

CITY OF PITTSBURG
Redevelopment Agency Minutes
August 7, 2006

Chair Michael Kee called the meeting of the Redevelopment Agency to order at 7:25 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 3745 Railroad Avenue, APN 088-061-025; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 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 Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Planning, Melissa Ayres
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Police Captain, William Zbacnik

PUBLIC HEARING

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

1. **RESOLUTION 06-1142** Authorizing the Transfer of \$5,000,000 from the Agency
Combined w/CC 06-10603 to the City of Pittsburg

Assistant City Manager Matt Rodriguez stated that the City of Pittsburg and the Agency had been working cooperatively with the Pittsburg Unified School District (PUSD). The City was about to enter into a Joint Use Agreement with the PUSD. Funding associated with this pending Joint Use Agreement had been included in the Agency Capital Improvement Projects and needed to be transferred to the City prior to the City entering into the Joint Use Agreement.

Approval of the resolution would allocate in total the funding from the 2004 Tax Allocation Bonds and would authorize the transfer of \$5,000,000 from PUSD – Marina Elementary School Fund (8010-2204) to the City. The transaction would close out the project within the Redevelopment Agency.

Mr. Rodriguez recommended the approval of the resolution authorizing the transfer of funds authorizing the Executive Director/City Manager to take all actions necessary and making certain findings pertaining to the transfer of funds.

Mayor Kee clarified that the funds would be transferred from the Redevelopment Agency to the City Council at this time with no dispersal of funds.

Mayor Kee opened the public hearing for Redevelopment Agency Resolution 06-1142 and City Council Resolution 06-10603. There was no one to speak to the item. The Mayor closed the public hearing for Redevelopment Agency Resolution 06-1142 and City Council Resolution 06-10603.

On motion by Member Johnson, seconded by Vice Chair Glynn and carried unanimously to adopt Redevelopment Agency Resolution 06-1142.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt City Council Resolution 06-10603.

CONSENT CALENDAR

On motion by Member Johnson, seconded by Vice Chair Glynn and carried unanimously to adopt the Consent Calendar, as follows, with the removal of Item d.

- a. **MINUTES** Dated: July 10, 2006

Approved minutes dated July 10, 2006.

- b. **RESOLUTION 06-1143** Authorizing the Executive Director to Enter into a
Combined w/CC 06-10618 Purchase Agreement with David Vick for a Public Art Sculpture

Adopted Redevelopment Agency Resolution 06-1143.

Adopted City Council Resolution 06-10618.

- c. **RESOLUTION 06-1144** Approve Loan By and Between the Redevelopment Agency of the City of Pittsburg and Mary Anne Douville, Doing Business as Faultless Cleaners

Adopted Resolution 06-1144.

- e. **RESOLUTION 06-1146** Awarding Leland Road Pavement Rehabilitation
Combined w/CC 06-10613 Construction Contracts 2005-08A (Dover Way to Harbor Street) and 2005-08B (Harbor Street to West of Century Boulevard) and Allocating Additional Funding

Adopted Redevelopment Agency Resolution 06-1146.

Adopted City Council Resolution 06-10613.

- f. **RESOLUTION 06-1147** Awarding Construction Contract 2004-06, 2005/06
Combined w/CC 06-10614 Citywide Pavement Rehabilitation Project and Allocating Additional Funding

Adopted Redevelopment Agency Resolution 06-1147.

Adopted City Council Resolution 06-10614.

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

- d. **RESOLUTION 06-1145** Accepting Plans and Specifications, Allocating Additional
Combined w/CC 06-10612 Funding and Awarding Contract 2005-28, California Avenue Pavement Rehabilitation Project to Bay Cities Paving & Grading, Inc. of Concord, California

BRUCE OHLSON, Pittsburg, a member of the Board of Directors of the East Bay Bicycle Coalition, noted that in discussion with the City Engineer and the City Traffic Engineer, it had been learned that California Avenue would be widened from two lanes to four lanes between Loveridge Road and Harbor Street and that no bicycle lanes would be included. He had been advised that California Avenue had not been included in the General Plan as a future bicycle facility. He emphasized that California Avenue led directly to the site of the proposed eBART station on Bliss Avenue. He urged the City Council to consider bicycle lanes on California Avenue to ensure the safety of bicyclists.

Councilmember Parent verified with Mr. Sbranti that Leland Road and Harbor Street had bicycle lanes and that with the completion of the Harbor Street Bridge bicycle lanes now crossed the freeway. As a result, there was bicycle access to Bliss Avenue.

Vice Mayor Glynn questioned whether or not there was a specific reason for not allowing at least one bicycle lane on California Avenue.

Mr. Sbranti stated that at this time the roadway was not being widened. The pavement was being rehabilitated and plans had projected how the road would be widened in the future. He clarified that the necessary right-of-way was not available for widening at this time. He noted that the area in question was east of Harbor Street. With respect to the area between Harbor and Loveridge, there were some areas where cars might be parked although he stated that a four-lane roadway would be tight.

Vice Mayor Glynn verified again that access to the future eBART station was possible through bicycle lanes from other roadways.

On motion by Member Johnson, seconded by Vice Chair Glynn and carried unanimously to adopt Redevelopment Agency Resolution 06-1145.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt City Council Resolution 06-10612.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:36 P.M. to August 21, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
August 7, 2006

Chair Michael Kee called the meeting of the Pittsburg Power Company to order at 7:37 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 3745 Railroad Avenue, APN 088-061-025; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 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 Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Planning, Melissa Ayres
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Police Captain, William Zbacnik

CONSENT CALENDAR

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

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

Approved minutes dated July 17, 2006.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 7:38 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
City Council Minutes
August 7, 2006

Mayor Michael Kee called the meeting of the City Council to order at 7:39 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 3745 Railroad Avenue, APN 088-061-025; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 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 Assistant City Manager, Matt Rodriguez
City Attorney, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Planning, Melissa Ayres
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Police Captain, William Zbacnik

PLEDGE OF ALLEGIANCE

Mayor Kee led the Pledge of Allegiance.

Mayor Kee considered the following general City Council items at 7:09 P.M. prior to pursuing the Redevelopment Agency agenda.

PROCLAMATION

1. Farmers Market Week

Councilmember Parent read the Proclamation for National Farmers Market Week, August 6 to 12, 2006, and presented the Proclamation to Alan Moy, representing the non-profit Pacific Coast Farmers Market Association.

ALAN MOY, Pacific Coast Farmers Market Association, which operates the Pittsburg Farmers Market, stated that the market had been an incredible success due to a public/private partnership with the City of Pittsburg, the Association, the Pittsburg Chamber of Commerce and Main Street Property Services working together to create a community event that served the citizens with fresh seasonal produce, fun activities, and a gathering place on Saturday mornings. He thanked the Council for its ongoing support of the Farmers Market and he invited all residents to the Pittsburg Farmers Market on Saturdays from 9:00 A.M. to 1:00 P.M.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Parent reported on the National Night Out hosted by the Police Department and Neighborhood Watch. She thanked the Police Department for arranging transportation for some citizens who had no means of getting to the event. She also reported that August After Hours on August 4 had been well attended with good music. She issued a challenge to other Councilmembers in promoting *Team Pittsburg* at the Council's booth at the Farmers Market. She also noted her attendance at the Mayors Conference and identified the donations received for the Ferris wheel for Small World Park.

Vice Mayor Glynn advised that he had participated in military honor services for Thaddeus Holmes. He also reported on his attendance at a number of meetings related to veterans' affairs, his attendance at the car show in the downtown, the meeting of the Pittsburg Power Company, a special Council meeting on July 26, and meetings regarding the disposition of the Concord Naval Weapons Station. He had also participated in National Night Out, attended the Mayors Conference, and attended the eBART meeting at City Hall to discuss station locations and surrounding development.

Mayor Kee stated that in addition to the events already mentioned, he had attended a Delta 6 meeting hosted by Supervisor Glover when updates on regional issues had been presented. He had attended the Mayors Conference in Oakley which included a tour of a public housing facility and an update on an inter-agency communications system jointly being explored by Alameda and Contra Costa Counties. He had also attended the Eddie Hart track clinic and dinner, which had been a great success.

CITY MANAGER REPORTS/REMARKS

Assistant City Manager Matt Rodriguez had nothing to report.

CITIZEN REMARKS

BRUCE OHLSON, Pittsburg, commented that there was a truck show in Old Town in which he had participated. He stated that there was live music and excellent weather. He commended Paul Flores for organizing the event and thanked the Council for that activity. .

Mayor Kee adjourned to the Redevelopment Agency agenda at 7:25 P.M. and reconvened as the City Council at 7:39 P.M.

PUBLIC HEARING

1. **ORDINANCE 06-1270** Introduction of an Ordinance Amending City Council Ordinance No. 93-1057 to Amend San Marco Development Park Requirements (AP-06-346 (RZ))

Assistant City Manager Matt Rodriguez advised that the public hearing was to review and consider changes to the park requirements for the San Marco Planned Development (PD) District as recommended by the Planning Commission on July 11, 2006.

Planning Director Melissa Ayres explained that the amendments would consolidate four small "village" parks and one-half of an obsolete utility/trail corridor within the San Marco Development, which had been approved as part of the PD in 1992, into the large community park planned at the southeastern corner of San Marco Boulevard and the future extension of West Leland Road. The amendments would also change the timing of when the large community park must be built, relocate the Parcel "D" park (3-acres in size) to a more centralized location in the western portion of the subdivision, and add a condition to require that all future single-family homes in the subdivision, starting with Unit 6, be annexed into a new supplemental lighting and landscape maintenance district.

Ms. Ayres noted that the Development Agreement (DA) on the property had proposed the development of the property over a period of time. The City Council had extended that Development Agreement in 2001. The Planning Commission when recommending the approval of the DA had also asked the Council to consider consolidating the four pocket parks approved in the project into the larger community park at the southeastern corner of San Marco Boulevard and Leland Road. Believing that recommendation had been carried over into the DA, Ms. Ayres stated that the City had allowed the conversion of one pocket park through the approval of the Final Map. The other three pocket parks, all located west of San Marco Boulevard in a portion of San Marco development not yet constructed, had not been converted.

In addition to the consolidation of the parks, Ms. Ayres stated that the Planning Commission had recommended the relocation of a smaller 3-acre community park that had been approved farther west and south of Leland Road to move that park into an area that would provide better coverage for future residents and improve the City's efficiency in maintaining its parks with limited staff.

Ms. Ayres stated that the developer had asked for a change in the timing of the construction of the larger park. The park was to have been constructed in three phases with the final phase built with the completion of all the units. A change to a two-phased process with the first phase delayed from the 500th to the 800th home had been requested.

Ms. Ayres expressed comfort with that request and noted that the Recreation Commission and the Planning Commission had concurred, given the developer's efforts in completing the park adjacent to the school first.

Another issue being incorporated into the changes was committing the developer to participate in a new supplemental lighting and landscaping district, which had not been part of the original approval. The supplemental district would apply to all new units from Unit 6, which would help with the maintenance of the larger parks in the development.

Ms. Ayres added that the Planning Commission had approved amendments to the subdivision resolution although those amendments would not take effect unless the PD ordinance was approved.

Mayor Kee verified with Ms. Ayres that 2.77 acres would be added to the community park creating approximately 17.75 acres of parkland.

Ms. Ayres commented that part of the area already approved for a park in 1991 had been allowed to be used as mitigation for the Department of Fish and Game. As a result, the developer would not be getting parkland credit for that part of the land. One of the conditions of approval required a new Master Park and Recreation Plan to lay out the amenities on the property. She explained that San Marco residents would be notified to be able to participate in the process of determining the use of the park.

Mayor Kee suggested that when crafting development agreements in the future there be some condition to preclude the inappropriate marketing of park sites when it was known that those sites would not be fully dedicated to park use.

In response to Councilmember Johnson, Ms. Ayres verified that the City had no authority to change the requirement for the mitigation wetlands pond required by the Department of Fish and Game.

There was no fiscal impact associated with the project. Ms. Ayres recommended that the City Council introduce and waive further reading and pass to second reading the proposed ordinance for Rezoning Application No. AP-05-346 (RZ) to amend San Marco PD 1057 (Council Ordinance No. 93-1057).

Mayor Kee opened the public hearing for Ordinance 06-1270.

RICHARD SESTERO, Concord, representing the developer, Seecon, stated that the detention basin on the tentative map had always been intended to be a detention basin not open to the public and not parkland. He stated that Seecon knew there would be a basin. The choices were either to have it full of weeds or be used as mitigation as required by Water Quality before the project could proceed. He stated it was clearly not part of the park. He stated that the park would be approximately eight acres in size and be level, usable land.

Mr. Sestero noted that the conditions called for Seecon to improve that park. He commented that the less land required the more improvements possible. The proposal would end up with three usable parks of three, four and eight acres in size. He added that the small pocket parks, which were expensive to maintain, would be consolidated into three

large parks spread throughout the project and accessible to the different neighborhoods in the project.

Mr. Sestero supported the change. He also noted that Seecon was supportive of the additional landscaping and lighting district overlay district to be put on all future lots that will generate additional funds over and above the current citywide assessment to relieve the burden on the general fund. He supported all the conditions. He also asked for the opportunity to respond to potential questions raised by other speakers.

SUSAN DAYNES, Pittsburg, opposed the proposal, specifically the change in timing of the construction of the park where one half of the park would have to be built after the development of the 800th home, which she suggested would prolong the development of the park.

Ms. Ayres clarified that the proposal would mean that the park would start later but would finish faster, in two phases rather than three phases. The final phase would be completed earlier than originally proposed.

Ms. Daynes did not want to see any delay in the development of the park. She did not support the proposed ordinance and she commented that workers had already started construction of the homes to the west of San Marco Boulevard.

TAMMY CABADING, Pittsburg, a San Marco resident, referred to an e-mail she had submitted to the City. She stated that her family had been looking forward to what she understood was an up and coming environment, which had included planning for the park. She opposed the proposal and was concerned with the traffic that would develop from a large community park at the bottom of Leland Road.

Mr. Sestero stated with respect to the timing of the parks that there had been a lot of interest in building the park next to the school, which had evolved over the last few years. He stated that park would be built sooner, particularly since it was closer to the homes that had been developed. He stated that the construction of that park would start tomorrow and he suggested that the residents would get most of the use out of that school park, as would the children.

TONY DOW, Pittsburg, a San Marco resident, stated that he was one of the first residents to purchase in the area. He noted that the plan he had been provided was that there would be a park and a school and he had no idea that it would have taken five years to develop. He stated that foundation work was going on across the street from the elementary school. He opposed any delays in the development of a park and he emphasized the need for residents to have a place to walk dogs and for children to play. He urged the development of the park without delay.

Mayor Kee closed the public hearing for Ordinance 06-1270.

Councilmember Johnson clarified with Ms. Ayres that there were three parks and

three phases to the largest community park.

Ms. Ayres stated that the school site park would commence on August 8. She added that when development reached the area of Parcel "D," the park in that area would be built. The large community park would be built in two phases.

Councilmember Parent agreed that the park at the school should have been started a year ago. She stated it was the inability to get the developer to do what was supposed to have been done which had delayed the park development.

Councilmember Parent asked that Ms. Cabading's August 7, 2006 e-mail be placed into the record. She noted that e-mail had expressed Ms. Cabading's opinion that the large park would bring homeless people, drug use and create a hang-out for non-productive teens that she did not want in San Marco. She had also suggested that the parks in San Marco be for neighbors only and not for the general population surrounding the San Marco development. Councilmember Parent stated that had never been the policy of the City and she did not support the exclusion of any resident from using any park supported by public funds as long as the park was used for what it was intended, recreation and open space.

Councilmember Parent supported the acceleration of the development of the larger park. She agreed that it would be difficult to maintain the smaller parks, particularly given the large demand for fields where a number of different sports, including soccer, could be played. She suggested that a larger park that would allow those activities would be a benefit to the community. She expressed her hope that the park adjacent to the school would be developed expeditiously and start construction tomorrow as reported by Mr. Sestero, prior to the start of inclement weather.

Mayor Kee advised the residents that the smaller parks required more maintenance and while everyone in the City was charged a maintenance fee for parks in his/her property taxes, that fee never increased and the City was required to subsidize parks more and more with an annual \$1.5 million deficit to do so. Given that deficit, the City now encouraged developers to actually build parks as opposed to simply providing land for parks. He stated that the maintenance costs for a larger park would be less than the costs for a number of smaller parks. He added that while developers may have marketed parks as being designated for a specific community only, that was not the case.

On motion by Councilmember Parent, seconded by Councilmember Casey and carried unanimously to introduce Ordinance 06-1270 by title only and waive first reading.

2. **RESOLUTION 06-10603** Authorizing the Transfer of \$5,000,000 from the Agency
Combined w/RDA 06-1142 to the City of Pittsburg

Assistant City Manager Matt Rodriguez stated that the City of Pittsburg and the Agency had been working cooperatively with the Pittsburg Unified School District (PUSD). The City was about to enter into a Joint Use Agreement with the PUSD. Funding associated with this pending Joint Use Agreement had been included in the Agency Capital

Improvement Projects and needed to be transferred to the City prior to the City entering into the Joint Use Agreement.

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

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt City Council Resolution 06-10603.

CONSENT CALENDAR

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

- a. **MINUTES** Dated: July 17, 2006 and July 26, 2006

Approved minutes dated July 17, 2006, and July 26, 2006 as amended to show that Councilmember Johnson was not present at that meeting and had not voted as shown on Page 4 of 4.

- b. **CLAIMS** #1718, Bobby Blackwood

Denied claim #1718, Bobby Blackwood

- c. **ORDINANCE 06-1266** Adoption of an Ordinance to Rescind Ordinance 05-1248 Pertaining to Amendments to the Historic Resources Ordinance and the Historic Resources Commission.

Adopted Ordinance 06-1266.

- d. **ORDINANCE 06-1267** Amendments to Municipal Code Section 13.08.040, 13.10.030, 15.90.040 and 15.100.040 Related to the Payment of Various Fees in New City Developments

Adopted Ordinance 06-1267.

- e. **RESOLUTION 06-10606** Approval of a Resolution Authorizing Execution of a Joint Use Agreement Between the City of Pittsburg Unified School District

Adopted Resolution 06-10606.

- f. **RESOLUTION 06-10610** Approval of Declaration of Official Intent of the City of Pittsburg to Reimburse Certain Sewer Related Expenditures from Proceeds of Bond Indebtedness

Adopted Resolution 06-10610.

- g. **RESOLUTION 06-10611** Approval of Proposed Territory for Annexation to the Community Facilities District (CFD) No. 2005-1 (Public Safety Services)

Adopted Resolution 06-10611.

- h. **RESOLUTION 06-10612** Accepting Plans and Specifications, Allocating Additional Funding and Awarding Contract 2005-28, California Avenue Pavement Rehabilitation Project to Bay Cities Paving & Grading, Inc. of Concord, California
Combined w/RDA 06-1145

In Joint Session with the Redevelopment Agency, adopted Resolution 06-10612.

- i. **RESOLUTION 06-10613** Awarding Leland Road Pavement Rehabilitation Construction Contracts 2005-08A (Dover Way to Harbor Street) and 2005-08B (Harbor Street to West of Century Boulevard) and Allocating Additional Funding
Combined w/RDA 06-1146

In Joint Session with the Redevelopment Agency, adopted Resolution 06-10613.

- j. **RESOLUTION 06-10614** Awarding Construction Contract 2004-06, 2005/06 Citywide Pavement Rehabilitation Project and Allocating Additional Funding
Combined w/RDA 06-1147

In Joint Session with the Redevelopment Agency, adopted Resolution 06-10614.

- k. **RESOLUTION 06-10615** Authorize Use of Marina Reserve Funds and Approve Agreement for Professional Services Between the City of Pittsburg and Destination Development Incorporated.

Adopted Resolution 06-10615.

- l. **RESOLUTION 06-10616** Authorize the City Manager to Execute an Updated Agreement Between the City of Pittsburg and Contra Costa County Animal Services for Fiscal Year 2006-2007

Adopted Resolution 06-10616.

- m. **RESOLUTION 06-10617** Acceptance of Public Improvements within Subdivision 8845, Rose Glen, for Continuous Maintenance

Adopted Resolution 06-10617.

- n. **RESOLUTION 06-10618** Authorizing the Executive Director to Enter into a
Combined w/RDA 06-1143 Purchase Agreement with David Vick for a Public Art
Sculpture

In Joint Session with the Redevelopment Agency, adopted Resolution 06-10618.

ADJOURNMENT

The City Council adjourned at 8:07 P.M. to August 21, 2006.

Respectfully submitted,

Lillian J. Pride, City Clerk

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