

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**September 5, 2006**

Chair Michael Kee called the meeting of the Redevelopment Agency 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 5:30 P.M. for Conference with Legal Council – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433; Public Employee Performance Evaluation regarding the City Attorney; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 190 E. 3<sup>rd</sup> Street, APN 085-108-010.

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

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

**MEMBERS ABSENT:** None

**STAFF PRESENT**  
Executive Director, Marc Grisham  
City Attorney, Ruthann Ziegler  
Deputy City Clerk, Alice Evenson  
Director of Economic Development, Brad Nail  
Director of Redevelopment, Randy Starbuck  
Director of Human Resources, Marc Fox  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Police Chief, Aaron Baker

**PUBLIC HEARING**

1. **RESOLUTION 06-1149** Adoption of a Unified Development Area Bounded By Center Drive, State Highway 4, Railroad Avenue and the National Guard Armory

Executive Director Marc Grisham advised that the Redevelopment Agency of the City of Pittsburg proposed to designate a Unified Development Area (UDA) generally located south of an east/west alignment of Center Drive between Railroad Avenue and the parcel with the National Guard Armory, and north of State Highway 4, consisting of approximately six-and-a-half (6.5) acres as shown on the maps attached as Exhibit A to the staff report dated September 5, 2006. Designation of the UDA and potential future redevelopment of the UDA would provide for intense development of the southeast quadrant of the Civic Center “super block” with office uses, a restaurant pad, and a possible parking structure, depending on the intensity of future office development within the UDA.

This would provide the kind of development appropriate to be adjacent to the future

eBART station, and would assist in furthering the goals and objectives of the Redevelopment Plan for the Los Medanos Community Development Project Area.

Designation of the UDA would have no fiscal impact, although \$10,000 shall be allocated from the Agency's General-Ledger account to pay for legal fees and miscellaneous expenses associated with the creation of the UDA.

Staff recommended that the Agency Board adopt a resolution designating the UDA and authorizing the Executive Director to consider the development of potential uses such as office/commercial uses and a parking structure within the UDA.

Chairman Kee opened the public hearing for Resolution 06-1149. There was no one to speak to the item. Chair Kee closed the public hearing for Resolution 06-1149.

On motion by Member Johnson, seconded by Vice Chair Glynn, and carried unanimously to adopt Resolution 06-1149.

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

### **CONSIDERATION**

1. **RESOLUTION 06-1150**      Establishing a Matching Grant Program for the Pittsburg  
**Combined w/CC 06-10626**      Creative Arts Building Corporation

Mr. Grisham stated that the Pittsburg Creative Arts Building (CAB) Corporation was established February 28, 2006. The purpose of CAB is to raise funds for the renovation of the Creative Arts Building (also known as the Main or Big Theater and the Little Theater). The Redevelopment Agency of the City of Pittsburg is pledging to match the funds raised by CAB at a 3:1 ratio, up to \$100,000, which would be allocated from the 2004 Tax Allocation Bond reserves for the CAB Matching Grant Program.

Mr. Grisham recommended that the City Council and Agency Board adopt their respective resolutions and establish the CAB Matching Grant Program.

MELODY BAUGH, Creative Arts Building Corporation (CAB) expressed her appreciation to the City for its support and consideration of matching funds for the project. She reported that the CAB had been working hard to bring the theater to its original glory for both the City of Pittsburg and the Pittsburg Unified School District (PUSD).

CHUCK DYBDAL, CAB, also reported that the CAB would be holding a major event at the Creative Arts Building on October 7, 2006, with the Jefferson Starship Family, the Quicksilver Messenger Service and special guests. Tickets had been secured locally, nationally and internationally for that event. He suggested that the theater would be a magnet attracting people to the City.

Councilmember Parent stated that the efforts related to the restoration of the theater

was an example of the citizenry doing something on its own and which the City could add to. She noted that annual performances had been held in the theater in past years when the City had been the host of the Contra Costa Concert Guild, which had been patronized from people throughout the county. She inquired of staff whether or not the CAB could count money that had been collected over the past eight months against the dollar amount the City would provide for a matching grant.

Mr. Grisham suggested that the Council could do so and could take a more aggressive view on the dollar amount as well if that was the direction of the Council.

Councilmember Parent recommended an allocation of \$200,000 for the matching grant. She asked if funds were available for that purpose. She was advised by Redevelopment Director Randy Starbuck that the money could be found if that was the desire of the Agency Board.

Councilmember Johnson expressed his appreciation to all those working to restore the theater facilities.

Vice Chair Glynn commented that a recent article in the newspaper had discussed a 2,000 seat theater that was being sought by the City of Concord. He recommended that Concord consider joining Pittsburg in refurbishing the theater as opposed to waiting for potential plans for the Concord Naval Weapons Station area.

Mayor Kee also recognized the efforts of the CAB and the history of the theater building which was the largest theater in the county.

On motion by Member Parent, seconded by Member Johnson to adopt Redevelopment Agency Resolution 06-1150, as amended with a matching 3:1 ratio up to \$200,000 for the CAB Matching Grant Program.

On motion by Councilmember Parent, seconded by Councilmember Johnson to adopt City Council Resolution 06-10626, as amended with a matching 3:1 ratio up to \$200,000 for the CAB Matching Grant Program.

## **CONSENT CALENDAR**

Member Johnson asked that Consent Calendar Item c be removed for discussion.

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

a. **MINUTES** Dated: August 21, 2006

Approved minutes dated August 21, 2006.

b. **RESOLUTION 06-1151** Approve Owner Participation and Loan Agreement By

and Between the Redevelopment Agency of the City of  
Pittsburg and BioZone Laboratories Inc.

Adopted Resolution 06-1151.

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

- c. **RESOLUTION 06-1152** Authorizing Payment for the City of Pittsburg's Share of the Expenses Associated with the Improvements of the Los Medanos Baseball Field by East County Baseball Group

Councilmember Johnson stated that he would not support the item since the East County Baseball Group, originally established in 2004, included two members of the Antioch City Council on the Board of Directors who had voted on the expenditure of funds. He suggested that was a conflict of interest and he did not support the use of City of Pittsburg funds as a result.

Councilmember Parent explained that the East County Baseball Group had included two members from the Antioch City Council as well as two members of the Pittsburg City Council. She had been a member of that Board, having been appointed by the then Pittsburg Mayor Beals who was also a member of the Board. There had also been a representative from the City of Oakley and a representative from the unincorporated area of the City. She stated that she had regularly reported to the City Council, in public, the status of the East County Baseball Group throughout that time. She noted it was unfortunate that the Board had been unable to obtain the grant money being sought from the State and the bids for the building were so high that the project could not be financed. She explained that the Board had cut its losses and owned the plans it had purchased since most of the money expended was to the architects.

Councilmember Parent emphasized that there was support for the project from throughout East County. She added that the amount owed by the City was proportionate to its population.

Councilmember Johnson noted his understanding that approximately \$45,000 of those funds was for monthly consultant fees. He questioned the payment of funds when the project was known to be failing. He remained concerned with the payment of those fees and suggested that the City of Pittsburg should have to pay them.

Mr. Grisham reported that staff had reviewed all billing items and was comfortable with the dollar amount allocated to the City. He pointed out that all those involved were contributing to a project that would have been in the City of Pittsburg. While it was unfortunate that the ball field was not able to move forward, the consultant costs had been a result of trying to make the project work. He was comfortable that the City would be paying its fair share. He suggested that share would meet any auditing tests.

Councilmember Parent added that the consulting firm specialized in baseball and

had winnowed down different organizations that would consider bringing their teams to the City of Pittsburg. The consultant had done due diligence for a baseball program including the preparation of all financial data. The consultant had also helped with the efforts to apply for the State grant and had helped with the writing and lobbying efforts for that grant, although there had been too many applicants also seeking those grant funds and the effort had not been successful.

On motion by Member Parent, seconded by Vice Chair Glynn to adopt Resolution 06-1152, carried by the following vote:

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

### **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 8:05 P.M. to September 25, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**September 5, 2006**

Mayor Michael Kee called the meeting of the City Council to order at 8:05 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 5:30 P.M. for Conference with Legal Council – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433; Public Employee Performance Evaluation regarding the City Attorney; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 190 E. 3<sup>rd</sup> Street, APN 085-108-010.

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

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

**MEMBERS ABSENT:** None

**STAFF PRESENT** City Manager, Marc Grisham  
City Attorney, Ruthann Ziegler  
Deputy City Clerk, Alice Evenson  
Director of Economic Development, Brad Nail  
Director of Redevelopment, Randy Starbuck  
Director of Human Resources, Marc Fox  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Police Chief, Aaron Baker

**PLEDGE OF ALLEGIANCE**

Eddie Hart led the Pledge of Allegiance.

Mayor Kee considered the following general City Council items at 7:06 P.M. prior to pursuing the Redevelopment Agency agenda.

**COUNCILMEMBER REPORTS/REMARKS**

Councilmember Parent reported that she had attended the recent Farmers Market. She also reported that the Delta Diablo Sanitation District (DDSD) Household Hazardous Collection facility, which in 2005/2006 its third year of operation served more customers than in prior years, had experienced a 32 percent increase due to the opening of an additional bay, an increase in business hours, and public outreach efforts. The facility had also experienced a noticeable increase in waste through small business programs. She explained that as of May 15, 2006, electronic waste was being accepted with a small fee.

Councilmember Parent also reported on the e-waste expenses out of pocket for the DDSD and money taken in from the e-waste. She noted the overall financial impact to the DDSD to provide the facility which was providing a service to the community. She further commented on the effectiveness of the DDSD's fluorescent bulb waste campaign through cooperation with Orchard Supply Hardware.

Councilmember Johnson reported that he had attended the dedication for West Leland Road, had attended the City Employee Picnic and had attended a Disabled Americans Veterans meeting.

Vice Mayor Glynn reported that he had attended a Kiwanis Club meeting, a Tri Delta Transit meeting, a transportation planning meeting, the West Leland Road dedication, the Grand Opening of the Outback Steakhouse, the recent Car Show, and the last of the Hot August Nights at the Liberty House.

City Manager Marc Grisham explained in response to Councilmember Parent that he had agreed to match the amount that City Employees had donated to the Small World Park Ferris Wheel.

Mayor Kee reported that he and the City Manager had met with representatives of the East Bay Chapter of the American Institute of Architects (AIA), of which he was a member, who would be planning a design charrette for a portion of the downtown and around the City in conjunction with the 150<sup>th</sup> Anniversary of the AIA.

Mayor Kee also reported on his attendance at the Grand Opening of the Outback Steakhouse and the West Leland Road Extension, which now connected the entire community. In addition, he had judged the Pasta Competition at the recent Farmers Market. He announced that a delegation of 13-14 year old students had visited from Pittsburg's Sister City - Shimonoseki, Japan. He took this opportunity to thank Recreation Director Paul Flores, John and Doris Bedford, the entire Recreation Department and the host families associated with that visit.

Mayor Kee also reported that the Chipotle Restaurant would be opening very soon in the same shopping center as the Outback Steakhouse.

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

Mr. Grisham also commented on the recent dedication of the West Leland Road Extension, and the Grand Opening of Chili's, Outback Steakhouse and Chipotle restaurants. He advised that the Vidrio project in Old Town had commenced with the first phase of development. The development was moving fast with the first phase to be completed next summer. The Gateway mixed use development was also progressing well.

Mr. Grisham reported that the PUSD had started the demolition of the elementary school building with the goal to have the site cleared within the next two weeks.

In addition, the Elk's Club was nearing completion and the Marina Promenade was also moving ahead and for walking purposes would be completed prior to the Seafood Festival. He added that the Marina Promenade would be completed with both parking lots by December of this year. The Car Show was continuing with the Floor Shakers to be present on September 7. The Farmers Market continued to do well. The Seafood Festival scheduled for September 9 and 10 had also been anticipated to be a successful event.

Mr. Grisham further spoke to the fundraising efforts for the Ferris Wheel in Small World Park and the pension bond financing that the City Council had committed not to leave to future councils.

RALPH HOLMES, representing the firm E. J. De La Rosa, one of two underwriters working with the City of Pittsburg, referenced the pension bond financing and commended the City Council on the great financing for the City's future fiscal health which had saved the City approximately \$6 million in net present value, amortizing all costs over the life of the financing. He took the opportunity to present each Councilmember with a paper weight in recognition of that effort. He also spoke to the fundraising efforts for the Small World Park Ferris Wheel. He noted that he would be back at the next City Council meeting to donate a check for that project. In addition, De La Rosa would be placing posters to solicit donations for the Ferris Wheel at the Seafood Festival.

Councilmember Parent advised that she had arranged with a City Employee to prepare collection boxes for the Ferris Wheel at the Seafood Festival. She emphasized that the Ferris Wheel would be financed completely by private donations and not through the use of General Fund monies. Major donors to the project would be commemorated with a plaque at the Ferris Wheel which would be located along Harbor Street. To date, 30 percent of the costs had been raised through private pledges and donations.

Mr. Grisham added that the Fire Department was working to relocate the existing Fire Station along Harbor Street through a land swap with the City so that the Ferris Wheel could be placed along Harbor Street, which would allow Small World Park to be expanded all the way to the street.

### **CITIZEN REMARKS**

CHRIS RICHARDSON, Pittsburg, expressed concern with the closure of Marina Park which had been used by the community regardless of the efforts to close it. He presented a computer slide presentation depicting the use of the park by local residents, youth and families, the condition of the park and associated landscaping and the existing amenities. Although a new park was being built adjacent to the existing park, he urged the Council to preserve Marina Park which he described as a viable park being taken away from the community.

Mayor Kee clarified that a new park was being built directly adjacent to the existing park site. He acknowledged that he had previously spoken with Mr. Richardson on the matter and had advised him of the new park.

Mayor Kee suggested that Mr. Richardson contact the City Manager to further discuss the issue.

EDDIE HART, Pittsburg, expressed his gratitude to the City and others for the successful efforts for the youth in the community with the Track and Field/Educational Clinic. He presented a letter and a medallion to the City Council expressing his gratitude to the Council for providing assistance for the event. He also expressed his appreciation to Recreation Director Paul Flores, Ken Gray, the Pittsburg Police Department, and the Chamber of Commerce. He reported that 150 youth and 12 Olympians with current world records, coaches and parents had participated in the clinic, which had been a community wide effort. He expressed his hope that Sister City Shimonoseki, Japan would be able to participate in the next year.

Mayor Kee commended Mr. Hart's work with youth in the community.

MARY CONIGLIO, Pittsburg, reported that the Seafood Festival scheduled for September 9 and 10, 2006 would include a number of exciting events including the air show and power boat races. She commended the City Manager for his vision. She looked forward to everyone participating in the event. She thanked the Council for its cooperation.

Mayor Kee adjourned to the Redevelopment Agency agenda at 7:43 P.M. and reconvened as the City Council at 8:05 P.M.

## **PUBLIC HEARING**

1. **RESOLUTION 06-10625** Establishing Underground Utility District 2006-01 (Areas of East Tenth Street and Cumberland Street)

Mr. Grisham explained that the Redevelopment Agency was currently constructing a mixed use building at the intersection of West Tenth Street and Railroad Avenue. The construction was on three existing parcels that were to be combined into one parcel. The two parcels on the west side of the project site and nearby parcels had not been included in Underground Utility District 82-03, which was along Railroad Avenue in this area. The resolution would establish an underground utility district that would provide for underground utilities near and around the construction site along West Tenth Street and Cumberland Street. Conversion from overhead to underground utilities would be performed at no cost to private property owners in the proposed district. The resolution represented the first step in the process toward undergrounding the existing overhead utilities in the project area and would establish Underground Utility District 2006-01 as required by the Pacific Gas & Electric Company (PG&E) for use of Rule 20 funds.

Funding for the construction of the conversion of overhead utilities to underground would be provided from the Gateway Off Sites (10<sup>th</sup> & Cumberland) budget. Funding in the amount of \$500,000 of 2004 Tax Allocation Bond Proceeds and \$2,500,000 of Tax Increment Funds were allocated on May 1, 1006, with adoption of City Council and Redevelopment Agency Resolutions 06-10536 and 06-1122 respectively.

The City currently had approximately \$787,024 of Rule 20A allocation credits with PG&E available for use in design work performed by PG&E per Rule 20B. PG&E was currently preparing an update for actual credits available. Those credits would be shared with PG&E's portion of design of Underground Utility District 04-01, which was part of Contract 2004-10, Old Town Infrastructure Project.

The resolution in itself would not have an additional fiscal impact as the project funds had previously been allocated. Design work required for the underground conversion would be paid from the Contract 2004-10, Old Town Infrastructure Project account. Staff would return to the Council for necessary authorizations prior to beginning construction of the project, which included the underground utility construction.

With the exception of using Rule 20 credits, all expenses associated with converting overhead utilities to underground would be paid by the project budget including conversion expenses on private property within the district.

Mr. Grisham recommended that the City Council adopt a resolution creating Underground Utility District 2006-01 required as part of the project. It was further recommended that the undergrounding project be performed under the provisions of electric Rule 20B and the equivalent SBC rule 32.A.2 which had similar provisions for payment as Rule 20B.

Vice Mayor Glynn commented on the parcel on Eighth Street parallel to the Linear Park at the site of the former Veteran's Hall which had involved eight homes and which had included a condition of approval requiring underground utilities. He understood that area would not be included in this bundling of underground utilities.

Mr. Grisham explained that before staff returned with any more major undergrounding anywhere else in the area staff wanted to see how the Eighth to Tenth Streets major undergrounding worked in terms of costs. He was aware of the need to underground the other area as well to ensure that everything north of Tenth Street was ultimately underground.

Mayor Kee opened the public hearing for Resolution 06-10625. There was no one to speak to the item. Mayor Kee closed the public hearing for Resolution 06-10625.

On motion by Councilmember Johnson, seconded by Councilmember Parent and carried unanimously to adopt Resolution 06-10625.

## **CONSIDERATION**

1. **RESOLUTION 06-10626** Establishing a Matching Grant Program for the Pittsburg Creative Arts Building Corporation  
**Combined w/RDA 06-1150**

The Pittsburg Creative Arts Building (CAB) Corporation was established February 28, 2006.

The purpose of CAB is to raise funds for the renovation of the Creative Arts Building (also known as the Main or Big Theater and the Little Theater). The Redevelopment Agency of the City of Pittsburg is pledging to match the funds raised by CAB at a 3:1 ratio, up to \$100,000.

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

On motion by Councilmember Parent, seconded by Councilmember Johnson to adopt City Council Resolution 06-10626, as amended with a matching 3:1 ratio up to \$200,000 for the CAB Matching Grant Program.

2. **MINUTE ORDER** Councilmember Committee Assignment

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. 01-9475, the Mayor and Vice Mayor shall appoint individual Councilmembers to standing and ad hoc committees. A need currently exists to appoint two committee members to the Alternate Governance Structure ad hoc subcommittee.

There would be no fiscal impact. By Minute Order, it was recommended that the City Council appoint two committee members to the Alternate Governance Structure ad hoc subcommittee.

Mayor Kee reported that he had spoken with the Vice Mayor and that they would both serve on the ad hoc subcommittee.

On motion by Councilmember Parent, seconded by Councilmember Johnson and carried unanimously to appoint Mayor Kee and Vice Mayor Glynn as the committee members to the Alternate Governance Structure ad hoc subcommittee.

**CONSENT CALENDAR**

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

a. **MINUTES** Dated: August 21, 2006

Approved minutes dated August 21, 2006.

b. **CLAIMS** #1727, Reginald Peoples; #1729, Chester Bakari Hynes-Akil; #1731 Paul Robinson, Diane Evans, Open Hearth LLC

Denied claims #1727 Reginald Peoples, #1729 Chester Bakari Hynes-Akil, and #1731 Paul Robinson, Diane Evans, Open Hearth LLC.

- c. **ORDINANCE 06-1271** Authorizing Notification to the Department of Housing and Community Development, State of California, for the Cancellation of Enforcement Responsibilities for the Mobilehome Parks Act and the Special Occupancy Parks Act

Adopted Ordinance 06-1271.

- d. **RESOLUTION 06-10627** Authorizing Amendment No. 3 to the Consultant Agreement with RBF for Preparing an Environmental Impact Report Related to the Buchanan Road Bypass Project

Adopted Resolution 06-10627.

- e. **RESOLUTION 06-10628** Approval of Business Improvement District Consultant Agreement Between the City of Pittsburg and the Pittsburg Chamber of Commerce for 2006-2007 Fiscal Year

Adopted Resolution 06-10628.

- f. **RESOLUTION 06-10629** City Initiation of a Zoning and General Plan Study to Accommodate Future Port Activities and Waterfront Mixed-use Development Near the Terminus of Harbor Street

Adopted Resolution 06-10629.

- g. **RESOLUTION 06-10630** Authorizing the City Manager to Award the Marina Launch Ramp and Storm Drain Maintenance Dredging Contract in Excess of Financial Limit Previously Established in Purchasing Policy

Adopted Resolution 06-10630.

## **ADJOURNMENT**

The City Council adjourned at 8:11P.M.to September 25, 2006.

Respectfully submitted,

Lillian J. Pride, City Clerk  
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