

CITY OF PITTSBURG
Redevelopment Agency Minutes
June 6, 2005

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 7:21 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened for Recreation and Planning Commission Interviews at 4:00 P.M.; Closed Session at 4:55 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 695 East Third Street (APN 073-020-004) and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/Professional/ Confidential Unit), Police Officers' Association, Police Managers Group, Teamsters and Unrepresented Employees; and a Budget Workshop at 5:43 P.M.

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 Housing and Community Programs, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Police Chief, Aaron Baker

Mayor Parent CONVENED JOINTLY the CITY COUNCIL and the REDEVELOPMENT AGENCY to consider the following:

PUBLIC HEARING

1. **RESOLUTION 05-1051** Authorize the Executive Director to Execute a Lease
Combined w/CC 05-10305 Agreement By and Between The Mechanics Bank and
The Redevelopment Agency of the City of Pittsburg

Director of the Redevelopment Agency Garrett Evans reported that on March 7, 2005, the Agency Board approved a lease with Biss/de Kat Investments.

The lease was for property at 675, 685 and 695 Railroad Avenue (APN 085-171-009) for the purpose of making a portion of the property available to The Mechanics Bank on favorable lease terms. Agency staff had negotiated a lease with the bank for 8,600 square feet of space at 695 Railroad Avenue. The Redevelopment Agency of the City of Pittsburg and the bank proposed to enter into a lease agreement for lease of the premises, commencing as of July 1, 2005.

City Manager Grisham commented that the lease would restore a much needed bank facility in the downtown after almost thirty years.

The bank would pay the Agency \$10 a year in lease payments for each of the first three years of the lease agreement. In the fourth year, the lease payments increase to market rate. The Agency would also pay up to \$700,000 in tenant improvements for the bank and \$31,250 in tenant improvements for a subtenant coffee shop or similar use. In addition, the Agency would pay up to approximately \$35,000 to install a new heating/ventilation and air conditioning (HVAC) system at the property.

Based upon lease payments the Agency is paying the property owner, assuming bank lease payments of \$2 a square foot in the fourth and fifth year of the five-year lease, and subtenant lease payments of \$2 a square foot divided evenly with the bank beginning the fourth year of the lease, it was anticipated that net Agency costs would be approximately \$950,894 over the initial five-year lease term as shown by the calculations in the staff report dated June 6, 2006.

Mr. Evans stated that the Agency would have some deposit money going over to the facility as well to ensure that the applicant could retain its staff. He recommended that the public hearing be conducted and that the Executive Director be authorized to conduct the lease and to make minor modifications to the lease agreement as might be necessary. The item would meet the objectives and goals of the Redevelopment Plan and had been published in the local newspaper accordingly.

Councilmember Johnson verified with Mr. Evans that the coffee shop portion would be partitioned off but would be within the bank itself. He was advised that the bank had already submitted some conceptual drawings of the layout of the bank with a portion that could be partitioned off for a coffee shop, to be integrated into the bank facility but with a separate access point. Similar layouts had been utilized in other bank branches and were found to be enjoyed by the customers.

Vice Mayor Kee also verified with staff that as the bank transitioned to pay market rent, there would be appraisals done to determine the market rate. It was his hope that each party would pay its own appraisal. He was advised by Mr. Evans that there was a system in place to identify the fair market value from both sides and that the process was fair and equitable on both sides.

Mayor Parent opened the public hearing for Redevelopment Agency Resolution 05-1051 and City Council Resolution 05-10305.

There was no one to speak to the item.

Mayor Parent closed the public hearing for Redevelopment Agency Resolution 05-1051 and City Council Resolution 05-10305.

On motion by Member Johnson, seconded by Member Glynn and carried unanimously to adopt Redevelopment Agency Resolution 05-1051.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt City Council Resolution 05-10305.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: May 16, 2005
Approved minutes dated May 16, 2005.
- b. **RESOLUTION 05-1052** Approval of a 60-Day Extension to the Exclusive Negotiating Rights Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Miller-Sorg Group, Inc.

Adopted Resolution 05-1052

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:32 P.M. to the Special Budget Workshop/Meeting on June 13, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
June 6, 2005

Chair Nancy Parent called the meeting of the Pittsburg Power Company to order at 7:33 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened for Recreation and Planning Commission Interviews at 4:00 P.M.; Closed Session at 4:55 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 695 East Third Street (APN 073-020-004) and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/Professional/ Confidential Unit), Police Officers' Association, Police Managers Group, Teamsters and Unrepresented Employees; and a Budget Workshop at 5:43 P.M.

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 Housing and Community Programs, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Police Chief, Aaron Baker

CONSENT CALENDAR

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

a. **MINUTES** Dated: May 16, 2005

Approved Minutes dated May 16, 2005.

- b. **RESOLUTION 05-131** Approving and Authorizing the Executive Director to Execute a Consultant Agreement By and Between the Pittsburg Power Company and Spiegel & McDiarmid, Attorneys at Law

Adopted Resolution 05-131.

- c. **RESOLUTION 05-132** Approving the Loan and Transfer of Funds from the Pittsburg Power Company (Fund 59) to Island Energy (Fund 58) for the Purpose of Establishing an Island Energy Development Refund Account as Required for the New Residential Units on Mare Island

Adopted Resolution 05-132.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 7:34 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
June 6, 2005

Mayor Nancy Parent called the meeting of the City Council to order at 7:35 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened for Recreation and Planning Commission Interviews at 4:00 P.M.; Closed Session at 4:55 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 695 East Third Street (APN 073-020-004) and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/Professional/ Confidential Unit), Police Officers' Association, Police Managers Group, Teamsters and Unrepresented Employees; and a Budget Workshop at 5:43 P.M.

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 Housing and Community Programs, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Police Chief, Aaron Baker

Mayor Parent considered the following general City Council items at 7:00 P.M. prior to pursuing the Redevelopment Agency agenda at 7:21 P.M.

PLEDGE OF ALLEGIANCE

Councilmember Glynn led the Pledge of Allegiance.

PRESENTATION

1. Hillview Junior High School Report on Washington, D.C. Field Trip

TODD WHITMIRE, Principal of Hillview Junior High, introduced a number of students who had attended the Eighth Grade Field Trip to Washington, D.C.

SHAUNA BELLANDO, KAILA ADAMS, VICKI SILVA, THUY PHUM, JOE LEWIS, SHEENA ARNOLD, NICHOLAS PEDAGLIA AND GARY PETANNA each thanked the City Council for the donation of funds that had helped make the trip possible. Each was asked and each identified his/her favorite part of the trip which included the National Archives, the Washington Monument, the Vietnam Memorial, the White House, the Smithsonian Museum and Gettysburg.

Mr. Whitmire thanked the Council for its support and reported that all the students present would be attending four year colleges and would be making a profound impact in the future.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Johnson noted that he had attended the Disabled Veterans Convention when he had submitted a resolution for a National Cemetery in the Concord Naval Weapons Station. The resolution had been approved by the Convention and would be moving on to the National Convention. He had also attended a memorial on Harbor Street and he thanked the City Council members for their attendance on Memorial Day. During that event there had been a memorial service for Officer Larry Lasater and a Merit of Valor Award presented to Officer Lasater's wife.

Vice Mayor Kee reported that he had recently attended a joint meeting with the Bay Point Municipal Advisory Commission (MAC), a State of the City Luncheon where the City's progress had been presented, and had participated in the Bike to Work Day with Bruce Ohlson biking from work to the Public Works Open House at City Park. He had also attended the Farmer's Market, the well attended Blues Festival, and a number of Memorial Day events.

Councilmember Casey reported that he had spent some time in Chicago visiting with his son and his family.

Councilmember Glynn reported that he had attended most of the same events earlier identified. He added that the first car show had been held on June 2 when 40 vehicles had been displayed. The event would again be held on Thursday, June 9. The event would be held on a regular basis. He noted that Motorcycle Riders (Veterans on Bikes) had also been present with 150 people attending the Pleasant Hill event and over 100 attending City of Pittsburg Veteran's events. He commended Councilmember Johnson with moving forward on the National Cemetery proposal for the Concord Naval Weapons Station.

Mayor Parent reported that she had spoken at the Adult Education Graduation on June 3, when 69 students ranging in age from 19 to 40 years had received his/her high school diplomas.

Thirty-five students had received his/her GED's and a number of others had received nursing certificates when over 2,000 certificates of completion had been awarded by the Adult Education Center.

Mayor Parent also reported that the Chair of the Board of Education had also sent the program for Honors Night at Pittsburg High School. Over the last three years over \$2.7 million in scholarships had been awarded Pittsburg graduates. She highlighted the scholarships that were offered by local residents, clubs and businesses representing \$44,000 contributed to Pittsburg students this year alone.

Mayor Parent added that she had attended the Mayors Conference in Richmond.

CITY MANAGER REPORTS/REMARKS

City Manager Marc Grisham reported on road closures related to State Route 4. On June 8, 9 and 10 between the hours of 11:00 P.M. and 5:00 A.M. the westbound lanes of State Route 4 would be closed with detours through the community. On June 10 between 11:00 P.M. and 5:00 A.M. Railroad Avenue between the eastbound off-ramp and Power Avenue would also be closed.

CITIZEN REMARKS

ROGER RILEY, Pittsburg, thanked the entire Council for its recognition of war heroes on Memorial Day.

The City Council meeting reconvened at 7:35 P.M. with all Councilmembers present.

PUBLIC HEARING

1. **RESOLUTION 05-10271** Ordering the Abandonment of a 20 Foot Walk and Utility Easement Located on Lot 63 of Los Medanos Estates, Unit No. 2 (4105 Brookside Drive)

City Manager Marc Grisham reported that Los Medanos Estates Unit No. 2 recorded on October 5, 1950. This subdivision included a "20' Walk and Utility Easement" located along the northerly property line of Lot 63. Currently there are no utilities located within the easement and the easement has been closed off as a walkway for more than fifteen years. With no present or future prospective public use of the easement, the City desires to abandon its interest in this easement. The item had been continued for additional information. Since the item was not a project there should be no fiscal impact.

Mr. Grisham recommended that the City Council adopt a resolution ordering the abandonment of a "20' Walk and Utility Easement" located on Lot 63 Los Medanos Estates Unit No. 2 and authorizing the City Engineer to execute a Quitclaim Deed of Easement to accomplish this abandonment.

Mayor Parent opened the public hearing for Resolution 05-10271.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, suggested that there was no reason to abandon the easement since it was a goal of the City to provide connectivity between neighborhoods by pedestrian paths and to encourage access to creeks. Since it would cost money to develop the easement, he suggested that the easement be held until the funds were available. He added that the new property owners were aware that the property had an easement at the time of the purchase of the land and were aware that hardscape could not be built on the 20 foot easement. He suggested that it would cause no hardship for the City or the property owner to retain the easement. His concern was with quality of life and he suggested that saving the easement would cost nothing and would not reduce efficiency although it had the potential to produce quality of life for Pittsburg residents, if not now, in the future. He urged the Council to hold its options open.

LEONORE CAMPOS, 4105 Brookside Drive, Pittsburg, stated that when she had purchased the home the property had been in disrepair. The previous owner had been unaware of whether or not the easement was a part of the property. She described the work that she had done to clean up the property. Since the neighborhood was occupied by many seniors, she disagreed that the easement should remain open as a trail allowing strangers to walk along the rear yards of those seniors.

Ms. Campos suggested that the public access to the easement was not safe and she did not agree that such access should be encouraged. She emphasized that she would maintain the property while the City did not have the funds to do so. She also suggested that the area in question was on the opposite side of where a public trail had been located.

Mayor Parent closed the public hearing for Resolution 05-10271.

Councilmember Johnson verified with City Engineer Joe Sbranti the estimated cost of \$400,000 to construct an access/walkway into the park area. He was advised by Mr. Sbranti that the cost was high given a 30-foot grade differential from the property to the park which would have to be accommodated with ramps, a concrete walkway and retaining walls on both sides creating a massive structure on the backside of the properties in the area. Mr. Sbranti added that replacement costs would be required over time and there would have to be drainage improvements involved. He suggested it would not be worth the effort when there was another access point to the park around the corner off of Buchanan Road.

Mayor Parent asked and was advised by the City Engineer that she might live within 500 feet of the property in question. As such, she advised that she would abstain from the item.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt Resolution 05-10271, carried by the following vote:

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

2. **RESOLUTION 05-10280** Code Enforcement Hearing Regarding 6 West Boulevard

On May 2, 2005, staff recommended continuation of a resolution declaring the property at 6 West Boulevard a public nuisance pursuant to Section 1.24.050 of the Pittsburg Municipal Code.

Mr. Grisham recommended that the item be continued to the City Council meeting of July 18, 2005.

3. **ORDINANCE 05-1244** Adding New Chapter 15.91 Residential Rental Housing Compliance Fee to Title 15 of the Pittsburg Municipal Code

Mr. Grisham reported that the City was continuing its efforts to improve the quality of residential housing available within the City. One part of this effort was providing enforcement of the applicable legal standards for safe housing, as well as responding to complaints and concerns from members of the community. The proposed ordinance would allow the City to obtain additional funding to support this effort.

The ordinance and the resolution which set the actual amount of the fee would help fund the City's residential code enforcement program.

Mr. Grisham recommended that the City Council introduce, waive the first reading, and read by title only, an ordinance to establish an annual fee for each rental housing unit within the City to help fund the City's code enforcement efforts as to residential housing.

Mayor Parent opened the public hearing for Ordinance 05-1244.

There was no one to speak to the item.

Mayor Parent closed the public hearing for Ordinance 05-1244.

On motion by Councilmember Glynn, seconded by Councilmember Casey and carried unanimously to introduce Ordinance 05-1244 by title only and waive further reading.

4. **ORDINANCE 05-1245** Adding New Chapter 1.20.030 Administrative Citations And Fee Schedule to Title 1, Chapter 1.20 of the Pittsburg Municipal Code

Mr. Grisham advised that State law allowed cities and counties to adopt an administrative citation program to assist in the enforcement of City and State codes

regarding public health, safety and welfare. The proposed ordinance implements this program. The program may result in slightly increased revenue to the City. The goal of the program was to secure better compliance with the public health, safety and welfare program.

Mr. Grisham recommended that the City Council introduce, waive the first reading, and read by title only the proposed ordinance to allow the City to adopt an administrative citation program.

Mayor Parent opened the public hearing for Ordinance 05-1245.

ROGER RILEY, Pittsburg, questioned whether or not the program only applied to residential housing.

City Attorney Ruthann Ziegler advised that the section could apply to any use applicable to the code, whether residential or commercial. She stated that the section was another enforcement mechanism to assist the City in improving all of its building stock whether residential or commercial and could apply to a building or zoning code violation.

Ms. Ziegler added that the process would include notification and increasing fines if violations were not abated within a specified period of time. The goal was to bring residential or commercial structures into compliance and for those who refused to comply with the City and to allow an increasing series of fines to be imposed to ensure abatement.

Mr. Riley stated that he did not want to see the section, if amended, used as a weapon against property owners.

Mayor Parent closed the public hearing for Ordinance 05-1245.

Councilmember Johnson wanted to ensure that the section would also apply to abandoned vehicles and vehicles parked illegally. He was advised by Ms. Ziegler that would be the case.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to introduce Ordinance 05-1245 by title only and waive further reading.

5. **RESOLUTION 05-10305** Authorize the Executive Director to Execute a Lease Agreement By and Between The Mechanics Bank and The Redevelopment Agency of the City of Pittsburg
Combined w/RDA 05-1051

On March 7, 2005, the Agency Board approved a lease with Biss/de Kat Investments to lease the property at 675, 685 and 695 Railroad Avenue (APN 085-171-009) for the purpose of making a portion of the property available to The Mechanics Bank on favorable lease terms. Agency staff had negotiated a lease with the bank for 8,600 square feet of space at 695 Railroad Avenue. The Redevelopment Agency of the City of Pittsburg and the bank proposed to enter into a lease agreement for lease of the premises,

commencing as of July 1, 2005.

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

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10305.

CONSIDERATION

1. **RESOLUTION 05-10306** Approve Use of Sister City Funds to Support a Student Exchange Visit to Shimonoseki, Japan

Director of Economic Development Brad Nail advised that at the invitation of Pittsburg's Sister City, Shimonoseki, Japan, it was the desire of City staff to provide financial assistance to support a Pittsburg High School Sister City Student Exchange visit to the City of Shimonoseki, Japan.

Mr. Nail reported that almost every year the City of Shimonoseki sent students to the City of Pittsburg. For a number of years, the City had tried to put together a reciprocal exchange back to Shimonoseki although that had been difficult due to the cost involved. It had been discussed amongst the Sister City Steering Committee that if Sister City funds could be expended to assist the students in a visit to Shimonoseki, Japan it could begin a regular exchange from Pittsburg to Shimonoseki. A group of five students from Pittsburg High School (PHS) had been selected after eight applicants had applied. All eight applicants had been interviewed by school staff and five students had been selected based on citizenship and academic achievement. A PHS faculty member would accompany the students.

If the Council were to approve the expenditure of funds, Mr. Nail suggested that would allow an opportunity for all PHS students to apply for an exchange visit without financial restrictions. He suggested that would represent a good use of the funds and he recommended approval.

Financial assistance to support the Pittsburg High School Student Exchange to Shimonoseki, Japan would be funded by the Sister City Expense Account and would not exceed a total expenditure in the amount of \$6,000. This funding would occur during the 2004-05 fiscal year and had been included in the Economic Development 2004-05 operating budget.

Mr. Nail recommended that the City Council approve the use of the Sister City funds in an amount not to exceed \$6,000 during the 2004/05 fiscal year, to support a Sister City Student Exchange visit to the City of Shimonoseki, Japan.

Councilmember Johnson questioned whether or not the students themselves would contribute to the program either through fundraising or other efforts, to which Mr. Nail

stated that the \$6,000 would cover airfare. Everything else would be borne by the students themselves. When the students arrived in the country he/she would stay in local homes in Shimonoseki and the students would be entertained while in Shimonoseki for a one week period. Mr. Nail also noted that a student exchange visit from Shimonoseki to Pittsburg would occur in August and all five families of the students would host those students at that time.

Vice Mayor Kee noted that the City was served by three school districts and there were children in private schools and children who were home schooled. He suggested that restricting the program to PHS was not inclusive. He asked that the program be open to any high school student who was a resident of Pittsburg and he supported an option to fund the program on an ongoing basis. He recommended the development of some kind of program, such as had been done with the school band, where members had worked towards earning some of the needed money early on to facilitate a trip.

Mr. Nail expressed his hope that the program would offer a jump start to get the program going. He agreed that the students should be able to work towards next year's trip.

Mayor Parent commented that there were a number of civic organizations contributing to other trips that were available to students in the community. She suggested that there was an opportunity for those organizations to also contribute to Sister City trips.

Mr. Nail stated that fundraising scheduled for later this year would address that specific issue.

On motion by Vice Mayor Kee to adopt Resolution 05-10306, with an amendment for the process to be open this year to all high school students in the City of Pittsburg and that the Sister City organization consider options to continue the program on an annual basis. The motion died for lack of a second.

On motion by Councilmember Johnson, seconded by Councilmember Casey to adopt Resolution 05-10306, with a modification for the next and future years to consider all high school students in the City of Pittsburg and that the Sister City organization consider options to continue the program on an annual basis, carried by the following vote:

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

2. **MINUTE ORDER** Policy Direction on Urban Limit Line

Mr. Grisham reported that the County Urban Limit Line (ULL) Task Force and the Board of Supervisors had each identified alternative project descriptions and alternatives to be included in the Environmental Impact Report (EIR) required to be prepared in conjunction with a yet to be determined agreed upon ULL to be placed before County voters in November 2006. Recently, several residents had suggested the City Council

place a ballot measure establishing a local ULL before the voters instead. The Council was requested to provide policy direction to staff and its ULL Task Force member on its preferred course of action.

Mr. Grisham noted that there were a number of options, one for the Council to support the County's position on the proposed description for the ULL and to allow the Contra Costa Transportation Authority (CCTA) to prepare the necessary EIR with the position of the cities to be one of the alternatives tested. The second option would be for the Council to initiate its own local initiative to set the ULL as appropriate. That would entail initiation of the appropriate California Environmental Quality Act (CEQA) process and conduct the appropriate environmental review of any ULL the Council determined appropriate to place on the ballot. The third option was that there was a local voter initiative and those involved were moving forward with the collection of signatures, which initiative could occur with or without Council action.

There would be no fiscal impact to the City supporting either project description. If the EIR could not be funded by the CCTA because of a lack of consensus on the project description, and/or no consensus was ultimately reached on a Countywide ULL to be submitted to the voters in November 2006, after the preparation of an EIR, the City might incur costs associated with bringing the matter of a new ULL before Pittsburg voters as a separate ballot measure.

It was recommended that the City Council receive the report and determine the Council's preferred course of action.

Vice Mayor Kee inquired whether or not opting to support a citizen initiated ballot initiative the Council would be agreeing to support the initiative that had recently been submitted. He also understood that the CCTA had recently held a meeting and he inquired of the status of those discussions.

In response, Mr. Grisham suggested that the City would be facilitating the process and the Council did not need to take a support or no support position at this time other than to offer direction to staff. He understood that the CCTA would be meeting on June 8.

Councilmember Glynn commented that the private citizen initiative did not need to adhere to the CEQA process since the City Council was not involved. The City Attorney affirmed that was the case.

Mr. Grisham noted that if it turned out that the citizen initiative prevailed in the community all the environmental processes would have to occur prior to any development on the land in question.

Councilmember Glynn pointed out that the current General Plan, with the exception of the Housing Element, had been adopted in 2001. He inquired whether or not any questions had arisen with respect to validity of the EIR as it related to the current General Plan being supported or the Sphere of Influence (SOI) as drawn.

Mr. Grisham reported that the environmental work in that regard would not be sufficient to allow development on the property in question.

Assuming that the EIR was substantive and correct as it related to the current General Plan's City limits and ULL which under the recent Board of Supervisors ruling was contiguous, Councilmember Glynn verified with staff that the EIR would be supportive of the ULL or the current City limits. He questioned whether or not an expansion of the ULL in four or potentially five separate areas would have to be addressed by the EIR.

Mr. Grisham explained that if choosing a City initiative, there could be a focused EIR related to those areas. There was no requirement for CEQA as part of the voter initiative.

Councilmember Glynn noted that since there was some issue with respect to the current City limits and ULL as contiguous with respect to a supported Countywide EIR, the Board of Supervisors had recently voted to make the current ULL where it now stands contiguous with the city limits throughout the County. He inquired if there would be a full blown EIR to determine if there was any discrepancy with the current ULL in the existing City limits. He commented that in one of the proposed scenarios, there was an alternative where everyone wanted to expand which had not been supported by the Board of Supervisors. He questioned what the Board of Supervisors would be studying in that he understood that the alternatives that had ultimately been adopted would be equal in the methodology and pursuit of accuracy as it related to the Countywide EIR.

Mr. Grisham stated with respect to a general EIR process that the County had identified a project that the County wanted to build. In that case, the County believed that it had chosen a mid-point, in which case a higher level of development would be a valid alternative as would a no alternative, alternative. He suggested that the County would look at both extremes of that mid-point.

Councilmember Glynn expressed concern with what could be put forward with respect to a City objective as to the amount of land involved, what had been discussed in general, and in particular the Nortonville area. He was advised by Mr. Grisham that the citizen initiative would include all the areas previously described by the City Council and voted on as to what it would want to include in an expanded ULL, with the exception of the Nortonville Road area.

Vice Mayor Kee he did not see the need for the City to proceed with its own initiative since the citizen initiative essentially included more or less what the Council had previously discussed as preferable. He did not see the potential for a third initiative on the ballot since it would be confusing. He suggested waiting to see what would transpire with the citizen initiative and the County's initiative prior to any Council action.

Councilmember Johnson advised that Supervisor Ulkema had recently recommended three options to the CCTA. CCTA staff had recommended the review of all three options and would provide specific direction regarding the process and requirements

for local jurisdictions, financial commitments, degree of indemnification and to clarify existing ambiguities and uncertainties contained in the existing ULL principles. It was his understanding that the CCTA would make a decision on that issue at a meeting on June 8.

Councilmember Glynn questioned whether or not the County could get something on the ballot measure for the current year given the need to pursue an environmental review.

Mr. Grisham suggested that a very aggressive process would be required if that were to occur and would also require an EIR that was not challenged. He noted that the CEQA process could lead to significant delays if challenges were to occur. He stated that the Council could take a position of support of the County's actions. He also recognized the concern for one, two or three initiatives on the ballot. As to whether or not the Council was to take a formal vote to support that initiative, he stated that would not need to occur at this time in that it could be done when the Council was able to see how the community reacted to the initiative.

Councilmember Glynn questioned the date by which all actions of the citizen initiative would need to be filed with the County, reported by Ms. Ziegler that there were a series of steps that would have to be taken. If all steps had been completed prior to August 12, 2005, the item could be placed on the November 2005 ballot. If not, it would roll over to the next regular or special election dependent upon whether or not 10 or 15 percent of the registered voters had signed a petition. As to the status of the Governor's potential action for a special election in November 2005, that would have an effect on the cost to the City. A general election would cost far less than a special election.

When asked, Deputy City Clerk Alice Evenson reported that the cost would be \$4 per registered voter for a special election compared with a cost of \$2 per registered voter with a consolidated regular election, to be paid by the City.

Ms. Evenson added in further response to Councilmember Glynn, that if the Governor moved forward with an election in November 2005, it would be characterized as a special election. The City's next regular general election was November 2006. She noted when asked, that there were approximately 23,187 registered voters in the City of Pittsburg.

ROGER RILEY, Pittsburg, verified the difference between the City's proposed changes to the ULL versus the proposal for the citizen initiative. Being part of the Nortonville property, he stated that he would be affected by the citizen initiative which would exclude his property. He expressed a desire to be included in the ULL.

ALFRED AFFINITO, Pittsburg, emphasized the need for a well rounded total city. He commented that the City was not providing for higher quality, higher priced homes to allow a greater diversity in the City. He provided a historical perspective and suggested that those living outside the City were dictating the City's boundaries. He identified other cities that were retaining positions for a modified ULL and he urged the City to retain its position for a modified ULL. He suggested that the City Council take action to support its previous position.

Mayor Parent inquired what would occur if the citizen group's petition was successful while a County initiative was also successful at a later time.

Ms. Ziegler stated that it was her belief that the initiative that was most recently voted upon would control, although she did not know if another factor was the different voting populations for each. She noted that the current City initiative if it goes to the ballot in 2005 would involve Pittsburg residents while a 2006 County initiative would be for all county residents. She was uncertain whether the Pittsburg initiative would control or whether the most recent initiative would control. She suggested that litigation might result in that case.

Ms. Ziegler stated that she would offer an opinion on that issue for future consideration by the Council.

Mayor Parent suggested that the concept of working together or separately was an issue although there was still an opportunity to resolve the issue by November 2009. She clarified that the issue would relate to whether or not the City would receive its return to source funds through Measure J to deal with local traffic issues. While the issue hinged on traffic, she emphasized that in all the discussions there had been no discussion as to how to deal with the traffic problems. Until there was an understanding of the staging of whatever development might be allowed assuming the area could be annexed to the City, there would be a need for concrete discussions related to traffic issues. Until that occurred, she did not see that there would be support for an increase in developable land.

With respect to the Mirant property, Mayor Parent noted that there was 750 acres in that area which would be for commercial use only. There would be no housing units.

ROGER RILEY, Pittsburg, commented that he had proposed only 57 homes on his property which should have minimal vehicular impact. He would like to see estate type homes on his property which would limit the number of units and provide estate homes for management personnel.

ALFRED AFFINITO, Pittsburg, suggested that the issue was not a question of annexation for development.

In response to Councilmember Johnson, Ms. Ziegler explained that under Measure J, the County would have until November 2006 to place the matter on the ballot while the City had until 2009 to place the matter on the ballot.

Mr. Grisham clarified that the City would still have until 2009 to make a determination with or without a failed citizen or County initiative. He stated that there did not need to be a rush to judgment to either agree with the County's position or to state a City position. At this time, there was a citizen initiative that would proceed through the process.

Councilmember Glynn acknowledged the options available to all the cities involved.

He referred specifically to the 13,000 potential homes that could be developed by the City of Concord in the area of the soon to be closed Concord Naval Weapons Station, and the fact that the City of Concord did not see that those homes would generate traffic impacts to adjacent communities. That was a concern to him given the development of thousands of homes in the cities of Brentwood and Antioch, the traffic from which traveled through the City of Pittsburg.

Councilmember Casey emphasized that if the required signatures were gathered for the citizen initiative, it would be placed on the ballot with or without any Council action.

Mayor Parent suggested it would be shortsighted for the City Council to take a stand for or against the citizen initiative should it qualify for the ballot.

Mr. Grisham confirmed that the citizen initiative request had been received and would be processed as required.

Planning Director Melissa Ayres stated that the matter before the Council was how to provide guidance for the discrepancy of what the County had voted for as a project description in the EIR compared to what the 19 cities had voted for. Attachment 6 to the staff report as prepared by the CCTA had indicated that it would consider three options at its meeting on June 8. The CCTA was asking for the Council's representative to address the three alternatives on how to proceed with the EIR and the project description.

Ms. Ayres explained that Option One was for the County to proceed with an EIR that the Board of Supervisors prepared but which the CCTA would fund under Measure J, which included the project alternative for C+6+E and which the Council had supported as an equally evaluated alternative. Option Two would be to forget the entire process and where the CCTA would not fund any of the options. Option Three was to have two separate EIRs with two groups of people, the cities that wanted to support the County and another group that could break off, with the CCTA to fund both of those. She asked the Council representative to provide direction on any of the three options.

Mr. Grisham inquired whether or not the CCTA had identified where the funds would originate to allow the preparation of the EIRs. He was advised by Ms. Ayres that Measure J funds had built in the fact that an EIR would have to be done and had been considered as an operating expense.

Councilmember Glynn commented that the last time the City had discussed the issue, the Council had supported Alternative C+6+E. He saw no reason to change that position. He suggested that would be paid with Measure C funds now for the EIR, to be reimbursed later by Measure J funds.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to retain the position on the City's original action in support of Alternative C+6+E.

When asked by Councilmember Glynn, Ms. Ziegler stated that the Council might

need to take action on the citizen initiative prior to the County deadline of August 12 with a regular adjourned meeting. The safest direction would be to take up the matter during the regular City Council meeting of August 1 in order to have the time to make it on the November ballot.

3. **MINUTE ORDER** City Council Recess for Summer Months

Historically, the City Council takes a recess during the summer months to allow for both staff and Council vacations. This recess had typically been taken during the period that would encompass the second meeting of August, which would be August 15.

Staff recommended that by Minute Order, the City Council determine whether or not to have a Council summer recess, and when.

Mayor Parent reported that she would not be available for the second meeting in July.

Vice Mayor Kee suggested that whether or not a second meeting should be held in August be at the discretion of the Mayor.

On motion by Councilmember Johnson, seconded by Vice Mayor Kee and carried unanimously to offer the Mayor's discretion as to whether or not there would be a Council recess during the summer months.

CONSENT CALENDAR

ROGER RILEY, Pittsburg, commented with respect to Item c that 70 percent of his property tax bill for his commercial property stemmed from the Delta Diablo Sanitation District (DDSD). He was advised by the Mayor that the DDSD was a separate district from the City's Water Department and had no relation to Consent Calendar Item c.

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

a. **MINUTES** Dated: May 16, 2005

Approved minutes dated May 16, 2005.

b. **CLAIMS** #1628 Patricia Driver

Denied claim #1628 Patricia Driver.

c. **ORDINANCE 05-1243** Second Reading of Ordinance Amending Chapter 13 "Water and Sewers" of the Pittsburg Municipal Code

Adopted Ordinance 05-1243.

- d. **RESOLUTION 05-10307** Abolish Obsolete Classifications
Adopted Resolution 05-10307.
- e. **RESOLUTION 05-10308** Subdivision 8795, Stanford Place, Approval of the Final Map, Grading Plans, Improvement Plans, and Subdivision Improvement Agreement
Adopted Resolution 05-10308.
- f. **RESOLUTION 05-10309** Lead Based Paint Hazard and Control Grant Application
Adopted Resolution 05-10309.
- g. **RESOLUTION 05-10310** Authorizing the City Manager to Extend the Consultant Agreement By and Between the City of Pittsburg and Lamphier-Gregory to Provide Environmental and Planning Services for the Trans Bay Cable Project
Adopted Resolution 05-10310.
- h. **REPORT** Receive and File Quarterly Investment Report as of March 31, 2005
Received and Filed Quarterly Investment Report as of March 31, 2005.
- i. **RESOLUTION 05-10311** Approval of a Lease Agreement By and Between the City of Pittsburg and the Pittsburg Elks Lodge
Adopted Resolution 05-10311.

ADJOURNMENT

The City Council adjourned at 9:06 P.M. to a Special Budget Workshop/Meeting on June 13, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk
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