

CITY OF PITTSBURG
Housing Authority Minutes
November 21, 2005

Vice Chair Michael Kee called the meeting of the Housing Authority to order at 7:20 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:45 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209.

Vice Chair Kee advised that there was no reportable action from the Closed Session.

MEMBERS PRESENT: Casey, Glynn, Johnson, Mixon, Wallen, Kee

MEMBERS EXCUSED: Parent [Excused]

STAFF PRESENT

Executive Director, Marc Grisham
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of the Redevelopment Agency, Garrett Evans
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Planning Director, Melissa Ayres
Police Chief Aaron Baker

CONSENT CALENDAR

On motion by Member Johnson, seconded by Member Glynn and carried by the following vote to adopt the Consent Calendar as follows:

Ayes: Casey, Glynn, Johnson, Kee, Mixon, Wallen
Absent: Parent

a. **DISBURSEMENT LISTS** Dated: September 30, 2005 and October 31, 2005

Approved Disbursement Lists dated September 30, 2005 and October 31, 2005.

b. **MINUTES** Dated: October 17, 2005

Approved Minutes dated October 17, 2005.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:22 P.M. to the next meeting on December 12, 2005 (in lieu of the regularly scheduled meeting of December 19, 2005).

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Redevelopment Agency Minutes
November 21, 2005

Vice Chair Michael Kee called the meeting of the Redevelopment Agency to order at 7:23 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:45 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209.

Vice Chair Kee advised that there was no reportable action from the Closed Session.

MEMBERS PRESENT: Casey, Glynn, Johnson, Kee

MEMBERS ABSENT: Parent [Excused]

STAFF PRESENT

- Executive Director, Marc Grisham
- Legal Counsel, Ruthann Ziegler
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Director of the Redevelopment Agency, Garrett Evans
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- Director of Human Resources, Marc Fox
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Planning Director, Melissa Ayres
- Police Chief Aaron Baker

PUBLIC HEARING

Vice Mayor Kee CONVENED JOINTLY THE CITY COUNCIL and THE REDEVELOPMENT AGENCY to consider the following:

1. **RESOLUTION 05-1096** Approval of a Disposition, Development and Loan Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Domus Development, LLC and Making Certain Findings Herewith
Combined w/CC 05-10439

Redevelopment Manager Randy Starbuck reported that the Redevelopment Agency of the City of Pittsburg and Domus Development LLC, a California limited liability company, had negotiated terms for a Disposition, Development and Loan Agreement (DDLA).

The DDLA was for the development of 28 residential rental units and an approximate

8,000 square feet of ground floor commercial space on a vacant Agency owned 27,000 square foot parcel of land at the northeast corner of Railroad Avenue and Tenth Street, in the City of Pittsburg, commonly known as “the Gateway Project.”

Mr. Starbuck noted that the Agency had been the lead developer for the project which was now in the final construction drawing stages. Final complete construction drawings were due on or about December 15, 2005. Construction would begin in April 2006. Under the DDLA, Domus Development LLC would replace the Agency as the lead developer and be responsible for bringing the Gateway Project forward and for its management. Domus Development LLC would ground lease the site from the Agency for \$1 a year for a 62 year period; 55 years for tax credit purposes and an additional tax credit requirement of approximately 7 years. Domus would also obtain affordable housing tax credit financing to help fund the project.

The Agency had originally budgeted \$9.5 million to construct the project. Under the proposed DDLA, the Agency’s investment to construct the project would be capped at \$8.0 million, saving the Agency \$1.5 million to utilize towards construction of other projects. The debt service that Domus would pay to the Agency for the use of the \$8.0 million would be \$122,000 annually. The Agency would master lease the ground floor, one half of which would be occupied for the Housing Authority Offices, and the other half a commercial space hoped to be used as a leased restaurant space. Upon completion of the project, the DDLA required the developer to pay the City an annual Public Safety Fee of \$376.19 per dwelling unit, with the fee to increase by 5 percent a year.

One of the requirements of the DDLA was an April 2006 construction start. To ensure that date was achieved, Mr. Starbuck stated that the California Debt Limit Advisory Committee (CDLAC), which authorized the use of tax credits, would award tax credits for the project on December 21, 2005. To allow that to occur, the CDLAC hearing process would begin on November 22, 2005.

Mr. Starbuck described the dual bidding tracks designed to ensure an April 2006 start of construction. He noted that at the 12 to 15 year mark, the Agency would assume the loan and the ownership of the project.

Mr. Starbuck recommended that the City Council and Agency Board conduct a public hearing, approve the DDLA and authorize the reallocation of \$6.5 million in 2004 Housing Bond proceeds, \$1.5 million from Tax Increment towards the \$8.0 million Agency loan set forth in the proposed DDLA.

In response to Councilmember Johnson as to whether or not a default would leave a structure of \$9.5 million or the capped \$8.0 million, Mr. Starbuck explained that Domus Development LLC would bring the tax credits. A parting between the City/Agency and Domus prior to construction and potentially two to three years after the construction of the project would mean that the tax credits would remain with Domus and the City/Agency would have to provide the funding.

Vice Mayor Kee opened the public hearing for Redevelopment Agency Resolution

05-1096 and City Council Resolution 05-10439.

JUNE FORSYTH, Pittsburg, recognized a start date but had not heard of a completion date. She questioned when that would occur.

In response, Mr. Starbuck identified a 15 month construction period. If starting on April 1, 2006, the project would be completed by June or July 2007.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), questioned the funding that had been set aside for the project, reported by Vice Chair Kee that \$9.6 million had been set aside for the project and the agreement would cap the City's expense at \$8.0 million.

Vice Mayor Kee closed the public hearing for Redevelopment Agency Resolution 05-1096 and City Council Resolution 05-10439.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt City Council Resolution 05-10439, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

On motion by Member Glynn, seconded by Member Johnson to adopt Redevelopment Agency Resolution 05-1096, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

PUBLIC HEARING ON RESOLUTION OF NECESSITY

1. **RESOLUTION 05-1097** Request for an Agency Resolution of Necessity Declaring Certain Property Interests at 2043 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

Lynn Hutchins, Goldfarb & Lipman, special counsel to the Redevelopment Agency, advised that the report recommended that the Redevelopment Agency of the City of Pittsburg adopt an Agency Resolution of Necessity declaring certain property interests at 2043 Railroad Avenue as necessary for public purposes and authorizing Agency special counsel, Goldfarb & Lipman LLP, to initiate condemnation proceedings for the acquisition of the property for redevelopment as part of the Los Medanos Project Area. The site would be used for redevelopment, including public improvements and landscaping on the east side of Railroad Avenue, between California and Victory Avenues, in the City of Pittsburg.

Ms. Hutchins noted that negotiations with the property owner had been ongoing since March 2005.

Ms. Hutchins explained that on November 4, 2005 the property owner had received an offer to purchase the property made by the Agency for the appraised market value at which time the property owner had also received notice of the current hearing and the opportunity to be heard. The appraisal cost for acquisition was identified as \$360,000 plus associated legal and expert costs for initiating and prosecuting an eminent domain action. The funds were to come from the Railroad Avenue Corridor Account.

Ms. Hutchins recommended that the Agency adopt the Resolution of Necessity which authorizes the commencement of eminent domain proceedings to acquire the property as described and shown in the legal description and map attached to the Resolution as Exhibit A to the staff report dated November 21, 2005, and authorize the Executive Director or designee to continue to undertake all actions necessary, including negotiating and executing a purchase agreement, to purchase the property located at 2043 Railroad Avenue (APN 086-221-008).

Vice Chair Kee opened the public hearing for Resolution 05-1097.

The property owner did not avail the opportunity to speak to the item.

Vice Chair Kee closed the public hearing for Resolution 05-1097.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, stated that bicyclists would like to see bike lanes on Railroad Avenue in front of the property in question and through the project area. He stated that while marked shoulders were being provided on the Railroad Avenue bridge to the south, the subject area in the General Plan had not been designated for bike lanes. He stated that adding bike lanes to the subject portion of Railroad Avenue would make it safer for both bicyclists and motorists. Given that the eBART station would likely be built adjacent to the Railroad Avenue bridge and the freeway and given the probable shortage of parking in the area, he suggested it would be beneficial to accommodate bicyclists to that site without the need to use an automobile.

Executive Director Grisham assured Mr. Ohlson that bicyclists would be considered when proceeding with the design of that area.

WILLIE MIMS, Pittsburg, representing the BPA, expressed concern for the City's use and abuse of a Resolution of Necessity to acquire properties. He questioned whether or not the City was actually offering fair market value for the property given the prime land involved. He was advised by Vice Chair Kee that the property owner was being offered fair market value for the property in that the property had been appraised on three different occasions.

Mr. Grisham stated that the property would be taken for a public purpose and not for a private purpose. With no agreement on price, the issue would be adjudicated by the

court.

On motion by Member Glynn, seconded by Member Johnson to adopt Resolution 05-1097, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

CONSENT CALENDAR

On motion by Member Johnson, seconded by Member Casey to adopt the Consent Calendar, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

- a. **MINUTES** Dated: November 7, 2005

Approved minutes dated November 7, 2005.

- b. **RESOLUTION 05-1098** Designating the East County Times as the Local Newspaper of Circulation for the Redevelopment Agency of the City of Pittsburg

Adopted Resolution 05-1098.

- c. **RESOLUTION 05-1099** Allocating Additional Funding in Connection with Contract 02-07, Marina Dock Replacement Project (Phase II), and Making Certain Findings in Connection Herewith
Combined wCC 05-10436

Adopted Redevelopment Agency Resolution 05-1099.

Adopted City Council Resolution 05-10436.

- d. **RESOLUTION 05-1100** Authorizing the City Engineer to Advertise for Formal Bids for Contract 2005-27, Demolition of 600, 688, and 690 Railroad Avenue and 1049 Cumberland Street

Adopted Resolution 05-1100.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:44 P.M. to December 5, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
November 21, 2005

Vice Chair Michael Kee called the meeting of the Pittsburg Power Company to order at 7:51P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:45 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209.

Vice Chair Kee advised that there was no reportable action from the Closed Session.

MEMBERS PRESENT: Casey, Glynn, Johnson, Kee

MEMBERS ABSENT: Parent [Excused]

STAFF PRESENT

- Executive Director, Marc Grisham
- Legal Counsel, Ruthann Ziegler
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Director of the Redevelopment Agency, Garrett Evans
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- Director of Human Resources, Marc Fox
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Planning Director, Melissa Ayres
- Police Chief Aaron Baker

CONSENT CALENDAR

On motion by Member Johnson, seconded by Member Glynn to adopt the Consent Calendar, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

- a. **RESOLUTION 05-142** Accepting the 2005 Cape/Slurry Seal Contract Awarded to Graham Contractors as Complete

Adopted Resolution 05-142.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 7:52 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
November 21, 2005

Vice Mayor Michael Kee called the meeting of the City Council to order at 7:53 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:45 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209.

Vice Mayor Kee advised that there was no reportable action from the Closed Session.

MEMBERS PRESENT: Casey, Glynn, Johnson, Kee

MEMBERS ABSENT: Parent [Excused]

STAFF PRESENT

- City Manager, Marc Grisham
- City Attorney, Ruthann Ziegler
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Director of the Redevelopment Agency, Garrett Evans
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- Director of Human Resources, Marc Fox
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Planning Director, Melissa Ayres
- Police Chief Aaron Baker

Vice Mayor Kee considered the following general City Council items at 7:02 P.M. prior to pursuing the Housing Authority agenda.

PLEDGE OF ALLEGIANCE

Mary Coniglio led the Pledge of Allegiance.

PROCLAMATIONS

1. Homeless Awareness Month

Councilmember Johnson read the Proclamation for Homeless Awareness Month 2005 and presented the Proclamation to Roberto Reyes, Director of the Contra Costa Adult Shelter System.

ROBERTO REYES, Director of the Contra Costa Adult Shelter System, thanked the City Council for the Proclamation to recognize homelessness in the County and to make the public aware of the thousands of homeless at any given night in Contra Costa County. He commented that there were between 75 and 90 people in the City of Pittsburg who were homeless on any given night. Stating that the problem was the lack of sufficient housing, he presented a copy of "A County-Wide Plan for The Communities of Contra Costa County - Spring 2004" intended to end homelessness in ten years.

2. National Diabetes Awareness Month

Councilmember Glynn read the Proclamation for National Diabetes Awareness Month and advised that the recipient of the Proclamation, John Mayer of the East County Juvenile Diabetes Research Foundation International (JDRF) was ill and unable to attend the meeting. He would make sure that the Proclamation was presented to Mr. Mayer.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Johnson described the successful Veterans Day ceremony. He thanked the Kiwanis for putting on the breakfast and City staff for its support as well as the Police Department for setting up and providing traffic control. He reported on his attendance at the Kiwanis Club meeting and at the League of California Cities meeting in Pinole at which time he had been elected to the Executive Board for the East County region. He noted that the future of communications affecting all cities had been discussed at that time.

Councilmember Glynn reported that he had attended the same functions as well as having served as the Master of Ceremonies for the Veterans Day ceremony. He too thanked City staff for its support in helping to set up the ceremony.

Vice Mayor Kee reported that he had attended the Big/Little Game Luncheon, the annual luncheon put on by the Kiwanis, Soroptimist and Rotary Clubs and the Chamber of Commerce where scholarships had been presented to high school football players. He also reported his attendance at the unveiling of the signs on Kirker Pass Road and at Highway 4 honoring the Pittsburg Mallards, the Pop Warner football team that had been undefeated in 1963.

Vice Mayor Kee advised that he had also attended the Fil-Am 50th Anniversary dinner, a dinner with AnsaldoBreda Transportation regarding an expansion of its business in the City, and a Thanksgiving lunch prepared by special needs students of Pittsburg High and Central and Hillview Junior High Schools. He commended Finance Department staff who had volunteered his/her lunchtime to cook and serve that meal.

CITY MANAGER REPORTS/REMARKS

There were no City Manager Reports/Remarks.

CITIZENS REMARKS

JO BATES, Representative of the AFSCME Local 512, referred to an unresolved labor matter and asked the City Council for a resolution of that situation. She provided a history of the situation related to an agreed upon vacation buyback program during recent contract negotiations. She stated that there was a budgeted amount of \$185,000 per fiscal year and that any unused funds would roll over to the next year of the two-year agreement. She described what had occurred since that time and her discussions with the City Manager and the Human Resources Director. She noted that she and the Human Resources Director had signed off on the agreement including the side letter of agreement which had included the language related to unused vacation funds. She had later received a letter dated October 5, 2005 that had indicated that the Human Resources Director did not have the authorization to include the rollover of unused vacation funds in the agreement. She asked the City Council for its help in resolving the situation.

When asked, City Manager Marc Grisham stated that he had taken up the issue with Ms. Bates and his position stood with respect to the letter dated October 5, 2005.

JUNE FORSYTH, Pittsburg, noted that some years ago the Council had decided to move the fire station on Cumberland Street. She recommended that the fire station location, when available, be converted to a community center to accommodate the youth in that area of the community.

Vice Mayor Kee verified with staff that the property was currently owned by the Fire Protection District although the City would consider options for the site, if and when vacated.

Vice Mayor Kee adjourned to the Housing Authority at 7:20 P.M. and reconvened the City Council at 7:53 P.M.

PUBLIC HEARING

1. **RESOLUTION 05-10416** Adoption of a Resolution Upholding an Appeal and Approving Use Permit Application No. 04-178 (Mehran Restaurant)

City Manager Grisham advised that the item had been previously heard by the City Council on November 7, at which time the Council took testimony and continued the meeting to the current date with staff to facilitate a meeting between the restaurant owners and the neighbors working with the Chamber of Commerce. He stated that those meetings had taken place.

Planning Director Melissa Ayres reported that the City Council had opened the public hearing for an appeal of Planning Commission denial of a use permit to allow live entertainment consisting of amplified music and dancing of patrons at a new banquet facility proposed to be established in conjunction with a new full service restaurant.

The restaurant was located at 3841 Railroad Avenue in a CC (Community Commercial) District; APN 088-072-066. After considering oral and written testimony, the Council continued the public hearing to allow the meeting between the applicants, the neighbors and the Chamber of Commerce.

Ms. Ayres reported that as of this date, the applicant and the property owners had been able to reach an agreement, a copy of which had been provided to members of the City Council and staff. Staff had reviewed the proposed conditions of approval which would modify the staff recommended conditions of approval attached to the resolution under consideration by the Council. She was generally comfortable with the recommended conditions with the exception of No. 6 with respect to permitting the use for a one year trial period only. It was her understanding from the City Attorney that use permits could not be conditioned for a time period. She suggested that there could be a modification to agree to a review of the use permit within one year. She added that any revocation of the use permit would still require the formal revocation process.

There was no fiscal impact associated with the project. Ms. Ayres recommended the adoption of the resolution upholding the appeal and approving Use Permit Application No. AP-04-178, subject to conditions including the incorporation of the additional conditions just agreed upon.

Because there were only four of five members of the Council present at this time, Vice Mayor Kee offered the appellants the option of having the item considered at this time or having the item continued to the next meeting. All involved agreed to proceed.

The public hearing for Resolution 05-10416 remained open from the October 17, 2005 meeting of the City Council.

RON VINCENT, Pittsburg, reported that he had accepted the conditions, as presented, with one change to Condition No. 4, where the hours were to have been shown for Sundays as 1:00 P.M. to 9:30 P.M., not 9:00 P.M. as shown on the conditions presented to the City Council.

PETE CARPINO, Pittsburg, agreed with Mr. Vincent that the Sunday hours had been shown in error and should reflect a 9:30 P.M. closing. He noted that the agreement had been reached with all parties at 5:00 P.M. this date.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), commented that he had followed the item from the Planning Commission. He was pleased to learn that agreement had been reached.

JULIANNA FREDERICKSON, Pittsburg, asked for a clarification of the concern related to Condition No. 6. She was advised by Ms. Ayres that the City could not impose a time limit on a conditional use permit which would go with the land. The use could continue as long as the applicant abided by the conditions of approval of the use permit. The use could officially be revoked in a public hearing process if those conditions were violated. If

violated, the revocation process could be completed in approximately three months.

Vice Mayor Kee closed the public hearing for Resolution 05-10416.

Councilmember Johnson was pleased that agreement had been reached. He supported the approval of the agreement with the changes as noted, with a one year review to be conducted by the City Council and not the Planning Commission.

Councilmember Casey thanked all those involved for resolving the issues.

Vice Mayor Kee also commended those involved and thanked the Chamber of Commerce for facilitating the latest negotiations and resolution.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt Resolution 05-10416, as amended by the "Performance Standards (Included as Conditions of Approval) dated November 21, 2005," with the change to the Sunday hours as from 1:00 P.M. to 9:30 P.M., carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

2. **RESOLUTION 05-10424** **Combined w/05-1255** Approving a General Plan Amendment to Redesignate 7.5 Acres from Business Commercial to Medium Density Residential (East Leland Subdivision II General Plan Amendment and Rezoning, AP-04-179)
3. **ORDINANCE 05-1255** **Combined w/05-10424** Introduction of an Ordinance to Rezone 7.5 Acres from CO (Office Commercial) District to PD (Planned Development) District (East Leland Road Subdivision II General Plan Amendment and Rezoning, AP-04-179)

Planning Director Melissa Ayres presented the public hearing on a request that the City Council adopt a resolution approving a General Plan amendment to redesignate 7.5 acres from *Business Commercial* to *Medium Density Residential*, and introduce an ordinance to rezone 7.5 acres from CO (Office Commercial) District to PD (Planned Development) District. APNs 088-521-020, 021, 022, 046, 047 and 048.

Ms. Ayres described the site as difficult and noted that it had not been able to be developed despite the active marketing of the property for some time due to easements and other constraints on the property. She noted that the Planning Commission had reviewed the proposal at a study session in February 2005 and had held a public hearing in October 2005. The Commission recommended approval of both the General Plan Amendment and the zoning change. The proposal had also been reviewed by the Council/Planning Commission Land Use Subcommittee where there was some mixed direction related to the proposal.

Ms. Ayres explained that if approved, the project was subject to the Inclusionary Housing Ordinance. The applicant had an option of providing 9 percent Low and 6 percent Very Low Income Housing units which would equal 6 units affordable and available to Low Income households and 4 to Very Low Income households, or to provide 20 percent for Low Income households which would be 13 units for Low Income households.

If approved, the project would come proceed to the Planning Commission with a Tentative Map on December 13, 2005, at which time the applicant would also be required to enter into a Community Facilities District (CFD) to provide additional funding for police services.

There was no direct fiscal impact to the City as a result of the project.

Ms. Ayres recommended that the City Council adopt the Resolution approving a General Plan amendment to redesignate 7.5 acres from *Business Commercial* to *Medium Density Residential*, and that the City Council introduce, waive further reading, and pass to second reading the Ordinance to rezone 7.5 acres from CO (Office Commercial) District to PD (Planned Development) District.

Councilmember Glynn verified with Ms. Ayres that the Redevelopment Agency would manage the Inclusionary Housing Program. To that end, Goldfarb & Lipman had been developing Affordable Housing Agreements that each development would agree. Each developer would be responsible for screening and marketing those units. The City could become involved to facilitate that process with interested parties.

Ms. Ayres added in further response to Councilmember Glynn that the Planning Department would also work with the Redevelopment Agency to site those units in the project.

Vice Mayor Kee opened the public hearing for Resolution 05-10424 and Ordinance 05-1255.

TODD CALLAHAN, KB Homes, 6700 Koll Center Parkway, Suite 200, Pleasanton, requested approval of the General Plan Amendment and rezoning for the subdivision which had previously been recommended for approval by the Planning Commission on November 8. He thanked staff for the help in moving the project along. He advised that KB Homes accepted all the conditions set forth in the staff report.

Mr. Callahan highlighted the long history of the project which had involved a number of meetings since February 2005, including a community meeting where the project had generally been accepted. He explained that the subdivision had been designed around the flood control and sanitary sewer easements encumbering the site which had made it difficult to develop. He noted that 1.1 of the 7.5 acres would be parklands and open space. The property was bifurcated by Gladstone Drive. Two main courts would circulate to each of the alley-loaded homes.

The project would be the same as the Stanford Place project with the difference that at least two feet had been added to the sideyard setbacks to each home to provide more space in the development. Sixty eight percent of the units would have driveways to accommodate two car parking. The site would park just under four parking spaces for each unit. Mr. Callahan also described the streets, landscape and open space that would all be managed by a Homeowner's Association (HOA). The project would comply with the City's Inclusionary Housing Ordinance. He also stated that KB Homes would participate in the Community Facilities District (CFD) to help fund police services.

Vice Mayor Kee again advised that because there were only four of five members of the Council present at this time, the applicant could have the item considered or continued to the next meeting.

In response to Councilmember Johnson, Mr. Callahan advised that the homes would all be two story with garages underneath and with loaded alleys. He also explained that the setbacks were 15 feet in most areas although four units had 12 foot setbacks because of the way those units were set in relation to the alleys. All streets would be private and be maintained by the HOA.

DR. ROBERT FLAIG, Walnut Creek, the owner of property in the City, stated that he had practiced orthopedic surgery in Pittsburg for over 30 years. He stated that he and other doctors in the area had been supportive and instrumental in developing the Los Medanos Medical Center and had purchased property along East Leland Road adjacent to the hospital to develop the Gladstone Medical Park. He noted that additional land had been purchased to expand the medical center. Since the closure of Los Medanos Hospital there had been no interest in building medical offices in the area.

Dr. Flaig stated that in 2001 a developer had proposed a PD development in the area which had been approved by the Planning Commission and supported by the Planning Department although the City Council had denied the zoning in that case. In 2004, KB Homes combined the medical property and other surrounding parcels into the project to propose a PD development that he suggested would go well with the Gladstone Medical Park where he still owned a building. He suggested that the development would create a nice mixed-use development for the area. He reiterated that there had been no interest to commercially develop the property and he requested that the City Council approve the resolution and ordinance to allow the development to occur.

WILLIE MIMS, Pittsburg, representing the BPA, commented that the East Leland Corridor was very congested between 3:00 and 6:00 P.M. and he suggested that the proposed project would have a negative impact by increasing the traffic flow in the area. He questioned how the existing traffic in that area would be mitigated since it would be compounded by the proposal. He also questioned the impact of the project on the City's water system.

In response, Associate Planner Ken Strelow stated that a traffic impact analysis had been conducted for the project, which study had been included in the California

Environmental Quality Act (CEQA) document attached to the staff report dated November 21, 2005. The study had found that the traffic associated with the project would not create significant traffic related impacts. Traffic fees would be paid to mitigate cumulative impacts.

With respect to stormwater flows, Mr. Strelow noted that there was a concern with downstream flooding and a mitigation measure had been proposed to contain runoff on site to create no net increase in off site runoff. All of the increased runoff created as a result of the project would be mitigated on site. He added that the subject project was subject to new stormwater regulations which would require that stormwater be treated on site before being released into the storm drain system. The Engineering Department had found the stormwater plan for the site to be acceptable.

City Engineer Joe Sbranti clarified that the local and regional traffic mitigation fees would add \$19,000 per unit to address traffic and mitigation measures related to the project.

SUSAN UCKER, the Court appointed Plan Administrator for the Chapter Nine Bankruptcy Case for the Los Medanos Health Corporation, commented that some of the parcels belonged to the Estate. As the Plan Administrator for the Estate, she represented the creditors who had been waiting since 1994 to get paid on his/her creditor claim. She had been involved since 1998 working with Dr. Flaig and other landowners in an attempt to get the property sold. She noted that her funds would go directly to creditors of Los Medanos Hospital, such as nurses, doctors and businesses that had not been paid when the bankruptcy had been filed. She urged the Council to approve the proposal so that she could close out a portion of that bankruptcy history.

When asked, Mr. Callahan stated that he would like to proceed with the rest of the meeting.

Vice Mayor Kee closed the public hearing for Resolution 05-10424 and Ordinance 05-1255.

On motion by Councilmember Glynn, seconded by Councilmember Casey to adopt Resolution 05-10424, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

On motion by Councilmember Johnson, seconded by Councilmember Glynn to introduce Ordinance 05-1255 by title only and waive first reading, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

4. **RESOLUTION 05-10425** Adoption of a Resolution Amending the General Plan – Harbor Park General Plan Amendment AP-05-223 (GP)

Ms. Ayres reported that on October 25, 2005 the Planning Commission had approved Resolution No. 9595 recommending that the City Council amend the General Plan Land Use Diagram and Land Use Element in order to change the General Plan land use designations on a 20.5 acre site from *Park* (approximately 2.3 acres) and *Marine Commercial* (approximately 18.2 acres) to *Downtown High Density Residential* (10.5 acres) *Downtown Medium Density Residential* (9.0 acres) and *Downtown Commercial* (1.0 acre), with additional amendments necessary to revise the Downtown Element for consistency with the requested changes. The project site is located at 420 East Third Street (the former Johns Manville property at the corner of East Third Street and Harbor Street); APN 073-050-001. The public hearing was to review and consider the recommended changes to the General Plan.

Ms. Ayres advised that the applicant had requested a continuance of the item to the December 12, 2005 meeting. Since the item had been scheduled for hearing this date she recommended that the public hearing be opened to allow testimony to be taken. She also reported for the record that an appeal on the recommendation had been received from Councilmember Glynn.

Vice Mayor Kee opened the public hearing for Resolution 05-10425.

The applicant was available but preferred to make his presentation on December 12, 2005.

KIM FORTUNE, Pittsburg, questioned the Planning Commission's decision and the Planning Department staff report given that the Commission meeting had discussed the rezoning of the property but had not discussed the park associated with the proposal. She noted that the staff report had referenced a 70 foot park that ran the length of the property. She objected to any loss of that park. While the information in the staff report had indicated that the loss of the park would have less than a significant impact, she disagreed in that the loss of the mature trees in that park would be significant.

WILLIE MIMS, Pittsburg, representing the BPA, reiterated his concern for changes to the General Plan. Referring to Page 13 of 42 of the staff report and the CEQA checklist, he read that the project would not create a significant hazard for the environment due to the routine transport of hazardous material, while Page 7 of 9 of the staff report had indicated that a 50 foot wide 10 foot tall berm would be built to dispose of the material. He suggested therefore that the project would place the City's residents at risk.

When asked, Mr. Grisham recommended that those questions await the continued public hearing scheduled for December 12, 2005.

On motion by Councilmember Johnson, seconded by Councilmember Casey to continue Resolution 05-10425 to December 12, 2005 at 7:00 P.M., carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

5. **RESOLUTION 05-10426** Amending the Land Use Element, Downtown Element, Open Space, Youth and Recreation Element and Resource Conservation Element of the General Plan for the Black Diamond Mixed Use Development AP-05-225 (GP, RZ)
Combined w/05-1256

6. **ORDINANCE 05-1256** Introduction of an Ordinance Assigning a Zoning District and Approving a PD Plan on an Approximately Seven Acre Site for the Black Diamond Mixed Use Development (AP-05-225)
Combined w/05-10426

Ms. Ayres reported that the Planning Commission recommended that the City Council approve certain General Plan amendments and a rezoning request pertaining to Black Diamond Mixed Use Development as follows: 1) that the General Plan Land Use Element be amended in order to change the designation of three blocks from *Downtown Medium Density Residential, Downtown Commercial, Public/Institutional* and *Park* to a new *Downtown Mixed Use* designation; 2) additional general plan amendments, as necessary, to other portions of the Land Use Element, Downtown Element, Open Space, Youth and Recreation Element, and Cultural Resources Element to reflect the new Mixed Use Designation and the intended development; and 3) that three blocks totaling approximately seven acres that are bounded by Fifth Street on the north, Railroad Avenue on the east, Eighth Street to the south and Black Diamond Street on the west be rezoned to PD (Planned Development) District to effect a PD plan to accommodate 195 residential units and approximately 37,855 square feet of commercial space.

There would be no fiscal impact at this time.

Ms. Ayres recommended that the City Council adopt the resolution amending the General Plan Land Use Element including the Land Use Diagram in the Land Use Element of the General Plan, with additional General Plan amendments, as necessary, to other portions of the Land Use Element, Downtown Element, Open Space, Youth and Recreation Element to reflect this change; and introduce, waive further reading, and pass to second reading the ordinance to rezone the project site to PD (Planned Development) District as provided therein.

Vice Mayor Kee opened the public hearing on Resolution 05-10426 and Ordinance 05-1256.

Vice Mayor Kee again advised that because there were only four of five members of

the Council present at this time, the applicant had the option of having the item considered at this time or having the item continued to the next meeting.

MOHAMMED NIDHIRI, A.F. Evans Development, 1000 Broadway, Suite 300, Oakland, the applicant, requested approval of the project with Council consideration at this time.

WILLIE MIMS, Pittsburg, representing the BPA, reiterated his objection to the changes made to the General Plan since this was the third major project requiring such changes. He strongly objected to changes to the General Plan to accommodate developers. He emphasized that any changes should be to the benefit of the taxpayers of the City.

When asked by the Vice Mayor if the City was getting any benefits from the project, City Manager Grisham stated that the taxpayers and citizenry of the community were receiving significant benefits from the \$100 million plus project that would provide significant tax increment to fund other public improvements in the community and to provide additional retail and housing opportunities in Old Town. He characterized the Black Diamond Project as one of the most important projects currently underway in the City.

Vice Mayor Kee closed the public hearing on Resolution 05-10426 and Ordinance 05-1256.

In response to Councilmember Johnson, Ms. Ayres explained that the current General Plan Map was very specific as to what portions of the project were intended for parking lots, residential and the like. What had been created was a missed use designation to allow things to overlap for the three blocks and to recognize the intention for a vibrant mixed use development that would refer back to the development standards in the PD District.

Councilmember Johnson clarified that at times it was necessary to change the General Plan. In this case, it was necessary to allow Old Town to prosper.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt Resolution 05-10426, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

On motion by Councilmember Glynn, seconded by Councilmember Casey to introduce Ordinance 05-1256 by title only and waive first reading, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

For the benefit of the public, Vice Mayor Kee advised that the City was only allowed to make four changes to the General Plan each year. While some years had no changes, this year required changes to the General Plan to accommodate ongoing projects.

7. **ORDINANCE 05-1257** Introduction of an Ordinance Amending Title 9, Title 17, Title 18 and Title 19 of the Pittsburg Municipal Code for the Zoning Code Update

Associate Planner Dana Hoggatt advised that on November 8, 2005, the Planning Commission adopted Resolution No. 9596 recommending that the City Council adopt an ordinance amending Title 18 (Zoning) of the Pittsburg Municipal Code in order to incorporate revisions to the Interim Zoning Ordinance (Ordinance No. 04-1215).

The Commission's recommendation included amendments to and/or clean-up of text in Title 9 (Public Peace, Safety and Morals), Title 17 (Subdivisions), and Title 19 (Signs) for consistency with the revised text of Title 18. The Commission's recommended amendments were now being presented to the City Council for action.

Ms. Hoggatt explained that in March 2004, the City Council had adopted an Interim Zoning Ordinance to establish a process to ensure the ability to review land use entitlements in accordance with the General Plan until there could be a comprehensive update and amendment to the Zoning Ordinance to align with the policies and land use designations in the General Plan. The Interim Zoning Ordinance was valid for two years and would expire in January 2006. Given that the comprehensive zoning code update would not be completed until the end of 2006, the purpose of the current request was to make some of the changes to the code now which would allow entitlements to continue to be processed in accordance with the General Plan and allow time to work on the update to the Zoning Ordinance.

Ms. Hoggatt described the areas of the Zoning Ordinance where changes had been made and noted that the Planning Commission had requested additional reductions in rear yard setbacks for accessory dwelling units, which she noted in residential districts tended to vary between 10 and 30 feet dependent upon the zone. The Commission had recommended a new provision to allow accessory dwelling units to be built within 5 feet of a rear property line to accommodate detached accessory dwelling units.

Subsequent to the Planning Commission hearing on the item, Ms. Hoggatt stated that some input had been received from some of the local businesses related to outdoor vehicle sales, temporary vehicle sales which were regulated by a Temporary Activity Permit issued with conditions by the Zoning Administrator/City Planner. She stated that any City Council direction could be incorporated into the comprehensive amendment within the next year to be returned to the Council when prepared.

There were no direct fiscal impacts associated with the amendments to the Pittsburg Municipal Code.

Ms. Hoggatt recommended that the City Council introduce and waive further reading

of the ordinance, adopting the Negative Declaration and amending Title 9, Title 17, Title 18 and Title 19 of the Pittsburg Municipal Code.

Councilmember Johnson questioned whether or not the issue related to restaurants and filter systems could be added to the program.

Ms. Hoggatt stated that there was a change to the standard conditions related to odor control as shown on Page 35 of the table.

Councilmember Johnson questioned whether or not the item also included a requirement for a traffic study.

Ms. Hoggatt reported that requirements for traffic studies were guided by the General Plan and done as part of the CEQA analysis for any project, if warranted.

Mr. Grisham stated that item had come up in discussions and staff could be directed separate from the current item to consider incorporating traffic studies in the next General Plan amendment process.

Councilmember Johnson requested that traffic studies be incorporated into the next General Plan amendment process.

Vice Mayor Kee opened the public hearing for Ordinance 05-1257.

There was no one to speak to the item.

Vice Mayor Kee closed the public hearing for Ordinance 05-1257.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to introduce Ordinance 05-1257 by title only and waive first reading, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

- 8 **RESOLUTION 05-10439** Approval of a Disposition, Development and Loan Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Domus Development LLC and Making Certain Findings Herewith
 Combined w/05-1096

Redevelopment Manager Randy Starbuck reported that the Redevelopment Agency of the City of Pittsburg and Domus Development LLC, a California limited liability company, had negotiated terms for a Disposition, Development and Loan Agreement for the development of 28 residential rental units and an approximate 8,000 square foot of ground floor commercial space on a vacant Agency owned 27,000 square foot parcel of land at the northeast corner of Railroad Avenue and Tenth Street, in the City of Pittsburg, commonly

known as “the Gateway Project.”

The City Council took the following action in Joint Session with the Redevelopment Agency.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt Resolution 05-10439, and carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

CONSIDERATION

Vice Mayor Kee considered Item 2 prior to Item 1 at this time.

2. **RESOLUTION 05-10428** Lady Jags Request for Community Sponsorship

Mr. Grisham advised that the Pittsburg Lady Jags was an amateur association girl's softball team which provided recreational service to Pittsburg and East County youth.

Toward the continuation of this service the team's management and coaching staff requested Community Sponsorship Funds in the amount of \$2,000. The Recreation Commission had reviewed the Lady Jags application and request within their August 2005 meeting. The Commission recommended that \$2,000 in Community Sponsorship Funds be awarded to the Pittsburg Lady Jags. Funding, as recommended, was available within account number 110-49991-2532. It was recommended that the Council adopt the resolution and provide Community Sponsorship funding to the Pittsburg Lady Jags.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt Resolution 05-10428, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

Members of the team thanked the Vice Mayor and the City Council and advised of some of the awards and trophies that the team had won in a number of tournaments that had been held in this and other states. It was reported that the organization had expanded to four teams.

1. **RESOLUTION 05-10427** Approval of Reorganization of the Delta View Golf Course Maintenance Division and Reduction of Public Utility Water Rates Charged to Delta View as a Public Facility

Mr. Grisham advised that despite aggressive efforts to increase revenue and reduce expenditures, Pittsburg's Delta View Golf Course continued to operate at a net loss and it was likely that Delta View would conclude the current year at an operational deficit.

Considerable measures must be taken to significantly reduce the operational deficits at Delta View and significantly reduce the financial burden placed upon the City's General Fund for future subsidies. To accomplish this objective, a reorganization was recommended of the Delta View Maintenance Division and utilize City public facility water rates at Delta View, further progressing toward the self-sustainability of Pittsburg's enterprise fund.

The financial impact to the remaining 2005-06 fiscal year for the reorganization of Delta View's Maintenance Division was detailed in the staff report dated November 21, 2005.

Mr. Grisham recommended that the Council approve the reorganization of the Delta View Maintenance Division and the reduction of the public utility water rates and all necessary adjustments to the current 2005-06 fiscal year budget, Citywide.

WILLIE MIMS, Pittsburg, representing the BPA, expressed concern for the City's continued assistance to the Delta View Golf Course given the ever growing costs to operate the course. He commented that for years the City had paid the water bill for the golf course which had in turn caused the rates of every ratepayer in the City to increase.

Mr. Mims urged the City to eliminate the golf course and relieve the burden the golf course imposed on the Pittsburg taxpayer.

Vice Mayor Kee clarified that the item would save the City over \$100,000 a year. He also noted that a summer junior golf program had been offered free of charge to 50 to 60 Pittsburg youth for free, all done on a volunteer basis by the golf instructor at Pittsburg High School (PHS) and some of the golf instructors at the golf course.

Mr. Grisham also commented that the golf course had been treated differently as a recreational amenity from other recreational amenities in the community. In reality, none of the City's recreational amenities made money. He cited the Senior Center, the Swim Center, the Baseball Complex and others as requiring significant subsidies. He clarified that the primary reason for having the recreational amenities in the City was to benefit the community. The intent was to reduce the cost impact of providing a golf facility. He suggested that continued good progress would continue to be made.

On motion by Councilmember Casey, seconded by Councilmember Johnson to adopt Resolution 05-10427, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

3. **RESOLUTION 05-10429** Approval of Business Improvement District (BID) Consultant Agreement with the Pittsburg Chamber of Commerce for Fiscal Year 2005-2006

Mr. Grisham characterized the BID as one of the valuable services provided by the

Chamber of Commerce. He cited the successful mediation and compromise negotiated with the Mehran Restaurant as an example of what the Chamber was doing in working with the business community.

Economic Development Director Brad Nail advised that in 1972, a levy had been imposed on business licensing to fund a Business Improvement District (BID). The Pittsburg Chamber of Commerce was designated as the Advisory Board, to advise the City Council and make recommendations regarding the use of the revenue derived from the additional levy. Since the inception of the BID, the Chamber of Commerce had served as the Advisory Board, promoting business in the City of Pittsburg and developing programs that aid the local Pittsburg business community. An annual Consultant Agreement and corresponding Scope of Services is recommended by City staff for the 2005-06 fiscal year, with a contract amount not to exceed \$58,000.

Mr. Nail reported that the funds were used to support an active Business Retention Program. He noted that the Chamber partnered with the City in various projects that helped the City and the business community and this year the Chamber proposed a Job Fair working with the One Stop Job Center in Old Town and Los Medanos College.

There would be a reduction in the BID fund in an amount not to exceed \$58,000 for the period July 1, 2005 through June 30, 2006. The full expenditure in the amount of \$58,000 had been included in the 2005-06 City budget.

Mr. Nail recommended that the Council approve the Consultant Agreement between the City of Pittsburg and the Pittsburg Chamber of Commerce for the period July 1, 2005 through June 30, 2006, not to exceed a total expenditure in the amount of \$58,000.

On motion by Councilmember Johnson, seconded by Councilmember Casey to adopt Resolution 05-10429, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

CONSENT CALENDAR

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt the Consent Calendar, as shown, with the removal of Items f, g, I and j, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

a. **MINUTES** Dated: November 7, 2005

Approved Minutes dated November 7, 2005.

b. **RESOLUTION 05-10430** Support of California Independent System Operator's

Action Plan Adopted November 11, 2004 by Their Board of Supervisors

Adopted Resolution 05-10430.

- c. **RESOLUTION 05-10431** Amend the City of Pittsburg's Personnel Rules

Adopted Resolution 05-10431.

- d. **RESOLUTION 05-10432** Acceptance of and Approval to Use Keller Canyon Mitigation Funds Special Needs Grant

Adopted Resolution 05-10432.

- e. **RESOLUTION 05-10434** Authorizing Letter of Opposition to Sacramento-San Joaquin Delta Disposal of San Luis Drain Wastewater

Adopted Resolution 05-10434.

- h. **RESOLUTION 05-10436** Allocating Additional Funding in Connection with Contract 02-07, Marina Dock Replacement Project (Phase II), and Making Certain Findings in Connection Herewith
Combined w/RDA 05-1099

In Joint Session with the Redevelopment Agency, adopted Resolution 05-10436.

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

- f. **RESOLUTION 05-10435** Adoption of City Council Policy and Procedure Amendments to Ensure AB 1234 Compliance

Councilmember Johnson commented that he had no opportunity to review AB 1234. He asked that the item be removed until he had an opportunity to review that legislation.

Mr. Grisham advised that the item could be continued to the December 12, 2005 meeting.

City Attorney Ruthann Ziegler noted that Councilmembers who had a concern with AB 1234 or the implementing language should contact her for a clarification given the fact that the legislation was complicated in terms of how it was implemented.

The item was continued to December 12, 2005.

- g. **ORDINANCE 05-1254** Adoption of an Ordinance Adding Section 10.24.060 Entitled "No Parking in Designated Street Sweeping

Zones During Posted Times” to Title 10, Chapter 10.24
of the Pittsburg Municipal Code

Councilmember Johnson commented that he had previously opposed the item given the \$60,000 cost of the signage. Since a small portion of the City was affected at this time he supported the installation of cross board signage as opposed to permanent signage at this time. He therefore did not support the item and suggested that it be deferred to the next meeting pending a full Council.

By consensus, the item was continued to the December 12, 2005 meeting.

- i. **RESOLUTION 05-10437** Authorizing the Design of Contract 2005-24, Heights Elementary Joint Use Park Project

With respect to the next two items, Councilmember Johnson commented that he had been called by a resident of the Peppertree subdivision, which had also been waiting for a park, which resident had questioned why the Peppertree subdivision was not being provided with a park as were Heights Elementary and Martin Luther King School.

Mr. Grisham advised with respect to the Heights Elementary Joint Use Park Project, that a park that previously existed was being rebuilt in that case. The park was on West Boulevard which was a primary focus area for the City. For the Martin Luther King Joint Use Park Project, there was park construction with a focus on soccer fields given that there were few dedicated soccer fields in the community. The process of moving the project forward would allow a commercial parcel to be created on California Boulevard offering both a revenue benefit and an opportunity to work with the new hotel currently under construction.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt Resolution 05-10437, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Kee
Absent: Parent

- j. **RESOLUTION 05-10438** Authorizing the Design of Contract 2005-14, Martin Luther King Joint Use Park Project

Councilmember Johnson's concerns were similar to those for the Heights Elementary Joint Use Park Project.

WILLIE MIMS, Pittsburg, representing the BPA, agreed with staff and the City on the need for parks in the community. He therefore commended staff for taking the necessary steps to create those parks. His concern related to the accessibility to the Martin Luther King Joint Use Park Project in particular.

Mr. Grisham stated that several different access points would be created from

California Avenue, through the school, and from potentially other areas.

Mr. Mims questioned whether or not there had been any discussions with the community to see what kinds of amenities were preferred for the park. He stated that there was a need for a baseball field. He suggested that more kids in the community played baseball instead of soccer. He also referred to a restaurant that might be established on the school property. He suggested that the restaurant would create a problem in terms of park space available to the community. He also questioned the potential negative traffic impact a restaurant could create in the neighboring community.

In response, Mr. Grisham noted that there were baseball fields behind the El Pueblo Center and others in the community while for a community of 60,000 people there was no soccer field, which he stated was desperately needed.

On motion by Councilmember Johnson, seconded by Councilmember Casey to adopt Resolution 05-10438, carried by the following vote:

Ayes:	Casey, Glynn, Johnson, Kee
Absent:	Parent

ADJOURNMENT

The City Council adjourned at 9:21 P.M. to December 5, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk

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