

CITY OF PITTSBURG
Housing Authority Minutes
February 17, 2004

Mayor Aleida Rios called the meeting of the Housing Authority to order at 7:31 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. into a Workshop - Overview of Redevelopment Projects and Funding and then the City Council and Redevelopment Agency Board convened into Closed Session at 6:00 P.M. for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding three cases; and Public Employment regarding the City Manager. She reported that litigation received by the City late on Friday, February 13, 2004 had unanimously been added to the Closed Session agenda on motion by Vice Mayor Parent, seconded by Councilmember Kee. That litigation had been filed by Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, City Council of Pittsburg, and Redevelopment Agency of the City of Pittsburg; Superior Court Case No. 04-0209.

Mayor Rios advised that there was nothing to report from Closed Session. She stated that the Council would return to Closed Session after the conclusion of the regular meetings. Prior to considering Housing Authority business, some general City Council items were considered at this time.

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

MEMBERS ABSENT: Wallen

STAFF PRESENT Interim Executive Director, Les White
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Planning and Building, Randy Jerome
City Engineer, Joe Sbranti
Police Chief, Aaron Baker

CONSENT

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

a. **DISBURSEMENT LIST** Period Ending: January 31, 2004

Approved Disbursement List period ending January 31, 2004.

b. **MINUTES** Dated: January 20, 2004

Approved Minutes dated January 20, 2004.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:54 P.M. to the next meeting set for March 15, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Redevelopment Agency Minutes
February 17, 2004

Chair Aleida Rios called the meeting of the Redevelopment Agency to order at 7:55 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. into a Workshop - Overview of Redevelopment Projects and Funding and then the City Council and Redevelopment Agency Board convened into Closed Session at 6:00 P.M. for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding three cases; and Public Employment regarding the City Manager. She reported that litigation received by the City late on Friday, February 13, 2004 had unanimously been added to the Closed Session agenda on motion by Vice Mayor Parent, seconded by Councilmember Kee. That litigation had been filed by Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, City Council of Pittsburg, and Redevelopment Agency of the City of Pittsburg; Superior Court Case No. 04-0209.

Mayor Rios advised that there was nothing to report from Closed Session. She stated that the Council would return to Closed Session after the conclusion of the regular meetings. Prior to considering Housing Authority business, some general City Council items were considered at this time.

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

MEMBERS ABSENT: None

STAFF PRESENT: Interim Executive Director, Les White
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Planning and Building, Randy Jerome
City Engineer, Joe Sbranti
Police Chief, Aaron Baker

CONSENT CALENDAR

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

a. **MINUTES** Dated: February 2, 2004

Approved Minutes dated February 2, 2004.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:56 P.M. to the next meeting set for March 1, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
City Council Minutes
February 17, 2004

Mayor Aleida Rios called the meeting of the City Council to order at 7:57 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. into a Workshop - Overview of Redevelopment Projects and Funding and then the City Council and Redevelopment Agency Board convened into Closed Session at 6:00 P.M. for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding three cases; and Public Employment regarding the City Manager. She reported that litigation received by the City late on Friday, February 13, 2004 had unanimously been added to the Closed Session agenda on motion by Vice Mayor Parent, seconded by Councilmember Kee. That litigation had been filed by Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, City Council of Pittsburg, and Redevelopment Agency of the City of Pittsburg; Superior Court Case No. 04-0209.

Mayor Rios advised that there was nothing to report from Closed Session. She stated that the Council would return to Closed Session after the conclusion of the regular meetings. Prior to considering Housing Authority business, some general City Council items were considered at this time.

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

MEMBERS ABSENT: None

STAFF PRESENT: Interim City Manager, Les White
Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Planning and Building, Randy Jerome
City Engineer, Joe Sbranti
Police Chief, Aaron Baker

PLEDGE OF ALLEGIANCE

Ben Johnson led the Pledge of Allegiance.

PUBLIC COMMENTS

RALPH HERNANDEZ, Antioch, Chairperson of Citizens for Democracy stated that

Citizens for Democracy was endorsing Federal Glover for reelection as County Supervisor. Mr. Hernandez urged community support for Mr. Glover as Supervisor.

PROCLAMATIONS

1. Watershed Appreciation Day

Councilmember Glynn read the Proclamation for Watershed Appreciation Day, February 20, 2004 and presented the Proclamation to Henry Alker, Chair of the Kirker Creek Watershed Planning Study Group.

HENRY ALKER thanked the City for the proclamation and the support that the City had offered to the Study Group. He individually thanked the many members of the Committee, City staff and others who had actively participated in the meetings and who had helped in the preparation of the report. He invited members of the Council and the public to City Hall on February 20 from 7:00 to 9:00 P.M. to learn the positive impacts the project had on the full educational system of Pittsburg. Members of the Committee presented a map of the Kirker Creek Watershed and copies of the planning document to the City Council at this time.

2. Patriotism Week

Vice Mayor Parent read the Proclamation for Patriotism Week, February 16 to 21, 2004 and presented the proclamation to Ben Johnson on behalf of the Benevolent and Protective Order of Elks.

BEN JOHNSON, Chairman of the United Veterans Council accepted the Proclamation on behalf of the Benevolent and Protective Order of Elks.

PRESENTATION

1. CCTA Presentation on Measure C

City Engineer Joe Sbranti stated that Measure C was a property tax measure to fund transportation projects that had been approved by Contra Costa voters in 1988. That measure would sunset in 2009. A potential reauthorization of that measure was currently being considered. He introduced the Executive Director of the Contra Costa Transportation Authority (CCTA) and distributed handouts to the City Council, which handouts were also made available to the audience.

ROBERT McCLEARY, Executive Director of the CCTA provided an introduction of the item and highlighted some of the issues involved. He referenced the Measure C information brochure that had been distributed which had recognized the accomplishments that had occurred since the adoption of Measure C. He explained that Measure C had funded the State Route 4 East Improvements and a significant portion of the Pittsburg/Bay Point BART Station.

Mr. McCleary reported that the CCTA had decided to proceed with a renewal of the Measure C sales tax at this time. While the current Measure C did not expire until 2009, in transportation time five years was imminent and appropriate planning was required now to consider a renewal. In that renewal effort, three alternatives had been considered in the Environmental Impact Report (EIR). A Project Focused Alternative that was similar to the current measure emphasizing projects and capital investments, a Locally Focused Alternative to focus on a balance between projects and programs with a local focus, and a Program Focused Alternative that emphasized programs, such as transit programs.

Mr. McCleary explained that the current 18 percent return to source from Measure C was delivering to the City of Pittsburg approximately \$635,000 annually for maintenance of local streets and roads and other local improvements. Describing a fourth alternative, he explained that alternative would create a smaller local transportation maintenance and improvement program of 10.5 percent with the balance of the current 18 percent to be put into a Smart Growth Incentive Program. The details of that program were not yet available.

Mr. McCleary reported that the CCTA hoped to create an Expenditure Plan draft by April 21. Comments were being sought from all jurisdictions by March 8 to formulate the draft plan, after which all jurisdictions would be invited to discuss the issues and proposals at a County workshop prior to the CCTA's adoption of a final plan in May. The plan would then be submitted to the Board of Supervisors for placement on the November 2004 ballot.

Mr. McCleary highlighted several issues related to the Growth Management Program (GMP) and the potential split of the 18 percent return to source and the level of funding for local streets and funds. He noted that the current Measure C included a requirement to satisfy State Housing and Community Development Department (HCD) requirements, with a letter from the HCD verifying that those requirements had been satisfied prior to a jurisdiction's receipt of its 18 percent return to source funds. The Urban Limit Line (ULL) was another issue that had been raised with three variations of that element. Still another issue related to level of service (LOS) and Traffic Service Objectives (TSOs), which required cooperative planning amongst local jurisdictions and required that impacts on the regional system be mitigated.

Mr. McCleary advised that City staff would return to the Council with more detailed information. He stated that Measure C currently raised \$66 million annually. In order to accelerate projects \$300 million of sales tax revenue bonds had been sold at a cost of \$115 million in 1988 dollars, which was another issue that had to be factored into the renewal consideration.

Mr. Sbranti advised that City staff had some comments on the alternatives that had been proposed. He commented that the alternatives selected could jeopardize the City's \$635,000 annual return to source which directly related to its maintenance funds. He stated therefore that staff would return with some recommendations to the Council for approval and/or modification, to then forward those recommendations to the CCTA prior to its March 8 deadline. He noted that the report could be presented to the Council at its next meeting on March 1.

Public Works Director John Fuller reiterated that the return to source funds represented a vital component of the City's ability to conduct major rehabilitation and overlay projects. As a result, he did not support any expenditure alternatives that would reduce the funding that the City had relied on for the last twenty years.

COUNCILMEMBER REMARKS

Vice Mayor Parent stated that this coming weekend would be the last opportunity for the public to see the current performance at the Pittsburg Community Theatre (PCT). She noted that PCT had recently helped with the refurbishing of the Creative Arts Building by donating to the Pittsburg Unified School District (PUSD) three very good looking fixtures in the lobby. PCT had also purchased some new lobby furniture. She added that the non-profit PCT was now making enough money to be able to help rebuild the theater and was operating in the theater because of the City's mutual use agreement with the PUSD, which allowed the PCT to use the facilities at no charge with the exception of the cost of specific supplies. She urged the public to attend the performances on Friday and Saturday nights.

Chair Rios called the Housing Authority meeting to order at 7:53 P.M.

PUBLIC COMMENTS

MARZEL PRICE, Antioch, Executive Director of the East County Midnight Basketball Program, an alternative program for young men and women aged 17 to 25 offering basketball but focusing on life skill workshops, sought Council support for the 2004 Spring Program starting March 11. He explained that the program had received no Community Development Block Grant (CDBG) funding last year. He expressed his hope to be able to secure CDBG funds for the program this year.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) sought the status of the Kirker Creek project since there was an open channel running behind a community and a school, with a detention pond sitting behind residential homes exposing that community to risk of the West Nile Virus, among other health hazards. He commended the hard work of the Kirker Creek Watershed Planning Study Group, the recipient of the Proclamation for Watershed Appreciation Day, but reminded the Council that it had participated in the destruction of the creek bordering Diane to Carpino Avenue from California Street to the Pittsburg Antioch Highway, as well as the destruction of trees in that area. He therefore questioned the Council's sincerity in its presentation of that Proclamation.

CONSIDERATION

1. **RESOLUTION 04-10003** Approving Plans and Specifications and Approving a
Combined w/CC 04-10004 Mitigated Negative Declaration for Contract 00-08,
West Leland Road Extension

2. **RESOLUTION 04-10004** Accepting Plans and Specifications for Contract 00-08,
Combined w/CC 04-10003 West Leland Road Extension Project

Interim City Manager Les White reported that Contract 00-08, West Leland Road Extension Project consisted of constructing a new two-lane road from the existing terminus of West Leland Road to San Marco Boulevard. The new road would connect residential and commercial areas of Pittsburg and serve as a parallel route to State Highway 4. The City's design consultant, Harris & Associates had completed the plans and specifications for the project. The resolution would accept the completed plans and specifications.

Mr. White presented the fiscal impact and explained that the City Council and Redevelopment Agency had adopted Resolution 03-9811 and Resolution 03-881 respectively allocating \$1,650,000 from Traffic Mitigation Fee (TMF) funds and \$550,000 of Redevelopment Tax Reserves and/or series 2003 Tax Allocation Bond proceeds for construction of Contract 00-08, West Leland Road Extension. The project budget had not yet been established. Prior to bidding, staff would return to the Council to establish a project budget, authorize funds and authorize bidding.

Mr. White noted that during the Redevelopment Workshops some funds had tentatively been shown as being set aside for the project. He stated that City staff was also working with the developer to expedite the project to ensure that the street was completed prior to the opening of the new school.

Mr. White recommended the adoption of the resolution approving the Mitigated Negative Declaration and Mitigation and Monitoring Plan for Contract 00-08, the West Leland Road Extension - Phase 1 project. He also recommended that the Council adopt the resolution accepting plans and specifications for Contract 00-08.

SCOTT HANKS, with SDC, Inc., a consulting firm hired to represent William Lyons Homes and Alves Ranch, LLC in the entitlement of the parcel surrounding the West Leland Road proposal, noted that comment letters had been submitted on the Mitigated Negative Declaration on February 5, 2004 to address wetlands and endangered species issues. He stated that they had been required to apply for federal, State and regulatory permits as well as U.S. Army Corps of Engineers Permits and that West Leland Road had been identified by several consultants to have Tiger Salamander species in the area as well as a waterway that the Corps of Engineers had identified as waters of the U.S.

Mr. Hanks explained that the Mitigated Negative Declaration had identified the potential for those to occur but had not addressed the fact that the species were there and had not required the steps necessary to mitigate the species. With respect to William Lyon Homes and Alves Ranch, LLC, Mr. Hanks stated that they had begun the permit process last September. He believed that the Mitigated Negative Declaration had not satisfactorily addressed the issues and there should be more study and more identification in the document.

Mr. Hanks added with respect to the acceptance of plans and specifications for the

contract as included in Resolution 04-10004, that they had received an updated set of plans from Harris & Associates. As of this date he had received comments from his engineer who was also working on West Leland Road and the rest of the community that had been submitted to the City for development. He had found that West Leland Road, as designed, had essentially been designed in a vacuum without consideration of that proposed development which had been submitted and deemed complete by City staff.

In both cases, Mr. Hanks recommended that the City table the decision pending the completion of the Mitigated Negative Declaration to address those issues. His specific concerns for the plans had to do with potential crossings for sewer and storm drains, the hydrology with respect to the project and what the City would do with the floodwater coming off of West Leland Road. He expressed a willingness to work with the City but wanted to work with staff to understand the situation to accommodate future development.

Mr. Hanks also referred to a letter presented to the City Council and staff this date, which letter identified the most efficient and most beneficial path for the City. He explained that because their environmental process had already commenced, it was their belief that the City was behind in the process and that the developer should be able to improve West Leland Road at a faster pace than the City could do.

Mr. Hanks also noted that through their process they would have to pay for the development and improvement of that road which would save the City substantial funds. He sought the opportunity to review the accuracy of the estimates offered by staff. He again asked that the two items be tabled to allow a review of those staff estimates.

RICHARD SESTERO, Pittsburg, representing Seecon, developers of the San Marco Project, commented that half of the length of the road would travel through the San Marco project. While the plans were generally acceptable to Seecon, there were some issues to address and some items to be included in the plans, when completed. Seecon's issues had to do with the vertical alignment of the road and the fact that a pipe that drained from Seecon's property had not been sized on the plans. He looked forward to working with Engineering staff to address those issues in the final plan to be bid.

Mr. Sestero also stated that the EIR associated with the San Marco project had been certified a number of years ago, which EIR had covered the road through the San Marco project. He supported the plan, with revisions, and supported the approval of the project.

City Attorney Linda Daube reported that a letter to the Interim City Manager from Gary McHenry, Superintendent of the Mt. Diablo Unified School District (MDUSD) had been received this date in support of the proposed West Leland Road Extension Project.

City Engineer Sbranti explained that at this point, the City's plans were essentially complete, the alignment had been done and the road had been defined. As always, he advised that the plans would be subject to last minute changes. In this case, the City was not ready to authorize bidding and there was an opportunity for change, if needed. He added that comments could be taken from the two speakers during that period which would

not change the design that had been proposed.

Speaking to the comments with respect to the Mitigated Negative Declaration, Mr. Sbranti stated that the City's consultant had reviewed the comments and had advised that none of the comments offered by Mr. Hanks in any way undermined what had been included in the Mitigated Negative Declaration. He acknowledged that there were some environmentally sensitive areas and other potential mitigation, which was the next step in the process and which would be done.

In that process, Mr. Sbranti stated that a biologist would be hired to go through the State Fish and Game process using the approved Mitigated Negative Declaration to move the project along. With respect to the funds and the timing issue, he stated that there was a potential, as identified at the workshop held prior to the meeting, that the project could cost the City more without the cooperation of the Alves Ranch project. That was not an issue to be addressed by the Council at this time. The proposal was only to accept the plan and accept the Mitigated Negative Declaration at this time.

Further, Mr. Sbranti stated with respect to timing and the statement that the developer could complete the roadway faster than the City, that the City preferred to keep its options open and move forward with the Mitigated Negative Declaration in a parallel track with the Alves Ranch project, to then be able to move the project forward with whichever environmental process had been completed first.

In response to Vice Mayor Parent as to whether or not some of the City's costs could be borne by a developer, Mr. Sbranti stated that the City was potentially duplicating some of the efforts but that was not expected to be a major component of the overall project cost. He added that the timing issue was the reason the City was moving forward at this time.

Mr. Sbranti explained that the roadway project was five to six acres in total area while the Alves Ranch project encompassed 294 acres, which was one reason why the Alves Ranch was conducting an EIR while the City was conducting the Mitigated Negative Declaration. He stated therefore that the potential for a delay in the Alves Ranch EIR was substantial. While the City's environmental document might also be delayed, it was unknown which would be completed first. The City preferred to keep its options open.

In response to Councilmember Glynn as to any expected differences in the environmental status of the Alves Ranch property as opposed to the area where the roadway would be located, Mr. Sbranti stated that the biggest difference was the quantity of impact and there might be some species in the area that might require mitigation. He suggested that the City's impact was significantly less. Given the support of the MDUSD, he suggested that could be pushed through the permit process fairly rapidly.

Mr. Sbranti added that City staff was doing its best to keep the project from being delayed any more than necessary. While staff could not guarantee that the roadway would be completed prior to the next school year given the environmental issues, staff would do its best to get the project done quickly with the understanding that it was unknown how long

it would take to receive environmental clearance.

Mr. White stated in terms of cost, the City would have to do everything it could to work with the developer to achieve a Development Agreement while also moving as quickly to use some City funding to complete the project because of the school opening.

Councilmember Kee verified with Mr. Sbranti that the proposed drawings would be the plans used to construct the road no matter who built the road.

As to the timesaving that might be obtained in getting the road functional by having the City pursue a parallel process, Mr. Sbranti reiterated that it was unknown which process would be quicker. He supported proceeding with both until that timeline was clearer. He emphasized staff's intent to move the project as quickly as possible knowing that the school would open in the fall.

Councilmember Kee also verified with Mr. Sbranti that if the City fully funded the construction of the road extension there would be substantial additional cost to the City, although Mr. Sbranti stated that the potential for reimbursement of a significant portion of those costs would remain open to the City.

As to whether or not there were sufficient TMF funds available to fund two lanes of the roadway in response to Councilmember Glynn, Mr. Sbranti stated that the City could not use 100 percent TMF funds in that matching funds were required. He stated that \$750,000 in Redevelopment Agency funds had been earmarked for use in that project. There was also a substantial amount of developer improvements that would be built along with the roadway. If just the developer's estimate of cost was used, he suggested that there would probably not be sufficient City funds and a larger percentage of Agency funds would be required. He noted that the total right-of-way width was 100 feet curb to curb with four lanes of traffic, plus sidewalks and medians and the overall project cost would be split with the developer.

On motion by Mayor Rios, seconded by Councilmember Glynn to adopt Resolution 04-10003, carried by the following vote:

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

On motion by Councilmember Glynn, seconded by Vice Mayor Parent to adopt Resolution 04-10004, carried by the following vote:

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

3. **RESOLUTION 04-10005** Intent to Form A Mello-Roos Community Facilities District (CFD) for the San Marco Subdivision

Mr. White presented the staff report for the resolution to authorize the formation of a Community Facilities District for San Marco subdivision at the Option 2 level. The Development Agreement, which called for the establishment of a Mello-Roos district to provide for police services had been approved in 1990. He explained that the San Marco subdivision was a 639-acre residential project approved in 1993 with a Planned Development zoning and tentative map for 2,938 total units, comprised of 1,363 single family and 1,575 multifamily units. Three different funding level options to provide for police services had been provided to the Council for consideration.

Option 1 proposed a police service level of 1.8 sworn officers per thousand residences in accordance with the General Plan policy goal, Option 2 proposed a service level of 1.5 sworn officers per thousand, and Option 3 proposed a service level of 1.4 sworn officers which approximated the current staffing level Citywide.

Mr. White explained that the cost of providing police services for this area shall be paid through the Mello-Roos Community Facilities District fees collected. Pursuant to State law, the fees and associated costs must be maintained in a separate fund and could not be included in the City's General Fund.

Responding to comments, one with respect to the equity question of having the proposal apply to just the undeveloped areas with 172 existing homeowners in the area to be excluded, Mr. White stated that his argument would be based on the desirability of achieving funds to help support police costs which represented 50 percent of the City's general operating budget. As to whether or not a Mello-Roos would be considered for other proposals in the area, he stated that he had mentioned to representatives of the Alves Ranch and Bailey Estates projects that Mello-Roos districts could be utilized in those areas as well as other developments that might be proposed in the future.

Mr. White explained that the neighboring cities of Antioch and Brentwood also used similar district financing mechanisms. He recommended that the City Council adopt the resolution authorizing the Interim City Manager to proceed with the formation of the CFD for San Marco Subdivision at the Option 2 services level of 1.5 sworn officers per thousand, which would meet the test for required levels of service.

WILSON WENDT, an attorney representing Seecon, the owners of the San Marco development, sought a continuation of the matter to be able to discuss the level of funding with staff. He stated that they had only recently received a copy of the revised fiscal analysis on February 11. He referenced a letter that he had submitted this date and stressed that Seecon was obligated and had agreed with the concept of the CFD in that the Development Agreement had provided a contractual obligation on Seecon's part for the CFD. It was his belief that the figures were too high and beyond what was required to address the impacts that the subdivision would be creating.

Mr. Wendt noted that once the surrounding projects were developed, those projects would probably be obligated in the same fashion. As such, through an economy of scale the services could be established more easily and more economically. He suggested that

there would be cheaper ways to provide the service.

Mr. Wendt stated that he had included with his letter a copy of an engineering report addressing some problems with the fiscal analysis. He noted that the City's General Plan had included a statement to strive to achieve 1.8 dedicated officers per thousand population, which was a Citywide average and which he suggested would not be the level of service required by the project.

Mr. Wendt reiterated that Seecon had no quarrel with the formation of the CFD, and in fact had filed the application, although Seecon believed that the obligation to be placed on the lot owners would be much too high. He did not believe that a continuation, as requested, would affect the schedule set out by the consultant for the CFD. He requested that staff work with Seecon to reach agreement on a level of funding that would be beneficial to all.

Vice Mayor Parent noted that she had been pushing for a year to get the item on the agenda in that the agreement had been made with the developer in 1993. In the meantime, the developer of the San Marco subdivision had developed 260 units, all of which would be excluded from the CFD because the previous management of the City failed to put into place what had been agreed to between the Council and the developer in 1993, which she suggested was intentional on the part of both the City and the developer. While not a member of the Council at that time, she stated that the Council had in 1993 seen the CFD as a need given that the future development of bedroom communities would need to pay its way. She commented that there was no equity in the proposal other than that new development would have to pay for the services required.

Vice Mayor Parent added that when budgets were impacted police services were always affected since police services represented 50 percent of a budget. She suggested that there was no way to do otherwise. She urged the Council to move forward. She was reluctant to continue the item because it took a year from December 1, 2002 to February 2004 to get the item on the agenda. If the item was continued, she did not want it continued more than 30 days at the outside.

City Attorney Linda Daube stated that the process was that direction should be given to form or not to form a CFD, with some direction as to the level of service, after which the formal documents would be returned at the next meeting with a formal intent to set a hearing for the formation of a Mello-Roos.

Councilmember Glynn agreed with an earlier comment that Proposition 13 favored those who arrived early and disfavored those who arrived late and the current item represented a similar situation since the agreement for the CFD had been required by a Development Agreement entered into in 1993.

Councilmember Glynn commented that he was not aware of a cost for a 1.5 level of support of police officers, but if imposed on the housing about to be built or be occupied, he stated there was no doubt that the police services were needed in the southwest area of

the City, particularly given the impact on existing police services because of the State takeaway. He would agree to vote on the item at this time and suggested that if there were issues related to the cost of the 1.5 level of service, those issues could be worked out between now and the time the item was returned to the Council.

Mayor Rios commented that she personally did not support Mello Roos districts and did not want to discourage new residents. Her concern was with the funding for police services. Given the fact that the parties had previously agreed with the CFD, she supported moving forward with that proposal.

Councilmember Glynn suggested that if there was a valid argument that Option 2 was excessive in relationship to a 1.5 level of service, that issue should be reviewed between the parties and dollar amount should be revised prior to the next meeting.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-10005 for Option 2 with the understanding that if there was a valid argument that the fees associated with Option 2 were excessive in relation to the actual expense incurred with a 1.5 level of service, to be determined and mutually agreed upon by the parties, the Council could consider a revision of the dollar amount at the next meeting.

Mayor Rios CONVENED JOINTLY the CITY COUNCIL and the PUBLIC FINANCING AUTHORITY to consider the following:

4. **RESOLUTION 04-10006** Approval and Authorization of the City and Public
Combined w/PFA 04-017 Financing Authority to Issue and Sell Series 2004
Wastewater Revenue Refunding Bonds

Mr. White advised that the proposed City Council action would authorize staff to move forward with the issuance of the City of Pittsburg Public Financing Authority Wastewater Revenue Refunding Bonds, Series 2004. The Bonds would refund the currently outstanding Series 1994A Wastewater Revenue Bonds, providing substantial savings. At this time, the refunding generates savings of approximately 6.18 percent or \$55,340 per year for the remaining life of the bonds.

The fiscal impact of a refunding would be the positive net present value and cash flow savings for the Wastewater Enterprise. The net present value savings expected from this refunding at current interest rates was approximately \$713,900 over the remaining life of the bonds, representing a savings of 6.18 percent net present value and an average gross debt service savings of approximately \$55,340 a year.

Mr. White recommended that the City Council approve the bond documents, the issuance of bonds by the Financing Authority and the submitted resolutions, and authorize the Finance Director to move forward with the Wastewater Revenue Refunding Bonds, Series 2004.

On motion by Councilmember Glynn, seconded by Councilmember Kee and carried unanimously to adopt City Council Resolution 04-10006.

On motion by Vice Chair Parent, seconded by Member Kee and carried unanimously to adopt Public Financing Authority Resolution 04-017.

5. **MINUTE ORDER** Televising City Council Meetings

Mr. White presented the staff report from the Council referral to analyze the possibility of televising City Council meetings, which had been a topic of discussion for several years during goal setting workshops. He stated that staff had reviewed several options and was recommending a preferred option.

Mr. White explained that the options proposed ranged from not televising City Council meetings to purchasing equipment and contracting with a camera operator to videotape meetings and then arranging an available time with Comcast to televise the recorded meetings. The two preferred times for that telecast were identified as Tuesdays and Thursdays at 9:00 P.M., which would not conflict with any current programming. Another option would be to purchase a fixed videotaping system using City staff. While the use of volunteers could also be considered, he noted that the reliability of a volunteer system was questionable after discussing that issue with volunteers.

Mr. White recommended Option b), purchasing equipment, contracting with a camera operator to perform the videotaping, and arranging an available time slot with Comcast to begin televising the meetings. The initial start up costs for the purchase of taping equipment had been estimated at \$2,900, which would be paid out of Public Works funds already budgeted. The cost of the camera operator would be approximately \$80 per meeting, which would come from the existing City Clerk budget, as would the cost of videotapes. The cost of purchasing a recorder to transfer VHS tapes to DVD, estimated at \$400, could come out of the existing City Clerk/City Manager's office supplies budget.

Mr. White recommended that by minute order staff be directed to purchase Option b).

RALPH HERNANDEZ, Antioch, the creator, producer, director and star of the Cable Program *Up By and For the People*, and representing the *South Group* also on cable access, was pleased to see the item on the agenda. He encouraged the City to approve televised meetings. He thanked Mr. White for his work on the item and supported a Tuesday at 9:00 P.M. time slot for televising City Council meetings, as appropriate to communicate and support government access.

Mr. Hernandez otherwise encouraged the Council to consider live coverage to allow those unable to attend Council meetings the ability to participate, which he suggested was not possible with taped programming. He suggested that the cost of live broadcasting could be offset by soliciting community public relations funds from corporations. He fully supported a live broadcast system, expressed a willingness to work with the City, and urged the solicitation of donations to allow that to occur.

WILLIE MIMS, Pittsburg, representing the BPA, also supported live broadcasts of Council meetings as appropriate to provide the community with a look at his/her City representatives and to see the decisions that were being made. He stated that the City had nothing to hide, noted that the Council sessions took place in a civil manner, and suggested that live broadcasts would do the community some justice.

BEN JOHNSON, Pittsburg, commented that he also did a TV show having to do with benefits and pensions. He emphasized the importance of communications in the City, acknowledged that the cost could be expensive, but stated that it was important to let the residents of the City know what was going on. He stated that Antioch had a live broadcast system and he suggested that Pittsburg should do the same.

Councilmember Kee questioned whether or not staff had considered web telecasts as opposed to a camera alternative. He was advised by Mr. White that had not been considered.

Councilmember Kee supported the access to the public that televised meetings would offer and suggested that the item be reconsidered after a year to see how the process was working.

Vice Mayor Parent stated that she had been a Councilmember at a time when meetings had been broadcast, which had been done on a volunteer basis for approximately six years. In that case the volunteers had tired of televising the meetings and television coverage had ended. She stated that the adoption of the staff recommended plan would at least not allow that to occur. She supported allowing the public an opportunity to see what was happening in his/her City.

Councilmember Beals supported the community's access to information in City government but commented that the Council had not always been civil. She therefore had reservations about live or taped broadcasts, which offered mixed benefits. She was also reluctant given that Councilmembers and potentially members of the public could use the opportunity to grandstand and to pursue his/her own agendas. Given the negatives in the City, Councilmember Beals did not want the City to become a joke as other cities had become. While she supported open government, she did not support the proposal.

Mayor Rios stated that she had requested an item to consider televised coverage of City Council meeting many times. Mayor Rios supported live coverage. While she acknowledged that was not feasible at this time, she supported a pursuit of Option b), with a stipulation of reconsidering the process in one year to determine whether or not the City would want to continue recorded broadcasts or pursue live broadcasts after that time.

On motion by Mayor Rios, seconded by Vice Mayor Parent to pursue staff recommended Option b) by purchasing equipment, contracting with a camera operator to perform the videotaping, and arranging an available time slot with Comcast to begin televising City Council meetings for one year, after which there would be a reconsideration to continue taped broadcasts, have no broadcasts or consider live broadcasts. The motion

carried by the following vote:

Ayes: Glynn, Kee, Parent, Rios

Noes: Beals

CONSENT CALENDAR

On motion by Councilmember Beals, seconded by Councilmember Glynn and carried unanimously to adopt the Consent Calendar, with the removal of Items d, g, h and i.

- a. **MINUTES** Dated: February 2, 2004

Approved minutes dated February 2, 2004.

- b. **CLAIMS** #1571 Pacific Gas and Market, Nghie Hoc Nguy and Phuong Ngo Nguy

Denied Claim #1571 Pacific Gas and Market, Nghie, Hoc Nguy and Phuong Ngo Nguy.

- c. **RESOLUTION 04-10007** Approving a List of Civil Engineering Firms for On-Call Professional Engineering Services as Required by City Staff and Authorizing the City Manager to Enter into Agreements with Selected Firms

Adopted Resolution 04-10007.

- e. **RESOLUTION 04-10009** Accepting Plan and Specifications, and Authorizing the Engineering Department to Solicit Bid Proposals for Contract 00-05, Phase II, Traffic Signal Installation, State Route 4 E/B Off Ramp and San Marco Boulevard/Willow Pass Road

Adopted Resolution 04-10009.

- f. **RESOLUTION 04-10010** Acceptance of Public Improvements within Subdivision 8642, Railroad Terrace, for Continuous Maintenance

Adopted Resolution 04-10010.

- j. **RESOLUTION 04-10014** Acceptance of Public Improvements within Subdivision 8693, Cardinale Terrace, for Continuous Maintenance

Adopted Resolution 04-10014.

- k. **RESOLUTION 04-10015** Authorization of Crossing Guard Payment 2003-04 to Pittsburg Unified School District

Adopted Resolution 04-10015.

- l. **RESOLUTION 04-10016** Approval of Lease Agreement By and Between the City of Pittsburg and R&L Brosamer, Inc. for a Contractor's Yard

Adopted Resolution 04-10016.

- m. **REPORT** Receive and File Quarterly Investment Report as of December 31, 2003

Received and filed the Quarterly Investment Report as of December 31, 2003.

The following items were removed from the Consent Calendar for discussion:

- d. **RESOLUTION 04-10008** Allocating Funding, Accepting Plans and Specifications, and Authorizing the Engineering Department to Solicit Bid Proposals for Contract 03-03, Traffic Signal Installation, San Marco Boulevard and West Leland Road Extension

An engineering and traffic study indicates that a traffic signal will be warranted on San Marco Boulevard at the intersection of West Leland Road upon completion of the planned extension of West Leland Road. Completion of the West Leland Road Extension is expected in September of 2004. Contract 03-03 will provide for the construction of a traffic signal at the intersection. The Engineering Department has prepared plans and specifications for the procurement of traffic signal equipment and for the traffic signal construction. At this time, the Engineering Department requests that the City Council allocated funding for the project, approve the plans and specifications, and authorize the solicitation of bid proposals.

WILLIE MIMS, Pittsburg, representing the BPA, questioned whether or not a traffic study had been conducted prior to the development to determine whether or not a traffic signal was needed at the intersection of San Marco Boulevard and West Leland Road.

In response, Mr. Sbranti stated that the study had been done but it was quite old. The signal was now being installed given that it would become necessary with the extension of West Leland Road. Without that extension, the signal would not be required.

Mr. Sbranti added, when asked, that the traffic signal had not been included with the development of West Leland Road. He stated that the developer was paying a share of the cost of that signal at 25 percent, which was the matching share that would go along with the local TMF that were also funded through developers. He clarified that was standard

practice since it was a project included in the local TMF program. In this case it was being funded 25 percent directly by a developer and 75 percent through fees that had also originated with developers.

On motion by Councilmember Glynn, seconded by Councilmember Kee and carried unanimously to adopt Resolution 04-10008.

City Attorney Daube requested that Items g, h and i be continued, at the recent request of the developer, given some issues with respect to language concerning the bond warrants and consistency issues related to the Improvement Agreement. That situation would be reviewed and the items would be returned to the Council at its next meeting.

- g. **RESOLUTION 04-10011** Acceptance of Public Improvements within Subdivision 8423, San Marco Unit 5, for Continuous Maintenance

The developer has completed the public improvements within Subdivision 8423, San Marco Unit 5, and were ready for acceptance and continuous maintenance by the City.

- h. **RESOLUTION 04-10012** Acceptance of Public Improvements within Subdivision 8393, San Marco Unit 4, for Continuous Maintenance

The developer has completed the public improvements within Subdivision 8393, San Marco Unit 4, and were ready for acceptance and continuous maintenance by the City.

- i. **RESOLUTION 04-10013** Acceptance of Public Improvements within Subdivision 8651, San Marco Unit 2B, for Continuous Maintenance

The developer has completed the public improvements within Subdivision 8651, San Marco Unit 2B, and were ready for acceptance and continuous maintenance by the City.

COUNCIL REPORTS

Vice Mayor Parent reported that Delta Direct Furniture, a new business, had opened in North Park Plaza.

Councilmember Kee stated that he and the Vice-Mayor had been participating in the CDBG interviews, which was a difficult process given the worthy causes and the difficulty in denying some applications. Recommendations would be submitted in the near future.

Vice Mayor Parent noted that the recommendations to the Council referenced by Councilmember Kee included their recommendations as part of the overall Community Advisory Commission (CAC) process to review CDBG applications.

Mayor Rios reported that she had attended the Mayors Conference. There was nothing major to report from that conference. She urged members of the public to attend the Grand Opening of the Senior Center on Friday, February 20.

CITY MANAGER REPORT

Interim City Manager White offered a Neighborhood Preservation Team Status Report to coordinate approaches to dealing with neighborhood issues. While the process had been used before, a more comprehensive approach to engage neighborhoods had been proposed. The team was co-Chaired by John Fuller and Paul Flores with members from the Redevelopment Agency, Engineering, Public Works, Planning and CDBG Departments. A work plan would be developed and meetings would be scheduled with neighborhoods.

ADJOURNMENT

The meeting of the City Council adjourned at 9:13 P.M. to the next meeting set for March 1, 2004.

Respectfully submitted,

Lillian J. Pride, City Clerk

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CITY OF PITTSBURG
Public Financing Authority Minutes
February 17, 2004

Chair Aleida Rios called the meeting of the Public Financing Authority to order at 9:14 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having convened at 5:00 P.M. into a Workshop - Overview of Redevelopment Projects and Funding and then the City Council and Redevelopment Agency Board convened into Closed Session at 6:00 P.M. for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding three cases; and Public Employment regarding the City Manager. She reported that litigation received by the City late on Friday, February 13, 2004 had unanimously been added to the Closed Session agenda on motion by Vice Mayor Parent, seconded by Councilmember Kee. That litigation had been filed by Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, City Council of Pittsburg, and Redevelopment Agency of the City of Pittsburg; Superior Court Case No. 04-0209.

Mayor Rios advised that there was nothing to report from Closed Session. She stated that the Council would return to Closed Session after the conclusion of the regular meetings. Prior to considering Housing Authority business, some general City Council items were considered at this time.

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

MEMBERS ABSENT: None

STAFF PRESENT: Interim Executive Director, Les White
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Director of Economic Development, Brad Nail
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Planning and Building, Randy Jerome
City Engineer, Joe Sbranti
Police Chief, Aaron Baker

CONSENT CALENDAR

On motion by Member Beals, seconded by Vice Chair Parent to adopt the Consent Calendar, as follows:

a. **MINUTES** Dated: May 19, 2003

Approved Minutes dated May 19, 2003.

CONSIDERATION

- a. **RESOLUTION 04-017** Approval and Authorization of the City and Public
Combined w/CC 04-10006 Financing Authority to Issue and Sell Series 2004
Wastewater Revenue Refunding Bonds

The proposed City of Pittsburg Financing Authority action would authorize staff to move forward with the issuance of the City of Pittsburg Public Financing Authority Wastewater Revenue Refunding Bonds, Series 2004. The Bonds would refund the currently outstanding Series 1994A Wastewater Revenue Bonds, providing substantial savings. At this time, the refunding generates savings of approximately 6.18 percent or \$55,340 per year for the remaining life of the bonds.

Action was taken to adopt Resolution 04-017 in Joint Session with the City Council, as follows:

On motion by Vice Chair Parent, seconded by Member Kee and carried unanimously to adopt Resolution 04-017.

ADJOURNMENT

The meeting of the Public Financing Authority adjourned at 9:15 P.M. into continued Closed Session, as earlier reported.

Respectfully submitted,

Lillian J. Pride, Secretary

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