

CITY OF PITTSBURG
Housing Authority Minutes
February 22, 2005

Chair Nancy Parent called the meeting of the Housing Authority to order at 7:43 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 Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding West Coast Home Builders, Inc., and SEECON Financial and Construction Company, Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. C03-02777; and Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(b) regarding one case.

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

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

MEMBERS ABSENT: Wallen (Excused)

STAFF PRESENT

Executive Director, Marc Grisham
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Housing Authority and CDBG, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
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. **DISBURSEMENT LIST** Dated: December 31, 2004 and January 31, 2005

Approved Disbursement Lists dated December 31, 2004 and January 31, 2005.

b. **MINUTES** Dated: January 18, 2005

Approved minutes dated January 18, 2005.

CONSIDERATION

1. **RESOLUTION 05-217** Review of the Housing Authority Administrative Plan

Director of Housing Authority and CDBG, Annette Landry reported that the City of Pittsburg Housing Authority had completed the revision process for the 2005 Administrative Plan. Those revisions addressed policies and procedures that the Housing Authority adhered to in all program operations.

The action would have no fiscal impact on the City in that the Housing Authority operated a self-sufficient program that had no fiscal impact on the City's General Fund.

Ms. Landry recommended that the Authority adopt the resolution approving the updated 2005 Administrative Plan.

Chair Parent referred to the second paragraph of Page 2 of Exhibit A, the Administrative Plan, where the Agency would "strive to become a "High Performer" by 2003." She verified that the City was already a "High Performer" and the objective was that the City continue to be a "High Performer."

Chair Parent also referred to Objective Three: To consolidate the certificate and voucher programs. She was advised by Ms. Landry that had already been done and that the certificate program had been changed to a mandated voucher program.

On motion by Member Glynn, seconded by Member Casey and carried unanimously to adopt Resolution 05-217.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:48 P.M. to the next meeting set for March 21, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
Redevelopment Agency Minutes
February 22, 2005

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 7:49 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 Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding West Coast Home Builders, Inc., and SEECON Financial and Construction Company, Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. C03-02777; and Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(b) 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, Alice Evenson
Director of Housing Authority and CDBG, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
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:

CONSIDERATION

1. **RESOLUTION 05-1031** Allocating Funding and Awarding a Consultant
Combined w/CC 05-10238 Agreement to Hansen McArdel Inc. for the Design of Contract 2004-13, Highlands Ranch Park and Making Certain Findings in Connection Herewith

Director of Engineering and Building Joe Sbranti stated that Contract 2004-13, Highlands Ranch Park Project was to be constructed on a 10-acre site in the Highlands Ranch Subdivision. Approximately half of the park site is utilized as a detention basin. The detention basin is intended to have a multi-purpose field located at its bottom. The remainder of the site outside of the basin is planned to include a soccer/multi-purpose/baseball field, volleyball court, basketball court, tennis courts, parking, concrete paths, landscaping, irrigation, school age play structure, tot lot, pavilion and trellis. The total anticipated budget required for this park project is \$3,695,000. This project is eligible to receive \$1,076,594 of grant funding. The resolution would allocate funding for the design and construction of the park and award a consultant agreement for design.

The total cost of the contract had been estimated at \$3,695,000, to be provided from unallocated Tax Increment Reserves and/or 2004 Series Bond Proceeds. The project was also eligible for Proposition 12 and Proposition 40 grant reimbursement funds, which had been reserved for the City and which could provide for a total of \$1,076,594 of funds for the project. With those funds, the net cost would be \$2,618,406, to be provided in the form of a loan to the Park Dedication Fund. The loan amount would be returned to the Agency as Park Dedication Funds allowed.

Mr. Sbranti recommended that the City Council and Agency Board adopt the resolutions making certain findings, consenting to the allocation of \$3,695,000 of Tax Increment Reserves and/or 2004 Series Bond Proceeds to fund the project, authorizing and directing staff to apply for the Proposition 12 and Proposition 40 grant funds, which if received shall reimburse the Agency for portions of the project. It was also recommended that the net funding required from the Redevelopment Agency in the amount of \$2,618,406 be provided in the form of a loan to be repaid by the Park Dedication Fund, as available. Further, it was recommended that the City Council authorize and direct the City Manager to create the necessary documentation to establish the loan and that the City Manager be authorized to execute a Consultant Agreement with the consultant in the amount of \$264,580 for the design of the project.

Vice Chair Kee verified that the ultimate design for the park would include restrooms in the alternate bid package.

Mr. Sbranti stated that a prepackaged restroom would be brought to the site and could be built as a separate package.

Member Casey stated that as a father and grandfather he had become aware that soccer was a very popular game. He questioned whether or not there was a plan in the future at another location to create a legitimate soccer field in the City.

City Manager Grisham stated that would be done. He referred to the Martin Luther King Park where a soccer field could be built into the design of that park. Central Park could also include a soccer field. He added that an open space area at City Park could also be considered for dedicated soccer fields. The current facility included a soccer component for practice fields.

Member Johnson questioned when the park would be developed, reported by Mr. Sbranti that it was anticipated the design could be bid by the fall or potentially by late summer given that time was running short for this construction year.

On motion by Member Glynn, seconded by Member Casey and carried unanimously to adopt Redevelopment Agency Resolution 05-1031.

On motion by Councilmember Glynn, seconded by Councilmember Casey and carried unanimously to adopt City Council Resolution 05-10238.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: February 7, 2005

Approved minutes dated February 7, 2005.

- b. **RESOLUTION 05-1027** Approval of a Relocation Impact Statement and Last Resort Housing Plan for the Railroad Avenue Corridor Project Site

Adopted Resolution 05-1027.

- d. **RESOLUTION 05-1029** Adopt Resolutions that Authorize Use of the Polanco Redevelopment Act in the Los Medanos Project Area and Adopt Procurement Procedures to be Employed When Using the Polanco Redevelopment Act
Combined w/05-1030

Adopted Resolution 05-1029.

- e. **RESOLUTION 05-1030** Adopt Resolutions that Authorize Use of the Polanco Redevelopment Act in the Los Medanos Project Area and Adopt Procurement Procedures to be Employed When Using the Polanco Redevelopment Act
Combined w/05-1029

Adopted Resolution 05-1030.

The following item had been removed from the Consent Calendar for discussion.

- c. **RESOLUTION 05-1028** Amendment to the Exclusive Negotiating Rights Agreement By and Between the Redevelopment Agency of the City of Pittsburg and A.F. Evans Development, Inc.

When asked by Chair Parent as to the initial period for the negotiations, Director of the Redevelopment Agency Garrett Evans stated that the initial period involved 180 days. The process was in the middle of the preparation of an Environmental Impact Report (EIR) which had not been anticipated or discussed. There was a need to assure that the project considered all associated impacts. The EIR process would take another 60 days.

Mr. Evans added that the item would also be considered by the Planning Commission. It was intended that the entitlement process could be considered within the 180 day extension.

City Manager Grisham anticipated that the project would be under construction by early spring 2006.

Chair Parent emphasized her desire that the project proceed as quickly as possible.

Member Johnson also expressed concern with the delays associated with the proposal.

Mr. Grisham explained that in the near term the real estate acquisitions related to Black Diamond would be discussed.

Vice Chair Kee reiterated the Agency's desire to see the project move forward as quickly as possible.

On motion by Vice Chair Kee, seconded by Member Johnson and carried unanimously to adopt Resolution 05-1028.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:59 P.M. to a Special Meeting on February 28, 2005 at 6:00 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
February 22, 2005

Chair Nancy Parent called the meeting of the Pittsburg Power Company to order at 8:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding West Coast Home Builders, Inc., and SEECON Financial and Construction Company, Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. C03-02777; and Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(b) 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, Alice Evenson
Director of Housing Authority and CDBG, Annette Landry
Director of the Redevelopment Agency, Garrett Evans
Director of Engineering and Building, Joe Sbranti
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Director of Public Works, John Fuller
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Director of Finance, Marie Simons
Police Chief, Aaron Baker

On the Consent Calendar item, Executive Director Marc Grisham recognized that while three members of the Power Company had an opportunity to work with the project for some time, the two newest members of the Pittsburg Power Company did not have that opportunity. As such, the two proponents for the project would be asked to provide briefings to the Board so that all could be informed.

Member Casey expressed concern that Resolution 05-122 had included no supportable documentation.

Mr. Grisham stated that the item would be returned in two weeks with the requested information.

CONSENT CALENDAR

On motion by Member Johnson, seconded by Member Casey and carried unanimously to adopt the Consent Calendar, with the continuation of Item b, as follows:

- a. **MINUTES** Dated: February 7, 2005

Approved minutes dated February 7, 2005.

The following item was continued to the meeting of March 7, 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 \$200,000 for Environmental, Legal and Energy/Transmission Line Consultants

Continued to the meeting of March 7, 2005.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 8:03 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
City Council Minutes
February 22, 2005

Mayor Nancy Parent called the meeting of the City Council to order at 8:04 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 Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding West Coast Home Builders, Inc., and SEECON Financial and Construction Company, Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. C03-02777; and Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(b) 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, Alice Evenson
- Director of Housing Authority and CDBG, Annette Landry
- Director of the Redevelopment Agency, Garrett Evans
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- 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 7:06 P.M. prior to pursuing the Housing Authority agenda.

PLEDGE OF ALLEGIANCE

Joel Summerhill led the Pledge of Allegiance.

PRESENTATION

1. In Home Supportive Services Public Authority

JOHN COTTRELL, Executive Director, In Home Supportive Services Public Authority (IHSS), described the services provided by IHSS, paid for by Federal, State and County funds, providing services to keep the elderly at home as long as possible.

Mr. Cottrell introduced BERTHA STOBBS, Pittsburg, the Chair of the IHSS Advisory Committee, who emphasized the need for some means of support and the ability for elders to remain in her/home home. She stated that the Advisory Committee met monthly and provided input on customer services to the IHSS. She highlighted the material included in a packet provided to the Council of information on the type of services provided, contact information, individual stories and the details of a 24/7 program when an emergency provider was needed in the home.

2. Contra Costa Fire District New Paramedic Service at Station 85

City Manager Marc Grisham advised that the item would be continued to another meeting since the engine company was out on call at this time.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Casey stated that he and Councilmember Johnson remained involved with the Community Advisory Committee (CAC) working with the Community Development Block Grant (CDBG) program on continued discussions of the distribution of CDBG funds. He added that the Finance Subcommittee had also been meeting to discuss the upcoming budget.

Councilmember Johnson reported that he had attended the East Bay League of California Cities Division meeting when inclusionary housing had been discussed.

Mayor Parent stated that she had also attended the East Bay League of California Cities Division meeting when a speaker from East Palo Alto had offered statistics on which jurisdictions had and had not incorporated inclusionary zoning.

Mayor Parent reported that she had attended a performance by the Pittsburg Community Theater. Immediately after that performance, all of the seats had been taken out of the Little Theater. The salvageable seats had been moved to the big theater and the new seats would be installed in the Little Theater on March 17, 2005. She emphasized that the citizen group working to replace the seats had been very involved in that process and were building pride in Pittsburg.

The Mayor added that she had attended two performances of the Central Junior High Jazz Band; a fundraiser on February 10 and a downtown performance on February 13.

CITY MANAGER REPORTS/REMARKS

The City Manager had no report at this time.

CITIZENS REMARKS

JOEL SUMMERHILL, Antioch, Park Planner for the City of Pittsburg for 31 years, commented that he had generally been pleased with the level of benefits and salary City employees had received for the past six bargaining cycles. He noted that a number of City employees had worked for the City for a number of years with no benefits, retirement or Social Security until 1991. He asked the hourly City employees in the audience to rise to identify his/her presence. A large number of individuals responded. He offered some background to the situation created by Proposition 13 in 1978 which had created serious economic impacts to cities. He stated that the hourly employment program had been created during that era, and had persisted many years after.

While not asking for the millions of dollars in benefits, including Social Security that had been lost during those years, Mr. Summerhill asked the City to buy back the pre-employment service credit through the California Public Employment Retirement System (CalPERS) for those employees.

ATHENA WHITE, Pittsburg, an Accounting Technician in the Public Works Department, a member of the Miscellaneous A Bargaining Unit and a 15 year employee during which time she had been an hourly employee for over 5 years, also asked the Council to buy back the years of service under the CalPERS Retirement System.

LEWIS ROSS, Antioch, as another hourly employee hired by the City in the years prior to 1997, and the City Electrician, stated that he had been employed by the City in 1987 when he had no rights, no holidays and no vacations. He noted that many hourly employees had worked many hours beyond the normal work hours and had worked for wages less than those of surrounding communities and less than other City employees who were entitled to benefits, holidays and vacations. He read a brief description of the Social Security Program, to create a social security insurance program to pay older workers a continuant benefit after retirement and offer some measure of protection to the average citizen against the loss of job and against poverty ridden old age.

Mr. Ross commented that he had been shocked to learn that no Social Security had been deducted from his pay. He had been informed that the City was not required to deduct Social Security from his pay since the City had a retirement system. As such, he stated that hourly employees had been kept not only from the benefits of the City retirement system but had also been denied the benefit of Social Security retirement during the years of hourly employment. Acknowledging that the current City administration and many of those in the Human Resources Department had not been part of that policy, he asked that all ex-hourly employees be given supplemental retirement benefits in the current CalPERS system for the missing years of retirement benefits that had been earned.

Mr. Ross stated that he had tried for many years to get management to help the former hourly employees who were being deeply impacted by past policy.

Recognizing the City Council's desire that the issue be raised during union negotiations, Mr. Ross emphasized that the former hourly employees were a minority in the union. As such, the issues affecting hourly employees would take second seat to the issues of other employees.

Mr. Ross stated that he had been in contact with the Social Security Administration (SSA) and the Internal Revenue Service (IRS) in researching retirement issues. He read the sections applicable to employees and the withholding of employee wages and the requirement that the City withhold employee taxes and match those taxes. He noted that the City had settled with former Tier 1 employees on their issues. He urged the Council to correct the discrepancy. In his own case, at 61 years of age, he stated that he had lost over nine years in the City Retirement System.

RALPH CONES, Pittsburg, an employee for 19 years stated that 11 of those years had been as an hourly employee. He expressed his support for the hourly employees and the need for some relief to that situation.

RUTH ZYGUTIS, Antioch, stated that she had worked for the City of Pittsburg since 1992, had been an hourly employee, and supported those seeking relief to that situation.

MAJEED BAHRI, Walnut Creek, supported the comments and offered his support to the previous speakers.

SHA AZARI, Pleasant Hill, had submitted a card to speak but had offered that time to Mr. Summerhill.

Mayor Parent stated that the City Council had instructed staff that the hourly wage issue was to be taken up in the union negotiations.

ROGER RILEY, Pittsburg, speaking to the downtown development, noted that Bank of America had bought Security Pacific Bank in the early 1990's, which bank had foreclosed on property that he now owned. He stated that prior to his purchase of the property he had been promised that the space beyond the property would be developed in a parking lot. He commented that he had worked over the last 14 years to develop the property and he requested that he be allowed to do so. He did not want to receive less than the property was worth if he was required to sell the property.

BRUCE OHLSON, Pittsburg, referred to a recent article in the Ledger Dispatch related to Community Emergency Response Training (CERT). He stated that the Antioch Police Department was holding that training, which involved six training sessions to teach citizens how to respond to large-scale crises without adding to the chaos. He urged the City of Pittsburg to conduct a similar CERT session given the benefits of that training.

WILLIE MIMS, representing the Black Political Association (BPA) concurred with Mr. Ohlson's comments.

On another matter, Mr. Mims referred to a letter he had received from the City Attorney related to accusations that he had made with respect to the California Public Records Act. He disagreed with the letter and stated that he would respond to that letter in writing. He also requested that one of each communication received by the Council during each meeting also be provided to the public at that time.

Mayor Parent reconvened the City Council meeting at 8:04 P.M.

PUBLIC HEARING

1. **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

Due to concerns regarding tracking and permit compliance with the City's Annual Permit holders, Director of Engineering and Building Joe Sbranti reported that a public hearing had been 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 now introduced 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 could be closed without action.

Mr. Sbranti advised that the ordinance would not be effective until appropriate signs designating "Truck Routes" had been posted. 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 waive the first reading to revise Municipal Code Section 10.36.080, "Truck Routes" and approve by Minute Order Permit Conditions and Truck Route Map, as attached to the staff report dated February 22, 2005, as attachments for Annual and Single Use Transportation Permits.

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

BRUCE OHLSON, Pittsburg, a commercial driver for Antioch Building Materials Pittsburg Plant, requested that the routes be reconsidered and that the item not be accepted at this time pending a reevaluation of the routes. He commented that the route now used was Kirker Pass Road, down Buchanan Road, down Loveridge Road to either the Antioch Building Materials plant behind Home Depot or out Highway 4. He stated that the new map did not allow Loveridge Road between Buchanan Road and East Leland Road, which would leave only one route – down Railroad Avenue. It was his understanding that two options for truck routes were required.

Mr. Ohlson recommended that the majority of the larger trucks not be directed down Railroad Avenue and he suggested that the issue be revisited.

Mr. Ohlson also suggested with respect to the Truck Route Map that the coke trucks from the coke terminal at the foot of Harbor and East Third Streets had included a number of options, including a direct route up Railroad Avenue to Highway 4. He suggested that the segment of Railroad Avenue between Tenth Street and North Parkside Drive should be eliminated to keep those vehicles from accessing Highway 4 from those routes. He advised that he would discuss his concerns with staff.

In response to Councilmember Johnson, Mr. Sbranti stated that staff was attempting to provide options with a minimum number of routes given the heavier demand on those routes and the maintenance demand in those cases. He stated that while streets could be added to the approved routes, the intent was to minimize the number of streets designated as truck routes. While staff could revisit the item, he emphasized that the use of additional streets would create greater demands on maintenance and enforcement services.

Mr. Sbranti added that there would always be cases where truck deliveries would have to be made to areas not accessible from the truck routes. The system had been set up to allow one to get as close as possible to a destination, and to veer off the truck route to complete the delivery or service provided. Acknowledging that there had been a number of trucks using California Avenue during the construction of Highway 4, he suggested that would continue until the completion of the project. What had been presented was a long-term version of the truck routes.

Vice Mayor Kee questioned whether or not the Truck Route Map was applicable to all trucks or only those requiring a permit, to which Mr. Sbranti stated that the Truck Route Map was applicable to all vehicles of a certain weight. Oversized or heavy weight trucks required a permit. The permit holder would have to be aware of the need for a permit and of the need to notify the City of any need to move an oversized/overweight vehicle.

Mayor Parent verified with Mr. Sbranti that the intent was to take the burden off of the downtown and prevent large trucks from getting to and from the downtown through other routes.

While the burden would be relieved for Tenth Street and Railroad Avenue, Mr. Sbranti stated that those streets would not be removed from the Truck Route Map. He noted some of the other concerns related to other routes to the downtown. He added that the larger loads were offered the most direct routes.

Councilmember Glynn emphasized the need that the Truck Route Map be clear as to how, where and when trucks could travel in the City. He also noted that there was no formal agreement with the County or with Bay Point to run trucks in those directions.

Mr. Sbranti pointed out that as the City issued wide load permits, so did the County and other communities where similar permits would be involved. In response to the Mayor, he stated that Mr. Ohlson's suggestion for adding Loveridge Road between Leland Road and Buchanan Road into the route was feasible. He would discuss that issue with the group that had been working on the ordinance, including the annual permit holders, Traffic Division staff and Police Department staff who had crafted the proposal.

As to whether or not the ordinance could be amended at the second reading, City Attorney Ziegler stated that the item would have to be renoticed if there was a substantive or significant change.

Mayor Parent recommended that the item be reconsidered, particularly where Railroad Avenue was concerned and in light of the recommendation offered by Mr. Ohlson, with a return to the Council at its next regular meeting.

When asked, the City Attorney recommended that the public hearing be continued to the next meeting on March 7, 2005 at 7:00 P.M. By consensus, the public hearing was continued to that time.

2. **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 this meeting and continue it to the next regularly scheduled City Council meeting on March 7, 2005.

Mayor Parent opened the public hearing. There was no one to speak to the item. The public hearing was continued to the next Council meeting on March 7, 2005.

Vice Mayor Kee reported that Ramar Foods was a client. He therefore recused himself from the next item and left the dais and the Council Chambers at this time.

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

Planning Director Melissa Ayres reported that the Council was being requested to rezone 2.27 acres located at 335 Central Avenue from a CN (Neighborhood Commercial) to a CS-O (Service Commercial with a Limited Overlay) District in order to allow a frozen food processing facility on the property with a conditional use permit. The application had been presented to the Planning Commission and had been approved by the Commission on February 8, 2005.

Ms. Ayres advised that the applicant, Ramar Foods, was an established business in the community with two current sites, on Railroad Lane and on Garcia Avenue.

Ms. Ayres reported that the current sites had been operated in a quiet manner with minimal annoyances. Air filters were used on exhaust fans to keep odors from escaping the site. Truck traffic was not considered to be a concern given that smaller trucks were utilized. She added that the Planning Commission would have the ability to consider the actual design, site plan and landscaping proposed as part of the project to ensure that it would be compatible with surrounding areas.

There was no fiscal impact associated with the project. It was recommended that the City Council adopt the Negative Declaration, and introduce, waive further reading and pass to second reading the proposed ordinance establishing a new CS-O District.

Councilmember Johnson supported the project, stated that Ramar Foods was a benefit to the community and that the proposal would represent a good project.

Mayor Parent opened the public hearing for Ordinance 05-1239. There was no one to speak for or against the ordinance. Mayor Parent closed the public hearing for Ordinance 05-1239.

On motion by Member Johnson, seconded by Councilmember Glynn and carried by the following vote to adopt the Negative Declaration and introduce Ordinance 05-1239 by title only and waive further reading.

Ayes: Casey, Glynn, Johnson, Parent
Noes: None
Absent: Kee [Recused]

Vice Mayor Kee rejoined the Council at this time.

4. **RESOLUTION 05-10234** Update Regarding Abatement of Public Nuisance Present at 5 Industry Road

City Attorney Ziegler reported that at the December 20, 2004 City Council meeting, the City Council conducted a code enforcement hearing regarding 5 Industry Road. Based on the evidence and testimony presented during the hearing, the Council declared the property to be a public nuisance and ordered the property owner, Bashir Rahimi, to complete the abatement of the property within sixty (60) days of the date of posting on the property a notice of the Council's adoption of Resolution 04-10196. City staff posted notice of Resolution 04-10196 on December 21, 2004; thus, the abatement of the property was to be completed by February 18, 2005. To date, Mr. Rahimi had not completed the abatement of the nuisance present on the property. Staff recommended that the Council authorize staff to take initial steps as to abatement of the property and charge the costs thereof to Mr. Rahimi.

Ms. Ziegler reported that the violations related to trash at the site, the parking of vehicles, and the like. A number of pictures taken of the site this date were presented to the Council. She reported that some progress had been made.

The building on site had been removed, as had some vehicles and some trash and debris. While there had been significant process, the abatement was not to the level requested by the City Council.

The City's fiscal impact would depend on the course of action taken by the Council to have the abatement completed. The Council could direct City staff to abate the property pursuant to Pittsburg Municipal Code (PMC) Section 1.24.070 with a related fiscal impact. The fiscal impact, estimated at \$15,000 could be paid by funds advanced by the Redevelopment Agency or the City could recover the costs of abatement and repay the Agency by billing the property owner or by placing a lien on the property once the abatement had been completed pursuant to PMC Section 1.24.010. The Council could also grant Mr. Rahimi additional time to abate the conditions on the property. If the abatement was completed during the extended abatement period, there would be no fiscal impact to the City.

Ms. Ziegler recommended that the Council authorize City staff to pursue clean-up of the property on or after March 7, 2005 to allow the property owner to complete the clean-up of the property, and to allow staff to take action after March 7, 2005 up to the \$15,000 estimated cost should the clean-up not be complete at that time.

Mr. Sbranti described the significant progress on the site but pointed out in the photos the work that remained to be done.

Mayor Parent opened the public hearing for Resolution 05-10234.

BASHIR RAHIMI noted that he had some problems that needed to be resolved. He stated that he had removed the building. He added that the City had closed the front of his property which made it impossible to access his property with the trucks necessary to clean-up the site. He also noted that with no access to his property his property had become worthless. He stated that the City would have to immediately remove its fence closing off the front of his property or he would take legal action.

Mr. Rahimi added that the Code Enforcement Officer had prohibited his employee from accessing his property. He stated that he had contacted the Police Chief and that problem had immediately been resolved. He reiterated that he would need to have the fence removed immediately.

WILLIE MIMS, Pittsburg, representing the BPA, commented that the City had not provided the necessary assistance to Mr. Rahimi who had purchased his property in 1993 and who had never been able to develop his property since that time. He affirmed that a barrier had been constructed in front of the property, which had effectively stopped Mr. Rahimi from completing the clean up of his property. He also noted that the City had installed a camera in that area.

Mr. Mims referred to the December 20, 2004 staff report and the cost of cleaning up the property as \$62,000 at that time compared to the current estimate of \$15,000, which he stated was indicative of the significant work that had been done by Mr. Rahimi to date. Rather than have the City borrow money from Redevelopment, he suggested that the City loan the \$15,000 to Mr. Rahimi from the Enterprise Zone to allow Mr. Rahimi to clean up his property. He reminded the City that there was a Memorandum of Understanding (MOU) between the City and the State regarding the Enterprise Zone. He asked the identification of the City's program manager of the Enterprise Zone.

CHARLES SMITH, Pittsburg, acknowledged the work that Mr. Rahimi had done on the site and the fact that he had separated waste from refuse. He described some of the items, the wood, the sheet metal and the fencing that could be reused, which he stated was not trash. He suggested that the amount of trash on the property was minimal. He also commented that the new fencing on the property had prohibited Mr. Rahimi from bringing in the large tractor/trailer trucks which could have been used to remove the vehicles on the property.

LONELL NOLAN, Pittsburg, agreed that Mr. Rahimi had made great strides to remove the debris on his property. He too questioned the City's definition of debris in that Mr. Rahimi had separated the items between what could be reused and what could not be reused. He suggested that the City was harassing Mr. Rahimi and he questioned why his property was being abated when others in the City of similar condition were not.

Mr. Nolan noted the plan to build another structure on the Rahimi property. He stated that Mr. Rahimi had submitted a redevelopment application to the City and had been denied. He suggested that Mr. Rahimi had been harassed by the City.

Mr. Rahimi reiterated his concern for the City's closure of his property, for the continued problems he had developing the property, for not being able to park his own car on his own property, and for his inability to use his easements to access his property.

Mayor Parent closed the public hearing for Resolution 05-10234.

Councilmember Casey stated that the issue had been ongoing for three years and that three City Managers had been attempting to work with Mr. Rahimi to clean up his property. He stated that three years ago, 15 properties had been identified for code enforcement, including Mr. Rahimi's property. Of those 15 properties, two remained to be cleaned up.

City Manager Grisham stated with respect to the issue of the fence that the fence was on property owned by the City of Pittsburg. He stated that Mr. Rahimi would have had difficulty backing a semi in that area given that prior to closing off that property, Mr. Rahimi had stored a number of wrecked cars, with batteries and oil containers sitting on the bare ground. That portion of the street had been closed off given that Mr. Rahimi had no right to park cars or store materials in that area and had no right to damage City property.

Subsequent to that time, additional issues had developed on the property which now included inoperable vehicles and various car parts, along with an illegal sewer connection.

The City's fiscal impact would depend on the course of action taken by the Council to have the abatement completed. The Council could direct City staff to abate the property pursuant to Pittsburg Municipal Code (PMC) Section 1.24.070 with a related fiscal impact. The fiscal impact, estimated at \$15,000 could be paid by funds advanced by the Redevelopment Agency or the City could recover the costs of abatement and repay the Agency by billing the property owner or by placing a lien on the property once the abatement had been completed pursuant to PMC Section 1.24.010. The Council could also grant Mr. Manning additional time to abate the conditions on the property. If the abatement was completed during the extended abatement period, there would be no fiscal impact to the City.

Ms. Ziegler explained that the code enforcement was solely as to debris and the fence. She recommended that the Council authorize staff to pursue cleanup on or after March 7, 2005 if the debris was not cleaned up at that time. If not removed after March 7, 2005, the City would have the authorization to remove that debris and would also follow up with the inoperable vehicles, various car parts and the illegal sewer connection. She added that at the December 20, 2004 meeting, the identified cost of \$70,000 for possible clean up would now be \$15,000. She emphasized that it would be incorrect to subtract one number from another to indicate the value of the clean up that had already occurred.

Vice Mayor Kee verified with Ms. Ziegler that the cars now found on the site were cars that had been brought to the site subsequent to the other code enforcement matter considered by the Council on December 20, 2004.

Ms. Ziegler added that storage, repair, maintenance or salvage of vehicles in any way was inconsistent with the General Plan or zoning for the properties.

Councilmember Johnson questioned whether or not the property owner had a use permit for the property.

Ms. Ziegler reported that the property owner had no use permit and no business license for the property.

Mayor Parent opened the public hearing for Resolution 05-10235.

CLAYTON MANNING, Pittsburg, commented that the items on the property did not represent debris. He described the material as equipment that he would transport to Mississippi to another auto dismantling operation. He suggested that it would take six or seven trips to remove everything from the property and transport that material to his other yard. He emphasized that the items in question were not debris. He described those items as equipment.

WILLIE MIMS, Pittsburg, disagreed with the City Attorney's opinion related to the cost of the cleanup, from \$80,000 on December 20, 2004 to \$15,000 at this time. He stated that Mr. Manning had shown significant progress in reducing the abatement.

Mr. Mims also commented that on May 23, 2003, an Abatement Notice had been served on Mr. Manning which contained 55 violations. On October 21, 2004, Mr. Manning had been served another abatement notice which contained 53 violations. On December 4, 2004, another notice had identified seven or eight code violations. With respect to the current staff report, he commented that only two violations had been identified, which had been reduced to one violation. As such, he stated that Mr. Manning had done considerable work in addressing the Council's concerns. He also commented that the business was located within the Enterprise Zone which was to benefit all of the businesses within.

CHARLES SMITH, Pittsburg, presented a handout on brownfields. He too expressed concern with the change in cost from \$80,000 on December 20, 2004 to a \$15,000 cleanup cost at this time. He stated that the property owner would remove the items on the property that were reusable. He suggested that little debris, in the form of wood and cement, had to be removed from the property. Everything else was reusable.

Mr. Smith referred to a note from US Steel to the City in August 2000 related to brownfields and presented the Council with a copy of the note.

LONELL NOLAN, Pittsburg had submitted a card to speak but gave his time to Mr. Smith.

Mr. Smith suggested that the City Attorney should ask staff what it would do with the \$15,000. He presented some information on brownfields.

Given his litigation against the City, Mr. Rahimi suggested that according to the Brown Act Councilmember Casey was not to participate in the discussion.

Mayor Parent closed the public hearing for Resolution 05-10235.

Councilmember Johnson verified that the \$15,000 represented the estimate of what staff believed it would take to remove the debris from the site and leave it an empty lot.

Mr. Sbranti described the \$15,000 as a ballpark estimate of the work required to abate the nuisance.

Councilmember Johnson commended Mr. Manning for the installation of the new fence on the property.

Mayor Parent acknowledged the work that Mr. Manning had done to reduce the nuisance, although she expressed concern for the additional violations on the property. She added that staff had been generous to suggest additional time to abate the nuisance.

Vice Mayor Kee emphasized that the City had been promised by the property owner

that the violations would be abated within sixty days, which had not occurred. He suggested that the additional two week extension would allow the property owner to complete the abatement of the remaining items prior to March 7, 2005. With the completion of those items there would be no need for the City to take further action.

Councilmember Johnson asked Mr. Manning if it was his intention to take the tires on the property to Mississippi.

Mr. Manning reiterated that the City was calling his equipment debris and he asked for a clarification from the City on its definition of debris. He also asked for a breakdown of the reported \$15,000 cost to abate the property.

On motion by Vice Mayor Kee, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10235, to begin on or after March 7, 2005.

6. **RESOLUTION 05-10236** Public Hearing and Approval of the Issuance of Multifamily Housing Revenue Bonds by California Statewide Communities Development Authority for Financing the Acquisition and Renovation of Fountain Plaza Apartments

Director of the Redevelopment Agency Garrett Evans advised that Fairfield Affordable Housing LLC had requested that the California Statewide Communities Development Authority issue multifamily housing revenue bonds in an anticipated principal amount of \$21,000,000 to provide financing for the acquisition and rehabilitation of the development. The Internal Revenue Code of 1986 required that a public hearing be convened by the duly elected representatives of the jurisdiction in which the development was located and that said representatives approve issuance of the bonds.

There was no fiscal impact given that there was no financial commitment by the City or the Redevelopment Agency by authorizing the issuance of the bonds.

Mr. Evans recommended that pursuant to provisions and requirements of the Code, the City Council approve the issuance of \$21,000,000 in multifamily housing revenue bonds by the authority and further authorize the City Manager to take all actions as may be necessary to implement the corresponding resolution.

Councilmember Johnson verified with Mr. Evans that as broad a distribution of units as possible had been proposed to avoid restricting units to Very Low or Low Income categories.

Vice Mayor Kee verified that the City would have no responsibility for the bonds. He was advised by Mr. Evans that as part of the Joint Powers Agreement (JPA), the City was relieved of any obligation or payment incurred by the Authority. The debt was solely pursuant to the item itself.

The representatives of Orrick Herrington in the audience nodded their agreement

that the City would have no responsibility for the bonds.

Mayor Parent opened the public hearing for Resolution 05-10236.

PAUL KIDIRKA with Fairfield Affordable Housing, thanked the Council for the opportunity to partner in the affordable housing project.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, stated that the City was bonding the property and investing heavily in the rehabilitation of the property. He stated that Pittsburg bicyclists had requested that bike lanes be striped on the street in front of the complex, although given the width of the road the painting of bicycle lanes would reduce auto parking. Having been told that there was not enough nexus between the property and the City to be able to order the striping of the bike lanes, he requested that the street, on the East Contra Costa Bikeway Plan as a future bicycle facility and on the City's General Plan as a bicycle facility, be appropriately modified to create bicycle access, particularly since there was sufficient off-street parking to meet General Plan requirements. He asked the City's Traffic Engineer to revisit the issue.

Mayor Parent closed the public hearing for Resolution 05-10236.

To Mr. Ohlson, Mayor Parent stated that there was no City money associated with the item, which related only to the bonds.

Vice Mayor Kee advised Mr. Ohlson that the item might be considered by the Planning Commission at which time the issue of bicycle lanes could be considered.

On motion by Councilmember Glynn, seconded by Vice Mayor Kee and carried unanimously to adopt Resolution 05-10236.

CONSIDERATION

1. **RESOLUTION 05-10237** Hillview Junior High School Request for Community Sponsorship Funding

Recreation Director Paul Flores reported that the Hillview Junior High School History Department was planning a student educational excursion to Washington, D.C. and Gettysburg. This excursion would include 20 students who had met excursion standards. To assist with the funding of this excursion a Request for Community Sponsorship Funds in the amount of \$2,000 had been submitted to the Recreation Commission. The Commission had reviewed the request and recommended City Council approval.

The fiscal impact would be \$2,000. Funding for the request had been identified in account number 10-1100-7570.

Mr. Flores recommended the adoption of the resolution approving the Hillview Junior

High School request for Community Sponsorship Funds in the amount of \$2,000.

LAURA FRANCES and Jeanine Alvoy thanked the Council for considering the request for sponsorship funding.

JEANINE ALVOY commented that the trip would be a great learning experience. She thanked the Council for considering the request.

Vice Mayor Kee requested that the students return to the Council after the trip to offer a brief presentation of what had been learned on the trip.

WILLIE MIMS, Pittsburg, as the Education Chair of the East County NAACP, requested that the Council support the sponsorship funding to show not only the District but the City that it supported education.

Councilmember Casey asked the City Manager to evaluate the process since the item was an educational, as opposed to a recreational item.

Mr. Grisham stated that the reason the item had been considered was that it had been established through the Leisure Services Commission, which included educational items. The Leisure Services Commission had since been renamed to the Recreation Commission.

Mayor Parent agreed that the Recreation Commission should consider more than sports and consider cultural items as well.

Vice Mayor Kee recommended that each of the kids and teachers be sent away with a City of Pittsburg pin to show pride in his/her city of origin.

Councilmember Johnson suggested that the Youth Commission also become involved in such projects.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10237.

2. **RESOLUTION 05-10238** Allocating Funding and Awarding a Consultant
Combined w/CC 05-1031 Agreement to Hansen McArdel Inc. for the Design of Contract 2004-13, Highlands Ranch Park and Making Certain Findings in Connection Herewith

Director of the Redevelopment Agency Garrett Evans stated that Contract 2004-13, Highlands Ranch Park Project, to be constructed on a 10-acre site in the Highlands Ranch Subdivision. Approximately half of the park site is utilized as a detention basin. The detention basin was intended to have a multi-purpose field located at its bottom.

The remainder of the site outside of the basin was planned to include a soccer/multi-

purpose/baseball field, volleyball court, basketball court, tennis courts, parking, concrete paths, landscaping, irrigation, school age play structure, tot lot, pavilion and trellis. The total anticipated budget required for this park project was \$3,695,000. This project was eligible to receive \$1,076,594 of grant funding. This resolution would allocate funding for the design and construction of the park and award of a consultant agreement for design.

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

On motion by Councilmember Glynn, seconded by Councilmember Casey and carried unanimously to adopt City Council Resolution 05-10238.

CONSENT CALENDAR

On motion by Mayor Parent, seconded by Councilmember Glynn and carried unanimously to adopt the Consent Calendar, with the removal of Items e, g, and h, as follows:

- a. **MINUTES** Dated: February 7, 2005.

Approved minutes dated February 7, 2005.

- b. **REPORT** Receive and File the Quarterly Investment Report as of December 31, 2004

Received and Filed the Quarterly Investment Report as of December 31, 2004.

- c. **REPORT** Receive and File the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2003-2004 and the "Audit" Memorandum on Internal Control Structure for the Year Ended June 30, 2004

Received and Filed the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2003-2004 and the "Audit" Memorandum on Internal Control Structure for the Year Ended June 30, 2004.

- d. **RESOLUTION 05-10239** Accept as Complete, the Frontage Road Reconstruction Project, from Alta Court to Railroad Avenue, Constructed by Top Grade Construction

Adopted Resolution 05-10239.

- f. **RESOLUTION 05-10241** Review and Approval of the Growth Management Program Compliance Checklist for Calendar Years 2002 and 2003.

Adopted Resolution 05-10241.

- i. **RESOLUTION 05-10244** Approving a Request to the Metropolitan Transportation Commission by the City of Pittsburg for the Allocation of Transportation Development Act Article 3 Pedestrian/ Bicycle Funding for FY 2005-2006

Adopted Resolution 05-10244.

- j. **RESOLUTION 05-10245** Award 2004-2005 Vehicle/Equipment Purchase Contracts

Adopted Resolution 05-10245.

- k. **RESOLUTION 05-10246** Accepting Contract No. 2004-04, City Park Ball Field Lighting Rehabilitation Project (Field 1) as Complete and Authorizing the City Engineer to File a Notice of Completion

Adopted Resolution 05-10246.

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

- e. **RESOLUTION 05-10240** Accept as Complete, the Work of Improvement on State Route 4 at the Harbor Street Overcrossing, Constructed by FCI Constructors, Inc.

Councilmember Johnson sought the status of the light at Harbor Street and Bliss Avenue, reported by Mr. Sbranti that the signal had not been included in the project in spite of staff efforts working with representatives of the Contra Costa Transportation Authority (CCTA) and Caltrans. He stated that staff was in agreement with the concern and would like to see the signal included in the list of projects to be submitted to the Council.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10240.

- g. **RESOLUTION 05-10242** Authorize Winter Chevrolet Inc. and Winter Honda Inc. 2004-05 Semi-annual Distribution Payments

- h. **RESOLUTION 05-10243** Authorize Mazzei Pontiac-Cadillac's 2004-05 Semi-annual Distribution Payments and the City of Antioch's Payment

For items g and h, Councilmember Johnson stated that he had spoken with the City Attorney and with the Economic Development Director regarding the structure of the semi-annual distribution payments.

Councilmember Johnson sought clarification of the authority under the agreement for

the payment of funds under the Pittsburg Power Company Reserve Fund and not through the City's General Fund.

Finance Director Marie Simons advised that the funds had originated from the sale of the power plant to Calpine, through a sale of \$15.6 million. She noted that \$6 million had been set up as a reserve in the Pittsburg Power Company. The funds had been transferred from the Power Company to the General Fund to provide more flexibility and fewer restrictions. As such, the \$6 million had been clearly tracked by staff and had then been transferred from the General Fund to an Economic Development Reserve Fund to ensure that the funds would be used for economic development activities. She emphasized that the history of the funds had been documented.

Councilmember Johnson noted that the funds had been transferred but he did not see where the companies would be paid funds from the structure. He wanted to clarify the statement in the documents for the use of the money.

Ms. Simons commented that while not working for the City at that time, she understood that the funds from the sale of the power plant would be used for the agreement and the trail of the funds to be used for the agreement had clearly been tracked by staff.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10242.

On motion by Councilmember Johnson, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 05-10243.

ADJOURNMENT

The City Council adjourned at 9:48 P.M. to a Special Meeting on February 28, 2005 at 6:00 P.M.

Respectfully submitted,

Lillian J. Pride, City Clerk

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