

CITY OF PITTSBURG
City Council/Redevelopment Agency Minutes
March 5, 2007

Mayor Ben Johnson 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 5:30 P.M. for Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code regarding Police Officers Association, Police Managers Group, AFSCME (Miscellaneous A), AFSCME (Miscellaneous/Professional/Confidential), Teamsters and Unrepresented; Conference with Legal Counsel – Anticipated Litigation pursuant to Section 54956.9(b) regarding one case; and Conference with Legal Council – Anticipated Litigation pursuant to Section 54956.9(c) regarding ten cases.

Mayor Johnson advised that there was no reportable action from the 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 Pittsburg Power Company, Garrett Evans
Director of Engineering and Building, Joe Sbranti
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Finance, Marie Simons
Planning Director, Melissa Ayres
Police Chief, Aaron Baker

PLEDGE OF ALLEGIANCE

John Fuller led the Pledge of Allegiance.

COUNCILMEMBER REPORTS/REMARKS

Councilmember Parent referenced the Black History Art Show that had been provided to the City and its citizens by Beta Phi Sigma Sorority. She noted that she had attended the Sorority's reception which had honored a number of community leaders.

Councilmember Parent also reported that on behalf of the City she had attended the

retirement of and presented a proclamation to Leslie Trapps, the Chief Operating Officer for the Cement Masons Union in the City who had retired after 55 years.

Councilmember Parent had also attended Assemblymember DeSaulnier's Open House in Martinez and had an opportunity to work with a number of officials in cities throughout his district. She announced that she had received word that the E.J. DeLaRosa Company had made a contribution to the Creative Arts Building, which contribution would be part of the match from the City that would offer additional funds for the Creative Arts restoration. She also referenced Measure J on the ballot to provide bonds for the reconstruction of the high school and the construction of a junior high school. She noted that money left over from the Measure J campaign fund would be donated to the Creative Arts Building, also matched by City funds.

Councilmember Parent advised those desirous of celebrating St. Patrick's Day to join the Soroptimist Club for dinner at the Elks Club.

Noting that March was Women's History Month, Councilmember Parent stated that she had spent the day in Sacramento where the State Assembly and the State Senate had chosen one person to be recognized by the entire Assembly or Senate as the Woman of the Year. She reported that Assemblyman DeSaulnier had given her the honor of being recognized as the Woman of the Year for District 11.

Councilmember Kee reported that he and Councilmember Parent had attended the Black History and Art Show put on by Beta Phi Sigma Sorority where many prominent citizens of Pittsburg had been honored; including former Mayor Taylor Davis and former Planning Commissioner Thaddeus Holmes.

Councilmember Kee advised that he had also attended a Land Use Subcommittee meeting this date with planning staff to discuss the General Plan Updates and potential changes. He reported that another Land Use Committee meeting had been scheduled for Thursday, March 8 at 3:00 P.M. to discuss the hillside ordinance policies.

Mayor Johnson reported that he had attended two veterans meetings at which time veterans' benefits had been discussed.

PROCLAMATION

1. Arbor Day

Public Works Director John Fuller stated that the City deserved its annual recognition as Tree City USA in spite of recent comments related to the removal of trees in City Park to allow for an all-weather soccer park. He explained that over the last year the City had enhanced or constructed several new parks, including Delta View Park and the Highlands Ranch Park. The City also planted trees on an annual basis on Arbor Day.

Mr. Fuller reported that in the last year, the City had planted 400 trees to offset the

approximately 90 trees that had been removed from City Park. He reminded the citizenry that while some trees had to be removed, the City worked hard to maintain an urban forest.

Mr. Fuller took this opportunity to introduce Ramona Anderson of the Landscape Parks Division of the Public Works Department who had organized an Arbor Day tree planting event in City Park on March 17 at 9:00 A.M., when 40 trees would be planted in City Park facilitated by three Girl Scout troops.

Mr. Fuller introduced Margarat Baja of Troop 2629, which would participate with another troop from Pittsburg and one from Concord to assist in the tree planting on March 17.

MARGARET BAJA thanked the Council and stated that the planting event offered a wonderful opportunity for the girls to participate. She commented that this was the fourth year of the planting event.

Councilmember Parent read the proclamation for Arbor Day, Pittsburg Tree USA, March 17, 2007, and presented the proclamation to Ramona Anderson.

CITY MANAGER REPORTS/REMARKS

There were no City Manager Reports/Remarks.

CITIZENS REMARKS

MIKE LENGYEL, Pittsburg, suggested that the adoption of the Arbor Day proclamation was contrary to what the City had done by removing trees at City Park. He asked as to the party responsible for the removal of those trees. He suggested that the City was not environmentally astute for removing those trees and suggested their removal was not a matter of necessity but a matter of choice. He also asked where the removed trees had been disposed. He requested that the history of the trees be identified.

CHARLIE GOMEZ, Pittsburg, stated that he and the non-profit Pittsburg Soccer League had been working with St. Peter Martyr for over four years. He described the goals of the League, noted that the League charged a bare minimum to allow low income households to participate, and advised that the League was in great need of a field for play and practice. He asked the City to work with the League to allow the use of City parks for practice and games. He noted that the City's use fees were too high for most of the members of the League. He petitioned the Council to waive those fees and offer a safe park for children to practice and play. He distributed flyers and a letter dated February 21, 2007 to the Council at this time.

Mr. Gomez reminded the Council that a proclamation had been distributed to the Pittsburg Soccer League four years ago.

City Manager Marc Grisham advised that the Recreation Director could meet with the

Pittsburg Soccer League to review what was available. He advised that a new lighted field for soccer at Central Park should be in operation this week.

Mr. Grisham also noted that five new soccer fields will have been constructed by the end of the year. He added that some eucalyptus trees had been removed at City Park which would allow for an all-weather lighted soccer field. With respect to fees and fee waivers, he noted the difficulty of maintaining all the new parks and soccer fields through the Lighting and Landscaping District from 1988, which had no cost of living provision, so that the same amount of money was currently being collected as was being collected since 1988.

When asked, Finance Director Marie Simons advised that the General Fund was paying \$1.5 million to maintain those fields, which was why fees were currently being charged.

City Manager Grisham advised that City staff would work with the League to see what could be done.

Councilmember Evola recused himself from Items 1 and 2 due to his financial interest as a source of income from the property owner. He left the dais and the Council Chambers at this time.

PUBLIC HEARING

1. **RESOLUTION 07-10724** Resolutions of Necessity by City to Acquire Easement
Combined w/07-10725 on Assessor Parcel Numbers 094-080-026 and 094-080-040 for the Leland Reservoir Project

City Engineer Joe Sbranti advised that the City of Pittsburg's Leland Reservoir Project sought to improve public safety and provide reliable water services to the general public. The proposed project includes the construction of a water storage tank and associated piping to serve the citizens of Pittsburg.

Mr. Sbranti advised that the project was a three million gallon Zone 2 reservoir planned to be located south of the southerly end of Montevideo Drive in the southwest hills. He stated that the reservoir had become necessary over the years as development had increased in the southwest hills. While the number of homes currently had not reached a point where it would be required, as more homes were developed it would soon. The reservoir had been identified by Amendment No. 2 to the Water Master Plan approved by the City Council in 2004.

In selecting a site for the reservoir, Mr. Sbranti explained that staff had to consider both elevation and proximity to the future transmission line that would run down West Leland Road. The elevation required for a Zone 2 reservoir was 381 feet above sea level.

Coupled with the location of West Leland Road and the future transmission line, the

two parameters resulted in few choices as to site location for the reservoir. The site had been selected to have the least injury to private property while doing the greater public good. The project had received California Environmental Quality Act (CEQA) approval as part of the Vista Del Mar project in 2004.

CLAUDIA GORHAM, Meyers Nave, Attorney assisting the City Attorney on the matter, explained that the offers required by California Government Code Section 7267.2 had been made to the property owners of both parcels; the subject parcel owned by PG&E and the next resolution before the City Council related to a parcel owned by Albert D. Seeno Construction Company. Although the City had attempted to negotiate the purchase of both parcels and acquisitions, the negotiations had been unsuccessful.

Ms. Gorham advised that the PG&E parcel would be a compatible use or more necessary use for the City in that the permanent road easement that would be acquired through the resolution would not affect the current use and the pipeline would be underground. The public utilities now existing would be able to coexist with the City's permanent roadway easement and pipeline easement and the use of the subject properties for water storage and pipeline purposes. She stated that the Resolution of Necessity hearing had been noticed on or about February 9, 2007 through written notice to the property owners.

Funding for the acquisition of the property interests involved in the project was available from the Southwest Hills Water Improvement Project Budget to be financed by 2005 Water Bond proceeds. Acquisition-related costs for the property interests involved in the project were estimated to be \$200,000 including compensation, based upon current appraisals, paid to the property owners for the property interests and improvements.

The subject properties had been appraised and offers pursuant to Government Code Section 7267.2 to acquire the property at its fair market value had been made to the property owners. No residences or other buildings were being acquired. No person or business was being displaced or having to relocate and there were no associated relocation expenses.

It was recommended that the City Council open the public hearing, receive the staff report; receive public comment, if any, on each resolution, close the public hearing, deliberate; and adopt Resolutions of Necessity which authorize the commencement of eminent domain proceedings for the acquisition of property interests in the subject properties.

City Attorney Ruthann Ziegler advised that Resolutions of Necessity were limited public hearings and the only party with a right to speak would be the property owners. The first resolution related to the PG&E property and the only party allowed to speak to that property would be a representative from PG&E. The resolutions were considered separately.

Mayor Johnson opened the public hearing for Resolution 07-10724. There was no

one to speak to the item. Mayor Johnson closed the public hearing for Resolutions 07-10724.

On motion by Councilmember Parent, seconded by Vice Mayor Casey to adopt Resolution 07-10724, carried by the following vote:

Ayes: Casey, Kee, Parent, Johnson
Noes: None
Absent: Evola (Recused)

2. **RESOLUTION 07-10725** Resolutions of Necessity by City to Acquire Easement
Combined w/07-10724 Assessor Parcel Number 094-080-026 and 094-080-040
for the Leland Reservoir Project

City Attorney Ziegler advised that the comments made on the first resolution including the timing of notice delivered to the property owner of this hearing was consistent with the statutory procedure where a representative of the property owner, Albert D. Seeno Construction Company, had requested the opportunity to speak. She asked that the Mayor open the limited public hearing to allow that individual to speak at that time.

Mayor Johnson opened the Public Hearing for Resolution 07-10725.

GEORGE SPEIR, Miller, Starr, Regalia, speaking on behalf of the Albert D. Seeno, Construction Company, reported that he had submitted a letter earlier to summarize his comments. He advised that his client had engaged in some direct conversations with staff and the right-of-way agent in the fall. Having received notice in February of the item, it was discovered that the discussions had ended. He expressed his hope to have continued discussions with staff after the hearing. He reported that his concern had to do with access. He stated that his client would like to have the resolution include provisions which would allow for a reservation of access across the site to get to the other side because access would otherwise be very steep. He requested that the taking include a reserve access easement to the current property owner.

Mayor Johnson closed the Public Hearing for Resolution 07-10725.

Ms. Gorham noted that the taking of the Seeno property was a partial take, a little over three acres of a 30 acre parcel that had been zoned Open Space with some cattle grazing. She stated that the property had no access to any public roads in the before or after conditions. She added that the City and staff were willing to work with the property owner if there were any potential access issues, although City staff was of the opinion there were none at this time. She otherwise requested that the staff report be made a part of the public record.

City Attorney Ziegler added that it was the recommendation that the City Council adopt the resolution, as it appeared in the Council packets, without any changes.

Councilmember Parent advised that the City was always willing to talk to any

property owner with respect to condemnation proceedings.

On motion by Councilmember Parent, seconded by Councilmember Kee to adopt Resolution 07-10725, carried by the following vote:

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

Councilmember Evola rejoined the Council at this time.

REDEVELOPMENT AGENCY AND CITY COUNCIL COMBINED CONSENT CALENDAR

CONFLICT OF INTEREST DECLARATION

There was no Conflict of Interest Declaration.

CONSENT CALENDAR

Councilmember Parent referred to Item g. and asked that the issue of priority as shown on the first page of the agreement be cleaned up. She was advised by the City Manager that the City would get priority but not exclusive priority.

With respect to Item h. Councilmember Parent questioned the cost of living increases associated with garbage services and asked whether or not there was double dipping involved.

Mr. Grisham explained that Contra Costa Waste Services under its contract for regular garbage services had the right to regular CPI increases. It also had the discretionary ability for the facility to stay competitive.

Public Works Director Fuller explained that there might be some double dipping since Pittsburg Disposal had to pay a fee essentially to itself because most of that money was used to operate the transfer station which rehailed the material to another location. Like any other user of the transfer station, Pittsburg Disposal would have to pay the same rates. He stated that the amount of increase was extremely minor and when converted into the rate increase on regular garbage would be almost insignificant. The real issue was that the City would receive most of the additional money for other solid related waste activities. The transfer station would only receive it to the degree it could increase diversion, which was required to meet the City's goals for AB 939 which required a 50 percent diversion. He added that while the garbage company might have to pay the fee to the transfer station, the bulk of the money would fund City programs and the bulk of the monies would come back to the City and not to the transfer station. Further, the City received a report on the diversion efforts every quarter.

On motion by Vice Mayor Casey, seconded by Councilmember Parent, and carried

unanimously to adopt the Redevelopment Agency and City Council Combined Consent Calendar, as follows:

- a. **MINUTES** Dated: February 20, 2007
Approved minutes dated February 20, 2007.
- b. **RESOLUTION 07-10711** Adoption of FY 2007-08 Council Priority Workplan
Adopted Resolution 07-10711.
- c. **RESOLUTION 07-10726** Approval of First Amendment to Antenna Site Lease Agreement Between XM Satellite Radio Inc. and the City of Pittsburg
Adopted Resolution 07-10726.
- d. **RESOLUTION 07-10727** Authorize Use of Marina Reserve Funds for Numerous Extraordinary Purchases and/or Services and Further Amend the Marina's 2006-07 Fiscal Year Operating Budget to Increase the Gasoline Expenditure and Revenue Accounts
Adopted Resolution 07-10727.
- e. **RESOLUTION 07-10728** Approval of Affordable Housing Agreement – Delta Hawaii Senior Condominiums
Adopted Resolution 07-10728.
- f. **RESOLUTION 07-10729** Give Always to Others Request for Community Sponsorship Funds
Adopted Resolution 07-10729.
- g. **RESOLUTION 07-10730** Approval of an Agreement Between the City of Pittsburg and Pittsburg Unified School District for the Maintenance of John S. Bryant Park
Adopted Resolution 07-10730.
- h. **RESOLUTION 07-10731** Approval of a Rate Increase at Contra Costa Waste Services Recycling Center and Transfer Station
Adopted Resolution 07-10731.
- i. **RESOLUTION 07-10732** Approving the Fourth Amendment of the Agreement

Between Contra Costa Waste Services and the City of
Pittsburg for the Operation of a Material Recovery and
Transfer Station

Adopted Resolution 07-10732.

- j. **RESOLUTION 07-10733** Authorize Funding Payments to Contra Costa County
Pittsburg Library for Additional Hours of Service in the
Amount of \$89,800 for Fiscal Year 2006-2007

Adopted Resolution 07-10733.

- k. **RESOLUTION 06-10693** Disposition of Improvement Funds Related to City of
Pittsburg Marina Park Assessment District No. 98-01
and the City of Pittsburg Century Plaza Auto Mall
(Phase I) Assessment District No. 2001-03

Adopted Resolution 06-10693.

ADJOURNMENT

The City Council adjourned at 7:44 P.M. to March 19, 2007.

Respectfully submitted,

Alice E. Evenson, City Clerk

als