

CITY OF PITTSBURG
Housing Authority Minutes
December 12, 2005

Chair Michael Kee called the meeting of the Housing Authority to order at 8:20 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:34 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, regarding 820 Railroad Avenue (APN 085-193-004), Railroad Avenue (APN 085-193-008), Railroad Avenue (APN 085-193-009), 998 Railroad Avenue (APN 085-193-006), Railroad Avenue (APN 085-193-007) and 6 West Boulevard (APN 087-114-012-5); and Conference with Labor Negotiators pursuant to Section 54957.6 regarding Police Officers Association, Police Managers Group, AFSCME (Miscellaneous A), AFSCME (Miscellaneous/Professional/Confidential), Teamsters and Unrepresented.

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

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

MEMBERS ABSENT: None

STAFF PRESENT Executive Director, Marc Grisham
Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Housing and Community Programs, Annette Landry
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
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Chief, Aaron Baker

CONSENT CALENDAR

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

a. **DISBURSEMENT LIST** Dated: November 30, 2005

Approved Disbursement List dated November 30, 2005.

b. **MINUTES**

Dated: November 21, 2005

Approved minutes dated November 21, 2005.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 8:21P.M.to the next meeting set for January 17, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary

**CITY OF PITTSBURG
Redevelopment Agency Minutes
December 12, 2005**

Chair Michael Kee called the meeting of the Redevelopment Agency to order at 10:32 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:34 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, regarding 820 Railroad Avenue (APN 085-193-004), Railroad Avenue (APN 085-193-008), Railroad Avenue (APN 085-193-009), 998 Railroad Avenue (APN 085-193-006), Railroad Avenue (APN 085-193-007) and 6 West Boulevard (APN 087-114-012-5); and Conference with Labor Negotiators pursuant to Section 54957.6 regarding Police Officers Association, Police Managers Group, AFSCME (Miscellaneous A), AFSCME (Miscellaneous/Professional/Confidential), Teamsters and Unrepresented.

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

MEMBERS PRESENT: Casey, Glynn, Johnson, Parent, Kee

MEMBERS ABSENT: None

STAFF PRESENT Executive Director, Marc Grisham
Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Housing and Community Programs, Annette Landry
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
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Chief, Aaron Baker

CONSIDERATION

1. **RESOLUTION 05-1102** Authorizing Funding Allocation of \$105,700 By and
Combined w/RDA 05-1103 Between the Redevelopment Agency of the City of
Combined w/RDA 05-1104 Pittsburg and City Recreation Services Old Town Special
Events – Program Year 2006

2. **RESOLUTION 05-1103** Approving a Professional Services Agreement By and Between the Redevelopment Agency of the City of Pittsburgh and Pittsburgh Chamber of Commerce – Program Year 2006
 Combined w/RDA 05-1102
 Combined w/RDA 05-1104

3. **RESOLUTION 05-1104** Approving a Consultant Agreement By and Between the Redevelopment Agency of the City of Pittsburgh and Main Street Property Services, Inc. – Program Year 2006
 Combined w/RDA 05-1102
 Combined w/RDA 05-1103

Executive Director Marc Grisham advised that a central component of the City's Old Town was an aggressive marketing and promotion program to coincide with the City's Redevelopment Agency program efforts. A 2006 Old Town Pittsburgh Marketing and Promotion Plan was being developed with FY 2005-07 Agency funding to establish Old Town Pittsburgh as a destination bound area, and to complement redevelopment projects once built in the Old Town Downtown Core. To achieve those objectives, the City, in partnership with the Pittsburgh Chamber of Commerce, Main Street Property Services, Inc., and the City's Economic Development and Recreation Services Departments had embarked on the development of a comprehensive marketing and promotional plan for the City's Old Town for Program Year 2006. The proposed Plan included annual Agency funding allocation for service contracts to augment Departmental-sponsored special events incorporated into a comprehensive master schedule for 2006 that would draw the public, commercial interests and investors into Pittsburgh's Old Town area.

Assistant Executive Director Matt Rodriguez sought Council authorization to proceed with Program 2006 with new guidelines, new objectives, and collaborating with the City's partners. He stated that there was a plan in place to earmark existing allocation dollars that had been approved in April to accommodate events in the Old Town area and to provide management and oversight, which would also complement redevelopment projects coming on line in the spring.

Total allocation for Program Year 2006 expenditures for the Old Town Marketing & Promotion Plan was recommended for Agency Board approval at \$501,700. The Plan's subject allocation was funded over two fiscal-year periods, FY 2005/06 (\$250,850) and FY 2006/07 (\$250,080) and included all funding being allocated to the Old Town Downtown Core for marketing and promotional services for all Old Town Special Events.

All proposed Program Year 2006 Agency funding allocations were approved within existing FY 2005-07 RDA tax increment as approved by the Agency Board on April 4, 2005, and included a carryover fund balance from FY 2004/05 of \$304,231 (as of June 30, 2005) under the following Agency accounts: #78-2080-1447 (Main Street Marketing \$118,300): #75-2070-1717 (Old Town Marketing-Recreation \$68,988 and #75-2070-1413 (Promotion & Marketing – Economic Development \$116,943).

It was recommended that the City Council authorize the adoption of the 2006 Old Town Pittsburgh Marketing and Promotional Plan, effective January 1, 2006 through December 31, 2006, which consists of the following actions:

- 1) Adopt Resolution No. 05-1102 which authorizes the Agency allocation of \$105,700 designated in account #75-2070-1717 for City Recreation Services for Old Town Special Events, effective January 1, 2006 through December 31, 2006; and
- 2) Adopt Resolution No. 05-1103 which authorizes the Executive Director to execute a professional services agreement between the Agency and Pittsburg Chamber of Commerce for marketing and promotional services in an amount of \$160,000 designated from accounts #75-2070-1717 and #75-2070-1413, effective January 1, 2006 through December 31, 2006; and
- 3) Adopt Resolution No. 05-1104 which authorizes the Executive Director to execute a professional services agreement between the Agency and Main Street Property Services, Inc. for marketing and promotional services in an amount of \$236,000 designated in account #78-2080-1447, effective January 1, 2006 through December 31, 2006.

Councilmember Parent commended the efforts so far, the combined pilot project with Main Street and the Chamber of Commerce, with coordination from the City, particularly the Recreation Department that had produced an impressive array of promotional activities and displays.

Councilmember Johnson concurred with those comments and applauded the car shows that had been held, the motorcycle process, and working with Main Street to make things happen. He also applauded the promotional materials produced by Main Street and suggested that was a great tool to tell people what Pittsburg was all about. He stated that finishing the projects in the downtown was also an important factor. He thanked staff and the City Manager for the aggressive pursuit of progress.

Mr. Rodriguez clarified that the three resolutions had included some minor amendments and had been corrected with copies provided to the Agency. He also clarified that for the agreement with the Chamber of Commerce, all language indicating the "City" should be amended to read "Redevelopment Agency." The professional services agreement with Main Street would also include a signature page to be provided after Agency action.

On motion by Member Johnson, seconded by Vice Chair Glynn and carried unanimously to adopt Resolution 05-1102.

On motion by Member Johnson, seconded by Vice Chair Glynn and carried unanimously to adopt Resolution 05-1103.

On motion by Member Johnson, seconded by Vice Chair Glynn and carried unanimously to adopt Resolution 05-1104.

CONSENT CALENDAR

On motion by Member Johnson, seconded by Chair Kee and carried unanimously to adopt the Consent Calendar, as follows, with the removal of Item b.

- a. **MINUTES** Dated: November 21, 2005

Adopted minutes dated November 21, 2005.

The following item was removed from the Consent Calendar for discussion.

- b. **RESOLUTION 05-1101** Approval of a Local Preference Policy for Housing
Combined w/CC 05-10443 Receiving City of Redevelopment Agency Housing Assistance

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) asked that the Council use past practices when acting on multiple resolutions and consider resolutions individually and not all at one time. With respect to the program and the preference for City residents, he questioned the 30 day residency qualification and supported a longer residency requirement.

Director of the Redevelopment Agency Garrett Evans referred to legal fair housing laws and the programs from other cities. He stated that a 30 day period had been recommended by Agency Counsel where someone who had either worked in the City or lived in the City for 30 days could qualify for the program. He suggested that a six month period or longer, for instance, was difficult to justify.

On motion by Member Johnson, seconded by Member Parent and carried unanimously to adopt Redevelopment Agency Resolution 05-1101.

On motion by Councilmember Johnson, seconded by Councilmember Parent and carried unanimously to adopt City Council Resolution 05-10443.

Chair Kee wished everyone a Happy Holiday and a Happy New Year.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 10:46 P.M. to January 3, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary
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CITY OF PITTSBURG
Pittsburg Power Company Minutes
December 12, 2005

Chair Michael Kee called the meeting of the Pittsburg Power Company to order at 8:28 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:34 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, regarding 820 Railroad Avenue (APN 085-193-004), Railroad Avenue (APN 085-193-008), Railroad Avenue (APN 085-193-009), 998 Railroad Avenue (APN 085-193-006), Railroad Avenue (APN 085-193-007) and 6 West Boulevard (APN 087-114-012-5); and Conference with Labor Negotiators pursuant to Section 54957.6 regarding Police Officers Association, Police Managers Group, AFSCME (Miscellaneous A), AFSCME (Miscellaneous/Professional/Confidential), Teamsters and Unrepresented.

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

MEMBERS PRESENT: Casey, Glynn, Johnson, Parent, Kee

MEMBERS ABSENT: None

STAFF PRESENT Executive Director, Marc Grisham
Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Housing and Community Programs, Annette Landry
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
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Chief, Aaron Baker

CONSENT CALENDAR

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

a. **MINUTES** Dated: November 21, 2005

Adopted minutes dated November 21, 2005.

- b. **RESOLUTION 05-143** Amending Island Energy Annual Budget for FY 2005-2006 to Provide for Advanced Funding for Long Term Power Purchases for Western Area Power Administration

Adopted Resolution 05-143.

- c. **RESOLUTION 05-144** Approving and Authorizing the Executive Director to Execute a Project Development Agreement Between the Pittsburg Power Company and the Central Valley Project Corporation for Long Term Power Supply

Adopted Resolution 05-144.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 8:29 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Southwest Pittsburg Geologic Hazard
Abatement District II Minutes
December 12, 2005

Chair Michael Kee called the meeting of the Southwest Pittsburg Geologic Hazard Abatement District (GHAD) II to order at 8:29 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:34 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, regarding 820 Railroad Avenue (APN 085-193-004), Railroad Avenue (APN 085-193-008), Railroad Avenue (APN 085-193-009), 998 Railroad Avenue (APN 085-193-006), Railroad Avenue (APN 085-193-007) and 6 West Boulevard (APN 087-114-012-5); and Conference with Labor Negotiators pursuant to Section 54957.6 regarding Police Officers Association, Police Managers Group, AFSCME (Miscellaneous A), AFSCME (Miscellaneous/Professional/Confidential), Teamsters and Unrepresented.

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

MEMBERS PRESENT: Casey, Glynn, Johnson, Parent, Kee

MEMBERS ABSENT: None

STAFF PRESENT

- Executive Director, Marc Grisham
- Assistant Executive Director, Matt Rodriguez
- Legal Counsel, Ruthann Ziegler
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Director of Housing and Community Programs, Annette Landry
- 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
- Director of Planning, Melissa Ayres
- Director of Finance, Marie Simons
- Police Chief, Aaron Baker

CONSENT CALENDAR

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

- a. **REPORT** Presenting Annual Pre-Winter Inspection Report
 Received Annual Pre-Winter Inspection Report.

ADJOURNMENT

The meeting of the Southwest Pittsburg Geologic Hazard Abatement District II adjourned at 8:30 P.M

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
December 12, 2005

Mayor Michael Kee called the meeting of the City Council 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 6:34 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, regarding 820 Railroad Avenue (APN 085-193-004), Railroad Avenue (APN 085-193-008), Railroad Avenue (APN 085-193-009), 998 Railroad Avenue (APN 085-193-006), Railroad Avenue (APN 085-193-007) and 6 West Boulevard (APN 087-114-012-5); and Conference with Labor Negotiators pursuant to Section 54957.6 regarding Police Officers Association, Police Managers Group, AFSCME (Miscellaneous A), AFSCME (Miscellaneous/Professional/Confidential), Teamsters and Unrepresented.

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

MEMBERS PRESENT: Casey, Glynn, Johnson, Parent, Kee

MEMBERS ABSENT: None

STAFF PRESENT: City Manager, Marc Grisham
Assistant City Manager, Matt Rodriguez
City Attorney, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Housing and Community Programs, Annette Landry
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
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Chief, Aaron Baker

Mayor Kee considered the following general City Council items at 7:21P.M. prior to pursuing the Housing Authority agenda.

PLEDGE OF ALLEGIANCE

Ken Gray led the Pledge of Allegiance.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Parent thanked the Pittsburg Band Boosters for an outstanding job on the parade. For City staff she listed a number of those who had done an outstanding job putting together the Holiday Parade this year. She announced a concert on Saturday, December 10, put on by the Creative Arts Building Association with holiday music and other music and expressed her support for that cultural event. She also described a cooperative venture between government and education entities on December 8 when the Strings Chamber Ensembles from Los Medanos College and the Chamber Orchestra had put on an outstanding hour concert at the Senior Center. She expressed her hope that activity would continue to be an annual event. Councilmember Parent also reported that she had attended the Mayors Conference.

Councilmember Johnson reported on his attendance at the Holiday Parade which was well done and well attended. He had also attended the Mayors Conference with Councilmember Parent and Vice Mayor Glynn.

Mayor Kee thanked Ramar Foods for the ice cream served at the reception after the last Council meeting. He also commended the Holiday Parade and the staff effort in that case, the Victorian Holiday Faire, and the Community Advisory Commission's (CAC) annual holiday dinner at the Liberty Hotel. For those who had missed the parade, he reported that it would air on Channel 26 on December 15 at 9:00 P.M., December 19 at 10:00 P.M., December 22 at 9:00 P.M., December 23 at 8:00 P.M. and December 24 at 5:30 P.M.

Mayor Kee also thanked the Highlands Ranch neighborhood for the decorations that had been displayed showing the spirit of the season.

CITY MANAGER REPORTS/REMARKS

City Manager Grisham had nothing to report at this time.

CITIZENS REMARKS

DONNA GADDIS-WOLF, City of Pittsburg Recreation Coordinator, thanked a number of people for making the 2005 Holiday Parade a success. She thanked the Pittsburg High Band Boosters, Chris Sears, Jenny Sears, the Public Works Department, Sergeant Perry and the Pittsburg Police Department, Guy Stark and Comcast for the annual coverage of the event, the Chamber of Commerce, Michael Moore, St. Peter Martyr School Student Council, Bedford and Associates, Justine Buccellato, Pittsburg High School, Central Jr. High School and Hillview Junior High School Bands, the Housing and Finance Departments, Jackie Buccellato from the Senior Center, Elaine Lopez with Small World Park, and the 52 organizations and individuals who had participated in the parade.

Mayor Kee also commended City staff on their efforts to make the Holiday Parade a success, particularly the Housing Department which had won an award for its float and the

Finance Department which had won the King Pirate Award for its float.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), urged the Mayor to have a positive relationship with the citizens and taxpayers of the City in the coming year. He noted that the Community Center at one time had belonged to the taxpayers and citizens of the City. He suggested that the Community Center be reclaimed for the benefit of the citizenry. He noted that it had been paid for with taxpayer money but had been given away.

Mr. Mims also referred to the Seafood Festival and its location and stated that where it was located represented a potential environmental catastrophe due to the number of attendees. He asked the Council to consider an expansion of that event to where it had previously been located. He also expressed his hope that the City would take a stand with the golf course and he sought an accounting of the money expended to the golf course. Further, he referenced a recent Supreme Court decision which involved private property owner rights and urged the City and others to stop taking the property rights from citizens. Finally, he noted that Congress had threatened to withhold redevelopment monies and he expressed his hope that if that was the case property rights of citizens would not continue to be taken away.

Mayor Kee took the agenda out of order at this time prior to proceeding with the Housing Authority.

CONSIDERATION

4. MINUTE ORDER Use Agreements with Youth Baseball Leagues

Assistant City Manager Matt Rodriguez advised that the Pittsburg National Little League (PNLL) and Pittsburg PONY League (PONY) non-profit, youth baseball community organizations have requested a City Council review of issues regarding ongoing usage of City baseball fields and light usage prior to the 2006 season. A waiver of light fees for the 2005 season had been granted by the City Manager to minimize impacts to both youth groups. A waiver was being sought by both youth baseball groups in conjunction with annual field uses on all City baseball fields for the 2006 season in addition to past, current, and future normal volunteer efforts of both youth baseball groups being recognized by the City to offset the cost of facility and light usage. Since May 16, 2005, PNLL maintained an executed agreement for a five year period with the City for exclusive field use and field light charges on City baseball fields for the 2005 season.

PONY did not execute an agreement on May 16, 2005 with the City Council as recommended by the City's Recreation Commission, and did not currently maintain an executed use agreement with the City for the 2006 season.

A potential impact to the City's Operating Budget could potentially result in a maximum fiscal impact of \$18,000 annually for both youth baseball groups if subsequently waived by the City Council based on a maximum 600 hour season for light usage.

It was recommended that the City Council provide direction to address the ongoing charges for field light usage and ongoing use agreements for the PNNL and PONY League Youth baseball groups prior to the 2006 season.

PUBLIC COMMENTS OPENED:

STEVE GUTRIDGE, Pittsburg, representing Pittsburg PONY Baseball League, stated that the issue was the light usage for the baseball fields in the City of Pittsburg. He noted that during the past year after the passage of the Master Fee Schedule, he had been shocked to be charged \$15 an hour for lights since the League had never previously been charged for the use of the field or for the lights. He noted that the PONY League and the Little League had been working together to address the concerns related to the charge for light usage. He had presented his case to the Recreation Commission and the Commission had created a subcommittee, of which he was a member, to address the situation. He offered the argument regarding the volume of volunteer time spent for a small amount of lights which should count towards justifying the offset for the cost of the lights. He took the opportunity to describe some of the volunteer work the PONY League had expended on behalf of the City. He sought a waiver as part of the agreement so that the Leagues would not have to request annual waivers for light usage.

DENNIS COSTANZA, Pittsburg, a 44-year resident, suggested that the issue related to lighting should have been resolved between City staff with the cooperation of the youth groups. He suggested that the annual cost of the lighting was minimal to a large organization but was huge to a small non-profit where any fee imposed would impact the families of those participating in the programs, working to provide a positive environment for children. He urged the City Council to work with the non-profits who were doing a good job. He did not want the City to be an obstacle to allowing volunteers to serve the children of the community. He suggested that the Council had an opportunity to assist Pittsburg PONY Football and work in line with Pittsburg National Little League to jointly work with youth and to address the lighting issues. He asked that the fee be waived for the 2006 season and possibly in the future.

PAT MATEJCEK, Pittsburg, a volunteer coach, described the purpose of the league programs to be fun and to help get kids off the street. If the leagues were required to pay for lights, he suggested that the kids would not be appropriately served.

MICHAEL BENNETT, Pittsburg, a safety driver, offered his time to another speaker.

DAN FLORES, Pittsburg, stated that if a charge of \$15 an hour was required for the cost of the lights, that would impact the kids involved in the Little League. He stated that volunteers spent a lot of time and effort getting the organizations running. He suggested that a \$15 an hour charge on lights would not be appropriate for a non-profit organization.

Mr. Flores emphasized that volunteers spent a great deal of time working with the League.

The following individuals provided written comments:

TOM GONZALES, Pittsburg, "Please give my time to Steve Gutridge."

JON LEONARDY, Pittsburg, "Please give my time to Steve Gutridge."

EDWARD BORJON, Pittsburg, "Leave my time for Steve Gutridge. Thank you."

ROBERT ESCAJEDA, Pittsburg, "Charging for lights. There should be low cost and minimum of \$5."

CHRISTINE ESCAJEDA, Pittsburg, offered no written comments.

RUDOLPH ESCAJEDA, the President of Pittsburg PONY Baseball, stated that he had been a coach for 17 years. He stated that charging for lights would cause a large financial impact, which cost would have to be passed on to the kids, many who could not afford the standard fee. He noted that the fees charged by the leagues barely covered uniforms, insurance and fees to Pony National. The leagues relied on outside donations from the community throughout the year and would be driven to use sub par baseball fields causing unnecessary hazards, proving difficult to teach the children proper baseball techniques. He suggested that outside traveling teams catering to select players could move in and take fields away from the leagues through the higher fees charged to its players. He emphasized the volunteer hours expended by members of the community to keep the Little League and PONY League intact.

WILLIE MIMS, Pittsburg, BPA, asked that the Council waive the fees in that the Council and the City had historically given thousands and thousands of dollars to other programs, such as the golf course. He too spoke to the number of volunteers who had worked to maintain the baseball fields. He urged the Council to do something right on the issue.

Councilmember Parent inquired whether or not those who had spoken had been offered an opportunity for some of the volunteer work already being done.

Mr. Rodriguez explained that the fees for field light usage had been waived for the 2005 season and were not due to commence until January 1, 2006. Should there be credits beyond current obligations, such as keeping the area clean and dragging the fields, anything above that would be considered as volunteer time and applied to offset the field light costs for 2006. Those issues had been discussed with the leagues, with no agreement on what activities were to be considered above and beyond the normal maintenance obligations. Mr. Rodriguez commented that under the current agreement, the volunteers' responsibility was dragging the in-fields and keeping the areas clean and free of debris. Anything beyond that would require volunteers to get those things done. An agreement had not been developed where individual activities could be performed by volunteers.

In response to Councilmember Parent, Mr. Rodriguez stated that the light usage was based on the 600 hour or maximum per season per group, equating to \$18,000 from the General Fund the City would have to cover. He acknowledged that could be offset by an agreement for some of the additional work of the volunteers which could be credited towards payment. The volunteer time would not include being a coach.

Councilmember Parent referred to the revenue and expenses of the leagues which had shown that the Pittsburg National Little League in 2005 had income in concessions of \$2,000 and concession expenses of \$6,600, which she questioned. In 2004, the revenue from concessions was \$121 which also raised a concern with expenses for concessions at \$1,698. She recognized that said records were provided to the federal government through the non-profit status. She also commented that it appeared as if no outside fundraising was being done other than requests for sponsorship. In 2004, the leagues had \$1,300 in sponsors and \$2,500 in 2005.

As such, Councilmember Parent stated that it appeared as if the leagues were doing little in terms of cash fundraising. She further pointed out that there had been a survey conducted by staff showing that the City of Brentwood charged \$15 for its field use and \$15 an hour for practice time, along with \$25 for preparation and \$15 an hour for game time. The City of Walnut Creek charged \$19 to \$21 with a cap of \$1,000 per field. Depending on the field used, the City of Antioch charged \$2 an hour for field use and \$45 an hour for lights. The City of Concord charged \$30 an hour for light use and the City of Martinez charged \$32 an hour for light use.

Councilmember Parent commented that with surrounding cities charging significantly more for light usage, she suggested that the proposal in this case was not onerous. The leagues had also known for the past year that the new fees would go into effect.

Councilmember Johnson questioned whether or not the lighting issue affected all teams using the City fields since he understood that the adult teams had been charged higher fees. He also inquired whether or not fundraising, gifts or grant of funds were above and beyond those fees collected from the youth paying into the league.

Recreation Director Paul Flores explained that the proposal related to actual use of the public fields no matter the services used, whether youth or adults.

Mr. Rodriguez commented that the financial tax records received from the leagues had included no details on the expenses related to revenues for the Pittsburg PONY league. More detailed information had been received from the Little League which had discussed all activities, expenses, sponsorships, uniform costs and the like.

Councilmember Johnson suggested that a decision could not be made without some sort of an agreement.

City Manager Grisham advised that a policy decision from the City Council would allow some closure on the agreement with the major outstanding issue being light usage.

While there had been a charge for lights, there had been no charge for field use when the Council had approved the Master Fee Schedule. If the Council were to waive the lighting fee, per the staff recommendation, and pending the next budget cycle, that policy decision would be made and the two groups would reach agreement with the City fairly quickly. He emphasized that the Master Fee Schedule could not be changed by anyone but the Council once it had been put in place.

Councilmember Casey suggested that an official agreement was required. He urged the City to work with any group that dealt with the youth of the City. He suggested that a deferral of the item would offer the City time to work out the issues. He was especially concerned with the youth of the community.

Vice Mayor Glynn commented that those groups who worked with sports and youth activities offered significant benefit to the youth of the community by supplying models for appropriate behavior. Given the nature of the current contract and given the effort of the coaches, parents and children regarding the preparation of the fields and maintenance and donations received in kind, they provided an appropriate model to work together to achieve the purpose of the leagues. While he could support a one year waiver, he emphasized the need for a structure and documents to be in place for future years.

Mayor Kee spoke to a comment made that the City should grant the waiver because the City had more money than the non-profit groups. He commented that while the leagues might not have that much money, the City's money was not the City's but was taxpayer money. One of the problems with always looking at the City to pay for things was that the City had a \$1 million deficit in the current lighting and landscaping district since the City did not take in enough money to fund such improvements. If the City were to continue to waive fees, that deficit would continue to grow. In this instance, he suggested the cost was something that the City could absorb, although he emphasized that the leagues needed to be placed on notice that could not be done forever.

On motion by Councilmember Parent, seconded by Vice Mayor Glynn and carried unanimously to waive the fees for the lighting of the 2006 baseball year and that the City work to find a credit system that allowed credit towards the lighting payment for work performed by the leagues beyond what the Little League was currently contracted to do. Staff was also directed to work with the PONY league to produce a similar agreement with similar terms.

Mayor Kee declared a recess at 8:14 P.M. prior to convening to the Housing Authority at 8:20 P.M., returning to the City Council at 8:22 P.M. to consider another item out of agenda order.

CONSIDERATION

1. **RESOLUTION 04-10444** Request for Community Sponsorship Funds for Peter So

Peter So, Drum Major for the Pittsburg High School Marching Band, had been invited to perform within the Varsity Spirit New Year's Day Parade in London, England. To assist

in the cost of this special event, Mr. So had requested community sponsorship funds in the amount of five hundred dollars. The Recreation Commission had reviewed the request and recommended funding approval.

It was noted that funding for the request could range from zero to \$500 per Council direction. Funding as recommended was available within account number 110-4999-2532. It was recommended that the City Council approve a resolution which approves community sponsorship funds to Peter So.

PETER SO, Pittsburg, the Drum Major at Pittsburg High School for the 2005 Season, asked for the funding since he had been selected as a USA All Star and had been invited to perform in the Varsity Spirit New Year's Holiday Parade in London, England, which would cost \$2,500.

Councilmember Johnson congratulated Mr. So for his efforts and supported his request.

Mayor Kee thanked Mr. So for appearing in his costume. He clarified that Mr. So was only one of six people invited to perform in the parade in London, England.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10444.

Mr. Grisham recommended that the agenda be further taken out of order and that the Pittsburg Power Company be considered at this time at 8:28 P.M. to consider the Pittsburg Power Company agenda and then the Southwest Pittsburg Geological Hazard Abatement District II agenda. After that action, the City Council reconvened at 8:31 P.M.

PUBLIC HEARING

1. **RESOLUTION 05-10372** Adopt Resolution Revising Sewer Facility Reserve Charge for Sewer Sub-Basins DS601-DS6212 and SW 109

Public Works Director John Fuller advised that the Pittsburg City Council had directed staff to conduct a complete review of both water and sewer rates to address major issues facing the water and sewer enterprises. The consulting firm of Brown and Caldwell, Engineers had been hired and had completed a comprehensive study of water and sewer Facility Reserve Charges (development impact fees).

The recommended Facility Reserve Charges (FRC) had first been considered at a noticed public hearing on May 16, 2005. At the request of developers, final adoption of new FRCs had been postponed to June 20, 2005. Of the 14 FRCs adopted on June 20, there had been two FRCs established based on unresolved issues. This action would clarify and resolve one of the unresolved Sewer FRCs from June 20.

Mr. Fuller explained that subsequent analysis by City staff had shown that it would take greater numbers of sewer improvements and costs to serve the higher land use density. In September staff had be brought before the Council a recommendation to increase the fee to pay for the additional improvements. Since that time, the developer had requested two continuances of the items expressing concern with the City's computer model, although staff had offered to run the models with the City's own consultant. The consultant for the developers had been able to run a workable copy of the City's sewer software.

Mr. Fuller stated that a recent meeting with representatives of the developer and his engineer had shown that their analysis had confirmed the analysis originally performed by the City. At that time he had informed those at the meeting that there was a deadline to respond to the item, no later than December 7 when Council packets were due. Without agreement from the developer to approve a fee based on un-adopted land use densities, the only recommendation he could make to the Council was to recommend the original fee which had been based on land use densities.

Mr. Fuller stated that the City was recommending the item to the Council. He added that despite hearing from the developer who was in conceptual agreement and despite an e-mail from the developer's engineer that they had delivered their report to the developer, there had been no contact from the developer as to a position on the issue until a 10-page fax had been received this date at 4:30 P.M.

Having reviewed the latest material, Mr. Fuller suggested it did not include any new information although it had included a reference to the factual error in past fee recommendations which had, in fact, been in error. He noted that the writer of the letter might not have been aware of that fact since George Speir, the Attorney for the developer, had not been party to the most recent meetings with the developer's representatives when City staff had indicated that the fee was not in error. That error had been a result of a change in land use density in the General Plan.

Mr. Fuller stated that although the developer in the letter sought conformity between the Sewer and Water Master Plan, there had been no call that the fees be consistent with the adopted General Plan which was the guiding document. The only time a fee would be recommended other than one based on the General Plan was if there was full agreement from the developer, which was not so in this case. At this time he saw no reason why the item should be continued. He stated that a fee could be adopted now consistent with the General Plan and the adopted Master Plan.

Mr. Fuller suggested that if the developer wished to have more time, that could be done without taking the City Council's time since the Council could adopt a fee that was consistent with the General Plan and adopted Sewer Master Plan by returning to the fee originally prepared by Brown and Caldwell in February, which was the recommendation before the Council at this time. If the developer wanted more time, he sought a commitment to a final deadline on the item since the developer had all the information on the item.

Adoption of the revised FRC for sewer sub-basins DS601-DS621 and SW 109 would meet the revenue projects projected to defray the cost of expanding the sewer system to accommodate new development without burdening the existing ratepayers. Revenues from those charges would increase, but were dependent on the pace of new development within this specific area of development impact.

It was recommended that the City Council adopt a resolution revising the Sewer Facility Reserve Charge for sewer sub-basins DS601-DS621 and SW 109.

Mayor Kee continued the public hearing for Resolution 05-10372 which had previously been opened

GEORGE SPEIR, the Attorney for West Coast Home Builders, noted that the current issue related to the FRC calculations which had included obvious inconsistencies between the documents, and which had included mistakes. He stated that the City's water plans and the basis for the calculations assumed for the FRC assumed 1,590 units in the BART area, far in excess of the 300 units being considered by staff for the calculation of the FRC. He stated that the opposition had been lobbied in the spring based on the incorrect information, inconsistencies between documents, and since it had been based on a low density and did not have enough infrastructure to serve that density.

Mr. Speir reported that his client had asked that there be enough and large enough pipes for the sewer system to handle the true amount of effluent for the area and that there be a calculation of the FRC based on the true density, to identify the demand for the area. He suggested that the adoption of the sewer fee at this time did not make sense and would not work. He questioned the urgency in the adoption of the resolution revising Sewer Facility Reserve charges. He urged that the proper time be taken to calculate properly and ensure that the pipes would be big enough to accommodate the planned development.

Vice Mayor Glynn asked what time would be needed to complete the data, to which Mr. Speir suggested that one more month should be sufficient and that the second meeting in January would be acceptable. As to the software used by the City of Pittsburg to calculate the analysis, he found it to be acceptable.

STEPHEN REICH, Engineering Consultant, representing West Coast Home Builders, stated that there was a need to maintain the consistency among documents. Mr. Reich stated that the model had been received in September, although on October 14 his firm had sent a letter requesting plans from the City as to how it was going to move forward with software no longer being supported by a software company. He took the blame for the time to get to this point in dealing with a new software developer out of the country and as a result of other delays. He indicated a month's continuance because they were experiencing upcoming downtime between the Thanksgiving and Christmas holidays.

Mr. Reich stated that they had a model that would run the software, and would look forward to providing that report to staff. While staff had been provided with a draft report, he had not provided the final report to his client for his client to provide it to Mr. Fuller. He

emphasized the need to ensure that all documents were consistent. He stated that the issue was that every user pay his/her fair share. He suggested that now was the opportunity to include all users. He advocated getting together to make sure that everyone paid his/her fair share.

Councilmember Parent questioned whether or not Mr. Reich's client would pull any building permits between now and a month from now, for any buildings in any area covered by the fee. She noted the number of times the item had been postponed over the past six months. She questioned how many building permits had been pulled for the area over the past six months.

Mr. Reich advised that his client would have to respond to that inquiry.

City Attorney Ziegler suggested that if the Council wished, it could defer the item for 30 days and that there be no building permits for 60 days to ensure the appropriate amount of time to adopt the first and second readings of an ordinance.

Mr. Fuller commented that the fees, once adopted, would take 60 days to become effective. As such, a postponement for 30 days or the next available Council meeting would be inconsequential. It was unlikely that any substantial development would occur in that the area was a high density area close to the Pittsburg/Bay Point BART Station and another postponement might not require any conditions other than to have all documents submitted so that the Council could take action.

Councilmember Parent verified with staff that the plan for West Coast Village included in the staff report had been removed and that staff had been informed by the developer that plan was no longer viable.

Mr. Speir affirmed that the plan had been withdrawn, although it would be safe to assume that a more dense development would be considered than the 300 units set forth in the General Plan and on which the fees had been based. Also, since there were no plans, no permits would be pulled on the site for some time.

Mr. Fuller clarified that the Lawlor Estates Subdivision was in the zone and that the developer had pulled approximately 50 permits for that site.

City Manager Grisham referenced the trend of last minute requests for extensions. While a 30-day continuance was not a problem, he noted that building permits continued to be issued under the old fee system. While he had a history of working cooperatively with developers, he explained that was not so in this case and he noted the frustrations involved as a result.

Mr. Grisham emphasized the frustrating process where staff worked together cooperatively and where the developer always asked for more time. He noted that no one was trying to rush the item. It was being moved forward because it was part of the public process. He noted that permits were being pulled without fair share payments. Again,

while he did not oppose a continuance, he emphasized the need to consider the item in a timely manner.

Councilmember Johnson supported a minimum 30 day continuance since the documents contained some inconsistencies and he had not had the opportunity to adequately review all of the information.

Councilmember Parent supported a motion to continue the item and condition an agreement with the developer that no more building permits would be requested in the area covered by the fee for the period of the extension.

Councilmember Johnson questioned how a commitment could be secured from the current developer since he understood that another developer was involved.

Mr. Fuller explained that the matter would not affect properties in San Marco or the Vista Del Mar/Lyon Homes area. The developer had pulled 50 permits for Lawlor Estates located on the other side of Bailey Road.

City Engineer Joe Sbranti noted that there were a handful of subdivisions involved in the area between the PG&E area, with Oak Hills the western limit, and which included Lawlor Estates, Bancroft Gardens 1 and 2, Rose Glen, and then to the BART area under discussion. The only area not under development was the area around the BART station. While he was uncertain of the status of all permits, he knew that some permits had been prepaid for Lawlor Estates prior to the increase in the regional transportation fees. As to whether or not the fees had been prepaid for sewer services, staff would clarify that information as soon as possible.

Vice Mayor Glynn again clarified with staff the area involved. He inquired whether or not the areas identified by staff included the transit oriented development (TOD) around the BART Station which would be included in the proposed water system and which would be affected by the water rates for those properties.

Mr. Fuller stated, when asked, that the water fees had been set based on an agreement to the developers for the water infrastructure that was necessary. There was no such agreement with the sewer. The sewer fee would apply to the same properties in question.

Mr. Grisham pointed out that the sewer fee applied to other developments of a family of developers in the area. He commented that as the matter had been extended, permits had been pulled in the area over the past six months with other projects benefiting from the old fees. He suggested that what was more important was that if there was a commitment to see a return of the item the second meeting in January there would be an accounting of the number of units where a fee had not been paid from the same developer since no other developers were currently involved given the time involved in delaying the process.

Councilmember Parent suggested that the opportunity had been made to have the developer come forward and the developer had not done so. She would move the adoption of the resolution at this time.

Mayor Kee opened the public hearing for Resolution 05-10372.

ALBERT SEENO III, Discovery Homes, stated that no building permits had been pulled to date, although improvements for some projects were underway. He stated that no permits would be pulled for the next 30 to 90 days given the public improvements still underway, particularly for Bancroft Gardens. He added that Rose Glen, a seven lot development, was still in the plan check phase and Lawlor Estates had yet to go through the design review process.

Councilmember Johnson supported a continuance of the item for another 30 days.

Mayor Kee inquired of the City Attorney whether or not the Council could grant a continuance with the condition that no permits in the area be issued.

Ms. Ziegler suggested that to ban permits would get into a moratorium which would have complications. The developer who was present in the audience could be asked to voluntarily agree to a stop of all permits pending the resolution of the item as a quid pro quo.

Mayor Kee recognized that the builder had indicated on the record that he anticipated no building in the area.

Mayor Kee closed the public hearing for Resolution 05-10372.

Councilmember Johnson made a motion that the item be continued to the second meeting in January 2006 and that the Council make a decision at that time. Vice Mayor Glynn seconded the motion.

Councilmember Parent emphasized that there should be no delays beyond that point. She pointed out that the developer must submit the required information at least 15 days prior to the meeting when the item would be reconsidered. She would not support further continuances.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to continue Resolution 05-10372 to the second meeting in January 2006, at which time a decision would be made.

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

Planning Director Melissa Ayres advised that on November 21, 2005 the City Council opened the public hearing for a request to 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. After opening the public hearing and taking oral and written testimony, the Council continued the public hearing to December 12, 2005 at the request of the applicant.

Ms. Ayres noted that pursuant to City government codes, the City could amend the General Plan on a property if it was found that the amendment would be in the public interest. The Planning Commission held a public hearing on the item and had recommended approval of the General Plan Amendment request. In addition, the Council would be acting on an appeal of the Planning Commission's decision to recommend the General Plan Amendment, which appeal was filed by Councilmember Glynn and attached to the staff report dated December 12, 2005.

The City Council was allowed to amend the General Plan or each element of the General Plan four times a year, and this would be the fourth amendment to the General Plan, the maximum allowed by State law.

Ms. Ayres referenced the General Plan policies that supported the proposal. The site would be remediated to a residential development standard. The project also required changes to the Downtown Element and tables to allow development consistent with the development designations.

If the General Plan Amendment was approved, staff anticipated 400 new residential units on the property and 26 live/work units, providing 5,000 square feet of commercial development along Third Avenue. Also, if approved, the applicant would file Subdivision applications and design review applications to build the project which would require the developer's own environmental analysis at a project specific level. Any impacts identified at that project specific level would be mitigated through a Mitigated Negative Declaration.

Ms. Ayres noted that the toxic substances on the property would be regulated by the California Department of Toxic Substances Control (DTSC).

The applicant would work with the DTSC on the remediation plan, separate and apart from the General Plan Amendment. The environmental analysis had stated that the clean up must occur prior to the issuance of any building permits to ensure it was compatible with residential uses. There were policies in the General Plan supporting the development as identified in the staff report.

Ms. Ayres noted that the applicant had not submitted a development plan, design review or subdivision application, although Page 7 of the staff report had included a conceptual layout of how the property could be developed if the General Plan Amendment

requests were approved, including a berm with many of the toxic substances to be maintained on site.

The City Council was the final decision making body on the General Plan Amendment and the appeal on the decision to approve the General Plan Amendment would include the approval of a Mitigated Negative Declaration.

Ms. Ayres added that public input had included concerns with a linear park proposed for the west side of the property. The project would remove that General Plan Park designation which square footage had not been calculated in the Open Space Element. The removal would not change the quantitative parks planned for the community. The City had parks in balance with the population of the community, which should continue if the area was removed from that designation. Concerns with the removal of the eucalyptus trees had also been raised since such tree species were not suitable for residential development and could be a fire hazard. It was anticipated that those trees would be removed regardless of what was built on the property.

Additional concerns had been raised with the removal of the linear connection between the Eighth Street Park and the Marina area that also had a General Plan designation of Park north of Third Street. Staff had been working with the developer on the creation of a wider pedestrian meandering path with landscaping on either site abutting Harbor Street in the public right-of-way.

The Initial Study had affirmatively disclosed the potential impacts with asbestos and petroleum on the property and included mitigation measures the applicant would be required to follow if the General Plan Amendments were approved and residential was built on the property.

There would be no fiscal impact associated with the project.

It was recommended that the City Council adopt a resolution adopting the Negative Declaration and approving General Plan Amendment Application No. AP-05-223.

Councilmember Parent referred to the DTSC and questioned where liabilities lay if the DTSC indicated that the mitigation was approved.

Ms. Ayres understood that the City was not in a position to be liable at all.

Ms. Ziegler stated that was the basis on which the City was proceeding, that the City had no liability for the site. The intent would be for the City to avoid any liability with respect to the site. She would have to check into whether or not the property had been found to be okay, even if the DTSC said it was. Efforts would be made to ensure that the City had no exposure in that area.

Ms. Ayres stated that a standard condition of the project would include an indemnification condition where the applicant would be required to indemnify the City for any lawsuits against the developments.

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

CHRIS NELSON, Renova Partners LLC, San Francisco, introduced the founding principals present in the audience and noted that the firm was pleased to be working under their guidance on the property. Renova Partners had also teamed with two developers and planned to sell the land for vertical development, including Trammel-Crow Residential, with a potential contract with Discovery Builders. He stated that he had been working closely with the City on the development of the property and had proposed a good plan for the City that would meet many of the objectives of the General Plan. He wanted to continue to -- work with the City in a cooperative fashion along with the DTSC to address any concerns.

Mr. Nelson reported that the timing on remediation was that the clean up plan had been submitted to the DTSC and was currently under review. The DTSC was expected to approve that clean up plan for public release for 30 days at the end of the month. Additional outreach with the public would be available after that time. Following that time period and once the Removal Action Work Plan was commented on and finalized by the DTSC, the developer would submit a design plan that would further delineate the plans for the berm along Harbor Street, which he described as an asset to the community.

Vice Mayor Glynn noted that there was a total of 25 acres comprised of two sites, which Mr. Nelson affirmed was the case.

Vice Mayor Glynn commented that the map had shown no park designation on the 21 acre site on the south side of Third Street. He was advised by Mr. Nelson that there was a linear park in the General Plan on the west side. He was also advised that the acreage to be converted from park was south of Third Street, a seven foot wide area.

Vice Mayor Glynn inquired whether or not the four portions on the north side of Third Street were to be zoned to high density residential.

Mr. Nelson stated that there was no plan to designate that site for residential use. He stated that the north parcel was currently another Legacy property that Johns Mansville had sold to Renova Partners and was an asbestos dump covered with soil and vegetation. The developer had taken on the responsibility of monitoring and maintaining that site and would do so on a quarterly basis with a report to the DTSC.

The intent was to turn the land over to the City as a park. The developer could help to make improvements to improve the safety aspect and to minimize the exposure risk which would provide open space on the waterfront to the residents of Pittsburg.

Vice Mayor Glynn asked why an Environmental Impact Report (EIR) and traffic study had not been prepared prior to the applications before the City Council. He questioned how in cooperation with the DTSC a remediation plan would be prepared for the entire property. As to the two developers involved in the development, he understood that there would be 1,263 new residents, 3.19 persons per household and he questioned if that would

constitute two adults, and 1.19 children.

Mr. Nelson stated that specific plans had not been prepared for the project to trigger that data although that information was currently being addressed in the area of acoustics, air quality and traffic. He added that Renova Partners would not have taken on the project if it were not possible to mitigate the negative effects of the site. The statistical data had been generated by the City and he was uncertain where the data had come from.

In response to Vice Mayor Glynn, Ms. Ayres stated that information had been generated by the City based on Department of Finance numbers based on the current average persons per household in the City, which numbers had been rounded off.

Vice Mayor Glynn suggested that potentially 513 children could be in the area at build out. He asked where the children would attend school or play during non-school hours.

Mr. Nelson suggested that the children would attend the schools in the district where he/she lived. He stated that they had looked into the possibility of creating some open space on the property to provide some amenities for residents.

Vice Mayor Glynn was concerned with potential dangers to children given the heavy truck traffic in that area which could operate 24 hours a day, seven days a week.

Mr. Nelson suggested that the dangers would be no different than those families residing on East Eighth Street, Avalon Circle, or any other areas abutting the property. The project would create interior facing structures and encourage pedestrian uses, which the City was seeking for the plan. Renova Partners would work with the City on plans for Harbor Street and East Third Street to develop a safe traffic strategy and the widening of the road.

Vice Mayor Glynn reiterated his concern for truck traffic in the area given the truck bypass route, for traffic along East Third Street and for deliveries to the industrial uses past Harbor Street which occurred 24 hours a day, seven days a week with only one or two entrances into the project close to the Harbor Street intersection. He referenced a letter from a local business owner who had expressed concern with noise and safety affecting the children in the area.

Mr. Nelson stated that once the plan was approved, those issues and potential impacts would be addressed.

Vice Mayor Glynn questioned who would take the responsibility for the maintenance of the berm or any other contamination on site in the event the property was sold to the two identified developers. He was advised by Mr. Nelson that a Homeowner's Association (HOA) would maintain the berm.

Mr. Nelson added that through their agreement with DTSC, Renova Partners would have to provide evidence of financial assurance to ensure that the berm was maintained for

a five-year DTSC monitoring and maintenance requirement.

Vice Mayor Glynn inquired when title was transferred whether or not everything would be transferred, which Mr. Nelson affirmed would occur.

SUSAN HOLLINGSHEAD, Renova Partners, explained that she had started work in converted brown field projects in 1990. She commented on the communities Renova Partners had been involved and suggested that if the City were to contact those communities the City would find that those projects had been successfully completed. In addition to the normally called for clean up, Renova had gone above and beyond the required clean up to ensure a clean and maintained site assuring acceptability for residential development.

Ms. Hollingshead added that Renova had no complaints or illnesses associated with any of its sites, nor had it been sued or had any action taken against it due to the high quality of the projects. It would also ensure adequate CC&R's to ensure adequate maintenance of the berm or any issue that would arise for the two portions of the property. The developer was also looking into a long term operation and maintenance company to purchase that liability and maintain it on behalf of the future homeowners.

As to the cost to homeowners for that maintenance, it had not been determined, although by the time there was a specific development plan for the site those costs would be identified. It was not expected that those costs would be significant, which was the reason Renova Partners was considering a wholesale sale to a company specializing in such maintenance. It was possible that situation would be extended to 50 years supported by insurance.

Vice Mayor Glynn inquired whether or not the inclusionary housing units would be subsidized for such costs.

Ms. Hollingshead noted that would have to be worked out between the two developers for the vertical development on the site.

Vice Mayor Glynn inquired of the potential impact to traffic on Harbor and Third Streets.

In response, Ms. Hollingshead commented that had been discussed with staff in terms of the improvements to Harbor and Third Street. She noted that all activities on the site would be focused on the interior of the site, with the potential for a large attractive park across the street. As to concerns with the adjacent businesses relative to traffic, she suggested that the berm and the row of live/work units facing Third Street would buffer the project and which might not have existed for other residential developments in the area.

Councilmember Johnson noted his concern for the original structure which had been presented to the public. He recommended that the public hearing notice be extended to the Marina Walk and New York Landing neighborhoods for public comment since the

development would be in close proximity. He pointed out that an EIR had been prepared for the Black Diamond project and he asked that the same document preparation be provided for this development. He questioned a statement in the California Environmental Quality Act (CEQA) checklist that the structure would have no impacts, in that there would be several impacts, including the location of schools and traffic.

Councilmember Johnson was also concerned with documentation from the DTSC and his hope that he would be able to see the documents in writing. As to the live/work situation, he suggested it was possible that element of the project might not be successful given its distance from the marine environmental area. He expressed concern with potential vacant buildings. He questioned whether those units would be part of an HOA or be separated out. Given the limited number of changes allowed to a General Plan in a year, he wanted to define the issues before any changes were made to the General Plan.

Councilmember Johnson commented that whether a brown field or not, he suggested that there should be an EIR rather than a Negative Declaration prepared for the project.

Mr. Nelson noted that some of Mr. Johnson's concerns related to CEQA and the City's approach. He suggested that the public outreach that had been done was above and beyond what was required. Meetings had been held with the community and he had been impressed with the turnout. Meetings before the Planning Commission and the City Council had also included community input. Through the DTSC process there was the opportunity for further public outreach. Also an article had been placed in the Contra Costa Times along with information on the project through the developer's website.

Councilmember Johnson reiterated his preference for an expanded public outreach given the asbestos and toxics on the site.

Mr. Nelson noted that the DTSC was responsible for the public outreach and would have a community profile and send out feelers on the public interest. The DTSC would record the names of those attending the public meetings and would then determine when to schedule a meeting for the public to discuss the clean up plan. Once the project had been approved, analysis of the impacts would be through the City's process as had been done in the past.

JUNE FORSYTH, 20 Sea point Way, Pittsburg, commented on a recent meeting held at the Liberty Hotel with the developer. She noted that most of those in attendance had been delighted with the proposal although there had been concerns with the remediation of the toxics on the site and with adequate visitor parking. Her primary concern was how the asbestos would be disposed and where children would play. She commented on a rumor that another large factory could be built on the site which she opposed given the City's efforts to beautify the area.

Ms. Forsyth recommended that the property be rezoned to Medium or High Density Residential to complement existing housing. She also stated that she had attended a meeting which had also been attended by Councilmember Johnson and Vice Mayor Glynn

regarding Measure P, at which time the amount of truck traffic in the area was noted. She supported less truck traffic and suggested that it made more sense to accommodate Light Industry in the area of West Tenth Street and Willow Pass Road. If people wanted to have marine storage she suggested that there was land for sale farther east on Third Street on the river, which could be used for a marine repair business. Also, the east end of Third Street needed to be widened given that those from the nearby residential development parked along the street, with traffic oftentimes traveling over the lines.

Ms. Forsyth commented that she had watched the recent development in the area. She suggested that the new development would encourage people to the downtown and revitalize the area. She urged the City to clean up the marina area and to encourage the bus company to provide service in the downtown to the BART station. She supported an increase in the quality of life in the downtown with more homes which would give the area more character. She asked the Council to rezone the property from Marine Commercial to Medium Density with some High Density and Commercial to improve the area. She otherwise complimented the Holiday Parade as a way of bringing people to the downtown.

WILLIE MIMS, Pittsburg, representing the BPA, commented that one of the things he disagreed with was that the City had created the waste and must dispose of it. He noted that Johns Manville and not the City created the waste at the site and the City was not responsible for the waste created. He suggested that a full environmental review be conducted, not just a Mitigated Negative Declaration, given the toxins on the site and the proposal for a berm to dispose of those toxics. He suggested that there were places to take the waste and questioned permitting waste on the site with a berm in the back yard of the development. He pointed out that the General Plan was a working document and the Council was to work within the General Plan which should not be changed to accommodate developers, but to accommodate the taxpayers of the City.

Mr. Mims noted that a change in the General Plan would bring more homes to the area. He supported more commercial development to create a tax base in the area.

Ms. Forsyth commented that she had been informed during the community meetings that the asbestos placed in the berm would not be moved. She had lived next door to an asbestos dump that the City had placed near her home many years ago and had no health problems at this time as a result.

As such, Ms. Forsyth expressed his confidence that the City would be able to work with the proposal for the berm.

REBUTTAL:

Mr. Nelson stated that he would be happy to meet with Mr. Mims to discuss his concerns with environmental risk. He noted that the site was currently contaminated and had been for a long time. The site had been investigated for 20 years and Renova Partners would do something about that through the demolition of the buildings that would be removed out of the City with the removal of other contaminated liquids out of the pond. He noted that before the buildings had been demolished, they had been deemed by the DTSC to be acceptable for industrial use, although not for residential use. The

development was not intending to expose residents to contaminants, but build a safer place. He reiterated that he would meet with Mr. Mims at any time to discuss his concerns.

Mayor Kee closed the public hearing for Resolution 05-10425.

Councilmember Parent noted that the Johns Manville site had been empty for years. She suggested that the site represented a substantial hazard and an attractive nuisance when empty. At this time the Council was only considering the General Plan Amendments with further public input in the future. She suggested that the developer was doing something positive, taking care of things that the City had no money to do in an area that would produce houses for people who needed housing. She clarified that the referenced dump of debris had been produced by Johns Manville and not by the City. She suggested that placing another industrial use adjacent to New York Landing was not acceptable and that the natural buffer for industrial commercial uses and residential uses was Harbor Street. She added that the specific details related to the development of the property were yet to come.

Vice Mayor Glynn commented that Assemblyman Canciamilla opposed that view and he had a letter from a palette company objecting to the project. He also had a copy of an announcement for the public workshop held at the Liberty Hotel on September 19, 2005, which had been held at the same time and date as a City Council meeting, which precluded many from attending. He referred to a document passed out during that public meeting, which included a statement reading in part, "...in the process the property zoning status will be changed from Marine Commercial to Mixed Use." He questioned that statement which implied that the proposal was a surety.

Councilmember Johnson referred to the process under the structure of a Mitigated Negative Declaration and stated that he would vote no on the matter before the Council since he supported an EIR process. He questioned whether or not the requirement for an EIR could be imposed at a later date.

Ms. Ayres stated that the decision to do an EIR would not come into play until an Initial Study had been completed and any impacts had been determined that could not be mitigated through a Mitigated Negative Declaration. When asked about the Black Diamond project, she noted through the Initial Study process that it had determined that there was property on that site that was under the Historic Resource designation, which could have affected the conclusion. She explained that for the Black Diamond project, it had been clear at the outset that an EIR would be prepared. At this point, the subject proposal related to a program level General Plan Amendment. For this project and through the Initial Study, no issue had been raised that would require a full EIR.

Ms. Ayres reiterated that the toxic substances on the property were regulated by the DTSC under a parallel and separate process.

Councilmember Johnson suggested that an EIR should have been prepared in the

beginning rather than a Mitigated Negative Declaration although he acknowledged that would have involved more time and would have provided the DTSC with more information. If the General Plan Amendment was not approved, he understood that the applicant could come back at a later point.

Ms. Ayres explained that in the event the General Plan Amendment was not approved, the applicant would have to decide whether or not it wanted to invest the monies in a Tentative Map and design review applications if there was no support from the Council for a General Plan Amendment.

Ms. Hollingshead stated that the DTSC plan was driven by land use. For the record, a clean up plan could not be completed until a land use designation had been made.

Mayor Kee commented that a marine commercial land use would require no clean up or the designation could be changed requiring a cleanup.

Vice Mayor Glynn stated that the City had worked for over two years to get the property rezoned from Commercial Industrial to Marine Commercial and had worked on the truck bypass and uses that would support it. Staff had also been encouraged to purchase the property, which had not been done. The current proposal for more residences and children in the downtown had identified no area where children could play or go to school. Considering the number of children who could reside in the development, he pointed out that the new elementary school in the downtown could be beyond capacity since it had already been impacted by the Black Diamond project and surrounding development. He would not support the development and would vote no on anything to do with the project.

Councilmember Parent recognized the vested interests for those who had spent time on the General Plan. She noted that General Plans were fluid with things and markets changing. Ideas changed in terms of what was good in planning and who was available to do something. She referenced the Leland Road development previously considered by the Council which had initially been designated for Office and which had been changed to allow Residential which was what was appropriate today.

Councilmember Parent expressed her confidence that the development would be an asset to the community and it was appropriate to keep residential on that side of Harbor Street.

Councilmember Parent made a motion to adopt Resolution 05-10425. Councilmember Casey seconded the motion.

Mayor Kee acknowledged that through the General Plan process the site had been zoned for Marine Commercial, although he pointed out that one of the things through the process was that the site could be revamped as an industrial use without any sort of remediation.

In changing the designation in steps, Mayor Kee suggested that the City was showing

faith on its part to the developer in ensuring that whatever happened would require remediation to a residential standard which was higher than a commercial or industrial standard and which would offer assurance to those living in the area that the property would be safe. How the remediation took place remained to be finalized and whether or not the DTSC approved it as acceptable was not yet known. He noted that the prime ingredient in the toxicity of the site was asbestos which was dangerous when moved around. He suggested that there was a greater potential for that to happen if the toxins were trucked throughout the City rather than encapsulating and remediating it on-site. If done to the extent where the City's liability was not limited, but extinguished, he stated that would be a good thing.

On motion by Councilmember Parent, seconded by Councilmember Casey to adopt Resolution 05-10425, carried by the following vote:

Ayes: Casey, Parent, Kee
Noes: Glynn
Abstain: Johnson

3. **RESOLUTION 05-10442** Adopt Resolution Amending Various Water and Sewer Rates and Fees

Mr. Grisham advised that the City Council of the City of Pittsburg has adopted various rates and fees for the Water and Sewer Utilities. There were minor inconsistencies in two fee resolutions that had come to staff's attention that needed to be corrected. The recommended corrections amending the previously adopted fees were ready to be adopted by the City Council.

There would be a minor increase in revenue due to changes in previously adopted rates and fees or fees scheduled for cost of living increases in future years. It was recommended that the City Council adopt a resolution revising the Water and Sewer Rates and Fees.

Mayor Kee opened the public hearing for Resolution 05-10442.
There was no one to speak to the item.

Mayor Kee closed the public hearing for Resolution 05-10442.

On motion by Councilmember Parent, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10442.

4. **ORDINANCE 05-1258** Introduction of an Ordinance Amending Municipal Code
Combined w/CC 05-10446 Section 2.04.080, Relating to the Powers and Responsibilities of Mayor and City Council

Mr. Grisham advised that the Ordinance and Resolution, if adopted by the City Council, would clarify the City's policy relating to the rotation of Mayor and Vice-Mayor.

The policy would be reviewed within six months following the date of the 2006 election.

There would be no fiscal impact. It was recommended that the City Council adopt an ordinance amending Municipal Code Section 2.04.080, relating to the policies and procedures for the conduct of City Council business and that the City Council adopt a resolution amending the "City of Pittsburg Policy and Procedure for City Council" to incorporate the proposed "Pittsburg City Council Mayoral Rotation Schedule" into Section 111, "Powers and Responsibilities."

Mayor Kee opened the public hearing for Ordinance 05-1258 and Resolution 05-10446. There was no one to speak to the item. Mayor Kee closed the public hearing for Ordinance 05-1258 and Resolution 05-10446.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to introduce Ordinance 05-1258 by title only and waive first reading.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt Resolution 05-10446.

CONSIDERATION

2. **RESOLUTION 04-10435** Adoption of City Council Policy and Procedure Amendments to Ensure AB 1234 Compliance

Mr. Grisham stated that Governor Schwarzenegger recently signed into law the "Local Government Sunshine Bill," Assembly Bill 1234 (D-Salinas). The Sunshine Bill imposed new restrictions on compensation and the reimbursement of expenses for members of local legislative bodies and also created a new ethics training requirement for local public officials. The law would go into effect on January 1, 2006. The proposed City Council Policy and Procedure amendments would supplement existing City practices to ensure compliance with the Sunshine Bill.

There would be no fiscal impact.

It was recommended that the City Council adopt a Policy and Procedure Amendment for compliance with new State disclosure, reporting and ethics training requirements.

Councilmember Parent referred to the language related to ethics and the requirement that might apply to more than one agency in which she was a member who might also offer an ethics course. She asked whether or not she would have to attend ethics classes for each agency of which it was a requirement.

Ms. Ziegler explained that the two hour ethics training was only required once during a two year period which the legislation recognized. She stated that with Council direction the motion could be amended to include that information.

On motion by Councilmember Johnson, seconded by Councilmember Parent and carried unanimously to adopt Resolution 05-10435, as amended to include the fact that ethics training was only required once during a two year period.

3. **RESOLUTION 05-10445** Initiating a Zoning Study to Amend the Existing West Tenth Street Overlay Zoning District, Which is Currently Zoned CS-O (Service Commercial with a Limited Overlay) District

Mr. Grisham stated that the Council was being asked to initiate a zoning study to amend the existing West Tenth Street Overlay District's (CS-O District adopted by CC Ordinance No. 00-1171) property development and land use regulations in conjunction with the proposed Trans Bay Cable (TBC) Project. The properties within the current CS-O District were APNs 085-270-016, 018, 019, 020, 022, 025, 026, 029, 032, 035, 036, 038, 040, 041 and 042.

This zoning study would not have a direct impact on the City's General Fund. Staff hours spent on the zoning study would be considered part of the TBC project. Trans Bay Cable LLC reimburses the City for all staff hours spent on the TBC Project.

It was recommended that the City Council adopt a resolution directing staff to initiate a study to amend the existing West Tenth Street overlay Zoning District's (CS-O (CC Ordinance No. 00-1171) property development and land use regulations in conjunction with the proposed Trans Bay Cable Project.

WILLIE MIMS, Pittsburg, representing the BPA, referred to the height of the project and questioned whether or not it would be categorically exempt from CEQA since the project would be approximately 15 feet higher than the 65 foot maximum requirement.

Ms. Ayres clarified that the Council was not being asked to amend the zoning code to change the height limit, but to initiate a zoning study. Before the Council was asked to adopt any changes there would be CEQA review on any proposed amendments.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt Resolution 05-10445.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: November 21, 2005
Approved minutes dated November 21, 2005.
- b. **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

Adopted Ordinance 05-1254.

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

Adopted Ordinance 05-1257.

- d. **RESOLUTION 05-10443** Approval of a Local Preference Policy for Housing Receiving City or Redevelopment Agency Housing Assistance
Combined w/RDA 05-1101

In Joint Session with the Redevelopment Agency, adopted Resolution 05-10443.

- e. **RESOLUTION 05-10446** Adoption of Rules and Procedures for the Conduct of City Council Business
Combined w/Ord 05-1258

Adopted Resolution 05-10446.

- f. **RESOLUTION 05-10447** Accepting Land from West Coast Home Builders for a Park in Highlands Ranch

Adopted Resolution 05-10447.

- g. **RESOLUTION 05-10448** Authorizing the Use of Water Operating Unallocated Reserves for the Replacement of an Existing 18 Inch Asbestos Concrete Water Pipe

Adopted Resolution 05-10448.

- h. **RESOLUTION 05-10449** Resolution Authorizing the Design of Contract 2005-29, City and Central Park Soccer Field Project

Adopted Resolution 05-10449.

- i. **RESOLUTION 05-10450** Authorizing a Consultant Agreement Amendment Allocating Funding and Authorizing Design of Contract 2005-28, California Avenue Pavement Reconstruction Project

Adopted Resolution 05-10450.

ADJOURNMENT

The City Council adjourned at 10:31P.M.to January 3, 2006.

Respectfully submitted,

Lillian J. Pride, City Clerk

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