

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**April 16, 2007**

Chair Ben Johnson called the meeting of the Housing Authority to order at 7:55 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 5:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 301 E. Tenth Street (APN 085-182-009) and 901 Los Medanos Street (APN 085-182-001); Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases and pursuant to subdivision (c) of Section 54956.9 regarding one case; and into a Workshop at 6:00 P.M. for Zoning Code Update Phase 2.

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

**MEMBERS PRESENT:** Casey, Evola, Kee, Mixon, Parent, Johnson

**MEMBERS ABSENT:** Wallen (Excused)

**STAFF PRESENT**

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

**CONFLICT OF INTEREST DECLARATION**

There was no Conflict of Interest Declaration.

**CONSENT CALENDAR**

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

a. **DISBURSEMENT LIST** Dated: March 31, 2007

Approved Disbursement List dated March 31, 2007.

b. **MINUTES**

Dated: March 19, 2007

Approved minutes dated March 19, 2007.

**ADJOURNMENT**

The meeting of the Housing Authority adjourned at 7:57 P.M. to the next meeting set for May 21, 2007.

Respectfully submitted,

Alice E. Evenson, Secretary

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**April 16, 2007**

Chair Ben Johnson called the meeting of the Redevelopment Agency to order at 7:58 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 5:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 301 E. Tenth Street (APN 085-182-009) and 901 Los Medanos Street (APN 085-182-001); Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases and pursuant to subdivision (c) of Section 54956.9 regarding one case; and into a Workshop at 6:00 P.M. for Zoning Code Update Phase 2.

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

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

**MEMBERS ABSENT:** None

**STAFF PRESENT** Executive Director, Marc Grisham  
Assistant Executive Director, Matt Rodriguez  
Legal Counsel, Ruthann Ziegler  
City Clerk, Alice Evenson  
Director of Housing and Community Programs, Annette Landry  
Director of Engineering and Building, Joe Sbranti  
Director of Economic Development, Brad Nail  
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Director of Finance, Marie Simons  
Chief of Police, Aaron Baker

**PUBLIC HEARING**

Mayor Johnson CONVENED JOINTLY the CITY COUNCIL and the REDEVELOPMENT AGENCY to consider the following.

1. **RESOLUTION 07-1193** Approval of a Disposition, Development, and Loan  
**Combined w/CC 07-10765** Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Resources for Community Development and Making Certain Findings Herewith

City Manager Marc Grisham stated that as a City Manager of another jurisdiction he had the opportunity to work with Resources for Community Development and personally lived within close proximity of another Resources for Community Development project. He spoke highly of the firm.

Redevelopment Director Randy Starbuck advised that the Redevelopment Agency of the City of Pittsburg and Resources for Community Development, a California nonprofit public benefit corporation, had negotiated terms for a Disposition, Development and Loan Agreement (DDLA) for the development of 71 rental dwellings and an approximate 3,400-square-foot community center to serve the residents of the development on a vacant, approximately 3.25-acre parcel of land located to the south of Frontage Road between Crestview Drive and Marsh Street, in the City of Pittsburg. Forty-nine percent of the units (or 35 units) would be restricted to extremely low, very low, and low income households while the other fifty-one percent of the units would be restricted to moderate income households.

Mr. Starbuck explained that the property had been purchased from Contra Costa County some years ago for the express purpose of developing affordable housing.

The total fiscal impact of the project would be \$7,202,784, of which the Agency had already spent \$1,069,081 for property acquisition and closing costs to purchase the site as well as \$27,856 for site clearance costs. Costs incurred to date had come from the 2004 Housing Set Aside Tax Allocation Bonds, Series A. The remaining balance of \$6,105,848 would be paid from 2006 Housing Set Aside Tax Allocation Bonds. Upon completion of the project, the DDLA required the developer or developer's successor in interest to pay the City an annual Public Safety Fee of \$376.21 per unit with the fee increasing by the annual percentage increase in median income. The annual fee increases would take effect on the one year anniversary following the first payment, with the first payment being due on the first October 15<sup>th</sup> following issuance of a Certificate of Occupancy, or October 15, 2009, whichever is earlier.

Mr. Starbuck recommended that the Agency Board approve the DDLA and all exhibits therefore; authorize and direct the Executive Director of the Agency to execute the DDLA on behalf of the Agency, and all exhibits to the DDLA, with any revisions thereto as approved by the Executive Director of the Agency; authorize and direct the Agency Secretary to attest thereto; authorize the Executive Director 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 the DDLA; and authorize and direct the Executive Director to file a Notice of Exemption with respect to the DDLA and its authorizing resolution in accordance with the applicable provisions of the California Environmental Quality Act (CEQA).

It was further recommended that the City Council approve the DDLA and all exhibits thereto and authorize and direct the City Manager to file a Notice of Exemption with respect to the DDLA and its authorizing resolution in accordance with the applicable provisions of CEQA.

In response to Councilmember Evola, Mr. Grisham explained that the land, a combination of land purchased from the County and the old Senior Center site purchased from the City, required an affordable component but not a percentage of affordability.

Councilmember Kee verified with the City Manager that 51 percent of the units to be restricted could be counted towards the City's requirement to provide 990 affordable housing units.

For the record, Mr. Grisham reported that a letter had been received from Gregory Osorio, one of the Plaintiffs in the lawsuit that had led to the housing program that the City had to follow based on the judgment. He quoted from Mr. Osorio's letter that "I am writing in conditional qualified ... support of the above development [the RCD project]. My recommendation for acceptance of the project is conditioned upon design review to assure that we end up with a high quality Walnut Creek style townhome design. This should not look like affordable housing ... and to check out other developments produced by RCD to confirm that their complexes are safe environments and well maintained. A good benchmark was once given to me by an insurance company underwriter that is to ask the question when visiting the property 'Would I live here?' sums up a lot of issues."

Mayor Johnson referred to the Crestview area where there was a lot of low cost housing and Section 8 housing. He suggested that adding another component of low cost housing in that area could be problematic and create other concerns. He wanted to ensure that the facility would be well-maintained over the long term.

Councilmember Parent expected that the developer would manage the units itself or have an effective manager. She emphasized the importance of on-site management. She suggested that the assumption that anyone who had a Section 8 Certificate would not be a good citizen was unfair. She did not believe in condemning people as a group just because they fit into a category where some people did not behave well.

Mayor Johnson opened the public hearing for Redevelopment Agency Resolution 07-1193 and City Council Resolution 07-10765.

OLIBA CARDONA had submitted a card but did not wish to speak. She left the following comments: "I want to thank the City of Pittsburg to include affordable housing and encourage to expand the inclusionary zone to the whole City to 30 percent low and very low income. Formal letter will follow. "

ELISABETH VOIGT, San Francisco, representing Public Advocates and the Public Interest Law Project stated that she was pleased that the City had worked with that group to resolve the shortage of redevelopment units. She noted that the Settlement Agreement signed in July 2005 required the City to produce 990 affordable housing units. Of that total, 396 must be affordable to very low income households and half must be newly constructed units. The agreement also required that 200 of the very low income units be built by June 2009. Ms. Voigt stated that the City had submitted its first progress report to Public Advocates in October 2006, which had raised some concerns in that it had showed that the

City was not on track to meet the Settlement Agreement requirements for very low income units. If the City continued to fall short of satisfying the requirements within the timeline set by the agreement, she suggested that further legal action might be required.

Ms. Voigt added that the proposed project would provide 70 new units for lower income families and that all of the units would count towards the City's obligations under the agreement, and over 30 of the units would give the City extra credit, representing over 82 units under the agreement. She encouraged the Council to approve the application given that it would help to meet the City's affordable housing needs and help the City meet its legal obligations.

DAN SAWSLAK, the Executive Director for Resources for Community Development, the developer of the project, was pleased to pursue the project. He stated that RCD was a regional non-profit housing developer working in Alameda, Contra Costa and Solano Counties with 11 projects in Contra Costa County alone in a variety of cities including Walnut Creek, Antioch, Concord and Pinole. He stated that RCD worked with a well-regarded project management company, the John Stewart Company, one of the largest managers of affordable housing in the State. He stated that RCD often worked with cities to ensure that the housing was well maintained and created a good environment for both residents and neighbors. Mr. Sawslak added that the project would not be financed with Section 8 housing. He thanked the Council for its support.

When asked by the Mayor, Mr. Sawslak stated that RCD had several projects in Concord, Martinez, Oakland, Berkeley and Vacaville and had just finished a project in Fairfield. He stated that the firm, based in Berkeley, primarily worked in the East Bay region.

Mayor Johnson closed the public hearing for Redevelopment Agency Resolution 07-1193 and City Council Resolution 07-10765.

Councilmember Evola commended RCD for its attempt to meet the deficiencies and shortfalls of the City. He had one concern with the project. While he liked that it would meet a 49 percent very low requirement and qualified the City for extra credit, he stated that his campaigning had found that most residents had a concern for a 100 percent affordable project. He could therefore not support a 100 percent affordable project. He asked staff to consider a project that was 51 percent non-restricted. He also recognized the management company, suggested it was one of the best in the area, and would therefore be assured that a 49 percent affordable project would be well-managed. He also applauded the work that RCD had done in other cities.

Councilmember Parent noted that the project was not a huge project. She recognized that non-profits had a limited number of resources for doing its share of building. Short of the City paying all the costs, she suggested there was no other way to finance the cost of the project. While she understood the concerns related to a 100 percent affordable project, she suggested that the project was small enough to minimize those concerns.

Councilmember Kee referred to the legal action that had been taken against the City which was why the City had instituted an Affordable Housing Ordinance to attempt to spread affordable housing throughout all developments in the community. He noted that had not occurred fast enough to avert legal action. He suggested that Pittsburg was doing the most of many of the cities throughout Contra Costa County to provide affordable housing for all its residents. He also noted the limited options of being able to fulfill the requirements of the legal action.

Commenting on the perception that affordable housing appeared to be associated with crime, Councilmember Kee stated that everyone needed decent and safe housing and the fact that some people did not have the financial means to buy a house or pay market rate rents did not make them a criminal. He asked that properties not be prejudged based on the income level of those who would reside in those units.

Vice Mayor Casey commented that a threat of a lawsuit was not appreciated. He stated that the City had a requirement and was doing its utmost to meet that requirement.

Councilmember Evola also disagreed with the assumption that affordable housing created crime. He suggested that if the project had a mix of restricted and non-restricted housing people would be more than happy to live in a project that had an affordable component since there should be no correlation between crime and affordability.

Mayor Johnson commented that he often viewed the areas where there was affordable housing and suggested there were a number of vacancies in the affordable housing units. He questioned why that was occurring if there was such a need for affordable housing. He emphasized the diversity of the community and did not like a situation where all affordable housing would be congregated in one area.

On motion by Member Parent, seconded by Member Kee to adopt Redevelopment Agency Resolution 07-1193, carried by the following vote:

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

On motion by Councilmember Parent, seconded by Councilmember Kee to adopt City Council Resolution 07-10765, carried by the following vote:

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

## **CONSIDERATION**

1. **RESOLUTION 07-1194** Consideration of an Exclusive Negotiating Rights Agreement (ENRA) with Garaventa Enterprises Inc. for a Proposed Business Park for the Site LA Unified Development Area (UDA)

Executive Director Marc Grisham advised that Garaventa Enterprises, Inc. proposed to develop the Site LA UDA as a business park. The proposed ENRA would provide for an 18-month negotiating period with the developer to arrive at terms for an Owner Participation Agreement (OPA) or Disposition and Development Agreement (DDA) for the proposed project.

There would be no fiscal impact.

Mr. Grisham recommended that the Agency adopt the Resolution approving the proposed ENRA.

MIKE LENGYEL, Pittsburg, expressed concern that the proposal would remove the property through eminent domain.

Mr. Grisham stated that the land in question was vacant property, was not being utilized for steel operations, and the City was working cooperatively with US Steel and POSCO on another site where another building was being developed. He preferred not to use eminent domain and supported all parties working together cooperatively. He otherwise acknowledged that the process allowed that tool to be used, if necessary, to take the vacant, undeveloped, blighted property to property with industrial buildings and jobs.

Councilmember Kee stated that the item had been reviewed by the Redevelopment Subcommittee and had been approved by that Subcommittee.

On motion by Member Kee, seconded by Vice Chair Casey and carried unanimously to adopt Resolution 07-1194.

### **CONFLICT OF INTEREST DECLARATION**

Councilmember Evola advised that his vote on the Consent Calendar would not apply to Items g and h based on his financial interest as a source of income from his employer.

### **REDEVELOPMENT AGENCY , PITTSBURG POWER COMPANY AND CITY COUNCIL COMBINED CONSENT CALENDAR**

On motion by Councilmember Kee, seconded by Vice Mayor Casey and carried unanimously to adopt the Consent Calendar, with the removal of item, c and with a correction to Item I related to the Central Park Soccer Field.

a. **MINUTES** Dated: March 26, 2007 and April 2, 2007

Approved minutes dated March 26, 2007 and April 2, 2007.

b. **CLAIMS** #1770 Linda Fay Nellums

Denied claim #1770 Linda Fay Nellums.

- d. **RESOLUTION 07-10764** Requesting California Public Employees' Retirement System Grant an Employment Extension of a Retired Person

Adopted Resolution 07-10764.

- e. **RESOLUTION 07-1195** Provide Funds for an Additional Police Assistant Position  
**Combined w/07-10766**

Adopted Resolution 07-1195.

- f. **RESOLUTION 07-10766** Increase the City's Staffing Allocation by One Police Assistant  
**Combined w/07-1195**

Adopted Resolution 07-10766.

- g. **RESOLUTION 07-1196** Declaration of Intent Regarding the New Mecca Square Project as it Relates to the New York Landing Historic District  
**Combined w/07-10767**

Adopted Resolution 07-1196.

- h. **RESOLUTION 07-10767** Declaration of Intent Regarding the New Mecca Square Project as it Relates to the New York Landing Historic District  
**Combined w/07-1196**

Adopted Resolution 07-10767.

- i. **RESOLUTION 07-1197** Authorizing the Purchase of a Certain Portion of the Power Avenue Right of Way from the City of Pittsburg  
**Combined w/07-10768**

Adopted Resolution 07-1197.

- j. **RESOLUTION 07-10768** Authorizing the Purchase of a Certain Portion of the Power Avenue Right of Way from the City of Pittsburg  
**Combined w/07-1197**

Adopted Resolution 07-10768.

- k. **RESOLUTION 07-10770** Approval of Submission of CalHome Program Application for Mortgage Assistance and Owner Occupied Rehabilitation

Adopted Resolution 07-10770.

- l. **RESOLUTION 07-10771** Adopt a Resolution Accepting Contract 2005-29, Central Park Soccer Field, Pittsburg-Antioch Highway at USS-POSCO Driveway, as Complete

Adopted Resolution 07-10771.

- m. **RESOLUTION 07-10772** Approval of Sister City Visit to Shimonoseki, Japan

Adopted Resolution 07-10772.

- n. **REPORT** Receive Staff Report on the Review of Development Impact Fees Received by the City of Pittsburg that are Subject to AB 1600 Reporting Requirements

Received Report.

- o. **RESOLUTION 07-10773** Receive Report and Adopt Resolution Approving the City of Pittsburg Investment Policy of Public Funds to be Effective April 16, 2007

Adopted Resolution 07-10773.

- p. **RESOLUTION 07-10774** Review and Approval of the Growth Management Program Compliance Checklist for Calendar Years 2004 and 2005

Adopted Resolution 07-10774.

- q. **RESOLUTION 07-10775** Authorizing Participation in the East Bay Regional Communication System (EBRCS)

Adopted Resolution 07-10775.

- r. **REPORT** Summary of Key Events of Santa Lucia Slide

Received Report.

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

- c. **RESOLUTION 07-10763** Children's Health Fair at Small Word Park Sponsorship

Councilmember Kee advised that Assemblyman DeSaulnier and Senator Torlakson would be hosting an event at Small World Park and had asked that the use fee for the park be waived. He suggested that the entry fee should also be waived for that day.

On motion by Councilmember Kee, seconded by Councilmember Parent and carried unanimously to adopt Resolution 07-10763, amended that the entry fee also be waived.

**ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 8:30 P.M. to May 7, 2007.

Respectfully submitted,

Alice E. Evenson, Secretary

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**CITY OF PITTSBURG**  
**Pittsburg Power Company Minutes**  
**April 16, 2007**

Chair Ben Johnson called the meeting of the Pittsburg Power Company to order at 8:42 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 5:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 301 E. Tenth Street (APN 085-182-009) and 901 Los Medanos Street (APN 085-182-001); Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding three cases and pursuant to subdivision (c) of Section 54956.9 regarding one case; and into a Workshop at 6:00 P.M. for Zoning Code Update Phase 2.

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

**MEMBERS PRESENT:** Casey, Evola, Kee, Mixon, Parent, Wallen, Johnson

**MEMBERS ABSENT:** None

**STAFF PRESENT** Executive Director, Marc Grisham  
Assistant Executive Director, Matt Rodriguez  
Legal Counsel, Ruthann Ziegler  
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**REDEVELOPMENT AGENCY , PITTSBURG POWER COMPANY AND CITY COUNCIL  
COMBINED CONSENT CALENDAR**

On motion by Councilmember Kee, seconded by Vice Mayor Casey and carried unanimously to adopt the Consent Calendar, with the removal of item, c and with a correction to Item l related to the Central Park Soccer Field.

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Approved minutes dated March 26, 2007 and April 2, 2007.
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Denied claim #1770 Linda Fay Nellums.
- d. **RESOLUTION 07-10764** Requesting California Public Employees' Retirement System Grant an Employment Extension of a Retired Person  
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- e. **RESOLUTION 07-1195** Provide Funds for an Additional Police Assistant Position  
**Combined w/07-10766**  
Adopted Resolution 07-1195.
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**Combined w/07-1195**  
Adopted Resolution 07-10766.
- g. **RESOLUTION 07-1196** Declaration of Intent Regarding the New Mecca Square Project as it Relates to the New York Landing Historic District  
**Combined w/07-10767**  
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**Combined w/07-10768**  
Adopted Resolution 07-1197.
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- k. **RESOLUTION 07-10770** Approval of Submission of CalHome Program Application for Mortgage Assistance and Owner Occupied Rehabilitation

Adopted Resolution 07-10770.

- l. **RESOLUTION 07-10771** Adopt a Resolution Accepting Contract 2005-29, Central Park Soccer Field, Pittsburg-Antioch Highway at USS-POSCO Driveway, as Complete

Adopted Resolution 07-10771.

- m. **RESOLUTION 07-10772** Approval of Sister City Visit to Shimonoseki, Japan

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- n. **REPORT** Receive Staff Report on the Review of Development Impact Fees Received by the City of Pittsburg that are Subject to AB 1600 Reporting Requirements

Received Report.

- o. **RESOLUTION 07-10773** Receive Report and Adopt Resolution Approving the City of Pittsburg Investment Policy of Public Funds to be Effective April 16, 2007

Adopted Resolution 07-10773.

- p. **RESOLUTION 07-10774** Review and Approval of the Growth Management Program Compliance Checklist for Calendar Years 2004 and 2005

Adopted Resolution 07-10774.

- q. **RESOLUTION 07-10775** Authorizing Participation in the East Bay Regional Communication System (EBRCS)

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**ADJOURNMENT**

The meeting of the Pittsburg Power Company adjourned at 8:42 P.M.

Respectfully submitted,

Alice E. Evenson, Secretary

**CITY OF PITTSBURG**  
**City Council Minutes**  
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**MEMBERS PRESENT:** Casey, Evola, Kee, Parent, Johnson

**MEMBERS ABSENT:** None

**STAFF PRESENT** City Manager, Marc Grisham  
Assistant City Manager, Matt Rodriguez  
City Attorney, Ruthann Ziegler  
City Clerk, Alice Evenson  
Director of Housing and Community Programs, Annette Landry  
Director of Engineering and Building, Joe Sbranti  
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Director of Public Works, John Fuller  
Director of Planning, Melissa Ayres  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
Chief of Police, Aaron Baker

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

**PLEDGE OF ALLEGIANCE**

Police Chief Aaron Baker led the Pledge of Allegiance.

**PRESENTATION**

1. East Bay Regional Communication System

City Manager Marc Grisham advised that Contra Costa and Alameda Counties and the public safety agencies in those counties were currently in the process of establishing a single communication system in terms of emergency response, homeland security and other areas that needed enhanced and improved communications. He noted the request on the agenda for initial start up funding where all agencies were being asked to contribute.

Police Chief Baker introduced Retired Commander Jim Nichols from the Contra Costa County Sheriff's Department and Chief Scott Kirkland with the El Cerrito Police Department.

Retired Commander Jim Nichols from the Contra Costa County Sheriff's Department, presented the East Bay Regional Communication System and identified levels of interoperability and the desire to achieve level 5. He noted that the first level was swapping radios, the second level was identified as a fixed or level gateway, the third as shared radio channels, and the fourth as proprietary shared systems, with the fifth and highest level identified as the standards based shared system that was fully operable between systems. He described the problems associated with the existing communications systems and explained that grant funding was currently available for regional communications systems but explained that additional funding would be required.

Retired Commander Nichols explained that a Joint Powers Authority (JPA) would be created with local jurisdictions as members to own and operate the system. The payment required of each jurisdiction would be based on the number of radios involved. He identified the proposed members of the JPA and explained that committees had been formed and were to address governance, system design and implementation issues. He described the several million dollars that had already been invested in the project at no cost to the cities or counties and advised that the project cost had been estimated at \$55 million, which did not include the cost of portable or mobile radios. He added that \$47 million was currently unfunded. He described the efforts underway to secure additional funding.

Councilmember Kee questioned what would happen if the system became too costly to maintain and asked whether or not a jurisdiction could opt out.

Mr. Nichols stated that a Memorandum of Understanding (MOU) was currently being drafted to address that issue. He verified that to remain on the system a jurisdiction would have to pay for it. He commented that if a jurisdiction did opt out the old system would still work.

A.J. FARDELLA, Director of the Oak Hills Community Group, stated that he worked in the area and noted that interoperability was the key for every agency in the United States to embrace. He supported the effort of creating an East Bay Regional Communication System JPA but he had concerns for interoperability in the other direction from the local jurisdictions up to the federal level. He referenced a new standard titled NIEMS. He referred the Council to NIEMS.gov and suggested that the City's system be compliant to connect to the federal level as well.

## 2. New Employee Introductions

Human Resources Director Marc Fox introduced Raquel Estrada, a former employee of Kaiser who currently worked in the Human Resources Department doing recruitment, classification and compensation work and who assisted with training efforts.

RAQUEL ESTRADA stated that she had been welcomed by Human Resources staff as well as department heads, managers, and peers. She looked forward to a long future with the City.

Finance Director Marie Simon introduced Deana Cardona, the newest member of the Finance team who had over 20 years of experience working in the private sector working in accounting operation duties, including customer service. She stated that she would be performing Accounting Technician duties on the Business License desk and within the Utility Payment Center. She welcomed Deana to the City.

DEANA CARDONA thanked the City for the opportunity to live up to the City's expectations.

Public Works Director John Fuller introduced Ricardo (Ricky) Mena, a former three-term seasonal employee, and Anthony Baldazo, the new Supervisor in the Parks Department filling a vacant position that had remained vacant for many years. He explained that while a number of positions had been left vacant to control costs, the Department was now at the same staffing level it had been five years ago.

ANTHONY BALDAZO thanked the City for the opportunity.

RICARDO MENA stated that he had been a resident of the City since he was 9 years old and he was pleased to be able to serve the citizens of Pittsburg.

City Manager Marc Grisham introduced Rebecca Nichols-Patague, the new Executive Assistant in the City Manager's Office who was a local resident and graduate of Pittsburg High School and who had come to the City from a mortgage financing company. He was pleased to have Rebecca on board.

REBECCA NICHOLS-PATAGUE thanked the City for the opportunity and stated she was pleased and privileged to work for the City.

### **COUNCILMEMBER REPORTS/REMARKS**

As a member of the Board of Directors of the Delta Diablo Sanitation District (DDSD), Councilmember Parent reported that there was now support from Congresswoman Tauscher for HR 1526, the Bay Area Regional Water Recycling Program. She stated that the DDSD was one of the projects most ready to go.

Councilmember Parent also reported that a month ago she had announced that the DDSD had determined that people who lived in the California Seasons neighborhood had

been paying two sewer taxes; one a sewer service fee to the City of Pittsburg, and a property tax to DDSD for the same service. She explained how that double fee had occurred and stated that letters had been sent to those who lived in the neighborhood to advise how to process claims for reimbursement. Some of those claims had already been paid and DDSD was working to address that situation for those who still lived in the neighborhood and for those who had since moved out of that neighborhood. She added that the claims would be paid with interest. She noted that more than 40 percent of the potential claims had already been submitted.

Councilmember Parent advised that she had attended Bataan Day at the Fil-Am Association. She noted that the number of survivors was dwindling but she emphasized the importance of remembering that event.

Councilmember Parent also reported on her attendance at the Central Park Soccer Dedication and the community meeting on eBART which had been well attended. She announced that on April 23, the Pittsburg Women's Community League would hold its ultimate home party with 22 vendors at the Community Presbyterian Church on Leland Road from 5:30 to 8:00 P.M. There was no cost to attend that event. She added that the City of Pittsburg would co-sponsor the Community Violent Solutions Denim Day Rally on April 25 from 12:00 to 2:00 P.M. at City Hall when one of the special honorees, among others, would be City Clerk Alice Evenson.

Councilmember Kee reported that he and Councilmember Parent along with members of the Community Advisory Commission (CAC) had attended the opening of Central Park when he had thrown out the first ball. He stated the field was full, there were many who had attended, and there was a large contingent of youth volunteers serving refreshments to members of the community. He suggested that every soccer field in the community would be full.

Mayor Johnson advised that he had attended the luncheon of the Diablo League of Women Realtors in Brentwood along with other Mayors from East County cities. He had also attended two meetings with the City of Concord regarding hillside ordinances, development and the Concord Naval Weapons Station, along with an American Legion meeting, the well-attended Lenny Williams Concert, and the TRANSPLAN Committee and East Contra Costa Regional Fee and Finance Authority meetings. He had also attended the Bataan Day ceremonies with Councilmember Parent.

Mayor Johnson added that the City of Pittsburg supported a number of organizations, including the Fifth Annual Day of the Teacher Conference sponsored by the California State University East Bay, and had approved a \$500 donation in support of that event.

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

City Manager Marc Grisham reported that there had been a guest commentary in the Contra Costa Times related to local transportation mitigation fees. Given what he called inaccuracies and information left out of that report, he stated that the City Manager's

office would prepare a response to submit to the Contra Costa Times. He stated that when comparing the transportation mitigation fee that the City of Pittsburg had put in place with Antioch, Oakley and Brentwood fees, the fee was significantly lower. He referenced several other items that would be addressed to set the story straight.

Mr. Grisham announced that the Pittsburg Adult Education Art Show was being held at City Hall, with the Opening Night/Reception scheduled for April 20 at 7:00 P.M. The Art Show would run from April 23 to April 26. In addition, the 2007 Farmers' Market was scheduled to open on May 5, 2007 and run from 9:00 A.M. to 1:00 P.M. He introduced Timmy Tumbaga, the Old Town Coordinator, to speak to the Farmers' Market.

TIMMY TUMBAGA reiterated that the opening day of the Pittsburg Farmers' Market would be May 5 with a ribbon cutting ceremony and cultural festivities, including live entertainment and a new location at Railroad Avenue and Fifth Street. She noted that the Cinco de Mayo Festival coincided with the Farmers' Market. She distributed tomatoes representing the Farmers' Market calling card.

Mayor Johnson advised that to avoid time in considering individual votes on Consent Calendar items, anyone wishing to speak to Consent Calendar items would be considered during the Citizens Remarks portion of the meeting. He advised that if anyone wished to comment on a Consent Calendar item, speaker cards should be submitted at this time. He stated that non-agenda items would be heard first, followed by Consent Calendar items.

## **CITIZEN REMARKS**

MARIAN PARTRIDGE, Branch Librarian of the Pittsburg Library, identified Library Week as a time to celebrate libraries and recognize ways that libraries contributed to the cultural, intellectual and economic well-being of communities. She thanked the City Council for its support and stated that she would return in May to identify the 40<sup>th</sup> Anniversary festivities scheduled for the Pittsburg Library.

MICHAEL LENGYEL, Pittsburg, asked for a review of the procedures for Consent Calendar items given the change in which Consent Calendar items were considered, particularly related to the public's ability to remove items from the Consent Calendar. He suggested that was potentially illegal and he suggested it was difficult to have an item on the agenda and not be allowed to speak to that item. He stated that the consequence of not allowing a party to speak represented a fragmentation of the record. He asked the Council to review the law and consider the practice utilized in Tracy where the public was allowed to take items off of the Consent Calendar for purposes of discussion.

City Attorney Ruthann Ziegler stated that the procedure to be adopted by the Council allowed any member of the public to speak under Public Comment on any item on the agenda or any non-agendized items.

As such, any matter on the Consent Calendar could be addressed by members of the public under the Public Comment portion of the agenda. In following that procedure,

the City Attorney stated that the Council was fully complying with the Brown Act because members of the public were being allowed to comment. She stated that the issue raised by Mr. Lengyel was whether or not members of the public should have a right to pull items off the Consent Calendar, which was not referenced or required by the Brown Act.

Ms. Ziegler stated that the Council had the discretion to use the procedure currently being used where only Councilmembers could pull matters off the Consent Calendar. She reiterated that members of the public had the right to comment. As to whether or not the minutes reflected public comment or had public comment identified sequentially, she stated that the Brown Act only required that minutes be kept. It did not specify how short or lengthy those minutes should be. She noted that some cities kept action minutes only. She added that videotapes of meetings were retained although that was not required by the Brown Act.

Ms. Ziegler therefore advised that the process followed by the Council fully complied with the Brown Act.

In further response to Mr. Lengyel as to whether or not a change in procedure would require public action, Ms. Ziegler stated that the question of whether or not a change in procedure required Council action or whether it could be done at the discretion of the Mayor was a matter of policy. As long as the Brown Act was followed, actions to change a procedure could be by the full Council, by Mayoral discretion or by City Manager discretion. If the Council did not like the procedure it could be brought up for discussion and changed.

TED BAYHAM, Martinez, spoke to Item r on the Consent Calendar with respect to a summary of events and reports related to the Santa Lucia landslide. He was a certified engineering geologist, a geotechnical engineer, and a principal with Engeo, Inc., the geotechnical engineers that had worked on the San Marco project. Having reviewed the two reports made available to the City; one provided by Kleinfelder related to the causation of landslide, and another from Berlogar Geotechnical related to their findings of the landslide movement and causes for the landslide, he stated for the record that Engeo had reviewed the documents, disagreed with the findings, and were in the process of preparing a response to the City with regards to that issue.

Mayor Johnson adjourned to the Housing Authority agenda at 7:55 P.M. and reconvened as the City Council at 8:30 P.M.

## **PUBLIC HEARING**

1. **RESOLUTION 07-10735** Appeal of Planning Commission Approval of Victory Outreach Recovery Home (AP-06-379) (UP)

An appeal of the Planning Commission approval for a Use Permit to allow Victory Outreach Recovery Home to operate a residential care facility for 12 men recovering from

drug and alcohol abuse at 102 School Street in the CO (Office Commercial) District. APN 086-190-03.

Mr. Grisham advised that the item had been continued to the May 21, 2007 meeting.

Councilmember Evola recused himself from participating in the next item based on his financial interest as a source of income from his employer who would be affected by the resolution. He left the dais and the Council Chambers at this time.

2. **RESOLUTION 07-10745** Adoption of a Resolution Approving the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)

City Manager Grisham advised that on March 19, 2007, the City Council held a public hearing on the adoption of a resolution approving the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), then continued the item to April 16, 2007 to allow additional time for completion of the Faria south/Montecito Mitigation and In-Lieu Fee Agreement. The City Council is being requested to adopt a resolution approving the HCP/NCCP as amended through December 19, 2006, including related CEQA findings. The resolution will also authorize the City Manager to execute the Implementing Agreement for HCP/NCCP and the Joint Exercise of Powers Agreement creating the East Contra Costa County Habitat Conservancy. The Council is also being requested to appoint the City's representative and alternate to the East Contra Costa County Habitat Conservancy.

Mr. Grisham stated that the HCP/NCCP was an important tool that would be of benefit to the community. He also noted that there was an item that provided the current draft agreement as related to property in Pittsburg and the Seecon family of companies.

There was no fiscal impact associated with the project.

Mr. Grisham recommended the adoption of the resolution taking the following actions to approve the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (NCP/NCCP). The adoption of findings pursuant to the requirements of the California Environmental Quality Act (CEQA) and related to the Final Environmental Impact Report (EIR) for the HCP/NCCP, as set forth in Exhibit A of the resolution; approval of the HCP/NCCP, including revisions from the document entitled "Corrections and Updates to the HCP/NCCP, December 19, 2006," as set forth in Exhibit B to the resolution; authorization to the City Manager to execute the Implementing Agreement for the HCP/NCCP as set forth in Exhibit C to the resolution; and authorization to the City Manager to execute the Joint Exercise of Powers Agreement creating the East Contra Costa County Habitat Conservancy as set forth in Exhibit D to the resolution.

It was also recommended that the City's representative and alternate to the East Contra Costa County Habitat Conservancy be appointed.

Mayor Johnson opened the public hearing for Resolution 07-10745.

When asked if the agreement had been signed, Ms. Ayres reported that the agreement had not been signed.

Vice Mayor Casey volunteered to serve on the East Contra Costa County Habitat Conservancy.

There was no one to speak under the public hearing.

Mayor Johnson closed the public hearing for Resolution 07-10745.

Councilmember Parent supported the adoption of the resolution on condition of receipt of a signed side letter agreement between the US Fish & Wildlife Service and the Department of Fish and Game and the developer in terms of what land within the Faria-Costa property would be high priority land set aside for the HCP.

Planning Director Melissa Ayres noted that had been reduced from the original draft in exchange for a smaller amount and a lot more land and money in other places within the Pittsburg planning area. She added that a copy of the agreement would be submitted to the Council when available.

Councilmember Parent emphasized the importance of receiving a copy of the agreement to ensure that the developer was obligated to do what it said would be done.

Ms. Ayres emphasized that if approved without the provision and the agreement was not signed the developer would have no permit on the property and would have to negotiate from scratch. She stated it was in the developer's interest to have the agreement signed and not in the City's interest to hold up adoption of the HCP/NCCP until that had been done.

On motion by Councilmember Parent, seconded by Vice Mayor Casey to adopt Resolution 07-10745, carried by the following vote:

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

Vice Mayor Casey was designated as the City's representative to the East Contra Costa County Habitat Conservancy and Councilmember Kee was designated as the alternate.

Councilmember Evola rejoined the Council at this time.

3. **RESOLUTION 07-10765** Approval of a Disposition, Development, and Loan  
**Combined w/RDA 07-1193** Agreement By and Between the Redevelopment Agency

of the City of Pittsburg and Resources for Community  
Development and Making Certain Findings Herewith

The Redevelopment Agency of the City of Pittsburg and Resources for Community Development, a California nonprofit public benefit corporation, had negotiated terms for a Disposition, Development and Loan Agreement (DDLA) for the development of 71 rental dwellings and an approximate 3,400-square-foot community center to serve the residents of the development on a vacant, approximately 3.25-acre parcel of land located to the south of Frontage Road between Crestview Drive and Marsh Street, in the City of Pittsburg. Forty-nine percent of the units (or 35 units) would be restricted to extremely low, very low, and low income households while the other fifty-one percent of the units would be restricted to moderate income households.

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

On motion by Councilmember Parent, seconded by Councilmember Kee to adopt City Council Resolution 07-10765, carried by the following vote:

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

**CONSIDERATION**

1. **RESOLUTION 07-10762** Naming and Dedicating Delta View Park as the Larry Lasater Park

City Manager Grisham identified an interest in naming the neighborhood park located adjacent to the Delta View Elementary School as the Larry Lasater Park had developed and gained community support. As known, Officer Larry Lasater had served the Pittsburg community as a dedicated Police Officer whose watch ended in the performance of his duties. The naming of this park would honor Officer Lasater and the contribution he and his fellow Police Officers had made toward protecting and serving the City of Pittsburg.

With respect to fiscal impact, the funding for signage costs in the amount of \$3,000 would be allocated and expensed from the Park Dedication Fee fund.

The Recreation Commission had reviewed the dedication request and recommended Council approval. The Recreation Director and Chief of Police also recommended the park name as the Larry Lasater Park.

A.J. FARDELLA, Pittsburg, explained why he had requested the renaming of the park. He read a letter submitted at this meeting to request that the joint use park at Delta View Elementary be named the Larry Lasater Park.

Mr. Fardella thanked all those who had recognized and supported the idea to rename the park. He recognized all those involved in the process individually and was pleased that

the City's newest park would be named after Officer Larry Lasater. He stated that the dedication ceremony would be held on May 15 at 10:00 A.M. at the new park.

On motion by Councilmember Kee, seconded by Vice Mayor Casey and carried unanimously to adopt Resolution 07-10762.

### **CONFLICT OF INTEREST DECLARATION**

Councilmember Evola advised that his vote on the Consent Calendar would not apply to Items g and h based on his financial interest as a source of income from his employer.

### **REDEVELOPMENT AGENCY , PITTSBURG POWER COMPANY AND CITY COUNCIL COMBINED CONSENT CALENDAR**

On motion by Councilmember Kee, seconded by Vice Mayor Casey and carried unanimously to adopt the Consent Calendar, with the removal of item, c and with a correction to Item l related to the Central Park Soccer Field.

- a. **MINUTES** Dated: March 26, 2007 and April 2, 2007  
Approved minutes dated March 26, 2007 and April 2, 2007.
- b. **CLAIMS** #1770 Linda Fay Nellums  
Denied claim #1770 Linda Fay Nellums.
- d. **RESOLUTION 07-10764** Requesting California Public Employees' Retirement System Grant an Employment Extension of a Retired Person  
Adopted Resolution 07-10764.
- e. **RESOLUTION 07-1195** Provide Funds for an Additional Police Assistant Position  
**Combined w/07-10766**  
Adopted Resolution 07-1195.
- f. **RESOLUTION 07-10766** Increase the City's Staffing Allocation by One Police Assistant  
**Combined w/07-1195**  
Adopted Resolution 07-10766.
- g. **RESOLUTION 07-1196** Declaration of Intent Regarding the New Mecca Square Project as it Relates to the New York Landing Historic  
**Combined w/07-10767**

District

Adopted Resolution 07-1196.

- h. **RESOLUTION 07-10767** Declaration of Intent Regarding the New Mecca Square  
**Combined w/07-1196** Project as it Relates to the New York Landing Historic  
District

Adopted Resolution 07-10767.

- i. **RESOLUTION 07-1197** Authorizing the Purchase of a Certain Portion of the  
**Combined w/07-10768** Power Avenue Right of Way from the City of Pittsburg

Adopted Resolution 07-1197.

- j. **RESOLUTION 07-10768** Authorizing the Purchase of a Certain Portion of the  
**Combined w/07-1197** Power Avenue Right of Way from the City of Pittsburg

Adopted Resolution 07-10768.

- k. **RESOLUTION 07-10770** Approval of Submission of CalHome Program Application  
for Mortgage Assistance and Owner Occupied  
Rehabilitation

Adopted Resolution 07-10770.

- l. **RESOLUTION 07-10771** Adopt a Resolution Accepting Contract 2005-29, Central  
Park Soccer Field, Pittsburg-Antioch Highway at USS-  
POSCO Driveway, as Complete

Adopted Resolution 07-10771.

- m. **RESOLUTION 07-10772** Approval of Sister City Visit to Shimonoseki, Japan

Adopted Resolution 07-10772.

- n. **REPORT** Receive Staff Report on the Review of Development  
Impact Fees Received by the City of Pittsburg that are  
Subject to AB 1600 Reporting Requirements

Received Report.

- o. **RESOLUTION 07-10773** Receive Report and Adopt Resolution Approving the City  
of Pittsburg Investment Policy of Public Funds to be  
Effective April 16, 2007

Adopted Resolution 07-10773.

- p. **RESOLUTION 07-10774** Review and Approval of the Growth Management Program Compliance Checklist for Calendar Years 2004 and 2005

Adopted Resolution 07-10774.

- q. **RESOLUTION 07-10775** Authorizing Participation in the East Bay Regional Communication System (EBRCS)

Adopted Resolution 07-10775.

- r. **REPORT** Summary of Key Events of Santa Lucia Slide

Received Report.

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

- c. **RESOLUTION 07-10763** Children's Health Fair at Small World Park Sponsorship

Councilmember Kee advised that Assemblyman DeSaulnier and Senator Torlakson would be hosting an event at Small World Park and had asked that the use fee for the park be waived. He suggested that the entry fee should also be waived for that day.

On motion by Councilmember Kee, seconded by Councilmember Parent and carried unanimously to adopt Resolution 07-10763, amended that the entry fee also be waived.

### **ADJOURNMENT**

The City Council adjourned at 8:44 P.M to May 7, 2007.

Respectfully submitted,

Alice E. Evenson, City Clerk

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