

CITY OF PITTSBURG
Redevelopment Agency Minutes
May 2, 2005

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 7:53 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 Public Employee Performance Evaluation regarding the City Attorney and the City Manager; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433 and Bruce Chappell vs. City of Pittsburg, United States District Court, Northern District of California, Case No. C 04 4400 SI; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding one case; 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.

Chair Parent advised that there was no reportable action from Closed Session. She also declared a ***Moment of Silence in Memory of Officer Larry Lasater.***

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
Deputy City Clerk, Delores Magallon
Director of Housing and Community Programs, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Development Projects, Randy Jerome
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Police Captain, Nick Baker

CONSIDERATION

Chair Parent considered the following resolutions in reverse order.

2. **RESOLUTION 05-1048** Approving the Loan Agreement and Allocation of Funds For the Purchase, Renovation and Income Restriction of Residential Units at Fountain Plaza Apartments, 1010 Power Avenue (APN 086-020-025)

Executive Director Marc Grisham reported that this would be the first redevelopment assisted project to incorporate the Public Safety Assessment Fee into the project as a requirement. He also noted that there had been concerns for relocation in the previous project, which issues had also been strongly addressed in the subject project and which would fulfill the Council's goals.

Director of the Redevelopment Agency Garrett Evans stated that in its pursuit of opportunities to eliminate blight and create affordable housing in the project area, the Redevelopment Agency of the City of Pittsburg recommended to the Agency Board in a July 6, 2004 staff report that Micon Real Estate be provided with a loan of \$4.88 million in support of its bid to acquire and rehabilitate the Fountain Plaza Apartments. The Agency Board approved the loan with passage of Resolution No. 04-972. Due to unforeseeable circumstances, the former developer could not follow through on the acquisition of the project. Shortly thereafter, Fairfield Belmont L.P. approached the Agency and offered to undertake the project with terms similar to those agreed to by the Agency and the former developer. As a result, the Agency had set forth a loan agreement providing a \$4.88 million loan with the developer.

Identifying two new points to the agreement, Mr. Evans stated that the developer would provide a Public Safety Assessment Fee starting in 2007/2008 of \$395 per unit, which would increase 5 percent a year for 55 years. In addition, the developer shall not cause any involuntary relocation of any household residing in the project except for good cause.

Mr. Evans reported that the project would be restricted as an affordable project. Ninety percent or 201 units would be made available at 120 percent of the area median income, or \$90,420 for a family of four, with 10 percent or 23 units to be available at 50 percent of the area median income, or \$41,100.

The Agency loan to the developer shall not exceed \$4.88 million. The funds to come from the Agency's Low Moderate Income Fund (Fund 74) which had been earmarked at the Agency Board's authorization following approval of the agreement with the former developer.

Mr. Evans recommended that the Agency Board approve the loan agreement with the developer and authorize the Executive Director to execute the loan agreement, and related documents including, but not limited to a regulatory agreement, a deed of trust, and promissory note and to take all actions necessary to implement the resolution.

Chair Parent referred to the last paragraph of the staff report where the bond issue and the bank would require a subordination of the regulatory agreement.

In response, Mr. Evans explained that bond financing would take precedence over regulatory agreements. He clarified that the City would be in second position.

On motion by Member Glynn, seconded by Member Johnson and carried unanimously to adopt Resolution 05-1048.

1. **RESOLUTION 05-1047** Authorization for the Redevelopment Agency to Enter into an Exclusive Negotiating Rights Agreement with Mid-Peninsula Housing Coalition for the Development of an Affordable Housing Project

Mr. Grisham emphasized the extensive review process that had produced a qualified developer.

Mr. Evans stated that having received five complete proposals in response to the Agency's issuance of a Request for Proposals (RFPs) for the project herein referenced; and having established a ranking mechanism for determining the most qualified and otherwise most suitable developer, the Redevelopment Agency of the City of Pittsburg was requesting that the Agency Board authorize the Executive Director to enter into an Exclusive Negotiating Rights Agreement with Mid-Peninsula Housing Coalition for the development of approximately three acres of real estate located at Crestview Drive and Frontage Road.

There was no fiscal impact associated with the proposal in that the request was for an authorization for negotiation.

Mr. Evans recommended that the Agency Board authorize the agreement between the Agency and the developer for the development of affordable housing units at Crestview Drive and Frontage Road; and that such agreement shall be effective for 180 days from the date of execution, with an allowance for an extension not to exceed 90 days beyond the original exclusive negotiating period.

In response to Member Johnson, Mr. Evans advised that a Public Safety Assessment Fee would be an across the board requirement for all Agency projects.

GREGORY OSORIO, Pittsburg, questioned what would happen with the remaining parcel if the parcel were split. Since the property involved public funds, he emphasized the need for a public hearing to discuss the issue if the property was established for private use. He identified a number of entities that had expressed a desire to use the property.

Mr. Grisham explained that the gym facility had been pulled out of the project and would be put out to bid, which would take place in a public hearing process so that more

than one party would have an opportunity to compete for it.

Mr. Osorio commended City staff for a great job.

On motion by Member Johnson, seconded by Member Casey and carried unanimously to adopt Resolution 05-1047.

CONSENT CALENDAR

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

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

Approved minutes dated April 18, 2005.

b. **RESOLUTION 05-1049** Authorize a Redevelopment Agency Budget Increase

Adopted Resolution 05-1049

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:06 P.M. to May 16, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
May 2, 2005

Chair Nancy Parent called the meeting of the Pittsburg Power Company to order at 8:07 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 Public Employee Performance Evaluation regarding the City Attorney and the City Manager; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433 and Bruce Chappell vs. City of Pittsburg, United States District Court, Northern District of California, Case No. C 04 4400 SI; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding one case; 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.

Chair Parent advised that there was no reportable action from Closed Session. She also declared a ***Moment of Silence in Memory of Officer Larry Lasater.***

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
Deputy City Clerk, Delores Magallon
Director of Housing and Community Programs, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Development Projects, Randy Jerome
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Police Captain, Nick 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: April 18, 2005

Approved Minutes dated April 18, 2005.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 8:08 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
City Council Minutes
May 2, 2005

Mayor Nancy Parent called the meeting of the City Council to order at 8:09 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 Public Employee Performance Evaluation regarding the City Attorney and the City Manager; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433 and Bruce Chappell vs. City of Pittsburg, United States District Court, Northern District of California, Case No. C 04 4400 SJ; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding one case; 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.

Mayor Parent advised that there was no reportable action from Closed Session. She also declared a ***Moment of Silence in Memory of Officer Larry Lasater.***

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
- Deputy City Clerk, Delores Magallon
- Director of Housing and Community Programs, Annette Landry
- Director of the Redevelopment Agency, Garrett Evans
- Director of Development Projects, Randy Jerome
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Police Captain, Nick Baker

Mayor Parent considered the following general City Council items at 7:05 P.M. prior to pursuing the Redevelopment Agency agenda at 7:53 P.M.

PLEDGE OF ALLEGIANCE

Captain Baker led the Pledge of Allegiance.

PROCLAMATION

1. Municipal Clerks Week

Councilmember Glynn read the Proclamation for Municipal Clerks Week May 1 through May 7, 2005. In the absence of City Clerk Lillian Pride, Councilmember Glynn presented the Proclamation to Deputy City Clerk Alice Evenson.

2. Douglas and Betty Conner

Vice Mayor Kee read the Proclamation to Douglas and Betty Conner in recognition of their tradition of providing free weekly lunches for as many as 115 neighborhood children solely from their own funds, and each August providing back to school food and school supplies for more than 100 school children in addition to the weekly lunch program, and in cooperation with others providing over 100 Christmas gifts to children in need. The Connors were commended for their dedication and effort in providing for the children of their neighborhood.

BETTY CONNER, Pittsburg, thanked the Council for the honor and introduced two neighborhood children who were members of their "staff" of helpers.

3. Los Medanos Gospel Choir Proclamation

Mayor Parent stated a Proclamation was prepared for the Los Medanos Gospel Choir, 11th Annual Gospel Celebration on May 7, 2005, which would be delivered on that date at the celebration at the Beede Auditorium at Antioch High School.

PRESENTATION

1. eBART Project

Ellen Smith, BART, provided an update on the eBART project as requested by the City of Pittsburg. She presented a handout to describe the background of the eBART project that had been initiated in 1999 when the BART Board of Directors had adopted a System Expansion Policy which had addressed the issue of infill stations and expansion opportunities throughout the BART District and beyond. She described the funding that had become available in 2001 to evaluate the possibility of a non-BART rail technology in an alignment other than the freeway median. That possibility had been studied for eighteen months along with various types of vehicles, after which eBART had been unanimously selected by the Policy Advisory Committee (PAC) using a DMU (diesel multiple unit) train to operate in the Mococo rail line east from Loveridge Road to Byron.

Given the State Budget crises, Ms. Smith explained that there had been no funding to pursue the eBART option until 2004, when \$96 million in RM-2 funds had been available along with \$150 million in Measure J funds. As a result of those dedicated funds, the

project development phase was now scheduled to begin.

Ms. Smith described the eBART proposed corridor as running from the Pittsburg /Bay Point BART Station through the communities of Pittsburg, Antioch, Oakley, Brentwood and Byron in a 23 mile corridor, which she described as the fastest growing part of the Bay Area. She explained that the cost of classic BART was in the range of \$100 million a mile with expensive stations and systems, custom vehicles and a custom gauge. The DMU alternative (eBART) would cost approximately \$17 million a mile. Project costs were estimated at \$390 million. Total secured funding to date totaled \$246 million. While additional committed funds were available, there was an \$81 million shortfall in the completion of the project.

Ms. Smith identified a new eBART Partnership Policy Advisory Committee (ePPAC), an eight-member body that advised both the BART Board of Directors and the Contra Costa Transportation Authority (CCTA) Board of Directors, the co-leads on the project. Councilmember Glynn represented the City of Pittsburg City Council on the ePPAC. A Project Advisory Group of the City Managers of each applicable city had also been created. Five tasks were being pursued; the environmental review, the preliminary engineering, support for the Ridership Development Plans, preliminary right of way activities, and community outreach.

Ms. Smith stated that the City of Pittsburg had asked for an evaluation of an eBART station or a BART/eBART Transfer Station at the northwest quadrant of Railroad Avenue where City Hall was located. She noted that the site had been considered as an infill station in the previous feasibility study similar to the model that BART had used in West Dublin. She noted that in West Dublin when the city, a potential developer, or another source of funds would become available, a station would be built. In the interim, tracks had been spread and a foundation laid for a future BART station. In this case, something similar had been proposed for the Railroad Avenue site.

Ms. Smith explained that the City of Pittsburg had proposed an eBART station at that location. Such a station would increase the project's ridership and make the project more attractive. She advised that issue had been discussed at the April ePPAC meeting. The conclusion was that a Pittsburg eBART station evaluation would be included in the project development phase work, no additional cost would be associated with the evaluation, and discussions were ongoing to determine an estimate for evaluating a BART/eBART Transfer Station at Railroad Avenue.

The current tasks were noted; a Pittsburg eBART station at Railroad Avenue would be added to the list of stations for evaluation, existing data was currently being evaluated to establish the feasibility of a transfer station at the Railroad Avenue site, and schematic station layouts would be produced by the end of the month using the current site information.

Ms. Smith added that the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) would be a combined federal/state document, to be prepared from July

2005 with a scoping session and continue for two years until the summer 2007.

In conjunction with the environmental review, 30 percent preliminary engineering would be conducted and a right of way acquisition plan would be completed.

Ms. Smith stated that BART/CCTA would support the cities and the County in their development of Ridership Development Plans and there would be extensive community outreach. She added that the purpose of the Ridership Development Plan would identify the ridership that would come into the system from a corridor. That information would be helpful in identifying the cost of the project against the ridership expected in the corridor and help the project compete for funds. She suggested that cities could increase ridership through transit supported land uses such as housing, jobs and employment generation, and access improvements along with land use changes. She emphasized the community effort, the corridor effort, and the work that would be done individually with the cities to understand the ridership of each city.

Ms. Smith stated that a Memorandum of Understanding (MOU) would be required with each city and the County prior to the initiation of the environmental review. The MOU would lay out how the community would do its work around the station sites while BART and the CCTA would undertake the evaluation of the project. Subsequent to the two year environmental review process, the cities would be asked whether or not they were prepared to adopt any changes to land use or changes to access around the specific station sites to allow the certification of the environmental document and the adoption of the project. She explained that the intent was to balance the risk on each side.

Ms. Smith stated that the Draft MOUs were being discussed with the applicable City Managers and presentation would be made to the applicable City Councils. She explained that BART's System Expansion Policy was in place while the Metropolitan Transportation Commission (MTC) was considering a policy that would be more directive of the actual land uses around station sites. She noted that MTC was the primary funding agency for this and other transit projects in the Bay Area and would have greater influence on cities and counties to evaluate and construct projects. While BART's concerns related to ridership, MTC's concerns related to land use and the adoption of specific levels of density around station sites.

Ms. Smith noted that while a Non-ridership Mitigation Requirement had been included in the Draft MOU, a requirement that if the ridership expectations were not met by the cities the incremental revenue between actual received fares and parking revenue to BART and what was expected would be made up by the cities, there was little support for that policy and it was being reevaluated.

Ms. Smith summarized the outreach program, identified the eBART web site, www.ebartproject.org and explained that extensive information, maps, links, a library, a calendar of activities, polls, presentations, and the like along with a link to the cities, the CCTA and potentially Tri-Delta Transit, had been included on the web site.

Throughout April and May ridership development meetings would be conducted with the various jurisdictions.

By the end of June, the corridor MOU would be executed and a ridership update would be completed with a market analysis prepared for each of the station sites, including a Railroad Avenue site, and the feasibility of a Railroad Avenue station would be explored. In July, scoping sessions for the environmental review and a public kickoff of the public development phase would be pursued.

When asked, Ms. Smith stated that this was the first presentation to a city council. Ultimately it would be presented to all city councils.

Mayor Parent noted that the reference to Pittsburg had been omitted in the handout. She emphasized the need to include Pittsburg and stated that the City was serious in moving forward.

Councilmember Glynn thanked Ms. Smith for her prompt response and cooperation with his request and for the presentation.

City Manager Marc Grisham also thanked Ms. Smith and BART staff for responding to the Pittsburg request. He explained that the new maps and other BART materials on the item had prominently displayed Pittsburg.

Mayor Parent stated that the BART Boardmembers involved in the City's request had also been helpful and willing to talk to policy makers and assist in staff discussions.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Glynn identified a productive meeting on April 20 in Brentwood regarding transportation, his attendance at the Central Addition meeting and the Raley's dedication on April 23.

Vice Mayor Kee noted the trying times in the City during the last two weeks; a funeral for three young members of the community, a truck that had crashed into a house that had been a senior care center, and the tragic shooting of Officer Lasater. He stated that positive things had also occurred, including the opening of the park at Americana, the opening of senior housing at the Presidio Village, and that on May 19 Bike to Work Day he would bike to work that day as requested by Bruce Ohlson.

Councilmember Johnson reported that he had attended the League of California Cities (LCC) Division meeting in Alameda, the Urban Limit Line (ULL) meeting in Walnut Creek with Councilmember Glynn, and the funeral this date for Larry Lasater. He expressed his appreciation to Lieutenant Wade Derby for organizing the funeral.

Mayor Parent explained that the neighborhood meeting in the Central Addition had offered residents an opportunity to advise Department Heads what needed to be done.

She noted that there were 35 people in the rain in the Central Addition at that meeting. She identified the Department Heads who had attended that meeting and she thanked them for their work in that regard.

Mayor Parent reported that she had also attended the Fifty Plus Club Appreciation Dinner with Councilmember Glynn at the Senior Center, the opening of Presidio Village, the first celebration of Denim Days in Pittsburg on April 25, and a non-City event, the Soroptimist International Fundraising Tea where the proceeds from that event would be presented to the Lasater Family. In addition, the owners of the Liberty Hotel would offer a portion of the proceeds from Jazz Night on May 1 and the proceeds for the First Friday in June would be presented to the Soroptimist for donation to the Lasater Fund. She also noted another event where a portion of the proceeds would be offered to the Lasater Fund.

CITY MANAGER REPORTS/REMARKS

City Manager Grisham stated that the Farmer's Market would open on May 7 at 9:00 A.M. in the parking lot adjacent to the Historical Society Museum on Railroad Avenue. He also reported that there had been a meeting of the Marina Master Plan at the Yacht Club, which meeting had been well attended and which had been positive in nature.

Mr. Grisham also took this opportunity to thank the members of the Police Department who had organized the funeral this date for Officer Larry Lasater.

CITIZEN REMARKS

RALPH RAMIREZ, Vice Chairman of the Pittsburg Planning Commission, stated that three members of the Commission had attended the Marina Master Plan meeting at the Yacht Club and had been impressed with staff and the way the meeting had been presented.

Mr. Ramirez asked that a letter dated May 2, 2005 from the three members of the Planning Commission who had attended that meeting be read into the record. The letter commended City staff for a job well done and was signed by Jack Garcia, Rosemary Tumbaga and Ralph Ramirez to City staff.

"We wish to commend City Staff for a job well done! Too many times community members are critical and point out flaws in a process, yet when staff performs at a high level few mention it. We were able to experience staff at its best this past week and wanted to share our experience with you.

"We attended the City's open forum on the future of the Marina area. We were pleasantly surprised when we arrived to notice the large crowd present. City staff had clearly done their job in the notification of the neighbors and interested parties. As Planning Commissioners, we often talk about the need for community involvement in the many issues that we as a community face. It was a very positive experience to participate in an event that had many of the elements that compose our community.

"We particularly found Ms. Ursula Luna as a beacon of leadership and organization. Her communication skills, structure of the meeting, and ability to maintain focus was a key to the success of the evening. Ms. Luna responded immediately to questions and offered an opinion. When she did not have a response, she quickly identified the appropriate staff member, who responded in a professional manner. The

professional manner demonstrated from the Manager to Department Directors clearly left an impression of the positive direction in our City plan for the Marina District.

"We should note that those that entered the meeting with a negative mind set, were quickly won over through the complete answers and commitment of the staff and consultant partners. This as you know is a very difficult accomplishment. It is very important to us to point out to you and the Council the moments when community and staff come together. We firmly believe that this past meeting was one of those moments.

"There is still much work to do and many challenges facing us. It is very gratifying to know that we are moving forward with such capable staff in this key project area."

TOM LEWIS, Pittsburg, stated that last week he had witnessed a shooting and had visited the Police Department as a witness to that event, which had offered him an opportunity to talk to some of the officers on staff. He had learned from the officers at that time that they were understaffed and underpaid, and that the gang units and narcotics units had been slashed. He suggested that the City had a disproportionate narcotics problem. As such, he stated it was imperative that the Council, as a top priority, secure a fully funded police staff with a competitive pay scale to be able to offer needed enforcement in the community. Mr. Lewis commented that the City had a high degree of volunteerism. He suggested that be used to come up with a creative way to fund police staff in terms of number and pay scale. He noted that the voters had indicated a willingness to pay for those things. He suggested that be considered as a possibility.

Mayor Parent advised Mr. Lewis that those options were currently being considered by the staff and the Council.

GREGORY OSORIO, Pittsburg, offered his condolences to the City and to Officer Lasater's family. He presented a check for \$1,000 to the Officer's family.

The City Council meeting reconvened at 8:09 P.M. with all Councilmembers present or absent as initially shown.

PUBLIC HEARING

1. **RESOLUTION 05-10277** Review and Approve CDBG Five Year Consolidated Plan (2005-2009)

Director of Housing and Community Programs Annette Landry explained that the City of Pittsburg was a member of the Contra Costa Consortium, a partnership with the cities of Antioch, Concord, Walnut Creek and Contra Costa County. Each received funds annually from the federal government for housing and community development activities. In order to receive those funds, each jurisdiction must submit a strategic plan, also known as a Consolidated Plan every five years.

The Department of Housing and Urban Development (HUD) required the City Council to review and approve the Five Year (2005-2009) Community Development Block

Grant Consolidated Plan. The Consolidated Plan was being presented to the City Council for approval. The Plan identified local needs and how those needs would be addressed for the next five years. A public hearing must be held on the Consolidated Plan prior to submitting the plan to HUD.

Ms. Landry reported on a number of public forums and workshops held with community resident participation and non-profits as well.

In response to Councilmember Johnson as to whether or not the City received HOPWA funds, Ms. Landry stated that HOPWA funds were received by the County, not the City. The City had not applied for funds to assist people with disabilities or with AIDS since that was directed through the County.

Vice Mayor Kee suggested that the document should be provided to members of the Community Advisory Commission (CAC) since it clearly laid out the process and was very helpful and informative.

Mayor Parent noted that members of the Council had been encouraged to contact Congressional and Senatorial representatives to speak in support of the continuation of the Community Development Block Grant (CDBG) program since as previously reported to the Council it was in danger of being eliminated by the President.

Ms. Landry stated that the latest information from Washington was that the program appeared to be safe for 2005-06 and 2006-07. She recommended that the City Council open the public hearing and receive testimony, close the public hearing and adopt the resolution approving the 2005-2009 Consolidated Plan.

Mayor Parent opened the public hearing for Resolution 05-10277.

There was no one to speak to the item.

Mayor Parent closed the public hearing for Resolution 05-10277.

On motion by Vice Mayor Kee, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10277.

2. **ORDINANCE 05-1242** Amending Chapter 1.20 of the Pittsburg Municipal Code Adding Subsections N-Q to Section 1.20.020 and Adding Section 1.20.040 Regarding Authority to Issue Administrative Citations

Mr. Grisham reported that the Pittsburg Police Department was seeking City Council authorization to amend the City of Pittsburg Municipal Code to include subsections N-Q to Section 1.20.020. The Pittsburg Police Department was also requesting an amendment to add Section 1.20.040 which allowed employees of the Contra Costa Mosquito and Vector Control District upon request of the City of Pittsburg to issue administrative citations for

violations of the City of Pittsburg Municipal Code relative to public nuisance violations that attracted mosquitoes and other undesirable vermin to the City of Pittsburg.

Mr. Grisham added that the amendment would expand into areas of vector control particularly related to water borne vectors, such as mosquitoes and those that would carry the West Nile Virus. The amendment would also allow County staff to participate in that citation process in the City at the City's request.

The amount of any fine for an ordinance infraction was set within Government Code Section 36900 and the fee scheduled was specified under Title 1, Section 1.12.020 of the City of Pittsburg Municipal Code. Administrative citations result in fine revenues to aid in cost recovery for enforcement actions taken by staff or other designees.

Mr. Grisham recommended that the City Council approve the request of the Chief of Police to adopt the amendment in order to enhance enforcement efforts within the City relative to public nuisances that create an environment for mosquitoes and vectors to thrive. These violations negatively impact quality of life and are potential health issues for all citizens.

Mayor Parent opened the public hearing for Ordinance 05-1242.

There was no one to speak to the item.

Mayor Parent closed the public hearing for Ordinance 05-1242.

Vice Mayor Kee verified with the City Manager that the Contra Costa Mosquito and Vector Control District had asked the various cities for the action.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to introduce Ordinance 05-1242 by title only and waive further reading.

3. **RESOLUTION 05-10278** Approval of the Issuance of Multifamily Housing Revenue Bonds by the City of Pittsburg for Financing the Acquisition and Renovation of Kirker Creek Apartments

Director of the Redevelopment Agency Garrett Evans advised that a partnership comprised of BRIDGE Housing Corporation, BUILD (a joint venture of CalPERS and an affiliate of BRIDGE Housing Corporation) and Sares-Regis Group of Northern California had requested that the City of Pittsburg issue multifamily housing revenue bonds in an aggregate principal amount that shall not exceed \$50 million to provide financing for the acquisition and rehabilitation of the Kirker Creek Apartments. The Internal Revenue Code of 1986 requires that a public hearing be convened by the duly elected representatives of the jurisdiction in which the development is located and that said representatives approve the issuance of the bonds.

Mr. Evans stated that Bridge Housing and Sares-Regis Group of Northern California had approached the City in this matter. In this case, only 20 percent of the units would be restricted as affordable while 80 percent would remain market rate. The item would not obligate the City in any way fiscally as part of the bonds. The project was estimated to cost \$74 million. One item being negotiated was the Public Safety Assessment Fee associated with the project.

Mr. Evans advised that there was no fiscal impact inasmuch as the report and its corresponding resolution provided for the statutory Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing without actual issuance of bonds. Passage of the corresponding resolution would not obligate the City or any of its ancillary entities to proceed with the issuance of bonds.

Mr. Evans recommended that pursuant to provisions and requirements of the code the City Council approve the issuance of up to \$50 million in multifamily housing revenue bonds by the City and further authorize the City Manager to take all actions as may be necessary to implement the corresponding resolution.

In response to Councilmember Glynn as to the distribution of the 20 percent of affordable housing, Mr. Evans advised of staff's intent that the units be spread throughout the project. With the Council's direction, that intent would be emphasized.

In response to Councilmember Johnson, Mr. Evans advised that staff would attempt to ensure that the affordability component would cover some of the larger units as well.

Mayor Parent opened the public hearing for Resolution 05-10278.

JOE LITTEN, Public Financial Management, San Francisco, acting as Financial Advisor to Sares-Regis Group of Northern California and BRIDGE Housing Corporation, stated that under federal and State regulations, the use of bond financing for the project would mandate that the affordable units would have to be scattered throughout the site, would apply to each bedroom type, and that the rents would be scaled according to federally mandated average family sizes in accordance with the size of the bedroom count.

Mayor Parent closed the public hearing for Resolution 05-10278.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10278.

Mayor Parent declared a five minute recess at 8:25 P.M. The meeting reconvened at 8:30 P.M. with all Councilmembers present.

At this point, City Attorney Ruthann Ziegler represented the City in this case and Mike Dean was present to serve as the City Attorney.

4. **RESOLUTION 05-10279** Code Enforcement Abatement Hearing Regarding 243 W. Tenth Street

Ruthann Ziegler requested that the City Council conduct a hearing and, based thereon, order David Shepard, the owner of the property located at 243 West Tenth Street to abate the nuisance thereon and, if not abated, direct staff to take appropriate action thereafter. She presented additional information to the Council, staff and the audience. She also verified at this time that the property owner was not present. She stated that a number of mailed and posted notices had been given on the property dating back to 2002.

City Engineer Joe Sbranti pointed out that there were two structures on the property at 243 W. Tenth Street, a primary house in the front and a converted garage in the rear. He stated that the rear building had been inspected, was determined to be unsafe, and was in need of repair. He detailed the inspection dates and inspection parties. To date no plans had been submitted to correct the issues, no permits had been issued to correct the issues and there had been no improvement to the property.

Ms. Ziegler clarified in response to the Mayor that the colored set of photos showed an address of 249 West Tenth Street, which was incorrect. The correct address was 243 West Tenth Street. She referred to the photo of the converted garage, stated that there had been a fire on the property, and based on a number of inspections, including a structural engineer, reported that the structure was not safe for habitation.

With no work done to correct that situation, Ms. Ziegler requested that the Council constitute the structure as a public nuisance and direct the property owner to complete the repair of the structure no later than 45 days after the Council's order. With no action within that 45 days, the property would be inspected and would either be repaired at a cost of \$50,000 to \$75,000 or be demolished at an estimated cost of \$10,000 to \$15,000.

Mayor Parent opened the public hearing for Resolution 05-10279.

There was no one to speak to the item. The property owner was not present.

When asked, Ms. Ziegler stated that the property owner had received the public hearing notice. The evidence of that notice was introduced and made a part of the public record.

Mr. Sbranti added that Mr. Shepard had come to City Hall this date and had spoken with staff. A City request to visit the site this date had been denied by Mr. Shepard. He reported that Chief Building Official Curtis Smith who had spoken to Mr. Shepard this date was present to respond to questions.

Mayor Parent closed the public hearing for Resolution 05-10279.

In response to Councilmember Johnson, Ms. Ziegler stated that the appropriate steps if Mr. Shepard wished to move forward would be to seek the issuance of building

permits. He had not done so.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10279.

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

Ms. Ziegler stated that City staff was requesting the City Council to conduct a hearing and, based thereon, order Cira Acosta, the owner of the property located at 6 West Boulevard to abate the nuisance thereon and, if not abated, direct staff to take appropriate action thereafter. Since the time the staff report had been prepared there was a more positive turn of events. She recommended that the hearing be opened and continued.

Ms. Ziegler noted that there was a proposal from the property owner to obtain a loan to make improvements to the property at the conclusion of which the City would lift the notice of violation. The loan included a sizeable amount to make the improvements as well as an additional amount to be paid to the City should the improvements not occur within a reasonable period of time. She recommended that the hearing be opened and be continued to the City Council meeting of June 6, 2005 at 7:00 P.M.

Mayor Parent opened the public hearing for Resolution 05-10280.

There was no one to speak to the item.

Ms. Ziegler advised that the property owner had received notice of the hearing. The property owner was not present at this time and would be made aware of the Council's action.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to continue the code enforcement abatement hearing regarding 6 West Boulevard to the City Council meeting of June 6, 2005 at 7:00 P.M.

City Attorney Ziegler replaced Mr. Dean on the dais at this time.

CONSIDERATION

1. **RESOLUTION 05-10281** Approval of Owner Participation Agreement Between the City of Pittsburg and Mazzei Hyundai

Economic Development Director Brad Nail identified the desire of Matthew Mazzei to develop and operate a new Mazzei Hyundai dealership in the Century Auto Mall. In an effort to make such a development a reality and not utilize City funds upfront, staff developed an Owner Participation Agreement (OPA) based on sales tax incentives, to narrow the gap of affordability between the seller and the buyer. Financial assistance to be provided to Mazzei within the terms and conditions of the OPA would be funded by the

Economic Development Reserve Account. At the discretion of the City Council, the Economic Development Reserve Account may be replenished by sales tax monies in the General Fund during each annual budget process. He stated that Mr. Mazzei would close on the purchase of the lot on July 1 with construction to occur soon thereafter.

Mr. Nail recommended that the City Council approve the draft Owner Participation Agreement between the City of Pittsburg and Matthew Mazzei for the development of a new Mazzei Hyundai dealership at the Century Auto Mall; authorize the City Manager and City Attorney to make any minor revisions to finalize the draft OPA, as deemed necessary by both parties, without any material modifications to the OPA as presented to Council in draft form; and authorize the City Manager to execute the OPA with Semi-annual Disbursement Payments to be disbursed over a 15-year agreement term, not to exceed a maximum contract cap in the amount of \$875,000.

Councilmember Glynn questioned the replenishment of the Economic Development Reserve Account to ensure that the fund would not be depleted by the proposal.

Mr. Nail explained that assistance was paid to the dealers on a semi-annual basis. He expressed his hope that at some point in the future the dealers would be able to replenish the Economic Development Reserve Account. He stated that there were funds in the reserve account for the assistance in this matter.

In response to the Vice Mayor, Mr. Nail explained that there would be no sales tax sharing in this case with the City of Antioch since the subject project was a completely new project totally separate from the existing project.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10281.

2. **MINUTE ORDER** Initiation of an Amendment to the Municipal Code to Restructure the Historic Resources Commission

Planning Director Melissa Ayres noted the Council request that the structure of the Historic Resources Commission (HRC) be changed to include only members of the Planning Commission and up to two persons appointed by the Council at large, with favorable consideration given to persons with a demonstrated interest in local history, architecture or urban design. She requested that the HRC be taken back to the Planning Commission, adding to that Commission or as an adjunct those who lived or worked in the historical resources area.

Ms. Ayres sought permission to study the item further, refine a proposal perhaps with the Council's former Bylaws Committee, and to potentially consider a new proposal at a formal hearing since staff had struggled with the administration of the proposed structure of the HRC.

On motion by Councilmember Johnson, seconded by Councilmember Casey and

carried unanimously to initiate amendments to the Historic Resources Commission structure and schedule public hearings accordingly.

3 **MINUTE ORDER** Adoption of New Commission Bylaws

The Council was being requested to approve new bylaws and term conversion plans for the Planning Commission, Youth Commission, Recreation Commission, Historic Resources Commission and Community Advisory Commission. This item had been continued from the February 7, 2005 Council meeting.

Councilmember Glynn questioned whether or not there were any additional items that might need to be included that had not previously been considered.

Ms. Ayres advised that copies of the draft bylaws had been presented to the Planning Commission and Commissioner Ohlson had raised several questions. She stated that all involved were supportive of the bylaws, as submitted.

Vice Mayor Kee verified that each Commission was supportive of the items, as submitted.

Recreation Director Paul Flores reported that the Recreation Commission had not reviewed the bylaws since the subcommittee had met, although there were no changes that would have warranted any agenda items for the bylaws.

Ms. Landry also reported that the CAC had evaluated the initial bylaws and had no problems or concerns, but had no opportunity to review the final draft.

There was no fiscal impact. It was recommended that the City Council approve, by minute order, the draft Planning Commission, Youth Commission, Recreation Commission, Historic Resources Commission and Community Advisory Commission bylaws and proposed commission term conversion plans.

In response to Councilmember Johnson, Ms. Ayres stated that the HRC Commission bylaws had been removed from the Planning Commission structure and therefore from the Planning Commission bylaws.

Mr. Grisham stated that at this point in time the HRC had not been included in the Planning Commission's role.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt new Commission Bylaws for the Planning Commission, Youth Commission, Recreation Commission, Historic Resources Commission and Community Advisory Commission and proposed commission term conversion plans.

CONSENT CALENDAR

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

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

Approved minutes dated April 18, 2005.
- b. **CLAIMS** #1638 Elvin Dotson; #1639 George Benson

Denied claims #1638 Elvin Dotson and #1639 George Benson.
- c. **RESOLUTION 05-10282** Declaring the City Council's Intent to Increase Sewer and Water Facility Reserve Charges and Setting a Public Hearing for May 16, 2005

Adopted Resolution 05-10282.
- d. **RESOLUTION 05-10283** Authorizing the City Manager to Execute Consultant Agreement Amendment Number 1 to the Current Agreement with Raines, Melton & Carella (RMC) for Preparation of Plans and Specifications for Contract 2004-09, Reclaimed Water for Irrigation Project

Adopted Resolution 05-10283.
- e. **RESOLUTION 05-10284** Authorize the City Engineer to Execute a Consultant Agreement with Leptien-Cronin-Cooper Inc. for "Assessment District Services for Fiscal Year 2005-06" for the Citywide and Oakhills Landscaping and Lighting Maintenance Assessment Districts

Adopted Resolution 05-10284.
- f. **RESOLUTION 05-10285** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-01, Citywide (FY 2005-06)

Adopted Resolution 05-10285.
- g. **RESOLUTION 05-10286** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-02, Oakhills (FY 2005-06)

Adopted Resolution 05-10286.

- h. **RESOLUTION 05-10287** Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program

Adopted Resolution 05-10287.

- j. **RESOLUTION 05-10289** Supporting the City of Antioch's Efforts to Secure Additional Federal Funding for Improvements to State Route 4

Adopted Resolution 05-10289.

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

- i. **RESOLUTION 05-10288** Authorize Staff to Execute an Agreement with Seecon to Design a Bike Path Along San Marco Boulevard in Exchange for Credit Applied to the Project's In Lieu Park Dedication Fee

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, thanked the City and the developer for the design of a bike path along San Marco Boulevard. He explained that Pittsburg bicyclists wanted assurance that the path would meet the East Bay Regional Park District (EBRPD) standards for bike paths, a 12 foot wide paved path with two feet of distance from walls or fences. He requested that the City Council direct the resolution to include a standard design requirement.

City Engineer Joe Sbranti assured Mr. Ohlson that the bike path would meet the applicable standards consistent with the agreement with Seecon Corporation. He suggested that the ultimate path would be used by children and adults alike to access both the park and the school at the top of the hill.

On motion by Councilmember Johnson, seconded by Vice Mayor Kee and carried unanimously to adopt Resolution 05-10288.

ADJOURNMENT

The City Council adjourned at 9:05 P.M. in ***Memory of Officer Larry Lasater*** to May 16, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk

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