

**CITY OF PITTSBURG**  
**City Council Minutes**  
**March 26, 2007**

Mayor Ben Johnson called the special 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 4:30 P.M. for Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(b) of the Government Code regarding one case; and into a Joint Planning Commission Workshop at 5:00 P.M. regarding Hillside Development Guidelines/Hillside Design Guidelines.

Mayor Johnson advised that there was no reportable action from the Closed Session.

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

**MEMBERS EXCUSED:** Evola

**MEMBERS ABSENT:** None

**STAFF PRESENT** Assistant City Manager, Matt Rodriguez  
City Attorney, Ruthann Ziegler  
City Clerk, Alice Evenson  
Director of Public Works, John Fuller  
Director of Recreation, Paul Flores  
Planning Director, Melissa Ayres  
Assistant City Engineer, Keith Halvorson  
Police Captain, Nicholas Baker

**PLEDGE OF ALLEGIANCE**

John Fuller led the Pledge of Allegiance.

**PRESENTATION**

1. Habitat Conservation Plan

Planning Director Melissa Ayres introduced John Kopchik to present the Habitat Conservation Plan.

JOHN KOPCHIK, HPCA Coordinating Staff, Contra Costa County Community Development Department, stated that he had worked on the Habitat Conservation Plan (HPC) for the last six years. He identified the cooperative effort that would now cumulate with a plan that the City Council would later determine whether or not to approve. He provided slides to identify the overview of the plan and why it was important.

Mr. Kopchik stated that the HCP had been prompted by an expectation of developing a better method of preserving endangered species in that the current process was difficult for applicants and not always successful for species. He also noted for certain infrastructure projects such as Contra Costa Water District water deliveries; the region was under strong pressure from the wildlife agencies to come up with a plan to make sure mitigation occurred. He explained that when an advocate of a project, such as a road project wanted to build something, local and state and federal approvals were required. With an HCP, that process would be simplified. After a five-year period, the final plan had been released in November 2006.

Mr. Kopchik advised that the Joint Powers Authority (JPA) was the HCPA, the Habitat Conservation Plan Association, with membership comprised of the cities of Brentwood, Oakley, Pittsburg, and Clayton, Contra Costa County, Contra Costa Water District (CCWD), and the East Bay Regional Park District (EBRPD). He noted that the City of Antioch had declined to participate in the plan. At the head of the process was the Executive Governing Committee which included one representative from each organization. The Committee had been the policy guiders on the development of the plan. He identified the cost of the plan at this point at \$1.7 million.

As to why the East County HCP had been developed, Mr. Kopchik stated that there was a uniqueness to East County which was a growing area with a lot of development and with a lot of open space. He presented a map to show the different vegetation types in the area and the varied topography from the summit of Mt. Diablo to the Delta, with varying habitats. He identified the unique species involved and stated that the plan related to 28 wildlife species and 11 plants.

Mr. Kopchik presented maps to show the covered activities which were those activities that would have a 30-year permit for species impacts, which would still require land use approvals, but which species permit could be provided. He noted that the HCP had considered things beyond species by considering housing needs, open space needs, air quality, jobs, and transportation and had covered activities such as Vasco Road widening, the Kirker Pass truck climbing lane, the Buchanan Road Bypass, San Marco Boulevard extension and everything included in transportation plans in the area which had been included as covered activities, along with flood control projects and the like. He noted that 10,000 to 13,000 acres of impact was allowed under the plan.

With respect to the acquisition of lands, Mr. Kopchik described the plan as a willing seller only plan and stated that no land would be purchased with HCP money except from willing sellers. There would be no condemnation. He also noted that one of the major goals of the HCP was to reverse the emphasis on surveys.

As to cost, Mr. Kopchik presented the cost estimate for the 30-year life of the plan at \$300 to \$350 million in 2006 dollars, which included the land acquisition costs, the O & M, the restoration and administration monitoring.

To fund the HCP, Mr. Kopchik stated that a formula had identified the share of new development with a 52/48 cost split, with new development paying 52 percent of the cost and with fees ranging from \$6,000 to \$24,000 an acre. He stated that the HCP would allow a jurisdiction to be eligible for funds it would not otherwise obtain. The \$350 million cost would be paid through \$200 million in fees, \$85 million of ongoing investment and \$65 million in new and state federal funds set aside for HCPs. He stated there had already been application for that money. He added that the Secretary of Interior had announced a \$6.5 million grant for an HCP in September, and there was now already \$7.5 million in that category.

To implement the HCP, Mr. Kopchik stated that the existing JPA would be replaced by the East Contra Costa County Habitat Conservancy, which was a new JPA from the cities and the County to assemble the system and buy lands. The JPA would have the ability to buy land by itself but the expectation was that it would not, at least in the beginning, in that there were others that could do that cheaper and there was no desire to create redundant bureaucracies. He suggested it might be more cost effective to partner with the EPRPD. Most of the acquisitions were expected to be multi-party acquisitions.

Mr. Kopchik expressed the hope that the HCP, after being approved, might be able to participate with the wetland jurisdictional agencies for permitting purposes.

Speaking to the Faria-Costa-Montecito properties, about half of which had been included inside the Pittsburg Urban Limit Line (ULL) as a result of the November 2005 election, Mr. Kopchik stated that under the HCP any developer could choose to provide land in lieu of part of the fees. In that case, an agreement between the landowner parties and the wildlife agencies involving 1,000 acres of land in the general Pittsburg area as well as fee money was currently being negotiated. Given that agreement had yet to be signed, he recommended that the City's action on the plan, which was a scheduled item on the current agenda, be continued pending the signing of that agreement.

With respect to next steps, Mr. Kopchik stated that Pittsburg was the last party to approve the HCP. When approved, the implementing and governing board of the conservancy would have to approve the HCP. Once completed, the jurisdictional agencies could issue permits.

In response to Councilmember Parent as to the Faria-Costa-Montecito property that was the subject of the agreement, Mr. Kopchik presented an overview map to show the subject properties. He stated that the mitigation would be properties that he identified on the slide. He explained that the species permit coverage would show that as a low priority area for acquisition and Pittsburg could therefore cover it under the HCP.

Mayor Johnson thanked Mr. Kopchik for the presentation.

## **COUNCILMEMBER REPORTS/REMARKS**

Councilmember Parent reported that on behalf of the Council she had attended the Kennedy-King reception. She stated that Councilmembers were using his and her private funds to take an ad in the Kennedy-King Scholarship Dinner Program and every Councilmember had contributed and had been invited to the dinner. She provided the Council with a letter from the Kennedy-King Committee thanking the Councilmembers for the donation.

Councilmember Parent stated that she had attended the Marina School groundbreaking and the Old Town Pet Parade and Easter Egg Hunt. She also advised that Soroptimist International of Pittsburg would honor five women of achievement and would award a Violet Richardson Award to a high school student contributing to the community by volunteering, and a scholarship to a woman reentering the workforce to allow that person to improve her job skills. Councilmember Parent added that the City would be sponsoring an Easter Egg Hunt on March 31 at Buchanan Park at 11:00 A.M. and the Kiwanis Club would have a Pancake Breakfast from 8:00 to 11:00 A.M. at the Buchanan Park Bocce Hall.

Mayor Johnson stated that he had attended and had been a judge at the Old Town Pet Parade when the smallest, the biggest and the ugliest pets had been recognized. He stated that there had been one of the best turnouts at the Easter Egg Hunt in Old Town. He had also attended the Marina School groundbreaking and veterans meetings.

## **CITY MANAGER REPORTS/REMARKS**

Assistant City Manager Matt Rodriguez announced that the Opening Day ceremonies for the Pittsburg Little League had also been scheduled for Saturday, March 31 at 9:00 A.M.

Mayor Johnson advised that those who had not been able to attend the workshop for the Hillside Development Guidelines/Hillside Design Guidelines would have another opportunity to speak under Citizens Remarks.

While there was no one present at this time to speak to that issue, Mayor Johnson acknowledged a speaker card from Lisa Ettrup of Pittsburg who had left comments that he read into the record at this time. "Impact of additional traffic consideration. Impact to wildlife and subsequent impact of displaced animals, insects on residents. Impact of lost hills views, can never be regained. See what has happened [in] other locations; i.e. San Jose hills, Sacramento hills, Sierra foothills. Impact on current home values when overabundance of homes available. Who will pay to maintain greenbelts and roads, and services (police/fire schools)?"

## **CITIZENS REMARKS**

ROBERT GREEN, Pittsburg, spoke to the sign exhibit that he had submitted to show how the City of Pleasant Hill used 5 foot tall by 4 foot wide A-frame signs to notify residents

of upcoming meetings. He stated that the printed area of those signs was 3.5 by 3.5 feet in size. He explained that the signs were obvious and were located in conspicuous spaces throughout Pleasant Hill. Stating that people wanted to become involved, he urged the City of Pittsburg to adopt a similar notification sign program to better notify the public of upcoming meetings, such as the Hillside Development Workshop.

## **PUBLIC HEARING**

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

The City Council is requested to adopt a resolution taking the following actions related to the HCP/NCCP: a) Adopt findings pursuant to the requirements of the California Environmental Quality Act (CEQA) and related to the Final Environmental Impact Report (EIR) for the HCP/NCCP, as set forth in Exhibit A to the resolution attached to the staff report dated March 26, 2007; b) Approve the HCP/NCCP, including revisions from the document entitled "Corrections and Updates to the HCP/NCCP, December 19, 2006," as set forth in Exhibit B of the resolution attached to the staff report; c) Authorize the City Manager to execute the Implementing Agreement for the HCP/NCCP as set forth in Exhibit C of the resolution; d) Authorize the City Manager to execute the Joint Exercise of Powers Agreement Creating the East Contra Costa County Habit Conservancy as set forth in Exhibit D of the resolution. The Council is also requested to appoint the City's representative and alternate to the East Contra Costa County Habitat Conservancy.

There was no fiscal impact associated with the project.

It was recommended that the Council adopt the resolution taking the following actions to approve the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP); and

- a. Adopt findings pursuant to the requirements of the California Environmental Quality Act (CEQA) and related to the Final Environmental Impact Report (EIR) for the HCP/NCCP, as set forth in Exhibit A to the resolution.
- b. Approve the HCP/NCCP, including revisions from the document entitled "Corrections and Updates to the HCP/NCCP, December 19, 2006," as set forth in Exhibit B of the resolution.
- c. Authorize the City Manager to execute the Implementing Agreement for the HCP/NCCP as set forth in Exhibit C of the resolution.
- d. Authorize the City Manager to execute the Joint Exercise of Powers Agreement Creating the East Contra Costa County Habitat Conservancy as set forth in Exhibit D of the resolution.

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

LINDA BEST, President of the Contra Costa Council, a private sector organization with a mission related to quality of life and economic vitality and representing a coalition of several organizations asked the Council to adopt the HCP. She identified those organizations as the California Native Plant Society, Contra Costa Council, Friends of Marsh Creek Watershed, Greenbelt Alliance, Home Builders Association of Northern California, D.R. Horton, the Institute for Ecological Health, KB Home, Legacy Land Strategies, the Muir Heritage Land Trust, Save Mount Diablo, Shea Homes, and the Sierra Club, all of which had participated one way or another in the development of the HCP.

Ms. Best identified the goals of the plan that the coalition strongly supported, to purchase, restore and protect large interconnected and biologically rich blocks of habitat, redirect money away from the permitting process towards the conservation of resources, improve regulatory certainty and permitting efficiency for regulators and project proponents, and provide fair compensation for willing landowners for permanent protection of resources.

Ms. Best added that having an approved HCP would allow agencies and jurisdictions in Contra Costa County to receive State and federal conservation funds that would otherwise be lost. She noted that the plan used economic incentives to conserve resources on private lands and would enable local control of species permitting and would bring a regional context to the question of the resources to be protected, as well as help to ensure that species and habitats were preserved in a coordinated and regional matter. Further, that it would respect the needs of agriculture by providing substantial land acquisition and crop restriction requirements in the intensely cultivated areas of Eastern Contra Costa and would permit needed public infrastructure projects including new and expanded roads and highways and flood control facilities. She urged the Council to adopt the plan.

RIC NOTINI, speaking on behalf of the City of Concord, noted that the Concord Naval Weapons Station was located on the border of the HCP. He also noted with respect to the Faria-Costa-Montecito projects that an agreement was currently being negotiated between the California Department of Fish and Game, the US Fish & Wildlife Service and the developers of those projects, and while the City of Pittsburg was not a signatory to the agreement it had been referenced a number of times in that agreement. He added that findings had been adopted by the HPC governing committee in November 2006, which had been incorporated into the agreement. He wanted to make sure that the City Council was on record as being aware of the agreement, having reviewed it as related to the HCP and having found the agreement to be acceptable, particularly with respect to Section 1.7 related to the findings of interest to the City of Concord.

BRAD OLSON, East Bay Regional Park District (EBRPD), spoke in support of the City's adoption of the HCP. He stated that he had been involved in the plan for the last ten years. He stated that the plan was a good plan for regional cooperation, helped to protect endangered species, and helped to preserve open space and that permanent funding for protection of that open space and management funding were keys to the management of the HCP.

Mr. Olson added that the HCP had been remarkably uncontroversial as compared to other plans in the state, the result of John Kopchik's efforts to meet with all involved. He also recognized others involved in the preparation of the plan, including Randy Jerome of the City's Planning Department, now retired, and Chris Barton and acknowledged the numerous meetings involved in that process. He stated that the EBRPD was very interested in the plan with respect to open space acquisition and development of recreational facilities. He explained that the project allowed the EBRPD to partner with the cities in that process. He looked forward to working with the City, stated that the EBRPD unanimously adopted a resolution to support the HCP and noted that the City of Pittsburg would be the last to act on the HCP. He urged the City's support of the plan.

LECH NAUMOVICH, the Conservation Analyst for the California Native Plant Society, East Bay Chapter, spoke in support of the HCP. He suggested that the number of stakeholders brought to the table and the coordination between Contra Costa County planners and those stakeholders had been exceptional and he supported the plan. He suggested that the HCP would offer potential solutions to the regional planning process between the development community and the conservation community.

JANICE GAN, representing the California Department of Fish and Game, stated that she had been working on the plan over the last five years. She noted the compromises that had occurred over that long planning process. She supported what she characterized as a solid conservation plan that would be equitable to developers and conservationists alike and serve the species in the area well into the future.

RICHARD VRMEER, Brentwood, a member of the Stakeholder's Committee, commended Mr. Kopchik's work on the HCP and summarized the outstanding process in that stakeholders group which had representation from the development industry, private landowners, environmentalists, cities and the County. He noted that with the exception of the City of Antioch, the various agencies had all approved the plan. He stated that the HCP would represent the long term interests of Contra Costa County and solve a wide array of problems. He asked the Council to support the HCP.

JIM GWERDER, Tracy, supported the previous comments and stated that he worked for a landowner in Eastern Contra Costa County in all land use related issues, but represented Citizens Land Alliance, a property right's group on the HCP planning group. He stated that the HCP was a good plan that was over and above anything that he had previously been involved. He recommended the support of the document and asked that the Council approve the HCP.

SHEILIA LARSEN, representing the US Fish & Wildlife Service, stated that the Service had been working on the plan for ten years. She commended the plan as a good plan and stated that the Fish & Wildlife Service offered the HCP its full support. She suggested it was one of the best plans around and commented that every other County in Northern California was looking at Contra Costa County's HCP. She applauded the collaborative effort. She urged the approval of the HCP.

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

Councilmember Casey stated that this was his second year working with the HCP. He commended the process and clarified with Mr. Kopchik his recommendation to postpone action on the HCP until the City had a signed agreement for the Faria-Costa-Montecito property.

Councilmember Kee added that it had been a pleasure working on the HCP since he had also been a two-year representative to the process. He supported a reasonable situation to work for all parties to help ensure that wildlife could be protected in the natural habitat for the long-term future.

On motion by Councilmember Kee, seconded by Vice Mayor Casey and carried unanimously to continue Resolution 07-10745 to the meeting of April 16, 2007 at 7:00 P.M.

### **CONFLICT OF INTEREST DECLARATION**

There was no Conflict of Interest Declaration.

### **CONSENT CALENDAR**

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

- a. **RESOLUTION 07-10746** Request for Fee Waiver – KVHS-FM Radio, Clayton Valley High School

Adopted Resolution 07-10746.

### **ADJOURNMENT**

The City Council adjourned at 8:18 P.M. to April 2, 2007.

Respectfully submitted,

Alice E. Evenson, City Clerk

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