

CITY OF PITTSBURG
Housing Authority Minutes
April 21, 2003

Chair Yvonne Beals called the meeting of the Housing Authority to order at 7:05 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

MEMBERS ABSENT: Leatherwood

STAFF PRESENT: Executive Director, Willis Casey
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
City Engineer, Joe Sbranti
Executive Assistant to the City Manager, Alice Evenson

Mayor Beals noted the somber events of the last few weeks and advised that after the Pledge of Allegiance, there would be a Moment of Silence for Ora Canciamilla. At the end of the meeting, there would also be a moment of silence for Inspector Ray Giacomelli.

PLEDGE OF ALLEGIANCE

Mr. James Como led the Pledge of Allegiance, after which there was a Moment of Silence in memory of ***Ora Canciamilla***.

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

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

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

Approved Disbursement List period ending March 31, 2003.

- b. **MINUTES** Dated: March 17, 2003

Approved Minutes dated March 17, 2003.

CONSIDERATION

1. **RESOLUTION 03-209** Adopt a Resolution to Increase the City of Pittsburg Housing Authority Budget by Approximately \$2.5 Million for Fiscal Year 2002-2003

Executive Director Willis Casey reported that on April 5, 2002, the U.S. Department of Housing and Urban Development (HUD) granted the City of Pittsburg Housing Authority \$9,017,400 to house 812 low income families for FY 02-03. On February 14, 2003, HUD approved an increase to the funding to a total of \$11,478,777 to house an additional 136 families for FY 02-03.

Mr. Casey advised that the Housing Authority budget for FY 02-03 had been approved for \$9,076,085. The additional funding from HUD in the amount of \$2,459,127 would increase the budget to a total of \$11,462,167 and increase revenue from HUD to a total of \$11,478,777. He recommended that the Housing Authority adopt a resolution increasing the City of Pittsburg Housing Authority budget for FY 02-03 in the amount of \$2,459,127 due to additional funding made available by the US Department of Housing and Urban Development.

On motion by Member Parent, seconded by Vice Chair Rios and carried unanimously to adopt Resolution 03-209.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:07 P.M. *in Memory of Ora Canciamilla and Inspector Ray Giacomelli* to the next meeting set for May 19, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Redevelopment Agency Minutes
April 21, 2003

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:08 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
City Engineer, Joe Sbranti
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizen remarks.

MEMBERS REMARKS

There were no Member remarks.

CONSIDERATION

1. **RESOLUTION 03-874** Declaring the Official Intent of the Agency to Reimburse Certain Capital Expenditures from Proceeds of Indebtedness

Director of the Redevelopment Agency Garrett Evans advised that the Redevelopment Agency of the City of Pittsburg ("Agency"), by Resolution No. 03-861, authorized a Loan Agreement between the Agency and the Mt. Diablo Unified School District (the "District"), stating that the Agency will provide financial assistance to the District for the purpose of constructing a school (the "Project"). The resolution would allow the Agency to use proceeds from indebtedness to pay for the construction costs.

Mr. Evans explained that as part of the loan process, Fund 78-2080-1446 (MDUSD [Mt. Diablo Unified School District] School Loan/San Marco Development) was created. The resolution would authorize the Agency to utilize proceeds from indebtedness for the Project instead of tax increment revenues. He recommended the approval of the resolution and declaring the Agency's official intent to use proceeds of indebtedness to reimburse itself for expenditures for the Project.

In response to Member Glynn, Mr. Evans explained that the original loan was made through tax increment funds that were available. Because of the disbursement date, which was within 60 days, the intent could be declared to use bond proceeds instead of the tax increment funds. The payback that would commence in 2005 had been negotiated between the City Attorney and the MDUSD for terms of the loan agreement to ensure that sufficient proceeds from the developer fees had accumulated to pay off the loan. The payback was based on the houses to be constructed in the San Marco subdivision, estimated at 50 to 100 units each year. The payback period was identified as 20 years.

On motion by Member Glynn, seconded by Member Parent and carried unanimously to adopt Resolution 03-874.

Mayor Beals CONVENED JOINTLY the REDEVELOPMENT AGENCY, the PUBLIC FINANCING AUTHORITY and the CITY COUNCIL at this time to consider the following:

2. **RESOLUTION 03-875** Adopt Resolutions Approving the Issuance and Sale
Combined w/RDA 03-876 of Redevelopment Agency of the City of Pittsburg, Los
Combined w/PFA 03-015 Medanos Community Development Project Tax
Combined w/CC 03-9797 Allocation Bonds Series 2003A

3. **RESOLUTION 03-876** Adopt Resolutions Approving the Issuance and Sale of
Redevelopment Agency of the City of Pittsburg, Los
Medanos Community Development Project Tax
Allocation Bonds Series 2003A

Finance Director Marie Simons reported the intent of the Redevelopment Agency of the City of Pittsburg to pursue the issuance of tax allocation bonds through the City of Pittsburg Public Financing Authority for the purpose of financing new capital as well as economic projects within the Los Medanos Community Development project area and to refinance the Agency's Tax Allocation Bonds, Series 1993A.

Ms. Simons explained that in February the Agency had assembled a Financing Team to purposely review the Agency's current cash flow as well as its ability to issue debt. Over the past two and a half months, staff and the Financing Team had reviewed those issues and had made a report to the Agency and the Financing Subcommittee when a detailed overview of all of the findings had been offered.

Ms. Simons stated that the resolutions presented would approve a total of \$80 million in tax allocation bonds, which would include not to exceed \$55 million of new money. With

the removal of cost of issuance and the debt reserve funds, that would leave the Agency a total of \$39 million to finance the capital projects approved by the City Council in February for a total of \$18 million, as well as the financing of the economic development priorities previously presented to the Council and the public in a workshop setting.

Ms. Simons reported that the Agency was fortunate because of its past growth and assessed valuation, as well as tax increment, to be in a position to issue bonds at all. Given the State budget crises, most agencies throughout the State were not issuing bonds and were waiting until the impacts of the State's budget were known. The Financing Team had recommended a conservative amount at this time, to then reconsider in the fall after the State impacts had been identified, to potentially issue another bond of equal sizing and to utilize the same Financing Team at that time.

Stating that staff had been directed to consider all outstanding bond indebtedness budget financings to determine whether there was any potential for refinancings, Ms. Simons noted that interest rates had dropped to historical low levels at which time one Redevelopment Bond Issue had been targeted for potential refinance. Since rates had risen since that time, the refinance had not been pursued. She sought the authority to allow staff and the Financing Team to pursue that refinance when rates were low once again.

Ms. Simons further explained that the Redevelopment Agency resolution would approve the actual bond issue as well as all of the bond documents, the City Council resolution would allow the Agency the authority to issue the bonds, and the Public Financing Authority resolution would give the authority to the Agency to sell the bonds to the Authority with the resale of the bonds to the underwriter. All resolutions had been prepared by Bond Counsel and met all legal requirements to conclude the bond transaction.

JOHN KNOX, Orrick, Herrington and Sutcliffe, was present to respond to questions. When asked when the bonds would be ready to sell, he stated that would take approximately two weeks. He noted that the Agency had been in the market many times and the Agency was familiar to all of the entities involved.

Councilmember Kee verified that the action requested would be the final approval to sell the bonds within the parameters established by the resolutions.

Councilmember Glynn wanted to make certain that sufficient documentation and authority was available to allow staff the ability to act on refinancing other bonds should it become advantageous to do so.

Mr. Knox affirmed that the Financing Team had the authority and was ready to respond to the market.

TOM LaFLEUR, Pacific Community Services, Inc. (PCSI), Pittsburg identified projects that PCSI had been advocating, including the restoration of the California Theater as a non-

profit run community performing arts center, and the acquisition and permanent establishment for the visual arts of the Impulse Gallery. He acknowledged that neither project was being considered in the first round of funding.

Mr. LaFleur emphasized the City's 42-year effort since its inception 100 years ago to revitalize itself. He characterized the current bond process as timid and urged the City to proceed more aggressively for revitalization. He suggested that the \$26.5 million tax increment to be realized by the City this year could potentially fund in excess of a \$120 million bond issue with refinancings. He suggested that the City faced the danger of leaving \$10 to \$15 million in funds unencumbered and vulnerable to State taking. He urged an increase to the bond issue of \$10 to \$15 million and suggested that in a worst case scenario there would still be tax increment available. He suggested that a timid approach would produce a timid result.

In terms of the California Theater, Mr. LaFleur presented photos of the inside of the theater to show the jewel that it was. He explained that the theater had been designed by a master architect, belonged in the National Register and was a great asset to the community. After 33 years of ownership by the City he suggested that it at least deserved to be stabilized so that it would not be lost in an earthquake.

FRANK GORDON, Pittsburg, also spoke to the concept of a cultural arts center in the downtown area and stated that Redevelopment monies had originally been designed to bring a return on an investment. With a cultural theme in the downtown with the California Theater as a masthead, he suggested that there could be an increase in property values in the downtown of ten percent, which ten percent would bring an increment of \$250,000 annually to the Redevelopment Agency. He strongly supported an increase in the initial bond amount to restore the California Theater and to create the cultural arts center that had been discussed for so many years.

RHONDA WILSON-RICE, Pittsburg, as the current President of the PEHDC/PCSI, also advocated for a restored California Theater and the creation of a cultural center in the downtown. As a resident of the City involved in other community activities, such as the work done by PACO in terms of art and bringing people into the downtown area, she suggested that the California Theater would have the opportunity to do more of the same. She noted that the California Theater was beautiful on the outside as well as on the inside and it would be a tragedy to allow it to further deteriorate. Ms. Wilson-Rice also urged the consideration of the California Theater as a cultural project that would place Pittsburg in a good light and provide good community recognition.

ALEX DREYER, Pittsburg, concurred that the California Theater should be added to the City's agenda for revitalization and that something would have to be done to keep it from deteriorating beyond repair.

BEN JOHNSON, Pittsburg, agreed with the bond issue and the need to increase that issue and to take a more aggressive stance and avoid any State taking. He noted that the California Theater revitalization had been commenced with a partial repair of the roof of the

building. He suggested that a revitalized California Theater could be a significant attraction in the City, particularly given the number of people who could be exposed to the building through the Seafood Festival.

Vice Mayor Rios shared the concerns and commented that the City would like to bond as much as possible, although she emphasized that the funds had to be used during a specified period of time. She stated that the Subcommittee had considered those issues. She added she was comfortable with the recommendation from the Financing Team.

Councilmember Kee noted the two issues that had been raised; the size of the bond and how the money was to be used. He stated that the use of the funds could still be discussed and modified. With respect to the size of the bond, he suggested that the State could still take the position that if the funds were not in redevelopment they would have to come out of the General Fund. He supported a prudent approach. He commented that more bonds could always be issued once the State's actions had been clarified. Acknowledging the value and charm of the California Theater, he otherwise supported the recommendations from the Financing Committee.

Councilmember Glynn suggested that the California Theater would add a great deal to the downtown ambiance and do much to improve the City's cultural arts program. He suggested that could still be done within the current size of the bond issue, to at least potentially stabilize the building from earthquakes and avoid further deterioration.

On motion by Vice Chair Rios, seconded by Member Glynn and carried unanimously to adopt Redevelopment Agency Resolution 03-875.

On motion by Vice Chair Rios, seconded by Member Parent and carried unanimously to adopt Redevelopment Agency Resolution 03-876.

On motion by Member Parent, seconded by Vice Chair Rios and carried unanimously to adopt Public Financing Authority Resolution 03-015.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt City Council Resolution 03-9797.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:36 P.M. ***in Memory of Ora Canciamilla and Inspector Ray Giacomelli*** to the next meeting set for May 5, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Public Financing Authority Minutes
April 21, 2003

Chair Yvonne Beals called the meeting of the Public Financing Authority to order at 7:37 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
City Engineer, Joe Sbranti
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

Chair Beals advised that although she and Vice Chair Rios were the only current members of the Public Financing Authority present at the last meeting on November 18, 2002, Legal Counsel had opined that a vote could be taken by all under the Rule of Necessity.

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

a. **MINUTES** Dated: November 18, 2002

Approved Minutes dated November 18, 2002.

CONSIDERATION

1. **RESOLUTION 03-015** Adopt Resolutions Approving the Issuance and Sale of Redevelopment Agency of the City of Pittsburg, Los Medanos Community Development Project Tax Allocation Bonds Series 2003A

The Redevelopment Agency of the City of Pittsburg intends to pursue the issuance of tax allocation bonds through the City of Pittsburg Public Financing Authority for the purpose of financing new projects within the Los Medanos Community Development project area and to refinance the Agency's Tax Allocation Bonds, Series 1993A.

Action was taken to adopt Resolution 03-015 in Joint Session with the Redevelopment Agency, the City Council and the Public Financing Authority, as follows:

On motion by Member Parent, seconded by Vice Chair Rios and carried unanimously to adopt Public Financing Agency Resolution 03-015.

ADJOURNMENT

The meeting of the Public Financing Authority adjourned at 7:38 P.M. ***in Memory of Ora Canciamilla and Inspector Ray Giacomelli*** to the next meeting set for May 5, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
April 21, 2003

Mayor Yvonne Beals called the meeting of the City Council to order at 7:39 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Willis Casey
Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
City Engineer, Joe Sbranti
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

LARRY FOURNIER, Rodeo, the Property Manager of the Kirker Creek Apartments, presented a site plan of the area and spoke to the runoff of silt and mud from the Thomas property on the south side of the Kirker Creek Apartments. He noted that where the City had a large water tank at the top of the hill, a gash had been created in the hillside as a result of an overflow of water some years ago. When it rained, mud was washed onto the Apartment property. While the City had always rectified that situation, he stated that in the last six and a half years two serious floods had impacted the Apartment property.

Mr. Fournier also referred to two road overcrossings over Kirker Creek, which traveled through the property. He presented photos to identify the situation and explained that the culverts had been fifty percent filled with mud and silt. He was concerned with the flooding that would occur when the culverts were totally clogged. He requested that the situation be addressed and that the Kirker Creek Apartments be reimbursed for the clean out and replacement of two stopped up storm drains that was necessary to prevent further damage to the Kirker Creek property.

Mayor Beals directed the City Manager and staff to work with Mr. Fournier to address the reported concerns.

BEN JOHNSON, Pittsburg, spoke to a number of water main ruptures on Suzanne Drive that he suggested totaled nineteen breaks over the last two years. He explained that the street was in serious disrepair with half patched potholes. He urged the City to address that situation.

Mr. Johnson also referred to the City's website and urged that the agendas and meeting minutes be placed on the website in a timely manner prior to each meeting.

Mayor Beals referred those issues to the City Manager.

COUNCIL REPORTS

Councilmember Kee advised that last week he had the opportunity to attend the Kiwanis Club Pancake Breakfast and the Easter Egg Hunt, which had been well attended. Acknowledging the difficult week, he took this opportunity to thank the members of the public who had called him to offer condolences on the loss of Ora Canciamilla and Inspector Ray Giacomelli.

Councilmember Parent stated that in addition to the Kiwanis function and the City's Egg Hunt, she had attended the annual commemoration of Bataan Day on April 19 sponsored by the Fil-Am Club of Pittsburg. She noted that the event took on even more importance during this time of war. She emphasized the need to recognize each of the services that protected the City, including the domestic service. She thanked all those who served.

Councilmember Glynn commented that he had attended the referenced events, including the Fil-Am celebration of the 61st Anniversary of the Bataan Death March. He too thanked the public for its support of Ora Canciamilla and Inspector Giacomelli, along with the support of the military organizations, present and past, and to the citizens of Pittsburg for his/her pride for those who served in the military.

Vice Mayor Rios thanked all those in the community for taking part in the services this date for Inspector Ray Giacomelli. She thanked the City Manager and every Department Head for attending those services and for allowing the employees to take time off to pay his/her respects. She also took this opportunity to thank the American Legion for participating in those services.

Mayor Beals noted that she had also attended the Bataan celebration by the Fil-Am Association, which had been a moving experience for her given that ten or eleven survivors of the Bataan Death March had been present at that time.

Mayor Beals also thanked the City for making the opportunity available for employees to have a Centennial Dinner, which she noted had been nicely done. She sought more participation at such events in the future.

Mayor Beals also commented that the events of the last week had been devastating

to the community in the loss of two dynamic individuals who had provided service to the community; Ora Canciamilla through the Soroptimists and the Food Pantry, and Pittsburg Police Inspector Ray Giacomelli. She thanked the citizens of other cities who had called, e-mailed and otherwise offered their support. She also acknowledged the many police officers throughout the State who had attended Inspector Giacomelli's services this date.

Mayor Beals reminded everyone that the City was in the midst of celebrating its first 100 years and that every month festivities had been scheduled to honor that Centennial. For May, she reminded residents of Cinco de Mayo and Memorial Day celebrations. Also upcoming in May, the State of the City Address, the Malcolm X Film Festival, Art and Jazz on the Green, the Rotary Club Centennial Golf Tournament, and the NAACP Banquet to be hosted in Concord. Mayor Beals took this opportunity to identify another way of celebrating the City's Centennial by unveiling a Centennial Poster that had been created by Francis Palermo. She reported that 100 posters had been produced that would be available to the public for \$35 each. She added that she would present the poster to Pittsburg's Sister City of Shimoneseki, Japan when she visits that City on April 29. The poster represented family, industry, Los Medanos, New York of the Pacific, Camp Stoneman, Black Diamond Mines, New York Landing, the fishing industry, and the City's three Sister Cities.

Mayor Beals thanked Paul Flores from the Recreation Department for his continued hard work on the City's Centennial Celebration.

CITY MANAGER REPORT

On behalf of all City employees, particularly the Police Department, City Manager Willis Casey thanked the City Council for its support in very difficult times.

PROCLAMATIONS

1. Alcohol Awareness Month

Councilmember Kee read the proclamation for Alcohol Awareness Month and presented it to the representative from New Connections who acknowledged that the proclamation targeted young people who would learn from those who were older and who had experienced recovery. He thanked the City for its continuous and ongoing support.

CONSENT CALENDAR

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

- a. **CLAIMS** #1492, Daniel Brown; #1503 Daniel Lee; #1504 William Sadler; #1509, Russell Washington

Denied Claims #1492, Daniel Brown; #1503 Daniel Lee; #1504 William Sadler; #1509, Russell Washington.

- b. **ORDINANCE 03-1208** Ordinance to Rezone 7.8 Acres from IP and IP-O to a New IP-O District (Security Public Storage Overlay. RZ-02-18) (2nd Reading)

Adopted Ordinance 03-1208.

CONSIDERATION

1. **RESOLUTION 03-9795** Accept the Pittsburg Library Restroom Improvements as Complete by California Construction Services

City Manager Casey reported that the Pittsburg Library Restroom Improvements contract was awarded to California Construction Services on January 6, 2003. All aspects of the plans and specifications had been completed and the contract was ready to be accepted by the City Council.

Mr. Casey stated that the final amount of \$37,787 was under the \$39,900 allocated in the Library Remodel Account for Contractual and Professional Services. He recommended the adoption of the resolution accepting the Pittsburg Library Restroom Improvements as complete by California Construction Services in the amount of \$37,787.

JIM MILLER had submitted a card to speak but declined to do so at this time.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9795.

2. **RESOLUTION 03-9796** Approving the City of Pittsburg's Wastewater Collection System Master Plan

Mr. Casey stated that staff had reviewed the City of Pittsburg Wastewater Collection System Master Plan prepared by Montgomery Watson Harza that evaluated the current condition and capacity of the City's wastewater (sewer) collection system and recommends necessary improvements to address the system's identified deficiencies as well as future needs for development. Findings and recommendations for the City's sewer system had been summarized in the Master Plan Executive Summary, attached to the staff report dated April 21, 2003.

Mayor Beals reported that the item had been pulled from consideration to a date yet to be determined.

3. **RESOLUTION 03-9797** Adopt Resolutions Approving the Issuance and Sale of Redevelopment Agency of the City of Pittsburg, Los Medanos Community Development Project Tax Allocation Bonds Series 2003A

The Redevelopment Agency of the City of Pittsburg intends to pursue the issuance of

tax allocation bonds through the City of Pittsburg Public Financing Authority for the purpose of financing new projects within the Los Medanos Community Development project area and to refinance the Agency's Tax Allocation Bonds, Series 1993A.

Action was taken to adopt Resolution 03-9797 in Joint Session with the Redevelopment Agency, the City Council and the Public Financing Authority, as follows:

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9797.

4. **RESOLUTION 03-9798** Approval to Change the Authorized Signatures on File with the Bank of the West

Mr. Casey advised that Bank of the West was currently the designated bank for the City of Pittsburg. With the appointment of Marie Simons as Director of Finance it was necessary to request the submittal of new Business/Non-personal Signature Cards and Bank of the West Resolution for Facsimile Signatures for purposes of transacting routine bank business for the City of Pittsburg.

Mr. Casey stated that there was no fiscal impact in that the action was for administrative purposes only.

Mr. Casey recommended that the Council designate the City Manager, Assistant City Manager, Director of Finance and Finance Division Manager as the positions authorized to sign on behalf of the City of Pittsburg in order to transact routine bank business with the Bank of the West.

In response to Councilmember Parent as to why the City Treasurer had not been included as one of the authorized signatures, Finance Director Marie Simons stated that the City Treasurer was an elected position responsible for providing management oversight and auditing the transactions of City staff consistent with the Pittsburg Municipal Code. It was the responsibility of the City's Finance Director to execute the transactions. She added that the City Treasurer had reviewed the report and was in agreement with it.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9798.

5. **RESOLUTION 03-9799** Authorize the City Manager to Renew a Contract with Contra Costa County to Provide Building Inspection Services and Approve Services in the Amount of \$170,000 for Fiscal Year 2002-2003

Mr. Casey advised that increased activity in the Building Division of the Planning and Building Department for special code enforcement and additional inspection services related to the CIP Senior Center construction project required that contract building inspectors from the County be hired for the current fiscal year.

Mr. Casey reported that the fiscal impact of \$170,000 had been included within the Building Division budget and the Senior Center CIP construction project budget to provide funding for the contract building inspection services. There would be no additional impact to the General Fund. He recommended the adoption of the resolution to renew a contract with Contra Costa County to provide building inspection services and approve expenditures in the amount of \$170,000 for Fiscal Year 2002-2003.

In response to Councilmember Glynn as to whether or not any of the funds could be reimbursed, City Engineer Joe Sbranti stated that when the Senior Center budget had been approved, an allotment of \$65,000 had been set aside for additional inspection. That amount would be a component of the referenced \$170,000.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9799.

6. **RESOLUTION 03-9800** Approving a Request to Submit 2003/2004 Safe Routes to School Grant Application on Behalf of the City of Pittsburg to Provide Traffic Circulation Improvements at Parkside Elementary School

Mr. Casey stated that the California Department of Transportation "Safe Routes to School (SR2S)" program provides funds for construction of bicycle and pedestrian safety and traffic calming projects. The grant was ideal for Parkside Elementary School, which had been targeted by traffic engineers and concerned school officials for safety improvements. The grant would fund the construction of needed sidewalks, a handicap ramp, improved pick-up/drop-off areas, separation of pedestrian and bicycles from vehicular traffic, traffic signs, stripes and pavement markings.

Mr. Casey reported that the total cost was estimated at \$61,100 and Caltrans would provide a 90 percent reimbursement of project costs estimated to be \$55,000. Local matching funds of 10 percent would be required by the City, and Measure C funds could be used for the required local matching.

Mr. Casey recommended the approval of the Safe Routes to School Program request in the amount of \$55,000 for Parkside Elementary School Traffic Circulation improvements, and upon grant approval to authorize the total appropriation and expenditure of \$61,100 to fund the project.

BRUCE OHLSON, Pittsburg, on the Board of Directors of the East Bay Bicycle Coalition, urged the adoption of the resolution.

Vice Mayor Rios recommended that staff aggressively pursue Measure C funds.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9800.

7. **RESOLUTION 03-9801** Subdivision 8653, Park Place, Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement

Mr. Casey advised that the Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8653, Park Place, were ready for acceptance.

Mr. Casey explained that when the public improvements were accepted, there would be increased maintenance service costs that would be partially offset by the typical revenues collected from private residences. He recommended the adoption of the resolution approving the Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8653, Park Place and the Mitigated Negative Declaration for that project.

Councilmember Kee referred to Condition No. 20 of Planning Commission Resolution 9347 related to transportation mitigation fees where the fees were as established at the time the applicant applied for the permit, although the last paragraph indicated that such increases would not exceed one percent of the fee currently in effect. Councilmember Kee suggested that those two statements contradicted each other.

When asked, City Attorney Daube advised that she had not previously evaluated the situation and would have to review the item.

Mayor Beals recommended that the item be continued to the May 5 meeting to allow City Attorney review.

SALVATORE EVOLA, Discovery Builders, stated when asked that the project was in the middle of construction. He noted his belief that the resolution had already been approved by the Planning Commission and that the fees were subject to cost of living increases and were payable at the time of building permit issuance. He expressed a desire to work with staff to address the issue, stated that they were a long ways out from pulling building permits, and expressed a willingness to pay the raised fees, if applicable, at the time of building permit issuance. He explained that the item related to Final Map and Improvement Plans and that improvements could be commenced within the week weather permitting.

Vice Mayor Rios noted that the Planning Commission had approved the item and the applicant was willing to pay the additional fee at the analysis of Council. She did not see a need to continue the item.

Councilmember Parent suggested that there was an internal inconsistency in one part of the resolution that would require a continuance to avoid problems in the future.

City Attorney Daube stated that she would respond to the request by the next meeting.

Vice Mayor Rios encouraged staff to evaluate Planning Commission conditions prior to submitting items to the City Council for approval to avoid similar delays in the future.

Resolution 03-9801 was continued to the May 5, 2003 meeting.

8. **RESOLUTION 03-9802** Approval of Mox Software and Hardware Lease for
Pittsburg Delta View Golf Course

Mr. Casey advised that the Mox Software and Hardware Lease Agreement, financed through Bank of the West, would enable the Pittsburg Delta View Golf Course to be run in a professional business manner, increasing revenues and improving customer service and effectiveness of operations. There would be a reduction of the Lease Payments Account in the amount of \$3,322.98 from the Delta View Golf Course - Pro Shop for the Fiscal Year 2002-2003 Budget for the remaining months of May and June. The annual cost that would be reflected in the upcoming 2003-2004 Fiscal Year's Budget would be \$19,937.88.

Mr. Casey recommended the approval of the Mox Software and Hardware three-year Lease Agreement.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9802.

9. **RESOLUTION 03-9803** Military Tank Memorial Request

Mr. Casey presented the request by the United Veterans Council requesting that the City of Pittsburg serve as a lead municipality and governmental agency relative to becoming a recipient of a decommissioned military tank. The M60 tank would be placed within the City's Veteran Memorial Park and would serve as a memorial to Pittsburg's history and the veterans who passed through Camp Stoneman's gates.

Mr. Casey explained that the cost factor to relocate the requested tank was estimated to be \$5,000, which would cover tank decommissioning and transport to the City. The United Veterans Council would provide the labor and equipment required to place the tank within the Memorial Site at no cost. The Council requested that the \$5,000 be fronted by the City with a commitment to reimburse the City from the established United Veterans Council Memorial Tank fund of \$5,000 to date. The City of Pittsburg funding would be drawn from unallocated General Fund Reserves.

Mr. Casey recommended that the City serve as the requesting municipality for a decommissioned M60 A3TTS military tank by completing all necessary forms and requirements and request that the United Veterans Council assume all costs related to the development of a tank memorial.

BEN JOHNSON, Pittsburg, Commander of Disabled American Veterans and Treasurer of the United Veterans Council explained that they had worked on the proposal for some time. Since 9/11, he stated that the process had changed for how such tanks

could be acquired. As such, he had asked the City to be the lead municipality in the acquisition of the tank.

Mr. Johnson thanked Recreation Director Paul Flores for his help in the process. He explained that the United Veterans Council had agreed to all requirements including the placement of a wrought iron fence around the tank and the placement of a plaque on the tank to indicate that it had been donated through the City of Pittsburg. He noted that the late Jack Lee had initiated the process and he wanted to follow the project through to completion. Mr. Johnson also committed the United Veterans Council to maintain the memorial, to reimburse the City the \$5,000 cost, and if necessary to apply for a Community Sponsorship Grant to do so.

Councilmember Glynn stated that as the Chairman of the United Veterans Council and Commander of American Legion Post 151, he wholeheartedly supported the resolution.

Mayor Beals noted her understanding from the prior agreement that the transportation, the erection of the fence and the ongoing maintenance would be the responsibility of the United Veterans Council.

Mr. Johnson explained that the fencing, the outside gardening and the landscaping would continue to be the responsibility of the City as it had been in the past. The United Veterans Council would install and maintain that fence. He added that the United Veterans Council had a million-dollar liability policy to address any liability issues related to the tank.

On motion by Councilmember Glynn, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9803.

10. **RESOLUTION 03-9804** Los Medanos College Gospel Concert Request for Community Sponsorship Funds

Mr. Casey reported that the music department of Los Medanos College had requested funds from the Community Sponsorship Program to assist with the presentation of Gospel Celebration 2003. The event had become Los Medanos' largest community based event and the largest musical event in East County. Funding requested from the City would be used to defray concert production costs of \$8,600.

Mr. Casey explained that the fiscal impact to the City General Fund would amount to \$2,000 and the funds were available. He noted that the General Fund included a donation project funding account with a current balance of \$7,904. The Recreation Commission had reviewed the request and by unanimous vote had recommended the funding of \$2,000 from the Community Sponsorship Program.

Mayor Beals was excited to see the Gospel Concert return and she wished the Los Medanos College Gospel Choir much success.

On motion by Mayor Beals, seconded by Vice Mayor Rios and carried unanimously to

adopt Resolution 03-9804.

11. **RESOLUTION 03-9805** Hillview Junior High School Band Boosters Request for Community Sponsorship Funds

Mr. Casey reported that Hillview Junior High School Band Boosters had requested funds from the Community Sponsorship Program to attend and participate in the Annual Reno Jazz Festival scheduled to take place at the University of Nevada in May 2003. The funds requested would be applied towards transportation costs for 26 music students.

As reported with the prior request, Mr. Casey explained that the fiscal impact to the City General Fund would amount to \$2,000 and the funds were available. He noted that the General Fund included a donation project funding account with a current balance of \$7,904. The Recreation Commission had reviewed the request and by unanimous vote had recommended the funding of \$2,000 from the Community Sponsorship Program.

KELLY WALTER, Pittsburg, introduced Calvin Anderson and Drew Walter, both members of the Hillview Jazz Band. She explained that the Band had attended the festival for the last three years when transportation funds had been provided by the Pittsburg Unified School District (PUSD). The PUSD had declined to offer funds this year given that the request was for a non-academic program.

Ms. Walter explained that the group of dedicated and talented young musicians had worked hard to represent his/her school and community at this and other festivals and competitions. She noted that students arrived at school for a 7:30 A.M. rehearsal every day before the start of regular school. The students had to cover lodging costs and festival passes, meals and entertainment expenses. The expense without transportation was approximately \$80 per student. With transportation the cost would be \$200 per student, which was prohibitive for many of the students. She sought the Council's support.

Mayor Beals wished the Hillview Jazz Band the best of luck on its performance. She recognized that children who participated in fine arts programs and extracurricular activities had been proven to perform and excel academically as well. She therefore suggested that the function was academically related.

Councilmember Kee asked that the members be provided with a City pin to better represent the City.

Vice Mayor Rios also congratulated the members of the band and requested that the City be recognized for its support of the young people of the community.

Councilmember Parent noted that she had the opportunity to hear the group perform, and they were excellent. She agreed with the Mayor that anyone going to school so early in the morning should be commended for his/her dedication. She was happy to support the effort.

Mayor Beals urged staff to work with the Jazz Band to consider a performance at the Art and Jazz on the Green event.

On motion by Vice Mayor Rios, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9805.

12. **RESOLUTION 03-9806** Establishment of the Annual Stormwater Utility Area Fee for Fiscal Year 2003-2004

Mr. Casey explained that each April the City Council was requested to establish a specific Stormwater Utility Area fee to be assessed Pittsburg properties to finance activities necessary to comply with the Federal Clean Water Act and the City's National Pollutant Discharge Elimination System (NPDES) permit.

Mr. Casey stated that the rate of \$24 per Equivalent Runoff Unit (ERU) was the same rate charged since 1993. The estimated assessments received for FY 2002/2003 was \$600,000 and the approved spending plan adopted by the Council was \$902,069. Expenditures were projected at only \$600,000 leaving a total carryover reserve balance of \$724,076.

Mr. Casey recommended the adoption of the resolution to establish a Stormwater Utility Area fee rate of \$24 per ERU for FY 2003/2004 and requesting the Contra Costa County Flood Control and Water Conservation District adoption of an annual parcel assessment based on that rate to cover City related costs associated with its NPDES activities.

Councilmember Kee sought the difference between the Council spending plan and the staff plan, to which Ms. Simons advised that the spending plan of \$902,069 included a budget for contractual services for emergency stormwater cleanup and staff did not expect to spend those funds prior to the fiscal year end.

On motion by Mayor Beals, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9806.

13. **RESOLUTION 03-9807** Awarding a Two-Year Stockless Office Supplies Contract to the Lowest Responsive Bidder, Boise Cascade Office Products of Menlo Park, California, to Support Citywide Staff

Mr. Casey stated that City staff had opened sealed bids for a Stockless Office Supplies contract (OFF-0203) on February 11, 2003. The service proposed was a two-year open-end contract for office supplies, utilizing electronic ordering and desktop delivery services for Citywide staff. Items would be ordered on an as needed basis, which would minimize excessive inventory and overstocking of office supplies within City departments. The apparent low bidder was Boise Cascade Office Products of Menlo Park, California. Boise Cascade submitted a bid proposal in the amount of \$29,400 annually.

that the City would lose control in numerous issues, but more importantly the rates that would be passed on to residents and the accountability of the program would be lost to the City as well. She again thanked staff for its input.

Councilmember Glynn requested clarification of whether or not the City intended to expand its services to Bay Point to pick up sewage.

Public Works Director John Fuller stated that the City was providing emergency backup service for weekend and after hours call out. He noted that the Delta Diablo Sanitation District was struggling in that its responsibility for sewer collection was so small it was difficult to do that in a cost-effective manner. One of the solutions would be contract with an outside private contractor or with an adjoining agency, which would be the City of Pittsburg if it chose to do so. He noted that the City of Pittsburg had conducted Bay Point sewer maintenance approximately 15 years ago.

On motion by Mayor Beals, seconded by Councilmember Glynn and carried unanimously to respectfully decline to support a detailed engineering study by the Delta Diablo Sanitation District to consider reconfiguration of operations and maintenance responsibilities for sewer collection systems in Pittsburg.

PUBLIC HEARING

1. **ORDINANCE 03-1209** Introduction of an Ordinance to Establish New Interim Zoning Regulations Providing for the Issuance of Land Use Entitlements Consistent with the General Plan (1st Reading)

Mr. Casey advised that the proposed ordinance would replace Interim Ordinances No. 02-1189 and 02-1191 that expired January 22, 2003. The new ordinance provided for the streamlined orderly processing of development applications consistent with the City's adopted General Plan for one more year, or until the zoning maps were updated consistent with the General Plan, whichever occurred first.

Mr. Casey reported that there were no fiscal impacts associated with the proposed ordinance. He recommended that the City Council introduce, waive further reading and pass to second reading the Ordinance establishing new interim zoning regulations providing for the issuance of streamlined land use entitlements, consistent with the General Plan.

Mayor Beals opened the public hearing for Ordinance 03-1209. There was no one to speak for or against the ordinance. Mayor Beals closed the public hearing.

In response to Councilmember Parent as to the delay since the expiration of the interim ordinances in January, Director of Building and Planning Randy Jerome noted that in order to facilitate continued development, an enabling zoning act consistent with the General Plan would have to be in place.

Mr. Jerome explained that the new ordinance would allow the City's Zoning Map to be revised to be consistent with the General Plan.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to introduce Ordinance 03-1209, waive further reading and pass to the second reading.

2. **RESOLUTION 03-9794** Finding and Determining that the Public Interest, Convenience and Necessity Requires the Acquisition of Certain Property for Public Purposes, in Connection with the Hillview Reservoir Storm Drain Project

The Council's consideration was of a proposed Resolution of Necessity authorizing the commencement of eminent domain proceedings involving William Wayne Thomas, to acquire the easement necessary to achieve certain public purposes in connection with Hillview Reservoir Storm Drain Pipeline Extension. The legal description of the easement had been included in the staff report dated April 21, 2003.

The City Attorney recommended that the item be continued to the next meeting on May 5, 2003.

Mayor Beals opened the public hearing on Resolution 03-9794. There was no one to speak for or against the item.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to continue Resolution 03-9794 to the meeting of May 5, 2003.

ADJOURNMENT

The meeting of the City Council adjourned at 8:55 P.M. *in Memory of Ora Canciamilla and Inspector Ray Giacomelli* to the Joint Workshop with the Planning Commission Regarding the BART Specific Plan at 7:00 P.M. on April 28, 2003, and thereafter to the meeting scheduled for May 5, 2003.

Respectfully submitted,

Lillian J. Pride, City Clerk

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
April 21, 2003

Chair Yvonne Beals called the meeting of the Pittsburg Power Company to order at 8:56 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

MEMBERS ABSENT: None

STAFF PRESENT: Executive Director, Willis Casey
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
City Engineer, Joe Sbranti
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizen remarks.

MEMBERS REMARKS

Chair Beals reported that it had been recommended to the City that an additional Island Energy Committee Member be assigned to the Committee. She sought interest from members of the Pittsburg Power Company and referred those interested to Executive Assistant to the City Manager, Alice Evenson.

CONSIDERATION

1. **RESOLUTION 03-087** Approving the Disposal of Eight (8) Island Energy Transformers

Executive Director Willis Casey reported that many of the old Navy buildings on Mare Island contained transformers inside the structures.

Mr. Casey explained that was a standard Navy construction practice. Pittsburg Power Company as a municipal utility, did not want transformers located inside buildings for liability and other practical reasons. As Mare Island was redeveloped and Island Energy

reconfigured the electrical system, those situations were being eliminated. Removal and disposal of the transformers would enable the redevelopment on the Island and reduce potential liability issues by following utility standard practices.

Mr. Casey reported that there was no financial impact to the City's General Fund or to the Pittsburg Power Company. If any financial expenditure was required the cost would be a developer's expense. He added that the old transformers had no market value. He recommended the approval of the resolution and the disposal of eight scrap transformers.

Member Kee inquired whether or not soil remediation would be included.

In response, Director of the Redevelopment Agency Garrett Evans advised that the remediation was being accommodated through the consultant on the Island. Everything was under contract through them and everything would be run through the developer.

On motion by Vice Chair Rios, seconded by Member Glynn and carried unanimously to adopt Resolution 03-087.

Chair Beals declared a Moment of Silence at this time for Inspector Ray Giacomelli.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 9:00 P.M. ***in Memory of Ora Canciamilla and Inspector Ray Giacomelli.***

Respectfully submitted,

Lillian J. Pride, Secretary

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