

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**April 18, 2005**

Chair Nancy Parent called the meeting of the Housing Authority to order at 7:38 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, regarding 085-164-005, 085-164-016, 085-165-009, 085-165-012, 085-165-015, 085-165-016, 085-165-017; 085-193-004, 820 Railroad Avenue; 085-193-006, 998 Railroad Avenue; 085-193-007, Railroad Avenue; 085-193-008, Railroad Avenue; and 085-193-009, Railroad Avenue; and Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9 regarding seven cases.

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

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

**MEMBERS ABSENT:** Wallen

**STAFF PRESENT**

- Executive Director, Marc Grisham
- Assistant Executive Director, Matt Rodriguez
- Legal Counsel, Ruthann Ziegler
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Director of Development Projects, Randy Jerome
- Director of the Redevelopment Agency, Garrett Evans
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- Director of Planning, Melissa Ayres
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Police Chief, Aaron Baker

**CONSENT CALENDAR**

Vice Chair Kee stated that he would abstain from the approval of the Consent Calendar since it included minutes from the March 21, 2005 meeting where he had not been present.

On motion by Member Johnson, seconded by Member Casey to adopt the Consent Calendar carried by the following vote:

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

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

Approved Disbursement List dated March 31, 2005.

b. **MINUTES** Dated: March 21, 2005

Approved Minutes dated March 21, 2005.

### **ADJOURNMENT**

The meeting of the Housing Authority adjourned at 7:40 P.M. to the next meeting on May 16, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**April 18, 2005**

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 7:41P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, regarding 085-164-005, 085-164-016, 085-165-009, 085-165-012, 085-165-015, 085-165-016, 085-165-017; 085-193-004, 820 Railroad Avenue; 085-193-006, 998 Railroad Avenue; 085-193-007, Railroad Avenue; 085-193-008, Railroad Avenue; and 085-193-009, Railroad Avenue; and Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9 regarding seven cases.

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
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Director of Development Projects, Randy Jerome
- Director of the Redevelopment Agency, Garrett Evans
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- Director of Planning, Melissa Ayres
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Police Chief, Aaron Baker

**PUBLIC HEARING**

1. **RESOLUTION 05-1032** Authorize the Executive Director to Execute a Lease Agreement by and between the Redevelopment Agency of the City of Pittsburg and LaSjeonia and James Hutchings

Executive Director Marc Grisham reported that the Redevelopment Agency of the City of Pittsburg currently owned 306-318 Railroad Avenue (APN 085-105-016). A lease agreement for the lease of 306 Railroad Avenue, a portion of an approximately 3,115 square foot commercial site, shall be executed by and between the Agency, a public body, corporate and politic and La Sjeonia Hutchings and James Hutchings doing business as

Leola's Place on April 18, 2005.

The landlord shall receive a total of \$1,300 per month from the tenant. One thousand dollars shall be attributable to the lease of the premises. Three hundred dollars shall be attributable to the lease of certain restaurant equipment located at the premises and owned by a third party.

Mr. Grisham recommended that the Agency Board authorize the Executive Director to execute the lease agreement by and between the landlord and the tenant.

Chair Parent opened the public hearing for Resolution 05-1032.

There was no one to speak to the item.

Chair Parent closed the public hearing for Resolution 05-1032.

On motion by Member Johnson, seconded by Member Casey and carried unanimously to adopt Resolution 05-1032.

2. **RESOLUTION 05-1034** Authorize the Executive Director to Execute a Lease Agreement by and between the Redevelopment Agency of the City of Pittsburg and Allen Nunley

Mr. Grisham stated that the Redevelopment Agency of the City of Pittsburg currently owned 318 Railroad Avenue (APN 085-105-016). A lease agreement for the lease of 318 Railroad Avenue, a portion of an approximately 3,115 square foot commercial site, shall be executed by and between the Agency, a public body, corporate and politic and Allen Nunley doing business as Nunley's Karate Do on April 18, 2005.

The landlord shall receive monthly rental revenue of \$1,000 for the lease of the premises.

Mr. Grisham recommended that the Agency Board authorize the Executive Director to execute the lease agreement by and between the landlord and the tenant.

Chair Parent opened the public hearing for Resolution 05-1034.

There was no one to speak.

Chair Parent closed the public hearing for Resolution 05-1034.

On motion by Member Johnson, seconded by Member Glynn and carried unanimously to adopt Resolution 05-1034.

## **CONSIDERATION**

1. **RESOLUTION 05-1045** Approval of Purchase of Vacant Three-Acre Parcel for a Proposed Affordable Housing Project Anticipated with Mercy Housing California

Director of the Redevelopment Agency Garrett Evans advised that Mercy Housing was a national nonprofit housing corporation. Mercy Housing California served the local affordable housing market. Mercy Housing California had found a vacant 3-acre parcel on East Leland Road that was already zoned for multi-family housing and was situated between two existing non-subsidized multi-family housing projects. The property was being offered for sale for \$1.9 million (\$14.56 a square foot) and Mercy had a purchase agreement with the owner. To meet an escrow closing deadline, Mercy was willing to assign the purchase agreement to the Agency. Agency staff proposed to purchase the property in anticipation of making it available to Mercy for a proposed 64-unit affordable housing project targeting income levels between \$24,660 and \$49,320 for a family of four. The property had been appraised at \$1.9 million and no environmental concerns had been identified.

Mr. Evans stated that the housing units were expected to be three and four bedroom units. Mercy Housing would also manage the project. The item had been considered by the Redevelopment Subcommittee.

The project's total fiscal impact was unknown at this time as the Agency had yet to strike an agreement with Mercy and the project was still in its planning stages. The known property acquisition cost to the Agency was approximately \$1,927,606, which included title insurance and recording fees, as well as to reimburse Mercy for site pre-development costs, including the Phase One environmental assessment, property appraisal, property survey, and the like. The Agency had low income housing funds available to purchase the site and to reimburse Mercy for the out of pocket costs to date.

Mr. Evans recommended that the Agency Board authorize the Executive Director to execute escrow and other documents as may be necessary to purchase the subject property for a multi-family affordable housing project.

ALFRED AFFINITO, Pittsburg, clarified that the City was buying the project through the Redevelopment Agency. He suggested that would compromise the City's ability to approve or disapprove. He suggested that was something that should be considered.

In response, Legal Counsel Ruthann Ziegler stated that there was no problem with the proposed arrangement.

Mr. Affinito suggested that if the lessee did not like the conditions placed on the approvals and walk away from the project, the City would be left with the property. He questioned whether or not there was a provision for the property owner to repurchase the property.

Mr. Grisham stated that the project with Mercy Housing would help the City meet its affordable housing requirement. If the proposal with Mercy Housing did not reach fruition, there was a series of other affordable housing developers the City could work with to place housing on the site.

Chair Parent added that the Agency was obligated to set aside 20 percent of its increment for housing. Said monies could only be used for housing. As such, one way or another the City would find someone to build the project.

Mr. Affinito suggested that the proposal should be negotiated up front. He commented that if the proposal did not work out the City would be left with property that another developer might not be willing to develop.

Chair Parent stated that the Redevelopment Subcommittee had been presented the Mercy Housing proposal in a meeting with staff. As a member of that subcommittee, she was enthused with the possibility of dealing with Mercy Housing because of its record in other communities.

As the other member of the Redevelopment Subcommittee who had seen the proposal, Vice Chair Kee stated that Mercy Housing had done a wonderful job with projects in other communities. He too looked forward to the proposal.

On motion by Vice Chair Kee, seconded by Member Glynn and carried unanimously to adopt Resolution 05-1045.

### **CONSENT CALENDAR**

Both items were removed from the Consent Calendar for discussion.

a. **MINUTES** Dated: April 4, 2005

Member Johnson requested an amendment to the first page of the minutes of the April 4, 2005 meeting to reflect the following correction:

*Vice Chair Kee CONVENED JOINTLY the CITY COUNCIL and the REDEVELOPMENT AGENCY to consider the following:*

On motion by Member Johnson, seconded by Member Casey to approve the minutes dated April 4, 2005, as amended. The motion carried by the following vote:

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

- b. **RESOLUTION 05-1046** Authorizing the City Manager to Begin Design in Fiscal  
**Combined w/CC 05-10276** Year 2004/05 for Certain Redevelopment Agency  
Funded Capital Improvement Projects Planned for  
Construction in Fiscal Year 2005/06

On April 4, 2005, the City Council and Redevelopment Agency adopted resolutions approving a list of proposed Redevelopment Agency Capital Improvement Projects (CIP) . The list specified the fiscal years that the projects would be constructed. Several projects listed for funding in FY 2005/06 could potentially begin construction in the summer of 2005 if design could be completed prior to the beginning of FY 2005/06 on July 1. This resolution would allow the design to begin on selected projects in FY 2004/05.

ROGER RILEY, Pittsburg, asked for a clarification of the funded Redevelopment Agency CIP projects that were planned for construction in the current fiscal year.

Chair Parent identified the projects at this time as shown in the staff report, which included Citywide Pavement Reconstruction, Carpino/Martin Luther King Neighborhood Park, Heights Elementary School Park, Signals at Harbor and Bliss, Signals at Harbor and Yosemite, Signals at Leland and Burton, and Signals at Leland and Montevideo.

On motion by Member Casey, seconded by Member Johnson, and carried unanimously to adopt Redevelopment Agency Resolution 05-1046.

On motion by Councilmember Casey, seconded by Councilmember Johnson, and carried unanimously to adopt City Council Resolution 05-10276.

### **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 7:56 P.M. to May 2, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG**  
**Pittsburg Power Company Minutes**  
**April 18, 2005**

Chair Nancy Parent called the meeting of the Pittsburg Power Company to order at 7:57 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, regarding 085-164-005, 085-164-016, 085-165-009, 085-165-012, 085-165-015, 085-165-016, 085-165-017; 085-193-004, 820 Railroad Avenue; 085-193-006, 998 Railroad Avenue; 085-193-007, Railroad Avenue; 085-193-008, Railroad Avenue; and 085-193-009, Railroad Avenue; and Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9 regarding seven cases.

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
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Director of Development Projects, Randy Jerome
- Director of the Redevelopment Agency, Garrett Evans
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- Director of Planning, Melissa Ayres
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Police Chief, Aaron Baker

**CONSENT CALENDAR**

Both items were removed from the Consent Calendar for action.

a. **MINUTES** Dated: April 4, 2005

On motion by Member Johnson, seconded by Member Glynn to approve the April 4, 2004 Pittsburg Power Company Meeting minutes, as submitted. The motion carried by the following vote:

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

- b. **RESOLUTION 05-128** Approving the Loan and Transfer of Funds from the Pittsburg Power Company (Fund 59) to Island Energy (Fund 58) for the Purpose of Establishing a Capital Account for New Gas and Electric Meters as Required for the New Residential Units on Mare Island

On motion by Member Johnson, seconded by Member Glynn and carried unanimously to adopt Resolution 05-128.

**ADJOURNMENT**

The meeting of the Pittsburg Power Company adjourned at 7:59 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

**CITY OF PITTSBURG**  
**City Council Minutes**  
**April 18, 2005**

Mayor Nancy Parent called the meeting of the City Council to order at 8:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, regarding 085-164-005, 085-164-016, 085-165-009, 085-165-012, 085-165-015, 085-165-016, 085-165-017; 085-193-004, 820 Railroad Avenue; 085-193-006, 998 Railroad Avenue; 085-193-007, Railroad Avenue; 085-193-008, Railroad Avenue; and 085-193-009, Railroad Avenue; and Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9 regarding seven cases.

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
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Director of Development Projects, Randy Jerome
- Director of the Redevelopment Agency, Garrett Evans
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- Director of Planning, Melissa Ayres
- 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 Housing Authority agenda.

**PLEDGE OF ALLEGIANCE**

Antoinette Beck led the Pledge of Allegiance.

**PROCLAMATION**

1. National Denim Day – Sexual Assault Awareness Month

Mayor Parent read the Proclamation for National Denim Day, April 27, 2005 for Sexual Assault Awareness Month and presented the Proclamation to members of Community Violence.

PHYLLIS GORDON introduced Cynthia Peterson who headed the Rape Crisis Unit of Community Violence.

CYNTHIA PETERSON of the Rape Crisis Unit of Community Violence invited all to attend the Denim Day Rally to be held Wednesday, April 27 between 12:00 and 2:00 P.M. at City Hall. There would also be an event entitled Evening of Awareness on April 21 at the Doubletree Hotel in the City of Berkeley, to honor students who had participated in an essay poster contest as well as community champions in the area. On Friday, April 29, there would be the Annual Take Back the Night March in Antioch. Flyers and Denim Day pins and buttons were provided to members of the Council. All events are free and participants were encouraged to wear denim.

## 2. Honoring Robert A. Beck, 2005 Administrator of the Year

Vice Mayor Kee read the Proclamation honoring Robert A. Beck as 2005 Administrator of the Year of the Adult Education Administrator Category by the State Association of California School Administrators in recognition of his work in the educational field.

ROBERT BECK thanked the Mayor and Members of the Council for the honor and stated that on July 1 he would be starting his 30<sup>th</sup> year with the Pittsburg Unified School District (PUSD). This year, adult education celebrated 150 years of providing service to adults in the State. In the past year adult education served over 2 million adults in California. The Pittsburg Adult Education Center (PAEC) had served over 10,000. He noted that they were fulfilling the mission statement of the PAEC in serving the diverse community by provided 17 plus classes at the new Senior Center, with additional classes at the main campus and 20 plus other sites within the community. He also noted the artwork on display at City Hall from the Adult Education Art show in conjunction with the Pittsburg Arts Collaborative.

## **COUNCILMEMBER REPORTS/REMARKS**

Councilmember Casey reported that he had been briefed by the Economic Development Subcommittee, had met with the Fee and Finance Subcommittee, and had attended the graduation of the 154<sup>th</sup> Academy Class of the Law Enforcement Training Center, at which time the late City of Pittsburg Inspector Ray Giacomelli had been recognized. He had also attended the dedication of the new Loveridge Road Bridge which had been dedicated to Inspector Giacomelli. He had also participated in the Pride of Pittsburg Dining Tour.

Councilmember Glynn stated that he had participated in a joint meeting of the PUSD Board with City of Pittsburg representatives and had discussed the potential for

construction of a new elementary school site between Eighth and Tenth Streets.

In addition, Councilmember Glynn had participated as a member of the United Veterans Council, American Legion Post 151 and a member of the Color Guards that had celebrated the Fall of Bataan ceremonies at the Fil-American Club. He had also attended the event where the Jazz Band had played in Muniz Plaza and the bridgehead dedication to Inspector Giacomelli. Further, he had attended ePPAC and TRANSPLAN meetings on April 14.

Councilmember Johnson reported that he had attended the Fil-American dinner, the NAACP dinner, the American Legion and United Veterans Council meetings, and had worked on the issue with the United Veterans Council related to the National Cemetery proposal for the Concord Naval Weapons Station. He described the efforts related to creating a National Cemetery that would also recognize and honor the sailors killed in the Port Chicago Blast. He identified forms for interested parties to send to the applicable agencies from the Veteran's Administration to the Department of Defense (DOD), legislators and others working on the process. A resolution had also been sent to all 19 cities in Contra Costa County. At this time, he reported that 12 cities had expressed support for the proposal.

Mayor Parent acknowledged letters received from the community with respect to what the City and its employees were doing in the community. She referred to a letter from the owners of the Liberty Hotel which expressed their thanks in promoting the Old Town businesses, especially the existing restaurants and cafés. Another letter from one of the seniors who regularly visited the Senior Center complimented the City staff at the Senior Center and the decorations offered. Two letters related to the Police Department when Police Chief Baker and two others had made a presentation to the Community Advisory Committee (CAC), which presentation had been well received. Another letter had commended Pittsburg Police Officer Callahan.

Mayor Parent stated that she had attended the Pittsburg High School Jazz Old Town Sounds which is held the second Sunday of each month. She had also attended the Mayors Conference when the speaker at that time, the City Manager from the City of Lancaster, had discussed pension reforms. She noted that the League of California Cities had taken a position on that issue. The speech offered by the Lancaster City Manager was contained in the April Western City magazine which was available on the Internet.

Mayor Parent also noted that she had spent four days in the District of Columbia on issues related to recycled water. She described the meetings that had occurred with legislators. In addition, Delta Diablo was working with the East Bay Municipal Utility District (EBMUD) and the Contra Costa Sanitation District and other Bay Area water agencies to consider the possibility of desalination as a future water source. Although Delta Diablo was not in the water business, she noted that the Pittsburg area was one of three most likely sites for a desalination plant.

Mayor Parent had also attended the Fil-Am Bataan Day celebration to bring the

greetings of the City and had participated in a ribbon cutting ceremony at Heavenly Creations in the former bowling alley which was now a church and a church school.

All Council members attended the dedication of the Loveridge Road bridge to Inspector Giacomelli and the Mayor was pleased with the turnout at that time. She also thanked the Antioch Police Department for directing traffic so that Pittsburg officers could attend the event. She stated that the Caltrans workers who had made the sign were also in attendance at that time. Those Caltrans workers had made a replica of the sign and had presented it to the Giacomelli family.

Mayor Parent reported that a number of the members of the Council had attended the April 14 ePPAC meeting when Pittsburg representatives had spoken in support of an eBART station at Railroad Avenue.

Mayor Parent added that the art show was ongoing and there were very good pieces in the collection of students in the Adult Education Program. She added that a meeting of the East Bay World Trade Club most closely affiliated with the Port of Oakland included participation from Pittsburg and others from across the East Bay. She characterized the event as a meet and greet and noted that another meeting in Pittsburg was anticipated.

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

City Manager Marc Grisham described the Police Department Academy Graduation Ceremony as inspirational and stated that the Police Chief had been a commendable motivational speaker at that time. Two of the graduates would be outstanding additions to the Pittsburg Police Department.

Mr. Grisham reported that the Assistant City Manager was building up the City's communication program, increasing its press releases and other communications to the public.

Assistant City Manager Matt Rodriguez announced that the City of Pittsburg had embarked on a campaign to bring City services to many communities in Pittsburg to promote community building and partnerships. On April 25, the City would host a Central Addition event to promote communication with City Hall. The location of the event would be at Central Avenue and Columbia Street. He commended the staff of the Neighborhood Improvement Team for its work in that regard.

In addition, Mr. Rodriguez announced the dedication of the new Americana Park which had been officially completed. A dedication had been scheduled for Saturday, April 30 at 1:00 P.M. to acknowledge the new 2.5 acre park that had cost of \$1.2 million. An ice cream social and other entertainment events for children would be provided at that event. The park was located at Parkview Drive and Salinas Court in Pittsburg. He recognized the City Engineer and the City's Park Planner for bringing that project to fruition.

## **CITIZENS REMARKS**

PAUL COHEN, a staff attorney and Associate Director of La Raza Centro Legal, Inc. stated that La Raza Centro Legal Inc. had been tentatively approved for a Community Development Block Grant (CDBG) grant for the coming year. He stated that the organization addressed homeless prevention and eviction defense services, and fair housing, and would be providing those services at the Pittsburg Courthouse. He left a number of brochures to the Council for informational purposes.

ROGER RILEY, Pittsburg, referred to the Closed Session details on the meeting agenda. He requested clarification of the details of negotiations with respect to terms and prices with the properties located in the Eighth Street block in that he had been approached by the A.F. Evans Company. He inquired of the differences in prices on those properties.

In response to Mr. Riley, City Manager Grisham stated that the City had a participation agreement in place with Mr. Riley. For that reason, the Redevelopment Agency had no plans to acquire his property given that previous agreement. He emphasized that he had communicated that information to Mr. Riley in a recent e-mail. The properties referenced by Mr. Riley had no participation agreement. With respect to A.F. Evans, he stated that if A.F. Evans wished to approach Mr. Riley as a private party, the firm was free to do so.

Mr. Riley stated that he had made a strong endeavor to acquire the property referenced by the City Manager and had the title company calling various staff members over several months to obtain more details, although he had received no word from his attempts to contact the City. He stated that as soon as his time for the permits had expired on the apartments, he had received a registered letter stating that he was in default and had a number of corrections to make within 60 days. He questioned the validity of that statement and questioned his treatment by the City. He expressed a desire to work with the City but stated that being required to restart the entitlement process would cost him in excess of the cost of the property itself. He added that he had worked in good faith to get the project done. Funds had been in escrow for over a year.

Mayor Parent stated that the Council was aware that Mr. Riley had refused to sign documents in escrow.

Mr. Riley stated that he had agreed to sign those documents last year although he acknowledged that he had originally disagreed to do so. He stated that could be verified with the title company. He added that he had backup documentation to further verify his statements.

Mayor Parent adjourned to the Housing Authority at 7:38 P.M. and reconvened as the City Council at 8:00 P.M.

## **PUBLIC HEARING**

1. **ORDINANCE 05-1241** Introduction of an Ordinance Amending Pittsburg Municipal Code Chapter 2.86, Informal Bidding Procedures

The City Council finds it advantageous to make amendments to the Pittsburg Municipal Code and other City purchasing-related policies in order to provide clarity of policy, clarity of procedures, and to delineate the roles and responsibilities of parties involved with City purchases. The City Council finds that the existing purchasing ordinance is too narrowly focused and that it does not establish the City's enabling legislation to enact purchasing procedures. The City Council further finds that it wishes to amend the Pittsburg Municipal Code to establish enabling legislation to enact purchasing policies and procedures, to adopt purchasing authorizations and limits by resolution, and to authorize purchasing procedures by administrative order as established by the City Manager in accordance with City Council adopted purchasing policies.

There was no fiscal impact to the enactment of the amended Municipal Code. There was a fiscal impact for the duplication costs of amending the actual text within the Municipal Code and publishing in a newspaper of general circulation the ordinance that made those amendments. Publication costs had been estimated at \$200.

Mr. Grisham recommended that the item be continued for 60 days to allow staff the opportunity to further refine the proposal. Since the item had been noticed to the public, he recommended that the public hearing be opened to allow for public comment.

Mayor Parent opened the public hearing for Ordinance 05-1241. There was no one to speak. The public hearing would remain open for 60 days, with the item to be rescheduled to the second meeting of July 18, 2005.

2. **RESOLUTION 04-10270** Ordering the Abandonment of a Storm Drain Easement Located in Subdivision 8605, Willow Heights

Mr. Grisham stated that on November 17, 2003, the City Council (by adoption of Resolution 03-9957) approved Subdivision 8605, Willow Heights, by Western Pacific Housing. This subdivision included a storm drain easement located on Lots 76, 77, 91 and 92. Development plans for this subdivision included utility improvements, which would render the storm drain easement unnecessary for present or future public use. Therefore, the developer (Western Pacific Housing) had requested that the City abandon this easement in lieu of the new alignment.

No fiscal impact was anticipated. It was recommended that the City Council adopt a resolution ordering the abandonment of a storm drain easement located in Subdivision 8605, Willow Heights and authorizing the City Engineer to execute a Quitclaim Deed of Easement to accomplish this abandonment.

Mayor Parent opened the public hearing for Resolution 05-10270.

There was no one to speak to the item.

Mayor Parent closed the public hearing for Resolution 05-10270.

On motion by Councilmember Casey, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10270.

3. **RESOLUTION 04-10271** 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)

Mr. Grisham stated that Los Medanos Estates Unit No. 2 recorded on October 5, 1950. This subdivision included a "20 Foot Walk and Utility Easement" located along the northerly property line of Lot 63. Currently there were no utilities located within the easement and the easement had been closed off as a walkway for more than fifteen years. With no present or future prospective public use of the easement, the City desired to abandon its interest in the easement.

City Manager Grisham advised that the item would be continued until June 6, 2005 given concerns raised by two City residents, which would allow staff the opportunity to discuss their concerns and to speak to the adjacent property owner.

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

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, spoke for the non-motorized community and stated that the coalition did not want to see the easement abandoned. The easement had been in place for 55 years without any problem. He requested that the easement be land banked for another 55 years. He stated that the easement was adjacent to a house undergoing major renovation. A car had been abandoned on the easement and the City had towed the vehicle from the site.

Referring to Page 4-44 of the General Plan, Policy 4-P-83 which stated "Provide an integrated pattern of street and pedestrian paths that provide connections", Page 4-43, Goal 4-G-17, "provide a sense of connection with surrounding uses", Goal 4-G-18, "provide safe and attractive connections to local schools, parks etc...for pedestrians and bicycles", Policy 4-P-81, "ensure adequate pedestrian access to creeks and provide connections from local trails and sidewalks", and Page 2-27, Development and Compatibility section, Policy 2-P-6, "ensure provision of community amenities including parks and recreation facilities, streetscaping and pedestrian paths", Mr. Ohlson suggested that the easement should be retained.

JENNY QUESAN, speaking for her mother, the owner of the property, stated that her mother had purchased the property eight months ago. The prior owners of the property had allowed that portion of the property to lay fallow.

Ms. Quesan noted that her mother had photographs which had shown the walking

easement with trees and bushes while the walking path leading behind to the park was a ditch, was full of debris, and had been abandoned for years. She clarified that the vehicle which had been abandoned on the property had never been towed. She explained that the area had been cleaned by her mother to improve the appearance of the property and the neighborhood. She stated that the easement went nowhere even though there had once been a plan for a walking easement that had never been accomplished. She added that the City had never cleaned the easement.

LEONOR CAMPOS, the owner of the property, presented additional photographs to the City Council.

Mr. Grisham stated that the City Engineer would be speaking to the property owners.

Mayor Parent stated for the record that she lived a couple of blocks from the easement in question and she would verify whether or not she had a conflict in that case.

The public hearing remained open.

## **CONSIDERATION**

1. **RESOLUTION 05-10272** Resolution in Support of Changing the Current Urban Limit Line

The City Council is being requested to adopt a resolution identifying its preferred Urban Limit Line (ULL) Alternative.

Planning Director Melissa Ayres stated that the Council had appointed a Council representative to represent the Council on the East County ULL Task Force. Councilmember Glynn represented the City of Pittsburg during those meetings. She had attended as City staff.

Ms. Ayres noted that the Task Force had met numerous times to come up with a consensus under the provisions of Measure J to determine the ULL in the area to take to the voters in November 2006. No agreement had been reached at this point. A Countywide Task Force of all regions had also been unable to reach a consensus on what the ULL should be. Under the provisions of Measure J, the entire group must reach consensus for a ULL, with cities and counties representing three quarters of the population/land and four fifths of the Board of Supervisors.

Ms. Ayres reported that three alternatives were now being discussed. One was referred to as Plan C, holding the ULL in place. The second alternative was C+6 with included six amendments to Plan C. The third alternative was C+6+E, with E representing East County requests for changes to the ULL which had been listed in the staff report.

Ms. Ayres explained that Pittsburg requests for changes were to implement the City's General Plan over the period covered by Measure J, to 2034. The City's General

Plan would go to 2020. Those changes requested by the City would bring in the Thomas Ranch property, San Marcos Hills, Montreaux, Norton Valley and the areas around the Mirant Power Plant currently not inside the ULL. She asked the Council to take a position on one of the three alternatives or another alternative the Council would like to bring forward.

Ms. Ayres stated that County representatives would be meeting on April 21, when an official vote on the alternatives would be taken.

There was no fiscal impact. It was recommended that the City Council adopt a resolution identifying its preferred Urban Limit Line Alternative as Alternative C + 6 + E.

Councilmember Glynn supported the adoption of Plan C+6+E since it would encompass the areas being requested by the City of Pittsburg to be brought into the ULL. With no consensus, under Measure J the various cities could proceed with a ballot measure in November 2006, either as a group or individually, to get their particular plan adopted. At this point, he requested that the City Council adopt the preferred ULL alternative as Alternative C+6+E.

Councilmember Johnson referred to the information presented and corrected the name of one of the properties as Nortonville Valley, not Norton Valley. He reported that he had spoken with Mr. Riley, Mr. Affinito and the Thomas family, all three property owners located in the Nortonville Valley who requested annexation into the City limits.

Vice Mayor Kee advised that in December 2004 the Council had voted unanimously to support what was now known as Plan C. Since that time, nothing had changed significantly other than the fact that more plans had come forward. He questioned the rationale of now changing to a plan that incorporated large amounts of growth, particularly since the Council's position in December 2004 was with the understanding that for at least the next 10 to 12 years there were sufficient projects in process to cover the anticipated growth over that period of time.

Ms. Ayres stated that the primary change was that the City would support the equivalent of Plan C if other cities were not to bring in significant land within the ULL. Since that time other cities had requested the addition of significant amounts of land within their ULLs. As such, the City's then position had become null and void. The reason for Plan C+6+E was that the provisions being promoted by Plan C were onerous. She added that much of the land included in the City's General Plan could not be included if moving forward with Plan C.

Mr. Grisham explained that there had been serious discussions of annexing portions of the Mirant property within the ULL representing half of the property. The property ran north and south while the ULL ran east and west and bisected the parcels.

The City's interest in the use of the parcel was for parkland open space, wetlands and the maintenance of the power facilities. The movement of the ULL would be the only

way the Mirant property could be brought into the City.

With respect to the area to the south of Pittsburg, from the staff view Mr. Grisham stated that the major concern was that the triggers for Plan C were not only onerous but difficult to interpret. He suggested that there would be better triggers to consider, such as road infrastructure. Another issue was one of density in that the person who would likely develop in that area would be same person who owned property that could be developed for high density purposes to meet the City's transit and ridership goals. If the right triggers were put into place, the high density and smart growth goals could be achieved.

Vice Mayor Kee understood the situation with the Mirant property but he had reservations with the remaining properties. He would rather see the City benefit with the most important transit project, which he suggested was the Buchanan Road Bypass. He would like that to be tied into funding with a dedicated project given the development that could occur to the east of Pittsburg that would end up on Buchanan Road.

Councilmember Johnson quoted from the Council's December 20, 2004 vote, "That in the event the East County Task Force and or Countywide Task Force supports amending the ULL or other jurisdictions except as provided above, the City of Pittsburg would withdraw its support preserving the current ULL surrounding its jurisdiction to 2011."

Councilmember Glynn stated that the City had tried through numerous negotiations on numerous occasions to resolve the ULL issue. He stated the time had come to work with the rest of East County. If Measure C was so good, he questioned why eleven cities that had nothing to gain decided to give up on Plan C and support Plan C+6+E.

Councilmember Glynn suggested that the only way to build the Buchanan Road Bypass might be to encompass the properties that would facilitate the construction of that road, with an estimated cost of \$63 million. No housing could be built until the road had been built and no bonding could occur unless it was inside the City Limits. He supported the execution of Plan C+6+E. If not Plan C+6+E, something else would have to be done. He added that all the cities to the east had used up the available funds for Vasco Road and the like. He emphasized that money and development was required to get the job done.

In response to the Mayor, Ms. Ayres clarified that the Nortonville area could not be developed without developing the Thomas Ranch because annexation would have to be contiguous. She suggested that the funding of the Buchanan Road Bypass had not been tied to that since Nortonville could be accessed without the Bypass in place. Traffic would go directly to Kirker Pass Road.

As a practical matter in sequence, Mayor Parent verified that Nortonville Valley could not be annexed without the annexation of Thomas Ranch because the properties had to be contiguous. She inquired whether or not the Montreaux property was contiguous to the present City limits.

Ms. Ayres affirmed that the Montreaux property was on the west side of Kirker Pass Road and was contiguous to the City limits.

Mayor Parent noted that Plan C had been crafted by the Contra Costa Council, the Building Association, the Greenbelt Alliance and Save Mt. Diablo. Last week the Contra Costa Council announced along with the Building Association that it no longer supported Plan C and there was a press release to that effect. She understood that those agencies had a falling out with the Greenbelt Alliance and Save Mt. Diablo. She had seen no movement nor any cohesiveness in East County other than in Plan C+6+E. She also noted that there was no support for the Buchanan Road Bypass and the major developer in the City had sabotaged the City by suing it on the development fee.

Mayor Parent suggested that the choices were to attempt to forge something new with East County, support Plan C+6+E, or create a Pittsburg plan to seek that portion of the Mirant property now, revisit the issue in ten years and measure any city's growth between now and ten years from now to see if smart growth principals were being used, particularly related to transit corridors.

Mr. Grisham stated that the issue was solidarity and working with the other cities. He suggested that most cities would support Plan C+6+E, which was one step in the entire process. One of the issues was that the East County cities were of the opinion that they were negotiating against themselves. Even if all cities voted on the ULL, the County Board of Supervisors straw vote was 5-0 to hold the ULL at Measure C. If the cities were to take action and show solidarity, he suggested it could be easier to negotiate triggers and have something that Measure C did not currently provide.

Councilmember Johnson spoke with respect to the Contra Costa Business Council's modified position to move the acreage currently within the ULL not likely to be developed during the life of the ULL outside of the line, and that infrastructure triggers that would consider part of the compromise shall be specific and measurable, realistic and viable. He noted that instead of 30 years it had been reduced to adequate landfill for a 20 year housing supply and that any language to the ballot measure should be placed before the voters to adopt the ULL including the following statement, "Any future changes in the ULL must be presented to voters. If a periodic review finds that the line keeps the County from meetings its housing and job goals options must be present to the voters that recognized the State requirements for a 20 year housing supply and the need to adjust the line and or increase housing densities as needed."

Vice Mayor Kee suggested that one of the reasons for the solidarity in East County was that East County jurisdictions were seeking properties outside of the ULL to be inside the ULL.

Councilmember Glynn stated that the issue under consideration was whether or not to vote to support Plan C+6+E. He emphasized that he had listened to many hours of debate on the issue.

Councilmember Glynn suggested that the issue was what was needed to meet General Plan build out requirements and to meet Association of Bay Area Governments (ABAG) requirements, transit oriented development (TOD) planning, smart growth and

other planning, and at all times deal with the limits of the ULL. He stated that the ULL had been an issue in a number of situations, from Shaping Our Future to Measure J. He suggested it was time to work with the rest of East County to make the line work.

Motion by Councilmember Glynn, seconded by Councilmember Johnson to adopt Resolution 05-10272, carried by the following vote:

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

2. **RESOLUTION 05-10273** Establishment of the Annual Stormwater Utility Area Fee for Fiscal Year 2005/2006

Mr. Grisham advised that the City Council was being requested to increase the existing Stormwater Utility Area fee to be assessed to properties in the City to finance activities necessary to comply with the Federal Clean Water Act and the City's Joint Municipal National Pollutant Discharge Elimination System (NPDES) permit.

The City had a rate of \$24.00 per Equivalent Runoff Unit (ERU) since 1993. In last year's ERU staff report it was stated that an increase to the maximum \$30.00 per ERU would likely be recommended for FY 2005/2006 in order to ensure continuous compliance with the expanding regulations of the City's Joint Municipal NPDES permit. The City's Stormwater Utility Area Assessment generated \$637,836 for FY 2004/2005 with an ERU of \$24.00. This number included approximately \$200,000 in expenditures required to fund group program costs, County processing fees, commercial/industrial inspection fees, and the City's NPDES permit fees. Most of the \$200,000 had been collected by the County prior to revenue disbursement to the City, resulting in new revenue of approximately \$437,836. Increasing the ERU to \$30.00 would provide a 25 percent increase in the total revenue.

It was recommended that the City Council adopt a resolution establishing a Stormwater Utility Area fee rate of \$30.00 per Equivalent Runoff Unit for FY 2005/2006 and requesting that the Contra Costa County Flood Control and Water Conservation District adopt an annual parcel assessment based on that rate to cover City related costs associated with its NPDES activities.

Mayor Parent clarified that new standards had been issued in 2003 and the City needed to meet those new standards.

On motion by Councilmember Casey, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10273.

### **CONSENT CALENDAR**

On motion by Councilmember Glynn, seconded by Councilmember Casey and

carried unanimously to adopt the Consent Calendar, with the removal of item a, as follows:

- b. **RESOLUTION 05-10274** Award the Purchase Contract for Water Treatment Plant Closed Circuit Television Surveillance Equipment to West Corporation

Adopted Resolution 05-10274.

- c. **RESOLUTION 05-10275** Authorizing the City Manager to Execute the 2004/05 Disadvantaged Business Enterprise (DBE) Program to Facilitate the Use of Federal Funds for Capital Improvement Projects

Adopted Resolution 05-10275.

- d. **RESOLUTION 05-10276** Authorizing the City Manager to Begin Design in Fiscal Year 2004/05 for Certain Redevelopment Agency Funded Capital Improvement Projects Planned for Construction in Fiscal Year 2005/06  
**Combined w/RDA 05-1046**

In Joint Session with the Redevelopment Agency, on motion by Councilmember Casey, seconded by Councilmember Johnson, and carried unanimously to adopt City Council Resolution 05-10276.

The following item was removed from the Consent Calendar:

- a. **MINUTES** Dated: April 4, 2005.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt the minutes dated April 4, 2005, as submitted. The motion carried by the following vote:

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

## **ADJOURNMENT**

The City Council adjourned at 8:45 P.M. to the next meeting on May 2, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk