

CITY OF PITTSBURG
Redevelopment Agency Minutes
November 19, 2007

Chair Ben Johnson called the meeting of the Redevelopment Agency 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 5:37 P.M. for (1) Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 (a) of the Government Code regarding Alfred J. Abono, Jr. vs. City of Pittsburg et al, Contra Costa County Superior Court Case No. C07-1731, Alfred J. Abono, Jr., Mark W. Davis and Daniel Roay v. City of Pittsburg et al, United States District Court Case No. C07-3969, West Coast Home Builders, Inc., and Seecon Financial & Construction Co., Inc. v. City of Pittsburg et al, Contra Costa County Superior Court Case No. N07-0174, (2) Conference with Legal Counsel, Anticipated Litigation (significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case; (3) Conference with Legal Counsel, Anticipated Litigation (Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9: One case; (4) Conference with Labor Negotiators (Section 54957.6), Agency Designated Representatives Marc Grisham, Marc Fox, Aaron Baker, Bruce Heid, Employee Organization, Police Officer Association and Police Managers Association, and (5) Conference with Real Property Negotiation pursuant to Section 54956.8 for the following properties: APN 073-020-004, 695 E. 3rd Street, Agency Negotiator Marc Grisham, Randy Starbuck, Maria Aliotti, Juliet Cox and Leah Goldberg, Negotiating Parties Randy Esch, Peter Langbord, Under Negotiation both price and terms of payment.

Chair Johnson reported that the City Council authorized the City Manager and Director of Human Resources to sign side letters of agreement amending the collective bargaining agreements with the Police Officers Association and Police Managers Group providing for a different work schedule.

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

MEMBERS ABSENT: Kee [Excused]

STAFF PRESENT: Executive Director, Marc Grisham
Legal Counsel, Ruthann Ziegler
City Clerk, Alice Evenson
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 Planning, Melissa Ayres
Director of Recreation, Paul Flores
Director of Power Company, Garrett Evans
Chief of Police, Aaron Baker
Director of Community Access, Annette Landry

PUBLIC HEARING

8. **REPORT** Mid-term Review of the 2004-2009 Implementation Plan for Los Medanos Project Area

Chair Johnson opened the public hearing for the Report.

There being no one to speak to the item, Chair Johnson closed the public hearing.

The Report was accepted as presented.

9. **RESOLUTION** Approval of a Second Amendment to the First Amended and Restated Disposition and Development Agreement by and Among the Redevelopment Agency of the City of Pittsburg, the Trinity Housing Foundation and Black Diamond Old Town LLC

Chair Johnson opened the public hearing for the Resolution.

JACK ROBERTSON, AF Evans representative, spoke to the partnership with the City in the Vidrio project. He stated the first phase is on schedule and will be available in spring. The second phase is ready to begin.

TOM LAFLEUR, Pittsburg, questioned whether or not Phase I needed an additional \$2 Million. He also voiced his concerns about how the Agency will meet the existing gap and is concerned about the amount of money needed.

RON JOHNSON, Pittsburg, concurred with Mr. LaFleur and the use of subsidized money.

ALFRED AFFINITO, Pittsburg, reiterated how particular funds should be utilized. He does not believe that Redevelopment Funds should be used in this way. He urged the Agency to reconsider this item.

AJ FARDELLA, Director of Oak Hills Community Group, Pittsburg, echoed comments made by Mr. LaFleur and Mr. Johnson and feels this is a gift of public funds.

There being no one further to speak to the item, Chair Johnson closed the public hearing.

On motion by Member Parent, seconded by Vice Chair Casey, to adopt the Resolutions Approving the Second Amendment to the First Amended and Restated Disposition and Development Agreement by and Among the Redevelopment Agency of the City of Pittsburg, the Trinity Housing Foundation and Black Diamond Old Town LLC, and carried by the following vote:

AYES: Casey, Parent, Johnson

NOES: Evola
ABSENT: Kee

CONSIDERATION

10. **RESOLUTION** Approval of the Old Town Infrastructure Funding Agreement to Commence and Complete Necessary Public Infrastructure Improvements Along Railroad Avenue from 5th to 8th Street

AJ FARDELLA, Pittsburg, voiced his concern about how much money is being put into the downtown area.

TOM LAFLEUR, Pittsburg, feels infrastructure does need to be tended to, but does not understand the process that uses the contractor both on the private and public work and how that is monitored by staff to remain separate.

ALFRED AFFINITO, Pittsburg, stated that the Redevelopment Agency was taking the place of a bank, and more, and this becomes a gift.

On motion by Vice Chair Casey, seconded by Member Parent, to adopt the Resolutions Approving the Old Town Infrastructure Funding Agreement to Commence and Complete Necessary Public Infrastructure Improvements Along Railroad Avenue from 5th to 8th Street, and carried by the following vote:

AYES: Casey, Parent, Johnson
NOES: Evola
ABSENT: Kee

11. **RESOLUTION** Approval of a Purchase and Sale Agreement and Two (2) Option Agreements Between the Redevelopment Agency and Black Diamond Old Town LLC

RON JOHNSON, Pittsburg, asked how one can justify a purchase of \$5 Million without an appraisal.

TOM LAFLEUR, Pittsburg, stated he has problems on several issues, among them legal concerns, echoing Mr. Johnson. He also does not think you can enter into an agreement to purchase real estate without a final report being issued. He also believes the Redevelopment Agency should not be purchasing new commercial property.

ALFRED AFFINITO, Pittsburg, stated this comes down to a business question, in that this is a tough sale if the bank will not give them the money to perform. He does not feel this is a good business deal.

Member Parent stated she was reluctant to have the Council, City or Redevelopment Agency be a long-time owner of retail property, that she hoped that both the developer and the Redevelopment Agency would make their best efforts to find buyers for that property,

but that she understood that in order to make the project go forward (which she felt was a necessity) she was voting yes.

On motion by Member Parent, seconded by Vice Chair Casey, to adopt the Resolutions Approving of a Purchase and Sale Agreement and Two (2) Option Agreements Between the Redevelopment Agency and Black Diamond Old Town LLC, and carried by the following vote:

AYES: Casey, Parent, Johnson
NOES: Evola
ABSENT: Kee

CONFLICT OF INTEREST DECLARATION

Member Evola stated he would recuse himself from Item 29 due to a conflict of interest.

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

On motion by Vice-Mayor/Chair Casey, seconded by Member Evola to adopt the Consent Calendar and carried by the following vote:

AYES: Casey, Evola, Parent, Johnson
ABSENT: Kee

18. MINUTES Dated: November 5, 2007
19. RESOLUTION Authorizing Additional Funding for the First Time Home Buyer Program
20. RESOLUTION Consideration of a 6-Month Extension to an Exclusive Negotiating Rights Agreement (ENRA) with Garaventa Enterprises, Inc. for a Mid-Rise Office Building in the Civic Center
21. RESOLUTION Consideration of Allocating \$200,000 to the Proposed Site LA Project in Order to Pay Legal Costs, Perform a Property Appraisal and an Environmental Site Assessment
22. RESOLUTION Approving an Agreement for Attorney Services with Ellison, Schneider and Harris LLP
23. RESOLUTION Establishing the Pittsburg Power Company's Community Outreach Program and Budget
24. RESOLUTION Approving Open Purchase Orders with Copyrite of San Ramon, California and Ford Graphics of Concord, California for Graphic Reproduction

Services

25. RESOLUTION Approving a List of Material Testing and Hazardous Material Testing Firms for On-Call Material Testing/Environmental Testing Services Related to the City's Capital Improvement Projects and Authorizing the City Manager to Enter into Agreements with Selected Firms
26. RESOLUTION Amend the Seasonal Salary Schedule Due to an Increase in the State of California Minimum Wage Law
27. ORDINANCE Adoption of an Ordinance to Amend Title 18 of the Pittsburg Municipal Code to Prohibit Parking in Residential Districts on Unpaved Surfaces
28. ORDINANCE Adoption of an Ordinance Amending Chapter 10.16 of the Pittsburg Municipal Code, Entitled "Stopping, Standing and Parking-Generally" By Adding Section 10.16.115, "Parking on Unpaved Surfaces Prohibited"
29. RESOLUTION Adoption of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan Implementation Ordinance
30. RESOLUTION Resolution in Support of Tom Bradley Commemorative Stamp
31. REPORT A Report to City Council on Implementation Progress for the City of Pittsburg Capital Improvement Program for Fiscal Years 2006/7 through 2010/11
32. ORDINANCE AND RESOLUTION Establishing New Municipal Code Chapter Governing Special Events and Resolution Adopting Special Event Fees
33. REPORT City Council Authorization – 2008 Community Needs Assessment Survey
34. RESOLUTION Approval to Fund Auto Mall Dealership Business Association
35. RESOLUTION City Facilities Janitorial Maintenance Contract Award
36. RESOLUTION Acquisition of a Balloon Wheel 5 Ferris Wheel for Small World Park
37. RESOLUTION Accepting Contract 2007-10A, Erection of Sound Wall for Railroad Corridor Project as Complete and Authorizing the City Engineer to File a Notice of Completion

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 9:22 P.M. to December 3, 2007, *in memory of Sean Langevin and James Pappas, father of LeeAnn Knight, Mary Pappas-Coniglio, Virginia Simonian and George Pappas.*

Respectfully submitted,

Alice E. Evenson, Secretary

CITY OF PITTSBURG
Pittsburg Power Company Minutes
November 19, 2007

Chair Ben Johnson called the meeting of the Pittsburg Power Company to order at 9:23 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 5:37 P.M. for (1) Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 (a) of the Government Code regarding Alfred J. Abono, Jr. vs. City of Pittsburg et al, Contra Costa County Superior Court Case No. C07-1731, Alfred J. Abono, Jr., Mark W. Davis and Daniel Roay v. City of Pittsburg et al, United States District Court Case No. C07-3969, West Coast Home Builders, Inc., and Seecon Financial & Construction Co., Inc. v. City of Pittsburg et al, Contra Costa County Superior Court Case No. N07-0174, (2) Conference with Legal Counsel, Anticipated Litigation (significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case; (3) Conference with Legal Counsel, Anticipated Litigation (Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9: One case; (4) Conference with Labor Negotiators (Section 54957.6), Agency Designated Representatives Marc Grisham, Marc Fox, Aaron Baker, Bruce Heid, Employee Organization, Police Officer Association and Police Managers Association, and (5) Conference with Real Property Negotiation pursuant to Section 54956.8 for the following properties: APN 073-020-004, 695 E. 3rd Street, Agency Negotiator Marc Grisham, Randy Starbuck, Maria Aliotti, Juliet Cox and Leah Goldberg, Negotiating Parties Randy Esch, Peter Langbord, Under Negotiation both price and terms of payment.

Chair Johnson reported that the City Council authorized the City Manager and Director of Human Resources to sign side letters of agreement amending the collective bargaining agreements with the Police Officers Association and Police Managers Group providing for a different work schedule.

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

MEMBERS ABSENT: Kee [Excused]

STAFF PRESENT: Executive Director, Marc Grisham
Legal Counsel, Ruthann Ziegler
City Clerk, Alice Evenson
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 Planning, Melissa Ayres
Director of Recreation, Paul Flores
Director of Power Company, Garrett Evans
Chief of Police, Aaron Baker
Director of Community Access, Annette Landry

PUBLIC HEARING

12. **RESOLUTION** Adopting Residential Tiered Rate Schedule, elimination of a Transformer Charge, Mid Month Gas Closing Rate, and the Establishment of a Public Benefits Program Including a Solar Incentive Program

Chair Johnson opened the public hearing for the Resolution.

There being no one to speak to the item, Chair Johnson closed the public hearing.

On motion by Member Evola, seconded by Member Parent, to adopt the Residential Tiered Rate Schedule, elimination of a Transformer Charge, Mid Month Gas Closing Rate, and the Establishment of a Public Benefits Program Including a Solar Incentive Program, and carried by the following vote:

AYES: Casey, Evola, Parent, Johnson
ABSENT: Kee

CONFLICT OF INTEREST DECLARATION

Member Evola stated he would recuse himself from Item 29 due to a conflict of interest.

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

On motion by Vice-Mayor/Chair Casey, seconded by Member Evola to adopt the Consent Calendar and carried by the following vote:

AYES: Casey, Evola, Parent, Johnson
ABSENT: Kee

18. **MINUTES** Dated: November 5, 2007
19. **RESOLUTION** Authorizing Additional Funding for the First Time Home Buyer Program
20. **RESOLUTION** Consideration of a 6-Month Extension to an Exclusive Negotiating Rights Agreement (ENRA) with Garaventa Enterprises, Inc. for a Mid-Rise Office Building in the Civic Center
21. **RESOLUTION** Consideration of Allocating \$200,000 to the Proposed Site LA Project in Order to Pay Legal Costs, Perform a Property Appraisal and an Environmental Site Assessment
22. **RESOLUTION** Approving an Agreement for Attorney Services with Ellison, Schneider and Harris LLP

23. RESOLUTION Establishing the Pittsburg Power Company's Community Outreach Program and Budget
24. RESOLUTION Approving Open Purchase Orders with Copyrite of San Ramon, California and Ford Graphics of Concord, California for Graphic Reproduction Services
25. RESOLUTION Approving a List of Material Testing and Hazardous Material Testing Firms for On-Call Material Testing/Environmental Testing Services Related to the City's Capital Improvement Projects and Authorizing the City Manager to Enter into Agreements with Selected Firms
26. RESOLUTION Amend the Seasonal Salary Schedule Due to an Increase in the State of California Minimum Wage Law
27. ORDINANCE Adoption of an Ordinance to Amend Title 18 of the Pittsburg Municipal Code to Prohibit Parking in Residential Districts on Unpaved Surfaces
28. ORDINANCE Adoption of an Ordinance Amending Chapter 10.16 of the Pittsburg Municipal Code, Entitled "Stopping, Standing and Parking-Generally" By Adding Section 10.16.115, "Parking on Unpaved Surfaces Prohibited"
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36. RESOLUTION Acquisition of a Balloon Wheel 5 Ferris Wheel for Small World Park
37. RESOLUTION Accepting Contract 2007-10A, Erection of Sound Wall for Railroad Corridor Project as Complete and Authorizing the City Engineer to File a Notice of Completion

ADJOURNMENT

The meeting of the Pittsburg Power Company adjourned at 11:04 P.M. to December 3, 2007, ***in memory of Sean Langevin and James Pappas, father of LeeAnn Knight, Mary Pappas-Coniglio, Virginia Simonian and George Pappas.***

Respectfully submitted,

Alice E. Evenson, Secretary

CITY OF PITTSBURG
City Council Minutes
November 19, 2007

Mayor Ben Johnson called the meeting of the City Council to order at 7:03 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 5:37 P.M. for (1) Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9 (a) of the Government Code regarding Alfred J. Abono, Jr. vs. City of Pittsburg et al, Contra Costa County Superior Court Case No. C07-1731, Alfred J. Abono, Jr., Mark W. Davis and Daniel Roay v. City of Pittsburg et al, United States District Court Case No. C07-3969, West Coast Home Builders, Inc., and Seecon Financial & Construction Co., Inc. v. City of Pittsburg et al, Contra Costa County Superior Court Case No. N07-0174, (2) Conference with Legal Counsel, Anticipated Litigation (significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case); (3) Conference with Legal Counsel, Anticipated Litigation (Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9: One case); (4) Conference with Labor Negotiators (Section 54957.6), Agency Designated Representatives Marc Grisham, Marc Fox, Aaron Baker, Bruce Heid, Employee Organization, Police Officer Association and Police Managers Association, and (5) Conference with Real Property Negotiation pursuant to Section 54956.8 for the following properties: APN 073-020-004, 695 E. 3rd Street, Agency Negotiator Marc Grisham, Randy Starbuck, Maria Aliotti, Juliet Cox and Leah Goldberg, Negotiating Parties Randy Esch, Peter Langbord, Under Negotiation both price and terms of payment.

Mayor Johnson reported that the City Council authorized the City Manager and Director of Human Resources to sign side letters of agreement amending the collective bargaining agreements with the Police Officers Association and Police Managers Group providing for a different work schedule.

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

MEMBERS ABSENT: Kee [Excused]

STAFF PRESENT: City Manager, Marc Grisham
City Attorney, Ruthann Ziegler
City Clerk, Alice Evenson
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 Planning, Melissa Ayres
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Mayor Johnson considered the following general City Council items at 7:03 P.M. prior to pursuing the Housing Authority agenda.

PLEDGE OF ALLEGIANCE

Mary Erbez led the Pledge of Allegiance.

PROCLAMATION

1. National Family Week

Bob Bosun received the proclamation on behalf of the sponsoring organizations.

PRESENTATIONS

a. Ferris Wheel Donations

Member Parent introduced Dona Gaddis-Wolf, Recreation Coordinator in charge of Small World Park. Together they totaled the raised which included donations by the following organizations and fund raising efforts. Each donator came forward with the donations as listed:

Pittsburg High School Band Boosters – \$1,162
Pittsburg Women's Community League – \$1,000
Meyers Nave – \$2,000
Townsend Law Office – \$1,000
Fil-American Association – \$500
Police Officers Association – \$1,000
Pittsburg High School Class of 1947 - \$621.12
Elks/City of Pittsburg Poker Tournament – \$24,874.04

b. Under Construction/PSYC Summer Highlights

Paul Flores introduced Recreation Supervisor Marilyn Lewis who leads the Under Construction and PSYC programs. Several youth participants provided insights into their experiences in the program. Staff was also introduced. A power point presentation was shown which depicted some of the program highlights.

COUNCILMEMBER REPORTS/REMARKS

Member Parent reported she attended the Delta Diablo Sanitation District meeting, the League of California Cities East Bay Division meeting on behalf of the Mayor, the PUSD jazz concert, and outlined some of the upcoming events including the LMC Chamber Orchestra on December 6 at the Senior Center and the performance of the Nutcracker at the Creative Arts Building on December 8 and 9.

Mayor Johnson stated he was on vacation and thanked Vice Mayor Casey for attending the Veterans Day events and Member Parent for attending the East Bay Division meeting in his stead.

CITY MANAGER REPORTS/REMARKS

City Manager Marc Grisham reported that the Farmers Market is year round and the youth art show is on display at Mechanics Bank. The Entrata Building grand opening will be on November 29 at 11:00 a.m.

City Manager Grisham also stated that he met with the owners of the Mehran Restaurant and will be coming back to Council with a proposal for a Redevelopment commercial rehabilitation loan to deal with both the filter system and the block wall. He stated it will be brought back to the Planning Commission for reconsideration in January of 2008.

CITIZEN REMARKS

TOM LEWIS, Pittsburg, representing the CAB Corporation invited the Council to the Nutcracker performance in December. In partnership with the City and the School District, they are working on a literacy project, and with the Keller Canyon Mitigation Funds received, they will purchase tickets for those who cannot afford to attend the Nutcracker, including Los Medanos Elementary School students. Also, a percentage of the proceeds from the Nutcracker will be donated to the Ferris Wheel Project.

LOUIS ESPOSITO, Pittsburg, thanked the City Manager for his counsel on behalf of the CAB.

WILLIE MIMS, Pittsburg, spoke to the website and the problem he was having getting the agenda. The Mayor mentioned that he had the same problem until he downloaded the newest version of Adobe Reader.

Mayor Johnson adjourned to the Housing Authority agenda at 7:57 P.M. and reconvened as the City Council at 9:30 P.M.

PUBLIC HEARING

13. ORDINANCE Introduction of Ordinance Repealing Certain Sections of the Pittsburg Municipal Code and Introduction of an Ordinance Adopting the New Pittsburg Municipal Code as Re-codified.

Mayor Johnson opened the public hearing for the Resolution.

There being no one to speak to the item, Mayor Johnson closed the public hearing.

On motion by Vice Mayor Casey, seconded by Member Parent, to Introduce and

Waive First Reading of the Ordinance and Read By Title Only for the Ordinance Repealing Certain Sections of the Pittsburg Municipal Code and Introduce and Waive First Reading of Both Ordinances and Read By Title Only for an Ordinance Adopting the New Pittsburg Municipal Code as Re-codified, and carried by the following vote:

AYES: Casey, Parent, Johnson
NOES: Evola
ABSENT: Kee

14. ORDINANCE Introduction of an Ordinance Amending the Pittsburg Municipal Code, title 2, Chapters 2.48 and 2.50 Relating to the Recreation and Community Advisory Commissions

Mayor Johnson opened the public hearing for the Resolution.

There being no one to speak to the item, Mayor Johnson closed the public hearing.

After discussion among the Council Members, it was agreed the item would be continued to December 17, 2007 and introduced when the full Council would be present.

At this time a five minute recess was called. The City Council reconvened at 10:04 p.m.

Council Member Evola recused himself from the following items 15 and 16. The recusal for item 15 was because Member Evola's employer was an appellant; the recusal for item 16 was because Member Evola's employment would allow him to be materially affected. Member Evola left the dais at this time.

15. RESOLUTION Adoption of a Resolution Denying an Appeal(s), Adopting a Mitigated Negative Declaration and Approving Use Permit, Variance and Design Review Application No. 07-0445 (United Spiral Pipe LLC Manufacturing Plant)

GEORGE SPEIR, Law Firm of Miller Starr Regalia, representing Albert D. Seeno Construction Co., an appellant, presented points for the Council to consider and asked for a full EIR to be prepared.

RICHARD DRURY, Law Firm of Adams Broadwell Joseph and Cardozo, representing residents Donald Brown, Jeffrey Camp and Jason Harmon as well as Plumbers and Steamfitters Local 342 and International Brotherhood of Electrical Workers Local 302 and the Contra Costa Building and Construction Trades Council, appellants, asked the City Council to require an EIR for the United Spiral Pipe Project.

ROD SIMPSON, Project Manager for United Spiral Pipe Project, Pittsburg, called on their attorney and environmental consultant to address the issues brought forward by the appellants.

DAVID PRICE, counsel for United Spiral Pipe, stated that a Mitigated Negative Declaration is appropriate for this project, and that arguments presented are based on erroneous and inaccurate statements.

BILL CARSON, environmental consultant, stated he examined the site and that proposed mitigation is effective and adequate to mitigate any vapor intrusion issues or other issues surrounding that contamination, and have been incorporated into the project description and into the plans surrounding the project.

By way of surrebuttal, GEORGE SPEIR stated that an EIR should be mandated for this project.

By way of surrebuttal, RICHARD DRURY stated that an EIR is the best way to resolve any disagreement.

Mayor Johnson opened the public hearing for the Resolution.

MICHAEL SARABIA, Bay Point, congratulated the Council on the accomplishment of bringing this project to Pittsburg. He looks forward to the jobs provided locally.

AJ FARDELLA, Pittsburg, stated he initially was excited about the project, but believes that an EIR and traffic study should not be discounted, and both should be completed.

DANNY PALOMINO, Pittsburg, a member of Local Union 342, stated he agrees with an EIR being completed.

There being no one to speak further to the item, Mayor Johnson closed the public hearing.

City Attorney Ziegler explained the CEQA and EIR process and what projects trigger these processes and requirements.

On motion by Member Parent, seconded by Vice Mayor Casey, to adopt the Resolution to Deny the Appeal(s), Adopt a Mitigated Negative Declaration and Approve Use Permit, Variance and Design Review Application No. 07-0445 (United Spiral Pipe LLC Manufacturing Plant), and carried by the following vote:

AYES: Casey, Parent, Johnson
ABSENT: Evola [recused], Kee

16. RESOLUTION Approval and Adoption of the 2007 Update to Final Report: Pittsburg Local Transportation Mitigation Fee (LTMF) Program Update, Including Updated Project Cost Estimates and a New Fee Options Table with Revised Fee Calculations

City Manager Grisham requested the public hearing be opened and the item continued to December 17.

Mayor Johnson opened the public hearing for the Resolution.

The public hearing remains open until December 17, 2007.

Council Member Evola returned to the dais at this time.

CONSIDERATION

17. **MINUTE ORDER** City Council Recess for Winter Months

On motion by Vice-Mayor Casey, seconded by Member Parent, to recess for the winter months during the period that would encompass the first meeting of January – January 7, 2008, with regular meetings to resume on January 22, 2008 and carried by the following vote:

AYES: Casey, Evola, Parent, Johnson

ABSENT: Kee

CONFLICT OF INTEREST DECLARATION

Member Evola stated he would recuse himself from Item 29 due to a conflict of interest.

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

On motion by Vice-Mayor/Chair Casey, seconded by Member Evola to adopt the Consent Calendar and carried by the following vote:

AYES: Casey, Evola, Parent, Johnson

ABSENT: Kee

18. **MINUTES** Dated: November 5, 2007

19. **RESOLUTION** Authorizing Additional Funding for the First Time Home Buyer Program

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37. RESOLUTION Accepting Contract 2007-10A, Erection of Sound Wall for Railroad

Corridor Project as Complete and Authorizing the City Engineer to File a Notice of Completion

CITY MANAGER REPORT

City Manager Grisham reported that Army Specialist Sean Langevin, 22 years old, was killed in an ambush in Afghanistan on November 9. His widow, Jessica, is a Pittsburg resident, living with her family here. They couple are expecting a child, Zoe, on February 1. Mr. Grisham suggested that the newly established outreach funds be used to donate to a memorial trust that is being established for Zoe, in the amount of \$1,000.

ADJOURNMENT

The City Council adjourned at 11:04 P.M. to December 3, 2007, ***in memory of Sean Langevin and James Pappas, father of LeeAnn Knight, Mary Pappas-Coniglio, Virginia Simonian and George Pappas.***

Respectfully submitted,

Alice E. Evenson, City Clerk