

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**March 19, 2007**

Chair Ben Johnson called the meeting of the Housing Authority to order at 7:50 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 1605 Railroad Avenue (APN 086-175-014), 1044 Cumberland Street (APN 085-204-010), 1056 Cumberland Street (APN 085-204-011), 1073 Cumberland Street (APN 085-205-002), 554 W. Tenth Street (APN 085-270-016), and 254 Bay Crest Drive (APN 085-300-162); Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case and pursuant to subdivision (c) of Section 54956.9 regarding two cases; and Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) regarding West Coast Home Builders, Inc., and Seecon Financial & Construction Co., Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, et al, Contra Costa County Case No. N07-0174.

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

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

**MEMBERS ABSENT:** Wallen

**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

**PUBLIC HEARING**

1. **RESOLUTION 07-228** Adoption of Pittsburg Housing Authority 2007 Annual Plan

Director of Housing and Community Programs, Annette Landry reported that as required by the US Department of Housing and Urban Development (HUD) and contained in CFR 24 parts 35 and 982, the Housing Authority had prepared the 2007 Annual Plan. She stated that the Housing Authority would continue to provide services to residents in need of subsidy for rental assistance as well as continue to pursue the Section 8 Homeownership Program.

There was no fiscal impact. It was recommended that the Housing Authority adopt a resolution approving the 2007 Annual Plan.

Chair Johnson opened the public hearing for Resolution 07-228. There was no one to speak to the item. Chair Johnson closed the public hearing for Resolution 07-228.

On motion by Member Parent, seconded by Vice Chair Casey and carried unanimously to adopt Resolution 07-228.

### **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: February 28, 2007  
Approved Disbursement List dated February 28, 2007.
- b. **MINUTES** Dated: February 20, 2007  
Approved minutes dated February 20, 2007.
- c. **RESOLUTION 07-229** Adoption of Updated 2007 Utility Allowance Schedule  
Adopted Resolution 07-229.

### **ADJOURNMENT**

The meeting of the Housing Authority adjourned at 7:53 P.M. to the next meeting set for April 16, 2007.

Respectfully submitted,

Alice E. Evenson, Secretary

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**March 19, 2007**

Chair Ben Johnson called the meeting of the Redevelopment Agency to order at 7:54 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 1605 Railroad Avenue (APN 086-175-014), 1044 Cumberland Street (APN 085-204-010), 1056 Cumberland Street (APN 085-204-011), 1073 Cumberland Street (APN 085-205-002), 554 W. Tenth Street (APN 085-270-016), and 254 Bay Crest Drive (APN 085-300-162); Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case and pursuant to subdivision (c) of Section 54956.9 regarding two cases; and Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) regarding West Coast Home Builders, Inc., and Seecon Financial & Construction Co., Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, et al, Contra Costa County Case No. N07-0174.

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
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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 07-1185** Making Certain Findings Required by the Redevelopment Law and Authorizing Funding for an Agreement Between The City of Pittsburg and Harris Design  
**Combined w/CC 07-10734**

The Redevelopment Agency of the City of Pittsburg desires to fund the costs incurred by the City of Pittsburg in connection with the services of William Harris, a sole proprietorship, doing business as "Harris Design" to design the master plan for the park that is bordered by North Parkside Drive to the north, Railroad Avenue to the east, Civic Avenue to the south, and Davi Avenue to the west.

Mr. Grisham advised that the approval of the item would allow Harris Design to prepare the Master Plan for City Park. Efforts had been made to improve City Park with a new soccer field where over a thousand young persons playing soccer were anticipated to use the park. The intent was to master plan for the entire park which the consultant would do for the City.

A purchase order would be established for \$100,000. The cost of the consultant agreement is \$79,660. The purchase order takes into consideration the cost of the agreement, additional costs for additional workshops and presentation meetings beyond what had been identified in the scope of work and reimbursable expenses. There were sufficient funds in the City Park Sport Complex budget to cover the cost of the purchase order.

It was recommended that the Redevelopment Agency Board authorize the purchase order for the consultant's services. The City of Pittsburg had already approved the consultant and the agreement as part of the on-call list approved on January 16, 2007 by Resolution 07-10703.

Mayor Johnson opened the public hearing for Redevelopment Agency Resolution 07-1185 and City Council Resolution 07-10734.

MIKE LENGYEL, Pittsburg, stated that action had already been taken to remove 90 trees from City Park. He questioned who had planned that action. He inquired of the plans for the remaining trees and asked as to the arborist involved. He also questioned whether or not a gymnasium would be part of the master plan for the park. He asked that the remaining eucalyptus trees in the park be preserved to the greatest extent possible.

WILLIE MIMS, Pittsburg, Black Political Association (BPA), urged that the firm preparing the design seek citizen input, which the Mayor affirmed would be done.

Mayor Johnson closed the public hearing for Redevelopment Agency Resolution 07-1185 and City Council Resolution 07-10734.

Member Parent also agreed that public input should be involved in the planning process. She explained that after the plan had been developed by the professional planner it would still return to the City Council when there would be a publicly noticed meeting.

Member Parent emphasized that the public would be able to comment on the plan before and after its preparation.

On motion by Member Parent, seconded by Member Kee and carried unanimously to adopt Redevelopment Agency Resolution 07-1185.

On motion by Councilmember Parent, seconded by Councilmember Kee and carried unanimously to adopt City Council Resolution 07-10734.

### **REDEVELOPMENT AGENCY AND CITY COUNCIL COMBINED CONSENT CALENDAR**

On motion by Councilmember Parent, seconded by Vice Mayor Casey and carried unanimously to adopt the Consent Calendar, with the exception of items e, g and i.

a. **MINUTES** Dated: February 20, 2007

Approved minutes dated February 20, 2007.

b. **CLAIMS** #1743 James McElroy

Denied claim #1743 James McElroy.

c. **RESOLUTION 07-1186** Approval of an Architectural Contract By and Between the Redevelopment Agency of the City of Pittsburg and JMA Architecture

Adopted Resolution 07-1186.

d. **RESOLUTION 07-1187** Adopting a Purchase Order Increase for Associated Right of Way Services Inc.

Adopted Resolution 07-1187.

f. **RESOLUTION 07-10738** Accepting Contract 2005-28, California Avenue Pavement Rehabilitation Project as Complete and Authorizing the City Engineer to File a Notice of Completion

Adopted Resolution 07-10738.

h. **RESOLUTION 07-10740** Acceptance of Contract No. 1999-03B, Traffic Signal Installation, Century Boulevard and North Park Boulevard as Complete

Adopted Resolution 07-10740.

- j. **REPORT** Receive and File the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006 and the "Audit" Memorandum on Internal Control Structure for the Year Ended June 30, 2006

Received and filed the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006 and the "Audit" Memorandum on Internal Control Structure for the Year Ended June 30, 2006.

- k. **REPORT** Receive and File the Quarterly Investment Report as of December 31, 2006

Received and filed the Quarterly Investment Report as of December 31, 2006.

- l. **RESOLUTION 07-10742** Approving a Request to the Metropolitan Transportation Commission for the Allocation of 2007/08 Transportation for Livable Communities Project Funding

Adopted Resolution 07-10742.

- m. **RESOLUTION 07-10743** Approving a Request to the Metropolitan Transportation Commission for the Allocation of 2007/08 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding

Adopted Resolution 07-10743.

- n. **RESOLUTION 07-10744** Request to Increase Police Assistant Allocations by One

Adopted Resolution 07-10744.

- o. **REPORT** Clarification of the Mirant Power Generation Plant Annexation Area

Clarified the Mirant Power Generation Plant Annexation Area.

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

- e. **RESOLUTION 07-10737** Proposed Amendment to eBART Memorandum of Understanding

MIKE LENGYEL, Pittsburg, understood that the amendment to the MOU would eliminate full scale BART as an alternative to be studied. He also recalled during a prior meeting that the City Manager had referenced negotiations with Seeno on the Master Plan of a Transit Village at the eBART Station.

Mr. Grisham explained that the Council authorized initiation of planning studies for the BART property at the Pittsburg/Bay Point BART Station and that City staff was meeting with real estate people to discuss deal points on a possible transit village project. He stated that the amendment to the MOU had nothing to do with the BART alternatives to be studied.

Councilmember Parent referred to Page 9 of the MOU where the City of Brentwood had been referenced, clarified by Ms. Ayres that the City of Brentwood would participate in the Empire/Neroly Station.

On motion by Councilmember Evola, seconded by Vice Mayor Casey and carried unanimously to adopt Resolution 07-10737.

- g. **RESOLUTION 07-10739** Adopting the City of Pittsburg Capital Improvement Program (CIP) for Fiscal Years 2006/07 through 2010/11 and Allocating Funding for Projects

MIKE LENGYEL, Pittsburg, inquired whether or not the projects to be funded would include the Buchanan Road Bypass (BRB) and the Range Road Overcrossing. He also noted the recommendation to change the name of the BRB to James Donlan Boulevard. He recommended a name appropriate to Pittsburg or a parkway title since all of the roads transgressing the hills had a parkway designation. He also asked that information on Measure P be placed on the City's website.

Mr. Grisham advised that the funding was in place for the Environmental Impact Report (EIR) for the BRB with no funding commitments beyond that. Range Road had also been included in the local transportation mitigation fee list of projects and was not within the group of funded projects identified in the CIP.

City Engineer Joe Sbranti added that the resolution allocated funding for the next two years and not five years.

Councilmember Kee also noted that the BRB was a regional project where funding would come from the regional source not solely from Pittsburg.

WILLIE MIMS, Pittsburg, BPA, questioned the exclusion of the community of School Street, and Carpino and Diane Avenues which did not have a city park. He suggested that community deserved a park and had been in existence longer than the majority of the newer communities. Also, California Avenue was a major freeway during certain periods of the day and that community paralleled that area with the only exit through Diane Avenue. He also noted the need for the Council to bring relief to that community with a traffic light at the corner of California and Diane Avenues.

Mr. Sbranti explained that the design of California Avenue would have a need for a light at that intersection, and if warranted, would go in with the widening project.

As to a park in the area, Councilmember Parent commented that the PUSD was to

work jointly with the City on property by Martin Luther King Road. One of the proposals was a joint park, although the PUSD had yet to move forward. She urged Mr. Mims to address the PUSD Board of Directors to encourage work in that area which would have access for a park for the Diane Avenue neighborhood.

DARNELL TURNER, Pittsburg, referenced Caltrans' plans to widen Loveridge Road which may yield a light. While the identified projects merited funding, he suggested that the City should consider auditing the number of services for area of concern in the future since that neighborhood had received the least amount of services as compared to the City as a whole. He asked the City to consider that neighborhood for future improvements.

Mr. Grisham advised that the City had a strong commitment to those neighborhoods. He referenced the Kirker Creek Flood Control Project as an example of a project that was intended to protect those neighborhoods. The goal was also to complete the work on California Street in terms of the widening project and the City was in discussions with Solomon Temple for a potential senior housing project in that area. He noted the need to rebuild the El Pueblo area with active encouragement to the County Supervisors to allow that to be done since the rebuilding of El Pueblo was a County issue. He stated that the City would continue to encourage those rebuilding efforts.

Mr. Sbranti added that there were a number of projects in that area with pavement projects, sewer work, a Redevelopment Agency improvement project on School Street, and the Harbor Street Corridor at School Street improvements where the roadway would be improved, to include a bus turnout.

On motion by Councilmember Parent, seconded by Councilmember Evola and carried unanimously to adopt Resolution 07-10739.

- i. **RESOLUTION 07-10741** Initiation of Proceedings for the Consideration of an Increase to the Citywide Landscaping and Lighting District 1988-01

Mayor Johnson inquired whether or not the increase would include the Oak Hills Landscaping and Lighting District (LLD).

Mr. Grisham explained that the Oak Hills LLD generated sufficient revenue for its service needs while the subject LLD was \$1.5 million in deficit annually. There had been increases in services to the LLD over the past 17 years with no rate increase. The requested action was the first step to ask the voters to provide an extremely moderate increase to LLD 1988-01.

MIKE LENGYEL, Pittsburg, suggested that the City risked a backlash with the removal of over 90 trees in City Park and the removal of trees at the Johns Manville property. He suggested that the City had not preserved its heritage trees nor considered a tree protection ordinance.

Mr. Lengyel questioned whether or not the Council had considered other sources of

revenue proposed for the purposes of landscaping and maintenance, such as a fee on the generation of electricity through the Trans Bay Cable project, which could relieve the burden on the LLD. He requested that the Council review the Engineer's Report and consider alternative means of funding.

Mr. Grisham emphasized that the City was planting trees at ten times the rate that trees had been removed. He commented that the local youth and sports organizations were excited with the tournament soccer fields to be provided at City Park. More trees would have to be removed and planted. He recommended driving along the Pittsburg/Antioch Highway to see what City staff had done to provide a water course of new trees. He added that while approximately 25 trees had been removed from the Johns Manville site, by the time the project was built there would likely be a greater number of trees in their place.

Mr. Grisham noted that older trees had to be removed which did not mean the City was a bad steward. The City had done a good job, which was appreciated by the community. He had heard more positive comments about the improvements to City Park than detrimental comments. He pointed out that eucalyptus trees were an invasive species and were being removed from many communities. He emphasized that his engineering staff replaced trees and would continue to do so on all projects.

In terms of financing, Mr. Grisham explained that the City had a \$3 million structural deficit. The Trans Bay Cable project was being looked at to provide funding, with all sources of financing sources being considered. He emphasized that the Citywide LLD was to pay for the bulk of those services and for the past 17 years the City had not proposed any increase. The increase was not unreasonable.

Vice Mayor Casey advised that if there was to be a choice between enabling the youth of the City to play soccer and an old dirty tree, he sided with the youth.

Mayor Johnson agreed with the comments.

DARNELL TURNER, Pittsburg acknowledged the success of the City in managing the LLD as it had for many years. He too had heard similar positive comments about what the City was doing. He supported the adoption of the resolution. He also supported the removal of the trees from City Park since the trees had taken the beauty and use away from that park. He suggested that the proposed increase to the LLD was too low, but recognized that a figure that could be supported was being proposed.

On motion by Vice Mayor Casey, seconded by Councilmember Kee and carried unanimously to adopt Resolution 07-10741.

**ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 8:00 P.M. to April 2, 2007.

Respectfully submitted,

Alice E. Evenson, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**March 19, 2007**

Mayor Ben Johnson called the meeting of the City Council to order at 8:01 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 1605 Railroad Avenue (APN 086-175-014), 1044 Cumberland Street (APN 085-204-010), 1056 Cumberland Street (APN 085-204-011), 1073 Cumberland Street (APN 085-205-002), 554 W. Tenth Street (APN 085-270-016), and 254 Bay Crest Drive (APN 085-300-162); Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case and pursuant to subdivision (c) of Section 54956.9 regarding two cases; and Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) regarding West Coast Home Builders, Inc., and Seecon Financial & Construction Co., Inc. vs. City of Pittsburg, City Council of the City of Pittsburg, et al, Contra Costa County Case No. N07-0174.

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

**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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Mayor Johnson considered the following general City Council items at 7:04 P.M. prior to pursuing the Housing Authority agenda.

**PLEDGE OF ALLEGIANCE**

Melissa Ayres led the Pledge of Allegiance.

## **PRESENTATION**

### 1. *Don't Trash Pittsburg*

LAURA WRIGHT, Public Works Department, and a member of the Neighborhood Improvement Team, explained that Keep America Beautiful had started its efforts in 1953 and worked with many individuals, corporations, states and cities over the years on the beautification of the country with anti litter campaigns. Starting March 30 through May 31, Keep America Beautiful would promote its anti litter and graffiti efforts in working with a number of affiliates. She noted that the California Highway Patrol had given priority to littering concerns by issuing tickets in the last week and Caltrans had placed all of its piles of litter on the sides of the roads, with billboards and signs promoting *Don't Trash California*.

The City of Pittsburg had joined those efforts by recognizing students for their contributions and message to the community through *Don't Trash Pittsburg*, sponsored by the Neighborhood Improvement Team as part of its Illegal Dumping Program. The Pittsburg Care Poster and Video Contest with the theme *Don't Trash Pittsburg*, Pick up Litter, Recycle Bottles, Cans, Plastic and Paper was one effort to address the problem. The poster contest had been created for elementary students to share their positive feelings about their neighborhood and schools by illustrating community beautification and litter prevention efforts. The winning poster had been reproduced to be distributed to schools and businesses within the community. The Public Service Announcement (PSA) Video had been directed to middle and high school students within the Pittsburg Unified School District (PUSD).

Ms. Wright stated that the winning PSA video would be aired on the Local Cable Channel courtesy of Comcast with the hope that the vision of the clean city would transcend to all residents of the City so that the community could take pride and keep Pittsburg clean and beautiful.

Ms. Wright identified the 2007 Poster and Video Awards Receipts. She also recognized the teachers who had entered their students in the contest and who were present in the audience. She presented awards at this time for Honorable Mentions to Tyra Lassair and Stephanie Palafox; the Third Place award to Taylor Souza; the Second Place award to Jacqueline Valencia; and the First Place award to Krzel Manansala.

Public Service Award Winners were also presented with Honorable Mentions to Daniel Jackson, Carlos Palacios, Toshani Brown, Resa Dizon, Kevin Bowler, Maurice Moore, Myranda Young, Theresa Rhoe, and Kevin Letterman; Third Place award winners were Desiree Valenzuela, Kraig Pifer, Nicole Mijares, and Sendi Madoshi; Second Place awards were presented to Julius Mamaril, Maritza Diaz, and Daniel Jestadt; and First Place winners were identified as Jennifer Flores, Mortaza Aziz, Amanda Lujan, and Abraham Campos.

Ms. Wright took the opportunity to show the winning PSA video to the audience. She

thanked everyone for helping in the 2007 Poster and PSA campaign and reminded everyone to take pride in the City.

### **COUNCILMEMBER REPORTS/REMARKS**

Councilmember Parent reported that the Delta Diablo Sanitation District (DDSD) Bay Area Recycled Water Coalition consisting of nine agencies in the Bay Area, all of which had projects for recycled water in different stages of readiness, was seeking gap financing from the Federal government. She explained that Congressman Miller had introduced HR 6218 which would allow the Environmental Protection Agency (EPA) and the water agencies to participate in such projects. Congressman Miller was seeking co-authorship of congresspersons representing the nine other agencies including the cities of Palo Alto, Mountain View, Antioch and the Redwood Water District as co-authors.

Councilmember Parent stated that the DDSD also expected in the near future that bio solids would be difficult to dispose of in the current manner. As a result, a number of Bay Area agencies would be joining together to explore alternatives for the disposal of bio solids, with the DDSD to be the lead agency and contribute its share for the consultant's work through an environmental document.

Councilmember Parent also reported that she had attended a function for the Pittsburg Women's Community League, which contributed projects that benefited children in the community, to discuss the Small World Ferris Wheel project. She had received several checks in the amount of \$170 to be donated to the Ferris Wheel project and to be credited to the Pittsburg Women's Community League, which had pledged an additional fundraiser in April. She presented the checks to the Finance Director at this time.

Councilmember Kee reported that he had attended a meeting with the Pittsburg Unified School District Board Consultant for the new Superintendent of Schools search, when he had expressed his views as a parent and as a Councilmember and his hope to continue a good working relationship with the new Superintendent.

Vice Mayor Casey reported that he and Councilmember Kee had attended a Land Use Subcommittee meeting to discuss the Hillside Development Ordinance. The discussion had been open to the public, with participation from two members of the Planning Commission, two members from the City Council and one member of the public. The matter would again be addressed by a joint meeting with the City Council and Planning Commission on March 26. He expressed concern that no one other than the one individual from the public or the agencies concerned with hillside development had attended the initial meeting. He hoped everyone would attend the March 26 workshop.

Councilmember Evola reported that he had attended a Make a Difference Luncheon at the former Zandonella's Restaurant where the Kiwanis Club had honored Eddie Hart and Nicole Adler for outstanding community service. He personally thanked them publicly for all they had done in the past year.

Councilmember Evola added that he had attended recent Redevelopment Agency

Subcommittee and Pittsburg Power Company Subcommittee meetings and had been invited, although had been unable to attend, a round table discussion in the City of Antioch to discuss crime in that community. Due to the increase in crime in Antioch the round table would continue with Antioch seeking help from adjacent cities and councils.

Mayor Johnson reported that he had participated in the TRANSPLAN, East Contra Costa Fee and Financing Authority (ECCRFFA), and eBART Committee meetings, and had met Assemblyman DeSaulnier and Senator Torlakson to address transportation issues in East County. He had also attended a Mayor's Forum at the Delta Board of Realtors to discuss issues in East County. Further, he had attended the Pittsburg Women's Club Luncheon, the United Veterans and American Legion meetings, and a recent Soroptomist Dinner.

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

City Manager Marc Grisham reported on upcoming events in the community including a PUSD Groundbreaking Ceremony for the Marina Vista Elementary School on Saturday, March 24 at 10:00 A.M., and an Easter Pet Parade at 11:00 A.M. and 12:00 P.M., with an Easter Egg Hunt to be held in the gazebo area of the Pittsburg Marina. There would also be a Mariachi Concert in honor of Cesar Chavez, presented by Give Always to Others and co-sponsored by the City on Sunday, March 25 at 2:00 P.M. at the Creative Arts Building. Additionally, the PACO Youth Art Show reception would be held at City Hall on Wednesday, March 28 at 5:00 P.M. at City Hall, with the show to run from March 28 to April 6, 2007.

### **CITIZENS REMARKS**

GARY RUTLAND, Pittsburg, a resident of the San Marco development, noted that his home had been affected by two landslides. He questioned the fact that the City would be considering a Hillside Development Ordinance since his home remained to be repaired. While he had met previously on more than one occasion with members of City staff and Councilmember Kee who had assured the residents, along with representatives of William Lyons Homes, that the issue would be resolved, nothing had been resolved. He asked the Council to address the matter.

NADIRI JUMOKE, representing the Get Fit and Fit Fest coalition, reported that the coalition conducted walking programs with local students to reduce Type II Diabetes and childhood obesity. She reported that close to 500 children were participating in the program. Heights and Foothill Elementary Schools had joined the efforts and she expected all schools in the City to join the program by next fall. She encouraged everyone to participate in the walks and asked for support from the City. She also reported that a Fit Fest/Health Fair would be held on Saturday, May 19 at Los Medanos College.

WILLIE MIMS, Pittsburg, Black Political Association (BPA), commented that he had

enjoyed the Don't Trash Pittsburg presentation. He asked the Council to follow that presentation. He also commented that he had planned to protest the Johns Manville site in the community, which was toxic. He stated that Pittsburg citizens deserved better than that and did not deserve that site in the community. He added that he had also been disappointed with the recent destruction of many trees in City Park. He suggested the City did not treasure its trees with the destruction of over 90 trees in City Park and as such he urged the City not to submit an application for Tree City USA this year. He urged the City to consider the environmental welfare of its citizens.

GUS KRAMER spoke as the owner of property on Santa Lucia Drive in the San Marco development. He reported that one of the affected homeowners had lost her home due to foreclosure as a result of the landslide. Another neighbor had a recent stroke and passed away due to the stress of the situation. None of the affected homes had been repaired, replaced, or had any offers from the City or the developer to address the situation. He spoke to his experience and background in public service and he suggested that the Council had done a heinous act of doing nothing to address the situation. Mr. Kramer urged the City to use redevelopment money to purchase the affected homes as hardship acquisitions. He noted that similar situations had occurred in the County and in those instances the County had stepped in, had purchased the properties and had later resold those properties. He asked the Council to show leadership. He added that residents had been picketing the sales offices of William Lyons Homes and would continue to so do.

LARS REINHARDT, Pittsburg, also a resident of Santa Lucia Drive, spoke to the same issue of the landslide. He advised that his own home had been affected by the landslide with cracks in his home having been filled so that rain did not cause further damage. He stated that sinkholes had developed in at least four of the yards of the affected properties. He questioned the grading that had been done on the hillside and suggested that the developer had known there were landslides that had to be repaired. He suggested that the developer had run rough shod over the recommendations of its own engineers and had been far too aggressive in creating the landslides. Had the City not approved the Final Map, Mr. Reinhardt suggested that the developer could have addressed the damaged properties. He suggested now the City had no leverage. He asked the City to take care of its residents and he urged the Council to ensure that the developer dealt with the situation. He suggested that the residents were more important than an outside developer.

DENISE REINHARDT, Pittsburg, a resident of Santa Lucia Drive, commented that she had been raised outside of the country. She was proud to be an American. She stated that her family had served in the military. She too spoke to the landslide situation which had occurred nine months ago. She reiterated that none of the properties had been repaired.

Ms. Reinhardt acknowledged that she had met with staff and had been told that the residents would be considered through to the end. Residents had also been informed that their yards would be repaired in the spring although they would have to live with mud during the winter. She reiterated that nothing had been done.

Ms. Reinhardt also commented on the fact that a neighbor would be losing her home to foreclosure and another neighbor had recently passed away. She questioned the fact that the City had approved the Final Map for the development, although the City had been awaiting calculations from a report. As soon as the report had been published, residents had been ignored. She asked the Council to put the residents as opposed to the developers and that staff keep the promises made to the residents.

VERONICA HOTHEM, Pittsburg, another resident of Santa Lucia Drive, echoed the previous comments and emphasized that nothing had occurred to address the problems over the past nine months and the homes were still damaged. She suggested that the City had offered no response to the residents until the media had become involved and that the City had made promises to the residents that had not been done. Yards were to have been repaired in the winter of 2006 but due to the weather, residents were still waiting for repairs to be made. She stated that the developer had done nothing and since the recent elections residents were no longer being heard. She questioned whether or not that was because of the contributions made by the developer William Lyons Homes to the City.

Mr. Rutland stated that the issue was one everyone was aware of yet no one was doing anything about it. He was discouraged that the City continued to allow the builder to develop homes when the hill had not been stabilized placing future residents at risk. He emphasized that the situation had affected his home, his family and his finances. He asked someone to step up, be a leader and take care of the constituents.

Mr. Grisham advised that any discussion of the matter would have to be done in Closed Session.

City Attorney Ruthann Ziegler suggested it would be more appropriate to schedule a Closed Session with a report in open session at a subsequent meeting, which could be done either before the Special Meeting of March 26 or at the regular meeting of April 2. She advised that City staff would get back to the Council as soon as possible with a specific date to consider the matter during Closed Session.

Mayor Johnson adjourned to the Housing Authority agenda at 7:49 P.M. and reconvened as the City Council at 8:01 P.M.

## **PUBLIC HEARING**

1. **RESOLUTION 07-10734**      Making Certain Findings Required by the Redevelopment  
**Combined w/RDA 07-1185**      Law and Authorizing Funding for an Agreement Between  
The City of Pittsburg and Harris Design

The Redevelopment Agency of the City of Pittsburg desires to fund the costs incurred by the City of Pittsburg in connection with the services of William Harris, a sole proprietorship, doing business as "Harris Design" to design the master plan for the park that is bordered by North Parkside Drive to the north, Railroad Avenue to the east, Civic Avenue

to the south, and Davi Avenue to the west.

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

On motion by Councilmember Parent, seconded by Councilmember Kee and carried unanimously to adopt City Council Resolution 07-10734.

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

Planning Director Ayres presented the 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.

Ms. Ayres reported that the appeal had been filed by resident Martin Riccabona of the Planning Commission's decision to approve a use permit for Victory Outreach recovery Home to operate a residential care facility for 12 men recovering from alcohol and drug abuse, at 102 School Street. The applicant had filed for an application in August 2006, and initially requested a use permit to operate the facility for 24 men. The Planning Commission had approved a use permit for 12 men. The Pastor and his family currently live in the property and operated a similar facility for six men. Per State law, a facility for six or fewer men was exempt from local zoning requirements. Anything greater than six residents would trigger a use permit required under the Pittsburg Municipal Code (PMC), as permitted under State law.

The objectives and schedule for the facility would be similar to the current use and would consist of a one year program. Participants would participate in structured programs during the day, including religious study, parenting classes, anger management classes, cooking and cleaning classes. The applicant would partner with outside agencies, including the State Department of Rehabilitation and would assist in vocational rehabilitation in the later stages of the process. The program would also offer programs to assist recovery to allow residents to become more productive members of society.

The facility would not perform intake for persons who were intoxicated. Intake would be through several interviews with the Executive Director. Participants would be subject to background checks to determine any history of violence, mental illness as well as any convictions for child molestation. Anyone falling within those categories would not be permitted to be a member of the program.

If the project was approved for a use permit over six participants, the applicant would be eligible for State and County funding for those participating in the Proposition 36 program, which would allow first and second time non-violent simple drug possession offenders the opportunity to receive substance abuse treatment in such a facility rather than be incarcerated.

Ms. Ayres explained that the residents would be overseen 24 hours a day by two alcohol and drug certified counselors, who had each received over nine months of training, and 3,000 hours of internship. In addition to the live in staff, the Executive Director would be on-site daily as would up to two additional employees during the daytime and swing time shifts. One member of the staff would be awake 24/7 to monitor the residents of the program.

The use permit could only be granted if the City Council made certain findings: that the proposed use was appropriate for the specific location; was not detrimental to the health, safety and welfare to be operated as proposed at the location; the use would not adversely affect the orderly development of property; would not affect the preservation of property values; was consistent with the General Plan; would not create a nuisance or enforcement problem; would not encourage marginal development within the neighborhood; and would not create a demand for public services beyond the ability of the City to respond.

Ms. Ayres advised that the Planning Commission had held a public hearing on the request on January 23, 2007, at which time a resolution had been adopted recommending approval for only 12 men, since it was the opinion of the Commission that the facility was not designed to facilitate the healing of 24 participants.

The decision of the Planning Commission had been appealed by a local resident. Based on the appeal procedures, the hearing would be a de novo hearing, with review of the merits of the entire application.

The City would have no fiscal impact as a result of the project. It was recommended that the City Council deny the appeal and uphold the approval of Use Permit Application No. 06-379, subject to conditions, which would limit the use to 12 clients.

Councilmember Kee inquired whether or not the facility would be considered commercial or residential in terms of its construction and use. He also inquired whether or not the Building Department had evaluated the application.

Ms. Ayres stated that she would have to review the Municipal Code for the use classification. She added that a letter had been received from the Building Department which had no comments on the original application but which would review any building permits for any upgrades to the use.

Mayor Johnson opened the public hearing for Resolution 07-10735.

City Clerk Alice Evenson clarified that pursuant to the Rules and Procedures of the City Council, the appellant would have 20 minutes to speak, staff would have a 10-minute rebuttal period with another 10-minute rebuttal period from the appellant.

MARTIN RICCABONA, Pittsburg, the appellant, clarified that he was opposed to the expansion of the program and not the program itself. He did seek an alternative location

for the program. With redevelopment in the downtown, with millions of dollars of investments, and with future plans for a new high school, he questioned the location of the home in the downtown area. He questioned the housing of 12 men in a home 24/7, which was not done in prison, questioned young children being subject to the presence of the home, questioned locking the men in the home with no outside enjoyment, and questioned the potential interaction with high school students. He sought a more suitable location for the needs of the facility, the neighborhood, the students and the City.

Mr. Riccabona questioned why the City could not do what was right and spend money on relocating the program. He pointed out that the request would triple the current size of the facility. He asked the City Council to do what was right and consider the impact to everyone, not only the facility.

RICHARD REVELES, Executive Director, Victory Outreach Recovery Home, emphasized that he had worked hard over the past several months to meet all requirements of the City, County and State. He shared the same concerns as his neighbors and as a parent of children in the local schools. He emphasized that all possible safety measures had been taken into consideration and had been in place. He clarified that all of the men would not be locked up all day long. There would be a total of 12 men in the facility. The participants would participate in training, education, vocational and spiritual training, GED classes, and would be supervised at all times 24/7. The men would be encouraged to learn the curriculum and graduate the program. Those who did not remain and complete the program would leave. The facility would help the men find jobs and get life skills to keep them out of such programs in the future. He asked the Council to allow Victory Outreach to continue to allow the program to serve those in need.

Mr. Reveles stated that the organization was professional with certified counselors, proficient in the industry. While Victory Outreach would like to be in a different location, finances prevented that option. Expansion of the program would allow them to continue to do everything that had been done for the past 10 years at the subject location.

Mr. Reveles noted that there was a detox facility that had been located across from the high school and which had later turned into a residential program at 500 School Street. To his knowledge, no negative incidents had been associated with that facility and the high school students. During the 10 years that the program had been operating at the 102 School Street location, there had been no negative incident involving residents of the program and students of the high school. He also referenced an existing women's program located on Davi Street.

Mr. Reveles asked the Council to allow them to continue the program to allow them to help men in need of such services. He spoke to his own background as a former drug addict, where through the assistance of the ministry he had been allowed the opportunity and privilege to direct the program and to help to transform many lives.

Mr. Reveles added that his children attended the high school and visited the home. On more that one occasion, a friend had been brought to the home seeking help. Many

were seeking help, were now part of the church and were no longer associated with gangs or drugs. He stated that those who came to the facility were looking for help. Residents were not taken in when they were intoxicated or under the influence at which time they would be taken to detox. Every security precaution had been taken into consideration. He added that while the percentage of those successfully going through the program was low, many remained clean, sober and productive a year after graduation.

Mr. Reveles explained that the participants of the program would be housed for 365 days. He suggested that they had a program that worked and there was history in the community with the Pastor having served the community for the past 10 years. He suggested that there was proof the program worked and had helped many, including several graduates who were present in the audience.

ALFRED AFFINITO, Pittsburg, clarified that he was not opposed to the facility. He referenced the historical background of the property when it had been owned by the original property owner. He also spoke to the historical background of a hotel that had been located on Black Diamond Street between Third and Fourth Streets, where through community contributions and the City, the building had been made available for a full time methadone treatment center. He noted that facility had involved out-patient treatment and things went well for awhile although the facility was not just for Pittsburg residents. In that instance, the property was located in a commercial area of the City which had later affected the area and which had later been eliminated. He expressed his hope that the same situation would not occur in this case. Recognizing that the facility was well needed, he suggested that if 12 men were permitted now there could be a future expansion request.

MARIO FLORES, Pittsburg, recognized the need for a rehabilitation center, although he was concerned with the location since it was so close to the high school. He stated that students could be easily influenced and he questioned how the high school students would be safeguarded.

CECIL BROWN, Antioch, explained that he had been a director of a similar facility located in the City of Hayward in 1994. That facility had housed 40 men and was located in the center of town, near local schools, with no problems. He commented that he had entered the home as an alcoholic and drug addict, having lost his family and life although he had later changed tremendously. Having completed the program, he had later rejoined his family. He suggested that with the right training and people operating the program there should be no problem with children in the area. He commented that the crime rate in Antioch had increased as a result of drug sales and criminal activities. Mr. Brown commented that the ministry had been able to minister to people and give them hope, allowing an opportunity to change lives as opposed to jail time.

PETE CARPINO, Pittsburg, clarified that he was not speaking against the church facility. He otherwise questioned the location of the facility. He commented that those who resided in the neighborhood, particularly the elderly residents, had an uneasy feeling with the home being located so close by. He spoke to the fact that the City had recently passed a bond to build a new high school and he questioned the advisability of the facility at the

gateway/entrance to that future school. He also noted that the school had a drug free zone extending 1,000 feet around the school, and that the home fell within that distance. He suggested that the facility created a bad image and could create a negative impact to the community. He asked the Council to uphold the appeal and keep the facility at its current size.

WILLIE MIMS, BPA, Pittsburg, supported the staff recommendation to allow a use permit for 12 men. He suggested that the program would not have people dealing or taking drugs. While the facility was within a drug free zone, the men were participating in a drug free program. He referenced the problem in the nation with drug addiction and suggested that any program that would address that situation was needed. He added that the facility had been at the site for the past 10 years and the number of police calls over that period of time had recorded no incident related to anyone within the facility. He suggested that record was a testimony to the program. Further, the project would be heavily conditioned where the City could monitor the use and if problems were to occur the program could be pulled. He emphasized that the BPA supported the project.

DEBORAH GONZAGA NEWELL, Pittsburg, asked the Council to reconsider the Planning Commission's decision approving a use permit to expand the facility to 12 men. As a resident of Oak Place, she was concerned with the ability of the facility to manage its current population. She commented that her residence had been overrun with rats as a result of the facility having debris left at the site with no garbage collection. As long as that situation continued, her rat problem would not go away. She pointed out that rats carried diseases, which was also a concern.

Ms. Gonzaga Newell added that there had been a past problem when property on Oak Place had been fenced and where garbage had collected. While the City's Code Enforcement Division and the County Health Department had been to that site, the problems continued to persist. If the facility could not manage its current garbage, she questioned how it would be able to manage with an increase in capacity. She suggested that spoke to the ability of the facility to be a good neighbor.

JOHN BUFFO, Pittsburg, a retired Pittsburg High School teacher, commented that alcohol and drug addiction was a grave problem in society and while he sympathized with those in need, locating a center within one block of a high school with vulnerable students and across the street from a park which had been known in the past for drug use/sales, was a concern. He questioned whether or not the residents would likely reform past behavior patterns. Mr. Buffo suggested that the residents of the facility could influence those nearby in a negative way and could become sexually involved with persons nearby. He questioned whether or not the participants in the program would have sexually transmitted diseases. He asked the Council to carefully deliberate its decision and consider the welfare of the high school and the nearby neighborhood.

ARTHUR HUIE identified himself as a successful graduate of the Victory Outreach Recovery Home program. He stated that the facility was the only one of its kind in East County and had been under the radar for the past 10 years. He stated it was a drug and

alcohol free facility that would set a good example for the area. He otherwise suggested that the rat infestation could be from the demolition of buildings along Railroad Avenue and the removal of trees in the area. He added that the home did have weekly garbage service and there were efforts to clean and maintain the yard and facility. Further, the facility had strict regulations to ensure no drug or alcohol use in the home.

DAVID LITTLETON, Pittsburg, a retired teacher at Pittsburg High School, stated that he was a child of an addict. He acknowledged that the facility had come in under the radar, although had the high school known when it had initially been proposed, the school would have opposed it. He was not supportive of evicting the program but did not support an expansion of the program. He spoke to the brain of an addict and referenced a number of medical studies on drug and alcohol addiction. While the facility was currently a good neighbor, he questioned the unknown of what could occur in the event the facility was allowed to expand. He understood that the Pastor and his family resided in the home with the current occupants, which was manageable. If expanded to 12 men, the capacity could be questionable. He suggested that the Council consider the reasonable test as used in the court system. He suggested a reasonable person would not want the facility in any neighborhood.

PASTOR DANIEL ANTHONY RODRIGUEZ, Sr. identified himself as Pastor Tony, a resident of Pittsburg since 1996. He advised that he resided at 102 School Street with his wife and family. He commented that when he had first moved into the home, he had informed the drug dealers in the area that it would not be tolerated. He advised that he had lost his own father to heroin addiction and was familiar with the impacts of drug use on a family. He had also had his own experience with alcohol and drug abuse, although the church through its mentors, counselors and ministers had provided guidance and direction, leading him to become a licensed Minister.

PAM RAMIREZ, Pittsburg, asked the Council to uphold the appeal and deny the approval of a use permit for the expansion of the facility to 12 men, given the close proximity of the high school. She commented that a walkway through the field where the Fire Department would be building was now closed and all of the students would have to walk past the facility to reach school. She also questioned the fact that the expansion of the facility would qualify for the Proposition 36 program allowing first and second time drug possession offenders to receive drug treatment rather than incarceration. She suggested that would allow the presence of felons within 500 feet of the high school.

Ms. Ramirez referenced many of the comments made by Planning Commissioners during his/her deliberations and pointed out that the use permit expansion was not unanimously approved by the Planning Commission in that there was a 4 to 3 vote. She also pointed out that the facility would have only one and a half bathrooms on the second floor, with two on-site staff persons residing in the home 24 hours. The first floor would include a commune area with only one bathroom. The basement would house the 12 men with no bathroom facilities. Ms. Ramirez also expressed concern with the parking situation in the neighborhood noting that Oak Place was already impacted by nearby businesses whose customers parked in the neighborhood. The facility would have an entrance from

Oak Place which would further impact the neighborhood.

HOWARD POLANSKY, Pittsburg, also suggested that the facility was located too close to the high school. Given the proximity of children in that area from all neighborhoods of the City, he suggested that it was the duty of the City to protect them and not expose them to unnecessary risks. He questioned what would happen to the residents of the facility after the completion of the program and inquired of the percentage of relapse addiction.

MARK CAIN stated that he had graduated from the Victory Outreach Recovery Home in 2000 and that his life had been restored due to the program and due to Pastor Tony and his family. He spoke to his past as a former drug addict, his graduation from the home, and his attendance at ministry school with an effort to become a certified counselor to work at the facility. He also stated that both his parents were victims of drug addiction. While he recognized the concerns with the facility's close proximity to the school, he suggested that there should be more emphasis on what occurred in the home. Through the efforts of the Pastor, he had found hope. He added that the facility was a safe place when he needed it. He recommended it and believed in it.

MARIA RODRIGUEZ, Pittsburg, identified herself as the wife of Pastor Rodriguez and the mother of six children. She commented on her experiences with the success of the ministry and the facility. She shared the same concerns of the neighbors as a mother and grandmother, but had seen the men transform their lives through the program and the ministry. While she had not suffered personally from drug or alcohol addiction, she recognized the concerns and asked that Victory Outreach be allowed to continue to serve in the community. The facility was a commitment to the City and the men in the program. She stated that she lived in the home and felt safe and wanted to see the men succeed with the safeguards of the experienced staff. Her children had seen the positive outcome as well.

CHRISTINA RODRIGUEZ, Antioch, advised that she had been raised in the home for the past ten years with her family and was a former student at Pittsburg High School. She was now a mother and lived in Antioch and came back to the home and felt safe. The men in the home were addicts but were part of the family. The men had been welcomed as a family into the church and into their lives.

Ms. Rodriguez asked the Council to approve the expansion. She pointed out that the facility had no negative incidents over the past 10 years.

JAIME MECIA, Pittsburg, suggested that no one opposed the program. The issue was the location. While the home had no problems with six residents, if expanded, something could go wrong and he questioned taking a chance. If it was permitted to expand, he commented that he might reconsider living in the City.

DIEGO GARCIA, a resident of the home and a graduate of the program, also spoke to his past as a former drug addict and gang member. He commented that he had been with the Pastor over the last year and a half. Many people did not have those same

opportunities. He suggested that they needed more such facilities as opposed to the government priority for more jails which led to gang affiliations and menaces to society. He emphasized that gang violence and drug addiction was a real problem in the nation. He understood the fear associated with the facility and suggested it was a lack of understanding with the program. He spoke to his own background, his family and his job experiences. He advised that he was now a certified counselor. He noted that the recovery home was a Christian home.

MINISTER HELEN ROBERTS-BROWN, Antioch, commented that her husband had successfully completed the program 10 years ago. She and her husband were now ordained ministers and worked to serve the community. She referenced a number of programs and services offered by the facility. While there was a focus on the men's home at this time, she expressed her hope that there could be a women's facility in the future. She stated that the men in the home were respectful and were taught the values that many in the community had given up on.

CANDY MAHONEY, Antioch, stated that she was a product of the home. She too commented on her personal background where the program had helped her in her life. As to the concerns with respect to trash and the concern with the presence of drug addicts, she emphasized that the men were trying to get their lives together and people could not always know who their neighbors were. While there was a low success rate for those who completed the program, she stated that any percentage represented success. She asked the Council to consider those issues as well.

MARGARITA SOLIS, Pittsburg, a member of the Victory Outreach Church, recognized the concerns of the residents. As a product of Pittsburg schools and a citizen of the community, she had seen certain areas of the City deteriorate, with drugs being sold in many areas. The applicant was presenting a positive solution to that situation. She asked the City to be proactive. She commented on the number of activities that were no longer available in the downtown. The men in the facility were attempting to recover from drug and alcohol addiction and she suggested that the City's eyes should be open to that.

When asked, Mr. Riccabona stated from the audience that he had nothing further to add in rebuttal.

Mayor Johnson closed the public hearing for Resolution 07-10735.

Councilmember Kee expressed concern with the number of men who could be housed in the basement of the home. He commented that the Health and Safety Code required a certain amount of light and ventilation in all bedroom areas and ten percent of the floor area must be dedicated to windows. He was also concerned with the lack of adequate bathroom facilities in the basement area. He otherwise commended the facility for providing a much needed service in the community and the country since drug addiction was a growing problem in the country.

Councilmember Kee commented that it was possible for the success rate to increase. He suggested that the men should be supported as much as possible. He recognized the

concern with the facility in a neighborhood. Having lived next door to people using drugs, he would rather reside next to the subject facility than reside next to a drug user. As to the concerns with the lack of trash pick up he suggested that could be resolved through code enforcement. He suggested it would be nice not to have the need for such a facility, although as long as drugs were involved, the issue would have to be addressed one way or another.

Councilmember Parent acknowledged the concerns that had been raised. She expressed concern that the church had a 70 percent success rate in other places but only 17 percent in the Pittsburg facility.

Mr. Reveles explained that Victory Outreach had a 70 percent overall international ministry success rate. He stated that Victory Outreach had hundreds of programs and of those programs there was a 70 percent success rate. The Pittsburg facility had a 17 percent success rate.

Councilmember Parent requested that the actual success rate be clarified. As to the testimony that the family of the Pastor would reside in the home, she understood that in order to justify the increase in occupants to 12 men, per the staff report, the family would be moving out of the home.

Mr. Reveles acknowledged that had been the original plan, although in response to some of the concerns with the neighbors, the Pastor and his family would remain in the home to supervise the transition of the growth from six to 12 men and continue to reside in the home until finances allowed them to seek a new home.

Councilmember Parent understood that the Pastor owned the home, which Mr. Reveles affirmed. She also clarified with Mr. Reveles that Victory Outreach Church was a registered non-profit organization and was to his knowledge not on the title for the home.

Councilmember Parent suggested that the Health Department and Code Enforcement be contacted to address the rat and garbage issue. She would also like more detail from the Police Department on the calls of service to the property. She suggested that the public hearing should be continued pending the receipt of that information.

Mr. Reveles explained that most of the calls for service had been made by his own staff given the traffic accidents that had occurred at the intersection of School Street and Railroad Avenue.

Councilmember Evola thanked everyone for their comments. He too was concerned with the adequacy of the space in the basement and with proper ventilation, lighting, and bathroom count, which he would like resolved before he could make a decision.

Mr. Reveles noted that all of that information had been addressed in the staff report. Vice Mayor Casey recognized that no one opposed the program itself, although there were concerns with the physical facility and its location. He was not convinced that the

program would work with 12 men.

Mayor Johnson shared the concerns with the possibility of 12 men in the basement and he recognized the need to meet code for lighting and ventilation in the basement.

Mr. Reveles advised that the Fire Marshall had inspected the property and ensured it was a safe location. A report to that effect could be provided to the Council.

Mayor Johnson made a recommendation to continue the item.

Mr. Grisham recommended that the appeal be continued to the City Council meeting of April 16 to allow the building staff to meet with the applicant to review the use and the code requirements, to allow the Police Department the opportunity to clarify the calls for service to the property, and to address the vector control situation. Also, the location must be reviewed in terms of whether or not it had been viewed as an interim location in terms of what the best location could be for the program. He stated that could be explored with the applicant and the Redevelopment Agency.

Mayor Johnson directed the City Manager to work with the Pastor of the Victory Outreach Church on the possible options with the Redevelopment Agency, which Mr. Grisham affirmed would be done.

On motion by Councilmember Parent, seconded by Councilmember Evola, and carried unanimously to continue the appeal of the Planning Commission Approval of Victory Outreach Recovery Home AP-06-379 (UP), to the City Council meeting of April 16, 2007.

3. **RESOLUTION 07-10736** Clear Channel Billboard Relocation Appeal: Appeal of Planning Commission Approval of Design Review Application No. AP-06-402

Ms. Ayres advised that the Planning Commission had approved a design review application for a replacement commercial billboard to be installed on a 2.8 acre site located at 2691-2695 East Leland Road in the CS (Service Commercial) District.

Ms. Ayres advised that Tina Wehrmeister, the Deputy Director of Community Development for the City of Antioch, filed an appeal of the Planning Commission's approval and the Council must now act on both the appeal and the original design review application.

Ms. Ayres explained that in October 2006, the City Council had entered into a Memorandum of Understanding (MOU) with Clear Channel Outdoor for the removal of three dilapidated billboard signs in the downtown in exchange for permission to relocate the equivalent of one of the billboards, to be double faced, on the south side of State Route 4. As part of the MOU, the Planning Commission was obligated to review the sign for design review purposes.

The Planning Commission reviewed the sign on February 13, 2007, and had issued design review approval for the billboard to be 14 feet by 48 feet in width. Where the MOU would have allowed the billboard to be a maximum of 50 feet in height, the Planning Commission held the sign at 45 feet, which the applicant had agreed to do. The billboard would be painted dark green, with all equipment on the sides and internal to be screened by metal, to also be painted dark green. Gooseneck lights would be used over the top to shine down onto the sign. The Planning Commission also conditioned the sign to be maintained and to be repainted every seven years to avoid it being a blight to the community.

The appeal filed by the City of Antioch had expressed concern that the billboard would convey a negative image for both communities. Antioch was concerned that the current location of an existing Caltrans sign on the freeway stating "Antioch Next Five Exits" was located in the city limits of Pittsburg and west of the sign so that people might think that the sign was located in the City of Antioch. Caltrans was in the process of widening State Route 4 between Harbor and Loveridge Road and to Century Boulevard. When reaching the Century Boulevard area, the Caltrans' plans shows that the "Antioch next Five Exits" sign would be relocated east of the billboard within the city limits of Antioch.

There would be no fiscal impact. It was recommended that the City Council adopt a resolution denying the appeal and upholding the Planning Commission's decision to approve Design Review Application No. AP-06-402, subject to conditions.

TINA WEHRMEISTER, Deputy Director of Community Development for the City of Antioch, the appellant representing the City of Antioch, advised that the City of Antioch had appealed the Planning Commission's decision. She asked the City Council to uphold the appeal and deny the requested billboard. She stated that while Antioch respected Pittsburg's desire to remove billboards from the downtown, she suggested that the proposed location was inappropriate. Ms. Wehrmeister referenced Attachment 7 to the staff report dated March 19, 2007, which had identified the City limit line at approximately Century Boulevard.

Ms. Wehrmeister clarified that the City limit line was co-terminus with the eastern property line of the subject property, putting the sign virtually immediately adjacent to the Antioch city limits lines. She stated that Antioch owned the vacant parcel to the east of the project site and was located at all four corners of Century Boulevard, Delta Fair Boulevard and the East Leland Road intersection, which comprised the Western Gateway Focus Policy Area in the Antioch General Plan defined as a key community entry that would identify Antioch's visual character. The Antioch General Plan policy called for a community gateway monument and landscaping to be developed that would portray a high quality design and image for the City. As such, she suggested that a large advertising billboard adjacent to the City of Antioch would not convey a high quality design image.

Ms. Wehrmeister suggested that the billboard would detract from the visual appearance of any sign and landscaping improvements constructed in the area, if it did not

block views of the future improvements outright. She noted that the staff report had stated that the billboard was consistent with other signs in the vicinity at 45 feet in height and not taller than the Delta Auto Mall sign or the Antioch Auto Center sign. She stated that billboards were different in character and design from other signs, which had been the reason they were treated differently in sign codes. The height of the billboard sign was not as much an issue as the nature of the billboard which would be obstructive and less decorative by nature.

Ms. Wehrmeister commented that the staff report had also stated that the City Council could support the findings to support the sign since the billboard would contribute to the character and image of the City as a place of beauty, the appearance of the billboard was not of inferior quality, and the structure was in harmony with proposed developments on land within the general area, and focused on whether or not the billboard would be in harmony with proposed State Route 4 improvements. The staff report had not mentioned Antioch's developments in the area.

Ms. Wehrmeister suggested that the billboard was not in harmony with Antioch's plans for a gateway monument with a high quality design image. She also suggested that the billboard was not attractive no matter what could be done to try to improve it. She also commented that the staff report had focused on the "Antioch Five Exits Sign" giving the impression that the sign was in the City of Antioch. She stated that Antioch was concerned with the negative visual impacts of the proposal regardless of Caltrans' plans for signs in the future. She respectfully requested that the City Council uphold the appeal and deny the billboard.

Councilmember Kee inquired whether or not Antioch had any plans for the vacant lot located in the City of Antioch, to which Ms. Wehrmeister advised that there were no plans for that property at this time. She added, when asked by Councilmember Parent, that Antioch's monument sign had been planned for the vacant lot to the east of Century Boulevard. Antioch was waiting to decide on the final location after Caltrans completed its final design drawings. The monument sign had been designated as a priority sign by the Antioch City Council, which was just waiting for the final design drawings from Caltrans.

Mayor Johnson referenced property on the other side of the County offices and was aware that Antioch was working with the Mission Group to build a facility on that property. He inquired how that would affect the current discussion.

Ms. Wehrmeister advised that the Mission Group has not submitted a formal application with any formalized plans reviewed by Antioch staff.

Mayor Johnson opened the public hearing for Resolution 07-10736. There was no one else to speak to the item. Mayor Johnson closed the public hearing for Resolution 07-10736.

In response to Commissioner Evola as to the length of the leases with Clear Channel the City was able to eliminate from the downtown, Ms. Ayres advised that staff had been

informed that information was proprietary. There was no development proposed for the downtown properties that would have brought those signs down quickly. Pursuant to Sign Code Ordinance and State law, those signs could not be abated over a time period and would have to come down when they were ready.

Mr. Grisham noted that one of the signs was located immediately adjacent to City Park in a greenbelt recreation area, the second sign was on a small vacant lot immediately adjacent to plans for the Muniz Square development in the downtown, and the third sign was located on property in the Central Addition, all older style billboards. He recognized that billboards were in the eye of the beholder. He had no concerns with a billboard on a freeway location which could be appropriate. Had he done the marketing and branding for the City of Antioch, he would not place a monument sign at its city limits. He suggested it should be moved back to a major intersection where a statement could be made.

Councilmember Kee understood that if the appeal were upheld, another location would have to be found along the freeway for the billboard. He inquired whether or not there were alternate locations for the billboard.

Mr. Grisham advised that there were limited locations available along the freeway given the bulk of residential adjacent to the freeway. There were also sound walls between the freeway and the residential areas. Once past Harbor Street, the area was commercial in nature. The applicant had located a site within a commercial area where there were other signs characteristic of freeway advertising.

Councilmember Parent commented that in the past efforts were made to be sensitive to the City of Antioch. In weighing the proposal, she recognized that three unattractive billboards would be removed for one that was not as unattractive. She clarified with the City Manager that real estate signs were treated differently. She was sorry that the City of Antioch was not pleased with the billboard but she emphasized that the Council had to weigh what was good for Pittsburg.

On motion by Councilmember Parent, seconded by Vice Mayor Casey, and carried unanimously to deny the appeal and uphold the Planning Commission's decision to approve Design Review Application No. AP-06-402, subject to conditions.

### **CONFLICT OF INTEREST DECLARATION**

There was no Conflict of Interest Declaration.

### **REDEVELOPMENT AGENCY AND CITY COUNCIL COMBINED CONSENT CALENDAR**

On motion by Councilmember Parent, seconded by Vice Mayor Casey and carried unanimously to adopt the Consent Calendar, with the exception of items e, g and i.

a. **MINUTES**

Dated: February 20, 2007

Approved minutes dated February 20, 2007.

- b. **CLAIMS** #1743 James McElroy

Denied claim #1743 James McElroy.

- c. **RESOLUTION 07-1186** Approval of an Architectural Contract By and Between the Redevelopment Agency of the City of Pittsburg and JMA Architecture

Adopted Resolution 07-1186.

- d. **RESOLUTION 07-1187** Adopting a Purchase Order Increase for Associated Right of Way Services Inc.

Adopted Resolution 07-1187.

- f. **RESOLUTION 07-10738** Accepting Contract 2005-28, California Avenue Pavement Rehabilitation Project as Complete and Authorizing the City Engineer to File a Notice of Completion

Adopted Resolution 07-10738.

- h. **RESOLUTION 07-10740** Acceptance of Contract No. 1999-03B, Traffic Signal Installation, Century Boulevard and North Park Boulevard as Complete

Adopted Resolution 07-10740.

- j. **REPORT** Receive and File the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006 and the "Audit" Memorandum on Internal Control Structure for the Year Ended June 30, 2006

Received and filed the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006 and the "Audit" Memorandum on Internal Control Structure for the Year Ended June 30, 2006.

- k. **REPORT** Receive and File the Quarterly Investment Report as of December 31, 2006

Received and filed the Quarterly Investment Report as of December 31, 2006.

- l. **RESOLUTION 07-10742** Approving a Request to the Metropolitan Transportation

Commission for the Allocation of 2007/08  
Transportation for Livable Communities Project Funding

Adopted Resolution 07-10742.

- m. **RESOLUTION 07-10743** Approving a Request to the Metropolitan Transportation Commission for the Allocation of 2007/08 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding

Adopted Resolution 07-10743.

- n. **RESOLUTION 07-10744** Request to Increase Police Assistant Allocations by One

Adopted Resolution 07-10744.

- o. **REPORT** Clarification of the Mirant Power Generation Plant Annexation Area

Clarified the Mirant Power Generation Plant Annexation Area.

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

- e. **RESOLUTION 07-10737** Proposed Amendment to eBART Memorandum of Understanding

MIKE LENGYEL, Pittsburg, understood that the amendment to the MOU would eliminate full scale BART as an alternative to be studied. He also recalled during a prior meeting that the City Manager had referenced negotiations with Seeno on the Master Plan of a Transit Village at the eBART Station.

Mr. Grisham explained that the Council authorized initiation of planning studies for the BART property at the Pittsburg/Bay Point BART Station and that City staff was meeting with real estate people to discuss deal points on a possible transit village project. He stated that the amendment to the MOU had nothing to do with the BART alternatives to be studied.

Councilmember Parent referred to Page 9 of the MOU where the City of Brentwood had been referenced, clarified by Ms. Ayres that the City of Brentwood would participate in the Empire/Neroly Station.

On motion by Councilmember Evola, seconded by Vice Mayor Casey and carried unanimously to adopt Resolution 07-10737.

- g. **RESOLUTION 07-10739** Adopting the City of Pittsburg Capital Improvement Program (CIP) for Fiscal Years 2006/07 through 2010/11 and Allocating Funding for Projects

MIKE LENGYEL, Pittsburg, inquired whether or not the projects to be funded would include the Buchanan Road Bypass (BRB) and the Range Road Overcrossing. He also noted the recommendation to change the name of the BRB to James Donlan Boulevard. He recommended a name appropriate to Pittsburg or a parkway title since all of the roads transgressing the hills had a parkway designation. He also asked that information on Measure P be placed on the City's website.

Mr. Grisham advised that the funding was in place for the Environmental Impact Report (EIR) for the BRB with no funding commitments beyond that. Range Road had also been included in the local transportation mitigation fee list of projects and was not within the group of funded projects identified in the CIP.

City Engineer Joe Sbranti added that the resolution allocated funding for the next two years and not five years.

Councilmember Kee also noted that the BRB was a regional project where funding would come from the regional source not solely from Pittsburg.

WILLIE MIMS, Pittsburg, BPA, questioned the exclusion of the community of School Street, and Carpino and Diane Avenues which did not have a city park. He suggested that community deserved a park and had been in existence longer than the majority of the newer communities. Also, California Avenue was a major freeway during certain periods of the day and that community paralleled that area with the only exit through Diane Avenue. He also noted the need for the Council to bring relief to that community with a traffic light at the corner of California and Diane Avenues.

Mr. Sbranti explained that the design of California Avenue would have a need for a light at that intersection, and if warranted, would go in with the widening project.

As to a park in the area, Councilmember Parent commented that the PUSD was to work jointly with the City on property by Martin Luther King Road. One of the proposals was a joint park, although the PUSD had yet to move forward. She urged Mr. Mims to address the PUSD Board of Directors to encourage work in that area which would have access for a park for the Diane Avenue neighborhood.

DARNELL TURNER, Pittsburg, referenced Caltrans' plans to widen Loveridge Road which may yield a light. While the identified projects merited funding, he suggested that the City should consider auditing the number of services for area of concern in the future since that neighborhood had received the least amount of services as compared to the City as a whole. He asked the City to consider that neighborhood for future improvements.

Mr. Grisham advised that the City had a strong commitment to those neighborhoods. He referenced the Kirker Creek Flood Control Project as an example of a project that was intended to protect those neighborhoods. The goal was also to complete the work on California Street in terms of the widening project and the City was in discussions with

Solomon Temple for a potential senior housing project in that area. He noted the need to rebuild the El Pueblo area with active encouragement to the County Supervisors to allow that to be done since the rebuilding of El Pueblo was a County issue. He stated that the City would continue to encourage those rebuilding efforts.

Mr. Sbranti added that there were a number of projects in that area with pavement projects, sewer work, a Redevelopment Agency improvement project on School Street, and the Harbor Street Corridor at School Street improvements where the roadway would be improved, to include a bus turnout.

On motion by Councilmember Parent, seconded by Councilmember Evola and carried unanimously to adopt Resolution 07-10739.

- i. **RESOLUTION 07-10741** Initiation of Proceedings for the Consideration of an Increase to the Citywide Landscaping and Lighting District 1988-01

Mayor Johnson inquired whether or not the increase would include the Oak Hills Landscaping and Lighting District (LLD).

Mr. Grisham explained that the Oak Hills LLD generated sufficient revenue for its service needs while the subject LLD was \$1.5 million in deficit annually. There had been increases in services to the LLD over the past 17 years with no rate increase. The requested action was the first step to ask the voters to provide an extremely moderate increase to LLD 1988-01.

MIKE LENGYEL, Pittsburg, suggested that the City risked a backlash with the removal of over 90 trees in City Park and the removal of trees at the Johns Manville property. He suggested that the City had not preserved its heritage trees nor considered a tree protection ordinance.

Mr. Lengyel questioned whether or not the Council had considered other sources of revenue proposed for the purposes of landscaping and maintenance, such as a fee on the generation of electricity through the Trans Bay Cable project, which could relieve the burden on the LLD. He requested that the Council review the Engineer's Report and consider alternative means of funding.

Mr. Grisham emphasized that the City was planting trees at ten times the rate that trees had been removed. He commented that the local youth and sports organizations were excited with the tournament soccer fields to be provided at City Park. More trees would have to be removed and planted. He recommended driving along the Pittsburg/Antioch Highway to see what City staff had done to provide a water course of new trees. He added that while approximately 25 trees had been removed from the Johns Manville site, by the time the project was built there would likely be a greater number of trees in their place.

Mr. Grisham noted that older trees had to be removed which did not mean the City was a bad steward. The City had done a good job, which was appreciated by the community. He had heard more positive comments about the improvements to City Park than detrimental comments. He pointed out that eucalyptus trees were an invasive species and were being removed from many communities. He emphasized that his engineering staff replaced trees and would continue to do so on all projects.

In terms of financing, Mr. Grisham explained that the City had a \$3 million structural deficit. The Trans Bay Cable project was being looked at to provide funding, with all sources of financing sources being considered. He emphasized that the Citywide LLD was to pay for the bulk of those services and for the past 17 years the City had not proposed any increase. The increase was not unreasonable.

Vice Mayor Casey advised that if there was to be a choice between enabling the youth of the City to play soccer and an old dirty tree, he sided with the youth.

Mayor Johnson agreed with the comments.

DARNELL TURNER, Pittsburg acknowledged the success of the City in managing the LLD as it had for many years. He too had heard similar positive comments about what the City was doing. He supported the adoption of the resolution. He also supported the removal of the trees from City Park since the trees had taken the beauty and use away from that park. He suggested that the proposed increase to the LLD was too low, but recognized that a figure that could be supported was being proposed.

On motion by Vice Mayor Casey, seconded by Councilmember Kee and carried unanimously to adopt Resolution 07-10741.

## **ADJOURNMENT**

The City Council adjourned at 10:29 P.M to a Special Meeting on March 26, 2007.

Respectfully submitted,

Alice E. Evenson, City Clerk

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