

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**November 15, 2004**

Chair Aleida Rios called the meeting of the Housing Authority to order at 7:23 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** Leatherwood [Excused]

**STAFF PRESENT** Acting Executive Director, Joe Sbranti  
Legal Counsel, Ruthann Ziegler  
City Clerk, Lillian Pride  
Deputy City Clerk, Alice Evenson  
Housing and Community Programs Manager, Annette Landry  
Director of the Redevelopment Agency, Garrett Evans  
Director of Development Projects, Randy Jerome  
Director of Economic Development, Brad Nail  
Director of Human Resources, Marc Fox  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
Planning Manager, Melissa Ayres  
Police Lieutenant, Nick Baker

**CONSENT CALENDAR**

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

a. **DISBURSEMENT LIST** Dated: October 31, 2004

Approved Disbursement List dated October 31, 2004.

b. **MINUTES** Dated: October 18, 2004

Approved Minutes dated October 18, 2004.

**ADJOURNMENT**

The meeting of the Housing Authority adjourned at 7:24 P.M. to the next meeting set for December 20, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

**CITY OF PITTSBURG  
Redevelopment Agency Minutes  
November 15, 2004**

Chair Aleida Rios called the meeting of the Redevelopment Agency to order at 7:25 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT** Acting Executive Director, Joe Sbranti  
Legal Counsel, Ruthann Ziegler  
City Clerk, Lillian Pride  
Deputy City Clerk, Alice Evenson  
Housing and Community Programs Manager, Annette Landry  
Director of the Redevelopment Agency, Garrett Evans  
Director of Development Projects, Randy Jerome  
Director of Economic Development, Brad Nail  
Director of Human Resources, Marc Fox  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
Planning Manager, Melissa Ayres  
Police Lieutenant, Nick Baker

**CONSIDERATION**

Mayor Rios convened JOINTLY the REDEVELOPMENT AGENCY, the PITTSBURG FINANCE AUTHORITY and the CITY COUNCIL to consider the following:

1. **RESOLUTION 04-1001** Approval and Authorization of the Series 2004 Tax  
**Combined w/PFA 04-018** Allocation Bonds (Series A), Subordinate Tax Allocation  
**Combined w/CC 04-10180** Refunding Bonds (Series B), Housing Set Aside Tax  
Allocation Bonds and Related Actions

Director of the Redevelopment Agency Garrett Evans reported that the proposed Agency Board action would approve and authorize the Series 2004 Tax Allocation Bonds, including the general Agency financing of \$105 million, a refunding of the Series 1996 subordinate bonds (approximately \$22 million); and a new financing series secured by the Housing Set Aside (approximately \$16 million). The general Agency financing of up to \$105 million was intended to provide the Agency with approximately \$83 million in new project funding as well as \$18 million in cash flow management.

Mr. Evans identified some of those projects as the retirement of the Marina loan, downtown roadway and infrastructure improvements and other Capital Improvement Program (CIP) issues.

The issuance of the general Agency financing of \$105 million and refunding of the Series 1996 subordinate bonds would obligate the Agency to approximately \$215 million in new debt service through 2034. The issuance of the \$16 million Housing financing would obligate the Agency to approximately \$34 million in new debt service through 2034. Separate analyses by both the PFM Group and Piper Jaffray had demonstrated the Agency's ability to meet the new debt service requirements.

It was recommended that the City Council approve the Series 2004 Tax Allocation Bonds, including the general Agency financing of \$105 million; a refunding of the Series 1996 subordinate bonds (approximately \$22 million); and a new financing series secured by the Housing Set Aside (approximately \$16 million); and authorize the Executive Director to execute the documents and take such actions necessary to carry out the issuance of the Series 2004 Tax Allocation Bonds.

MARK CURRAN, Piper Jaffray, noted that the nature of the Redevelopment Project area made the size of the financing possible. It was also a phase two reward to the community for the power plants with both on line and on the assessment rolls, although one was involved in an appeal. A good part of the financing was also possible due to the assessed value increases in the Pittsburg Power Company, and as noted in the staff report in the tax increments from the area which had increased by 30 percent over the past few years. He introduced Ralph Holmes of his staff who would be working on the financing and he commended Garrett Evans and Marie Simons for their efforts in the process.

Mr. Curran described the next steps in the process, explained that the bonds were expected to be sold in December to allow the Marina loan to be paid off this year, and summarized the various aspects of the proposal. He explained that the financing costs would be 1.25 percent and the cost of the bond insurance to create a Triple AAA rating. It was expected that the Agency would retain its A- rating with the monies available to the Agency by the end of the year for the Agency to spend over the next three years. He noted after that was completed another financing would be submitted which would allow the Agency to complete some projects that had been proposed for a number of years. He explained that the new lien would offer the City considerable more flexibility.

JOHN KNOX, Orrick, Herrington and Sutcliffe, Bond Counsel, explained that the Council would be approving a new Master Indenture on the general ledger side of the Agency and the Authority side. The bonds that had been issued were being issued under a bond resolution adopted in the 1980's and amended several times as bonds had been issued. He stated that document was not very flexible and did not serve the City well. Because of the growth in the City's tax increment and the strength of the Agency the old document would be closed and a new document, a Master Indenture, would replace that document. This issue was different in that there were documents associated with an

interest rate swap. Mr. Knox added that the documents represented a new type of document not previously associated with the City's other bond processes.

PETER MILLER, Public Financial Management (PFM), the City's financial advisor, stated that while an interest rate swap was new to the City it was not a new financing device. He explained that process would represent a substantial savings to the City over the 30 year life of the bonds. The Agency would issue a variable rate debt while the City would realize a fixed rate debt after the interest rate swap.

WILLIE MIMS, representing the Black Political Association, expressed concern for the rate on the interest rate swap. He also noted that the bond professionals had not mentioned a rating agency. He suggested that an A- rating was not a good rate.

In response, Mr. Miller stated that the pricing of the swap would occur in the area of 3.8 percent although the actual rate would not be known until it was priced. The rate would float on a weekly basis to a fixed rate debt over thirty years. He also explained that they had spoken to two rating agencies, Standard & Poor's and Fitch, two of the three national rating agencies. Those agencies had deemed the A rating to be a good rating.

Mr. Curran added that when the City had gotten an A- bond rating approximately 15 years ago, the Agency was one of the first in the State to break into the A category. He stated that the financing for a Redevelopment Agency would not raise taxes. Also, there were no agencies in the State in the A category. When issuing an open indenture where they would be issuing additional debt, he suggested that an A- rating was about as good as was possible. He expected to get bids from two or three of the four national bond insurers who, for a fee, would lend an AAA rating to produce the lowest possible rate. He stated that was how the City had issued bonds until the 1996 subordinate bonds which would be refunded and wrapped into the new issue.

Councilmember Kee noted that in the past several members of the public had expressed concern with the City's bond debt. He asked for an overview of the City's ability to pay back that debt.

Mr. Curran stated that the debt was only at the Agency with no debt to the General Fund. He reported that an A- rating, when 95 percent of the redevelopment agencies in the State were BBB or less, reflected that the financing was being structured in a more prudent fashion. He referred to his handout to show that after paying housing set-aside and other revenue sharing with other agencies, there was a large amount of revenues unencumbered.

Mr. Curran characterized the City's situation as prudent and stated that the dollar amount of debt might be higher than the average for revenues, although that was because the interest rates on average were lower than most redevelopment agencies and because of the City's higher bond rating and more efficient financings that had taken place over the years. With the A- rating, he characterized that as reasonable and secure financing and not too much debt for the Agency.

Councilmember Kee noted that part of the financing would be for a housing set-aside fund of approximately \$16 million which he understood would go towards affordable housing programs. He inquired whether or not that would be in addition to the affordable housing loans and other programs the Agency had already offered.

Mr. Evans stated that would be required and would be in addition to the City's other programs. Some of those funds might be used to pay the Fountain Plaza loans, although significant funds would be used for housing activities. The financing left plenty of room for growth and other pay-as-you-go or annual projects for the Agency.

On motion by Member Kee, seconded by Vice Chair Parent and carried unanimously to adopt Redevelopment Agency Resolution 04-1001.

On motion by Vice Chair Parent, seconded by Member Glynn and carried unanimously to adopt Pittsburg Financing Authority Resolution 04-018.

On motion by Councilmember Glynn, seconded by Councilmember Beals and carried unanimously to adopt City Council Resolution 04-10180.

2.     **RESOLUTION 04-1002**     Approval of a Relocation Impact Statement and Last Resort Housing Plan for the School Street/Railroad Avenue Project Site

Acting City Manager Sbranti stated that the Redevelopment Agency of the City of Pittsburg had acquired the property commonly referred to as 101, 107, 109 and 109-B School Street and 1631 and 1633 Railroad Avenue through a voluntary sale on September 29, 2004. The property was occupied with three households and the Agency was responsible for relocating those households. Pursuant to the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended* and the *California Code of Resolutions, Title 25*, the Agency must approve a Relocation Impact Statement whenever a residential tenant was displaced due to Agency acquisition.

While it was difficult to exact the fiscal impact until the replacement dwelling units were actually secured by the displaced tenants because there was a "spend to get" requirement. The "spend to get" requirement meant that the benefit payments would be made by the Agency only when the displaced tenant demonstrated that entitlement amounts had been or would be spent. The Statement offered an estimate range with a most probable cost of \$85,500 and a high cost of \$107,000. The Statement clearly indicated that the estimates were for budget purposes only and should not be interpreted as firm "not to exceed" or actual entitlement costs.

It was recommended that the Agency Board approve the Relocation Impact Statement and Last Resort Housing Plan for the School Street/Railroad Avenue Project Site.

On motion by Member Beals, seconded by Member Glynn and carried unanimously to adopt Resolution 04-1002.

3.     **RESOLUTION 04-1004**     Request for an Agency Resolution of Necessity Declaring Certain Property Interests at 985 Railroad Avenue as Necessary for Public Purposes and Authorizing Agency Counsel to Initiate Condemnation Proceedings for the Acquisition of Said Property Interests for Redevelopment as Part of the Los Medanos Community Development Project Area

Mr. Evans stated that the report recommended that the Redevelopment Agency of the City of Pittsburg initiate an Agency Resolution of Necessity declaring certain property interests at 985 Railroad Avenue as necessary for public purposes and authorizing Agency Counsel to initiate condemnation proceedings for the acquisition of said property interests for redevelopment as part of the Los Medanos Project Area. On August 13, 2004 a letter for owner participation had been submitted to the property owner with staff working to have the property appraised and discuss the Agency's desire for a unified development. The site would be used for the future development of a mixed use residential/commercial project. He described the building as the former Chet Paige Salty Dog building that was well known in the City. The building consisted of a 45,000 square foot paved parking lot and a 13,500 square foot parcel with a vacant commercial building.

The Agency seeks court orders of possession for the property and had not been able to reach any settlement negotiation with the property owner.

The appraisal cost for the acquisition was \$405,000 plus associated legal and expert costs for initiating and prosecuting eminent domain action. The funds were to come from the 10<sup>th</sup> Street Corridor Account. The action before the Agency was in conformance with the Redevelopment Plan, would benefit the project area, and would eliminate blight and comply with the Housing Element and Implementation Plan.

It was recommended that the Agency adopt a Resolution of Necessity which authorizes the commencement of the eminent domain proceedings to acquire the above referenced property, as described and shown in the legal description and map attached to the Resolution in the staff report dated November 15, 2004, as Exhibit A. It was also recommended that the Redevelopment Director or his designee undertake all actions necessary including negotiating and executing a purchase agreement, to purchase the real property located at 985 Railroad Avenue (APNs 085-195-005;085-195-007).

On motion by Member Beals, seconded by Vice Chair Parent and carried unanimously to adopt Resolution 04-1004.

4. **RESOLUTION 04-1005** Request for an Agency Resolution of Necessity Declaring Certain Property Interests at 916 Cumberland Street as Necessary for Public Purposes and Authorizing Agency Counsel to Initiate Condemnation Proceedings for the Acquisition of Said Property Interests for Redevelopment as Part of the Los Medanos Community Development Project Area

The report recommended that the Redevelopment Agency of the City of Pittsburg initiate an Agency Resolution of Necessity declaring certain property interests at 916 Cumberland Street as necessary for public purposes and authorizing Agency Counsel to initiate condemnation proceedings for the acquisition of said property interests for redevelopment as part of the Los Medanos Project Area. The site would be used for the future development of a mixed use residential/commercial project. The property was situated adjacent to the previously referenced property. Settlement with the property owner was anticipated without litigation.

The appraisal cost for the acquisition was \$285,000 plus associated legal and expert costs for initiating and prosecuting an eminent domain action. The funds were to come from the 10<sup>th</sup> Street Corridor Account.

It was recommended that the Agency adopt a Resolution of Necessity which authorizes the commencement of eminent domain proceedings to acquire the above referenced property, as described and shown in the legal description and map attached to the Resolution in the staff report dated November 15, 2004, as Exhibit A. It was also recommended that the Redevelopment Director or his designee undertake all actions necessary, including negotiating and executing a purchase agreement to purchase the real property located at 916 Cumberland Street (APN 085-195-006).

TOM LaFLEUR, Pittsburg, speaking as a concerned resident, expressed a desire that the building be retained given that it was a historical resource in the City. While he did not oppose the Agency's acquisition of the property or the mixed use development under consideration, it was his belief that the best project would incorporate the building as part of community space, office space, and add variety to the architecture of the project making for a richer project. He pointed out that State law required that cities take note and preserve its historical resources unless there was a public necessity that would preclude that from occurring.

Mr. LaFleur suggested that the project would be very successful in incorporating the building and that it was eligible for listing as a historical resource based on the age of 70 years, a fine example of Spanish Revival architecture by notable architects who had designed Masonic lodges, schools and residences throughout Northern California, playing an important part in the social history of the community. He suggested that the building deserved historic resource study by the Agency, and deserved a Mitigated Negative Declaration or an Environmental Impact Report (EIR) in order to incorporate the building into the project.

Vice Chair Parent noted that Mr. LaFleur's comments had been reflected in a letter, one of several letters received by the Agency this date. She noted that one of the letters objected to the Council's not following proper California Environmental Quality Act (CEQA) rules in making a Resolution of Public Necessity. If the Agency decided to demolish the building in the future, she questioned whether or not CEQA rules would require looking into the condition of the building and its significance.

City Attorney Ruthann Ziegler deferred to Redevelopment Agency Counsel, Ms. Hutchins who has been handling the project. She clarified that it was true under the rules of possession that adoptions of Resolutions of Necessity must comply with CEQA although there was some flexibility in that if they were merely acquiring the property but not specifying the use of the property, it would provide more flexibility.

LYNN HUTCHINS, Goldfarb and Lipman, which had been assisting the Agency in preparing the Resolution of Necessity and potential legal action, noted that in preparing the staff report and the resolution planning staff had reviewed the Class 32 Exemption, a categorical exemption under CEQA. It was her belief that the building and the new project fit within the Class 32 Exemption. She advised that the building had not been listed as a historical resource on any federal or State historical resource list.

Vice Chair Parent noted that there used to be a Historical Resource Commission in the City, although that responsibility had recently been assigned to the Planning Commission. She suggested it would be helpful to all if those in the community who were interested in historical resources of businesses would bring those issues to the Planning Commission for designation. She was unaware that anyone had brought any building of historical significance to the City's attention in the last ten years.

Member Kee explained that the Agency did not consider the use of eminent domain proceedings lightly. He commented that for many years residents wanted to see the downtown revived and see new buildings in the downtown, which was what the resolution was attempting to do. He emphasized that each owner would be fairly compensated for his/her property and it was the hope that the community would be proud of the results.

On motion by Member Beals, seconded by Member Kee and carried unanimously to adopt Resolution 04-1005.

### **CONSENT CALENDAR**

On motion by Vice Chair Parent, seconded by Member Glynn and carried unanimously to adopt the Consent Calendar, with the removal of items b, e, f and g, as follows:

- a. **MINUTES** Dated: November 1, 2004 and November 3, 2004

Approved minutes dated November 1, 2004 and November 3, 2004.

- c. **RESOLUTION 04-1007** Designating the Ledger Dispatch as the Local Newspaper of Circulation for the Redevelopment Agency of the City of Pittsburg

Adopted Resolution 04-1007.

- d. **RESOLUTION 04-1008** Adopting a Conflict of Interest Code for the Redevelopment Agency of the City of Pittsburg

Adopted Resolution 04-1008.

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

- b. **RESOLUTION 04-1006** Adopting an Inclusionary Housing Policy for the Los Medanos Community Development Project Area

BEN JOHNSON, Pittsburg, had requested that the item be pulled from the Consent Calendar so that he could request that all items be placed on the City's website. He added that he had a copy of the City of San Diego's Inclusionary Housing Ordinance which was similar to what had been proposed by the City of Pittsburg.

Acting City Manager Sbranti reported earlier that the City had received letters regarding the agenda item including a letter dated November 12, 2004 from Theresa Karr, CAA Regional Director, California Apartment Association, who had requested that the ordinance not be approved, as proposed.

On motion by Member Beals, seconded by Member Glynn and carried unanimously to adopt Resolution 04-1006.

- e. **RESOLUTION 04-1009** Designating the Existing Pittsburg Planning Commission as the Redevelopment Relocation Appeals Board

Member Kee stated that he had requested that the item be pulled for discussion to question whether the Planning Commission or the City Council would be the final authority if the Commission was designated as the Redevelopment Relocation Appeals Board.

Mr. Evans explained that the Agency Board would be the final authority in the event of a Redevelopment Relocation Appeal. The appeal would first go to the Executive Director/City Manager, then to the Planning Commission, and ultimately to the Agency Board for the final determination.

On motion by Member Kee, seconded by Chair Rios, and carried unanimously to adopt Resolution 04-1009.

- f. **RESOLUTION 04-1013** Allocating Additional Funding of \$3 Million to the Tenth Street Corridor Project

WILLIE MIMS, Pittsburg, questioned whether or not staff would divert \$3 million to pay for the projects.

In response, Mr. Evans stated that there were two different development areas along the Tenth Street Corridor, the first was on the north side of Tenth Street and Railroad Avenue which had been approved on August 2. On October 18, 2004, the Agency Board had approved a unified development area on the south side of Tenth Street and Cumberland Street to develop up to 30 residential and six to seven live/work units which would also require development costs as indicated in the staff report. The \$3 million had been outlined in the staff report, to be \$200,000 in appraisals, architectural services and inspections and administrative feasibility studies, \$2.5 million in acquisition, mitigation and entitlement costs and \$300,000 for legal documents and procedures necessary for the two unified development areas. He stated it was larger in scope than the properties earlier referenced. A budget had already been established for the properties.

On motion by Member Beals, seconded by Vice Chair Parent and carried unanimously to adopt Resolution 04-1013.

- g. **RESOLUTION 04-1003** Allocating Funds and Authorizing a Loan by and between Presidio Village Senior Housing Inc. and the Redevelopment Agency for the Presidio Village Project

ALFRED COOLIDGE, Pittsburg, spoke in support of the new Senior Center which was close to shopping and other amenities. He supported the proposal, the allocation of funds and the authorization of a loan.

Vice Chair Parent noted that \$1.5 million had already been loaned to the project. She asked staff what the project was worth, reported by Mr. Evans to be in the neighborhood of \$13 million.

Mr. Evans stated that the additional \$541,000 would be secured by a first Deed of Trust and be secured by property on Railroad Avenue. There was also an opportunity to go onto Presidio Village itself after clearance from HUD and the County. When asked, he stated that the Presidio Village project was doing well and had received quite a bit of money from HUD which would secure the units for 55 years.

Vice Chair Parent wanted the project to open before the end of the year. Since she understood that there were significant difficulties she inquired whether or not the City would be involved in resolving those difficulties.

Acting City Manager Sbranti stated that the loan being discussed would enable the developer to move forward with the corrections to the problems, which hopefully would allow the project to open near the end of the year. He also understood that issues had been resolved with the Building Department in terms of a method for how to get to the point where the project could be issued a Certificate of Occupancy. The approval of the current item would be a step in getting that work done.

Member Glynn noted his understanding that the loan was an advance with the Agency putting up the money necessary to finish the project, although the Agency expected some compensation either in whole or in part to repay the amount of money being offered in the loan. If not, there was a lien outstanding against properties owned by the organization on Railroad Avenue to secure the difference. He stated that the desire was to complete the project and get it occupied on or before December 31, 2004.

Chair Rios stated that the City had invested heavily in the project up to this point and would have to do what it could to see the project become a reality. She offered a motion to approve the agenda item at this time.

Member Kee seconded the motion with the assumption that the developer was in agreement with all of the terms of the loan agreement. He suggested that if the Agency did not take action on the allocation of the funding and loan it could delay potentially 100 units of affordable housing for seniors.

On motion by Chair Rios, seconded by Member Kee and carried unanimously to adopt Resolution 04-1003.

### **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 8:15 P.M. to December 6, 2004.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Pittsburg Finance Authority Meeting**  
**November 15, 2004**

Chair Aleida Rios called the meeting of the Pittsburg Finance Authority to order at 8:16 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT** Acting Executive Director, Joe Sbranti  
Legal Counsel, Ruthann Ziegler  
City Clerk, Lillian Pride  
Deputy City Clerk, Alice Evenson  
Housing and Community Programs Manager, Annette Landry  
Director of the Redevelopment Agency, Garrett Evans  
Director of Development Projects, Randy Jerome  
Director of Economic Development, Brad Nail  
Director of Human Resources, Marc Fox  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
Planning Manager, Melissa Ayres  
Police Lieutenant, Nick Baker

**CONSIDERATION**

1. **RESOLUTION 04-018** Approval and Authorization of the Series 2004 Tax  
**Combined w/RDA 04-1001** Allocation Bonds (Series A), Subordinate Tax Allocation  
**Combined w/CC 04-10180** Refunding Bonds (Series B), Housing Set Aside Tax  
Allocation Bonds and Related Actions

Director of the Redevelopment Agency Garrett Evans reported that the proposed Agency Board action would approve and authorize the Series 2004 Tax Allocation Bonds, including the general Agency financing of \$105 million, a refunding of the Series 1996 subordinate bonds (approximately \$22 million); and a new financing series secured by the Housing Set Aside (approximately \$16 million). The general Agency financing of up to \$105 million is intended to provide the Agency with approximately \$83 million in new project funding as well as \$18 million in cash flow management.

Action was taken in Joint Session with the Redevelopment Agency to adopt Resolution 04-018, as follows:

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

unanimously to adopt Pittsburg Financing Authority Resolution 04-018.

**ADJOURNMENT**

The meeting of the Pittsburg Finance Authority adjourned at 8:17 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Pittsburg Power Company Meeting**  
**November 15, 2004**

Chair Aleida Rios called the meeting of the Pittsburg Power Company to order at 8:18 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT** Acting Executive Director, Joe Sbranti  
Legal Counsel, Ruthann Ziegler  
City Clerk, Lillian Pride  
Deputy City Clerk, Alice Evenson  
Housing and Community Programs Manager, Annette Landry  
Director of the Redevelopment Agency, Garrett Evans  
Director of Development Projects, Randy Jerome  
Director of Economic Development, Brad Nail  
Director of Human Resources, Marc Fox  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
Planning Manager, Melissa Ayres  
Police Lieutenant, Nick Baker

**CONSIDERATION**

1. **RESOLUTION 04-116** Approving and Authorizing the Executive Director to Execute the Interconnection To and Transmission/ Distribution Service Over Pacific Gas & Electric Company Electric System Contract 04-SNR-00808 with Western Area Power Administration

Acting Executive Director Joe Sbranti explained that since August 28, 1997 the Pittsburg Power Company had been doing business on Mare Island as Island Energy, procuring electric power for resale from Western Area Power Administration (WAPA) under Power Contract 97-SNR-00148. The contact expires on December 31, 2004. On November 20, 2000, the Authority approved a New Base Resource Contract, 00-SNR-00340 with a term of January 1, 2005 through December 31, 2024. WAPA developed a 2004 Power Marketing Plan associated with the new Base Resource Contract in which WAPA would fulfill the responsibilities previously performed by Pacific Gas and Electric Company under a contract that was also set to expire. Together with other contracts, the Interconnection To and Transmission/Distribution Service Over Pacific Gas & Electric Company Electric System Contract 04-SNR-00808 would meet the requirements of Island

Energy's operation.

There would be no fiscal impact to the City's General Fund. Any and all expenses incurred under the Agreement shall be subject to an appropriate rate case to be presented to the Board as necessary or as part of its yearly budget process. Any necessary increase in the rates shall be borne by the Island Energy rate payers.

Staff recommended that the Agency approve the Interconnection To and Transmission/Distribution Service Over Pacific Gas & Electric Company Electric System Contract 04-SNR-00808 between the Pittsburg Power Company and Western Area Power Administration and Authorize the Executive Director to execute the contract on behalf of the Pittsburg Power Company.

On motion by Member Glynn, seconded by Vice Chair Parent and carried unanimously to adopt Resolution 04-116.

2. **RESOLUTION 04-117** Amending Island Energy Annual Budget for FY 2004-2005 to Provide for Unbudgeted Advanced Funding for Scheduling Coordinator ISO Costs and a FERC 205 Settlement Between Pacific Gas and Electric Company and Western Area Power Administration

Director of the Redevelopment Agency Garrett Evans reported that the Pittsburg Power Company doing business on Mare Island as Island Energy was requesting a FY 2004-2005 budget increase adjustment of \$78,849 for unbudgeted expenses. These expenses include advanced funding for Scheduling Coordinator ISO costs and a FERC 205 Settlement between Pacific Gas and Electric and Western Area Power Administration. The transfer of \$78,859 from Island Energy's Customer Rate Stabilization Account would mitigate the budget increase.

There would be no fiscal impact to the City of Pittsburg's General Fund. The use of Island Energy's Customer Rate Stabilization Account (deferred revenue) would offset the FY 2004-2005 Annual Budget Increase and therefore, the net impact to Island Energy Fund would be zero. The remaining balance in the Customer Rate Stabilization Account was sufficient to handle any future unbudgeted expenses this fiscal year.

It was recommended that the Agency Board amend Island Energy's FY 2004-2005 Annual Budget and the use of the Customer Rate Stabilization Account to fund the budget increase of \$78,849 and Authorize the Executive Director and the Director of Finance to make the necessary budget adjustments.

Vice Chair Parent noted that it was fortunate that Island Energy and the Pittsburg Power Company had planned ahead to create enough reserve so that the necessary funds were available and would not substantially jeopardize the City's resources.

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

unanimously to adopt Resolution 04-117.

### **CONSENT CALENDAR**

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

- a. **RESOLUTION 04-118**      Accepting the 2004 CAPE/Slurry Seal Contract Awarded to Bond Blacktop, Inc. as Complete

Adopted Resolution 04-118.

### **ADJOURNMENT**

The meeting of the Pittsburg Power Company adjourned at 8:20 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG  
City Council Minutes  
November 15, 2004**

Mayor Aleida Rios called the meeting of the City Council to order at 8:21P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Acting City Manager, Joe Sbranti  
City Attorney, Ruthann Ziegler  
Deputy City Clerk, Alice Evenson  
Housing and Community Programs Manager, Annette Landry  
Director of the Redevelopment Agency, Garrett Evans  
Director of Development Projects, Randy Jerome  
Director of Economic Development, Brad Nail  
Director of Human Resources, Marc Fox  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
Planning Manager Melissa Ayres  
Police Lieutenant Nick Baker

Mayor Rios considered the following general City Council items at 7:00 P.M. prior to pursuing the Housing Authority agenda.

**PLEDGE OF ALLEGIANCE**

Cecily DeMiglio led the Pledge of Allegiance.

**PROCLAMATION**

1. Homeless Awareness Month

Vice Mayor Parent read the Proclamation for Homeless Awareness Month and urged all residents of Contra Costa County to participate in the implementation of the Ten Year Plan to end homelessness. She presented the proclamation to Alfred Coolidge.

ALFRED COOLIDGE of Independent Living Resource, thanked the Council for the proclamation and the support of the community. He was pleased to see that high density housing had been planned for the area of West Leland Road which would provide housing for Low and Median Income households.

## **PRESENTATION**

### 1. Nutcracker

DIANE GIBSON-GRAY, Pittsburg, took the opportunity to thank the Council for its support and for the dedication of the Recreation Department to be able to put on the Nutcracker Ballet performance on December 4 and 5. She explained that every year 400 Pittsburg students were offered free tickets to attend the performance as a result of support from the Council and others. The performance would be held on December 4, 2004 at 7:00 P.M and December 5 at 4:00 P.M. with general seating for the audience \$16 for advance purchases, 12 years and older. Children and seniors were \$14. The day of the event tickets would be \$18. Members of the troupe introduced themselves and presented tickets to the Council along with flyers on the performances.

## **COUNCILMEMBER REPORTS/REMARKS**

Vice Mayor Parent acknowledged those who had participated in the Kirker Creek Clean-up. She commented that there was such a large group that it had been reported in the San Francisco Chronicle as a significant environmental event with 150 people having participated to clean up the area. She acknowledged the Kirker Creek Watershed and the City staff person responsible for the coordination of the event.

Vice Mayor Parent highlighted the Chamber of Commerce's State of the Education Luncheon when the Teacher of the Year of the Pittsburg Unified School District (PUSD) had been honored by a number of local service organizations.

Vice Mayor Parent also highlighted the Veterans Day activities which had been well attended. She thanked the Kiwanis Club for the breakfast that had been held that morning along with the donation of funds to the United Veterans of Pittsburg. The Kiwanis Club of Pittsburg and Antioch had also held a Little Big Game Lunch in the City of Antioch in recognition of the Pittsburg/Antioch Football Game. Two scholarships had been awarded to a member of each team for scholastic achievement and athletic ability. Further, she expressed her appreciation for the recent event held by the Central Junior High School Jazz Band.

Mayor Rios reminded the audience that there was a library workshop in the lobby of City Hall at this time. She acknowledged that Comcast had awarded a student from Pittsburg High School with a scholarship to attend Cal State Hayward.

Mayor Rios took this opportunity to recognize specific members of the Pittsburg Police Department who had been recognized by the community or organizations in the community for his/her professional conduct, response to calls, and for showing respect to local residents.

Mayor Rios also noted that she had arrived this date from Zacapu Michoacan, Mexico, where she had explored a potential Sister City arrangement. A report would be

presented to the City Council at its next meeting.

Mayor Rios requested that the Council meeting adjourn in memory of Javier Ramos, a Pittsburg resident who had been killed in the fuel explosion in the Walnut Creek.

### **CITY MANAGER REPORTS/REMARKS**

Acting City Manager Joe Sbranti advised that he had nothing to report.

### **CITIZENS REMARKS**

WILLIAM LEE, Pittsburg, referred to the Kirker Creek project and clarified that his comments related to that project had been acknowledged by the City. He requested that the City and the City Attorney take action against North Bay Construction which had completed the project at a cost of \$13 million although the contract price had been \$7 million. He urged the City Attorney to file the proper documents so that the City could be reimbursed for the over \$6 million in overages related to the project.

Mayor Rios adjourned to the Redevelopment Agency at 7:23 P.M. and reconvened as the City Council at 8:21 P.M.

### **PUBLIC HEARING**

1. **ORDINANCE 04-1230** Vista Del Mar Development Project (GP, RZ/P-D, Plan, Sub 8448) (AP-03-33)

Acting City Manager Joe Sbranti explained that on October 26, 2004 the Planning Commission held a public hearing to consider recommendations to the City Council for a General Plan Amendment, rezoning to a CO-P, RH-P and P-D, and approval of a P-D Plan and a Vesting Tentative Map for a 293 acre site commonly known as the Alves Ranch property. The Planning Commission continued the item to the November 9, 2004, Planning Commission meeting for further consideration. In order to address comments received on the draft Development Agreement and conditions of Tentative Map approval, staff had rescheduled the item for the November 23, 2004 Planning Commission meeting. Staff therefore recommended that the City Council open the public hearing and continue the item to the December 20, 2004 City Council meeting.

Mr. Sbranti reported that correspondence had been received from Albert Seeno, Jr. and George Harris, both dated November 15, 2004.

BEN JOHNSON, Pittsburg, asked that the item be carried over until the December 20 City Council meeting and that no special meetings be scheduled before that time to ensure that he would be able to participate in the discussions on the item since he would be a newly elected member of the City Council.

PETER HELLMANN, representing the Alves Ranch, disagreed with the need to

continue the item. He had no argument with the need for a continuance but he requested a City Council hearing date prior to December 20 if possible given the concern for their ability to start the extension of West Leland Road. Mr. Hellman noted that one of the principal benefits of the project would be the ability to early start West Leland Road to have that improvement completed in time for the 2005-06 school year. To do that, ground would need to be broken by April. If the hearing was postponed until December 20, he suggested that the process could be delayed by the holidays. He urged some way to get the process under way to allow construction to start in the spring. He emphasized that waiting to make a decision until December 20 could further delay the construction of West Leland Road.

Vice Mayor Parent commented that the item had been delayed based on the inaction of the Planning Commission for more than a month. She was concerned with the construction of the West Leland Road extension. She noted that there had been an indication long ago that West Leland Road would be opened before the start of school this year. She was concerned that if not started it would not be open for the September 2005-2006 year. She suggested that the Council might as well go ahead and act on the item even though she recognized the likelihood that the City would be sued no matter what action was taken.

Vice Mayor Parent emphasized that the current Council had reviewed the plans in depth and there had been workshops on the development. With new Councilmembers to be sworn into the Council in December it was likely that the project could be further delayed. She suggested that if the public and Council needed another workshop there was enough time to have a workshop next week with a Council meeting two weeks from this date to allow the project to get under way. Vice Mayor Parent verified that the first thing that would be built would be the road. She agreed that the developer would not start the road until the Development Agreement had been approved. She asked the Council to consider holding whatever workshop was necessary in the next week to allow a special meeting of the Council and continue the public hearing to a meeting on November 29 rather than December 20.

Councilmember Beals understood that of the last two Planning Commission meetings, there had been no-shows for some of the members, while the November 9 Planning Commission meeting had been canceled for some unknown reason. She was not confident that the Planning Commission would meet on November 23. Councilmember Beals suggested that if there were some concerns by the developer, staff or Planning Commissioners about the project the responsibility rested with the Council to provide an avenue for people to discuss the issues rather than waiting for the Planning Commission to meet. She agreed that a workshop would be in order to allow the developer to make some statements about the project as well as if there were people in the general public who wanted to make comment at a special meeting on November 29.

Councilmember Beals reiterated that the current Council had been dealing with the project for some time and it was unfinished business for the current Council and there was a need for that business to be completed.

Planning Manager Melissa Ayres verified the Vice Mayor's intent to hold a Study Session on November 22 and a public hearing before the City Council on November 29.

Councilmember Beals explained that setting those schedules would be for the Council to move forward on the project. If the Planning Commission did not meet on November 23 the Council could still meet on November 29 to take action.

Councilmember Kee noted that those who had submitted letters to the City had indicated that they were not opposed to the project but were opposed to the process. If it was the process, he stated that the Planning Commission had two previous opportunities to dispose of the project and there would be another opportunity on November 23. With all due respect to Mr. Johnson, he suggested it would be equally unfair to delay the matter and deny the two existing Councilmembers to complete unfinished business. He added that he would not be available on November 22, although he would be available for a special meeting of the City Council if scheduled for November 29.

Councilmember Glynn suggested that a joint workshop with the City Council and the Planning Commission on November 22 would be appropriate to allow the Council and the Commission to deal with the issues, get a final recommendation and move on to a special Council meeting on November 29 to make a decision.

Mayor Rios agreed but did not see the need for a special meeting since the Planning Commission should do its job on November 23. If for some unforeseen reason the Commission meeting was canceled, the City Council could then meet on November 29 to make a decision.

City Attorney Ziegler stated that it was the discretion of the Council to have or not to have a joint workshop with the Planning Commission on November 22. She clarified that the Commission meeting on the matters needed to be held on November 23 given the noticed hearing of that date. The Planning Commission meeting of November 23 would therefore have to remain, as scheduled.

City Attorney Zeigler also noted that if the Council wished to have a Council meeting on November 29 and have the flexibility to take action on all or part of the Vista Del Mar package, the current meeting would have to adjourn to November 29, since part of the development package included ordinances. Unless they were urgency ordinances they could only be adopted at regular or adjourned regular meetings. Therefore the City Council would have to ensure that a City Council meeting, if scheduled for November 29, was an adjourned regular meeting.

Councilmember Beals verified with staff that the Planning Commission meeting scheduled for November 23 included a number of items, among them the Vista Del Mar application. Given a full agenda for the Planning Commission, she suggested that there be a joint City Council/Planning Commission workshop on November 22 on the Vista Del Mar Development project only. She restated her recommendation as a motion.

On motion by Councilmember Beals, seconded by Councilmember Glynn to schedule a joint City Council/Planning Commission workshop on November 22, 2004 for the Vista Del Mar Development project. The motion carried by the following vote:

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

Councilmember Beals recommended a meeting time of 7:00 P.M. in order to allow the public the time and opportunity as well as any interested parties to participate in the discussion and to ensure that all Commissioners would be available to participate in the workshop.

Vice Mayor Parent requested clarification from the City Attorney in terms of procedures if the public hearing must remain open to an adjourned meeting of the City Council to be scheduled for November 29, 2004.

City Attorney Zeigler recommended that the first course of action would for the Council to vote to confirm that it would schedule an adjourned regular meeting of the City Council on November 29, with a specified time period and that the public hearing be opened at this time and then adjourned to the time specific of November 29, 2004 at 7:00 P.M. She also clarified, when asked, that the public hearing for the Vista Del Mar project was already open since the item had been continued a number of times and the public hearing had never been closed.

Councilmember Glynn inquired whether or not the adjourned regular meeting of the City Council on November 29 would be a single item agenda.

Councilmember Beals verified that staff would notify the applicable parties of the adjourned regular meeting and continue the public hearing to that time.

City Attorney Zeigler understood that was the intent of the Council. When the agenda was prepared for November 29, while it might include a number of items listed those items would all relate to the Vista Del Mar project.

Councilmember Glynn inquired if the Council would only consider the Vista Del Mar project during the adjourned regular meeting on November 29, irrespective of the number of items on that agenda, to which the Vice Mayor stated that had been her intention.

Mayor Rios noted that the City Manager had the option of adding additional items that were not related to the Vista Del Mar project since the meeting would be considered a regular City Council meeting.

Councilmember Glynn suggested that unless there was an item of some urgency the Vista Del Mar project should be the first item listed on the November 29 agenda.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn, and carried

unanimously for the City Council for the public hearing to remain open for Ordinance 04-1230, Vista Del Mar Development Project, and to hold an adjourned regular City Council meeting on November 29, 2004 at 7:00 P.M.

Councilmember Beals requested that staff notify the Planning Commission of the joint workshop scheduled for November 22.

Ms. Ayres advised that the Planning Commission would be notified of the joint workshop and new public hearing notices would be issued to the public regarding the November 29 adjourned regular meeting of the City Council.

2. **ORDINANCE 04-1231** Vista Del Mar Development Agreement (AP-03-33)

With the prior action taken by the City Council, Mr. Sbranti recommended that similar actions be taken on this item.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn, and carried unanimously for the City Council for the public hearing to remain open for Ordinance 04-1231, Vista Del Mar Development Agreement, and to hold an adjourned regular City Council meeting on November 29, 2004 at 7:00 P.M.

3. **MINUTE ORDER** Holding a Public Hearing and Reviewing Master Fee Schedule Establishing Fees and Charges for Various Municipal Services Provided on a Citywide and Departmental Basis and Revising Established Amounts That Will Increase Due to Cost Increases.

Finance Director Marie Simons presented the City's Master Fee Schedule incorporating the changes of the Master Fee Schedule establishing fees and charges for various municipal services provided on a Citywide and departmental basis and revising established amounts that would increase due to cost increases. She noted a number of changes including a minor change that the Director of Recreation Services had pointed out on Page 10 of the schedule where the hourly rental for the Senior Center would include a four hour minimum. Other additions to the schedule included document copy charges related to the Planning and Engineering Departments for the actual cost of outside printing, an increase to the non-sufficient fund fee, and an increase in the fees charged for City Council video and audiotapes.

With those recommended fee, Ms. Simons advised that the General Fund could generate \$250,000 in additional revenues if service demands remained the same as the last fiscal year. She stated that the development community had been advised of the proposal at the October 4 hearing. To date, no written comments related to the issue had been received by the City.

It was recommended that the City Council review the Master Fee Schedule that would establish and revise various fees and service changes due to cost increases and conduct a

public hearing at this time to receive input on the matter. A resolution to adopt the Master Fee Schedule would be presented at the December 6 meeting.

Vice Mayor Parent reported that she had received a telephone call from a Pittsburg developer who had indicated that the adoption of the development fees could financially impact some projects, particularly those for low income households. She commented that it was important for the public to know that the City's fee schedule had not been changed since 1997. She emphasized that no one had come forward to object to the City's method of calculating the cost of providing services and the increases were not unreasonable. She recommended that the Council reconsider the fee schedule every two years to ensure that it was kept updated.

Mayor Rios opened the public hearing.

RON JOHNSON, Pittsburg, suggested that spreading the fees to cover all City services could require some youth to pay more for recreation services. Rather than a balancing of all services, he suggested that there should be a complete recovery of developer services. With respect to a 100 percent recovery, he suggested that the City could recoup \$200,000 as opposed to \$100,000 for its General Fund.

Mayor Rios closed the public hearing.

On motion by Councilmember Beals, seconded by Councilmember Glynn, and carried unanimously to adopt the Minute Order to hold a public hearing and review the Master Fee Schedule establishing fees and charges for various municipal services provided on a Citywide and departmental basis and revising established amounts that would increase due to cost increases.

4. **ORDINANCE 04-1234** Introduce and Waive First Reading of Ordinance Amending Municipal Code, Title 3, Chapter 3.30 Relating to the Fee and Service Charge Revenue/Cost Comparison System

Finance Director Simons stated that the City's Municipal Code contained a list of the fees and charges imposed by the City for services, provided by the City (e.g. building plan check fees, design review, swim fees, etc.) along with the percentage of fees and service charges that may be lawfully recovered by the City.

The proposed amendments to Chapter 3.30 of the Municipal Code would clarify that the Council would set fees for services by resolution and would streamline the language relating to the City review, revision and establishment of fees for services.

It was recommended that the City Council introduce, waive the first reading of the ordinance amending Municipal Code, Title 13, Chapter 3.30 relating to the Fee and Service Charge Revenue/Cost Comparison System. The second reading and adoption would be scheduled for the December 6, 2004 meeting.

Mayor Rios opened the public hearing. There was no one to speak. The public hearing was closed.

On motion by Councilmember Glynn, seconded by Councilmember Beals, and carried unanimously to introduce Ordinance 04-1234 by title only and waive further reading.

## **CONSIDERATION**

1. **RESOLUTION 04-10180** Approval and Authorization of the Series 2004 Tax Allocation Bonds (Series A), Subordinate Tax Allocation Refunding Bonds (Series B), Housing Set Aside Tax Allocation Bonds and Related Actions  
**Combined w/PFA 04-018**  
**Combined w/RDA 04-1001**

Director of the Redevelopment Agency Garrett Evans reported that the proposed Agency Board action would approve and authorize the Series 2004 Tax Allocation Bonds, including the general Agency financing of \$105 million, a refunding of the Series 1996 subordinate bonds (approximately \$22 million); and a new financing series secured by the Housing Set Aside (approximately \$16 million). The general Agency financing of up to \$105 million is intended to provide the Agency with approximately \$83 million in new project funding as well as \$18 million in cash flow management.

Action was taken in Joint Session with the Redevelopment Agency, as follows:

On motion by Councilmember Glynn, seconded by Councilmember Beals and carried unanimously to adopt City Council Resolution 04-10180.

2. **RESOLUTION 04-10175** Adoption of a Resolution in Support of Maintaining the Current Urban Limit Line through 2011

Mr. Sbranti stated that the City Manager had requested that the item be continued to the December 20 City Council meeting given issues related to what was occurring in surrounding cities.

Councilmember Glynn noted that nothing had changed since the previous meeting relative to the issues that had previously been discussed.

Councilmember Glynn suggested that the item could be continued to December 20 given upcoming changes to the current City Council and the current Board of Supervisors since a change to the Urban Limit Line (ULL) would require a four fifths vote of that Board. A change to the ULL would otherwise require a vote of the citizenry within the areas of the respective cities through the ballot. He understood for that action to take place it must be done by December 31, 2006. He suggested therefore that the best option would be to continue the item to December 20, 2004.

Councilmember Kee suggested that since the City did not have any significant area of growth not already available now, it could only be in the City's best interest to continue to

wait to see what the other cities would do, particularly since the recent passage of Measure J had made it clear that the residents of East Contra Costa County desired some resolution of the ULL issue.

In response to the Vice Mayor's reference to a request from the Local Agency Formation Commission (LAFCO) to the ULL Committee, Ms. Ayres noted that when LAFCO had its hearing on the Bailey Estates project, it had noted that a portion of the property was outside the ULL. The developer was required to do a lot line adjustment to change the boundaries so that a portion was not left outside the ULL. LAFCO preferred that any new ULL to be developed follow contiguously with property line boundaries. That would be allowed under any of the minor modifications proposed by all of the groups at this point. She noted that the different task force groups were being advised that when creating the ULL it would have to be created consistent with property lines.

With that in mind, Councilmember Glynn stated that would go back to the issue of the south hills area where the City would follow the Concord Naval Weapons Station fence line and straighten it out irrespective of the blast zone since the City could not build in that area until the blast zone was cleared. He understood that the current plan was to expand on the north side and other areas. He added that the major change was that several cities had shifted its position with respect to the ULL. He did not believe it would be prudent for the City to go along with the proposal under consideration at this time. He suggested that all options open to the City at this time should remain open on December 20.

If East County did not plan to meet because there was no movement by anyone, Vice Mayor Parent questioned why the City could not send a message that it approved of the current ULL with the elimination of the Concord request.

Councilmember Glynn explained that has been the option that Supervisor Glover had requested in terms of conditions. He reemphasized the need to wait to see what occurred with the other jurisdictions.

Vice Mayor Parent suggested that the City could identify its position to the Board of Supervisors by affirming its position and allow that body to approve the current ULL, although the City could withdraw its approval unless the Concord zone was eliminated.

Councilmember Kee commented that based on all the evidence the City would not need any land before 2011. If approving the ULL with the provision that the City of Concord withdraw its portion requesting the Concord Naval Weapons Station, in 2011 if the City of Pittsburg desired to annex additional land it would have the opportunity to do so at that time.

Mayor Rios stated that she had not supported Measure J because it would offer little funding to the City of Pittsburg. She suggested that if identifying a position at this time the City could lose any advantage it might have had with the knowledge of the full details of what was being proposed elsewhere. She wanted to make certain that the City of Pittsburg would be able to take advantage of all available opportunities.

Mr. Sbranti reported that the City had received a letter from Albert Seeno, Jr. requesting that the item not be approved.

Mayor Rios noted that the Council had received a number of letters this date at the last minute. She emphasized the need for the Council to receive letters in a timely manner and prior to a City Council meeting to allow Councilmembers an opportunity to review the information provided and appropriately conduct business.

On motion by Councilmember Glynn, seconded by Vice Mayor Parent, to continue Resolution No. 04-10175, a Resolution in Support of Maintaining the Current Urban Limit Line through 2011, to the meeting of December 20, 2004, carried by the following vote:

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

3. **RESOLUTION 04-10181** Awarding a Construction Contract to Bay Cities Paving & Grading, Inc. of Concord, California for Construction of Contract 2004-01, 2004/5 Citywide Pavement Rehabilitation

Mr. Sbranti advised that Contract 2004-01, 2004/5 Citywide Pavement Rehabilitation Project involved the rehabilitation of selected streets located throughout the City. The apparent low bidder for this project was Bay Cities Paving & Grading, Inc. of Concord, California with a base bid amount of \$1,538,032.45. He recommended awarding a construction contract for the base bid amount.

On September 7, 2004 the City Council adopted Resolution 04-10145, which added to the scope of work for this project and allocated additional funding from various sources. As a result of the additional funding, the current project budget was \$1,978,400, which funds were sufficient to construct the project.

It was recommended that the City Council adopt a resolution awarding a contract for construction of Contract 2004-1, 2004/5 Citywide Pavement Rehabilitation Project to Bay Cities Paving & Grading, Inc., for the base bid amount of \$1,538,032.45.

It was further recommended that Bid Alternate Number 1 not be awarded for this contract due to insufficient eligible funding. Due to the limited availability of staff to manage construction of the project, staff also recommended that \$50,000 (included above) be used for construction management support from the existing "On-Call Civil Engineering List." These funds will be used for part time construction management support.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-10181.

4. **RESOLUTION 04-10182** Approve Schematic Design for the New Pittsburg Library

Mr. Sbranti stated that on February 2, 2004 the City Council had approved the award of a Consultant Agreement with Noll & Tam Architects for the design of a new Public Library. On October 20, Noll & Tam Architects presented the Library Subcommittee with design concepts and after reviewing the options, the Subcommittee selected Option B

There would be no fiscal impact connected with the approval of the schematic design. Funds allocated for the project were approved by Resolution 04-9996.

It was recommended that the City Council approve the schematic design, Option B Floor Plan recommended by the Library Subcommittee as presented by Noll & Tam Architects.

CHRIS NOLL, Noll & Tam Architects presented a schematic design concept for the Pittsburg Library to be located on the corner of Davi and Civic Avenues. He explained that the proposal had been projected to be in budget and the design of the library represented the attempts of the Subcommittee along with public input. He described what had occurred over the last three plus years to get to this point and offered a PowerPoint presentation to detail the proposal, its location, and floor plan.

The parking would wrap around following the geometry of the Civic Center circular design with the entrance of the library facing City Hall. The building would be pushed up close to Civic and Davi venues with the main entrance from Civic venue leading to the parking lot with a cross walk leading to the center of the plaza area. The floor plan consisted of the community meeting room, lobby area and restrooms. The community meeting room would be able to be used after hours when the library was closed.

Many of the amenities in the library itself, including the coffee and self check out areas, book displays, children's area, computer center and audio visual collections, storytelling area, reading room, international language area, circulation desk, study rooms, staff area, mechanical rooms, book drop off areas, and librarian's office, were all identified on the floor plan.

Elevations of the building were also presented, to consist of a simple and modern building. Clerestory windows were identified as well as the roof which would likely match the City Hall building consisting of a steel gray standing seam metal roof.

The remainder of building would have a flat roof. The community meeting room would have large rooms with a garden area visible on the outside. The walls of the building would consist of ceramic tile, non-glazed terra cotta tile in different colors with stucco as a base. The use and location of canopies was also identified including the proposed landscaping around the building.

Councilmember Beals noted that the top of the library building was to complement the City Hall building without having a similar interior.

Mr. Noll clarified that the proposal was for the green metal roof over the main reading room.

Vice Mayor Parent advised Mr. Noll that a steel roof similar to the City Hall roof was not preferred given the noise generated by storms.

Mr. Sbranti clarified that the current item was focusing on the conceptual design. The project would require a conditional use permit, design review and a planning process and be subject to approval when there would be opportunities for staff to work with the consultant on all materials associated with the proposal. At this time, a workable floor plan was being presented. He noted that the proposal was being offered at this time to two outgoing Councilmembers who had been members of the Library Subcommittee. He emphasized that the details would be resolved throughout the process.

Vice Mayor Parent had a concern with the size of the library. While she would have liked a library twice the size that had been proposed, she noted that the Council had received a letter this date from a local librarian who suggested that the facility would be too small and would not meet the standards for the population. She added that while the City could build the library, it could not staff or maintain it. As such, she questioned what consideration had been given to the staging of the construction of the library.

Mr. Noll stated that the library was being sized to meet the City's current needs, was double the size of the current library facility and had been designed to be as sufficient as possible to meet the current needs for maintenance, operational expenses and the like. The expansion possibilities would likely support another library branch as opposed to an expansion of the current building.

Mr. Sbranti stated that several features had been incorporated into the floor plan to minimize the staffing impacts. Staff had also reevaluated and reestimated the cost of operations and maintenance and had estimated that there would be an approximate \$200,000 impact to the City annually if continuing at the current number of hours of operation at the library. Staff was working to reduce that number further through the design and through potential maintenance contracts to improve efficiency, such as add on contracts to the Civic Center rather than having separate vendors provide maintenance of separate buildings. Different funding options were also being considered with the potential to develop the property where the current library was located which would help fund the costs of maintaining the new library project.

Mr. Sbranti stated that the design was currently on track to be completed in late summer or fall of 2005. The project would take a full year for construction. With that schedule the maintenance effort would not become effective on the building until approximately January 2007. As such, there was time to address the problems of operation and maintenance costs. He added that there were other issues in the landscaping and lighting districts and all problems would be addressed. When moving into the building he also recognized that there would be some issues related to the existing building.

Vice Mayor Parent commented that she had read the comments solicited from the outreach efforts. She acknowledged that the plan covered as many of the requests on the wish list as possible.

Councilmember Kee liked the large amount of windows on the north and the clerestory windows which he suggested would make a nice reading area. He questioned the size of the area dedicated for the teen reading area as being large enough given the number of teens who might occupy the area. He also requested clarification as to whether or not the community room would likely be locked to limit unsupervised access.

Mr. Noll explained that the community room would probably be locked unless it was being used.

Councilmember Kee also expressed his preference for a warm and inviting building. He recommended some ornamentation on the terra cotta exterior so that the building was not too sterile. As to the City's ability to operate and maintain the building and in terms of the staffing levels he questioned whether or not the County would determine the staffing levels, and he verified with Mr. Sbranti that a new library would draw more people than had patronized the library in the past. As a result, he stated it was reasonable to assume that an increase in staff would be required. He emphasized that the City would like to provide the highest level of service possible to the community. The library was currently operating at 52 hours a week. If the City could not support that figure the level of hours would have to be reduced.

Councilmember Kee expressed concern with the development of a new library that could only be kept open for a limited number of hours each week. He therefore emphasized the importance of funding for staffing, operation and maintenance of the library. He wanted to ensure that the City had the funds required to fund the library for a reasonable period of time. Based on the current population of the City, he stated that a 30,000 square foot library would be necessary, double the size of the proposed library, further exacerbating the staffing and maintenance costs. He suggested that the option of a second branch would be a viable alternative if the size of the library needed to be increased in the future.

Councilmember Beals emphasized that all of the concerns expressed at this time had been addressed continually by the Library Subcommittee.

Councilmember Beals explained that there were a number of avenues that the City could consider to address the funding concerns associated with the library. She commented that with the City's growth the City had to provide some level of improvement to library services for City residents. She noted that similar concerns with maintenance and operational expenses had also been expressed when the Senior Center had been proposed for development.

Councilmember Beals emphasized that the City had to make an investment into literacy and into making an investment for its own residents. She suggested that was the

Council's obligation to the City's residents. As such, the Council would have to determine how to pay for the library and its associated costs.

Councilmember Beals suggested that the only option to a larger library would be the need to pay attention to the other growing part of the City on the western border with a library, a police substation and other facilities offering City services. As an outgoing Councilmember she urged support for the library, as proposed.

As a member of the Library Subcommittee, Mayor Rios agreed that it was important to move forward. She had faith in the City Manager that the funding could be found to bring the library project to fruition.

Mayor Rios opened the public hearing.

BRUCE OHLSON, Pittsburg, characterized a library as a university for the self-educated. He was concerned with the proposed design that cars would be too close to the front door. He recommended that half of the cars be put in the front and half located elsewhere on the site. He noted that City Hall did not have parking between the City Hall building and the oval. He also commented that he had spoken with the designer and had been assured that bicycle parking would be included in the project.

WILLIE MIMS, Pittsburg, concurred with the comments made by the Council. He otherwise requested clarification about the mechanical rooms as to whether or not they would be outside of the building.

Mr. Noll explained that the mechanical rooms would be located on the east end of the building and would contain, among other things, the air flow unit, an efficient heating system. Another room would hold the chiller, which was the air conditioning unit; still another would be the electrical room.

Mr. Mims also asked what type of security system would be utilized for the library, reported by Mr. Noll that general building and fire security would be provided, with motion and smoke detectors and a book security system.

On motion by Councilmember Beals, seconded by Mayor Rios and carried unanimously to adopt Resolution 04-10182.

### **CONSENT CALENDAR**

On motion by Councilmember Beals, seconded by Vice Mayor Parent and carried unanimously to adopt the Consent Calendar, with the removal of Items g , h and j.

a. **MINUTES** Dated: November 1, 2004 and November 3, 2004

Approved minutes dated November 1, 2004 and November 3, 2004.

- b. **ORDINANCE 04-1228** Adoption of an Ordinance Amending Chapter 13.28 of the Municipal Code (Stormwater Management and Discharge Control)

Adopted Ordinance 04-1228.

- c. **ORDINANCE 04-1229** Adoption of an Ordinance Amending Pittsburg Municipal Code, Title 18, in Order to Add Chapter 18.86: Inclusionary Housing

Adopted Ordinance 04-1229.

- d. **ORDINANCE 04-1232** Adoption of an Ordinance to Amend the Community Development Plan for the Los Medanos Community Development Project to Extend By One Year the Time Limits on Redevelopment Activities

Adopted Ordinance 04-1232.

- e. **RESOLUTION 04-10183** Authorizing the City Manager to Execute an Easement Grant Deed to Community Presbyterian Church

Adopted Resolution 04-10183.

- f. **RESOLUTION 04-10184** Authorizing the City Manager to Execute an Easement Grant Deed to Presidio Village Senior Housing, Inc.

Adopted Resolution 04-10184.

- i. **RESOLUTION 04-10186** Subdivision 8409, Approval of the Final Map, Grading Plans, Improvement Plan, and Subdivision Improvement Agreement

Adopted Resolution 04-10186.

- k. **RESOLUTION 04-10189** Adopt a Resolution Rescinding the Resolution No. 04-10163 and Transfer Prior Year Grant Balances as of June 30, 2004 into the Fiscal Year 2004-05 Budget for a Revised Amount of \$485,413

Adopted Resolution 04-10189.

- l. **RESOLUTION 04-10190** Accept Contract for the Civic Center Chiller Replacement as Complete

Adopted Resolution 04-10190.

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

g. **REPORT** Adoption of the Equal Employment Opportunity Plan

WILLIE MIMS, Pittsburg, suggested that the City was not complying with its Equal Employment Opportunity Plan. He commented that based on the City's own staff report, the City had not been an equal opportunity employer. He requested that the statement in the background, in part, that "the City of Pittsburg remains" an Equal Opportunity Employer should be amended to read that "the City of Pittsburg will be committed to the policy of being an Equal Opportunity employer." With respect to Exhibit A, regarding the Human Resources Department, he advised that the Black Political Association (BPA) had never been informed about needing a form. Also, as a member of the NAACP, that organization to his knowledge had also not been informed. He questioned who was staffing the required forms.

Director of Human Resources Marc Fox stated that the City was an Equal Employment Opportunity employer and it made no hiring or employment decisions based upon any of the protected classes such as race, ethnicity, color, gender, sexual orientations, disability and the like. The report reflected the current work force makeup against the 2000 Pittsburg Census information available workforce as a comparison. He stated that in the job categories the workforce either mirrored or did not mirror the Census information, at which time the City would evaluate the need to recruit additional people in the applicant pool so that it would mirror the available community.

Mr. Fox stated with respect to a community forum that local community groups, including the NAACP, had been invited to two forums, both of which times only one individual had attended, not to represent her organization but to find out how she could get a job with the City. This year staff had met with the Career Center, and there was a space at the Career Center where City information had been provided. He also noted that staff had attended an NAACP Job Fair a couple of months ago, which had been only partially successful. He added that non-profit social groups were sent City job flyers, and staff was approaching religious and church organizations to promote the City and its jobs.

On motion by Councilmember Beals, seconded by Councilmember Kee, and carried unanimously to receive report for the adoption of the Equal Employment Opportunity Plan with staff urged to pursue a work force more reflective of the diverse Pittsburg community.

h. **RESOLUTION 04-10185** Allocating Additional Funds and Awarding Contract 04-04, City Park Ball Field Lighting Rehabilitation Project (Field 1), to W. Bradley Electric Inc. of Novato, California for the Rehabilitation of the Lighting System

WILLIE MIMS, Pittsburg, commented that he had a problem with a \$46,000 change order making the project a \$196,000 project. He questioned why the lowest bid had been selected in the process when the lowest bid according to the staff report was \$156,750. He

questioned that action in that staff was now requesting a change order of \$46,000 more in funds since the contractor had not foreseen defects out in the field.

Mr. Sbranti stated that the lights that needed to be repaired had been installed prior to 1986. The matter before the Council did not involve a current contract or a change order, but authorization to award a new contract to provide new lights that were 20 years old. He stated that there had been seven competitive bidders for the project and while staff recognized that the bids were over the budgeted amount, staff had considered throwing out all of the bids and adjusting the design to be rebid. When that had been done in the past, staff had not been able to significantly lower the bids which had actually increased over a substantial amount of staff effort. For that reasons, staff was recommending approval of the low bid of \$156,750 which required an overall project budget of \$196,000.

A five-minute recess was taken to allow the videotape of the meeting to be changed.

Councilmember Kee noted that State law required that the City take the lowest bid, which Ms. Ziegler affirmed.

In terms of how the job had increased from \$150,000 to \$196,000, Mr. Sbranti stated that part of that was the \$7,000 over the lowest bid. The remainder related to contingency, testing and other fees that would have to occur beyond the construction amount. He added that when staff had originally estimated the project the existing light bulbs were to have been used although as the design had progressed it had been determined that new light bulbs had to be installed, which was why the project had come in over budget.

Ms. Ziegler stated that no matter which contractor had been chosen the light bulb expenses would have occurred and the \$46,000 would have been required at any rate.

On motion by Vice Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-10185.

j. **RESOLUTION 04-10187** Award 2004/2005 Fuel Supplies Purchase Contract

Mr. Glynn explained that the fuel supplies were supplying; the golf course, the Public Works Department, Buchanan operation and the Marina with the fuel at the Marina for resale, which brought up a problem. He suggested that the City could typically plan for events but the Marina needed the ability to manage its own fuel situation and be competitive in the marketplace and with other marinas in the Delta area. With the Marina to be repaired and modernized with new fuel piers, he stated that the number of boaters choosing to purchase fuel at the Marina would be increasing over time. He did not want the purchase process to impair the City's ability to acquire fuel in a timely manner. He pointed out that if the purchase contract was approved and it did not work, the contract would have to be modified to ensure that it would serve the public and the needs of the Marina.

Councilmember Kee commented that the County had a number of vehicles that were more or less permanent in East Contra Costa, many of which had to go back and forth to

Martinez to refuel which was not the most efficient process. He noted that the County had expressed an interest in working with the City to somehow form an agreement in using City fuel for a fee. He urged the City to consider that possibility.

On motion by Councilmember Glynn, seconded by Councilmember Kee and carried unanimously to adopt Resolution 04-10187.

Mayor Rios recognized the superb efforts of Acting City Manager Sbranti during the course of the meeting. She also expressed her condolences to the Ramos family.

### **ADJOURNMENT**

The City Council adjourned at 10:15 P.M. ***In Memory of Javier Ramos*** and then to an adjourned regular meeting on November 29, 2004 at 7:00 P.M.

Respectfully submitted,

Lillian J. Pride, City Clerk

als