

CITY OF PITTSBURG
Redevelopment Agency Minutes
May 3, 2004

Vice Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 7:38 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 5:00 P.M. into Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding four cases; Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding The City of Pittsburg vs. Cheri De Bonneville, Contra Costa County Superior Court Case No. C03-00484, Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, Gregory Osorio; and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209 and Erin Janes v. City of Pittsburg et al, Contra Costa County Superior Court Case No. C04-00647; Public Employment for the City Attorney; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APN 073-230-007-4 (1301 Standard Oil Avenue).

Vice Chair Parent advised that there was nothing to report from Closed Session.

MEMBERS PRESENT: Beals, Glynn, Kee, Parent

MEMBERS ABSENT: Rios [Excused]

STAFF PRESENT: Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
City Clerk, Lillian J. Pride
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Public Works, John Fuller
Director of the Redevelopment Agency, Garrett Evans
Director of Planning and Building, Randy Jerome
Housing & Community Programs Manager, Annette Landry
City Engineer, Joe Sbranti
Police Chief, Aaron Baker
Deputy City Clerk, Alice Evenson

CONSIDERATION

1. **RESOLUTION 04-959** Allocating Funding for Contract 2004-05, Marina Center
Combined w/CC 04-10063 Parking Lot, to Construct a New Parking Lot and
Associated Improvements at the Marina Center Building

Assistant Executive Director Nasser Shirazi advised that on February 3, 2003, the

City Council approved Resolution No. 03-9763, which established the Capital Improvement Program and included the Marina Center Parking Lot Project. The proposed resolution would allocate funding for construction of Contract 2004-05, Marina Center Parking Lot Project.

Mr. Shirazi stated that the total cost to design, bid and construct the improvements had been estimated at \$750,000. He recommended that the Agency approve the allocation of \$750,000 from the Redevelopment Agency tax increment reserves. It was further recommended that the Interim City Manager be authorized and directed to execute documents and take such further actions as may be necessary or appropriate to carry out the City's obligations pursuant to the construction of the improvements.

BRUCE OHLSON, Pittsburg, speaking for the East Bay Bicycle Coalition sought assurance that a reasonable amount of bicycle parking would be included in the parking lot project. Speaking to bicycle facilities in the City he noted that the usual procedure was to have one bicycle parking space for each ten automobile parking spaces no farther from the front entrance than the closest vehicle parking place.

Member Kee clarified with staff that the parking would be in compliance with all City requirements. Since the parking lot would be rented out he inquired whether that would translate to increased rent revenue.

Director of the Redevelopment Agency Garrett Evans stated that staff would examine the lease arrangements with any adjacent parties to examine whatever revenue generation enhancement could be gained.

On motion by Member Beals, seconded by Member Glynn and carried unanimously to adopt Redevelopment Agency Resolution 04-959.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: April 19, 2004

Approved minutes dated April 19, 2004, as amended by Vice Chair Parent to the last sentence before Item c. on Page 3 to read: *The following item was removed by Member Kee due to a client conflict. He recused himself and left the Council Chambers at this time.*

- b. **RESOLUTION 04-960** Amendment One to Harris Agreement for Design
Combined w/CC 04-10065 Services for West Leland Road Extension

Adopted Resolution 04-960.

- c. **RESOLUTION 04-961** Authorization to Negotiate with Contra Costa County

Regarding the Sale of Surplus Property Due to Highway
4 Widening

Adopted Resolution 04-961.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:44 P.M. to the next meeting set for May 17, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
May 3, 2004

Vice Mayor Nancy Parent called the meeting of the Redevelopment Agency to order at 7:45 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 5:00 P.M. into Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding four cases; Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9 regarding The City of Pittsburg vs. Cheri De Bonneville, Contra Costa County Superior Court Case No. C03-00484, Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, Gregory Osorio; and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209 and Erin Janes v. City of Pittsburg et al, Contra Costa County Superior Court Case No. C04-00647; Public Employment for the City Attorney; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APN 073-230-007-4 (1301 Standard Oil Avenue).

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City Engineer, Joe Sbranti
Police Chief, Aaron Baker
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Vice Mayor Parent considered the following general City Council items at 7:00 P.M. prior to pursuing the Redevelopment Agency agenda.

PLEDGE OF ALLEGIANCE

Marc Grisham, the City of Pittsburg's future City Manager, led the Pledge of Allegiance.

COUNCILMEMBER REMARKS

Councilmember Glynn reported on his activities since the last Council meeting which included a Power Committee meeting, a meeting related to the Armed Forces Day Parade scheduled for May 15, the State of East County meeting in Antioch, the Contra Costa Transportation Authority (CCTA) Workshop related to transportation issues in East County, and the 62nd Annual celebration of the Philippine Scouts of the Greater Bay Area in San Mateo.

Councilmember Kee referred to the efforts to build a memorial in honor of Dr. Martin Luther King in Washington, D.C., which memorial had been estimated at \$100 million. Those interested in contributing to the memorial or learning more of the proposal were directed to www.buildthedream.org or 1-888-4-THE DREAM. He added that funding efforts would continue.

Vice Mayor Parent reported that the First Time Homebuyers Workshop had been held on April 29 when 75 people interested in the program had attended. She stated that representatives of Wells Fargo Bank and Washington Mutual had been present at that workshop since both would be cooperating with the City to provide some of the loans. She noted that Pacific Community Services, Inc. (PCSI) had also been present to advise of its housing counseling services, which were in part funded by a City Community Development Block Grant (CDBG). As such, the program was now in process. Those interested were encouraged to contact Redevelopment Agency staff. She thanked staff for putting on the successful workshop.

Vice Mayor Parent also reported that Los Medanos College (LMC) had celebrated its 30th Anniversary on May 1, which was also a fundraiser for the LMC Foundation for an ongoing program to revamp some of the LMC classrooms. The celebration had also been combined with the display of LMC's newly revamped planetarium. She encouraged residents to visit the planetarium.

The Vice Mayor also reported that she had attended the fundraiser in Berkeley for Community Violence Solutions, another organization supported in part by the City's CDBG funds. The organization, which ran the hotline for abuse also provided training and volunteer services. She stated that had also been a successful fundraiser.

Vice Mayor Parent identified another fundraiser held by the National Women's Political Caucus of Contra Costa County. The speaker at that time, a woman who was the head of the Retail Clerks Union, spoke to the effects, particularly to women, of the recent employer attempts to reduce benefits.

Vice Mayor Parent also advised that the Tri Delta Transit Board of Directors would send a letter to a number of transit agencies to indicate that the BART extension, in whatever form, should be the recipient of funds generated from East County. She noted that once signed, the letter would be forwarded to the City Council for consideration.

With respect to the Dow Wetlands Program, Vice Mayor Parent explained that she had attended a program on May 8 when she had been made aware of that outdoor resource, which was available for a walk or for group tours when arranged by Dow Chemical.

Vice Mayor Parent also noted that NBC's Today Show and Al Roker had showcased the Rubicon Project on April 5. She noted that the City of Pittsburg supported Rubicon in a number of ways, one of which was a job program at the Environmental Center where job skills were being taught and where plants were being grown that the City acquired for use in its road medians. She stated that the Rubicon program had been very successful. She also noted that through Mr. Roker's Lend a Hand Today charity event, \$25,000 worth of goods had been delivered to Rubicon for distribution to its clients on April 5.

CITY MANAGER REMARKS

Assistant City Manager Nasser Shirazi stated that due to the construction activities on State Route 4 (SR4), the Engineering Department had prepared a PowerPoint presentation to apprise the public of what to expect from those construction activities.

City Engineer Joe Sbranti identified some upcoming impacts that the SR4 Widening Project would have on City streets, and specifically on Railroad Avenue. He noted that the SR4 project was being done in phases. The first phases had been completed in 2002 and 2003 with the frontage road reconstruction project and the Harbor Street Replacement Project. In December 2003 the next phase of construction related to the widening of the main line from four to eight lanes, the replacement of the Railroad Avenue Bridge and the reconstruction of on and off-ramps at Railroad Avenue had commenced. He focused on the impacts associated with that work.

Mr. Sbranti explained that over the past few weeks the contractor had conducted some median work that would allow traffic to be shifted from the entire Railroad Avenue to only the eastern portion of the bridge to allow the contractor to begin demolition work on the western portion of the bridge. To accomplish that, he reported that a substantial amount of the work would be performed at night and on weekends to minimize the impacts to traffic during the day.

Mr. Sbranti presented the schedule of partial and full road closures that would occur between 10:00 P.M. and 5:00 A.M. or 7:00 A.M. There would be a full road closure of Railroad Avenue on May 7 from 10:00 P.M. to 7:00 A.M. and again on approximately May 14 from 10:00 P.M. to 5:00 A.M., although that date would have to be verified. Before any road closure work, notifications would be distributed to emergency services, to the newspaper, and included the current notification to the Council. Advanced warning signs would be placed along the roadways and along the freeway. A detour with signage would be monitored throughout the closure.

In addition to Railroad Avenue, there would also be three ramp closures, one eastbound on-ramp, one westbound on-ramp and the westbound off-ramp, all closed on

May 7. The off-ramp on Railroad Avenue would be the only one that would remain closed beyond the next meeting. Advanced notices and signage would be placed along the routes, with detours and monitoring of those detours.

Mr. Sbranti stated that the freeway itself would have to be closed to allow the demolition of the western portion of the Railroad Avenue Bridge, which closure would be at night and which would take place on no more than two consecutive nights.

Mr. Sbranti stated that Al Gonzales the resident engineer of the project would be able to respond to questions. He clarified that two lanes of traffic would remain open at all times on the Railroad Avenue Bridge. The staging would shift from one side to the other from the western to the eastern portion of the bridge. There would be four lanes at all times.

BRET BLAKE, Pittsburg inquired how Pittsburg residents would be affected. He explained that work was being conducted in front of his home. He also noted that there had been a mainline water break and his hose bib had been used for more than an hour on May 1, 2004 to make sure that water was available to the rest of the block. He objected to that situation. He requested to be relocated pending the completion of the night work.

Mr. Sbranti stated that Mr. Blake lived on Railroad Avenue and he was being affected by the night work. Mr. Blake had requested to be relocated pending the night work. He also noted that he had been unaware of the water situation although he would investigate that situation.

Mr. Blake emphasized that he needed to be relocated during the construction process.

On another matter, Assistant City Manager Shirazi referred to the Council's prior approval of a contract for the reconstruction of the web site and reported that staff had been working to update that website. The web page that staff had created to date was displayed to the Council. He explained that there would be 60 to 70 pictures of different areas of the City displayed on the web page. He referenced the links to the various City departments, which would include special City events and other occasions. He would return to the Council when each City department with its own home page would be presented.

CITIZENS REMARKS

BRUCE OHLSON, Pittsburg, speaking to the Vice-Mayor's remarks related to BART and eBART, stated that he had attended meetings of the TRANSPLAN Committee and the Contra Costa Transportation Authority for five years. Noting that their consultants had not considered the price of motor vehicle fuel as part of its proposals and given the significantly increased cost of fuel and the questionable supply of fuel in the future, he suggested that would result in a surge in ridership for the entire Bay Area transportation system. As such, Mr. Ohlson agreed with the Vice-Mayor that the ridership numbers would significantly increase in the future.

WILLIAM LEE, Pittsburg, speaking on behalf of Torry Taylor and John Black with respect to the Kirker Creek Flood Control Project, stated that both had worked on that project but had recently been let go by North Bay Construction, the general contractor on the project. He noted that there had been several labor violations on that project that he stated needed to be addressed. There were also some overpayment issues and that charges, some five times what was allowed, were involved with subcontractors to North Bay. He stated that the City Attorney had failed to respond to those concerns and to bring it to the attention of the Attorney General. He also stated that North Bay did not hire Pittsburg residents where local residents were to be considered consistent with the local ordinance.

TORRY TAYLOR, Pittsburg, reported that he and Mr. Black had filed wage claims with the Labor Commission since North Bay had hired them out but had not paid them. He questioned why the seven employees involved who were owed \$50,000 had not been paid. He stated that the City had been billed but the workers had not been paid. He questioned why the City had not investigated that situation when North Bay continued to be paid by the City.

JOHN BLACK, Pittsburg, concurred with the representation of the situation.

City Attorney Linda Daube advised that staff had been looking into the situation extensively.

Mr. Sbranti added that staff was aware of the issues raised by the speakers and that staff was following up on all those concerns in conjunction with the City Attorney and the contractor.

FRANK NATALE, Pittsburg, the owner of a local business at 1401 Clark Avenue, presented copies of legal documents and correspondence for distribution to the members of the Council. He noted that his business would be vacating a local building in 60 days and that he was the only legal tenant of that building at 1401 Clark Avenue, which was located adjacent to the old Winter Chevrolet building and which was affected by the SR4 Widening Project. He noted that no other tenants in that building had been given a certificate to occupy the building.

Mr. Natale explained that the City's Building Official had investigated substandard issues and had written a citation letter to the out of state owners of the property, although no resolution of that situation had occurred. He described the legal proceedings involved and reported that the business owner had no certificate of occupancy for the building. He commented that a recent site inspection by the Fire Protection District had found an inadequate fire suppression system for the building. Given the liabilities involved, Mr. Natale requested that the City Council take his information into submission. He emphasized that the City had been placed in a position of liability.

City Attorney Daube stated that staff would follow up on that situation.

Vice Mayor Parent adjourned to the Redevelopment Agency at 7:38 P.M. and reconvened as the City Council at 7:45 P.M.

PUBLIC HEARING

1. **RESOLUTION 04-10059** 2004-05 Community Development Block Grant Annual Administrative Plan Changes

Assistant City Manager Nasser Shirazi advised that the Department of Housing and Urban Development (HUD) required the City Council to review and approve the 2004-2005 Community Development Block Grant Annual Action Plan. The Annual Action Plan was presented to the City Council for approval. This Plan included the CDBG funding recommendations for the 2004-2005 program year that the Council approved on March 15, 2004. HUD also required a public hearing and a public comment period before submitting the Annual Action Plan.

Mr. Shirazi stated that the action did not have any fiscal impact on the City. The CDBG grant was awarded to the City on an annual basis to be used for eligible CDBG activities. It was a self-sufficient program that had no bearing on the City's General Fund.

Mr. Shirazi recommended that the City Council open the public hearing, receive testimony, close the public hearing and adopt the resolution approving the 2004-2005 Annual Action Plan.

Vice Mayor Parent opened the public hearing for Resolution 04-10059. There were no comments. The public hearing for Resolution 04-10059 was closed.

On motion by Councilmember Glynn, seconded by Councilmember Beals and carried unanimously to adopt Resolution 04-10059.

2. **RESOLUTION 04-10060** Appeal of Planning Commission Approval of Design Review Application No. AP-03-15 (DR) for a Meat Market at 3819 Railroad Avenue

Mr. Shirazi reported that the Planning Commission approved architectural plans for the construction of a 1,540 square foot building addition, exterior building modifications and on-site improvements to convert an existing multi-tenant building into a specialty food market at 3819 Railroad Avenue. The current building tenant, Dan Villasenor, filed an appeal of the Commission's approval based on his personal concerns of the property owner's historic business practices.

Mr. Shirazi stated that there was no fiscal impact associated with the project. He recommended the adoption of the resolution denying the appeal and upholding Planning Commission Resolution No. 9477.

Vice Mayor Parent verified that the reference in the staff report to a code enforcement citation issuance on June 26, 2004, should have referred to June 26, 2003.

Vice Mayor Parent opened the public hearing for Resolution 04-10060.

DAN VILLASENOR, Concord, opposed the appeal and referred to the July 7, 2003 correspondence from the Contra Costa County Health Department which had listed a number of complaints and violations on the property and which had noted that the facility was planning to remodel. The applicant was to have submitted the plans for remodeling to the Health Department prior to that action, which had not been done. He suggested that no action should be taken pending compliance with Health Department requirements. Mr. Villasenor also stated that the applicant had been cited on May 29, 1999 for selling liquor to minors and again on January 25, 2001 for the same offense. Having contacted the Department of Justice related to the applicant's cash checking business at the existing restaurant/store, he stated that there was no record of that use. He suggested that the applicant was setting a bad pattern.

As a tenant in the subject building since June 1988, Mr. Villasenor stated that he constantly called the Police Department because the applicant allowed the homeless to sleep behind the building. While the Police Department had been responsive, he stated that the owner had done nothing to address that problem. He also commented that he had nine or ten years remaining on his lease.

Mr. Villasenor submitted the police report to apprise the Council of the extent of the violations on the site and the problems that had been created as a result. He suggested that the City should at least see what the Health Department was going to do. He suggested that the applicant did not appear to care for the community. He urged waiting to allow the Health Department to issue its permit after which the applicant could resubmit his plans to comply with the planning requirements.

Mr. Villasenor submitted a packet of information for Council review.

Director of Building and Planning Randy Jerome stated that the situation was unusual in that the application considered by the Planning Commission was for a remodel and an addition to an existing building. The only charge to the Planning Commission in this case was for a modification to the building itself. He noted that the Planning Commission had heard some of the complaints just offered although he stated it was out of the Commission's purview to consider those complaints. The proposal related to the modification of the building itself. As such, Mr. Jerome stated that Mr. Villasenor's request that no permits be granted until the issuance of the Health Department permits was not appropriate in that the Health Department permit was germane to the use and the occupancy, which was not the matter under discussion. He stated that the Council could either deny the application pending the completion of some of the items involved, continue the application, or deny, without prejudice, with a return to the Commission with revised plans. He stated that the remodel of the building itself was something that the City should be encouraging.

City Attorney Daube agreed with Mr. Jerome that the issue related to design review only. The other complaints raised by the appellant were in the purview of other entities, such as the Code Enforcement Department.

Councilmember Beals stated that with full understanding that the issue involved related to design review only, she stated it was also important to take into consideration the material provided by the appellant. She otherwise recognized that the issues related to the Health Department were serious enough to address now, particularly given the proposal for a meat market, prior to a situation where there would be more code violations. She recommended working closely with the property owner to address the situation now to avoid greater problems in the future and to ensure a quality business in the City. She urged some serious consideration to resolve the issues through the Police Department and other agencies to set the proper tone before proceeding. She supported a continuance to address those concerns as expeditiously as possible.

Councilmember Kee noted that some of the allegations were quite serious, although his concerns related to the design review issues. Councilmember Kee referred to the parking and noted that the parking for the addition would be in the rear although the only public entrance would be in the front of the building. As a market, spaces were indicated for shopping carts and the like although he stated there was nowhere where the shopping carts could be stored. He referred to the Raley's store where an asphalt berm had been installed between the parking spaces to leave shopping carts in that area to avoid errant carts in the parking lot. He also referred to loading and unloading access at the site and stated that there were no designated large openings for that access. He urged some consideration of those design review issues.

Vice Mayor Parent stated that the applicant was not present. She therefore supported a continuance of the hearing to allow the applicant to respond to the concerns. She also clarified that the health issues were related to the County and she requested that the Planning Department forward the concerns that had been raised to the County Health Department.

When asked, Mr. Jerome suggested that a minimum 30-day continuance would be required.

On motion by Councilmember Beals, seconded by Councilmember Glynn and carried unanimously to continue Resolution 04-10060 for 45 days to allow staff to contact the applicant and apprise him of all the concerns as well as to alert the County Health Department of the same concerns

3. **RESOLUTION 04-10061** Ordering the Vacation of a Portion of a Waterline and its Easement Located at 701 Bliss Avenue (704-10; A-0038)

Mr. Shirazi stated that on April 5, 2004 the City Council adopted Resolution No. 04-10045 declaring its intent to vacate a portion of a waterline and its easement located at 701 Bliss Avenue. Improvement plans for the parcel included a relocation of the waterline

rendering a portion of the existing waterline unnecessary for present or future public use. Therefore the owner (Security Public Storage) had requested that the City vacate that portion of the waterline and its easement in favor of the relocated waterline alignment. He added that the project was required as a result of the SR4 Widening Project.

Mr. Shirazi stated that the project should have no fiscal impact. He recommended the adoption of the resolution ordering the vacation of a portion of a waterline and its easement located at 701 Bliss Avenue and authorizing the Interim City Manager to execute a Quitclaim Deed of Easement to accomplish the vacation.

Vice Mayor Parent opened the public hearing for Resolution 04-10061. There were no comments. The public hearing for Resolution 04-10061 was closed.

On motion by Councilmember Glynn, seconded by Councilmember Beals and carried unanimously to adopt Resolution 04-10061.

4. **RESOLUTION 04-10062** Ordering the Vacation of a Portion of a Waterline and Its Easement Located at 2104 Martin Way (704-10; A-0039)

Mr. Shirazi reported that on April 5, 2004 the City Council adopted resolution No. 04-10046 declaring its intent to vacate a portion of a waterline and its easement located at 2104 Martin Way. Improvement plans for the parcel included relocation of the waterline rendering a portion of the existing waterline unnecessary for present or future public use. Therefore, the owner (Bishop Wisecarver, Inc.) had requested that the City vacate that portion of the waterline and its easement in favor of the relocated waterline alignment. The project was also associated with the SR4 Widening Project.

Mr. Shirazi stated that the project should have no fiscal impact. He recommended the adoption of the resolution ordering the vacation of a portion of a waterline and its easement located at 2104 Martin Way and authorizing the Interim City Manager to execute a Quitclaim Deed of Easement to accomplish the vacation.

Vice Mayor Parent opened the public hearing for Resolution 04-10062. There were no comments. The public hearing for Resolution 04-10062 was closed.

On motion by Councilmember Beals, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-10062.

CONSIDERATION

1. **RESOLUTION 04-10063** Allocating Funding for Contract 2004-05, Marina Center Parking Lot, to Construct a New Parking Lot and Associated Improvements at the Marina Center Building
Combined w/RDA 04-959

Mr. Shirazi advised that on February 3, 2003, the City Council approved Resolution No. 03-9763, which established the Capital Improvement Program and included the Marina

Center Parking Lot Project. This resolution would allocate funding for construction of Contract 2004-05, Marina Center Parking Lot Project.

Action was to have been taken in Joint Session with the Redevelopment Agency to adopt Resolution 04-10063, but it was not. Action was taken at this time.

On motion by Councilmember Beals, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 04-10063.

2. **RESOLUTION 04-10064** Reallocating Measure C Funds and Authorizing Bidding for Contract 00-02, Buchanan Road Improvement Project, to Rehabilitate Buchanan Road from Railroad Avenue to the Eastern City Limits

Mr. Shirazi reported that Contract 00-02, Buchanan Road Improvement Project would rehabilitate Buchanan Road from Railroad Avenue to the Eastern City Limits. The resolution would reallocate funding for the project as well as authorize bidding for the project.

The Engineering Department's estimate of the probable cost for construction of the improvements was identified as \$1.2 million, from a State Transportation Improvement Program (STIP) Grant of \$493,000, two Transportation Development Act (TDA) Grants totaling \$103,996, along with a City contribution of \$103,004 transferred from the Redevelopment Agency and \$500,000 from the 2003 Tax Allocation Bond Series proceeds

Mr. Shirazi recommended that the City Council adopt the resolution reallocating funding and authorizing the City Engineer to solicit bid proposals for construction of Contract 00-02, Buchanan Road Improvement Project.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition noted with respect to the Buchanan Road Improvement Project and West Leland Road that bicyclists had been assured by City staff that the needs of non-motorized commuters would be considered. He thanked the City for that consideration.

Councilmember Glynn noted the poor condition of the roadway and the need to conduct the improvements as quickly as possible.

On motion by Councilmember Glynn, seconded by Councilmember Beals and carried unanimously to adopt Resolution 04-10064.

3. **MINUTE ORDER** Letter of Opposition to AB 2135 (Levine)

Mr. Shirazi explained that AB 2135 (Levine) was a proposed bill that would require the City of Pittsburg to inventory City owned property that would be available to lease to wireless carriers.

Mr. Shirazi recommended that the City Council approve the letters of opposition to AB 2135 and direct the Interim City Manager to send the letters to the applicable State representatives.

Vice Mayor Parent stated that she had never seen anything more of a special interest legislation than proposed AB 2135 where the City should survey on behalf of all private corporations land for use by private corporations.

On motion by Councilmember Glynn, seconded by Councilmember Beals and carried unanimously to send a letter in opposition to AB 2135 (Levine).

4. **MINUTE ORDER** Letter of Opposition to SCA22/SB1774

Mr. Shirazi reported that SCA22 was a proposed Senate Constitutional Amendment and SB1774 is the enabling legislation to change the State Constitution that would on its surface guarantee revenues to local agencies, but would also swap sales/use taxes for property taxes.

Mr. Shirazi recommended that the City Council approve the letter of opposition to SCA22/SB1774 and direct the Interim City Manager to send the letter to the applicable State representatives.

Councilmember Beals supported the submittal of the letter to the City's State Senator, which was one of the authors of the legislation to advise him that one of his constituent cities was not in support of the bill.

Councilmember Kee characterized the proposal as another example of the State's attempts to take more money from the City.

Vice Mayor Parent concurred and stated that the proposal for a tax swap was another example of the failure of the State to recognize the situation that it had gotten itself into and its attempt to resolve that situation on the backs of the local entities, which was why a Constitutional amendment sponsored by the cities and the counties would be on the November ballot to keep the State from taking local tax money to solve its problems.

On motion by Councilmember Beals, seconded by Councilmember Kee and carried unanimously to send a letter in opposition to SCA22/SB1774.

CONSENT CALENDAR

Vice Mayor Parent removed Item b from the Consent Calendar, to be placed on a future agenda given that she and Councilmember Kee had recused themselves on the first reading. With that as the case, she stated that there would be an insufficient number of Councilmembers to vote on the ordinance.

On motion by Councilmember Beals, seconded by Councilmember Glynn and carried

unanimously to adopt the Consent Calendar, as follows, with the removal of Item b.

- a. **MINUTES** Dated: April 19, 2004
Approved minutes dated April 19, 2004.
- c. **ORDINANCE 04-1220** Second Reading of an Ordinance to Adopt Revised Water Rates and Special Water Rate Eligibility Criteria
Adopted Ordinance 04-1220.
- d. **REPORT** Receive and File the Quarterly Investment Report as of March 31, 2004
Received and Filed the Quarterly Investment Report as of March 31, 2004.
- e. **RESOLUTION 04-10065** Amendment One to Harris Agreement for Design Services for West Leland Road Extension
Combined w/RDA 04-960
Adopted Resolution 04-10065.
- f. **RESOLUTION 04-10066** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2004-05)
Adopted Resolution 04-10066.
- g. **RESOLUTION 04-10067** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2004-05)
Adopted Resolution 04-10067.
- h. **RESOLUTION 04-10068** Award Contract for the 2004 Water Valve Replacement Program, Request for Quotation
Adopted Resolution 04-10068.
- i. **RESOLUTION 04-10069** Authorize the Appointment of Two Pittsburg Citizens to Participate as East County Baseball Group Board of Directors to Represent the City of Pittsburg
Adopted Resolution 04-10069.
- j. **RESOLUTION 04-10070** United Veteran's Council Request for City Support for an Armed Forces Day Parade on May 15, 2004

Adopted Resolution 04-10070.

The following item was removed from the agenda to be placed on a future agenda for action by the full Council.

- b. **ORDINANCE 04-1219** Second Reading of an Ordinance Amending Municipal Code, Title V, Chapter 5.04 Relating to Business Licenses and Regulations

Continued to a future agenda for action.

COUNCIL REPORTS

Councilmember Beals offered a public commendation to the Los Medanos Gospel Choir, which had put on its Tenth Annual Event at the Creative Arts Building. She stated that the presentation was an East County event that showcased not only local talent but other East County talent as well.

Councilmember Glynn commented that the LMC gathering earlier identified had included a public auction of wines of East Contra Costa County in conjunction with the fact that the County Board of Supervisors had recently adopted an ordinance to permit wineries located in East Contra Costa County to actually produce wines on those properties. He noted that the event had been well attended and it was his understanding that the wine sales had netted in excess of \$20,000.

Councilmember Kee stated that he had presented a Proclamation from the City Council to the Los Medanos Gospel Choir at the previously identified concert. He also had the opportunity to attend the NAACP Scholarship Dinner where many local Pittsburg students had been awarded scholarships.

CITY MANAGER REPORT

There was no City Manager's Report.

ADJOURNMENT

The meeting of the City Council adjourned at 8:29 P.M. to a Special Meeting on May 7, 2004, and then to the regular meeting of the City Council on May 17, 2004.

Respectfully submitted,

Lillian J. Pride, City Clerk

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