director of the Redevelopment Agency, Garrett Evans  
Economic Development Director, Brad Nail  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Building and Planning, Randy Jerome  
Planning Manager, Melissa Ayres  
Finance Director, Marie Simons  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Senior Civil Engineer, Paul Reinders  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
Police Chief, Aaron Baker  
Executive Assistant/Deputy City Clerk, Alice Evenson

**PLEDGE OF ALLEGIANCE**

American Legion Post #151 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 Rios, seconded by Member Glynn and carried unanimously to adopt the Consent Calendar, as follows:

- a. **DISBURSEMENT LIST**      Period Ending: January 31, 2003

Approved Disbursement List period ending January 31, 2003.

- b. **MINUTES**                      Dated: January 21, 2003

Approved Minutes dated January 21, 2003.

## **ADJOURNMENT**

The meeting adjourned at 7:04 P.M. to the next meeting set for March 17, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**February 18, 2003**

Chair Yvonne Beals 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 meeting jointly with the Planning Commission for a workshop at 5:30 P.M. and in Closed Session at 6:30 P.M. pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Anticipated Litigation regarding significant exposure to litigation for one case.

City Attorney Linda Daube reported that the City Council had voted unanimously in Closed Session to pursue litigation against Greigo Designs concerning a contract for a statue.

**MEMBERS PRESENT:** Glynn, Kee, Parent, Rios, Beals

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Director of the Redevelopment Agency, Garrett Evans  
Economic Development Director, Brad Nail  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Building and Planning, Randy Jerome  
Planning Manager, Melissa Ayres  
Finance Director, Marie Simons  
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Senior Civil Engineer, Paul Reinders  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
Police Chief, Aaron Baker  
Executive Assistant/Deputy City Clerk, Alice Evenson

**CITIZENS REMARKS**

There were no citizen remarks.

**MEMBERS REMARKS**

There were no Member remarks.

## **CONSENT**

On motion by Member Kee, seconded by Member Glynn and carried unanimously to approve the Consent Calendar, with the removal of Items a and c.

- b. **RESOLUTION 03-866** Adopting a Resolution to Continue the Services of Goldfarb & Lipman

Adopted Resolution 03-866.

- d. **RESOLUTION 03-869** Rescinding Resolution 02-846 and Execution of a New Consulting Agreement Between the Agency and the Contra Costa County Employment and Human Service Department on Behalf of the Workforce Development Board

Adopted Resolution 03-869.

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

- a. **MINUTES** Dated: February 3, 2003

Member Kee noted that the minutes of the February 3 meeting had reflected that the Council had met at 4:00 P.M. for a Palm Pilot training, which training had not occurred. He requested that the minutes be corrected accordingly.

On motion by Member Kee, seconded by Member Parent to approve the minutes of the February 3, 2003 meeting, as amended.

- c. **RESOLUTION 03-868** Providing Certain Positions Authority to Deposit or Withdraw Monies in the Local Agency Investment Fund for the Redevelopment Agency

The Redevelopment Agency currently has investments worth \$29 Million with the State Treasurer's Local Agency Investment Fund (LAIF). Since the Redevelopment Agency has a new Director of Finance who will make decisions on handling investments, the State Treasury required that we update the Redevelopment Agency's 1988 resolution showing the list of positions unauthorized to make deposits or withdrawals in the LAIF account. Since then, the list of authorized persons has been updated by changing the signature cards.

Member Glynn questioned who had the current authority to deposit or withdraw monies in the LAIF fund, to which Finance Director Marie Simons reported that prior to the action requested at this time the current positions that had the authority to make deposit and withdrawal of funds included the Director of Finance, the Finance Services Manager, the Accountant II position and the City Treasurer. The requested change would be to

eliminate the City Treasurer and to add the Director of Finance. She stated that the LAIF had sought the authority to be identified by position and not by name.

Member Parent inquired why the position of City Treasurer had been recommended for removal.

In response, Ms. Simons reported that pursuant to the Pittsburg Municipal Code it was the duty of the City Treasurer to audit the investments made by City staff while the responsibility of the Finance Director was to make the investments.

On motion by Member Glynn, seconded by Vice Chair Rios and carried unanimously to adopt Resolution 03-868.

### **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 7:09 P.M. to the next meeting set for March 3, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**February 18, 2003**

Mayor Yvonne Beals called the meeting of the City Council to order at 7:10 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after meeting jointly with the Planning Commission for a workshop at 5:30 P.M. and in Closed Session at 6:30 P.M. pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Anticipated Litigation regarding significant exposure to litigation for one case.

City Attorney Linda Daube reported that the City Council had voted unanimously in Closed Session to pursue litigation against Greigo Designs concerning a contract for a statue.

**MEMBERS PRESENT:** Glynn, Kee, Parent, Rios, Beals

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager, Willis Casey  
Assistant City Manager, Nasser Shirazi  
City Attorney, Linda Daube  
Director of the Redevelopment Agency, Garrett Evans  
Economic Development Director, Brad Nail  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Building and Planning, Randy Jerome  
Planning Manager, Melissa Ayres  
Finance Director, Marie Simons  
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Property Manager, Ursula Luna  
Police Chief, Aaron Baker  
Executive Assistant/Deputy City Clerk, Alice Evenson

**CITIZENS REMARKS**

WARREN SMITH, Pittsburg, noted his inability to obtain permits from the City. He requested direction on how to proceed.

Mayor Beals requested that the appropriate City staff follow up with Mr. Smith to address his concerns.

BEN JOHNSON, Pittsburg, thanked Councilmember Parent for attending the meeting with Congresswoman Tauscher to address transportation issues. He expressed his disappointment that more members of the Council had not attended that session.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) commented that he had missed the joint workshop with the Planning Commission. He expressed his hope to see some results from that session.

Mr. Mims also noted that during the last Council meeting the Council had adopted Resolution 03-9761, the 2002/2003 Disadvantaged Business Enterprise (DBE) Program which had been included on the Consent Calendar. He noted that the Council had not pulled the item as he had requested. He expressed a concern with that item given his suggestion that the formula that had been used was flawed and did not reflect the diverse population of the City. Noting that the formula used was a Caltrans formula, he urged the Council to use a formula in the future that was based on the diverse population of the City.

Mr. Mims explained that he had also submitted a speaker card to speak to Resolutions 03-9768 and 03-9769 under the current Consent Calendar, although since it was his opinion that the Council's action of December 16, 2002 was a violation of the Brown Act he would not speak to those items at this time. If the Council were not to call him during the Council's consideration he suggested that would represent another example of the Council's violation of Section 54954.3 of the Brown Act.

Councilmember Kee reported that he had similar concerns with respect to the DBE Program given his opinion that the numbers were very low and did not reflect the City's population. He had been informed by the City Manager at that time that Caltrans had rejected the numbers submitted at a higher percentage because the City could not justify hiring a greater percentage.

Mayor Beals commented that the City Manager was available for any questions or concerns at a future meeting should that question be pursued.

BISHOP CURTIS TIMMONS, Pittsburg, commended the Mayor and the Council for the recent Community Faith Breakfast. He welcomed another opportunity for a similar event. He also took this opportunity to reiterate a concern he had previously expressed for the safety of students at the school at Black Diamond and Tenth Street. During the morning and noon periods he reported that safety was a critical concern. He urged the City to address the concerns with drug peddling in the neighborhood of the school, which was worse this year than in any other. He emphasized the need to protect the students. Bishop Timmons also sought a crossing guard at the corner of West Tenth and D Street.

Mayor Beals advised that she had received Bishop Timmons' e-mail and had directed the City Manager to address the issue through the Pittsburg Unified School District (PUSD) City Liaison Subcommittee. She added that she had also been in contact with Trustees of the PUSD Board of Directors who would address the matter on a forthcoming agenda.

## **COUNCIL REPORTS**

Councilmember Kee reported that he had attended the BPA History program at Humphrey's in Antioch.

At that time on behalf of the Mayor and the City Council, Councilmember Kee reported that he had presented a certificate to the BPA as part of the City's 100-year Anniversary Celebration and had presented a proclamation to Frances Greene, the 2003 Hero of the Year recipient.

Councilmember Parent reported that she and the Mayor had attended a program at the Lighthouse Christian Center in which a great array of people in the community, not just public officials, had been recognized.

With respect to Congresswoman Tauscher's transportation forum, Councilmember Parent reported that the Congresswoman had solicited the attendance of the Executive Director of the Contra Costa Transportation Authority (CCTA), the Executive Director of the Metropolitan Transportation Commission (MTC), the Executive Director of the Tri Delta Transit Authority and the President of the BART Board of Directors. She stressed the importance of the transportation issues and emphasized that Pittsburg was again participating in the decision-making process concerning transportation issues in East County.

Councilmember Glynn reported that the TRANSPLAN Committee had recently met and had discussed several items of importance to the City, amongst them the fee associated with the East Contra Costa Fee and Financing Authority (ECCRFFA). He explained that Lowell Tunison, the Supervising Civil Engineer of the ECCRFFA would schedule a workshop with the Council concerning that item. He described several other regional transportation issues ongoing at this time to address the significant traffic concerns in East County.

Vice Mayor Rios reported that she had attended the Mayors Conference on Feb 6 with the Mayor.

Mayor Beals reported that she had attended the Mayors Conference at which time presentations from the County Public Health Administrator on the West Nile Virus and the County's plans in preparing for that situation had been offered. A presentation had also been offered by BART on upcoming extensions and by the League of California Cities (LCC) on an advocacy group of City representatives to lobby representatives in Sacramento. To that end, the LCC had chosen the City of Pittsburg as a leader to address issues on behalf of East Contra Costa County and she and the City Manager would meet with Assemblyman Canciamilla and Senator Torlakson on February 19 to address redevelopment and vehicle license fee (VLF) impacts on the entire East County region.

Mayor Beals also reported that the presentation by the Lighthouse Christian Center on unity had been well attended, well received and had offered an uplifting for the community. She sought more of those types of activities for the benefit of the community.



Mayor Beals further reported that the Centennial Committee had met and would be considering the first six months of the Centennial events, which were being updated on the City's website on a weekly basis.

Mayor Beals announced that during the weekend of February 22, the Cultural Arts Alliance would recognize African American Heritage Month and the Pittsburg Soroptomists would be holding a torch singing competition.

With respect to the Joint Public Workshop with the Planning Commission, Mayor Beals stated that because there were no representatives from the community the meeting was to be rescheduled within the next thirty days to allow more input from the public.

Mayor Beals emphasized the importance of recognizing diversity in the community in that without differences people could not be appreciated as individuals. With respect to African-American Heritage Month, she reported that the City had been mentioned in JET Magazine where the Mayor had been featured as being the first African American Woman Mayor in the City's history.

### **CITY MANAGER REPORT**

City Manager Willis Casey reported that he was tracking information from the State regarding the budget crisis. He reported that no official decisions had been made to date, although February 21 was the deadline for the introduction of legislation and the process on the budget decisions would be known soon. He noted that the steps reportedly to take place were troubling, negatively affecting cities with a reduction of sales tax, tying taxing to housing, and with potential VLF impacts and redevelopment funding impacts. As such, everything was on hold until the process had begun to better identify the impacts to cities. He would keep the Council informed of that process.

Councilmember Parent sought an update on the status of the Mirant annexation, and Mr. Casey advised that he would offer a report at a future meeting.

### **PROCLAMATION**

1. Honoring Mr. Thaddeus Holmes during African-American Heritage Month

A proclamation was presented to Thaddeus Holmes to honor his dedication over many years to his country, his county and his community, having served as a member of a number of organizations to better the community.

WILFORD J, SCOTT, Adjutant for American Legion Post #151 reported that Post #151 had assembled to honor Thaddeus Holmes, a member of the American Legion for over 26 years. He listed Mr. Holmes' accomplishments and recognized those veterans of the American Legion who were present at this time.

Mr. Scott presented a Certificate of Appreciation to Mr. Holmes. First Commander William Glynn presented a medal to Mr. Holmes.

THADDEUS HOLMES, Pittsburg, expressed his appreciation to those present and accepted the proclamation and awards on behalf of his wife who had supported him throughout the years. He noted that he had served on the City's Planning Commission for many years. He also highlighted the other organizations he had been associated and remained associated in the City and the County. He thanked everyone for the recognition.

### **CONSENT CALENDAR**

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to adopt the Consent Calendar, with the removal of Items a, d, e, g and h.

- b. **RESOLUTION 03-9764** Providing Certain Positions Authority to Deposit or Withdraw Monies in the Local Agency Investment Fund for the City of Pittsburg

Adopted Resolution 03-9764.

- c. **RESOLUTION 03-9765** Award Purchase Contract for Police Patrol Cars

Adopted Resolution 03-9765.

- f. **RESOLUTION 03-9768** Accepting as Complete Contract 00-01; Railroad Avenue Improvements, Power Avenue to E. 3<sup>rd</sup> Street

Adopted Resolution 03-9768.

- i. **ORDINANCE 03-1205** Amendment to Pittsburg Municipal Code Section 15.104 to Include Additional Territory Within the Stormwater Drainage Mitigation Fee Area for the Kirker Creek Watershed (2<sup>nd</sup> Reading)

Adopted Ordinance 03-1205.

- j. **RESOLUTION 03-9711** Amendment to Collective Bargaining Agreements and Classification Specifications Related to Water Plant Operators

Adopted Resolution 03-9711.

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

- a. **MINUTES** Dated: February 3, 2003  
Councilmember Kee noted that the minutes of the February 3 meeting had reflected

that the Council had met at 4:00 P.M. for a Palm Pilot training, which training had not occurred. He requested that the minutes be corrected accordingly.

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to adopt the minutes of the February 3, 2003 meeting, as amended.

- d. **RESOLUTION 03-9766** Approve Transfer of Funds from the General Fund to an Economic Development Fund for Future Economic Development Projects

Approve the \$394,028.39 transfer of funds from the Small Cities Grant Fund Account to an Economic Development Special Project Expense Account. In accordance with the terms of this grant, the use of funds is restricted and must be used for economic development with the City of Pittsburg. It is in the interest of City staff to utilize these funds for future economic development projects that will continue to strengthen the economic vitality of the City of Pittsburg.

Councilmember Parent stated that she had requested the removal of the item to inquire what kind of projects the Small Cities Grant would fund and the kind of projects anticipated for the expenditure of Economic Development Special Projects.

Economic Development Director Brad Nail advised that the item had been identified by the Interim Finance Director as money that should be properly assigned to the Economic Development Department where it could be utilized for projects. He stated it was money left over from a loan that had been made with regard to Marina Skate where the loan had been repaid. As identified, the funds could only be used for economic development uses. He stated that the Economic Development Department was still creating a plan for what to do with the funds and would submit a proposal for that purpose when such proposal was available.

Mayor Beals agreed that any proposal to use the funds would have to be submitted to the Council for consideration.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9766.

- e. **RESOLUTION 03-9767** Amend the Recreation Coordinator Classification Specification and Reclassify One Maintenance Worker II

The Recreation and Human Resources Departments had conducted an analysis of the work performed by the Small World Park Supervisor. The analysis determined that changes were necessary to accommodate evolving duties within the Recreation Coordinator classification.

Councilmember Glynn stated that he had pulled the item to determine whether or not

the reclassification would result in an actual increase in the budget, in which case he would be concerned given the Council's intent to pursue a zero based budget. As such, he requested that the item be deferred pending the introduction of a zero-based budget.

Councilmember Parent understood that the item related to a reclassification that had been initiated last year and related to an employee who had been working with an improper description. The intent was to clarify that situation.

Human Resources Director Marc Fox affirmed that was the case. He stated that on November 15, 2002 the Department had received a completed position classification questionnaire from the Recreation Department where the incumbent employee, currently classified as a Public Services Worker II at Small World Park, had requested a review of the job duties against the position for which that individual had been classified. The Department had reviewed those job duties and had found that little if none of the Public Service Worker II job duties were involved. He described the delays involved and explained that Human Resources and Recreation staff had spent time to ensure that additional changes had been incorporated in the position description.

As to whether that would result in an increase in the budget in response to Councilmember Glynn, Mr. Fox referred to the staff report dated February 18, 2003 which had indicated that the additional cost for the balance of the fiscal year was \$1,174 and the projected increase for next year would be \$3,249. He stated that the Recreation Department as part of its zero based budget would need to show how those additional costs would be absorbed in the overall service levels for the next fiscal year. He also noted, when asked, that there were five different sets of reclassification requests under review at this time, none of which were in the Recreation Department.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9767.

g. **RESOLUTION 03-9769** Approving City Council Goals for 2003-2004

On February 3, 2003, the City Council held a workshop to review goals and priorities for the 2003-2004 year. Staff was directed to prepare a list of priorities to bring back for final adoption.

Vice Mayor Rios noted that she had pulled the item to express her agreement with the goals with the exception of Goal 2, bullet 3 *The Council will examine: Fee & Finance Regional Transportation Fees*. While she agreed with the need to address that situation in the future, she did not believe that what had already been done needed to be changed. She therefore did not support the approval of the ECCRFFA regional transportation fee as part of the goal.

On motion by Councilmember Kee to adopt Resolution 03-9769. Mayor Beals seconded the motion for purposes of discussion.

Councilmember Parent commented that some of the areas that had been discussed, particularly with respect to redevelopment actions, had been omitted. She noted that the report received by the Council had not included the notes from that discussion. She suggested that the list appeared to be short some goals.

Mayor Beals concurred in the sense that the discussion of the Council goals had been lengthy and the items listed did not appear to encompass that lengthy discussion and include the list of goals the Council intended to accomplish over the next year. She suggested that the action items associated with some of the issues could have been included as next steps to offer a more substantive accounting of the Council's goal session. As a follow-up, she sought a more definitive report, to be placed on the City's website to better inform the public of the Council's workshop, the production of that workshop and the Council's direction for the year.

Councilmember Glynn requested that the item be deferred to allow a return of the item as recommended by the Mayor.

Councilmember Kee rescinded the motion. Mayor Beals rescinded the second.

City Manager Casey advised that the background material related to the goals would be provided and returned to the Council for consideration.

On motion by Councilmember Glynn, seconded by Mayor Beals and carried unanimously to continue Resolution 03-9769 for more complete information.

- h. **RESOLUTION 03-9770** Authorize the City Manager to Contract for Information Technology Services

The City has been using DTI Business Systems within the Police Department through the Supplemental Law Enforcement Services Fund Grant and the Local Law Enforcement Block Grant. Additionally, the City has been using DTI Business Systems for Citywide information technology needs during the workers' compensation absence of an Information Technology employee. In-house resources are not available for City staff to perform the work DTI Business Systems presently performed. DTI's cost in providing services exceeded the City Manager's spending authority and requires the City Council's action.

Vice Mayor Rios reported that she had pulled the item given the dollar amount and the need to put the item out to bid. If the services were needed, she suggested that the work could be completed and that the amount be billed in accordance with the Council's current policy.

Councilmember Parent reported similar concerns and noted that the item represented a large expenditure that called for more attention from the Council.

Councilmember Glynn sought a specific scope of work for such a large expenditure.

Mayor Beals agreed and supported an appropriate bidding process. She recommended that the item be referred to the Finance Committee to identify the current expenditures, source of funds, and cost to date, as well as the future process.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to remove Resolution 03-9770 from the Consent Calendar, to place the contract for information technology services out to bid, to include an accountability of what had been expended with DTI Business Systems, to determine what would be expended, and to refer the item to the Finance Subcommittee for evaluation, with the item to return to the City Council agenda for the March 3, 2003 meeting.

## **CONSIDERATION**

1. **RESOLUTION 03-9772** Approval of a Memorandum of Understanding Between the California Enterprise Zone Program and the City of Pittsburg

City Manager Casey reported that the City had successfully applied for a five (5)-year extension for Enterprise Zone designation contingent upon execution of a Memorandum of Understanding (MOU) with the State of California. The purpose of the agreement was to extend the designation and participation of the City in the Program and to set forth the policy, terms, conditions and Scope of Work for local participation in the Enterprise Zone Program and delivery of program services.

Mr. Casey recommended that the MOU between the California Enterprise Zone Program and the City of Pittsburg be approved and that the City Manager and the Enterprise Zone Manager be authorized and directed to execute the Agreement on behalf of the City.

Property Manager Ursula Luna reported that the Enterprise Zone had been established in California to stimulate development and hiring in selected economically depressed areas, and the City of Pittsburg had been designated such an Enterprise Zone area in 1988. The Enterprise Zone Act provided special tax incentives for entities and individuals operating or investing in a business located within a designated zone. The designation was effective for 15 years.

Presenting a map of the City's Enterprise Zone, Ms. Luna explained that the State program offered five primary incentives, only two of which she highlighted at this time as the most lucrative for most businesses; the hiring credits and the sales and use tax credits. She described the particulars of each and offered examples of each. She also described the California Manufacturers Investment credit, a program separate from the Enterprise Zone, but similar to the sales and use tax credit.

Ms. Luna explained that the City had only been able to issue vouchers since 1997 given a change in legislation during which time and up to November 2002, 467 vouchers, each representing one job, had been issued. Eighty two percent of the vouchers had been

issued in 2001 and 2002 attributed to the City's aggressive marketing strategy initiated in 2000. She added that the wages paid to those employees during that time averaged \$9.18 per hour while the average minimum wage rate was only \$5.61. The majority of those hired represented Pittsburg citizens from low-income neighborhoods.

Ms. Luna explained that while the Enterprise Zone was effective for 15 years, there was an opportunity to extend that period by five years given a demonstrated need for the extension of the program, which she stated the City could do as a designated economically depressed area.

Ms. Luna reported that the City had successfully applied for a five-year extension contingent upon the execution of the MOU, which incorporated an upgrade in the current local incentives. She stated that the State wanted to see a local partnership with the community in which the Enterprise Zone was located given the cost to the State. To that end, an increase in incentives had been proposed the local incentive to the area enterprise zone where there would be a decrease in development fees collected by the City. A waiver of all City fees had been proposed for the rehabilitation of structures along with 50 percent reduction for commercial construction. It had also been proposed that the Redevelopment Agency pick up that cost to avoid affecting the City's General Fund.

Mayors Beals understood the philosophy of the Enterprise Zone for the downtown area and for those areas north of the freeway although if it was now proposed to include the blue area on the map referenced by Ms. Luna, which included the Century Plaza and Auto Mall areas. Since those areas were not depressed, she questioned that situation.

Ms. Luna explained that the proposal to incorporate those areas was a result of State pressure to do so given that in 1988 when the City had been designated as a depressed area that land was vacant and had always been eligible for the program and always eligible for the State incentives. She otherwise noted that due to SB 975, the Prevailing Wage Law, any government subsidy including the waiver of any permit would trigger prevailing wage on an entire project. As a result, she suggested that many businesses would not take advantage of those incentives given that the increase in construction costs would outweigh any savings from fees.

Noting that the eligibility criteria of poverty levels, unemployment, and a unique distress factor characterized the current Enterprise Zone, Mayor Beals stated that the Century Plaza did not appear to meet that criteria.

Ms. Luna reiterated the situation with the State that had resulted in the recommendations to qualify for the five-year extension.

Councilmember Glynn verified with Ms. Luna that the businesses located in the Enterprise Zone had a choice of taking advantage of the State incentives or the local incentives.

For the benefit of the discussion, Ms. Luna clarified the situation where the two

different areas on the map displayed had been designated by the State in 1988 an enterprise zone in one geographical area. Subsequently, the City had adopted a resolution to offer local incentives to the Enterprise Zone, which included fee waivers and reductions. The City had segmented the one Enterprise Zone into a separate sub-category, and had named that area the Local Incentive Area (LIA), which in 1988 was the only area eligible for fee waivers and/or reductions.

A five year extension of the Enterprise Zone had been submitted to the State in June 2002, at which time the City had not proposed to add those enhancements to the LIA and did not propose to extend the eligibility of the LIA to the entire enterprise zone. That application was denied by the State. The State had sought the City's enhancement of its local incentives and had allowed the City to appeal the denial, which the City had and which had resulted in the package being presented to the City Council at this time.

Vice Mayor Rios verified that with no upgrade there would be no extension.

In response to the Mayor as to why staff had not sought the inclusion of another area for an enterprise zone other than the area defined in blue on the map, which area included the Century Plaza, Ms. Luna explained that the City could not add and subtract areas from the zone. She also noted that the large industrial park where Adtranz had recently closed was an economically depressed area and was located in that same blue zone.

Councilmember Kee clarified that businesses were now being advised that the acceptance of the incentives required compliance with the Prevailing Wage Law. He also verified that the Prevailing Wage Law only applied to construction in the Enterprise Zone.

Councilmember Glynn also verified that businesses could be located in an Enterprise Zone and not participate in the Enterprise Program. Given the combination of increased cost on construction coupled with the combination of increased wages plus the increased benefits in retirement and other factors, he suggested that would not allow a break even over time without a supremely successful business. As such, he did not understand the State's position in this case.

Councilmember Parent clarified that one of the upgraded incentives was a loan program. She questioned where those funds would originate, to which Ms. Luna stated that with the redevelopment bond issuance, a portion of that issuance had been recommended to be a taxable issuance to allow the creation of a revolving loan fund, which could be considered along with a similar fund currently being operated by the City.

In response to the Vice Mayor as to what would occur if the extension of the Enterprise Fund was not approved, Ms. Luna explained that there were several million dollars involved in that over thirty businesses were taking advantage of the hiring portion of the program. She added that the State Franchise Tax Board could offer a more accurate representation of the overall monies involved.

As to other options, Ms. Luna stated that staff could submit a counter proposal to the



State, although given the current climate it was unknown how receptive the State would be to such a counter proposal.

Councilmember Parent stated that in light of the current State budget crises, a counter proposal would probably be a waste of time.

Councilmember Glynn commented that the only reason he would support the proposal was to avoid disenfranchising downtown redevelopment and given the State's adamancy of including the entire Enterprise Zone area.

Given the fiscal impact, Ms. Luna recommended the approval of the MOU and the authorization to execute the agreement.

Mayor Beals urged that the focus be on the downtown in the green area of the map and not in the blue area, even though that had been mandated by the State. She urged a 200 percent increase in focus on the downtown, which had been the initial intent of the Enterprise Zone.

WILLIE MIMS, Pittsburg, representing the BPA, concurred with the concerns that had been expressed over the blue area of the map, which represented an allocation of funds in the wrong direction. He objected to the staff analysis in the staff report given the potential for a dramatic decrease in the collection of development fees collected by the City. He urged a careful consideration of the MOU given the potential negative impacts to the City and its taxpayers.

Councilmember Parent clarified that if the Redevelopment Agency paid the City one dollar for each dollar lost to the General Fund, the general taxpayers would lose nothing. She stated that redevelopment funds could be used for nothing but economic development and it would therefore not be money available for City services. It was her hope that the Redevelopment Agency would not facilitate economic development where it was not needed. She agreed that the focus needed to be on the downtown and on Tenth Street west.

Director of the Redevelopment Agency Garrett Evans reiterated that it was the least of staff's desire to extend the LIA throughout the whole project. Without the State's pressure, the proposal would not have been submitted to the Council for consideration.

Mayor Beals reiterated her discomfort with a focus on the wrong area, expressed concern that the opportunities would go to areas other than the downtown where it was needed, and given the current climate she objected to creating unknown impacts to the Redevelopment Agency that was already constrained by the State budget crises. She emphasized the need to focus on the downtown area and expressed her dismay that the opportunities would be channeled elsewhere. She therefore could not support the proposal.

Councilmember Kee was also ambivalent about the advantages being considered for

the Century Plaza area given that area and not others had prospered and given the potential that without the program some businesses might go elsewhere. In light of that fact and being desirous of encouraging the placement of businesses in the City, he would support the proposal.

As to the deadline to meet the extension in response to the Vice Mayor, Ms. Luna stated that the Enterprise Zone was to have expired on January 10, 2003, although the State had acknowledged that its staffing situation had delayed the process.

In response to Vice Mayor Rios' suggestion that any City decision be held in abeyance pending the State's decision on the budget, Councilmember Parent did not want to risk that situation.

Councilmember Parent agreed with Councilmember Kee that the possible benefits to the downtown area outweighed the fact that most Councilmembers did not support the extension of benefits to an area that had already been successfully developed.

On motion by Councilmember Parent, seconded by Vice Mayor Rios to adopt Resolution 03-9772, carried by the following vote:

Ayes: Glynn, Kee, Parent, Rios  
Noes: Beals

## **PUBLIC HEARING**

### 1. **RESOLUTION 03-9773** Approving Traffic Calming Measures for Gladstone Drive

Mr. Casey stated that in an attempt to address cut-through traffic and speeding on Gladstone Drive, fourteen (14) alternative traffic calming measures that have been analyzed and considered by staff were being presented to Council for consideration.

Mr. Casey recommended the adoption of the resolution directing staff to proceed with sequential traffic calming measures on Gladstone Drive by installing three permanent speed humps at a cost not to exceed \$10,000 and directing staff to return to the Council two months after the speed humps had been installed to report on their effectiveness.

City Engineer Joe Sbranti presented the fourteen alternative traffic calming measures outlined in the staff report dated February 18, 2003, along with the advantages and disadvantages and the cost of each, which included the following:

- Continued targeted police enforcement (\$15,600 annually);
- Installation of six permanent speed humps (\$20,000 implementation);
- Installation of three permanent speed humps (\$10,000 implementation);
- Mid-block closure (\$15,000 to \$20,000 implementation);
- Resident decals with enforcement (\$4,800 annually);
- Two manual or electric gates with access pads (\$16,000 - \$40,000)

- implementation plus \$2,000 - \$4,000 annually);
- Two vehicle calming signs (\$12,500 two signs plus \$300 - \$500 annually);
- Turn restriction signs (\$400 implementation);
- Restricted movement by peak hour lane closures (\$3,000 implementation plus \$30,000 annually);
- Installation of temporary speed cushions at three locations (\$12,000 implementation);
- Photo-radar speed enforcement (\$214,000 annually);
- Photo enforcement of "NO THRU TRAFFIC" signs (\$315,000 initial cost plus \$145,000 annually);
- Construction of choker sections (\$15,000 implementation); and
- Construction of chicanes (\$20,000 - \$40,000).

Mr. Sbranti explained that whatever was done would set a precedent for other areas of the City that had similar problems. He stated that the permanent three-hump option at a cost of \$10,000 was reasonable. He recommended that after installation, staff return to the Council within two months to verify the effectiveness of that traffic calming proposal.

Mayor Beals opened the public hearing on Resolution 03-9773.

PAUL KOMPERDA, a resident of Gladstone Drive, presented written comments on the issue and described a discussion he had with Captain Guy Roberts of Fire Station #85 in response to the concerns for emergency access if the street were closed. He had been advised of a two-minute travel time from the station to Gladstone Drive with or without the closure of the street, which time would be increased to four minutes during commute periods. He noted that the fire station handled 10,000 homes in the area of the community. He also noted that a similar question had been posed to the Police Department with respect to a street closure and he had been apprised that it would take 10 minutes to access Gladstone Drive.

Mr. Komperda offered signatures from 282 residents of the 349 homes in the area in favor of a mid-block closure. He questioned why the street had been opened in 1985 when it had been closed prior to that time and when the homes had been developed. He also offered pictures to show adequate lighting in the area, and noted that 19 other streets dead-ended on the Delta DeAnza Trail with no impacts on that trail.

KARL REITTER, an Oakmont Place resident, presented a letter dated January 22, 2003 for the public record and advised that he would be affected by the possible alternatives. He suggested that continued enforcement was the only way to proceed given the 27 percent reduction in traffic counts since September 2002 with enforcement. He suggested that the cost of enforcement would be mitigated by any fees from citations issued to those in violation of the speed limits.

Speaking to the staff recommended speed hump proposal, Mr. Reitter objected to the placement of the humps since the residents had considered that Gladstone Drive was the speed track and yet no speed hump had been proposed for Gladstone Drive. He reiterated

that enforcement was effective and he sought continued enforcement in the area. He also expressed his concern that data he had requested from the Police Department with respect to the number of citations issued in the area had not been provided. He sought the Mayor's help in securing that information.

In response to the Mayor, Mr. Sbranti reported that the request for information had been provided in the staff report, which had shown that 137 citations had been issued during the period September 2002 through January 21, 2003.

SHELLY McKISSICK, a Gladstone Drive resident who reported that she was directly affected by the traffic, stated that she had addressed the Council with her concerns on previous occasions. She presented the count of 1,898 traveling through the area on February 5, 2003 during a 24-hour period, which was a problem. While she appreciated the efforts involved and the various traffic calming measures that had been proposed, she stated it was clear that a mid-block closure was the only alternative that would address all of the issues. She commented that throughout the process residents had been told that the cost of a mid-block closure would be approximately \$3,000 and she was therefore suspicious of the currently reported \$15,000 to \$20,000 cost. Ms. McKissick also suggested that the proposed placement of the three speed humps near stop signs would be ineffective and not address the problems related to speed and cut through traffic.

MARY BURKS, a resident of Gladstone Drive, opposed a mid block closure and commended staff for the proposed alternatives. She suggested that the speed humps or the speed identification signs would be helpful in addressing the problems.

EARL LOWERY, Pittsburg, suggested that the street closure would address the issues. He noted that Gladstone Drive residents saw the situation as a safety issue in that those residents had been dealing with the problem for fifteen years. He urged the Council to address the concerns. He suggested that the speed humps would damage the vehicles and would penalize the residents who had been subjected to the speeding and cut through issues for years. He asked the Council if it did not close off the street whether or not the Council was willing to take the responsibility for the loss of life that almost certainly would occur given the situation.

WILLIE MIMS, Pittsburg, representing the BPA, noted that the placement of speed humps was a concern if placed in such close proximity to the stop signs since that would defeat the purpose. He explained that there were speed humps all through the El Pueblo community, which had cut down on the traffic that had gone through that community. He suggested that speed humps worked. He did not support a closure of Gladstone Drive given that it was a public street that was used by the entire community.

BEN JOHNSON, Pittsburg, commented that he had recently visited the area and had found few cars in the area at that time, although he suggested that the problems primarily occurred during the morning and evening commute. He objected to a closure of Gladstone Drive, noted that other streets in the City had similar problems and recommended that the Council find a way to resolve the situation. He commented that speed humps were not the

only answer.

Mayor Beals closed the public hearing on Resolution 03-9773.

In response to Councilmember Glynn, Traffic Engineer Paul Reinders explained that additional stop signs had not been considered because they were not warranted. He added that studies had shown that the installation of stop signs that were not warranted actually increased accidents.

Councilmember Parent added that citations for non-warranted stop signs could be challenged in court.

Councilmember Glynn suggested that the installation of speed humps in close proximity to existing stop signs would not solve the problem. He stated that there was excessive speed and continued to be excessive speed in the area and there did not appear to be a resolution of the problem.

Mr. Sbranti clarified that the staff recommendation for the three speed humps would show two speed humps a minimum of 200 feet away from the stop signs. The third speed hump would take advantage of the trail opening to avoid placing a hump in front of someone's property. In that case, that speed hump might be closer than 200 feet to a stop sign.

Councilmember Kee suggested that the Council's duty was to consider the best interests of the entire City and while it might be in the best interest of the neighborhood in this case to close the street, it was not in the best interest of the entire City. He suggested that speed humps might be the best solution to slow traffic. While the temporary speed humps cost more, he suggested that if found not to be effective where placed, more permanent speed humps could be placed in alternative locations. He also noted that when the three temporary humps wore out, they could then be replaced.

Vice Mayor Rios inquired how easily the temporary humps could be removed, and was advised by Mr. Sbranti that could not easily be done in that the speed humps were bolted down.

Councilmember Parent questioned the useful life of a permanent asphalt speed hump to which Mr. Sbranti commented that the intent would be that the speed humps last as long as the roadway so that when roadway maintenance was conducted the humps could be replaced. He noted that while some annual maintenance would be required, it would be relatively negligible. He stressed the staff intent to maintain the humps when maintaining the roadway.

Councilmember Parent thanked staff for the presentation and for the clear options.

Vice Mayor Rios also acknowledged staff's analysis to the Council.

Mayor Beals concurred and commended staff for such a thorough creative report to address the residents' concerns.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9773 installing three "permanent" speed humps on Gladstone Drive in the locations indicated on the map included in the staff report with staff to report back in three months on the consequences of that installation.

2. **ORDINANCE 03-1206** Heritage Point Residential Development (RZ-02-12)

Mr. Casey presented the public hearing on a request to amend the existing IP-O (Industrial Park with a Limited Overlay District) zoning of 22.07 acres located on Builders Circle, in order to allow development regulations for single-family residential development to be established by a use permit. The Planning Commission adopted Resolution No. 9348 recommending that the Council approve the IP-O district amendment.

Mr. Casey recommended that the Council introduce, waive further reading and pass to the second reading the Ordinance amending the existing overlay district on Builders Circle to allow residential development regulations to be established by the use permit.

Mayor Beals opened the public hearing on Ordinance 03-1206.

MICHAEL MURPHY, David Evans and Associates, also representing Vince Fletcher of Western Pacific Housing, supported the application and requested that the conditions listed in the Environmental Settlement Agreement be included and read into the conditions of approval. He stated that Western Pacific Housing was in complete agreement with City staff and with the International Brotherhood of Electrical Workers (IBEW) #302.

Mr. Murphy also pointed out a number of reasons why the Council should approve the project, an old unfinished project called Builders Circle that in its current state was a nuisance to the property owner, the neighborhood and the City. He added that the project would be gated with private streets, a park site, 120 homes close to the downtown, and ample on street parking, similar to the Harbor Lights subdivision. He reported that the project was already two-thirds sold out.

TANYA GULESSARIAN, an attorney with Adams, Broadwell, Joseph and Cardozo, representing the IBEW #302, also suggested that the environmental concerns of the IBEW included in the Settlement Agreement be included in the conditions of project approval. She passed out a list of the environmental conditions involved and described the benefit to the City of accepting those conditions,

Councilmember Parent requested a clarification of Mitigation Measure Item d.2 related to project approval and was advised by Ms. Gulessarian that would relate to the commencement of development. While no traffic study would be involved, once the project was constructed and six months after the last Certificate of Occupancy issued, the City Traffic Engineer would determine whether or not the industrial traffic for the adjacent project

would create a hazard for the residents of the development.

Councilmember Parent noted that the agreement was between the firm of Western Pacific Builders and IBEW #302, not the City of Pittsburg.

Ms. Gulessarian clarified the intent to verify with respect to project development whether or not traffic hazards would result.

Councilmember Glynn inquired where the closest bus service was located to the project site. Given that no bus service had been provided to the Harbor Lights subdivision, he emphasized the need to ensure bus service to the south side of Tenth Street. With respect to the potential for dioxin on the site, he questioned whether or not that would involve the paving on the site, the soil underneath, or both.

Ms. Gulessarian noted that Sierra Crete, which existed on site had been known to create higher than allowable levels of dioxin for a residential type use. She stated that the current levels were unknown and while the City's condition addressed the roadway in general terms, the condition in the Settlement Agreement would ensure that the soil underneath the homes and the roads would also be cleaned up.

As to the methodology to determine how much pavement would have to be removed, Ms. Gulessarian stated that those types of protocols were set by soils engineers consistent with the Environmental Protection Agency's (EPA's) remediation goals.

Councilmember Kee understood that the Council could not amend a use permit previously approved since the appeal period had expired.

City Attorney Daube affirmed that was the case in that the Planning Commission, which had jurisdiction over the use permit and subdivision, had approved those entitlements on January 28, 2003 and the appeal period had expired. The rezoning, which implemented the approvals of the use permit and the subdivision was what the Council was currently considering.

Planning Manager Melissa Ayres explained in response to Councilmember Kee that a traffic study had been prepared in-house for the project. The results of that traffic study had been discussed in the Initial Study attached to the staff report dated February 18, 2003. The study had found that none of the intersections in the area would exceed a level of service (LOS) D, which was an acceptable level of traffic under the City's Growth Management Plan.

In further response to Councilmember Kee, Director of Planning and Building Randy Jerome reported that the City had zoned the property in 1986 and had approved an industrial subdivision map for an industrial park. When a single commercial industrial building had been proposed for the site it had been determined that there was not adequate water pressure and a lawsuit had been initiated by the developer and the property owner. He stated that the suit had later been settled although the time period for

commercial/industrial developments had lapsed and developers for those properties could not be found.

Mr. Jerome stated that the City had pursued development to allow bonds associated with the property to be retired. He added that in 1996, an amendment to the City's General Plan specifically for the Builders Circle area, had been adopted to address marginal commercial or industrial properties on the fringe of residential uses that might be better suited for residential use. He understood that during the past ten years no industrial type developers had expressed an interest in the development of the property, although a number of developers had expressed an interest in a residential development.

Councilmember Kee noted that the proposal was inconsistent with the normal Single-Family Residential (RS) zoning district in that instead of a 20 foot frontyard setback, a 10 foot frontyard setback had been proposed, instead of a 40 percent lot coverage a 60 percent lot coverage was being sought and instead of a 6,000 square foot lot 3,600 square foot lots had been proposed. He questioned why the project could not be developed under the regular R-S guidelines and he inquired what the City would receive for allowing larger houses on smaller lots.

In response, Ms. Ayres explained that the subject property was adjacent to the downtown area and the proposal was similar in terms of style and density to the project situated directly east of the subject site. The General Plan for that area met those standards of higher density development in the downtown area where 10-foot setbacks and 60 percent lot coverages were allowed. That downtown standard had been extended to the subject property. She commented that the developer had not pursued the 6,000 square foot lot standards of the R-6 zoning district since there had been an attempt to maintain the circulation pattern of the existing infrastructure.

Ms. Ayres added that by allowing the additional density, the proposal would help the City meet its fair share regional housing needs, provide more of an urban setting in the downtown area and that compact growth provided more of a walkable community and some traffic calming in the area.

Councilmember Parent commented that since the developer had made an outside agreement with the third party, the developer could just waive the fact that the appeal period had expired and allow the approval to be reopened so that conditions could be imposed.

In response, City Attorney Daube noted that could be done and to the extent that the conditions were subject to a private agreement imposing the use of resources, including the City Traffic Engineer and the like, that would represent a use of public resources to enforce a private agreement. She stated that the developer would have to agree to pay for those kinds of expenses indicated in the agreement from IBEW and that would have to be explored further.

Mayor Beals commented that since the conditions were not unfeasible, she inquired



why the IBEW's issues had not been addressed at the Planning Commission level.

Mr. Jerome reported that those issues had been addressed by the Planning Commission and the Commission had raised the concern of a private party agreement, which type of agreement he had not heretofore been aware. He stated that with the applicant's agreement to those conditions that almost negated the need for the City to address those conditions. Beyond that, he stated that those conditions were unnecessary from the City's perspective given that the issues had been addressed by previous or existing conditions related to performance standards. He noted that the Settlement Agreement with the IBEW only strengthened those issues with the developer who was further encumbered by the private agreement.

Noting that one of the conditions had implied that traffic studies would be conducted by the City in the future, Mr. Jerome stated that had been of some concern given the City's determination that the traffic study that had been prepared had indicated no need for further signalization. He reiterated that the conditions from the City's perspective were unnecessary since they had already essentially been covered and since the developer had already agreed to conform to those conditions from the IBEW.

Further, Mr. Jerome reported that the Settlement Agreement had been provided to staff the day of the hearing offering staff an intense two hour review with no other time to evaluate that document.

Mayor Beals clarified the developer's agreement with the IBEW and inquired of the developer's representative whether or not the situation could be worked out without the City's involvement, to which Mr. Murphy stated that with the City's inclusion of the conditions they would be binding to the project or to whoever developed the project, which in the spirit of cooperation would represent a win-win situation.

Noting that the lighting schedule and storm drain system had been installed for an industrial subdivision, Councilmember Glynn questioned whether or not those systems would be modified to accommodate a residential development.

Mr. Murphy affirmed that would be done and that the lighting scheme would have to be evaluated through a photometric study. He commented that the storm drain would require little modification given that the pipe sizes tended to be larger for industrial applications and the amount of runoff planned for the site would be reduced.

As to whether or not the roadbed would be removed to eliminate any hazardous materials, Mr. Murphy stated that all roadways within the project would be overexcavated by four feet.

Mayor Beals commented that the concerns raised by the IBEW were valid and should have been treated with more importance by the Planning Commission and staff. She suggested that there should be some way to work with the developer to waive the conditions and return the matter to the Council since that would only enhance the project.

City Attorney Daube advised that the Settlement Agreement between the developer and IBEW provided remedies of specific performance of the agreement binding the developer to the conditions, as well as a preliminary permanent mandatory or prohibitory injunction. As such, there were provisions in the agreement that would bind the developer.

Councilmember Parent suggested that in the future those things should be worked out earlier to avoid this type of exercise.

WILLIE MIMS, Pittsburg, suggested that any time the developer and the union could agree to something would likely represent a win-win situation. With respect to the levels of dioxin, he commented that without an Environmental Impact Report (EIR) the presence of toxins would never be known and the negative impacts of the project on the community would never be identified. While the traffic study had been conducted in house, he noted that it had been reported that the State Department of Transportation had encouraged a coordination of that traffic study with the City. He inquired whether or not that had been done.

In response, Ms. Ayres reported that the traffic study had been conducted in coordination with the State Department of Transportation and those issues, including the Sierra Crete, had been analyzed in the Initial Study that had resulted in the Negative Declaration.

Mr. Mims objected to the use of Negative Declarations which appeared to circumvent the California Environmental Quality Act (CEQA).

Councilmember Glynn questioned the use of City resources for an additional traffic study without a commitment from the developer to pay for that study.

Mayor Beals closed the public hearing on Ordinance 03-1206.

Councilmember Parent made a motion that the parties to the third party agreement agree to an appropriate waiver so that any question of the timing of the additional conditions were negated and that the Council impose those conditions agreed to by Western Pacific Housing and IBEW #302 described as A, B, C, and D1, D3, and D4 only of the Settlement Agreement.

City Attorney Daube recommended that the item be referred back to the Planning Commission to incorporate all of those conditions.

Mayor Beals seconded the motion.

Councilmember Kee commented that if the proposal had been submitted in its current state he would not have supported the project with larger homes on smaller lots even given its location adjacent to the downtown area with higher density developments.

Councilmember Glynn clarified that Councilmember Parent's motion had deleted Item

2.

On motion by Councilmember Parent, seconded by Mayor Beals and carried unanimously to refer the Heritage Point Residential Development, RZ-02-12 back to the Planning Commission.

3.     **ORDINANCE 03-1207**           Fourth Amendment to the Community Development Plan for the Los Medanos Community Development Project Area

Mr. Casey reported that pursuant to SB 211 (codified in part at Health and Safety Code Section 33333.6(e)(2)) the City Council can adopt an ordinance to amend the Los Medanos Community Development Plan in order to delete the debt incurrence date imposed by AB 1290 in 1994. If the City does not amend the Plan to delete the debt incurrence date, the Redevelopment Agency will not be able to incur any form of debt past January 1, 2004.

The various types of debt that may be created include: bonds, tax sharing agreements, statutory debt such as the housing set-aside requirements or payments to ERAF, development agreements (DDAs and OPAs), special district and assessment district debt and reimbursement debt to the agency's legislative body for operating expenses or obligations to assist with public improvements.

Mr. Casey recommended the introduction and waiver of the first reading of the ordinance amending the Community Development Plan for the Los Medanos Community Development Project Ordinance No. 80-798 adopted on November 17, 1980, Ordinance No. 83-844 adopted on November 28, 1983, Ordinance No. 93-1063 adopted on June 7, 1993, and Ordinance No. 94-1089 adopted on January 3, 1995, and that the City Council adopt the proposed Notice of Exemption for the Ordinance.

Mayor Beals opened the public hearing on Ordinance 03-1207. There was no one to speak for or against the ordinance. Mayor Beals closed the public hearing.

On motion by Mayor Beals, seconded by Vice Mayor Rios and carried unanimously to introduce Ordinance 03-1207 and waive first reading.

4.     **MINUTE ORDER**           Annual Review of the City's Transportation Mitigation Fee Imposed on New Development

Mr. Casey stated that it had been proposed that the City of Pittsburg review its Local Transportation Mitigation Fee (TMF) which is charged to new development per Chapter 15.100 of the City's Municipal Code. He reported that on March 17, 2003 staff would present a workshop detailing the history of the regional TMF.

Mr. Casey recommended that the public hearing be opened and that the hearing be continued to March 17, 2003.

Mayor Beals opened the public hearing. There was no one to speak for or against the item.

On motion by Councilmember Kee, seconded by Councilmember Parent and carried unanimously to continue the annual review of the City's Transportation Mitigation Fee imposed on new development to the meeting of March 17, 2003.

5. **MINUTE ORDER** Annual Review of the Regional Transportation Mitigation Fee imposed on New Development

Mr. Casey reported that the City of Pittsburg's review of the Regional Transportation Mitigation Fee (TMF) which is charged to new development per Chapter 15.100 of the City's Municipal Code had been proposed. He reiterated that on March 17, 2003 staff would present a workshop detailing the history of the regional TMF.

Mr. Casey recommended that the public hearing be opened and that the hearing be continued to March 17, 2003.

Mayor Beals opened the public hearing. There was no one to speak for or against the item.

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to continue the annual review of the Regional Transportation Mitigation Fee imposed on new development to the meeting of March 17, 2003.

**ADJOURNMENT**

The meeting of the City Council adjourned at 10:37 P.M. to the next meeting set for March 3, 2003.

Respectfully submitted,

Lillian J. Pride, City Clerk

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**CITY OF PITTSBURG**  
**Pittsburg Power Company Minutes**  
**February 18, 2003**

Chair Yvonne Beals called the meeting of the Pittsburg Power Company to order at 10:38 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after meeting jointly with the Planning Commission for a workshop at 5:30 P.M. and in Closed Session at 6:30 P.M. pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Anticipated Litigation regarding significant exposure to litigation for one case.

City Attorney Linda Daube reported that the City Council had voted unanimously in Closed Session to pursue litigation against Greigo Designs concerning a contract for a statue.

**MEMBERS PRESENT:** Glynn, Kee, Parent, Rios, Beals

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Executive Director, Willis Casey  
Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
Director of the Redevelopment Agency, Garrett Evans  
Economic Development Director, Brad Nail  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Building and Planning, Randy Jerome  
Planning Manager, Melissa Ayres  
Finance Director, Marie Simons  
City Engineer, Joe Sbranti  
Personnel Services Director, Marc Fox  
Senior Civil Engineer, Paul Reinders  
Director of Housing, Buck Eklund  
Property Manager, Ursula Luna  
Police Chief, Aaron Baker  
Executive Assistant/Deputy City Clerk, Alice Evenson

**CITIZENS REMARKS**

There were no citizens remarks.

**MEMBERS REMARKS**

There were no Members remarks.

## **CONSENT**

On motion by Member Glynn, seconded by Chair Beals and carried unanimously to adopt the Consent Calendar.

- a. **MINUTES** Dated: January 21, 2003.

Approved Minutes dated January 21, 2003.

- b. **RESOLUTION 03-085** Amending the Annual Budget of the Island Energy Fund (Fund 58) for a Revenue Increase of \$180,627 and an expense Increase of \$177,073 as Approved in the Annual Rate Case by Resolution 02-076.

Adopted Resolution 03-085.

## **ADJOURNMENT**

The meeting adjourned at 10:39 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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