

CITY OF PITTSBURG
Housing Authority Minutes
January 21, 2003

Chair Yvonne Beals called the meeting of the Housing Authority to order at 7:21 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 4:00 P.M. for Community Advisory Commission Interviews, at 5:00 to 6:30 P.M. for Public Workshop on Capital Improvement Program (CIP) List, and at 6:30 P.M. in Closed Session pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Anticipated Litigation regarding the initiation of litigation pursuant to subdivision c) of Section 54956.9 regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding City Manager Willis A. Casey, Human Resources Director Marc Fox, City Attorney Linda Daube, AFSCME Miscellaneous A Unit; AFSCME Management/Professional/Confidential Unit and/or unrepresented employees. There was nothing to report.

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
Assistant Legal Counsel, Candace Brady
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Planning Manager, Melissa Ayres
Finance Director, Marie Simons
City Engineer, Joe Sbranti
Personnel Services Director, Marc Fox
Senior Civil Engineer, Paul Reinders
Director of Housing, Buck Eklund
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

PLEDGE OF ALLEGIANCE

Senator Tom Torlakson led the Pledge of Allegiance.

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

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

- a. **DISBURSEMENT LIST** Period Ending: December 31, 2002

Approved Disbursement List period ending December 31, 2002.

- b. **MINUTES** Dated: December 16, 2002

Approved Minutes dated December 16, 2002.

ADJOURNMENT

The meeting adjourned at 7:23 P.M. to the next meeting set for February 18, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Redevelopment Agency Minutes
January 21, 2003

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:24 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 4:00 P.M. for Community Advisory Commission Interviews, at 5:00 to 6:30 P.M. for Public Workshop on Capital Improvement Program (CIP) List, and at 6:30 P.M. in Closed Session pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Anticipated Litigation regarding the initiation of litigation pursuant to subdivision c) of Section 54956.9 regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding City Manager Willis A. Casey, Human Resources Director Marc Fox, City Attorney Linda Daube, AFSCME Miscellaneous A Unit; AFSCME Management/Professional/Confidential Unit and/or unrepresented employees. There was nothing to report.

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
Assistant Legal Counsel, Candace Brady
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Planning Manager, Melissa Ayres
Finance Director, Marie Simons
City Engineer, Joe Sbranti
Personnel Services Director, Marc Fox
Senior Civil Engineer, Paul Reinders
Director of Housing, Buck Eklund
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

Chair Beals took the agenda out of order at this time to consider the presentation scheduled for the City Council by Senator Tom Torlakson.

PRESENTATION

1. State Budget Update (Senator Tom Torlakson)

Senator Torlakson took this opportunity to recognize the accomplishments of Mayor

Beals, to congratulate the Mayor on her leadership and the work that she had previously accomplished, and to present her with a special resolution from the State Legislature in recognition of those accomplishments.

As Chair of the Local Government Committee and with respect to the State Budget, Senator Torlakson pledged to do what was possible to protect local governments from the upcoming cuts anticipated as a result of the major budget deficit. He commented that the General Fund spending that had increased over the years had not been frivolous and without purpose. Acknowledging that the economy was shaky he noted that funds had been invested during that time into important programs such as schools, transportation improvements, health care for children and local government for parks and to help cities meet housing goals.

Senator Torlakson acknowledged the proposed dismantling of redevelopment as part of the balancing the budget, which he disagreed should be done. He pledged to work with the City to provide a strategy to avoid the disastrous cuts proposed by the Governor and to proceed with caution to avoid taking money out of the current year. He commented that it was unknown what would occur. He sought guidance and input from the City's attorneys and staff as to what would be harmful to the City, and with respect to freezing funds he sought input as to when those projects would be harmed as far as the funding process was concerned.

Senator Torlakson advised that a big issue in some communities was the Vehicle License Fee (VLF) issue. He commented that the elimination of the VLF this year would be most difficult on the cities. He proposed restoring the car tax to the two-percent VLF value. In his proposal in that regard, cities should meet the existing State law with respect to a valid Housing Element. He commented that for some cities that had not been pro housing and had not done their fair share that could be a problem, although he did not believe that would be a problem in Pittsburg, which had provided more than its fair share of housing for the region.

Speaking to transportation funding, Senator Torlakson emphasized the fight for the improvements on State Route 4, Vasco Road, and the BART Extension, and explained that the Governor proposed to suspend \$2 billion of Congestion Relief Funds for two years. He was fearful that the funds would never be returned, which would affect the widening of State Route 4 from Loveridge to Somersville Roads. He explained that would also affect the San Jose BART system.

With respect to the Governor's proposal for a major realignment of other public programs, Senator Torlakson highlighted the proposal for a one-cent sales tax, \$1.10 increase per packet cigarette tax and other costs to add in \$8 billion to offset the budget deficits in that area. It was unknown whether or not that would be permanent or temporary and it was also unknown how that would affect the reauthorization of Measure C. He emphasized that all those issues were up in the air. He urged proceeding with caution and recommended working together and with the County to address the cutbacks. He added that the Legislature was being asked to work on the first recommendations for cuts next

week.

Councilmember Parent suggested if the reason that the VLF went down was that there was excess money and that money was not needed then but it was needed now, that should be acceptable to the public. Her concern was with redevelopment, which enabled the City to create jobs, take people off of highways and help create a housing and jobs balance. With investors now expressing an interest in the City, she expressed serious objection to the potential redevelopment taking that could jeopardize the City's efforts. She commented that the City passed money through to the schools and the City should get credit for that. She noted that if the Governor wanted more jobs and more housing, the City of Pittsburg accomplished that through redevelopment and it made no sense to take away those funds. If there was any taking, she suggested that should occur next year to allow municipalities the time to plan, to get things in order and to do what could be done in the interim.

Senator Torlakson acknowledged that Redevelopment Agency funds made a big difference to the whole region and he agreed that such a taking would be contradictory to the Governor's stated goals in the budget of creating economic development, housing and construction jobs to help jump-start an economy. He suggested that a concerted effort might defer a taking this year and he emphasized the need for alternative proposals to phase or program Educational Revenue Augmentation Funds (ERAF) next year.

Councilmember Kee stated that through the hard work of previous Councils, Senator Torlakson and other elected leaders and through its foresight of developing power plants, the City had a substantial amount of redevelopment bonding potential. To get hit with such a large take on redevelopment would be particularly hard on Pittsburg and every other city in the State that had redevelopment agencies. He expressed his hope that the City would not be disproportionately hit by having the foresight and leadership in creating prosperous redevelopment agencies.

Senator Torlakson agreed that passthroughs should be credited. He also noted the need to look at everything connected and to determine whether or not all levels of government were being affected proportionately. He explained that with respect to special districts there was \$150 million in special district property tax that could be accommodated through rate adjustments or rate increases that could offset the hits to redevelopment and other programs. He also noted that a proposed hit on public libraries would not now be pursued.

Vice Mayor Rios echoed the sentiments of the rest of the Council. She noted that redevelopment funds were tax increment and she inquired whether or not the Legislature was considering the Constitutionality of the taking of those funds.

In response, Senator Torlakson advised that all legal elements were being evaluated, particularly related to the redevelopment setaside for housing. He again urged proceeding with caution in that case.

Vice Mayor Rios urged the Legislators to take a firm stand to seek other avenues to address the budget crises and to consider other revenues to fund the budget shortfall.

Senator Torlakson stated that there would be a concerted effort to consider all possibilities. He acknowledged, for instance, that the State had previously sent a plea for cities to consider power plants to address the energy crises and that the City of Pittsburg should not be penalized for doing so.

Councilmember Glynn suggested that this might be the time to level the Average Daily Attendance (ADA) educational allowance in schools and create an equal situation throughout the State as an equity issue.

Senator Torlakson described the efforts taken to equalize the situation and acknowledged Councilmember Glynn's suggestion that all students end up with the same dollar value per head throughout the State. He also commented that while considering severe cuts and some tax increases there would also be an effort to pursue efficiencies and reforms. To that end, he sought as much input and consensus building on potential alternatives.

Mayor Beals thanked Senator Torlakson for his overview on the status of the State Budget and for partnering with the City to address the concerns, as well as for the proclamation.

CITIZENS REMARKS

There were no citizen remarks.

MEMBERS REMARKS

There were no Member remarks.

PRESENTATION

1. Redevelopment Bond Issuance Finance Team

Bond Counsel John Knox of Orrick, Herrington & Sutcliffe commended Senator Torlakson's briefing and stated that he would also be following the situation very closely. He too urged caution and care in pursuing the City's goals under the challenging times.

Mr. Knox described the positions and roles of the Redevelopment Bond Issuance Team with the Fiscal Consultant (Don Fraser) who would verify the accuracy of tax increment numbers; and Bond Counsel (John Knox) who would evaluate legal issues, draft all legal documents and offer an opinion related to validly issued tax exempt bonds as well as structure alternatives for the bonds.

In addition, Mr. Knox identified the position and role of Disclosure

Counsel/Underwriter's Counsel (Steve Malikian) to evaluate, draft and prepare disclosure documents; a Financial Advisor to provide advice in structuring, pricing and the financing plans for the bonds; and an Underwriter (Mark Curran) who would guide the sale of the bonds through broker/dealer firms.

Mr. Knox then described the differences between a competitive and a negotiated sale of bonds. He explained that the City of Pittsburg had done almost all negotiated sales and that the advantage to the City over the years with negotiated sales was that allowed the experience of an investment banker.

City Attorney Daube explained that Mr. Knox had been asked to offer the presentation given his lengthy experience with the City.

Finance Director Marie Simons commended John Knox for his overview of the financing team members. She agreed with the comments and noted that the City was in a position to get a financing team in place and start working to identify the debt capacity of the Redevelopment Agency to move on with the revitalization of the downtown and the CIP projects. She recommended the selection of an independent Financial Advisor for the team, someone who had been recommended by staff to the Council and not someone represented by the investment banker. She suggested it was good government practice to utilize an independent Financial Advisor working with the City.

Ms. Simons also commented that while staff might not have recommended a negotiated bond sale, because of the State budget situation she agreed that the City needed the best brainpower on the team and needed someone who was familiar with the City's Redevelopment Agency given the complexities of the Agency.

Given the urgency involved, Councilmember Parent sought Council direction to staff to put together a Financial Team to pursue a negotiated sale.

City Attorney Daube reported that a resolution to identify a Financial Team would be submitted to the Agency at its next meeting for action.

Regarding a Financial Advisor, Mayor Beals inquired where in the process there would be a recommendation for a Financial Advisor, to which Ms. Simons stated that staff needed clarification from the Agency as to whether staff should go out to bid for an independent Financial Advisor or proceed with the firm, Kelling, Northcross & Nobriga that had been hired.

Councilmember Glynn stated that given the speech delivered by Senator Torlakson and recognizing the dilemma the City was in, he was appalled that another Council meeting would be required to make a decision. He sought an acceleration of the process.

When asked, City Attorney Daube stated that with the discussion, staff could be directed to return with a resolution to identify the team.

Councilmember Kee concurred with the need to move forward as quickly as possible, to proceed with a negotiated sale, and to seek an independent Financial Advisor as recommended by the Finance Director.

Councilmember Parent recommended putting together the strongest team based on experience to put as many minds as possible into the situation. She did not want to eliminate Steve Malikian from the City's team.

Ms. Simons clarified that staff was not dissatisfied with Kelling Northcross. She was simply seeking clarification as to whether or not staff should proceed to bid.

Vice Chair Rios sought a separate Financial Advisor from the Underwriter. She inquired whether or not there had been a bid process when selecting the current Financial Advisor, to which Ms. Simons stated that a Request for Proposal (RFP) had resulted in the receipt of eight proposals and that three firms had been interviewed.

Vice Chair Rios inquired whether or not the Redevelopment Subcommittee had been involved in the process. She was advised that had not occurred.

Chair Beals emphasized that there were a number of issues involved. She sought a special meeting on January 27 to discuss the issue before the team was solidified at the February 3 meeting.

City Attorney Daube stated that the proposals received from the seven or eight firms were in place and if the Redevelopment Subcommittee wanted to evaluate those firms with the Finance Director that could be done, to then return the matter at the next meeting and approve the team by resolution.

Chair Beals stated that the Redevelopment Subcommittee would meet and review the RFPs that had been submitted and return on February 3 to move forward to solidify the Financing Team.

The Redevelopment Subcommittee scheduled a meeting on Thursday, January 23 at 4:30 P.M. to discuss the RFPs.

John Knox stated that given the urgency, in the interim he would continue to move ahead to place the Agency into position.

CONSENT

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

- a. **MINUTES** Dated: January 6, 2003

Approved Minutes dated January 6, 2003.

- b. **RESOLUTION 02-864** Approving the Carryover Capital Improvement Program for FY 2002-2003

Resolution 02-828 dated June 17, 2002, authorized the Executive Director and the Finance Director to make the necessary budget adjustments to insure that the capital projects budgeted in the Los Medanos Series 1988 Fund, Fund No. 78, were properly carried forward.

Adopted Resolution 02-864.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:26 P.M. to the next meeting set for February 3, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
January 21, 2003

Mayor Yvonne Beals called the meeting of the City Council to order at 8:27 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 4:00 P.M. for Community Advisory Commission Interviews, at 5:00 to 6:30 P.M. for Public Workshop on Capital Improvement Program (CIP) List, and at 6:30 P.M. in Closed Session pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Anticipated Litigation regarding the initiation of litigation pursuant to subdivision c) of Section 54956.9 regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding City Manager Willis A. Casey, Human Resources Director Marc Fox, City Attorney Linda Daube, AFSCME Miscellaneous A Unit; AFSCME Management/Professional/Confidential Unit and/or unrepresented employees. There was nothing to report.

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
Assistant City Attorney, Candace Brady
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Planning Manager, Melissa Ayres
Finance Director, Marie Simons
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CITIZENS REMARKS

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition and the Delta Pedalers, expressed concern that he had not been notified of the Capital Improvement Program (CIP) Workshop held at 5:00 P.M. this date. Noting the importance of that workshop to the bicycle community, he urged some method of better informing the public of those types of sessions.

BEN JOHNSON, Pittsburg, speaking on behalf of the United Veterans Council spoke to the tank being sought for the City. He noted the problems associated with that effort and the promises that had been made and withdrawn. Mr. Johnson sought the placement of the item on a future City Council agenda to get the City involved in the process through the Municipality Program since the United Veterans Council had been advised that it was not eligible for the tank. He commented that the situation had arisen as a result of security concerns related to 9-11.

ROSE MARY TUMBAGA, Pittsburg, representing the Pittsburg Arts Collaborative, a project of Pacific Community Services, Inc., invited the Council to the 2003 Student Art Show at the Impulse Gallery at 695 Railroad Avenue from January 24 to February 2. She noted that 121 student artists were involved ranging from middle school to high school from a number of surrounding school districts.

Speaking as a citizen of the City, Ms. Tumbaga stated that she had a major concern with a traffic issue on Crestview Drive where a few years ago the issue had arisen where drivers were doing donuts on the corner of Olympia and Crestview and Alta Vista and Crestview and between Alta Vista and Del Cerro. While residents in the area had called police to address the problem, those doing the donuts were gone by the time police arrived. She suggested that cameras be installed at the intersection given the safety concerns related to the children in that community. When asked, she clarified that activity was occurring at all hours of the day and night, on a daily basis.

STELLA JOYNER, Pittsburg, the owner and manager of multiple properties in the City described a problem where the occupants of one of her properties were running an illegal auto repair business at the site. She had contacted the Code Enforcement Bureau and had been told that the situation would be investigated, although nothing had been done. She had then taken pictures of the site and had brought those pictures to the Police Department and at that time had received no assistance and had instead been told to evict the occupants of that unit. She disagreed and sought some assistance in that regard.

GLORIA MAGLEBY, Bay Point, the current Chair of the Bay Point Municipal Advisory Commission (MAC), noted her personal connection to the City of Pittsburg, and requested that the two Councils make time to meet to discuss issues of mutual concern.

CAROLINE ALLEN, Pittsburg, spoke with respect to safety and the placement of a bus stop at Nantucket in the Harbor Lights development sandwiched between Willow Pass Road and West Tenth Street, with one entrance and exit into the development. She noted the difficulty of transport in and out of the development. She urged the Council to work side by side with developers to ensure that public services be made available for the safety and welfare of all Pittsburg residents. She urged the Council to consider the petition that had been submitted to address that concern.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) complimented the Finance Director for her suggestion to select an independent Financial Advisor, which he supported as a smart and right thing to do.

Mr. Mims referred to a comment at the last meeting between the Mayor and the City Attorney with respect to any potential disruption that he might make at the meeting. He commented that he did not attend meetings to violate the law, instead his presence was to inform the Council of the law and his rights under that law. He also noted another comment at that same time that he had waived his right to speak to the Consent Calendar. He stressed that he would not waive his right to speak to anything.

Mr. Mims also referred to the minutes where he had quoted Section 54954 of the Brown Act, which he stated shown have reflected Section 54954.3.

Mayor Beals noted that Mr. Mims' first three minutes had expired and that he had submitted a speaker card to address Consent Item h. and the City Manager's Report.

In response, Mr. Mims requested that the Mayor call upon him when those items were being considered. When advised of the new structure for Council meetings when comments related to Consent Items would be accepted under the Public Comment portion of the agenda, he stated that he did not accept the new structure and wanted to exercise his right to speak under Section 54954.3 of the Brown Act.

City Attorney Daube advised that Mr. Mims could speak to Consent Item h. at this time and the Mayor advised that Mr. Mims could speak to the City Manager's Report after that time.

Mayor Beals advised that if not speaking at this time, Mr. Mims would be forfeiting his time.

City Attorney Daube encouraged Mr. Mims to take his three minutes at this time and then three minutes to address the City Manager's Report.

Mr. Mims spoke to Resolution 03-9754 under the Consent Calendar related to a revision of Department Names and suggested that the resolution should come under Consideration or Public Hearing but not the Consent Calendar. He referred to the August 19, 2002 meeting when he had questioned the name change and the impact that would have on the budget. He noted that the City Attorney had indicated that had required no Council action at that time, and if that was the case he inquired why it was coming up now for an official change. He suggested that the placement of items on the Consent Calendar eliminated an opportunity for the public to speak to those items.

Mr. Mims stated that he would wait to speak to the City Manager Reports item at the time the item came up on the agenda. If not called to speak at that time, he stated that the City would be keeping him from speaking as allowed under Section 54954.3 of the Brown Act.

CHARLES SMITH, Pittsburg, noted his intent to speak to the City Manager's Report and to the minutes.

In terms of the non-Consent Calendar item, Mr. Smith clarified that the public had to speak now instead of when the issue was considered. At the last meeting on January 6 after the City Manager had given his report, which included a presentation from the Public Works Director on the Confined Spaces Program (CSP), he stated that the emergency nature of confined spaces had been emphasized. He stated that if done right, confined spaces should not need an emergency component. With a CSP program, he stated that a comprehensive program should be geared to the safety and the health of the worker.

Mr. Smith stated that he was not allowed to speak to the CSP at the last meeting. Had he been able to do so, he would have inquired of the preventative measures taken to address CSPs. He objected to having to wait two weeks to speak to those kinds of issues. He also noted that Consent items were to involve non-controversial issues, although he suggested that the description of controversial issues varied widely.

COUNCIL REPORTS

Councilmember Parent reported that the Mayor's Community Faith Breakfast that had initiated the City's Centennial Celebration on January 11 was a very well organized and well attended affair by people from all over the community. She had also attended the induction of the Mayor of the City of Oakley, noted that the Finance Committee had met with the new Finance Director, explained that 45 grants had been submitted to the Community Development Block Grant (CDBG) Subcommittee and expressed her appreciation to the Community Advisory Commission (CAC) for its work with respect to the CDBG process. She had also attended the CAC meeting where the City Manager had been the featured speaker and where the need to encourage more people to get involved in the community through the CAC had been discussed.

Further, Councilmember Parent had attended the Dow Chemical presentation on Dr. Martin Luther King, Jr. at which time two people had been honored: Nick Rodriguez and Cheryl Sturgis. She had also attended a program at Los Medanos College (LMC) put on by the Cultural Alliance.

Vice Mayor Rios advised that she had also attended the Oakley reorganization along with Councilmember Glynn and the League of California Cities (LCC) along with Councilmembers Kee and Glynn and had participated in a skit that showed how Council meetings should not be run. She had also participated in the Finance Subcommittee on the many issues being brought before the Council.

Councilmember Kee reported that he had attended the LCC seminars for three days in Sacramento, which had been very informative and which had offered an opportunity to meet with colleagues of other cities. He noted a number of State laws that had gone into effect the first of the year regarding elected and appointed officials. As reported by the Vice-Mayor, he had also filled in for Vice Mayor Rios at the East County Habitat Conservation meeting when a new chair and vice chair had been selected.

Councilmember Glynn stated that he had attended most of the affairs already

mentioned, had attended the TRANSPLAN Committee meeting where he had been elected Chair, and had attended many economic development meetings with the Mayor and staff. He had also attended the Oakley reorganizational meeting when the City had been warmly received and recognized for its attendance.

Mayor Beals reminded the assemblage that this was the City's Centennial Year, which had been initiated by the Mayor's Faith Community Breakfast. She thanked the Council, staff, individuals, organizations and local businesses that had contributed to make the event successful, along with the nearly 200 members of the community of all ages and backgrounds who had attended the event.

Mayor Beals had also attended the East Bay Division of the LCC and had been entertained by Daniel Borenstein. She had also attended the Pittsburg Education Summit, an honor to the community where a perspective on education had been offered. She thanked the Pittsburg Unified School District (PUSD) for the distinguished alumnae plaque that she had been presented at that time.

The Mayor reported that she had the honor of being a presenter at the 24th Annual Shelly Awards and had presented the Supporting Actress award to Katy Van Drake, who was a member of the Pittsburg Community Theater. She also had the privilege of attending the Dow Chemical breakfast and joining over 200 people gathering at the BART Station to join the Freedom March and Celebration at the Bill Graham Auditorium in honor of Dr. Martin Luther King, Jr. She also took this opportunity to wish the City Clerk a Happy Birthday.

Mayor Beals noted that the Council would return on February 3 to discuss the CIP and on February 18 to discuss Redevelopment projects. She directed staff to agendize the Veterans Memorial Tank for the second meeting in February. For the two Police Department issues, she requested that staff contact Rose Mary Tumbaga to address the Crestview issues, and requested that a meeting be set up with Stella Joyner to address her code enforcement concerns, with copies to the City Council. She requested that the Bay Point Mac be contacted for a joint meeting in March or April and having been advised that a bus stop was on the CIP list asked staff to follow up on Caroline Allen's request related to the Harbor Lights subdivision.

Further, with respect to policies and procedures, Mayor Beals reported that there had been some changes adopted by the entire Council. For the record, she asked the City Attorney to read the changes that had occurred.

City Attorney Daube reported that the primary change had come in terms of the Consent Calendar. She advised that the Brown Act stipulated that the public had the right to comment on something either before or during considerations. She stated that the Consent Calendar would be taken in total.

City Attorney Daube explained that what had been done was to reorganize so that public comments on individual consent items were to be made before the items were

considered, which would allow the public the opportunity to identify any concern on any consent item and allow the Council to consider whether or not to remove any item from the Consent Calendar. There was no intent to take away anyone's right to speak. Public comments related to those items would be taken before those items were considered.

With respect to the City Manager Report, Mayor Beals noted that the report had been on the agenda a few years ago to allow the City Manager to announce openings, groundbreakings or anything of interest to the public.

CITY MANAGER REPORT

City Manager Willis Casey advised with respect to State Route 4 that the City had been told that the Harbor Street Bridge, which had been closed for quite some time, would be completed by June 2003. Shortly after that time the Railroad Avenue Bridge would be reconstructed with completion in the spring of 2004. Speaking to the West Leland Extension funded by the Traffic Mitigation Fund, he reported that it was on the CIP list, engineers had met with the designers and representatives of Alves Ranch, and by the summer of 2004 the construction of West Leland Road should be completed although there might be an environmental issue that could delay the process. Further with respect to Polaris Drive, as a result of complaints, the road had been narrowed, striped for bike lanes, installed with signs and medians, and center medians had been installed, with trees, at a cost of \$300,000 of Redevelopment funds. That project was now complete.

The following item had been considered under the Redevelopment Agency agenda.

PRESENTATION

1. State Budget Update (Senator Tom Torlakson)

CONSENT CALENDAR

City Attorney Daube removed Item f, Resolution 03-9752 and reported that since the publication of the agenda there had been questions from Council. The item would be returned with more complete information.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to adopt the Consent Calendar with the removal of Item f.

- a. **MINUTES** Dated: January 6, 2003

Approved Minutes dated January 6, 2003.

- b. **RESOLUTION 03-9747** Approving the Carryover Capital Improvement Program for FY 2002-2003

Adopted Resolution 03-9747.

- c. **RESOLUTION 03-9748** Authorize Advertising for Bids for a "Stockless Office Supplies Contract" #OFF-02023, to Support Staff Citywide

Adopted Resolution 03-9748.

- d. **RESOLUTION 03-9749** Authorizing Pittsburg's Continued Participation in the Contra Costa Recycling Market Development Zone

Adopted Resolution 03-9749.

- e. **RESOLUTION 03-9751** Establishment of Annual Condominium Conversion Rate

Adopted Resolution 03-9751.

- g. **RESOLUTION 03-9753** Authorize an Application to the California Energy Commission for Traffic Signal Battery Backup Systems

Adopted Resolution 03-9753.

- h. **RESOLUTION 03-9754** Amend Classification Specifications to Reflect Revised Department Names

Adopted Resolution 03-9754.

The following item was removed at the request of the City Attorney, to be returned on a future agenda.

- f. **RESOLUTION 03-9752** Adopt the Elected Officials Benefits Schedule

Mayor Beals declared a recess at 9:20 P.M. The meeting reconvened with all members present at 9:32 P.M.

CONSIDERATION

1. **RESOLUTION 03-9750** Reorganization of the Finance Department Mid-Management Positions to Include a Total of Three Finance Division Managers for the Accounting, Budget and Revenue Divisions

City Manager Willis Casey advised that in June 2002, an organizational assessment of the Finance Department was completed by Sinclair & Associates. The assessment reported a variety of organizational inefficiencies and recommended the reclassification of two mid-management positions and the addition of one mid-management position for the Finance Department to mitigate the identified inefficiencies. The proposed reorganization to the mid-management structure is an important step in implementing the organizational

assessment findings and bringing the Finance Department for the City of Pittsburg into the 21st Century.

Mr. Casey recommended the adoption of the Resolution adopting the Finance Division Manager classification; reclassifying the existing Accounting/Operations Supervisor and Fiscal Officer to Finance Division Managers for the Revenue and Accounting Divisions and authorizing the addition of a third Finance Division Manager for the Budget Division.

Finance Director Marie Simons clarified that the assessment study that had been done made a recommendation to enhance the mid-management structure to include an Assistant Finance Director as well as three Division Managers, although staff recommended only the three Division Managers in light of the State Budget impacts.

Ms. Simons stated it was imperative that the Council consider the three Division Managers, which represented an upgrade of two existing mid-manager positions including the filled Fiscal Officer position and the unfilled Accounting Supervisor position to be reclassified to a Finance Division Manager over Accounting and Revenue Collections. The addition of a Finance Division Manager had also been proposed over the Budget functions. She stated that would offer a higher level of financial manager services given the difficult financial times.

Specifically, Ms. Simons explained that the benefits of the recommendation would allow the Finance Department to improve the current budget format and identify current service levels associated with cost, maximize Citywide revenue collections, which effort alone would be sufficient to offset the additional costs to an eighteen month to two year period and that the finance function start a long term financial process to allow informed decisions by the Council. The impact was identified as \$127,000. If recruitment was started now, she noted that two positions would have to be filled and the impact would be funded this year out of salary savings. It was recommended that \$27,000 be funded by the Enterprise Funds and the remaining \$100,000 be split fifty/fifty between the Redevelopment Agency and the City.

Ms. Simons recommended approval of the proposal to allow the City to work in a proactive manner.

Councilmember Kee verified with Ms. Simons that the \$127,000 included salary and benefits and that the impact would not begin until next fiscal year and would be included in next year's budget. The current impact would be funded out of salary savings because the Accounting Supervisor position had been vacant for some time.

Councilmember Glynn acknowledged the need but explained that he would not support the proposal given that he had not supported position upgrades and reclassifications in other City departments given the budget concerns.

Councilmember Parent reported that the issue had been considered by the Finance Subcommittee. While she understood Commissioner Glynn's position, she stated that

without approving the item the Council's request for a zero-based budget would be difficult to accomplish. She also suggested that the reorganization could be offset by an increase in revenues in terms of collecting more accounts receivable. She did not believe there was a lot of budget exposure for this year and noted that the position had already been justified.

Vice Mayor Rios commented that the resolution was long overdue in that she had requested extensive reports on projects and other issues before the Council, which had not been produced given that the position had not been filled. She stated that the proposal represented a revenue source and she supported the resolution.

In response to Councilmember Glynn, Ms. Simons stated that the resolution would be revenue neutral this year because of salary savings, although not next year when the position was filled. With a focus on Citywide revenues that included collectibles and a Citywide Cost Allocation Plan, she stated that could result in updated user fees and the cost of the proposal would be recovered over an eighteen month to two year period. She clarified that the next year's budget would report on the current service levels of each department with a justification of currently approved programs as well as supplemental requests.

PUBLIC COMMENTS:

WILLIE MIMS, Pittsburg, when called, passed on speaking to the item.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9750.

2. MINUTE ORDER Appointment of Planning Commissioner

Mr. Casey reported that one opening existed on the Planning Commission. The City had advertised for the opening and had received six applications. All applicants were invited to interview with the City Council on January 6, 2003, and five applicants had been interviewed at that time. He recommended the appointment of one member to the Planning Commission.

PUBLIC COMMENTS:

CHARLES SMITH, Pittsburg, commented that he had witnessed the interviews for prospective Planning Commissioners. He suggested that Ben Johnson would be most deserving of serving on the Planning Commission.

WILLIE MIMS, Pittsburg, representing the BPA, acknowledged the three new elected officials to bring forth a change in the community. He urged that the Planning Commission appointee also offer a new change and new direction in the City. He encouraged a sweeping change of the Planning Commission and other Commissions to allow the City to proceed in a new direction.

On motion by Vice Mayor Rios, seconded by Councilmember Kee to appoint Rose

Mary Tumbaga to the Planning Commission.

Councilmember Parent stated with respect to the motion that Ms. Tumbaga had offered good service to the Council in the past. She agreed with Mr. Smith that it was important to give new people a chance. As a result, she would not support the motion.

Councilmember Kee concurred to a certain extent to what Mr. Smith and Mr. Mims had stated, but given the interim appointment, he sought a Commissioner who had experience and who knew the vast amount of what was going on in the City, which Ms. Tumbaga did.

Mayor Beals thanked all the applicants who had applied given that all candidates were quite qualified and articulated on the issues facing the City. She was optimistic that whoever received the appointment would represent the Planning Commission well and work well with existing members. She emphasized the difficult choice and urged all candidates to remain involved and to reapply for the next opening.

On the motion by Vice Mayor Rios, seconded by Councilmember Kee to appoint ***Rose Mary Tumbaga*** to the Planning Commission, carried by the following vote:

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

3. **MINUTE ORDER** Authorizing Letter of Support for Partial Restoration of the Vehicle License Fees (VLF) to Offset the Reduction in the VLF Backfill Proposed by Governor Davis

Mr. Casey stated that the League of California Cities had asked California cities to send a letter in support of partial restoration of the Vehicle License Fees (VLF) to offset the reduction in the VLF backfill proposed by Governor Davis to the Legislature. A memorandum from the League, with a sample letter was submitted to the Council.

Mr. Casey recommended that the City Council authorize the Mayor to send the referenced letter to Senator Tom Torlakson and Assemblymember Joe Canciamilla.

Councilmember Kee clarified that the letter would be completed with the identification of the losses affecting the City, at \$1.1 million this year and \$2.4 million next year in lost VLF fees.

Mayor Beals urged that the letter emphasize the City's desire to address the issue.

On motion by Councilmember Glynn, seconded by Councilmember Parent and carried unanimously to authorize the Mayor to send the letter of support for partial restoration of the VLF to offset the reduction in the VLF backfill proposed by Governor Davis to Senator Tom Torlakson and Assemblymember Joe Canciamilla.

PUBLIC HEARING

1. **RESOLUTION 03-9755** Approving Traffic Calming Measures for Gladstone Drive

Mr. Casey stated that in an attempt to address cut-through traffic, speeding and safety issues on Gladstone Drive, several traffic-calming measures had been considered. Staff had recommended sequential traffic calming measures on Gladstone Drive. Staff suggested to first continue to enforce the "No Thru Traffic" signs; if determined ineffective, staff recommended installation of speed humps; if also determined to be ineffective, staff would then recommend the installation of a mid-block closure at Delta DeAnza Trail. The Traffic and Circulation Advisory Committee (TCAC) had also reviewed this issue. It was their recommendation to install mid-block closure now, without attempting to mitigate the problem through the other methods recommended by staff.

Mr. Casey recommended the adoption of Resolution 03-9755 directing staff to proceed with the approach of sequential traffic calming measures on Gladstone Drive through initiating a project to install speed humps and utilize up to \$20,000 of Measure C funds for the purpose of completing the project. Following the installation of speed humps, direct staff to return to Council within two months to report on their effectiveness.

City Senior Civil Engineer Paul Reinders provided a brief background of the situation, and noted that prior to 1988 Gladstone Drive had been blocked off and not connected between Leland and Loveridge Roads. Traffic volumes had been registered in 1994 at approximately 1,400 vehicles daily. In September 2002, over 2,500 vehicles a day had been measured, representing an 83 percent increase with a critical speed of 34 MPH where the posted speed limit was 25 MPH.

Reporting that the issue had been presented to the TCAC for a mid-block closure at their August 2002 meeting, Mr. Reinders stated that in October 2002, the mid-block closure had been recommended. A public workshop in December 2002 had found the public input to be evenly divided on the mid-block closure recommendation.

Mr. Reinders explained that staff had evaluated a speed hump request from the neighborhood in August 2002, which request had met all the requirements for speed humps. The staff Traffic Committee had recommended sequential traffic calming with a phased approach of signage, speed humps and a mid-block closure. He reported that 'No Thru Traffic' signs had been installed in October with a 13 percent reduction in traffic. With an improvement and enlargement of those signs, new traffic counts had found a reduction in volume to 1,800 vehicles or a 31 percent reduction, although with no reduction in critical speeds. Mr. Reinders also reported that the Contra Costa County Fire Protection District (CCCFFD) had opposed a mid-block closure.

Mr. Reinders explained that the goal for Gladstone Drive was for less than 2,000 vehicles per day and less than 31 MPH as a critical speed. To date, with the signs and police enforcement of those signs, there were less than 2,000 vehicles per day although the critical speed had not been reduced. He reiterated the recommendation for the speed humps at this time with a report in two months to report on their effectiveness. A map

identifying six locations for speed humps on Gladstone Drive and a potential mid-block closure at the Delta DeAnza Trail was noted.

Letters submitted prior to the meeting, three in support of speed humps and one in support of a mid-block closure were presented to the Council.

Councilmember Kee clarified with Mr. Reinders that there had been an enforcement of the speed limit when 70 citations had been issued for speeding and stop sign violations between January 2002 and September 2002, while the critical speed remained at 34 MPH.

When asked if the Police Department had any statistics as to the number of citations issued after the installation of the signs, Police Chief Baker stated that he did not have those numbers but could provide them.

Mayor Beals opened the public hearing for Resolution 03-9755.

PAUL KOMPERDA, Pittsburg, reiterated the traffic counts offered by Mr. Reinders and suggested that the counts just taken were inaccurate given that the counters had been in place for only six hours. At that time, he noted that the count had been 2,578 cars a day. He emphasized the safety issue involved with residents accessing their mailboxes and pulling out of their driveways. He stated that the street had five major accidents, pictures of which he provided to the Council.

Mr. Komperda stated that the majority of those using the street did not live on Gladstone Drive. Most lived in Antioch and farther out in East County. He stated that homeowners had been threatened when attempting to walk across the street to get mail. He added that big rigs and bobtail trucks had traveled down the street and water lines had been broken as a result.

Mr. Komperda introduced one of the residents of the neighborhood who was in a wheelchair and who had a very difficult time accessing LMC because of the speed of traffic on the street. He explained that the neighborhood used to have block parties when the street was closed off and he questioned why the street had been opened up. He commented that the residents would not have occupied Gladstone Drive had it been known that it would be opened. He detailed the safety concerns, identified twelve other neighborhoods near Gladstone Drive that had a one way in and one way out, and stated that Leland and Loveridge Roads were intended to handle the traffic.

Mr. Komperda explained that he had asked that trail signs be moved on the street given the crosswalk and the fact that over 40 children daily accessed Stoneman Elementary and Central Jr. High School. He added that a petition of 280 residents had been submitted requesting the closure of the street over speed humps. He did not believe that the residents should be inconvenienced by the speed humps.

JONATHAN CENTENO, Pittsburg had advised that he did not want to speak but that his remarks be included in the minutes, as follows: "Concern for the safety of school

children if traffic will be diverted due to the closure of Gladstone Drive. If Gladstone will be closed, residents will be forced to make a U-turn on Leland to head back to Stoneman, not to mention the length of traffic making left turn to Gladstone. We are putting the safety of our kids for crosswalks are now more heavy traveled due to the possibility closure of Gladstone."

GLORIA VILLALUZ, Pittsburg, commented that a once quiet neighborhood had changed drastically and had impacted the neighborhood. She suggested that people should work together to address the problem. She supported the signs but commented that there was little enforcement in the neighborhood. She supported the placement of speed humps to allow the opening of Arlington Circle.

EARL LOWERY, Pittsburg, commented that he was the first to have moved on Gladstone Drive and Peppertree and he was the first who had seen the changes. He stated that the police had been doing a beautiful job but he emphasized the safety issues involved. He explained that residents' lives had been threatened and he urged the closure of the street. He added that residents could not even cross the street to get their mail without dodging cars and he noted that some cars drove 60, 70 and 80 MPH. He suggested that the speed humps would not address those concerns and that the closure would solve the problem and save a lot of money.

RICK HARVEY, Pittsburg, referenced the 281 signatures that had been submitted and noted that residents had been told that a certain percentage of residents were required to permit speed humps, which had been done. He stated that another set of signatures had been required to close the street which he hoped would have voided the signatures for speed humps. He reported that he had been threatened when he had attempted to cross the street to get the mailbox. With respect to cost, he suggested that the cost to close the street was less than \$3,000 as opposed to the \$20,000 cost for speed humps. He suggested that the City should save that money on speed humps and close the street since the accidents had been caused by people cutting through.

KARL REITTER, Pittsburg, stated that he, his family and neighbors of Oakmont Place were opposed to the closure of Gladstone Drive. He stated that the Police Department, the CCCFPD and the Engineering Department supported the request to keep Gladstone Drive open. He added that the closure of the road would severely impact his and his family's access to shopping and access in and out of the development and make their visits out of the neighborhood more costly and hazardous. He emphasized the response issue where fire and other emergency personnel would have difficulty accessing the site. Mr. Reitter suggested that the build up and additions to Century Plaza were impacting Gladstone Drive as was the closure of the Harbor Street Bridge. While the continuing build up in East County was increasing traffic on City streets, he did not believe that the increase in traffic on Gladstone Drive warranted the closure of the street. He added that the street should not be used as a playground, a basketball court or for block parties.

KENNETH HALL, Pittsburg, stated that he had to access LMC four and five times a week and he frequently saw people crossing the trail and vehicles traveling 50 and 60

MPH. Being in a wheelchair, he stated that the issue had become one of safety versus convenience and he urged the consideration of safety first. With respect to emergency vehicles he found it hard to believe that some sort of barrier could not be devised to close off the street to regular traffic and still allow emergency vehicles quick access. He suggested that rather than one, potentially two barriers could be installed, staggered, to close the road and still allow emergency access.

SHELLY McKISSICK, Pittsburg, a Gladstone Drive resident daily witnessed the traffic outside her kitchen window with cars traveling 40 to 60 MPH. She had witnessed the accidents in the area, had people harass her when she had tried to come in and out of her driveway, noted that there was a blind spot in the area where there was a curve, that the children in the neighborhood walking to and from school had concerns given that some of the accidents had occurred on the sidewalk, suggested that the placement of speed humps would divert traffic to Arlington, and stressed that those who chose to ignore speed bumps would create further accidents. She urged the Council to do a service to residents on Gladstone Drive by closing the street and saving the \$20,000 cost of speed bumps that would ultimately not be effective. She emphasized that Gladstone Drive residents were willing to live with the inconvenience of a closure.

LENORE SEENO, Pittsburg and a resident of Arlington Circle, opposed a closure and as a result suggested that she should have access to through traffic without being trapped in a dead end neighborhood. She stated that she had an emergency with a head trauma and police and an ambulance had been able to access her home to get her to the hospital. She questioned the consequence of two dead ends at DeAnza Trail with no streetlights and she suggested that would encourage crime. Ms. Seeno emphasized that the recommendations from the Police Department against the closure were being ignored. She suggested that the closure would divert traffic to streets that were already clogged. She recognized that there was more traffic on Gladstone Drive and people were not observing the speed limit, she supported the use of speed humps with a speed counter to identify the drivers of their speed. She supported other solutions over a closure.

MARY BURKS, Pittsburg, echoed the comments and noted that as an Oakmont Place resident adjacent to the trail and off of Gladstone Drive, she did not support a closure. She supported the installation of speed humps and the increased presence of the Police Department. She suggested that a closure would create emergency access concerns.

BEN JOHNSON, Pittsburg, questioned the timeframe of the traffic counts and suggested that there was no traffic during the middle of the day. He noted that other traffic calming techniques had been utilized for Ventura Drive and he suggested that more restrictive signs should be considered. He also noted that if big rigs were accessing the area that was another issue that would need to be addressed. He suggested that 1,200 to 1,500 cars daily of the traffic counts probably represented local traffic.

KEN O'KEEFE, Pittsburg, confirmed that the Police Department had a greater presence in the area. He suggested that speed humps and signs were only a band-aid and

would not address the problem. He suggested that the opinion of surrounding residents who did not live on Gladstone Drive should have no bearing on the matter given that they were not similarly affected. He requested that the street be closed as it was originally closed.

NICOLE ROZA, Pittsburg, advised that as a Gladstone Drive resident she supported the closure of Gladstone Drive given the speed of traffic, the safety hazards involved for her children and when accessing the mailbox. She emphasized that the traffic represented a huge safety issue.

BARBARA RESTANI, Pittsburg, opposed the closure of Gladstone Drive. As a resident of the Peppertree Apartments, she noted that the road had been opened up when the apartments and adjacent development had been constructed. She stated that everyone paid for streets and roads through taxes and that everyone should have the use of those roads. She questioned the traffic counts and suggested that the vehicles using the road were those from the surrounding area. While she agreed that there was through traffic, Ms. Restani suggested that the numbers were generated by those living in the neighborhood and that the community should address that situation through the installation of speed humps. She urged that the situation be addressed realistically. She added that she had never seen anyone traveling 60 MPH.

JESSICA FERRANTE, Pittsburg, who lives on the corner of Gladstone Drive, supported the closure of the street given her concern for the safety of her three children. She commented that her children were not allowed to play in their front yard given the speed of traffic. She also noted that her children's bedrooms faced Gladstone Drive and since a car had run into a home in the neighborhood, her children had been very concerned that a car would run into their room while they slept. As an ER nurse, she commented that she had spoken with emergency personnel and had been advised that the closure would not jeopardize response times. While enforcement was currently good, she suggested that would diminish in time. Ms. Ferrante also noted that a speed hump had been proposed in front of her home. She urged the Council to return the peace and safety of the neighborhood that existed when the residents had purchased their homes. She added that those in opposition to closure were those who did not live on the street and who had a concern for inconvenience as opposed to safety.

WILLIE MIMS, Pittsburg, representing the BPA, commented that there were speed humps throughout El Pueblo and he suggested that the installation of speed humps on Gladstone Drive would greatly reduce traffic as it had in El Pueblo. He noted the problem with safety and suggested that the closure of Gladstone Drive could impact response times by fire and other emergency personnel. Further, he had a problem with the resolution that the TCAC had recommended the installation of a mid-block closure. He suggested that the TCAC did not want to mitigate the problem and did not want to consider the concerns of the total community. He urged an overall reconsideration of the City's committees.

CHARLES SMITH, Pittsburg, commented that he lived in a speed hump area, traveled Gladstone Drive twice a day, and noted that children played in the street and that

their play impeded traffic. He otherwise acknowledged that speeding was an issue in the area although he suggested that speed humps would address that concern. He suggested that traffic was not as fast as had been reported. While he supported the closure, he supported that closure at the historical closure at Stoneman and Gladstone Drive.

ROBERT BOSEN, Pittsburg, an Oakmont Place resident, explained that the neighborhood was a nice neighborhood comprised of 400 residences. He commented that people on Oakmont Place were getting older and were concerned with emergency access. He agreed there was a speed problem but not a capacity problem. He noted that residents favored speed humps two to one. He supported a reasonable, rational, step by step effort to address the problem.

JEFF FISHER, Pittsburg submitted a letter dated January 21, 2003 for the record as follows: "I am writing to you to express my opinion on closing Gladstone Drive. I do not want to see this happen. Closing Gladstone Drive will force more autos onto Stoneman Drive past where I live. It will also make it harder to turn from Loveridge onto Stoneman traveling South with the increase number of autos. As it is currently, sometimes during traffic hour(s) I have to wait for two lights. I can imagine what it will be like with more autos. I would seem to think it will impair the driving on Stoneman during these times as well. With more autos turning onto Stoneman from Loveridge, waiting through more lights, it will force more autos into the number one lane on Loveridge, reducing traffic flow through just one lane during traffic hour(s). If I recall correctly, I received a letter from your office stating that the street qualified for closure due to the number of autos that travel that street during the day. I believe that number was around 4,000. I have to wonder how many residents that this street feeds. If it just feeds 500, with two autos at each address, and each driver makes two roundtrips each day, that would be 4,000 perceived cars. I personally drive down Gladstone once or more times a day. I would really hate to loose the use of this street. I would also think for emergency vehicles, two entryway and exits are better than one."

ROSS De BOIE, Pittsburg, a member of the TCAC, referenced the speed study and information from the Police Department where it had been verified that cars were traveling at very high rates of speed on Gladstone Drive.

DOROTHY CLAVIC, Pittsburg, a Gladstone Drive resident, commented that most people didn't even stop for stop signs, particularly those traveling from Leland to Loveridge Roads. She sought a greater police presence in the area and emphasized the safety factors involved. She suggested that part of the problem was that most people were speeding.

MARIE DREYER, Pittsburg, inquired whether or not the road could be closed off during commute hours such as had been done for Pittsburg High School.

ROBERT HERRIMAN, Pittsburg, a Gladstone Drive resident, reported that his son's car had been hit by a speeding car and had been demolished. He emphasized that he had also been harassed when trying to cross the street to get mail. He was also fearful for his

grandchildren and would not let them play in the front yard.

ROSE MARY TUMBAGA, Pittsburg, noted that years ago as a commuter she had experienced a street closure in another community. She suggested that the street should be closed on an interim or temporary basis to discourage commute traffic. She emphasized that a lot of issues needed to be considered to address the issues, particularly to determine whether the traffic was being generated by the neighborhood or by out of town commute traffic using the neighborhood as a cut through.

DESMOND MURPHY, Pittsburg, a Gladstone Drive resident, supported the closure of Gladstone Drive given the traffic, speed and safety concerns.

Mayor Beals closed the public hearing for Resolution 03-9755.

In response to comments, Mr. Reinders explained how the speed counts had been taken at Arlington Circle at specific locations. He stated that the 85th percentile speed was 34 MPH although some very fast speeds had been recorded and those in excess of 70 MPH had represented .2 percent of the total traffic count. All those in excess of 50 MPH represented .3 percent of the total traffic. He added that Traffic Engineers were concerned with 85th percentile speeds, which is how speed limits were regulated and established. He stated that the load was now down to 2,000 vehicles per day, which seemed a realistic goal for a residential collector street. He commented that Stoneman Avenue was considered a collector street designed to carry more traffic.

City Engineer Joe Sbranti stated that staff had evaluated the issue for six months. He noted the suggestions to relocate the closure or consider signage. Staff had considered those recommendations and at this time speed humps on a trial basis had been recommended with a return after a couple of months to determine whether or not the speed humps would be effective.

Mayor Beals inquired how speed humps were pursued on a trial basis, to which Mr. Sbranti stated that the speed humps would be installed completely. There would be a cost associated with the removal of the speed humps at about the same price of installation.

Councilmember Kee referred to the measuring devices used to count cars and clarified that those devices could differentiate the direction of traffic.

Councilmember Parent referred to the criteria for the installation of speed humps, reported by Mr. Reinders that a policy was adopted by the City Council last year, which included installation warrants and specific criteria that he identified at this time.

Mayor Beals liked the thought of blocking off the street during certain hours, at the intersection of Gladstone Drive and Loveridge Road and at East Leland Road and Gladstone Drive, with no through traffic from 6:00 to 10:00 A.M. and during specific hours in the evening. She inquired of the cost to do that as opposed to \$20,000 to install and another \$20,000 to remove speed humps. She offered examples of existing areas in the

City where that had been done.

In response, Mr. Reinders stated that had been done with the 'No Thru Traffic' signs currently posted at Gladstone Drive and Loveridge Road and Gladstone Drive and Leland Road. When asked, he noted that the City of Walnut Creek had a staff person move cones to close off streets during commute periods.

Mayor Beals expressed concern that someone traveling a high speed or unfamiliar with the neighborhood could fly off the speed humps. While a potential deterrent, she did not believe that speed humps would be the answer and she suggested the consideration of other solutions.

Vice Mayor Rios commented that the situation was not unique. She emphasized problems getting in and out of her driveway. She was concerned with the cost of \$20,000 for speed humps on a trial basis and with \$20,000 to remove those speed humps. She also did not support a closure of Gladstone Drive and recommended a compromise with some temporary measure to operate during AM and PM commute periods. She sought the use of some sort of electronic gate to close off the street. She urged being cognizant of the residents' needs to access his/her own area.

Mayor Beals referred to School Street, noted that residents lived on School Street and commented that a police presence during commute hours could be a good deterrent.

As someone who used to travel the subject area, Councilmember Parent stated that she had stopped doing so after the installation of 'No Thru Traffic' signs. She suggested that a sticker system for residents' cars might be helpful.

With respect to a gate issue, Mr. Reinders stated that a gate on a public drive was not a standard traffic control device, while speed humps were standard traffic control devices.

Councilmember Glynn commented that one of the issues was the use of cameras similar to what was used at intersections, with a ticket automatically sent through the mail, although Mr. Reinders stated that the City does not use cameras for traffic control.

Mayor Beals suggested that could set a precedent in other neighborhoods with similar problems. Stating that she was not comfortable with either solution, she noted that a closure was an issue. If a closure was ultimately supported, she sought a closure at the two main entries. With speed humps, she noted that the community was aging and she questioned the impact of speed humps on emergency access.

Vice Mayor Rios urged staff to consider other options, such as a temporary closure of Gladstone Drive at either end. She questioned the cost to the City of placing a police officer in the area during commute hours to enforce a temporary closure. She urged staff to consider those and other options.

Mayor Beals stated that the officer did not have to be planted at the site, simply to

enforce the signs and present a deterrent at the two entrances to the site to cut through traffic and speeding. She supported a further reduction of the volume of traffic at the entrances off of Leland to Loveridge Roads. If the problem were to persist during the commute hours, she suggested that the residents as opposed to commuters would likely be those speeding through the neighborhood. She suggested that interim measures would help clarify the origins of the problem to allow the problem to be addressed. She did not want the item to be returned to the TCAC and sought solutions to the problem from staff.

Councilmember Kee suggested that there were two issues; volume and speed. He suggested that a temporary closure during commute hours should be explored, as should a 'No Left Turn' from Leland Road and a 'No Right Turn' from Loveridge Road. When identifying the source of the traffic, he stated that other efforts could be taken to mitigate the situation other than the potential cost of \$40,000 to install and remove speed humps.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to refer Resolution 03-9755 to staff to seek solutions at both entrances on Loveridge and Leland Roads, to return to the Council at the second meeting in February.

City Attorney Daube advised that the following items would be considered concurrently.

2. **RESOLUTION 03-9756** Fire Station #84 and Administration Center Appeal of Planning Commission Approval of UP-02-20

3. **RESOLUTION 03-9757** Fire Station #84 and Administration Center Appeal of Planning Commission Approval of DR-02-29

Mr. Casey reported that the Planning Commission had approved a use permit and architectural plans for a new fire station on the east side of the Railroad Avenue/Civic Avenue intersection. The proposed fire station would be a relocation of the existing Fire Station #84 located at 200 East Sixth Street. Pittsburg resident Ron Waite filed an appeal of the Commission's approvals based on a concern that the Commission did not respond to all of the issues brought up by the public during the hearing, prior to taking action on the project.

Mr. Casey recommended that the Council deny the appeal and uphold the Planning Commission approvals of Use Permit UP-02-20 and Design Review DR-02-29.

Associate Planner Dana Hoggatt advised that the relocation had been considered in conjunction with another relocation of Station #85, which had been approved for relocation to Loveridge Road. She noted that an appeal of the Commission's decision had been filed. It was the staff recommendation that the Council deny the appeal.

CARL CAMPOS, President of Loving and Campos, Walnut Creek, advised that Chief Argo and Chief Benson of the CCCFPD would identify the historical perspective of the move, and Steve Wolf would provide an acoustical presentation regarding the situation. He

stated that the fire district held \$3.9 million of City funds and it cost \$1.3 million to build the prototype station developed after ten years, which met the needs of a modern firefighting facility. He noted that the older stations did not meet earthquake standards, handle medical or hazardous waste and decontamination stations or physical fitness training space and did not house modern fire trucks, nor was there adequate interior or yard space for training and drills. The existing station was also not designed for both sexes.

Mr. Campos explained that they had been commissioned in June 200 to explore several sites for a fire station. He described the process of identifying possible sites, stated that three sites had been identified, all on Civic Avenue near City Hall and that all had been rejected in the subsequent report to the City Council. The City had then determined that the current site on Railroad Avenue, which had not previously been considered, was a more favorable location. He detailed the advantages of the site at this time.

Mayor Beals opened the public hearing for Resolutions 03-9756 and 03-9757.

RON WAITE, Pittsburg, the appellant, expressed concern regarding the proposed move of Fire Station #84 from the downtown. Mr. Waite clarified that the Council had received copies of the Planning Commission minutes from the meeting when the Commission had considered the item. He noted some of the comments at the time of the hearing with the Commission and expressed concern with the impact of the proposal on the City, particularly on those who lived in the downtown. He suggested that Commissioners had little time to evaluate the information presented at the meeting and had indicated that the public's concerns would be addressed by the City Council.

With respect to the cost of the fire station, Mr. Waite suggested that an additional station to address the growth of the City in the southern portion, as indicated by the Fire Chief, would be better than relocating Station #84 at a potential cost of \$5 million. He suggested that the relocation of the station would mean longer response times to areas of the downtown jeopardizing downtown residents and properties, particularly those in the Marina area. He suggested that the move was not in the best interests of Pittsburg residents but an effort by the CCCFPD to build an administration and training center. He suggested that there was no need for the relocation of the station.

Mr. Waite emphasized the ongoing improvements and investment in the downtown, which would be jeopardized by the relocation of the station.

PAMELA RAMIREZ, Pittsburg, commented that her home backed up to the proposed fire station. She was concerned with sound, vibration and the like. She noted that the trucks would be parked in an area immediately abutting her back yard and the training facility would be situated similarly close to her rear yard, with training on the weekends, which was a serious concern to her.

MARTIN RICCABONA, Pittsburg, who lived on the south side of the street explained that the fire trucks would back up adjacent to his home. He had a number of legal questions related to excessive noise, code requirements, distance requirements, and with the demands of the station that would impact adjacent residents. He commented that the

proposed sound wall on the north side of the subject property, which abutted his backyard, was only 43 feet 6 inches distant. He was not certain that a ten-foot wall in place of an eight-foot wall would solve the problems and he urged some attention to the concerns.

ROSS De BOIE, Pittsburg, commented that he had never seen a traffic study prepared for the proposal by an independent traffic specialist.

WILLIE MIMS, Pittsburg, noted his understanding that the CCCFPD had prepared its own traffic study. He emphasized the traffic in that area of the City and commented that at any given time there could be a tremendous amount of traffic on Railroad Avenue. He suggested that traffic would impact response times and he did not support the relocation of the fire station given the safety component that was needed in the community. With respect to the Planning Commission, Mr. Mims suggested that the new Council majority needed to sweep away the existing Planning Commissioners whose decisions were creating negative impacts to the community.

BERTHA STOBBS, Pittsburg, referred to a letter from the CAC and another dated August 20, 2001 when nine different items of concern had been pointed out to the then City Council. The letter stated:

“Last year when the proposed closure of station 84 came up for discussion, the CAC wrote a letter with their concerns which was never addressed by the then Mayor, Frank Quesada. At a public hearing of the matter several CAC members expressed their concerns and again we were dismissed.

“Since it is a foregone conclusion that the station will be moved (we have been told that the property site on Railroad and Civic has been purchased) we still have concerns that need to be addressed that will impact the businesses and residents of the Marina District. We have enclosed for your review the original letter and would like to make some further suggestions that might be added as conditions of approval.

“1) We know that there is an informal right of passage between the City/Fire Department through the POSCO property at Third Street. We would like to see that formalized.

“2) We are aware that there is only one source (pipe) to extract water from the river and it is at most three inches wide. We feel that in the event there is a major earthquake and fires or gas leaks were to occur and engines cannot reach the Marina in time due to underpasses that are down or impassable, that more than one such pipe/pump should be installed at several locations along the water front to protect not only the Marina homes but the boat storage berths as well.

“3) Because of the increased traffic on Railroad Avenue, not only during commute times and school times but also during football games, we feel a traffic study of both the access and egress from the proposed location site should be conducted.

“Thank you for your time and consideration, we will await your response.”

Ms. Stobb noted that the CAC’s concerns had never been addressed by the then Mayor in a public hearing of the matter. She emphasized the concerns that remained to be addressed that would impact the businesses and residences of the Marina District.

Of the issues raised by the CAC, Ms. Stobb cited the need to formalize the right of passage between the City and the CCCFPD through the USS POSCO property, that there be more than one source pipe extracting water from the river for firefighting purposes, and that a traffic study be conducted to address traffic during regular and special event periods.

Ms. Stobb noted that she traveled the area in question frequently, which area was the number one thoroughfare for children attending Pittsburg High School. She suggested that the traffic associated with the school needed to be considered as part of the traffic study. She also commented that this would be only one of three fire stations to be relocated in the community.

Mayor Beals advised that Debbie Newell, Pittsburg, had submitted a card with comments to be included in the public record, as follows: " We welcome the arrival of Fire Station #84 to our neighborhood (Oak Place). Not for our convenience but for the safety of our children at the High School and Parkside Elementary."

Fire Chief Mark Argo of the Contra Costa County Fire Protection District noted that the CCCFPD had been engaged with the City and City staff for two years and had been very clear in terms of the intent of the goal to relocate Stations #84, #85 and eventually #86 in order to improve emergency response times and distances within the City and unincorporated areas of Bay Point. He presented a map depicting the current Station #84 area and noted that well over a third of the response area for #84 was in the river. He noted that #84 currently had 40 miles of hardscape drivable roads. By contrast, Station #85 had 100 miles of hardscape. With a relocation of the site, the hardscape would be balanced out to 65 miles for each station and the burdens between both stations could be balanced out. He added that #84 ran 100 calls a year while #85 ran 2,200 to 2,300 calls a year. A relocation would serve more of the City than it currently served to maintain the CCCFPD’s three-minute response times. He used a map to identify the District’s response times throughout the City.

Chief Argo stated that the current site had been selected long ago based on City size and needs at the time, and that the new Station #87 had been opened in March 2000.

Chief Argo described the options, commented that the public had been told that all fire stations could be left as is, with longer response times in the south and that poorly located stations on substandard lots could be remodeled, although that had not been considered to be practical. While stations could be added to protect the south, he stated that no funding existed to do that.

Chief Argo recommended moving now on Station #84 to Railroad Avenue and Civic

Drive to provide and improve the first response zone by removing much of the river area, which would better balance Station #85 and provide an opportunity to relocate Station #86. He noted that the CCCFPD was in the process of talking to current owners and were ready to negotiate acquisition.

Chief Argo also took this opportunity to identify and address historic relocation concerns related to earthquake and flood related underpass failures and other obstructions that could impede access to the downtown. He noted that no substantiating information had been provided to indicate that might be the case. He emphasized the importance of the move, noted that fire station structures had a 40 to 60 year life cycle, and stated it had been demonstrated that the downtown could be served by the new site, which was in conformance with the General Plan. With respect to the traffic study, he stated that the CCCFPD had been advised by staff that the proposal did not warrant an outside study.

STEVE WOLF, Wilson, Ihrig and Associates, Inc., which had prepared the acoustical analysis, advised that the CCCFPD had commissioned the Environmental Noise Assessment. He identified where the noise collection devices had been placed to identify noise levels recorded at the site, noted that the fire trucks moving on the site would have minimal impact, and explained that the eight-foot sound wall would offer an appropriate barrier. The emergency generation would be supplied with a noise control package placed in an enclosed building with a roof to achieve an acceptable noise limit. He suggested that an eight-foot wall was adequate and that fire trucks would not be visible. He also suggested that a ten-foot wall would be no more effective than would an eight-foot wall.

Senior Civil Engineer Reinders explained that the impacts to the existing traffic from fire trucks would be addressed by a condition for preemption control devices for the new signal at Power Avenue and by the existing signal at Civic Drive. As to the justification for an in-house traffic study, he stated that the number of trips to be generated by the proposal was low. In a typical traffic study, response times would not be considered in that they were outside the scope of such a study.

Chief Argo stated that the need had been demonstrated, that the site would work for them, that \$90,000 had been invested in the site to date in the studies to get through that phase of the process, that an additional \$15,000 had been invested in considering other sites and that the site had been approved by a unanimous vote of the Planning Commission. He requested that the appeal be denied and that the CCCFPD be directed to work with City staff on the access of the sites and construction of the station.

As to the use of the old stations, Chief Argo stated that the CCCFPD would look to alternative uses of the old stations in the best interest of the downtown area. The same would apply to the Harbor site. With respect to the training facility, he explained that there was a 900 square foot classroom where 10 to 12 people would do office work, code and publication work in the community. Six times a month trucks would back into the school property into parking spaces at the High School, enter a classroom, get instruction and leave.

Councilmember Kee inquired whether or not there had been noise complaints associated with the construction and placement of Station #87 on Leland Road, to which Chief Argo stated that there had been some concerns for air brakes and that had been remedied by making certain that drivers slowed down sooner when accessing the station.

With respect to decibel levels and a comparison that the public could understand, Mr. Wolf advised that the noise metric used for planning purposes was based on a 24-hour period and it was difficult to equate that to normal noise.

Mayor Beals clarified that the code issue had still not been addressed. She inquired of potential requirements where a sound wall would be located, to which Ms. Ayres noted that fences were typically located on property lines where the subject fence had been proposed. For commercial uses adjacent to residential uses, an eight foot solid fence would be required, which had been proposed in this case and which was acceptable mitigation in this case. There was no restriction on the distance of a home on the other side of a property line.

Councilmember Kee commented that the setbacks could be closer than what existed in this case.

With respect to the sound wall, it was described as a pre-cast wall with sufficient density to reduce noise, with at least 4 pounds per square foot and 4 to 6 inches wide, a sufficient width to mitigate sound.

With respect to the response time study in response to Vice Chair Rios, Chief Argo stated that a crew vehicle had been used to identify the times.

REBUTTAL:

RON WAITE commented that if the presentation had been provided at the Planning Commission many of his questions would have been answered. Noting the comment from Chief Argo that a fire station had a 40 to 60 year life span, he inquired whether or not that would mean that the new station would remain at the proposed site for that period of time, although the Chief reiterated the process of station placement to address response times.

Mr. Waite also reiterated his initial concerns that the information that had been received and the questions asked were not the same and that the public at the time of the Commission hearing had been told that the City Council would take care of them, which statement concerned him.

Mayor Beals closed the public hearing on Resolutions 03-9756 and 03-9757.

Councilmember Parent reported that not only had the Council listened but that the Council had read all the information provided to it. She added it had long been known that the City did not need to be servicing the river. Her office was located on Fourth Street and the fire station would move farther away from her office and she was not fearful of that

move in that the services needed to be placed where they served the most people in the quickest time. Given that the CCCFPD also offered the medical response, there needed to be a way to satisfy the citizens as quickly as possible. She was confident that there were enough resources to serve the areas identified.

Mayor Beals commented that there were outstanding issues that had not been addressed to the satisfaction of some of the citizens to be able to know the regulations, how the sound wall would affect them and the like. She wanted to make certain that the CCCFPD was a good neighbor and a partner and although the City was confident that would be the case, she stated that some residents remained concerned. She encouraged the CCCFPD and staff to continue to work with the neighborhood to address the concerns and to ensure that the residents were allowed the quality of life they deserved.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9756 and Resolution 03-9757.

4. **RESOLUTION 03-9758** Ordering the Abandonment of a Portion of a Slope Easement Accepted in 1974 as Part of the West Assessment District (704-10, A-035)

Mr. Casey reported that in December 1974 the City accepted a grant deed from the Albert D. Seeno Construction Company that included a portion of West Leland Road and an accompanying slope easement. Recent development plans for this parcel include grading improvements, which will render a portion of the slope easement unnecessary for present or future public use. Therefore, the developer (Discovery Builders) has requested that the City abandon a portion of this slope easement to accommodate the construction of a home.

Mr. Casey recommended the adoption of Resolution 03-9758 ordering the abandonment of a portion of a slope easement accepted in 1974 as part of the West Assessment District and authorizing the City Manager to execute an Easement Quitclaim Deed to accomplish this abandonment.

Mayor Beals opened the public hearing for Resolution 03-9758. There was no one to speak for or against the resolution. Mayor Beals closed the public hearing for Resolution 03-9758.

On motion by Councilmember Parent, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9758.

5. **RESOLUTION 03-9759** Code Enforcement Abatement Hearing – 301 Central

Mr. Casey stated that the violations at the site extended back to 1982. The building had been in continuous use illegally for over ten (10) years. City staff had tried to obtain the cooperation of two past owners and the present to either repair the building or demolish it. Having had no success in obtaining compliance from the current owner, staff brought

the Resolution to the City Council to abate the nuisance.

Mr. Casey recommended the adoption of Resolution 03-9759 determining a public notice and requiring the owner of the property to obtain all required approvals and permits to abate the nuisance within thirty days by repair or demolition. If the owner failed to complete abatement within the timeframe, the Resolution directed the Chief Building Official to abate the nuisance and lien the property for the cost of abatement.

Assistant City Attorney Candace Brady advised that the property was an old service station with a ten-year code enforcement history of violations. Recent code enforcement efforts had begun in July 2002 and a certified letter had been sent to the owner. The property had been posted with violations. Another inspection had been conducted at the end of July. On August 5, utilities had been disconnected. On August 13, the City had received a letter from the property owner to sell the property to the City. On August 15 a third notice containing all the violations had been sent to the owner. On August 22, the owner had written a letter to the code enforcement unit vowing to correct all violations. Another inspection by the Chief Building Inspector had been conducted on August 25 and a Notice to Abate had been prepared as the premises had been converted to a residence.

Ms. Brady advised that the building had been improperly maintained, the electrical system was unsafe with exposed wiring and other electrical violations, there was peeling paint and broken windows constituting an attractive nuisance. There was hazardous plumbing installed in violation of the code and there were old underground gas tanks that must be removed in accordance with California regulations. She also noted that the property had changed hands three times in the last two years. In October 2002, the property had been quit claimed to a new and current owner. On November 12 notice had been given again to the new owner of the property. On November 18 a letter to the current owner and his structural engineer outlining requirements for obtaining a certificate of occupancy had been prepared and sent. On November 23, another notice had been sent. Color photographs and notebooks including all those details were entered into the administrative record at this time.

Mayor Beals opened the public hearing on Resolution 03-9759.

MASOON ALI, Pittsburg, reported that as a result of living in the City and commuting to San Francisco, he had ultimately purchased the property to find a better and closer means of supporting his family. Not familiar with the property, he had purchased it to run an auto repair shop. He had met with Chief Building Inspector Little and other staff and had found that he would have to have a structural engineer inspect the building. He had spoken to a structural engineer and had cleaned up the building. Noting that he was currently in a financial bind, he sought more time from the City to fix up the building.

There was no one else to speak.

Mayor Beals closed the public hearing on Resolution 03-9759.

Vice Mayor Rios noted that the situation with respect to the new owner was unfortunate, however the abatement needed to proceed.

On motion by Vice Mayor Rios, seconded by Mayor Beals and carried unanimously to adopt Resolution 03-9759.

Resolution 03-9742 and Ordinance 03-1204 were considered concurrently.

6. **RESOLUTION 03-9742** Amendment to the Land Use Element of the General Plan and Introduction of a City-Initiated Ordinance to Amend the Lot Coverage Standards in Certain Single-Family Residential Districts (GP-02-04 and RZ-02-19)

7. **ORDINANCE 03-1204** Amendment to the Land Use Element of the General Plan and Introduction of a City-Initiated Ordinance to Amend the Lot coverage Standards in Certain Single-Family Residential Districts (GP-02-04 and RZ-02-19)

Mr. Casey advised that the City Council had continued the public hearing on this item from the January 6, 2003 meeting to allow members time to study the matter more thoroughly. The Planning Commission recommended that the Council amend the Land Use Element of the General Plan to eliminate Policy 2-P-18 that limits maximum lot coverage on single-family lots to 40 percent.

The Commission also recommended that the Council establish an overlay zone for Highlands Ranch and amend the lot coverage standards in seven existing P-D Districts to increase the existing lot coverage standards, on lots less than 8,000 square feet in each of these areas, to 50 percent for two-story homes and 55 percent for one-story homes.

Mr. Casey recommended the adoption of the resolution, the adoption of the Negative Declaration and the amendment of the Land Use Element of the General Plan by deleting Policy 2-P-18, then introduce and waive the first reading of the proposed ordinance to change the lot coverage standards in seven P-D Districts and Highlands Ranch development, as recommended by the Planning Commission.

Councilmember Kee inquired how many houses awaiting permit would be compliant as a result of the proposal.

In response, Ms. Ayres stated that staff had already issued permits and homes had been built within the areas of discussion, potentially involving 50 homes. In addition, there were subdivisions that had been approved with small lots where the General Plan had sought executive style large homes where such larger homes could not be built on those lots. She used the San Marco development as an example in that case, along with Highlands Ranch.

Mayor Beals opened the public hearing on Resolution 03-9742 and Ordinance 03-

1204. There were no comments for or against. Mayor Beals closed the public hearing on Resolution 03-9742 and Ordinance 03-1204.

Councilmember Kee expressed a concern eliminating the policy from the General Plan and suggested that would open up future development with larger houses on smaller lots throughout the City. He did not believe that was the direction to proceed. He noted that the areas that sold out first were those with larger lots. He did not want to eliminate the ability of the developer to build homes already approved on the lots although he did not want to give carte blanche increases throughout the City.

Ms. Ayres stated that what had been proposed was only to change the lot coverage standards in the seven P-D districts and the Highlands Ranch development where the problem existed. She stated that developers would have to ask for exceptions at that point.

In response to Councilmember Kee's clarification that lot coverage was a specific development standard that primarily occurred in the Zoning Ordinance, but was also included in the General Plan, Ms. Ayres noted that a General Plan document was a higher document in the planning pyramid of zoning regulations. The removal of that standard from the General Plan would allow the standard to more appropriately function in the zoning process. She emphasized that the Zoning Ordinance had to be consistent with the General Plan.

Having worked on the General Plan Update, Councilmember Kee inquired how the situation had been able to evolve without being discovered prior to this time, to which Ms. Ayres noted it was a small development standard in a very large document. She commented that there were some internal inconsistencies.

Councilmember Kee re-verified that the adoption of the proposal would only affect the seven specific P-D's and Highlands Ranch.

Ms. Ayres explained as part of the discussion that the proposal would apply to Highlands Ranch in its entirety and only apply to lots 8,000 square feet or smaller.

Councilmember Parent emphasized her concern with large houses on small lots where in many cases a hill or a slope made spaces outside of the footprint of the home unusable. She noted what had evolved in the last decade when developers were selling larger and larger homes on smaller and smaller lots with little usable space. While she understood the situation where plans had been submitted, where design review had been conducted and where ultimately the house had been too big to meet certain lot coverage standards, she wanted it made clear to the Planning Commission that she did not want anymore P-Ds or anything else with exceptionally small lots. She emphasized the need for estate size lots.

Councilmember Glynn clarified with Ms. Ayres that there was no intent to change the zoning in other areas to increase beyond a 40 percent lot coverage.

Mayor Beals noted her initial understanding that the proposal related to older, existing homes, primarily in the downtown, and the desire to expand the lot coverage in those situations. She now understood that the situation would only affect Policy 2-P-18 and certain subdivisions. She inquired what had happened to the others.

Ms. Ayres stated that those who wanted to build patio covers were in the P-D's. She clarified that did not pertain to the downtown lots. She referred to developments that had been approved in the 1990s, noted that no exhaustive study had been developed and stressed the intent to create larger executive homes and to address the P-D's where subdivisions had been approved for 4,000 and 5,000 square foot lots. She stated that the staff report was clear that the proposal applied to homes that had been approved in the 1990's. Ms. Ayres offered examples of what type of situation might need the amendment to the Lot Coverage standard for those who needed more space or desired such things as a patio cover, and to avoid the need for those residents to move outside the City to meet his/her needs.

Councilmember Kee noted that a 2,400 square foot house including garage would be a decent size house. He inquired of the ramifications of the proposal if not approved.

Ms. Ayres stated that there were several since many people wanted to apply for permits that would have to be denied, some people had inadvertently built patio covers in the back yard that would have to be removed, there were subdivisions approved where building permits could not be issued for new homes, and if some homes were to burn down, those homes could not be rebuilt as previously existed.

With respect to those who had built the homes, Councilmember Kee inquired whether or not variances could be granted, to which Ms. Ayres suggested that there could be no assurances given that the required findings might not be able to be made in such a case. She also noted the significant cost to the homeowner to pursue a variance.

Ms. Ayres emphasized the intent to address the approximate 3,000 lots that had been approved in the 1990's. She added that no research had been conducted in the older neighborhoods where there were smaller houses. She stressed that subdivisions and patio covers were already being built without permits and that situation needed to be addressed immediately.

Councilmember Kee stated that if approved, people in some of those subdivisions would be able to exceed 40 percent coverage while others in the City might use that as a precedent to be allowed the same right, although Ms. Ayres stated that would not apply.

Ms. Ayres emphasized that lots approved in the 1990's in neighborhoods where larger homes were preferred were being addressed and there was no anticipation of pursuing lot coverage requests over 40 percent for 6,000 square foot lots.

Vice Mayor Rios clarified that the item had arisen due to a number of citizens who had requested the improvements and that the request had not been initiated by any

developer.

Ms. Ayres stated that staff had made the request, although developers and the residents would both benefit. She stated that staff would pursue lot coverage standards as part of the update of the General Plan when several zoning districts would have to be added. A broader review of all zoning codes could occur at that time.

Councilmember Parent noted that a study had been done to indicate the proposed houses where design reviews had already occurred. She sought assurance that staff would not allow anyone to change the mix of the houses already proposed for those lots.

Ms. Ayres stated that she could not prevent someone from applying to do that and the Design Review Commission would have to review those situations individually. She added that her staff would be directed to apply whatever standard was approved by the Council.

City Attorney Daube advised that the resolution and ordinance would have to be taken separately.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn to adopt Resolution 03-9742 carried by the following vote:

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

On motion by Vice Mayor Rios, seconded by Councilmember Glynn to introduce Ordinance 03-1204 and waive first reading, carried by the following vote:

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

ADJOURNMENT

The meeting of the City Council adjourned at 1:45 A.M. to the next meeting set for February 3, 2003.

Respectfully submitted,

Lillian J. Pride, City Clerk

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
January 21, 2003

Chair Yvonne Beals called the meeting of the Pittsburg Power Company to order at 1:46 A.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 4:00 P.M. for Community Advisory Commission Interviews, at 5:00 to 6:30 P.M. for Public Workshop on Capital Improvement Program (CIP) List, and at 6:30 P.M. in Closed Session pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Anticipated Litigation regarding the initiation of litigation pursuant to subdivision c) of Section 54956.9 regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding City Manager Willis A. Casey, Human Resources Director Marc Fox, City Attorney Linda Daube, AFSCME Miscellaneous A Unit; AFSCME Management/Professional/Confidential Unit and/or unrepresented employees. There was nothing to report.

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
Assistant Legal Counsel, Candace Brady
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Planning Manager, Melissa Ayres
Finance Director, Marie Simons
City Engineer, Joe Sbranti
Personnel Services Director, Marc Fox
Senior Civil Engineer, Paul Reinders
Director of Housing, Buck Eklund
Police Chief, Aaron Baker
Executive Assistant to the City Manager, Alice Evenson

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

On motion by Vice Chair Rios, seconded by Member Glynn and carried unanimously to adopt the Consent Calendar, with the removal of Item a.

- b. **RESOLUTION 03-084** Approving the Carryover Capital Improvement Program for FY 2002-2003

Resolution #02-073 dated June 17, 2002, authorized the Executive Director and the Finance Director to make the necessary adjustments to insure that the capital projects budgeted in the Pittsburg Power Company Fund, Fund No. 59, were properly carried forward.

Adopted Resolution 03-084.

The following item had been removed from the Consent Calendar.

- a. **MINUTES** Dated: December 2, 2002

On motion by Chair Beals, seconded by Vice Chair Rios to adopt the minutes of the December 2, 2002 meeting, as follows:

Ayes: Parent, Rios, Beals
Noes: None
Abstain: Glynn, Kee
Absent: None

ADJOURNMENT

The meeting adjourned at 1:47 A.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als