

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**August 1, 2005**

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 7:33 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 6:30 P.M. for Closed Session for Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/Professional/Confidential Unit), and Teamsters.

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

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

**MEMBERS ABSENT:** Kee [Excused]

**STAFF PRESENT**

- 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
- Director of Housing and Community Programs, Annette Landry
- Director of Public Works, John Fuller

**PUBLIC HEARING**

1. **RESOLUTION 05-1062** Authorize the Executive Director to Execute a Lease  
**Combined w/CC 05-10340** Agreement By and Between James M. Billeci, an Individual, Doing Business as Billeci's Tax Service and the Redevelopment Agency of the City of Pittsburg

Director of the Redevelopment Agency Garrett Evans reported that when the Agency leased the property at 675, 785 and 695 Railroad Avenue to lease a portion of the building to The Mechanics Bank, it came with an existing tenant. The existing tenant is Billeci's Tax Service, at 675 Railroad Avenue, who had been operating at the premises for several years on a month-to-month basis without a lease. Agency staff and the tenant proposed to enter into a lease agreement for lease of the premises, commencing as of August 1, 2005.

Prior to the Agency acquiring a leasehold interest in the property, the tenant had been paying the property owner lease payments of \$975 a month on a triple net (NNN) basis. The proposed lease agreement raised the monthly rental amount of \$1,000 on a triple net basis and built in annual rent hikes of five percent on the anniversary date of the lease agreement.

The proposed \$1,000 monthly lease translated to a lease rate of 50 cents per square foot per month (for 2,000 square feet). However, the location of The Mechanics Bank next door and other redevelopment activities, including the Black Diamond project and Marina improvements, were expected to raise lease rates in Old Town to as high as \$2.00 to \$2.25 a square foot per month according to Main Street Property Services. As a result, the proposed lease agreement carried a month-to-month term that may be terminated by either party with 90 days written notice.

Mr. Evans recommended that the City Council and Agency Board conduct the public hearing and authorize the Agency's Executive Director to execute the lease agreement on behalf of the Agency.

Chair Parent opened the public hearing for Redevelopment Agency Resolution 05-1062 and City Council Resolution 05-10340. There was no one to speak. Chair Parent closed the public hearing for Redevelopment Agency Resolution 05-1062 and City Council Resolution 05-10340.

On motion by Member Johnson, seconded by Member Casey and carried unanimously to adopt Redevelopment Agency Resolution 05-1062.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt City Council Resolution 05-10340.

2.     **RESOLUTION 05-1065**     Approval of Amending and Restating the Disposition and  
       **Combined w/CC 05-10346**     Development Agreement By and Between the  
  Redevelopment Agency of the City of Pittsburg and the  
  Pittsburg Elks Lodge No. 1474 of the Benevolent and  
  Protective Order of the Elks and Making Certain  
  Findings in Connection Herewith

Mr. Evans advised that the Redevelopment Agency of the City of Pittsburg and the Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of Elks negotiated terms for a Disposition and Development Agreement (DDA) in January 2004 for the sale and development of approximately 65,000 square feet of vacant land generally located to the north of 340 Marina Boulevard, in downtown Pittsburg and within the redevelopment project area boundaries. The agreement would be amended and restated in its entirety to add a provision for the Agency to accept a Note and Deed of Trust for the purchase price and for the Agency to purchase an interest in the property through a use agreement.

The development would be required to construct an approximately 12,000 square foot facility to be used as the Pittsburg Elks Lodge and any necessary onsite and offsite improvements as part of the agreement.

There would be a negative fiscal impact to the Agency in the amount of \$600,000 for the purchase of interest in the property through the Agency Use Agreement. The Agency would also loan \$336,124 to the developer to purchase the site. The Agency loan would bear simple interest at the rate of 5.65 percent per annum for a period of fifteen years. The Agency would receive total interest in the amount of \$163,059.45 over the entire term plus the principal amount. Staff proposed that the \$936,124 (\$600,000 plus \$336,124) be allocated from Tax Increment Reserves.

Mr. Evans recommended that the Agency Board approve the Amended and Restated Agreement. He further recommended that the Agency Board authorize and direct the Executive Director of the Agency to execute the Amended and Restated Agreement on behalf of the Agency, authorize and direct the Secretary of the Agency to attest thereto, and authorize the Executive Director to 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 Amended and Restated Agreement. It was further recommended that the City Council approve the sale of the site pursuant to the terms and conditions of the Amended and Restated Agreement.

Member Johnson verified with staff that the Elks Club had agreed to all of the Agency's terms and conditions.

Chair Parent opened the public hearing for Redevelopment Agency Resolution 05-1065 and City Council Resolution 05-10346. There was no one to speak. Chair Parent closed the public hearing for Redevelopment Agency Resolution 05-1065 and City Council Resolution 05-10346.

On motion by Member Glynn, seconded by Member Johnson and carried unanimously to adopt Redevelopment Agency Resolution 05-1065.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt City Council Resolution 05-10346.

### **CONSENT CALENDAR**

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

- a. **MINUTES** Dated: July 18, 2005

Approved minutes dated July 18, 2005.

- b. **RESOLUTION 05-1063** Award of Consultant Agreement By and Between the  
**Combined w/05-1064** Redevelopment Agency of the City of Pittsburg and The  
Zahn Group, Inc.

Adopted Resolution 05-1063.

- c. **RESOLUTION 05-1064** Award of Consultant Agreement By and Between the  
**Combined w/05-1063** Redevelopment Agency of the City of Pittsburg and The  
Zahn Group, Inc.

Adopted Resolution 05-1064.

### **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 7:46 P.M. to the next meeting on August 15, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**August 1, 2005**

Mayor Nancy Parent called the meeting of the City Council to order at 7:47 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 6:30 P.M. for Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/Professional/Confidential Unit), and Teamsters.

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

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

**MEMBERS ABSENT:** Kee [Excused]

**STAFF PRESENT**

- 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
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- Director of Public Works, John Fuller

Mayor Parent considered the following general City Council items at 7:03 P.M. prior to pursuing the Redevelopment Agency agenda at 7:33 P.M. She reported that notice had been given in the regular course of business that Vice Mayor Kee would participate by phone at 8:00 P.M. via teleconference from Club Internacional de Cancun, Boulevard Kukulcan, Cancun, Quintana, Roo QR77500, Mexico.

**PLEDGE OF ALLEGIANCE**

Members of the Environmental Chemistry Class from Pittsburg High School led the Pledge of Allegiance.

**PRESENTATION**

1. Partners for the Watershed

CARLA KOOP with Partners for the Watershed updated the Council on the Watershed Management Plan that had been approved last year and how that plan was being implemented by the Partners for the Watershed.

Ms. Koop identified the Partners as members of local government, industry and educators acting as stewards for the watershed and providing environmental programs. She described the Kirker Creek Watershed and its components, presented an overview of the activities of the Partners of the Watershed which had included creek and flood control clean-ups in partnership with the City of Pittsburg and Pittsburg High School, highlighted water quality monitoring, GPS surveys that helped to target restoration efforts and address pollution sources, bio-assessments, work with the Dow Wetlands, educational efforts and outreach. She expressed a desire to continue current efforts.

Ms. Koop also reported that the Partners would like to see a watershed nursery and suggested it would be a good idea to involve students from Pittsburg High School (PHS) horticulture classes and Los Medanos College (LMC) to propagate plants and relieve some of the burden on the City for its landscaping efforts. She also recommended the development of a site for ongoing restoration in the City of Pittsburg.

KATHRYN LUPE, a recent Pittsburg High School graduate, spoke of her experience in a PHS Chemistry and Community Class, which had helped with creek clean ups and other activities conducted by the class and its dedicated teacher. She emphasized the importance of the class and the programs it supported.

ELAINE LACINA, a senior at PHS, also supported the community clean-ups for what they did for the community, the environment and for the satisfaction of all involved. She urged the City to continue to be a partner in the process.

MITCH SCHWEICKERT, Los Medanos College, Pittsburg, a Chemistry teacher at the college, thanked the City and in particular Laura Wright, along with the Resource Conservation District, Dow Chemical and the Contra Costa County Community Development Department for all their support and help in pursuing the clean-up, preservation and protection of the watershed. He added that LMC now had an opportunity to give back to the community and be responsible members of the community.

Mayor Parent was encouraged that young people were working to help the community. She emphasized the importance of volunteerism in addressing all the needs of a community. She referred to the redwood trees at the end of City Park which had been planted some 15 years ago by young people, and at Stoneman Park where every tree had been planted by a community volunteer.

## 2. National Night Out

Mayor Parent presented a Proclamation in recognition of the 22nd National Night Out, and National Watch Crime Prevention Program on August 2, 2005. She presented the proclamation to several members of the Pittsburg Police Department.

The Neighborhood Watch Coordinator accepted the proclamation on behalf of the Neighborhood Watch Groups in the community. He introduced active volunteers and members of the Pittsburg Police Department who were involved in the program. He added that National Night Out would be celebrated at Small World Park on August 2, 2005 at 4:00 P.M.

### **COUNCILMEMBER REPORTS/REMARKS**

There were no Councilmember reports.

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

Assistant City Manager Matt Rodriguez announced not only National Night Out in Small World Park on August 2 between 4:00 and 8:00 P.M.; but reported that the Renaissance Festival would be held on August 13 and 14 from 11:00 A.M. to 6:00 P.M. at Buchanan Park; and August After Hours would be held at Seventh and Black Diamond Streets with the first event, Flamenco Night, to begin August 5 with Casablanca to be shown at Fourth Street in Heritage Park between Railroad Avenue and Cumberland Street sponsored by Krispy Kreme and El Salvadoreno Restaurant. Remaining events would occur every Friday during the month of August.

### **CITIZENS REMARKS**

There were no citizens' remarks.

The City Council reconvened at 7:47 P.M.

### **PUBLIC HEARING**

1. **RESOLUTION 05-10340** Authorize the Executive Director to Execute a Lease  
**Combined w/RDA 05-1062** Agreement By and Between James M. Billeci, an Individual, Doing Business as Billeci's Tax Service and the Redevelopment Agency of the City of Pittsburg

When the Agency leased the property at 675, 785 and 695 Railroad Avenue to lease a portion of the building to The Mechanics Bank, it came with an existing tenant. The existing tenant is Billeci's Tax Service, at 675 Railroad Avenue, who had been operating at the premises for several years on a month-to-month basis without a lease. Agency staff and the tenant proposed to enter into a lease agreement for lease of the premises, commencing as of August 1, 2005.

The City Council considered Resolution 05-10340 in Joint Session with the Redevelopment Agency and took the following action:

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt City Council Resolution 05-10340.

2.     **RESOLUTION 05-10341**     Designate 2120 Crestview Drive as Surplus Property, and Authorize the City Manager to Dispose of Said Property Under the Guidelines of Government Code Section 54220 *et seq.*

Director of the Redevelopment Agency Garrett Evans reported that the State of California Government Code Section 54220 *et seq.* governed public agencies' disposal of surplus land. The Code required that the elected body take action to designate the property as surplus, and then follow a specific protocol for its disposition. The City Council was asked to designate approximately 0.93 acres of City property, located at 2120 Crestview Drive, as surplus property and to authorize the City Manager to dispose of the site in a manner commensurate with the provisions set forth in the Code.

The yet undetermined net proceeds from the sale of the property would be added to the City's General Fund.

Mr. Evans recommended that the City Council designate the site as surplus property and authorize the City Manager to take all actions as may be necessary to dispose of the site consistent with the guidelines set forth in the code.

When asked, Mr. Evans reported that to date five different entities had expressed some interest in the facility. He stated that notices to identify the proposed action would be published in the newspaper.

Mayor Parent opened the public hearing for Resolution 05-10341. There was no one to speak to the item. Mayor Parent closed the public hearing for Resolution 05-10341.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10341.

3.     **RESOLUTION 05-10342**     City Council to Conduct Public Hearing, Approving Hearing Report; Adopt Resolution of Formation, Resolution Calling Election, Conduct Election; Adopt Resolution Declaring Results of Election; First Reading of Ordinance Levying Special Tax in Community Facilities District (CFD) No. 2005-1 (Public Safety Services)  
      **Combined w/05-10343**  
      **Combined w/05-1246**
  
4.     **RESOLUTION 05-10343**     City Council to Conduct Public Hearing, Approving Hearing Report; Adopt Resolution of Formation, Resolution Calling Election, Conduct Election; Adopt Resolution Declaring Results of Election; First Reading of Ordinance Levying Special Tax in Community Facilities District (CFD) No. 2005-1 (Public Safety Services)  
      **Combined w/05-10342**  
      **Combined w/05-1246**



5.     **ORDINANCE 05-1246**     City Council to Conduct Public Hearing, Approving Hearing Report; Adopt Resolution of Formation, Resolution Calling Election, Conduct Election; Adopt Resolution Declaring Results of Election; First Reading of Ordinance Levying Special Tax in Community Facilities District (CFD) No. 2005-1 (Public Safety Services)  
       **Combined w/05-10342**  
       **Combined w/05-10343**

Assistant City Manager Matt Rodriguez reported that in accordance with the policy of the City Council and the agreement by current property owners with respect to Stanford Place, Marina Walk II, Bailey Estates and St. Vincent de Paul, a Community Facilities District shall be formed to provide funding for police services in the respective subdivision areas.

Finance Director Marie Simons advised that the matter had been considered by the City Council at the June 20, 2005 meeting. By Resolution No. 05-10323 the City Council approved a proposed boundary map, declared its intention to establish a Community Facilities District No. 2005-1 and to levy a special tax therein to finance certain public services. In addition, this resolution provided for the future annexation of territory and had set a public hearing for August 1, 2005. The purpose of the CFD was the same as established for the San Marco Subdivision to create a funding mechanism to finance the community services needed to accommodate the development of the area which had been established in June 2004, in order to provide a funding mechanism to allow the City the ability to finance the increased demands of police services placed on the City as a result of the new development that was expected to occur in the respective subdivisions.

Utilizing the same assumptions and service level as the San Marco CFD, which service level was 1.5 Police Officers per 1,000, the maximum special tax that could be set for the district for a residential unit would be \$341.25. The rate would be recommended so that all new residential units throughout the City would be treated the same as the units within the San Marco Subdivision. The non-residential rate was set at \$682.50 per acre, both rates to become effective this fiscal year 2005-2006.

Beginning July 1, 2006 and each July 1 thereafter the maximum special tax may be increased by no more than 5 percent of the amount in effect during the prior fiscal year. In addition to the maximum tax rate, the legal document also provided for a legal process to annex any property within the City that was not currently part of the District, as long as the City received unanimous written approval of the owner, or owners of the respective parcels.

At this time, Vice Mayor Kee joined the meeting via teleconference from Club Internacional de Cancun, Boulevard Kukulcan, Cancun, Quintana Roo QR77500, Mexico (Phone #52-998-881-5100).

Finance Director Simons continued stating the cost of providing police services for this area shall be paid through the CFD special tax that would be levied on both residential and non-residential properties within the proposed boundaries of CFD 2005-1 (Public Safety Services). This tax will be placed on the County tax roll each year. Pursuant to

State law, the special tax associated costs must be maintained in a separate fund and could not be included in the City's General Fund.

Mr. Rodriguez recommended that the City Council, in accordance with the Memorandum of Proceedings, take action to conduct a Public Hearing, approve a Hearing Report, adopt Resolution of Formation, and Calling Election, conduct Election; then adopt Resolution Declaring Results of Election, and Introduce First Reading of Ordinance Levying Special Tax in CFD No. 2005-1 (Public Safety Services).

JOHN KNOX, Community Facilities District and Bond Attorney, reported that there were a number of steps involved in the CFD process; the first of which was to open the public hearing on the resolution.

Mayor Parent opened the public hearing for Resolution 05-10342, Resolution 05-10343 and Ordinance 05-1246. There was no one to speak to the item. Mayor Parent closed the public hearing for Resolution 05-10342, Resolution 05-10343 and Ordinance 05-1246.

Mr. Knox stated that the next step would be to consider the adoption of the resolution of formation of the district, Resolution 05-10342 calling for an election. He noted that the landowners had already been contacted by staff and the ballots had been received from each of the affected property owners.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10342. [By teleconference, Vice Mayor Kee was asked by the Mayor for his vote. He voted "yes."]

City Clerk Lillian Pride reported that a Certificate of Election Results for the special election held in the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) on August 1, 2005 had identified 155 total yes votes and zero no votes, for a total of 155 votes equaling 100 percent of the total votes cast. She entered into the record the election results. [Castle Principals 4, Bailey Estates 122, The Olson Company 16, KB Home South 13, for a total of 155.]

Mr. Knox advised that the second resolution would confirm the results of the election.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10343. [By teleconference, Vice Mayor Kee was asked by the Mayor for his vote. He voted "yes."]

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to introduce Ordinance 05-1246 by title only and waive further reading. [By teleconference, Vice Mayor Kee was asked by the Mayor for his vote. He voted "yes."]

6. **RESOLUTION 05-10344** Approval and Adoption of the East Contra Costa

**Combined w/05-10345**  
**Combined w/05-1247**

Regional Fee Program Update Report and Regional Transportation Development Impact Mitigation (RTDIM) Fees; Adoption of an Urgency Resolution Establishing Interim RTDIM Fees; and Adoption of an Ordinance Creating a New Chapter in the Pittsburg Municipal Code for the RTDIM Fee Program

7. **RESOLUTION 05-10345**  
**Combined w/05-10344**  
**Combined w/05-1247** Approval and Adoption of the East Contra Costa Regional Fee Program Update Report and Regional Transportation Development Impact Mitigation (RTDIM) Fees; Adoption of an Urgency Resolution Establishing Interim RTDIM Fees; and Adoption of an Ordinance Creating a New Chapter in the Pittsburg Municipal Code for the RTDIM Fee Program
  
8. **RESOLUTION 05-1247**  
**Combined w/05-10344**  
**Combined w/05-10345** Approval and Adoption of the East Contra Costa Regional Fee Program Update Report and Regional Transportation Development Impact Mitigation (RTDIM) Fees; Adoption of an Urgency Resolution Establishing Interim RTDIM Fees; and Adoption of an Ordinance Creating a New Chapter in the Pittsburg Municipal Code for the RTDIM Fee Program

City Engineer Joe Sbranti reported that the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) adopted the East Contra Costa Regional Fee Program Update final report on June 16, 2005. The report included a revised schedule of regional transportation development impact mitigation fees and a revised projects list of transportation improvements. The proposed resolutions and ordinance would establish those new fees. The urgency resolution would make the fees effective immediately.

Dale Dennis, Program Manager of the ECCRFFA and Julie Morgan of Fehr & Peers were available to present the item.

City Attorney Ruthann Ziegler reported that Item 2 under CONSIDERATION would also be summarized in the presentation and incorporated into the Public Hearing.

The City collects the regional transportation mitigation fee from developers and then forwards the monies collected to the East Contra Costa Regional Fee and Finance Authority (ECCRFFA). The ECCRFFA then administers the fee projects' construction.

Mr. Sbranti advised that if the City Council approved the staff recommendations, the current single-family residential fee of \$1,511 would be increased to \$15,150, the current multi-family residential fee of \$1,973 would be increased to \$9,300.08, and current fees for commercial and industrial developers would be increased from the range of \$0 to \$0.37 per square foot to \$1.11 to \$1.26 per square foot.

Mr. Sbranti recommended that the City Council approve and adopt the resolution

approving the East Contra Costa Regional Fee Program Update Report prepared by Fehr & Peers, including the RTDIM fee schedule and a revised list of transportation projects; an urgency resolution which will cause the RTDIM fees to take effect immediately; and an ordinance creating a new chapter in the Pittsburg Municipal Code for the RTDIM Fee Program.

Mr. Dennis identified the extensive process in the preparation of the report. He advised that the ECCRFFA had been working diligently with City and County Engineers in the approach. He stated that the study would also identify the comprehensive approach to transportation improvements in the corridor. The study had also reviewed a comprehensive approach to provide infrastructure and facilities to meet the demand based on Association of Bay Area Governments (ABAG) projections but had reviewed a comprehensive funding anticipated to be available over the next 25 years.

Julie Morgan of Fehr & Peers presented an excerpt of the study to identify the highlights of the report. She described a map which identified where the capital improvements were located throughout East County and which would be accommodated through the fee program in cooperation and coordination with all the engineers in the cities and the County to provide analysis to determine the new infrastructure that would be needed in the future in order to accommodate the demand placed on the system from new growth anticipated in East County. She advised that a lengthy list of projects had been pared down to focus on the creation of a comprehensive regional transportation system to serve the future of East County.

Ms. Morgan explained that the projects had been listed with a cost for each. She identified a total of 26 projects overall included in the updated program with a total overall cost of \$1.7 billion dollars. She stated that the funding for the projects had again been reviewed comprehensively in terms of what funds could be available from other sources, which had been outlined in the analysis. Several different alternatives had been identified as Alternatives A, B and C, such as the extension of the half cent sales tax, Measure C which had been reauthorized as Measure J, State Transportation Improvement Program (STIP) funds, Regional Measure 2 funds, and other sources that would be significant when taken all together.

Alternative A had reviewed a break even program in terms of how high the fees would be needed to generate enough funds in conjunction with the other sources of funds to create a break even program. In that alternative, single family residential was close to \$30,000 per unit and \$18,000 for multi-family residential, and between \$1.72 and \$2.00 a square foot for non-residential.

Alternative B had been adopted by the ECCRFFA Board and had been recommended to the City Council. That alternative would set the single family fee at \$15,000 per unit, \$9,200 for a multi-family unit, and between \$1.10 and \$1.25 for non-residential.

Alternative C would keep the fees at the current levels. Alternatives B and C would

result in an overall deficit in the program.

Mr. Dennis reported that the ECCRFFA had approved the East Contra Costa Regional Program Fee Update on June 16, 2005 and had requested that each member agency approve the fee update and the increased fee. When asked, he reported that all of the other member agencies had considered the fee. The cities of Oakley and Brentwood, and Contra Costa County had all approved the fee. The City of Antioch had the first reading of its ordinance and was expected to adopt the fee next week. As to whether or not other agencies had adopted urgency resolutions, Mr. Dennis stated that Oakley, Brentwood and Contra Costa County had all adopted urgency resolutions. The City of Antioch had not but had moved to have it reconsidered for adoption at its August 9 meeting as an urgency ordinance.

Mr. Sbranti emphasized that staff had worked with Mr. Dennis and Ms. Morgan to ensure that the methodology used for the program was up to standards and was fair to the development community. He stated that the direct benefit to the City of Pittsburg would mean that eight of the 26 projects would fall within the City of Pittsburg. The City's share of projects totaled \$94 million. The projected fee revenues for the program from the City of Pittsburg would be \$60 to \$80 million worth of revenues, \$10 to \$12 million under the projected expenditures in the City of Pittsburg. As such, he stated that the City would receive a direct benefit from the project.

Mr. Sbranti recommended approval of the item.

Councilmember Johnson commented that in reviewing the report and a previous report from February, he noted few changes in the two documents. He had issues with a percentage of numbers for some of the items. He referred specifically to Table D, Traffic Contribution Percentages of New A.M. Peak Hour Trips, regarding the City's share versus the City of Antioch for a number of streets that had been identified in the report and which were located in the City of Antioch. He suggested that the report was flawed.

When asked how the percentages had been designated, Ms. Morgan noted that the numbers in the technical table were numbers generated from a series of model runs. There was a traffic model for East County used for impact studies and other analyses and where future traffic demands needed to be projected based on new development likely to occur in East County. That traffic model had been used. Each roadway had specifically been analyzed during specific hours of the day and particularly the commute hours, along with the use from new development in each of the cities in Contra Costa County.

Ms. Morgan emphasized the focus on traffic generated by new development because fees would be paid by new development and there would have to be a nexus for the fees and the impacts to the system. The numbers were not representative of all traffic on the roads, but the traffic generated by new growth in each of the cities.

Councilmember Johnson questioned whether or not the model was flawed given his

opinion that some of the charges to Pittsburg were actually generated by the use of streets located in the City of Antioch.

Ms. Morgan stated that the fee levels that had been proposed and adopted by the ECCRFFA Board during its June meeting were uniform fee levels, with the \$15,000 amount being recommended for all jurisdictions and ECCRFFA member agencies. She stated that the technical appendix presented information broken down for each specific jurisdiction but had been included for informational and background purposes and did not directly translate into the fees being recommended to the City since the ECCRFFA had not recommended that there be different fees charged in different cities.

Ms. Morgan added that the trips being summarized were identified by origin and destination and that while many of the trips being captured in the table might originate in Oakley, Brentwood or Antioch, they would have a destination in Pittsburg with an expected growth in jobs in the City of Pittsburg over the next twenty years.

Mayor Parent questioned where else the model was being used, reported by Ms. Morgan to be the Contra Costa Transportation Authority (CCTA) model routinely used for all traffic studies in Contra Costa County. It was a CCTA recommended model.

By teleconference, Vice Mayor Kee was asked if he had any questions. He did not raise any questions at this time.

Mayor Parent opened the public hearing for Resolution 05-10344, Resolution 05-10345 and Ordinance 05-1247.

BOB GLOVER, representing Home Builders Association of Northern California (HBANC), referred to a letter dated August 1, 2005 from Sheppard, Mullin, Richter and Hampton LLP, David Lanforman, Attorneys at Law, and a letter previously dated June 16, 2005 which had outlined HBANC's concerns with the proposal. He reported that the HBANC desired to emphasize the home building industry's past and ongoing strong commitment to transportation in East County. HBANC and its members had always recognized the importance of a well functioning transportation network for the quality of life of East County residents. HBANC had supported the adoption of the original transportation fee in 1994 and since then HBANC and new home buyers had consistently contributed toward funding regional transportation improvements in East County.

Mr. Glover noted to date that transportation agencies had collected over \$114 million in regional traffic fees. Recently HBANC and its members had aggressively advocated for the passage of Measure J, increased federal transportation funding for East County and were spearheading the Finish 4 Now public outreach campaign. While HBANC had many concerns with the proposal as outlined in the submitted correspondence, he stated that HBANC and its members were committed to deal with traffic concerns affecting all East County cities.

While he did not dispute the fee increase, Mr. Glover requested that the item not be adopted as an urgency resolution since it had not been adopted in the same fashion by the City of Antioch during the past week, and as stated in the HBANC correspondence, was not legally warranted to do so.

BRUCE OHLSON, Pittsburg, commented that having attended many meetings in the cities of Oakley, Brentwood, Pittsburg and elsewhere, he suggested it was reasonable for Pittsburg to charge the same regional transportation development mitigation fees as others in the region. He suggested that the County should also charge the same fees. He stated that new development must pay its own way and Pittsburg's fees should be equal to its neighboring communities. He added that Pittsburg did not pay for Highway 4 to the west alone, and now that the widening was almost done from Pittsburg to the west, the City should not withhold its support of neighboring jurisdictions. He emphasized the need to update the traffic infrastructure in East County and reiterated that each community should pay its own way.

Mayor Parent closed the public hearing for Resolution 05-10344, Resolution 05-10345 and Ordinance 05-1247.

When asked, Vice Mayor Kee stated that he had listened to the public hearings and had no comment at this time.

Councilmember Glynn questioned whether or not Mr. Glover had attended meetings in the other jurisdictions and had made the same statements. He recognized that urgency resolutions had been adopted by all jurisdictions with the exception of the City of Antioch.

Mr. Glover noted that the City of Oakley's decision was under legal review since four Councilmembers were present, two indicated support, two were against, and the final vote was three in favor and one abstention. Oakley's City Attorney had indicated that the abstention was an affirmative vote. As such, that action was currently under review. He could not speculate on the status of the other jurisdictions.

Councilmember Johnson had no problem with the \$15,000 fee which he found reasonable although he wanted to make certain that the amount generated by the City would be used in and for the City of Pittsburg. He suggested that the City was not getting the benefit of the funds it generated while other jurisdictions were receiving the benefit of transportation projects. He did not support the City's merger into ECCRFFA and he expressed a desire that the City be its own finance authority. He asked for an audit on how much money was being spent outside of East County prior to his voting on the item.

Mr. Sbranti stated that Mr. Johnson had asked for such information this date which Mr. Dennis had provided and which was available at this time.

Councilmember Glynn asked Mr. Sbranti about the period in question as to whether or not the City would pay, collect or pay a proportionate share of the funds into ECCRFFA. He recalled that Mr. Sbranti had stated that the City's approximate payment into the agency

was around \$94 million.

Mr. Sbranti stated that the projected revenues of fees to be collected in Pittsburg would total between \$60 and \$80 million. Of the eight projects that fell physically within the City's boundaries, the City's share of those projects would be \$94 million, although the City was only collecting between \$60 and \$80 million. As a result, the City would have a greater benefit and a net gain. Mr. Sbranti added that the bulk of funds from ECCRFFA had been spent in farther East County. To date Pittsburg had generated \$4.5 million in revenue, while Antioch and Brentwood had generated approximately \$89 million in combined revenue.

Mayor Parent stated that was also due to the fact that a previous Pittsburg City Council had chosen not to participate in ECCRFFA or at least one of the funding groups, since the City had been challenged. She also noted that the last time the City had adopted a fee adjustment having to do with developers which would have been implemented 60 days hence, on the 59<sup>th</sup> day the City had received 200 plus permit applications in order to avoid the increase in fees. In anticipation of urgency ordinance adoption, 48 permit applications had been submitted by developers this date, greater than the normal average of five permits per week.

Mr. Sbranti stated that the fees collected this date had they been collected after the subject item had been approved would have offered greater than \$650,000. If the 60 day period this year were to be similar to the one two years ago with 286 permits to have been issued prior to the adjustment of fees, there would have been a loss of \$3.9 million in revenues just for the City of Pittsburg. Since some of the other cities routinely issued more permits than Pittsburg, if the same urgency ordinance was not adopted for the other regions, the loss could be in the many millions of dollars.

Mayor Parent emphasized the need for regional cooperation and commended those who had worked to put Pittsburg back in a position where it participated with East County on infrastructure questions on a regional basis.

Councilmember Casey reported that he had met with staff this date, at which time he had been informed that the Urgency Ordinance would be the last item to vote on, not the first.

Councilmember Johnson suggested that East County had not been faithful or supportive to the City in the past, particularly with respect to the Buchanan Road Bypass.

Vice Mayor Kee commented that the studies had shown that traffic in the area would grow 50 percent or so. Vice Mayor Kee emphasized that everyone had worked hard to create a sense of regionalism in the area and the projects to be received would offer greater financial gain to the City of Pittsburg than the money to be generated. He also supported an urgency ordinance to avoid the potential loss of funds in terms of permit fees that could address the regional transportation needs of East County.



City Attorney Ziegler reordered the resolutions related to the item and recommended that the Council first consider Consideration Item No. 2.

2. **RESOLUTION 05-10348** Approving a Second Amendment to the East Contra Costa Regional Fee and Financing Authority Joint Exercise of Powers Agreement

A Second Amendment to the East Contra Costa Regional Fee and Financing Authority Joint Exercise of Powers Agreement is proposed that would substantially increase the City's regional transportation development impact mitigation fee to reflect a new list of regional transportation improvements that had been identified in Fehr & Peers' final report entitled, "East Contra Costa Regional Fee Program Update," adopted by ECCRFFA on June 16, 2005.

There was no fiscal impact to the City. It was recommended that the City Council approve the Second Amendment to the East Contra Costa Regional Fee and Finance Authority Joint Exercise of Powers Agreement.

On motion by Mayor Parent, seconded by Councilmember Glynn to adopt Resolution 05-10348 carried by the following vote:

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

8. **ORDINANCE 05-1247** Approval and Adoption of the East Contra Costa Regional Fee Program Update Report and Regional Transportation Development Impact Mitigation (RTDIM) Fees; Adoption of an Urgency Resolution Establishing Interim RTDIM Fees; and Adoption of an Ordinance Creating a New Chapter in the Pittsburg Municipal Code for the RTDIM Fee Program  
**Combined w/05-10344**  
**Combined w/05-10345**

On motion by Vice Mayor Kee, seconded by Councilmember Glynn to introduce Ordinance 05-1247 by title only and waive first reading carried by the following vote:

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

For Resolution 05-10344, City Attorney Ziegler stated that the characteristics of the fee in Resolution 05-10344 was a non-urgency fee which would take a simple majority of the Council for passage, to be effective 60 days after adoption, if adopted.

Mayor Parent clarified for the record that Resolution 05-10344 would be combined with Resolution 05-10345, the urgency item, and that the titles for each item were the same since they were related to one another.

6. **RESOLUTION 05-10344** Approval and Adoption of the East Contra Costa

**Combined w/05-10345**  
**Combined w/05-1247**

Regional Fee Program Update Report and Regional Transportation Development Impact Mitigation (RTDIM) Fees; Adoption of an Urgency Resolution Establishing Interim RTDIM Fees; and Adoption of an Ordinance Creating a New Chapter in the Pittsburg Municipal Code for the RTDIM Fee Program

On motion by Councilmember Glynn, seconded by Mayor Parent to adopt Resolution 05-10344 carried by the following vote:

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

For Resolution 05-10345, Ms. Ziegler clarified that the justification for the resolution was not just the potential monetary loss if not adopted as an urgency resolution but other issues as well.

7. **RESOLUTION 05-10345** Approval and Adoption of the East Contra Costa Regional Fee Program Update Report and Regional Transportation Development Impact Mitigation (RTDIM) Fees; Adoption of an Urgency Resolution Establishing Interim RTDIM Fees; and Adoption of an Ordinance Creating a New Chapter in the Pittsburg Municipal Code for the RTDIM Fee Program  
**Combined w/05-10344**  
**Combined w/05-1247**

On motion by Councilmember Glynn, seconded by Mayor Parent to adopt Resolution 05-10345 carried by the following vote:

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

9. **RESOLUTION 05-10346** Approval of Amending and Restating the Disposition and Development Agreement By and Between the Redevelopment Agency of the City of Pittsburg and the Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of the Elks and Making Certain Findings in Connection Herewith  
**Combined w/RDA 05-1065**

The Redevelopment Agency of the City of Pittsburg and the Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of Elks negotiated terms for a Disposition and Development Agreement in January 2004 for the sale and development of approximately 65,000 square feet of vacant land generally located to the north of 340 Marina Boulevard, in downtown Pittsburg and within the redevelopment project area boundaries. The agreement would be amended and restated in its entirety to add a provision for the Agency to accept a Note and Deed of Trust for the purchase price and for the Agency to purchase an interest in the property through a use agreement. The

development would be required to construct an approximately 12,000 square foot facility to be used as the Pittsburg Elks Lodge and any necessary onsite and offsite improvements as part of the agreement.

The City Council considered Resolution 05-10346 in Joint Session with the Redevelopment Agency and took the following action:

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt City Council Resolution 05-10346.

The teleconference with Vice Mayor Kee ended at this time.

## **CONSIDERATION**

1. **RESOLUTION 05-10347** Submission of Urban Limit Line Initiative Measure to Voters at a Consolidated Election

City Attorney Ziegler reported that the project proponent for the "City of Pittsburg Voter Approved Urban Limit Line and Rezoning Act" had obtained sufficient petition signatures to qualify the measure for a Special Election, as verified by Contra Costa County. To consolidate a Special Election with the planned Special Statewide Election on November 8, 2005, the City must file a resolution requesting the consolidation with the County Board of Supervisors at least eighty-eight (88) days prior to the date of the election, pursuant to California Elections Code Section 10400, *et seq.* The resolution requests such a consolidation and also establishes the official wording for the Act to be placed on the ballot.

There were no fiscal impacts because the measure's proponents had agreed to pay for the cost of election.

Ms. Ziegler recommended that the Council adopt a resolution, which would consolidate the special election for the Act with the special Statewide election on November 8, 2005. It would also establish the final wording for the ballot measure as it relates to the Act, and direct the City Attorney to prepare an impartial analysis of the initiative measure.

Mayor Parent advised that the verification of signatures had been verified by County Clerk Steve Wier and County Election staff with affirmation that the number of signatures collected was at least what was required, if not more.

BARRY FADEM, an attorney in Lafayette and speaking on behalf of the proponent, thanked the Council and looked forward to the Council's adoption of the item to allow the voters to make a much needed decision.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10347.

## **CONSENT CALENDAR**

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt the Consent Calendar, with the removal of Item a, as follows:

- b. **CLAIMS** #1660, Debra Jones

Denied Claim #1660 Debra Jones.

- c. **RESOLUTION 05-10349** Amending CalPERS Contract Regarding Employer  
**Combined w/05-10350** Paid Member Contributions (EPMC) to Suspend  
Contributions from July 3, 2005 through June 16, 2007  
and Reinstate on June 17, 2007

Adopted Resolution 05-10349.

- d. **RESOLUTION 05-10350** Amending CalPERS Contract Regarding Employer  
**Combined w/05-10349** Paid Member Contributions (EPMC) to Suspend  
Contributions from July 3, 2005 through June 16, 2007  
and Reinstate on June 17, 2007

Adopted Resolution 05-10350.

- e. **RESOLUTION 05-10351** Authorizing Bidding and Accepting Plans and  
Specifications for Contract 2004-11, Crestview  
Drive/Harbor Street Waterline Project

Adopted Resolution 05-10351.

- f. **RESOLUTION 05-10352** Approving Plans, Specifications and Authorizing Bidding  
for Contract 2005-12, 2005 Traffic Signal Project

Adopted Resolution 05-10352.

- g. **RESOLUTION 05-10353** Authorize an Amendment to the Consultant Agreement  
with RBF to Include Additional Studies Related to the  
Buchanan Road Bypass

Adopted Resolution 05-10353.

- h. **RESOLUTION 05-10354** Approving Consultant Agreement Amendment Number 3  
with Concept Marine Associates, Inc. in Connection with  
Contract 02-07, Marina Dock Replacement Project

Adopted Resolution 05-10354.

- i. **RESOLUTION 05-10355** Approving Plans, Specifications and Authorizing Bidding for Contract 2005-02, Westside Addition Pavement Rehabilitation

Adopted Resolution 05-10355.

- j. **RESOLUTION 05-10356** Acceptance of West Leland Road for Public Use According to the Final Map for San Marco Unit 1, Subdivision 7362

Adopted Resolution 05-10356.

- k. **RESOLUTION 05-10357** Award 2005-2006 Vehicle Purchase Contract

Adopted Resolution 05-10357.

- l. **RESOLUTION 05-10358** Collective Bargaining Agreement with the Police Managers Group

Adopted Resolution 05-10358.

- m. **RESOLUTION 05-10359** Authorize the City Manager to Execute an Amendment to the Animal Services Agreement Between the City of Pittsburg and Contra Costa County Animal Services

Adopted Resolution 05-10359.

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

- a. **MINUTES** Dated: July 18, 2005

Councilmember Johnson requested that the first sentence of the second paragraph under the Minute Order on Page 5 of 9 of the minutes be amended to read:

*When asked by Councilmember Johnson, City Attorney Ziegler stated that it would be consistent with City policy to open the hearing at this time and continue it to the August 1 meeting, as recommended, which would allow Mayor Parent an opportunity to speak to the item as well as any members of the public who might be present at this time who might not be present at the August 1 meeting.*

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to approve the minutes dated July 18, 2005, as amended.

## **ADJOURNMENT**

The City Council adjourned at 9:08 P.M. to August 15, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk

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