

CITY OF PITTSBURG
Redevelopment Agency Minutes
August 4, 2003

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. in Closed Session pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding APN 085-130-006, 085-141-002, 085-141-003, 085-141-004, 085-141-005, 085-141-007, 085-141-009, 085-142-001, 085-142-002, 085-142-003, 085-142-004, 085-142-005, 085-142-006, 085-143-001, 085-143-002, 085-143-003, 085-143-004, 085-143-005, 085-143-006 and 086-175-012 (101, 107, 108, 109 School Street and 1631 and 1633 Railroad Avenue); Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases; and Liability Claims pursuant to Section 54956.95 regarding William R. Hendricks.

City Attorney Linda Daube reported that in Closed Session the Redevelopment Agency Board of Directors had unanimously authorized the Agency to take whatever actions necessary to acquire property at 101, 107, 108, and 109 School Street and 1631 and 1633 Railroad Avenue and authorized the Agency to proceed, which would include the relocation of any tenants. As a second item the City Council in Closed Session had discussed and reviewed the claim by William R. Hendricks and had voted unanimously to deny that claim.

MEMBERS PRESENT: Glynn, Parent, Rios, Beals

MEMBERS ABSENT: Kee [Excused]

STAFF PRESENT: Executive Director, Willis Casey
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Assistant Legal Counsel, Russ Townsend
Deputy City Clerk, Alice Evenson
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
City Engineer, Joe Sbranti
Sr. Engineering Technician, Linda Carion
Human Resources Analyst III, Michelle Fitzer
Police Sergeant, Jim Calia
Police Chief, Aaron Baker

PLEDGE OF ALLEGIANCE

Marian Partridge led the Pledge of Allegiance.

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 approve the Consent Calendar, as follows:

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

Approved Minutes dated July 21, 2003.

CONSIDERATION

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

1. **RESOLUTION 03-904** Allocating Funding, Approving Plans and Specifications
Combined w/CC 03-9875 Authorizing Bidding, Approving a Consultant Agreement and Making Certain Findings in Connection Herewith for Contract 02-04, Presidio Lane Improvement Project

Executive Director Willis Casey reported that the Presidio Lane Improvement Project will provide for installation of off site underground utilities to the Senior Center and Presidio Village as well as the rehabilitation of the pavement on Presidio Lane. The original design consultant, Santina & Thompson Inc. has gone out of business. A new Consultant Agreement with LP2A, Inc. is required to finalize the design.

Mr. Casey presented the fiscal impact and stated that the full estimated cost of the project was being requested. The current budget allocated to the project after the adoption of Redevelopment Agency Resolution 03-864 was \$300,000. The total amount required from the 2003 Tax Allocation Bond Series proceeds was \$650,000. An additional \$350,000 was required to fully fund the estimated project cost. The Consultant Agreement with LP2A was for an amount not to exceed \$39,350 and had been included within the overall project budget. Staff would return to the City Council at the time that a construction contract was awarded.

Mr. Casey recommended that the Council adopt the resolution making certain findings, consenting to the Agency's expenditure of funds for the project, approving the

and specifications and authorizing the advertising for bids on Phase I of the project and awarding the Consultant Agreement Amendment for the design of Contract Number 02-07; Marina Dock Replacement Project. It was further recommended that the Agency adopt the resolution that would authorize the total project budget of \$5 million.

CHARLES SMITH, Pittsburg, noted that he had a problem with the resolution related to the design of new underground storage tanks, which he noted were generally being phased out. Given the proximity to ground water and the river, he suggested that underground storage tanks were not the environmentally best method to use. He suggested that above ground storage tanks would be preferable given that they were easier to control and the permitting process was less difficult. He commented that even though new underground storage tanks would last a long time, they would leak. He otherwise inquired of the size of the tanks.

Mr. Sbranti stated that the tanks to be installed and the method of installation would be in compliance with requirements that would not take effect for another two years. As such, the City was being proactive in meeting requirements that were not currently in effect and the tanks were expected to last for many years to come.

Mr. Smith noted that the requirements referenced by Mr. Sbranti were put in place due to the history and experience of leaking underground storage tanks. He suggested that underground storage tanks were more rigorous and more strictly regulated than above ground storage tanks. He otherwise noted that the design of underground storage tanks was passé, even though the City was trying to be proactive.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) noted that although the phases had been broken down, no monies had been included to identify the costs.

Mr. Sbranti advised that when the project was complete an exact accounting would be available. At this time the total project cost was estimated to be under the \$5 million budgeted amount. He expressed a willingness to meet with Mr. Mims to identify the Engineer's Estimate of project costs.

Mr. Mims noted that the money set aside by the Agency was \$255,000. He questioned why only that amount had been set aside for a project that was estimated to cost \$5 million.

Mr. Sbranti stated that only the design budget had initially been authorized. The total project budget was currently being requested.

Mr. Mims referred to the resolution and commented that it involved six recommendations in one resolution. He suggested that each recommendation could have been a resolution in itself. As a result, he questioned the nature of the resolution.

Mr. Sbranti stated that the makeup of the resolution was to combine a number of

actions. At the Council's preference he explained that six separate resolutions could be crafted although that would take more staff time and utilize more resources.

Vice Chair Rios stated that she had visited the Marina and had learned more about the area of the development. When completed, she stated that the Marina would generate more revenue for the City.

On motion by Vice Chair Rios, seconded by Member Glynn and carried unanimously to adopt Redevelopment Agency Resolution 03-905.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to adopt City Council Resolution 03-9876.

Chair Beals took the next item out of agenda order.

4. **RESOLUTION 03-907** Authorizing the Executive Director to Enter into a Consultant Agreement with Willdan and Associates for the Purpose of Developing a Downtown Infrastructure Report

Mr. Casey reported that the Redevelopment Agency of the City of Pittsburg would like to enter into a Consultant Agreement with Willdan and Associates for the purpose of developing a Downtown Infrastructure Report to determine what types of redevelopment projects can be undertaken in the Downtown. This report would also establish an accurate estimate of costs to help Agency members and staff determine if a proposed project is economically feasible.

Mr. Casey advised that the Consultant Agreement would cost the Agency an amount not to exceed \$40,000, which funds would be appropriated from Redevelopment Agency Tax Increment Reserves. Mr. Casey recommended that the Agency Board authorize and direct the Executive Director to enter into a Consultant Agreement with Willdan and Associates and authorize an expenditure not to exceed \$40,000.

Councilmember Parent referred to Section 2.2 of the Agreement, which indicated that "The Director in his or her sole discretion may accept or reject any proposal," which was a concern to her if there was no Council consideration.

Vice Chair Rios explained that the Redevelopment Subcommittee had discussed the item and had unanimously agreed that the full Council should consider the item.

On motion by Member Parent, seconded by Vice Chair Rios and carried unanimously to adopt Resolution 03-907, as amended in Section 2.2 by striking the last sentence reading: "The Director in his or her sole discretion may accept or reject any proposal."

Mayor Beals continued the remainder of the Redevelopment Agency agenda, as follows, to the City Council agenda.

3. **RESOLUTION 03-906** Appropriating Funds to Update the General Plan
Combined w/CC 03-9879

Council-approved changes to the General Plan and Land Use Diagram adopted on November 16, 2001 had yet to be incorporated into the actual plan documents. The firm of Dyett & Bhatia, which was under contract to prepare the General Plan on a time and material basis, had submitted a bid of \$30,330 to incorporate Council-approved changes into the plan in addition to numerous mapping, technical, and formatting modifications which staff had determined should also be made in order to create a user-friendly document.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:32 P.M. to the Special Budget Workshop on August 11, 2003 at 5:00 P.M. followed by another Special Budget Workshop scheduled for August 13, 2003 at 5:00 P.M. and thereafter to the regular meeting on August 18, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
City Council Minutes
August 4, 2003

Mayor Yvonne Beals called the meeting of the City Council to order at 7:33 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. in Closed Session pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding APN 085-130-006, 085-141-002, 085-141-003, 085-141-004, 085-141-005, 085-141-007, 085-141-009, 085-142-001, 085-142-002, 085-142-003, 085-142-004, 085-142-005, 085-142-006, 085-143-001, 085-143-002, 085-143-003, 085-143-004, 085-143-005, 085-143-006 and 086-175-012 (101, 107, 108, 109 School Street and 1631 and 1633 Railroad Avenue); Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases; and Liability Claims pursuant to Section 54956.95 regarding William R. Hendricks.

City Attorney Linda Daube reported that in Closed Session the Redevelopment Agency Board of Directors had unanimously authorized the Agency to take whatever actions necessary to acquire property at 101, 107, 108, and 109 School Street and 1631 and 1633 Railroad Avenue and authorized the Agency to proceed, which would include the relocation of any tenants. As a second item the City Council in Closed Session had discussed and reviewed the claim by William R. Hendricks and had voted unanimously to deny that claim.

MEMBERS PRESENT: Glynn, Parent, Rios, Beals

MEMBERS ABSENT: Kee [Excused]

STAFF PRESENT: City Manager, Willis Casey
Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
Assistant City Attorney, Russ Townsend
Deputy City Clerk, Alice Evenson
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
City Engineer, Joe Sbranti
Sr. Engineering Technician, Linda Carion
Human Resources Analyst III, Michelle Fitzer
Police Sergeant, Jim Calia
Police Lieutenant, Nick Baker
Police Chief, Aaron Baker

CITIZENS REMARKS

BEN JOHNSON, Pittsburg, updated the City Council on the tank project and reported that he had received approval to transport the tank for demilitarization and eventual dedication in the City hopefully by Veterans Day, November 11, 2003. He added that the United Veterans Council had raised an additional \$6,000 for that project and no funds from the City would likely be required.

Mr. Johnson spoke to the poor condition of Buchanan Road and requested that the Council make arrangements for the repair of that roadway. On another matter, he had earlier sought a written response for the funding for the Range Road Project, which response he had yet to receive. He also questioned the status of a study that was to have been prepared for the Range Road Project, which he had also not yet received.

With respect to the City's website, Mr. Johnson noted that the City's website was down and he was not receiving an agenda on a timely basis.

Mr. Johnson explained that the City's General Plan was still being shown as a hearing draft. He requested that document be updated. He added that the Draft Environmental Impact Report (EIR) was also still on the website. He sought an update to the full EIR and the 2001 General Plan.

In response to the comment with respect to a Range Road study, Mr. Sbranti stated that to his knowledge no actual report had been commissioned for Range Road, although some initial investigations had been conducted with a traffic consultant and several investigatory actions had been pursued.

Mr. Johnson stated that the report was to have been conducted by the previous City Council. If that had not been done to date, he requested that a report be prepared.

With respect to the Buchanan Road Bypass, Mr. Johnson sought a status to date, in writing, to identify how much money had been spent to date, how funds could be recouped for the Thomas Ranch property, and how property not located within the City's Sphere of Influence (SOI) could be condemned. He sought verbal or written answers to all of his questions.

Mayor Beals asked staff to follow up with Mr. Johnson in writing, or to call Mr. Johnson to set up an appointment and provide information in response to his questions. She also reported that the website had been down since July 31, but since the previously approved Information Technology (IT) contract had been approved, the items on the website would soon be updated. She asked Mr. Johnson and all City residents to be patient while the City worked out its website issues.

Councilmember Parent emphasized that the City had never taken any action to condemn any property having to do with the Buchanan Road Bypass. She suggested that Mr. Johnson's implications offered serious public misstatements.

Mayor Beals stated that staff would provide Mr. Johnson with the current status of the items that he had referenced.

CHARLES SMITH, Pittsburg, referred to the Tilden Park Golf Course, which was impressive. With respect to parks, he noted that it had been mentioned by the Planning Commission and the City Council that the park at USS-POSCO was within the SOI for those living on Carpino and within the El Pueblo area, although he stated that the park was not accessible to the residents of those areas given the proximity of the Southern Pacific Railroad. He noted that those who lived in the Central Addition had a pedestrian bridge to access a park in that area. With respect to the City's detention ponds, Mr. Smith referenced the pond that Mr. Seeno was planning as a park. He noted that all of the City's detention ponds were being used as parks, with the exception of the detention pond at the Pittsburg-Antioch Highway which was still being programmed as a fenced, high security area. He emphasized the need to acknowledge that detention pond did not conform as a park.

As the Chairman of the Cultural Arts Alliance of which Mr. Griego was a member, Mr. Smith suggested that Mr. Griego had not been treated fairly by the City although that had changed with the unveiling of the statue. He referred to an article in the Ledger Dispatch dated July 23, 2003 related to that situation and took exception to some of the comments in that article.

Mr. Smith also urged the City to update its website.

CARMEN OCHOA, Pittsburg, invited the Mayor, the Council, staff and all citizens to an event on August 16 from 1:00 to 4:00 P.M. recognizing the Indian culture in an "Afternoon in India" at the Pittsburg Historical Society. She reported that the free event was a City of Pittsburg Designated Centennial Event, with traditional dance to be performed by Swetha Dixit and with the design of a floral Rangoli piece. She invited all to attend.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), also referred to the Griego sculpture and stated that the sculpture had now been completed. If completed, he stated that the City would have to live up to its obligation and pay the artist. He encouraged the Council to encourage staff to pay Mr. Griego for his work.

Mr. Mims referred to Resolution 03-9866 pertaining to the *Communities for a Better Environment ("CBE") and Pesticide Action Network of North America ("PANNA") v. City of Pittsburg and the Dow Chemical Company*, Civil No. C02 02965, which had been settled and suggested that settlement represented a compromise and a sell-out to Pittsburg citizens that would jeopardize the health and safety of residents by allowing Dow Chemical to build the largest sulphuryl fluoride plant in the world, with the City receiving nothing but \$500,000. He encouraged the health and safety of the community.

Mr. Mims also noted that he had been disappointed by the cancellation of the Blues Festival. He suggested that the cost of \$5,000 would have no negative impact on the City's

budget. He urged the City Council to direct staff to fund that event.

Mr. Mims also referred to the Capital Improvement Program (CIP) budget and inquired of the balance of that budget and the status and balance of the Tax Allocation Bonds.

City Engineer Sbranti advised that he would meet with Mr. Mims to make the requested information available to him.

With respect to the Blues Festival, Mayor Beals clarified that the item that had been removed from the budget was the Music in the Park, which should not be confused with the annual Blues Festival hosted by the City and which usually took place in May of each year.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, stated with respect to the El Pueblo/Carpino Avenue access to the USS-POSCO Park that he had been requesting the addition of a bike trail to the maintenance road of the Kirker Creek Flood Control Project between California Avenue and the Pittsburg-Antioch Highway for the last two years. He urged some type of non-motorized access across the railroad track in the area, which he stated was badly needed.

Mayor Beals advised that the Central Addition Park and the pedestrian bridge had been funded by non-City dollars. She understood the concerns of the residents and would try to work on that concern related to access in the future.

COUNCIL REPORTS

Councilmember Parent stated that she and Councilmember Glynn had attended the car show sponsored by the Silver Knight, the proceeds of which were donated by the sponsors of the show to the Boys and Girls Club. She noted that the City did not expend any money for allowing the car show in the park. She described the well attended event as an asset to the City making it possible for private citizens in Pittsburg who wanted to pursue a charitable event to respectfully use City facilities. She commented that the cars had not damaged the grass in the park any more than a lawn mover would.

Councilmember Parent happily reported that Tri-Delta Transit had made an agreement with the other bus operators with regard to Measure C, which was that all bus operators that would be affected by the Measure C reauthorization had provided one consolidated plan of allocation to buses Countywide to do everything possible to ensure funding for bus operations. She suggested that showed good cooperation among the agencies and the regions involved to provide adequate funding for such an important service.

Vice Mayor Rios stated that she had toured the Marina and had been impressed with the progress to date in the Marina. She thanked staff for that tour. She also reported that the Finance Subcommittee had met to discuss the revenue portion of the budget. She noted that the recommendations would be presented at the Budget Workshop scheduled

for August 11. She took this opportunity to thank the Finance Department for its tireless efforts to get that work done. Vice Mayor Rios referred to the first kickoff of the August After Hours and looked forward to the rest of the Friday evening events.

Councilmember Glynn reported that he had attended the Silver Knight car show, which he had thoroughly enjoyed. He also had the privilege of attending the first of the August After Hours events when Tom LaFleur of the Pittsburg Economic and Housing Development Corporation (PEHDC)/Pacific Community Services, Inc. (PCSI) had set up a movie screen in the Heritage Park on Fourth Street when "Some Like it Hot" had been screened. He stated that had been an enjoyable event that would be scheduled again with a Movie After Dark on August 8. He encouraged residents to attend those events.

Mayor Beals announced that the Annual Scottish Renaissance Festival would be hosted in Buchanan Park on August 9 and 10, and that public Budget Workshop Sessions had been scheduled for August 11 and 13 at 5:00 P.M. in the City Council Chambers.

Vice Mayor Rios also took this opportunity to commend Mr. Griego for the Lady of Pittsburg statue that had recently been unwrapped.

CITY MANAGER REPORT

City Manager Willis Casey noted that the State Budget was now near adoption and the City would be impacted less than expected. He referenced a few items where the Assembly and the Senate disagreed, including a shift of Redevelopment Agency monies. There had been agreement to maintain the COPS \$100,000 funding allocation, booking fee reimbursements would continue for local agencies, and the vehicle license fee (VLF) gap would now allegedly be a loan to be repaid to the cities by 2006. He quoted the City's lobbyist in Sacramento that "It is impossible to declare this year's budget a victory considering the magnitude of cuts. However considering where we started, we were able to do a tremendous amount of damage control."

Mr. Casey reported that the City Council would deal with the City's budget on August 11 and August 13 with two workshops. Budget approval was expected on August 18, 2003. He emphasized that City staff was working very hard to address this year's budget challenges.

PROCLAMATIONS

1. National Night Out

Councilmember Glynn read the Proclamation for National Night Out 2003 scheduled for August 5, 2003 and presented the Proclamation to Bertha Stobb and Sergeant Jim Calia.

Police Sergeant JIM CALIA invited everyone to the National Night Out celebration at Small World Park from 5:00 to 8:00 P.M.

BERTHA STOBBS, Pittsburg, also urged everyone to attend the City's Seventh Annual National Night Out.

Mayor Beals thanked the Pittsburg Police Department for taking an active role in the National Night Out events, which was a positive for the community.

2. Immigrant Workers Freedom Ride

Mayor Beals read the Proclamation for Immigrant Workers Freedom Ride and presented the Proclamation to Joe Golio.

JOE GOLIO, associated with the Contra Costa Central Labor Council, accepted the Proclamation and thanked the City Council for the recognition of the need to raise consciousness locally and nationally about the challenge and need for addressing changes in immigration policies and the rights of immigrant workers. He explained that the local coalition was composed of labor unions, elected officials, business members and religious organizations.

CONSENT CALENDAR

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

a. **MINUTES** Dated: July 21, 2003

Approved Minutes dated July 21, 2003.

b. **RESOLUTION 03-9874** Approving an Updated Agreement with the Housing Authority of the County of Contra Costa for the City to Provide Water, Sewer, Street Sweeping, Lighting and Other Municipal Services to the El Pueblo Project

Adopted Resolution 03-9874.

c. **RESOLUTION 03-9877** Adopt Resolution Establishing the Appropriations Limit for the Fiscal Year 2003-2004 in Accordance with Proposition III and Article XIII (B)

Adopted Resolution 03-9877.

CONSIDERATION

1. **RESOLUTION 03-9875** Allocating Funding, Approving Plans and Specifications Authorizing Bidding, Approving a Consultant Agreement and Making Certain Findings in Connection Herewith for
Combined w/RDA 03-904

framework under which the removal and disposal is to be financed, constructed and administered. This agreement settles USS-POSCO's liability related to identified contaminants on the property acquired by the City of Pittsburg.

As to the fiscal impact of the proposal, Mr. Casey stated that the Council and the Redevelopment Agency had previously allocated funds for the construction of the State Route 4 Flood Relief Project which had been based on known contract amounts supplemented by a contingency for unanticipated costs. No additional allocation of funds was required, and pursuant to the Memorandum of Understanding (MOU), USS-POSCO would reimburse the City one half of the costs, or up to a maximum contribution of \$50,000 for the removal and disposal of the contaminants onto USS-POSCO property.

Mr. Casey recommended the adoption of the resolution approving the agreement with USS-POSCO and authorizing the City Manager to execute the agreement on behalf of the City. It was further recommended that the City Engineer be authorized to take all such actions necessary to fulfill the obligation of the City in accordance with the agreement.

CHARLES SMITH, Pittsburg, a retired environmental scientist, stated that he was disappointed in the MOU since the City had acquired the land with known contaminants which had been recognized by the State Regional Water Quality Control Board at least since 1988. He stated that US Steel had admitted that it had delivered a waste pile and he suggested that the City should not be authorizing any monies whatsoever given his understanding that the City might already have paid US Steel for that land. He stated that he had records from US Steel in that regard. He objected to the City paying USS-POSCO for cleaning up a bad situation that USS-POSCO should have already cleaned up.

WILLIE MIMS, Pittsburg, representing the BPA, questioned the City's taking of the land. He commented that he was not aware of the City's prior knowledge that the USS-POSCO land was polluted. He stated that an environmental study should have been conducted and suggested that the City's knowledge of the contamination of the property represented a waste of taxpayer money. Referring to the estimated total cost, he requested a clarification of the amount that the City would be expected to pay.

In response to Mr. Mims, City Engineer Sbranti clarified that USS-POSCO had agreed to reimburse the City up to \$50,000, to be a credit against their contract. Of the \$160,000 contaminant removal and disposal cost adjusted by \$60,000 to bid quantities and with the \$50,000 reimbursement by USS-POSCO, would result in an estimated extra cost of \$50,000. He added that he would be happy to explain the situation in detail to Mr. Mims at Mr. Mims' convenience.

Mr. Mims emphasized that USS-POSCO should accept the financial responsibility for the clean-up costs.

On motion by Vice Mayor Rios, seconded by Mayor Beals to adopt Resolution 03-9878, carried by the following vote:

Ayes: Glynn, Rios, Beals

Noes: Parent
Absent:Kee

Mayor Beals took the agenda out of order at this time to consider Resolution 03-9880.

5. **RESOLUTION 03-9880** Adoption of a Resolution Clarifying Application of Hillside/Ridgeline Protection Policies and Initiating a General Plan Amendment to Incorporate the Clarification into the General Plan

Mr. Casey stated that on June 23, 2003, the City Council and Planning Commission held a joint workshop to discuss planning related matters, including the application of hillside standards to new developments in the southern hills. After much discussion, the Council deferred the matter until August and requested that staff bring back a recommended definition of hillside development to the Council.

Mr. Casey reported that there was no impact to the General Fund to cover the cost of processing the General Plan Amendment. He recommended the adoption of a resolution to clarify the application of the hillside/ridgeline protection policies to all lands in the southern foothills above 500 foot contour elevation, irrespective of General Plan or zoning designations and initiating a General Plan Amendment to incorporate this clarification into Chapter 4, Urban Design Element of the General Plan.

ROGER RILEY, Pittsburg, commented that he had previously expressed some concern and interest on the item. He sought an explanation of the City's hillside protection policies and questioned what properties were involved. He was advised that the properties involved were only those situated within the City Limits. As such, he currently had no concerns with that situation. He was further advised that any properties brought into the City would be subject to the City's ordinances.

WILLIE MIMS, Pittsburg, representing the BPA, noted that at the last Council meeting there had been some confusion on the definition of hillside and a clarification had been sought from staff. He verified with the Mayor that the intent of the resolution was to define a hillside. He stated that according to the Webster's Dictionary, a hillside was a part of a hill between the top and the foot, while a ridgeline was a line marking off or following a ridge top. He suggested that the details being proposed would lead to confusion and he urged the use of the definitions offered by Webster's.

As a courtesy to Councilmember Kee who could not be present at the meeting and for whom the issue was important, Councilmember Parent requested that Resolution 03-9880 and Resolution 03-9879 regarding the budget for the revamping of the General Plan, be continued to a meeting when Councilmember Kee could be present. She did not want to move forward on the budgetary item since it would be best to advise the consultant what needed to be done all in one package.

Vice Mayor Rios also supported a postponement to ensure that all Councilmembers were present to vote on the item. She stated that the issue had been discussed at the joint

meeting with the Planning Commission when clarifications had been requested, which she stated had not been offered. She suggested that the hillside resolution should be referred back to the Planning Commission for discussion and later referral to the City Council. She requested that staff include the documents that the Council had requested as part of that process. She emphasized the need to have full disclosure on the discussion.

Councilmember Glynn concurred that since Council action was required the item was out of order since the Council had advised the Planning Commission at the joint meeting that some sort of proposal to resolve the matter would be sought. Given the request to table the item pending the availability of a full Council, he suggested that would allow an opportunity for the Planning Commission to review the matter. Speaking to the content of the information, Councilmember Glynn referred to the staff report dated August 4, 2003 and the statement that the consultant had generally assigned the Open Space designation to all land which had slopes over 30 percent and or land visible from one or more studied vantage points along Highway 4. Further that major and minor ridgelines identified in those areas under the viewshed analysis had specifically been removed from protection and the grading limits in the General Plan hillside policies had been increased from a maximum contour of 800 to 900 feet.

Councilmember Glynn stated that both he and Councilmember Kee had been involved in that situation at the Planning Commission level. He was disturbed with the statement that "Most, but not all of these areas, are identified in General Plan Figure 4-1 (Viewshed Analysis) as being above the 500-foot elevation contour." Councilmember Glynn suggested that those specific physical items should have been identified on the map. He questioned why all of those areas had not been identified as being in excess of 500 feet and suggested that action should have been taken to identify those areas.

Since the previous Council had changed the maximum contour from 800 to 900 feet, Councilmember Glynn added that his major concern in that case was that the City was in the process of dealing with numerous organizations related to the Buchanan Road Bypass, the extension of West Leland Road from the Pittsburg-Bay Point BART Station to San Marco Boulevard, and ultimately from the end of the Bypass that would cross Kirker Pass Road, through Montreaux and extend to Bailey Road, most areas of which were outside the Urban Limit Line (ULL). Councilmember Glynn was particularly concerned with the policy and urged caution prior to adopting anything that could impact the intent to move the West Leland Road extension from its current location to San Marco Boulevard.

Councilmember Glynn emphasized the need to solicit comment from the Planning Commission and have staff evaluate those circulation issues. He referred to another area in the document and questioned what was by definition excess grading. He also referred to a statement where development was to respect existing terrain. He stated that if establishing rules for hillside regulations, vague words could not be used. He emphasized the need for specificity in that case. Not criticizing the staff effort, Councilmember Glynn emphasized that the item was vague by definition and did not include the needed clarity. He suggested that the Planning Commission could provide input to further the desire for specificity.

Mayor Beals concurred with the concerns but took this opportunity to thank staff for what she described as a first attempt. She stated that the report did not meet the request of the City Council in that something more specific had been requested.

Mayor Beals supported the request to continue the item to a later date, and as promised in the workshop with the Planning Commission, that Commission input be sought prior to Council consideration. She suggested that the item could return for the first or second meeting in September.

Director of Building and Planning Randy Jerome commented that the Planning Commission could consider the item at its second meeting in August.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to table Resolution 03-9880 to September 15, 2003 with the Planning Commission to consider the item during the interim.

Mayor Beals CONVENED JOINTLY the CITY COUNCIL and the REDEVELOPMENT AGENCY to consider the following that had been continued from the Redevelopment Agency agenda.

4. **RESOLUTION 03-9879** Adoption of a Resolution Authorizing the City Manager
Combined w/RDA 03-906 to Amend the 1997 Consultant Agreement with the Firm
of Dyett & Bhatia to Incorporate Council-Approved and
Staff Recommended Changes into the General Plan
Document

Mr. Casey advised that the Council-approved changes to the General Plan and Land Use Diagram adopted on November 16, 2001 had yet to be incorporated into the actual plan documents.

The firm of Dyett & Bhatia, which was under contract to prepare the General Plan on a time and material basis had submitted a bid of \$30,330 to incorporate Council-approved changes into the plan in addition to numerous mapping, technical, and formatting modifications which staff had determined should also be made in order to create a user-friendly document. Mr. Casey presented the fiscal impact and advised that the bid plus a recommended 10 percent contingency reserve equated to \$33,363. Staff had recommended that the funds be appropriated from the Redevelopment Agency and the City General Fund at a 75 to 25 percent ratio, respectively. The City's pro-rata share equated to \$8,340.75 while the Agency's pro-rata share would be \$25,022.25.

Mr. Casey recommended the appropriation of \$25,022.25 from the Agency to incorporate Council approved and staff recommended mapping, technical, and formatting modifications identified in Tasks 1, 2 and 3 in Attachment 3 to the staff report dated August 4, 2003, for an amount not to exceed \$33,363 split between the Agency and the General Fund Reserve at a 75:25 ratio, respectively. It was further recommended that the Council

adopt a resolution authorizing the City Manager to amend the 1997 Consultant Agreement with Dyett & Bhatia to incorporate Council approved modifications to the General Plan.

Councilmember Parent requested that the item be returned when the substantive materials were available to allow a complete package for consideration. She recommended that the item be continued to the September 15, 2003 meeting consistent with the discussion of Resolution 03-9880.

WILLIE MIMS, Pittsburg, representing the BPA, noted one of his concerns was the more than 50 changes that were being made to the General Plan. He was somewhat concerned with the changes being made to conform to the map. He questioned whether there was a map already in existence or whether the changes were designed to create a map.

Mr. Jerome advised that there was a map. The map that had been adopted by the City Council in November 2001 needed to be codified into an official revised General Plan map. The map and all supporting policies needed to be modified to be internally consistent. He noted that policy changes affected maps and vice versa.

Mr. Mims verified that the changes were being made to conform with the map, although he was advised that there were also other policy changes. He clarified that the cost of the different tasks including clean-up, minor technical changes for formatting and ease of use would be returned to the Planning Commission and the City Council when those changes had been made.

Mr. Jerome verified that the \$30,000 cost were the consultant charges to perform the various tasks identified in the staff report. Staff time included a staff planner, a third of whose time was being spent on the General Plan.

Councilmember Glynn noted that the map did not accurately reflect the land mass of the actual conditions in minor ways and the map might have to be changed to conform to the actual conditions on the site, such as to identify the areas above 500 foot contours. He wanted the accuracy of the map to be verified.

Mayor Beals requested that the item return in October 2003 following the discussion of the Hillside/Ridgeline Protection Policies related to Resolution 03-9880 that had been continued to the Council's September 15, 2003 meeting to ensure clear definitions and precise information to the consultant.

Vice Mayor Rios also requested that staff evaluate the consultant costs involved given her understanding that the Hillside Element in the General Plan had been eliminated. She did not want to see additional charges for something that the Consultant should have included in the General Plan.

On motion by Member Parent, seconded by Member Glynn and carried unanimously to table Redevelopment Agency Resolution 03-906 to the first meeting after the adoption of

City Council Resolution 03-9880.

On motion by Councilmember Parent, seconded by Councilmember Glynn and carried unanimously to table City Council Resolution 03-9879 to the first meeting after the adoption of City Council Resolution 03-9880.

PUBLIC HEARING

1. **RESOLUTION 03-9881** Confirming the Engineer's Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2003-04)

Mr. Casey reported that the Landscaping & Lighting District 1988-01, Citywide had been in existence since 1988 and the funds collected were necessary for the City to maintain the public desired level of lighting and landscaping throughout the City. Each year, prior to ordering the improvements and levying the assessments, the City Council would hold a public hearing.

Mr. Casey presented the fiscal impact and reported that for Fiscal Year 2003-2004, the District was estimated to collect \$2,001,231 in assessments and the District budget was \$3,151,091. A transfer of \$1,149,860 would need to be made from the General Fund to cover the expenditures that exceeded the assessments collected for the Citywide maintenance district.

Mr. Casey recommended the adoption of the resolution conforming the diagram and assessments and levying the annual assessment for Landscaping & Lighting Assessment District 1988-01, Citywide, for Fiscal Year 2003-2004.

Mayor Beals opened the public hearing for Resolution 03-9881.

WILLIE MIMS, Pittsburg, representing the BPA, expressed his continued concern that the School Street and Carpino areas had not been included in the District for a park, which created a community that was a victim of taxation without representation. He was also concerned with the La Plazita Park at 990 Railroad Avenue. He noted that park was to be a public park although a sign had been installed in that area identifying it as a private park and warning of potential arrest for trespassing. If the La Plazita Park was not a City park, he emphasized that the citizenry should not be paying any assessments for that park since the citizens could not use it. He also noted that the curb was blocked off.

Mr. Sbranti advised that the property in question had been leased to the City and whether or not the sign had been placed illegally would be verified and the sign removed, if required.

Mayor Beals urged Mr. Mims to discuss any of his other concerns with Mr. Sbranti and Public Works Director Fuller. She also requested that staff verify that there were no

similar problems with the other City parks.

BRUCE OHLSON, Pittsburg, noted that he had attended a City Traffic and Circulation Advisory Committee meeting eighteen months ago when a member of the public had complained that a street light was out in front of his house. The complainant had been told to identify the number of the pole so that the City could rectify that problem in a neighbor notification process consistent with City policy. Noting that most street lights were not metered and the charge was based on the known burn time and the known wattage of the light, he therefore suggested that PG&E would make money whenever a street light was out in the City.

ROGER RILEY, Pittsburg, had submitted a speaker card but was not available to speak at this time.

Mayor Beals closed the Public Hearing.

On motion by Mayor Beals, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9881.

2. **RESOLUTION 03-9882** Confirming the Engineer's Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2003-2004)

Mr. Casey advised that the Landscaping & Lighting District 1988-02, Oakhills had been in existence since 1988 and the funds collected were necessary for the City to maintain the public desired level of lighting and landscaping in the Oakhills area. Each year, prior to ordering the improvements and levying the assessments, the City Council would hold a public hearing.

Mr. Casey advised that for Fiscal Year 2003-2004 the District was estimated to collect \$33,882 in assessments, with a budget of \$33,882. There would therefore be no fiscal impact on the General Fund with the approval of Landscaping & Lighting Assessment District 1988-02. He recommended the adoption of the resolution which confirms the diagram and assessments and levies the annual assessment for Landscaping & Lighting Assessment District 1988-02, Oakhills for Fiscal Year 2003-2004.

Mayor Beals opened the public hearing for Resolution 03-9882. There was no one to speak for or against the item. Mayor Beals closed the public hearing for Resolution 03-9882.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9882.

Mayor Beals advised that the Budget Workshop would commence on August 11 at 5:00 P.M.

ADJOURNMENT

The meeting of the City Council adjourned at 8:58 P.M. to the Special Budget Workshop on August 11, 2003 at 5:00 P.M. followed by another Special Budget Workshop scheduled for August 13, 2003 at 5:00 P.M. and thereafter to the regular City Council meeting scheduled for August 18, 2003

Respectfully submitted,

Lillian J. Pride, City Clerk

als