

CITY OF PITTSBURG
Housing Authority Minutes
September 25, 2006

Chair Michael Kee 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 at 6:32 P.M. into Closed Session for Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding one case; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding one case.

Chair Kee advised that there was nothing to report from closed session.

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

MEMBERS ABSENT: None

STAFF PRESENT

Executive Director, Marc Grisham
Assistant Executive Director, Matt Rodriguez
Assistant Legal Counsel, Jacob Knapp
Deputy City Clerk, Alice Evenson
Director of Housing and Community Programs, Annette Landry
Interim Director of Economic Development, Randy Starbuck
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Planning Director, Melissa Ayres
Police Chief, Aaron Baker

CONSENT CALENDAR

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

a. **DISBURSEMENT LISTS** Dated: July 31, 2006 and August 31, 2006

Approved Disbursement Lists dated July 31, 2006 and August 31, 2006.

b. **MINUTES** Dated: July 17, 2006

Approved minutes dated July 17, 2006.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:45 P.M. to the next meeting set for October 16, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Redevelopment Agency Minutes
September 25, 2006

Chair Michael Kee called the meeting of the Redevelopment Agency to order at 7:46 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 6:32 P.M. into Closed Session for Conference with Legal Counsel –Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding one case; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding one case.

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
Assistant Executive Director, Matt Rodriguez
Assistant Legal Counsel, Jacob Knapp
Deputy City Clerk, Alice Evenson
Director of Housing and Community Programs, Annette Landry
Interim Director of Economic Development, Randy Starbuck
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Planning Director, Melissa Ayres
Police Chief, Aaron Baker

PUBLIC HEARING

The CITY COUNCIL convened JOINTLY with the REDEVELOPMENT AGENCY to consider the following:

1. **RESOLUTION 06-1153** Approving a Disposition and Development Agreement by
Combined w/CC 06-10633 and Between the Redevelopment Agency of the City of
Pittsburg and West Boulevard, LLC and Making Certain
Findings in Connection Herewith

Executive Director Marc Grisham reported that the Redevelopment Agency of the City of Pittsburg requested authorization by the Agency Board to sell 6-14 West Boulevard to West Boulevard, LLC, a California limited liability company for one dollar.

That would allow the development of seven single family homes (under condominium ownership) affordable to families of moderate income.

Mr. Grisham explained that the property in question had previously been acquired and cleared by the Redevelopment Agency utilizing \$730,000 of Agency Low to Moderate Income Housing funds, and was the worst property on a street of a number of properties needing remediation. He stated that a developer had been identified who could provide affordable condominium housing with a structure that would allow first-time homebuyers to purchase.

The Agency would reimburse the City for City fees related to the development in the approximate amount of \$180,000. Upon completion, the Agency would purchase one of the parcels for one dollar and incur costs for improvements to that property including a road and a gate in the amount of approximately \$100,000. If one of the units is designated for sale at a price affordable to a Very Low Income family, additional Agency funds might be required.

Mr. Grisham recommended the authorization of the resolution approving Disposition and Development Agreement (DDA) setting the terms and schedule for the transfer of the property to the developer which would develop an eight parcel condominium development to include seven single family homes to be sold at a price affordable to Moderate Income families and one parcel that would be transferred back to the Agency as access to the alley and for potential future development.

Redevelopment Law required that the Agency make certain findings regarding the costs and benefits of undertaking a development where the Agency conveyed real property for less than fair market value. That report had been prepared and published as required and there had been no comments received from the public regarding the issue to date. The acceptance and approval of the report was included in the resolution adopting the DDA.

Councilmember Johnson verified with Interim Economic Development Director Randy Starbuck that the homes would be inclusionary, with resale restrictions.

Mr. Starbuck added that the homes would be owner occupied with resale restrictions to maintain affordability for a 45 year period.

Member Parent affirmed with Mr. Starbuck that the City would continue to participate to the extent that it would have a right to approve the manager of the condominium complex, which was the mechanism the City would use to ensure that the properties, landscaping and public areas were well maintained.

Mr. Grisham explained that the CC&R's would be closely evaluated.

Member Johnson verified that the owners could not move out and rent the units and that no Section 8 housing would be allowed.

Mayor Kee opened the public hearing for Redevelopment Agency Resolution 06-1153 and City Council Resolution 10633. There was no one to speak to the item. Mayor Kee closed the public hearing for Redevelopment Agency Resolution 06-1153 and City Council Resolution 10633.

Member Parent verified that the Code Enforcement Division would continue to work with the other owners along West Boulevard. It was her hope that the proposal would help set the standard for what could be done to improve the area. She characterized the design of the proposed building as interesting and suggested that it would stand out compared to the rest of the property on West Boulevard. She supported the project in the hope that it would represent one of many things to be done to improve the area, including the school and the park that would be built in cooperation with the Pittsburg Unified School District (PUSD), and serve as a benefit to all of the neighbors and set an example for what was primarily absentee landlords on the rest of the properties.

On motion by Member Parent, seconded by Member Johnson and carried unanimously to adopt Redevelopment Agency Resolution 06-1153.

On motion by Councilmember Parent, seconded by Councilmember Johnson and carried unanimously to adopt City Council Resolution 06-10633.

CONSIDERATION

Vice Mayor Glynn advised that he would recuse himself given that he had a business arrangement with Griego and Associates relative to his campaign.

Mayor Kee stated that the Griegos were former clients. He was required to recuse himself from any involvement in the projects of former clients for one year after the termination of an agreement. In this case, that had been less than a year ago. He therefore recused himself from the item.

Councilmember Johnson served as Acting Chair at this time.

1. **RESOLUTION 06-1154** Authorizing the Executive Director to Execute a Lease Agreement and Amended and Restated Loan Documents By and Between Jason R. and Lisa M. Griego and the Redevelopment Agency of the City of Pittsburg

Executive Director Marc Grisham reported that Jason R. and Lisa M. Griego currently owned 444 and 446 Railroad Avenue (APN 085-104-001). The landlord and the Redevelopment Agency of the City of Pittsburg proposed to enter into a Lease Agreement for the lease of the property, commencing as of October 1, 2006. The Agency previously provided financing to the landlord for the redevelopment of the property and the parties desire to amend and restate the loan documents.

Mr. Grisham stated that the situation was similar to that of the Mechanics Bank where that property had been leased in order to bring a bank into Old Town after a 30-year absence. The City was also currently in the process of acquiring the U.S. Glass building where the same thing would occur to place a quality tenant.

Mr. Grisham explained that staff had been working with the Griegos for the ability of the Agency to lease a portion of their property at 444 and 446 Railroad Avenue, to be for either restaurant or retail purposes. The lease had been set up for 15 years, there were options involved and there was a desire that the lease commence immediately. He added that there was an original rehabilitation loan and a new rehabilitation loan of \$100,000 to complete the live/work space.

Mr. Grisham stated that the Agency would pay a total of \$5,048.68 in rent, of which \$990.17 would be payable in cash and the remaining portion of which shall be deemed paid via rent credit. All payments and loan funds would be derived from tax increment.

Mr. Grisham introduced Gary Wong, the current owner of two restaurants elsewhere who was interested in opening another restaurant in the City of Pittsburg.

GARY WONG, the owner of the Pear Street Bistro in downtown Pinole stated that the restaurant had been successful in that city. He characterized the Old Town area of Pittsburg as similar to Pinole where a quality restaurant could be located.

DAVID COLE, Pinole, added that Mr. Wong had invested in the Pinole community as a restaurateur and was a sponsor of many community events in Pinole. He suggested that Mr. Wong would provide a similar high quality restaurant and community sponsorship in Pittsburg as well.

Mr. Grisham expressed the desire that if the lease was approved there would be a restaurant in the space by next year. He recommended that the Agency Board authorize the Executive Director to execute the Lease Agreement on behalf of the Agency for the lease of the property. He further recommended that the Board authorize the Executive Director to execute amended and restated loan documents and allocate an additional \$100,000 to be provided to the developer pursuant to the Amended and Restated Loan Documents. It was further recommended that the Board authorize the Executive Director, with concurrence of Agency legal counsel, to make minor modifications to the Lease Agreement and the Amended and Restated Loan Documents as may be necessary.

Member Parent expressed concern with the reconstruction of the remainder of the building. She referenced the existing loan and the request for an additional loan. She asked if there was a mechanism to ensure that the loan money was being used and the work being done as scheduled.

Mr. Grisham stated that there were approved drawdowns as related to the property and that he and other City staff had been monitoring the property. He stated that he had been impressed with the work that had taken place to date.

On motion by Member Casey, seconded by Acting Chair Johnson to adopt Resolution 06-1154 carried by the following vote:

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

Chair Kee and Vice Chair Glynn rejoined the Agency Board at this time.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: September 5, 2006

Approved minutes dated September 5, 2006.
- b. **RESOLUTION 06-1155** Amendment of Consultant Agreement By and Between the Redevelopment Agency of the City of Pittsburg and SZFM Design Studio, Inc.

Adopted Resolution 06-1155.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:04 P.M. to October 2, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Pittsburg Power Company Minutes
September 25, 2006

Chair Michael Kee called the meeting of the Pittsburg Power Company to order at 8:05 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 6:32 P.M. into Closed Session for Conference with Legal Counsel –Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding one case; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding one case.

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
Assistant Executive Director, Matt Rodriguez
Assistant Legal Counsel, Jacob Knapp
Deputy City Clerk, Alice Evenson
Director of Housing and Community Programs, Annette Landry
Interim Director of Economic Development, Randy Starbuck
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Planning Director, Melissa Ayres
Police Chief, Aaron Baker

CONSENT CALENDAR

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

- a. **RESOLUTION 06-153** Approving the Increase of \$200,000 to the Pittsburg Power Company Budget for Contractual and Professional Services to Facilitate Project Development Activities

Adopted Resolution 06-153.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 8:06 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

**CITY OF PITTSBURG
City Council Minutes
September 25, 2006**

Mayor Michael Kee called the meeting of the City Council to order at 8:07 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 6:32 P.M. into Closed Session for Conference with Legal Counsel –Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding one case; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding one case.

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
- Assistant City Manager, Matt Rodriguez
- Assistant City Attorney, Jacob Knapp
- Deputy City Clerk, Alice Evenson
- Director of Housing and Community Programs, Annette Landry
- Interim Director of Economic Development, Randy Starbuck
- Director of Engineering and Building, Joe Sbranti
- Director of Economic Development, Brad Nail
- Director of Human Resources, Marc Fox
- Director of Public Works, John Fuller
- Director of Recreation, Paul Flores
- Planning Director, Melissa Ayres
- Police Chief, Aaron Baker

Mayor Kee considered the following general City Council items at 7:01P.M. prior to pursuing the Housing Authority agenda.

PLEDGE OF ALLEGIANCE

Mayor Kee led the Pledge of Allegiance.

PRESENTATIONS

1. PG&E Rebate Check

Public Works Director John Fuller reported that eighteen months ago, Ferrari Services Incorporated, the City's heating, ventilation and air conditioning maintenance contractor had proposed an upgrade of the City's energy management system for City Hall.

Mr. Fuller reported that the FSI proposal had been reviewed by PG&E and considered worthy enough to be considered for an Energy Efficient Grant. The City Council had authorized a project of \$250,000 to install 185 variable air volume zone controls, which allowed the City to better control the air conditioning and heating of the building. The new system allowed individual spaces to be turned off. He stated that over the course of the first three months of the project there was a \$26,000 reduction in the PG&E bills over the same period last year, with potential savings of \$80,000 to the General Fund over a year. He noted that the rebate from PG&E represented approximately one third of the price of the installation of the new equipment.

WANDA BRADY, representing PG&E, presented a rebate check to the City in an amount of \$67,625.64 for energy efficiency upgrades and in recognition of the outstanding achievement and commitment of the City to energy efficiency. She stated that PG&E had a long history of partnering with the City on this and other projects.

2. AdvanceCamp

STEVE HOAGLAND, the Executive Director of AdvanceCamp, a non-profit corporation holding its 7th Annual AdvanceCamp for Boy Scouts reported that this year the event had been held at the County Fairgrounds with 1,200 participants, at which time City Manager Grisham had served as a merit badge counselor and had taught Citizenship in the Community. Pittsburg Police Lieutenant Wes Bancroft had taught fingerprinting.

Mr. Hoagland thanked the City for its \$500 contribution to the event which had helped to facilitate the movement of participants from the Fairgrounds to a swimming pool away from the site. He reported that the event was held the last Friday and Saturday each September and he urged everyone to attend next year's event.

Mr. Hoagland also took this opportunity to thank the City Manager's son, an Eagle Scout, who flew in a California National Guard helicopter and who had spent significant time with the boys allowing them to sit in the helicopter, ask questions and have their picture taken.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Johnson reported that he had a nice vacation in Hawaii. He had also attended the Car Show and a memorial for Elvin Scott, a local veteran who had worked to facilitate veterans' benefits.

Councilmember Parent identified a number of anniversaries she had attended including the 25th Anniversary of Stoneman Village, the 30th Anniversary of Ready Print, a locally owned, operated and expanding business, and the Grand Opening of the Vidrio Project in Old Town. With respect to Stoneman Village, she noted that the building was in good repair, the staff was positive and the residents appeared to be happy.

Councilmember Parent reported that she had also attended the Farmer's Market which would remain open until mid-November, and an event hosted by the Contra Costa Historical Society at Black Diamond Mines. She highlighted the tour of the Black Diamond Mines, which had included a tour of the sand mines. She reported that tours would soon be open to the public.

Vice Mayor Glynn reported that he had attended the Zinfandel Dinner, the Seafood Festival, the Transportation and Planning Conference, the Mayors' Conference in Lafayette, the 30th Anniversary of Ready Print and the 25th Anniversary of Stoneman Village, along with a Tri-Delta Transit meeting, the Vidrio Grand Opening, the Car Show, and the memorial for Elvin Scott. He had also recently celebrated his birthday.

Mayor Kee stated that the Zinfandel Dinner had been exceptionally well attended as had the Seafood Festival when he had served as a judge for some of the food tasting at that event. He wished the Vice Mayor a Happy Birthday, noted the groundbreaking for the Vidrio Project, and stated that the last Car Show of the season would take place on September 28.

Mayor Kee added that between September 10 and 19, he, Brad Nail and Randy Starbuck had participated in a trip to Shanghai, China and Pohang, Korea. He commended the trip, stated that much had been accomplished for the City and that those spoken to had been very interested in future port operations in the City. He would have more to report on that trip at the next meeting.

CITY MANAGER REPORTS/REMARKS

City Manager Grisham highlighted the following:

- The last Car Show scheduled for September 28 when over 100 cars were expected;
- The Farmer's Market on Saturday, September 30 from 9:00 A.M. to 1:00 P.M.;
- Neighborhood Improvement Team meetings on Saturday, September 30 at 10:00 A.M. on Carpino Street and in the High School Village area; and
- The Grand Opening of Mariner Park from 1:00 to 4:00 P.M. with a dedication at 2:00 P.M.

CITIZENS REMARKS

GREG ENHOLM, Bay Point, announced that the television program "Pittsburg's Small World Park" taped during the 2006 Mayor's Ice Cream Social would have its premier on his cable television series "East County Challenges" at 9:00 P.M. this date. There would be three additional showings and he would advise of the time of those showings in advance..

Mr. Enholm stated that he was a High School Math Teacher. He announced his candidacy for election to the Contra Costa Community College District, Ward 3.

Mr. Enholm explained that Ward 3 included five cities and two unincorporated areas, including Pittsburg and owned and operated Diablo Valley College, Contra Costa Community College and Los Medanos College, located in Pittsburg. He highlighted his plan of action if elected. He noted, for instance, that Los Medanos College was considering the establishment of a vocational-technical high school as an integral part of its education efforts. He supported that proposal.

RICK COATS, Santa Clara, stated that he was working with the homeowners on Santa Lucia Drive. He commented that this was the first time that the homeowners had approached the Council since the slide had occurred. He explained that City staff had worked with the homeowners through long after hour meetings, phone calls and site visits, had kept the homeowners apprised of the situation and had acted on the concerns of the homeowners within staff capacity.

Mr. Coats suggested that the current situation now exceeded the staff capacity to address homeowners' concerns due to conditions out of staff's control. He stated that the homeowners believed that full completion of the slide should ensure that there was a mechanism in place between the City and the homeowners which incorporates the damaged properties suffered at the top of Slide A, the slide for Santa Lucia Drive, with some guarantee of corrective action.

Mr. Coats stated that the request was being made for some but not all of the following reasons: conditions, explanations and general scopes of work submitted by Berlager, William Lyon Homes' geotechnical firm pertaining to any corrective and weatherization methods had been sloppy and apparently produced within a short timeframe. He stated there was no consideration for the current condition of the backyards and no specific scope of work to find for weatherization. He stated that nothing but the minimum required had been done, suggesting that Lyons and Berlager consider the damage to residents on Santa Lucia Drive as of little to no consequence once the hillside remediation work required by the City was complete.

Mr. Coats explained that as a result, the homeowners on Santa Lucia Drive were extremely concerned for the long term. On behalf of the homeowners of Santa Lucia Drive, he asked the City Council to examine what could be done to provide a means and method to ensure a fair closure and provide for a clear and unambiguous exit strategy to the situation for the homeowners.

CONNIE GAXIOLA, Pittsburg, commented that she lived at Burke's property off of West Ninth Street. She explained that the City was attempting to take the building because repairs were needed to the building. She stated that disabled residents, residents who were ill and children lived in the building and had nowhere else to go. She suggested that only minor repairs to the building were required. She asked the City Council to look into the situation, to visit the site, and not to evict the residents of that apartment building.

City Manager Grisham reported that there code enforcement issues with the property.

The City Manager stated that the building owner had installed a new roof on the building and new rain gutters had been installed and that the property owner had been working with staff to address the concerns. He stated that the City's usual position was that if a person continued to make solid progress, the City would work with that party. He recognized that some progress was being made

GARY RUTLAND, Pittsburg, the owner of 1046 Santa Lucia Drive in the San Marco slide area, asked the City Council for its help given the residents' concern for the remediation of the slide. He explained that the developer had not kept those affected aware of the next steps or what was intended to complete the remediation and complete the repair. He commented that City staff could do nothing more. He asked the City what could be done to communicate with the developer to advise of the developer's intentions and the timeline to complete the repairs to the slide that had occurred on July 13, 2006, which had not been touched. He urged the need for a plan and a timeline for a complete remediation of the slide. He asked for the Council's help in defining the next steps.

City Manager Grisham stated that City staff would be meeting with the homeowners on September 26 to evaluate the available data and information. City staff would also be meeting with its Legal Counsel to discuss issues related to the situation. He expected that a report would be presented to the Council in Closed Session at its next meeting on October 2.

GUS KRAMER, the owner of property at 1054 Santa Lucia Drive, asked the City to do what William Lyons promised to do for his neighbors on July 13, 2006, on which morning half of his backyard had disappeared as a result of grading. He noted that residents had been assured that they would be made whole. He stated that had not been done. He stated that City staff had done all that it could with the authority it had. He urged the City Council to put a stop work order on the William Lyon project until the repair work had been done. He urged the Council to talk to the City Manager and the City Attorney to address the issues.

CHRIS RICHARDSON, Pittsburg, stated that two years ago he had submitted a deposition about the failings of the development plans for Marina Park. To date, he stated that nothing had been addressed.

Mayor Kee advised that the park issue was an agenda item and Mr. Richardson's remarks would be more appropriate under that item.

Mr. Richardson questioned when the land had been sold and who was involved. He submitted a letter and a CD to address his issues.

Assistant City Attorney Jacob Knapp explained in response to Mr. Richardson that there was a very specific list of items that the Government Code allowed the City Council to discuss in closed session. He explained that the list of items included anticipated or potential litigation and personnel matters. The Mariner Walk subdivision had appropriately been discussed in closed session this date. There was also an item on the agenda.

CHRIS HOTHEM, Pittsburg, the owner of 1030 Santa Lucia Drive, stated that for the past 72 days he had been living out of a suitcase and his life had been put on hold as a result of the events on June 6 and July 13, 2006. He stated that property owners were unable sell his/her homes, refinance, obtain a home equity line of credit or make any kind of improvements, and the safety and stability of the properties was unknown.

Mr. Hothem stated that property owners were currently receiving no assurance from the City or the developer that the problem would be corrected now, later or ever. He asked the City Council to consider the creation of a vehicle to ensure that whoever was found to be at fault be held responsible for all the damage caused by the two landslides. He requested that seven separate escrow accounts be set up, to be managed by the City, to ensure that each homeowner would be made whole. He suggested that solution would ease the homeowners' minds and assure them that whoever was responsible for the damages would not be allowed a quick exit.

GARY RUTLAND, Pittsburg, emphasized that residents were in limbo until someone made a decision in that no one could improve or sell the houses until the landslide had been repaired. He urged the creation of an exit strategy as to how that would be done. He emphasized that City staff had done a great job although staff could do nothing more with the current situation.

Mayor Kee adjourned to the Housing Authority agenda at 7:43 P.M. and reconvened as the City Council at 8:07 P.M.

PUBLIC HEARING

1. **RESOLUTION 06-10631** Approval of the 2005-2006 Consolidated Annual Performance and Evaluation Report (CAPER)

Director of Housing and Community Programs Annette Landry reported that the Department of Housing and Urban Development (HUD) required the City Council to review and approve the 2005-06 Consolidated Annual Performance and Evaluation Report (CAPER). This report provides a summary on the activities approved by the City Council in the 2005-06 Annual Action Plan and undertaken in the period from July 1, 2005 to June 30, 2006 and was required for all sub-recipients of Community Development Block Grant (CDBG) funds.

Ms. Landry reported that 35 sub-recipients had been funded during 2005-06 and most had met or exceeded their goals in terms of the services to be provided to Pittsburg residents. She noted that there were few challenges, although funds had been reduced over the years.

Ms. Landry advised that HUD had recommended that the City Council and the CDBG Committee for future years consider funding fewer agencies with more money given the continued reduction of funds to allow a concentration of areas of service that had more impact on the Pittsburg community.

The report represented no fiscal impact to the City's General Fund. Ms. Landry recommended that the City Council approve the CAPER subject to public comment.

Mayor Kee opened the public hearing for Resolution 06-10631. There was no one to speak to the item. Mayor Kee closed the public hearing for Resolution 06-10631.

In response to Councilmember Parent, Ms. Landry clarified that HUD's direction related to the entire grant with the exception of administrative costs. HUD had suggested that the City consider funding activities that would concentrate in a particular area or product. While 35 agencies were currently being funded with small grants, HUD had suggested funding fewer agencies with larger grant amounts.

Given the two-year cycle, Councilmember Parent requested that staff remind the Council of that direction for the next cycle, 2008-2010. She noted the difficulty funding CDBG grants given the fact that every agency had an excellent story to tell and in most cases had a record of doing what each agency said it would do.

Ms. Landry advised that a proposal for areas of concentration would be submitted to the CDBG Committee for consideration in the future.

On motion by Councilmember Parent, seconded by Vice Mayor Glynn and carried unanimously to adopt Resolution 06-10631.

2. **RESOLUTION 06-10632** Certification of the Sky Ranch II Residential Subdivision Final Environmental Impact Report (FEIR) (RZ-02-21, SUBD 8475, DR-02-48)

Planning Director Melissa Ayres advised that the City Council was being requested to review and certify the Final Environmental Impact Report (FEIR) prepared for the proposed Sky Ranch development as being prepared in compliance with the California Environmental Quality Act (CEQA). The Sky Ranch development is a 415 unit residential subdivision proposed by Discovery Builders on a 63 acre site located at the terminus of Ventura Drive, south of the existing Highlands Ranch subdivision and approximately one mile southwest of the Somersville Road/Buchanan Road intersection. She explained that ultimately the applicant would be asking for annexation of the property, a subdivision, design review and rezoning of the property. Currently, the only action requested was the certification of the EIR.

Ms. Ayres reported that the DEIR had been distributed in December 2005 for a 45-day comment period, Responses to Comments had been prepared and forwarded to those who prepared responses to the Draft EIR, and the Final EIR had addressed several issues. She identified some of those issues/impacts as loss of on-site California Salamander habitat, potential exposure of some future homes to landslide hazards, exposure of residents to wild land fire hazards and some of the units to electromagnetic fields, and to traffic volumes around Highlands Ranch development and Buchanan Road.

Additional issues related to potential exposure to noise levels above standards at second story levels related to the Buchanan Road Bypass (BRB) when constructed, temporary construction noise, dust and diesel exhaust, and filling of some natural streambeds.

Mitigation measures had been identified in the EIR to alleviate those impacts and bring them to less than significant impacts and some alternatives had been identified which would mitigate those concerns. The two categories that would not be mitigated to less than significant levels were identified as increased noise related to the BRB when constructed, as well as temporary construction dust and construction noise.

Ms. Ayres notes that construction dust and construction noise occurred with all subdivisions and was addressed by limiting the hours of construction. She emphasized that the only request of the Council at this time was to certify that the FEIR had been prepared in compliance with CEQA laws. The entitlements would be considered at a later date.

Ms. Ayres also took this opportunity to identify two impacts that had been identified in the FEIR, one of which, H.7 related to traffic impacts on Buchanan Road and which listed four mitigation measures. She noted that there was not an 'or' between those mitigation measures and the applicant was concerned that might be additive as opposed to choosing one of the four alternatives. For the record, she stated that was intended to be an 'or.'

In addition, the mitigation measure related to impact K.4 related to PG&E transformers and requiring that a study be done to evaluate impacts to determine where homes should be located. The impact measure said to do that study and included a second sentence to require the developer to set homes back a certain distance from the PG&E easement. In that case as well, that was meant to be an 'or' a study 'or' the setback from the easement.

Ms. Ayres advised that there was no fiscal impact associated with the certification of an EIR. She recommended the adoption of the resolution certifying the Sky Ranch II Residential Development Final Environmental Impact Report.

Mayor Kee opened the public hearing for Resolution 06-10632.

ALBERT SEENO III, Discovery Builders, described the long process related to the proposal and the need to prepare an environmental document. He stated that he had worked with staff and the environmental consultant to do that. He agreed with all the mitigation measures. He requested approval of the certification at this time.

CHRIS RICHARDSON, Pittsburg, noted that housing was down 35 percent. He asked why more houses were being built. He commented that Pittsburg used to be a fishery and he was not convinced that the riverbed was being properly addressed.

Mr. Richardson referred to the recent Seafood Festival and questioned how much of

the seafood at that event was local. He suggested that there was 3 to 5 percent of the waterway that remained estuary and he suggested that the remainder was developed or contaminated.

MARC PAPINEAU, Castro Valley, the City's environmental consultant, also spoke to the long process to conclude the EIR given the large number of environmental issues involved. He stated that waters or potential jurisdictional waters on the project site had been addressed and there was extensive documentation on that issue in both the DEIR and the FEIR. For waters under the jurisdiction of the US Army Corps of Engineers, the Regional Water Quality Control Board and the Department of Fish and Game, the developer would have to go through a permitting process beyond the scope of the EIR, which process had been applied. He stated there was no permit at this point.

Mr. Papineau added that the applicant would have to seek a wetlands delineation from the Army Corps of Engineers, which would decide if a wetland or a seasonal stream on the site was subject to mitigation. He explained that the amount of acreage involved in that case was under an acre in size.

Councilmember Parent spoke to the size of the EIR and the appendix to the EIR along with the Response to Comments. Given that she had not been able to finish reading all the documentation, she asked that the public hearing remain open and be continued so that she could finish reading the material. She noted a number of issues including the connection between the site and Black Diamond Estates, impacts related to traffic, the comments from the Park District, and concerns expressed to her about the increased effect on Ventura Drive from Buchanan Road north, among others.

When asked if a continuation was possible, Mr. Grisham stated that the item could be continued to the October 2 meeting, which would allow Ms. Ayres an opportunity to brief Councilmember Parent and address her concerns.

Mr. Seeno reiterated that it had taken four years to reach this point. He noted the alternatives in the EIR including the proposed project, no project, a project with the introduction of open space and a reduced lot count, and density transfers. He did not see why the item had to be postponed when there was to be no action on the project itself.

On motion by Councilmember Parent, seconded by Mayor Kee and carried unanimously to continue Resolution 06-10632 to the October 2, 2006 meeting.

3. **RESOLUTION 06-10633** **Combined w/RDA 06-1153** Approving a Disposition and Development Agreement by and Between the Redevelopment Agency of the City of Pittsburg and West Boulevard, LLC and Making Certain Findings in Connection Herewith

The Redevelopment Agency of the City of Pittsburg is requesting authorization by

the Agency Board to sell 6-14 West Boulevard to West Boulevard, LLC, a California limited liability company for one dollar for the development of seven single family homes (under condominium ownership) affordable to families of moderate income.

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

On motion by Councilmember Parent, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 06-10633.

4. **ORDINANCE 06-1272** Amending Municipal Code to Add Chapter 15.14 Entitled Maintenance of Boarded and Vacant Buildings

Mr. Grisham advised that it was necessary to establish enforceable minimum standards for vacant buildings and to provide a self supporting program for enforcing those standards. The ordinance, if approved, would establish a program to monitor vacant buildings, with owners bearing the cost of monitoring. Additionally, the ordinance would require owners to rehabilitate buildings that contribute to blight in the community within ninety days. If a building continued to contribute to blight the owner would be subject to administrative penalties. This is the first reading of the proposed ordinance.

Mr. Grisham emphasized the importance of code enforcement in the community. Because of the condition of some properties, the City was now requiring the vacation of those units. In some cases while the building had been vacated the necessary steps to properly board up the building had not occurred. The program was intended to be self funded through associated fees levied upon those property owners who had been noticed and who were required to participate. The ordinance also included means by which the City can gain reimbursement from the property owner when, because of necessity or emergency, City staff and materials were utilized to secure a building and prevent unauthorized entry.

Mr. Grisham recommended that the City Council introduce and waive the first reading and read by title only the ordinance adding to Title 15 Buildings and Construction, Chapter 15.14 entitled, Maintenance of Boarded and Vacant Buildings.

Vice Mayor Glynn questioned how the proposal would relate to properties that had been approved for development but had languished over an extended period of time. He referred, for instance, to the property where the Old Veterans building had once been located on West Eighth Street.

City Engineer Joe Sbranti explained that the code enforcement process remained to address those types of properties.

Councilmember Casey asked whether the ordinance had been used elsewhere. He was advised by Mr. Grisham that it had been based on previous effective practices.

Assistant City Attorney Matt Rodriguez reported that the cities of Sacramento, Long

Beach and Los Angeles had similar ordinances and laws.

In response to questions, Mr. Grisham stated that another piece of the issue would be to address buildings that continued to be boarded up with no activity. That issue would be returned to the Council for consideration in the future.

Mr. Sbranti added that the ordinance allowed the City to fine the owners up to \$4,500 a year, which fine would be added to the tax roll and which would add up year after year, if necessary.

When asked by Councilmember Johnson, Mr. Grisham explained that the City could not necessarily pursue resolution with the property lender although he stated that in some cases where the property owner was not available banks had been very responsive to the problem..

Mr. Sbranti also explained that the lender would be notified if the property owner was fined.

Mayor Kee noted that the City also owned vacant property. He verified that the City would be held to the same standard as would other property owners.

Mayor Kee opened the public hearing for Ordinance 06-1272.

CHRIS RICHARDSON, Pittsburg, asked what would occur if a new house was built and not occupied or sold.

Mr. Grisham advised that the proposal related to blighted buildings that were not being maintained. The proposal would not apply to a vacant building that was being well maintained.

Mr. Sbranti added that so long as the property was for rent, lease, or sale or in an immediately livable condition, it was not subject to the ordinance.

Mayor Kee closed the public hearing for Ordinance 06-1272.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to introduce Ordinance 06-1272 by title only and waive further reading.

5. **RESOLUTION 06-10634** Acceptance of Supplemental Law Enforcement Services Fund (SLESF) Grant

Mr. Grisham reported that the Pittsburg Police Department was seeking City Council authorization to accept and appropriate funds from the Supplemental Law Enforcement Services Fund 2006-2007 (SLESF).

Mr. Grisham recommended that the City Council approve the requests of the Chief

of Police to accept and appropriate funds from the SLESF and that the City Manager or designee be authorized to act on the City's behalf relative to the grant including the establishment of necessary fiscal accounting.

Mayor Kee opened the public hearing for Resolution 06-10634. There was no one to speak to the item. Mayor Kee closed the public hearing for Resolution 06-10634.

Councilmember Johnson thanked the Police Department for going through the process of securing this and other grants to benefit the City and to reduce the impact to the General Fund.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt Resolution 06-10634.

6. **ORDINANCE 06-1273** Introduction of an Ordinance to Establish a Pedestrian Retail (Zoning) District and Amend Ordinance 05-1256 Regulating Uses Within the Black Diamond (Vidrio) Development

Mr. Grisham presented the public hearing on a City-initiated project to amend Title 18 (Zoning Ordinance) of the Pittsburg Municipal Code in order to establish a new Pedestrian Commercial (zoning) District and outdoor dining permit regulations and to amend the PD District use regulations governing the Black Diamond (Vidrio) development. He explained that workshops had been held in the community to solicit input on the proposal.

Assistant Planner Alexandra Endress offered a PowerPoint presentation to summarize the proposed zoning amendments. She described the uniqueness of the district and detailed the differences between the CP-1 and CP-2 designations. She explained that the CP-1 areas existed only on the ground floor spaces adjacent to Railroad Avenue in the district and consisted primarily of restaurant, retail and entertainment uses. All spaces above the ground floor in the CP district were designated CP-2 where office, personal uses and other similar uses were permitted.

Ms. Endress explained that the non-conforming section of the Zoning Ordinance had been modified to require design review approval for compliance with the Old Town Pittsburg Design Guidelines for every building permit pulled in the CP district. Compliance with the guidelines could be reached gradually over the course of two years through a schedule for elimination or substantial reduction in non-conformities provided that progress was continually being made.

To avoid confusion, Ms. Endress described the several public outreach events and mailings to educate the public on the CP district, if adopted, which would include mailing information sheets to all businesses and property owners in the district and holding posted public workshops for businesses and property owners in the district.

That effort would also include meeting with business and property owners one year

after the option to solicit comments on the district and its impact as well as taking suggestions to potential modifications to the code.

Councilmember Parent referred to the explanation of the different uses in CP-1 and CP-2 and noted comments related to offices on the ground floor. She asked for an explanation of the statement that some offices and buildings were not conducive to retail or restaurants.

In response, Ms. Ayres referred to historical buildings, for instance, and explained that if the main entrance to the floor was not on the ground, with large steps leading to it and with small windows, the placement of large retail windows could detract from its historical significance and retail would not be forced into that building. Uses that would allow the retention of the character of that building would be allowed.

Mr. Grisham referred to the two bank buildings in Old Town as examples of a situation where the City would not want to destroy the historic character of the windows and entrance of a building.

Mayor Kee questioned what would occur with the existing non-conforming uses, reported by Ms. Ayres that under the City's existing rules, the non-conforming uses could remain forever, although if the space was empty for more than six months or more, new rules would apply.

Ms. Ayres also explained in response to the Mayor as to why government and retail offices were permitted in the CP-1 area, that government offices served a public purpose beyond normal zoning. If the City determined to place a police substation in the area there would be a public reason to go beyond the need of retail synergy. She noted that the Chamber Commerce was itself a unique business. The intent was to accommodate those uses without making them a non-conforming use.

Ms. Ayres explained that the inclusion of real estate offices represented a compromise to both serve the needs of the community and to balance the needs of the businesses. After negotiations and discussions with the Chamber and business and property owners, allowing real estate offices but prohibiting too many real estate offices was considered to add to the district. The concept of real estate offices at least 500 feet apart was recommended.

There would be no fiscal impact associated with the amendments to the code. Ms. Ayres recommended that the Council introduce and waive further reading of the ordinance adopting the Negative Declaration, amending Title 18 of the Pittsburg Municipal Code to establish a Pedestrian Commercial District and amending Ordinance 05-1256 to regulate uses within the Black Diamond (Vidrio) development.

Mayor Kee questioned whether the Housing Authority office would be allowed to

remain in the Gateway Building, to which Ms. Ayres explained that office would be on the Cumberland Side and not the Railroad Avenue side and would be in the CP-2 area. She emphasized the importance of all involved that City buildings and uses be treated the same as all others.

Mayor Kee expressed concern with how the proposal would affect offices in Old Town, particularly related to access and the difficulty of the disabled accessing second floor offices, particularly given the fact that the buildings in the downtown did not have elevators.

Ms. Ayres advised that there could be first floor access on all of the side streets on Cumberland, Black Diamond and Marina Boulevard.

Vice Mayor Glynn asked about the application of Americans with Disability Act (ADA) regulations in terms of access. He asked about the use of the post office building, as an example.

Mr. Grisham reported that the City was working with the property owner in that case. He stated that the City would make sure that the building was handicap accessible. With respect to existing buildings where a use was already in place, no ADA conversion would be required unless substantial renovations were involved.

In response to the Vice Mayor, Ms. Ayres explained that ADA requirements and improvements were covered in the building code and other parts of the City's Municipal Code.

Mayor Kee added that 20 percent of a remodeling budget was required for ADA upgrades, with specific items identified for the use of that 20 percent allocation. No additional upgrades were required beyond that 20 percent level.

Having been a tenant in a building that was now in a CP-1 office use, Councilmember Parent noted the uniqueness of that situation where there was an entrance on Railroad Avenue and an entrance on Fourth Street and where one would apply to the CP-1 and the other to the CP-2 designation. She questioned how that would be addressed.

Ms. Ayres explained in that situation there was a certain space that shared a common wall for both Railroad Avenue and Fourth Street, which areas within a certain distance from Railroad Avenue would fall into the CP-1 area. Anything that was currently an office would be allowed to be an office forever if that use continued. With a termination of that use after six months, the area would convert to CP-1 unless the building because of historical architecture or other reason could not be converted to a retail space.

Mayor Kee questioned the timeframe for build out.

A representative of Main Street Properties explained in response to the Mayor that there was an insufficient amount of available property on Railroad Avenue at this point.

With available space, he suggested that there would be an acceleration of interest. He suggested that no single retail tenant would generally move into a district that was dominated by industrial or office or service uses. He stated it was essential to create a retail spine on Railroad Avenue to create a pedestrian experience.

The Main Street Properties representative suggested that when retail space on Railroad Avenue became available, it could be absorbed within a six month timeframe. He also expected that as Vidrio developed and phased, each block would open up 100 to 90 percent leased. If there was additional retail space available in Old Town, he suggested that there were tenants larger and smaller than could be accommodated in Vidrio that would like to locate in Old Town. It was his belief that limiting the zoning to retail on Railroad Avenue would accelerate the redevelopment of the side streets and Black Diamond and Cumberland Streets since the uses that could not locate on Railroad Avenue would occupy those other spaces.

The representative suggested that the corner location of the Gateway Building was suitable for a financial tenant, a real estate office or other service use, not because the City owned the building but because there was an entire City block between the Gateway and Vidrio and it would be directly across from the school. Rather than see a failing business at that location, it would be a much better location for a financial service tenant. The retail space could then start at Eighth Street. He suggested that the City clarify early on for applicants where the retail zoned areas were located.

Mayor Kee spoke to the comment that space currently designed with current building standards could be developed relatively easily. He suggested that the only buildings that could offer those standards were the Vidrio and Gateway projects. As a result, if a tenant with a non-conforming use started moving out of the spaces on Railroad Avenue he questioned where the revenue would be generated to make those buildings suitable and attractive to potential retail tenants.

The Main Street Properties representative suggested that in negotiations with the landlord, tenant or Redevelopment Agency, those willing to make the necessary investment to secure a quality tenant would address that concern. He used examples of where that had occurred elsewhere and how that could work in Old Town.

Mayor Kee opened the public hearing for Ordinance 06-1273.

TOM LaFLEUR, Pittsburg, speaking on behalf of Pacific Community Services, Inc. (PCSI), 329 Railroad Avenue, commented that PCSI had a number of concerns with the proposed ordinance. He commented that he was pleased with the work that the Planning Commission had done on the ordinance and he urged the Council to adopt the Commission's recommendations.

Mr. LaFleur spoke to the policies in the General Plan which encouraged retail along Railroad Avenue and which did not compel retail along Railroad Avenue. He expressed

concern being compelled to ultimately offer property for uses where there might not be a market for those uses. He otherwise supported retail in the downtown. He supported the consideration of uses such as small restaurants that offered a unique character. When adopting the ordinance, he urged the Council to follow the example set with the USA Building and the Pear Street restaurant and the bank and let the developer take more risk. If adopting the ordinance and compelling retail, he supported revisiting the ordinance in one or two years to ensure that no detrimental effect had been created.

With respect to historic buildings, particularly one story buildings, Mr. LaFleur noted that 329 railroad Avenue was a one story building. As originally drafted, the ordinance would make that building a non-conforming building. He suggested that would lead to the ultimate demolition of an historic resource and he suggested it would be inappropriate to adopt such a measure without an environmental impact review. The recommendation from the Planning Commission would avoid that. He again urged the Council to follow the Commission's recommendations.

FRANK GORDON, Pittsburg, also speaking on behalf of PCSI as its President, spoke to what he suggested was spot zoning allowing a Chamber of Commerce by name while disallowing other uses and C-3 organizations, such as at 329 Railroad Avenue. He stated that other than a 5-year period, PCSI had been downtown since 1971. He suggested that the proposal would identify it as a non-conforming use. With respect to the ADA issue, he asked how that would be addressed and he asked if the City would be providing monies for property owners and tenants to accommodate the necessary improvements in that regard.

Mayor Kee read a letter from the Pittsburg Society for the Preservation of Historical Resources dated September 25, 2006 expressing concern with the provision in the proposed ordinance designating all single story buildings along Railroad Avenue from Third Street to Tenth as non-conforming buildings. The letter, signed by Linda Johnson, Frank Gordon, Cal Waite and Thomas LaFleur, was entered into the public record.

Mayor Kee closed the public hearing for Ordinance 06-1273.

Councilmember Parent commended staff for the outreach conducted with property owners, with the Chamber of Commerce and with those interested in developing the area. She commented that if the proposed ordinance did not achieve what was intended it could also be revisited, although she emphasized that time was required to develop synergy and she supported a long enough period to allow that synergy to develop in Old Town.

With respect to the PCSI building, Councilmember Parent stated historically that building was a retail use as was almost everything on Railroad Avenue, which she noted used to extend to First Street with retail, as well as on the side streets. She suggested that everything was possible and that the proposal was headed in the right direction.

Councilmember Johnson wanted to maintain flexibility. He wanted to make sure that the proposal was as flexible as possible to make sure that the right uses occupied the right

buildings to avoid future vacancies.

Mayor Kee supported the proposal but expressed concern for how the new district would affect Railroad Avenue and the business community. He agreed with a comment from Councilmember Parent that consultants had been hired to guide the City in the process and there should be consideration of that guidance. He commented that the Vidrio project and the Gateway project had been initiated to spur growth in the Old Town area without the need for City funding in every case. He asked staff to provide updates in one year to advise of the status of projected retail growth.

On motion by Councilmember Parent, seconded by Councilmember Johnson and carried unanimously to introduce Ordinance 06-1273 by title only and waive first reading.

CONSIDERATION

1. **RESOLUTION 06-10635** Adopting the National Incident Management System (NIMS)

Police Chief Aaron Baker stated that the City of Pittsburg was required to adopt a National Incident Management System (NIMS) complying with the requirements for State and local jurisdictions before September 30, 2006 as required through the Homeland Security Presidential Directive (HSPD-5). Meeting the compliance requirement of HSPD-5 would maintain the City of Pittsburg's eligibility for future disaster reimbursement and federal preparedness grant opportunities.

Chief Baker presented the background to the NIMS program that had been developed after September 11, 2001 when the Department of Homeland Security had been established and when a way to respond to national emergencies in a more coordinated fashion had been desired. He noted that the NIMS system was interchangeable with the California Standardized Emergency Management System (SEMS) in responding to crises. The NIMS system had also been modeled to allow the Department to work with County emergency operations.

Chief Baker advised that there were five components to the NIMS in the event of a disaster or emergency; command, operations, planning intelligence, finance and logistics. He explained that the system was flexible and could expand or contract as necessary. He also described the training associated with the NIMS along with the federal funding available through the program..

Chief Baker reported that the Department's certified NIMS trainer Lieutenant Mike Barbanica had recommended training private industry in the NIMS along with the Department training to work in partnership in the event of a disaster or emergency.

Chief Baker added that all Officers in the Department would be trained in NIMS by September 27 and each member of the City Council would be asked in 2007 to also attend

some of the training.

There would be training costs associated with the mandatory federal NIMS training components and 300 student manuals would cost approximately \$5,500.

Chief Baker recommended the approval of the resolution adopting the National Incident Management System (NIMS) for the City of Pittsburg.

In response to Councilmember Johnson as to how many municipalities were officially on the NIMS, Chief Baker reported that every city department and sheriff's department was currently training their officers.

Councilmember Parent verified with the Chief that previous SEMS training would not preclude members of the Council from the need to also take the NIMS training.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 06-10635.

2. **RESOLUTION 06-10636** Authorizing Adoption of the 2006 Efficiency Review of The Development Permitting Programs in the Planning and Engineering Departments – CityGate Associates, LLC

Assistant City Manager Matt Rodriguez presented for City Council review and adoption the 2006 Efficiency Review of the Development Permit Programs in the City's Planning and Engineering Departments as prepared by CityGate Associates, LLC. A recommended Action Plan had been formulated by the Consultant with recommendations and timeframes for implementation to enhance customer service programs, and to provide streamlining of the City's internal permit entitlement process in the City's Planning and Engineering Departments. The recommendations presented in the Action Plan were programmed for implementation during FY 2006/07, and subsequent fiscal years thereafter, as operational and budgetary constraints permitted subject to final approval of the City Manager.

Several recommendations had been contained in the proposed Action Plan of the Study. Specific recommendations from the subject study would be reviewed for implementation with the City Manager and a Departmental management following adoption of the Study by the City Council. Further analysis of the consultant's recommendations and associated organizational impacts to the departments, including fiscal impact analysis for budget related issues, were subject to City Manager approval. One recommendation in the Action Plan by the City Manager slated for immediate implementation was the establishment of a new Administrative Officer classification specification in the Engineering Department to assist the City Engineer with administrative and business support services.

A proposed total salary and benefit cost of \$118,000 would be realized upon establishment of the position for the remainder of FY 2006/07, and funding allocation split

between the City's Operating General Fund Budget (Fund #1110-41611) and Redevelopment Agency (Fund #801-4120).

Staff recommended that the City Council proceed to receive the overview of the study and presentation by the consultant; adopt by Resolution the 2006 Efficiency Review of the Development Permitting Programs in the Planning and Engineering Departments as presented to the City Council on September 25, 2006; and adopt the classification specification of Administrative Officer and authorize one position, and set the salary range of \$6,996 - \$7,346 to \$7,713 - \$8,099 with funding allocation to be authorized 50 percent of General Fund (#110-41611) and 50 percent Redevelopment Agency (Fund #801-4120).

JAY COREY, Principal with CityGate Associates, took this opportunity to commend the Planning and Engineering Divisions for their assistance while reviewing their operations. He noted that they looked into the organizational structure and management systems in place in both departments, the relationship between the two departments as to development permitting, relationship with the client internal customer departments, economic development and redevelopment, allocation of employees and other resources data management, personnel management and training, records management, communications, inside the departments and across department lines, the IT systems, equipment, fiscal management, relationship with citizens and customers and employee moral.

Mr. Corey noted that the employees interviewed understood the goals of the City Council and the City Manager.

As a rule, Mr. Corey reported that customers had indicated that staff members were as a rule helpful, professional and polite, although there were areas of concern. He noted that part of the process involved talking to external customers. Staff had been asked to give a list of the mixture of kinds of projects, although CityGate had chosen the customers. He highlighted the major recommendations at this time, including the institution of a development review team, to rebuild and empower the capital improvement team, institute a case management approach, institute unanticipated service, manage the money, and train on customer service. He suggested that when implemented there would be more efficiency and effectiveness in development permitting.

Councilmember Parent acknowledged that it was difficult for people who were working to take time out for an efficiency review. She was pleased with the staff cooperation and she was pleased with the recommendations to help improve the City and its staff.

On motion by Councilmember Parent, seconded by Vice Mayor Glynn and carried unanimously to adopt Resolution 06-10636.

Mayor Kee also thanked staff for its participation in the review.

CONSENT CALENDAR

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt the Consent Calendar, as follows, with the removal of Items e and f.

- a. **MINUTES** Dated: September 5, 2006.
Approved Minutes dated September 5, 2006.
- b. **CLAIMS** #1715, Eurydice Castle-Tran; #1734 Katherine Morgan
Denied Claims #1715, Eurydice Castle-Tran and #1734 Katherine Morgan.
- c. **RESOLUTION 06-10637** Update of City's Conflict of Interest Code
Adopted Resolution 06-10637.
- d. **RESOLUTION 06-10638** Amend the City's Personnel Rules
Adopted Resolution 06-10638.
- g. **RESOLUTION 06-10641** Accept a Grant Allocation from the California Department of Transportation for the Fiscal Year 2005/06 Safe Routes to School Program and That Authorizes Expenditures and Reimbursement be Made from the Contingency for Contract 04-06, the 2005/06 Citywide Pavement Rehabilitation Program
Adopted Resolution 06-10641.
- h. **RESOLUTION 06-10642** Approving the Sale of a Portion of Assessor's Parcel 088-250-038-5 to the State of California, Department of Transportation for the Improvement of State Route 4
Adopted Resolution 06-10642.
- i. **RESOLUTION 06-10643** Approving a Freeway Maintenance Agreement By and Between the State of California, Department of Transportation, and the City of Pittsburg
Adopted Resolution 06-10643.
- j. **RESOLUTION 06-10644** Approving a "Letter of Intent" By and Between the Contra Costa Transportation Authority; the State of California, Department of Transportation; and the City of Pittsburg
Adopted Resolution 06-10644.

- k. **RESOLUTION 06-10645** Declaration of Public Purpose Pertaining to the Acquisition of Excess Land from the State of California Department of Transportation

Adopted Resolution 06-10645.

- l. **RESOLUTION 06-10646** Acceptance of Oak Hills South Detention Basins

Adopted Resolution 06-10646.

- m. **RESOLUTION 06-10647** Acceptance of U.S. Department of Homeland Security Buffer Zone Protection Program (BZPP) Grant

Adopted Resolution 06-10647.

- n. **RESOLUTION 06-10648** Amending Pittsburg Power Company's Annual Budget for FY 2006-2007 to Provide for Increasing the Trans Bay Cable Project Reimbursement Program Funding by \$200,000 for Environmental Consulting Services

Adopted Resolution 06-10648.

The following items were removed from the Consent Calendar.

- e. **RESOLUTION 06-10639** Adopting a Beaver Management Plan for the City of Pittsburg as Required by the California Department of Fish and Game for Future Beaver Control Measures

CHRIS RICHARDSON, Pittsburg, suggested that if properly managed the beaver could be a draw. He noted that one of the things that beavers did was build backwaters. As such, the City's marshlands could be renewed and could sponsor new industries.

Mayor Kee verified with staff that there were a number of beaver colonies in the City, with beaver dams in floodways and streams and one in a residential area. The management plan has shown how to co exist with the beaver, before it was removed and there were a variety of tools in the management plan to achieve that goal.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 06-10639.

- f. **RESOLUTION 06-10640** Awarding Contract 2005-29, Central Park Soccer Field Project, to Planned Environments, Inc. of Concord, California for Construction of a Soccer Field at Central Park

Mr. Grisham stated that the Council had set a strong goal for the creation of soccer fields in the community which was being done in areas throughout the community. He

noted that the subject field was one of several that would be underway in the future.

Councilmember Johnson referred to the grass soccer field and verified with staff that there would be a bigger tournament field at City Park where artificial turf would be used.

Mr. Grisham explained that the larger tournament field would be located at City Park which would be working with the artificial turf to see how it worked. The subject field would be a grass field and the City would install an irrigation system, all included in the subject item. It was also likely staff would return at a future date or during construction and recommend the inclusion of the installation of lighting.

CHRIS RICHARDSON, Pittsburg, commented that he was pleased to see the item given that a field behind St. Peter Martyr School was being destroyed. He questioned the logic of destroying one soccer field adjacent to a school which had been heavily used and building another soccer field elsewhere.

Councilmember Johnson commented that the development of the soccer field at Central Park was a long time coming. He was pleased with the proposal.

On motion by Councilmember Johnson, seconded by Councilmember Parent and carried unanimously to adopt Resolution 06-10640.

Mr. Grisham advised that a soccer field was also being developed at Highlands Ranch Park and would be completed by November.

Mr. Sbranti stated that there was another soccer field under construction at Delta School in San Marco, offering five dedicated fields in the community.

ADJOURNMENT

The City Council adjourned at 9:58 P.M. *in memory of Moses Coleman* to a regular meeting of the City Council on October 2, 2006.

Respectfully submitted,

Lillian J. Pride, City Clerk

als