

CITY OF PITTSBURG
Housing Authority Minutes
March 17, 2003

Vice Chair Aleida Rios called the meeting of the Housing Authority to order at 7:02 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after conducting a Public Workshop Regarding Traffic Mitigation Fees at 5:00 P.M. and meeting in Closed Session at 6:00 P.M. pursuant to Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Existing Litigation regarding Joyce Glasper v. City of Pittsburg, Superior Court Case No. C03-00389, and Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case.

City Attorney Linda Daube advised that there was nothing to report from Closed Session.

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

MEMBERS ABSENT: Wallen, Beals (Both Excused)

STAFF PRESENT: Executive Director, Willis Casey
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Deputy City Clerk, Alice Evenson
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Housing Manager, Rosie Smith
CDBG Coordinator, Annette Landry
Police Chief, Aaron Baker

PLEDGE OF ALLEGIANCE

Annette Landry led the Pledge of Allegiance.

CITIZENS REMARKS

There were no citizens remarks.

MEMBERS REMARKS

There were no Members remarks.

CONSENT

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

- a. **DISBURSEMENT LIST** Period Ending: February 28, 2003

Approved Disbursement List period ending February 28, 2003.

- b. **MINUTES** Dated: March 17, 2003

Approved Minutes dated March 17, 2003.

PUBLIC HEARING

1. **RESOLUTION 03-208** 2003 Annual Plan Revisions

Executive Director Willis Casey presented the Updated 2003 Annual Plan addressing housing services by the City of Pittsburg Housing Authority in compliance with federal legislation. He recommended the adoption of the resolution to approve the updated 2002 Annual Plan.

Vice Chair Rios opened the public hearing for Resolution 03-208. There was no one to speak for or against the resolution. Vice Chair Rios closed the public hearing.

On motion by Member Glynn, seconded by Member Parent and carried unanimously to adopt Resolution 03-208.

ADJOURNMENT

The meeting adjourned at 7:05 P.M. to the next meeting set for April 21, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Redevelopment Agency Minutes
March 17, 2003

Vice Chair Aleida Rios took the agenda out of order at 7:06 P.M. prior to calling to order the Redevelopment Agency to consider the Proclamations on the City Council agenda, after which she called to order the Redevelopment Agency at 7:13 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after conducting a Public Workshop Regarding Traffic Mitigation Fees at 5:00 P.M. and meeting in Closed Session at 6:00 P.M. pursuant to Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Existing Litigation regarding Joyce Glasper v. City of Pittsburg, Superior Court Case No. C03-00389, and Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case.

City Attorney Linda Daube advised that there was nothing to report from Closed Session.

MEMBERS PRESENT: Glynn, Kee, Parent, Rios

MEMBERS ABSENT: Beals (Excused)

STAFF PRESENT: Executive Director, Willis Casey
Assistant Executive Director, Nasser Shirazi
Legal Counsel, Linda Daube
Deputy City Clerk, Alice Evenson
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Housing Manager, Rosie Smith
CDBG Coordinator, Annette Landry
Police Chief, Aaron Baker

CITIZENS REMARKS

There were no citizen remarks.

MEMBERS REMARKS

There were no Member remarks.

CONSENT

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

a. **MINUTES** Dated: February 3, 2003

Approved Minutes dated February 3, 2003.

CONSIDERATION

1. **RESOLUTION 03-870** Authorization and Approval of Modifications to the Terms of the Loan to Presidio Village Senior Housing, Inc. for the Construction of Presidio Village Senior Housing Project

Executive Director Willis Casey advised that pursuant to the execution of the Disposition and Development Agreement (DDA) between the Redevelopment Agency (Agency) of the City of Pittsburg, and Presidio Village Senior Housing Inc. (PVSHI), sponsored by Pacific Community Services, the Agency had been assisting PVSHI for the development of the Presidio Village Senior Housing Project. On October 7, 2002, the Agency Board approved a loan agreement providing for a loan to PVSHI the sum of \$800,000 for the purpose of on-site improvements within the project. Subsequent to that approval material modifications had been made to the terms and conditions of the loan.

Mr. Casey recommended the adoption of Resolution 03-870 approving the changes to the Loan Agreement and other related documents in keeping with those changes outlined in the staff analysis. The changes would help to defray development and maintenance costs in connection with the housing development for low income and very low-income seniors.

TOM LaFLEUR, Pittsburg, representing Presidio Village Senior Housing, Inc. thanked staff for its support to be able to close the loan in mid-April in anticipation of HUD's legal requirements. He described the background of the situation with respect to the technical revisions requested to the documents. He requested that the Council allow staff the authority at the last minute to facilitate HUD requirements given that there would be no opportunity to return to the Council to do that. He emphasized that closing was required no later than May 5, 2003 to avoid losing the project.

BEN JOHNSON, Pittsburg, sought assurance that when the loan for the on-site improvements was completed the water affecting adjacent businesses and uses would be handled appropriately where water pressure was concerned consistent with the City's standards. He emphasized that was currently not the case.

Vice Chair Rios advised of her understanding that the water issue would be addressed as part of the upgrade.

On motion by Member Glynn, seconded by Member Kee and carried unanimously to

adopt Resolution 03-870.

2. **RESOLUTION 03-871** Exclusive Negotiating Agreement with The Olson Company to Negotiate the Terms of the Disposition and Development of Approximately 10.8 Acres of Land Located to the West of Herb White Way

Mr. Casey reported that the Redevelopment Agency of the City of Pittsburg and The Olson Company would like to enter into an Exclusive Negotiating Agreement. The purpose of the Agreement was to establish procedures and standards for the negotiation by the Agency and the Developer. Successful negotiations would result in a Disposition and Development Agreement for acquisition of the City and Agency owned property located to the west of Herb White Way along the westerly City Boundary (to the east of the Mirant Power Plant) and development of a residential subdivision consisting of approximately 88 single family homes. He added that the Agreement required the Developer to make a \$50,000 good faith deposit, of which \$10,000 was non-refundable. The Agency would be responsible for an appraisal to determine the fair market value of the site at a cost not to exceed \$10,000.

Mr. Casey recommended that the Agreement between The Olson Company and the Redevelopment Agency of the City of Pittsburg be approved, to authorize and direct the Executive Director of the Agency to execute the Agreement on behalf of the Agency, and to 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.

Member Parent noted that The Olson Company had done a good job on a prior project in the downtown. She suggested that the current proposal would further enhance the downtown neighborhoods and create an asset to the City.

On motion by Member Parent, seconded by Member Glynn and carried unanimously to adopt Resolution 03-871.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:22 P.M. to the next meeting set for April 7, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
March 17, 2003

Vice Mayor Aleida Rios called the meeting of the City Council to order at 7:23 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California, after conducting a Public Workshop Regarding Traffic Mitigation Fees at 5:00 P.M. and meeting in Closed Session at 6:00 P.M. pursuant to Section 54956.9 of the Government Code regarding Conference with Legal Counsel – Existing Litigation regarding Joyce Glasper v. City of Pittsburg, Superior Court Case No. C03-00389, and Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case.

City Attorney Linda Daube advised that there was nothing to report from Closed Session.

MEMBERS PRESENT: Glynn, Kee, Parent, Rios

MEMBERS ABSENT: Beals (Excused)

STAFF PRESENT: City Manager, Willis Casey
Assistant City Manager, Nasser Shirazi
City Attorney, Linda Daube
Deputy City Clerk, Alice Evenson
Director of the Redevelopment Agency, Garrett Evans
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Building and Planning, Randy Jerome
Director of Finance, Marie Simons
Director of Human Resources, Marc Fox
Housing Manager, Rosie Smith
CDBG Coordinator, Annette Landry
Police Chief, Aaron Baker

CITIZENS REMARKS

WARREN SMITH, Pittsburg, requested that the City expedite the issuance of a permit for the installation of a transmission tower for cellular transmission to SBC.

BEN JOHNSON, Pittsburg, characterized the Public Workshop regarding Traffic Mitigation Fees as a good meeting. With respect to the Internet, he noted that he had been reviewing the General Plan Draft which had not been updated on the City's website since 2001. He sought an update on the Internet and requested that current documents be provided. With respect to the City Council Goals and Priorities, he stated that the Goals on the Internet were also dated 2001 and he sought an update to that document as well.

Further, Mr. Johnson reported that the United Veterans Council had been working on a tank project since 1999 partially through the dedication of the late Jack Lee. Given that this was the City's Centennial Year, he expressed his hope that the tank would be available by Veterans Day. He emphasized that the American Legion, Disabled American Veterans and the Veterans of Foreign Wars were working with staff to obtain the tank and continued to work throughout the community for the benefit of the community.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) commended the Council for not including anything on the Consent Calendar so that he did not have to challenge the Council for violating the Brown Act.

Referring to a number of issues, Mr. Mims urged the Council to support Senator Torlakson's legislation to ensure that cities did not give taxpayer money away. He emphasized the need to seriously consider taxpayer money and giveaways that had occurred in the past. He reported that the Police Department had ticketed vehicles on Carpino and School Street last week and he suggested that the neighborhood had been targeted. He also asked the Council to revisit its Policies and Procedures and the minimum \$50,000 spending limit, and urged a change to lower that limit. With respect to Resolution 03-9779 authorizing the City Manager to contract for information technology, it was his understanding that item was to have returned to the Council agenda, although that had not occurred. He inquired why that was the case.

Speaking to the proclamations that had been issued prior to the meeting of the Redevelopment Agency, Mr. Mims stated that he had submitted a speaker card and he had not been called. As such, he considered that to be a violation of the Brown Act. With respect to the proclamation for Arbor Day, he objected to the City's receipt or issuance of such a proclamation since the City and the developer had destroyed 50 to 100 trees at the corner of Thirteenth and Montezuma Streets. He added that the City had plans to destroy the trees from the top of California Avenue to the Pittsburg/Antioch Highway, and he suggested that the proclamation was hypocritical.

WENDY CERVANTES, Pittsburg, reported that the Community Advisory Commission (CAC) had approved its goals for this year. She spoke to the goal to re-establish sector meetings in the City for neighborhood forums in each sector, where each Commissioner would lead his/her own meeting and where issues of concern would be prioritized to develop a mini action plan for each sector. The CAC would vote on the action plans to then allow steps to be taken to improve the quality of life of in the City. When scheduled, she stated that the members of the Council would be invited to attend those sector meetings.

JAMES COMO, Pittsburg, representing the CAC, explained that the initiative that he was chairing under the CAC was the prioritized goal to increase the presence of the CAC in the community. This year the intent was to collect data, through an e-mail inbox at the City of Pittsburg website address to better understand quality of life issues of City residents.

In enhancing the ability of the CAC to collect data, Mr. Como stated that the CAC

would be working with City staff to add content to the City's website to provide pictures and profiles of CAC Commissioners to better apprise the public of the Commission and to solicit input on the best way to run the CAC. After the data collection, that data would be marketed in cooperation with the City Council and local newspapers to help solicit good responses and format subsequent agendas.

COUNCIL REPORTS

Councilmember Parent reported on a number of activities since the last meeting including a meeting of the Finance Subcommittee and staff concerning the information technology billings and contract, and with Councilmember Glynn at a meeting with the Pittsburg Unified School District (PUSD) to discuss mutual interests and working cooperatively to enhance the schools in a physical way and contribute more to the community. She also reported that she had attended the opening of the impressive Natural Science Museum at Pittsburg High School on March 14. She commented that the Museum was not yet finished but she took this opportunity to commend Dow Chemical, Calpine, and Soroptimist International of Pittsburg for their contributions to the museum.

Councilmember Parent added that she had attended a VIP function for the Kennedy-King Scholarship Fund on March 16 at which time the honoree and primary speaker for the fundraising dinner in May would be Mayor Beals. She reported that the Mayor had been charged to raise \$6,000 as the honoree but had raised \$25,000 for scholarships to students going from junior college to a four-year college. She stated that the Kennedy-King Board of Directors were primarily central county people and there was plenty of room for East County residents to help with the cause. The organization had been in operation for 30 years and had offered 390 scholarships during that time.

Councilmember Parent explained that she had also attended a meeting regarding people's concerns for transportation via Measure C, the Fil-Am installation and the official opening of the free and informative Pittsburg Historical Museum.

Councilmember Glynn highlighted the several meetings he had attended with the Education Committee to work with the PUSD and the Economic Development Committee working with Alliant University for its possible relocation to the City of Pittsburg, along with the opening of the Pittsburg Historical Society museum, the Fil-Am installation dinner, and the Kennedy-King Scholarship Dinner. He had also conducted the American Legion regular monthly meeting and the TRANSPLAN and East Contra Costa Regional Fee and Financing Authority (ECCRFFA) meetings.

Vice Mayor Rios reported on the Youth Conference which she and the Mayor had attended and where she had been disappointed with the turnout at that time. She requested that staff verify whether or not that function should be continued as a result. Noting that a significant effort for a good turnout had been conducted, she emphasized that the youth of the community had to be engaged differently.

Vice Mayor Rios stated that she and the Mayor had also attended the meeting and

installation of new officers for the Pittsburg Historical Society, the Fil-Am installation and the opening of the Natural Science Museum. She emphasized the many City staff that had attended that event. A Library meeting had also been held when the receipt of some library surveys had been acknowledged, surveys that had been soliciting input from residents to determine what the citizenry wanted in its public library. The library consultant would submit a proposal to the City Council in the near future.

Vice Mayor Rios reported with respect to the County Women's Hall of Fame that CAC Commissioner Phyllis Gordon co-chaired that event and Pittsburg resident Frances Greene had been honored in the Leadership category. She further reported that the Finance Subcommittee had met to consider several items, including the investment report, and the information technology business expenditures and billings, which would be taken out to bid separately. A variety of staff improvements for the Finance Department had also been considered. Minutes of that meeting were available as part of the public record.

Vice Mayor Rios reiterated that this was the City's Centennial year, that events acknowledging that milestone had been listed on the City's website and were available in a printout for those interested in receiving a list of the scheduled activities.

CITY MANAGER REPORT

Mr. Casey reported that he had attended the Public Managers' Association meeting on March 13 when a lobbyist had discussed the status of the State Budget crisis. It was that lobbyist's opinion that cities would suffer financially although it was not known how and how much that would be. The managers had also been advised that there would be a loss of County programs, although it was too early to project what programs would be reduced.

Mr. Casey otherwise reported that the primary topics at the meeting were *Shaping Our Future* and Measure C. He highlighted the status and schedule of each, reported that there would be a public meeting on the *Shaping Our Future* process and that a public meeting had been scheduled in Concord on April 5.

With respect to Measure C, the half-cent sales tax providing funding for various transportation projects in the County would sunset in 2009 and require a two thirds vote to be continued. While a 2004 ballot measure had earlier been recommended and pursued, it had been suggested by the public managers that it would be difficult to secure a two-thirds vote in 2004. As such the public managers supported the pursuit of *Shaping Our Future* since traffic was a big part of that program and to deal with transportation issues through that process.

PROCLAMATIONS

Vice Mayor Rios had taken the agenda out of order to convene the City Council at 7:06 P.M. to allow the presentation of proclamations.

1. Arbor Day

Councilmember Kee read the proclamation proclaiming March 29, 2003 as Arbor Day and encouraged all citizens to support the City's Urban Forestry Program and to plant trees to promote the well being of present and future generations. He also pointed out that the City of Pittsburg had been recognized as Tree City USA by the National Arbor Day Foundation. Councilmember Kee presented the proclamation to the Troop Leader of Cub Scout Pack 101.

2. Cesar Chavez Day

Councilmember Parent read the proclamation which proclaimed March 31, 2003 as Cesar Chavez Day in recognition of Cesar Chavez' leadership in the formation of the United Farm Workers of America and presented the proclamation to Mary Rosas.

Vice Mayor Rios stated that the City of Pittsburg was the only City in California acknowledging Cesar Chavez Day, March 31, 2003, as a holiday.

Mary Rosas received the proclamation and thanked the City for being the only one to support a holiday in recognition of Cesar Chavez. She explained that the Cesar Chavez stamp would be unveiled on April 23, 2003 in Los Angeles.

The City Council had then adjourned to the Redevelopment Agency at 7:13 P.M.

CONSENT CALENDAR

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

a. **MINUTES** Dated: March 3, 2003

Approved minutes dated March 3, 2003.

CONSIDERATION

1. **RESOLUTION 03-9777** Approving City Council Goals for 2003

On February 3, 2003, the City Council held a workshop to review goals and priorities for 2003. Staff was directed to prepare a list of priorities to bring back for final adoption.

Mr. Casey recommended the adoption of the resolution approving the City Council Goals for 2003. He stated that staff had been working to bring those goals to fruition.

WILLIE MIMS, Pittsburg, representing the BPA, referred to Item 4 of the goals where *staff will undertake a review of all City commissions and committees to ensure that needs of the community are addressed and that the commissions'/committees' relationship with the City Council is optimized*, and urged the institution of term limits. He also suggested

that the goals should include the elimination of tax giveaway money.

ROGER RILEY, Pittsburg, noted that he had missed the workshop and had not been notified of that workshop. He suggested that a list of e-mails of those interested could be used to notify the public. He also sought the elimination of voice mail in the City Manager's Office because he felt it was not attended by a staff person.

Vice Mayor Rios assured Mr. Riley that the City Manager was also looking into that situation.

PETE CARPINO, Pittsburg, commented that he would have attended the previously mentioned workshop had he been notified. As Chair of the Traffic and Circulation Advisory Committee (TCAC), he encouraged the Council to include on the City Council Goals for 2003 a traffic signal light at the corner of Harbor Street and Yosemite Drive given the nearby schools and park and the need to offer a safer intersection, and the establishment of good traffic circulation on East Leland Road. He added that the TCAC had been working to address the stacking lane at East Leland and Century Boulevard.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition and the Delta Pedalers urged a notification of those workshops conducted prior to the regular Council meetings. He thanked staff for placing the agenda on the website but he urged the use of an e-mail notification list.

Vice Mayor Rios commented that the name of the goals had been changed. As such, the resolution should reflect that name and the reference to 2004 should be eliminated. She supported the goals list with the exception of the ECCRFFA Regional Transportation Fee listed under the goals.

Councilmember Parent noted for Mr. Mims that there were term limits, which had recently been changed and which had been established by ordinance. She added that when the whole scheme of commissions was considered it was her intent to consider another change to term limits so that the period between terms was extended.

On motion by Councilmember Glynn, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9777, as amended with the use of the correct name: *City Council Goals for 2003*.

2. **RESOLUTION 03-9782** Reapprove the Final Map for Oak Hills South 7A, Subdivision 8576

Mr. Casey stated that on October 15, 2001, the City Council approved the Final Map for Subdivision 8576, Oak Hills South, Unit 7A. When the developer attempted to record the map, the Title Company discovered that Lots 1 thru 4, a portion of Lot 5, and Lot 13 of Subdivision 8576, Oak Hills South, Unit 7A, were outside the City limits. These lots had subsequently been annexed to the City.

Mr. Casey recommended the adoption of the resolution reapproving the Final Map for Subdivision 8576, Oak Hills south, Unit 7A.

Councilmember Kee sought a copy of the map for review. Staff advised him that the map was not available at this time.

In the interest of the Council being fully informed and given that there was no urgency to the matter, Councilmember Parent recommended that the item be deferred to the next meeting pending the availability of the map to clarify the situation.

SALVATORE EVOLA, Discovery Builders, presented a copy of the map and advised that it had been known from the beginning that the lots would require a modification and approval by the Local Agency Formation Commission (LAFCO) due to their own engineer's mistake. He noted that the situation related to a revision to an existing annexation. He presented the map and the applicable LAFCO resolutions to the Council.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios to adopt Resolution 03-9782 failed to carry by the following vote:

Ayes: Rios
Noes: Glynn, Kee, Parent
Absent: Beals (Excused)

A recess was taken at 8:20 P.M. to allow the City Council to review the original map presented by Mr. Evola so that the matter might not need to be continued. The meeting reconvened at 8:30 P.M. with all members initially shown as present and excused.

After a review of the map, the City Council reconsidered Resolution 03-9782.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to reconsider the Council's action on Resolution 03-9782.

On motion by Councilmember Glynn, seconded by Councilmember Parent and carried unanimously to adopt Resolution 03-9782.

3. **RESOLUTION 03-9784** Approval of Electric Golf Cart Lease Agreement for
Pittsburg Delta View Golf Course

Mr. Casey stated that the City Council had approved the recommendation of City staff to lease 80 new electric golf carts at \$5,412 per month over a 3-year lease term on Resolution 02-078. Three bid proposals had been reviewed and considered for the lease of the 80 new electric golf carts for the Pittsburg Delta View Golf Course. He reported that there would be a reduction of the Lease Payments Account in the amount of \$19,118.40 from the Delta View Golf Course Operations Fiscal Year 2002-2003 Budget for the remaining months April through June. The annual cost reflected in the upcoming 2003-

2004 Fiscal Year Budget would be \$76,573.60 including both the cost of leasing the golf carts and the maintenance contract fees.

Mr. Casey recommended that the City Council approve the E-Z-GO Electric Golf Cart Lease Agreement for Pittsburg Delta View Golf Course.

Councilmember Glynn congratulated the staff who had conducted the studies because it had achieved a significant cost savings and operational efficiency while reducing pollution and receiving credits for the transfer of the carts. He congratulated everyone involved in that effort.

Councilmember Kee sought a guarantee that there would be a buy back associated with the maintenance agreement.

Director of Economic Development Brad Nail stated that there was a guarantee that all carts still operational would be bought back as part of the lease, and a service technician would monitor the carts once a week to keep them in top order.

On motion by Councilmember Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9784.

4. **RESOLUTION 03-9785** Support of East County Collaborative Effort for Review and Study of the Feasibility of a Regional Minor League Baseball Sports Facility

Mr. Casey presented the resolution asking Delta 6 members for support of an East County collaborative effort for review and study of a regional minor league baseball sports facility.

Given the Mayor's involvement with the item and the absence of the Mayor at this time, it was recommended that the item be continued to the next meeting.

On motion by Councilmember Parent, seconded by Councilmember Glynn and carried unanimously to continue Resolution 03-9785 to the April 7, 2003 meeting.

PUBLIC HEARING

1. **RESOLUTION 03-9783** Administrative Plan Changes for Community Development Block Grant (CDBG)

Mr. Casey stated that the Department of Housing and Urban Development (HUD) had notified the City of Pittsburg of its intention to award the City a Community Development Block Grant in the amount of \$793,000 for program year 2003-2004. As required by HUD, the CAC had prepared its funding recommendations for Council's review and approval for the self-sufficient program that had no bearing on the City's General Fund.

Mr. Casey recommended that the City Council review the CDBG application summaries, review and approve the CAC funding recommendations, open the public hearing, receive testimony, close the public hearing and adopt the resolution.

CDBG Coordinator Annette Landry presented the CAC recommendations for funding CDBG programs for Program Year 2003-2004. She noted that HUD offered an annual allocation each year to the City as an Entitlement Community. The allocation for 2003/2004 was \$793,000 plus the remaining \$52,000 from 2002/2003 for a total of \$845,000.

Ms. Landry explained that the purpose of CDBG funding was to provide funding to organizations that benefited low and moderate income Pittsburg residents, provide opportunities for safe, decent and affordable housing, economic advantages to Pittsburg residents, and to meet urgent community needs. She identified the five eligible categories for funding under the program as housing activities, economic development, public facilities and improvements, public services, planning and administration, and explained that there was a HUD-established public service cap of 15 percent (\$184,539) and an administrative cap of 20 percent (projected at \$209,000), with the remaining 65 percent (\$461,460) to fund the housing, economic development, non-profit center and other programs.

Ms. Landry summarized the application process when 45 applications totaling over \$1.3 million had been submitted and had been reviewed by the CDBG Subcommittee comprised of two Councilmembers and five members of the CAC. An evaluation of the applications had been initiated on January 28, culminating in the final recommendations from the Subcommittee on February 19, which had been accepted by the CAC on March 5. The second of two required public hearings to solicit input from the community regarding needs in the City had been held on March 3, 2003.

Ms. Landry emphasized the long hours involved in the process to review the many applications for the limited funds available. She added that subsequent to the current meeting the list of proposed activities would be published in the newspaper along with a notice of final hearing proposed to be held on April 7, when the final action plan would be finalized for submittal to HUD on or before May 15, 2003.

Vice Mayor Rios opened the public hearing for Resolution 03-9783.

MARY ROSAS reminded the Council of the Cesar Chavez celebration on March 29 at the Impulse Center.

With respect to the CDBG recommendations, Ms. Rosas stated that the CAC was charged with addressing the issues prevailing in the community. She identified members of the CAC and thanked those who had participated in the process. She emphasized the difficult process of selecting appropriate projects for the limited funds and stated that creative analysis had been sought to bring additional resources into the community to better benefit the community. She thanked everyone for his/her participation and noted that the City could still be a resource for the organizations that could not be funded.

FRANCES GREENE, Pittsburg, speaking on behalf of Pittsburg Preschool and Community Council at 1760 Chester Drive, thanked the Council for funding the Preschool last year and noted that this year the Preschool Community Council had submitted three proposals, including one for family support services that helped families with housing. She shared some of the success stories related to housing and noted how housing needs were linked with other services offered by the agency. She urged the Council's approval of that program. With respect to a mentoring program, she highlighted the success stories of that program and requested Council approval.

WILLIE MIMS, Pittsburg, representing the BPA, commended the hard work on the selection process but noted that he had a problem in that the majority of the funds should be spent within the City of Pittsburg to those doing business in the City. He stated that the Committee had allocated eleven outside agencies, some of which he highlighted at this time and which he suggested represented \$74,671 allocated to outside agencies. He also suggested that the City was getting \$424,032 and he inquired why the city was receiving so much of the money. He further questioned why City Code Enforcement was not being funded and with respect to the proposed allocation to the City's non-profit center noted that had not previously been funded. He questioned whether or not that had previously been funded in another name.

Vice Mayor Rios urged Mr. Mims to meet with Ms. Landry to respond to his specific questions.

Mr. Mims further urged the City to better scrutinize the list and think about the organizations in the City.

Vice Mayor Rios explained that applications were received every year, that not all applications were from the same applicant and that the names of some of the programs changed over time. She emphasized that the process was open to the public and she suggested that Mr. Mims get involved in that process.

Ms. Rosas clarified for Mr. Mims that all organizations recommended for funding, even those with headquarters outside of the City, would be serving Pittsburg residents only.

MERLIN WEDEPOHL, Napa, the Executive Director of Shelter, Inc. which managed the Pittsburg Family Center at Fourth and Sixth Streets and which had been on the site since 1989 stated that his project was HUD funded but only received \$80,000 from HUD. Everything else had to be raised through donor dollars. This year there were two applications for CDBG funding, one to support the operation. He urged the Council to approve the recommendation for \$5,000 of matching money to provide services to homeless families. He added that the other application was to remodel the units. He stated that it had been difficult to keep all the remodeling current and he expressed appreciation for the help in remodeling the units. He urged the Council's support of the CAC's recommendations.

BEN JOHNSON, Pittsburg, referred to an item for senior outreach services which had

indicated that zero residents were served. He requested a clarification of that situation, and Ms. Landry stated that was in error and would be corrected by the next meeting.

Vice Mayor Rios closed the public hearing on Resolution 03-9783.

Councilmember Parent thanked the members of the CAC and the staff members who had spent long hours on the CDBG process. She emphasized that the process was a long and difficult one given that all the requests involved worthwhile projects. She characterized the selection process as a fair one in that everyone involved individually ranked the groups, which rankings had then been calculated by computer. She emphasized the great need, the efforts to address that need, and clarified for Mr. Mims that the allocations to public service and administrative functions were HUD mandated. She added that there was no application from Code Enforcement this year.

Councilmember Parent recommended the adoption of the CDBG list this year as recommended by the Council and CDBG Subcommittees.

Councilmember Kee reiterated the difficulties involved in the selection process with so many worthwhile projects and programs and emphasized that the recommendations had been averaged out and the selections allocated to worthy causes helping the City of Pittsburg.

Vice Mayor Rios concurred with the difficulties in the selection process and commented that she was happy to see that the Public Works Department would be allocated money to address Americans with Disabilities Act (ADA) issues.

On motion by Councilmember Parent, seconded by Councilmember Kee and carried unanimously to adopt Resolution 03-9783.

2. **RESOLUTION 03-9786** Annual Review of the City's Transportation Mitigation Fee Imposed on New Development

Mr. Casey presented the annual review regarding the Pittsburg Transportation Mitigation Fee charged to new development under Chapter 15.90 of the City's Municipal Code. This review indicates that the fee needs to be increased 3.3 percent as required by the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) to reflect the construction cost index increase as published in the Engineering News Record. He explained that increase would equate to a change from \$3,537 for the single-family residential fee to \$3,654 and the \$2,406 multi-family residential fee to \$2,485.

Mr. Casey recommended the adoption of the resolution approving an annual review of the Pittsburg Traffic Mitigation Fee imposed on new development under Pittsburg Municipal Code Chapter 15.90 and revise the City's Transportation Mitigation Fee Schedule to account for a 3.3 percent increase in the San Francisco Construction Cost Index (CCI) from October 2001 to October 2002.

Vice Mayor Rios opened the public hearing on Resolution 03-9786. There was no one to speak for or against the item. Vice Mayor Rios closed the public hearing on Resolution 03-9786.

Councilmember Kee understood that other cities charged approximately \$8,000 for city fees. He inquired whether or not the proposed fee would cover the expenses for new development.

In response, Assistant City Manager Nasser Shirazi stated that the item related to a fee adjustment based on the CCI and was the price of doing business based on the original estimate for a project. Each year the fee had to be adjusted so that the amount was paying for that additional cost.

When asked by Councilmember Kee as to whether or not the current charges covered the current expenses, Mr. Shirazi stated that adjustment was being evaluated and would be returned to the City Council for discussion in the next two to three months.

City Attorney Daube stated that this resolution and the regional fees were built in and nothing precluded additional study and a return to the Council for consideration.

On motion by Councilmember Glynn, seconded by Councilmember Kee and carried unanimously to adopt Resolution 03-9786.

3. **RESOLUTION 03-9787** Annual Review of the Regional Transportation Mitigation Fee Imposed on New Development

Mr. Casey presented the annual review regarding the Regional Transportation Mitigation Fee charged to new development under Chapter 15.100 of the City's Municipal Code. This review indicates that this fee needs to be increased 3.3 percent as required by the East Contra Costa Regional Fee and Financing Authority to reflect the construction cost index increase as published in the Engineering New Record. That increase would equate to a change from \$1,364 for the single-family residential fee to \$1,409 and the \$1,781 multi-family residential fee to \$1,840.

Mr. Casey recommended the adoption of the resolution approving an annual review of the Regional Traffic Mitigation Fee imposed on new development under Pittsburg Municipal Code Chapter 15.100 and revise the Regional Transportation Mitigation Fee Schedule to account for a 3.3 percent increase in the San Francisco Construction Cost Index (CCI) from October 2001 to October 2002.

Vice Mayor Rios opened the public hearing for Resolution 03-9787. There was no one to speak for or against the resolution. Vice Mayor Rios closed the public hearing for Resolution 03-9787.

Councilmember Kee sought an evaluation of this and the local fee within the next two or three months to verify whether or not there should be a modification to the fees.

On motion by Councilmember Glynn, seconded by Councilmember Kee and carried unanimously to adopt Resolution 03-9787.

4. **ORDINANCE 03-1206** Introduction of an Ordinance to Amend the Builders Circle IP-O District (Ordinance No. 96-1118) (Heritage Point Residential Development (RZ-02-12))

Mr. Casey reported that the public hearing related to a request to amend the existing IP-O (Industrial Park with a Limited Overlay District) zoning of 22.07 acres located on Builders Circle in order to allow development regulations for single-family residential development to be established by a use permit. The Planning Commission adopted Resolution No. 9348 recommending that the Council approve the IP-O district amendment.

Mr. Casey recommended the adoption of the Negative Declaration and the introduction, waving further reading and passing to the second reading Ordinance 03-1206 amending the existing overlay district on Builders Circle to allow residential development regulations to be established by the requisite use permit.

Vice Mayor Rios opened the public hearing for Ordinance 03-1206.

VINCE FLETCHER, Western Pacific Housing/Schuler Homes, noted that this would be their fourth project in the City. He reported that Western Pacific/Schuler Homes had entered into an agreement with the International Brotherhood of Electrical Workers (IBEW) #302 and had agreed with all conditions. He sought support for the project, which was currently an unused industrial park that had become a dumping ground for cars, illegal soil dumping and trash. The project would be similar to the Harbor Lights subdivision offering a number of amenities for the downtown area including a tot lot, parking on both sides, a sidewalk on at least one side of the street, access to the park, with private streets maintained by a homeowners association, a private gate and within close proximity to the downtown.

TANYA GULESSARIAN, an attorney with Adams, Broadwell, Joseph & Cardoza thanked the Council for directing the Planning Commission to reconsider conditions that would approve the project in benefit of the environment, public health and safety. She also thanked staff for working with them to incorporate conditions that would be beneficial to the City and she sought support of the staff recommendation.

WILLIE MIMS, Pittsburg, representing the BPA, stated that he had a problem with any project where there was a Negative Declaration which he suggested was designed to bypass the California Environmental Quality Act (CEQA) process. He noted that the environmental documentation had indicated that the traffic pattern would remain unchanged, although he suggested would not be the case.

There being no one further to speak, Vice Mayor Rios closed the public hearing for

Ordinance 03-1206.

Councilmember Kee inquired of staff whether or not modifications could be made to the proposal at this time as he had concern with the density of the project.

In response, City Attorney Daube explained that what was before the Council was the zoning request. She stated that what had been sent back to the Planning Commission was to make the modifications that included the conditions between the IBEW #302 and Western Pacific/Schuler Homes. There had been no appeal period at this point and no modifications could be made to the conditions at this time.

In response to Councilmember Kee, Director of Planning and Building Randy Jerome reported that the Planning Commission at its last meeting had only discussed the addition of those conditions as directed by the City Council.

Councilmember Kee inquired of the applicant the number of total lots and the number that were less than the required 6,000 square foot minimum lot size, reported by Mr. Jerome that of the 122 lots all were less than 6,000 square feet since they were in the 4,000 square foot lot range.

When asked by Councilmember Kee the benefit to the City of a lot size less than the required 6,000 square foot minimum, Mr. Fletcher stated that the proposal complied with the City's General Plan and zoning requirements.

Mr. Fletcher also reported that the proposal had unanimously been approved by the Planning Commission, was an excellent quality project in demand on the market, was a quality infill project, and that the product was desired by the public in that the firm was selling two homes a week in the Harbor Lights development.

In response to Councilmember Kee's question as to whether or not the current zoning allowed lots of less than 6,000 square feet in size, Mr. Jerome stated that the standard single family residential R-S zone was 6,000 square feet. The applicant had proposed an overlay zone under its own standards. The issue was consistency with the General Plan in that it was within the density range of a low density General Plan designation. The proposal was for 5.5 units per acre while the General Plan allowed up to 7 units per acre. Since the proposal did not meet the standard single-family residential zone, the overlay zone had been required in this case.

Councilmember Glynn inquired whether or not the proposal was complementary to the neighborhood to the east of the location.

Mr. Jerome stated that the proposal was similar in size to the existing neighborhood to the east where there were 5,000 square foot and less lots, was similar to the character of the established neighborhood, and was similar in character and size to the Harbor Lights Development.

Mr. Fletcher confirmed that was the case.

Councilmember Kee stated that everything was next to something and he did not accept the argument that the houses had to be smaller because they were similar to something that was smaller. He did not see the need for smaller houses although he suggested that there appeared to be little choice but to approve in this case. As such, he stated that he would begrudgingly support the project.

Councilmember Parent reiterated that comment where huge houses on tiny lots, all with double stories, were an abomination. She did not support the development and she hoped to see nothing like it in the future.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios to introduce Ordinance 03-1206 and waive first reading, carried by the following vote:

Ayes: Glynn, Kee, Rios
Noes: Parent
Absent: Beals (Excused)

ADJOURNMENT

The meeting of the City Council adjourned at 9:40 P.M. to the next meeting set for April 7, 2003.

Respectfully submitted,

Lillian J. Pride, City Clerk

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