

CITY OF PITTSBURG
Redevelopment Agency Minutes
March 7, 2005

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 7:44 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:15 P.M. for Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code, regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/Professional/Confidential Unit), Police Officers' Association, Police Managers Group, Teamsters and Unrepresented Employees; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case.

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
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
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 Human Resources, Marc Fox
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** Execute Lease Agreement By and Between the Agency And LaSjeonia and James Hutchings
2. **RESOLUTION 05-1034** Execute Lease Agreement By and Between the Agency And Allen Nunley

Director of the Redevelopment Agency Garrett Evans advised that the Redevelopment Agency of the City of Pittsburg currently owned 306-318 Railroad Avenue, the Martinetti Building (APN 085-105-016), which the Agency had acquired in September.

Lease agreements for the lease of 306 Railroad Avenue to LaSjeonia and James Hutchings doing business as Leola's Place and 318 Railroad Avenue to Allen Nunley doing business as Nunley's Karate Do, were going to be considered, however both the Agency and tenants needed additional time to revise the Lease Agreements.

As a result, Mr. Evans recommended that the public hearing for both items be opened and continued to the April 18, 2005 meeting.

Mr. Evans added that the tenants were currently under the old lease agreements with the previous owner. The terms of those agreements had ended and new lease agreements had been provided to the tenants for review and comment. As to the fiscal impact, the Agency would receive total monthly rental revenue of \$2,300 for the lease of the property.

In response to Councilmember Johnson as to the total cost of each lease, Mr. Evans reported that the building space was approximately 3,100 square feet with each tenant occupying half of that space, and with each tenant paying \$1,000 a month for the lease, or \$.65 a square foot. He stated that the restaurant paid an additional \$300 monthly in rental kitchen equipment. While the same lease rate had been retained, renovations were anticipated to ensure no code deficiencies and to provide heating and air conditioning upgrades and façade improvements. The proper rent structure would be reassessed after that time.

Chair Parent opened the public hearing for Resolution 05-1032. There was no one to speak to the item at this time. The public hearing was continued to April 18, 2005.

As with the previous item, it was recommended that the public hearing for Resolution 05-1034 be opened and continued to the April 18, 2005 meeting.

Chair parent opened the public hearing for Resolution 05-1034. There was no one to speak to the item at this time. The public hearing was continued to April 18, 2005.

CONSIDERATION

1. **RESOLUTION 05-1033** Authorizing the Executive Director to Execute a Lease Agreement By and Between Biss/de Kat Investments and the Redevelopment Agency of the City of Pittsburg

Mr. Evans reported that Biss/de Kat Investments currently owned 675, 685 and 695 Railroad Avenue, the Impulse Technology Building (APN 085-171-009), characterized as one of the most viable bank locations in Old Town. The landlord and the Redevelopment Agency of the City of Pittsburg proposed to enter into a Lease Agreement for the lease of the property commencing on March 1, 2005. He commented that the building was in good shape and negotiations had been ongoing with Mechanics Bank, which had done extensive design work to move into the building, potentially by summer 2005.

The building had three suites. Suite A was currently occupied, Suite B was vacant and Suite C was the bank site. Suite A was 2,000 square feet in size, Suite B was approximately 1,400 square feet and Suite C was 8,600 square feet in size. An appraisal had been conducted of the site. The lease structure would be \$1 a square foot for Suites A and B and \$2 a square foot for Suite C.

Mr. Evans provided some history of banks in the downtown and commented that it had been approximately twenty years since a bank had been located in the downtown.

The fiscal impact associated with the proposal was that the Agency would pay \$20,600 upon execution of the lease agreement which would cover the month of March. The Agency would pay \$20,600 base rent on the first day of the subsequent months thereafter. All payments shall be derived from tax increment.

Mr. Evans recommended that the Agency Board authorize the Executive Director to execute the Lease Agreement on behalf of the Agency for the lease of the property, and authorize the Executive Director, with concurrence of the Agency's legal counsel, to make minor modifications to the Lease Agreement as may be necessary.

Councilmember Johnson inquired of the plans for the vacant Suite B, reported by Mr. Evans that the Agency was attempting to secure as many spots along the Old Town corridor as part of the Black Diamond project and other projects in the downtown. Potential tenants would be approached after the approval of the item. Any improvements would be tied to a specific tenant with a revenue stream to the Agency prior to the pursuit of any of those improvements.

On motion by Member Casey, seconded by Member Glynn and carried unanimously to adopt Resolution 05-1033.

CONSENT CALENDAR

On motion by Member Johnson, seconded by Member Glynn and carried unanimously to adopt the Consent Calendar, as follows, with a clarification that the minutes of February 28, 2005, as shown on the agenda, would be submitted for approval at the next meeting of the Agency, and with the removal of Item b for discussion.

a. **MINUTES** Dated: February 22, 2005

Approved minutes dated February 22, 2005.

c. **RESOLUTION 05-1036** Approving the Demolition Contract for the Structure Located at 985 Railroad Avenue, APN Numbers 085-195-007 and 085-195-005

Adopted Resolution 05-1036.

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

- b. **RESOLUTION 05-1035** Authorizing the Redevelopment Agency of the City of Pittsburgh to Amend Section 5.08 of Indentures of Trust for Both the Housing Set Aside Tax Allocation Bonds, 2004 Series A and the Subordinate Tax Allocation Bonds, 2004 Series A & B

In response to WILLIE MIMS, Pittsburgh, representing the Black Political Association (BPA), Finance Director Marie Simons explained that the item required Agency approval to allow staff the ability to invest in a guaranteed investment contract for 4.55 percent. She noted that the staff report had compared that investment to a federal security investment to show the benefit of being able to invest in a guaranteed investment contract for 4.55 percent. She clarified that the item was a clean-up item in that the bond documents submitted to the Agency for approval in September had allowed staff the ability to invest the project funds as well as the capitalized interest funds although the bond documents had inadvertently not allowed staff the ability to invest the debt service funds. She stated that the item would therefore offer a benefit to the Agency to allow that to be done.

If there was a guaranteed rate, Mr. Mims questioned why there would be a need to mitigate a potential decline.

Chair Parent noted that a guaranteed rate at this time would protect the Agency from the ups and down of the market.

Ms. Simons clarified that the item was a clean-up to the bond documents to allow the Agency to pursue a guaranteed investment at 4.55 percent. Without that clean up the Agency would not have the authority to do that.

On motion by Member Johnson, seconded by Member Glynn and carried unanimously to adopt Resolution 05-1035.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:00 P.M. to March 21, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
March 7, 2005

Chair Nancy Parent called the meeting of the Pittsburg Power Company to order at 8:01 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:15 P.M. for Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code, regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/Professional/Confidential Unit), Police Officers' Association, Police Managers Group, Teamsters and Unrepresented Employees; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case.

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
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
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 Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Police Chief, Aaron Baker

CONSENT CALENDAR

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

a. **MINUTES** Dated: February 22, 2005

Adopted Minutes dated February 22, 2005.

- b. **RESOLUTION 05-122** Amending Pittsburg Power Company's Annual Budget for FY 2004-2005 to Provide for Increasing Trans Bay Cable Project Reimbursement Program Funding by \$248,500 for Environmental, Legal and Energy/Transmission Line Consultants

Adopted Resolution 05-122.

- c. **RESOLUTION 05-123** Award the Street Tree Pruning and Removal Contract

Adopted Resolution 05-123.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 8:02 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
City Council Minutes
March 7, 2005

Mayor Nancy Parent called the meeting of the City Council to order at 8:03 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:15 P.M. for Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code, regarding AFSCME (Miscellaneous A Unit), AFSCME (Management/Professional/Confidential Unit), Police Officers' Association, Police Managers Group, Teamsters and Unrepresented Employees; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case.

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
- City Attorney, Ruthann Ziegler
- City Clerk, Lillian Pride
- 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 Human Resources, Marc Fox
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Police Chief, Aaron Baker

Mayor Parent considered the following general City Council items at 7:16 P.M. prior to pursuing the Redevelopment Agency agenda.

PLEDGE OF ALLEGIANCE

Walter Pease led the Pledge of Allegiance.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Johnson reported that he had attended the Mayors' Conference with Mayor Parent when Assemblymembers Canciamilla and Richmond had made a presentation of interest.

Councilmember Casey reported that he had the opportunity to visit the Liberty Hotel in Old Town when a Blues and Jazz Show had been offered and which he suggested could be a vision of the future for Old Town. He expressed his hope that more of that type of activity would be held in the future.

Vice Mayor Kee stated that he had attended a meeting of the County Probation Department, at its request, along with members of the Pittsburg Unified School District (PUSD), seeking input on the creation of a Youth Court in Pittsburg in the future.

Councilmember Glynn advised that he had attended a recent meeting of the Black Families Association when he had presented a plaque in commemoration of that event on behalf of the City Council.

Mayor Parent described the First Friday Lunch Event sponsored by the Chamber of Commerce as part of the Old Town revitalization. She commented that she had attended one of the venues at the Downtown Café, which had been pleasant and which would occur again in the future. She stated that event would occur on a regular basis the first Friday of each month at lunchtime when two restaurants would have live music during the noontime hour.

Mayor Parent also reported on the Mayors' Conference when Assemblymember Richmond had outlined his version of how the State pension system for public employees should be revamped and how employees could be moved into a new system. She commented that there had been a number of questions at that time.

The Mayor also reported that she had attended the Big Band Bash Fundraising Dinner at Pittsburg High School on March 5, 2005, put on by the Band Boosters, which dinner had been well attended and where the Dance Band had also performed.

Mayor Parent added that she had attended the Chamber of Commerce Mixer at the Senior Center to initiate the Arts and Crafts Show held last weekend which had offered an opportunity to highlight the amenities offered by the Senior Center. She reminded members of the public that older citizens could get his/her taxes done at the Senior Center for free on Mondays, with assistance from the American Association of Retired Persons who had trained people to do those tax preparations.

CITY MANAGER REPORTS/REMARKS

City Manager Marc Grisham had nothing to report at this time.

CITIZENS REMARKS

RICHARD CONEY, Pittsburg, presented photographs of an accident on Gladstone Drive which had affected him and which had been a hit and run. He requested that a speed bump be installed in that area to slow down traffic.

Mr. Coney noted that the skid marks from the accident were approximately 120 feet long before his truck was hit. He urged the Council to do what it could to make Gladstone Drive a safer street.

ERNEST WHITEHEAD, Pittsburg, representing the homeowners of the Harbor Lights subdivision, and founder of the TPC Group, a consultant firm in the City, referred to traffic enforcement problems in the subdivision and a concern of homeowners that the Pittsburg Police Department was not appropriately responding to their concerns.

Mr. Whitehead expressed concern that the traffic enforcement approved by the Council was not being enforced by the Police Department. He stated that there had also been problems with vandalism in the area, particularly at the park. He urged the Council to address the traffic enforcement problems, particularly with involvement from the Community Liaison Officer and the community, and that the Police Department be directed to appropriately respond to residents' calls.

When asked by the Mayor, Mr. Whitehead stated that a Neighborhood Watch had been established in the Harbor Lights subdivision. He clarified that the concerns had been raised in the past with the officer who attended those Neighborhood Watch meetings.

Mr. Grisham stated that he would review that situation with the Police Chief.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), expressed concern for the flash cams that had been installed in the City and the fact that significantly more cameras could be installed that would, in effect, spy on members of the community. He objected to a "Big Brother" mentality and asked if the City Manager had received permission from the City Council to install the camera equipment.

Mayor Parent disagreed with Mr. Mims' characterization of the situation and stated that there was no spying involved. She stated that the cameras watched areas where people were known to be doing things that should not be done under the law, which did not constitute spying. She stated that the camera program was a grant program offered for specific purposes.

Mr. Mims stated that the item had a serious impact upon the citizenry and should have been submitted to the Council for public comment.

On another matter, Mr. Mims stated that there was a lack of Black police officers in the City. It was his understanding that there was a recruiting problem given the low paying wages of police officers in the community. He reiterated a previous request that the City create a Police Commission so that all citizens of the community had an opportunity to address all police related concerns.

Mr. Grisham expressed his hope that in the future the BPA and similar groups would establish a Black Public Safety Explorers Post to help the young people of color learn about jobs, particularly in law enforcement, at an early age.

Mayor Parent took this opportunity to commend the Police Department for the one-on-one program in the local schools that would expose police services to the youth of the community at a young age.

MICHELLE ELIZONDO, Pittsburg, a resident of Barrie Drive, expressed concern with speeding on that street. She noted that there had been an accident last week that had jeopardized the neighborhood. Given the dilapidated condition of the street, she requested that the street be rehabilitated with traffic calming attention. Referring also to an iron plate placed on top of an area of road work on Buchanan Road being conducted near the PUSD, which had become an audible nuisance in her neighborhood, she requested some attention to that situation.

City Engineer Joe Sbranti advised that the contractor had assured staff that situation would be taken care of this date.

Councilmember Casey reported that the situation had been resolved this date.

City Engineer Sbranti added that he would discuss the list of when Barrie Drive was scheduled to be rehabbed with Ms. Elizondo. He agreed that Barrie Drive was in need of repair but he was not aware at this time of where Barrie Drive was on the repair schedule.

MARIA CASTRO-LOPEZ, Pittsburg, a Harbor Lights resident, commented that she was one of the residents of Harbor Lights who called the Police Department, three times monthly on average. She was disturbed that the Police Department did not respond to her calls. As a licensed day care provider, she noted that she conducted a lot of activities in the park and she was aware that there was drug paraphernalia in the park which was a concern to her. She requested that the City Council see that something be done to address those concerns.

Mayor Parent adjourned the City Council at 7:44 P.M. to the Redevelopment Agency, and reconvened at 8:03 P.M.

PUBLIC HEARING

1. **RESOLUTION 04-10199** Annual Review of the Regional Transportation Mitigation Fee Imposed on New Development

Director of Engineering and Building Joe Sbranti presented the annual review regarding the regional transportation mitigation fee charged to new development under Chapter 15.100 of the City's Municipal Code.

This review indicates that this fee needs to be reduced to reflect the fee program's original list of transportation improvements identified in 1994, and increased 5.0 percent as required by the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) to reflect the annual construction cost index increase from October 2003 to October 2004.

Mr. Sbranti explained that in November 2003, the regional transportation fees had been raised to be generally in alliance with East County jurisdictions. That fee increase had resulted in litigation with a developer, who had prevailed in that litigation. The City was now recommending that the fees be reduced down to prior levels, although because of annual cost increases, the old fees had been adjusted to reflect that increase. The City collects the fee from developers and then forwards the monies collected to the ECCRFFA, which then administers the fee projects' construction. Approval of the staff recommendation would reduce the current single-family residential fee of \$7,767 to \$1,511, the current multi-family residential fee of \$4,768 to \$1,973, and current fees for commercial and industrial developments from the range of \$0 to \$0.35 per square foot to \$0 to \$0.37 per square foot.

Mr. Sbranti recommended the adoption of the resolution approving an annual review of the regional transportation mitigation fee imposed on new development under Pittsburg Municipal Code, Chapter 15.100 and revise the regional transportation mitigation fee schedule as set forth in Exhibit A to the staff report dated March 7, 2005.

Mayor Parent opened the public hearing for Resolution 04-10199. There was no one to speak to the item. Mayor Parent closed the public hearing for Resolution 04-10199.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 04-10199.

2. **ORDINANCE 05-1238** Introduction of an Ordinance to Amend Pittsburg Municipal Code 10.36.080 "Truck Routes" and Approve by Minute Order Transportation Permit Conditions

Mr. Sbranti explained that due to concerns regarding tracking and permit compliance with the Annual Permit holders, a public hearing was opened on December 20, 2004 to discuss a proposal to eliminate Annual Transportation Permits. In order to resolve concerns expressed by a local business owner, and an Annual Transportation Permit holder, Council held this public hearing open for 60 days. In response, staff was now introducing an Ordinance that would amend Municipal Code Section 10.36.080, "Truck Routes." In addition, staff recommended approval by minute order Permit Conditions, and a Truck Route Map to be attached to all Single Use and Annual Transportation permits. Therefore, the public hearing that opened December 20, 2004 to eliminate Annual Transportation Permits can be closed without action.

The item had been returned to the Council on February 22, 2005 when a revised "Truck Route Map" had been discussed. Given additional concerns at that time, Mr. Sbranti stated that the item had again been tabled. Those concerns related to the inclusion of a portion of Loveridge Road onto the "Truck Route Map" along with an exclusion of a portion of Railroad Avenue from that map. Extensive conversations had been conducted with the individual who had raised those issues and those concerns had been satisfied.

The exclusion of Loveridge Road had been proposed for safety and maintenance

cost reasons. The inclusion of the portion of Railroad Avenue would avoid the need to divert trucks to other intersections that were currently operating at a low level of service.

The Ordinance would not be effective until appropriate signs designating "Truck Routes" had been posted. Therefore, the recommendation would require a one-time expenditure of no more than \$500. The funds necessary to complete the work were available from the annual operating budget of the Public Works Department, Street Division.

Mr. Sbranti recommended the introduction of the ordinance and the waiver of the first reading to revise Municipal Code Section 10.36.080, "Truck Routes" and approve by minute order Permit Conditions and Truck Route Map, attached to the staff report dated March 7, 2005 as Attachments "A" and "B" respectively, as attachments for Annual and Single Use Transportation Permits.

Mayor Parent verified that the safety issue on Loveridge Road had to do with the fact that there were two schools and a health facility on that street.

Councilmember Johnson questioned whether or not the route could be applicable if effective after school hours.

Mr. Sbranti commented that it was difficult enough to get permit holders to follow defined truck routes when there were fixed times. With more rules and complications, he suggested that it would be more arduous for the Police Department to track that truck traffic.

Mayor Parent opened the public hearing for Ordinance 05-1238. She advised that a speaker, who had wished not to speak, had left a comment, as follows:

JOE BROWN, Bay Point: "Given the truck/wreck over the weekend, we may want to reconsider North Parkside Drive as a truck route. At minimum we should install the 'Truck Tipping Over' symbol warning sign."

Mr. Sbranti reported that staff would look into that suggestion as it always did after accidents.

BRUCE OHLSON, Pittsburg, representing himself, accepted staff's suggestions, explanations and recommendations for the truck routes and withdrew his previously expressed concerns.

Mayor Parent closed the public hearing for Ordinance 05-1238.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to introduce Ordinance 05-1238 by title only and waive first reading and adopt the minute order.

CONSIDERATION

1. **RESOLUTION 05-10247** Appropriation of Funds – Mirant Annexation

Mr. Grisham stated that the City Council initiated annexation proceedings for the Mirant annexation area on January 3, 2005. The annexation submittal packet to the Local Agency Formation Commission (LAFCO) must include filing fee, plat map and single legal description of the 19 parcels proposed to be annexed. Staff requested that the Council appropriate \$20,000 for the filing fee and engineering services to prepare the required plat and legal description.

The City received an Engineer's Estimate of \$15,000 to prepare the required plat map and legal description. A 10 percent contingency was also recommended. The estimated \$3,500 filing fee needed to apply for the annexation was also requested. The entire \$20,000 would be appropriated from the General Fund Unallocated Reserve. Funds not needed would be returned to the General Fund Unallocated Reserve upon completion of the project.

Mr. Grisham recommended the adoption of the resolution appropriating \$20,000 from the General Fund Unallocated Reserve for the filing fees and consulting services related to the preparation of a plat map and legal description for the Mirant annexation area.

Councilmember Casey asked for a status of the negotiations with the County with respect to tax sharing, to which Mr. Grisham advised that negotiations continued.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10247.

2. **RESOLUTION 05-10248** Updating the Local Traffic Mitigation Fee Study

Mr. Grisham reported that Fehr & Peers Associates, Inc. had proposed to prepare a local Traffic Mitigation Fee (TMF) update study and an analysis of a proposed State Route 4 interchange at Range Road for an amount not to exceed \$90,990. The TMF update study would reflect a revised list of transportation improvement projects, updated growth projections, and a new nexus analysis. The Range Road Interchange analysis would determine the feasibility of including it in the local TMF. A legal review of the study had also been planned.

With the City Council's approval of the staff recommendation, the current local TMF program would be updated to reflect additional transportation projects and revised costs. The updated study could then be used to adjust the existing local TMF collected from new development to finance local TMF projects. The not-to-exceed consultant fee costs to update the local TMF program was \$69,101. The not-to-exceed consultant fee costs to evaluate a freeway interchange at Range Road was \$21,889. The cost for a legal review of the TMF study update had been estimated to be \$10,000.

The total costs should not exceed \$100,990, which costs could be included and

reimbursed through the TMF program. The City's current contract with Fehr & Peers Associates, Inc. to update the local TMF had a remaining budget of \$45,676. The remaining budget along with an additional allocation of \$55,314 from Measure C funds would be used to complete the TMF study update, the freeway interchange at Range Road and the legal review. The TMF program would later reimburse these costs when included in the TMF study update.

Mr. Grisham recommended that the City Council authorize the execution of an agreement with Fehr & Peers Associates, Inc. for an amount not to exceed \$69,101 to update the City's local Traffic Mitigation Fee Study, and \$21,889 to perform an evaluation of a proposed SR4 Interchange at Range Road. It was also recommended that \$10,000 be allocated for a legal review of the update.

Councilmember Glynn asked for the source of the funds for the City, reported by Mr. Sbranti that ultimately the funds would come from the Traffic Mitigation Fee (TMF) which would be adjusted to pay for the study itself.

Councilmember Glynn commented that the description of the nexus to include Range Road had not been well defined. He commented on the significant positive impact if eastbound traffic was directed off of SR4 going east onto Range Road, as opposed to the Bailey Road exit, when significant traffic congestion created by the afternoon commute impacting the BART station would be relieved. He wanted to make sure that particular aspect of the development of the BART station and the alternate turnoff exit of Range Road versus Bailey Road was thoroughly evaluated in both its current condition, and what it would be like after the BART Station Specific Plan had been built out in terms of its impact positively on traffic as well as the estimated cost to make that connection.

BRUCE OHLSON, Pittsburg, representing bicyclists as a member of the Board of Directors of the East Bay Bicycle Coalition, requested that Fehr & Peers include consideration for the needs of public transit and pedestrians, as well as bicyclists, when updating the analysis of existing traffic conditions in the City to identify deficiencies. He added that Pittsburg bicyclists also requested that Fehr & Peers be reminded that Range Road was listed as a bicycle facility in the current General Plan and that the needs of the non-motorized citizens be fully considered in the analysis of the Range Road/Highway 4 interchange.

Councilmember Johnson commented that Range Road was also key to traffic circulation into the downtown. As such, he urged that Fehr & Peers consider that component as well.

In response to Councilmember Glynn, Mr. Sbranti stated that all of the potential benefits and impacts of a Range Road overcrossing and/or a full Range Road interchange would have to be evaluated.

Councilmember Glynn noted that there was a south side issue, a north side issue and

the overcrossing issue. He asked for the estimated cost of each, broken down.

On motion by Councilmember Johnson, seconded by Councilmember Glynn to adopt Resolution 05-10248, carried by the following vote:

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

3. **RESOLUTION 05-10251** Setting Forth the City of Pittsburg's Official Intent to Issue Multifamily Housing Revenue Bonds to Undertake the Financing of the Kirker Creek Multifamily Rental Housing Project and Related Actions

Director of the Redevelopment Agency Garrett Evans reported that a partnership comprised of BRIDGE Housing Corporation, BUILD (a joint venture of CalPERS, and an affiliate of BRIDGE Housing) and Sares-Regis Group of Northern California was under contract to purchase the Kirker Creek apartments. The Project had 542 units of market rate rental housing. To aid in the acquisition and rehabilitation of the project by the Partnership, the City had been asked to declare its intent to issue Multifamily Housing Revenue Bonds. The Partnership had approached staff of making a component 20 percent of the current Kirker Creek project as affordable. A total of 433 units would remain market rate.

Mr. Evans explained that situation would be similar to what had existed prior to June 7, 1999 when the 20 percent restrictions on the complex had expired with the term of the bonds. At that time, 100 percent of the units had gone to market rate.

Mr. Evans advised that it would take over \$4 million to rehabilitate the 542 units. The bond financing would be secured by a Fannie Mae guarantee, potentially up to \$60 million. Staff was still negotiating whether or not Agency or City assistance would be required in this case. The current item related to the start of the process to declare the City's intent to move forward. As such, there was no fiscal impact at this time.

Mr. Evans recommended that the City Council approve the resolution and authorize the City Manager to carry out any and all actions necessary or appropriate for the City to declare its intent to issue the bonds.

On motion by Vice Mayor Kee, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10251.

CONSENT CALENDAR

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt the Consent Calendar, with the removal of Items c, d and e, as follows:

For the record, Mayor Parent commented that WILLIAM LEE, Pittsburg, had

requested not to speak but had left a letter received March 7, 2005 for consideration by members of the Council, a copy of which letter had been provided to each member of the Council.

- a. **MINUTES** Dated: February 22, 2005

Approved minutes dated February 22, 2005.

- b. **CLAIMS** #1621 Rosa Isela Joya

Denied claim #1621 Rosa Isela Joya.

- e. **RESOLUTION 05-10250** Accepting as Complete Contract 99-05; State Route 4 Flood Relief Project at Loveridge Road

Adopted Resolution 05-10250.

The following items were removed from the Consent Calendar for discussion.

Vice Mayor Kee recused himself from the following item since Ramar Foods was his client. He left the dais and the Council Chambers at this time.

- c. **ORDINANCE 05-1239** Adoption of an Ordinance to Rezone a 2.27 Acre Parcel for Ramar Foods at 335 Central Avenue (Rezoning Application AP-04-164)

The item, approved by the Planning Commission, would allow Ramar Foods to occupy the former Marina Skate building at 335 Central Avenue to allow an expansion of the business.

On motion by Councilmember Johnson, seconded by Councilmember Casey to adopt Ordinance 05-1239, carried by the following vote:

Ayes: Casey, Glynn, Johnson, Parent

Noes: None

Absent: Kee [Recused]

- d. **RESOLUTION 05-10249** Amending the Water and Sewer Rate Analysis Study Consultant Agreement

Councilmember Glynn referred to a periodic rate analysis and asked what period was involved.

Mr. Grisham was aware of no set rate. He stated that given the complicated issue

there needed to be a review of both water and sewer rates. It was hoped that the process would create a regular review process with the goal of creating a model for the full build out of the system. He clarified that while the rates had been adjusted, particularly related to user rates, there had been no formal review since 1998.

Given that it had been seven years since the last review, Councilmember Glynn proposed a regular five year review depending on the material and condition of the systems themselves. Noting the statement that additional funding was required to finish the process, he questioned how much additional funding would be required.

In response, Mr. Grisham stated that Unallocated Water and Sewer Enterprise funds were available to fund the Amended Consultant Agreement. Approval of an additional appropriation of \$20,000 of Unallocated Water Funds and \$20,000 in Unallocated Sewer Funds would be required for the amended contract amount of \$97,834, with a \$12,166 contingency, for a total revised project allocation of \$110,000.

Assistant Director of Public Works Walter Pease stated that the adjustment was \$20,000 from each, water and sewer, and the rest would be based on community involvement and the questions related to the proposed changes. He stated that the process was essentially complete. It would relate to the time spent with the consultant.

Mr. Grisham acknowledged the Council's position that any fee increases would involve significant outreach to the user groups.

WILLIE MIMS, Pittsburg, representing the BPA, commented that the review had begun somewhere near or about November 17, 2003. Given the current date, he questioned the time required to conduct a review. He also commented that the fee was nearly \$50,000 greater than the original proposal. He questioned why the consultant had been given the contract if the consultant was now stating that unforeseen problems had arisen due to the lack of documentation and the archaic nature of the system, which should have been identified when the contract was awarded. He requested a response to his concerns.

Mr. Pease stated that the consultant had asked for an increase of \$38,000. Additional funds had been added for a contingency. The full amount was not expected to be needed. He advised that the contract was a professional services contract based on what would be required to perform the job correctly. The sewer rates were based on 1963 rates and there were huge inequities in the system and in the capacity charge. Time was therefore involved in the process. He stated that the contractor, Brown and Caldwell, had been very cost effective in evaluating the situation that would be more equitable for the ratepayers.

Mayor Parent commented that Brown and Caldwell was a reputable engineering firm.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and

carried unanimously to adopt Resolution 05-10249.

ADJOURNMENT

The City Council adjourned at 8:36 P.M. to March 21, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk

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