

CITY OF PITTSBURG
Housing Authority Minutes
January 18, 2005

Chair Nancy Parent called the meeting of the Housing Authority to order at 8:04 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Workshop – Strategy Research Institutes' Community Survey Results at 5:00 P.M., Commission/Committee Interviews at 6:00 P.M. and Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC 828751, Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 2 and 4 Davi Avenue (APN 086-083-021), 12 and 14 Davi Avenue (APN 086-083-022), 22 and 24 Davi Avenue (APN 086-083-023), 32 and 34 Davi Avenue (APN 086-083-024), 42 and 44 Davi Avenue (APN 086-083-025), 52 and 54 Davi Avenue (APN 086-083-026), 62 and 64 Davi Avenue (APN 086-083-027), 72 and 74 Davi Avenue (APN 086-083-028), 82 and 84 Davi Avenue (APN 086-083-029), 92 and 94 Davi Avenue (APN 086-083-030) 102 and 104 Davi Avenue (APN 086-083-031), 112 and 114 Davi Avenue (APN 086-083-032), 122 and 124 Davi Avenue (APN 086-083-033), 132 and 134 Davi Avenue (APN 086-083-034), 142 and 144 Davi Avenue (APN 086-083-035), 152 and 154 Davi Avenue (APN 086-083-036), 162 and 164 Davi Avenue (APN 086-083-037), 172 and 174 Davi Avenue (APN 086-083-038), 182 and 184 Davi Avenue (APN 086-083-039), and 192 and 194 Davi Avenue (APN 086-083-040).

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

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

MEMBERS ABSENT: Leatherwood (Excused)

STAFF PRESENT

- Executive Director, Marc Grisham
- Legal Counsel, Ruthann Ziegler
- City Clerk, Lillian Pride
- Deputy City Clerk, Alice Evenson
- Deputy City Clerk, Delores Magallon
- Housing and Community Programs Manager, 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 Planning, Melissa Ayres
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Police Chief, Aaron Baker

CONSENT CALENDAR

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

- a. **MINUTES** Dated: December 20, 2004

Approved minutes dated December 20, 2004.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 8:05 P.M. to the next meeting set for February 22, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
Redevelopment Agency Minutes
January 18, 2005

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 8:06 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Workshop – Strategy Research Institutes’ Community Survey Results at 5:00 P.M., Commission/Committee Interviews at 6:00 P.M. and Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC 828751, Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 2 and 4 Davi Avenue (APN 086-083-021), 12 and 14 Davi Avenue (APN 086-083-022), 22 and 24 Davi Avenue (APN 086-083-023), 32 and 34 Davi Avenue (APN 086-083-024), 42 and 44 Davi Avenue (APN 086-083-025), 52 and 54 Davi Avenue (APN 086-083-026), 62 and 64 Davi Avenue (APN 086-083-027), 72 and 74 Davi Avenue (APN 086-083-028), 82 and 84 Davi Avenue (APN 086-083-029), 92 and 94 Davi Avenue (APN 086-083-030) 102 and 104 Davi Avenue (APN 086-083-031), 112 and 114 Davi Avenue (APN 086-083-032), 122 and 124 Davi Avenue (APN 086-083-033), 132 and 134 Davi Avenue (APN 086-083-034), 142 and 144 Davi Avenue (APN 086-083-035), 152 and 154 Davi Avenue (APN 086-083-036), 162 and 164 Davi Avenue (APN 086-083-037), 172 and 174 Davi Avenue (APN 086-083-038), 182 and 184 Davi Avenue (APN 086-083-039), and 192 and 194 Davi Avenue (APN 086-083-040).

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, Alice Evenson
- Deputy City Clerk, Delores Magallon
- Housing and Community Programs Manager, 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 Planning, Melissa Ayres
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Police Chief, Aaron Baker

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

PUBLIC HEARING

1. **RESOLUTION 05-1020** Approval of a Disposition and Development Agreement by and between the Redevelopment Agency of the City Of Pittsburg and Discovery Builders, Inc. and Making
Combined w/CC 05-10213 Certain Findings in Connection Herewith

Director of the Redevelopment Agency Garrett Evans stated that the Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc. had negotiated the terms and conditions for the disposition and development of a 1.75 acre portion of a larger 15.50 acre parcel (APN 095-150-013) located on the north side of West Leland Road. The developer was to purchase the property from the Agency for the appraised value of \$420,000 and was to develop seven single-family residential units, which would include one affordable unit. He noted that the terms had been negotiated prior to the development of the Inclusionary Housing Ordinance. The public had been notified of how the property would be conveyed for more than the appraised value of the property. There would be no Redevelopment Agency assistance associated with the project. The developer was to conduct all offsite and onsite improvements. The affordable unit would have a covenant running with the property for 45 years and would have the same qualities as the other units in the small project.

There would be no fiscal impact to the Agency. The property was currently vacant and not generating tax increment. The developer was to improve the property resulting in the generation of tax increment. The Agency was to purchase the property from the City of Pittsburg and dispose of the property to the developer for the purchase price.

It was recommended that the Disposition and Development Agreement between the Agency and the developer be approved, that the Executive Director be authorized to execute the agreement and such further documents on behalf of the Agency and that such further actions as may be necessary or appropriate be taken to carry out the Agency's obligations pursuant to the agreement.

Mayor Parent opened the public hearing for Redevelopment Agency Resolution 05-1020 and City Council Resolution 05-10213. There was no one to speak for or against the resolutions. The Mayor closed the public hearing for Redevelopment Agency Resolution 05-1020 and City Council Resolution 05-10213.

On motion by Vice Chair Kee, seconded by Member Johnson and carried unanimously to adopt Redevelopment Agency Resolution 05-1020.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt City Council Resolution 05-10213.

year term, commencing on April 1, 2005 and concluding on March 31, 2007.

Mayor Parent opened the public hearing for Redevelopment Agency Resolution 05-1021 and City Council Resolution 05-10214.

ERIC HASSELTINE, serving as Vice Chair of the Board of Regents of JFK University stated that JFKU would bring the strongest academic program possible to the residents of the City. He suggested that the proposal would represent a long and beneficial relationship to the City and to Los Medanos College.

DR. STEVE STARGARDER, President of JFKU, stated that in twenty years of educational administration he had never seen a City and community so recognize the importance of education. He noted that the ultimate goal in Pittsburg was for a child to enter preschool, elementary school, middle school, high school, Los Medanos Community College, a Bachelor's Degree Completion program, a Masters Program and a Doctorate Program, all without leaving the City. He thanked the City for helping to make that a reality.

KAY SUE DUNCAN, Vice President for Services for JFKU, echoed the desire to bring programs to the City and to be able to expand in the future.

Councilmember Glynn was thrilled to have such an educational opportunity occur and have the City accommodate the desire to have a university in the City as soon as possible. He reiterated his appreciation that someone could enter kindergarten and work through to a Doctorate without leaving the City limits.

Councilmember Johnson concurred but requested clarification on the two year lease agreement as to whether or not a future location for JFKU had been identified.

Mr. Nail stated that a future location of JFKU had already been considered. JFKU had been asked to make a two-year commitment to the City, which had been done through a Letter of Intent and a willingness to sign a two-year lease. It was the City's hope that could be expanded upon with a second JFKU campus in the City. He also explained, when asked, that the plans submitted were preliminary and more detailed construction documents would be prepared after the City Council's approval.

Vice Mayor Kee noted his understanding that any building vacant for six months would have to be brought up to code, which was affirmed by Mr. Nail.

The Vice Mayor also verified that for whatever reason JFKU did not live up to the conditions of the agreement, JFKU would provide for a term of two years, a counseling center and an elder law clinic. Failure to fulfill those requirements would require JFKU to pay for the cost of the modifications to the building.

CHARLES SMITH, Pittsburg, agreed with the proposed program but questioned the temporary nature of the site.

Mr. Nail stated that there were no additional agreements beyond what had been presented to the Council/Agency at this time.

Mayor Parent acknowledged that there would be continuing discussions with JFKU about its tenure in the City. It was her understanding from the Mayors Conference that California State College Hayward was also looking for an East County expansion.

Mayor Parent closed the public hearing for Redevelopment Agency Resolution 05-1021 and City Council Resolution 05-10214.

On motion by Member Johnson, seconded by Member Glynn and carried unanimously to adopt Redevelopment Agency Resolution 05-1021.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 05-10214.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: January 3, 2005

Approved minutes dated January 3, 2005.

- b. **REPORT** Approval of the Redevelopment Agency's Annual Report for Fiscal Year 2003-2004

Approved Redevelopment Agency Annual Report for Fiscal Year 2003-2004.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:29 P.M. to February 7, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
January 18, 2005

Chair Nancy Parent called the meeting of the Pittsburg Power Company to order at 8:30 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Workshop – Strategy Research Institutes’ Community Survey Results at 5:00 P.M., Commission/Committee Interviews at 6:00 P.M. and Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC 828751, Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 2 and 4 Davi Avenue (APN 086-083-021), 12 and 14 Davi Avenue (APN 086-083-022), 22 and 24 Davi Avenue (APN 086-083-023), 32 and 34 Davi Avenue (APN 086-083-024), 42 and 44 Davi Avenue (APN 086-083-025), 52 and 54 Davi Avenue (APN 086-083-026), 62 and 64 Davi Avenue (APN 086-083-027), 72 and 74 Davi Avenue (APN 086-083-028), 82 and 84 Davi Avenue (APN 086-083-029), 92 and 94 Davi Avenue (APN 086-083-030) 102 and 104 Davi Avenue (APN 086-083-031), 112 and 114 Davi Avenue (APN 086-083-032), 122 and 124 Davi Avenue (APN 086-083-033), 132 and 134 Davi Avenue (APN 086-083-034), 142 and 144 Davi Avenue (APN 086-083-035), 152 and 154 Davi Avenue (APN 086-083-036), 162 and 164 Davi Avenue (APN 086-083-037), 172 and 174 Davi Avenue (APN 086-083-038), 182 and 184 Davi Avenue (APN 086-083-039), and 192 and 194 Davi Avenue (APN 086-083-040).

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, Alice Evenson
- Deputy City Clerk, Delores Magallon
- Housing and Community Programs Manager, 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 Planning, Melissa Ayres
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Police Chief, Aaron Baker

CONSENT CALENDAR

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

- a. **RESOLUTION 05-120** Approve and Authorize the Executive Director to Execute a Contract between Contra Costa Electric and the Pittsburg Power Company Regarding the Emergency Replacement for a Failed Section of the 2.4 kV Electric Distribution System on Mare Island and Amend Island Energy Annual Budget for FY 2004-2005 to Provide Unbudgeted Funds for the Replacement of the Failed Line

Adopted Resolution 05-120.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 8:31P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
City Council Minutes
January 18, 2005

Mayor Nancy Parent called the meeting of the City Council to order at 8:32 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Workshop – Strategy Research Institutes’ Community Survey Results at 5:00 P.M., Commission/Committee Interviews at 6:00 P.M. and Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC 828751, Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 2 and 4 Davi Avenue (APN 086-083-021), 12 and 14 Davi Avenue (APN 086-083-022), 22 and 24 Davi Avenue (APN 086-083-023), 32 and 34 Davi Avenue (APN 086-083-024), 42 and 44 Davi Avenue (APN 086-083-025), 52 and 54 Davi Avenue (APN 086-083-026), 62 and 64 Davi Avenue (APN 086-083-027), 72 and 74 Davi Avenue (APN 086-083-028), 82 and 84 Davi Avenue (APN 086-083-029), 92 and 94 Davi Avenue (APN 086-083-030) 102 and 104 Davi Avenue (APN 086-083-031), 112 and 114 Davi Avenue (APN 086-083-032), 122 and 124 Davi Avenue (APN 086-083-033), 132 and 134 Davi Avenue (APN 086-083-034), 142 and 144 Davi Avenue (APN 086-083-035), 152 and 154 Davi Avenue (APN 086-083-036), 162 and 164 Davi Avenue (APN 086-083-037), 172 and 174 Davi Avenue (APN 086-083-038), 182 and 184 Davi Avenue (APN 086-083-039), and 192 and 194 Davi Avenue (APN 086-083-040).

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, Alice Evenson
- Deputy City Clerk, Delores Magallon
- Housing and Community Programs Manager, Annette Landry
- Director of the Redevelopment Agency, Garrett Evans
- Director of Development Projects, Randy Jerome
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- Director of Public Works, John Fuller
- Director of Planning, Melissa Ayres
- Director of Recreation, Paul Flores
- Director of Finance, Marie Simons
- Police Chief, Aaron Baker

Mayor Parent considered the following general City Council items at 7:12 P.M. prior to pursuing the Housing Authority agenda.

PLEDGE OF ALLEGIANCE

Annette Landry led the Pledge of Allegiance.

PROCLAMATION

1. Regional Punt/Pass/Kick Winner – Alison Bynum

Mayor Parent read the proclamation for and presented the proclamation to Alison Bynum, the Regional Punt/Pass/Kick Winner.

PRESENTATION

1. Contra Costa Advisory Council on Aging Report – Bertha Stobb

Bertha Stobb presented the Contra Costa Advisory Council on Aging Report and described the activities of the Council, which was comprised of 40 members. She stated that she had been nominated in 2002 by the City Council and had then been appointed by the County Supervisor to the Council on Aging. There were currently five vacancies on the Commission.

Ms. Stobb explained that she would make the Council aware of legislative actions of which the Council should be aware and if which it was hoped the City Council would support. Council on Aging meetings were held on the third Wednesday of every month at 2425 Bisso Lane in the City of Concord at 9:30 A.M. Everyone was welcomed to participate.

Ms. Stobb commented that another Commission for which she was involved was the In-Home Support Services Public Authority, interested in how elders were treated. She advised that she would schedule a presentation on that Authority to the Council in the near future. She was also a member of the Mobile Home Advisory Committee.

Mayor Parent advised that members of the public interested in contacting Ms. Stobb related to the Council on Aging could contact the City Manager's Office. She thanked Ms. Stobb for her service on a number of civic committees and commissions.

Ms. Stobb added that the month of May was Older Americans Month when older Americans would be honored.

2. New City Employee Introductions

Human Resources Director Marc Fox introduced the New Employee Recognition

Program to allow public servants to be introduced to the community. This was the first time the program had been presented. In the future, regular full time employees would be introduced on a quarterly basis.

City Engineer Joe Sbranti introduced Mahta Khalatbari, Civil Engineer I and Keith Halverson, Assistant City Engineer, as members of the Engineering Division.

Public Works Director John Fuller introduced Louis Myers, an Equipment Mechanic from the Corporation Yard, Richard McDonald, the Water Treatment Plant Superintendent, and Gregory St. Pierre, Maintenance Worker II in the Landscape Division.

Director of the Redevelopment Agency Garrett Evans introduced Deedre Scott, the Assistant to the Redevelopment Director. He also identified David Fraser, a new Administrative Analyst, who was not present at this time.

Police Chief Aaron Baker introduced nine new officers hired in 2004; Christopher Lam, Jessica Bledsoe, Michele Ligouri, Ryan Wilkie, Joshua Reddoch, Daniel Pratt, Ernesto Ferraro, Wes Bancroft, and Salvatore Lombardo, all beat officers.

Mayor Parent stated that for all employees the City's objective was to make his/her stay as easy a work experience as possible given the commitment to the citizens of the community.

City Manager Grisham applauded the high quality and caliber of employees in the City.

The next item was taken out of agenda order to allow comments under Citizens Remarks.

CITIZENS REMARKS

A member of the Central Jr. High's Jazz Combo, which had entertained the assemblage prior to the meeting, invited Councilmembers to a Mecca and Jazz Dinner at The New Mecca Restaurant on February 10, 2005. Dinner and entertainment were included in the tickets, which were \$10 each in advance, or \$12 at the door. He stated that donations to the band would be appreciated.

Mr. Grisham also advised that the Central Jr. High Jazz Combo would be performing regularly in the downtown.

3. Report on Status of Public Works Department Progress on Developing Replacement Municipal Wells for the Existing Ballpark and Rossmoor Wells

Mr. Fuller advised that the City currently operated two municipal wells, which represented 10 to 15 percent of the City's total water production, with one well located at City Park, and the other on the south side of State Route 4 near the intersection of

Frontage and Dover Roads [Rossmoor Well].

Mr. Fuller reported that the wells saved between \$325,000 to \$500,000 a year for the water enterprise annually by avoiding purchases through the Contra Costa Water District (CCWD) from the Contra Costa Canal. Given the poor water quality of the wells and given the City's efforts to find an alternative water source for the golf course, staff had contacted Keller Canyon landfill and had explored the idea of placing a well. A typical well could not generate the level of water necessary for a golf course, although wells were a great alternative source of water in the City's water enterprise. The 2002-2005 Capital Improvement Program (CIP) had included \$200,000 as seed money to start a project to replace the City's Ballpark well with a higher quality well in the southwest hills. A Request for Proposal (RFP) to allow that work would be in process soon with a desire to have a well on line in the fall of 2005 for production of the higher water demand in 2006.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Johnson reported that he had attended the League of California Cities (LCC) Seminar in Sacramento, which had been interesting and informative. He had been impressed by the fact that there had been 240 new first-time members of City Councils who had also attended the seminar. Councilmember Johnson also stated that he and the Mayor had attended the Martin Luther King, Jr. Breakfast at Dow Chemical.

Vice Mayor Kee reported that he had attended the Martin Luther King, Jr. March from City Hall to the Pittsburg Unified School District (PUSD) large theater. He commented that one of the interesting things about the program was that it had been done almost exclusively by the children of the community. This was the second year for the program. He thanked the Police Department for their assistance in providing an escort during the march.

Vice Mayor Kee had attended the Redevelopment Subcommittee meeting with updates from staff on various projects. He had also been appointed to be the liaison to the Mallards Football program which the Lewis Brothers had been working to establish in the community and had been working with local artist Frances Palermo who had volunteered to design a sign for the football team. A brief report was provided to each Councilmember on the status of those efforts. He commented that the saga of the football team might yet become a movie since a film company had requested a script.

Vice Mayor Kee noted the disparaging remarks from the Public Defender last fall about the Pittsburg Police Department and asked the City Manager of the status of that situation.

Mr. Grisham reported that staff had met with a firm named Matrix, which was known for police reviews. He commented that an operation and management review was being sought where all staff in the Police Department would be reviewed, as would Councilmembers on an individual basis, to solicit recommendations on what could be done and what he expected would be kudos on what the Police Department was already doing.

Mr. Grisham commented that the City's law firm had also reviewed the evidence handbook and had been impressed with it and had asked to use it as a model for other police departments in which the firm was involved. The matter would be brought forward to the City Council at a future date.

Mayor Parent advised that the Mayors Conference had been held in Oakley in the last week when the election of the Mayors Conference representative to the Contra Costa Transportation Authority (CCTA) had been selected. She and the City Manager would meet with Maria Alegria of the City of Pinole who had been appointed as the representative to the CCTA, to ensure that the City's issues were known. The alternate to that appointment, Karen Stepper from Danville, would also be so informed.

Mayor Parent stated that she had also attended the Council reorganization in Oakley, and had the occasion to install the officers of the Fifty Plus Club when 30 people had attended the meeting. She had also chaired the Delta Diablo Sanitation District where a mercury recycling program was being pursued with the objective to get mercury out of the standard garbage landfills to be taken to a recycling center.

Mayor Parent reported that she had attended an event at the Sri Guru Ravandass Temple, where she had received a plaque for public service. The Temple had raised a sizable amount of money to provide relief to a local charity in India for those affected by the December 26 Tsunami. Information on the Temple's website would direct interested persons who would like to make donations to that relief effort.

Mayor Parent also stated that she, Councilmember Johnson and the City Manager had attended an event at Dow Chemical, which had a number of important speakers and which event she described in detail. Dow Chemical had recognized a community member who had given years of service to domestic violence prevention. Two Dow Chemical employees, who had also expended years of community service in East County, were also recognized.

CITY MANAGER REPORTS/REMARKS

City Manager Grisham had nothing to report at this time.

CITIZENS REMARKS

LOU ROSAS, Pittsburg, identified a new organization in the City called the Pittsburg Leadership Alliance, comprised of 25 individuals at this point who wanted to act as advocates to the City Council and City Manager to communicate the positive things going on in the City, offer solutions and alternatives, and help to implement the best decisions in the City. Mr. Rosas noted that in 1987 the Planning and Community Examination Commission (PACE) had been created to make recommendation on what was good for the community.

Mr. Rosas stated that the Leadership Alliance would be looking at those prior

recommendations to see what might be worthwhile to pursue at this time. He stated that the Leadership Alliance was committed to the improvement of the community and recognized that Pittsburg could be the best place for jobs, education, and quality of life in the East Bay and Contra Costa County and wanted to do its part to make that happen. He offered a copy of the PACE report from a number of years ago and identified a number of the Leadership Alliance members present in the audience.

MARIAN PARTRIDGE, the City Librarian, reported that the County Library system had received a \$25,000 Global Language Grant in the fall to purchase non-English materials for libraries in a variety of languages. The Pittsburg Library would receive \$1,500 for Spanish materials. She took this opportunity to present the Council with a flyer on the Teen Program scheduled for January 21, 2005 at 4:00 P.M.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), commented that he had enjoyed the music offered by the Central Jr. High Jazz Combo. With respect to a discussion of the designation of historic sites during the last Council meeting, he encouraged the Council to use an objective process to undergo the California Environmental Quality Act (CEQA) process to determine historic sites.

Mr. Mims also referenced a comment made by the City Attorney during the prior Council meeting related to Government Code Sections 6250 to 6270, where he had been advised by the City Attorney that she did not have to provide the public documents he had requested during that meeting. He disagreed in that under Section 6253.8 of the California Public Records Act, he had the right to immediate access to review those items at the meeting and not after the meeting was over. He therefore disagreed with the City Attorney's opinion offered at the last meeting and questioned whether or not she was appropriately representing the City.

City Attorney Ruthann Ziegler stated that she would provide Mr. Mims with a copy of the applicable statute that was found, not in the Public Records Act, but in the Brown Act because the request Mr. Mims had made related to documents provided at the meeting. She would also provide the Council and the City Manager with copies of her response to Mr. Mims.

Mayor Parent reconvened the City Council meeting at 8:32 P.M.

PUBLIC HEARING

1. **RESOLUTION 05-10213** Approval of a Disposition and Development Agreement by and between the Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc. and Making
Combined w/RDA 05-1020 Certain Findings in Connection Herewith

City Manager Marc Grisham stated that the Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc. had negotiated the terms and conditions for the disposition and development of a 1.75 acre portion of a larger 15.50 acre parcel (APN 095-

150-013) located on the north side of West Leland Road. The developer was to purchase the property from the Agency for the appraised value of \$420,000 and was to develop seven single-family residential units, which would include one affordable unit.

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

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt City Council Resolution 05-10213.

2. **RESOLUTION 05-10214** **Combined w/RDA 05-1021** Allocate Redevelopment Funds, Authorize Staff to Review and Approve Construction Documents and Authorize Bidding and Approve Lease Agreement between the City of Pittsburg and John F. Kennedy University for 2020 Railroad Avenue Facility

Mr. Grisham stated that John F. Kennedy University was to lease the City owned facility located at 2020 Railroad Avenue to establish a satellite campus in the City of Pittsburg. Proposed modifications to the facility would bring both the permanent building and the adjacent modular building on site to proper Americans with Disabilities Act (ADA) standards and provide the proper accommodations for JFKU administration, faculty and study body. Proposed modifications would be funded by the Redevelopment Agency's Railroad Avenue Corridor Fund and would not exceed \$370,000.

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

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt City Council Resolution 05-10214.

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

Mr. Grisham advised that due to pending litigation on the issue of Regional Transportation Mitigation fees, it was recommended that the City Council open the public hearing noticed for the current meeting and continue the hearing to the next regularly scheduled City Council meeting on February 22, 2005.

Mayor Parent opened the public hearing for Resolution 04-10199. There was no one to speak to the item. The public hearing was continued to the meeting of February 22, 2005.

4. **RESOLUTION 04-10203** Authorizing the City Manager to Execute Task Order Number 1 to the Joint Powers Agreement with Delta Diablo Sanitation District Dated September 24, 1999 for Irrigation Using Reclaimed Water on Additional Sites

within the City

Mr. Grisham stated that Contract 2004-9, Reclaimed Water for Irrigation Project was for the construction of a reclaimed water pipeline from the existing reclaimed waterline on Eighth Street to the Delta View Golf Course. The reclaimed water would be used to irrigate City parks and the Delta View Golf Course.

The resolution would authorize the City Manager to execute Task Order Number 1 to the Joint Powers Agreement with Delta Diablo Sanitation District to use reclaimed water for irrigation of sites planned for irrigation upon construction of the project.

The Resolution would not result in a fiscal impact until construction of the project and the resulting use of reclaimed water for irrigation. The price per acre-feet for using reclaimed water would be set forth in the agreement. The future price for reclaimed water was estimated to be \$272 per acre-foot with an estimated use of 615 acre-feet per year on average. The current average charge for using City treated water for irrigation was \$475 per acre-foot. With the estimated average usage of 615 acre-feet per year the estimated savings (not including installation costs) for irrigating the additional locations with reclaimed water versus treated water would be approximately \$125,000 per year.

It was recommended that the City Council adopt a resolution authorizing the City Manager to execute Task Order Number 1 to the Joint Powers Agreement between the City of Pittsburg and Delta Diablo Sanitation District dated September 24, 1999, for the use of additional reclaimed water for irrigation.

In response to the Vice Mayor as to whether or not reclaimed water made grass grow quicker in terms of the maintenance at the golf course, Mr. Sbranti advised that such conversations had been held with the maintenance personnel. There were savings that would offset the cost of fertilizer in that if it was not required to be added. The lawn would not have to be cut more often and the situation tended to balance out.

Mayor Parent opened the public hearing for Resolution 04-10203.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), inquired what water was being used at this time to water the City's parks and the golf course.

Mr. Grisham advised that City water was being used to water City parks.

Mayor Parent referred to the Central Park at Columbia Street and the Steel Mill and reported that park was also being watered with reclaimed water. She noted that the biggest purchaser of reclaimed water was the Delta Energy Center and the power plant because the water was used for cooling.

Along the way the water was also being used for parks. The proposal was to use reclaimed water for additional parks and potentially for the golf course. As a Director of Delta Diablo, Mayor Parent stated that the water was being sold to the City at cost, with no

markup. The reclaimed water cost, if in place now not counting the infrastructure, would be half the cost of CCWD water.

Mr. Mims questioned the total fiscal impact of the project, reported by the Mayor to depend on the cost of the infrastructure. She noted that Delta Diablo expected to apply for grants from the State to help in that regard.

Mr. Sbranti stated that the resolution would allow the City to pursue a grant that could result in 25 percent compensation of the cost of the project.

MICHAEL LENGYEL, Pittsburg, stated that on December 20, 2004 he had submitted to the City Council written correspondence highlighting four questions on the health issues connected with the use of recycled water. He asked that those questions be submitted to the City Health Officer for answers to those questions and that it be determined whether or not there was any need for a response from the County Health Officer. He also asked that the questions be submitted to the General Manager of the Delta Diablo Sanitation District. He commented that the proposal represented a novel use of reclaimed water.

Mr. Lengyal's concerns related to the effect of breathing vaporized reclaimed water, the dangers of ingesting reclaimed water residues, the dangers of skin contact with reclaimed water and the composition of reclaimed water. While he supported the proposal in theory, he referred to the steam cloud of reclaimed vapor from the power plant and expressed concern for the impacts associated with the use of that reclaimed water.

Mayor Parent reported that she would forward Mr. Lengyal's concerns to the General Manager of the Delta Diablo Sanitation District. She asked that the City Manager also forward the concerns to the County with a request to respond directly to Mr. Lengyal, with a copy to the City Council.

CHARLES SMITH, Pittsburg, verified, with staff that the water was for tertiary use.

Mayor Parent closed the public hearing for Resolution 04-10203.

On motion by Councilmember Casey, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 04-10203.

5. **RESOLUTION 05-10215** Establishment of an Inclusionary Housing In Lieu Fee and Inclusionary Housing Monitoring Fee

Mr. Grisham stated that the City's recently adopted Inclusionary Housing Ordinance allowed developers, in limited circumstances, to pay a fee to the City in lieu of constructing the required affordable units, and authorized the Council to establish by resolution the amount of the in lieu fee.

The ordinance also allowed the City Council to establish fees in order to defray City costs to monitor and enforce inclusionary housing agreements.

7. **ORDINANCE 05-1236** Amendment to Municipal Code 15.104 to Update the Fee for the Stormwater Management Plan for Kirker Creek Watershed Draining Area

City Engineer Joe Sbranti explained that the City Council adopted Ordinance No. 01-1180 on May 7, 2001, which added Chapter 15.104 entitled "Stormwater Management Plan for Kirker Creek Watershed Drainage Area," to the Pittsburg Municipal Code. The ordinance implemented a uniform mitigation fee per square foot of new impervious surface areas created by development. The ordinance stipulated that the fee was to be reviewed every year to adjust for inflation. The fee had not been increased since its inception in 2001 and was due for a review. An increase to \$0.68 per square foot was justified by increases in the referenced index and construction costs of recent local projects. Approval of the fee increase would bring additional revenue to be applied to the cost of the Kirker Creek Watershed Improvements.

It was recommended that the City Council approve the amendment of the Stormwater Management Plan for the Kirker Creek Watershed Drainage Fee Area to be increased from \$0.65 to \$0.68 per square feet of new impervious surface area.

Mayor Parent opened the public hearing for Ordinance 05-1236.

WILLIE MIMS, Pittsburg, representing the BPA, referred to the staff report and noted that in 1997 heavy storms had caused Kirker Pass to flood State Route 4. He suggested that the staff report be amended to state that the City's lack of effective storm water maintenance and detention sites and cleaning out the creek itself had caused the flooding at State Route 4, and not heavy storms.

CHARLES SMITH, Pittsburg, suggested that many of the problems associated with the flooding of State Route 4 had actually been caused by undersized pumps used by Caltrans to pump out water. He noted that while Caltrans had installed new pumps, they were undersized. That and with a general lack of maintenance from the City had resulted in the flooding.

Mayor Parent closed the public hearing for Ordinance 05-1236.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to introduce Ordinance 05-1236 by title only and waive further reading.

8. **ORDINANCE 05-1237** Amendment to Municipal Code Section 17.32.020, Park Dedication

Mr. Sbranti stated that Pittsburg Municipal Code Section 17.32.020, Park Dedication, required as a condition of a tentative or parcel map that a developer dedicate land or pay a fee (or a combination of both), for park or recreational purposes.

The code required that the developer provide an amount of land or fee necessary to provide five acres of park area per one thousand persons residing within the new subdivision. However, the assumed density in the code was not consistent with the City's current household makeup described in either the City of Pittsburg General Plan or the 2000 Census results. The proposed amendment would increase the density per dwelling unit to 3.46 persons for Single Family homes and 2.65 persons for Multiple Family dwelling units.

Approving the amendment to the Municipal Code, Park Dedication would increase the land area required per unit of housing built within the City. When the developer paid an in-lieu fee instead of providing land to meet this requirement, revenue from the fee would be increased above current levels.

It was recommended that the City Council approve the amendment of the Municipal Code, Section 17.32.020, Park Dedication, to concur with the 2000 Census and the City of Pittsburg General Plan increasing the density per Dwelling Unit (DU) to 3.46 for Single Family Homes and to 2.65 for Multi Family units.

Councilmember Glynn asked of the ratio to actually build parks versus paying in lieu fees, to which Mr. Sbranti explained that depended upon the project. He noted that typically the larger developments donated land while the smaller developments paid fees.

In response to Councilmember Johnson, the City Attorney clarified that the proposal did not represent a change to the General Plan and no changes to the General Plan were required. The change to the ordinance would reflect what was already in the General Plan.

Mayor Parent opened the public hearing for Ordinance 05-1237.

RICHARD SESTERO, Seecon Financial and Construction Co. Inc., summarized a letter dated January 18, 2005, which he submitted to the City Council at this time. He stated that unlike the recently adopted Inclusionary Housing Ordinance where there had been meetings with the development community, that was not the case with the subject ordinance. He suggested that there were inconsistencies in numbers in the staff report, and commented that the number of housing units in the City varied from 18,000 to 19,600 units and the population in the staff report referred to 56,000 in one place and 61,000 in another. He suggested that those inconsistencies were problematic and he sought some clarification of that situation.

Mr. Sestero suggested that the proposal would mean that a single-family project would be required to dedicate 22 percent more parkland than would have been required in the past, while multi-family projects would require a 33 percent increase, resulting in an increase in more dedicated parkland. He noted that a comparison had been done with the City of Oakley and the County. The City of Oakley calculated at 3.26 people per single family residence, whereas the staff report had identified 3.46 people per single-family home. The County had determined about 2.9 people per single family home. He suggested that the City's figures, although based on the 2000 Census, were too high.

Mr. Sestero stated that ultimately the cost would be passed on to the homeowner. He also noted that the staff report spoke of the current standard of five acres of parkland per thousand residents, which he suggested had worked. The proposal would increase that 20 to 30 percent. He also noted that there had been no discussion of the fiscal impact and the high expense to maintain existing parks. He suggested that there should be an analysis of the impact on the General Fund in that regard. He asked that the item be continued to allow that to occur.

Mr. Sbranti stated that staff had no opportunity to review the letter submitted by Mr. Sestero, although he had met with Mr. Sestero ten days ago and the concerns identified at this time had not been raised at that time. There had been no responses from other developers in the community, although public notification had been conducted. With respect to the comment that the proposal was working at this time, he stated that the modification to the ordinance would allow the maintenance of the five acre per thousand residence portion of the ordinance. If left as it, he stated that standard would slowly erode and the number would decrease. He urged the Council to keep in mind that when fees were paid as opposed to the dedication of land, the number of acres per resident would become smaller and decrease below the five acres per resident. He expressed a willingness to work with Mr. Sestero to review the questions that had been raised, to clarify the issues, or to return to the Council at a later date with clarification if the Council chose to continue the item.

City Attorney Ziegler noted that Mr. Sestero had made some comments related to discrepancies and the number of housing units, population densities and the rates used by other cities, as identified in the staff report. She too had no opportunity to review Mr. Sestero's letter prior to this time. She otherwise advised that the City was required to use the 2000 Census Data, regardless of whether or not there were discrepancies with housing units. If anything, she stated that the numbers had been rounded down as opposed to up and a conservative approach had been taken.

Mr. Sestero acknowledged that Seecon had been advised of the situation several months ago but until the staff report had been issued, the impact of the numbers had been unknown.

Planning Director Melissa Ayres clarified that the references to population had been based on the 2000 Census data and had been based on different time periods. She stated that the money collected in in-lieu fees could also be used for the construction of parks, which was being planned for the San Marco area where the City did not have the funds in the CIP. Funds would be used to possibly construct parks that had already been set aside.

Mayor Parent closed the public hearing for Ordinance 05-1237.

In response to Councilmember Glynn as to whether or not there was any reason to expedite the proposal; Mr. Grisham stated that the sooner the modifications to the ordinance were in place the sooner the City could collect the correct fees.

On motion by Vice Mayor Kee, seconded by Councilmember Glynn and carried unanimously to introduce Ordinance 05-1237 by title only and waive further reading.

CONSIDERATION

1. **APPOINTMENTS** Commission/Committee Appointments

Openings exist on the Recreation Commission, Contra Costa Mosquito and Vector Control District (CCMVCD) and Contra Costa Transportation Authority Citizens Advisory Committee (CCTA-CAC). The City had advertised for all openings and had received applications for each Commission/Committee. All applicants had been invited to interview with the City Council on January 3, 2005 and five applicants were interviewed at that time. One applicant asked to be interviewed at a later date and was invited to interview on January 18, 2005. One additional application was received on January 7, 2005.

There was no fiscal impact.

Staff recommended the appointment of eligible candidates to Commission/Committee openings as follows:

Recreation Commission:	1 vacancy; 4 applicants
CCMVCD:	1 vacancy; 3 applicants
CCTA-CAC:	1 vacancy, 4 applicants

On motion by Councilmember Johnson to appoint Tom Stoll to the Recreation Commission. The motion died for lack of a second.

On motion by Councilmember Glynn to nominate George Tagnipes to the Recreation Commission. The motion was seconded by Mayor Parent. **George Tagnipes** was unanimously selected to serve on the Recreation Commission.

On motion by Vice Mayor Kee to nominate Charles Smith to the Mosquito and Vector Control District. The motion was seconded by Councilmember Glynn. **Charles Smith** was unanimously selected to serve on the Mosquito and Vector Control District.

On motion by Mayor Parent to appoint Larry Wirick to the Contra Costa Transportation Authority Community Advisory Committee. The motion was seconded by Councilmember Glynn. **Larry Wirick** was unanimously selected to serve on the Contra Costa Transportation Authority Community Advisory Committee.

It was reported that all those who had been selected and those who had not would be so advised by the City Clerk.

CONSENT CALENDAR

On motion by Councilmember Johnson, seconded by Vice Mayor Kee and carried

unanimously to adopt the Consent Calendar, with the removal of Items c and e, as follows:

- a. **MINUTES** Dated: January 3, 2005

Approved minutes dated January 3, 2005.

- b. **ORDINANCE 05-1235** Adoption of an Ordinance to Prezone 14 Parcels (Approximately 846 Acres) in the Northwest River Subarea, Including the Mirant Power Plant and Several Adjacent Parcels Located North of Willow Pass Road and South of Suisun Bay (RZ-02-13)

Adopted Ordinance 05-1235.

- d. **RESOLUTION 05-10218** Approving a List of Architectural Firms for On-Call Professional Architectural Services and Authorizing the City Manager to Enter into Agreements with Selected Firms

Adopted Resolution 05-10218.

- f. **RESOLUTION 05-10220** Approval of a Revised Joint Exercise of Power Agreement with the Contra Costa County Municipal Risk Management Insurance Authority (CCCMRMIA)

Adopted Resolution 05-10220.

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

Councilmember Johnson requested that Item c be held over for receipt of additional documentation to allow a Council discussion to properly review all issues.

- c. **RESOLUTION 05-10217** Approval to Reactivate the Pittsburg Golf Advisory Board

Mr. Grisham advised that staff was aware of some of the items of concern and had no problem continuing the item.

Councilmember Glynn commented that the staff report had referred to other documentation that had not been provided. He noted that new Boardmembers were to have been selected and there had been no new members. He cited, as an example that one of the signatures on the document provided was from a Mr. Moody who had been a member of the Board in 1991. He questioned how many other appointees that had been nominated by the City Council were also on the Board at that time.

While he did not object to the process, Councilmember Glynn agreed that some of

the issues involved were not accurate or were missing data, which needed to be clarified so that the Council could make an informed decision.

Councilmember Johnson noted his understanding that Mr. Nail would be providing additional information, as requested.

Resolution 05-10217 was continued to the meeting scheduled for February 7, 2005.

- e. **RESOLUTION 05-10219** Award the 2005 Citywide HVAC Maintenance and Repair Contract to Ferreira Services, Inc.

The City's adopted Purchasing Policy required that large purchases and contracts be formally bid or solicited, and be awarded by City Council action. The Public Works Department solicited formal HVAC maintenance services proposals for City facilities, last bid two years ago. Public Works recommended the award of a one year HVAC maintenance services and repair contract for calendar year 2005, with the option to renew for one additional year, based on Public Works staff's review of the formal proposals received.

Mr. Fuller stated that this was the second time that the HVAC contract had been put out to bid. Because it was a maintenance service contract and the quality of service received was as important as price, the formula used to hire the janitor for the building had been pursued. Four bid proposals had been received. Given the good service from Ferreira Services, Inc. (FSI) and the low bid provided, staff saw no reason not to award an extension of the contract to FSI.

FRANK DRASCHNER, Cal Air, urged a delay of the contract to February 7, 2005 so that members of the Council could have an opportunity to review additional documents. He noted that the quote from FSI for last year had been \$30,000, although the City had paid \$241,000 for HVAC maintenance service and repairs. The additional items were to have been covered by the RFP issued by the City, but had not been covered. He urged a delay in the awarding of the contract.

In response, Mr. Fuller advised that the bulk of the work related to a difference in price was due to a separate item that had been submitted to the City Council due to the failure of the City Hall chiller, which staff believed was in the scope of the work awarded to FSI. The unit had been problematic and had been worked on by Cal Air technicians. The unit was still problematic after that work, which had been done for \$18,000 in the prior year. He did not believe that the warranty for that unit was the responsibility of FSI. He looked to Cal Air to make good on its, which it refused to do.

Mr. Grisham stated that the large cost differential had to do with the failed chiller system. When taken out of the equation he supported the recommendation of Public Works staff.

Mr. Draschner stated that the chiller was only three years old, could have lasted 15

years and could have been repaired and not replaced.

Mr. Grisham stated that a fairly lengthy debate of the chiller and its failure had been pursued and was well documented. It was no longer functioning.

On motion by Vice Mayor Kee, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10219.

ADJOURNMENT

The City Council adjourned at 9:24P.M.to February 7, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk

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