

CITY OF PITTSBURG
Housing Authority Minutes
September 15, 2003

Chair Yvonne Beals called the meeting of the Housing Authority to order at 7:43 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened into Closed Session at 6:15 P.M. pursuant to subsection (b) of Section 54956.9 of the Government Code, Conference with Legal Counsel - Anticipated Litigation regarding two cases; and Public Employment regarding the City Manager.

City Attorney Daube had nothing to report with respect to the two cases under Closed Session.

Mayor Beals reported that the City Manager had given notice that he would not renew his contract as of December 10, 2003. As such, the City Council would be conducting a search and selection process for a new City Manager. A consultant would be chosen for that task on October 6, 2003.

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

MEMBERS ABSENT: Leatherwood

STAFF PRESENT: Executive Director, Willis Casey
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Public Works Director, John Fuller
City Engineer, Joe Sbranti
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Pastor Mario Howell led the Pledge of Allegiance.

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

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

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

Approved Disbursement List period ending August 31, 2003.

- b. **MINUTES** Dated: August 18, 2003

Approved Minutes dated August 18, 2003.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:46 P.M. to the next meeting set for October 20, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG
Redevelopment Agency Minutes
September 15, 2003**

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:47 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened into Closed Session at 6:15 P.M. pursuant to subsection (b) of Section 54956.9 of the Government Code, Conference with Legal Counsel - Anticipated Litigation regarding two cases; and Public Employment regarding the City Manager.

City Attorney Daube had nothing to report with respect to the two cases under Closed Session.

Mayor Beals reported that the City Manager had given notice that he would not renew his contract as of December 10, 2003. As such, the City Council would be conducting a search and selection process for a new City Manager. A consultant would be chosen for that task on October 6, 2003.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Public Works Director, John Fuller
City Engineer, Joe Sbranti
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Member remarks.

PRESENTATION

1. California Theatre Update

Tom LaFleur of Pacific Community Services, Inc. (PCSI) offered a presentation on the California Theatre located between Third and Fourth Streets that had opened in 1920, specializing in vaudeville and film. The architect was A.W. Cornelius who was well known throughout Northern California and the Bay Area and who had designed approximately a dozen buildings in the City of Pittsburg. The theater had closed in 1954 and had been owned by the City since 1971. Of historical significance was the fact that the California Theatre was one of the few remaining beaux-arts designed theaters in the country.

Mr. LaFleur explained that the California Theatre today had extensive water damage and over time the cost of restoring the theater had grown. According to a 2001 study, the estimated cost of rehabbing the theater had been placed at \$3.8 million; \$600,000 for the seismic restoration of the structure and \$2.6 million for the water damage.

Mr. LaFleur spoke in support of the restoration of the 850-seat California Theatre to animate the City by attracting concentrations of people, to convey an image of civic pride and commitment of its residents, to enrich the arts community and to encourage the location and retention of creative individuals in the area. He suggested that the theater would provide a catalyst for local economic development, attracting individuals to the downtown area and changing the image of the community, particularly for its residents. He offered a number of examples of restored theaters that had offered economic benefits to the communities in which they were located.

Mr. LaFleur suggested that the theater could be used for independent film, student film, community theater, children's theater, new plays, theater instruction and professional theater. Since the California Theatre had started as a vaudeville house he suggested it would be a great performance arena.

Acknowledging that the California Theatre itself had some limitations, Mr. LaFleur suggested that those limitations could be overcome with the Heritage Walk project, and by taking advantage of some of the space in PCSI's adjoining building since the lobby of the theater was very small. He also noted that the building where PCSI's offices were located could become an arts and cultural center.

To date, Mr. LaFleur stated that PCSI had spent between \$20,000 and \$30,000 on the California Theatre and had commissioned a number of architectural and engineering studies to define the project and understand what needed to be done. A structural design to retrofit the building to meet seismic conditions on an economic basis had been determined, an architectural plan that would meet Americans with Disabilities Act (ADA) requirements for accessible restrooms, accessible exits and fire exits without destroying the architectural integrity of the structure had been developed, and the type of programming that could be performed at the theater had been identified. Further, PCSI had offered the use of its adjoining building to accomplish the proposal to allow the full use of the theater, and PCSI had approached a number of other local organizations to support the theater.

Given the ambitious project, Mr. LaFleur acknowledged that without community

support the proposal would not be possible. He added that a complete packet of information had been submitted to the Council.

CHRIS LANZAFAME, a fifth generation Pittsburg resident and owner of Lanzafame Furniture celebrating its 88th year in the downtown, emphasized the desire to restore the California Theatre. He stated that he had been involved in attempts to create a historic district in the downtown, which the City Council had approved and which was intended to create interest in the downtown. While that had not occurred for economic reasons, Mr. Lanzafame stated that when the boundaries of redevelopment had been expanded throughout the entire City limits millions of redevelopment dollars had been spent on the City, although none of that had been used for some of the blighted areas of the downtown. He commented that residents had been told to be patient.

While he applauded the work that had been done to redevelop the downtown, Mr. Lanzafame stated that the last thing that had to be done was the renovation of the California Theatre that represented the history of the community. He challenged the Council to do what it could to restore the California Theatre. Collectively he stated that could be done and he urged the Council to endorse the project.

RHONDA WILSON-RICE, the current Chair of the Pittsburg Economic and Housing Development Corporation (PEHDC)/PCSI reiterated the comments that had been made but wanted to pay particular attention to the history of the City given its Centennial Year. She noted that many things had been done to celebrate the City's history but she emphasized that the City Council could make an impact by showing its support for the historic theater by allowing residents to look at something of historical value that it could bring to the City and to the County, and which could be a way to restore the City's image. Having received the Redevelopment Agency booklet mailed to residents, which booklet had included pictures of all of the historic buildings in the downtown area, including the California Theatre, Ms. Wilson-Rice emphasized that something more than taking a picture of the building needed to be done. She sought action to make a restoration of the California Theatre a reality.

Ms. Wilson-Rice added that Pittsburg pride had often been touted and that the Pittsburg Show Band was often referred to as the Pride of Pittsburg, although she stated that many times the students in that band and in other organizations were artistic in other ways. She stated that the California Theatre would allow an opportunity to showcase the talents of the City's residents in other ways. She urged the Council to take the steps that would allow the City to further its opportunities.

RON JOHNSON, Pittsburg, a professional actor, producer and fourth generation Pittsburg resident, stated that he had become involved in the California Theatre ten years ago and was still working to make it a cultural center. As an actor he explained that he had traveled across the nation and had played in smaller vaudeville houses through the Nebraska Theatre Caravan, which had been visiting those sites for more than 20 years. Noting that the company had an East Coast, Central Coast and West Coast Tour, he suggested that the California Theatre with its 850 seats could play a vital role in that type of theater network.

Mr. Johnson emphasized the few buildings remaining in the City to identify its heritage. He stated that the City had the responsibility to preserve and promote the use of the theater.

Mr. Johnson emphasized that the California Theatre was one of the oldest buildings left in the downtown and that the architect was on the National Registry of Historic Buildings throughout the Bay Area. He emphasized the multi-cultural, multi-aged community that was Pittsburg and stated that the renovation of the California Theatre was supported by that multi-cultural, multi-aged community. He urged the Council to pursue a renovation of the California Theatre as a cultural center in the community and a promotion of the downtown, as recommended by policies included in the City's General Plan.

CONSENT

Member Parent pulled Item b, Member Glynn pulled Item h and Chair Beals pulled Items c through g from the Consent Calendar.

On motion by Vice Chair Rios, seconded by Member Glynn to adopt the Consent Calendar, with the removal of items b through h.

- a. **MINUTES** Dated: August 18, 2003

Approved Minutes dated August 18, 2003.

Member Parent had pulled Item b in error.

- b. **RESOLUTION 03-913** Authorizing Additional Funding for Group 4 Architecture for Construction Support Services for Contract 00-11, Pittsburg Senior Center

On motion by Member Parent, seconded by Vice Chair Rios and carried unanimously to adopt Resolution 03-913.

Member Parent recused herself from the discussion of Items c and d and left the dais and the Chambers at this time.

Member Kee recused himself from Items c through g, all involving commercial loans and stated that he had been contacted by some of the applicants to provide professional services. To avoid any appearance of conflict, he recused himself and left the Chambers.

- c. **RESOLUTION 03-914** Authorizing a Commercial Rehabilitation Loan By and Between the Redevelopment Agency of the City of Pittsburg and Sara Matus for Leasehold Improvements at 508 Railroad Avenue (APN 085-166-016)

On motion by Vice Chair Rios, seconded by Member Glynn to adopt Resolution 03-914, carried by the following vote:

Ayes: Glynn, Rios, Beals
Noes: None
Absent:Kee, Parent [Recused]

- d. **RESOLUTION 03-915** Approving a Commercial Rehabilitation Loan By and Between the Redevelopment Agency of the City of Pittsburg and Josefa M. Matus for Leasehold Improvements at 504 Railroad Avenue (APN 085-166-016)

On motion by Vice Chair Rios, seconded by Member Glynn to adopt Resolution 03-915, carried by the following vote:

Ayes: Glynn, Rios, Beals
Noes: None
Absent:Kee, Parent [Recused]

Member Parent returned to the dais.

- e. **RESOLUTION 03-916** Approving a Commercial Rehabilitation Loan By and Between the Redevelopment Agency of the City of Pittsburg and Dan Scales Funeral Services, Inc. for 107 West Eighth Street (APN 085-225-007)

On motion by Chair Beals, seconded by Member Glynn to adopt Resolution 03-916 carried by the following vote:

Ayes: Glynn, Parent, Rios, Beals
Noes: None
Absent:Kee [Recused]

- f. **RESOLUTION 03-917** Approving a Commercial Rehabilitation Loan By and Between the Redevelopment Agency of the City of Pittsburg and Frances Palermo and Mary Lieser for 153 East Fourth Street (APN 085-108-006)

On motion by Chair Beals, seconded by Member Glynn to adopt Resolution 03-917 carried by the following vote:

Ayes: Glynn, Parent, Rios, Beals
Noes: None
Absent:Kee [Recused]

- g. **RESOLUTION 03-918** Approving a Commercial Rehabilitation Loan By and Between the Redevelopment Agency of the City of Pittsburg and Adam & Associates Business Group LLC for 319 Railroad Avenue (APN 085-108-001)

On motion by Chair Beals, seconded by Member Glynn to adopt Resolution 03-918 carried by the following vote:

Ayes: Glynn, Parent, Rios, Beals
Noes: None
Absent: Kee [Recused]

Member Kee returned to the dais.

Member Glynn stated that he had pulled Item h. to recognize that the actual condition of the paving on the western end of the Eighth Street Corridor was in worse shape in terms of curb and gutters and needed immediate work.

Member Glynn stated that work would be done in conjunction with the south side between Herb White Way and Black Diamond Street. Since that would be done as part of the paving project, he recommended the commencement of the project at that end first, to then move in a west to east down towards Harbor Street. With that condition, he would make a motion to approve the resolution.

City Engineer Joe Sbranti stated that he would be happy to recommend that to the contractor. Since it was not part of the contract, he stated that it could not be a condition. He explained that the contractor who was the low bidder had worked well with the City in the past and suggested he would be receptive to that request. He noted that the work would be done within the next few weeks.

Member Glynn rescinded his motion to approve with that condition but added that his concern was to ensure that work was done prior to the commencement of the rainy season.

- h. **RESOLUTION 03-922** Allocating Funding and Awarding a Contract for
Combined w/CC 03-9900 Construction of Contract 03-01, Eighth Street and Century Boulevard Pavement Reconstruction, to Bay Cities Paving & Grading, Inc. of Concord and Making Certain Findings in Connection Herewith

On motion by Vice Chair Rios, seconded by Member Glynn and carried unanimously to adopt Resolution 03-922.

CONSIDERATION

1. **RESOLUTION 03-919** Approving the Redevelopment Agency Project List for Fiscal Year 2003-2004

Executive Director Willis Casey reported that the Redevelopment Agency of the City of Pittsburgh was constantly pursuing opportunities to fight against blight. Therefore, it had established the proposed project list that helps to improve the quality of life for Pittsburgh residents. The proposed projects included infrastructure improvements, development in the downtown and along the Railroad Avenue Corridor, feasibility studies, construction of public facilities, the remediation of Brownfields, and the development of a business park.

Mr. Casey presented the fiscal impact and reported that the estimated budget total of the projects was \$38,330,000. Of that total \$27,660,000 was the estimated funding available for fiscal year 2003-2004. The funds were from both the Series 2003 Bond issues in June and tax increment revenues.

Mr. Casey recommended that the Agency Board approve the project list and establish the respective budgets as document in Exhibit A: RDA Project List (for Redevelopment Projects only), attached to the staff report dated September 15, 2003.

Director of the Redevelopment Agency Garrett Evans presented a general budget document sheet that he made available to members of the audience. He explained that the main focus was the Redevelopment Agency projects that had been referenced in the staff report and which had been discussed in February as part of the Capital Improvement Program (CIP), further refined with the subcommittee over the past six months.

Mr. Evans detailed the 2003-2004 Redevelopment Projects as follows:

- **Black Diamond Project**, estimated cost \$3 million (tax increment), estimated Request for Proposal (RFP) for development early 2004;
- **Pittsburg Library**, est. cost \$7.5 million (tax allocation bonds), construction Summer 2006;
- **School Street Site**, est. cost \$1.2 million (tax increment), RFP Summer 2004;
- **Kirker Creek Business Park**, Site LA, est. cost \$2 million (tax allocation bonds) \$6 million (assessment district) \$4 million (private investment), potential 2005 development;
- **Railroad Avenue Corridor**; est. cost \$5 million (tax allocation bonds), project implementation 2004;
- **Downtown Eighth to Twelfth Street Infrastructure**, est. cost \$500,000 (tax allocation bonds), implementation 2004;
- **Brownfields Project (Industry Road, Johns Manville)**, est. cost \$2 million (tax allocation bonds), implementation 2004;
- **Community/Youth Center**; est. cost \$1.5 million (tax allocation bonds), construction 2005-2006;
- **Downtown Gateway Project (Tenth Street Gateway)**, est. cost \$2 million (tax increment), development agreement 2003/2004;
- **Pittsburg Historical Society Museum**, est. cost \$200,000 (tax allocation bonds), loan agreement end of 2003;
- **Hunter Paine Industrial Loan**, est. cost \$1.65 million (tax increment) loan

- agreement end of 2003;
- **Marina Walk II**, est. cost \$810,000 (tax increment), development agreement end of 2003; and
 - **Median Landscape Reconstruction**, est. cost \$250,000 annually (tax allocation bonds), construction Spring 2004.

Mr. Evans advised that PCSI had approached staff and the Council in the presentation, to request the inclusion of the California Theatre on the Project List.

Mr. Evans advised that there was an opportunity to place some items on hold, such as the Kirker Creek Business Park and the Community/Youth Center since a specific site had not yet been located, and some funds set aside for budget or salary adjustments, which would allow \$4 million that could be held until the feasibility study on the California Theatre could be completed. He noted that PCSI had approached the Redevelopment Subcommittee in August to see if that could be done. Mr. Evans added that the RFP for the California Theatre had been done and proposals were being reviewed and would be submitted to the Agency in October to allow the study to be conducted. The money would then be available if the Agency chose to select that option.

In response to the Chair as to what would happen to those deferred projects, Mr. Evans stated that the Kirker Creek Business Park would not be ready for any investment from the Agency until 2005 after the preparation of the Environmental Impact Report (EIR). For the Youth Center he stated that would not cancel out the project but it would put it on hold until a specific site had been selected. He added that the Hunter Paine Industrial Loan might be eligible for an Industrial Bond, a six-month process, and that staff would explore that possibility.

Member Kee referenced the budget numbers, verified that those numbers were subject to change, and verified that the numbers had been intended to set the project with a preliminary budget and to start the process.

Member Glynn noted that the County had approached the City with respect to redoing the hospital area. He inquired whether or not there were any County funds available to help in that case. Mr. Evans advised him that staff wanted to wait for the appraisal to determine what the land was worth and what demolition costs might be involved prior to the commencement of negotiations.

With respect to the California Theatre, Member Glynn verified with Mr. Evans that the total cost of that project could be in the area of \$5.6 million.

BEN JOHNSON, Pittsburg, recommended that the Agency find the necessary funds to restore the California Theatre. He commented that the City itself had allowed the building to deteriorate, particularly as a result of the water damage since the roof had not been repaired. He urged the Agency to pursue the process of renovating the building. He recommended that the funds be designated for the renovation of the theater, which he suggested would allow the City to generate funds to benefit the City.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), stated that he had no problem with the items on the list although referring to the resolution he stated that the Agency was constantly pursuing an opportunity to fight blight. Out of the \$38.33 million, he stated that none had been directed towards the far eastern side of School Street or the Carpino/Diane area of the community. As such, for that community he stated that was nothing less than taxation with representation. Mr. Mims urged the Council to stop the practice of excluding certain parts of the community.

LINDA JOHNSON, Pittsburg, commented that the City had long promised to improve the downtown. She urged that the California Theatre be renovated quickly. She also noted that her son, Ron Johnson, had neglected to mention that the petition that had been passed around for a few days had gathered 948 signatures in support of the renovation of the theater and that name gathering continued. She too urged the City to move quickly on the renovation of the California Theatre.

PETER MUTULO, Pittsburg, had submitted a card in support of the California Theatre but did not wish to speak at this time.

MARIO HOWELL, Pittsburg, spoke eloquently in support of the California Theatre.

BRUCE OHLSON, Pittsburg, spoke with respect to the development of the Railroad Avenue Corridor between State Route 4 and Tenth Street. He urged the Agency to preserve bicycle facilities as part of the Eighth Street improvements. He referenced the eminent reconstruction of the Railroad Overcrossing of State Route 4 when it was widened when ten-foot shoulders would be provided on either side of the bridge. To the south of the Overcrossing, he stated that Railroad Avenue itself was wide enough to include bicycle lanes down to Alvarado Avenue although they were not yet painted. As such, the north side of the Railroad Avenue crossing would be just a continuation of bicycle facilities. He requested that the Agency direct staff to include those facilities.

Member Kee stated that the Redevelopment Subcommittee had several meetings attempting to generate a list of project priorities based on a ranking system. He would personally like to see the California Theatre added to that list. As a City owned building, he stated that the City had the responsibility to do something to preserve the building. He otherwise noted that it had been difficult to generate the list given the limited funds available. He was willing to consider placing some projects on hold, although he did not want to defer the Community/Youth Center in any way.

Member Glynn made a motion to add the California Theatre to the list as long as it was fully understood that it would not displace any other projects given that they would merely be set aside pending additional funding at a later date.

Member Kee seconded that motion.

Vice Chair Rios explained that the California Theatre group had made a presentation

to the Redevelopment Subcommittee and had requested the preparation of a feasibility study. She would support the use of some of the funds set aside for the California Theatre only if the feasibility study were to show that the renovation of the theater would be feasible for the City to pursue.

Member Parent added that the presentation had also been made to the Downtown Committee of the Chamber of Commerce at a meeting she had attended and she had suggested to Mr. LaFleur at the time that the community needed to show support for the California Theatre. She supported the deferral of the two referenced items pending the feasibility study that had been commissioned. She emphasized the need for members of the public to continue his/her support for the California Theatre for not just this but as part of future and ongoing efforts in support of the preservation of the California Theatre.

Member Parent suggested that there was a need for a Friends of the California Theatre in perpetuity given the expected costs to rehabilitate the building, to furnish the building and to maintain the building. She used the Concord Pavilion as an example of a facility that had needed ongoing public support prior to its successful establishment in its community.

Chair Beals thanked those present for their support, emphasized that the downtown was a priority for the City as a whole, and noted that it was difficult to make some decisions knowing the demands and expectations of the City. When expending the redevelopment funds, she stated that downtown was a priority, as was education, the youth of the community and the creation of jobs. She emphasized that while recognizing the past the City must also secure a future and the City must make an investment in its young people.

With the compilation of the Redevelopment Agency Project List, Chair Beals stated that the City was making an investment in the community from which all residents would benefit. She noted, for instance, that the investment in the downtown alone represented \$14 million.

Chair Beals did not want to see the Community/Youth Center taken off of the list given the City's continual promises to provide that center, just as the City had done for the Senior Center. Since the Kirker Creek Business Park would not be in existence until 2005, she was willing to place that item only on hold, to then determine the feasibility of renovating the California Theatre. She questioned the timeline of that possibility.

Chair Beals emphasized the importance of renovating the downtown. She acknowledged the interest in performing arts and noted that there were uses being considered for the California Theatre that would enhance the downtown. Having been a member of the original California Theatre Subcommittee she supported the performing arts. She did not see the City giving up on the California Theatre. Given the limited funding available, she supported a feasibility study prior to the designation of funds. She also reemphasized that she would not like to see the Community/Youth Center removed from the project list.

On motion by Member Glynn, seconded by Member Kee to adopt Resolution 03-919 amended to add the California Theatre to the Project List, with funding to be developed in the future from projects that were not ready to proceed and would be deferred at this time, specifically the Kirker Creek Business Park and the Hunter Paine Industrial Loan, to allow the funding of the feasibility study estimated to cost \$50,000 or less.

On the question of the amount to be dedicated to the California Theatre, Mr. Evans stated that staff would return at the October 6 meeting with a recommendation for a feasibility study and an identification of potential sources of funding if the Agency wanted to move forward with that project. He stated that there was a fund balance of \$482,000 for the California Theatre that would fund the feasibility study.

Member Parent referred to the staff presentation for Hunter Paine and noted the comment that staff would have to move quickly.

Mr. Evans reported that the application process related to the pursuit of an industrial bond for Hunter Paine would involve a three to six month application process. If industrial bonds were not available, staff would have a better idea of tax increment and other revenues by that time. He added that the existing list would be maintained, with potentially some items placed on hold that were not planned for funding within the next six months, although a report would return at the October 6 meeting, with the California Theatre to receive initial funding for a feasibility study and a placeholder within the Redevelopment Agency Project List.

Member Glynn noted that if not pursuing the two projects now, the Kirker Creek Business Park and the Hunter Paine Industrial Loan, the projects should be placed on hold pending a future decision as to how those projects would be funded, utilizing the money allocated to those two projects to potentially fund the California Theatre in the approximate amount of \$3.5 million plus the remaining balance dedicated to the California Theatre to fund the feasibility study.

When asked by Member Glynn how long it would take to complete a feasibility study, Mr. Evans reported that a feasibility study would take almost six months, which was the same period of time required to pursue an industrial development bond to fund the Hunter Paine project.

Member Glynn did not want to wait until the next board meeting to make a decision. He supported a decision at this time and reiterated his motion to set aside the two projects with the money set aside for the feasibility pending the decision on the feasibility study and the potential for an industrial bond.

On the motion by Member Glynn, seconded by Member Kee, and carried unanimously to adopt Resolution 03-919 amended to add the California Theatre to the CIP List, with funding to be developed in the future from projects that were not ready to proceed and would be deferred at this time, specifically the Kirker Creek Business Park and the Hunter Paine Industrial Loan, to allow the funding of the feasibility study estimated to cost

\$50,000 or less.

2. **RESOLUTION 03-920** Black Diamond Feasibility Study

Mr. Casey stated that the Redevelopment Agency of the City of Pittsburg would like to enter into a Consultant Agreement with Economic & Planning Systems, Inc.

The purpose of developing a Market and Feasibility Analysis would determine the highest and best use for the Black Diamond Project Area.

Mr. Casey reported that funding for the project would be allocated from the Black Diamond Project Area Account. The total cost of the study would not exceed \$75,000.

Mr. Casey recommended that the Agency approve the resolution authorizing the Executive Director to enter into an Agreement with Economic & Planning Systems, Inc., to conduct a Feasibility and Market Analysis for the Black Diamond Project Area.

A moment was taken at this time to allow members of the audience an opportunity to leave the Chambers.

When asked by Member Glynn as to the actual area comprising the Black Diamond Project, Mr. Evans stated that the Black Diamond project bordered Fifth Street to the north to Thirteenth Street (the railroad tracks) to the south, Black Diamond to the west and Railroad Avenue to the east.

Having been advised that the original project had encompassed Fifth to Eighth Streets, Member Glynn questioned how the project had been expanded without Council approval.

Mr. Evans explained that the area had been discussed and had considered Pittsburg Unified School District (PUSD) land, which was on both sides of Tenth Street, and the potential for development. He stated that the City Council had not approved the expansion of the project from Fifth to Thirteenth Street, which was what was being presented at this time.

Councilmember Parent distinctly recalled asking at the time of the feasibility study discussion as to Alliant University and PUSD property, which property encompassed the area from Tenth to Thirteenth Street. She recalled that the Agency had specifically asked staff to add that property, although there had not been a resolution in that case. She did not think there was anything being added at this time. The question was whether or not the PUSD property might be included given that it could potentially be a site for a school or some other form of economic development, if that property was available.

Chair Beals affirmed that discussion in speaking of Alliant University and in negotiations with the PUSD.

Member Glynn verified again that the Black Diamond Project encompassed Fifth Street to the north to Thirteenth Street (the railroad tracks) to the south, Black Diamond to the west and Railroad Avenue to the east.

Vice Chair Rios commented that the expansion to Thirteenth Street had been considered by the subcommittee and had been recommended to the full Council. She noted that the project list had reflected the extended area while the resolution had not.

On motion by Chair Beals, seconded by Vice Chair Rios and carried unanimously to adopt Resolution 03-920.

Mayor Beals CONVENED the CITY COUNCIL JOINTLY WITH THE REDEVELOPMENT AGENCY to consider the following:

3. **RESOLUTION 03-921** Allocating Additional Funding for Contract 00-03,
Combined w/CC 03-9910 Pittsburg-Antioch Highway Operational Safety
Improvements to Provide for Unexpected Costs
Associated with Underground Utilities Encountered
During Construction

Mr. Casey reported that on May 19, 2003, the Redevelopment Agency adopted Resolution No. 03-891, allocating funding for Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements. On May 19, 2003, the City Council adopted Resolution No. 03-9820, awarding a construction contract in the amount of \$1,669,551.71. During the course of construction the Contractor had encountered numerous underground utility conflicts resulting in unanticipated additional costs.

Mr. Casey presented the fiscal impact and explained that the total project budget for the project as approved in the FY 2002-03 Carryover CIP adopted on January 21, 2003 by Agency Resolution 03-864 was \$2,337,000. After opening bids on May 6, 2003, a construction budget of \$2,050,000 had been approved. The estimated additional funding required to complete construction of the project was \$150,000 raising the total construction budget to \$2,200,000. No additional funding was required.

Mr. Casey recommended that the City Council adopt the resolution making certain findings and consenting to the Agency's expenditure of funds for the project and authorizing \$150,000 for use by the City Manager for change orders.

On motion by Chair Beals, seconded by Vice Chair Rios and carried unanimously to adopt Redevelopment Agency Resolution 03-921.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt City Council Resolution 03-9910.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 9:16 P.M. to the next

meeting set for October 6, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

**CITY OF PITTSBURG
City Council Minutes
September 15, 2003**

Mayor Yvonne Beals called the meeting of the City Council to order at 9:17 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened into Closed Session at 6:15 P.M. pursuant to subsection (b) of Section 54956.9 of the Government Code, Conference with Legal Counsel - Anticipated Litigation regarding two cases; and Public Employment regarding the City Manager.

City Attorney Daube had nothing to report with respect to the two cases under Closed Session.

Mayor Beals reported that the City Manager had given notice that he would not renew his contract as of December 10, 2003. As such, the City Council would be conducting a search and selection process for a new City Manager. A consultant would be chosen for that task on October 6, 2003.

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Willis Casey
City Attorney, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
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Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) commented that the budget sessions conducted in August had been too long, extensive and confusing to the public. He suggested that the meeting should have been broken down into two meetings. He also noted that special meetings were governed by the Brown Act where the public had a right to speak and that denying the public a right to speak was a violation of the Brown Act. He urged the City Attorney to be directed not to allow that to occur again.

Mr. Mims referred to extensive construction activities being conducted behind the Martin Luther King Jr. School that was creating a dangerous situation for the children attending that school. He stated that project had created a negative environmental impact upon the adjacent community and had endangered the health and welfare of the citizens of that community.

Mr. Mims added that the cancellation of the Blues Festival and the Christmas Parade was not appropriate for the City's Centennial Year. He stated that money could have been set aside from the Power Company money dedicated for the construction of the Auto Mall sign so that the total community could have benefited from those funds.

With respect to the Seafood Festival, Mr. Mims suggested that there was a lack of diversity where the bands were concerned in that he had not seen too many African-American bands and he had visited the festival each of its two days.

Mayor Beals verified with Mr. Mims that his public speaker card for Resolution 03-9902 on the Consent Calendar was being waived until he was called upon.

CHARLES SMITH, Pittsburg, objected to the action taken by the Redevelopment Agency under Resolution 03-921 authorizing \$150,000 for use by the City Manager for change orders related to Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements.

Mr. Smith referenced an incident that had occurred on September 12 when he had parked in a blue handicap zone in which he was eligible to do but had not displayed his parking placard in clear view for the officer. He stated that the resultant situation had become overblown. During that time he had been asked if he was on parole or on probation and when asked, the officer had indicated to him that was a question asked of everyone. He questioned the City Attorney whether or not he was required to identify whether or not he was on parole or on probation and if he did not answer whether or not he would be jailed as a result.

When asked if that was a normal procedure, Chief of Police Baker stated that he would discuss the matter with Mr. Smith.

CARL SMITH, Pittsburg, referred to an incident where his personal vehicle parked in front of his home had been towed. He referred to Statute 22651 of the Vehicle Code that stated that "Any vehicle parked in violation of a City ordinance can be towed." Having visited and submitted correspondence to a number of City departments he sought information on City Ordinance 10.16.303 where an automobile sitting in front of a residence for 48 hours was apt to be subject to 22651 (k) and be towed.

Ms. Smith stated that he had called the Police Department to learn more of the situation and had been treated discourteously and like a criminal. He sought help from the City Council to be able to understand what the ordinance meant in a residential area. He stated that he had a copy of the ordinance but needed to have it interpreted.

City Attorney Daube verified that Mr. Smith's reference was to a portion of the Pittsburg Municipal Code.

Mr. Smith stated that the language was inappropriate for a residential area.

Mayor Beals urged Mr. Smith to meet with the City Manager and the City Attorney. Since the Police Chief was not in the Chambers at the time, the Mayor requested that the transcript of this portion of the meeting be provided to Chief Baker.

ELVIN SCOTT, Pittsburg, reported that he had been made non-profit in the State of California and he set up an office to do all he could to protect every person from the elderly to those younger who had been denied pension benefits, entitlements, and health care and he would use volunteers, like himself, to do that.

COUNCIL REPORTS

Vice Mayor Rios stated with respect to the Seafood Festival that there were several diverse bands. She noted that Muddy Rivers had brought guest singers to the Seafood Festival, and those guest singers had been the Coasters, which had given the Seafood Festival a boost. She explained that the Zinfandel Dinner had been an extreme success, with good entertainment. She also reported that the League of California Cities (LCC) had put out a request for speakers and Mayor Beals had been designated as a speaker at the Annual Conference, on Homeland Security. She also took this opportunity to thank the Chief of Police for applying for a Homeland Security grant.

Vice Mayor Rios also reported that the Holiday Parade was still scheduled. She noted that the Holiday Parade was not sponsored by the City but by the Pittsburg Band Boosters. She reiterated that the Holiday Parade would continue and be presented this year, the City's Centennial Year.

Councilmember Parent thanked staff for the contributions of the time offered for the Seafood Festival. She noted that it took time on the part of the Chamber of Commerce to put on the Festival but it also took time for the various City departments to prepare for the Festival. She further thanked Tri-Delta Transit for shuttling over 8,500 people to the Seafood Festival.

Councilmember Glynn stated that he had attended several different events, including the hearing for the Elks Club relocation downtown, August After Hours at the Liberty Hotel, a multi-cultural event at Good Shepherd Hall, the Santa Rosalia Festival, and the Christian School when he had worked with teachers on the theme "Leave No One Behind." Other events he had attended included the Fil-Am Club, The Dow Community Advisory Panel, the Seafood Festival and the Zinfandel Dinner along with having attended the TRANSPLAN Committee meeting.

Reporting on the TRANSPLAN Committee meeting, Councilmember Glynn had informed the transportation bodies that the City of Pittsburg had planned to increase the

developer fees effective November 1, 2003. Those present at the meeting had also discussed the consolidation of the four groups into one group, which had some legal problems. He noted that staff was of the opinion that it might take until May to consolidate all four groups into one. An acceleration of that effort had been requested and the issue would be reconsidered and returned to the TRANSPLAN Committee at its next meeting.

Councilmember Kee stated that most of his activities had been covered by other Councilmembers.

Councilmember Kee explained that he and Councilmember Glynn had met on a subcommittee to discuss relational transportation fees and would meet with neighboring communities to negotiate that situation.

Mayor Beals reported that most Councilmembers had attended the Delta 6 Meeting and that different events were happening in the communities around the City. She had also attended the Mayors Conference. She too commended the Zinfandel Dinner and the Seafood Festival. She added that the Pittsburg Police Department had done a wonderful job and that the festival had over 100,000 visitors. The City had showcased well as part of that effort. She also thanked the Public Works Department and stated that the City had remained clean for both days, the garbage had been removed, and all staff who participated had done an excellent job. She also noted that the Economic Development Department had also showcased well. She thanked them all.

Mayor Beals added that she had been honored by the LCC to be part of a three-part series to discuss Homeland Security and how local government was dealing with that. She stated her presentation highlighted the finest Police Department in the State, which Department had partnered with the FBI and had collaborated with different agencies to go beyond addressing Homeland Security Issues. She thanked the Police Chief for making that a priority.

Mayor Beals reiterated that this was the Centennial Year and she announced the Golf Tournament scheduled for September 26 and sponsored by the Rotary Club. She urged all to support that centennial event.

CITY MANAGER REPORT

City Manager Willis Casey stated that it had been announced that on December 10 he would not renew his contract with the City and the contract would expire. He stated he was honored to have been able to serve the City for the past three years and expressed his hope that the transition to his successor would be a smooth one and that his successor would have the privilege and honor of working with the City Council.

PROCLAMATIONS

1. Teen Read Week

Vice Mayor Rios read the proclamation for Teen Read Week from September 15 to September 21, 2003 and presented the proclamation to the Pittsburg Librarian Marion Partridge.

MARIAN PARTRIDGE, Pittsburg, stated that Teen Read Week started today for teens in Grades 6-12 who had to read a total of 15 hours and receive Countywide prizes for doing so. She identified a number of special events that had been scheduled at the Pittsburg Library as part of Teen Read Week. She thanked the City Council for all its support.

CONSENT CALENDAR

On motion by Vice Mayor Rios, seconded by Councilmember Parent, and carried unanimously to adopt the Consent Calendar, as follows:

- a. **MINUTES** Dated: August 18, 2003

Approved minutes dated August 18, 2003.
- b. **CLAIMS** #1540, Jack R. Bagar

Denied Claim #1540, Jack R. Bagar.
- c. **RESOLUTION 03-9897** Award the Annual Patch Paving Contract to MCK
Combined w/PPC 03-092 Services

Adopted Resolution 03-9897.
- d. **RESOLUTION 03-9899** Awarding Contract 02-07, Marina Dock Replacement
Project (Phase I), to Vortex Diving Inc. of Oakland,
California, for Supplying, Fabricating, and Diving
Concrete Piles for New Docks and Facilities at the
George Lowy Marina

Adopted Resolution 03-9899.
- e. **RESOLUTION 03-9900** Allocating Funding and Awarding a Contract for
Combined w/RDA 03-922 Construction of Contract 03-01, Eighth Street and
Century Boulevard Pavement Reconstruction, to Bay
Cities Paving & Grading, Inc. of Concord and Making
Certain Findings in Connection Herewith

Adopted Resolution 03-9900.
- f. **RESOLUTION 03-9901** Accept Homeland Security Grant for Purchase of Law
Enforcement Safety Equipment

Approved Resolution 03-9901.

- g. **RESOLUTION 03-9902** Award the Annual Channel Maintenance Cleaning Contract to AEI Consultants

Adopted Resolution 03-9902.

- h. **REPORT** Receive and File Quarterly Investment Report as of June 30, 2003

Received and Filed Quarterly Investment Report as of June 30, 2003.

- i. **RESOLUTION 03-9903** Disbanding the Traffic and Circulation Advisory Committee with Appreciation

Adopted Resolution 03-9903.

- j. **RESOLUTION 03-9905** Approving a Modification Agreement to a Memorandum of Understanding By and Between the City and USS-POSCO Industries for the Relocation of Segments of Two Pipelines Owned, Operated and Maintained by USS-POSCO

Adopted Resolution 03-9905.

- k. **RESOLUTION 03-9906** Award the 2003 CDBG Handicap Ramp Installation Project Contract to AJW Construction

Adopted Resolution 03-9906.

CONSIDERATION

- 1. **RESOLUTION 03-9898** Approving and Accepting the Completed Needs Assessment and Programming Study for the New Pittsburg Library, and Direct Staff to Negotiate a Design Contract with Noll & Tam Architects

City Manager Casey advised that on May 5, 2003 the City Council and Redevelopment Agency authorized the completion of a Needs Assessment and Programming Study for a New Public Library in Pittsburg. Over the past few months this work was completed by the City's consulting Architect, Noll & Tam.

Mr. Casey reported that there was no cost in approving and accepting the completed Needs Assessment and Programming Study. If the resolution was approved by the Council, staff would return to the City Council and the Redevelopment Agency for

authorization to execute a consultant contract.

Mr. Casey recommended the approval of the Needs Assessment and Programming Study for the new Public Library and authorize staff to negotiate a design contract with Noll & Tam Architects to complete construction documents for a new Library.

City Engineer Joe Sbranti introduced Chris Noll and Jeff Day from Noll & Tam Architects and explained that Anne Cain, Laura Donahue and Marian Partridge were present from the County Library System. Rebecca Ines from the Engineering staff had also been working on the project.

Mr. Sbranti reported that Noll & Tam had been working on the project for nearly three years. He stated that an RFP process had been put out in 2000 when architects had been invited to compete for a library project. Proposals had been submitted and Noll & Tam Architects had been chosen for that effort. He also explained that Noll & Tam had been volunteering its time for several years and was only being paid on the recent project. A brief presentation of the feasibility study, which had been authorized several years ago, would be presented.

CHRIS NOLL, Noll & Tam Architects, identified the different sites, noted that the process consisted of a Needs Assessment and building program and an analysis of the various sites that were all in or near the Civic Center.

Mr. Noll highlighted each of the five sites and explained that the site at the corner of Civic and Davi Avenues across from City Hall had been designated as the preferred site for a building in the area of 15,000 square feet.

Mr. Noll described the outreach effort that had been produced with the Council Subcommittee, with City staff and staff of the County Library where a number of methods had been used to solicit input from the community. Three surveys had been developed, and public meetings, focus groups and electronic means to distribute surveys and collect public comments had been utilized. Over 2,100 participants had been reached in that process. Once gathered, the data identified primary user groups for the Library; young families, students, adults, seniors and English language learners.

Mr. Noll explained that each user group was evaluated in terms of the specialized needs of each in terms of collection and in terms of programs. From the Needs Assessment a building program had been designed for the 15,000 square feet. With respect to collections, he stated that the collections would be increased from 41,000 to 85,000 volumes, there would be an expanded reference collection, foreign languages, popular materials, a parenting collection, audio-visual materials, and a large print collection. The computers would be increased from the current 13 to 31. There would also be dedicated spaces for story telling, meeting space and group study areas. An ability to produce operating costs would be possible through a number of amenities offered by the facility. The number and variety of seating types would increase from 75 to 122 seats. There would also be adequate space and equipment for staff to meet the needs of the

community.

Mr. Sbranti stated that the 15,000 square foot building had been proposed at an estimated cost of \$7.5 million. He stated that Redevelopment Agency funds were eligible for paying for the construction of a project from the design work to construction to furnishing the building. He stated that the challenge would be with the operation and maintenance costs. With the current library system there was a shared responsibility for operation and maintenance. The City was currently spending \$75,000 a year with maintenance costs being picked up by the County. As to what it would cost for operations and maintenance of a 15,000 square foot building he noted that the County had offered two separate cost breakdowns. Even with the less expensive model, he stated that the City would have a cost of \$272,000 a year that would have to be picked up in operations and maintenance, which would be ongoing.

Mr. Sbranti added that an option would be to take out the existing library, merge that land with the land adjacent to the freeway and sell that land for a one-time revenue, potentially in the area of \$3.9 million. He stated that could conceivably be used for an endowment fund to fund Library operations and maintenance. That would be the only option to present at this time.

Mr. Sbranti noted that the schedule had proposed the completion of the Library by May 2006, which was an ambitious timeline.

WILLIE MIMS, Pittsburg, representing the BPA, questioned the justification for the selection of Site 1. He also referred to the May 5, 2003 staff report related to the approval of the consultant agreement for the needs assessment of \$49,801 and questioned whether or not the funds were coming out of the money already in the library fund of \$1 million plus.

In response, Mr. Sbranti stated that the funds set aside for the library were not in the \$1 million range at this time. He stated that approximately \$50,000 was being taken out of the remaining budget set aside for the library. At this time the consultant had not expended all those funds. He further explained, when asked, that the cost allocated in the past Council report was to prepare the study, which study had now been prepared. The study was now being presented to the Council and any additional funds from this point would be allocated to move forward with design, which was not ready to proceed. He clarified that the design cost of the building if the Council directed a design contract with the consultant would be completely separate from the \$49,000 Needs Assessment.

Councilmember Kee stated that the City desperately needed a library and he wanted to see the library built, although he could not support an approval to design a library without knowing how to maintain it. He suggested that component needed to be considered further to offer some comfort as to how a library, once built, could be maintained. As such, he did not see a need to start the design process at this time.

In response to the Mayor, Finance Director Marie Simons commented that staff had presented a budget that reflected fiscal pressures on the City's main operating fund, the

General Fund. An issue to be presented to the City Council in the near future was a proposal to conduct a Citywide strategic plan to look out to the future and to consider current levels of services in connection with public and private facilities. She noted that the statement was that there were new facilities coming on line and there was no true ongoing source of revenues to support those facilities, which was something that the Council and staff would need to consider now as opposed to in the next budget. She recommended a process to facilitate the demand.

Mayor Beals wanted to see the proposal continue to move forward whether through an assessment, a bond or an aggressive sale of the existing property.

Vice Mayor Rios shared Councilmember Kee's concern but noted that the item was simply to accept the report. She made a motion to adopt the resolution with the item to return to the Library Subcommittee to craft some creative ways to maintain the library.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to adopt Resolution 03-9898 by accepting the report only at this time and not authorizing funds for the design process.

Mayor Beals asked staff to schedule a Library Subcommittee meeting at a time when the Finance Director was available to allow creative solutions to be discussed.

Vice Mayor Rios also requested that the Finance Director's proposal to conduct a Citywide strategic plan, as noted, be agendized in the near future.

2. **MINUTE ORDER** Requesting Fee Waiver for Neighborhood Watch Groups

Mr. Casey advised that Mayor Beals and Councilmembers had received a letter from James Como, Community Advisory Commission (CAC) Commissioner regarding the payment of fees for a permit for Neighborhood Watch Block Parties where there was a temporary closure of a public street for a private gathering purpose. A copy of the letter had been included as Exhibit A to the staff report dated September 15, 2003. In the past, the City's practice of charging permit fees for Neighborhood Watch Block parties had not been consistently applied. Under Municipal Code Section 18.12.020, the City Council had exclusive authority to establish fees for the filing and processing of applications. Staff sought direction as to whether fees should be waived for Neighborhood Watch Block Parties.

Mr. Casey stated that based on estimates from the Police Department there were five to six block parties each year involving street closings. Should the Council direct the fees be waived, the estimated costs would be approximately \$1,000 a year.

Mr. Casey recommended that the City Council adopt a Minute Order directing staff to either waive or not waive the encroachment permit fees for a temporary street closure for a Neighborhood Watch Block Party.

WILLIE MIMS, Pittsburg, representing the BPA, stated that he was not against Neighborhood Watch Block Parties. He referenced the statement in the staff report that in the past the City's practice of charging permit fees for those block parties had not been consistently applied. He questioned why that was the case and he inquired who was responsible for the fees to be charged.

City Attorney Daube explained that in her research what had occurred was that the process had involved four or five different departments, and a change in staff had created a situation where people were not certain exactly what to be doing. The intent was to clarify and simplify the situation.

Councilmember Parent commented that before the letter had been received from the CAC, a Neighborhood Watch participant had brought the issue to the Council's attention. She had suggested to the CAC that it encourage the Neighborhood Watch groups that wanted to have neighborhood parties to have them in a neighborhood park, which would mean that streets would not have to be blocked off. Those involved seemed to be receptive to that although she acknowledged that might not work in all areas.

Since those involved in Neighborhood Watch volunteered to help the Police Department, Councilmember Parent suggested it was little enough to waive the fees once a year for a recognized Neighborhood Watch Program that was registered with the Police Department.

Councilmember Glynn questioned whether or not there were insurance complications.

Ms. Daube stated that once the permit application had been filled out, the fee for processing that application would be waived. It would preclude no other requirements. The insurance would remain the responsibility of the Neighborhood Watch Group. She stated that risk management required one million per occurrence, but generally there was a policy where the homeowner's actual insurance could be used in lieu of securing separate insurance for the event.

Councilmember Glynn stated that he had been involved with Neighborhood Watch Programs in the City and he did not recall paying any fees or securing insurance to hold the events. He assumed that the existing ordinance had not been previously enforced.

Ms. Daube stated that she had checked with the Risk Management Authority on the insurance issue as well and that Risk Management had been surprised with the inquiry. She understood that the practice, limited to those situations where the street was blocked off, was that if a particular homeowner making application on behalf of the Watch Group was willing to offer his/her personal insurance that was how the request had been processed.

On motion by Councilmember Parent, seconded by Councilmember Kee and carried unanimously to waive the street closure permit fees for recognized Neighborhood Watch Program Block Parties.

3. **RESOLUTION 03-9904** Grievance Appeal Review

Mr. Casey reported that AFSCME had filed grievances asserting that collective bargaining agreements for the term of July 1, 2001 through June 30, 2002 required the City to make a retroactive payment of salaries to July 1, 2001. The City Manager rejected that assertion and claimed that the parties never intended to have a retroactive salary payment. The grievances were received by the City Council and the City Council had been conducting its review of the matter. On August 18, 2003 the City Council, by Minute Order, confirmed the decision of the City Manager.

Mr. Casey stated that the fiscal impact was that if both AFSCME bargaining units were entitled to a retroactive salary increase for the period July 1, 2001 through June 30, 2003, the fiscal impact would be a total cost of \$392,510.31. If AFSCME was successful in its grievances, it was reasonable to expect that all other employee groups would request the retroactive payment of salaries. If that were to occur, the fiscal impact was estimated at an additional \$525,313.08.

Mr. Casey recommended the adoption of the resolution confirming the City Council's Minute Order action affirming the City Manager's decision to deny the grievances filed by AFSCME.

JO BATES, AFSCME Local 512, referred to the agenda item and inquired what had specifically occurred at the last Council meeting. She had not recalled that a vote had been taken on the City Manager's recommendation.

Human Resources Director Marc Fox stated that Councilmember Parent's motion at the last meeting, which had been adopted by a vote of 4 to 1, had confirmed the decision of the City Manager, which was what the item was intended to convey, to confirm the City Manager's prior decision to deny the grievance.

Ms. Bates inquired whether or not there had been a decision and whether or not that decision was to be confirmed at this time.

Councilmember Parent questioned why a resolution was needed in place of a Minute Order.

City Attorney Daube stated that the adoption of the resolution would dispose of the matter and memorialize the City Council's decision from the last meeting through a Minute Order.

Ms. Bates stated that the matter was subject to the Meet and Confer process and the City had not met with AFSCME to attempt to resolve the matter. She stated that it had been stated by AFSCME and documented by the City and a packet of information with letters from the City that there should be meetings held with the bargaining units. Because of that whatever the initial intent was had never been negotiated with the bargaining units.

Instead of rehashing what had been stated at the last meeting, she stated that AFSCME requested that staff direct the appropriate staff to meet and confer with the bargaining units to find a solution to resolve the matter.

ERRIN TRAFTON, Pittsburg, having also attended the last meeting had been under the impression as a member of the audience that Councilmember Parent had made a request to the City Manager to present evidence and findings on the issue. She noted that she had been thoroughly confused as a member of the audience during the proceedings at the last meeting. It was her understanding that Councilmember Parent had made a request of the City Manager to bring forward a resolution. It was not her understanding at that time that there had been a vote to confirm the City Manager's recommendation.

Councilmember Parent referred to the minutes from the last meeting when she had made a motion to direct staff to bring forth a resolution confirming the decision made by the City Manager, which she stated was clear that the Council wanted to do exactly what the City Manager had decided. She stated that was the resolution that was about to be adopted.

Because of the statement made by Councilmember Parent, Ms. Bates questioned whether or not that meant that the City Council had not conducted its review of the grievance.

Councilmember Parent stated that her statement did not mean that.

Vice Mayor Rios stated that she had voted no on the item at the last meeting because she had not been assured that the City had met and conferred with AFSCME. She had received an explanation as to the City's agent, but she spoke to the actual AFSCME representative, which she stated had not been answered. As such, she would continue to vote no on the motion.

On motion by Councilmember Parent, seconded by Councilmember Kee to adopt Resolution 03-9904, carried by the following vote:

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

Councilmember Parent stated that she had a business relationship with Lido Square. She recused herself from the discussion and left the Chambers at this time.

4. **MINUTE ORDER** Request for Fee Waiver - Lido Square Apartments (AP 03-17)

Mr. Casey presented the request from James Busby that the Council waive its adopted Traffic Mitigation Fee, Facilities Reserve Charge and Park Dedication Fees for eight of the ten apartment units approved by the Planning Commission to be constructed at the southeast corner of Crestview Drive and Frontage Road.

Mr. Casey stated that approving the requested fee waiver would result in the loss of \$58,020 in income to the City broken down as \$19,880 traffic mitigation fees, \$7,648 facilities reserve fees and \$30,492 in-lieu parkland dedication fees.

Mr. Casey recommended the denial of the requested fee waiver.

JAMES BUSBY, one of the General Partners and owners of Lido Square, stated that State Route 4 had been widened, was still in process and in that process eight of their apartment units had been taken. He proposed to build ten units to replace the eight to be removed. He presented a map to delineate the units in question.

Mr. Busby reported that one of the two buildings would be proposed in the exact location of one of the buildings taken by the County. Eight of the ten units proposed were simply a replacement of the eight taken. The ten units would be in addition to the existing Lido Square, operated under the same management and owned by the same people. He stated that the eight units had been taken against their will. While they had received compensation, since the buildings were 30 years old there was little replacement value. He added that the replacement units were two bedroom, two bath, slightly smaller than those initially taken by the County.

Mr. Busby reported that the regional traffic fee had been waived, the Contra Costa Water District (CCWD) had waived its fees, as had Delta Diablo Sanitation District and the Contra Costa Consolidated Fire Protection District. In the interest of providing affordable rental units, he sought a waiver. He stated that the infrastructure utilized with the original eight units remained in place and the infrastructure accommodating the eight units could more than accommodate the units now proposed. He expressed his hope that the Council would see the fairness of what had been requested.

Mayor Beals noted that the staff report was not to support the waivers, although she suggested that the waivers should occur given the affordable housing involved. She verified the fees that had been waived, the fact that Mr. Busby wanted three fees waived including the local transportation fee, the facility reserve and park dedication fee, although there would still be some fees being generated by the City.

Mr. Busby stated that they were prepared to pay all the normal fees and all the impact fees on the two extra units, representing \$23,000 in fees.

Mayor Beals made a motion to waive the requested fees. Councilmember Glynn seconded the motion.

On the motion, Councilmember Kee stated that the thing that made a difference to him was that he understood the City's position that if the owner tore down the buildings and wanted to rebuild them they would be subject to the fees at the time. In recognition of the unique situation since the buildings had only been removed due to the widening of the freeway, he suggested that with everyone else waiving the fees the same should be done

for eight of the ten buildings, particularly since that was not being done at the will of the owner.

On motion by Mayor Beals, seconded by Councilmember Glynn to approve the fee waiver request of Lido Square Apartments (AP 03-17), carried by the following vote:

Ayes: Glynn, Kee, Rios, Beals
Noes: None
Absent: Parent [Recused]

Councilmember Parent returned to the dais.

5. **RESOLUTION NO. 03-9910** Allocating Additional Funding for Contract 00-03,
Combined w/RDA 03-921 Pittsburg-Antioch Highway Operational Safety
Improvements to Provide for Unexpected Costs
Associated with Underground Utilities
Encountered During Construction

Mr. Casey reported that on May 19, 2003, the Redevelopment Agency adopted Resolution No. 03-891, allocating funding for Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements.

On May 19, 2003, the City Council adopted Resolution No. 03-9820, awarding a construction contract in the amount of \$1,669,551.71. During the course of construction the Contractor had encountered numerous underground utility conflicts resulting in unanticipated additional costs.

Action was taken to adopt Resolution 03-9910 in Joint Session with the Redevelopment Agency, as follows:

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt City Council Resolution 03-9910.

Mayor Beals reported that the next two resolutions would be considered together.

PUBLIC HEARING

1. **RESOLUTION 03-9907** Resolution to Pass on the Increase in the Contra Costa
Water District's Facility Reserve Charge
2. **RESOLUTION 03-9908** Urgency Resolution to Pass on the Increase in the
Contra Costa Water District's Facility Reserve Charge

Mr. Casey reported that the Contra Costa Water District Board had regularly raised the raw water fee since 1993. This was in recognition of the rapid growth in water service demand resulting from the dramatic population increase and the need to provide water

service in the future to an ever-expanding populace. Resolution 03-9907 would pass the latest increase in the Facility Reserve Charge on to the new user in 60 days. Resolution 03-9908 would pass the latest increase in the Facility Reserve Charge on to the new user, immediately.

Mr. Casey presented the fiscal impact and reported that the CCWD Facility Reserve Charge was a pass-through fee collected by the City and paid to the CCWD. The City staff time required to process the fee was compensated by a \$25.00 service charge paid to the City. There would only be a negative fiscal impact to the City if the resolutions were not adopted, in which case the increase in the CCWD Facility Reserve Charge would come out of the City's General Fund.

Mr. Casey recommended the adoption of Resolution No. 03-9907 passing the increase in the CCWD's Facility Reserve Charge. He recommended the adoption of Resolution 03-9908 passing on the increase in the CCWD's Facility Reserve Charge immediately.

Mayor Beals opened the public hearing for both Resolution 03-9907 and 03-9908. There was no one to speak for or against the resolutions. Mayor Beals closed the public hearing.

Councilmember Kee verified with staff that only one increase was involved representing 5.9 percent over the last increase of five years ago.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9907.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9908.

ADJOURNMENT

The meeting of the City Council adjourned at 10:53 P.M. to the next meeting set for October 6, 2003.

Respectfully submitted,

Lillian J. Pride, City Clerk

als

CITY OF PITTSBURG
Pittsburg Power Company Minutes
September 15, 2003

Chair Yvonne Beals called the meeting of the Pittsburg Power Company to order at 10:54 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened into Closed Session at 6:15 P.M. pursuant to subsection (b) of Section 54956.9 of the Government Code, Conference with Legal Counsel - Anticipated Litigation regarding two cases; and Public Employment regarding the City Manager.

City Attorney Daube had nothing to report with respect to the two cases under Closed Session.

Mayor Beals reported that the City Manager had given notice that he would not renew his contract as of December 10, 2003. As such, the City Council would be conducting a search and selection process for a new City Manager. A consultant would be chosen for that task on October 6, 2003.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Public Works Director, John Fuller
City Engineer, Joe Sbranti
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Member remarks.

CONSENT

On motion by Member Parent, seconded by Member Glynn and carried unanimously

to adopt the Consent Calendar, as follows:

- a. **MINUTES** Dated: August 18, 2003
Approved minutes dated August 18, 2003.
- b. **RESOLUTION 03-093** Award the 2003 CAPE/Slurry Seal Contract to Graham Contractors
Adopted Resolution 03-093.
- c. **RESOLUTION 03-091** Approving and Authorizing the Executive Director to Execute an Agreement Providing for Permission to Demolish Existing Facilities, Exchange Easements, and Transfer New Facilities from the United States Army to the Pittsburg Power Company
Adopted Resolution 03-091.
- d. **RESOLUTION 03-092** Award the Annual Patch Paving Contract to MCK
Combined w/CC 03-9897 Services
Adopted Resolution 03-092.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 10:55 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Southwest Pittsburg Geologic Hazard
Abatement District II (GHAD)
September 15, 2003

Chair Yvonne Beals called the meeting of the Southwest Pittsburg Geologic Hazard Abatement District II (GHAD) to order at 10:56 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened into Closed Session at 6:15 P.M. pursuant to subsection (b) of Section 54956.9 of the Government Code, Conference with Legal Counsel - Anticipated Litigation regarding two cases; and Public Employment regarding the City Manager.

City Attorney Daube had nothing to report with respect to the two cases under Closed Session.

Mayor Beals reported that the City Manager had given notice that he would not renew his contract as of December 10, 2003. As such, the City Council would be conducting a search and selection process for a new City Manager. A consultant would be chosen for that task on October 6, 2003.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Public Works Director, John Fuller
City Engineer, Joe Sbranti
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Member remarks.

CONSENT

On motion by Member Parent, seconded by Chair Beals to adopt the Consent Calendar, as follows:

- a. **MINUTES** Dated: August 18, 2003

Approved minutes dated August 18, 2003.

ADJOURNMENT

The meeting of the Southwest Pittsburg Geologic Hazard Abatement District II (GHAD) adjourned at 10:57 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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