

**CITY OF PITTSBURG**  
**Housing Authority Minutes**  
**January 16, 2007**

Chair Ben Johnson called the meeting of the Housing Authority to order at 8:14 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Presentation at 5:00 P.M. regarding the 500 School Street Project and into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 500 School Street, APN 073-121-001; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) regarding Redevelopment Agency of the City of Pittsburg vs. Raizel Sydell Enterprises et al., Contra Costa County Superior Court Case No. C05-02492; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding seven cases.

Chair Johnson reported that in Closed Session the City Council had directed staff to bring back an Exclusive Right to Negotiate for 500 School Street, APN 073-121-001. There were no other reports from Closed Session.

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

**MEMBERS EXCUSED:** 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

**CONFLICT OF INTEREST DECLARATION**

There was no Conflict of Interest Declaration.

## **CONSENT CALENDAR**

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

- a. **DISBURSEMENT LIST** Dated: December 31, 2006

Approved Disbursement List dated December 31, 2006.

- b. **MINUTES** Dated: December 18, 2006

Approved minutes dated December 18, 2006.

## **ADJOURNMENT**

The meeting of the Housing Authority adjourned at 8:15 P.M. to the next meeting set for February 20, 2007.

Respectfully submitted,

Alice Evenson, Secretary

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**January 16, 2007**

Chair Ben Johnson called the meeting of the Redevelopment Agency to order at 8:16 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Presentation at 5:00 P.M. regarding the 500 School Street Project and into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 500 School Street, APN 073-121-001; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) regarding Redevelopment Agency of the City of Pittsburg vs. Raizel Sydell Enterprises et al., Contra Costa County Superior Court Case No. C05-02492; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding seven cases.

Chair Johnson reported that in Closed Session the City Council had directed staff to bring back an Exclusive Right to Negotiate for 500 School Street, APN 073-121-001. There were no other reports from Closed Session.

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

**MEMBERS EXCUSED:** 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
- 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

**CONFLICT OF INTEREST DECLARATION**

There was no Conflict of Interest Declaration.

## **CONSENT CALENDAR**

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

- a. **MINUTES** Dated: December 18, 2006

Approved minutes dated December 18, 2006.

- b. **RESOLUTION 07-1176** Rescinding Resolution 06-1169 and Authorizing the Executive Director to Execute a Consultant Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Jon K. Takata Corporation

Adopted Resolution 07-1176.

- c. **REPORT** Acceptance of the Redevelopment Agency's Annual Report for Fiscal Year 2005-2006

Accepted the Redevelopment Agency's Annual Report for Fiscal Year 2005-2006.

## **ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 8:17 P.M. to January 28, 2007.

Respectfully submitted,

Alice Evenson, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**January 16, 2007**

Mayor Ben Johnson called the meeting of the City Council to order at 8:18 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into a Presentation at 5:00 P.M. regarding the 500 School Street Project and into Closed Session at 6:00 P.M. for Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code regarding 500 School Street, APN 073-121-001; Conference with Legal Counsel – Existing Litigation pursuant to Section 54956.9(a) regarding Redevelopment Agency of the City of Pittsburg vs. Raizel Sydell Enterprises et al., Contra Costa County Superior Court Case No. C05-02492; Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of Section 54956.9 regarding one case; and Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (c) of Section 54956.9 regarding seven cases.

Chair Johnson reported that in Closed Session the City Council had directed staff to bring back an Exclusive Right to Negotiate for 500 School Street, APN 073-121-001. There were no other reports from Closed Session.

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

**MEMBERS EXCUSED:** 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
- 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

Mayor Johnson considered the following general City Council items at 7:13 P.M. prior to pursuing the Housing Authority agenda.

**PLEDGE OF ALLEGIANCE**

The City Council led the Pledge of Allegiance.

## **FERRIS WHEEL DONATION**

### 1. Dow Chemical Corporation

PATTY DEUTSCH, Dow Chemical Corporation, advised that Dow Chemical, a steady contributor to the community, had considered a competitive bid process for community grants from Dow's contribution budget. A total of 28 applications had been received for six grants, one of which was for the Small World Park Ferris Wheel Project. She introduced Ross De Boie, the Chair of the Dow Community Advisory Panel Community Grant Project to address the Council.

ROSS DE BOIE, Dow Community Advisory Panel Community Grant Project, reiterated the intent of the process to give money back to the community. He reported that the Advisory Panel had approved a grant for uniforms for low income children in the community as well as a donation to the Small World Ferris Wheel Project. He presented a donation in the amount of \$2,500 to Councilmember Parent for the Small World Ferris Wheel.

The Mayor thanked Dow Chemical for the donation.

Councilmember Parent explained that Dow Chemical had been a good corporate citizen of the City. For the benefit of the audience, she advised that private funds were being raised to build a children's size Ferris Wheel in Small World Park at the site of the present fire station once the station was moved. She noted that Small World Park was a gem in the community and was not always visible due to the fire station. She stated that the Ferris Wheel would be an added attraction to the community and would provide more visibility for Small World Park. To date, \$30,000 had been raised for the Ferris Wheel. All donations were accepted from any business or individual. The names of all individual or corporate donations of at least \$1,000 would be placed on a plaque of dedication for the Ferris Wheel. Information flyers were available in the City Council Chambers.

Councilmember Parent specifically expressed her appreciation to Dow Chemical for its continued support of the community.

## **PRESENTATION**

### 1. New Employee Introductions

Human Resources Director Marc Fox advised that the applicable Department Heads would introduce their new employees.

Planning Director Melissa Ayres introduced Assistant Planner Jason Burke with experience from the private consulting firm LSA Consulting who had experience consulting with other communities and with the development of Environmental Impact Reports (EIRs). Mr. Burke thanked the Council for the opportunity.

Director of Engineering and Building Joe Sbranti introduced Engineering Department employee Regina Cartwright-Morales who had experience with office management and administration, particularly through the US Postal Service. Ms. Cartwright-Morales thanked the Council for the opportunity to work with the City of Pittsburgh.

Mr. Sbranti also introduced Administrative Officer Jill Hecht, who was formerly with the City of Concord Engineering Department and who had been working with the City as a Public Hearing Officer for the past six years. She also had experience in working with the City Manager's Office and Public Works Department. Ms. Hecht also thanked the Council for the opportunity to work with the City of Pittsburgh.

Director of Public Works John Fuller introduced new employees Pat Cashman, Cary Emmons, Duane Knight, Rudy Nieves, Kevin Schuler and Armando Silva and noted that while some had been hired as seasonal employees, all were now assigned to the Corporation Yard.

Director of Redevelopment Randy Starbuck introduced Redevelopment Agency staff Geoffrey Ross, Max Podemski and Lynette Darensburg.

Director of Housing and Community Programs Annette Landry introduced Trekina White, the new Administrative Assistant for the Housing Authority Division. Ms. White also thanked the Council for the opportunity to work for the City of Pittsburgh.

## 2. Citizen Response Management System Demonstration

Assistant City Manager Matt Rodriguez introduced Kendall Smith, the Principal with Government Outreach, to make a presentation regarding the launching of the first leg of "Go Pittsburgh," a comprehensive consumer request electronic program to assist the City in improving communications via the City's website and ensure that service requests for services and information were followed up and tracked appropriately. He reported that City staff had embarked on the campaign for the past 12 months with an opportunity for employees to give input into the system as to how to improve service requests through e-technology. Staff had conducted internal operations of the system in house and would now be able to unveil the system to the general public whereby the general public would be able to make service requests through the City's website.

KENDALL SMITH, President, Government Outreach, presented a PowerPoint presentation on the system for "Go Pittsburgh," a new citizen and customer relationship now a part of private government through web based technology and for those that had web access from the home 24/7 year round. Through the Internet, citizens would be able to submit a question, problem, complaint or compliment that would be routed to the right City employee with a response back and confirmation. The system would also allow follow up and closure, and ensure responses to all comments. The system was intended to improve citizen relations to be more efficient with tools and capabilities to manage the contracted services of the City and allow the public to hold City Hall accountable. The program would allow one to contact the City through e-mail, at the front counter or by telephone.

Mr. Smith added that the system would use a centralized data based system to log all of the calls for service, with tools allowing the department heads to monitor the concerns or problems and to communicate back to the citizen on the status of the comments. The system would allow reports back to staff including how the City was meeting the expected time requirements, as an example, and staff would use the tools to learn how the departments and individual staff members were doing. He noted that staff had been using the tool for the past month. This was the first public presentation. The system was available on the City's website and telephone calls were still able to be used as well. A live product demonstration was presented to the Council and audience at this time.

Mr. Rodriguez explained that the acting kiosk was located at City Hall. This was another step in the process and many things would be automated in order to provide additional enhanced services in technology including automated City Council agendas in the near future.

### **COUNCILMEMBER REPORTS/REMARKS**

Councilmember Parent reported that as a member of the Board of Directors of Delta Diablo Sanitation District (DDSD), a report and workshop on the Strategic Business Plan had been presented recently with employees in every department involved in the plan, which was six months into implementation. The workshop had involved good participation from the employees and from Board members.

Also as a Director of DDSD, Councilmember Parent reported that she had recently met with the Editorial Board of the Contra Costa Times concerning DDSD efforts to expand its use of recycled water. She reported that the recycled water produced by DDSD was presently being provided to the Los Medanos Power on Third Street, to the deck adjacent to the plant, watering the Eighth Street Corridor and the park outside of Central Addition, with a proposal to extend the pipes to water the golf course, parks and school properties between City Park and the golf course. She highlighted the funding for the project, noted that it was short \$1 million, and stated that over the past two years, DDSD had worked to garner other funds from the federal government through the use of a program for the use of recycled water and using water more economically as it became more expensive.

Councilmember Parent also stated that she had made two trips to Washington D.C. on behalf of the project and she hoped to have a favorable recommendation in the form of an editorial from the editorial board in the next week. She noted that the City of Antioch would also have a project through the DDSD, which was also working with a number of entities in the Bay Area in the area of recycled water.

Councilmember Parent further reported her attendance at the Swearing in Ceremony for the Mayor of the City of Oakley, Dow Chemical's annual Martin Luther King Jr. observance including Dow's recognition of Pittsburg's former City Clerk Lillian Pride, who had made major contributions to community life. In addition, she had attended the Martin Luther King Observance organized by churches in the City with a march from City Hall to the Creative Arts Building.



Councilmember Parent too this opportunity to thank Recreation Supervisor Flores for his Department's contribution. She added that the group had also honored Recreation Department Supervisor Marilyn Lewis.

Councilmember Kee reported that he had attended the Board of Supervisors Annual Martin Luther King, Jr. observance and the County's Humanitarian of the Year Awards with awards presented to Youth Humanitarian of the Year Edgardo Cervano-Soto, a senior at Richmond High School, and Adult Humanitarian of the Year awarded to Veronica Pope of Pittsburg, who operated the programs "People Who Care" and the "Hip Hop Car Wash."

Councilmember Kee also reported that he had received a letter from the County Human Resources Commission commending Recreation Supervisor Paul Flores for a presentation he had made to the County on the City's youth programs. He also thanked the Public Works Department for all their work during the recent cold spell to repair broken pipes in the community.

Councilmember Evola reported that he and Councilmember Parent had attended the Pittsburg Power Company Subcommittee meeting and had discussed a number of issues involving the Trans Bay Cable project and other items including a clear and more concise utility bill which the users of Island Energy would be receiving, and promising changes to the Trans Bay Cable project to minimize some of the perceived impacts. He had also attended the Mayors Conference and a crab feed for Supervisor Federal Glover.

Mayor Johnson reported that he too had attended the Mayors Conference during which time two newly elected individuals were identified as representatives to the Metropolitan Transportation Commission (MTC) and the Contra Costa Transportation Authority (CCTA). He had also attended the Mayor's Swearing in Ceremony for the City of Oakley and the TRANSPLAN Committee meeting when he had been elected as the Vice Chair of TRANSPLAN and that Committee's alternate to the CCTA. Further, he had attended the United Veteran's Council meeting, the American Legion meeting, and had met with Councilmember Nix of the City of Oakley regarding the Habitat Conservation Plan (HCP) process.

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

City Manager Grisham had nothing to report.

### **CITIZENS REMARKS**

ROBERT GREEN, Pittsburg, expressed concern with recent impacts to his residential water service. Having contacted the Water Department after hours, he stated that the automated attendant had reported no outages. He expressed concern that there was no correct information on the automated system and he would have expected at some point of the outage that management would have arrived when the problem had escalated. He questioned why it took many hours to place emergency cones on the street, get a backhoe on the site, and have the water turned off.

Mr. Green questioned why the problem had not been better managed given the growth in the community. He asked that the City's emergency services be reevaluated with a more adequate response time. He added that the City's website included the City's mission statement which he read into the record at this time.

Assistant City Manager Matt Rodriguez explained that the number of water main breaks during the recent weekend, which had been scaled from a low to a high priority, had occurred due to the recent cold weather spell. He apologized for any inconvenience explaining that the water had been left on until the problem sites had been identified in a safe and orderly fashion. He emphasized that staff had responded to the breaks as soon as possible. He acknowledged that the Public Works Department had some understaffing during the holiday weekend although resources were mobilized as well as possible.

Public Works Director John Fuller added that the City had a 24-hour emergency call in number although he acknowledged that the number did not have a lot of information since it just took the call. He too commented that the water was not normally turned off at the main as long as it would not cause any damage and in order to minimize the amount of time that customers were out of water while a crew was waiting to be dispatched. He also acknowledged that the breaks had occurred during a holiday weekend and he noted that some employees had worked nearly 52 hours straight over that 72-hour period.

JIMMY DORSEY, Pittsburg, Neighborhood Watch Captain for Marina Heights, thanked former Mayor Kee, the City Manager and the Police Department for resolving a past problem in the neighborhood, although he reported that another situation affecting the neighborhood had arisen. He explained that Direct TV was being brought into Marina Heights as the option for cable, although residents had not been given clear information from management in terms of the potential costs for the satellite services. He asked the City Council to intervene in this instance since Direct TV had indicated it would cut off residents on December 27, 2006. While he had contacted the Consumer Affairs Group, he had been advised to speak to his local City Council. He asked the Council to assist in the matter.

Mr. Grisham advised that staff would follow up with the cable service representatives and with the management company to learn what was occurring with the situation.

MICHAEL SARABIA, Bay Point, commented on the recent survey to Bay Point residents on the potential for annexation. He acknowledged that the City of Pittsburg had better schools than Bay Point. He referenced a recent newspaper article where the President of the School Board had been quoted regarding its schools. He expressed concern that some students in Bay Point must attend Concord schools. He also noted that the City of Pittsburg was accepting in terms of tolerance and appreciative in terms of employment, and stated that Bay Point would like to be part of that action. He also spoke to the potential development of the Concord Naval Weapons Station which bordered Bay Point and suggested that Pittsburg could be the best judge in terms of what was best for Bay Point. He expressed concern that there has been no community involvement other than from the City of Concord.

Councilmember Parent advised that Pittsburg had been approached by an individual appointed by the City of Concord to apprise Pittsburg of any decisions to be made regarding the Concord Naval Weapons Station. She stated that person should be contacted since that person was to represent everyone in the area.

JOE SHAW, Pittsburg, spoke to the problem with commodities transport and big rigs being unable to park in the community. He reported that he had received tickets due to the fact there was no parking for big rigs in the City, with commodities being transported in/out. He emphasized that big rig operators needed a parking area without being faced with tickets on a regular basis. He noted that his business was being affected. As a property owner in the City, he asked the City Council to address the issue, such as considering designated parking near Home Depot.

Mr. Grisham encouraged Mr. Shaw to work with the Police Department and to contact Officer Callahan to determine where parking for such vehicles would be permitted.

GREGORY OSORIO, Pittsburg, spoke to the City's Inclusionary Housing Ordinance and expressed concern that City residents were not being given a preference. While legal opinion at the time the ordinance had been considered had indicated that preferences would be discriminatory, several cities in the area including the cities of Concord, Brentwood, Pleasanton and Walnut Creek had offered preferences to its citizens. He asked that the issue be reviewed in light of what other cities had been doing. He added that the representative for the Building Trades Association was not opposed to such a preference as long as it did not affect sales. He asked that the issue be explored.

Mayor Johnson adjourned to the Housing Authority agenda at 8:13 P.M. and reconvened as the City Council at 8:18 P.M.

## **PUBLIC HEARING**

1. **RESOLUTION 07-10698**      Establishing the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services),  
Combined w/07-10699      Providing for Future Annexation of Territory and  
Combined w/07-1283      Providing for the Levy of a Special Tax Therein to Finance Certain Public Services in and for Such Community Facilities District and Calling a Special Election to Submit to the Qualified Electors Within Such Community Facilities District the Question of Levying Such Special Tax and Establishing an Appropriations Limit for Such Community Facilities District
  
2. **RESOLUTION 07-10699**      Determining the Result of the Special Mailed-Ballot  
Combined w/07-10698      Election Held in its Community Facilities District No.  
Combined w/07-1283      2007-1 (Park Maintenance Services), on January 16, 2007

3. **ORDINANCE 07-1283** Introduction of an Ordinance Levying a Special Tax for  
**Combined w/07-10698** the Fiscal Year 2007-2008 and Following Fiscal Years  
**Combined w/07-10699** Solely Within and Relating to the City of Pittsburg  
Community Facilities District No. 2007-1 (Park Maintenance  
Services)

Mr. Grisham explained that in accordance with the terms of the Development Agreement between the City of Pittsburg and William Lyon Homes, Inc., a Community Facilities District (CFD) or other financing mechanism shall be formed to provide funding for Park Maintenance and related services in the Vista Del Mar Subdivision. This matter was considered by the City Council at the November 27, 2006 meeting. By Resolution No. 06-10678, the City Council approved a proposed boundary map, declared Council intention to establish a Community Facilities District No. 2007-1 (Park Maintenance Services) and to levy a special tax therein to finance Park Maintenance and related services therein, including but not limited to the maintenance, operations, (not including recreation program services) and repair of parks and related facilities, including replacements as needed of related facilities, including but not limited to buildings and structures, asphalt paths, concrete curbs and walks, trees, shrubs, vines ground cover, turf, lights and irrigation systems, and services including but not limited to litter and debris removal, graffiti abatement, painting repairs to landscape structures, building maintenance and repairs, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, mowing of lawns, trimming of vegetation, and the maintenance, repair and replacement of lighting systems within the parks, as defined in Exhibit A attached to the resolution in the staff report dated January 16, 2007. This resolution also provided for the future annexation of territory and had set a public hearing for January 16, 2007.

It was recommended that the public hearing be opened to hear public testimony or protests, that the public hearing then be closed and if no protests, that the Council proceed to take the following actions.

1. ADOPT A RESOLUTION of the City Council of the City of Pittsburg Establishing the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services), Providing for Future Annexation of Territory and Providing for the Levy of a Special Tax Therein to Finance Certain Public Services in and for Such Community Facilities District and Calling a Special Election to Submit to the Qualified Electors Within Such Community Facilities District the Question of Levying Such Special Tax and Establishing an Appropriations Limit for Such Community Facilities District.
2. CONDUCT AN ELECTION: The City Clerk shall count the ballots, close the election and declare the election result.
3. ADOPT A RESOLUTION of the City Council of the City of Pittsburg Determining the Result of the Special Mailed-Ballot Election Held in its Community Facilities District No. 2007-1 (Park Maintenance Services) on January 16, 2007.

4. INTRODUCE AN ORDINANCE of the City Council of the City of Pittsburg Levying a Special tax for the Fiscal Year 2007-2008 and Following Fiscal years Solely Within and Relating to the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services).

Mayor Johnson opened the public hearing for Resolution 07-10698, Resolution 07-10699 and Ordinance 07-1283. There was no one to speak to the item. Mayor Johnson closed the public hearing for Resolution 07-10698, Resolution 07-10699 and Ordinance 07-1283.

On motion by Councilmember Parent, seconded by Vice Mayor Casey and carried unanimously to adopt Resolution 07-10698.

City Clerk Alice Evenson reported that the land owner, Lyon Vista Del Mar, 533 LLC, was entitled to cast 223 votes on the ballots. Of the number of votes, 223 had been confirmed as 'yes' votes with zero 'no' votes. The votes cast 'yes' equaled 100 percent of the total votes cast.

On motion by Councilmember Parent, seconded by Vice Mayor Casey and carried unanimously to adopt Resolution 07-10699.

On motion by Councilmember Parent, seconded by Councilmember Evola to introduce Ordinance 07-1283 by title only and waive first reading.

Councilmember Evola stepped down from the dais and left the Council Chambers at this time due to his financial interest as a source of income from the property owners and its affiliated entities for the next two agenda items.

4. **ORDINANCE 07-1282** Introduction of an Ordinance Approving Lawlor Estates Development Agreement AP-06-391 (DA)

Mr. Grisham explained that Discovery Builders had filed an application on behalf of Lawlor Estates, LLC, requesting approval of a Development Agreement (DA) to satisfy the affordable housing requirement for Tract 8112 by constructing three accessory dwelling units within Tract 8112, located on the south side of West Leland Road, west of Chestnut Drive in the RS-O (Single Family with an Overlay (03-1212)) District. The Planning Commission recommended approval of the application.

There would be no fiscal impact. It was recommended that the City Council introduce, waive further reading, and pass to second reading an ordinance approving the proposed Lawlor Estates Development Agreement.

Councilmember Parent inquired of the time period where the units would be restricted, to which Planning Director Melissa Ayres explained that the units would not be deed restricted, although under the DA the developer would provide accessory dwelling units property owners could rent to family members or to other people at will.

The reason the units would not be deed restricted was that the developer had been caught between the time policies had been adopted for the inclusionary ordinance. The developer had entitlements on both sides and the City had not been aware the project would be affected by that ordinance and had not alerted the developer. In that instance, the financing had been based on the project being market rate. She added that the affordable housing provisions for the subject project involved the same rules applied to Bailey Estates, which development had also been caught in a similar situation and which development also included accessory dwelling units.

Councilmember Kee understood that although the units would not be deed restricted they would count towards affordable housing totals.

Ms. Ayres explained that the accessory dwelling units would count towards affordable housing for the Housing and Community Development (HCD) numbers although not for Redevelopment Agency numbers since the units would not be deed restricted.

Mayor Johnson opened the public hearing for Ordinance 07-1282.

RYAN COX, Discovery Builders agreed with the resolution as written and requested that it be approved at this time.

Mayor Johnson closed the public hearing for Ordinance 07-1282.

On motion by Councilmember Kee, seconded by Vice Mayor Casey to introduce Ordinance 07-1282 by title only and waive first reading. The motion carried by the following vote:

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

5. **RESOLUTION 07-10700** Amending the General Plan Relating Primarily to Measure P and Memoranda of Understanding (MOU's)

Planning Director Ayres explained that the Council is requested to adopt a resolution to amend the General Plan to: 1) establish a new 'proposed sphere of influence line (SOI)' to include all areas brought within the new urban limit line (ULL) and removing area within Norton Valley; 2) redesignate the Norton Valley areas outside the 'proposed SOI' as Open Space; 3) establish guidelines in the General Plan for developing new greenbelts within the southern foothills, along the inner edges of the urban limit line; and 4) align City policies for conducting traffic studies for new developments with Contra Costa Transportation Authority (CCTA) standards. This is a City initiated project.

Ms. Ayres reported that on August 21, 2006, the City Council had adopted a resolution initiating a General Plan Study for the purposes of implementing provisions in a Memorandum of Understanding (MOU) executed on May 3, 2006 between the City, Altec Homes, Albert Seeno III and Albert Seeno, Jr., regarding the southern foothills and the City's Sphere of Influences and to implement provisions integral to Measure P.

On December 12, 2006, the Planning Commission held a hearing on the staff recommended amendments under the study and had been unable to reach a majority vote either for or against the item and had forwarded the item to the City Council without a formal recommendation. Minutes of the December 12, 2006 Planning Commission meeting were provided to the City Council. The Planning Commission had considered whether to continue the item to allow more public testimony or to move forward with a recommendation to the City Council.

Ms. Ayres identified three amendments included in the staff report, one involving the taking of the land use designation of potential Residential and Park development in the Norton Valley and converting it to the General Plan to Open Space. The area was within the City's Planning Area although outside the voter approved ULL. It was not anticipated the land would be brought inside the ULL during the life of the General Plan and staff was recommending it be converted to Open Space.

As to the Thomas Ranch and Montreux properties, Policy 2-P-73 of the General Plan was being recommended to be changed to include additional criteria in which the projects would be evaluated if they were brought inside the City limits. It would add a provision to require a permanent greenbelt established along the southerly one-fifth of the Montreux property and on the Thomas Ranch property south of the existing PG&E transmission corridor and south of the final alignment of the Buchanan Road Bypass (BRB) east of Kirker Pass Road.

The policy would also include an added statement to allow density transfers for areas currently allowed development potential of residential back into the project after subsequent environmental review of those projects, at the subdivision level, which would show whether or not the units could be brought back into the project without creating environmental effects.

Ms. Ayres added that other policies in the General Plan that would continue to remain in the General Plan and regulate development in the area included the allowance of Low Density Residential development; which policies included natural topography to be retained to the maximum extent feasible and large scale grading discouraged, creeks and adjacent riparian habitats to be protected and assessment of biological resources completed, and no development on minor and major ridgelines with residential construction on flat or natural slopes encouraged. She noted that amendments to policies related to the southwest hills would relate to the Faria/Costa property and an additional policy would ensure that as part of any development review process for future subdivisions in that area, a greenbelt be established along the border between the City of Concord Naval Weapons Station and any future development on the Faria/Costa property.

Ms. Ayres explained that the provision would also include a statement that the City would consider in conjunction with a subdivision application and related environmental documents the taking of the development potential in that area which had shown development potential elsewhere in the project site if upon California Environmental Quality Act (CEQA) analysis, it was determined could be done in an environmentally sensitive manner. An additional amendment would change the Growth Management Element to require traffic studies only when a project generated a peak hour trip of 100 peak hour trips, not 50 peak hour trips as currently shown.

Ms. Ayres went on to explain that another amendment would relate to Figure 2-3 of the General Plan which had identified for information purposes project boundaries, including the City limit line, the SOI line, and multiple ULL lines approved over the years. Staff had proposed to delete the proposed 2020 SOI line, which stated that by the year 2020, the City expected to bring certain lands inside the community. Staff proposed to eliminate the 1996 and 2000 County ULLs which were outdated and since the County had adopted a new ULL since that time which staff suggested should be reflected for information purposes in the General Plan.

Ms. Ayres further identified the addition of the Pittsburg voter approved ULL in the General Plan as part of the passage of Measure P and added a new proposed 2007 SOI with a key to encompass the areas that were in the current 2000 SOI line adopted by the Local Agency Formation Commission (LAFCO) and the lands proposed to be inside the ULL by the voters with the adoption of Measure P.

Ms. Ayres also asked the City Council to amend Policy 2-P-1 of the General Plan which currently referred to the review of the City's SOI line every five years and coordinate that with LAFCO in accordance with the 10 and 20 year goals.

Ms. Ayres explained that the purpose of the first six amendments had been to implement the General Plan directives that had come out of the MOU executed on May 3, 2006. The purpose of the seventh amendment had been to align the City's traffic studies with CCTA, and the eighth and nine amendments were intended to update information in the General Plan related to current ULLs and the City's goal for the future SOI line. The City's documentation would show its influence over the land with the passage of Measure P.

Ms. Ayres suggested that the General Plan amendments were minor, programmatic changes and would not increase nor substantially decrease the amount of development potential envisioned in the planning area of the General Plan during the life of the General Plan and would not increase or substantially decrease the potential environmental impacts associated with future development envisioned by the General Plan and the Environmental Impact Report (EIR) certified by the City Council in November 2001.

Ms. Ayres advised that there were no development proposals associated with the project, with no current applications on file to develop or subdivide the land.



Any future development on land in the areas would be subject to separate project specific CEQA analysis and all applicable General Plan policies and City regulations governing development in those areas, including those policies in the General Plan that would require environmental and biological assessments and the minimization of grading in the areas.

Ms. Ayres noted that the City had released a draft Hillside Guidelines and Performance Standards document which had been placed in the public review process for 30 days. Upon the expiration of the 30 day period, the document would then be reviewed by the Land Use Subcommittee. A joint City Council/Planning Commission meeting was expected to discuss the guidelines. It was expected that the guidelines would be brought before the Council for adoption in the spring prior to LAFCO making any anticipated SOI changes in January 2008.

Ms. Ayres reported that several issues had been raised in numerous letters received by the City, including a concern with environmental impacts with a request to be discussed in an EIR for the action before the Council, although staff was of the opinion that was not necessary. One of the concerns had been with mass grading and unstable soils, however the proposed General Plan Amendments would decrease the amount of land to be graded with the greenbelt added. It would not increase the potential for mass grading beyond the greenbelts that would be brought inside the General Plan Amendment areas. Also, the City had numerous policies in Chapters 2, 4 and 9 in the General Plan which would continue in effect and regulate grading in terms of where it could occur and how much could occur if development within the City occurred in the subject areas during the current General Plan.

There had also been concerns with the elimination of potential recreation lands. The proposed amendments would eliminate the Park planned in the Norton Valley since any development potential in that area would also be eliminated and since the area was outside the ULL.

Concerns with disturbance to critical wildlife corridors had also been raised, and Ms. Ayres noted that the Montreux, Faria properties and the developable portion of the Thomas Ranch property were already within a proposed SOI in the General Plan. As such, changing the date would not change the physical impacts, just the potential timing when it was expected the land would come within the community.

Ms. Ayres also noted that a Habitat Preservation Plan had been created which could regulate development in the area and the EIR for that plan had been certified and distributed to the City Council. Any future development would be evaluated in conformance with that plan and would require CEQA analysis and conformance with the policies in the General Plan which would require biological assessments. If the City Council adopted the Habitat Preservation Plan, those rules would also be in place with any development evaluated against those rules.

Concerns with the degradation of substantial view sheds had also been raised,

although the City had numerous policies in Chapter 4 of the General Plan to protect view sheds, which would not be removed with the amendments. The proposed amendments would strengthen those policies by requiring greenbelts in areas previously identified by Greenbelt Alliance, Save Mt. Diablo and the City of Concord as areas they would like to see preserved.

Concerns with the fragmentation of open space had also been raised although staff suggested that the proposed amendments would not fragment open space and would rather create a more compact urban forum by removing development potential from the Norton Valley.

There was no fiscal impact associated with the project. It was recommended that the City Council adopt a resolution adopting the Negative Declaration and amending the General Plan Land Use Element, the Growth Management Element, and the Open Space, Youth and Recreation Element, including related figures, text and tables as described therein.

Mayor Johnson opened the public hearing for Resolution 07-10700.

DENNIS LINSLEY, Pittsburg, commented that he had presented two letters to the Council including a reprint of a letter to the Editor of the Contra Costa Times. He expressed concern with the lack of adequate public input, questioned the timing of the item before the Council and the fact that a decision could already have been made. He suggested that the City had done well with the transit village concept and he would like to see the City protect its hillsides and allow the public the opportunity to participate outside of notification in the local newspaper. He sought more public input before any action was taken. He also questioned the possibility of protections where it could not really protect, such as a way to reestablish development rights in the greenbelt areas of the plan. No rights were granted to anyone and he questioned how it could be redistributed. He questioned how the information had been written. He asked the Council to consider his correspondence.

JIM FORSBERY, representing the City of Concord, Director of Planning and Economic Development, reported that the City of Concord would like to work cooperatively with Pittsburg on the areas between the two cities, such as the ridgelines, sensitive view sheds and watershed analyses. He noted that the City of Concord respected the City's voter approved Measure P for a new ULL and recognized that the proposed General Plan Amendments would establish a new SOI. The City of Concord supported Pittsburg's proposed creation of a greenbelt buffer between the area of the Concord City limit and the first set of ridges between Pittsburg, although the City of Concord would like more detailed analysis between the cities regarding potential visual and watershed impacts. He expressed a desire to see the City's proposed Hillside Ordinance guidelines and noted that the MOU between the developer and the City of Pittsburg would provide subsequent development and the placement of any future housing in the area would be determined through a certified EIR.

Mr. Forsbery noted that the area of the Los Medanos hills was a sensitive divide of

the ridgeline between the two cities and both cities acknowledged that sensitivity. He added that the City of Concord engaged in the process of developing a reuse plan for the inland area of the Concord Naval Weapons Station, immediately adjacent to the Los Medanos hills, would like input from Pittsburg and other neighboring cities. He advised that the City of Concord had created a composite map of which they had used data from the Pittsburg Planning Director to understand what was before the Council and would continue to refine that map as Concord received more data on the proposals. He asked that the effort continue between the two cities.

Mr. Forsbery added that the City of Concord would like assurance that any new development in the hillside areas would be sensitive to the natural topography and protect view sheds from throughout Concord and the region.

Mr. Forsbery otherwise expressed a desire to see a more detailed analysis of the area. He commented that the future development of the area could have significantly adverse affects on both the cities of Concord and Pittsburg if not developed appropriately. He suggested that both cities would benefit from working together and advised that at its next City Council meeting, the Mayor of Concord would be suggesting nominations for two members of its City Council and representation from its Planning Commission to serve on a joint working group with the Pittsburg City Council to discuss the issue.

CHRISTINA ARMOR, Conservation Organizer, San Francisco Bay Chapter of the Sierra Club, representing many of its members who resided in the City of Pittsburg and who were strong supporters of open space, wildlife habitat, traffic reduction, and healthy communities, commented on the confusion of the passage of Measure P. She suggested that Measure P had stated that people were voting on open space protection and traffic reduction, although development in the hillsides was opposite to what people had voted on by passing Measure P. She questioned the City allowing the hillsides to be developed without proper comment and consideration of the environmental ramifications. She sought a clear environmental review of the area in question. She asked that the constituents be included in the environmental process. On behalf of the Sierra Club members and Pittsburg citizens, she asked the Council to conduct an environmental review and not adopt the item at this time.

CHRISTINA WONG, East Bay Field Representative, Greenbelt Alliance, urged the Council not to approve the item and to obtain more environmental review and have a strong hillside ordinance in place prior to any changes being made. She suggested that the General Plan amendments would indicate to LAFCO that the City wanted to eventually develop in the area. The ULL was important as the start of expanding the City and developing the hillsides. She suggested that the Negative Declaration was not appropriate and that a full EIR should be prepared to allow the community and the City Council to make an informed decision, particularly in light of the recent landslides in the southern portion of the City which cause had yet to be identified. She noted that Measure P called for moderate managed growth and a strong hillside ordinance. An EIR would monitor the managed growth.

Ms. Wong urged the Council not to adopt a General Plan Amendment to change the

SOI and call for a full EIR with extensive public input in drafting any hillside ordinance.

MIKE LENGYEL, Pittsburg, suggested that the proposal had too many loose ends for the City to take any action given the comments raised and the fact that the City of Concord would also like to have the item held over. He questioned the number of MOUs being considered by the Council and noted that not all were attached to the documents. He did not want to see what had occurred in the hillside near the BART station extended throughout other portions of the City. He also questioned the attempt to define a greenbelt. He asked the Council to consider all information before taking action.

SETH ADAMS, Save Mount Diablo, suggested that there was confusion with the materials and the action identified before the Council. He suggested that the Council was piecemealing, with the process having been mixed up from the beginning. The ULL had been established by a developer sponsored initiative which had been narrowly approved. The County had then adopted Measure L, which confirmed the ULL with no threat to the lands from anyone in that they were under the purview of Pittsburg, and would sit until Pittsburg did something with them. He questioned the rush with the item. He noted that last year the developer had made DAs and annexation requests for the same properties, which would lock the City into a variety of things with little public review, which he suggested was illegal since the areas were not within the City's SOI.

Mr. Adams sought an environmental review now with involvement of the public to learn of the actual impacts on properties that would be visible in the City with large impacts in terms of grading, visual impacts and species, all of which would be analyzed in an HCP, yet to be adopted. He noted that changing the General Plan to change the SOI would involve LAFCO as the next step. He reiterated the need for an environmental review now. He emphasized that Save Mount Diablo had repeatedly requested notice on any discussions relating to the items on numerous occasions and which had not always been provided. While notice of the subject hearing had been received last week, he understood that the City of Concord had not been noticed of the public hearing. He provided the Council with correspondence and other information from Save Mount Diablo.

GREG OSORIO, Pittsburg, pointed out that the Planning Commission could not reach an agreement to make any recommendation to the Council. He also commented on the fact that the City of Concord would like protection of its ridgelines and view sheds and he agreed with the fact that the City of Pittsburg consider a partnership with Concord. He saw no reason to move forward with the item at this time. He also questioned the approval of a DA where legal challenges could be problematic. He asked that everyone wait and work out a partnership with Concord and the community.

ROBERT GREEN, Pittsburg, stated that he had attended the Planning Commission meeting at which time no recommendation had been made. He commented that he had not been noticed of the meeting in a timely manner, nor had meeting minutes or meeting agendas been posted in a timely manner on the City's website. He questioned the adequacy of the City's notification procedures.

Mr. Green presented the Council with an example of a public notice from the City of

Pleasant Hill. He suggested that notification signage should be larger in size to notify the public, particularly in light of the size of the project under consideration. He asked that all inadequacies be investigated. He questioned the actual development potential on the properties involved and requested a better definition and explanation of the greenbelt issues. He asked that the General Plan be left as is, with no changes without public notification.

JUNE FORSYTH, Pittsburg, recognized that the City was seeking income with the development of the hillsides although she noted the need for careful development and assurance that grading in the hills was being done properly. She understood that there was a seven foot slip cover on all of the hillsides. She referenced a friend who had a hillside home in the City of Clayton which had been involved in a costly landslide. She sought environmental review prior to any actions and sought adequate designation of greenbelts, parks, schools, and the like. She noted that the area near the Black Diamond Trail was not suitable for housing due to the sloping of land. She cited the recent landslides in the community and sought knowledgeable development.

DAVID TROTTER, Bowles & Verna, representing the Thomas Ranch property owners, advised that his clients had asked the City Council in writing to continue the item since they had not been notified of the item. He cited that as a grave concern given the Thomas family was a substantial property owner with no notification of an action that could affect that property. He explained that the Thomas family owned 800 acres and he agreed with Save Mount Diablo that the City was piecemealing in an unnecessary fashion. The Thomas Ranch property would require a proper EIR since he understood the BRB would bisect the Thomas Ranch property with significant environmental, financial and wildlife habitat impacts which needed to be analyzed in a full EIR. He reiterated his comments and sought a continuance of the item with a full environmental and public review.

TERESA ROBUCK, Pittsburg, suggested that residents were not certain of what was occurring. She would like to see a map of the potential development. She too sought a definition of a greenbelt and additional information given that any development would involve many impacts. She urged more thought and deliberation prior to any vote on the item.

Mayor Johnson closed the public hearing for Resolution 07-10700.

City Attorney Ruth Ann Zeigler clarified that concerns with new areas of development on the hillsides, impacts such as traffic and the like would do nothing in terms of increasing development. The proposed General Plan Amendments before the Council would remove certain areas as shown in the General Plan for development and move them out of development. She commented that potential development impacts had already been thoroughly analyzed and studied and were now completed in finalized EIRs on the already approved General Plan. She added that intensities and impacts would be lessened by the proposal before the Council, in terms of adding greenbelts, open space and the like.

Ms. Zeigler also clarified that the proposals before the City Council included clean up

on the ULL and reference to the SOI, although in no way would it initiate the legally recognized process to change the SOI. That process was found in Government Code 56000, referred to as the Cortese-Knox-Hertzberg Act, which was a process where if initiated would involve a resolution requesting a change in the SOI, requiring certain statutory notices under the Cortese-Knox-Hertzberg Act and which resolution requesting any change in the SOI would go before LAFCO, which had its own complicated statutory procedures regarding public notification. The issue before the Council could not change the legally recognized SOI and would not begin to initiate the process to change the SOI. It would merely involve clean up and clarification of the General Plan characterized by staff as minor amendments.

Councilmember Parent recognized the early start on the Hillside Ordinance regulations and understood that staff had been working on the drafts with the consultants for the past nine months. She agreed that perhaps a general public information workshop in addition to a workshop between the Council and the Planning Commission joint workshop should be considered to discuss those issues since there was now a level of interest. As to the MOUs executed before Measure P had been put before the voters by the developer, she emphasized that there had been public hearings on the MOUs before the Council had agreed to them and there were copies of those MOUs that could be made available to the public.

Councilmember Parent commented that those supporting the HCP would likely not want Pittsburg to hold up the approval of that plan, waiting to get everything together in one piece, although she understood that the HCP would be presented to the City Council in February. She expressed her hope that the community would be involved on that issue as well as the subject discussion and that some of the same environmental groups and organizations would be present during those discussions.

Councilmember Parent otherwise spoke to Page 4 of the Growth Management Element where the MOU had stated “prevent urban development in the southern foothills beyond the voter approved Urban Limit Line (ULL) by not authorizing the extension of City services and utilities within that area” where the language proposed for the General Plan Amendment used the term “discourage” rather than prevent.

Ms. Ayres explained that the City could not prevent development in the County beyond the City’s ULL. The City had no authority to prevent or jurisdiction in the County. As a result, the term “discourage” had been used.

Councilmember Parent understood that the intent was not to go beyond the voter approved ULL, which would take another vote of the public. She also spoke to the area of the Thomas Ranch and the Faria property and stated that the greenbelt would involve no City services, which Ms. Ayres affirmed that no homes would be built although trails or gravel could be considered in that area.

Councilmember Kee clarified with staff that there was a DA for the Montreux property

relating to transportation and the BRB and not directly related to the General Plan Amendments or the project. He also clarified with staff that the Council had previously established direction to staff and the developer that any project on the Montreux or Faria/Costa property would require an EIR at such time as a subdivision or development application was submitted. At that time the public would have the opportunity for input.

Councilmember Kee further clarified with staff that the intent that the Hillside Ordinance be in place prior to any development was up to the Council, although the Council direction was that they would not entertain any development until those policies were in place. Staff expected those policies for the hillside development and performance standards to come before the Council in the spring. Every five years LAFCO was required to study SOIs irrespective of the action before the Council at this time, which was anticipated by LAFCO in January 2008.

Councilmember Kee pointed out that this was what Measure P brought to the community, and while a contentious issue for the community, the passage of Measure P would allow building in the area and whether supported or not it had been adopted by a slim majority. As to the request from the City of Concord to form a committee to discuss the issues with Concord, he would have liked that same interest from Concord from the City of Pittsburg for the development of the Concord Naval Weapons Station which involved a far larger development and which would impact Pittsburg as well. While Concord had committees for the development of the Concord Naval Weapons Station there was no representation from the Pittsburg City Council.

Councilmember Parent agreed that the cities of Concord and Pittsburg should have a joint committee for planning in the area being discussed. She emphasized that Pittsburg had the same right to protect its view sheds so that they were not be impinged by Concord, as Concord had by its assumed impingement by Pittsburg.

Mayor Johnson affirmed with staff that all projects would involve a CEQA analysis. He appreciated the comments made and recognized that the Planning Commission and Planning staff had gone through a lengthy process to reach this step. He added that any development would involve a DA which would be open to public review.

Mayor Johnson agreed with the need for a Hillside Ordinance to ensure the hillsides were developed properly consistent with CEQA requirements. He pointed out that the subject land had involved an EIR in 1999 which could be brought back and which was for the entire Nortonville Valley area.

Councilmember Kee questioned the fact that the owners of the Thomas Ranch property had not been notified of the public hearing.

Ms. Ayres acknowledged that the Thomas Ranch property owners had not been notified which was unfortunate. Ms. Thomas had spoken with staff this date when staff had explained the proposals.

Ms. Ayres added that she had met with the Thomas family in the City Engineer's

Office in the past to explain the proposed changes in the area. She again acknowledged that the Thomas family had not been formally noticed of this hearing which would be corrected in the future for any development in that area. Under State law, amendments to the General Plan required notification in the local newspaper and those making a request for notification in writing. State code required that individuals file a request with the City in writing for notices of future developments in their areas, which required the submittal of a self-addressed stamped envelope. Those notices were updated each year. City staff had a binder with all of that information with all of those individuals notified. In this instance, she had a mailing list which had been updated with names from those who were interested in the project. Again, it was an oversight on staff's part that the Thomas Ranch property owners had not been added to that list.

Mr. Grisham also clarified that there was an EIR for the BRB and the Thomas Ranch property owners would have the opportunity to make any comments on that document. He also understood that the Thomas Ranch property owners would prefer to see reduced development on their property.

Councilmember Parent suggested that Pittsburg was better off controlling its own destiny rather than the County. She stated that this was a required step to allow the City to go before LAFCO where more public hearings would be involved. She wanted the City to make the decision rather than the County. She made a motion to adopt the resolution.

On motion by Councilmember Parent, seconded by Vice Mayor Casey, to adopt Resolution 07-10700 carried by the following vote:

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

Councilmember Evola returned to the Council Chambers and the dais at this time.

### **CONFLICT OF INTEREST DECLARATION**

Councilmember Evola reported that he would vote on the entire Consent Calendar with the exception of item d, of which he would abstain due to a potential conflict of interest due to his financial interest as a source of income from the property owners and its affiliated entities.

### **CONSENT CALENDAR**

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

a. **MINUTES** Dated: December 18, 2006

Approved minutes dated December 18, 2006.



- b. **CLAIMS** #1724 Marquita Arias, Joshua-Broadfoot Mathis; #1749 Trudie Rogers; #1752 Rebecca Doss; #1753 Michelle V. DeCoy

Denied claims #1724 Marquita Arias, Joshua-Broadfoot Mathis; #1749; Trudie Rogers; #1752 Rebecca Doss; #1753 Michelle V. DeCoy

- c. **ORDINANCE 06-1280** Adoption of an Ordinance to Amend the Community Development Plan for the Los Medanos Community Development Project to Extend by Two Years and Respective Time Limits on the Effectiveness of the Redevelopment Plan and the Receipt of Property Taxes

Adopted Ordinance 06-1280.

- d. **ORDINANCE 06-1281** Adoption of an Ordinance Amending Chapter 15.90, "Transportation Mitigation Fee," of the Pittsburg Municipal Code

Adopted Ordinance 06-1281.

- e. **MINUTE ORDER** Termination of Agreement Between Joe A. Gonsalves & Son and the City of Pittsburg Providing Services in Legislative Advocacy and Governmental Affairs

Terminated Agreement between Joe A. Gonsalves & Son and the City of Pittsburg.

- f. **RESOLUTION 07-10701** Awarding the Purchase Contract for a Jet Rodder/ Vacuum Truck to Municipal Maintenance Equipment, Inc.

Adopted Resolution 07-10701.

- g. **RESOLUTION 07-10702** Awarding Purchase Contract for Six (6) 2007 Ford Motor Company Police Patrol Interceptors

Adopted Resolution 07-10702.

- h. **RESOLUTION 07-10703** Approving a List of Landscape Architectural Firms for On-call Professional Architectural Services as Required by City Staff and Authorizing the City Manager to Enter into Agreements with Selected Firms

Adopted Resolution 07-10703.

The following item was removed from Consent for discussion.

- i. **RESOLUTION 07-10704** Awarding Contract 2006-09B, City Park Tree Removal Project to Atlas Tree Service of Pleasant Hill, California for Removal of Several Trees at City Park

JUNE FORSYTH, Pittsburg, understood that 93 trees would be removed from City Park for a soccer field, although in her opinion it was silly to remove that many trees in an area that was considered to be a City Park. She would like staff to reconsider the plan and reduce the number of trees to be removed.

Mr. Sbranti explained that he had spoken with an arborist who had recommended the removal of even more trees than the number proposed for safety reasons. At this time staff had not concurred with that recommendation and would rather target the most dangerous trees during the removal process, a commitment that he had made to Ms. Forsyth.

Ms. Forsyth noted that the area of Range Road would have a new school with no trees. She suggested that would be a better place for a soccer field with a nearby school where a mutual use between the City and the school could be considered. She would like to see something worked out in that regard.

MIKE LENGYEL, Pittsburg, also objected to the City's removal of 93 trees. He suggested that some of the trees were historic in terms of the history of the City and were actually of historic significance. He asked the Council to take its time and not remove the trees and to submit the site as a historic site to the Historic Resources Commission. Without that, he suggested that the City could lose its designation as Tree City USA. He asked the Council to delay awarding the contract. He also questioned the potential violation of the Migrating Bird Treaty Act.

On motion by Vice Mayor Casey, seconded by Mayor Johnson and carried unanimously to adopt Resolution 07-10704.

## **ADJOURNMENT**

The City Council adjourned at 9:46 P.M to January 29, 2007.

Respectfully submitted,

Alice Evenson, City Clerk

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