

CITY OF PITTSBURG
Housing Authority Minutes
September 19, 2005

Chair Nancy Parent called the meeting of the Housing Authority to order at 7:37 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Workshop – Black Diamond Project at 5:30 P.M. and into Closed Session at 6:30 P.M. for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/ Professional/Confidential Unit), Teamsters and Unrepresented Employees.

Chair Parent reported that the City Council had met in Closed Session and had agreed to new Memorandum of Understanding (MOU) terms for all three non-safety bargaining units and Department Directors, and had directed the City Manager and the Human Resources Director to implement and sign those documents.

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

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 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
Planning Director, Melissa Ayres
Director of Housing and Community Programs, Annette Landry
Police Department, Lieutenant Wade Derby

CONSENT CALENDAR

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

a. **DISBURSEMENT LIST** Dated: July 31, 2005

Approved Disbursement List dated July 31, 2005.

b. **MINUTES**

Dated: August 15, 2005

Approved Minutes dated August 15, 2005.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:40 P.M. to the next meeting on October 17, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Redevelopment Agency Minutes
September 19, 2005

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 7:41 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Workshop – Black Diamond Project at 5:30 P.M. and into Closed Session at 6:30 P.M. for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/ Professional/Confidential Unit), Teamsters and Unrepresented Employees.

Chair Parent reported that the City Council had met in Closed Session and had agreed to new Memorandum of Understanding (MOU) terms for all three non-safety bargaining units and Department Directors, and had directed the City Manager and the Human Resources Director to implement and sign those documents.

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

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 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
Planning Director, Melissa Ayres
Director of Housing and Community Programs, Annette Landry
Police Department, Lieutenant Wade Derby

PUBLIC HEARING

1. **RESOLUTION 05-1073** Approval of a Disposition and Development Agreement
Combined w/CC 05-10370 By and Between the Redevelopment Agency of the City
of Pittsburg, the City of Pittsburg and Olson Urban
Housing LLC

Redevelopment Director Garrett Evans introduced Lynn Hutchens of Goldfarb and Lipman, LLP, Agency Counsel and advised that the Redevelopment Agency of the City of Pittsburg and Olson Urban Housing LLC had negotiated the terms and conditions for the disposition and development of an approximately ten acre site. The developer shall construct approximately 123 single-family residential units, which will include twenty affordable units. In addition, the development shall relocate an existing park and complete the construction of the new park.

The Council must consider the environmental analysis prepared for this project, and must adopt the Mitigated Negative Declaration before the Council or Redevelopment Agency can act on the Disposition and Development Agreement (Council Resolution No. 05-10370 and RDA Resolution No. 05-1073), the recommended General Plan Amendment (Council Resolution No. 05-10371), or the recommended Planned Development District zoning (Ordinance No. 05-1249) for the Mariner Walk Residential Development.

On June 21, 2004 by Resolution 04-10098, the City Council of the City of Pittsburg approved the transfer of the Marina Park Property to the Agency for the sum of \$2,430,000 payable in two equal installments of \$1,215,000 in fiscal year 2003-04 and fiscal year 2005-05. APNs 085-141-002, 085-141-003, 085-141-004, 085-141-005, 085-141-007, 085-141-009, 085-142-001, 085-142-002, 085-142-003, 085-142-004, 085-142-005, 085-142-006, 085-143-001, 085-143-002, 085-143-003, 085-143-004, 085-143-005, 085-143-006. and 085-130-006, collectively, the "Mariner Walk Property" previously named "Marina Walk II" are Agency owned. The Mariner Walk Property is currently vacant and not generating tax increment. The developer shall purchase the Mariner Walk Property from the Agency for \$1,800,000 as the base purchase price plus 50 percent of the net profits of the development, if any. The developer shall improve the Mariner Walk Property, resulting in the generation of tax increment.

On April 4, 2005, by Resolution 05-10269, the Agency approved the Agency list of Projects Allocations and Funding Sources. Included on the List was a \$1,000,000 allocation from the Housing Set-Aside Funds (HSAF) to be used for the construction of twenty affordable units. At the Agency's expense, an amount not to exceed \$40,000 shall be held in escrow from the Agency's purchase price. The developer shall use this holdback of funds to create a driveway allowing St. Peter Martyr School (SPM) traffic to exit onto Bayside Drive and grade the remaining portion of the site on Bayside Drive, between the development and W. Fourth Street. The developer will complete all the tasks necessary to accomplish the work even if it exceeds the \$40,000.

In addition, the following amounts shall be held in escrow from the Agency's purchase price to pay for the following:

- \$300,000 for wetlands mitigation;
- Approximately \$90,000 for under grounding utilities, specifically the Delta Diablo Sanitation District (DDSD) line bisecting the Mariner Walk Property, with the final amount determined by bids and approved by the Agency Executive Director;

- Approximately \$8,300 for costs incurred by the developer associated with the street improvements on Herb White Way between Eighth and Tenth Streets.

Mr. Evans recommended that the Disposition and Development Agreement (DDA) between the Agency and the developer be approved, and that the Executive Director be authorized 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.

The following items from the City Council agenda were also considered at this time.

1. **RESOLUTION 05-10369** Adopting the Mitigated Negative Declaration and
Combined w/CC 05-10371 Mitigation and Monitoring Program for the Mariner Walk
Combined w/CC 05-1249 Residential Development
3. **RESOLUTION 05-10371** Adopting Amendments to the Land Use, Downtown and
Combined w/CC 05-10369 Open Space, Youth and Recreation Elements of the
Combined w/CC 05-1249 General Plan for the Mariner Walk Residential
 Development, General Plan Amendment Application No.
 AP-04-126
4. **ORDINANCE 05-1249** Introduction of an Ordinance to Zone 15.6 Acres to PD
Combined w/CC 05-10369 and GQ Districts for the Mariner Walk Residential
Combined w/CC 05-10371 Development, Planned Development Rezoning
 Application No. AP-04-126

On August 23, 2005, the Planning Commission adopted Resolution Nos. 9580 and 9581 recommending that the City Council amend the General Plan and zoning map in order to allow a 123-unit, single-family residential cluster development on 15.6 acres on an 18.7-acre property located between West Fourth and West Eighth Streets, on the west side of Herb White Way.

The Council must consider the environmental analysis prepared for this project, and must adopt the Mitigated Negative Declaration before the Council or Redevelopment Agency can act on the Disposition and Development Agreement (Council Resolution No. 05-10370 and RDA Resolution No. 05-1073), the recommended General Plan Amendment (Council Resolution No. 05-10371), or the recommended Planned Development District zoning (Ordinance No. 05-1249) for the Mariner Walk Residential Development.

There were no fiscal impacts to the General Fund as a result of this General Plan amendment and rezoning request.

It was recommended that the City Council move to: 1) adopt the resolution adopting the Mitigated Negative Declaration and Mitigation and Monitoring Program, 2) adopt the resolution approving the recommended amendments to the Land Use, Downtown and Open Space Youth and Recreation Elements of the General Plan, and 3) introduce, waive

further reading and pass to second reading the ordinance to rezone the property to PD and GQ Districts.

Chair Parent opened the public hearing for Redevelopment Agency Resolution 05-1073, City Council Resolutions 05-10370, 05-10369, 05-10371, and Ordinance 05-1249.

CHRIS RICHARDSON, Pittsburg, stated that he regularly used the Marina Walk, also known as the Scanlon Field park area. He was confused as to why the City would now develop the land when at public hearings held a year ago the community had expressed a desire that the property not be developed. He noted that the existing park had been chained without notice and with no police presence for the past two years. He suggested that there had been more of an animal control presence than the City's own Police Department. The park was heavily used by many people although it only had 20 parking spaces which had not been sufficient for the current use of the park.

Mr. Richardson questioned the replacement of the existing park with a smaller park which he understood would have no baseball or soccer fields. He also understood that the new plans had shown the playing fields overlapping one another where they could not be used at the same time. He also pointed out that the new park had placed the children's sand pit out in the left field. The existing park was to the left of the school with old growth trees. The developer planned to replace the existing park with a smaller park with approximately seven parking spaces for a community that routinely used more than the existing 20 parking spaces and off-street parking.

Mr. Richardson suggested that more density dictated the need for more, not fewer parks. While he recognized that more parks were being built in the community, he stated that those parks were smaller in size and were not usable. He also understood that more development was planned for the tank farm area, although the Chair stated that was incorrect.

DON REBER, The Olson Company, 3130 Crow Canyon Place, San Ramon, introduced Mitch Solomon, the Senior Vice President of Acquisitions and Development for The Olson Company. He described the history of the park and identified the current location of the park. He commented that the location of the new park had an extensive field of San Francisco Bay mud which was expensive to work in depths of 20 feet. In the planning of the development, the largest cost concern had been the Bay mud. The intent was to move the park where the soils conditions were better to avoid those costs.

Mr. Reber acknowledged that while the new park was a bit smaller than the existing park, there had been a number of public hearings on the project including one Parks and Recreation and two Planning Commission meetings. The current park was approximately five acres in size. He noted that in discussions with staff, if the park were moved it would have to be replaced in kind in terms of the amenities provided. He identified on-street parking on both sides of Herb White Way along with parking in the development which would provide plenty of parking availability that was not currently available for the existing park.

Mr. Reber reiterated that the new park would provide all of the amenities from the current park, would be a new park involving cost savings to the City with all new equipment, was situated in a better location at Herb White Way and be easier to police, and would link with the existing Eighth Street Linear Park. The developer would also be adding an additional linear park that would be part of the development and would be maintained by the Homeowner's Association (HOA) with further cost savings to the City. Further, the Planning Commission had recommended that the developer pay additional park dedication fees above and beyond the normal requirement to compensate for the reduction in the park size from the existing to the new park.

In response to the Vice Chair, Mr. Reber explained that the park, although located on Bay mud, would be usable for park land but was not suitable for a single family home. The area would be filled with new fill for the turf and a new drainage system would be provided.

Member Johnson inquired whether or not the park would be large enough for the use of a soccer field, as an example.

Mr. Reber described the park as 40 feet longer than a regulation Little League field. The outfield area would allow for a soccer field from left to right field. There would be a detention basin area as part of the project which would be small and which had been designed to remove the runoff to meet the clean water runoff requirements for the site, but which was a narrow basin not intended to be used for ball fields.

Executive Director Marc Grisham advised that the City was designing joint use fields and was planning to construct a soccer field at Central Park and at City Park. The City would also be adding to dedicated soccer fields where they currently had none and which would not be far from the subject site.

KATIE HORAK, Contra Costa County Eastgate School, commented that the children in the community needed large and safe parks. She suggested that many youth in the community carried guns because they felt unsafe. She asked for safe places for teenagers.

Chair Parent closed the public hearing for Redevelopment Agency Resolution 05-1073, City Council Resolutions 05-10370, 05-10369, 05-10371, and Ordinance 05-1249.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 05-10369.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt City Council Resolution 05-10371.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to introduce Ordinance 05-1249 by title only and waive first reading.

Chair Parent noted that the project would have a built in day care center which had worked well in Lido Square since a day care center had been added to that development. She emphasized that a day care center was badly needed in the community. The subject project would also be across the street from Los Medanos College, which offered a program for professional day care operators, and would offer an opportunity, in addition to the on-site program for the students, to have additional experience during training.

Chair Parent opened the public hearing for Redevelopment Agency Resolution 05-1074 and City Council Resolution 05-10377. There was no public comment.

Chair Parent closed the public hearing for Redevelopment Agency Resolution 05-1074 and City Council Resolution 05-10377.

Councilmember Johnson pointed out that the \$22 million project was quite large and would offer a number of nice things for the community. He wanted assurance that the statement referenced by the Executive Director would be part of the agreement.

LYNN HUTCHINS, Goldfarb and Lipman, LLP, Agency Counsel, advised that the developer had agreed to sign an assignment agreement which had the consent of the architect attached and which had been identified as Exhibit H, to be executed when the additional loan funds were issued.

On motion by Councilmember Johnson, seconded by Vice Chair Kee and carried unanimously to adopt City Council Resolution 05-10377.

On motion by Member Johnson, seconded by Member Casey and carried unanimously to adopt Redevelopment Agency Resolution 05-1074.

3. **RESOLUTION 05-1075** Request for an Agency Resolution of Necessity Declaring Certain Property Interests at 2027 Railroad Avenue as Necessary for Public Purposes and Authorizing Agency Counsel to Initiate Condemnation Proceedings for the Acquisition of Said Property Interests for Redevelopment as Part of the Los Medanos Community Development Project Area

Mr. Grisham advised that the report recommended that the Redevelopment Agency of the City of Pittsburg adopt an Agency Resolution of Necessity declaring certain property interests at 2027 Railroad Avenue as necessary for public purposes and authorizing Agency special counsel, Goldfarb & Lipman LLP, to initiate condemnation proceedings for the acquisition of the property for redevelopment as part of the Los Medanos Project Area. The site would be used for redevelopment, including public improvements and landscaping on the east side of Railroad Avenue, between California and Victory Avenues, in the City of Pittsburg.

The appraisal cost for the acquisition was \$236,000 plus associated legal and expert costs for initiating and prosecuting an eminent domain action. The funds were to come from the Railroad Avenue Corridor Account (Account #78-2004-1705).

Mr. Grisham recommended that the Agency adopt the Resolution of Necessity which authorizes the commencement of eminent domain proceedings to acquire the above-referenced property, as described and shown in the legal description and map attached to the Resolution as Exhibit A; and that the Redevelopment Director or his designee continue to undertake all actions necessary, including negotiating and executing a purchase agreement, to purchase the real property located at 2027 Railroad Avenue (APN 086-221-010).

Chair Parent opened the public hearing for Resolution 05-1075. There was no public comment. Chair Parent closed the public hearing for Resolution 05-1075.

On motion by Member Johnson, seconded by Member Glynn and carried unanimously to adopt Resolution 05-1075.

4. **RESOLUTION 05-1076** Request for an Agency Resolution of Necessity Declaring Certain Property Interests at 2067 Railroad Avenue as Necessary for Public Purposes and Authorizing Agency Counsel to Initiate Condemnation Proceedings for the Acquisition of Said Property Interests for Redevelopment as Part of the Los Medanos Community Development Project Area

Mr. Grisham reported that the report recommended that the Redevelopment Agency of the City of Pittsburg adopt an Agency Resolution of Necessity declaring certain property interests at 2067 Railroad Avenue as necessary for public purposes and authorizing Agency special counsel, Goldfarb & Lipman LLP, to initiate condemnation proceedings for the acquisition of the property for redevelopment as part of the Los Medanos Project Area. The site would be used for redevelopment, including public improvements and landscaping on the east side of Railroad Avenue, between California and Victory Avenues, in the City of Pittsburg.

The appraisal cost for acquisition was \$305,000 plus associated legal and expert costs for initiating and prosecuting an eminent domain action. The funds were to come from the Railroad Avenue Corridor Account (Account #78-2004-1705).

Mr. Grisham recommended that the Agency adopt the Resolution of Necessity which authorizes the commencement of eminent domain proceedings to acquire the above-referenced property, as described and shown in the legal description and map attached to the Resolution as Exhibit A; and that the Redevelopment Director or his designee continue to undertake all actions necessary, including negotiating and executing a purchase agreement, to purchase the real property located at 2067 Railroad Avenue (APN 086-221-005).

Chair Parent opened the public hearing for Resolution 05-1076.

JACK MOORE identified himself as the property owner of 2067 Railroad Avenue. He requested that the Council table the matter since the existing tenant, Jacobs Engineering and Caltrans, who were working on the streets and the freeway had offered a timeline of February or March 2006 for the completion of their projects.

Mr. Grisham explained that when the public purpose and potential condemnation process was initiated it did not occur quickly. The intent was to initiate the process, be sensitive to the tenants, and allow the tenants to remain until the work had been completed.

He expressed the need to move the negotiation process forward, and was confident that the process would not cause any tenant disruption.

Chair Parent closed the public hearing for Resolution 05-1076.

On motion by Member Glynn, seconded by Vice Chair Kee and carried unanimously to adopt Resolution 05-1076.

5. **RESOLUTION 05-1077** Request for an Agency Resolution of Necessity Declaring Certain Property Interests at 2083 Railroad Avenue as Necessary for Public Purposes and Authorizing Agency Counsel to Initiate Condemnation Proceedings for the Acquisition of Said Property Interests for Redevelopment as Part of the Los Medanos Community Development Project Area

Mr. Grisham advised that the report recommended that the Redevelopment Agency of the City of Pittsburg adopt an Agency Resolution of Necessity declaring certain property interests at 2083 Railroad Avenue as necessary for public purposes and authorizing Agency special counsel, Goldfarb & Lipman LLP, to initiate condemnation proceedings for the acquisition of the property for redevelopment as part of the Los Medanos Project Area. The site would be used for redevelopment, including public improvements and landscaping on the east side of Railroad Avenue, between California and Victory Avenues, in the City of Pittsburg.

The appraisal acquisition was \$185,000 plus associated legal and expert costs for initiating and prosecuting an eminent domain action. The funds were to come from the Railroad Avenue Corridor Account (Account #78-2004-1705).

Mr. Grisham recommended that the Agency adopt the Resolution of Necessity which authorizes the commencement of eminent domain proceedings to acquire the above-referenced property, as described and shown in the legal description and map attached to the Resolution as Exhibit A, and that the Redevelopment Director or his designee continue to undertake all actions necessary, including negotiating and executing a purchase agreement, to purchase the real property located at 2083 Railroad Avenue (APN 086-221-003).

Chair Parent opened the public hearing for Resolution 05-1077. There was no public comment. Chair Parent closed the public hearing for Resolution 05-1077.

On motion by Member Glynn, seconded by Member Johnson and carried unanimously to adopt Resolution 05-1077.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: August 15, 2005
Approved minutes dated August 15, 2005.
- b. **RESOLUTION 05-1078** Adopt the List of Environmental Consultants
Adopted Resolution 05-1078.
- c. **RESOLUTION 05-1079** Approval of Donation to County's Housing Trust Fund
Adopted Resolution 05-1079.
- d. **RESOLUTION 05-1080** Approval of Funds for Civic Center Block Master Plan
Adopted Resolution 05-1080.
- e. **RESOLUTION 05-1081** Allocating Additional Funds and Awarding Contract No. 2005-02, Westside Addition Pavement Rehabilitation Project to Ghilotti Bros. Inc. of San Rafael, California for the Rehabilitation of the Westside Addition Subdivision
Combined w/CC 05-10383
Adopted Redevelopment Agency Resolution 05-1081.
Adopted City Council Resolution 05-10383.
- f. **RESOLUTION 05-1082** Authorizing the Transfer of \$236,000 from the Neighborhood Improvement Program to Contract 2005-21, West Boulevard Alley and Fence Rehabilitation Project
Combined w/CC 05-10386
Adopted Redevelopment Agency Resolution 05-1082.
Adopted City Council Resolution 05-10386.

- g. **RESOLUTION 05-1083** Establish the Position and Appropriate the Funding for
Combined w/CC 05-10388 the Associate Planner for the Redevelopment Agency for
The City of Pittsburg

Adopted Redevelopment Agency Resolution 05-1083.

Adopted City Council Resolution 05-10388.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:27 P.M. to October 3, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
September 19, 2005

Chair Nancy Parent 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 a Workshop – Black Diamond Project at 5:30 P.M. and into Closed Session at 6:30 P.M. for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/ Professional/Confidential Unit), Teamsters and Unrepresented Employees.

Chair Parent reported that the City Council had met in Closed Session and had agreed to new Memorandum of Understanding (MOU) terms for all three non-safety bargaining units and Department Directors, and had directed the City Manager and the Human Resources Director to implement and sign those documents.

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

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 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
Planning Director, Melissa Ayres
Director of Housing and Community Programs, Annette Landry
Police Department, Lieutenant Wade Derby

CONSENT CALENDAR

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

1. **RESOLUTION 05-136** Approving an Agreement for Attorney Services for the Pittsburg Power Company

Adopted Resolution 05-136.

2. **RESOLUTION 05-137** Approving the Island Energy Capital Projects and Funding to Assist in the Development of New Infrastructure and Provide Gas and Electric Distribution Metering for the New Residential Units on Mare Island

Adopted Resolution 05-137.

3. **RESOLUTION 05-138** Award the 2005 CAPE/Slurry Seal Contract to Graham Contractors, Inc.

Adopted Resolution 05-138.

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
City Council Minutes
September 19, 2005

Mayor Nancy Parent called the meeting of the City Council to order at 8:31 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Workshop – Black Diamond Project at 5:30 P.M. and into Closed Session at 6:30 P.M. for Conference with Legal Counsel - Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/ Professional/Confidential Unit), Teamsters and Unrepresented Employees.

Mayor Parent reported that the City Council had met in Closed Session and had agreed to new Memorandum of Understanding (MOU) terms for all three non-safety bargaining units and Department Directors, and had directed the City Manager and the Human Resources Director to implement and sign those documents.

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

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 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
Planning Director, Melissa Ayres
Director of Housing and Community Programs, Annette Landry
Police Department, Lieutenant Wade Derby

Mayor Parent considered the following general City Council items at 7:18 P.M. prior to pursuing the Housing Authority agenda.

PLEDGE OF ALLEGIANCE

Deputy City Clerk Alice Evenson led the Pledge of Allegiance.

PROCLAMATIONS

1. STAND! Against Domestic Violence

Vice Mayor Kee read the Proclamation for STAND! Against Domestic Violence recognizing October as Domestic Violence Awareness Month and presented the proclamation to Roberto Garcia, Regional Director East County, STAND! Against Domestic Violence, who expressed his appreciation to the City for its show of support and recognition of domestic violence awareness and who identified the number of services that were provided by Stand!.

2. 18th Annual East County Hunger Walk Day

Mayor Parent presented the proclamation for the 18th Annual East County Hunger Walk Day to be held at Contra Loma Regional Park on Saturday, October 1, 2005 at 8:00 A.M. coordinated by Delta 2000, to raise funds for local food pantries. The Mayor reported that she would be walking for Pisces Food Bank. She welcomed all interested parties to participate in the event.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Johnson reported that he had attended the Seafood Festival Zinfandel Dinner and had served in the Veteran's Booth, that he had served as Lot Captain at the event at the children's lot, and that he had attended a Measure P meeting, and a League of California Cities meeting with the Mayor and the Director of Economic Development where a presentation had been made by the Metropolitan Transportation Commission (MTC) on transit issues.

Vice Mayor Kee reported that he had also attended the Seafood Festival and had attended the Delta View Golf Course Junior Golf Program event which had been well attended. The event was free for children and would be running as long as the weather remained good.

Councilmember Glynn reported that he had also attended the Seafood Festival Zinfandel Dinner, a luncheon for Ellen Tauscher in appreciation for the funding for State Route 4, and a Delta Diablo Sanitation District reception for the 50th Anniversary of the Agency. He and Councilmember Johnson had also attended the Rosary for Dominic DiMaggio, a lifetime member of the American Legion, with burial at Queen of the Angels in Lafayette.

Councilmember Casey stated that he had also attended the Seafood Festival Zinfandel Dinner. He acknowledged that all of the festival events had been well attended.

Mayor Parent commended the Chamber of Commerce and the large core of associated volunteers for the Annual Seafood Festival which had more positive comments than had been heard for some time. Mayor Parent understood that the air show had added a great deal to the festival attendance, with Tri Delta Transit reporting that the

shuttles carried 2,000 more people this year than the previous year. She also reported that she had testified before the California Independent Systems Operator regarding the power project which would take direct power to the City of San Francisco. The Agency had voted unanimously to approve that project, which would involve a long term source of energy for the entire area generating income to the City.

Mayor Parent further reported that she had also attended the Delta Diablo Sanitation District 50th Anniversary which offered an opportunity to bring back a number of employees who had worked for the award winning District.

CITY MANAGER REPORTS/REMARKS

City Manager Marc Grisham reported that the Transbay Cable Project had been positively supported on both a federal and State level. He advised that a series of public information meetings would be held on the project; one at 7:00 P.M. at the Potrero Hill Neighborhood House in the City of San Francisco on September 22. Mr. Grisham also reported that the City's last Car Show had been scheduled for Thursday, September 29 from 6:00 to 9:00 P.M. with refreshments from the New Mecca Café.

CITIZENS REMARKS

CHRIS SEARS, Pittsburg, representing the Pittsburg High School Band Boosters Club, reported that the Band Boosters desired to raise money through donations for hurricane relief. In conjunction with the off-shore power boat racers during the Seafood Festival, the Band Boosters had been able to raise \$2,000. It was hoped that the City would match those funds, to be donated to the Red Cross for Hurricane Relief.

Mayor Parent commented that typically the Band Boosters kept their monies for their own activities. She pointed out that the group would have to raise more money for its band activities.

Mayor Parent adjourned to the Housing Authority at 7:37 P.M. and reconvened the City Council at 8:29 P.M.

PUBLIC HEARING

1. **RESOLUTION 05-10369** Adopting the Mitigated Negative Declaration and
 Combined w/CC 05-10371 Mitigation and Monitoring Program for the Mariner Walk
 Combined w/CC 05-1249 Residential Development

2. **RESOLUTION 05-10370** Approval of a Disposition and Development Agreement
 Combined w/RDA 04-1073 By and Between the Redevelopment Agency of the City
 of Pittsburg, the City of Pittsburg and Olson Urban
 Housing LLC

3. **RESOLUTION 05-10371** Adopting Amendments to the Land Use, Downtown and

Combined w/CC 05-10369
Combined w/CC 05-1249

Open Space, Youth and Recreation Elements of the General Plan for the Mariner Walk Residential Development, General Plan Amendment Application No. AP-04-126

4. **ORDINANCE 05-1249** Introduction of an Ordinance to Zone 15.6 Acres to PD and GQ Districts for the Mariner Walk Residential Development, Planned Development Rezoning Application No. AP-04-126
Combined w/CC 05-10369
Combined w/CC 05-10371

On August 23, 2005, the Planning Commission adopted Resolution Nos. 9580 and 9581 recommending that the City Council amend the General Plan and zoning map in order to allow a 123-unit, single-family residential cluster development on 15.6 acres on an 18.7-acre property located between West Fourth and West Eighth Streets, on the west side of Herb White Way.

The Council must consider the environmental analysis prepared for this project, and must adopt the Mitigated Negative Declaration before the Council or Redevelopment Agency can act on the Disposition and Development Agreement (Council Resolution No. 05-10370 and RDA Resolution No. 05-1073), the recommended General Plan Amendment (Council Resolution No. 05-10371), or the recommended Planned Development District zoning (Ordinance No. 05-1249) for the Mariner Walk Residential Development.

In Joint Session with the Redevelopment Agency, the City Council took the following actions:

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10369.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10371.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to introduce Ordinance 05-1249 by title only and waive first reading.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10370.

5. **REPORT** General Plan – Annual Progress Report FY 2004-05

Planning Director Melissa Ayres reported that pursuant to State Government Code Section 65400(b), a progress report on the implementation of the General Plan must be submitted to the City Council and responsible State agencies by October of each year. There would be no fiscal Impact. She recommended that the City Council review and accept the report.

Councilmember Johnson referenced Policy 13-P-2.2 of the Housing Element,

paragraphs B and C and clarified with staff the statements as shown. He requested the addition of language from the General Plan regarding disability and senior households to those sections.

Mayor Parent referenced Policy 4-P-4 through 4-P-13 of the Urban Design Elements regarding view ridges, hillside development and the fact that the status for each policy had been shown as not being implemented, or to be implemented on a case by case basis. She was aware that work needed to be done. She clarified with staff that when the zoning code was changed the policies would be implemented or at some future time that Council direction was needed to give those policies a higher priority.

Ms. Ayres explained that Policies 4-P-8 and 4-P-10 from Chapter 4 of the Urban Design Element would be updated with the zoning code. Policy 4-P-4 was in Phase Three of the zoning code update. Policy 4-P-5 had been identified in the Redevelopment Agency plan and was not currently a Capital Improvement Project (CIP) list funded item. Policy 4-P-11 would be implemented on a case by case basis as subdivisions were considered by the Council for a Subdivision Map and environmental reviews for a project, to be analyzed consistent with that policy.

Mayor Parent also spoke to Policy 10-P-37 of the Health and Safety Element and commented that in light of what had occurred with public emergencies, she would like staff to address that issue.

Mr. Grisham advised that the City had an emergency plan in place that had been prepared by the Police Department and would submit that plan for a future Council presentation. A status report would likely be presented to the Council in October, with the implementation and testing strategies needing to be addressed as well.

Mayor Parent recognized as an ongoing concern that the City have an emergency plan in place. She noted that in the past two years City staff had been trained by the Sheriff's Department as to his/her responsibilities in the event of an emergency.

Mayor Parent opened the public hearing. There was no public comment. Mayor Parent closed the public hearing.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to approve the General Plan Annual Progress Report FY 2004-05, as amended.

6. **RESOLUTION 05-10372** Revising the Sewer Facility Reserve Charge for Sewer Sub-basins DS601-621 and SW 109

Mr. Grisham reported that the Pittsburg City Council 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 were two FRCs established based on unresolved issues. The current action would clarify and resolve one of the unresolved sewer FRCs from June 20.

Mr. Grisham advised in response to a request from a local developer for additional time to review the proposed changes to the FRC for Sewer Sub-basins DS601-621 and SW 109, that staff had recommended that the item be continued for a 30-day period but that the public hearing be opened to allow interested parties to address the Council at this time.

Public Works Director John Fuller commented that fees had been adopted in the past few months and staff had agreed to disagree with the developer on the perspective of the fees, although adjustments had been made. Due to changes in the land use density not considered in the Sewer Master Plan, there was a potential effect on a number of improvements that might have to be built to serve a higher density development around the BART Station. Although staff had completed an analysis of the fees, at the request of the development community which had requested more time for review, and due to the fact that he would be out of the office on vacation and be unable to participate during those negotiations with the developer, he recommended that the public hearing be continued to a date certain of November 7.

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

ETHAN FRIEDMAN, Walnut Creek, representing West Coast/Seecon, looked forward to working with staff on forming appropriate FRC fees. He thanked staff for the additional time to negotiate those fees.

In response to Councilmember Glynn as to whether or not all of the associated developers had been notified of the public hearing continuation, Mr. Grisham advised that if they had not, staff would ensure that all developers would be notified of the continuance.

7. **RESOLUTION 05-10373** Adoption of an Urgency Resolution Extending an Interim Regional Transportation Development Impact Mitigation Fee

Mr. Grisham reported that the City Council adopted an urgency measure that made the Regional Transportation Development Impact Mitigation (RTDIM) fees effective immediately, although that emergency measure expired on August 30, 2005. The City Council extended the urgency measure on August 29, 2005 to keep the RTDIM fees in effect until September 29, 2005. The proposed action would again extend the RTDIM fees in effect through September 30, 2005, when the RTDIM fees would become effective under Resolution No. 05-10344.

The City collects the Regional Transportation Development Impact Mitigation Fee from developers and then forwards the monies collectively to the East Contra Costa

Regional Fee and Finance Authority (ECCRFFA). The ECCRFFA then administers the fee projects' construction. If the City Council approves the staff's recommendations, the recently approved interim fees would remain in effect for an additional 30 days.

Mr. Grisham recommended that the City Council approve and adopt an Urgency Resolution extending the Interim Regional Transportation Development Impact Mitigation Fee established on August 1, 2005 by Resolution No. 05-10345, and extended on August 30, 2005, by Resolution No. 05-10368.

Mayor Parent understood that the extension was for one day, to go from day 89 to day 90, to which City Attorney Ruth Ann Zeigler affirmed that whether one or two days, the extension would avoid any gap in terms of coverage.

Councilmember Johnson stated that he would vote no the resolution, as he had in the past, since it was his opinion that the \$15,000 fee for each development unit should remain in the City rather than used for a joint venture where the City had been unable to participate. He noted that the State Route 4 Bypass was being built with some of those monies by East County, comprised of the cities of Oakley, Brentwood, Antioch and the County, which equaled four votes as opposed to the City of Pittsburg with one vote. He suggested that when projects were up for vote, the City had been outvoted which was how the Bypass had been approved. The City of Pittsburg had been unable to vote on that project since it was not part of the ECCRFFA. He sought efforts to retain the funds for use in the City of Pittsburg.

Councilmember Glynn reminded everyone that the City would be contributing anywhere from \$60 and \$80 million into the pool of ECCRFFA funds with a return on investment for projects posted in the City at approximately \$94 million.

Mayor Parent opened the public hearing for Resolution 05-10373. There was no public comment. Mayor Parent closed the public hearing for Resolution 05-10373.

On motion by Councilmember Glynn, seconded by Vice Mayor Kee to adopt Resolution 05-10373, carried by the following vote:

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

Mayor Parent declared a recess at 8:48 P.M. The meeting reconvened at 8:53 P.M. with all Councilmembers present.

Vice Mayor Kee reported that he had a conflict of interest with respect to the next item as he had two clients in the area in question. He stepped down from the dais and left the Council Chambers at this time.

8. **ORDINANCE 05-1250** Adoption of an Urgency Ordinance Establishing a Moratorium on New Development Within a Portion of

the Planned Railroad Avenue BART Station Specific Plan Area

Ms. Ayres reported that on June 20, 2005, the City Council (by Minute Order) authorized the Mayor to execute a Memorandum of Understanding with BART, the Contra Costa Transportation Authority (CCTA), the County and other East County cities, which depicts the roles and responsibilities of the City and other participating jurisdictions in developing and implementing ridership development plans and eBART station area plans pertaining to the East Contra Costa BART/eBART extension project. As part of this project, the Planning Department intended to study General Plan, Specific Plan and zoning options within the Railroad Avenue BART Station area over the next twelve months, with related environmental documentation taking an additional twelve months to complete. Staff requested that the Council establish a moratorium on new development within portions of the study area to ensure that new development would accommodate a new BART/eBART station and transit oriented development consistent with the final approved Specific Plan.

Ms. Ayres advised that in order to adopt the moratorium, a four fifths vote of the Council was necessary. Given that the Vice Mayor had stepped down, the remaining four Councilmembers would have to unanimously support the moratorium for its adoption. The first ordinance would be for a 45-day period, which could be extended a maximum of two years. Staff would likely return to the Council on October 17 with a request to extend the moratorium for a full two years given that it would take at least a year to prepare the Specific Plan, another year to consider alternatives and the environmental review, along with the public hearing processes so that a final plan could be presented after that time.

Ms. Ayres explained that MTC would not release funds for the BART Stations or the extension of the moratorium unless the City met the density requirements. For the Council to adopt an Interim Ordinance, the Council must make the finding that it was necessary to protect the public health, safety and welfare of the community and its residents. She suggested that those findings could be made.

Ms. Ayres clarified that the public hearing had been noticed in the newspaper, with posting of notices at the library, at City Hall, and with efforts to notify everyone who owned property and businesses in the area, although she understood that might not have occurred for all affected property owners. She noted that placards had also been placed on every street in the proposed moratorium area, more noticing than required by law. Adoption of the proposed moratorium would have no direct impact on the City's budget.

Ms. Ayres recommended that the City Council move to adopt the proposed urgency ordinance establishing a moratorium on new development within certain portions of the planned Railroad Avenue BART/eBART Station Specific Plan area as depicted on the exhibit attached to the staff report dated September 19, 2005.

Mayor Parent opened the public hearing for Ordinance 05-1250.

LEONARD La GRAPPE, Antioch, Faith Worship Center, opposed the ordinance. He

explained that the church had been displaced from property on Harbor Street as a result of the widening of State Route 4, had purchased property at a new site and had been working for the past three years to realize that project. He emphasized the monies expended by the church for its project, with the project one permit away from the start of construction. The church currently met in the Boys and Girls Club and its new building at 2171 Harbor Street would allow the church to commence with its community outreach projects and would be an asset to the community.

MARTIN GUZMAN, Oakley, stated that he had been in business in the City of Pittsburg for the past 30 years. He opposed the moratorium since he had plans for a new building in affected area of the community.

SCOTT JENNY, Attorney representing Martin & Lupe Guzman, advised that the Guzman family had purchased property on Bliss Avenue for the purpose of building the El Matador Mexican Restaurant, which he described as a destination point. He asked that the Council not enact a moratorium. If enacted, he requested that it exclude pending permits. He noted that the Guzmans had purchased the property on Bliss Avenue and had paid the applicable permit fees for development and were one step away from building the restaurant.

Mr. Jenny suggested that if the moratorium was enacted, the Guzmans would be left with an \$800,000 note and would be unable to use the property for the next two years other than to pay the mortgage and taxes. He added that when the Guzmans had purchased the property they had met with City officials at which time they had been given no indication that a moratorium would be considered for the area where their property was located. He pointed out that the MOU with BART et. al had occurred on June 20, 2005 while the City had accepted the Guzman building permit fees on July 19, 2005, again with no indication of the potential moratorium.

Mr. Jenny referenced Government Code Section 65858 which required that the City Council must find a threat to the public health, safety and welfare to enact the moratorium and determine that the construction of the proposed restaurant would be a threat to that public health, safety and welfare and to the City of Pittsburg. He suggested that finding could not be made.

Mr. Jenny reiterated that the City was asking the Guzmans to hold on to their property for the next two years and not be able to use it, while waiting for the City and BART to make a determination as to whether or not the property would be used in the future, which was unfair. He reiterated that the Guzmans had been members of the community for many years and wanted to remain in the community. The Guzmans planned to spend approximately \$3 million to build a significant destination restaurant to enhance the City. If not permitted to do so, they were uncertain what would be done with the note on the property. He reiterated his request that the moratorium not be enacted, although if it were that it exclude or find exempt the pending building permit application the Guzmans had already paid. Mr. Jenny also asked that correspondence he had submitted to the City dated September 6 and September 16, 2005, along with a color façade of the proposed

restaurant building, be made part of the public record.

Ms. Ayres clarified that Mr. Guzman had paid a filing fee for design review approval for the restaurant, which application had been deemed incomplete. Mr. Guzman had been sent a letter of information detailing what was needed to complete his application. The project had not reached the building permit stage at this point. No entitlements had been approved for the project.

PASTOR ANTHONY E. BLACKMAN, Faith Worship Center, commented that his family had been in the City for the past 60 years, with his father a co-founder of the Pittsburgh Pony League and one of the primary persons responsible for the Lucky A's Baseball Field in City Park. Having been born and raised in the City of Pittsburgh, and after playing sports outside of the City, he opposed the moratorium.

Pastor Blackman commented that the church was located at the corner of Harbor Street and Garcia Avenue, property purchased by the church at the time State Route 4 had been widened and the church had been displaced from its original location. Although the City had indicated that it would help the church, no assistance had been received from the City in terms of relocation. The church had purchased its property with the intention of rebuilding. Although the church had exceeded 600 members at one time, the church congregation had decreased over time. The church had expended over \$780,000 on its project with the congregation trusting that the project would be built.

Pastor Blackman explained that the church had been at a point of 98 percent pre-ground breaking when he had been notified by Ms. Ayres of the potential moratorium and the fact that the church's building permit extension had expired one day before it had reached her desk. The project had already received Planning Commission approval and was ready to move forward. He asked that the church be exempt from the moratorium.

Pastor Blackman described the new church building as one story, with 106 parking stalls and which would enhance the community. The church worked in the local community, had helped to reduce crime, and patronized local businesses. He also pointed out that the City was not sure that BART would come to the community.

Pastor Blackman questioned the appropriateness of the City preventing the church from building for the next two years pending BART'S decision.

STANFORD WILLIAMS, Pittsburg, Faith Worship Center, a resident of the City for the past 55 years, commented that he had seen the changes that had taken place in the City. As the Financial Officer for the church, he too spoke to the monies invested in the church project. He questioned the urgency ordinance to place a moratorium on development and urged the Council to be patient. On behalf of the ministry, he noted that the church had received no public notification of the public hearing. He noted that the land where the church owned property had been vacant for years and was a perfect location for a ministry. The church had purchased the property and was ready to build. He suggested that pending applications should be allowed to build the projects.

RUBEN ROSALEZ, Pittsburg, commented that he was familiar with the Guzman family and their background in the community. He was also familiar with the prior speakers. As a BART rider, he would likely use a local BART Station and would appreciate improved service, although he did not want a decision to occur in a vacuum, particularly as it could impact those who had been in business in the community. He noted that the businesses being discussed would enhance the City, would represent improvements to the area and could be incorporated into any plans for the area.

Mr. Rosalez suggested that before BART planned future development in the community that the existing two-story kiosk building at the Pittsburg/Bay Point BART Station, which needed repair and which had been eyesore for some time, be repaired.

KAREN GUTKE, Harman Management Corp. representing the Kentucky Fried Chicken (KFC) franchise located on Railroad Avenue, explained that her management company had been working to relocate to the El Pollo Loco site across the street in the Albertsons Shopping Center, and had been in contract to purchase that site and demolish the existing KFC site. A remodel of the existing KFC site would not be feasible. She emphasized that as part of the franchise agreement with KFC, the facility must be updated and relocated if the existing facility could not be updated. Ms. Gutke stated that she had just learned that the moratorium was on the agenda for consideration. Her management company was uncertain what would occur with the existing KFC facility. She urged that the moratorium not be adopted.

WILSON WENDT, Orinda, an Attorney representing Viking Industrial Corp./Merit USA/Viking Processing, stated that the companies were steel processing businesses associated with USS POSCO, and had been in the community for the past 40 years employing approximately 70 people. The businesses desired to remain in the City at the current location.

Mr. Wendt explained that the firms he representing were in the process of trying to obtain conceptual approvals and had recently contacted the City and learned of the potential moratorium. The firms operated in an old Camp Stoneman building and would like to build a pre-fabricated steel building which would allow crane service since it was difficult to operate without such services. The businesses owned the property and again would like to remain at the current location.

Mr. Wendt suggested that his client's property was not vacant or underutilized. He asked that his clients be exempt from the proposed moratorium, although he suggested that the moratorium was not needed in this instance. While he understood the intent of the City to allow the property to be built for residential uses, he suggested that could be done with or without the moratorium. He suggested that the finding that the circumstances constituted a danger to the health, safety and welfare of the general public could not be made. He urged the Council not to adopt the moratorium and he requested that City staff be instructed to proceed with the application processing. He suggested that the properties would become more valuable and would likely be developed for residential use with or

without the moratorium.

City Clerk Lillian Pride acknowledged the receipt of correspondence from Joseph E. Canciamilla dated September 17, 2005 as it related to the Pittsburg Funeral Chapel and which had stated his opposition to the moratorium. She clarified that the three page letter had been faxed to City Hall with one of the pages missing, although staff had contacted Mr. Canciamilla to re-fax the letter so that the record was complete. She asked that the letter be submitted for the record.

RANDY BALL, Development Consultants, the developer of the Washington Mutual/Togo/Baskin Robbins property in the Albertsons Shopping Center stated that he had acquired the El Pollo Loco property and had spoken with KFC about moving their site to that location. With the potential moratorium, he noted that KFC was no longer interested, resulting in a significant loss of money. He sought direction from the City on its plans outside of the proposed moratorium area. He opposed the moratorium and suggested that the free market should not be held hostage. He added that the former EL Pollo Loco parcel, identified as Pad 4, was not conducive to residential development or parcel assemblage since it was bordered by the shopping center. He again questioned how properties outside of the area would be viewed and questioned whether or not the property owners could proceed with transit oriented mixed use development outside of the moratorium area.

Mayor Parent noted that the moratorium affected the area described in the map. As to areas outside of the moratorium area, she suggested that Mr. Ball could meet with Ms. Ayres to further discuss that issue.

Ms. Ayres explained that there was an exhibit attached to the staff report showing the half mile radius around the Railroad Avenue BART Station site and the area subject to the moratorium. Outside of that area and anything inside if the moratorium was not ultimately approved would still be subject to the General Plan policies and land use guides, which had stipulated that the area should be transit oriented.

Ms. Ayres added that staff had spoken with representatives of KFC and had suggested that rather than a single one story drive through building, KFC should consider transit oriented development, with a mixed use multiple tenant building that would serve the potential homes that could be built in the area, including office developments and the like.

Ms. Ayres explained that the reason a moratorium had not been proposed across the entire half mile radius was because more people would likely walk to the area adjusting for major physical boundaries, such as State Route 4. The area of the proposed moratorium was the most underdeveloped and included all of the Camp Stoneman buildings from Railroad Avenue to Freed Way and extending beyond. She recognized that the relocation of streets might have to be considered to allow a successful transit oriented development which needed smaller block grid patterns. As such, street sizes might change and the relocation of the entry and the Bliss Avenue intersection at Railroad Avenue was too close to State Route 4 and might ultimately have to be relocated. The moratorium

would allow staff to review all of the options and plan for maximum infrastructure to serve the new capacity.

ROSE WINTER, Winter Chevrolet and Honda, commented that property she owned at 2101 Railroad Avenue at the corner of Bliss Avenue had already been reduced by the expansion of the freeway. Since that time, she could not lease her building which had been used for the past two years as a staging ground for the freeway development. Now, she had the possibility of leasing the space to a car dealership for a lesser known brand. She did not want to sell the property although to lease the property she had to find the right tenant. She pointed out that her business generated a lot of tax money for the City and her business had been in the community for many years.

Ms. Winter added that she had not been noticed of the meeting, although someone had informed her of the discussion. She suggested that staff should have done a better job notifying the affected property owners. She asked the Council not to impose the moratorium which was a death knell for those property owners desirous to improve his/her properties.

Mr. Grisham reclarified that since a Councilmember had recused himself, all remaining Council members would have to support the proposed moratorium for it to be adopted. He recommended that the Council discuss the matter to see where it was heading. While he would recommend a continuance for additional noticing, if the votes were not available to support the moratorium, it would make no sense to continue the item.

City Attorney Ruthann Zeigler added that if the matter was continued, it would allow staff the opportunity to respond to those who had spoken and raised concerns in terms of whether or not those businesses could potentially be excluded from the moratorium.

Councilmember Glynn inquired of the impact to the potential eBART station in the community if the moratorium was not adopted.

Mr. Grisham stated that it was his personal belief there would be no impact. The City would move forward with the Specific Plan process with public workshops, and all business and property owners would be invited to participate in the process. As to how some of the affected properties could be worked into the plan and still meet the transit oriented development requirements, he suggested that would be done through the Specific Plan process. MTC had informed the City that it would provide the funding for that process with payment directly to the City of Pittsburg as opposed to BART. That would again involve a series of meetings, hearings and workshops with the property owners.

Ms. Ayres explained that one of the other items before the Council later in the agenda was a recommendation to allow staff to enter into an agreement with MIG Consultants to prepare the Specific Plan. The timeline with the Memorandum of Understanding (MOU) with BART required the plan to be developed over the next twelve months, requiring extensive meetings with property owners in the area to determine whether or not those businesses could be incorporated into the plan. Ms. Ayres suggested

that one story buildings might not be incorporated in a plan requiring a successful transit oriented development. She expected such meetings to occur within the next six months with the plan to be prepared and developed six months after that time. The plan would not be brought back for formal Council action until the environmental review had been completed over the course of the twelve months.

In response to Councilmember Glynn as to whether or not the item should be tabled, Mr. Grisham suggested that the Council determine whether or not there were four votes in favor of the moratorium. If not, that would represent a vote against the moratorium.

Councilmember Johnson opposed the process as an urgency ordinance for something that he did not see as a life or death situation. He suggested that the property owners were being pressured, with some having already expended monies with no knowledge of a potential moratorium. He suggested that staff should have met with the affected property owners and pending applicants before reaching this point. He also questioned whether or not there had been adequate public notification. He suggested that the City had done a poor job, although he recognized that the intent was for a quick turnaround.

Councilmember Johnson opposed the moratorium as currently proposed.

Councilmember Casey understood that the proposed moratorium had been well intentioned although he would also oppose the moratorium at this point.

Mayor Parent questioned whether or not a continuation of the public hearing to allow additional testimony and discussions with projects in progress would affect Councilmember Johnson and Casey's decisions.

Councilmember Casey suggested that an urgency ordinance was not necessary given the long term plan and the potential for eBART. Councilmember Casey noted that the City would proceed with attempts to bring eBART or BART to the community which would take a long time. He suggested that the moratorium would negatively impact many people and cause more problems than it was worth. He recommended proceeding without an urgency ordinance.

Councilmember Johnson concurred with Councilmember Casey's comments. He pointed out the number of people who had addressed the Council who had not been notified of the public hearing. He suggested that since they would be working on a Specific Plan anyway, they should move forward with that process and implement what was needed after that plan had been completed. He suggested that the matter was not urgent.

Mayor Parent acknowledged Councilmembers' opposition to the moratorium and the fact that there was no reason to continue the public hearing.

Mayor Parent closed the public hearing for Ordinance 05-1250.

On motion by Councilmember Casey, seconded by Councilmember Johnson to deny the staff recommendation to adopt the proposed urgency ordinance establishing a moratorium on new development within certain portions of the planned Railroad Avenue BART/eBART Station Specific Plan area as depicted on the exhibit to the staff report, carried by the following vote:

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

Vice Mayor Kee returned to the dais at this time.

9. **RESOLUTION 05-10374** City Council to Conduct Public Hearing, Adopt a Resolution Establishing Community Facilities District No. 2005-2 (Vista Del Mar), Providing for the Levy of a Special Tax, Calling a Special Election and Establishing An Appropriations Limit; Adopt a Resolution Deeming it Necessary to Incur a Bonded Indebtedness; Conduct Election; Adopt a Resolution Determining the Result of the Special Election; and Introduce an Ordinance Levying a Special Tax
Combined w/CC 05-10375
Combined w/CC 05-10376
Combined w/CC 05-1251
10. **RESOLUTION 05-10375** Deeming it Necessary to Incur a Bonded Indebtedness to Finance the Acquisition and Construction of Certain Public Facilities in and for the City of Pittsburg Community Facilities District No. 2005-2 (Vista Del Mar), And Calling a Special Election Therein to Submit to the Qualified Electors of such Community Facilities District the Proposition of Incurring such Bonded Indebtedness
Combined w/CC 05-10374
Combined w/CC 05-10376
Combined w/CC 05-1251
11. **RESOLUTION 05-10376** Determining the Results of the Special Mailed-Ballot Election Held in its Community Facilities District No. 2005-2 (Vista Del Mar), on September 19, 2005
Combined w/CC 05-10374
Combined w/CC 05-10375
Combined w/CC 05-1251
12. **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)
Combined w/CC 05-10374
Combined w/CC 05-10375
Combined w/CC 05-10376

Finance Director Marie Simons stated that in accordance with the terms of the Development Agreement between the City of Pittsburg and William Lyon Homes, Inc., a Community Facilities District shall be formed to provide funding for police services in the Vista Del Mar subdivision. In addition to funding police services, it had been determined by the City and developer that there was a need to finance the construction of certain public improvements by a future bond financing within the boundaries of the proposed CFD 2005-2 (Vista Del Mar). This matter was considered by the City Council at the August 15, 2005

meeting. By Resolution No. 05-10362, the City Council approved a proposed boundary map, declared its intention to establish a Community Facilities District No. 2005-2 (Vista Del Mar) and to levy a special tax therein to finance certain public services and to incur bonded indebtedness to provide financing for public facilities therein. In addition, the resolution had set the public hearing for September 19, 2005.

The cost of providing police services and the debt payment for the future bond financing for this area shall be paid through the Community Facilities District special tax that would be levied on both residential and non-residential properties within the proposed boundaries of the CFD. This tax would be placed on the County tax roll each year. Pursuant to State law, the special tax and associated costs must be maintained in a separate fund and cannot be included in the City's General Fund.

It was recommended that the City Council, in accordance with the Memorandum of Proceedings (Attachment 11) take action to conduct a Public Hearing, approve a hearing report, adopt Resolution of Formation and a Resolution to incur bonded indebtedness, calling Election, conducting Election; then adopt Resolution Declaring results of election, and Introduce First Reading of Ordinance levying special tax in CFD No. 2005-02 (Vista Del Mar).

JOHN KNOX, Bond Counsel, reported that the process involved a public hearing and the adoption of several resolutions, the conduct of a landowner election and should the Council choose to proceed, the adoption of an ordinance levying the special tax. The Resolution of Intention had been adopted by the Council on August 15, 2005 which set the current date for the public hearing. The Council was now in the position to conduct that hearing and to take public testimony.

Mayor Parent opened the public hearing for Resolutions 05-10374, 05-10375 and 05-10376, and Ordinance 05-1251. There was no public comment.

Mayor Parent closed the public hearing for Resolutions 05-10374, 05-10375 and 05-10376, and Ordinance 05-1251.

Mr. Knox advised that the next step would be to consider the adoption of Resolutions 05-10374 which formed the district and called the election and Resolution 05-10375 which determined that it was necessary to incur bond indebtedness.

On motion by Councilmember Glynn, seconded by Mayor Parent and carried unanimously to adopt Resolution 05-10374.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10375.

Pursuant to the resolutions just adopted, Mr. Knox advised that a special mail ballot election had been conducted with the property owner in the district having submitted to the City Clerk the ballot and waiver of the time periods normally required to conduct an

election. He asked that the City Clerk report the results of the special mail ballot election.

City Clerk Lillian Pride reported the Certification of Election Results for the Special Election in the matter of Community Facilities District 2005-2 Vista Del Mar, as follows, with one land owner entitled to cast 223 votes and with the City Clerk certifying that there had been 223 votes cast yes, with a total of zero no votes. The votes cast equaled 100 percent of the total votes.

On motion by Councilmember Glynn, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10376.

Mr. Knox advised that the next step would be to have the first reading of Ordinance 05-1251, levying the special tax which had just been approved by the election.

On motion by Councilmember Johnson, seconded by Vice Mayor Kee and carried unanimously to introduce Ordinance 05-1251 by title only and waive first reading.

13. **RESOLUTION 05-10377** Approval of a Disposition, Development and Loan Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Mercy Housing California and Making Certain Findings Herewith
Combined w/RDA 05-1074

Executive Director Marc Grisham advised that the Redevelopment Agency of the City of Pittsburg and Mercy Housing California, a California nonprofit public benefit corporation, had negotiated terms for a Disposition, Development and Loan Agreement for the development of 64 rental dwellings and an approximate 4,000-square-foot child care center on a vacant 3-acre parcel of land at 2555 East Leland Road, in the City of Pittsburg.

In Joint Session with the Redevelopment Agency, the City Council took the following action.

On motion by Councilmember Johnson, seconded by Vice Mayor Kee and carried unanimously to adopt Resolution 05-10377.

14. **RESOLUTION 05-10378** Authorizing the Permanent Closure of the Union Pacific Railroad Crossing at Pace Boulevard (PCUC Crossing No. 001B-51.58C) and Other Actions Related to the Closure

Mr. Grisham advised that a new public Union Pacific Railroad crossing had been constructed at Markstein Road as part of Contract 99-03, Century Boulevard Connector Road. This construction had made it unnecessary to maintain the former public crossing at Pace Boulevard as a private crossing. Staff had received permission from the property owner to permanently close the railroad crossing. The resolution would authorize the permanent closure of the crossing at Pace Boulevard and other actions related to the closure.

The budget for Contract 99-03, North Park Plaza/Century Boulevard Connector Road had been established at \$2,000,000 with \$1,750,000 from the Traffic Mitigation Fund and \$250,000 from the Redevelopment Agency. Upon completing construction of the Connector Road, Markstein Road, as well as setting aside \$70,000 for railroad crossing improvements, there was approximately \$710,000 remaining in the project account. The Union Pacific Railroad would use the existing purchase order to pay for the necessary improvements to remove the crossing, which had been estimated to cost \$75,000. This will be offset by savings to the purchase order from no longer needing to construct the crossing improvements at this location.

Mr. Grisham recommended that the City Council adopt the resolution authorizing the permanent closure of the Union Pacific Railroad (UPRR) Crossing at Pace Boulevard. It was further recommended that the City Council authorize the UPRR to perform the demolition of the crossing and construction of barricades to close the crossing, and further requested authorization to perform abandonment procedures required for the associated City Right of Way.

In response to the Mayor, City Engineer Joe Sbranti advised that as soon as the resolution had been approved staff would move forward with a contract to remove the barricades and make the closure of the crossing permanent. Staff had contact with the adjacent property manager of the Pace Building who was in favor of the permanent closure of the crossing.

Mayor Parent opened the public hearing for Resolution 05-10378. There was no public comment. Mayor Parent closed the public hearing for Resolution 05-10378.

On motion by Councilmember Johnson, seconded by Mayor Parent and carried unanimously to adopt Resolution 05-10378.

15. **ORDINANCE 05-1252** Adopting a Zoning Ordinance Amendment for Chapter
Combined w/CC 05-10382 18.36 Design Review

16. **RESOLUTION 05-10382** Adopting the Old Town Pittsburg Design Guidelines and
Combined w/CC 05-1252 Principles

Mr. Grisham explained that Planning and Redevelopment staff, in conjunction with Main Street Property Services, had developed the Old Town Pittsburg Design Guidelines and Principles to preserve and enhance Old Town Pittsburg's character. In order to implement the Guidelines, sections of the Zoning Ordinance need to be amended and a resolution adopting the Guidelines needed to be approved. Staff submitted the Guidelines document and the recommended changes to the Zoning Ordinance for Council approval.

There would be no fiscal impact at this time. The City Council was requested to introduce the Ordinance and waive the first reading amending Chapter 18.36 Design Review of the Zoning Ordinance and approve the Resolution adopting the Old Town

Pittsburg Design Guidelines and Principles.

Mayor Parent opened the public hearing for Ordinance 05-1252 and Resolution 05-10382. There was no public comment. Mayor Parent closed the public hearing for Ordinance 05-1252 and Resolution 05-10382.

On motion by Councilmember Glynn, seconded by Councilmember Casey and carried unanimously to introduce Ordinance 05-1252 by title only and waive first reading.

On motion by Councilmember Glynn, seconded by Vice Mayor Kee and carried unanimously to adopt Resolution 05-10382.

CONSIDERATION

1. **MINUTE ORDER** Council Subcommittee Formation and Appointment for Concord Naval Weapons Station

Mr. Grisham advised that a City Council Subcommittee is hereby requested to work with the City Manager on addressing the following issues concerning the Concord Naval Weapons Station: 1) Long-term impacts to the City of Pittsburg regarding the recommended closure of the Concord Naval Weapons Station by the U.S. Base and Realignment and Closure (BRAC) Commission, and 2) City of Concord's subsequent economic development of the Concord Naval Weapons Station Reuse Plan which includes the potential development of, but not limited to: community center facilities, library or schools, residential housing, jobs, open space, and park and recreational facilities within the 5,170 acre "inland area" of the Concord Naval Weapons Station, and 3) Establishment of a National Memorial Cemetery on a portion of the base; and 4) Potential consolidation and relocation of existing California National Guard Armory facilities, in both the cities of Concord and Pittsburg, to an appropriate site designated on the Concord Naval Weapons Station.

Assistant City Manager Matt Rodriguez advised that the City had support from the National Guard to move forward on conceptually considering the consolidation and building of a regional facility on the inland portion of the Naval Weapons Station, with a meeting to be scheduled to discuss the feasibility of that option.

Mayor Parent stated that based on the Council Rules and Procedures, appointments were made at the recommendation of the Mayor and Vice Mayor. She had solicited Councilmembers to volunteer for the Subcommittee and Councilmembers Glynn and Johnson had volunteered. She recommended to the Council that they be appointed to the Subcommittee.

There were no fiscal impacts to the City associated with the report. Staff recommended that the City Council designate two (2) Council members to be appointed to the "Concord Naval Weapons Station Council Subcommittee" to address all associated long-term impacts of the BRAC Commission process; the City of Concord's economic development of the Concord Naval Weapons Station Reuse Plan; establishment of a

National Memorial Cemetery on a designated portion of the base; and the potential consolidation and relocation of a new California National Guard Armory at the Concord Naval Weapons Station.

On motion by Vice Mayor Kee, seconded by Councilmember Casey and carried unanimously to appoint Councilmembers Glynn and Johnson to serve as the Subcommittee members for the Concord Naval Weapons Station.

2. **MINUTE ORDER** Requesting Direction on Truck Access Issues for State Route 4 Harbor Street Exit Ramp

Mr. Sbranti advised that in order to insure public safety, it had been suggested to prohibit trucks from using the State Route 4 Harbor Street exit ramp until adequate improvements had been made to accommodate them. Staff had previously analyzed current and future plans for the exit ramp and had recommended against such a prohibition. Staff was seeking Council direction for further action.

Mr. Sbranti explained that staff had considered the item and was concerned with limiting truck access since it would force trucks towards the Pittsburg/Antioch Highway at Loveridge Road, which was already at a low Level of Service (LOS). It would also force trucks towards the intersection of Loveridge Road and California Avenue which would be going through a great deal of construction over the next several years.

Mr. Sbranti added that staff, including representatives from the Planning, Police, Public Works and Engineering Departments had unanimously agreed to recommend that the truck patterns remain as is, with consideration at a later date once the construction areas had been completed.

The fiscal impact to the City would depend on the City Council's direction to staff on the matter. The cost to install additional signage at the exit ramp would be approximately \$2,000. Measure C return-to-source revenue could be used for that purpose.

Mr. Sbranti recommended that the City Council review the current and future plans for the westbound State Route 4 exit ramp at Harbor Street, consider prohibiting trucks over a certain size and/or weight from using the exit ramp, and provide direction to staff.

Mayor Parent inquired of the LOS for the Pittsburg/Antioch Highway, to which Mr. Sbranti understood that the Pittsburg/Antioch Highway had a LOS of E, which was next to the worst LOS. If truck access were prohibited, that could result in LOS F at the intersection and could jeopardize the City's receipt of funds that could be directed toward the improvement of local streets. The City currently received approximately \$600,000 from Measure C funds, and as Measure C expired, Measure J funds would be expected, with even more funds expected for the City on an annual basis. It was possible that the funds could be lost, although that had not occurred in the past. Staff's primary reason for the recommendation not to prohibit truck access was the general nature of lowering the LOS at an existing intersection which was already marginal.

Councilmember Glynn disagreed with staff's reasons, in that the Harbor Street off-ramp had created a major traffic hazard with stacking and blockage of the intersection during the afternoon peak hours, and due to the distance of the Harbor Street and California Avenue intersection over the bridge which was less than 500 feet to the turn off and exit at the other end. Also, the traffic signal lights were not synchronized. Truck traffic regularly rolled through the intersection since larger truck trailers could not make the corner. He added that oftentimes the trucks ran through the guard rails, which were routinely damaged and in need of replacement.

Councilmember Glynn also commented that the truck bypass had originally been planned with an exit at Loveridge Road to the Pittsburg/Antioch Highway, with a left turn and picking up the truck bypass to the downtown. If that route was not being followed with the trucks taking a left turn on East Tenth Street and heading to West Tenth Street, the trucks could easily take the Bay Point exit and come in from the Bay Point side or down Railroad Avenue. Due the construction on Railroad Avenue, he added that truck traffic regularly avoided the area and used Bay Point. With the work on the freeway on that side of the freeway, he suggested that the exit should be permanently closed.

Vice Mayor Kee concurred with the staff analysis suggesting that they should try to enforce a no right turn at the intersection. He suggested it was evident it was not being enforced due to the condition of the guard rail. As a member of the Planning Commission, he had routinely asked Caltrans to replace the guard rail and the pole, which was a power pole, that when damaged could result in a poor situation. He recommended the place of cameras in that area to enforce the No Right Turn.

Councilmember Johnson commented that the problem was that the trucks did not always go right, were going too fast, the curb was too sharp and the trucks were going across it. Councilmember Johnson stated that there had been recorded vehicle accidents on the roadway. He noted that it was a dangerous place. He agreed that the traffic was poor in the afternoon periods and that the lights were not synchronized and never had been. Also, the Caltrans signals were not synchronized with the City's traffic signals. He pointed out that the City did not have a four-legged off-ramp into the main street into the City, which could possibly be done as part of the Specific Plan for the future BART Station. He otherwise questioned whether or not Caltrans had been contacted to possibly coordinate the traffic signals or reevaluate the off-ramp.

Mr. Sbranti explained that Caltrans would be contacted regardless of the direction from the City Council since the area was a problem even without the trucks. Additional signage could be posted in the area in an attempt to discourage illegal turning movements. The situation could also be reevaluated as construction continued and after the completion of the Loveridge Road improvements and the Railroad Avenue bridge.

Mr. Sbranti added that the off ramp had been included in the truck route. He also clarified, when asked that the off ramp had been designed by Caltrans. As to whether or not it could be closed, he stated that trucks could be prohibited from utilizing the off-ramp.

Currently trucks could use the off ramp since they were turning left. Trucks were not allowed to turn right. With the elimination of the left turn movement, it would improve the situation at the intersection but could negatively impact others. The City would have to work with Caltrans to prohibit trucks from using the Harbor Street exit ramp. He acknowledged that Caltrans might not agree to that situation.

Mayor Parent was not prepared to state that she knew better than the various City Departments regarding the issue.

Councilmember Glynn stated that he was a member of the Power Plant Advisory Commission when the truck bypass had been discussed and while City staff had been invited, staff had never approached that Commission when the truck bypass had been constructed to facilitate business in the downtown. He stated that trucks regularly damaged the guard rail at the off-ramp, particularly with those drivers who were unfamiliar with the area and the strong curve.

Councilmember Glynn added that Loveridge Road had always been designed as a major thoroughfare for truck traffic to the downtown industrial uses. To now state that the LOS was less than adequate and adding more traffic along the Loveridge Road off-ramp with substantial new development projects was creating a future traffic hazard.

Councilmember Johnson made a motion to direct staff to contact Caltrans to possibly consider prohibiting truck traffic on the buttonhook of the Harbor Street off-ramp due to safety concerns.

Councilmember Glynn seconded the motion.

On the motion, Vice Mayor Kee inquired if the action was approved by the City Council and if Caltrans closed the area to trucks requiring an exit at Loveridge Road or the use of another route would result in a decreased LOS for the affected intersections. If that was the case, he questioned how much money in Measure C and Measure J funds could be affected.

Mr. Sbranti reported that potentially \$600,000 to \$800,000 a year would be impacted. He described that possibility as a risk and clarified that he could not definitively answer that question since it had not occurred for Pittsburg in the past.

Councilmember Casey understood that the motion was that staff be directed to contact Caltrans to consider prohibiting truck traffic from using the State Route 4/Harbor Street exit ramp. If Caltrans decided to do something, he questioned whether or not it would have a negative impact on the City.

Mr. Sbranti suggested it was unlikely that Caltrans would take action without the City's consent. Whether or not the CCTA could hold the City responsible for the LOS for the intersection was another issue. The City of Pittsburg was responsible for a certain LOS and the City might have to implement a project to improve the LOS back to where it

belonged. The impact could be that it could trigger an additional project for the City. He noted that one of the projects included in the Regional Fee Program were planned improvements to the Pittsburg/Antioch Highway.

Councilmember Glynn suggested it was an opportunity to discuss the bridge over State Route 4 on West Tenth Street [Range Road].

On motion by Councilmember Johnson, seconded by Councilmember Glynn to direct staff to contact Caltrans to consider prohibiting truck traffic on the buttonhook of the Harbor Street off-ramp due to safety concerns, carried by the following vote:

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

3. **RESOLUTION 05-10379** City Council Allocation: Hurricane Katrina Disaster and Humanitarian Relief Efforts

Federal Emergency Management Agency, U.S. Department of Homeland Security for Emergency Preparedness and response, the American Red Cross and other disaster service organizations have launched an immense emergency relief effort to meet unprecedented humanitarian needs in the wake of Hurricane Katrina by mobilizing workers and supplies to address the urgent, critical needs of disaster victims, which include providing emergency shelter, food, water, clothing, counseling and other assistance. Additional resources are needed by these organizations to address the ongoing critical needs of disaster victims.

Staff reported a fiscal impact of \$1,000 allocated from the City's Non-Departmental/Contingencies line item (Fund No. #110-49991-4599).

It was recommended that the City Council authorize the City Manager to allocate a total of \$1,000 from the FY 2005/06 Non-Departmental Budget/Contingencies line item (Fund No. 110-49991-4599) to facilitate a donation to the disaster and humanitarian relief efforts in the wake of Hurricane Katrina, and authorize the City Manager to transmit a written request to the Contra Costa Board of Supervisors to allocate \$2,000, and each municipality within Contra Costa County to allocate \$1,000 for a total donation of \$20,000 from the Contra Costa County region to go toward the disaster and humanitarian relief efforts in the wake of Hurricane Katrina.

Councilmember Johnson asked that the Council consider the Band Booster contribution and that the City Council match their \$2,000.

Mr. Grisham explained that the City would be in the same \$1,000 league in that the Band Boosters had raised \$1,000, with the power boaters having raised another \$1,000 for a total of \$2,000.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and

carried unanimously to adopt Resolution 05-10379.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: August 15, 2005 and August 29, 2005

Approved minutes dated August 15, 2005 and August 29, 2005.

- b. **CLAIMS** #1663 Bobbieteer J. Lackland; #1642 Amended, Rosland Sampson

Denied claims #1663 Bobbieteer J. Lackland and #1642 Amended, Rosland Sampson.

- c. **ORDINANCE 05-1248** Amendment to Chapters 15.84 and 19.20 of the Municipal Code Pertaining to Historic Resources and the Historic Resources Commission

Adopted Ordinance 05-1248.

- d. **RESOLUTION 05-10380** Adoption of a Resolution Upholding an Appeal and Denying Use Permit/Design Review Application No. 05-200 (RK Sunrise Inn)

Adopted Resolution 05-10380.

- e. **RESOLUTION 05-10381** Authorization to Enter into an Agreement Authorizing MIG Consulting Firm to Prepare Specific Plan, Focused Area Master Plan and Ridership Development Plan for Future Railroad Avenue eBART Station

Adopted Resolution 05-10381.

- f. **RESOLUTION 05-10383** Allocating Additional Funds and Awarding Contract No. 2005-02, Westside Addition Pavement Rehabilitation Project to Ghilotti Bros. Inc. of San Rafael, California for the Rehabilitation of the Westside Addition Subdivision
Combined w/RDA 05-1081

In Joint Session with the Redevelopment Agency, adopted Resolution 05-10383.

- g. **RESOLUTION 05-10384** Accept Stoneman Sewer Main Rehabilitation Project as Complete

Adopted Resolution 05-10384.

- h. **RESOLUTION 05-10385** Authorizing the City Manager to Extend the Consultant Agreement By and Between the City of Pittsburg and Lamphier-Gregory to Provide Environmental and Planning Services for the Trans Bay Cable Project

Adopted Resolution 05-10385.

- i. **RESOLUTION 05-10386** Authorizing the Transfer of \$236,000 from the
Combined w/RDA 05-1082 Neighborhood Improvement Program to Contract 2005-21 West Boulevard Alley and Fence Rehabilitation Project

In Joint Session with the Redevelopment Agency, adopted Resolution 05-10386.

- j. **RESOLUTION 05-10387** Contra Costa County Keller Canyon Landfill Mitigation Grant

Adopted Resolution 05-10387.

- k. **RESOLUTION 05-10388** Establish the Position and Appropriate the Funding for
Combined w/RDA 05-1083 the Associate Planner for the Redevelopment Agency for the City of Pittsburg

In Joint Session with the Redevelopment Agency, adopted Resolution 05-10388.

ADJOURNMENT

The City Council adjourned at 10:39 P.M. to the next meeting on October 3, 2005 *in Memory of Finance Department Employee, Dean Hegewald.*

Respectfully submitted,

Lillian J. Pride, City Clerk

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