

CITY OF PITTSBURG
Housing Authority Minutes
August 15, 2005

Chair Nancy Parent called the meeting of the Housing Authority to order at 7:30 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 5:00 P.M. for Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding eleven 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; and at 6:00 P.M. for a Joint Planning Commission/City Council Workshop regarding the Downtown Design Guidelines.

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

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
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
Police Chief, Aaron Baker

CONSENT CALENDAR

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

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

Approved Minutes dated July 18, 2005.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:32 P.M. to the next meeting on September 19, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Redevelopment Agency Minutes
August 15, 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 into Closed Session at 5:00 P.M. for Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding eleven 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; and at 6:00 P.M. for a Joint Planning Commission/City Council Workshop regarding the Downtown Design Guidelines.

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

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

MEMBERS ABSENT: None

STAFF PRESENT Executive Director, Marc Grisham
Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
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
Police Chief, Aaron Baker

PUBLIC HEARING

1. **RESOLUTION 05-1066** Adoption of a Mitigated Negative Declaration for the Railroad Avenue Corridor Landscaping Project

Executive Director Marc Grisham reported that following an Initial Study to comply with the California Environmental Quality Act (CEQA), staff had determined adoption of a Mitigated Negative Declaration and an associated Mitigation and Monitoring Program, as well as implementation of the Mitigation and Monitoring Program, with full CEQA requirements for the Railroad Avenue Corridor Landscaping Project.

There would be no fiscal impact beyond what was required under existing federal and State regulations requiring asbestos abatement prior to demolition of existing structures. The resolution would authorize the Executive Director to spend up to \$150,000 from a previously approved project budget for asbestos abatement and demolition of structures in the project.

Staff recommended that the Agency Board conduct a public hearing and adopt the resolution approving the Mitigated Negative Declaration and Mitigation and Monitoring Program for the Railroad Avenue Corridor Landscaping Project.

Chair Parent opened the public hearing for Resolution 05-1066.

BRUCE OHLSON, Pittsburg, speaking for the East Bay Bicycle Coalition, stated that Pittsburg bicyclists would like a bike lane along Railroad Avenue.

Chair Parent closed the public hearing for Resolution 05-1066.

On motion by Member Glynn, seconded by Member Johnson and carried unanimously to adopt Resolution 05-1066.

CONSIDERATION

1. **RESOLUTION 05-1067** Adoption of a Proposed Relocation Settlement Agreement with Veterans of Foreign Wars (VFW) Post #1898

Executive Director Grisham advised that a 90-day notice to vacate was issued to the VFW on February 28, 2005, which expired on May 30, 2005. A 45-day extension was granted, which expired July 25, 2005. The VFW has had difficulty finding a relocation site but has agreed to vacate the premises at 2011 Railroad Avenue by August 26, 2005 and continue looking for another site on their own, subject to a negotiated all inclusive relocation settlement agreement.

The fiscal impact would be \$34,117 from the Railroad Avenue Corridor Project budget.

Staff recommended that the Agency Board adopt a resolution approving the relocation settlement agreement.

Member Johnson stated that the Veterans Groups had been working with the VFW, the American Legion and the United Veterans Council for the relocation of equipment in the building.

On motion by Member Johnson, seconded by Member Glynn and carried unanimously to adopt Resolution 05-1067.

2. **RESOLUTION 05-1068** Authorizing the Approval of the Property Acquisition for
 Combined w/05-1071 the Property Located at 500-550 School Street, APN
 Combined w/05-1072 073-121-001

3. **RESOLUTION 05-1071** Approving a Lease Agreement By and Between the
 Combined w/05-1068 Redevelopment Agency of the City of Pittsburg and
 Combined w/05-1072 Contra Costa County for 500 School Street

4. **RESOLUTION 05-1072** Approving the Abatement and Demolition Contract for
 Combined w/05-1068 the Structure Located at 500-550 School Street
 Combined w/05-1071

Director of the Redevelopment Agency Garrett Evans reported that the County of Contra Costa had acquired 500-550 School Street, Pittsburg, on December 13, 1983 for use as a County medical facility. The County had since relocated this facility to another site and had declared 500-550 School Street as surplus. Pursuant to Government Code Section 54222, the Redevelopment Agency of the City of Pittsburg had the opportunity to purchase the property for \$2,201,700 less the cost of demolition. The County had agreed to credit the Agency the amount of \$525,500 for the demolition and abatement of the site which made the total net purchase price \$1,676,200. The County had also agreed to a Demolition Contingency not to exceed \$52,500 which is ten percent of the demolition cost, and would be held by the Title Company until December 31, 2005.

Mr. Evans thanked Janis Glover for her work on the item.

The net purchase price to acquire the property is \$1,676,200. Pursuant to the purchase agreement between the County and the Agency, there would be no relocation costs associated with this acquisition pursuant to the Sublease Agreement between Bi-Bett Corporation and the County. The funds to purchase the property would be expensed against the School Street Site Acquisition Account 78-2004-1703 which has a current budget of \$2,500,00. The County would lease back the 500 School Street building to continue operating the Health Services Department's alcohol counseling and treatment program not to exceed June 30, 2006, pursuant to a lease agreement between the Agency as landlord and the County as tenant. The amount of rent to be paid to the Agency would be one dollar for the entire term of the lease.

The cost of the demolition and abatement for both sites was identified as \$525,000, which the County had already deducted from the original appraised value of \$2,201,700.

Mr. Evans recommended that the Agency Board authorize and approve the acquisition of the property for \$1,676,200 and authorize the Executive Director to 1) take all actions necessary to purchase the property from the County (including but not limited to executing the Purchase Agreement); 2) execute the lease of 500 School Street at the close of escrow; 3) further authorize awarding Contract No. 2005-16 to Evans Brothers Inc., for the abatement and demolition of the property for a total cost of \$525,000, and adding ten percent for a demolition contingency.

On motion by Member Johnson, seconded by Member Casey and carried unanimously to adopt Resolution 05-1068.

On motion by Member Johnson, seconded by Member Glynn and carried unanimously to adopt Resolution 05-1071

On motion by Member Johnson, seconded by Member Casey and carried unanimously to adopt Resolution 05-1072.

CONSENT CALENDAR

On motion by Member Glynn, seconded by Member Casey to adopt the Consent Calendar, as shown, by the following vote:

Ayes:	Casey, Glynn, Johnson, Parent
Noes:	None
Abstain:	Kee

a. **MINUTES** Dated: August 1, 2005

Approved minutes dated August 1, 2005.

b. **RESOLUTION 05-1069** Authorizing the Executive Director to Execute Contracts with Yelton Company Inc. for the Demolition of Buildings Located Along the Railroad Avenue Corridor

Adopted Resolution 05-1069.

c. **RESOLUTION 05-1070** Reallocating Project Funds for Design and Improvements for Contract 2005-17; Pittsburg Community Center at City Park Improvements Located at 60 Civic Avenue

Adopted Resolution 05-1070.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:44 P.M. to September 19, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
August 15, 2005

Mayor Nancy Parent called the meeting of the City Council to order at 7:45 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 5:00 P.M. for Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding eleven 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; and at 6:00 P.M. for a Joint Planning Commission/City Council Workshop regarding the Downtown Design Guidelines.

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

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

MEMBERS ABSENT: None

STAFF PRESENT City Manager, Marc Grisham
Assistant City Manager, Matt Rodriguez
City Attorney, Ruthann Ziegler
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
Police Chief, Aaron Baker

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

PLEDGE OF ALLEGIANCE

Councilmember Casey led the Pledge of Allegiance.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Johnson reported on his attendance at a Fire Protection District

meeting in Pleasant Hill, and a High Tea/Lunch with the “Queen” at the recent Renaissance Faire.

Vice Mayor Kee stated that he had also attended the Renaissance Faire which had been well attended and at which time he had been knighted by the Queen of Scots.

Councilmember Glynn reported that he had Chaired the American Legion meeting with a Celebration for the Bishop along with a celebration of the Church of the Good Shepard. All events had been well attended. He also attended a recent picnic at the Spiritual Garden at the Good Shepard Church property.

Mayor Parent reported that there had been a recognition event for the Pittsburg Summer Youth Corps, a program that had been expanded from 60 to 90 students with help from the Faith Community with discretionary funds from the City Manager and Supervisor Federal Glover. She noted that the 90 youth had done a great deal of work. She commented that the next Anchor Line would list the work that had been done by all the students during the summer program.

Mayor Parent also reported that the Mayors Conference hosted by the City of Pittsburg in Small World Park had been well attended and enjoyed by the participants. She took this opportunity to commend a number of staff persons from various City Departments including the City Manager’s Office, all of whom had been responsible for the coordinating of the event and who had worked hard to present the Mayors Conference.

Mayor Parent further reported attendance at the dedication of the new sanctuary celebration by the Changed Life Church which had an active and vibrant congregation. She had also attended the outstanding City’s Employee Luau Lunch, which was sponsored by the Human Resources Department and the Social Committee for City Employees. She added that the Scottish Renaissance, a unique event, had also been well done drawing people to Pittsburg and Buchanan Park.

CITY MANAGER REPORTS/REMARKS

City Manager Grisham had nothing to report.

CITIZENS REMARKS

LEWIS ROSS, identified himself as the City Electrician. He spoke to the City labor negotiations and noted that there was to have been a 3 percent increase, to start in July if signed by the 10th. If not signed by the 10th, employees had been told there would be an increase at a later time. He noted with respect to standby pay that the pay for the primary standby man on recognized City holidays would be increased by \$25 a week, an approximate \$300 total annual cost to the City for everyone. Mr. Ross stated that there were many things wrong with the negotiations which he suggested were being dictated as opposed to being negotiated. He suggested that real negotiations should be pursued to address the concerns and to do the right thing for the City of Pittsburg and its employees.

JO BATES, Business Agent representing AFSCME Local 512, Miscellaneous Unit A as well as M/P/C, noted that she was united with labor and with the large number of dedicated City employees in the audience who were committed to the City. She asked the Council to listen to the concerns of its employees.

KATHI ROSTEN, an Administrative Assistant in the Corporation Yard and a 13 year City employee, expressed a desire that the Council get to know everyone who worked for the City and who had given his/her time and energy in a family oriented situation. She stated that the City had grown although the work force had not. She asked the City to recognize the fact that every employee who worked for the City was important. She added that every employee was giving more than one hundred percent.

CHRISTY SEILHAN, an employee with the Public Works Department, stated that increasing health care benefits by 500 percent would jeopardize her health and the health of her family. She commented that she had worked for the City for over 7 years and had put in overtime and extra time. She explained that 24 positions had been not been filled in the rank and file while the number of Directors had increased. She commented that one Director's position could fund two rank and file positions.

JEAN FRANCIS, a 21.5 year employee, agreed with the concern that 24 positions had been eliminated and several more had been frozen. She stated that employees had risen to meet the challenge of doing more work with fewer people. With the high cost of living in the Bay Area, she asked the Council to be fair and equitable when returning to the bargaining table.

URSULA LUNA, the President of M/P/C represented by AFSCME, recognized the budget deficit and the problem, specifically related to industry-wide increased healthcare costs. She noted that the Internal Revenue Service website had shown a 3 percent increase in IRS reimbursement rates given the increase in gas prices. The California Association of Realtors website had indicated that the current affordability index was 16 percent, a 3 percent decrease from May of 2004. That percentage represented the number of people able to afford a median priced home. In the Bay Area, it was 10 percent. As such, an annual salary of \$122,690 would be needed to qualify for a home. She emphasized that the average income of the M/P/C group was \$68,944.

Ms. Luna commented that in doing research through the League of California Cities and other cities in the State and the immediate area, she had found that not one City had a reserve as high as the City of Pittsburg's, which was 25 percent. The reserves of other cities averaged 15 percent. She therefore suggested that what she characterized as an excessive reserve be considered to address the problem.

INA WILLIAMS, Pittsburg, a Teacher at Highlands Elementary School, asked for the Council's help in addressing the traffic problems outside of many Pittsburg schools and its crosswalks including illegal turning movements and triple parking impacting through traffic. She noted that there was no crosswalk at the exit of the school driveway at Highlands

Elementary School. She asked the Council to work with the Pittsburg Unified School District (PUSD) to see whether or not crosswalks at Highlands Elementary School could be painted before school started. She also asked that the Police Department be more active in the areas around City schools.

CHRISTINE ROHDE, Antioch, a teacher at Pittsburg High School (PHS) concurred with the safety problems related to traffic around the City's schools, particularly as it related to the impacts of the drop-off and pick-up areas. She expressed a desire to continue to help make school drop-off points safer. She too asked for Council consideration to work with the teachers to create potential solutions.

ROB HUNT, with the Housing Rehabilitation Department, noted that the City Manager had spoken to all City employees and had recognized at that time that the number of employees had lessened while the work load had increased with an increased population. As a member of the Negotiating Committee, he had asked why the 24 positions eliminated and other six frozen positions had not been filled. He had been told that there was no money, although Directors and management positions had been increased. He referred to the City's almost \$8 million reserve and commented that the average salary for those he represented was less than \$50,000 annually. Those employees had no reserve to carry them over a potential crisis. He emphasized that the crises was here given the cost of living in the area. He noted the many roles he filled as an employee with the City, stated that employees liked to work for the City and wanted to work to help make the City prosper. He urged the Council to deal with its employees fairly.

Mayor Parent adjourned to the Housing Authority at 7:30 P.M. and reconvened the City Council at 7:45 P.M.

PUBLIC HEARING

1. **RESOLUTION 05-10280** Code Enforcement Hearing for 6 West Boulevard

City Manager Grisham advised that on July 18, 2005 staff recommended continuance of a resolution declaring the property at 6 West Boulevard a public nuisance pursuant to Section 1.24.050 of the Pittsburg Municipal Code. He requested that the item be removed from the agenda given the status of negotiations in resolving the concerns with respect to the property with the property owner.

Mayor Parent verified with City Attorney Ruthann Ziegler that if the item was to be returned to the City Council the item would have to be renoticed with the property owner.

The item was removed from the agenda as requested by the City Manager.

2. **RESOLUTION 05-10360** Denial of an Appeal of Planning Commission Approval of Plans to Construct and Operate a 39-Room Motel (Use Permit and Design Review Application No. AP-05-200)

Planning Director Melissa Ayres reported that on June 28, 2005, the Planning Commission approved a use permit to establish a motel and design review of architectural plans to construct a 2-story, 39-room motel on an undeveloped 0.76 acre parcel located at 2301 Harbor Street. On July 8, 2005, a neighboring resident, Aleta Anders, filed an appeal of the Commission's decision pursuant to Pittsburg Municipal Code Section 18.18.060.

Ms. Ayres stated that the August 15, 2005 staff report had listed the reasons for Ms. Anders' request for an appeal, although the staff report disagreed with the appellant's reasons for an appeal and supported the Planning Commission's decision.

There would be no fiscal impact associated with the project.

Ms. Ayres recommended that the City Council adopt a resolution denying the appeal and approving Use Permit and Design Review Application No. AP-05-200, subject to conditions.

Mayor Parent opened the public hearing for Resolution 05-10360.

ALETA ANDERS, 1555 Freed Circle, Pittsburg, identified herself as the appellant. She expressed her objection and that of her community to the motel given the impacts to the California Rockridge development and the potential impacts to the safety of the children in the neighborhood. She did not believe that the subject site was an appropriate place for the placement of a motel, given neighborhood concerns for crimes by sex offenders and pedophiles, as well as impacts to the seniors living in Stoneman Village across the street and for those patronizing Small World Park. She presented signatures from 267 people from within her neighborhood and across the street representing those in opposition to a motel in the neighborhood. She stated that a motel was not the image that Pittsburg residents wanted in his/her community. In her opinion, a motel business would not live in harmony with the neighborhood.

Ms. Anders emphasized that residents were concerned with the quality of those who would patronize the proposed motel and with the loss of property value as a result of the motel. She suggested that the Hampton Inn project already approved was a better location given its proximity to the freeway. The proposed motel would not be easily accessed off of Harbor Street and there were concerns with the quality of people who might patronize the motel with a possible increase in crime in the community. She asked the Council to deny the motel project.

When asked by the Mayor, City Attorney Ziegler advised that the project applicant could make a presentation and final brief comments could be made by both the appellant and the project applicant, at the Council's discretion.

ANTHONY DONATO, representing the applicant, referred to the planning staff report that indicated that the proposed motel was an appropriate use at the proposed location to buffer the impacts of surrounding service commercial uses from adjacent residential uses and that design of the building would offer desirable architectural variation along Harbor

Street where existing frontages consisted of concrete tilt up buildings. He added that the interior corridor design of the building would enhance security opportunities not available with Motel 6 type building designs.

Mr. Donato described the revenues of \$2.6 million in occupancy tax that the motel would generate to the City. He referred to the nine employees who would work at the site, and noted other direct financial benefits to the City and other City businesses. He acknowledged that standards and security were very important and stated that the motel would exceed the community standard. The motel would be set 24 feet back in the front where a 15 foot front setback was required, with 10 foot side yard setbacks, and 16 foot rear setbacks, with 18.9 percent landscaping. From the standpoint of the physical aspects, he suggested that the motel would represent a benefit to the City.

Mr. Donato emphasized that the motel would be built to franchise standards and Mr. Newman, the applicant, had experience in the motel industry and would be applying for a Best Western franchise for the proposed motel. He described the amenities that would be included in the motel including 350 square foot rooms, with TV/VRC, Internet access, a refrigerator and the like. Mr. Donato reported that the applicant's market study had included two letters of recommendation from the Oakland Hotel Association and the Asian American Hotel Association, along with two commendations from the Comfort Inn and Best Western of which the applicant was involved.

Mr. Donato advised that the applicants had met with the property owners and had attempted to meet with the seniors, who had declined to meet with the applicant. As to the appellant's statement that the motel was inappropriate to the site, he noted that the staff report had disagreed with that suggestion. He suggested that the concerns could be addressed to the City's satisfaction.

Speaking to the security provisions, Mr. Donato advised that Mr. Newman would provide a number of security measures to ensure the security of the site, including an on-site and off-site video monitoring system, outside illumination that would not spill onto neighboring properties, electronic keys based on a 24-hour occupancy which would be changed after that time or if a key was lost, 24-hour management, and a single corridor down the center as opposed to outside balconies.

Mr. Donato stated that a Planning Commissioner had requested police reports from other motels where Mr. Newman had an interest. He noted that the Comfort Inn in Chico had 26 calls in a 22 month period compared with the police reports from the Pittsburg Motel 6 where over a 5 year period there had been 89 calls or 1.4 per month. As of June 2005, there were three calls to that property. Mr. Donato suggested that's what would occur when updating a facility and providing appropriate management. He noted that none of the calls to the other motels had included police calls related to sex offenders or pedophiles.

Mr. Donato referred to the City Council's approval of the 2001 General Plan and the Zoning Ordinance which would allow a motel at the proposed site. He explained that the applicant could have asked the Council for a number of other uses, all of which were

permitted on the site and any one of which would be more detrimental to the area than what had been proposed for the site at this time. He urged the City Council to support the Planning Commission's decision and the staff recommendation.

KENT RODRIGUEZ, Fresno, Architect, stated that they had worked with the project for some time with staff which had gone through several iterations to reach this point. He concurred with the staff recommendation that the project be approved. He noted that the General Plan had indicated that the proposal would serve as a good buffer use between the commercial and the adjacent residential neighborhood. There would be an interior corridor with security monitoring on and off site. He explained that the traffic associated with a motel per Caltrans would generate 9.11 trips per room for day, based on an 80 percent occupancy. Based on those calculations, the motel would generate 285 trips per day while a 5,000 square foot restaurant use would generate approximately 1,500 trips per day, and a 4,000 square foot fast food restaurant between 4,000 and 5,000 trips per day.

With respect to lighting, Mr. Rodriguez reported that some lights had been moved away from the residences, poles had been lowered and shielding devices had been added to reduce the glare of the lights to adjacent properties. Further, all windows facing the neighbors would be relocated to minimize the effects on the neighborhood.

TOM LEWIS, 50 Hawthorne Lane, Pittsburg, identified a number of motels in the City including the El Rey, Budget Inn, and Mar-Rey. He questioned the people who used those existing motels. He commented that security was such a problem at Motel 6 that a guard had to be placed at the site. He explained that the proposed motel was not on the freeway, would not be visible from the freeway, and therefore travelers would not likely patronize the motel. He suggested that over time the motel and the activities associated with the motel could further burden an already overburdened police force. Mr. Lewis presented a number of photos and emphasized the desire to allow only quality developments in the City. He commended the efforts of the City Manager to eliminate blight in the community. He supported the placement of quality development in the City. As such, he urged the Council to uphold the appeal.

JOHN HANSEN, a Realtor in the City of Oakland who worked in the corridor area where some of Mr. Newman's properties were located, commented that he had visited all of those properties. He described the configuration and conditions of those properties as clean and safe facilities. He noted that some of those facilities were not close to the freeway. He suggested that the Pittsburg corridor with Highway 4, Internet advertisement and referrals would create a positive situation for the proposal and the community.

JEANNE COX, Pittsburg, distributed information to the City Council to support her comments. She noted that Mr. Newman was an investor or shareholder in motels and not a motel operator. She offered a list of the motels that Mr. Newman owned. She commented that the pictures previously offered were pictures of the Highlander Inn located in the City of Oakland which she suggested was not a very high quality facility. She had learned that Mr. Newman was a shareholder in a Comfort Inn, Super 8 and Best Western.

Ms. Cox referred to the rates that could be charged for the motel dependent upon

the supply and demand of the market, although she noted that there could be a number of discounts associated with those rates based on ongoing promotions. She commented that Mr. Newman had suggested that the proposed motel would accommodate a variety of the market segment including business travelers, seniors, local residents and tourists. Of the two motels Mr. Newman currently owned in Oakland, he had informed her that the existing patrons were sometimes tourists in the summer but were mostly workers. She suggested that Mr. Newman did not have the experience to run a nice hotel for travelers, business people, seniors or tourists. She described the research that she had conducted on Mr. Newman and some of his associations, which she indicated were problematic and of concern.

Ms. Cox objected to the proposal, suggested it would increase crime and negatively impact property values. She urged the Council to make a site visit to Mr. Newman's existing motels. She also urged the Council to deny the application.

JACK GASKINS, Oakland, a Real Estate Agent involved in the sale of the property, explained that Mr. Newman had undertaken quite a task to get to this point given the need to subdivide the property and expend funds to prepare plans for the motel. He explained that Mr. Newman had been in the motel business for 25 years, with hotels in the City of Oakland which he described as a different urban market as compared to the suburbia of the City of Pittsburg. He suggested that the proposed motel would offer a high quality environment with a lot of security with the facility centrally located in Pittsburg. Referencing the proposed design of the motel and its potential \$3 million cost, he stated that would represent an asset to the City generating approximately \$100,000 in property taxes and revenues to the City.

Mr. Gaskins suggested that such a facility would also bring conventions to Pittsburg, support local businesses and create jobs. He emphasized that the applicant desired to bring quality, had community spirit and desired to improve the area.

LARRY WIRICK, Pittsburg, expressed concern for the motel and suggested that it might attract the wrong type of clientele. He noted that the City had worked hard to reverse its reputation. He applauded any business operator who developed a quality business in the community. If the Council did not see fit to support the appeal, he requested that the Council at least table the discussion to a future date to allow residents to learn more about Mr. Newman's history in operating such businesses. He suggested that there were many questions that needed to be answered.

JAMES BURKHOUSE, Whole Weather Hospitality, an International Hotel Consulting Firm retained to review the application, noted that he looked to the sponsor in determining whether or not there was a quality project. He stated that Mr. Newman had successfully developed and operated four properties in the Bay Area, and had a 92-room development in the City of Cotati. He stated that Mr. Newman would bring an experienced management team to the community with 75 years of experience, proof he could build, launch and operate hotels and had operated those at the top of the brand. He noted that hotel franchises, such as Best Western, held operators to a standard that would have to be

maintained. He stated that Mr. Newman was a good sponsor of hotels. He added that the proposed hotel would be of good quality in terms of size of rooms, curb appeal, amenities and guests. From a quality standpoint he saw good things with the property.

On the sales and marketing side, Mr. Burkhouse noted that there were a number of ways to overcome location in that many such facilities were not located within close proximity to a freeway. He stated that Mr. Newman brought experience from his other properties and there was collateral in moving guests from one property to another.

Mr. Burkhouse stated that a full time Director of Services would be hired for the property, whose job would be to work the local community and businesses and gather information on business transients and leisure patrons through AAA and AARP, as well as other associations. There would be a website for the property, a brand and an Internet element. He stated that thirty percent of hotel rooms would come from the Internet.

Mr. Burkhouse added that in the economic cycle of a hotel, a new hotel would not have the type of problems and concerns residents had raised. An older hotel at the end of its cycle would have such problems. With a new hotel in a growing community, he did not see that such problems would be created.

A.J. FARDELLA, Pittsburg, suggested that those speaking positively to Mr. Newman's project were those on Mr. Newman's payroll. He commented that there were a few reasons why the proposal was a bad idea. He noted that a great hotel of 100 rooms had recently been approved in the community with no objections. The subject proposal had people from all over town present in opposition to the proposal. In terms of the City's General Plan, he suggested that the proposed hotel offered too many rooms for the City in what he suggested was bad planning which offered the Council more than enough legal basis to refuse the application. He urged the Council to uphold the appeal and deny the project until something worthy of the City had been proposed.

CHERI BERKICH, Pittsburg, stated that she had lived at 390 E. Leland Road in Stoneman Village for the last 15 years and had seen two automotive uses in the area with the traffic on Leland Road having worsened over time. She did not support the motel given the intensity it would add to the area. She objected to the congestion that could occur making it more and more difficult to access East Leland Road which currently experienced problems with the traffic signal in terms of pedestrian access and an ability to cross the street. She commented that she lived in the City because it was a small town and she did not want it to change.

WILMA SHELTON, Stoneman Village, 390 East Leland Road, Pittsburg, stated that seniors, particularly disabled seniors, were concerned with his/her safety with the placement of a motel so near to the senior housing complex.

KEVIN M. KOLB, 1552 Freed Circle, Pittsburg, explained that his home was located behind the area where the hotel would be placed. He questioned whether or not a market study had been prepared to determine whether or not the site was appropriate for the

placement of a motel. He questioned whether or not the City was offering the developer incentives. He cited the number of other hotels existing or proposed in the community and he also questioned the need for an additional hotel, particularly one on such a small lot that would include few to no amenities.

Mr. Kolb further questioned how the hotel could be considered to be a proper buffer between residential and commercial uses given the existing surrounding uses. He took issue with the statement that windows facing the residential properties would be eliminated to mitigate some of the neighborhood concerns since the windows to be removed would be those in the stairwell. He noted that with the way the building would be situated there would be no rooms along the back although occupants would be able to view the entire adjacent residential development out of the south side of the building. He reported that he had collected over 300 signatures in opposition to the project.

In response to the suggestion that the City had offered an incentive or financial assistance for the project, Mr. Grisham stated that the City had offered no incentive or financial assistance for the project.

BRUCE OHLSON, Pittsburg, while not speaking for the entire Planning Commission, noted that staff had not mentioned that the approval of the motel application by the Planning Commission had not been a unanimous decision and had been approved by the Planning Commission by a 4-3 vote.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), agreed with the appellant in this case. He referred to the Category 32 Exemption under CEQA as it related to the project and suggested that the City had used that exemption too many times. If there was nothing on the land, without an environmental study he questioned how it could be determined whether or not there were any environmental threats to the soils.

Referring to Attachment 3 under Section II of the Findings, Mr. Mims noted that the project had not been deemed to be detrimental to the health, safety and welfare of the City. He questioned the intent of that statement.

With respect to the police reports offered for Motel 6 in comparison to the applicant's other operations, and referencing the staff report which had listed the statistics in the police reports, Mr. Mims questioned how a project was determined not to be detrimental when crimes were taking place. He suggested that crimes would take place on the property as had occurred elsewhere. He also objected to the fact that as shown in the staff report, the project had been found to not adversely affect the orderly development of property within the City. He questioned how that was known.

The following individuals did not wish to speak but offered written comments:

DANI CARIASO, Pittsburg, "I understand that growth is important, but if you have to build a motel – pls. keep it away from residential areas - there are children & safety to consider & the City can not guarantee the safety of its residents. "

GARY OLSON, President Cooper Trucking, P.O. Box 8295, Pittsburg, submitted a full page letter dated Received August 15, 2005 which read in part: "I am the owner of Cooper Trucking located at 2139 Harbor Street in Pittsburg. I currently employ approximately 20 people from Pittsburg and the surrounding areas. As a business and property owner in Pittsburg, I would like to go on record as strongly supporting the approval of the proposed motel development of RK Sunrise Inn at 2301 Harbor Street . . . If you have any questions, please feel free to contact me . . . "

In rebuttal, Ms. Anders thanked the Council for considering the application. She suggested that the motel would not live in harmony with the neighborhood.

BOBBY NEWMAN, Oakland, identified himself as the applicant and stated that he had been in the hotel industry for 27 years, having started with a 16-room motel in Louisiana. He stated that he helped to form a corporation and that all the properties in which he was involved were either all in corporations, including Chico Super 8, Best Western, Comfort Inn and Suites and Sacramento, the Imperial Inn and Highlander in Oakland and property in Atlanta, Georgia. He stated that he and his wife, his brother and his wife owned The Highlander property. He referred to an earlier comment and emphasized that he was not operating any location illegally.

Mr. Newman stated that he headed a number of corporations. He added that he had built several hotels with his partners, had a commercial contractor's license in the State of Louisiana and was a trained Chemical Engineer. He advised that he could build the hotel at a reasonable rate and had built the Best Western 76-unit development under the rates he had calculated for the subject development; the same for the Comfort Inn and Suites in Sacramento and another facility in Texas and the City of Cotati which was under the same corporation which owned the Best Western and Comfort Inn and Suites. He stated that the proposed hotel had been designed as a franchise hotel and would be a nice project. He stated that he lived in The Highlander. He added that he would not invest \$2.6 million and abandon the motel to rent it to a dope dealer or to a prostitute.

Mayor Parent closed the public hearing for Resolution 05-10360.

Councilmember Glynn asked the Police Chief about Attachment 8 to the staff report which identified police calls provided by the City of Oakland for motels in that City. He verified the police codes involved. He also spoke to the Days Inn located in Oakland where over a period of 12 months had received 500 calls for prostitution. He inquired of the Police Chief if that would be characterized as the owner or anyone involved with an interest in that hotel, failing to be aware of what was occurring in that case.

Police Chief Baker commented that with 500 calls for prostitution, one would be aware of such a problem.

Councilmember Johnson noted that Mr. Newman's hotels were the lowest in the group for calls of service as compared to other facilities in Oakland which had significantly

more. He suggested that if the hotel was not managed well, such calls for service could happen anywhere. He inquired if the Police Chief had any conclusions on the numbers.

Police Chief Baker advised that it would depend on the calls for service out to the locations. He stated that it would be difficult to analyze the information without being aware of the type of calls since the calls could refer to anything from a customer not paying for the hotel room, cab fare, making loud noise, or running the spectrum to felony crimes. He described the types of calls for service at motels in the City of Pittsburg and noted that the Mar Rey, a lower end motel, had experienced a spectrum of calls. With respect to Motel 6, he stated that a strong manager had been hired and a perimeter fence had addressed a number of concerns.

Police Chief Baker explained that the problems revolved around the level of management of any motel or hotel. If someone were to ignore prostitution, drug dealing or long term residents with no source of income, there would be problems. He otherwise commented that a manager knowledgeable of the business and who worked closely with the Police Department could be a great neighbor.

Councilmember Johnson asked about the structure of the motel and the ratings for motels, such as from AARP, AAA and the like.

Mr. Newman stated that Best Western was a Triple Diamond and had the highest standards, as was the Comfort Inn and Suites. He stated that independent hotels in Oakland were not rated. The proposed motel would be approved by AAA, would likely be given three diamonds and would be rated by AARP and Mobile.

Mr. Newman added that a separate corporation would be formed for the proposed motel, which would be a family motel in partnership with his brother. When asked about the neighborhood concerns, he stated that he knew how to avoid the crimes of which the neighbors had expressed concern. He stated that his hotel in Oakland had the lowest number of calls and he knew how to avoid trouble.

In the case of the subject application, Mr. Newman stated that he would know how to avoid problems and did not expect problems given the location and the new facility. He added that he would attend the monthly meetings of adjacent homeowners associations (HOA) to address any concerns that might arise. He explained that the same occurred with the City of Oakland. He reiterated his expectation that troubles could be avoided.

When asked by Vice Mayor Kee, Mr. Newman stated that the proposal had been designed to conform to a Best Western standard. It was his desire to pursue a Best Western Franchise.

When asked by the Mayor, Chief Baker commented that there had been few problems with the El Dorado motel, although there had been a recent incident that remained under investigation.

Councilmember Johnson commented that as a salesman he had stayed at a

number of motels. He had found that if he needed to find a hotel, he found it. He suggested that the appearance of a motel could generally identify the quality of the management of the facility. His concern was with the management of the facility and he sought high quality managers to produce high quality results.

On the discussion, Mayor Parent advised that the resolution submitted to the Council for consideration was a resolution to deny the appeal and grant the Planning Commission approval of the motel. She noted the other options available to the Council, to uphold the appeal and not grant a use permit for the motel.

Ms. Ayres stated that the resolution before the Council would deny the appeal but would not exactly uphold the Planning Commission's decision. It would be a modified approval. She explained that the Planning Commission had an original condition that the City Attorney had recommended for removal in the Council resolution relating to whether the property owners would accept social service vouchers from potential tenants. The resolution before the Council had also been revised with an update to the most recently adopted and approved fee schedule.

If the Council were to adopt the resolution as contained in the staff report, as recommended by staff, there would be a denial of the appeal and the adoption of a new resolution approving the use permit and design review application.

Councilmember Casey did not support the placement of the motel on the site in question. He asked the City Attorney what type of motion would be required to uphold the appeal and deny the application.

City Attorney Zeigler explained that if the Council desired to grant the appeal, the motion would be to grant the appeal. If the Council did so, the Council would have to make the proposed decision directing staff to return at the next Council meeting with appropriate findings on which to base that decision.

Councilmember Casey made a motion to that affect.

Councilmember Johnson inquired if the project were denied, whether or not the applicant could return at a different date with another project.

City Attorney Zeigler advised that if the Council granted the appeal, the applicant may file a new application for the use of the property, which would completely reinstate the process.

Ms. Ayres stated that based on the Municipal Code, denying an application would mean that an applicant could not refile a similar application for that property within a year.

Vice Mayor Kee commented that the applicant had slightly different standards for his properties when they were franchise versus when they were not. The property would not be a franchise property and he was concerned that since a use permit went with the land

the potential existed that the property could be sold and become something other than a first rate motel. He seconded Councilmember's Casey's motion, clarifying that he could possibly consider the motel if there were conditions that the use permit be revoked if there was a loss of the franchise.

Mayor Parent acknowledged Mr. Newman's apparent ability to successfully operate a high quality motel. She noted that if Mr. Newman were allowed the ability to open a motel the community would be most vigilant to his operation. She would rather give a business person the benefit of the doubt that he would perform as promised.

On motion by Councilmember Casey, seconded by Vice Mayor Kee to grant the appeal of the Planning Commission approval of plans to construct and operate a 39-room motel (Use Permit and Design Review Application No. AP-05-200), and direct staff to return at the next Council meeting with a resolution and appropriate findings on which to base that decision, carried by the following vote:

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

Mayor Parent declared a recess at 9:22 P.M. The Council reconvened at 9:32 P.M. with all members present.

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

Planning Director Melissa Ayres stated that the City Council had initiated a study to amend Municipal Code regulations pertaining to historic structures and the Historic Resources Commission (HRC). Staff submitted recommended changes for Council approval.

The primary difference between what was currently in the Municipal Code from what had been proposed was that the HRC would be comprised of seven members of the Planning Commission at any given time. The additional burden to approve an HRC permit would be that any time someone wanted to do something downtown, that process would be eliminated since there were other processes in place, such as the Design Review Ordinance and sign regulations for the downtown when adopted, which would eliminate any duplication of effort.

Further changes to the ordinance would implement policies adopted in the General Plan relating to taking all of the duties for design review for new construction in the downtown and given them to the Planning Commission. The duties of the HRC were primarily to be the keeper of the historic resource list and the group that studied historic resources and make recommendations to the City Council on what historic resources should be identified in the General Plan, as either historic resource on its own, or a

contributing building to a historic district.

There would be no fiscal impact. Ms. Ayres recommended that the City Council waive further reading, and pass to second reading an ordinance amending Chapters 15.84 and 19.20 of the Municipal Code.

In response to the Mayor, Ms. Ayres advised that if one desired to undesignate a historic resource, a written request would be submitted to the HRC with a recommendation from the HRC to the City Council. Ultimately, the City Council would have to initiate a General Plan Amendment or the applicant would have to initiate that request which would be submitted to the Planning Commission and thereafter to the City Council, as was the process for all General Plan Amendments.

Councilmember Johnson asked whether or not a change in the structure of a historical designation would require public notification or notification in the newspaper within 10 days.

Ms. Ayres explained that if the Council chose to amend the Cultural Resources Element of the General Plan as an amendment to the General Plan that would require a public hearing both before the Planning Commission and the City Council, with notification published in the newspaper.

Mayor Parent opened the public hearing for Ordinance 05-1248.

WILLIE MIMS, Pittsburg, representing the BPA, questioned whether or not the HRC would determine what would and would not become of a historic site, and whether or not there was a process for historic sites through CEQA. He was advised by the Mayor that the Council would make that determination with a recommendation from the HRC.

Ms. Ayres also clarified that all General Plan Amendments would require CEQA analysis before the Council made a decision and the Council would have to approve a CEQA document before any action could be taken. She added that there was no Categorical Exemption for such a decision. As such, at least a Negative Declaration would have to be prepared under CEQA requirements.

Mayor Parent closed the public hearing for Ordinance 05-1248.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to introduce Ordinance 05-1248 by title only and waive further reading.

CONSIDERATION

1. **RESOLUTION 05-10361** Authorizing the Emergency Reconstruction of a Storm Drain Line on Pittsburg-Antioch Highway

Mr. Grisham advised that the wet season rains from 2004/2005 had eroded the bank and road base under a recently widened shoulder at a storm drain crossing of the

Pittsburg/Antioch Highway. Staff had determined that the cause of the problem was that the storm drain crossing was plugged and had thus failed, causing water to rise and to erode the bank. As a result, the asphalt in this area had caved in and the cavity under the roadway had been growing, posing a clear and imminent threat to the safety of the roadway.

The Resolution would authorize the City to contract with Bay Cities Paving and Grading, without formal bidding, for the reconstruction of the damaged section of the storm drain crossing and roadway to prevent further damage to the road and to mitigate any risk to the public.

This storm drain line had been extended as part of Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvement Project. The original project had been funded by the Redevelopment Agency and had a remaining account balance of \$90,186.20, once unnecessary purchase orders were closed. Funding for the emergency reconstruction of the storm drain and related roadway would be provided from this remaining amount as the reconstruction related to the widening of the Pittsburg-Antioch Highway by replacing the newly widened shoulder section and preventing further damage. The extent of the storm drain reconstruction was not known at this time. Staff requested authorization to use the full amount remaining in the project account to perform the reconstruction of the storm drain and roadway.

Mr. Grisham recommended that the City Council adopt the Resolution, making findings that the failure of the storm drain crossing and resulting damage to the roadway shoulder constitutes an emergency, as defined by Public Contract Code Section 1102. Included would be the authorization to execute a contract with Bay Cities Paving & Grading to perform the emergency reconstruction of the storm drain and roadway without soliciting competitive bids for the work, pursuant to Public Contract Code Section 22050. Staff further recommended that the full remaining project budget be authorized for this contract and/or other purposes to accomplish the reconstruction.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10361.

2. **MINUTE ORDER** Cooperative Endeavors Related to the Urban Limit Line (ULL) Initiative Measure with Seecon Financial & Construction Co., Inc. and Discovery Builders, Inc.

Mr. Grisham explained that the City Council was to review and provide direction to the City Manager on several letters of interest and proposed Memoranda of Understanding (MOU) agreements regarding a number of cooperative endeavors as related to the forthcoming passage of the voter-approved Urban Limit Line Initiative Measure between the City and the Measure's proponents, Seecon Financial and Construction Co., Inc. and Discovery Builders, Inc. The cooperate endeavors for subsequent Council review and consideration include: Delta View Golf Course Development; BART Transit Village Development; Buchanan Road Bypass and Montreux Property; San Marco Boulevard

Extension; Permanent Green Line; Open Space Fee and Mitigation Issues; Thomas Property Acquisition; and West Leland Road Extension.

The City Council may also provide direction to support the Urban Limit Line citizen initiative ballot measure, the *City of Pittsburg Voter Approved Urban Limit Line and Pre-Zoning Act*, for the Special Election on November 8, 2005; and set forth the Mayor and Council members designated to work on rebuttal arguments due before the required August 22, 2005 deadline to the County Clerk; and direct the City Manager to draft a new policy for Council adoption via Resolution which rescinds the Alternate C+6+E policy (Resolution No. 05-10272) previously adopted by the City Council on April 18, 2005.

While recommending five options for adoption, Mr. Grisham stated that a motion could be made to adopt all five options at one time or approve those options individually.

There were no fiscal impacts to the City associated with the report. The Measure's proponents had agreed to pay for the cost of the election. Subsequent costs to the City associated with execution of MOUs would be determined following passage of the Urban Limit Line Initiative Measure. If the measure did not pass by the voters, the MOUs would become null and void.

Mr. Grisham recommended that the City Council receive the report and provide direction on the Council preferred course of action regarding the subject cooperative endeavors, included but not limited to the following actions:

1. Authorize the City Manager to execute the Memorandum of Understanding between the City of Pittsburg and Altec Homes, Inc. regarding Buchanan Road Bypass and Montreux development; and
2. Authorize the City Manager to execute the Memorandum of Understanding between the City of Pittsburg and Faria Land Investors, LLC regarding the widening of San Marco Boulevard; and
3. Authorize the City Manager to approve a Memorandum of Understanding in concept and work on specific language agreeable to all parties involved between the City of Pittsburg and Altec Homes, Inc; Albert D. Seeno, Jr., East Bay Regional Park District, Greenbelt Alliance, and Save Mount Diablo, regarding a permanent "green line" beyond which no urban development can occur in the future; and to provide maximum benefit; establishment of open space fees or contributions; open space mitigation issues, and return to the City Council for adoption of the MOU once agreement has been reached between all parties; and
4. The City Council supports the Urban Limit Line citizen initiative ballot measure, the *City of Pittsburg Voter Approved Urban Limit Line and Pre-Zoning Act*, for the Special Election on November 8, 2005, and set forth the Mayor and Councilmembers designated to work on rebuttal arguments due before the required August 22, 2005 deadline to the County Clerk; and

5. Direct the City Manager to draft a new policy for Council adoption via Resolution which rescinds the Alternate C+6+E policy (Resolution No. 05-10272) previously adopted by the City Council on April 18, 2005, if the Urban Limit Line citizen initiative ballot measure is supported by the City Council.

Councilmember Glynn commented in the interest of time since the City Council had received drafts of the document involved, that all of the issues related including the five different options had been provided to the Council in one whole piece, and that it would be appropriate to adopt the minute order as drafted with all five parts included unless there was a legal reason to consider each one at a time. He made a motion to adopt the minute order, as drafted.

WILLIE MIMS, Pittsburg, representing the BPA, suggested that given the number of items involved, there should be a minute order on each separate item.

ROGER RILEY, Pittsburg, commented that he was concerned about the item and the establishment of a permanent ULL and a "green line" which affected his property when he had received no notice of the item at any time. He objected to a violation of his rights in that regard.

Councilmember Johnson seconded Councilmember Glynn's motion, as stated.

On the motion, Vice Mayor Kee commented that he would not support the item given his opinion that there was no need to expand the ULL at this point in time. He suggested that some of the proposed items were worthy of pursuit irregardless of the ULL Initiative, such as the golf course, the transit village, and the West Leland Road extension. He pointed out Page 1 of 2 of the MOU, Item 3, on the Montreux property, which included a typographical error stating that the "The ULL initiative if adopted by the Pittsburg..." should be amended to read "the voters of Pittsburg." He also expressed concern with paragraph A on Page 1 of 2 of the MOU, as written, and questioned what would occur after the five year passage of the ULL Initiative, irregardless of whether funding was in place construction for the Montreux property could begin.

Vice Mayor Kee commented that the way he read that section, there would be a five year wait and whether or not there was funding, construction would be allowed to start. He was also concerned with the proposed greenbelt that would increase the density on the remainder of the property possibly jeopardizing the ability to provide upscale homes on greater sized lots.

City Engineer Joe Sbranti stated with respect to the Buchanan Road Bypass, that the item being considered by the Council by no means related to a full set of conditions of approval for entitlements for any development. All development would still require the full planning process for entitlements with a full set of conditions. The issue with the Buchanan Road Bypass was one condition where there was already agreement with the developer.

In response to the Mayor, Mr. Sbranti stated that the preliminary study had shown the Buchanan Road Bypass at four lanes, although the most recent Council action had proposed two lanes. He suggested it would probably be a four lane roadway anywhere it was abutted by development, such as the Black Diamond development in the City of Antioch which was four lanes through that development and would likely be four lanes if the Sky Ranch development was approved. In areas of open space the need would not be as great and he speculated that a two lane road may suffice. He clarified that the regional fees that were being collected would contribute toward the two lanes of the roadway while the other two lanes could be accommodated, when required, by abutting developments.

Mayor Parent emphasized the need for a four lane road given that it was an alternative to City streets whether or not there was abutting development. She expressed a preference for a very limited access from Sky Ranch until it reached Kirker Creek with no more than two or three accesses, such as Suzanne Drive. She was concerned that there would be a need for a four lane road. Before building anything on that property between Kirker Pass and Somersville Roads, she stated that the City would have to have the money secured to develop all four lanes. She wanted to develop the road before the houses and emphasized her preference that no building would occur without the development of a four lane road.

Mayor Parent stated that none of the MOUs provided that requirement. Each MOU had provided that the Council support the Initiative. While one of the possibilities was the adoption of some and not all of the MOUs, she stated that the first adopted would put the Council on record as supporting the Initiative, which had included no protections. She did not believe there was enough protection for the greenbelt on the south side of the area involved in the ULL, primarily the Montreux property, the Thomas property and the Costa/Faria property. She questioned where the money would be secured to pay for the Buchanan Road Bypass.

Councilmember Glynn noted that he had worked on the ULL issue, traffic mitigation fees and other issues with the Mayor for years. He suggested that the intent, if not the language in the MOU, was that the City was prepared to build four lanes in accordance with the original study through completion to Kirker Pass, along with a bridge across Kirker Creek at the opposite end.

The traffic mitigation funds would pay for the middle lane and the two interior lanes and any development or money would have to come from a developer, with the fourth lane to be installed prior to any construction of housing along the road, which also related to any possible settlement with the Greenbelt Alliance or Save Mount Diablo.

Councilmember Glynn explained that there were three ways to place the Buchanan Road Bypass which would cross the Thomas property from Somersville Road to Kirker Pass Road. One was the northern route closest to the creek, the southern route closest to the property on the far side on Nortonville Road and the middle route. The problem was that the City was not aware of what was buildable land in terms of where the road would be placed. What was known was the location of the beginning of the road and the end of the

road where it would come out on Kirker Pass Road. He was aware based on agreements to date that the road would be constructed with the bridge and exit completed prior to the issuance of building permits. He agreed that the language in the MOU was not clear with respect to the sequence of events during the five year period.

Councilmember Glynn emphasized that the full intent of the Buchanan Road Bypass was to take two lanes of traffic off of Buchanan Road and place that traffic on the Bypass in order to save the road the City had expended a great of funds to rebuild.

On motion by Councilmember Glynn, seconded by Councilmember Johnson to approve the cooperative endeavors related to the Urban Limit Line Initiative Measure with Secon Financial & Construction Co., Inc. and Discovery Builders, Inc., as written.

Councilmember Casey stated that he would vote no on all five options.

Councilmember Glynn withdrew his motion and Councilmember Johnson withdrew his second.

A recess was taken at 10:30 P.M. to change the videotape of the Council meeting.

Mayor Parent explained that she would vote no on the first MOU since it would not provide secure funding for four lanes of the Buchanan Road Bypass.

On motion by Councilmember Glynn, seconded by Councilmember Johnson to authorize the City Manager to execute the Memorandum of Understanding between the City of Pittsburg and Altec Homes, Inc. regarding Buchanan Road Bypass and Montreux development, **failed** by the following vote:

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

Councilmember Glynn noted that the second MOU for the widening of San Marco Boulevard was a concern. He suggested that an exit to Bailey Road would cross Bailey Estates.

Noting that issue had not been addressed in the MOU, Councilmember Glynn questioned whether permission would be required to cross the Bailey Estates properties or whether there had been some arrangement with Bailey Estates to complete that section from where San Marco Boulevard intersected that property to Bailey Road.

Ms. Ayres explained that the Bailey Estates Subdivision had been approved by the City and the Local Agency Formation Commission (LAFCO) had approved the annexation. The Tentative Map accommodated the extension of San Marco Boulevard through that property with a 100-foot right-of-way dedicated to the City as part of the approval of the Final Map by the City Council. The developer, Mr. Stremel, would build all four lanes as part of his subdivision and might be reimbursed for two of the lanes.

On motion by Councilmember Johnson, seconded by Councilmember Glynn, to authorize the City Manager to execute the Memorandum of Understanding between the City of Pittsburg and Faria Land Investors, LLC regarding the widening of San Marco Boulevard, carried by the following vote:

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

Speaking to the third MOU as shown in the staff report, Mr. Grisham explained that the MOU was still under negotiation. He explained that the Mayor had been heavily involved in the subject negotiations. He was hopeful to reach closure on the MOU and noted that if approved, it would be approved in concept and would require final approval at a meeting on September 19. He recommended that the City Manager negotiate the MOU and bring final approval back to the City Council on September 19, 2005.

In response to Councilmember Johnson, Mayor Parent advised that the Costa/Faria property was located north of the blast zone while the ULL would run along the blast zone.

On the discussion of a potential change of verbiage in the MOUs, City Attorney Ziegler clarified that changes would involve a new document although technically that would not be a reconsideration.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to Authorize the City Manager to negotiate further on a Memorandum of Understanding in concept and work on specific language agreeable to all parties involved between the City of Pittsburg and Altec Homes, Inc., Albert D. Seeno, Jr., East Bay Regional Park District, Greenbelt Alliance, and Save Mount Diablo, regarding a permanent "green line" beyond which no urban development can occur in the future; and to provide maximum benefit; establishment of open space fees or contributions; open space mitigation issues, and return to the City Council for adoption of the MOU once agreement had been reached between all parties; authorizing the City Manager to negotiate further on the item and return it to the Council on September 19, 2005, carried by the following vote:

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

Speaking to the fourth cooperative endeavor, City Manager Grisham stated that the Council was offering clarification on what areas to address.

On motion by Councilmember Glynn, seconded by Councilmember Johnson to support the Urban Limit Line citizen initiative ballot measure, the *City of Pittsburg Voter Approved Urban Limit Line and Pre-Zoning Act*, for the Special Election on November 8, 2005, and set forth the Mayor and Councilmembers designated to work on rebuttal arguments due before the required August 22, 2005 deadline to the County Clerk.

Mayor Parent advised that she would vote no on the item since it would be going to the voters. She suggested an expansion of the area in which to develop without restrictions, particularly having to do with infrastructure would be a concern.

Councilmember Glynn withdrew his first and Councilmember Johnson withdrew his second to the motion.

Mr. Grisham explained that if the Council did not reach the next option in the staff report the Council would not be able to write the rebuttal, although Councilmembers as individuals could be a part of that process.

Mayor Parent added that either individually or as a Council at a later time before November 8, 2005, should the City get sufficient MOUs, it could take the same position and support it having clarified the issues related to how the additional area would be developed.

Councilmember Glynn recognized that the Council was at odds on that item and questioned what it was doing on the agenda. He requested clarification from the City Manager. He would like to withdraw his motion to table the document pending the finalization of the MOUs that the Council was seeking.

Mr. Grisham acknowledged that the Council could take such action.

Motion by Councilmember Glynn, seconded by Councilmember Casey to table the City Council support for the Urban Limit Line citizen initiative measure, the *City of Pittsburg Voter Approved Urban Limit Line and Pre-Zoning Act*, for the Special Election on November 8, 2005, and set forth the Mayor and Councilmembers designated to work on rebuttal due before the required August 22, 2005 deadline to the County Clerk, to a later date subject to the completion of the MOUs in question.

On the motion, Councilmember Glynn affirmed for Councilmember Johnson that the motion would leave an open date since he was uncertain when there would be a final resolution of the issues raised.

Ms. Ayres clarified that the Council had already adopt the MOU regarding the Faria property and the widening of San Marco Boulevard. With that adoption, the Council had already indicated its support for the measure in the MOU. If that was not the intent of the Council and if the Council desired to bundle all of the issues together, she sought direction from the City Attorney as to whether the prior approval of the Faria MOU should be rescinded.

Mr. Grisham questioned whether or not the Council desired to table the entire package and return with the package as a bundle.

In response to the Mayor, the City Attorney advised that if the Council so desired a motion could be made to table all five actions. In that motion the Council could specify a

rescission of the previous action on Item No. 2.

Councilmember Glynn questioned whether or not there were any issues in the five options related to deadline dates and placing the item on the ballot. He was advised by Ms. Ziegler that all the steps to place the item on the ballot and to submit the impartial analysis had been taken.

Mayor Parent reported that this date was the deadline to submit arguments in support. Rebuttals to the arguments would have to be submitted no later than August 22 at 5:00 P.M so there was still time for a rebuttal to be written by anyone as an individual. However, she clarified that taking the actions the Council was considering meant that no member of the City Council could write a rebuttal position for the City Council.

Councilmember Glynn again withdrew his motion. Councilmember Casey withdrew his second.

On motion by Councilmember Casey, seconded by Mayor Parent, and carried unanimously to table all five actions, as shown in the August 15, 2005 staff report, and rescind the action taken on MOU Item No. 2, to authorize the City Manager to execute the Memorandum of Understanding between the City of Pittsburg and Faria Land Investors, LLC, regarding the widening of San Marco Boulevard.

CONSENT CALENDAR

City Manager Grisham reported that the dollar amount for Consent Calendar Item h in the staff report had incorrectly shown a figure of \$55,000, which should have been \$59,000.

He explained that there had been a mathematical calculation error. The resolution had shown the correct amount.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt the Consent Calendar, as follows, with the exception of Consent Calendar Items a and d.

- b. **CLAIMS** #1642 Rosland Sampson; #1653 Frances A. Rhodes;
 #1664 Essie Butler

Denied Claims #1642 Rosland Sampson; #1653 Frances A. Rhodes; and #1664 Essie Butler.

- c. **ORDINANCE 05-1246** Second Reading of an Ordinance Levying Special Tax in
 Community Facilities District (CFD) No. 2005-1 (Public
 Safety Services)

Adopted Ordinance 05-1246.

- e. **RESOLUTION 05-10362** Intent to Form a Community Facilities District (CFD) No.
 Combined w/05-10363 2005-2 (Vista Del Mar) and to Levy a Special Tax

Therein to Finance Certain Public Facilities and Services in and for Such Community Facilities District

Adopted Resolution 05-10362.

- f. **RESOLUTION 05-10363** Declaring the Necessity to Incur a Bonded Indebtedness
Combined w/05-10362 in and for its Community Facilities District No. 2005-2
(Vista Del Mar) and Calling for a Public Hearing
Thereon

Adopted Resolution 05-10363.

- g. **RESOLUTION 05-10364** Approving Plans and Specifications, and Authorizing
Bidding for Contract 2004-13, Highlands Ranch Park
Project

Adopted Resolution 05-10364.

- h. **RESOLUTION 05-10365** Award of Purchase Contract for Caterpillar Backhoe/
Loader

Adopted Resolution 05-10365.

- i. **RESOLUTION 05-10366** Support for Ballot Measure Regarding Changing
Positions of City Clerk and City Treasurer from Elective
to Appointive

Adopted Resolution 05-10366.

- j. **RESOLUTION 05-10367** Police Officer Staffing Allocation Temporary Over-hires

Adopted Resolution 05-10367.

The following items were removed from the Consent Calendar:

- a. **MINUTES** Dated: August 1, 2005

Vice Mayor Kee advised that he had been only partially present for the August 1, 2005 meeting and would abstain from the approval of the minutes of that meeting. On motion by Councilmember Johnson, seconded by Councilmember Glynn to approve the minutes of August 1, 2005, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Parent
Noes: None
Abstain: Kee

- d. **ORDINANCE 05-1247** Second Reading of Regional Transportation

Development Impact Mitigation Fee Ordinance Adding
Municipal Code Chapter 15.102

Councilmember Johnson advised that he had asked that the item be pulled so that he could vote consistent with his previous vote.

On motion by Councilmember Glynn, seconded by Vice Mayor Kee to adopt Ordinance 05-1247, carried by the following vote:

Ayes:	Casey, Glynn, Kee, Parent
Noes:	None
Abstain:	Johnson

ADJOURNMENT

The City Council adjourned at 10:40 P.M. to an adjourned regular City Council meeting on August 29, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk

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