

CITY OF PITTSBURG
Redevelopment Agency Minutes
January 5, 2004

Chair Aleida Rios called the meeting of the Redevelopment Agency to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 6:02 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (c) of Government Code Section 54956.9 regarding one case; Conference with Labor Negotiators pursuant to Section 54957.6 regarding the Police Officers Association; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APN 073-230-007-4 (1301 Standard Oil Avenue) and APNs 085-193-001-6, 085-193-004, 085-193-006-5, 085-193-007-3, 085-193-008-1, and 085-193-009-9.

City Attorney Linda Daube reported with respect to property negotiations regarding 1301 Standard Oil Avenue that the Council had voted unanimously to authorize the City Manager and staff to negotiate with the firm of Babcock & Brown for acquisition of property to support a grid reliability project in the City of Pittsburg. Further, the Council voted unanimously to authorize the City Manager to negotiate and execute appropriate agreements, including but not limited to, a reimbursement agreement with the firm of Babcock & Brown and to further negotiate and return with a Development Agreement to the City Council.

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

PLEDGE OF ALLEGIANCE

A.J. Fardella led the Pledge of Allegiance.

Chair Rios identified several changes to the agenda, among them allowing the City Manager to report out on any items of interest prior to the pursuit of the regular meeting agendas. She also took this opportunity to offer a warm welcome to Les White, the City's Interim City Manager/Executive Director.

CITY MANAGER REPORT

Interim City Manager Les White noted the train derailment that had occurred in the downtown area of the City on December 29, 2003. He reported that all of the cars had been removed from the area, the tracks were in the process of repair, and the City had asked to be apprised of the railroad's inspection schedule for ensuring that the tracks were regularly assessed.

Chair Rios advised that citizens would be allowed to make remarks at this time, under Citizens Remarks on any agency; the Redevelopment Agency, the City Council, or the Pittsburg Power Company.

CITIZENS REMARKS

GARY DARLING, General Manager, Delta Diablo Sanitation District, presented a plaque and resolution to Councilmember Yvonne Beals to express the gratitude and appreciation of Supervisor Federal Glover, Mayor Donald Freitas of the City of Antioch and all the employees of the Delta Diablo Sanitation District for her service to the District over the last year. He also took this opportunity to highlight the District's accomplishments during the past year.

Member Beals thanked Mr. Darling for the recognition and wished him continued success with the Delta Diablo Sanitation District.

CAROLINE ALLEN, Pittsburg, a Harbor Lights resident, spoke to the issue of transit and development and the total lack of transit access for the Harbor Lights community. She stated that the community had been promised a bus stop, which was to be installed by March 2004. She urged the City to hold developers and City planners accountable for transit to serve the needs of all the neighborhoods in the City.

DeLYNNE FLOWERS, Pittsburg, a Harbor Lights resident, also spoke to the need for a bus stop to accommodate the Harbor Lights subdivision, along with the need to widen Willow Pass Road and provide street lights in the area. She emphasized the increase in traffic and the speed of traffic in the area and the lack of transit that that had created a serious safety threat to the Harbor Lights community.

Chair Rios advised that the City had a liaison to Tri Delta Transit to address such transit questions.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition and the Delta Pedalers Bicycle Club, stated that Pittsburg bicyclists were equally concerned as were the residents of the Harbor Lights subdivision with safe access on the Willow Pass Road extension of West Tenth Street. He stated that the Harbor Lights subdivision was the only neighborhood of its kind in the City designed for the exclusive use of automobiles. He stressed that the developer of that subdivision should have been required to provide for non-motorized access. He urged City staff to do whatever possible to ensure safe bicycle and pedestrian access to the subdivision.

Mayor Rios CONVENED JOINTLY the REDEVELOPMENT AGENCY and the CITY COUNCIL to consider the following:

PUBLIC HEARING

1. **RESOLUTION 04-935** Approval of a Disposition and Development Agreement
Combined w CC 04-9970 By and Between the City of Pittsburg and Adam and Associates Business Group, LLC and Making Certain Findings in Connection Herewith

Interim City Manager Les White reported that the Redevelopment Agency of the City of Pittsburg and Adam and Associates Business Group, LLC have negotiated terms for a Disposition and Development Agreement (DDA) for the sale and development of 415 Railroad Avenue in downtown Pittsburg. The developer will purchase approximately 8,000 square feet of land from the Agency with an approximately 13,000 improved square foot building for the fair market value of \$500,000, as determined by an appraisal dated August 4, 2003 conducted by Property Sciences. The developer will rehabilitate the second floor to be used as commercial office space and any associated onsite and offsite improvements required.

Councilmember Kee recused himself from the item due to a potential conflict of interest. He left the dais at this time.

It was reported that there would be a positive fiscal impact to the Agency in the amount of \$500,000 less any title or escrow costs. Given the existing lease agreement encumbering the property, which had a value of \$272,208 for the next three-year period, there was a loss of potential revenue possible with the execution of the agreement.

Mr. White recommended that the DDA between the developer and the Agency be approved and further recommended that the Agency authorize and direct the Executive Director of the Agency to execute the Agreement on behalf of the Agency, authorize and direct the Secretary of the Agency to attest thereto, and authorize the Executive Director to execute such further documents and take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to the Agreement. It was further recommended that the City Council approve the sale of the site pursuant to the terms and conditions of the Agreement.

Mayor Rios opened the public hearing for Redevelopment Agency Resolution 04-935 and City Council Resolution 04-9970. There was no one to speak for or against the resolutions. Mayor Rios closed the public hearing.

Vice Mayor Parent clarified with Director of the Redevelopment Agency Garrett Evans that the Agreement did not include the parking lot. She was advised that the parking lot had been removed from the Agreement and would remain the property of the City of Pittsburg.

Mr. Evans also explained, when asked, that the second story of the two-story building was not accessible. As part of the DDA, the purchaser would be required to rehabilitate and make the second floor usable and Americans with Disabilities Act (ADA) accessible. Currently no one was allowed on the second floor.

On motion by Member Glynn, seconded by Vice Chair Parent to adopt Redevelopment Agency Resolution 04-935, carried by the following vote:

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

On motion by Councilmember Glynn, seconded by Vice Mayor Parent to adopt City Council Resolution 04-9970, carried by the following vote:

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

Councilmember Kee returned to the dais at this time.

2. **RESOLUTION 04-936** Approval of a Disposition and Development Agreement
Combined w CC 04-9971 By and Between the City of Pittsburg and the Pittsburg
Elks Lodge and Making Certain Findings in Connection
Herewith

The Redevelopment Agency of the City of Pittsburg and the Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of Elks have negotiated terms for a Disposition and Development Agreement for the sale and development of approximately 60,000 square feet of vacant land generally located to the north of 340 Marina Boulevard in downtown Pittsburg. The exact area of the land to be conveyed will be determined through the Parcel Map Waiver Application process. An appraisal dated March 14, 2003 conducted by John Bouyea Associates determined the fair market value of the vacant land at that location to be \$5.50 per square foot. The approximate square footage is 60,000 square feet for a fair market value of \$330,000. The developer will construct an approximately 12,000 square foot facility to be used as the Pittsburg Elks Lodge and any necessary onsite and offsite improvements.

There would be a positive fiscal impact to the Agency in an estimated amount of \$330,000. It was recommended that the DDA between the developer and the Agency be approved. It was also recommended that the Agency authorize and direct the Executive Director of the Agency to execute the Agreement on behalf of the Agency, authorize and direct the Secretary of the Agency to attest thereto, and authorize the Executive Director to execute such further documents and take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to the Agreement. It was further recommended that the City Council approve the sale of the site pursuant to the terms and conditions of the Agreement.

Agency Director Evans noted that the proposal had been discussed since July 1, 2001 to find a new permanent location for the Elks Lodge, which had required relocation as a result of the widening of State Route 4. He explained how the site had been acquired by the Agency in the 1970's and reported that it was zoned Marine Commercial.

Given the community concerns for the proposal which would involve a 250 seat banquet facility for the Elks Lodge, Mr. Evans reported that the Elks had been asked to hold a public workshop with the adjacent subdivisions, which had occurred on August 20, 2003 when public input had been solicited. That workshop had been attended by approximately 40 people, of which approximately 15 were City staff. A number of issues had been discussed at that time including traffic, ingress/egress, lighting, noise and hours of operation. He added that the current hearing had been publicly noticed on December 19 and December 26, 2003.

Mr. Evans also noted that the Elks Lodge would also be responsible for all the improvements.

Mayor Rios opened the public hearing on Redevelopment Agency Resolution 04-936 and City Council Resolution 04-9971.

FRANK DETEEN, Pittsburg, a resident of Marina Park, advised that his primary concern was for the best use of the lot for the community as a whole. He noted that the proposal was essentially for a banquet facility in a residential area. He commented that the current situation with minimal parking for the Marina Park community was so bad that most residents were parking on his/her lawns. While he had no problem with the Elks Lodge locating at the subject site, he emphasized the need for residents to have some say in how the building would look and how the parking would affect residents' homes.

As currently proposed, Mr. Deteen stated that the design of the proposal would not complement the existing neighborhood, it would be placed right at the property line, and it would jeopardize the privacy of adjacent homes. He urged the Agency to ensure that there would be input from those immediately affected by the proposal. He also suggested that the site be offered for purchase by the Marina Park Homeowners Association.

JOAN MURPHY, Pittsburg, a Marina Park resident, reported that she had just learned of the proposal this date. While she had no objection to the proposal at the subject site, she objected to the effect the proposal would have on adjacent residents. Specifically, she noted that the glass walls of the building would be placed very close to the property line overlooking her yard and jeopardizing her privacy. She urged that the architecture of the building be reconsidered to assure the privacy of adjacent residents.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) took issue with a lack of notice offered to adjacent residents. He suggested that the use was not appropriate for the prime property owned by the Agency. He also took issue with the Environmental Review Checklist and the statement that the project was categorically exempt from environmental review under Class 32, Section 15332 of the California Environmental Quality Act (CEQA). He suggested that was not the case.

Planning Manager Melissa Ayres advised how projects were assigned under several applicable categories under CEQA.

Mr. Mims disagreed with the explanation and suggested that any project that had a negative environmental impact upon a community should require environmental review.

CRAIG SCHOENTHALER, Pittsburg, a Marina Park resident who noted that he lived close to the proposed site, expressed concern with the manner in which the proposal was being pursued by the City to the detriment of the adjacent community. He urged the Agency to keep the affected residents well informed of the proposal.

Mayor Rios closed the public hearing on Redevelopment Agency Resolution 04-936 and City Council Resolution 04-9971.

Councilmember Glynn noted that he was also a resident of the downtown. Having attended the previously referenced workshop, he stated that many of those in attendance were City staff and not homeowners. He commented that it was his understanding that the public notice provided to the residents was appropriate.

Councilmember Glynn highlighted the many concerns expressed by residents including the design of the proposal. While not satisfied with the general appearance of the building himself, it was his belief that it was well placed and well accommodated with respect to traffic circulation. He did not believe that parking would be an issue given that the Elks would be using the parking lot situated directly across the street from the facility.

Councilmember Glynn stated that the other issues of concern related to the hours of operation, security, lighting in and around the facility, noise, control of rental events and the like. He stated that he had been assured by the Elks Club that those issues would be addressed as part of the design. He noted that there was also no intent that the Elks would be permitted to have access to the club from the water.

In response to the Vice Mayor with respect to notification to the public at the time the Elks Lodge proposal would be considered by the Planning Commission, Ms. Ayres explained that under the current General Plan, the proposal would only require design review approval. No use permit would be required. Since staff had scheduled a review of the City's Interim Zoning Ordinance with the City Council later in the month, she suggested that the City Council could include a provision under the Arts and Entertainment section of the Interim Zoning Ordinance to require a use permit in the district instead of a permitted use. In that case, the Elks Lodge proposal would require Planning Commission review.

Vice Mayor Parent stated that the public needed to know that the Council was interested in knowing the concerns of the public from not only the area involved, but from those throughout the community who had concerns, particularly since the facility would be used by the entire community as it had previously been used.

Vice Mayor Parent added that the building immediately next door to the subject lot had been used for the same kinds of functions well before the construction of the Marina Park development. She also noted that the Elks Lodge, when located on Crestview Drive, had minimal problems with its neighbors.

Councilmember Glynn referred to the final construction of the parking lot to the left of the Marina building, noted that the sale of the land by the City to the Elks Club would generate approximately \$330,000 in cash to the City based on the value of that land, and recommended that the \$330,000 be utilized on a not-to-exceed basis to finish that parking lot through the Capital Improvement Program (CIP).

City Attorney Daube advised that Councilmember Glynn's recommendation would have to be handled at a subsequent meeting given that the current item related only to the DDA Agreement.

Councilmember Glynn requested that his recommendation be placed on the next City Council agenda for action.

Vice Mayor Parent opposed considering such actions on a piecemeal basis. She recommended that the request be considered as part of the Council's budget review.

Interim City Manager White noted that an overview of CIP projects would be presented to the Council in approximately six weeks, which would be an appropriate time for the Council to discuss that and other similar items.

Councilmember Glynn supported that scenario.

On motion by Vice Chair Parent, seconded by Member Beals and carried unanimously to adopt Redevelopment Agency Resolution 04-936.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 04-9971.

CONSIDERATION

1. **RESOLUTION 04-937** Allocating Additional Funding for Contract 99-05, State
Combined w CC 04-9976 Route 4 Flood Relief Project and Making Certain
Findings in Connection Herewith

Mr. White advised that on May 19, 2003, the Redevelopment Agency adopted Resolution No. 03-890, allocating funding for Contract 99-05, State Route 4 Flood Relief Project. At that same meeting, the City Council adopted Resolution No. 03-9818, awarding a construction contract for this project to North Bay Construction. During the course of construction, the contractor had encountered a variety of construction issues, which had depleted the contract contingency.

The total project budget as approved in the FY 2002-03 Carryover CIP adopted on January 21, 2003 by City Council Resolution No. 03-9747 was \$11,341,000. The final cost of the project was dependent upon pending and potential future claims. Currently, staff anticipated that additional funding in the amount of \$2.3 million would be required to ensure the successful completion of the project. The funds were anticipated from a number of sources; \$2,050,000 would be funded by transfers from other capital improvement projects and \$250,000 would be appropriated from the unallocated interest earnings on the 2003 Tax Allocation Bonds Funds.

Mr. White recommended that the City Council and the Agency Board adopt the resolutions making certain findings, consenting to the reallocation of Redevelopment Agency funds as noted in the staff report dated January 5, 2004 authorizing the use of both the original \$11,341,000 and the supplemental \$2.3 million for the completion of the SR4 Flood Relief Project. It was further recommended that the City Manager be authorized to execute further documents and take such actions as may be necessary or appropriate to carry out the City's obligations pursuant to the construction contract.

WILLIE MIMS, Pittsburg, representing the BPA, expressed concern with the continuing requests for additional funds to continue the SR4 Flood Relief Project. He questioned the construction issues encountered by the contractor that had depleted the contract contingency, inquired where the funds would originate to fund the extra requests, and urged the Council to carefully scrutinize the staff requests.

BRUCE OHLSON, Pittsburg, noted his understanding of the situation which had cost the project contingency and urged the City not to eliminate the bicycle component from the projects where the funds were being transferred to cover the extra costs associated with the SR4 Flood Relief Project.

Councilmember Kee wanted to make certain that the transfer of funds from other sources would not jeopardize other projects. He also sought the timeline for the replacement of the Water Main Project on Crestview Drive.

In response, City Engineer Joe Sbranti referred to the sources where the funds would be borrowed and advised that the Pittsburg-Antioch Highway, Presidio Lane, Marina Dock Replacement and West Tenth Street projects were hoped to be completed without the need for additional funds beyond what would remain after transferring funds to the SR4 Flood Relief Project. As such, none of those projects would be affected with the taking of the funds. What would be affected would be the Water Main Project on Crestview Drive that would be put on hold until such time as funds became available, estimated from eighteen to thirty months.

Member Glynn noted that the Marina Project was not to exceed \$5 million. While the final cost was unknown, he did not want to see a loss of those funds particularly since other unplanned subprojects had been added to that project. He would therefore not support any action that would jeopardize those funds.

On motion by Member Kee, seconded by Member Beals and carried unanimously to adopt Redevelopment Agency Resolution 04-937.

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 04-9976.

2. **RESOLUTION 04-938** Owner Participation and Loan Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Hunter Paine Enterprises, LLC

Mr. White advised that Hunter Paine Enterprises, LLC produced a product called Lexite™, a laminated composite of recycled rubber tire particles, paper, glass, inert materials, and formulated binder, sold as a wood substitute. The company is establishing a manufacturing and assembly facility in the City of Pittsburg. The borrower had requested a loan of \$1.650 million from the Redevelopment Agency of the City of Pittsburg to assist with the expansion of the company at 701 Willow Pass Road.

The fiscal impact was identified as \$1.650 million from the Redevelopment Agency reserves to be loaned to Hunter Paine Enterprises, LLC.

Mr. White recommended the execution of an Owner Participation and Loan Agreement (OPA) by and between the Redevelopment Agency of the City of Pittsburg and Hunter Paine Enterprises, LLC.

In response to Member Kee, Economic Development Director Brad Nail advised that there were no chemical hazards associated with the manufacture of the product.

Noting the economic potential for the City, Member Kee supported the loan that would be repaid to the City within thirty months.

On motion by Member Kee, seconded by Member Glynn and carried unanimously to adopt Resolution 04-938.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: November 17, 2003 and December 1, 2003

Approved Minutes dated November 17, 2003 and December 1, 2003.

- b. **RESOLUTION 04-939** Assignment of Rights to Zandonella's Fine Italian
Combined w/CC 04-9979 Concessionaire Lease Agreement from the
Redevelopment Agency of the City of Pittsburg to the
City of Pittsburg

Adopted Redevelopment Agency Resolution 04-939 and City Council Resolution 04-9979.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:21 P.M. to the regular meeting on January 20, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
January 5, 2004

Mayor Aleida Rios called the meeting of the City Council to order at 8:22 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after having met at 6:02 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (c) of Government Code Section 54956.9 regarding one case; Conference with Labor Negotiators pursuant to Section 54957.6 regarding the Police Officers Association; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APN 073-230-007-4 (1301 Standard Oil Avenue) and APNs 085-193-001-6, 085-193-004, 085-193-006-5, 085-193-007-3, 085-193-008-1, and 085-193-009-9.

City Attorney Linda Daube reported with respect to property negotiations regarding 1301 Standard Oil Avenue that the Council had voted unanimously to authorize the City Manager and staff to negotiate with the firm of Babcock & Brown for acquisition of property to support a grid reliability project in the City of Pittsburg. Further, the Council voted unanimously to authorize the City Manager to negotiate and execute appropriate agreements, including but not limited to, a reimbursement agreement with the firm of Babcock & Brown and to further negotiate and return with a Development Agreement to the City Council.

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

PUBLIC HEARING

1. **RESOLUTION 04-9970** Approval of a Disposition and Development Agreement
Combined w RDA 04-935 By and Between the City of Pittsburg and Adam and

Associates Business Group, LLC and Making Certain Findings in Connection Herewith

The Redevelopment Agency of the City of Pittsburg and Adam and Associates Business Group, LLC have negotiated terms for a Disposition and Development Agreement (DDA) for the sale and development of 415 Railroad Avenue in downtown Pittsburg. The developer will purchase approximately 8,000 square feet of land from the Agency with an approximately 13,000 improved square foot building for the fair market value of \$500,000, as determined by an appraisal dated August 4, 2003 conducted by Property Sciences. The developer will rehabilitate the second floor to be used as commercial office space and any associated onsite and offsite improvements required.

Action was taken to adopt Resolution 04-9970 in Joint Session with the Redevelopment Agency, as follows:

On motion by Councilmember Glynn, seconded by Vice Mayor Parent to adopt City Council Resolution 04-9970, carried by the following vote:

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

2. **RESOLUTION 04-9971** Approval of a Disposition and Development Agreement
Combined w RDA 04-936 By and Between the City of Pittsburg and the Pittsburg Elks Lodge and Making Certain Findings in Connection Herewith

The Redevelopment Agency of the City of Pittsburg and the Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of Elks have negotiated terms for a Disposition and Development Agreement for the sale and development of approximately 60,000 square feet of vacant land generally located to the north of 340 Marina Boulevard in downtown Pittsburg. The exact area of the land to be conveyed will be determined through the Parcel Map Waiver Application process. An appraisal dated March 14, 2003 conducted by John Bouyea Associates determined the fair market value of the vacant land at that location to be \$5.50 per square foot. The approximate square footage is 60,000 square feet for a fair market value of \$330,000. The developer will construct an approximately 12,000 square foot facility to be used as the Pittsburg Elks Lodge and any necessary onsite and offsite improvements.

Action was taken to adopt Resolution 04-9971 in Joint Session with the Redevelopment Agency, as follows:

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 04-9971.

3. **RESOLUTION 04-9972** Annual Review of the Regional Transportation Mitigation Fee Imposed on New Development

Interim City Manager Les White presented the annual review regarding the Pittsburg Transportation Mitigation Fee charged to new development under Chapter 15.90 of the City's Municipal Code. The review indicated that the fee should be increased 2.1 percent to reflect the increase in the San Francisco Construction Cost Index, as published in the Engineering News Record.

The City collects the Regional Transportation Mitigation Fee from developers and then forwards the monies collected to the East Contra Costa Regional Fee and Finance Authority (ECCRFFA), which then administers the fee projects' construction. With the approval of the 2.1 percent fee increase, the current single family residential fee of \$7,607.54 would be \$7,767 per unit. The multi-family residential fee would increase from \$4,669.98 to \$4,768.

Mr. White recommended the adoption of the resolution approving an annual review of the Regional Traffic Mitigation Fee imposed on new development under Pittsburg Municipal Code (PMC) Chapter 15.100 and revise the Regional Transportation Mitigation Fee Schedule to account for a 2.1 percent increase in the San Francisco Construction Cost Index from October 2002 to October 2003.

Mayor Rios opened the public hearing on Resolution 04-9972. There was no one to speak to the resolution. Mayor Rios closed the public hearing.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-9972.

4. **RESOLUTION 04-9973** Annual Review of the City's Transportation Mitigation Fee Imposed on New Development

Mr. White presented the annual review regarding the Pittsburg Transportation Mitigation Fee charged to new development under Chapter 15.90 of the City's Municipal Code, which review had indicated that the fee should be increased 2.1 percent to reflect the increase in the San Francisco Construction Cost Index, as published in the Engineering News Record.

In this case, the City collects the Pittsburg Transportation Mitigation Fee from developers and holds them in an account for the purpose of funding projects on the City's Traffic Mitigation Fee project list. If approved, the fee would be increased 2.1 percent from the current single family residential fee of \$3,654 to \$3,731 and the multi-family residential fee from \$2,485 to \$2,537.

Mr. White recommended the adoption of the resolution approving an annual review of the Pittsburg Transportation Mitigation Fee imposed on new development under PMC Chapter 15.90 to revise the City's Transportation Mitigation Fee Schedule to account for a

2.1 percent increase in the San Francisco Construction Cost Index from October 2002 to October 2003.

Mayor Rios opened the public hearing on Resolution 04-9973. There was no one to speak to the resolution. Mayor Rios closed the public hearing.

On motion by Councilmember Glynn, seconded by Vice Mayor Parent and carried unanimously to adopt Resolution 04-9973.

5. **RESOLUTION 04-9974** Ordering the Abandonment of Right-of-Way Known as Builders Circle

Mr. White stated that in August 2003, the City Council approved Subdivision 8625, Heritage Pointe, but did not abandon its interest in the street known as Builders Circle, previously dedicated by Subdivision 6843, Builders Industrial Park.

Development plans for Heritage Pointe include a new private street, which will render the current right-of-way unnecessary for present or future public use. Therefore, the developer, Western Pacific Housing, has requested that the City abandon its right-of-way.

All of the streets located within the new subdivision are private and will, therefore, save the City the cost of maintenance of Builders Circle.

Mr. White recommended the adoption of the resolution ordering the abandonment of the right-of-way known as Builders Circle, dedicated by Subdivision 6843, Builders Industrial Park, and authorizing the City Manager to execute a Quitclaim Deed to accomplish the abandonment.

Mayor Rios opened the public hearing on Resolution 04-9974. There was no one to speak to the resolution. Mayor Rios closed the public hearing.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-9974.

6. **RESOLUTION 04-9975** Abandoning Two Sanitary Sewer Easements Located in Park Place

Mr. White advised that in May 2003 the City Council approved Subdivision 8653, Park Place, which included a sanitary sewer easement, located on Lot 24. Also crossing this subdivision is a sanitary sewer easement of undetermined width accepted by the City on October 2, 1950 under Resolution 2111. Development plans for this subdivision include utility improvements which will render both sewer easements unnecessary for present or future public use. Therefore, the developer, Discovery Builders, has requested that the City abandon these easements in lieu of the new alignment.

There was no fiscal impact. The adoption of the resolution ordering the abandonment

of two sewer easements located in Subdivision 8653, Park Place and authorizing the City Manager to execute a Quitclaim Deed of Easement to accomplish this abandonment was recommended.

Mayor Rios opened the public hearing on Resolution 04-9975. There was no one to speak to the resolution. Mayor Rios closed the public hearing.

On motion by Councilmember Glynn, seconded by Vice Mayor Parent and carried unanimously to adopt Resolution 04-9975.

CONSIDERATION

1. **RESOLUTION 04-9976** Allocating Additional Funding for Contract 99-05, State
Combined w RDA 04-937 Route 4 Flood Relief Project and Making Certain
Findings in Connection Herewith

On May 19, 2003, the Redevelopment Agency adopted Resolution No. 03-890, allocating funding for Contract 99-05, State Route 4 Flood Relief Project. At that same meeting, the City Council adopted Resolution No. 03-9818, awarding a construction contract for this project to North Bay Construction. During the course of construction, the contractor had encountered a variety of construction issues which had depleted the contract contingency.

Action was taken to adopt Resolution 04-9976 in Joint Session with the Redevelopment Agency, as follows:

On motion by Councilmember Kee, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 04-9976.

2. **MINUTE ORDER** Application of General Plan Hillside Development
Policies

Mr. White stated that on November 17, 2003 the Council had voted to reconsider its earlier decision to apply General Plan Hillside Development policies to all land above the 500-foot contour elevation and to bring the issue back for additional discussion.

BEN JOHNSON, Pittsburg, noted the four options that had previously been presented to the public. Citing his concern for the future of the City, he noted the potential loss of 1,400 units that could equate to \$21 million in total revenue to the City over a number of years. He noted that there was more than one development involved and he suggested that if built right, appropriate development was possible to build homes that would not be conspicuous, and which would provide higher quality housing and income to the City.

A.J. FARDELLA, Pittsburg, noted that everyone in the Oak Hills community were adamantly opposed to a change in the General Plan that would allow a greater density of housing above the 500 foot contour level.

PAT THOMPSON, Pittsburg, a resident of the Oak Hills subdivision, expressed her strong opposition to a proposal to increase the density of housing in the area. She stated that at the time of the purchase of her home she had been told that the area in question would be designated open space. She urged the preservation of the hillsides.

ALBERT SEENO III, 4061 Port Chicago Highway, Concord, stated that as one of the largest property owners in the Southwest Hills he was aware of the issues. He advised that a slide show had been prepared by Carl Campos to describe his firm's understanding of the interpretation of the City's hillside policies and to highlight his concerns with the staff report.

Mayor Rios supported the staff recommendation to appoint a subcommittee that would be consider all the public and developer comments prior to submittal to the full Council.

Vice Mayor Parent opposed any deferral of the issue. She stated that the item had been considered by the City Council since May 2003 when hearings and meetings by both the Planning Commission and the Council had occurred in May, June, two in August, September and November prior to the request for reconsideration. She emphasized that the subject had been discussed at length and this was the first time that the property owner had asked to make a presentation, although representatives of the property owner had been present when the Council had taken a break at a prior meeting to review the option boards that had been displayed in the Council Chambers.

Vice Mayor Parent stressed her continuing efforts to protect the Southwest Hills. She added that there had been hillside protections in the General Plan for a very long time until the adoption of the "2001" General Plan when approximately 70 percent of all of the areas designated for protection had been removed. She characterized the proposal as a general statement by the Council and the City for the need to protect all of the hills in the City and to establish standards for every developer who wished to develop above the 500 foot level which affected property owned by multiple owners.

Because Mr. Seeno had requested reconsideration and had been directed to make a presentation in that regard, Councilmember Beals supported the presentation at this time to allow the process to proceed.

CARL CAMPOS, Loving Campos Architects, noted that he had been at the meeting in 2001 when the General Plan had been reviewed and adopted by the City Council. He stated that he would present information that had not previously been considered by the Council. In light of the reconsideration request he presented a brief history of the situation, the vision of the Southwest Hills as shown in the City's General Plan and the developer's vision for the Southwest Hills.

Mr. Campos stated that the Southwest Hills were originally designated in the draft General Plan as Hillside Low Density, and had been intentionally changed to Low Density Residential by the City Council in the approved General Plan to take advantage of site

opportunities, to help implement the General Plan, and to correct an imbalance of restrictions on upscale homes. He suggested that Option 4, the option approved by the Council, would severely impact the developer's proposed project and return the General Plan to a condition of imbalance.

Mr. Campos sought a reconsideration of the interpretation that would apply to hillside policies to lands over 500 feet and severely restrict the development of the Southwest Hills. He added that the developer was not seeking approval of the San Marco Meadows Development Plan and was not seeking added density to the project. He stated that the General Plan, under Low Density Residential allowed 1-7 units to the acre and the Environmental Impact Report (EIR) and the Draft General Plan recognized up to 6 units per acre. He added that San Marco Meadows and the Southwest Hills had specifically been set aside not to exceed 3 units to the acre. He described that as mid-range to the City's Hillside Low Density adopted by the General Plan.

Mr. Campos reiterated that no increased density was being sought, merely that the zoning be upheld. He added that not presented at the November meeting was that the 500-foot contour was an arbitrary threshold for policy implementation. He emphasized the restrictions that would severely limit the development of the land and the San Marco Meadows development in the Southwest Hills, which he stated was the only area remaining within the Urban Limit Line (ULL) to allow the City to build estate housing.

Disagreeing with the statement in the staff report that not providing the hillside overlay on the Southwest Hills would subject almost all of the visible hills to the viewshed analysis along Highway 4, Mr. Campos stated that 96 percent of the City's ridgelines and hills were in permanent open space.

Mr. Campos quoted information from the Association of Bay Area Governments (ABAG) and stated that the City's housing values were lower than the County average. In 2000 the City of Pittsburg's values were 62 percent of the median in Contra Costa County, which had decreased since 1980 and which he suggested meant that the City was missing a key component of its housing element by not offering upscale housing with higher prices to bring the averages into balance with the rest of the County.

Mr. Campos suggested that the application of the hillside policies would change the direction of the City and the General Plan. He noted that the General Plan's goal was to have a mixed used community at San Marco near the BART Station. To that end the General Plan included a policy to work with the private developers of the San Marco project to create a pedestrian oriented mixed used village along West Leland Road. He stated that kind of development would not occur without a critical mass of upscale housing within the Southwest Hills.

Mr. Campos also suggested that Option 4 would reduce the City's ability to create and retain jobs since businesses were attracted to areas that offered a wide range of housing opportunities including housing for executives. He further suggested that Option 4 would prevent the implementation of local roads, particularly San Marco Boulevard, prevent

the implementation of local parks and open space, prevent the implementation of community infrastructure, such as transportation fees, and keep the General Plan out of balance.

Mr. Campos referred to hillside policies in this and other communities and showed examples of upscale housing elsewhere. He explained that some of the housing policies were really bad and would severely restrict the development of the community. He stated that the upscale market of large homes on large graded lots with flat usable yards, demanded certain amenities, such as views, privacy, single loaded streets, safety, security and other amenities. He stated that the Southwestern Hills were ideal for those types of homes. He added that there was no place left in the City to develop upscale homes than in the Southwest Hills and he suggested that by offering move-up opportunities the jobs-housing balance in the City would improve.

Mr. Campos suggested that the Council did not have complete information when it had selected Option 4. He reiterated that the Southwest Hills were the City's last and only opportunity for upscale homes and Option 4 would severely restrict and may limit that opportunity. He stated that the Planning Commission had recommended Option 2, to designate the hillside policies to lands that were zoned Hillside Low Density, which he suggested the Council should do.

Mr. Campos requested that the Council rescind its action of November 3, 2003 and uphold the Planning Commission recommendation to interpret the General Plan for Option 2, Hillside Policies, as stated in Chapter 4 of the General Plan, to apply only to land designated as Hillside Low Density, or a combination of Option 2 and Option 4 to an interpretation of the General Plan - Hillside Policies as stated in Chapter 4 of the General Plan to only apply as an interpretation to land above 500 feet and designated as Hillside Low Density.

Referring to the staff report dated January 5, 2004, Page 2 of 6, Mr. Campos noted the statement that under Option 2 most of the ridges and hilly terrain identified in the Urban Design Element that are visible to the public from Highway 4 would not be governed by the Hillside policies. He stated that was not the case since with the exception of the Southwest Hills the area referenced was all in permanent open space.

Mr. Campos also expressed an objection to the statement at the end of Page 4 of 6 of the staff report where the 200 census information had indicated that the City had more homes and more residents of working age than jobs within the City limits.

Mr. Seeno thanked the Council for accepting the report. He noted that the Council had requested an EIR for the development, which he had agreed to do, and for which he had been working with staff. He stated that they had been using the Mitigated Negative Declaration to prepare that EIR and had agreed to use the existing studies in that regard. He suggested that changing the Hillside Policies, using the 30 percent contours and elevations over 500 feet was a way of making the area no-growth. He emphasized that the issue was a matter of interpretation.

Mr. Seeno added that he had now purchased the property, was an investor in the City, would work with staff, but needed a clarification and interpretation of the issues.

Councilmember Beals commented that she had been the sole nay vote in the approval of the General Plan based upon hillside protection and open space, which was the same issue being revisited based on the need to meet housing demand and compete within the region. She stated that the issue was not to restrict or prevent development, but to define how development would be pursued with any developer in the future. She also noted that the item related to hillside policy was not an ordinance, but a policy to consider. In the meetings with staff and the developer, she stated that there had been compromises and progress.

Councilmember Beals suggested that the development in question could be developed, with modifications and the applicability of hillside policies. She strenuously recommended that the City Council send a clear message to staff on how the policies would be interpreted. She emphasized that it was the Council's job to direct the interpretation of the policies, not staff, and the Planning Commission's role in that regard would be advisory to the Council.

Councilmember Beals otherwise commented that there were items in the hillside development policies that were inconsistent with the General Plan and other components. She therefore suggested that the City's consultant currently reviewing the General Plan evaluate the hillside policies as well for purposes of consistency. She reemphasized the need for clear, consistent policies.

Vice Mayor Parent thanked Discovery Builders for the presentation, noted that Councilmembers had viewed other similar properties throughout the County, and commented that while the presentation related to a particular development, General Plans were not that specific. She also thanked staff for marking out some of the relevant sections in the General Plan related to hillsides and Hillside Low Density throughout the City. Vice Mayor Parent also noted that some of the examples of terribly bad hillside houses were exactly what had been proposed, and approved for Lawlor Estates. While she agreed that there could be some revamping of regulations when considering a particular development plan, she stated that applying the general principles of protecting the ridgelines, keeping mass grading out of the way, having much larger lots and much larger areas of open space like clustering in other areas, were general principles to pursue.

For the current item under consideration, Vice Mayor Parent stated that density was not an issue and the developer had indicated that the density was acceptable. She stated that the question was that there was already a plan that was part way along that would not fit with the number of houses the developer desired to build for a particular project. She emphasized that the City was planning for the long term. She continued to support Option 4.

Councilmember Kee acknowledged the constant call for the development of estate houses in the City, although he stated that no estate houses had yet been built. He also

commented that while the homes that had been displayed in the presentation were nice, they were not what he would consider an estate house. He did not consider a 9,000 square foot lot an estate lot. He suggested that something in the area of a half-acre or more would be more appropriately termed an estate lot.

Councilmember Kee suggested that the issue had arisen as a result of the changes that had been made to the General Plan in 2001 when much of what had been designated as Hillside Low Density had been removed and changed to Low Density Residential Housing. He also suggested that there was virtually no Low Density Residential left in the General Plan that was applicable.

In response to the earlier comment that the area needed to be designated to attract people to Pittsburg, Councilmember Kee stated that he would rather err on the side of caution and protect the hills for those who already lived in the City. He also noted that the policy would allow the Council flexibility in the application of the policy to individual projects. He supported the Council's retention of that flexibility. He therefore remained in support of Option 4.

Councilmember Beals reiterated her support for a situation where the Council would retain the discretion to interpret the hillside policies, with staff to work at the direction and in the best interests of the Council. She added that all the policies would not apply to every project. She emphasized the need for discretion in the interpretation of the policies.

Councilmember Glynn stated that he and Councilmember Kee had served on the Planning Commission for almost three years during which time there had been 37 separate meetings on the General Plan. He stated that the plan that had been recommended to the City Council for final approval had not been modified by the Planning Commission at that point. It had been modified by the City Council.

Councilmember Glynn stated with respect to viewshed that the conspicuousness of the water tanks on the hillsides was not an issue, but should be an issue if the beauty of the hillsides was the concern. He urged a reasonable approach of working together, the Council, staff and the developer to create policies on a project for project basis for land that was not otherwise planned for development.

In response to the Vice Mayor as to whether or not an action was required given the Council's earlier decision, City Attorney Daube recommended if that was the desire of the Council, a motion should be made to reaffirm the Council's earlier decision.

Mayor Rios commented that the item was not developer specific. The item had been submitted to the Council for consideration given staff's confusion as to the definition of a hillside and how that definition should be applied.

Councilmember Beals emphasized that the adoption of Option 4 would allow room for discretion for future developments. Given the willingness of the developer to compromise, she encouraged staff to work with developers in the future without creating unnecessary

obstacles. She reiterated that discretion was the ultimate authority of the City Council.

On motion by Vice Mayor Parent, seconded by Councilmember Kee to reaffirm Resolution 03-9943 adopting Option 4, the imposition of the hillside standards for 500 foot and greater contour elevations, carried by the following vote:

Ayes: Beals, Kee, Parent

Noes: Glynn, Rios

Mr. White stated that it was important for staff to develop from the policies some implementation strategies for both the City Council and Planning Commission levels to ensure the certainty requested by the Council, which strategies would be returned to the Council for consideration.

Mayor Rios declared a recess at 9:48 P.M. The Council reconvened at 9:58 P.M. with all Councilmembers present.

[Please note: The recording of the meeting ended at this point. The remainder of the minutes have been prepared from notes.]

3. **RESOLUTION 04-9978** League of California Cities Ballot Initiative and the Contra Costa Coalition Principals of Agreement

The League of California Cities is asking for the City of Pittsburg's support for a Ballot Initiative, that requires voter approval before the State can appropriate funds designated for local governments. The Contra Costa County Mayor's Conference has also asked for Pittsburg's support for the Contra Costa Coalition's "Principles of Agreement" that has united Contra Costa Cities around the growing imperative to protect California's local services.

Staff recommended that the Council approve the resolution supporting a Statewide ballot initiative to require voter approval before the State government may take locally designated funds and authorize the Mayor to support the Contra Costa Coalition's Principles of Agreement.

On motion by Councilmember Glynn, seconded by Vice Mayor Parent and carried unanimously to adopt Resolution 04-9978.

CONSENT CALENDAR

On motion by Vice Mayor Parent, seconded by Councilmember Glynn, and carried unanimously to adopt the Consent Calendar, as follows, with the removal of Items g, i, l, and m.

a. **MINUTES**

Dated: November 17, 2003 and December 1, 2003

Approved Minutes dated November 17, 2003 and December 1, 2003.

- b. **CLAIMS** #1549 Carl Smith; #1555 Gabe Essoe; and #1560 Patricia Nodal

Denied claims #1549 Carl Smith; #1555 Gabe Essoe; and #1560 Patricia Nodal.

- c. **RESOLUTION 04-9979** Approval of Fourth Amendment to Concessionaire Lease
Combined w/RDA 04-939 Agreement with Zandonella's Fine Italian Restaurant

In Joint Session with the Redevelopment Agency, adopted Resolution 04-9979.

- d. **RESOLUTION 04-9980** Revision to First Amendment to Stormwater Utility Area Agreement Between Contra Costa County Flood Control and Water Conservation District and the City of Pittsburg

Adopted Resolution 04-9980.

- e. **RESOLUTION 04-9981** Establishment of Annual Condominium Conversion Rate

Adopted Resolution 04-9981.

- f. **RESOLUTION 04-9982** Reclassify One Position and Abolish Multiple Classes Within the Classification Plan

Adopted Resolution 04-9982.

- h. **RESOLUTION 04-9984** Amendment to the Plan Document for the 457 Deferred Compensation Plan

Adopted Resolution 04-9984.

- j. **MINUTE ORDER** Councilmember Committee Assignments for 2004

Adopted the Councilmember Committee Assignments for 2004.

- k. **RESOLUTION 04-9986** Facility Use Agreement with Pittsburg Unified School District

Adopted Resolution 04-9986.

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

- g. **RESOLUTION 04-9983** Adopt the Elected Officials Benefits Schedule

The Elected Officials Benefits Schedule places into one source document the existing benefit programs offered to the City's elected officials. There are no changes to the benefits the elected officials (Councilmember, City Clerk, Treasurer) presently receive.

Member Glynn removed this item to ask for the rewording of the second sentence above (also stated in the staff report) to read: "There are no changes to the benefits *that* the elected officials (Councilmember, City Clerk, Treasurer) presently receive."

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-9983.

i. **RESOLUTION 04-9985** Amendment to Housing Element

The City Council is requested to initiate an amendment to the General Plan Housing Element to incorporate revisions requested by the State Department of Housing and Community Development (HCD) in order to certify the element.

Although comments were not recorded on tape, the following spoke to the item:

CRAIG CASTELLANET, Oakland, representing Pittsburg Better Together
EVELYN STIVERS, representing the Greenbelt Alliance.

On motion by Vice Mayor Parent, seconded by Councilmember Kee and carried unanimously to adopt Resolution 04-9985.

l. **RESOLUTION 04-9987** Award of Purchase Contract for Jet Rodder/Vacuum Truck

The City of Pittsburg Public Works Department has scheduled replacement of its 1984 Jet Rodder/Vacuum truck that is used for daily system maintenance. A nearly identical unit was recently bid by another public agency. Public Works proposes to save the staff time and resources associated with a formal bid process and "piggyback" our purchase award based on the bid process of another agency. This process has been used successfully by the City in its recent purchase of furniture for the Senior Citizens Center.

Although not recorded on tape, WILLIE MIMS, Pittsburg, spoke to the item. Mr. Mims voiced his concern with "piggybacking" onto another agency's bidding process and hoped the City would truly be paying the best price for the equipment.

On motion by Councilmember Beals, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-9987.

m. **RESOLUTION 04-9988** Approve Rate Increase at Contra Costa Waste Services Recycling Center and Transfer Station

Contra Costa Waste Services operates the Recycling Center and Transfer Station (RCTS) on Loveridge Road and is requesting authorization for a rate increase effective

January 5, 2004.

On motion by Councilmember Beals, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-9988.

ADJOURNMENT

The meeting of the City Council adjourned at 10:34 P.M. to the regular City Council meeting scheduled for January 20, 2004.

Respectfully submitted,

Lillian J. Pride, City Clerk

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
January 5, 2004

Chair Aleida Rios called the meeting of the Pittsburg Power Company to order at 10:35 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 6:02 P.M. in Closed Session for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (c) of Government Code Section 54956.9 regarding one case; Conference with Labor Negotiators pursuant to Section 54957.6 regarding the Police Officers Association; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APN 073-230-007-4 (1301 Standard Oil Avenue) and APNs 085-193-001-6, 085-193-004, 085-193-006-5, 085-193-007-3, 085-193-008-1, and 085-193-009-9.

City Attorney Linda Daube reported with respect to property negotiations regarding 1301 Standard Oil Avenue that the Council had voted unanimously to authorize the City Manager and staff to negotiate with the firm of Babcock & Brown for acquisition of property to support a grid reliability project in the City of Pittsburg. Further, the Council voted unanimously to authorize the City Manager to negotiate and execute appropriate agreements, including but not limited to, a reimbursement agreement with the firm of Babcock & Brown and to further negotiate and return with a Development Agreement to the City Council.

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

On motion by Vice Chair Parent, seconded by Member Glynn, and carried

unanimously to adopt the Consent Calendar, as follows:

a. **MINUTES** Dated: November 17, 2003 and December 1, 2003

Approved Minutes dated November 17, 2003 and December 1, 2003.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 10:36 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary
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