

CITY OF PITTSBURG
Housing Authority Minutes
July 17, 2006

Chair Michael Kee called the meeting of the Housing Authority to order at 7:34 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 4:00 P.M. into Closed Session for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Shirley Vicerel vs. City of Pittsburg et al, Contra Costa County Case No. CIVMSC05-01742; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case; and Conference with Legal Counsel – Anticipated Litigation Pittsburg Power Company pursuant to subdivision (c) of Section 54956.9 regarding one case; followed at 5:00 P.M. by a Joint Workshop with the Planning Commission – TransBay Cable; and at 6:00 P.M. for Workshop – Local Traffic Mitigation Fees.

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

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

MEMBERS ABSENT: Mixon

STAFF PRESENT Executive Director, Marc Grisham
Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
City Clerk, Lillian Pride
Interim Director of Redevelopment Agency, Randy Starbuck
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Police Chief, Aaron Baker

PUBLIC HEARING

1. **RESOLUTION 06-226** Approval of the Mid-Term Budget Review for Fiscal Year 2006/2007 for the City of Pittsburg Housing Authority and Appropriation of Funds for Fiscal Year 2006/2007

On June 26, 2006 a Mid-Term Budget Review was held to review the Revised Operating Budget Plan for Fiscal Years 2006/2007. The annual budget must be appropriated to provide ongoing financing for Housing Authority activities during the next fiscal year.

Executive Director Marc Grisham advised that the budget for 2006/2007 was in the \$10 million range. He noted that the Housing Authority provided Section 8 Housing for the City. There was a slight variation between revenues and expenditures in the area of \$31,000. While there had once been a much larger debt, that debt had been reduced. He also commented that one staff position would be modified. He added that the budget was being monitored closely to keep it in line with revenue and to avoid impact to the City's General Fund. Currently, there was sufficient reserve to address the \$31,000 shortfall.

The Housing Authority budget for Fiscal Year 2006/2007 recommended revenues in the amount of \$10,015,727 and a spending plan of \$10,051,771.

It was recommended that the Housing Authority approve the Mid-Term Budget Review for Fiscal Year 2006/2007 and adopt the revised budget for the Housing Authority of the City of Pittsburg for the Fiscal Year 2006/2007.

Chair Kee opened the public hearing for Resolution 06-226. There was no one to speak to the item. Chair Kee closed the public hearing for Resolution 06-226.

On motion by Member Johnson, seconded by Member Casey and carried unanimously to adopt Resolution 06-226.

CONSENT CALENDAR

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

- a. **DISBURSEMENT LIST** Dated: June 30, 2006

Approved Disbursement List dated June 30, 2006.

- b. **MINUTES** Dated: June 19, 2006

Approved minutes dated June 19, 2006.

ADJOURNMENT

The meeting of the Housing Authority adjourned at 7:38 P.M. to the next meeting set for August 21, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Redevelopment Agency Minutes
July 17, 2006

Chair Michael Kee called the meeting of the Redevelopment Agency to order at 7:39 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 4:00 P.M. into Closed Session for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Shirley Viceral vs. City of Pittsburg et al, Contra Costa County Case No. CIVMSC05-01742; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case; and Conference with Legal Counsel – Anticipated Litigation Pittsburg Power Company pursuant to subdivision (c) of Section 54956.9 regarding one case; followed at 5:00 P.M. by a Joint Workshop with the Planning Commission – TransBay Cable; and at 6:00 P.M. for Workshop – Local Traffic Mitigation Fees.

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
Legal Counsel, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
City Clerk, Lillian Pride
Interim Director of Redevelopment Agency, Randy Starbuck
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Police Chief, Aaron Baker

CONSIDERATION

1. **RESOLUTION 06-1139** Approving a Purchase and Sale Agreement with Pittsburg Unified School District to Sell Three (3) Parcels Totaling 0.61 Acres to Pittsburg Unified School District for their Use in Developing the New Marina Elementary School

Executive Director Marc Grisham advised that at the request of Pittsburg Unified School District (PUSD) the Agency had been working cooperatively to assist the PUSD in the acquisition of certain properties in Old Town Pittsburg.

The purpose of those properties was to construct a new elementary school on the block bounded by Railroad Avenue on the east, Black Diamond on the west, East Tenth Street on the south and Eighth Street on the north. To date, the Agency had acquired three (3) of the parcels the PUSD needed to construct the new school. The proposed Purchase and Sale Agreement would govern the purchase of the property by PUSD from the Agency. PUSD was purchasing the property for a sales price equal to the Agency's original cost to purchase the property.

Approval of the agreement would result in the Agency being reimbursed for its costs to purchase the property; a total revenue to the Agency of \$350,250.

It was recommended that the Redevelopment Agency approve the Purchase and Sale Agreement between the Agency and the PUSD and authorize the Executive Director to take all actions necessary to carry out said Agreement.

Chair Kee opened the floor to public comment. There was no one to speak to the item.

Member Parent was pleased that the PUSD was moving forward. As a member of the Subcommittee for the School District Liaison there had been discussions as to how the City could assist the PUSD. She emphasized that improving the education of its residents was an important part of the quality of life for the City.

On motion by Member Johnson, seconded by Member Parent and carried unanimously to adopt Resolution 06-1139.

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 b.

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

Approved minutes dated July 10, 2006.

c. **RESOLUTION 06-1141** Allocating Funding and Awarding a Contract for Construction of Contract 2006-07, 60 Cornwall Street Building Abatement and Demolition APN 086-123-037

Adopted Resolution 06-1141.

The following item was removed from the Consent Calendar by Chair Kee. Given that the item involved a client of his, he recused himself from the item, left the dais and left the Council Chambers at this time.

Vice Mayor Glynn CONVENE JOINTLY the CITY COUNCIL and the REDEVELOPMENT AGENCY to consider the following:

- b. **RESOLUTION 06-1140** Approval of a Memorandum of Understanding By and
Combined w/CC 06-10607 Between the City of Pittsburg, the Redevelopment
Agency of the City of Pittsburg, and Tesoro Refining
and Marketing Company

JOE MONROE, Tesoro, Senior Vice President of Corporate Development, stated that he and his Vice President of Business Development had been working cooperatively with the City to share in the mutual vision for the Tesoro property and surrounding properties. He stated that the MOU memorialized the spirit of cooperation and Tesoro was proud to be a part of the City of Pittsburg.

Tesoro's Vice President of Business Development presented "PITTSBURG PROUD" T-shirts to commemorate the process.

Mr. Grisham agreed that the process had been cooperative and would lead to a modern, up-to-date port facility in the City.

On motion by Member Johnson, seconded by Member Casey to adopt Redevelopment Agency Resolution 06-1140. The motion carried by the following vote:

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

On motion by Councilmember Johnson, seconded by Councilmember Casey to adopt City Council Resolution 06-10607. The motion carried by the following vote:

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

Chair Kee returned to the dais at this time.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:47 P.M. to August 7, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary
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CITY OF PITTSBURG
Pittsburg Power Company Minutes
July 17, 2006

Chair Michael Kee called the meeting of the Pittsburg Power Company to order at 7:48 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 4:00 P.M. into Closed Session for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Shirley Vicerel vs. City of Pittsburg et al, Contra Costa County Case No. CIVMSC05-01742; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case; and Conference with Legal Counsel – Anticipated Litigation Pittsburg Power Company pursuant to subdivision (c) of Section 54956.9 regarding one case; followed at 5:00 P.M. by a Joint Workshop with the Planning Commission – TransBay Cable; and at 6:00 P.M. for Workshop – Local Traffic Mitigation Fees.

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
Legal Counsel, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
City Clerk, Lillian Pride
Interim Director of Redevelopment Agency, Randy Starbuck
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Police Chief, Aaron Baker

CONSENT CALENDAR

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

- a. **RESOLUTION 06-152** Approving the Increase of \$240,000 to the Budget of the New Generation Study Project to Facilitate Project Development Activities

Adopted Resolution 06-152.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 7:48 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Southwest Pittsburg Geologic Hazard Abatement
District II (GHAD) Minutes
July 17, 2006

Chair Michael Kee called the meeting of the Southwest Pittsburg Geologic Hazard Abatement District II (GHAD) to order at 7:49 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 4:00 P.M. into Closed Session for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Shirley Vicerai vs. City of Pittsburg et al, Contra Costa County Case No. CIVMSC05-01742; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case; and Conference with Legal Counsel – Anticipated Litigation Pittsburg Power Company pursuant to subdivision (c) of Section 54956.9 regarding one case; followed at 5:00 P.M. by a Joint Workshop with the Planning Commission – TransBay Cable; and at 6:00 P.M. for Workshop – Local Traffic Mitigation Fees.

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
Legal Counsel, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
City Clerk, Lillian Pride
Interim Director of Redevelopment Agency, Randy Starbuck
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Police Chief, Aaron Baker

CONSENT CALENDAR

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

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

Approved minutes dated July 10, 2006

ADJOURNMENT

The meeting of the Southwest Pittsburg Geologic Hazard Abatement District II (GHAD) meeting adjourned at 7:49 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
City Council Minutes
July 17, 2006

Mayor Michael Kee called the meeting of the City Council to order at 7:50 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened at 4:00 P.M. into Closed Session for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code regarding Shirley Vical vs. City of Pittsburg et al, Contra Costa County Case No. CIVMSC05-01742; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case; and Conference with Legal Counsel – Anticipated Litigation Pittsburg Power Company pursuant to subdivision (c) of Section 54956.9 regarding one case; followed at 5:00 P.M. by a Joint Workshop with the Planning Commission – TransBay Cable; and at 6:00 P.M. for Workshop – Local Traffic Mitigation Fees.

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
City Attorney, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
City Clerk, Lillian Pride
Interim Director of Redevelopment Agency, Randy Starbuck
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Police Chief, Aaron Baker

Mayor Kee considered the following general City Council items at 7:07 P.M. prior to pursuing the Housing Authority agenda.

PLEDGE OF ALLEGIANCE

Mayor Kee led the Pledge of Allegiance.

PROCLAMATIONS

1. National Night Out

Councilmember Casey read the Proclamation for National Night Out 2006 scheduled

for August 1, 2006 at Small World Park and presented the Proclamation to members of the Pittsburg Police Department.

Sgt. Ron Raman accepted the proclamation on behalf of the Pittsburg Police Department and invited everyone to attend the event.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Parent reported as the Council's representative to the Delta Diablo Sanitation District (DDSD), that the DDSD in conjunction with representatives of the City had been awarded the Silver Anvil Award for its public relations efforts on getting mercury out of the landfills through the Household Hazardous Waste Center. She took this opportunity to thank Laura Wright, Recycling Coordinator, for her efforts in securing that award along with the engineers and public relations staff of DDSD for making the award possible. She noted that the DDSD had requested a second plaque from the agency presenting the award so that one could be displayed in the City of Pittsburg. She added that the DDSD had also received a Gold Peak Performance Award from the National Association of Clean Water Agencies in recognition of its complete and consistent National Pollutant Discharge Elimination System (NPDES) permit compliance.

Councilmember Parent highlighted the activities recently held at the Creative Arts Building with a Jazz Concert. She added that members of Jefferson Airplane and Quicksilver Messenger Service would be performing at the Creative Arts Building in October 2006. She further reported on the recent concert at the Marina with Old Town Sounds.

Councilmember Johnson reported that there had been at least 60 participants in the Old Town Car Show which had been held last Thursday. The event had been very successful. He commented on a recent personal trip to the State of Kentucky.

Vice Mayor Glynn reported that since the last meeting he had attended the meetings of the TRANSPLAN Committee and the East Contra Costa Regional Fee and Financing Authority (ECCRFFA), through the Pittsburg United Veterans Council had help provide graveside services for Benny Sanchez a member of the United States Navy and for Zelma B. Owens, of the Women's Army Corps, and had provided a color guard for the Port Chicago Remembrance Group. He also reported that Thaddeus Holmes' funeral services scheduled for July 18 would also be conducted by the United Veterans Council.

Mayor Kee stated that in addition to the other events that had been reported and which he had attended; he had also attended the reopening of the newly renovated Pittsburg Wal-Mart store. He reported that the Farmer's Market continued to proceed strongly. He had also enjoyed the Splash Dogs event at the Marina.

CITY MANAGER REPORTS/REMARKS

City Manager Marc Grisham summarized a letter dated June 9, 2006 from Concerned Residents of Oak Hills and Neighboring Areas regarding a Community Center at Oak Hills Park. He reported that the neighbors had asked the City to explore a Community Center in the park and had suggested they would raise the funds and operate the facility. The letter was accompanied by a petition signed by 54 homeowners and tenants around the Oak Hills Park in support of the proposal.

Mr. Grisham stated that staff would work with the residents on that proposal to explore whether or not a Community Center could fit into the park, determine the type of facility desired and determine how funds would be raised for its development and operation.

CITIZENS REMARKS

JEANNIE ROLLINS and DIANE GIBSON-GRAY, on behalf of the Soroptimist International Pittsburg, presented a check for \$3,000 towards the Ferris Wheel at Small World Park.

Ms. Gibson-Gray stated that \$1,000 had been awarded by Mayor Kee through funds raised through his scholarship fund for Soroptimist's Child Spree which involved a shopping partnership with Mervyn's Department Store for back to school clothing for children.

Councilmember Parent thanked the Soroptimists for their continued support of the community, particularly of Small World Park where on its own, the Soroptimists had built Fort Pitt in the original park and the Fairy Tale Castle. Given the community-wide effort to have the Ferris Wheel purchased entirely by private funds, she announced that she had been advised by the Finance Committee that in the past week donations had been received from a number of individuals and organizations. She highlighted those contributions.

BRUCE OHLSON, Pittsburg, a member of the East Bay Bicycle Coalition, referred to the earlier Transportation Mitigation Fee Workshop where all the discussions had been vehicle oriented. He suggested that building more roads encouraged more driving. Given the high fuel costs that would likely go higher due to demand and given the unrest in the Middle East and elsewhere with supply in question, he questioned the City's expenditure of all funds on automobiles. With respect to the eBART line, he noted that the station would be an intermediate station and there would be little parking. As such, alternative modes of transportation would have to be encouraged to allow access to that station. He urged that space be allotted for bicycles. He stressed that not all Pittsburg citizens were motorists.

ELLENA TYLER, representing the California Seasons Subdivision in Pittsburg located between Willow Pass and Loftus Roads, reported that this year there had been a number of undesirable people entering that area and abusing the park. She asked for assistance from the City with the situation.

Ms. Tyler stated that the park had three sets of gates which were not secured. She urged that those gates be secured. She stated that the reason the subdivision had been developed was that the area had been blighted. Given that the gates were not secured, undesirables had started to create another blighted situation. She stated that she had the backing of many residents of the subdivision to close those gates to retain the value of the properties and the quality of life for the residents. She described a number of incidents that had occurred and she requested that the City address the concerns.

When asked, Mr. Grisham stated that he would have the Police Chief speak to Ms. Tyler and check on the status of the roads to determine whether they were public or private.

JESS CENTENO, spokesperson for Concerned Residents of Oak Hills and Neighboring Areas, Pittsburg, stated that residents had a conversation with the Mayor and the City Manager to develop a Community Center, a meeting place to discuss mutual concerns, allow multicultural events and to serve other needs of the community. He stated that the intent was that the Community Center be financed by the neighborhood, which would form a non-profit group and incorporate to solicit funding for such a center. He sought the City's endorsement and support. He noted that the group had secured the support of PG&E for the use of its right-of-way as a parking area. He asked that the City Council approve the proposal in principal to allow the residents to move forward with fundraising efforts.

Mr. Grisham explained that a legal review of the proposal would have to be pursued and the Recreation Commission would have to be involved since there would be a non-profit group using a portion of the park. He emphasized that a number of steps were required to move the proposal forward and that staff would discuss those steps with Mr. Centeno.

Mayor Kee adjourned to the Housing Authority agenda at 7:34 P.M. and reconvened as the City Council at 7:50 P.M.

PUBLIC HEARING

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

Mr. Grisham presented the ordinance to rescind Ordinance No. 05-1248, which set forth amendments to Chapter 15.84 (Preservation of Historic Structures and Establishment of Historical Districts) and Chapter 19.20 (Sign Ordinance) of the Pittsburg Municipal Code (PMC).

There would be no fiscal impact associated with rescinding Ordinance No. 05-1248.

It was recommended that the City Council introduce, waive further reading, and pass to second reading an Ordinance for rescinding Ordinance No. 05-1248 relating to historic resources regulations and the Historic Resources Commission, and direct staff to prepare and return with proposed amendments to the historic resources regulations and Historic Resources Commission with California Environmental Quality Act (CEQA) documentation by the end of the first quarter of 2007.

Mayor Kee opened the public hearing for Ordinance 06-1266. There was no one to speak to the item. Mayor Kee closed the public hearing for Ordinance 06-1266.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to introduce Ordinance 06-1266 and waive first reading.

2. **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

City Attorney Ruthann Ziegler stated that the ordinance, if adopted by the City Council, would establish clearer standards as to the timing of payment of various development-related fees, would help minimize the negative effects of prepayment of those development fees, and would reduce the administrative costs associated with the collection of those fees. The payment of development fees “at the time of issuance of any required building permit” or “as requested in writing by the City Engineer and approved by the City Manager and as consistent with applicable law” ensures that the City would recover those fees at a time when the impacts of development might be determined with greater accuracy.

The Ordinance, if adopted could have a positive fiscal impact. The existing Municipal Code set a deadline by which developers must pay certain development fees but was not clear as to how early developers may “prepay” those fees. This Ordinance would not allow developers to pay certain fees until the time building permits were issued unless requested in writing by the City Engineer and approved by the City Manager. This provision will minimize the situation where, when the City is considering a fee increase, a developer prepays fees for a large number of future units to minimize the effect of the increased fee. In addition, this Ordinance may reduce administrative costs by eliminating the need for additional negotiations related to the timing of these fee payments

It was recommended that the City Council introduce, waive the first reading, and read by title only the Ordinance amending Municipal Code Sections 13.08.040, 13.10.030, 15.90.040 and 15.100.040 related to the payment of fees in new City developments.

Mayor Kee opened the public hearing for Ordinance 06-1267.

WILSON WENDT, Orinda, attorney representing the Albert D. Seeno Construction Company, noted his understanding that the fee was not a new fee but would have an

impact on how the company did business in the City.

Mr. Wendt stated that the company had never prepaid fees but had and would apply in the future for a number of building permits at one time. He understood that would still be allowed. He did not believe that the company had ever prepaid fees without obtaining buildings permits. In his reading of the ordinance, it would indicate that as long as everything was being done as required for the issuance of buildings permits and payment of development fees at that time could continue to be legally done. He suggested that there was no implication in the adoption of the ordinance in that there would be any change in the processing of development agreements in terms of a time limit on the institution of any new fees.

Ms. Ziegler clarified, when asked, that the ordinance would not prohibit anyone from obtaining multiple permits.

Mayor Kee closed the public hearing for Ordinance 06-1267.

Councilmember Johnson commended the proposed ordinance to clarify the City's processes.

On motion by Councilmember Johnson, seconded by Councilmember Parent and carried unanimously to introduce Ordinance 06-1267 and waive first reading.

3. **ORDINANCE 06-1268** Introduction of an Ordinance Approving a Faria South Annexation and Development Agreement (AP-06-349)

Mr. Grisham stated that the Faria Land Investment LLC filed an application requesting approval of an annexation and development agreement to preserve the Pittsburg voter approved Urban Limit Line (ULL) and the Pittsburg General Plan Land Use Map and policies as they currently applied to an approximate 607-acre site commonly known as the Faria South property located west of Bailey Road and east of the Concord Naval Weapons Station. The Planning Commission did not reach a formal recommendation on this application.

Mr. Grisham recommended that the public hearing be opened and be continued to the August 21, 2006 meeting. He clarified that the proposed agreement obligated the City to initiate annexation proceedings with the Local Agency Formation Commission (LAFCO) to bring the property into the City limits and to process future development applications consistent with the City's current General Plan and 2005 Pittsburg Voter approved ULL. The agreement also obligated the applicant to pay the related application and processing fees in place at the time the applications were filed.

Mayor Kee opened the public hearing for Ordinance 06-1268.

MARIE DREYER, Pittsburg, questioned whether or not an Environmental Impact Report (EIR) or geological report would be prepared for the site since she was familiar with

the geological reports for the Black Diamond Mines and was familiar with landslides in the area. Given that geologic instability, she expressed concern for the proposal.

MIKE DALEY, a staff member for the Sierra Club Bay Chapter, emphasized the democratic process in this case and suggested that the ordinance attempted to jump a number of processes that citizens were used to enjoying prior to any agreements being offered to developers. His interest was that the community have the opportunity to enjoy the normal planning process prior to any agreements being provided to the developer. He noted that the prior speaker was concerned for any approval of any developer agreement prior to the preparation of an EIR. He asked that the spirit of the law be provided to the entire community prior to any agreement being made. He was pleased to learn that the item would be continued to allow staff an opportunity to clarify the legal aspects as they related to the request.

MIKE LENGYEL, Pittsburg, suggested that the proposal would offer a blank check to a developer contrary to normal procedure. He suggested it was premature to consider a development agreement when there was no development. He suggested that the proposal would be bad for the people.

RON BROWN, Executive Director of Save Mount Diablo, Walnut Creek, explained that the membership of Save Mount Diablo surrounded the mountain. He expressed concern for the proposal, noted that the Greenbelt Alliance had submitted a letter outlining the legal concerns and stated that Save Mount Diablo would support that letter. He had also submitted a letter from Save Mount Diablo to outline its legal concerns. He suggested that the proposal, without environmental analysis, would change the community forever, permit massive grading and have massive impacts on the visual integrity of the community.

Mr. Brown added that the hills were highly visible from Mt. Diablo and massive areas of Central County. He encouraged the City Council to consider all the elements and impacts of the proposal prior to making any development agreements.

ALBERT SEENO, III, Pittsburg, Discovery Homes, Altec for the Faria South annexation and development agreement, stated that he would continue to work with the agencies and the City Council on the proposal.

DAVID REID, East Bay Field Representative for the Greenbelt Alliance, presented a letter from Shute Mihaley and Weinberger, LLP, dated July 14, 2006. He suggested that the development and annexation agreements for both Faria South and the Montreux development were not allowed by California law given that the properties in question were outside the City's Sphere of Influence (SOI). He stated that development agreement law required details on what the development agreement would allow and required CEQA review and an EIR would be required to determine the impact on the community and the City at the earliest stage of the process.

Mr. Reid suggested that the development agreement acknowledged and provided for the right of the developer to develop property in such order, rate and time as the developer

deemed appropriate. He urged the Council to read the letter from Greenbelt Alliance and to read the development agreement itself. Mr. Reid added that it was important to preserve the visual beauty of the hills in question through a Hillside Protection Ordinance and through a rigorous planning process where the public could participate prior to any rights being vested.

RICHARD THOMAS, Pittsburg, expressed concern for building and the development of potentially 6,000 new homes that could produce 12,000 new vehicles. He noted that there had already been a fair amount of homebuilding in the City. He commented that Buchanan Road was to have been widened, although that had not occurred. He added that residential development cost cities in the services that would have to be provided.

DENNIS LINDSLEY, Pittsburg, suggested that all the issues would have to be considered and had not been considered. He commented that the ordinance would also involve an annexation request. He suggested that the two issues; annexation and development agreement should be separated prior to proceeding. He expressed his support for the comments previously offered.

CHRIS RICHARDSON, Pittsburg, expressed concern for the City's infrastructure and the fact that its schools were becoming second rate given the investment in buildings and not in infrastructure. He stated that the City was not investing in its parks, particularly the park located behind St. Peter Martyr School. He suggested that the destruction of that park in favor of a smaller park was inappropriate. He urged that the City's infrastructure, parks, schools, sewer, water and social services be addressed prior to considering the development of more homes.

ROBERT GREEN, Pittsburg, expressed his concern for the proposal without any explanation of promise to bypass Buchanan Road. He also expressed concern for more traffics signals along Kirker Pass Road impacting traffic in and out of the City. He suggested that all traffic going through the City should be expedited through the City as quickly as possible. He did not support the adoption of the ordinance.

The following individual did not wish to speak but offered written comments:

JOEL WEINGARTEN, Pleasanton "In favor of approving the agreement to save time thus reduce development costs and enable lower sales costs."

Mayor Kee noted the recommendation that the item be continued to the August 21 meeting.

Councilmember Parent stated it was clear that a number of issues had been raised that would support a continuance.

On motion by Councilmember Parent, seconded by Councilmember Johnson and carried unanimously to continue Ordinance 06-1268 to the meeting of August 21, 2006.

Mayor Kee recused himself from the following item given that he lived within 500 feet of the proposed development. He left the dais and the Council Chambers at this time.

Vice Mayor Glynn chaired the meeting.

4. **ORDINANCE 06-1269** Introduction of an Ordinance Approving a Montreux Annexation and Development Agreement (AP-06-348)

Mr. Grisham advised that Altec Homes, Inc. and Seecon Financial and Construction Co., Inc. had filed an application requesting approval of an annexation and development agreement to preserve the Pittsburg voter approved Urban Limit Line and the Pittsburg General Plan Land Use Map and policies as they currently applied to an approximately 161-acre site commonly known as the Montreux property and located generally on the west side of Kirker Pass Road (6.4 acres located east of Kirker Pass Road) and south of the current City limits.

Mr. Grisham recommended that the item be continued to the August 21, 2006 meeting. He added that there would be no fiscal impact in that the proposed agreement obligated the City to initiate annexation proceedings with LAFCO to bring the property into the City limits and to process future development applications consistent with the City's current General Plan and 2005 Pittsburg Voter approved Urban Limit Line. The agreement also obligated the applicant to pay the related application and processing fees in place at the time the applications were filed.

Vice Mayor Glynn opened the public hearing for Ordinance 06-1269.

ALEX DREYER, Pittsburg, expressed concern for the stability of the property in question which was the reason no development had occurred on the land in the past.

MIKE DALEY asked to be able to speak again at the August 21 meeting when more information would be available.

MIKE LENGYEL, Pittsburg, urged the Council not to approve the proposal.

JOEL WEINGARTGEN, Pleasanton, a real estate developer of senior housing, commented that he had attended a recent Planning Commission meeting when the item had been considered. At that time he had provided a statement to offer some balance to the opposition testimony that had been offered. He noted that the pattern he had found in surrounding communities was that some people would do everything possible to delay the construction of projects, which not only extended projects but which cost developers extra money. As such, prices increased and children and grandchildren of current residents were unable to afford to purchase homes in his/her own community. Instead of looking at reasons to delay projects, he urged consideration of ways to accelerate projects to reduce costs.

ALBERT SEENO, III, stated that he would wait for the August 21 meeting to offer his

testimony.

DENNIS LINDSLEY, Pittsburg, stated that he too would wait until August 21 to offer his testimony.

DAVID REID, Greenbelt Alliance, stated that the same legal issues he addressed with the Faria South property also applied to the Montreux property. He urged the Council to read the letter from the Greenbelt Alliance. He asked the City Attorney to contact Greenbelt Alliance's law firm to address and provide clarity on the issues.

RON BROWN, Executive Director, Save Mount Diablo, reiterated his support for the letter from the Greenbelt Alliance. He noted that Save Mount Diablo had also submitted a letter on the issues which also applied to the Montreux property.

In addition to his role with Save Mount Diablo, Mr. Brown stated he was a member of the Chamber of Commerce for Walnut Creek, and was a member of the Land Use Task Force for Contra Costa Council and had worked actively for Measure J. He stated that Save Mount Diablo supported economic vitality throughout the community along with education and health care issues and worked with those involved to ensure the wellbeing and quality of life in a community. He remained concerned for the quality of the natural land surrounding all communities and he urged that the development be done in a way that examined all issues that could have lasting effects for future generations.

Mr. Brown encouraged the City to do the necessary studies to mitigate the possible impacts and consider what the approval of a development would mean on the scenic ridgelines surrounding the community. He suggested that there were ways to achieve the needed housing balance through the placement of housing in the right areas.

CHRIS RICHARDSON, Pittsburg, suggested that the City needed to grow slowly to learn how to respond to problems. He suggested that it was possible for a community to grow itself to death and he suggested that Pittsburg was well on its way to doing that.

TERESA ROEBUCK, Pittsburg, suggested that the City was a bedroom community and there were few businesses to support the residents who lived in the community. She suggested that the additional residents who would occupy the proposed homes would create other problems and impact the quality of life of existing residents, particularly those who would have to commute to work.

Councilmember Parent reiterated as for the Faria South property, that there had been enough issues raised to justify a continuance of the hearing.

On motion by Councilmember Parent, seconded by Councilmember Casey and carried unanimously to continue Ordinance 06-1269 to the August 21, 2006 meeting.

Mayor Kee rejoined the Council at this time.

5. **RESOLUTION 06-10594** Confirming the Engineer's Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping and Lighting Assessment District 1988-01, Citywide (Fiscal Year 2006-07)

Mr. Grisham stated that the Landscaping and Lighting Assessment District 1988-01, Citywide had been in existence since 1988. The funds collected were necessary for the City to maintain the public desired level of lighting and landscaping throughout the City. Each year prior to ordering the improvements and levying the assessments, the City Council held a public hearing.

It was estimated that Landscaping and Lighting District 1988-01 would collect \$2,065,784 in assessment liens this year. The Public Works Department estimated that it would expend \$3,588,784 during Fiscal Year 2006-07 in managing the district, which would result in a new general fund fiscal year impact of \$1,523,000 (\$8,554 balance carried over from FY 05-06.) Without the district, the general fund would be responsible for the entire amount.

It was recommended that the City Council adopt a resolution confirming the diagram and assessments and levying the annual assessment for Landscaping and Lighting Assessment District 1988-01, Citywide for Fiscal Year 2006-07.

Mayor Kee opened the public hearing for Resolution 06-10594. There was no one to speak to the item. Mayor Kee closed the public hearing for Resolution 06-10594.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt Resolution 06-10594.

6. **RESOLUTION 06-10595** Confirming the Engineer's Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping and Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2006-07)

Mr. Grisham stated that Landscaping and Lighting Assessment District 1988-02, Oakhills had been in existence since 1988 and the funds collected were necessary for the City to maintain the public desired level of lighting and landscaping in the Oakhills area. Each year prior to ordering the improvements and levying the assessments, the City Council held a public hearing.

Landscaping and Lighting District 1988-02 collected \$33,959 annually in revenue for the Oakhills area. Including interest income, the total revenues for FY 2006-07 were estimated at \$35,959. The Public Works Department estimated that it would expend \$46,520 during Fiscal Year 2006-07 in managing the district, which would result in a net fiscal year impact of zero dollars on the general fund and a \$10,561 spend down from the

Oakhills Landscaping and Lighting District reserves.

Without the district, the general fund would be responsible for the entire cost of maintaining the improvements located within the Oakhills area. The district currently estimated reserves in the amount of \$118,346. Those monies would be set aside in a Capital Improvement Reserve for future landscaping improvements within the district.

It was recommended that the City Council adopt a resolution which confirms the diagram and assessments and levies the annual assessment for Landscaping and Lighting Assessment District 1988-02, Oakhills for Fiscal Year 2006-07.

Mayor Kee opened the public hearing for Resolution 06-10595. There was no one to speak to the item. Mayor Kee closed the public hearing for Resolution 06-10595.

On motion by Vice Mayor Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 06-10595.

7. **RESOLUTION 06-10596** Overruling Protests, Approving the Engineer's Report And Levying Assessments, Ordering Acquisition of Improvements, and Determining Assessments Remaining Unpaid In and For Bailey Estates Assessment District No. 2006-01

Mr. Grisham reported that Bailey Estates, LLC had petitioned the City of Pittsburg to form an Assessment District to provide funding for certain public improvements by a future bond financing within the boundaries of the proposed Assessment District No. 2006-01 (Bailey Estates). On May 16, 2006 the City Council approved the boundary map for the Assessment District and adopted the Resolution of Intention to form the district and to acquire the related improvements. The resolution would, in summary, approve the Engineer's report, the formation of the Assessment District and the levy of assessments and acquisition of improvements. The action would not approve the bonds.

The debt payment costs for the future bond financing for this area shall be paid through special assessments that would be levied on residential properties within the proposed boundaries of the district. The bonds would be limited obligation improvement bonds and would be secured solely by the special assessments that would be placed on the Contra Costa County tax roll each year. The general funds of the City of Pittsburg would not be pledged or obligated in any way for the payment of these bonds.

The property owner had filed with the City Clerk the (a) Property Owner Assessment Ballot indicating support for levy of assessment as proposed, and (b) a Property Owner Consent and Waiver form by which said property owner had waived any entitlement to pay the assessments in cash within thirty days after recordation of the assessments and had waived the right to contest the assessment via legal proceedings.

The City Council would consider the issuance and sale of bonds to finance the public

improvements in the Assessment District at a later date.

It was recommended that the City Council conduct a Public Hearing, receive the staff report, testimony of Engineer, property owner and public testimony, if any, and adopt a Resolution that would overrule protests, approve the Engineer's report, and the levy of assessments and the acquisition of improvements. In addition, the resolution would determine the assessments remaining unpaid in and for the Bailey Estates Assessment District No. 2006-01.

Mayor Kee opened the public hearing for Resolution 06-10596. There was no one to speak to the item. Mayor Kee closed the public hearing for Resolution 06-10596.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt Resolution 06-10596.

CONSENT CALENDAR

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt the Consent Calendar, with housekeeping amendments to Items a, c, d, and with the removal of items g and h.

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

Councilmember Parent requested an amendment to the second sentence of the seventh paragraph of Page 13 of 15 of the July 10 minutes, as follows:

She wanted people to know that he/she was receiving an 80 percent discount for something that was justified.

Mayor Kee requested a change of wording for items c and d. Instead of the approval of the final map and grading plans, improvement plans and subdivision improvement agreement, he requested the following:

Accept the grading plan directing staff to file the Final Map.

b. **CLAIMS** #1726, Mary Howard

Denied Claim #1726, Mary Howard.

c. **RESOLUTION 06-10598** Accept the Grading Plan Directing Staff to File the Final Map for Subdivision 8805, Bancroft Gardens II

Adopted Resolution 06-10598, as amended.

d. **RESOLUTION 06-10599** Accept the Grading Plan Directing Staff to File the Final Map for Subdivision 8519, San Marco Unit 6

Adopted Resolution 06-10599, as amended.

- e. **RESOLUTION 06-10597** Awarding Contract Number 2004-07, FY 2005/2006 Sewer Improvement Projects to Low Bidder Hess Construction Co., Inc. of American Canyon, California

Adopted Resolution 06-10597.

- f. **RESOLUTION 06-10601** Accepting Plans and Specs, Allocating Additional Funds and Awarding Contract No. 2005-24, John S. Bryant Park Project, to Blossom Valley Construction Inc. of San Jose, California for the Construction of the Park

Adopted Resolution 06-10601.

- i. **RESOLUTION 06-10605** Authorizing the City Manager to Execute Consultant Agreement Amendment Number 2 to the Current Agreement with Raines, Melton and Carella (RMC) for Preparation of Plans and Specifications for Contract 2004-09, Reclaimed Water for Irrigation Project

Adopted Resolution 06-10605.

- j. **RESOLUTION 06-10607** Approval of a Memorandum of Understanding By and Between the City of Pittsburg, the Redevelopment Agency of the City of Pittsburg, and Tesoro Refining and Marketing Company
Combined w/RDA 06-1140

In Joint Session with the Redevelopment Agency, adopted Resolution 06-10607.

- k. **RESOLUTION 06-10608** Authorization of Agreement with Granicus Inc. for Video Streaming and Webcast Services

Adopted Resolution 06-10608.

- l. **RESOLUTION 06-10609** Authorization of Agreement with LR Hines Consulting Inc. for the Sire Agenda Plus Meeting Agenda Management System

Adopted Resolution 06-10609.

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

- g. **RESOLUTION 06-10600** Authorizing Execution of a Professional Services Agreement for Informational Technology Services with CMC Americas, Inc.

MIKE LENGYEL, Pittsburg, requested that the City modify its website to allow communication with the City through e-mail without requiring the use of Microsoft Passport. He also requested that the City establish a goal of placing staff reports on the web site prior to meetings as done by other agencies, and add a daily summary of police and fire activities, such as a police blotter and fire log. He provided his comments in writing dated July 17, 2006.

Assistant City Manager Rodriguez reported that the City's website was currently being modified with the implementation of a new response to management system to coincide e-mail service requests from members of the public to various departments, including individuals responsible for certain and specific departments. That improvement was expected within the next 30 to 60 days. He added that bulletins and additional staff reports would also be part of the new system.

Mr. Rodriguez added that the City's website was being revamped and access and information would be enhanced and expanded to include more city information in addition to other programs and services.

Vice Mayor Glynn referred to the access having to go through Microsoft Passport and asked for more generic software that could be easier for residents to access.

Mr. Rodriguez stated that the software would be evaluated in terms of ongoing service needs, electronic formatting and determination of any obsolete software.

On motion by Councilmember Parent, seconded by Councilmember Casey and carried unanimously to adopt Resolution 06-10600.

- h. **RESOLUTION 06-10604** Authorizing the City Manager to Execute a Joint Use Agreement Between the City of Pittsburg and the Mt. Diablo Unified School District for Delta View Elementary School Park

Vice Mayor Glynn noted that the park was to be constructed by the developer later this year. Given the time of year at this point he requested a projected start date. He did not want to see the park be delayed.

City Engineer Joe Sbranti reported that the plans were now complete and the project was being bid and was expected to be underway this summer.

On motion by Vice Mayor Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 06-10604.

CONSIDERATION

1. **REPORT**

Southwest Hills Erosion Status

Staff to provide update on status of issue. Council to provide direction on appropriate further action to be taken.

Mr. Grisham reported that an updated release had been provided. He advised that emergency work along the slope line was being conducted. Based on that work, the slope had been stabilized. A geologist would continue to review the situation and determine long-term solutions. It had been recommended that two homes remain unoccupied. The remaining occupancy issues were being addressed.

ADJOURNMENT

The City Council adjourned at 8:54 P.M. to a regular meeting of the City Council on August 7, 2006.

Respectfully submitted,

Lillian J. Pride, City Clerk

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