

CITY OF PITTSBURG
Redevelopment Agency Minutes
April 3, 2006

Chair Michael Kee called the meeting of the Redevelopment Agency to order at 7:42 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 Legal Counsel - Existing Litigation pursuant to Section 54956.9(a) regarding Pittsburg Society for Preservation of Historical Resources, Susan Lopez; Thomas LaFleur; and Frank Gordon vs. City of Pittsburg, Contra Costa County Case No. 05-1861; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case, initiation of litigation pursuant to subdivision (c) of Section 54956.9 regarding one case; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 3745 Railroad Avenue (APN 088-061-025), APN 088-152-009 and 695 E 3rd Street (APN 073-020-004).

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
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
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
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Chief, Aaron Baker

The CITY COUNCIL CONVENED JOINTLY WITH THE REDEVELOPMENT AGENCY to consider the following:

PUBLIC HEARING

1. **RESOLUTION 06-1114** Amending the Disposition, Development and Loan Agreement with Mercy Housing California to Dedicate Available Inclusionary Housing in Lieu Fees to Assist with a Project Funding Gap and to Amend the Method of Calculating the Annual Rise in Public Safety Fees

1. **RESOLUTION 06-10512** Consideration of Providing Inclusionary Housing “In Lieu” Fees Paid by Third Parties of Up to \$3.9 Million to the City of Pittsburg Redevelopment Agency for the Purpose of Funding a Loan to Mercy Housing California for the Development of 63 Affordable Rental Dwellings and a Child Care Center

On September 19, 2005, the Agency and Mercy Housing California entered into a Disposition, Development and Loan Agreement (DDLA) for the development of approximately sixty-three one- to four-bedroom rental units to be made available to low and moderate income households. The Mercy Housing project currently has a \$3.9 million funding gap that is likely to shrink as other funding is secured. Mercy Housing plans to apply for \$4.4 million in MHP funding on April 6. If all funding other than MHP funding is not secured prior to the application deadline, Mercy would lose points on its application and likely would be denied the funding being sought. This would increase the funding gap to about \$8.3 million. It is intended that dedication of future inclusionary housing in lieu fees to the project will close the projected \$3.9 million funding gap and make Mercy’s MHP application more competitive. Mercy Housing also plans to apply for \$1.5 million in county HOME funds. Changing the annual 5 percent increase in the Public Safety Fee to the annual increase in Area Median Income, if any, will also make Mercy Housing’s HOME application more competitive.

Dedication of up to \$3.9 million of inclusionary housing in lieu fees to the project would be paid by housing developers making this payment to the City; in effect, a pass through payment. The in lieu fee dedication would be decreased if other funding is secured, such as HOME funds from the county. Tying the increase in the Public Safety Fee to the annual Area Median Income (AMI) increase rather than an annual 5 percent rise would reduce future funds available for police protection but would make the project more financially viable over the long term.

It was recommended that the Agency Board adopt a resolution amending the Mercy Housing DDLA and direct the Agency’s Executive Director to undertake all actions necessary to effectuate the intended purpose of the amendment.

Mayor Kee opened the public hearing for Redevelopment Agency Resolution 06-1114 and City Council Resolution 06-10512.

SISTER AMY BAILEY, Mercy Housing, took this opportunity to thank the City and its staff for the expertise in the process.

Sister Bailey stated that they were getting closer to being able to provide quality housing for Pittsburg residents, and were pursuing other financing sources. She thanked the Council for its help.

Mayor Kee closed the public hearing for Redevelopment Agency Resolution 06-1114 and City Council Resolution 06-10512.

Councilmember Parent acknowledged that the project would be a big asset to the City especially for those larger families that would have difficulty finding rental housing, although as money became more and more difficult, she emphasized the need to recognize that the City was not an unending source of money. While she supported the resolution, she would not support additional monetary supplements in the future.

Councilmember Johnson noted his concern for the Agency funds being spent on the project and emphasized the tough economic conditions that would have to be considered when pursuing this and other developments. He wanted to make certain that the Agency's funds were being spent properly and with the most return for the expenditure.

On motion by Member Parent, seconded by Vice Chair Glynn and carried unanimously to adopt Redevelopment Agency Resolution 06-1114.

On motion by Councilmember Parent, seconded by Vice Mayor Glynn and carried unanimously to adopt City Council Resolution 06-10512.

2. **RESOLUTION 06-1115** Approval of Amendment No. 1 to Disposition, Development and Loan Agreement with Gateway Mixed Use Development for the Gateway Project
 Combined w/CC 06-10516

Redevelopment Manager Randy Starbuck stated that on November 21, 2005, the Redevelopment Agency of the City of Pittsburg and Domus Development LLC, a California limited liability company, entered into a Disposition, Development and Loan Agreement for the development of twenty-eight residential rental units and approximately 8,000-square feet of ground floor commercial space on a vacant Agency owned 27,000 square foot parcel of land at the northeast corner of Railroad Avenue and Tenth Street in the City of Pittsburg, commonly known as "the Gateway Project."

In accordance with the DDLA, Domus had assigned its obligations under the DDLA to Gateway Mixed Use Development, a California Limited Partnership pursuant to an assignment and assumption agreement executed by the developer and Agency. In order to expedite construction of the project, the Agency and developer had negotiated Amendment No. 1 to said DDLA that would permit developer to implement required environmental remediation activities at the site and be reimbursed by the Agency. Originally the Agency was to be responsible for environmental remediation of the site prior to developer assuming site control and commencing construction. However, as detailed in the April 3, 2006 staff report, additional environmental remediation must be completed.

In order to expedite construction and potentially realize cost savings, the developer had offered to implement the required remediation plan and be reimbursed by the Agency. The estimated cost of this additional environmental remediation work is \$240,000. Funding for this additional remediation work is available in the 2003 TAB reserves.

Mr. Starbuck recommended that the City Council and Agency Board conduct a public hearing, approve Amendment No. 1 of the DDLA and authorize the allocation of \$240,000 towards the environmental remediation per the terms set forth in Amendment No. 1 to the DDLA. It was also recommended that the Agency Board authorize the Agency Executive Director to execute Amendment No. 1 to the DDLA and other documents necessary to complete the remediation of the site.

Councilmember Johnson asked whether or not there would be a liability bond for the five year period to protect the Agency.

In response, Mr. Starbuck stated that there would be a five year period where the City would be monitoring the ground water. As part of the plan, ground monitoring wells would be installed pulling samples to be checked. Once everything was cleared, he expected a No Further Action letter to be issued by the Regional Air Quality Control Board.

City Engineer Joe Sbranti commented that he did not believe that Domus Development would relieve the City from liability, although given the findings at the site, from a contamination standpoint, there was very little risk with low contamination levels and no danger to anyone in the area.

Mr. Starbuck added that under the contract with Domus Development, the Agency would retain the ownership of the land itself, and with a ground lease would lease the land to Domus Development and Gateway. At the twelve year mark, the City had the right to reacquire ownership of the property.

Mayor Kee opened the public hearing for Redevelopment Agency Resolution 06-1115 and City Council Resolution 06-10516. There was no one to speak to the item. The Mayor closed the public hearing for Redevelopment Agency Resolution 06-1115 and City Council Resolution 06-10516.

On motion by Member Johnson, seconded by Member Casey and carried unanimously to adopt Redevelopment Agency Resolution 06-1115.

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt City Council Resolution 06-10516.

CONSIDERATION

1. **RESOLUTION 06-1116** Approval of Architectural Services Contract for the California Theatre with Architectural Resources Group

Mr. Starbuck stated that the Redevelopment Agency of the City of Pittsburg had conducted a variety of assessments related to the future preservation of the California Theatre. In 2005, the Agency budgeted \$2.5 million towards an initial phase of preservation work. Architects, Planners & Conservators, Incorporated doing business as "Architectural Resources Group" had submitted a proposal to prepare exterior and seismic

strengthening designs, along with plans and specifications related to this initial phase work. The Agency and architect propose to enter into a Consultant Agreement for these services.

Mr. Starbuck stated that Architectural Group had provided for a 14 month timeline to prepare all of the work with three significant review stages the City would have in the process. The vast amount of work required would be for the development plans and specifications, taking four months. He requested authorization to enter into a contract with Architectural Resources Group to begin the process.

In April 2005 the Agency budgeted \$2.5 million towards the initial phase of the restoration work on the Theater. The architect's proposal is for \$422,330. Sufficient funds were available in the budget to accommodate the architect's fees as set forth in the Agreement.

It was recommended that the Agency Board authorize the Executive Director to enter into the Agreement with the architect on behalf of the Agency. In addition, Agency staff recommended that the Executive Director be authorized to execute such further documents and take such further actions as may be necessary or appropriate to carry out the Agency's obligations pursuant to such Agreement with the architect.

Member Johnson spoke to the process, the funding requests and the timeframes and expressed concern for projects that were started and then stopped. He believed in the California Theater and suggested it was unfortunate that the City had let the structure go in the past. He did not want to see that happen again. He emphasized the need to do something with that property to retain its historical resource. He wanted to make certain that there would be efforts to complete the project once begun.

PUBLIC COMMENTS:

JUNE FORSYTH, Pittsburg, spoke to the full restoration of the California Theater in Old Town, commenting that it was one of the few old buildings left in the downtown that should be fully preserved. If fully restored, she suggested that the theater would be a great community gathering place.

Chair Kee pointed out that what was being approved were the actual drawings to do the work, which while not 100 percent fully restoring the structure, would structurally stabilize the building and resolve the past issues with the roof. As such, more work would remain to be done to restore the building to its once glorious state.

On motion by Member Johnson, seconded by Member Parent and carried unanimously to adopt Resolution 06-1116.

CONSENT CALENDAR

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

a. **MINUTES** Dated: March 20, 2006

Approved minutes dated March 20, 2006.

b. **RESOLUTION 06-1117** Allocation of Funds to Complete Contract 2005-31,
Street Sweeping Sign Installation Project

Adopted Resolution 06-1117.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 8:08 P.M. to April 17, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
City Council Minutes
April 3, 2006

Mayor Michael Kee called the meeting of the City Council to order at 8:09 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 Legal Counsel - Existing Litigation pursuant to Section 54956.9(a) regarding Pittsburg Society for Preservation of Historical Resources, Susan Lopez; Thomas LaFleur; and Frank Gordon vs. City of Pittsburg, Contra Costa County Case No. 05-1861; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case, initiation of litigation pursuant to subdivision (c) of Section 54956.9 regarding one case; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding 3745 Railroad Avenue (APN 088-061-025), APN 088-152-009 and 695 E 3rd Street (APN 073-020-004).

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
City Clerk, Lillian Pride
Director of the Redevelopment Agency, Garrett Evans
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
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Chief, Aaron Baker

Mayor Kee considered the following general City Council items at 7:04 P.M. prior to pursuing the Redevelopment Agency agenda.

PLEDGE OF ALLEGIANCE

Police Chief Aaron Baker and members of the Pittsburg Police Department led the Pledge of Allegiance.

PRESENTATIONS

1. National Library Week

MARIAN PARTRIDGE, Branch Librarian of the Pittsburg Library, announced National Library Week and reported that the Library's circulation was up from previous years, as was patron use of computers and library cards. She reported that there was now wireless Internet access in the library, electronics books, and an on-line tutor system and soon the Library databases could be accessed through a temporary library card secured on-line. She highlighted the children's programs offered at the Library, and explained that a Lawrence Hall of Science program brought animals to the library for children ages 3 to 5.

Ms. Partridge also highlighted the adult programs and business workshops expected for the spring and summer. She explained that each year the Contra Costa Youth Council presented a Youth Hall of Fame Award. This year Juan Rubio of Pittsburg won the Good Samaritan category. She also thanked the Mayor for being a celebrity reader.

Mayor Kee expressed his congratulations to Mr. Rubio. He stated that he would be reading at the Library on the morning of April 4.

2. New Employee Introductions

Police Chief Aaron Baker introduced Police Assistants Sarah Spires and Jonnice Puryear, and Police Officers Gabriel Palma, Arturo Hernandez, Brandon Ricks, Heidi Maguire, and Raychel Palfey. He highlighted the background of each and welcomed each to the City of Pittsburg.

Human Resources Department Director Marc Fox reported that the City continued to recruit high caliber individuals who would be able to provide superior customer service to the community.

Finance Director Marie Simons introduced Teresa Sidrian, a Finance Division Manager whose background was highlighted and who was welcomed to the City.

Public Works Director John Fuller introduced Anthony Antoniazzi, a Mechanic in the Corporation Yard who had previously worked for the City.

Director of the Redevelopment Agency Garrett Evans introduced Vanessa Xie as a new member of the Redevelopment Agency.

On behalf of the Council, Mayor Kee welcomed all the new employees and acknowledged the many new employees who had a past history with the City of Pittsburg.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Parent commented that the Library had recently honored two employees; Anita Aiello and Connie Alannis, who in combination had more than 70 years of consistent service to the Pittsburg Library. Councilmember Parent noted that Friends of

the Library was having a book sale on April 22. She encouraged everyone to participate in that event.

Councilmember Parent also reported that on April 1, Small World Park hosted a Youth Day for the First 5 Group in the County. She stated that the purpose of the event was to have an opportunity for a number of groups to serve families with young children and to explain the services available in the community.

Councilmember Parent advised that she had attended the State of the East Bay Luncheon where it had been reported that the state of Delta 2000 was very good. She had also attended a countywide fundraiser in the City of Pleasant Hill for the Optic Program, a jobs program for people who wanted to get a better job and move into the computer field. She noted that the placement rate for Optic was 85 percent. She had also attended the Cesar Chavez Day event at Los Medanos College when five people from Pittsburg had been nominated for an award. Gil Ruiz was the recipient of the award.

Councilmember Parent further reported that she had attended a Pittsburg Women's Community League meeting. She added that the Pittsburg Community Theater would perform "Bye Bye Birdie." She emphasized the activity in the theater arts in the City and urged members of the community to keep abreast of the activities in the arts.

Mayor Kee reported that he had attended the Delta Association of Realtors Contra Costa Women's Council Luncheon with an update on the City's redevelopment projects from the City Manager and the Mayor. He had also attended a luncheon for Sisters Three at Zandonellas, which group dealt with breast cancer survivors and those going through chemotherapy. Other events he had attended included a ribbon cutting ceremony for "Baskets by Joan" on Tenth Street and the Contra Costa Watershed Forum. He had also marched in the parade for opening day for the community's baseball leagues and had the honor of throwing out the first pitch.

Mayor Kee advised that he had been asked to announce that the Challenger League of the Little League was looking for additional players for games held on Sundays at 2:00 P.M., with games between Antioch and Pittsburg. More information could be found by contacting the Vice President of the League.

Vice Mayor Glynn emphasized the many diverse activities ongoing in the community. He noted that since the last meeting he had been working to assist veterans in the process of receiving benefits, and had been heavily involved in the preparations for the Bataan Death March celebration on April 8 at 6:00 P.M. at the Fil-American Club in Pittsburg where a Color Guard would be presented. While there were only eight survivors of the Bataan Death March in Pittsburg, widows were still honored.

Vice Mayor Glynn commended the Human Resources Director for the recruitment of so many fine employees, particularly those working for the Police Department. He had been impressed with the qualifications of those just introduced. He expressed his appreciation for all the hard work of the Human Resources and Police Departments.

CITY MANAGER REPORTS/REMARKS

Assistant City Manager Matt Rodriguez advised that the City Manager was not available given that he was with his wife who was ill and in the hospital.

CITIZENS REMARKS

REVEREND CURTIS BREWER, Pittsburg, spoke to Christ Incorporated, a non-profit organization doing business as the Samaritan House. He stated that he had recently received a letter of zoning code violation which had advised that transitional housing was not permitted within one thousand feet of a bar. The Samaritan House was located on Ninth Street behind Larry's Bar. He sought City assistance to address the matter since he wanted to be able to continue to work in the City. He otherwise thanked the Police Chief for his support of Black History Month. He introduced members of the audience who had turned his/her lives around and he asked the City to work with the Samaritan House to allow its work to continue.

Mayor Kee referred Reverend Brewer to the Assistant City Manager to help in that regard.

JUNE FORSYTH, Pittsburg, spoke of a yellow boat located at the corner of Third Street and Marina Boulevard which had become the victim of neglect. She noted that there was no lock on the gate to prevent vandalism. She urged greater care of that vessel. She also made the Council aware that 58 more energy windmills would be installed on the north shore of Suisun Bay. She stated that those already placed were affecting the views from Pittsburg. In the efforts to improve the downtown, she stated that there would have to be some way to mask the effects of those windmills.

Mayor Kee adjourned to the Redevelopment Agency at 7:42 P.M. and reconvened to the City Council at 8:09 P.M.

PUBLIC HEARING

1. **ORDINANCE 06-1263** Amendment of Title 15, Chapter 15.08, Building Code, Adding Section 15.08.025, Permit – Applicant Qualifications

City Engineer Joe Sbranti advised that it was necessary to amend Title 15, Chapter 15.08 Building Code of the Pittsburg Municipal Code to add minimum requirements for persons engaging in work requiring building permits. Currently Sections 15.16 Electrical Code, 15.28 Mechanical Code, and 15.32 Plumbing Code included sections which addressed minimum qualifications for applicants wishing to obtain the respective permit. No similar requirement existed regarding the issuance of building permits. This amendment would add clarification and bring the building code in alignment with the other construction codes.

There would be no fiscal impact to the City. It was recommended that the City Council approve an ordinance to amend Title 15 Buildings and Construction, Chapter 15.08 Building Code, by adding Section 15.08.025 Permit – Applicant Qualifications to read as follows:

No building permit shall be issued to any person to do or cause to be done any work that requires a building permit or related work regulated by this chapter unless such applicant qualifies under one of the following:

- A. *Applicant possesses a valid, unexpired and unrevoked general building contractor's license issued to him or her under the applicable provisions of the Business and Professions Code of the state; or*
- B. *Applicant is the bona fide owner of the premises, which premises consists of a single-family dwelling, duplex, or single unit in a condominium complex used exclusively for living purposes, and all accessory buildings thereto provided, that the owner or a member of his/her immediate family shall perform all labor pursuant to the permit.*

In response to Councilmember Johnson, Mr. Sbranti stated that an exception to the rule would be with a residential property two units or less where the owner of the property could obtain his/her own building permits to do the work himself/herself. A commercial property three units or more would require a licensed contractor. Such regulations were already in place for electrical, plumbing and mechanical codes, but not the final building codes. The revision would clean up the language to be consistent throughout.

Mayor Kee opened the public hearing for Ordinance 06-1263. There was no one to speak to the item. Mayor Kee closed the public hearing for Ordinance 06-1263.

On motion by Vice Mayor Glynn, seconded by Councilmember Johnson and carried unanimously to introduce Ordinance 06-1263 by title only and waive first reading.

2. **RESOLUTION 06-10511** Adoption of the Marina Master Plan

Project Manager Ursula Luna stated that Planning and Redevelopment staff had been working over the past year to develop a Marina Master Plan. The goal of developing a Master Plan for the Marina is to improve the Marina's value as a recreational amenity to the community and to create a regional recreational destination. The Marina Master Plan would create a mixed-use village atmosphere with public access to the shoreline and a pedestrian friendly layout linking the Marina to the Old Town Pittsburg commercial core. Staff submitted the Marina Master Plan for Council approval. There would be no fiscal impact. It was recommended that the City Council approve a resolution adopting the Marina Master Plan.

LINDA GATES, Gates and Associates, emphasized the hard work by the community and staff and stated that the project was ready to move forward once adopted. She

referred to the Joint Study Session with the City Council and the Planning Commission in February 2005 when a number of issues had arisen, and which had been addressed in the Master Plan. She described a number of those issues including adequate width for boat trailers and fuel truck circulation, ensuring that the parking lots to the maximum extent possible would have the flexibility for event staging, that palm trees be installed to be consistent with the historic heritage of the City, with emphasis on Marina art as part of the public art on the Marina, and with appropriate security incorporated into the overall design.

LOUIS WARSHAW, Dobber Systems, noted that his company provided most of the security cameras throughout the City. A video presentation was offered to identify the company and its specialization in security systems.

Councilmember Johnson asked how many cameras total would be considered as part of the Marina Master Plan. He was advised by Mr. Warshaw that a total of seven cameras were anticipated.

Vice Mayor Glynn noted the number of power outages in the area. He asked about backup sources on the cameras, reported by Mr. Warshaw to be built into the design for the system for an 8 to 12-hour backup. Vice Mayor Glynn supported 12-hour backups for security purposes. As to the height of the trees on the site, whether existing or to be planted, he expressed concern that the trees could block the view of the cameras.

Mr. Warshaw stated that camera coverage could be adjusted as the trees were planted. He stated that the boats would be secured by the cameras in the harbor itself and the parking lots would be more than covered by any of the other proposed cameras.

Vice Mayor Glynn asked if the cameras had been placed in relation to the foliage and structures proposed for the Marina to ensure that the cameras would not be obstructed in any way. Mr. Warshaw advised that the camera locations had not been solidified at this time.

Ursula Luna added that the drawing was a conceptual drawing provided to Mr. Warshaw. Based on the drawing, some of the possible camera locations had been identified. She explained that the construction drawings would identify the location of trees and the topography of the area and that the Engineering Department was working with Mr. Warshaw on those construction drawings.

Vice Mayor Glynn expressed concern with that issue and emphasized the need that the security cameras be appropriately placed to ensure a full secure view. He stated that the dated design did not incorporate those comments from the workshops. He suggested that the expensive system could be negated by the placement of trees and other structures.

The Vice Mayor commented that he had initially suggested palm trees since the cylindrical trunks of those trees would not obstruct the views of security cameras.

Mr. Warshaw stated that assuming the use of palm trees they would work with the Planning Commission to determine where the palm trees would be placed. He stated that the cameras could be moved or adjusted as required and as the design proceeded.

Ms. Gates advised that more detailed designs had been prepared and all sightlines were being checked to fine-tune and verify the locations with the heights and the sightline of each of the security camera locations. She suggested that there would be fewer trees than currently existed, which trees would be replaced with palm trees. The information provided to the City to date had anticipated no problems with the sightlines.

City Engineer Sbranti added that the contract for the Promenade Project would be submitted to the City Council for approval in May at which time the location of every camera would be identified to make sure that all areas of the promenade and the parking lot would be fully covered. At this point only the Marina Master Plan was being considered. He stated that there would be assurance that the cameras would be a part of the Master Plan, along with landscaping, with staff to ensure that the two coincided to ensure a secure area of the City.

Vice Mayor Glynn expressed the concern that Mr. Warshaw had not been provided the information of the ultimate location of the foliage.

Mr. Warshaw reiterated that the information he had been provided to date identified a clear line of sight and that the cameras could be adjusted as needed. When moving forward there would be complete flexibility in terms of where the trees were located in relation to the cameras.

Mayor Kee verified with Mr. Warshaw that there would be no limit to the number of cameras to be placed at the site.

Mayor Kee opened the public hearing for Resolution 06-10511.

JUNE FORSYTH, Pittsburg, supported trees to offer shade to pedestrians. She suggested that very tall palm trees would offer shade to the boats and the water and not those walking throughout the Marina. She suggested that the use of palm trees would be boring. She would like to see the use of more appropriate shade trees.

Mayor Kee closed the public hearing for Resolution 06-10511.

Councilmember Parent suggested that the plan looked good and took into account the comments received at the workshop. She supported a mixture of trees to provide some shade with the selection of trees to maximize shade while minimizing the ability of people to hide criminal activities. She expressed her hope that the security and planning consultants would work on that. With respect to the condition of the boat earlier referenced and the fact that the boat was in disrepair, Councilmember Parent suggested that when the project was completed, the area would be one that the City would be proud.

Councilmember Johnson agreed with the issues related to the identification of the locations of the security cameras to address the negative activities in the Marina area. He emphasized the need to move forward with the proposal.

Planning Manager Melissa Ayres requested an amendment to the first sentence of paragraph A., Section 2. Decision, page two of Resolution No. 06-10511, as follows:

- A. *The City Council hereby adopts the Mitigated Negative Declaration and the Marina Master Plan dated March 2006 (incorporated herein by reference).*

Mayor Kee urged the consultants to make sure that shade and adequate security was provided in the Marina. He looked forward to the final drawings.

On motion by Councilmember Parent, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 06-10511, as amended by staff.

3. **RESOLUTION 06-10516** Approval of Amendment No. 1 to Disposition, Development and Loan Agreement with Gateway Mixed Use Development for the Gateway Project
Combined w/RDA 06-1115

On November 21, 2005, the Redevelopment Agency of the City of Pittsburg and Domus Development LLC, a California limited liability company, entered into a Disposition, Development and Loan Agreement for the development of twenty-eight residential rental units and approximately 8,000 square feet of ground floor commercial space on a vacant Agency owned 27,000 square foot parcel of land at the northeast corner of Railroad Avenue and Tenth Street, in the City of Pittsburg, commonly known as "the Gateway Project." In accordance with the DDLA, Domus had assigned its obligations under the DDLA to Gateway Mixed Use Development, a California Limited Partnership pursuant to an assignment and assumption agreement executed by the developer and Agency. In order to expedite construction of the project, the Agency and developer had negotiated Amendment No. 1 to said DDLA that would permit developer to implement required environmental remediation activities at the site and be reimbursed by Agency.

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

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt Resolution 06-10516.

CONSIDERATION

1. **RESOLUTION 06-10512** Consideration of Providing Inclusionary Housing "In Lieu" Fees Paid by Third Parties of Up to \$3.9 Million to the City of Pittsburg Redevelopment Agency for the Purpose of Funding a Loan to Mercy Housing California for the Development of 63 Affordable Rental Dwellings and a Child Care Center
Combined w/RDA 06-1114

On September 19, 2005, the Agency and Mercy Housing California entered into a

Disposition, Development and Loan Agreement (DDLA) for the development of approximately 63 one- to four-bedroom rental units to be made available to low and moderate income households. The Mercy Housing project currently has a \$3.9 million funding gap that is likely to shrink as other funding is secured. Mercy Housing plans to apply for \$4.4 million in MHP funding on April 6. If all funding other than MHP funding is not secured prior to the application deadline, Mercy would lose points on its application and likely would be denied the funding being sought. This would increase the funding gap to about \$8.3 million. It is intended that dedication of future inclusionary housing in lieu fees to the project will close the projected \$3.9 million funding gap and make Mercy's MHP application more competitive. Mercy Housing also plans to apply for \$1.5 million in county HOME funds. Changing the annual 5 percent increase in the Public Safety Fee to the annual increase in Area Median Income, if any, will also make Mercy Housing's HOME application more competitive.

A related Redevelopment Agency item on this date's Agency agenda called for an amendment to the Disposition, Development and Loan Agreement with Mercy Housing California.

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

On motion by Councilmember Parent, seconded by Vice Mayor Glynn and carried unanimously to adopt City Council Resolution 06-10512.

CONSENT CALENDAR

On motion by Councilmember Johnson, seconded by Councilmember Parent and carried unanimously to adopt the Consent Calendar, with the removal of Item e. as follows:

- a. **MINUTES** Dated: March 20, 2006

Approved minutes dated March 20, 2006 with an amendment to the first sentence of the seventh paragraph of Page 2 as follows:

Councilmember Parent stated that she had not been able to attend the last meeting because she was involved in City of Pittsburg and Delta Diablo District business in Washington, D.C. working to fill the funding gap in the recycled water project to the golf course.

- b. **CLAIMS** #1700 Clyde Allen; #1701 Robert C. Swithenbank

Denied claims #1700 Clyde Allen and #1701 Robert C. Swithenbank.

- c. **ORDINANCE 06-1262** Amendment of Chapter 1.08, Notice and Appeals, of the Pittsburg Municipal Code, to Allow the City Manager to Delegate Authority to Conduct Administrative Hearings

Adopted Ordinance 06-1262.

- d. **RESOLUTION 06-10513** Establishment of the Annual Stormwater Utility Area Fee for Fiscal Year 2006/2007

Adopted Resolution 06-10513.

- f. **REPORT** Receive and File the Quarterly Investment Report as of December 31, 2005

Received and Filed the Quarterly Investment Report as of December 31, 2005.

- g. **RESOLUTION 06-10515** Authorizing Notification to the Department of Housing and Community Development, State of California, for the Cancellation of Enforcement Responsibilities for the Mobilehome Parks Act and the Special Occupancy Parks Act

Adopted Resolution 06-10515.

The following item was removed from the Consent Calendar by Councilmember Johnson to allow him to vote no on the item consistent with his original vote.

- e. **RESOLUTION 06-10514** Awarding Contract 2005-31, Street Sweeping Sign Installation, to J.W. Backhoe & Construction, Inc., of Knightsen, California

On motion by Councilmember Parent, seconded by Councilmember Casey to adopt Resolution 06-10514, carried by the following vote:

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

ADJOURNMENT

The City Council adjourned at 8:40 P.M. to April 17, 2006.

Respectfully submitted,

Lillian J. Pride, City Clerk
als