

CITY OF PITTSBURG
Redevelopment Agency Minutes
October 3, 2005

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 7:55 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 6:30 P.M. for Closed Session for Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding one case; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 65 Civic Avenue (APN 086-100-022), 25 Power Avenue (APN 086-100-024), 80 Power Avenue (APN 086-100-026), 500 Railroad Avenue (APN 085-166-016), and 3745 Railroad Avenue (APN 088-061-025-8).

Chair Parent advised that there was no reportable action from Closed Session.

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

MEMBERS ABSENT: None

STAFF PRESENT Executive Director, Marc Grisham
Assistant Executive Director, Matt Rodriguez
City Clerk, Lillian Pride
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 Finance, Marie Simons
Director of Planning, Melissa Ayres
Records Clerk, Mary Ellen Overgaard

PUBLIC HEARING

1. **RESOLUTION 05-1084** Approval of a Disposition and Development Agreement
Combined w/CC 05-10389 By and Between the Redevelopment Agency of the City of Pittsburg, the City of Pittsburg, and Mt. Diablo Habitat for Humanity, Inc.

Director of the Redevelopment Agency Garrett Evans reported that the Redevelopment Agency of the City of Pittsburg and Mt. Diablo Habitat for Humanity, Inc. had negotiated the terms and conditions for the disposition and development of three parcels (consisting of approximately .32 acres) generally located at 14th Street between Harbor Street and Redwood Street.

Pursuant to the proposed Disposition and Development Agreement (DDA) between the Agency and the developer, the developer shall purchase the site from the Agency for three dollars (\$3) and shall construct three single family residential units made available to very-low income families at an affordable housing cost. Agency assistance from Housing Set-Aside Funds of approximately \$207,000 as set forth in the October 3, 2005 staff report had been estimated.

Mr. Evans recommended that the Agency Board approve the DDA. It was further recommended that the Agency Board authorize the Executive Director to execute the DDA on behalf of the Agency and execute such further documents and take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to the DDA.

Councilmember Johnson advised that he owned property in the Central Addition. To avoid any possible conflict of interest, he recused himself, stepped down from the dais and left the Council Chambers.

Chair Parent opened the public hearing for Redevelopment Agency Resolution 05-1084 and City Council Resolution 05-10389. There was no public comment.

Chair Parent closed the public hearing for Redevelopment Agency Resolution 05-1084 and City Council Resolution 05-10389.

On motion by Member Glynn, seconded Vice Chair Kee to adopt Redevelopment Agency Resolution 05-1084, carried by the following vote:

Ayes:	Casey, Glynn, Kee, Parent
Noes:	None
Abstain:	Johnson [Recused]

On motion by Councilmember Casey, seconded by Vice Mayor Kee to adopt City Council Resolution 05-10389, carried by the following vote:

Ayes:	Casey, Glynn, Kee, Parent
Noes:	None
Abstain:	Johnson [Recused]

Member Johnson returned to the dais at this time.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: September 19, 2005

Approved minutes dated September 19, 2005.

- b. **RESOLUTION 05-1085** Authorization to Fund Five Police Department Security
Combined w/05-10394 Cameras and Related Transmitting Equipment at
Various Locations Throughout the Los Medanos
Community Development Project Area from Railroad
Avenue Corridor Project Funds

Adopted Redevelopment Agency Resolution 05-1085.

Adopted City Council Resolution 05-10394.

- c. **RESOLUTION 05-1086** Authorize Use of Allocated Redevelopment Funds and
Combined w/05-10401 Cooperative Agreement Between the Redevelopment
Agency and the City of Pittsburg for CIP – 701 Willow
Pass Road Offsite Public Improvements Project and
Approve Public Improvements Funding Agreement
Between David & Associates and the City of Pittsburg

Adopted Redevelopment Agency Resolution 05-1086.

Adopted City Council Resolution 05-10401.

- d. **RESOLUTION 05-1087** Approving the Carryover of FY 2004-2005 Redevelop-
ment Agency Capital Improvement Project Balances at
June 30, 2005 into the Current Fiscal Year 05-06
Budget for the Redevelopment Agency of the City of
Pittsburg

Adopted Resolution 05-1087.

- e. **RESOLUTION 05-1088** Request for Advancement of \$350,000 to Prepare the
Railroad Avenue BART Ridership Development Plan
and Related Planning Activities and Authorization to
Enter into an Agreement with the Metropolitan
Transportation Commission to Receive at Least
\$350,000 in Reimbursement Grant Funds for this
Purpose

Adopted Resolution 05-1088.

- f. **RESOLUTION 05-1089** Allocating \$150,000 for a Contract with RBF Consulting
To Perform a Survey of Old Town Pittsburg

Adopted Resolution 05-1089.

- g. **RESOLUTION 05-1090** Authorize Staff to Review and Approve Construction
Combined w/05-10398 Documents, Authorize Bidding and Award Contract for Interior Remodel and Improvements to 60 Civic Avenue Property; Authorize Reallocation of Redevelopment Funds; and Approve Lease Agreement Between the City of Pittsburg and John F. Kennedy University

Adopted Redevelopment Agency Resolution 05-1090.

Adopted City Council Resolution 05-10398.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:02 P.M. to the next meeting on October 17, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Pittsburg Power Company Minutes
October 3, 2005

Chair Nancy Parent called the meeting of the Pittsburg Power Company to order at 8:03 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 6:30 P.M. for Closed Session for Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding one case; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 65 Civic Avenue (APN 086-100-022), 25 Power Avenue (APN 086-100-024), 80 Power Avenue (APN 086-100-026), 500 Railroad Avenue (APN 085-166-016), and 3745 Railroad Avenue (APN 088-061-025-8).

Chair Parent advised that there was no reportable action from Closed Session.

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

MEMBERS ABSENT: None

STAFF PRESENT Executive Director, Marc Grisham
Assistant Executive Director, Matt Rodriguez
City Clerk, Lillian Pride
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 Finance, Marie Simons
Director of Planning, Melissa Ayres
Records Clerk, Mary Ellen Overgaard

CONSENT CALENDAR

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

a. **MINUTES** Dated: September 19, 2005

Approved minutes dated September 19, 2005.

- b. **RESOLUTION 05-139** Approving the Carryover of FY 2004-2005 Pittsburg Power Company Capital Improvement Project Balances at June 30, 2005 into the Current Fiscal Year 05-06 Budget for the Pittsburg Power Company

Adopted Resolution 05-139.

- c. **RESOLUTION 05-140** Accept the 2005 Patch Paving Contract as Complete

Adopted Resolution 05-140.

- d. **RESOLUTION 05-141** Accept the Street Tree Pruning and Removal Contract as Complete

Adopted Resolution 05-141.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 8:03 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
City Council Minutes
October 3, 2005

Mayor Nancy Parent called the meeting of the City Council to order at 8:03 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 6:30 P.M. for Closed Session for Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding one case; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 65 Civic Avenue (APN 086-100-022), 25 Power Avenue (APN 086-100-024), 80 Power Avenue (APN 086-100-026), 500 Railroad Avenue (APN 085-166-016), and 3745 Railroad Avenue (APN 088-061-025-8).

Mayor Parent advised that there was no reportable action from Closed Session.

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

MEMBERS ABSENT: None

STAFF PRESENT City Manager, Marc Grisham
Assistant City Manager, Matt Rodriguez
City Clerk, Lillian Pride
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 Finance, Marie Simons
Director of Planning, Melissa Ayres
Records Clerk, Mary Ellen Overgaard

Mayor Parent considered the following general City Council items at 7:00 P.M. prior to pursuing the Redevelopment Agency agenda at 7:55 P.M.

PLEDGE OF ALLEGIANCE

Mayor Parent led the Pledge of Allegiance.

PRESENTATIONS

1. Contra Costa Water District Facilities and Water Quality Improvement Projects

BETTE BOATMUN of the Contra Costa Water District (CCWD) presented the Contra Costa Water District Facilities and Water Quality Improvement Projects presentation and updated the Council on the CCWD's strategic mission to provide a reliable water source of the highest quality at the most reasonable rates while also being concerned with the environment.

Ms. Boatmun explained that the CCWD along with the Alameda County Water District and Zone 7 representing almost all of the City of Livermore, had provided assistance to the Gulf Region in the aftermath of Hurricane Katrina to conduct an assessment of the water system through mutual aid and in coordination with various agencies assisting the Federal Emergency Management Agency (FEMA).

Ms. Boatmun advised that the CCWD served half a million customers and relied on the Delta and the Los Vaqueros Reservoir to be able to do so. She described some of the issues related to continuing that effort including potential levee failure and more stringent drinking water regulations and the health of the Delta. She described the CCWD's planning for drought conditions, its research into new technologies for producing safer drinking water and its better understanding of treatment technologies to make better decisions on conveyance, storage investments and implications of pending regulations. She also described how the CCWD was working to improve the Contra Costa Canal to protect water quality, reduce flood risks and liabilities and protect the public as rapid development occurred in the area of the canal.

Ms. Boatmun also explained that the CCWD continued to work on the expansion of the free Water Education Program, having reached 30,000 students a year in all public and private schools in Mt. Diablo Unified School District (MDUSD), Martinez Unified School District (MUSD), Pittsburg Unified School District (PUSD), Antioch Unified School District (AUSD), and the Oakley Unified School District (OUSD). She added that the CCWD provided adequate supplies of safe, high quality water, prudent fiscal management and education and conservation services. Customers of the CCWD could also contact the CCWD to conduct a water audit for their private residences.

Ms. Boatmun advised that she had recently met with the East Bay Municipal Utility District (EBMUD) to discuss the water plan for the State conducted by the Association of California Water Agencies (ACWA).

Mayor Parent commented that she had recently walked around the Contra Loma Reservoir where many positive comments had been made about the lagoon that had been built and the fact it had sand for children to play. Mrs. Boatmun commented that the sand had been insisted upon by the East Bay Regional Park District (EBRPD) which desired a lake experience. She noted that involved an expensive upkeep.

2. New Employee Introductions

Director of Human Resources Marc Fox advised that each Department Director would introduce the new employees.

City Manager Marc Grisham introduced Josephine Vera, the Administrative Assistant in the City Manager's Office.

Director of Housing and Community Programs Annette Landry introduced Rjianina Palaganas, the new Housing Authority Accountant.

Director of Planning Melissa Ayres introduced Leigha Schmidt the new Assistant Planner in the Planning Department.

Police Chief Aaron Baker introduced Sonia Johnson the new Police Records Clerk and Police Officers Gerald Lombardi, Nick Goldman and Sheena Jennings.

The new Water Treatment Plant Apprentice Operator Chris Anderson was also introduced to the Council.

Director of the Redevelopment Agency Garrett Evans introduced Martha Packard, Redevelopment Agency Project Manager.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Johnson reported had he had attended the State Executive Meeting of Disabled American Veterans, a veterans meeting with the Disabled Americans Veteran's at the VA Administration in Martinez, and the Latino Caucus sponsored by Daimler Chrysler USC.

Vice Mayor Kee reported that he was pleased to see that new City employees had ties to the East County area and wanted to remain in the community. He advised that he had participated in the Rotary Club Golf Tournament which was a good cause and which had been well attended. He and Councilmember Glynn had also recently met with representatives from the City of Concord and the County to discuss traffic mitigation measures for Bailey Road. It was likely something would be brought to the Council soon on that issue. Further, he had attended the Delta 2000 Mayors luncheon.

Councilmember Glynn reported that he had attended the recent Faith Meeting at City Hall with members of the religious community, the Mayor and Supervisor Federal Glover. The topic at that meeting was how to abate or solve problems associated with youth in the City. He had also attended a meeting of the Island Energy group at Mare Island relating to the Pittsburg Power Plant issues, the Mexican Fiesta sponsored by Pittsburg High School, and a joint meeting with BART leaders to discuss eBART and some of the plans and specifications being considered for various stations and track layouts in East County.

Councilmember Glynn also reported that he had also presented Measure P information at the home of Zelda Bellici. He added that the final Car Show had been held in the downtown with over 2,000 participants.

Councilmember Glynn further commented that he was Congressman Miller's representative to the Juvenile Diabetes Research Fund and had attended the Heather Park gathering on October 2 which had been well attended with over \$1.2 million raised for research for juvenile diabetes.

Councilmember Casey reported that he had been on vacation with his family over the past couple of weeks.

Mayor Parent reported that she had traveled to Dallas, Texas to attend the American Public Transit Association Meeting and Expo as a member of the Tri Delta Transit Board. Tri Delta had received a sixth place finish in the rodeo mechanics contest combined with the riding contest with the first place winner, Seattle Washington King County Transit. Tri Delta also won an advertising prize with three first place awards out of 754 entries and received one grand prize award in the shoestring category. She reported that she had also participated in the Hunger Walk sponsored by Delta 2000 where she had raised \$750 for the Pisces Food Bank.

CITY MANAGER REPORTS/REMARKS

City Manager Grisham reported that a Transbay Cable project information session would be held on Tuesday, October 11 at 7:00 P.M. at the Pittsburg Yacht Club.

Police Chief Baker announced that the International Association Chiefs of Police (IACP) had asked all agencies with a Community Policing Program to submit for possible recognition. He advised that Pittsburg Police Officer Dan Callahan had worked on his own time and had submitted the community policing problem solving situation on West Boulevard to the IACP. The IACP had received and reviewed 148 applicants for the award. The IACP, comprised of 16,000 members, had reviewed all applicants and had selected Officer Callahan's project as the second finalist, with North Little Rock, Arkansas as the winner. Officer Callahan had traveled to Miami, Florida to receive the award. He commended Officer Callahan for his service.

Officer Dan Callahan stated that it had been his honor and privilege to travel to Miami to accept the award on behalf of the City, the City Council and the Police Chief. He commented that he had received positive comments on his application and its uniqueness using an entire group of departments within the City to focus on improving the quality of life of a neighborhood.

CITIZENS REMARKS

FRANCISCO GUTIERREZ, Pittsburg, commented that since the reopening of the street for the expansion of the freeway, he had experienced problems with traffic on his street. He reported that in 2003 he had problems with his trucks parked in the front of his home, one involving a hit and run accident. In addition, two incidents had occurred last month while he was out of town on vacation where another vehicle had been hit in front of

his home. On August 31, a drunk driver hit a portion of his home, close to his bedroom. He presented photographs to the Council of the vehicle incidents in 2003 and the most recent incident where his home had been damaged.

Mr. Gutierrez commented that although he had spoken with the City's Public Works Superintendent and the Traffic Engineer who had indicated that a trailer would be set up on the street to check the speed of vehicles, nothing had been done to date.

Mr. Grisham affirmed with the Mayor that the City Engineer's Office would review the issue and the Police Department would review the vehicle incidents with Mr. Gutierrez, with the Council to be kept apprised of the status of those investigations.

The City Council reconvened at 8:03 P.M.

PUBLIC HEARING

1. **RESOLUTION 05-10389** Approval of a Disposition and Development Agreement
Combined w/RDA 05-1084 By and Between the Redevelopment Agency of the City of Pittsburg, the City of Pittsburg, and Mt. Diablo Habitat for Humanity, Inc.

Director of the Redevelopment Agency Garrett Evans reported that the Redevelopment Agency of the City of Pittsburg and Mt. Diablo Habitat for Humanity, Inc. had negotiated the terms and conditions for the disposition and development of three parcels (consisting of approximately .32 acres) generally located at 14th Street between Harbor Street and Redwood Street. Pursuant to the proposed Disposition and Development Agreement between the Agency and the developer, the developer shall purchase the site from the Agency for three dollars (\$3) and shall construct three single family residential units made available to very-low income families at an affordable housing cost.

Councilmember Johnson advised that he owned property in the Central Addition. To avoid any possible conflict of interest, he recused himself, stepped down from the dais and left the Council Chambers.

The City Council considered Resolution 05-10389 in Joint Session with the Redevelopment Agency and took the following action:

On motion by Councilmember Casey, seconded by Vice Mayor Kee to adopt City Council Resolution 05-10389, carried by the following vote:

Ayes:	Casey, Glynn, Kee, Parent
Noes:	None
Abstain:	Johnson [Recused]

Member Johnson returned to the dais at this time.

2. **RESOLUTION 05-10390** Approval of 2004-2005 Consolidated Annual Performance and Evaluation Report (CAPER)

Director of Housing and Community Programs Annette Landry reported that the Department of Housing and Urban Development (HUD) required the City Council to review and approve the 2004-2005 Consolidated Annual Performance and Evaluation Report (CAPER). This report provides a summary on the activities approved by the City Council in the 2004-05 Annual Action Plan and undertaken in the period from July 1, 2005 to June 30, 2005.

Ms. Landry recommended that the City Council approve the CAPER including any public comments received during the public hearing and public comment period.

Mayor Parent commented that having served on the Community Development Block Grant (CDBG) Committee with the Community Advisory Committee (CAC), it would be helpful for next year's group to have the report, particularly where a specific number of people had been targeted and served since those meeting their targets should have additional consideration.

Ms. Landry expressed the willingness to forward the recommendation to the subcommittee. She noted that for 2006 to 2008, there was a two year funding cycle with the hope of making larger grant amounts to fewer agencies to be able to be more efficient and effective. The report would also be provided to the entire CAC so that it could see the agencies that had actually met their goals compared with those that had not.

Councilmember Glynn stated that he too had served on the CAC Executive Committee and the CDBG. He agreed with the recommendation in that it would give the applicants for the next cycle goals to achieve for the two year period. He liked the idea of a two year budget with the associated criteria for more effective outcomes.

Ms. Landry added that an action plan had been presented to the Council each year identifying what would be done. In addition, there would be an entirely new set of priorities for the next five year consolidated plan, 2005 through 2009.

Ms. Landry explained in response to Councilmember Johnson that the City of Pittsburg was the last to pursue the two-year process. The consortium of which the City of Pittsburg was a member included the cities of Antioch, Walnut Creek, Concord and the County, all of which were on the two year cycle.

Mayor Parent opened the public hearing for Resolution 05-10390. There was no public comment. Mayor Parent closed the public hearing for Resolution 05-10390.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10390.

3. **RESOLUTION 05-10391** Accept the Supplemental Law Enforcement Services Fund (SLESF) Grant

Mr. Grisham reported that the Pittsburg Police Department was seeking City Council authorization to accept and appropriate funds from the Supplemental Law Enforcement Services Fund 2005-2006 (SLESF).

Mr. Grisham recommended that the City Council approve the requests of the Chief of Police and accept and appropriate funds from the SLESF and that the City Manager or his designee be authorized to act on the City's behalf relative to this grant including the establishment of necessary fiscal accounting.

Mayor Parent opened the public hearing for Resolution 05-10391. There was no public comment. Mayor Parent closed the public hearing for Resolution 05-10391.

On motion by Councilmember Casey, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10391.

CONSIDERATION

1. **RESOLUTION 05-10392** Adoption of Resolution of Support of the Proposed California Delta Trail

Senator Torlakson requested that the Council adopt a resolution in support of creating a loop trail around the Delta.

Mr. Grisham reported that he had attended the kick-off meeting Senator Torlakson had held at Bay Point for the Delta Trail System which was very important as the project moved forward and which provided the City an opportunity to have a linked trail system through the Delta. There would be no fiscal impact. He recommended that the City Council adopt a resolution in support of the creation of a California Delta Trail.

SENATOR TOM TORLAKSON commented that the trail could not exist without levies in place. In that regard, he presented information on a possible bond issue that he was working on with Senator Perata. He thanked the Council for standing strong on protecting local government resources, such as property taxes and Proposition 42 monies.

Senator Torlakson explained that he and Senator Perata were jointly authoring a measure to restore money to the transportation system, to consist of \$2.5 billion that had been borrowed from Proposition 42 and to close the loophole so that borrowing could not occur again, and another billion and a half for the State Transportation Improvement Program (STIP) to accelerate the advancement of train systems, such as BART and the needed highway systems. A billion dollars would be in the bonds for levee roads, State Route 4, Highway 5, and Highway 12.

Senator Torlakson advised of the plan to fortify the levees and to determine which could be sustained over time to protect the water supply and to maintain the natural resources of the Delta. He urged the Council to support the bond measure when presented.

Senator Torlakson added that another goal was to reward cities, such as Pittsburg, which had done its fair share of regional housing. The bond would include a billion and a half dollars that would be reward dollars for those cities that had done their fair share of regional housing, transit oriented development and had assisted in the housing needs to sustain the economy and provide jobs.

Senator Torlakson thanked staff, the Mayor and Council for its feedback on a recent tour, noting that the Mayor had attended the tour which offered an opportunity to discuss ideas with neighbors in Bay Point, to consider the regional linkage and connection to the Bay Trail and to build a system of trails through Suisun Bay all the way to Sacramento and Stockton. He urged the consideration of the resolution of approval which would focus the Legislature, with a goal of planning money to work with cities to plan the routes in a sensitive way to industry, resources, and local plans and to connect communities side by side.

Councilmember Johnson questioned whether or not a site specific plan for the entire Bay Area would be prepared as part of the project.

Senator Torlakson noted a start at the conceptual level such as where the bicycle trails would go, as discussed with the TRANSPLAN Committee, to identify the issues and areas of sensitive habitat. Precise details would be worked out as they move forward. He added that the City of Pittsburg would be the first to consider and hopefully approve the resolution. He had spoken with the Mayors of Antioch and Oakley with positive feedback from some of the Delta cities. He was confident that the project would be warmly received and would involve a planning process involving the Delta Protection Commission, State parks, and the Coastal Commission to link local with regional plans to the larger State effort.

Councilmember Johnson sought an Ad Hoc Committee from the other cities to ensure a coordinated effort from all involved.

Senator Torlakson advised that the Delta Protection Commission, which represented five of the Delta counties and their cities, would assist in that effort with a presentation to be made to that Commission in the next several weeks. In early January or February 2006, a meeting of all interested stakeholder parties would be convened to begin the planning process.

Mr. Grisham added that the City had offered Senator Torlakson the opportunity to tour the community and view the City's housing projects, since urban infill development and smart growth had always been a major component of the Senator's efforts in Sacramento. He reported that the City had received support from the Greenbelt Alliance for the Black

Diamond project and had received a letter from Discovery Homes expressing a strong interest to work with the City to get the transit village project underway at the Pittsburg/Bay Point BART Station.

Senator Torlakson further commented that Legislators had added \$250 million to transit oriented development (TOD) projects, specifically for grant monies for capital improvements around TOD projects. The City would have some discretion on its capital needs. In addition, \$950 million had been added as additional grants for planning and additional funds that cities that could use for different projects.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10392.

2. **RESOLUTION 05-10393** Appropriation of Funds and Selection of Consultant to Prepare Hillside Development Guidelines/Performance Standards

Mr. Grisham reported that the Council had adopted a work program in February 2004 to create new hillside development implementation guidelines and performance standards, and had then placed the project on hold in June 2004. Staff requested that the Council reactivate the project, select MIG Consultants to prepare the guidelines with a new timeline, and appropriate \$65,000 for the project.

The City received a bid of \$58,700 in May 2004 by MIG Consultants to complete work identified in the approved work program, which MIG has indicated is still valid. This bid, plus a 10% contingency equates to \$64,570. Staff requested that \$65,000 be appropriated for this project from the General Fund reserve. It was noted that redevelopment funds could not be used because the proposed guidelines were for an area outside the redevelopment project area.

Mr. Grisham recommended that the City Council move to adopt a resolution appropriating \$65,000 of General Fund Reserves for the Hillside Development Guidelines Project and authorize the City Manager to enter into an agreement with MIG Consultants for these professional services.

Mayor Parent requested regular reports on the status of the work such as in February and again in April 2006, to which the City Manager and Planning Director affirmed would be done.

On motion by Vice Mayor Kee, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10393.

3. **MINUTE ORDER** Actions Related to the Urban Limit Line Initiative (Measure P)

Mr. Grisham explained that staff requested Council review to provide direction to the

City Manager on several items of interest and Memoranda of Understanding (MOU) relating to the Urban Limit Line (ULL) Initiative (Measure P).

There were no fiscal impacts to the City associated with this report.

The Measure's proponents had agreed to pay for the cost of the election. Subsequent costs to the City associated with the execution of MOUs would be determined following passage of the Urban Limit Line Initiative Measure. If the measure did not pass by the voters, the MOUs would become null and void. Mr. Grisham recommended that the City Council act on each individual item as listed in the staff report, and adopt the Minute Order, as follows:

1. Authorize the City Manager to execute the Memorandum of Understanding between the City of Pittsburg and Altec Homes, Inc., regarding Buchanan Road Bypass and Montreux development; and
2. Authorize the City Manager to execute the Memorandum of Understanding between the City of Pittsburg and Faria Land Investors, LLC regarding widening of San Marco Boulevard; and
3. Authorize the City Manager to approve a Memorandum of Understanding involved the City of Pittsburg and Altec Homes, Inc., Albert D. Seeno, Jr., beyond which no urban development can occur in the future; and to provide maximum public benefit; establishment of open space fees or contributions; open space mitigation issues.
4. Direct the City Manager to work with Albert D. Seeno, Jr. on a potential development project within the Urban Limit Line to improve and expand its municipal golf course with adjacent housing in return for Mr. Seeno providing replacement acreage for open space outside of the Urban Limit Line.
5. Receive the letter from Albert D. Seeno, Jr. relating to future development of the Thomas Property if he acquires the subject property and the subject development conditions and direct staff to insure that these conditions would be required regardless of who may develop the property in the future.
6. Direct the City Manager to work with Discovery Builders on a potential transit friendly mixed-use village adjacent to the existing Pittsburg/Bay Point BART Station to facility urban in-fill development and increase ridership on BART and potential e BART.
7. Direct the City Manager to continue to work with SEECON for the development of four lanes for the East Leland Road extension through their property.
8. Direct the City Manager to have staff review the actions necessary to modify

the General Plan to reflect the changes suggested through the Measure P process whether or not the Measure passes in November.

Councilmember Glynn requested that the description for staff recommended action No. 6 be revised to read:

6. *Direct the City Manager to work with Discovery Builders on a potential transit friendly mixed-use village adjacent to the existing Pittsburg/Bay Point BART Station to facilitate urban in-fill development and increase ridership on BART and potential earth.*

And that the description for staff recommended action No. 7 be amended to read:

7. *Direct the City Manager to continue to work with SEECON for the development of four lanes for the West Leland Road extension through their property.*

Speaking to the third sentence of the staff analysis as shown on Page 3 of the October 3, 2005 staff report, under the section Delta View Golf Course Development, Councilmember Glynn requested it be amended to read:

A development agreement would enable the Developer to build high quality housing around the existing golf course, with the City's desire to build an additional nine hole executive golf course, a club house restaurant building, and a pad for a future golf course resort hotel as part of the subject development agreement.

To the heading for the first section on Page 4 of the October 3, 2005 staff report:

Pittsburg/Bay Point BART Station Transit Village Development:

Speaking to the first sentence under the second heading on Page 4 of the October 3, 2005 staff report for City and Altec Homes, Inc., MOU re: Buchanan Road Bypass and Montreux Property:, Councilmember Glynn noted that the property was exactly 150 acres, as shown on the map, not 160 acres as shown in the description and the first sentence.

Mr. Grisham commented that nothing was ever exact in terms of acreage but the change could be made, although he could not guarantee that the property was exactly 150 acres.

Speaking to that same heading, Councilmember Glynn stated that the Buchanan Road Bypass (BRB) was not on the west side but on the east side of of Kirker Pass Road. He also questioned the association between the BRB and the Montreux property and the five year issue before a permit could be withdrawn to start construction.

Mr. Grisham explained that the Montreux property was the end point for the BRB and traffic for Montreux would potentially drive through the BRB area. That point had been agreed to by the proponent in the MOU.

Councilmember Glynn stated that he would have agreed to that point if it related to

the Thomas Ranch property but would not agree to the identification of the Montreux property. He would like to hear the developer say that the BRB would go through the Montreux property.

Mr. Grisham clarified that the BRB would end at the Montreux property.

Mayor Parent commented that one of the issues had been that when Montreux comes out to Kirker Pass Road there would be a four-way intersection with the other end of the BRB necessitating traffic signals.

Councilmember Glynn pointed out that the BRB would not go through the Montreux property but would terminate at that intersection at the entrance to the Montreux property.

Mr. Grisham commented that in terms of what the developer wanted and what was agreed to in the MOU, it was clear that the MOU state what the developer agreed, that there be a five year period.

Councilmember Glynn again referenced the same section, City and Altec Homes Inc., MOU Re: Buchanan Road Bypass and Montreux property, specifically the second sentence, and requested that it be amended to read:

Developer would agree not to apply for and the City would not issue any building permits for the Montreux Property for a period of five (5) years after the passage of Measure P.

Mr. Grisham acknowledged that the phrasing could be modified although it was correct, as written.

Speaking to the second to the last sentence of the description for City and Faria Lane Investors, Inc. MOU re: San Marco Boulevard Extension as shown on Page 4 of the October 3, 2005 staff report, Councilmember Glynn pointed out that the language was not clear in the document, although the MOU had actually defined fee lanes and other lanes which should be reflected in the description in the staff report.

Speaking to the description for City and Altec Homes, Inc., MOU re: Permanent Green Line/Open Space Mitigation as shown on the October 3, 2005 staff report, specifically the reference to properties south of the City of Pittsburg, Councilmember Glynn questioned whether or not the specific properties south of the City of Pittsburg should be identified since he understood that only the Montreux and Thomas Ranch properties would be involved.

Mayor Parent noted that it would also involve the Faria property which was south of the City and which had a piece that would be added to the Concord BART Station.

Mr. Grisham explained that the implication was the Sphere of Influence (SOI) areas in the south portion.

Councilmember Glynn noted that the staff report continued to discuss a two lane construction for the BRB, although he distinctly recalled that two lanes would be paid through traffic mitigation funds and the other two lanes by the developer, with a four lane bridge.

Mr. Grisham clarified that there was no MOU as related to the Thomas Ranch property acquisition, although the developer had submitted a letter regarding that issue. The staff report had indicated that there would be two lanes constructed by the developer and an additional two lanes constructed from other possible funding sources, for a total of four lanes. The bridge had not been discussed since they were not at that level.

Councilmember Glynn recalled that the City Engineer had spoken during a prior meeting of a two lane highway and construction of a two lane bridge, with another two lane bridge to be added later, if needed.

Mr. Grisham commented that could be a possibility depending on the engineering analysis which was underway at this time. The staff report could be modified to reflect whatever the Council determined to be appropriate.

Councilmember Johnson understood that the ULL, once set, would be the City limits and not the SOI.

Mr. Grisham explained that when the ULL was initially put into place the City limits would remain the same. As specific projects were identified and proceeded through the Local Agency Formation Commission (LAFCO) annexation process, those projects would then come into the City.

Councilmember Johnson sought clarity on that issue in that once the ULL was established it would be the designated City limits. If Measure P was passed, he understood that the ULL would become the City limits.

Mr. Grisham acknowledged that the County had set up its ULL that way to bring its ULL into conformity with the City limits. The City limits were in conformity with the County ULL. That issue could be verified further with the City Attorney.

Ms. Ayres added that the voters would be voting to change the ULL and to prezone the property in the same way that the City had prezoned the Mirant property, as an example, which was inside the ULL. The City or the developer would still have to initiate annexation proceedings with LAFCO to bring the property into the City limits. The voting action in November would not bring properties into the City limits, it would only change the ULL and prezone the property, which was the first step before the City or the developer could make a request to LAFCO to bring the property into the City limits through annexation.

Vice Mayor Kee referenced the last bullet for the description of the Thomas Property Acquisition, as shown on Page 5 of the October 3, 2005 staff report, which should be modified to be consistent with the Developer's September 8, 2005 letter, and which should be amended to read:

- *No development would take place until funding is secured for the additional two (2) lanes of the Buchanan Road Bypass from all possible sources (i.e. Federal, State, local, ECCRFFA).*

Speaking to the MOU dated September 7, 2005 between the City of Pittsburg and Altec Homes, Inc., regarding the Buchanan Road Bypass and Montreux development, Councilmember Glynn requested that paragraph three on the first page be amended to read:

3. *The City Urban Limit Line initiative, if adopted by the City of Pittsburg, will provide for the inclusion of the Montreux Property within the Urban Limit Line and will further pre-zone the Montreux Property in anticipation of annexation of the Montreux Property to the City of Pittsburg.*

Vice Mayor Kee commented that initially he had been concerned with the five year limit prior to the start of construction since he doubted that the BRB would be built within five years. Given that the Montreux property was on the other side of where the BRB would terminate, he was now confident that the traffic that would be generated and using the BRB would be relatively minor. He suggested it would be prudent for the Council to adopt MOUs in the event that Measure P passed. While he did not necessarily agree with his colleagues on the need for them, he suggested it was prudent to have agreements in place to address the potential needs of City developments.

Councilmember Glynn requested that the third paragraph on the first page of the MOU dated September 7, 2005 between the City of Pittsburg and Altec Homes, Inc., regarding Buchanan Road Bypass and Montreux development, be further amended to read:

4. *The City Urban Limit Line initiative, if adopted by the City of Pittsburg, will provide for the inclusion of the Montreux Property within the Urban Limit Line and will further pre-zone the Montreux Property in anticipation of annexation of the Montreux Property into the City of Pittsburg.*

Councilmember Glynn further questioned the intent of the language contained in the fifth paragraph on the first page of the MOU dated September 7, 2005 between the City of Pittsburg and Altec Homes, Inc., regarding Buchanan Road Bypass and Montreux development and again questioned the status of the four lanes and a bridge of four lanes, which had not been mentioned in the MOU.

Mayor Parent noted that since Seeno did not own the Thomas property, they could not obligate the developer to do something, which was the reason the MOU only related to the Montreux property.

Councilmember Glynn noted that whether or not Measure P was adopted, if the developer purchased the Thomas property they were speaking of a performance issue relative to the Thomas property and the construction of the BRB. While it could be considered in 2006, in the meantime, they may have procured the Thomas Ranch property and they were speaking of the performance criteria relevant to the construction of the BRB and the MOU before the Council. He understood that if Measure P did not pass, the MOUs would be null and void.

Mayor Parent affirmed that the MOUs would only be applicable with the passage of Measure P.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to approve the Memorandum of Understanding, Draft Dated September 7, 2005, Authorizing the City Manager to execute the Memorandum of Understanding between the City of Pittsburg and Altec Homes, Inc., regarding Buchanan Road Bypass and Montreux development, as amended.

Councilmember Glynn spoke to the Memorandum of Understanding between the City of Pittsburg and Faria Land Investors, LLC regarding the widening of San Marco Boulevard and commented that the issue of San Marco Boulevard to Bailey Road would bring in another player, Bailey Estates. He commented that there was a short piece of Bailey Road which existed between the termination point of San Marco Boulevard and Bailey Road which crossed the Bailey Road Estates development. There was nothing in the MOU which addressed how that would be paid, either by the property owner of Bailey Estates or by someone else.

Mr. Grisham explained that Bailey Estates was an approved project and those things that go through Bailey Estates would be paid by the property owner, John Stremmel or whoever ultimately developed that property.

Ms. Ayres also confirmed that situation and noted that it would also be identified on the developer's improvement plans for Bailey Estates, which would be required to build those improvements as part of the Bailey Estates development. Further, the right turning lane into the Bailey Estates property to enter San Marco Boulevard and traffic signals would also be a part of Mr. Stremmel's expenses, with the exception of Bailey Road, which was a rural street at that point and which would not be widened to four lanes.

On motion by Councilmember Johnson, seconded by Councilmember Glynn, and carried unanimously to approve the Memorandum of Understanding, Draft Dated September 7, 2005, Authorizing the City Manager to execute the Memorandum of Understanding between the City of Pittsburg and Faria Land Investors, LLC regarding the widening of San Marco Boulevard.

In response to the Mayor, Mr. Grisham affirmed that the fees for open space would be used in the Pittsburg area as it related to the Memorandum of Understanding involving the City of Pittsburg and Altec Homes, Inc., Albert D. Seeno, Jr., beyond which no urban development could occur in the future; and to provide maximum public benefit; establishment of open space fees or contributions; and open space mitigation issues.

Speaking to that same MOU, Councilmember Glynn questioned the language contained in the first page, Section A (3) as it related to the inclusion of the Nortonville Valley area. He understood that area was not part of Measure P.

Mr. Grisham explained that once the designation was made and the ULL was set, the Nortonville Valley area had been shown as an area suitable for development in the General Plan and would have to come out of the General Plan since at that point in time the citizens would have set the ULL if Measure P passed. He reiterated that if Measure P did not pass there would be a series of planning actions he expected the Council would then need to take.

Councilmember Johnson understood that if Measure P passed, the Nortonville Valley area would no longer be in the City's SOI.

Mr. Grisham explained that the City's SOI could only change based on what LAFCO decided. The SOI would not change the ULL which would only change if Measure P was adopted. A General Plan change would be made if Measure P passed since the ULL would then be set. He reiterated that the SOI for every community was set by LAFCO and would not change unless changed by LAFCO. The City could not build beyond the ULL.

Mayor Parent noted that the proposal was what the property owner was willing to make and was a considerable concession to state that there would be no development in the Nortonville Valley area.

On motion by Councilmember Johnson, seconded by Councilmember Glynn, and carried unanimously to approve the Memorandum of Understanding, Draft Dated September 9, 2005, Authorizing the City Manager to approve a Memorandum of Understanding involved the City of Pittsburg and Altec Homes, Inc., Albert D. Seeno, Jr., beyond which no urban development can occur in the future; and to provide maximum public benefit; establishment of open space fees or contributions; open space mitigation issues.

City Clerk Lillian Pride reported that for the purposes of records keeping, appropriate titles would be provided for each of the MOUs approved to ensure proper identification.

On motion by Councilmember Glynn, seconded by Councilmember Casey, and carried unanimously to direct the City Manager to work with Albert D. Seeno, Jr. on a potential development project within the Urban Limit Line to improve and expand its municipal golf course with adjacent housing in return for Mr. Seeno providing replacement acreage for open space outside of the Urban Limit Line.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to receive the letter from Albert D. Seeno, Jr. relating to future development of the Thomas Property if he acquires the subject property and the subject development conditions and direct staff to insure that these conditions would be required regardless of who may develop the property in the future.

As to the sixth action before the Council, Mayor Parent commented on the positive discussions with BART on the potential for transit friendly mixed use development. She emphasized the importance of increasing the density with new housing as close as possible to the actual platform as the transit station to allow residents to walk out his/her front door and onto a train. She understood that there were successful mixed use transit developments in the City of Oakland at the Fruitvale Station and in the City of Hayward.

On motion by Councilmember Johnson, seconded by Mayor Parent, and carried unanimously to direct the City Manager to work with Discovery Builders on a potential transit friendly mixed-use village adjacent to the existing Pittsburg/Bay Point BART Station to facilitate urban in-fill development and increase ridership on BART and potential eBART.

As to the recommendation to direct the City Manager to continue to work with SEECON for the development of four lanes for the West Leland Road extension through their property, Councilmember Johnson made a motion, seconded by Councilmember Glynn to approve.

On the motion, Mayor Parent inquired of a timeline for the extension, to which the City Manager advised that it was incumbent upon SEECON to provide the City Manager and the City Engineer the information needed to reach an accommodation for the main driveway into the proposed new shopping center. In order to do that, staff needed rough grade elevations for the center. An analysis was to be provided to staff from the developer but it has not been received. Until that was done, staff could not prepare an analysis.

Mayor Parent understood that there was a disagreement between two engineers as to how things should be built, although she wanted the road built as soon as possible. Given the loss of another season and with the Lyon homes development, she suggested it was clear that Leland Road would head into four lanes and then all of a sudden into two lanes, creating a bottleneck. She emphasized the need to get the work done.

Mr. Grisham understood the concerns and noted that staff had been straightforward with the developer in requesting that the data to be provided.

Mayor Parent made a motion, seconded by Vice Mayor Kee to direct the City Manager to continue to work with SEECON for the development of four lanes for the West Leland Road extension through their property.

On the motion, and with clarification from the City Clerk, Councilmember Johnson withdrew his original motion on the item and Councilmember Glynn withdrew his second.

On motion by Mayor Parent, seconded by Vice Mayor Kee and carried unanimously to direct the City Manager to continue to work with SEECOM for the development of four lanes for the West Leland Road extension through their property.

On motion by Councilmember Johnson, seconded by Councilmember Glynn, and carried unanimously to direct the City Manager to have staff review the actions necessary to modify the General Plan to reflect the changes suggested through the Measure P process whether or not the Measure passed in November.

CONSENT CALENDAR

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

a. **MINUTES** Dated: September 19, 2005

Approved minutes dated September 19, 2005.

b. **CLAIMS** #1665 Doris Crosley, #1666 Jelani Collins, #1667
Kenneth Darnell Collins

Denied claims #1665 Doris Crosley, #1666 Jelani Collins, and #1667 Kenneth Darnell Collins.

c. **ORDINANCE 05-1249** Adoption of an Ordinance to Rezone 15.6 Acres West of Herb White Way to PD and GQ Districts (Mariner Walk Residential Development, Planned Development Rezoning Application No. AP-04-126)

Adopted Ordinance 05-1249.

d. **ORDINANCE 05-1251** Levying a Special Tax for the Fiscal Year 2005-2006 and Following Fiscal Years Solely Within and Relating to the City of Pittsburg Community Facilities District No. 2005-2 (Vista Del Mar)

Adopted Ordinance 05-1251.

e. **ORDINANCE 05-1252** Adopting a Zoning Ordinance Amendment for Chapter 18.356 Design Review

Adopted Ordinance 05-1252.

f. **RESOLUTION 05-10394** Authorization to Fund Five Police Department Security
Combined w/RDA 05-1085 Cameras and Related Transmitting Equipment at Various

Locations Throughout the Los Medanos Community Development Project Area from Railroad Avenue Corridor Project Funds

In Joint Session with the Redevelopment Agency, adopted Resolution 05-10394.

- g. **RESOLUTION 05-10395** Amending the CalPERS Contract Regarding Employer Paid Member Contributions (EPMC)
Combined w/CC 05-10396

Adopted Resolution 05-10395.

- h. **RESOLUTION 05-10396** Amending the CalPERS Contract Regarding the Paying and Reporting of Employer Paid Member Contributions (EPMC) as Additional Compensation
Combined w/CC 05-10395

Adopted Resolution 05-10396.

- i. **RESOLUTION 05-10397** Reallocation of One (1) Administrative Analyst Position to Engineering Technician

Adopted Resolution 05-10397.

- j. **RESOLUTION 05-10398** Authorize Staff to Review and Approve Construction Documents, Authorize Bidding and Award Contract for Interior Remodel and Improvements to 60 Civic Avenue Property; Authorize Reallocation of Redevelopment Funds; and Approve Lease Agreement Between the City of Pittsburg and John F. Kennedy University
Combined w/RDA 05-1090

In Joint Session with the Redevelopment Agency, adopted Resolution 05-10398.

- k. **RESOLUTION 05-10399** Accepting as Complete Contract 2004-01, 2004/5 Citywide Pavement Rehabilitation Project

Adopted Resolution 05-10399.

- l. **RESOLUTION 05-10400** Adoption of the East Contra Costa County Bikeway Plan, 2005 Update

Adopted Resolution 05-10400.

- m. **REPORT** Receive and File the Quarterly Investment Report as of June 30, 2005.

Received and Filed Quarterly Investment Report as of June 30, 2005.

- n. **RESOLUTION 05-10401** Authorize Use of Allocated Redevelopment Funds and
Combined w/RDA 05-1086 Cooperative Agreement Between the Redevelopment Agency and the City of Pittsburg for CIP – 701 Willow Pass Road Offsite Public Improvements Project and Approve Public Improvements Funding Agreement Between Davis & Associates and the City of Pittsburg

In Joint Session with the Redevelopment Agency, adopted Resolution 05-10401.

- o. **RESOLUTION 05-10402** Approving the Carryover of FY 2004-2005 Capital Improvement Project Balances at June 30, 2005 into the Current Fiscal Year 05-06 Budget for the City of Pittsburg

Adopted Resolution 05-10402.

ADJOURNMENT

The City Council adjourned at 9:20 P.M. to October 17, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk

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