

CITY OF PITTSBURG
City Council Minutes
January 3, 2005

Mayor Nancy Parent called the meeting of the City Council to order at 7:07 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 5:30 P.M. for Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APN 073-200-021-1 and APNs 085-130-006; 085-141-002; 085-141-003; 085-141-004; 085-141-005; 085-141-007; 085-141-009; 085-142-001; 085-142-002; 085-142-003; 085-142-004; 085-142-005; 085-142-006; 085-143-001; 085-143-002; 085-143-003; 085-143-004; 085-143-005; and 085-143-006; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(A) regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC 828751; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case. After having met at 6:00 P.M. for Commission/Committee Interviews, the Council convened back into Closed Session at 6:49 P.M.

Mayor Parent advised that there was nothing to report from either Closed Session.

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

STAFF PRESENT

- City Manager, Marc Grisham
- City Attorney, Ruthann Ziegler
- Deputy City Clerk, Alice Evenson
- Deputy City Clerk, Delores Magallon
- 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 Finance, Marie Simons
- Police Chief, Aaron Baker

PLEDGE OF ALLEGIANCE

Ron Johnson led the Pledge of Allegiance.

PROCLAMATION

1. American Red Cross

Councilmember Casey read the Proclamation for the American Red Cross “Volunteer

Blood Donor Month.”

TRINA BRAJKOVICH, Account Manager/Donor Relations with the American Red Cross, accepted the Proclamation and thanked the Council for recognizing the importance of donating blood. She reported that the City of Pittsburg sponsored blood drives had been growing. Another blood drive had been scheduled for February 23, 2005 at City Hall.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Johnson reported on his attendance at Mr. Cleon Peterson’s funeral service. He requested that the meeting be adjourned in his memory. He noted that Mr. Peterson, a former member of the Housing Authority, had been a great individual who had enjoyed music and had donated his piano to the United Veteran’s Council.

Councilmember Glynn reported that he had installed the newly elected officers of the Fil-American Club on January 1, 2005.

Mayor Parent took this opportunity to encourage members of the public to do whatever possible through national agencies to help those in Southeast Asia who had been affected by the earthquake and tsunami on December 26. She reported that she had also asked staff to place on the City’s website information for the international contact organizations that had been identified by the National Council of Mayors.

CITY MANAGER REPORTS/REMARKS

City Manager Marc Grisham advised that Amazon.com and ebay.com had been set up with link sites that would allow donations to the Asian tsunami relief effort.

CITIZENS REMARKS

WILLIE MIMS, Pittsburg, expressed his objection to comments from the Mayor related to the Manning code enforcement issues related to 6 and 7 Industry Road which had been considered by the Council at its December 20, 2004 meeting, and the comments that had been made at that time related to the public programs available to small and minority business owners in the community. He suggested that there were discriminatory practices on the part of the City related to minority property owners regarding the availability of funds and financial assistance. He referred to two other female minority property owners who had also been impacted by a lack of City notification of available public programs that would have helped those property owners remain in business. Mr. Mims otherwise suggested that code enforcement actions should also be taken against Johns Manville for similar code enforcement issues as the Manning properties.

Referencing a document that was presented to the Council at that meeting, Mr. Mims added that the public had the right to view any documents that were presented to the City Council pursuant to Section 623 of the California Publics Act and that staff and the Council must provide such information to the public with copies of any such documents.

CHARLES SMITH, Pittsburg, read from 40 CFR (Code of Federal Regulations) Protection of the Environment, regarding the Public Participation and Programs under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act, and Section 25, 1-49 of the EPA regulations, with respect to charges for copies which should not exceed prevailing rates. With respect to Section 25.5 Public Hearings, he noted that the Agency holding the hearing shall inform the audience of the issue involved in the decision to be made, the considerations to be made and the information to be solicited from the public, and the Agency should consider allowing a public answer.

Mayor Parent stated that per counsel the procedure for public hearings was provided by the City's Municipal Code.

City Attorney Ruthann Ziegler noted Mr. Smith's quotes from the Code of Federal Regulations and the Resource Conservation federal statutes related to environmental cleanup. She noted that the Council was not bound by the procedures quoted by Mr. Smith. She also noted Mr. Mims' quotes from the Public Records Act and stated that the requirements related to the items distributed during the December 20, 2004 meeting related to the requirements of the Brown Act where written materials to be distributed to all or the majority of the Councilmembers at a meeting were of public record. If distributed during a meeting, the material was to be made available by the conclusion of the meeting to members of the public.

Ms. Ziegler stated that there was no intent on anyone's part to deprive members of the public copies of any such documents. The distribution of material during the December 20 meeting had been in conformance with applicable law and the Brown Act. Those involved had been provided with the information to the Council and she had no problem indicating that the City's actions were consistent with applicable laws.

Mr. Smith disagreed in part in that the information which had been presented to the Council during its December 20, 2004 meeting had not been done in the manner appropriate to environmental considerations.

PUBLIC HEARING

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

Due to pending litigation on the issue of Regional Transportation Mitigation Fees, Mayor Parent noted the staff recommendation that the City Council open the noticed public hearing and continue it to the next regularly scheduled City Council meeting on January 18, 2005.

City Manager Grisham referred to several issues related to regional transportation mitigation fees and since the item had been noticed to the public he recommended that the hearing be opened with no action taken, and that the hearing be continued to the January 18, 2005 meeting.

Mayor Parent opened the public hearing for Resolution 04-10199.

BRUCE OHLSON, Pittsburg, representing East Contra Costa County bicyclists stated that having attended many meetings of the TRANSPLAN Committee over the years he had come to the conclusion that the City of Pittsburg should match the transportation mitigation fees being charged by the neighboring cities of Antioch, Oakley and Brentwood. He also suggested that the County should adopt similar fees for the homes being built in the unincorporated areas of East County.

There being no one further to speak, Mayor Parent reported that the public hearing would be continued to January 18, 2005 at which time additional testimony would be taken.

2. **RESOLUTION 04-10203** Installation of Piping for Additional Reclaimed Water Irrigation Use on Several City Maintained Recreational Areas

Mr. Grisham reported that agreements related to this project had yet to be completed. It was therefore recommended that the City Council open the noticed public hearing, accept public comment and continue the item to the next regularly scheduled City Council meeting on January 18, 2005.

Mayor Parent opened the public hearing for Resolution 04-10203. There was no one to speak to the item at this time. The public hearing was continued to January 18, 2005, as recommended.

3. **ORDINANCE 05-1235**
Combined w/05-10210 Introduction 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, and Adoption of a Resolution to Initiate Proceedings to Annex the 14 Parcels into the Municipal Boundary (RZ -02-12)

4. **RESOLUTION 05-10210**
Combined w/05-1235 Introduction 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, and Adoption of a Resolution to Initiate Proceedings to Annex the 14 Parcels into the Municipal Boundary (RZ -02-12)

Mr. Grisham advised that the Planning Commission had recommended that the Council prezone 14 parcels (approximately 846 acres) located north of Willow Pass Road and south of Suisun Bay in anticipation of annexation to the City. Lands proposed to be prezoned include mainly industrial lands associated with the existing Mirant (former PG&E) power plant, open space areas situated along transmission and railroad corridors, and a

trailer park and miscellaneous commercial properties between 1000 and 1666 Willow Pass Road; APNs 085-010-006 and 009, 085-280-005, 096-092-006, 007, 009, 012, 013, and 014, 096-100-001, 004, 016, 024 and 025.

The total fiscal impact was unknown at this time. Staff did not anticipate a negative impact as a result of this annexation. Prior to annexation, the City and Contra Costa County must enter into a tax sharing agreement for all properties annexed to the City. The annexation of additional properties would increase the tax revenue to the City, but would also increase the need for public services to serve those properties.

It was recommended that the City Council introduce, waive further reading, and pass to second reading an ordinance to prezone 14 parcels surrounding or associated with the Mirant Power Plant, and that the City Council adopt a resolution initiating proceedings to annex 14 parcels surrounding or associated with the Mirant Power Plant into the municipal boundary.

Planning Director Melissa Ayres noted that a Mitigated Negative Declaration had been prepared for the project. No specific developments had been proposed at this time. The staff intent was one of control. It was recommended that the resolution that would initiate proceedings for annexing the properties be adopted which would allow the submittal of an application to the Local Agency Formation Commission (LAFCO) to proceed with the annexation.

Mr. Grisham described several factors involved with the proposal, one relating to the current Mirant bankruptcy since most of the units were not in operation and the City was uncertain of the status of the facility in the future, with the field tanks no longer in operation with inoperable fuel farms and with the passage of a bond by the Pittsburg Unified School District (PUSD) where one of its locations was being considered for the development of a 25-acre school site in this area. The City had a commitment to work closely with the PUSD, all of which had caused some concern with staff and the initiation of the annexation proposal.

Mayor Parent opened the public hearing for Resolution 05-10210 and Ordinance 05-1235.

JERRY McKEEVER, Pittsburg, reported that he managed the Riverview Mobile Home Park at 1526 Willow Pass Road in Pittsburg. He questioned what would occur with the mobilehome property which was located in the County. He inquired how residents would be affected and whether or not they would be impacted by potential increases in tax rates. He noted that there were two trailer parks in the immediate area that would be impacted and most residents were on a fixed income. Mr. McKeever also questioned whether or not the zoning of the affected properties would be changed as a result of the action before the Council.

Having worked with the West/East Contra Costa County Zoning Commission, Mr. McKeever understood that properties bordering the mobile home parks included an auto

dismantler and other businesses, some of which had been conducting illegal activities. He questioned whether or not the proposed action could impact the residents of the mobilehome parks with industrial uses. He commented that there were too many people in the area to allow businesses such as auto dismantlers, for instance, and other industrial uses that had previously imposed noxious fumes and physical impacts upon the residential uses. He questioned whether or not the City's action would void the action taken by the County which had determined the types of businesses that would be permitted.

Ms. Ayres stated that the zoning categories proposed for the site were similar to the County's current zoning standards. She stated that the City of Pittsburg's General Plan called for Industrial zoning and the City's zoning category called for Limited Industrial uses. With respect to taxes, in speaking with the Finance Director, it was her understanding that taxes would not change. Property owners should see no increase in property taxes whether located in the City of Pittsburg or the County.

Ms. Ayres added that the Code Enforcement Division would be responsible for any code enforcement issues that could be involved with the businesses that were not operating appropriately if the property were annexed into the City. If the business had a conditional use permit with conditions those conditions would be transferred to the City from the County. If the business was operating outside of the rules of those conditions, the business would be in violation of its use permit and the City would have the authority to take aggressive code enforcement action.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA) questioned the definition of rezoning and how that would apply in this case.

Ms. Ayres advised that a rezoning would apply to a property prior to its annexation to the community and would not become effective until the property had been annexed to the community. LAFCO required that the property be rezoned before it was annexed to the City so that LAFCO would be aware of the intended land use. The zoning would mirror the General Plan.

Mr. Mims clarified with staff that the rezoning would have no negative environmental impacts on the property.

CHARLES SMITH, Pittsburg, suggested that a feasibility study or a site investigation should have been pursued prior to considering the annexation of the property given the potential for pollution and other impacts associated with the property in question.

BRUCE OHLSON, Pittsburg, stated that Pittsburg bicyclists requested that any arterial or collector streets in the area in question be designated as bicycle facilities and be placed on the City's General Plan as bicycle facilities. At such time as roadwork was done, sufficient space should be included for the safe operation of bicycles on public streets. He assumed that pedestrian facilities would also be included.

DONNA REITER, San Jose, representing her parents who owned Riverview Mobile

Home Park, also expressed concern that because the mobilehome park was in a Limited Industrial area and if the park was ever sold in the future whether or not it would be able to remain as a mobilehome park use and whether or not the property values would be negatively impacted. She also questioned whether or not the mobile home park would be connected to City infrastructure and utilities if and when annexed.

In response, Ms. Ayres stated that the County General Plan and zoning were Industrial at this time. While a different category from the City's category, she stated that both were for Light Industrial uses. Suggesting that the mobilehome park was likely a legal non-conforming use in the County since it was a Residential use in an Industrial area, when annexed to the City it would remain as a legal non-conforming use unless and until the park were to make changes to the site, which changes would have to comply with the City of Pittsburg's General Plan and zoning.

Mayor Parent closed the public hearing for Resolution 05-10210 and Ordinance 05-1235.

In response to Vice Mayor Kee, Ms. Ayres stated that City staff had discussed the property in question with the community of Bay Point. She noted that there had been questions related to whether or not the City's annexation of the property would keep Bay Point from incorporating. Given the location of the site, she had been advised that the annexation represented a logical expansion of the Pittsburg community as opposed to an expansion of the Bay Point community.

Vice Mayor Kee asked that Bay Point be included as the process moved forward to ensure every opportunity for that community to voice any concerns and to ensure a good neighbor policy. He also requested clarification of the County's tax sharing revenues affecting the City.

Ms. Ayres further advised that the City had a tax sharing agreement with the County that generally applied to residential areas, although a tax sharing agreement with the County would also apply to the subject property. Future negotiations remained with the County once the Council took action on the matter.

On motion by Councilmember Glynn, seconded by Councilmember Casey and carried unanimously to introduce Ordinance 05-1235 by title only and waive further reading.

Ms. Ayres clarified that Resolution 05-10210 would initiate the annexation proceedings.

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10210.

5. **RESOLUTION 05-10211** Appeal to Approve the Tenth and Railroad Mixed Use Project (AP-04-177) (DR)

A public hearing on an appeal by the City Manager of the Planning Commission's action in not adopting design review finding and conditions of approval for the proposal by the City of Pittsburg to construct a 36,000 square foot, three story mixed-use building consisting of approximately 8,100 square feet of ground floor commercial space and 28 one and two bedroom multifamily units on the second and third floors, with 32 grade-level parking spaces on a 27,000 square foot site. The property is located at 985 Railroad Avenue and 916 Cumberland Street on the north side of East Tenth Street between Railroad Avenue and Cumberland Street; Downtown Commercial General Plan Land Use designation; APN 085-195-005, 006, and 007.

Mr. Grisham spoke to the efforts to enhance the downtown with activities sought that would result in the rebirth of the downtown area. The project was the first brought to the City Council and the Agency Board for consideration of those efforts. The project had been appealed by the City Manager based on the review of the record and comments made, that while there were many valid design considerations, the Planning Commission had expressed concerns with the unit mix [bedroom count] and parking. He suggested that those were program issues as related to the unit count and that the parking, which was in conformance with the General Plan and the guidelines, related to the downtown.

Director of Development Projects Randy Jerome stated that this was the first of a number of projects anticipated that would be the catalyst for improving the downtown. He noted that the site, known as the "pink palace," had been an eyesore for years, and would allow a signature building on the corner that could be developed to a scale that could denote an urban feel for the area. The Redevelopment Agency had taken steps to designate the area as a Unified Development Area, with Michael Woldemar & Associates having been retained to consider preliminary designs for a proposal for the project to consist of a mixed use development of commercial with residential on the upper floors, consistent with the General Plan for the downtown area.

Mr. Jerome stated that the intent was also to allow the Housing Authority to move into a portion of the commercial ground floor space while utilizing the more valuable ground floor space along Railroad Avenue as commercial/retail space.

Mr. Jerome described the desire for a plan that would be compatible with the old town feel of the downtown. The plan had been refined on more than one occasion. He stated that the project was very dense and was intended to be dense.

The project met all the policies and guidelines of the General Plan. While parking was constrained on the site, the Downtown Area looked to parking for residential at one dwelling unit per unit, or less in some cases, where transit oriented opportunities were located. He stated that the site had two bus lines along Railroad Avenue and along Tenth Street to the east.

Mr. Jerome added that the plan had been presented to the Redevelopment Agency Subcommittee on two occasions. The Subcommittee had supported the proposal. The preliminary plan had been submitted to the Planning Commission in November. The

Planning Commission had considered a formal review of the item on December 14. During that meeting, a motion to approve the project, as submitted, had failed to carry by a majority vote.

Mr. Jerome stated that the Planning Commission had commented on the number of dwelling units that had been proposed. 28 condominium size/style units; 12 one bedroom and 12 one-bedroom with a den, and four two-bedroom units had been proposed. He emphasized the urban feel of the proposal and commented that the proposal was not conducive to children. There were 32 on-site parking spaces that would be secured with gates on either side to be used exclusively for the residential users of the site. The 8,000 square feet of commercial on the ground floor would require on-street parking. Diagonal spaces had been proposed along Cumberland Street and along Railroad Avenue to provide additional parking spaces.

Mr. Jerome noted that the Commission's comments related to concerns with the need for additional storage for the residential units, additional bicycle parking, and consideration for a separate trash area for commercial and residential units, which had been added as staff recommended conditions of approval. Other comments from the Redevelopment Subcommittee and the Planning Commission related to the predominance of street trees that could hinder the storefronts. That concern had been resolved when some of the street trees had been eliminated from the design.

Stating that parking was an issue, Mr. Jerome explained that staff had worked with the Seventh Day Adventist Church to the east to create a parking area that would serve the subject site, the church and the surrounding area in a joint use public parking area arrangement. He reiterated that the proposal was very dense, although it was more likely that single tenant users would occupy the site as opposed to fewer units that might attract more families and the need for more parking. He noted that there were no facilities that would offer recreational uses. The proposal was intended to provide tenants who might patronize the retail/commercial uses in the area.

A floor plan had been created for the proposal for the Housing Authority on the Cumberland Street side of the project. A marketing company was being sought to create the best types of uses. It had been recommended that rather than tie the design into the architectural storefronts, the tenants be allowed to dictate some modifications to the storefront elevation and sign program, which had been the reason some conditions had been added to provide some flexibility for those elements when the tenants were defined.

Mr. Jerome noted that one of the other issues raised by the Commission was that the housing would become low-income housing, particularly if the Housing Authority was located nearby. He noted that a couple of units would be designed as such, but the intent was for the proposal to be a market-rate development that would meet all the requirements that other housing proposals for residential uses would have to meet.

Mr. Jerome also commented that the issue had been raised during the Commission meeting that the structure was an historic building, although the building had not been designated as such. He stated that there had been little support by architects in

discussions with staff for the retention of the building and he suggested that would not represent an efficient use of the property. The demolition of the buildings on the site to allow the development of the proposal was considered the best use of the property.

MICHAEL WOLDEMAR, Woldemar & Associates, Richmond, stated that from a site planning point of view surrounded by Cumberland Street, East Tenth Street and Railroad Avenue, the building would represent the first building into old town. The site would include special pavement, parking along Cumberland Street, street trees and new lighting and street furniture that would set the precedent for the downtown. He noted a new plaza area in the center of the site that would face into each of the ground floor spaces that would contain a small water feature and some public art, the design and placement of which had yet to be determined and which would lead into the main entry into the elevator core to the second and third floor residential units.

The parking area would be situated across the entire north side with a gate at each end to be accessed by the residents with buttons or keys. A strong hedgerow of trees would be situated along the north edge of the property to screen parked post office vehicles visible from that side of the property. The third floor units would have a view of the post office vehicle parking in the area to the water's edge.

Mr. Woldemar described the materials that had been proposed. He noted that the base of the building would express the commercial uses and podium aspect with the materials on the ground floors to consist of concrete panels along the base as a wainscot around the building, with the use of aluminum storefronts subject to revision once the tenants were known. The eastern tenant would be the Housing Authority. Each apartment would have an outdoor patio space. A tower element would be at the corner of East Tenth Street and Railroad Avenue, which could be used as a vertical sign to announce the entry to the downtown area. Landscaping would be provided around the perimeter of the site with some of the street trees to be eliminated around the storefront areas to ensure that the commercial spaces enjoyed greater visibility.

Mr. Grisham reported that satisfactory agreement had been reached with the property owners for the sale of both affected properties. He noted that questions had been raised with respect to the placement of the Housing Authority at the site and how Housing Authority vehicles would be parked. He noted that the vehicles would be maintained as were other vehicles at City Hall. Housing Authority inspectors and staff would pick up the vehicles at City Hall. With respect to the ownership model, Mr. Grisham envisioned that the site would be leased to the Housing Authority and the Housing Authority would own the building.

As to the appropriateness of that structure, Ms. Ziegler stated that whether leased or owned by the Housing Authority, either way was legally permissible.

The Redevelopment Agency had authorized a preliminary budget of \$6,500,000 for the construction of the project.

It was recommended that the City Council adopt a resolution upholding the appeal

and approving AP-04-177 (DR) with the modified conditions of approval.

Mayor Parent opened the public hearing for Resolution 05-10211.

TOM LaFLEUR, Pittsburg, commented that while he liked the project and had viewed developments in the City of Pinole which had been designed by Woldemar & Associates, he sought the retention of as much of old town as possible. He presented a handout to the City Council and to Mr. Mims, which handout displayed a drawing to show a reconfiguration of the site plans with 18 all one-bedroom units. He proposed that the adjacent Elks Building, which he stated had historic value, would add to the context and urban experience of Pittsburg. He suggested that his plan would provide commercial space and community use in the existing building which could serve the Housing Authority, small tenants and a possible community space in the upstairs portion of the building.

Mr. LaFleur suggested that the urban experience should offer a variety of uses, incorporate fine old buildings with fine new buildings and existing architecture to offer a better project. It was his belief that the subject site was a historic resource. He suggested that his proposal would offer a more economic way to develop the project in a scaled down new construction proposal with increased commercial that would be less costly than the current proposal. While the number of apartment units would be lessened, he suggested that would allow the retention of the existing building with some new improvements.

BRUCE OHLSON, Pittsburg, speaking for the Board of Directors of the East Bay Bicycle Coalition, stated that Pittsburg bicyclists wanted to ensure that sufficient space would be dedicated along East Tenth Street to accommodate the safe operation of bicyclists. He commented that even if a bicycle lane was not placed along East Tenth Street, the curb should be adjusted to allow Caltrans' standard width lanes.

JAY COMO, Pittsburg, concurred with Mr. LaFleur with respect to the project. He supported the City's intent to rebuild the downtown. He suggested that while the development was within the General Plan, it also fell within the concept of new urbanism, mixed use development and the concept of Shaping Our Future. His concern was the project's conformance with a transit village. He suggested that the two bus lanes would not offer enough transit opportunities to allow a transit village to be created or make up for the lack of sufficient parking, which would place the retail at a disadvantage. He otherwise supported the project.

WILLIE MIMS, Pittsburg, representing the BPA, questioned the rationale for not designating the subject site as an historic site given the age of the structure. He referred to a list in the staff report where surrounding buildings had been designated as historic.

Mayor Parent noted that the list referenced by Mr. Mims had been prepared some time ago. It was her understanding that the issue of historic designation had not been raised prior to the development of the proposal. She noted that several months ago the Council had reconstituted its Commissions/Committees and the Planning Commission now served the function of the Historical Commission. She knew of no member of the public,

the Commission or any historical commission asking that the building in question be designated as historic other than one recent individual. She stated therefore that the current Council had not made up the list which had been prepared years ago by a previous Council.

Mr. Grisham added that while the original list had been prepared some time ago, the issue had arisen as recently as the most recent General Plan Amendment, although the historical status of the subject building had not been raised at that time. He clarified that age itself was not a designation of historic status. He reiterated that the process of historic designation was as recent as the most recent General Plan Amendment and neither the status of the "pink palace" or the Elks Lodge had been asked to be considered at that time.

Mayor Parent referred Mr. Mims to Table 9-2 of the Pittsburg Historical Resources portion of the General Plan and Page 9-27 of the Resources Conservation portion of the most recently adopted General Plan, adopted in 2001.

Mr. LaFleur also speaking to the list of historic buildings contained in the staff report and being discussed noted that the list had included buildings within the historic district. The only buildings outside of the historic district that had been added had been added at the request of the property owners themselves and those units had been outside of the historic district. He suggested that although it would be legal it would be highly inappropriate for a private citizen to go to someone else's building and propose that it be designated as a historic resource. He suggested the designation would be more appropriate when the public owned the property.

Vice Mayor Kee recognized two members of the Planning Commission in the audience to speak to the matter.

FRANK GORDON, a member of the Pittsburg Planning Commission, speaking for himself, noted that staff had raised some of the issues at the time of the Commission's review, which the Commission had discussed in length. Some of those issues related to the lack of trash enclosures for the retail spaces and the fact that City code required 200 cubic feet of storage space for residential units if converted to condominiums. None of those issues had been addressed by the architect's plans that had been presented to the Commission.

Mr. Gordon suggested that the City should have no greater rights than the rights of other developers in the City. He suggested that there had been elements missing in the proposal. The Planning Commission had voted 5 to 2 to deny the project because those elements would have been required of any other developer doing business in the City. He also emphasized the concerns related to inadequate parking to serve the project.

In response to Councilmember Glynn, Mr. Grisham stated that staff had responded to the questions raised by the Planning Commission other than the recommendation to change the size of the individual residential units. He did believe that other parking fields would have to be provided in the downtown. He suggested that more parking could be

provided in the future along Cumberland Street and in the area where the school site was located. When evaluating the project, he stated that the development was not to a standard different from other developments. All parking proposed for the project was consistent with the City's parking requirements. He added that the City would work aggressively to create more public parking fields in the downtown, particularly to take into affect the hoped for successful revitalization of the downtown.

Councilmember Johnson commented that parking cars in the open could be problematic given some security concerns. He supported the creation of carport structures or single garages, which would address the issue of storage as well. He suggested that the parking of Housing Authority vehicles could be problematic given the current parking constraints in the area of Cumberland Street. He supported negotiations with the church to create a shared parking situation. He otherwise supported the project itself and stated that it would become an asset for old town.

Mayor Parent commented that based on her experience, garages in the downtown were used for other than the parking of cars and were typically used for storage with parking on the street. She commented that in the case of her own office which was located in the downtown and in a mixed use development, she, her staff and her clients utilized the on-street parking. While oftentimes her clients could not park immediately in front of her office, parking was available within walking distance from her office. While there was occasional vandalism in the area of her office, there was also occasional vandalism in the area where she lived.

Mayor Parent supported the project, thanked staff for the work involved, and suggested that staff had done well considering the valid comments offered by the Planning Commission with respect to refuse collection for the commercial uses and the storage requirements, along with the issue of additional parking of other tenants, all of which would be addressed by the conditions of approval.

Councilmember Glynn asked the architect to be mindful of the fact that the proposal would be located at the corner of two of the busiest streets in Pittsburg. As such, he did not support any truck deliveries across the sidewalk into the commercial area storefronts at any time. He questioned whether or not there would be enough clearance for an underground garage to accommodate a commercial truck with a back door entrance to the commercial space. If not, he emphasized that issue needed to be immediately resolved.

Councilmember Casey had no problem with the project but questioned the process of the appeal with the City acting as the developer for the project. He inquired whether or not there had been any similar appeals processed by staff.

In response, Mr. Grisham explained that staff appeals were appropriate and had been pursued in the past on land use decisions.

Ms. Ziegler advised that the Pittsburg Municipal Code allowed for anyone to file an appeal to the City Council.

RON JOHNSON, Pittsburg, asked about the economics involved and questioned whether or not the City's General Fund would be subsidizing the proposal in any manner. He also inquired of the time line involved for the completion of the rental units to bring revenue to the City.

Mr. Grisham raised the concept of creating a future endowment fund in the City. He referred to a Kaiser project in the City of Pinole, to be located on City owned land that would produce \$130 million in income producing real estate assets for the City of Pinole. As a result of past State take-aways, he emphasized the need to consider a variety of financial methods. He stated that the Tenth and Railroad mixed use project would be built with redevelopment funds through the Redevelopment Agency and the Housing Authority would derive income that could be used for many Council goals, with the Council acting as the Housing Authority over the future. Over a number of years, he stated that the asset would be paid off. Economically, Mr. Grisham suggested that the project would be very attractive and there could be more income producing projects, not requiring financial subsidy, in the future.

Mayor Parent closed the public hearing for Resolution 05-10211.

Vice Mayor Kee noted that all City residents had two recycling bins, approximately 18 x 24 inches in size and if double stacked for 28 units, he stated that an area of 84 square feet would be required just for the recycling bins. He asked the architect to design the trash area accordingly.

Vice Mayor Kee verified with the architect that there would be access aisles for the handicap spaces. He also noted with respect to the historic aspect of one of the buildings, that while there were some historic aspects, he suggested that the elevation most desirable to be retained would be the one story elevation along Cumberland Street.

Vice Mayor Kee commented that the remaining sides of the building were fairly blank and did not necessarily blend into the project as designed. If demolishing the building and to acknowledge the history of the building, he suggested that a plaque or some type of monument be considered to recognize the history of the building.

Vice Mayor Kee also asked the Planning Commission since it was also serving as the Historical Resources Commission, to consider the historic buildings in the City and create an up-to-date list to identify those buildings that would need to be recognized as historic, even if not on an official register.

Vice Mayor Kee suggested that it would be unrealistic to assume that no children would locate in the residential project. As such, he urged staff to address some recreational needs of children, even if those children were just visitors to the site.

The Vice Mayor also asked whether or not there had been community meetings associated with the project. He was advised by Mr. Grisham that there had been none.

associated with the project in question.

On motion by Mayor Parent, seconded by Councilmember Casey and carried unanimously to adopt Resolution 05-10211.

CONSIDERATION

1. **MINUTE ORDER** Adoption of Council Member Committee Assignments for 2005

In accordance with the City of Pittsburg "Policies and Procedures for the City Council" adopted by the City Council on September 4, 2001 by Resolution No. 01-09475, the Mayor and Vice-Mayor shall appoint individual Councilmembers to standing and ad hoc committees and such appointments shall be approved by the entire Council at its first meeting in January following reorganization.

It was recommended that the City Council adopt by Minute Order the City Council Committees – 2005, identified as Exhibit A to the staff report dated January 3, 2005.

Mayor Parent stated that she and Vice Mayor Kee had parceled out assignments based on Council requests. She explained that in addition to the list of assignments included with the meeting agendas, there would be three Alternate positions to the PUSD Liaison Committee (Councilmember Johnson) to the Economic Development Committee (Mayor Parent) and to the Redevelopment Subcommittee (Councilmember Glynn).

The Mayor also reported that she had been assigned to Tri-Delta Transit since she had been the Chair of Tri-Delta Transit for the last six months and had taken the assignment for the Delta Sanitation District since she had served on that district for eight years and would provide some continuity since the Mayor of Antioch served a four year term on that district and the Supervisor from District V served a four year term.

WILLIE MIMS, Pittsburg, stated that he did not have a list of the assignments, to which Mayor Parent noted that the list had been published with copies available at the City Library and in the Council Chambers.

On motion by Vice Mayor Kee, seconded by Councilmember Glynn and carried unanimously to adopt the Councilmember Committee Assignments for 2005, as amended.

CONSENT CALENDAR

On motion by Councilmember Glynn, seconded by Councilmember Johnson and carried unanimously to adopt the Consent Calendar, with the removal of Item c.

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

Approved minutes dated December 20, 2004.

- b. **CLAIMS** #1614 Asaad Qassem; #1624 Thomas L. Scaubato

Denied Claims #1614 Asaad Qassem and #1624 Thomas L. Scaubato

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

- c. **RESOLUTION 05-10212** Authorizing an Application and Funding Agreement to the Bay Area Air Quality Management District (BAAQMD) Transportation Fund for Clean Air Funds for Solid Waste Collection Vehicles

In response to a question from CHARLES SMITH, Public Works Director John Fuller stated that the BAAQMD provided a grant to garbage fund which would allow the City to secure a grant for Pittsburg Disposal. The City would receive the funds and disburse those funds to Pittsburg Disposal to be used to retrofit its trucks. Pittsburg Disposal could not make application directly to the State since only 10 percent of the agencies in the State operated their own garbage companies.

Vice Mayor Kee questioned whether or not the City could use the grant, to which Mr. Fuller stated that the grant would allow the City to charge and collect approximately five percent, or \$3,500, for the handling of the funds. The City would monitor the future disposition of the trucks, once retrofit.

Mr. Smith questioned how the City justified applying for funds for a profit agency.

Mayor Parent clarified that the money was only available to government agencies. Most government agencies contracted out for garbage services and the funds were rarely used as a result. There was a clause in the program where a government agency could apply for the funds with the funds to then be turned over to their franchisee, assuming that the government agency then monitored the franchisee to ensure the proper use of the funds and the retrofit equipment. The program allowed the City to receive \$3,500 for the General Fund. The grant represented a one-time opportunity.

On motion by Vice Mayor Kee, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 05-10212.

ADJOURNMENT

The City Council adjourned at 9:07 P.M. to January 18, 2005.

Respectfully submitted,

Lillian J. Pride, City Clerk

CITY OF PITTSBURG
Redevelopment Agency Minutes
January 3, 2005

Chair Nancy Parent called the meeting of the Redevelopment Agency to order at 9:08 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 5:30 P.M. for Closed Session pursuant to Section 54956.8 of the Government Code for Conference with Real Property Negotiator regarding APN 073-200-021-1 and APNs 085-130-006; 085-141-002; 085-141-003; 085-141-004; 085-141-005; 085-141-007; 085-141-009; 085-142-001; 085-142-002; 085-142-003; 085-142-004; 085-142-005; 085-142-006; 085-143-001; 085-143-002; 085-143-003; 085-143-004; 085-143-005; and 085-143-006; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(A) regarding Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC 828751; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case. After having met at 6:00 P.M. for Commission/Committee Interviews, the Council convened back into Closed Session at 6:49 P.M.

Chair Parent advised that there was nothing to report from either Closed Session.

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

STAFF PRESENT Executive Director, Marc Grisham
Legal Counsel, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
Deputy City Clerk, Delores Magallon
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 Finance, Marie Simons
Police Chief, Aaron Baker

CONSENT CALENDAR

Chair Parent referred to the second sentence of the third paragraph of Page 3 of the December 20, 2004 Redevelopment Agency meeting minutes, as it related to Willie Mims comments and a reference to the Safety Code. She advised that reference should have been to the Health and Safety Code.

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

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

Approved minutes dated December 20, 2004, as amended.

The following item was removed for discussion.

- b. **RESOLUTION 04-1019** First Amendment to the Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and WACO (dba Michael Woldemar & Associates, Inc.) and Allocation of Funding

On September 20, 2004 the Redevelopment Agency of the City of Pittsburg adopted Resolution No. 04-992 approving a Consultant Agreement between the Agency and Michael Woldemar & Associates, Inc., incorporated as WACO, to create a design for property the Agency was acquiring at the north side of East Tenth Street between Railroad Avenue and Cumberland Street. The site plan and architectural design stage had been completed for a mixed-use development to include ground floor commercial space with two stories of residential units above on the 27,000 square foot site.

Staff recommended that the Agency adopt the First Amendment to the Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and WACO which would amend the Agreement with the Architect to provide for the preparation of construction documents and construction review services for the project. The additional Scope of Services was outlined in the Exhibit B attached to the staff report dated January 3, 2005

Director of Development Projects Randy Jerome explained that the initial contract had been for the design services up to \$47,950, with Mr. Woldemar asked to prepare a bid for the preparation of the construction documents as well as bids from subcontractors which had been submitted to the City for review. The Architect had estimated \$294,000 in total requirement for the construction documents as well as a construction review including his subs. He noted that the funds would be transferred from the Redevelopment Agency into a new Northeast Tenth Street Corridor Account. A \$350,000 package had been proposed to consider all issues, including storage and trash. Questions had also been raised with respect to the scope of work that would need to be worked out. The additional funds had been proposed to accommodate the scope of work.

Vice Chair Kee noted that the estimated construction amount was \$6.5 million. He questioned whether or not those funds had been allocated for the project and whether or not the project was on the Redevelopment Project List.

Mr. Grisham advised that had not been done although a taxable housing bond issue would be available to pay for a portion of the project for the Moderate and Very Low Income housing. Beyond that he was confident that within the Redevelopment Agency budget there would be sufficient funds to pay for the project without the need to delete other identified redevelopment projects.

WILLIE MIMS, Pittsburg asked and was advised by Mr. Grisham that the proposal would have no impact on the Tenth Street Corridor project funds and that the proposal would be fully funded with the approval of the First Amendment.

Councilmember Johnson verified with staff that the item would be set up as a line item in the budget.

Mr. Grisham added that the item would be set up as part of the Capital Improvement Program (CIP) process and would be able to be tracked as a line item in the CIP.

On motion by Councilmember Johnson, seconded by Mayor Parent, and carried unanimously to adopt Resolution No. 04-1019.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned ***in Memory of Cleon Peterson***, a former member of the Housing Authority, and ***in Memory of Shirley Chisholm***, the first black woman elected to the United States Congress, at 9:19 P.M. to a regular meeting scheduled for Tuesday, January 18, 2005.

Respectfully submitted,

Lillian J. Pride, Secretary

als