

CITY OF PITTSBURG
Redevelopment Agency Minutes
January 3, 2006

Chair Michael Kee called the meeting of the Redevelopment Agency to order at 7:19 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433; Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(c) regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous/Professional/Confidential), Teamsters.

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

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

MEMBERS ABSENT: None

STAFF PRESENT Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Recreation, Paul Flores
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Captain, Nick Baker

CONSENT CALENDAR

Chair Kee advised that he had found minor typographical errors on the meeting minutes. Rather than pull the item from the Consent Calendar, he would clarify those items with the Deputy City Clerk.

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

a. **MINUTES** Dated: December 5, 2005 and December 12, 2005

Adopted minutes dated December 5, 2005 and December 12, 2005.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:20 P.M. to January 17, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Pittsburg Power Company Minutes
January 3, 2006

Chair Michael Kee called the meeting of the Pittsburg Power Company to order at 7:21 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433; Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(c) regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous/Professional/Confidential), Teamsters.

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

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

MEMBERS ABSENT: None

STAFF PRESENT Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Recreation, Paul Flores
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Captain, Nick Baker

CONSENT CALENDAR

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

a. **MINUTES** Dated: December 5, 2005 and December 12, 2005

Adopted minutes dated December 5, 2005 and December 12, 2005.

b. **RESOLUTION 06-145** Amending Pittsburg Power Company's Annual Budget for FY 2005-2006 to Provide for Increasing Trans Bay Cable Project Reimbursement Program Funding by \$165,000 for Environmental and Legal Consultants

Adopted Resolution 06-145.

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 7:22 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

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CITY OF PITTSBURG
Southwest Pittsburg Geologic Hazard
Abatement District II Minutes
January 3, 2006

Chair Michael Kee called the meeting of the Southwest Pittsburg Geologic Hazard Abatement District (GHAD) II to order at 7:23 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433; Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(c) regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous/Professional/Confidential), Teamsters.

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

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

MEMBERS ABSENT: None

STAFF PRESENT Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Recreation, Paul Flores
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Captain, Nick Baker

CONSENT CALENDAR

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

a. **MINUTES** December 12, 2005

Approved Minutes dated December 12, 2005.

ADJOURNMENT

The meeting of the Southwest Pittsburg Geologic Hazard Abatement District II adjourned at 7:24 P.M

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
Public Financing Authority Minutes
January 3, 2006

Chair Michael Kee called the meeting of the Public Financing Authority to order at 7:25 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433; Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(c) regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous/Professional/Confidential), Teamsters.

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

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

MEMBERS ABSENT: None

STAFF PRESENT Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Recreation, Paul Flores
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Captain, Nick Baker

CONSENT CALENDAR

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

a. **MINUTES** Dated: December 5, 2005

Adopted minutes dated December 5, 2005.

ADJOURNMENT

The meeting of the Public Financing Authority adjourned at 7:26 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

CITY OF PITTSBURG
City Council Minutes
January 3, 2006

Mayor Michael Kee called the meeting of the City Council to order at 7:00 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:15 P.M. for Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) of the Government Code, regarding Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433; Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(c) regarding two cases; and Conference with Labor Negotiators pursuant to Section 54957.6 regarding AFSCME (Miscellaneous/Professional/Confidential), Teamsters.

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

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

MEMBERS ABSENT: None

STAFF PRESENT: Assistant City Manager, Matt Rodriguez
City Attorney, Ruthann Ziegler
City Clerk, Lillian Pride
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Recreation, Paul Flores
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Captain, Nick Baker

Mayor Kee considered the following general City Council items at 7:00 P.M. prior to pursuing the Redevelopment Agency agenda.

PLEDGE OF ALLEGIANCE

Pittsburg Planning Commissioner Bruce Ohlson led the Pledge of Allegiance.

PRESENTATION

1. New Employee Introductions

Director of Planning Melissa Ayres introduced Assistant Planner Kristen Vahl and Associate Planner Matthew Freitag who had joined the Planning Division and who both expressed appreciation for the opportunity to work for the City of Pittsburg.

Director of Engineering and Building Joe Sbranti introduced Building Division Permit Technician Shelby Pereira, Permit Technician Armando Ramos, Engineering Technician Devina Uribe and Civil Engineer I Sean Williams, who were also appreciative for the opportunity to work in the City of Pittsburg on the many projects planned in the next year.

Mayor Kee welcomed all new employees to the City and stated he looked forward to great things from everyone.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Parent reported for the benefit of the new employees that the City was doing positive work. She was pleased to meet the new employees and looked forward to the continuation of even more enthusiasm that had been generated over the past three years. She pointed out that staff's work was not unrewarded. She commented on the success of the Kirker Creek project, particularly during the recent storms where the City had not experienced a flooding situation as had other communities. She wanted all City employees to know that the Council was aware that staff planned such projects to ensure that the City was protected and the Council was appreciative of its staff as a result. She otherwise wished everyone a Happy New Year.

Mayor Kee reported that Senator Tom Torlakson had met with East County Mayors and City Managers to discuss the State Route 4 development, funding, and issues related to the Pittsburg/Bay Point BART Station and eBART. He looked forward to continued dialogue with Senator Torlakson on those issues.

Mayor Kee also reported that he had received a card from the Mayor of Sister City Pohang, Korea wishing the City of Pittsburg a Happy New Year with the hope that the friendship between the two cities would grow stronger over the next year.

CITY MANAGER REPORTS/REMARKS

Assistant City Manager Matt Rodriguez reported that the City had managed well during the recent storms. He commended City staff, particularly Public Works Department crews for their efforts and resources in handling the clean up from the storms.

CITIZENS REMARKS

COLLEEN FERNALD, Graton, requested that the City Council add an emergency agenda item and adopt a resolution requesting the return of the California National Guard from Iraq. She expressed concern with the recent storms which had impacted the State, the potential for natural disasters and homeland security, and in that regard was concerned with the National Guard serving in Iraq rather than in the States. She advised that the State Legislature in the Assembly would hopefully pass resolution AJR36 asking that the California National Guard be returned from Iraq.

Ms. Fernald urged everyone would to write his/her State Assemblymembers in

support of the bill. She also referenced the website, [citiesforprogresscitiesforpeace](http://citiesforprogresscitiesforpeace.org) and [codepink](http://codepink.org), organizations that had organized systems for cities and counties to create their own resolution to return the National Guard. She noted the number of cities in Marin County that had already expressed their support of the resolution. She suggested that the Council refer to the Marin County website which had a sample of their adopted resolution. She took the opportunity to read into the record a resolution which had been adopted by the City of Sebastopol.

IVETTE MARURI, a registered voter in the City of Pittsburg, asked that the City Council consider an emergency ordinance to bring back the National Guard at its next Council meeting scheduled for January 17. She expressed her hope that the Council would support such an ordinance. She noted that she had petitions signed by many in the area who were supportive of such a resolution for the protection of all citizens.

DANIEL ZWICKEL echoed the comments made in support of a resolution to be considered by the City Council at its next meeting to bring back the National Guard to the State. He also spoke of his parents who had devoted their lives to the pursuit of peace and social justice. He noted that Rev. Fr. Gerard Jean-Juste, a Haitian Priest, was being imprisoned in Haiti for trying to feed the poor and the dispossessed. Rev. Fr. Jean-Juste was suffering from leukemia and would die in prison unless efforts were made to urge his release. He added that he had posted a letter on his website, [www.benefithaiti](http://www.benefithaiti.com) which had additional information on the situation. He otherwise wished everyone a Happy New Year.

Mayor Kee adjourned to the Redevelopment Agency at 7:19 P.M. and reconvened the City Council at 7:23 P.M.

PUBLIC HEARING

1. **RESOLUTION 06-10451** Pittsburg Transportation Mitigation Fee Annual Review

City Engineer Joe Sbranti advised of the annual review regarding the Pittsburg Transportation Mitigation Fee charged to new development under Chapter 15.90 of the City's Municipal Code. This review indicated that this fee should be increased 2.6 percent to reflect an increase in the Engineering News Record's San Francisco Construction Cost Index. This increase had been reflected in construction costs for the City's Capital Improvement Program (CIP) contracts.

Mr. Sbranti explained that the City collected the Pittsburg Transportation Mitigation Fee from developers and held those fees in an account for the purpose of funding projects on the City's Traffic Mitigation Fee project list. If the City Council approved the recommended 2.6 percent Construction Cost Index increase, the current single-family residential fee of \$3,918 would be raised to \$4,020, the current multifamily residential fee of \$2,664 would be raised to \$2,733, the current retirement community fee of \$1,568 would be raised to \$1,609 and the current fees collected for commercial and industrial developments would be raised from \$0.61 to \$0.63 per square foot. Mr. Sbranti advised that staff would return to the Council in the spring to update the fee as a result of new projects and would then re-estimate the costs, and reevaluate whether or not the fees being collected were

sufficient to fund the projects needed in the City.

It was recommended that the City Council adopt a resolution approving an annual review of the Pittsburg Transportation Mitigation Fee imposed on new development under Pittsburg Municipal Code Chapter 15.90 and revise the City's Transportation Mitigation Fee Schedule to account for a 2.6 percent increase in the San Francisco Construction Cost Index from October 2004 to October 2005. This increase had been reflected in construction costs for the City's Capital Improvement Program contracts.

Mayor Kee opened the public hearing for Resolution 06-10451. There was no one to speak. Mayor Kee closed the public hearing for Resolution 06-10451.

On motion by Councilmember Johnson, seconded by Councilmember Parent and carried unanimously to adopt Resolution 06-10451.

2. **RESOLUTION 06-10452** Regional Transportation Development Impact Mitigation Fee Annual Review

Mr. Sbranti advised of the annual review regarding the Regional Transportation Development Impact Mitigation (RTDIM) fee charged to new development under Chapter 15.102 of the Pittsburg Municipal Code. This review indicated that this fee needed to be increased 2.6 percent as required by the East Contra Costa Regional Fee and Financing Authority to reflect the annual Construction Cost Index increase from October 2004 to October 2005.

Mr. Sbranti acknowledged that the Regional Transportation Development Impact Mitigation fee had last been updated five months ago, although the fees in place at that time had been based on cost estimates that had been done the year prior. The estimates would be affected by real estate costs, particularly with larger projects such as eBART and the State Route 4 Widening projects, which would involve the acquisition of right-of-way.

The City collected the RTDIM fee from developers along with a one percent City administrative charge. The City then forwarded the fees collected to the East Contra Costa Regional Fee and Finance Authority (ECCRFFA) and retained the one percent administrative charge to cover City costs in administering the fee program. The ECCRFFA managed the fee projects' construction. If the City Council approved the staff's recommendations, the current single-family residential fee of \$15,000 would be raised to \$15,390, the current multi-family residential fee of \$9,207.92 would be raised to \$9,447.33, and the current fee for commercial, office and industrial developments would be increased from a range of \$1.10 to \$1.25 per square foot to \$1.13 to \$1.28 per square foot. It was recommended that the City Council adopt a resolution approving an annual review of the Regional Transportation Development Impact Mitigation fee imposed on new developers under Pittsburg Municipal Code Chapter 15.102, and revise the fee schedule as set forth in Exhibit "A" to the staff report dated January 3, 2006.

In response to Councilmember Johnson, Mr. Sbranti affirmed that all cities in East County would be increasing the Regional Transportation Development Impact Mitigation

fee this month with all cities to use the same figures on which the increase had been based.

Mayor Kee opened the public hearing for Resolution 06-10452. There was no one to speak. Mayor Kee closed the public hearing for Resolution 06-10452.

On motion by Vice Mayor Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 06-10452.

CONSIDERATION

1. **MINUTE ORDER** Council Committee Appointments for 2006

Assistant City Manager Matt Rodriguez explained that in accordance with the City of Pittsburg "Policies and Procedures for the City Council" adopted by the City Council on September 4, 2001 by Resolution No. 01-9475, the Mayor and Vice-Mayor shall appoint individual Councilmembers to standing and ad hoc committees and such appointments shall be approved by the entire Council at its first meeting in January following reorganization.

It was recommended that the City Council adopt the Minute Order to approve the City Council Committees – 2006, identified as Exhibit A to the staff report dated January 3, 2006, with an amendment to the appointment to the Delta Diablo Sanitation District to show Councilmember Parent as the primary appointee and Vice Mayor Glynn as the alternate.

On motion by Councilmember Johnson, seconded by Councilmember Parent and carried unanimously to approve the Council Committee Appointments for 2006, as amended.

CONSENT CALENDAR

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

a. **MINUTES** Dated: December 5, 2005 and December 12, 2005

Approved minutes dated December 5, 2005 and December 12, 2005.

b. **ORDINANCE 05-1258** Amending Municipal Code Section 2.04.080, Relating to the Powers and Responsibilities of Mayor and City Council

Adopted Ordinance 05-1258.

c. **RESOLUTION 06-10453** Awarding Contract No. 2004-13, Highlands Ranch Park Project to Robert A. Bothman, Inc. of San Jose, California

Adopted Resolution 06-10453.

- d. **RESOLUTION 06-10454** Approving Plans, Specifications and Authorizing Bidding for Contract 2005-04, East Tenth Street and Railroad Avenue Mixed Use Project

Adopted Resolution 06-10454.

- e. **RESOLUTION 06-10455** Accepting Plans, Specifications and Authorizing Bidding for Contract 2005-05, Marina Bed and Breakfast Project

Adopted Resolution 06-10455.

- f. **RESOLUTION 06-10456** Approval of Emergency Water System Inter-tie Project

Adopted Resolution 06-10456.

- g. **RESOLUTION 06-10457** Approving the Transfer of Prior Year Grant Balances as of June 30, 2005 into the Fiscal Year 2005-2006 Budget for the City of Pittsburg in the Amount of \$873,208

Adopted Resolution 06-10457.

- h. **RESOLUTION 06-10458** Approve Lease Agreement Between Pittsburg Delta View Golf Course and Yamaha Golf-Car Company for the Lease of a New Fleet of Electric Golf Carts

Adopted Resolution 06-10458.

- i. **RESOLUTION 06-10459** Acceptance of the 2004/05 CDBG Handicap Ramp Project as Complete

Adopted Resolution 06-10459.

- j. **RESOLUTION 06-10460** Authorizing the Application for the 2005/06 Rubberized Asphalt Concrete Grant Program (SB 1346)

Adopted Resolution 06-10460.

- k. **RESOLUTION 06-10461** Authorizing the Application for the 2005/06 Targeted Rubberized Asphalt Concrete Incentive Grant Program

Adopted Resolution 06-10461.

- l. **RESOLUTION 06-10462** Adoption of a Written Policy for the Reimbursement and

Ethics Training of City Commissioners and Members of
the Housing Authority to Ensure AB 1234 Compliance

Adopted Resolution 06-10462.

- m. **RESOLUTION 06-10463** Request for Fee Waiver – Contra Costa County Fire
Protection District

Adopted Resolution 06-10463.

- n. **RESOLUTION 06-10464** Authorizing Acquisition of Professional Engineering
Consultant Services – Stormwater NPDES Fee
Feasibility Study

Adopted Resolution 06-10464.

- o. **RESOLUTION 06-10465** Allocating Additional Fundings for the City of Pittsburg
Park Master Plan

Adopted Resolution 06-10465.

ADJOURNMENT

The City Council adjourned at 7:31 P.M. to January 17, 2006.

Respectfully submitted,

Lillian J. Pride, City Clerk

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