

CITY OF PITTSBURG
Housing Authority Minutes
September 20, 2004

Chair Aleida Rios called the meeting of the Housing Authority to order at 8:05 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. for Workshop - Inclusionary Housing Feasibility Study Findings and at 6:30 P.M. into Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APN 087-030-031 (2120 Crestview Drive), APN 085-195-005 (Cumberland Street), APN 085-195-006 (916 Cumberland Street), APN 085-195-007 (915 Railroad Avenue), and 700 Railroad Avenue; and Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC828751 and West Coast Home Builders, Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. N04-1027.

There was nothing to report from Closed Session.

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

MEMBERS ABSENT: Glynn, Wallen [Both excused]

STAFF PRESENT Executive Director, Marc Grisham
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Housing and Community Programs Manager, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Development Projects, Randy Jerome
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Planning Director, Melissa Ayres
City Engineer, Joe Sbranti
Police Captain Nick Baker

CONSENT CALENDAR

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

- a. **DISBURSEMENT LIST** Dated: July 31, 2004 and August 31, 2004

Approved Disbursement Lists dated July 31, 2004 and August 31, 2004.

b. **MINUTES** Dated: July 19, 2004

Approved Minutes dated July 19, 2004.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 8:06 P.M. to the next meeting set for October 18, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Redevelopment Agency Minutes
September 20, 2004

Chair Aleida Rios called the meeting of the Redevelopment Agency to order at 8:07 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. for Workshop - Inclusionary Housing Feasibility Study Findings and at 6:30 P.M. into Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APN 087-030-031 (2120 Crestview Drive), APN 085-195-005 (Cumberland Street), APN 085-195-006 (916 Cumberland Street), APN 085-195-007 (915 Railroad Avenue), and 700 Railroad Avenue; and Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC828751 and West Coast Home Builders, Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. N04-1027.

There was nothing to report from Closed Session.

MEMBERS PRESENT: Beals, Kee, Parent, Rios

MEMBERS ABSENT: Glynn [Excused]

STAFF PRESENT Executive Director, Marc Grisham
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Housing and Community Programs Manager, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Development Projects, Randy Jerome
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Planning Director, Melissa Ayres
City Engineer, Joe Sbranti
Police Captain Nick Baker

CONSENT CALENDAR

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

a. **MINUTES** Dated: September 7, 2004

Approved minutes dated September 7, 2004.

- b. **RESOLUTION 04-991** Approving the Carryover of FY 2003-2004
Redevelopment Agency Capital Improvement Project
Balances at June 30, 2004 into the Current Fiscal Year
04-05 Budget for the Redevelopment Agency of the City
of Pittsburg

Adopted Resolution 04-991.

- c. **RESOLUTION 04-992** Award of a Consultant Agreement By and Between the
Redevelopment Agency of the City of Pittsburg and
WACO and Allocation of Funding

Adopted Resolution 04-992.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:08 P.M. to October 4,
2004.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Pittsburg Power Company Minutes
September 20, 2004

Chair Aleida Rios called the meeting of the Pittsburg Power Company to order at 8:09 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. for Workshop - Inclusionary Housing Feasibility Study Findings and at 6:30 P.M. into Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APN 087-030-031 (2120 Crestview Drive), APN 085-195-005 (Cumberland Street), APN 085-195-006 (916 Cumberland Street), APN 085-195-007 (915 Railroad Avenue), and 700 Railroad Avenue; and Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC828751 and West Coast Home Builders, Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. N04-1027.

There was nothing to report from Closed Session.

MEMBERS PRESENT: Beals, Kee, Parent, Rios

MEMBERS ABSENT: Glynn [Excused]

STAFF PRESENT

- Executive Director, Marc Grisham
- Legal Counsel, Ruthann Ziegler
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Housing and Community Programs Manager, Annette Landry
- Director of the Redevelopment Agency, Garrett Evans
- Director of Development Projects, Randy Jerome
- Director of Economic Development, Brad Nail
- Director of Human Resources, Marc Fox
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Planning Director, Melissa Ayres
- City Engineer, Joe Sbranti
- Police Captain Nick Baker

CONSENT CALENDAR

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

- a. **RESOLUTION 04-115** Approving the Carryover of FY 2003-2004 Pittsburg Power Company Capital Improvement Project Balances at June 30, 2004 into the Current Fiscal Year 04-05 Budget for the Pittsburg Power Company

Adopted Resolution 04-115.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 8:10 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
City Council Minutes
September 20, 2004

Mayor Aleida Rios called the meeting of the City Council to order at 8:11 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. for Workshop - Inclusionary Housing Feasibility Study Findings and at 6:30 P.M. into Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APN 087-030-031 (2120 Crestview Drive), APN 085-195-005 (Cumberland Street), APN 085-195-006 (916 Cumberland Street), APN 085-195-007 (915 Railroad Avenue), and 700 Railroad Avenue; and Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC828751 and West Coast Home Builders, Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. N04-1027.

There was nothing to report from Closed Session.

MEMBERS PRESENT: Beals, Kee, Parent, Rios

MEMBERS ABSENT: Glynn [Excused]

STAFF PRESENT

- City Manager, Marc Grisham
- City Attorney, Ruthann Ziegler
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Housing and Community Programs Manager, Annette Landry
- Director of the Redevelopment Agency, Garrett Evans
- Director of Development Projects, Randy Jerome
- Director of Economic Development, Brad Nail
- Director of Human Resources, Marc Fox
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Planning Director, Melissa Ayres
- City Engineer, Joe Sbranti
- Police Captain Nick Baker

Mayor Rios considered the following general City Council items at 7:20 P.M. prior to pursuing the Housing Authority agenda.

PLEDGE OF ALLEGIANCE

Anna Tilley led the Pledge of Allegiance.

PROCLAMATION

1. National Hispanic Heritage Month

Councilmember Kee read the Proclamation for National Hispanic Heritage Month, September 15 to October 15, 2004 and presented the proclamation to MARY ROSAS who thanked the City Council for working with the Community Advisory Commission (CAC) to address the concerns of the community.

Mayor Rios reported that a Hispanic Heritage Discovery Festival would be held on October 10, 2004 at City Park.

2. Delta 2000 Hunger Walk

Vice Mayor Parent presented the Proclamation for Delta 2000 Hunger Walk and proclaimed October 7, 2004 as the 17th Annual East County Hunger Walk in the City of Pittsburg.

A member of the Delta 2000 and Voluntary East County Hunger Walk Committee thanked the Council for its support and urged residents to participate on October 2. Shirts and pamphlets were distributed to the Council.

PRESENTATION

1. Radio Amateur Civil Emergency Service (RACES)

DREW HANSEN, Brentwood, thanked the Mayor for attending the recent radio club meeting. As the current Assistant District Coordinator for RACES in East County, he reported that amateur radio was very active in the area. With 80 RACES members in the County, 15 resided in East County. He emphasized that the amateur radio group was a valuable resource to the jurisdictions in East County since the club owned its own radio equipment and there was no expense to the City. He also described the RACES disaster preparation process where RACES was activated by civil authorities and an accompanying service would be activated by the Red Cross, the Salvation Army or others. He described the various activities of the club and encouraged members of the community to participate in those activities.

In recognition of the crucial services provided by the all volunteer Radio Amateur Civil Emergency Services, Mayor Rios presented Mr. Hansen with a proclamation honoring the benefits that RACES provided to the region during emergencies.

COUNCILMEMBER REPORTS/REMARKS

Vice Mayor Parent thanked City staff, particularly the Public Services and Economic Development Departments for their efforts with the recent Seafood Festival.

Vice Mayor Parent reported that a vendor from Fresno had remarked that the Seafood Festival had been the cleanest event he had attended. She noted that there had been visitors from China who had also been impressed with the event. She thanked Tri Delta Transit for again providing free shuttles to and from the event.

The Vice Mayor also reported on the League of California Cities (LCC) Conference and noted that participants had found that the meeting had centered around the strength of cities and the guarantee that cities could provide local services to local citizens with local tax dollars if the citizenry voted yes on Proposition 1A in November.

Councilmember Kee noted with respect to the LCC that he had also attended a number of interesting and informative seminars that had offered information that could better the City.

Mayor Rios thanked City staff and all City Departments for handling the Seafood Festival with great accuracy, great flow and great information. She commented that the event had become better each year.

Mayor Rios also urged the citizenry to support Proposition 1A to ensure the City's ability to address quality of life issues.

CITY MANAGER REPORTS/REMARKS

City Manager Grisham advised that the last Thursday night car show would be held in downtown Pittsburg on September 30, when custom cars would be on display and when live music, refreshments and an ice cream social would be held from 6:00 to 8:00 P.M.

CITIZENS REMARKS

ELVIN SCOTT, Pittsburg, reported that there was now an office where the United Veterans Council, American Legion Post 151 and other veterans groups would be able to assist veterans. He emphasized the volunteer effort to offer veterans an ability to acquire the benefits he/she were eligible to receive.

RON WAITE, Pittsburg, commented that he and his wife owned and operated Commodore Yacht Sales at the Pittsburg Marina. He identified some of his concerns with the City Redevelopment Agency and the Economic Development Department related to his efforts to secure a lease at the Marina for Commodore Yacht Sales and what he perceived as a lack of commitment of those agencies to the community. He presented a written statement of his comments for the public record, and stated that he had subsequently learned that the Redevelopment Agency had adopted Resolution 04-986 approving a lease agreement with Commodore Yacht Sales and the Redevelopment Agency. He emphasized that while that resolution had been approved, he had not been provided with a copy of that lease before that approval and he had not been provided a copy of that lease to date. He urged the City Council to take action to review the personnel conducting business in the City's name.

JOYCE GUNN, Pittsburg, complimented Paul Flores of the Recreation Department and noted that she was pleased to see the custom car event in the downtown area. She noted that the event appeared to have brought a lot of business to the downtown and helped to revitalize the area. She had been advised by Mr. Flores of other events scheduled in the City and she encouraged the Council to pursue those types of events to make the downtown a viable place to be. She thanked the City for providing those opportunities.

PASTOR JONES, Pittsburg, represented Unlimited Janitorial Exchange, the former janitors for the City Hall building up to September 17, 2004. Having been in business in the City since 1991 and having worked in a number of areas in the City since that time with no employee turnover and with no complaints or other problems associated with his work, he reiterated a request that he had earlier made to obtain a reference from the City to allow his business and his nine employees to secure other jobs elsewhere.

Mayor Rios deferred the matter to the City Manager to address the issue of a reference no later than Friday, September 24. She urged Pastor Jones to make that contact.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), referred to the Kirker Creek Project, the area behind Carpino Avenue bordering the Pittsburg-Antioch Highway and noted that a large detention basin was being placed behind the community in that area which was a concern given the safety issues associated with the West Nile Virus that the detention basin could foster.

On another matter, Mr. Mims referred to a recent Council action with respect to amending the General Plan to eliminate a park. He did not support changes to the General Plan. He emphasized that if communities were promised parks those communities should be provided those parks.

Speaking to the Preschool Coordinating Council site and a nursing home, Mr. Mims referred to a recent police action chasing a fugitive when guns had been drawn in that area. He asked the Council to give serious consideration to considering a citizen police review commission to address those situations and the negative impact they had on the community.

Mayor Rios advised that there was a vacancy on the Contra Costa Mosquito and Vector Control District that Mr. Mims might be interested in pursuing. She reported that a member of staff was working on the West Nile Virus and she stated that the City Manager's office would be able to advise Mr. Mims of what the City was doing with respect to that situation. As to the park, she emphasized that the City was not eliminating a park. Speaking to the police incident, she referred Mr. Mims to the Police Department.

Mayor Rios adjourned to the Redevelopment Agency at 8:05 P.M. and reconvened as the City Council at 8:11P.M.

PUBLIC HEARING

1. **MINUTE ORDER** Denial of an Appeal of Planning Commission Approval of Plans to Construct and Operate a New Elks Lodge No. 1474

Assistant Planner Christopher Barton advised that on August 10, 2004, the Planning Commission had approved a use permit after two public hearings to obtain public testimony, to establish a fraternal club with full alcohol service and design review of architectural plans to construct a 12,464 square foot club/lodge on a 1.41 acre site located on the west side of Marina Boulevard between Pelican Loop and East Third Street. On August 18, 2004, a neighboring resident, Michael D. Mirata, filed an appeal of the Commission's decision under Pittsburg Municipal Code Section 18.18.060.

Mr. Barton noted that the major issues identified by the community related to noise impacts, building architecture, and the amount of parking. To address those concerns, City staff had arranged for a meeting with the adjacent homeowner's association (HOA) and the Elks Lodge development team. With respect to noise impacts, a Plexiglas wall was to be constructed in the rear, there was no consensus on the building architecture although the architect agreed to return to the August 10 meeting with a set of plans, and the consensus on the parking was that in order to eliminate any confusion where Elks Lodge guests would be parking for rental events, pamphlets would include maps to designate where parking could occur.

Mr. Barton clarified that the current item represented an appeal of the Planning Commission's action to approve the use permit. He recommended that the City Council uphold the Commission's action.

Councilmember Kee recused himself at this time given that he had a client who was interested in occupying the site that the Elks Lodge would vacate. He left the dais and the Council Chambers at this time.

There was no fiscal impact associated with the item. Mr. Barton recommended that the City Council deny the appeal and uphold Planning Commission Resolution Nos. 9505 and 9506 approving Use Permit Application No. AP-04-139 (UP) and Design Review Application No. AP-04-108 (DR).

Mayor Rios opened the public hearing.

RICHARD LITTORNO, an attorney representing the appellant, asked the Council to uphold the approval of the project. He reported that the Council had set the project as a priority project in March 2003. The Elks Lodge had been displaced by Caltrans three years ago and the delay in finding a new location had created a financial hardship on the Elks Lodge as a result because it had no rental facility income as it had formerly enjoyed.

Mr. Littorno advised that the Elks Lodge had been directed by the Planning Commission to work with the adjacent homeowners to mitigate the effects of sound expected to be generated by the use. To address that concern, a Plexiglas wall would be constructed between the facility and the residential units.

Further, there would be no amplified sound outside the building, the doors would remain closed, the Elks Lodge would work to be good neighbors, attendees would be told not to park in neighborhood parking areas and maps would be distributed so that people attending the events would know where to and where not to park. The site would also offer much needed banquet facilities in the downtown and work to bring people into the downtown to support the local merchants.

MICHAEL MIRATA, Pittsburg, the appellant, referred to the staff report and backup supporting material related to the proposal. He quoted from the General Plan Land Use Section that provided policy guides for land use decisions. He cited Figure 2.4A showing the downtown area as a Marine Commercial zone and referred to Section 5 policies to enhance the vitality of the downtown. He suggested that the Elks Lodge proposal did not satisfy those policy statements and he suggested that an approval of the use permit to approve the Lodge would represent a major deviation from the City's General Plan guidelines.

Mr. Mirata also referred to Condition No. 17 of Planning Commission Resolution 9506 regarding landscaping and suggested that the landscaping requirements for the Elks Lodge proposal had been ignored. He stated that the site in question had no landscaping to mitigate the land use.

Mr. Mirata stated that Goals of the Downtown Element on Page 2-41 of the General Plan specifically envisioned specialty retail, restaurants, service uses, professional offices, boutiques, gift stores, galleries and marine recreation and neighborhood services in the Marine Commercial designation. Page 242 envisioned the creation of a mixed downtown that was a landmark and a destination point as well as residential and requiring a range of development intensity. The highest intensity in the downtown area was to be accessible to transit with the land use to function without creating a nuisance with adjacent land and to promote the policies as set forth in Chapter 5 of the Downtown Element of the General Plan given its historical character, waterfront location and traditional parking behind the building. He noted that to optimize the characteristics there needed to be a strong connection to the waterfront.

Mr. Mirata stated that the City's heritage was connected to its waterfront. He referred to a number of uses in the area and explained that all policy statements had been taken from the General Plan and were inconsistent with the decision recently taken by the Planning Commission since the Elks Lodge was inappropriately located in the downtown core. He urged the Council to reconsider the land use and to reject it as not being compatible with the downtown and not representing the best use of the land.

Referring to Page 5 of the staff report, Mr. Mirata, noted that City staff had quoted the 2002 definitions of the North American Industry Classification System (NAICS), Section 71, Arts, Entertainment & Recreation as allowing for a fraternal club and lodge. While that definition included live performances, events or exhibits intended for the public viewing, he stated that a private club would not provide public viewing. In addition, he pointed out that excluded from that section were restaurants and nightclubs that provided live entertainment in addition to the sale of food. As such, he suggested that staff had misinterpreted the appropriateness of the use under Arts and Entertainment.

Mr. Mirata also took issue with the staff determination of Categorical Exemption under the California Environmental Quality Act (CEQA) where Infill Development was found to be applicable. He suggested that there would be significant effects and he disagreed with the staff determination that there was no need for environmental review. He stated that the lack of environmental review also meant that the traffic impact had not been adequately evaluated. He emphasized the need to evaluate the traffic impacts affecting Railroad Avenue from Tenth Street north to the site given that the traffic in that area would be exacerbated by the proposed use where significant delays could be expected.

Mr. Mirata suggested that the use of the lodge as a rental facility would likely generate 60 to 75 cars that could saturate the intersections at Railroad Avenue and Third Street and Third Street at Marina Boulevard.

Referring to the site plan that had identified an availability for the parking of 252 cars in the area of the proposed site, Mr. Mirata pointed out that normally every afternoon and evening at least half of those spaces were already being used by the public. He suggested it was therefore a myth that there were 250 spaces available within 250 yards of the proposed site. He also suggested that the use would generate additional congestion in the area in general and at Pelican Loop in particular.

Noting the prior comparisons to the Pittsburg Yacht Club, Mr. Mirata stated that contrary to the Elks Lodge proposal the Yacht Club had private parking plus adequate parking around the launch ramp and the Marina area. He suggested that the project was incorrectly located in the downtown core since the land use was not to cause additional nuisances to existing land uses, which he suggested the proposed traffic would do.

Mr. Mirata explained that noise had been a continuous discussion from the initial public hearings. He commented that according to Condition No. 16 of Resolution 9505, live entertainment was not to occur past 10:00 P.M. with the exception of New Year's Eve. He objected to the Planning Commission's approval of a 10:00 P.M. deadline since the City's ordinance defined a 9:00 P.M. deadline.

Mr. Mirata emphasized that there was no specific condition related to noise limitations. He referred to two recommendations by staff to mitigate noise and commented that 15 pages of the General Plan known as Section 12 addressed noise.

Mr. Mirata referred to the specific references in the General Plan related to noise and objected to a 60 dBA level in the downtown area as set by a recent City ordinance, particularly since the corridors adjacent to the freeway were designated at 60 dBA. He suggested that a 40 dBA level only should be acceptable in the downtown area. He therefore suggested that the Elks Lodge proposal would violate the City's new Noise Ordinance.

On the issue of time in response to the fact that Mr. Mirata had utilized his 20 minutes to present his appeal, City Attorney Ruthann Ziegler confirmed that the Mayor had the option to grant the speaker additional time if that should be needed. At this time additional time was offered by two other members of the audience who had submitted cards to speak to the item.

Referring to Ordinance 04-1252, paragraph C, Mr. Mirata explained that the conditional use was permitted in the downtown area since a category of fraternal clubs with full alcohol beverages and fraternal clubs with live entertainment had been added. He emphasized that the use permit was conditional which indicated that the use might not be the highest and best use for the subject location. He suggested that if Ordinance 04-1252 had not been adopted as it had in January 2004, the use permit might not have been issued, particularly since the ordinance had inserted the new use of fraternal club for the first time in the text of the General Plan.

Mr. Mirata suggested therefore that the insertion of the new definition in the Marine Commercial designation appeared to be entirely without merit and constituted a purposeful bias and deception to the public, was contrary to the spirit of the General Plan, violated good judgment and represented a disregard for planning elements that had been represented to and supported by the public for several years.

Mr. Mirata referred to Condition No. 3 of the use permit approval which would allow the use of the western facing patio or terrace contrary to the wishes of the adjacent property owners and contrary to the staff recommendation. He stated that there were no noticeable changes in the plans to mitigate that situation or to provide any buffer in that area which he suggested violated the previously referenced policies of the General Plan. He suggested that the approval of the use permit showed a disregard for the pre-existing land use and could be defined as a nuisance based on the General Plan guidelines.

Mr. Mirata suggested that the highest and best use of the site could include specific restaurants, small shops, general stores, and low rise office space, which would generate revenue to the City that the Elks Lodge would not. He urged that the land be left open and available for a higher use that would add to the attractiveness of the historical downtown area.

Mr. Mirata closed by thanking City staff, particularly Mr. Barton who he noted had conducted himself in a professional manner and had been an aid to his presentation.

Mr. Littorno referred to Mr. Mirata's comment related to land use and noted that Part 3 of the national definitions had been left out of that comment. He stated that included establishments that operated facilities or provided services that enabled patrons to participate in recreational activities or pursue amusement, hobby, or leisure time interest. He also noted that there was an exception in the CEQA rules for infill development and no Environmental Impact Report (EIR) was required for one building on one lot. He added that the City frequently utilized that exception.

Speaking to the noise impacts, Mr. Littorno reiterated that a Plexiglas wall would be constructed at the rear patio to mitigate sound. Use Permit Condition Nos. 12, 13 and 16 would also require the mitigation of sound in that all activities shall occur entirely indoors with the exception of the outdoor use of a small patio or terrace area on the west side of the building, outdoor speakers shall not be used at any time on the property and live entertainment and amplified music shall not occur on the site past 10:00 P.M. with the exception of New Year's Eve. He emphasized that the use permit could always be reviewed should complaints occur.

In terms of the highest and best use of the property, Mr. Littorno stated that the lot had been vacant for 20 years. While Mr. Mirata had suggested that the lot be kept vacant, he stated that the Elks Lodge was offering fair market value for the property, its 450 members would use the property as a meeting facility, and the facility would be the premier banquet facility in the area and would bring a lot of people to the downtown. He stated that the potential parking problem was what the City wanted in that the City wanted too many people in the downtown. There were also preliminary plans to build a parking garage in the downtown if there were too many cars affecting that area. He suggested that the Elks Lodge would help the City create that situation, which would create a viable downtown.

When asked, Mr. Mirata stated that he would forego his rebuttal.

Mayor Rios identified the following comments from those who submitted speaker cards but who did not wish to speak at this time:

SHIRLEY ANELLO, Antioch – "I would like to move this matter along quickly. We have been waiting two years to get this project off the ground."

MELBA LINSCHIED, Pittsburg – "Please pass ordinance [to] end our long wait for our new building."

JODEE RUSSELL SHORT, Pittsburg, a Hillview Drive resident and a member of the Pittsburg Elks Lodge, reminded the Council that the Lodge had waited for three years to begin the new lodge since the former site had been eliminated as a result of the widening of Highway 4. She stated that Lodge funds were dwindling given the delays in the process. She suggested that those objecting to the Lodge were few compared with those throughout the community who had been served by the Elks Lodge.

Ms. Short explained that the Lodge offered annual scholarships, drug materials free to the schools for Red Ribbon Week, donated to Veterans and other charities and that the Elks had the largest number of volunteers serving the Seafood Festival.

Ms. Short stated that not just for community services, the City needed the Elks Lodge for a gathering place for private functions. She noted that the Pittsburg Historical Society used the Elks' temporary facility to conduct a fundraiser to preserve the history of the City. She stated that the Elks had served the City well, had been good neighbors, and the Elks Lodge had been located at its temporary facility for the last three years without complaint. She expressed concern as to why the Elks would now create unreasonable noise, cause traffic concerns and now be a bad neighbor. She expressed concern that the Elks Lodge would have to go to another city. She urged the passage of the proposed building without delay since the Elks were running out of money.

WAYNE TILLEY, Pittsburg, concurred with Ms. Russell Short's comments and deferred his time at this point.

RICHARD CONN, Pittsburg, presented a written copy of his comments for the record and stated that the Elks Lodge deserved a fine building in the City but one which was not at odds with the City's General Plan, particularly since the City was also interested in invigorating the downtown and the Marina. He suggested that the City had disregarded the citizen review to date and the architectural review of the proposed Elks Lodge building.

Identifying issues that might not be covered by others, Mr. Conn emphasized his concerns related to the City's disregard for citizen review, the incompatibility between the building's allowed usage and the restrictions imposed on it by the use permit. He urged the members of the City Council to listen to the tape recordings of the Planning Commission hearings to be made aware of his concerns related to the process.

JOYCE GUNN, Pittsburg, also distributed a written statement to the City Council and spoke to the parking and business related issues. While she was aware that homeowners had been notified of the meeting she was unaware whether or not business owners had also been notified of the hearings. She suggested that those brought to the area by the Elks Lodge would have no reason to patronize downtown businesses since those brought to the area would be able to eat, drink and be entertained by the Elks Lodge and have no reason to patronize other businesses in the downtown. She suggested therefore that City sales tax income from downtown businesses would decrease due to a lack of parking.

Ms. Gunn disagreed with the statements in the staff report which noted that the Elks Lodge with 49 parking stalls would minimize parking impacts on adjacent properties. The staff report had also noted that there were no parking standards for the downtown. She quoted from the General Plan that "limits private single user parking in the downtown area in order to maintain an adequate level of parking for the downtown businesses we are trying to develop."

Ms. Gunn stated that the report also noted that a similar facility elsewhere would

require 177 parking spaces. A statement offered by City Traffic Engineering had indicated that 108 spaces were needed for peak use times at the facility. She stated therefore that staff parking estimates were inconsistent with the proposed use and did not take into consideration the downtown residences.

Ms. Gunn stressed that staff had indicated specifically where the parking would be available on Marina Boulevard, in the Marina parking lot, and in the spaces in the Muniz Plaza lot, although she suggested that the elimination of those spaces would severely impact the businesses currently utilizing those spaces. Given the expected 15 to 17 Elks Lodge events and two to four rentals per month, she suggested that off site parking would only be available seven days a month and every Monday when the Lodge was closed for downtown parking for businesses. She urged the City Council to reconsider the project to allow the Elks Lodge to locate at another more appropriate site that would not impact the downtown and Marina businesses.

JUNE FORSYTH, Pittsburg, a Bay Harbor Park resident, commented that water amplified sound. She questioned how many people the fire department would permit on the site. When reported by Mr. Tilley that 250 would be permitted in the banquet room consistent with Fire Department regulations, she commented that she had no objections to the current Elks Lodge site although she questioned whether or not the expansion would exacerbate the parking and noise concerns.

JOYCE HOFFMANN, Pittsburg, had submitted a card to speak but had nothing to add at this time.

DAN HOFFMANN, Pittsburg, also had nothing to add at this time.

FRANK DETEEN, Pittsburg, speaking as the Secretary of the New York Landing HOA and speaking as a homeowner, commented that the HOA could relate only to those things in which it had legal standing. He stated that the only thing the HOA had legal standing was with respect to Parcel AA, the greenspace at the end of the channel. He reported that the HOA also had a long term lease with the City for a private parking lot. He commented that the HOA was further concerned with the fire lanes given the narrow street widths in the development. He emphasized that the negotiations with the Elks Lodge had been conducted in good faith, in a timely fashion and the compromises reached had been reached with a willingness to resolve the issues.

Mr. Deteen agreed with the right of the Elks Lodge to locate at the site in question. He suggested that the Elks Lodge had worked hard to address all the concerns and had been more than patient in dealing with a very frustrating situation that he suggested was caused by City staff's inability to communicate internally.

As an individual, Mr. Deteen commended the homeowners who had worked together to address his/her concerns.

WILLIE MIMS, Pittsburg, representing the BPA, referred to the earlier referenced

CEQA exemption and reminded the Council of prior litigation against the City for violating CEQA law. He noted that according to the court decision, staff was to have undergone training for CEQA law. If that had not occurred, he suggested that staff was misinterpreting CEQA law as had occurred numerous times. He also commented that the land in question was prime land, which belonged to the community as a whole and not one entity.

Further, Mr. Mims stated that there were two Elks Clubs in the City. While he had no problem finding a decent location in the City he suggested that all had to be treated equally and fairly. Since the black Elks had been treated unfairly by staff when it had tried to locate to a prime site he suggested that the Council should not give away prime land to the white Elks.

Mayor Rios closed the public hearing for public comment, although City Attorney Ziegler emphasized for the record that the subsequent staff testimony would be included as part of the public record.

In response to Mr. Mirata's comments, Mr. Barton referred to the landscaping plan and noted that the plan had been submitted with the project and had been approved by the Planning Commission. The plan had also been reviewed by the Park Planner who had determined that it was adequate. As to the visibility of the rear of the building, he stated that the Planning Commission had decided not to have as much vegetation in the rear of the building to ensure the visibility of the architectural features of the building.

With respect to the CEQA exemption, Mr. Barton explained that the Traffic Engineering Department had evaluated the proposal and had determined that a traffic study was not warranted for the project. As to noise, he stated that the noise issues had been adequately addressed by the applicant's willingness to modify the proposal to have reduced operations and to redesign the building with a Plexiglas wall. Speaking to the land use and the highest and best use of the land, he suggested that was an objective option. Staff had considered the General Plan. He added that there were other more intensive land uses in the area in question.

Mr. Barton also explained that staff had determined that a fraternal club and lodge would fit better under the Arts, Entertainment & Recreation designation. He further noted the other uses that would have been permitted uses without the requirement of a use permit, which included a hotel or marine repair/maintenance and which would have represented more intensive uses of that property.

With respect to Exhibit C of the Interim Zoning Ordinance, Mr. Barton explained that subsection c under that ordinance would require a use permit for a fraternal lodge which triggered the requirement for the use permit. He noted that Mr. Mirata's reference had been to permitted uses which offered discretion subject to a conditional use permit to review a custom tailored project for a permitted use. He stated that the Planning Commission had done that in its review of the project.

In terms of notification, Mr. Barton advised that staff had exceeded the 300 square

foot notification requirement where notices had been sent to all residents of the Marina and the Marina Heights Subdivision. As to parking, the City's General Plan encouraged shared parking in the downtown. Since the Elks Lodge did have to have parking on site staff had agreed to permit smaller parking and suggested it was reasonable to have some parking on site and allow other visitors of the site to park in the nearby parking lots as envisioned by the General Plan.

To clarify why a traffic study had not been warranted, City Engineer Joe Sbranti stated that when staff considered a traffic impact on a specific project staff considered peak traffic hours. In the downtown area, peak hour traffic was from 7:30 to 8:30 AM on weekdays and 4:30 to 5:30 PM on weeknights. The use of the facility would not generate a significant increase in traffic during those time periods. With the Elks Lodge, he advised that the higher traffic volumes would typically occur during weekends and the same would be true for parking. The adjacent Police Academy demand for parking on weekdays would not occur on weekends and shared parking would be available.

In response to the comments related to noise deadlines, Mr. Barton explained that the 9:00 P.M. restriction referred to Exhibit C of Ordinance 04-1215 and there was no restriction for a fraternal club or lodge. Subsection c was regulated by use permit. Further, the nature of the restrictions related to noise levels for specific areas.

As to how those areas would be determined, Ms. Ayres stated that the City's General Plan included a Noise Element with maximum noise levels in commercial areas and with a maximum 65 to 70 dBA in those areas. The desirable level in residential areas would be a maximum 60 dBA, although a 65 dBA was acceptable under certain circumstances. In this case and an interface between commercial and residential properties, the impact of the commercial on the residential had to be considered. She stated that the use was approved to be inside of a building that would have to meet Uniform Building Codes with insulation. As such, noise was not expected to be generated outside of the building at a distance of 50 feet that would impact the neighbors.

Ms. Ayres did not feel it was necessary to remove the terrace or to limit conversations in that area since the adjacent residences would have similar patios or terraces that also faced out into the water. She did not feel that would create any negative or adverse environmental impact. Most activity would occur inside the building. Any conversation or activity on the terraces would be muffled and reduced by the proposed Plexiglas wall around the entire terrace area.

Mayor Rios closed the public hearing.

Vice Mayor Parent commended those who had participated in the discussion and were present to address his/her concerns. She suggested that the issues had been clearly delineated by staff and by the testimony of those in support and in opposition to the proposal. She emphasized that the Elks Lodge had waited for a long time for an appropriate site that it could afford to purchase.

Vice Mayor Parent expressed her appreciation to the Elks Lodge for meeting with neighborhood residents to attempt to minimize the problems that had been identified. She added that the presence of the Elks Lodge in the downtown would create a destination that would attract activity in the downtown. She commended the benefits that the Elks Lodge offered the community, including banquet facilities that would be able to serve the entire community. She noted that the Marina Center had served that function for some time and no problems had occurred in that case. She suggested that if the City could operate a Marina Center without a problem, the many conditions carefully analyzed by staff and the citizenry as part of the conditional use permit could allow successful Elks Lodge operations that would not adversely affect the neighbors. She made a motion to deny the appeal.

Councilmember Beals commented that the City of Pittsburg was changing and the lives of those who lived in the downtown would change. For the benefit of the City, for growth and to turn the City around, she emphasized that the downtown would have to change. Her focus was on the revitalization of the downtown, which meant traffic. While she did not know if the issue of traffic was really relevant, she stated that the Marina Center had served the same purpose as would the Elks Lodge for years.

With the City's plans of having restaurants in the downtown, galleries and Heritage Walk, among others, Councilmember Beals stated that all of those uses would incur traffic and would incur noise. People would be attracted to the downtown, which was what the City had always wanted. Now that the City was making an effort to bring people to the downtown, she stated that there was resistance from the neighborhoods. In order to grow as a City she emphasized that certain things would have to occur, which would mean change.

Councilmember Beals emphasized that the Elks Lodge had no choice but to move because of the freeway expansion and that some homeowners had lost homes because of that expansion. She commented that while prime land, the site in question had been vacant since she was a child and it was time to see that area developed, to see the City improve itself and to do what was right for the City.

Councilmember Beals stated that the Elks Lodge service organization had served the Pittsburg community well. She commented that the issue was about being a good neighbor, about being a good business and about helping the City improve itself. She stressed the need to change the City's mindset and she emphasized that the proposal did not represent strangers, it was local residents who wanted to remain in the City and retain its business in the City. She did not see that the type of fraternal organization would change because of its new location. She urged that it be allowed a chance to locate. She noted that the Elks had not been out of hand at its initial site or its temporary site and she did not expect that the Elks would be a problem at its new site. She agreed that it was part of the public process to let the Council know of the residents' concerns and she asked the residents to continue to voice his/her concerns in the community. She seconded the motion to deny the appeal.

Mayor Rios commented that she was offended that the Council was being accused of making its decision based on race, which was not the case. She agreed that change in the community was difficult, and while not preferred she emphasized that change would be required to allow the community to grow.

On motion by Vice Mayor Parent, seconded by Councilmember Beals and carried unanimously to deny the appeal and to uphold Planning Commission Resolution Nos. 9505 and 9506 approving Use Permit Application No. AP-04-139 (UP) and Design Review Application No. AP-04-108 (DR).

Mayor Rios declared a recess at 9:36 P.M. The Council reconvened at 9:46 P.M. with all Councilmembers initially shown as present and absent.

2. **RESOLUTION 04-10151** Approval of 2003-2004 Consolidated Annual Performance and Evaluation Report (CAPER)

Housing and Community Programs Manager Annette Landry reported that the Department of Housing and Urban Development (HUD) required the City Council to review and approve the 2003-2004 Consolidated Annual Performance and Evaluation Report (CAPER) for CDBG funds. This report provides a summary on the activities approved by the City Council in the 2003-04 Annual Action Plan and undertaken in the period from July 1, 2003 to June 30, 2004.

Ms. Landry recommended that the City Council consider public comments and the comments received during the public comment period and approve the CAPER.

Mayor Rios opened the public hearing for Resolution 04-10151.

There were no comments from the public.

Mayor Rios closed the public hearing for Resolution 04-10151.

On motion by Councilmember Beals, seconded by Vice Mayor Parent and carried unanimously to adopt Resolution 04-10151.

CONSIDERATION

1. **MINUTE ORDER** Amendment of City's Conflict of Interest Code

City Attorney Ziegler stated that pursuant to the Political Reform Act, the City of Pittsburg was required to conduct a biennial review of its Conflict of Interest Code. The purpose of reviewing the Conflict of Interest Code was to determine whether the Code was accurate or if it must be amended. Staff had reviewed the Code and had concluded that the City's Conflict of Interest Code must be amended.

There was no fiscal impact associated with the item. Ms. Ziegler recommended that staff be directed to make the necessary amendments to the City's Conflict of Interest Code.

WILLIE MIMS, Pittsburg, representing the BPA, questioned the amendments proposed and asked whether or not the new Conflict of Interest Code would simplify the role that each elected or appointed official must play in his/her voting decisions.

In response, Ms. Ziegler stated that the Conflict of Interest Code was pursuant to State law, the Political Reform Act interpreted by the Fair Political Practices Commission. She noted that other laws related to conflict of interest were not included in the code. The City complied with law and continued to comply with law with the biennial update. As to voting decisions, she stated that the changes to be made would be as to what positions were subject to the code, and what was and was not considered a conflict of interest as far as voting was not a determination of the City since that had already been determined by State statute and case law.

On motion by Councilmember Beals, seconded by Councilmember Kee and carried unanimously to make the necessary amendments to the City's Conflict of Interest Code.

2. **RESOLUTION 04-10153** Approving Amendment No. 2 of the City of Pittsburg's 2000 Water System Master Plan

City Engineer Sbranti advised that Carollo Engineers has prepared a second amendment to the City's Water System Master Plan in response to changes in the proposed land uses in the southwest annexation. As a result of land use changes staff recommended approval of Amendment No. 2 to the Water Master Plan focusing on water structure needs in the southwest portion of the City and had been provided to all current developers of that area for review and comment.

The Amendment identified an additional \$3.6 million of water system improvements to be paid for by the City within 5 to 10 years. Staff anticipated that those improvements would be funded through the issuance of bonds in coming years. All other new costs identified by the amendment were attributable to future development and would be paid for on a fair share basis.

Mr. Sbranti recommended the approval of Amendment No. 2 for the 2000 Water System Master Plan, dated July 2004 proposed for the City of Pittsburg by Carollo Engineers.

STEPHEN REICH, Mill Valley, a registered civil engineer retained by West Coast Home Builders to review Amendment No. 2 referred to the original Water Master Plan adopted in 2001 and noted a number of discrepancies in the Amendment. He commented that a request to the City to review the model which was the basis of the Master Plan had been made on August 11. With no information provided, another request had been made on August 20 and he had been advised by the City that it was unnecessary to have access to the model.

Another request was made on August 26 and the model had been received on September 1 when it had been evaluated.

Mr. Reich stated that the model presented had shown reservoirs totaling 4 million gallons in Zones 3 and 4 although Amendment No. 2 showed those same reservoirs in other locations in the City totaling 5 million gallons. He also noted that the 5 million gallon reservoirs had also been identified as "to be determined." He cited other places in the model where a 16 inch pipeline and pump station would be located on West Leland Road while the Amendment had shown a 20 inch pipeline and pump station on Alves Road. He also noted discrepancies in the original model, which was a further concern.

Given those discrepancies, Mr. Reich questioned whether or not the proposal would be able to meet the needs of the City. He recommended that the model be updated to reflect Amendment No. 2 and to verify the accuracy of the proposed improvements, to also document the assumptions that had been used. He suggested that there would have to be a meeting with City staff to allow that to occur since the basis for establishing the size of the pipes and the facilities had not been well documented.

As special counsel for both Seecon and West Coast Home Builders, WILLIAM ROSS emphasized the inconsistencies between the model and what had been proposed, which he suggested was significant. He advised that the capital improvements were to have been based on the model, which was inconsistent. He noted, for instance that Table 7 had indicated an extension of approximately 1,200 feet of infrastructure from the reservoir sites, which were inconsistent, to a 23 acre parcel that Seecon had originally brought into the City in association with the BART Station, which could not be done if that reservoir was in Phase III. He stated that those things could be clarified.

Mr. Ross noted that other cities integrated models consistently with their water master plan as a component of their Capital Improvement Program (CIP) and he stated that Pittsburg could do the same. He commented that the actual amount authorized by the Amendment was \$54 million and he emphasized the need for certainty that could be achieved with an integration with the model and the text of the amendment. He asked the Council to allow that to occur and stated that he would work with their consultants and engineers to achieve that result with City staff.

JAY TORRES MUGA, representing Seecon, yielded his time.

KARL SCHAEFER, Concord, also yielded his time.

SCOTT HANKS, Danville, SDC Inc. a development consultant representing the Alves and Lyons project stated that he had been working with Carollo Engineers for six months on the Water Master Plan Amendment. He noted that Carollo Engineers was the author of the 2000 Master Plan. He stated that he had been involved with seven iterations of the proposal and while not all were agreeable and while he had also retained a civil engineering expert, he had found that even with the most recent comments there could be room for change and growth since the plan was based on opinion.

Mr. Hanks reported that he had generally found that Carollo's findings were acceptable to SDC, to Alves and to the Lyons group for the properties in question.

With respect to the changes, Mr. Hanks noted that there were a few issues that they did not agree with. It was his understanding that the reservoirs had been relocated and were in areas proposed that were acceptable to meeting the needs of the City and meeting the needs of increased fire flows. He supported the document and encouraged the City Council to support the document.

Mr. Sbranti stated that Tony Akell of Carrolo Engineers could respond to some of the comments.

TONY AKELL, Carrolo Engineers, the author of the original 2000 Master Water Plan and Amendment No. 2, responded to the comments related to the computer model. He noted that the subdividers had agreed with all of the numbers. He explained that he had worked with each of the developers and had developed a customized program that had been scrutinized by all involved. What had resulted was a product that provided a good plan for the City.

Vice Mayor Parent commented that what the Council had been provided had not identified the changes that had been made. She sought an opportunity to meet with Mr. Sbranti to be apprised of the amendments. She suggested that the item be continued for one meeting to allow her time to evaluate the document.

Councilmember Beals asked staff to provide some presentation to offer the Council a greater understanding of the recommended amendments prior to the next meeting.

Mr. Sbranti stated that would be done.

Mayor Rios agreed with the recommendation that the item be continued to the next meeting for action. She wanted to be provided the customized amendments well before that time with a brief presentation at that time to clarify the changes.

On motion by Vice Mayor Parent, seconded by Councilmember Beals to continue Resolution 04-10153 to the meeting of October 4, 2004 for a presentation and clarification of the recommended amendments.

Councilmember Beals was ill and left the meeting at this time.

3. **RESOLUTION 04-10154** Allocating Funding and Awarding a Contract for Construction of Contract 00-02, Buchanan Road Improvement Project, to Bay Cities Paving & Grading, Inc. of Concord, California and Making Certain Findings in Connection Herewith

Mr. Sbranti stated that bid proposals had been opened for the construction of improvements related to Contract 00-02, Buchanan Road Improvements Project. The apparent low bidder, Bay Cities Paving & Grading, Inc. of Concord, California, submitted a Base Bid Proposal in the amount of \$1,302,807.54. In addition to the base bid costs, Alternative Bid Item No. 74 was also included in the Bid Proposal for an additional cost of \$7,800.

The original budget established for the project was \$1,200,000. The Carryover budget for FY 2002/03 approved on November 17, 2003 included \$1,170,151 of Redevelopment Agency funds. On May 3, 2004 the Council reallocated the project funds from Measure C instead of the Redevelopment Agency. The total amount estimated for construction of improvements related to Contract 00-02 was \$1,606,000. An additional allocation of \$406,000 was requested to construct the project.

Mr. Sbranti recommended awarding a contract to Bay Cities Paving & Grading, Inc. for the Base Bid and Alternative Item No. 74 for a total contract amount of \$1,310,607.54.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition and the Delta Pedalers, and a member of the Pittsburg Planning Commission, stated that Pittsburg's bicycle community had worked with staff to include bike lanes in the project and were pleased with the way staff and the Council had accommodated alternative modes of transportation in the City. He urged the Council to adopt the resolution.

Councilmember Kee referred to the fee summary in the staff report where one contract had included a 10 percent contingency while another had included a 17 percent contingency. He sought a clarification of that situation.

Mr. Sbranti noted two components of the project with the second component included under the Consent Calendar, and which was a smaller piece of the project representing work outside of the right-of-way and which would have a larger contingency because it was a smaller project.

On motion by Vice Mayor Parent, seconded by Councilmember Kee and carried unanimously to adopt Resolution 04-10154.

4. **MINUTE ORDER** Endorsement of Proposition 64 – the Ballot Initiative to Stop Private Lawyer Abuse of California's Unfair Competition Law

City Manager Marc Grisham stated that the Mayor had received a request from Californians to Stop Shakedown Lawsuits asking for endorsement of Proposition 64.

Vice Mayor Parent commented that it had been well documented in the journals of the Bar Association that the use of the particular law by some people was an aberration that ought to be addressed.

5. **MINUTE ORDER** Endorsement of Proposition 71 – the California Stem Cell Research and Cures Initiative

The Mayor had received a request from Steve Westly, California State Controller, asking for endorsement of Proposition 71.

Mr. Grisham suggested that both items be continued to allow an opportunity to present the actual text related to the legal arguments to the Council at its next meeting.

On motion by Mayor Rios, seconded by Vice Mayor Parent and carried unanimously to continue both requests for endorsement to the October 4, 2004 meeting.

6. **RESOLUTION 04-10155** Award 2004/2005 Purchase Contracts for Various Public Works Materials and Supplies

City Manager Grisham stated that the City of Pittsburg Public Works Department was responsible for operation of the City's water system and maintenance of all City facilities and infrastructure. The Department had requested, and received bids from various vendors for these large quantities of supplies the department needed to complete its mission. Some of the bids exceeded the \$50,000 threshold that required approval of the City Council. The supplies contracts were necessary to maintain operations of the Department and were ready to be awarded. The necessary funds had been approved in the FY 2004/2005 Public Works Department's annual operating budget. Most of the purchases were for street repair materials and water distribution system repair materials.

Mr. Grisham recommended the award of purchase contracts to the lowest responsive/responsible bidders listed in the September 20, 2004 staff report and authorize the Finance Director to execute open purchase agreements with the selected suppliers to furnish supplies for the Public Works Department during the 2004/2005 fiscal year.

On motion by Councilmember Kee, seconded by Vice Mayor Parent and carried unanimously to adopt Resolution 04-10155.

7. **REPORT** Triennial Report on Drinking Water Public Health Goals

Mr. Grisham reported that public water systems having more than 10,000 service connections must prepare a written report every three years that gives information on the detection of any contaminant above the Public Health Goals established by the State Office of Environmental Health Hazards Assessment. The report was intended to provide information to the public, in addition to Annual Water Quality Reports mailed to each customer.

Mr. Grisham stated that staff was pleased with its water facilities. There was no fiscal impact. He recommended the receipt of the triennial Report on Drinking Water Public Health Goals.

Mayor Rios stated that the City's water was much improved over what had been available ten years ago.

On motion by Mayor Rios, seconded by Vice Mayor Parent and carried unanimously to accept Triennial Report on Drinking Water Public Health Goals.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: September 7, 2004
Approved minutes dated September 7, 2004.
- b. **CLAIMS** #1608 Clarence Lehman
Denied claim #1608 Clarence Lehman.
- c. **RESOLUTION 04-10156** Approving the Carryover of FY 2003-2004 Capital Improvement Project Balances at June 30, 2004 into the Current Fiscal Year 04-05 Budget for the City of Pittsburg
Adopted Resolution 04-10156.
- d. **RESOLUTION 04-10157** Director of Housing and Community Programs
Adopted Resolution 04-10157.
- e. **RESOLUTION 04-10158** Amending the Department Directors' Salary Schedule
Adopted Resolution 04-10158.
- f. **RESOLUTION 04-10159** Amendment to the Plan Document for the 457 Deferred Compensation Plan
Adopted Resolution 04-10159.
- g. **RESOLUTION 04-10160** Subdivision 8657, Bancroft Gardens, Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement
Adopted Resolution 04-10160.

- h. **RESOLUTION 04-10161** Allocating Funding and Awarding a Contract for Construction of Contract 00-02-B, Buchanan Road Driveway Improvements to Bay Cities Paving & Grading, Inc. of Concord, California and Making Certain Findings in Connection Herewith

Adopted Resolution 04-10161.

- i. **RESOLUTION 04-10162** Authorizing the City Manager to Execute an Agreement with PFM Asset Management LLC to Provide Independent Investment Management Services for All Public Funds Held by the City

Adopted Resolution 04-10162.

- j. **RESOLUTION 04-10163** Approving the Transfer of Prior Year Grant Balances as of June 30, 2004 into the Fiscal Year 2004-05 Budget for the City of Pittsburg in the Amount of \$478,626.

Adopted Resolution 04-10163.

ADJOURNMENT

The City Council adjourned at 10:28 P.M. to the regular meeting on October 4, 2004.

Respectfully submitted,

Lillian J. Pride, City Clerk

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