

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**March 1, 2004**

Chair Aleida Rios called the meeting of the Redevelopment Agency to order at 7:15 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. for a Workshop - Pavement Management, at 5:30 P.M. for a Workshop - Commission Changes, and at 6:00 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Government Code Section 54956.9 regarding three 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 and Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, and Conference with Labor Negotiators pursuant to Section 54957.6.

Chair Rios advised that there was nothing to report from Closed Session. Prior to considering Redevelopment Agency 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
- City Clerk, Lillian Pride
- Director of the Redevelopment Agency, Garrett Evans
- 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
- Executive Assistant to the City Manager, Alice Evenson

Chair Rios opened the meeting to the Redevelopment Agency agenda at 7:26 P.M.

Member Kee commented that part of the Rehabilitation Loan Program considered an architectural design component and as part of the City's policy there was a listing of local architects in the area. Given that his company was on that list he recused himself from the item and left the Council Chambers at this time.

## **CONSIDERATION**

1. **RESOLUTION 04-945** Authorize the Expansion of the Commercial Rehabilitation Loan Program Area to Include the Entire Los Medanos Project Area

Redevelopment Agency Director Garrett Evans stated that the Commercial Rehabilitation Loan Program currently encompassed the downtown area, from the waterfront to Eighth Street. The proposal was to expand the Program Area to include all businesses and commercial properties located in the Los Medanos Project Area. Because many other businesses had approached staff and Agency Boardmembers, he advised that the expansion of the program had been discussed with the Redevelopment Subcommittee to include the full project area, which was every commercial property in the City with the exception of the Raley's Shopping Center along Buchanan Road, some properties on Ridge Farms and the four properties deleted last year.

Along with the expansion of the project area, Mr. Evans stated that \$500,000 of Redevelopment Agency reserve funds would be added to the program. Loan payments would be applied into a revolving loan fund so that more loans could be used, as funds become available. He stated that would allow \$750,000 to be open very quickly to businesses interested in the program. He noted that a couple of applications had already been received, and dependent upon the Agency's approval the program could officially be opened tomorrow. He anticipated returning to the Agency next year with an additional request of \$750,000 to continue the program.

Mr. Evans recommended the authorization of the expansion of the Commercial Rehabilitation Loan Program Area to include the entire Los Medanos Project Area.

Member Glynn verified with staff that the downtown encompassed the area from the waterfront to Tenth Street, east to Harbor and west to the PG&E plant entrance. He also verified that Eighth Street had already been included in the downtown area.

When asked, Member Glynn was further advised that the amendment to the resolution covered all of the redevelopment area in the City and that the resolution would add both money and space to the Los Medanos Project Area.

Chair Rios further verified that the reference to the entire Los Medanos Project Area essentially encompassed the entire City business and commercial areas.

On motion by Vice Chair Parent, seconded by Member Glynn to adopt Resolution 04-945 carried by the following vote:

Ayes: Beals, Glynn, Parent, Rios  
Noes: None  
Absent: Kee [Recused]

Member Kee rejoined the Redevelopment Agency at this time.

2. **RESOLUTION 04-946** Authorize the Programming and Funding for the First Time Homebuyer Program

Executive Director Les White advised that the Redevelopment Agency of the City of Pittsburg requested authorization from the Agency Board to establish a First Time Homebuyer Program. The Program would provide 17 percent of the purchase price, up to \$35,000 toward the down payment on a home.

Mr. Evans advised that the estimated cost of the program was \$750,000 to be funded by the Agency Low-Moderate Income Housing Set-Aside Funds. Fifty thousand dollars of the funds would be used for administration and processing fees.

Mr. Evans explained that the Council representatives on the subcommittee of the Pittsburg Unified School District (PUSD) had worked on the program at length, as had Maria Aliotti of his staff who had worked with Walnut Creek and several other communities to model a Best Practices program for the Agency. The program would provide a 17 percent down payment for the purchase price, with homeowners to match a 3 percent total to avoid the need for PMI insurance on the home loan. He stated that the cap for the Agency was \$35,000. The use of Housing Set-Aside Funds would include some income restrictions.

Mr. Evans added that the US Department of Housing and Urban Development (HUD) had just identified new income levels. Contra Costa County's median income for four people was now \$82,000. He stated that the program had been structured to target moderate income and upper lower income residents who had a chance to move up in the community. Local lenders and developers had been approached to help with the program. Initially twenty loans were being targeted with additional funding to be sought next year.

Mr. Evans recommended the authorization of the programming and funding for a First Time Homebuyer Program.

Vice Chair Parent acknowledged that Maria Aliotti had worked very hard on the program. She also acknowledged that the idea for the program had resulted from discussions that she and Member Glynn had with two members of the PUSD to find ways that the City could work hand in hand with the PUSD to improve the community. That effort had resulted in a program targeting fully credentialed teachers. She characterized the proposal as a reasonable product that would show the community that institutions worked together well when it was expected that the outcome would be something of benefit to everyone in the community.

JESSICA ROMEO, the Assistant Superintendent of Personnel for the PUSD, spoke in support of the program that would help teachers live in the community, which would be an advantage to students, teachers, and the community at large. She was confident that the program would be beneficial to the retention of qualified educators in the community.

Ms. Romeo sought the Council's support of the program and offered her thanks to the Council for the opportunities offered to teachers to participate in the program.

RUBEN ROSALEZ, Pittsburg, commented that the program was innovative and historic and represented a partnership of two organizations. He expressed his strong support for the program. He stated that within the PUSD there was a direct correlation between the quality of the teacher and the quality of education. The PUSD wanted to not only attract quality teachers to the community but to have those teachers live and remain in the community. He urged a continued partnership between the PUSD and the City to continue that innovation in the community.

VINCE FERRANTE, Pittsburg, a member of the PUSD School Board noted that the City and the PUSD had formed a partnership so that the two could work together. He commented that in a little over a year that fruitful collaboration had yielded a joint use facility agreement, a school site beautification program in cooperation with the Chamber of Commerce, and now the First Time Homebuyer Program with a focus on first time homebuyers who were fully credentialed teachers and who were at the low to moderate income level. He emphasized the help that would provide to attract and retain fully credentialed teachers in the community.

Mr. Ferrante urged the Council to approve the program. He also took this opportunity to thank the City Liaison members working to improve the education for the students and the citizens of Pittsburg through a cutting edge program.

Vice Chair Parent emphasized that the loan program was not limited to teachers. Teachers would be given a preference. While it was not expected that all of the loans would go to teachers there was an income requirement for all applicants.

On motion by Vice Chair Parent, seconded by Member Glynn and carried unanimously to adopt Resolution 04-946.

3. **MINUTE ORDER** Acceptance of Recommendations Contained in the Feasibility Study and Findings of the Black Diamond Project Area

Mr. White advised that the Redevelopment Agency of the City of Pittsburg requested the Agency Board's acceptance of the recommendations proposed by Economic and Planning Systems for the mixed-use development of the Black Diamond Project Area.

Mr. White noted that although not included in the staff report, if the Council gave direction to move forward with a Request for Proposal (RFP) for a non-residential use, the Agency could consider some alternatives for the City to retain some of the land to lease or own.

Mr. Evans reported that two community workshops had been held, one in the downtown and one in the Council Chambers to encourage community input. The feasibility study had also been submitted to the Redevelopment Subcommittee for comment.

JASON MOODY with Economic and Planning Systems (EPS) offered a PowerPoint presentation to summarize its market findings. He summarized the highest and best use analysis, presented the preferred alternative which represented the market factors and constraints, as well as the site constraints and zoning and height limitations along with parking as other factors to identify what the site could yield. He explained that all types of uses had been considered including residential, commercial and office along with the potential siting of Alliant University.

Mr. Moody stated that while for-sale housing had been found to be a highly marketable successful use, multifamily was also marketable, as was mixed use live/work units, small niche retail which could succeed in the area in limited amounts, and local serving office. The inclusion of Alliant University was also found to be a credible concept that could support the downtown, although success could not be assured in that case.

JENNIFER OTT of EPS described the next phase or the highest and best use analysis pursuant to the RFP that had been released by the City. Based on the market support that had been found in the study, conceptual alternatives had been developed for the site based not only on the market research but on input from the community. She reported that in addition to the public workshop EPS had met with many property owners, interested parties and stakeholders in the downtown to learn of his/her vision and interest in the site. The alternatives had been evaluated in relation to market support, financial feasibility, support for downtown businesses, the new demand that could be created for existing businesses and potentially new businesses, and considerations that were otherwise unquantifiable, such as the benefits that Alliant University might offer.

Ms. Ott presented the four potential alternatives with median and high-density alternatives with a range from 15 to 18 units per acre to 30 to 35 units per acre. She stated that the input EPS had received was for a project that was financially viable, would create an active vibrant downtown, would create a destination, a connection to the waterfront, if Alliant University was to locate in the downtown that it would commit itself and invest, there was a desire to see homeownership opportunities, there was an expressed interest in preserving the existing PUSD building on the Eighth to Tenth Street block, allow for greater mixed use and higher density development and create a broader strategy for the downtown.

PAUL TUTTLE, from Moore, Iacofano, and Goltsman (MIG), presented the different components of the project and noted that the feasibility study had created a concept for testing the feasibility to ensure that the land use being discussed could fit on the site. He highlighted a map displayed in the Chambers to identify the types of uses that could be considered for the Black Diamond project area and explained that in order to test the site it had been assumed that all parking for the development would be accommodated on the site.

Mr. Tuttle presented photographs of similar projects in a number of areas to visually identify the type of project that could be developed in the Black Diamond project area.

Ms. Ott emphasized that the next steps were to either accept the alternative as presented and proceed with an RFP, or the analysis could be refined based on Council feedback.

RONALD JOHNSON, Pittsburg, commented that he had reviewed the project on January 27 when a workshop had been conducted and at which time the feasibility study had been presented. He made a number of observations and suggested that the proposal had been characterized as a destination which he suggested was inaccurate since it would be a local project. He also noted that a previous flyer had indicated that there would be three meetings related to the feasibility study and he did not anticipate that the current meeting would have been the third meeting. He added that he had substantial ideas to offer as part of the proposal.

Mr. Johnson stated that given that many new homes had already been built in the downtown and that the construction of those many homes had not revitalized the downtown, he suggested that the focus would have to create a destination point in the downtown and not a local housing development. He also suggested that the proposal was disjointed in that it was not considering the flow of the total downtown, particularly related to the historic district.

Before pursuing the project, Mr. Johnson urged that the whole downtown area be considered, how it would flow from place to place and how certain parking areas and parks would allow the culture to flow through the entire development. He added that more housing was not needed in that energy was needed in the downtown. He also suggested that the map scale of the plans displayed in the Chambers was inconsistent.

In response to Vice Chair Parent as to any specific recommendations he might offer, Mr. Johnson stated that his intent was to deliver a map or a concept at the next meeting. He had some detail to recommend in terms of flow and how the City might create the energy needed in the area and create a destination that would draw people from throughout Pittsburg to the center of the downtown, which would create a destination point and attract more retail uses.

Mr. Johnson suggested that the Council defer a decision to allow the situation to be better explored. He recommended a facility in the area from Fifth to Eighth Streets and suggested that there be a continuous flow. He saw Fifth Street as being a closed street or a walking street to open up into a park plaza area. He suggested that continuity could be created when continuing on to Fourth Street and the other areas and when crossing into the waterway and working around.

Member Beals suggested that the motivation at this time was that the proposal represented the skeleton of a concept to allow the Council to move forward.

Member Beals stated that once moving forward with the RFP the concept design and all other design matters would be secondary. She suggested that the situation was getting too far into particulars at this point.

BEN JOHNSON, Pittsburg, commented that he had attended both previous study sessions. He noted the suggestion to place more townhomes in the downtown and suggested that a townhome development would end up being rental properties that would create other problems in the downtown. He also noted that the waterfront was blocked off and was not visible from the downtown. He emphasized the need to create a draw to attract people to the area. He was also concerned with the flow of traffic in the downtown with no free flow or circulation.

Further, Mr. Johnson expressed concern with how Alliant University would be structured. He sought the use of the two older buildings in the downtown that were owned by the PUSD and suggested that Alliant University might be able to use those historical properties. Overall he suggested that the project was viable although he urged an effort to make the project fit and come together better than had been proposed.

TOM LaFLEUR, Pittsburg, with Pacific Community Services, Inc. (PCSI) stated that he had attended both workshops. Noting that the project was in the heart of the New York Landing Historical District, he stated that the City had a responsibility to promote that area. He commented that the plan, as proposed, would tear down a building on Fifth Street and Black Cumberland which one of the 23 remaining contributing buildings in the downtown that could be renovated and become an asset to the City. He urged that any plan protect the contributing buildings in the area. He also suggested that the building at Seventh Street and Railroad Avenue, while not as old, should also be saved since it was a substantial commercial building that could be renovated.

Mr. LaFleur supported the more urban examples of the plans displayed by MIG and expressed his disappointment with the townhouse examples given that the land had more potential. He suggested that to get the higher density podium housing was not required in that two story residential over commercial and parking similar to what had successfully been done in Oakland and Berkeley should be considered. He suggested that old urban areas should be considered as projects, not as subdivisions. As such, he would separate the Black Diamond area into five or six projects and create an interest and intensity with architecture to create a beautiful urban area. He urged a reinforcement of the historical district with some intensity in the development.

Chair Rios stated that the City and the City Council had been trying to revitalize downtown Pittsburg for some time. The proposal represented a start and a concept to allow the process to move forward. She emphasized that the public would remain involved in that continuing process.

Member Kee agreed that the proposal represented a conceptual or schematic only, but once the project moved along the actual design and development would take place.

Member Kee added that the approval of the agenda item would not complete the project. He explained that as the process moved along the actual design and development of the project area would take place and the proposal could be something completely different from what had been shown schematically. He emphasized that the proposal was not finalized. He also noted that the Redevelopment Subcommittee had considered breaking up the area into smaller pieces to create components of diversity.

On motion by Chair Rios, seconded by Member Kee and carried unanimously to accept the staff recommendation to approve the "preferred alternative" proposed by EPS and authorize the Executive Director to commence a Request for Proposal based on the EPS Feasibility Study and findings as proposed in the "preferred alternative" and recommended as the first option.

### **CONSENT CALENDAR**

On motion by Member Beals, seconded by Vice Chair Parent and carried unanimously to adopt the Consent Calendar, as shown, with the removal of Items b and c.

- a. **MINUTES** Dated: February 17, 2004

Approved Minutes dated February 17, 2004.

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

- b. **RESOLUTION 04-947** Administrative Change to Form Used for Enterprise Zone Fee Waiver/Reduction Program

On July 21, 2003 the City Council approved the Enterprise Zone Fee Waiver/Reduction Program. The purpose of the Program is to encourage investment and revitalization within the Enterprise Zone. It is necessary to make an administrative change in how the Program implements its fee reimbursement process.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), referred to the staff report and inquired how many project proponents had been informed that they were located in the Enterprise Zone and there were benefits that applied as a result. He commented that he knew people who were located in the Enterprise Zone who had not been apprised of that information. He wanted to be assured that staff was informing those in the Enterprise Zone who were eligible for the benefits.

Mr. Mims also noted the reference to project proponents who had participated in the program but were not completing projects. He inquired how the Agency would recoup those losses, if any. He also noted that the associated fees would have to be paid up front and he had a problem with upfront fees. He suggested that portion of the resolution would hurt the small business owner who could not afford those associated fees.

Chair Rios urged Mr. Mims to discuss his issues with Director of the Redevelopment

Agency Garrett Evans since the current item related only to an amendment to the form regarding the eligibility for the program.

On motion by Vice Chair Parent, seconded by Member Beals and carried unanimously to adopt Resolution 04-947.

c. **RESOLUTION 04-948** Establishing the Neighborhood Preservation Program

The Redevelopment Agency of the City of Pittsburg is constantly pursuing opportunities to fight against blight. Therefore, it had established an intensive program called the Neighborhood Preservation Program focused on improving and revitalizing the Agency's most challenged neighborhoods. The proposed Program helps to improve the quality of life for Pittsburg residents. The Program may include infrastructure improvements, general rehabilitation and renovation, park improvements and construction of public facilities with a first year appropriation of \$500,000.

Chair Rios advised that she had removed the item from the agenda to thank staff for listening and focusing on the items she had emphasized when elected Mayor to address infrastructure improvements, reinvest in target areas and create cleaner and safer neighborhoods. She reiterated her thanks to staff for the program which represented a joint venture among all City departments. She emphasized the desire to make it safe and pleasurable for residents to live in the City of Pittsburg.

On motion by Chair Rios, seconded by Member Glynn and carried unanimously to adopt Resolution 04-948.

**ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 8:27 P.M. to the regular meeting on March 15, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**March 1, 2004**

Mayor Aleida Rios called the meeting of the City Council to order at 8:28 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. for a Workshop - Pavement Management, at 5:30 P.M. for a Workshop - Commission Changes, and at 6:00 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Government Code Section 54956.9 regarding three 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 and Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, and Conference with Labor Negotiators pursuant to Section 54957.6.

Mayor Rios advised that there was nothing to report from Closed Session.

**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  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
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  
Executive Assistant to the City Manager, Alice Evenson

At 7:15 P.M. Mayor Rios considered the following general City Council items prior to pursuing the Redevelopment Agency agenda.

**PLEDGE OF ALLEGIANCE**

Ruben Rosalez led the Pledge of Allegiance.

## **COUNCILMEMBER REMARKS**

Councilmember Glynn commented that Armed Forces Day was May 15. He inquired of the Council's interest in forming a parade and in participating in a parade on that day.

Vice Mayor Parent commented that it appeared as if the funds were available and in place to allow the pursuit of an East County Baseball Team. She advised of a meeting on March 2 with representatives of the cities of Antioch and Oakley and with the architects to consider a preliminary design. She stated that the City of Pittsburg's participation in that project would be discussed in an item on the Council's March 15 agenda. The non-profit portion of that project was moving ahead.

Mayor Rios presented a letter from the Pittsburg Unified School District (PUSD) to the City commending Alice Evenson, the Executive Assistant to the City Manager for her most favorable and professional manner of service. She read a portion of the letter commending Ms. Evenson from Michael Elam, Director of Special Education and Psychological Services into the record at this time.

## **CITY MANAGER REMARKS**

There were no City Manager remarks.

## **CITIZENS REMARKS**

JUNE FORSYTH, 20 Sea Point Way, Pittsburg, brought the Council's attention to erosion around the sides of the Pittsburg Marina. She noted that the public sidewalk was in very poor shape and was slanted and unsafe. Two trees at the end of the George Lowy basin were described as being so eroded that the roots were exposed and there was little holding that portion of the bank together. She suggested that the maintenance reserves were not available to properly maintain the Marina. Noting that she was aware that maintenance reserves were also inadequate for the City's water supply, she expressed her hope that the City's new \$7 million library would include reserves for the appropriate maintenance of that facility.

Ms. Forsyth also noted her understanding that in 1997 Tosco paid the City \$60,000 for a 30-year lease of land adjacent to Bay Harbor Park to ameliorate the dust problem in that subdivision. She questioned whether or not there was a remaining balance of those funds and she expressed her hope that those funds would not be commingled with other City funds.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) commented that the City had spent a significant amount of money rehabilitating the Marina. He questioned the oversight available to guard against the waste of taxpayer funds. He also referred to the prior Council meeting and noted that the Council was to have returned into Closed Session after the close of the regular meeting. He commented that the public had not been informed what the Council would have discussed in that Closed Session.

City Attorney Linda Daube reported that during the first part of the Closed Session at the last Council meeting not all of the items had been discussed at that time. The Closed Session had been continued after the meeting with the same list of Closed Session items that had been listed on the agenda.

Mr. Mims thanked the Mayor for the reorganization of the agenda.

BEN JOHNSON, Pittsburg, asked about the agenda workshops that had been held at 5:00 and 5:30 P.M. this date. He inquired whether or not those workshops had been posted in the newspaper to advise the public of that schedule.

When asked, Executive Assistant to the City Manager Alice Evenson explained that the agendas were not noticed in the newspaper.

Mr. Johnson requested that future workshops be appropriately identified to allow members of the public to attend scheduled workshops. With respect to pavement management, he urged the City to do some work in that regard.

Mayor Rios convened the Redevelopment Agency at 7:26 P.M. and returned to the City Council at 8:28 P.M.

## **PUBLIC HEARING**

1. **ORDINANCE 04-1216** Ordinance Extending Adopted Interim Zoning Regulations Providing for the issuance of Land Use Entitlements Consistent with the General Plan

Interim City Manager Les White stated that the City Council was asked to extend the interim Zoning Ordinance adopted on January 20, 2004 for an additional 22 months and 15 days in order to facilitate continued development within the City until the completion of the comprehensive zoning update. Mr. White advised that there were no anticipated City costs associated with the extension of the ordinance. He recommended that the City Council adopt the ordinance extending Ordinance 04-1215, interim Zoning Ordinance provisions.

Mayor Rios opened the public hearing for Ordinance 04-1216. There was no one to speak for or against the ordinance. Mayor Rios closed the public hearing.

On motion by Vice Mayor Parent, seconded by Mayor Rios and carried unanimously to adopt Ordinance 04-1216 by title only and waive full reading.

Mayor Rios advised that the next three items for Resolution 04-10017, Ordinance 04-1217 and Resolution 04-10018 related to Bailey Estates and would be considered concurrently.

2. **RESOLUTION 04-10017**      Certifying the Environmental Impact Report, for "Bailey Estates Project"  
**Combined w/ORD 04-1217**  
**and w/CC 04-10018**
  
3. **ORDINANCE 04-1217**      Bailey Estates Project. Consideration of Final  
**Combined w/CC 04-10017**      Environmental Impact Report and Prezoning and  
**and w/CC 04-10018**      Annexation (RZ-01-04)
  
4. **RESOLUTION 04-10018**      Application by the City of Pittsburg Requesting that  
**Combined w/ORD 04-1217**      LAFCO Initiate Proceedings to Annex the Bailey  
**and w/CC 04-10017**      Estates Property into the City's Municipal Boundary and  
SOI, and the Service Areas of CCWD and DDSD

Mr. White stated that the public hearing on an application by John Stremel, Bailey Estates, LLC, requested that the City Council certify the Environmental Impact Report (EIR) for the Bailey Estates project, adopt mitigation measures in the EIR, and adopt overriding considerations for eight significant and unavoidable impacts for this project. The applicant also requested that the Council prezone to RS (Single Family Residential) District, and initiate proceedings to annex into the Municipal Boundary, Sphere of Influence and water and sewer service districts a 122-acre property (APN 097-230-005) located on the west side of Bailey Road, south of the southern City limits, in order to allow a 319-unit single family project. He advised that there were no direct fiscal impacts associated with the prezoning and annexation request.

Mr. White reported that staff had received a nine-page letter at 4:00 P.M. this date from Edward Shaffer regarding a number of issues that had been discussed in large measure by the Planning Commission. In view of the fact that the letter had just been received and there was a summary of 25 to 30 issues in the letter, some of which staff would need to spend time to address, it was recommended by staff that the Council continue the public hearing but take testimony from those desirous of speaking at this time.

Director of Building and Planning Randy Jerome introduced the project and explained that the application had been before the City since the 1990's but had been created prior to that time. Staff had been working diligently with the Planning Commission. The application before the Council was to fundamentally prezone the site and certify the Environmental Impact Report (EIR) and consider an application to be processed through the Local Agency Formation Commission (LAFCO) for a boundary reorganization and an annexation to the City as well as a sphere of influence (SOI) change. He stated that the EIR had been circulated twice. The formal application was for a 319 lot subdivision at the top of Bailey Road outside the current city limits.

Mr. Jerome added that the applicant had worked diligently for a number of years with the various resource agencies to modify the plan to address habitat preservation and drainage issues and had responded to numerous staff requests to modify the subdivision to ensure good design and to be consistent with the hillside regulations as part of the new General Plan.

Mr. Jerome explained that the project had been redesigned to accommodate the eventual Buchanan Road Bypass. He had been pleased with how the applicant had worked with staff and other jurisdictional agencies to modify the project to allow it to move forward. He also noted that two environmental consultants had addressed the proposal. Darwin Myers was the current environmental consultant who had prepared the draft and final document submitted for Council consideration.

Mr. Jerome stated that the comments received this date from Archer Norris had been reiterated from what had been received by the Planning Commission in December last year when that hearing had been continued to January 2004 to allow the Commission adequate time to review the comments and the EIR itself. The Commission had recommended the approval of the EIR and the rezoning of the property. Once those actions had taken place and the annexation proceeded, the subdivision and the subsequent design review of the homes would be returned to the Planning Commission for that Commission to certify the EIR as to the design components of the development itself. He emphasized that staff had worked long and hard on the project and the applicant had done everything that he could do. He suggested that the proposal was ready to move forward at this time.

Councilmember Beals clarified with staff that the issues had already been addressed to some degree.

Mr. Jerome explained that there had been a number of issues that required staff to go back to the EIR and that Mr. Myers had addressed and had returned to the Planning Commission. He stated that many of the issues raised were not relevant to the current action having to do with the rezoning, to place a zoning classification of Single Family on the property. Those questions had more to do with the components of the Tentative Subdivision Map which the Council would not see unless appealed.

Asked by Councilmember Beals whether or not there was anything new in the document that had not been addressed already, Planning Manager Melissa Ayres referred to Item 12 on the list from Mr. Shaffer. She deferred to the City Attorney related to the way the motions had been worded. She stated that staff was prepared to address each item at this time because the item had already been addressed or because staff could advise why that item was not an issue.

Councilmember Kee questioned whether or not there would be anything built on the far side of the Urban Limit Line (ULL), to which Mr. Jerome noted that when the ULL had been revised a couple of years ago the property had been left within the ULL with the exception of a 20 acre site on the northwest corner of the remaining property that was outside of the ULL.

Mr. Jerome added that a water tank had been proposed on that 20 acres, although no other development had been proposed. The City was not even requesting that the 20 acres be annexed into the City.

Mayor Rios opened the public hearing.

CARL CAMPOS, Loving Campos Architects, commented that he sought to speak for six people and asked to be allowed 15 minutes to make a presentation to the Council.

Mr. Campos advised that he had made a presentation in January when the City Council had adopted the 500 foot contour line as a basis for implementation of the hillside policies contained in the General Plan. His presentation had argued that the hillside design policies were troublesome and difficult to implement when developing safely in the hills. He stated that since the Bailey Estates project was above the 500 foot contour the hillside policies were required to apply to the project. While not against the project or the developer, he sought confirmation during the discussion for how the Council would interpret the Hillside Policies as set forth in the General Plan.

Mr. Campos' PowerPoint presentation focused on the Pittsburg General Plan and the requirements for all hillside development projects above the 500 foot contour line, citing General Plan policies to preserve topography, respect 30 percent slope, cluster neighborhoods, encourage terracing, flexible setbacks, sensitive architecture and sensitive roadways. He offered examples of each of the policies and stated that he had no problem with the policies but sought a clarification of the City's interpretation of those policies..

Mr. Campos presented a number of graphics to illustrate the various General Plan policies referenced. He noted that the proposal would make no improvements on Bailey Road from the dumpsite to the project with only minor improvements at the entrance to the project. He stated that Bailey Road would remain a two-lane road all the way through and remain windy, steep and unsafe.

Mr. Campos sought Council confirmation as to whether or not the Bailey Estates project preserved topography, respected 30 percent slope, provided clustered neighborhoods, encouraged terracing, and utilized flexible setbacks, sensitive architecture and sensitive roadways. He stated that staff had recommended that the project was consistent with the policies and programs specified in the General Plan. He suggested that Bailey Estates would be a blueprint for hillside projects in Pittsburg, a standard by which all projects would be guided. He sought direction from the City on how it would interpret the City's hillside policies.

Mr. Campos distributed pamphlets of his presentation to the City Council. When asked by the City Attorney, Mr. Campos identified the six people he represented as David Isakson, civil engineer, Richard Sestero from Seecon, Norm Dyer of Loving Campos, Jeanne Pavao from Seecon, and Jay Torres-Muga from Seecon.

Councilmember Kee verified that Mr. Campos was not representing the applicant for Bailey Estates. Mr. Campos advised him that he represented Seecon.

When asked by Councilmember Beals, Mr. Campos acknowledged that he was representing Seecon which had a similar project with similar issues.

Mr. Campos added that he had sought confirmation from the City Council on how it would subject the southwest hills projects to its hillside policies and he had recommended that the Council apply the hillside policies to lands that were zoned Hillside Low Density. He noted that while the subject project had been listed in the EIR as Hillside Low Density zoning, it was not in that it was Low Density and had been changed two years ago to that designation. He reiterated his need for direction from the Council as to how the hillside guidelines would be interpreted.

Councilmember Beals stated that she had asked the question because the hillside ordinances or policies were guidelines with discretionary approval on a project by project basis. With the project Mr. Campos represented as well as the subject project, she stated that the hillside policies would be interpreted based on recommendations and other factors. She commented that Mr. Campos' client had been made aware of that discretionary situation and she suggested that a lot of the issues that had been brought to the Council's attention had been addressed in depth. She did not see why the issue was being belabored at this point. She otherwise thanked Mr. Campos for his presentation.

Mr. Campos reiterated his desire for confirmation from the City Council for how the hillside policies and ordinances would be implemented consistent with modern subdivision grading techniques and repeated that the policies would be a blueprint for the development of the southwest hills. He emphasized that it was difficult to interpret the policies.

EDWARD SHAFFER, Archer Norris of Walnut Creek representing Seecon, the adjacent property owner to the project, commented on the last minute letter and stated that he had waited for the staff report and had only gotten it on Friday. He was eagerly awaiting the staff report given that he was seeking responses to the issues raised in his earlier letter to the Planning Commission.. He noted that contrary to staff, most of the issues had not been discussed by the Planning Commission in that the Commission had been told that would be covered in the EIR. He stated that under CEQA every comment and issue raised deserved and required a good faith reasoned response and consideration. He looked forward to seeing the response by staff to the issues that he had raised in his letters. He commented that there were a lot of new issues in his latest letter. He was glad to hear that there would be a continuation so that there was time for the Council to consider all the material.

Vice Mayor Parent sought a clarification of the items in Mr. Shaffer's letter that were new.

Mr. Shaffer stated that Item 2 was a new item. Item 3 had included a new point given that a special police tax assessment could not be pursued because that would represent double taxation. Item 4 grew out of the Planning Commission hearing where staff had indicated that rezoning only was being considered and the General Plan consistency issues would come later. He noted that the rezoning design closely fit the 249 lot tentative map with fingers of residential and fingers of open space and it would be difficult for the City to manipulate that plan at a later date.

Mr. Shaffer stated that Item 5 had been discussed in the earlier letter but had not been fully addressed by the Planning Commission. Item 6 had been partly addressed although there were new comments included. Item 7 was new. Item 8 referred to a letter from a wildlife biological consultant in response to comments from the Commission. Item 9 was the issue of the mistake in the visual analysis in the EIR related to the visual impact from Bailey Road. Item 10 was a new item related to the resolutions and the staff report related to a series of unavoidable and significant impacts.

With respect to Item 11, Mr. Shaffer described that as a synopsis of the issues and whether or not that justified more work in and a recirculation of the EIR, and he stated the resolutions technically did not match what CEQA required in the format of resolutions submitted to the Council.

MICHAEL LENGYEL, Pittsburg, sought a clarification of who owned the project and whether or not the applicant had any type of consideration that would include Seeno as being the developer of the project. He also questioned why the Vice Chairman of the Planning Commission had recused himself on January 27 after he had participated fully in the process for two years when the Bailey Estates project had been considered. He questioned whether or not there was a problem with people on the Planning Commission being overly protective of Seeno and he objected to other builders in the town getting waylaid by Seeno.

BRIAN ANDERSON, Pittsburg, a Willow Avenue resident, referred to some of the mitigation measures that described roadway improvements in the area of Bailey Road and West Leland Road. He noted that Willow Avenue came to a T-intersection 100 yards on Bailey Road southbound on Leland Road. While the intersection of Bailey and Leland and Concord and Bailey had been covered by the EIR, he stated that Willow Avenue at Bailey Road had not. His concern was for southbound traffic on Bailey Road turning left into Willow Avenue since there was no left turn lane at that connection.

Mr. Anderson described some of the turning movements in that area that had been exacerbated by the increasingly heavy traffic in the area creating an unsafe condition. He requested that the Council consider making a left turn lane for traffic southbound on Bailey Road to allow turns into Willow Avenue and turns out without a traffic hazard. He offered a rough sketch of the traffic movement that he requested.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, stated that only one of the mitigation measures regarding traffic and circulation in the vicinity of the development mentioned the inclusion of bicycle facilities. Six of the mentioned mitigations were listed on the Pittsburg General Plan, or the Concord Trails Plan, or the recently adopted Countywide Bicycle Plan as being bicycle facilities, but were not mentioned in the EIR. He requested an amendment to the resolution to direct the developer to include bicycle facilities as called for by the plans in the mitigations for the development.

Mr. Ohlson listed the mitigations as the Leland Road/Bailey Road creating both right turn lanes and left turn lanes.

Mr. Ohlson recommended that the bicycle lane be dedicated into a traffic lane. He noted that the General Plan included a requirement that bicycle lanes be continuous through this intersection on Leland Road on both sides. With respect to the Highway 4 eastbound off ramp to southbound Bailey Road which the mitigation planned as a dual lane off ramp, he stated that both the City and Caltrans had both admitted that was currently a substandard intersection and making it a dual off ramp would significantly increase the danger to pedestrians and bicyclists. Further, the Delta DeAnza Trail crossed Bailey Road just to the south of this off ramp. The off ramp and the sidewalk was heavily used by pedestrians from Bay Point walking up to the Safeway Shopping Center, as well as being used by pedestrians from Bay Point BART walking to the shopping center.

Mr. Ohlson stated that bicyclists in Contra Costa County requested that the City ensure that the mitigation treated bicyclists and pedestrians safely. He explained that Caltrans had a work group that was creating directions for handling dual off ramps and he referred staff to the Caltrans' contact person to address those concerns.

Speaking to the T-intersection where the major street of the development connected to Bailey Road, Mr. Ohlson stated that the EIR document mentioned that might be a continuation of San Marco Boulevard. Since San Marco Boulevard did not include bicycle lanes as it should have done, he urged that staff be directed to ensure that bicycle facilities be included on collector and arterial streets in the Bailey Estates development. He also urged that staff and the developer be urged to include street space for bicycle facilities at the intersection of Myrtle Drive at Bailey Road and Bailey Road at Concord Boulevard in Concord.

JOHN STREMEL, Walnut Creek, representing Bailey Estates, the developer of the project, stated that Seeno did not own the property nor was there any contractual obligation that Seeno would acquire the property. He assured Mr. Ohlson that his issues associated with the City of Pittsburg would be addressed as the project proceeded. He could not speak for the City of Concord.

As to Mr. Campos' presentation, Mr. Stremel referred to the General Plan review process through the Planning Commission and the City Council and explained that all related factors would play into the individual nature of each project as presented to the Commission and the Council. He stated that the footprint was as proposed given that it was seen as fitting neatly, sweetly and completely with the General Plan and was consistent with the General Plan. He commended staff for a job well done with the project.

Referring to Mr. Shaffer's comments, Mr. Stremel emphasized the chronology of the review process and the continued delays imposed by Archer Norris' last minute letters of concern and issues that had continually been addressed. He stated that staff and the EIR consultant had worked hard to make certain that all of the issues had been addressed. After additional delays he noted that the Planning Commission had voted five-zero to approve the project

Councilmember Kee clarified that the item being considered by the Council was the

review of the EIR and that the Council was not in any way, shape or form making approvals or commenting on General Plan items or confirming approvals of the General Plan to this or any future projects. He otherwise thanked Mr. Campos for his presentation.

Councilmember Kee questioned staff whether or not all of the items in the Archer Norris letter had been adequately addressed.

Mr. White commented that the City Attorney would like to review some of the items referenced in the letter. Given Planning staff's assurance that the items could be addressed, he sought a response from the Planning staff to each of the comments in the letter, with a return to the Council at its March 15 meeting. He also commented that a new letter had been received from Wetland Research and a continuance to the next meeting would allow the City Attorney an opportunity to review that letter.

City Attorney Daube confirmed that the letter from Wetland Research dated March 1, 2004 would have to be reviewed to determine whether or not it had any merit and if it did what kind of a response would be required.

Vice Chair Parent sought a clarification of the police tax item referenced by Mr. Shaffer's letter. She stated that it was clear from the continual presentations on every possible angle on this and other developments that there was an attempt to place roadblocks in the process. She supported a review of all of the issues that had been raised to ensure a completely defensible response. She emphasized that the EIR had been available for some time. While she was reluctant to allow the last minute issues to delay the process, she wanted to be judicious and thorough and she would support no further extensions unless some new issue were to arise.

Councilmember Glynn concurred, although he agreed that the subject application would serve as a test case that would essentially be applicable to all other development that dealt with hillside elevations above 500 feet. He suggested that similar proposals could not be considered on a case by case basis because the subject application would set precedent, like case law, establishing a standard for future developments.

Councilmember Glynn commented that he had actually walked the hills with Mr. Stremel when he was a member of the Planning Commission, and the cuts that were referenced in the presentation made by Mr. Campos would be made. He also noted the recent dialogue on the degree of cut associated with the extension of West Leland Road through the San Marco development and up to the school site. He remained concerned with the interpretation of this test case.

On motion by Councilmember Glynn, seconded by Councilmember Beals and carried unanimously to continue Resolution 04-10017, Ordinance 04-1217 and Resolution 04-10018 related to the Bailey Estates Project to the next meeting on March 15, 2004.

Mr. White verified with Planning staff that a written report responding to the testimony at

this time and to the March 1 letter from Archer Norris would be available prior to the next Council meeting.

## **CONSIDERATION**

### 1. **MINUTE ORDER**                      Comprehensive Zoning Code Update - Work Program

Interim City Manager Les White stated that the City Zoning Ordinance needed to be updated to bring it into conformance with the General Plan and State law. Staff had submitted a proposed work program and draft timeline to accomplish this task.

Ms. Ayres stated that the City had adopted a new Housing Element on November 17, 2003 which she stated was a major update of that element. From that some interim zoning code had been adopted and had been extended by action taken earlier in the meeting. She noted that the Housing Element was one of many elements updated. Others had been updated in 2001. The City now needed to update the Zoning Maps and the zoning codes Land Use Maps to be consistent with the policies and the Land Use Maps in the General Plan.

Ms. Ayres stated that the proposed Work Program identified a program that would extend over three years with much of that work to be done by City staff, although consultant help would be sought with respect to the update of the maps as well as the request for a Planning Interim at \$15 an hour for eighteen months to help with that detailed work. She advised that the cost to provide temporary intern assistance at 20 hours a week for eighteen months would be \$23,400. The cost to update the Zoning Maps was unknown at this time. Funds to pay the extra costs were proposed to be split between the Redevelopment Agency and the General Fund Reserve at a 75:25 ratio. An additional \$6,000 of attorney review time was also anticipated to be spread through the phased amendments. If the work program was approved, staff would return with budget appropriation resolutions for intern and attorney labor at the next meeting.

Ms. Ayres explained that in the first two years it was anticipated that all of the State requirements and all of the land use issues would be addressed to bring the City into compliance with State code. She noted that the Planning Department currently had 3.5 staff planners handling all other items and the counter and major projects. She stated that the current workload was heavy and increased all the time. She noted that the Council had already adopted Work Programs for inclusionary housing and General Plan clean-up.

Ms. Ayres stated that the other option would be to supervise an outside contractor who would do the work. Dyett & Bhatia had bid approximately \$110,000 for that study, which bid had been offered two years ago. She noted that Concord had just pursued an outside consultant and the bid in that case was \$200,000 for the update of that City's zoning code.

Vice Mayor Parent commended the Work Plan, suggested it was ambitious, but

noted that the proposal would be better done in house. She supported the idea but asked that the plan be supplemented by a report to the Council every six months to advise of the status of the project in relation to the previously identified schedule. She had no problem with the hiring of an hourly temporary employee.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to accept the staff recommended Work Program and draft timeline for developing the comprehensive zoning code update, with the requirement for a report to the Council every six months.

2. **RESOLUTION 04-10019** Approving an Amendment to the Professional Services Agreement with CMC Americas, Inc. for Website Services

Mr. White advised that to improve and reconstruct the City's Website, in early January 2004 CMC Americas, Inc. was asked, pursuant to its current Information Technology contract with the City, to give a proposal for development of a Website for the City of Pittsburgh. The proposal submitted by CMC Americas, Inc. would provide for the design of a Website administration, staff training, hardware maintenance, and desk side support for a one-year period.

With respect to fiscal impact, Mr. White stated that the funding for the project would be a budget transfer to the data processing fund from various General Fund City departments including the Power Authority, Redevelopment Agency and the Water Enterprise Fund. Each department or program would decrease budget line items to accommodate the funding proposal. There would be no budget increases to the various funds. The overall cost would be \$60,550.

Mr. White recommended that the Council adopt the resolution approving an amendment to the current Professional Services Agreement awarded to CMC Americas, Inc. on August 4, 2003, and authorize the Interim City Manager to execute the amendment on behalf of the City and to take all such actions necessary to fulfill the obligations of the City in accordance with the provisions of the agreement.

Chair Rios looked forward to an updated Website that would work to become interactive for the community. She thanked staff for the line item to show each department's contribution to the Website.

On motion by Mayor Rios, seconded by Councilmember Kee and carried unanimously to adopt Resolution 04-10019.

3. **RESOLUTION 04-10020** Consideration of Water Rate Increase

Mr. White stated that the City Council considered a staff recommendation to increase water rates at the February 2, 2004 Council meeting.

The City Council referred the matter to the Council Finance Subcommittee for further

consideration and recommendation. It was the recommendation of the Council Finance Subcommittee that the City Council authorize staff to implement a ten percent water rate increase as soon as possible.

Public Works Director John Fuller clarified that there was an error in the resolution attached to the staff report and a revised resolution had been offered given the change to the budget cuts having to do with the resolution. He noted that the resolution received by the City Council for signature would be corrected.

Mr. Fuller stated that the Finance Subcommittee had met on February 10 and February 24 to discuss the issue of the water rate increase. It was the recommendation of that Committee that staff be directed to proceed to implement a 10 percent water rate increase. The Committee recommended that it was important that the Capital Replacement and Rehabilitation Funds be restored to the Water Fund and that a slightly more aggressive water rate increase was necessary in order to do that. Staff also felt that the sooner the problem was fixed the better and a larger rate increase now would mean smaller rate increases in the future.

Mr. Fuller stated that it had also been recommended by the Committee that a majority of the Public Works Department budget cuts, as recommended by staff, would equal \$918,000 by not filling two currently vacant positions, including the Water Plant Superintendent, reducing the raw water account by \$300,000, reducing chemical supplies by \$95,000 and reducing the Capital Rehabilitation Replacement Account by \$350,000.

In addition, the Finance Subcommittee recommended that while updating the ordinance for the water rate increase the income threshold for low income senior and disabled residents to receive a subsidized water rate should also be updated and that the Finance Department conduct more outreach in the disabled and low income community to identify the availability of that rate, and to monitor participation in that program to ensure that once members of the public became eligible for that rate they would remain eligible based on their income level. Further, the Subcommittee had recommended a special audit of the Water Fund in conjunction with the City's annual audit.

Mr. White stated that in 90 days a new annual audit would be pursued and as part of that a special hard look at the Water Fund would be sought to ensure the Council and the staff that there were no other issues that were in need of addressing. He added that the City should also seriously consider a new auditor given that it was a good practice to change auditors periodically to get a different perspective.

BIRD MORNINGSTAR, Concord, as a residential conservationist, expressed concern for water conservation and the effort to keep the Bay clean. He noted that many people believed that higher rates encouraged conservation. He disagreed that was the case in that the only thing that encouraged conservation was education.

Mr. Morningstar urged the City to start thinking about conservation for primarily

residential areas given the number of homes being built and the excessive use of water unnecessarily. He recommended, for instance, that the City put some type of information on the back of its water bills every month to offer knowledge and to take the first step for conservation by educating the public. He offered a written presentation to show what the City could do in that regard. He stated that true water conservation was a state of mind and a set of habits that lasted a lifetime.

WILLIE MIMS, Pittsburg, clarified the percentage of increase that had been recommended. He also inquired whether or not there would be a roll back, to which Mr. White noted that the intent was to get the Water Fund in a position to take care of itself. Mr. White also noted that water rates might need to be increased again in a couple of years.

Mr. Mims expressed a concern with the item related to the golf course and the fact that the golf course had paid no water bill for three years. He referenced the statement in the staff report where a former Public Services Director had not addressed the billing implications of a change in water source, which situation had gone on for a number of years. He noted the penalty to any ratepayer who did not pay a bill and he had a problem accepting the situation related to the golf course. He questioned the appropriateness of asking the ratepayers to bear the burden of that cost and he asked whether or not the golf course would be required to reimburse the funds that had not been paid.

Mayor Rios and Vice Mayor Parent assured Mr. Mims that each member of the Council would also have to pay the 10 percent increase on his/her water bill.

In response to Vice Mayor Parent as to the proposed reduction of funds from the City's raw water budget, Mr. Fuller reported that the City's budget for raw water through the Contra Costa Water District was over \$5 million annually. The reduction of \$307,000 would represent only 6 percent of that total budget. He added that the City estimated the amount of water it would purchase each year. With a wet year and other factors, he stated that number could fluctuate as much as 10 percent. Because the City was already eight months into the fiscal year, the City had a good idea of how much would be spent for raw water this year. Rather than wait until the end of the fiscal year to address those savings, he stated that could be done now.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt corrected Resolution 04-10020.

## **CONSENT CALENDAR**

On motion by Councilmember Kee, seconded by Councilmember Beals and carried unanimously to adopt the Consent Calendar as follows with the removal of Items b, c, d, e and f.

- a. **MINUTES** Dated: February 17, 2004  
Approved minutes dated February 17, 2004.

The following items were removed from the Consent Calendar for discussion. City Attorney Daube advised that City Engineer Sbranti had requested that Items b, c and d be continued for language modification and verification. She affirmed, when asked, that the items had been continued from the last meeting's Consent Calendar for the same reason.

- b. **RESOLUTION 04-10011** Acceptance of the Public Improvements Within Subdivision 8423, San Marco Unit 5 for Continuous Maintenance
- c. **RESOLUTION 04-10012** Acceptance of the Public Improvements Within Subdivision 8393, San Marco Unit 4 for Continuous Maintenance
- d. **RESOLUTION 04-10013** Acceptance of the Public Improvements Within Subdivision 8651, San Marco Unit 2B for Continuous Maintenance

The following item was removed by Mayor Rios for discussion.

- e. **RESOLUTION 04-10021** Amendments to the Classification Plan.

Human Resources has conducted an analysis of the three positions within the City's classification plan and recommends that each of these three positions and the incumbent employees are reclassified into new classifications. The recommended changes are from Property Manager to Development Project Manager, from CDBG Coordinator to Housing & Community Programs Manager, and one vacant position from Engineering Technician to Records Technician.

Mayor Rios did not object to the resolution although she asked the Human Resources Department to conduct an analysis of front-line employees since the positions recently considered by the Council were mid-management type positions only. She also asked the Human Resources Department to consider front-line employees since several employees were interested in job classification changes.

On motion by Mayor Rios, seconded by Vice Mayor Parent and carried unanimously to adopt Resolution 04-10021.

- f. **RESOLUTION 04-10022** Authorizing the City Manager to Submit Written Comments to the Contra Costa Transportation Authority on the Draft 2004 Update to the Contra Costa Countywide Comprehensive Transportation Plan

City Engineer Sbranti advised that staff had drafted a letter to the Contra Costa Transportation Authority (CCTA) related to the Draft 2004 Plan Update.

Mr. Sbranti stated that letter focused on the Measure C Extension Expenditure Plan Alternatives and Growth Management options. The CCTA was expected to decide in May

which projects and programs to include in a November 2004 ballot measure. He noted that the item had been discussed at the last meeting after a brief presentation by the CCTA. Staff was available to make any adjustments to the letter, if needed.

BRUCE OHLSON, Pittsburg, thanked the City Council and staff for requesting that bicycle and pedestrian projects be included in the Expenditure Plan Alternatives for funding at the 2 percent level. He noted that the suggestion of the full CCTA Board was zero for bicycles and pedestrians, the TRANSPLAN Committee had recommended one percent, the Expenditure Plan Advisory Committee of the CCTA had suggested 3.5 percent, the CCTA Community Advisory Committee (CAC) had suggested 3 percent, and bicyclists had recommended 5 percent. He thanked the City for its support.

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-10022.

### **COUNCIL REPORTS**

Mayor Rios thanked staff for the Grand Opening of the Senior Center, which she described as awesome.

When asked, Recreation Director Paul Flores stated that 400 to 500 people had attended the event. He also took this opportunity to thank all staff involved in the event, particularly the Public Works and Planning Departments and all those who had made the ceremony impressive for the community. He reported that today was the first day of activity and over 65 people showed up for the exercise program and 68 people were present for the lunch program. He added that the computer classes were filled. Hula dances and regular classroom activities would be commenced this week.

### **CITY MANAGER REPORT**

Interim City Manager White had no report.

### **ADJOURNMENT**

The meeting of the City Council adjourned at 10:13 P.M. to the regular meeting on March 15, 2004.

Respectfully submitted,

Lillian J. Pride, City Clerk

als

**CITY OF PITTSBURG**  
**Pittsburg Power Company Minutes**  
**March 1, 2004**

Chair Aleida Rios called the meeting of the Pittsburg Power Company to order at 10:14 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. for a Workshop - Pavement Management, at 5:30 P.M. for a Workshop - Commission Changes, and at 6:00 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Government Code Section 54956.9 regarding three 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 and Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, and Conference with Labor Negotiators pursuant to Section 54957.6.

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

**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  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
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  
Executive Assistant to the City Manager, Alice Evenson

**CONSENT CALENDAR**

On motion by Vice Chair Parent, seconded by Member Glynn to adopt the Consent Calendar, as shown.

- a. **RESOLUTION 04-098** Approve and Authorize the Executive Director to Execute an Agreement Between the City of Vallejo and the Pittsburg Power Company Regarding the Allocation of Power from the Western Area Power Administration

Adopted Resolution 04-098.

**ADJOURNMENT**

The meeting of the Pittsburg Power Company adjourned at 10:15 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Public Financing Authority Minutes**  
**March 1, 2004**

Chair Aleida Rios called the meeting of the Public Financing Authority to order at 10:16 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. for a Workshop - Pavement Management, at 5:30 P.M. for a Workshop - Commission Changes, and at 6:00 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Government Code Section 54956.9 regarding three 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 and Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781, and Conference with Labor Negotiators pursuant to Section 54957.6.

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

**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  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
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  
Executive Assistant to the City Manager, Alice Evenson

**CONSENT CALENDAR**

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to adopt the Consent Calendar, as shown.

a. **MINUTES** Dated: February 17, 2004

Approved Minutes dated February 17, 2004.

**ADJOURNMENT**

The meeting of the Public Financing Authority adjourned at 10:17 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als