

**CITY OF PITTSBURG  
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

**DATE:** September 15, 2008

**LOCATION:** Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

**CITY COUNCIL/AGENCY MEMBERS**

Will Casey, Mayor/Chair  
Nancy Parent, Vice-Mayor/Chair  
Salvatore Evola, Council/Agency Member  
Michael Kee, Council/Agency Member  
Ben Johnson, Council/Agency Member

**APPOINTED OFFICIALS**

Marc S. Grisham, City Manager/Executive Director  
Ruthann Ziegler, City Attorney/Legal Counsel  
Alice E. Evenson, City Clerk/Agency Secretary (elected)  
James Holmes, City Treasurer (elected)

**CALL TO ORDER**

Mayor Casey 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 convening in Closed Session for the following:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Redevelopment Agency General Counsel

Pittsburg Power Company General Counsel

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
(Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9):

One (1) case – Pittsburg Power Company item

Mayor Casey noted the following reportable action from Closed Session: In Closed Session, the Pittsburg Power Company authorized legal counsel to initiate or intervene in a legal action. The action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless the disclosure would jeopardize the Power Company's ability to effectuate service of process or conclude settlement negotiations to its advantage.

## **ROLL CALL**

All Members were present.

## **PLEDGE OF ALLEGIANCE**

Brad Nail led the Pledge of Allegiance.

## **PROCLAMATION**

Falls Prevention Awareness Month

Gennifer Mountain, Program Manager for the Senior Outreach Services Falls Prevention Program accepted the proclamation.

## **PRESENTATION**

East Bay Regional Park District

Ted Radke, Ward 7 Board Member from the East Bay Regional Park District narrated a power point presentation regarding Measure WW, the Park District's bond extension measure that will be on the November 4, 2008 ballot.

## **COUNCIL MEMBER REPORTS/REMARKS**

Council Member Johnson attended the Seafood Festival, the Mayors Conference, and the Japanese Consulate dinner.

Vice Mayor Parent also attended the Seafood Festival and other events as mentioned by Council Member Johnson. She attended the music in Old Town events and looks forward to Pasta Opera next week. The Consul General's dinner in San Francisco was a highlight. She also attended the opening of the Math and Science Buildings at Los Medanos College today.

Council Member Kee commented on the Team Shimonoseki shirts being worn tonight by the Council. He noted a Councilman from Shimonoseki City, Japan, Mr. Tadashi Ueda, took ill and passed away last Friday while visiting here. He requested the City flags be flown at half-staff in Mr. Ueda's honor the rest of this week.

## **CITY MANAGER REPORTS/REMARKS**

City Manager Grisham stated there was nothing to report.

## **CITIZENS REMARKS**

Ruben Esqueda, head of the Club Yahualica organization presented an invitation

to the City Council to visit Yahualica, Jalisco for the festivities ongoing this month and next.

## **REDEVELOPMENT AGENCY MEETING**

### **CONSIDERATION**

6. Adoption of an Agency Resolution Authorizing the Executive Director to Enter into a Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and Pacific Community Services, Inc.

On motion by Member Johnson, seconded by Member Evola to approve and carried unanimously to adopt.

7. Adoption of an Agency Resolution for Approval of the Terms for Loan Documents by and between the Redevelopment Agency of the City of Pittsburg and Pacific Plaza Imports, Inc. to Renovate the Property at 615-619 Railroad Avenue

On motion by Member Johnson, seconded by Vice Mayor Parent to approve and carried unanimously to adopt.

## **CITY COUNCIL MEETING**

### **PUBLIC HEARING**

8. Introduction of an Ordinance Adding Chapter 1.26 "Maintenance of Foreclosed Property" to the Pittsburg Municipal Code

Lt. Wade Derby clarified that the financial institution, not the homeowner, would be fined in this situation.

Mayor Casey opened the Public Hearing. There being no one to speak to the item, Mayor Casey closed the Public Hearing.

On motion by Vice Mayor Parent, seconded by Member Johnson and carried unanimously to introduce and waive first reading.

9. Adoption of a City Council Resolution for Approval of the 2007-2008 Consolidated Annual Performance and Evaluation Report (CAPER)

Mayor Casey opened the Public Hearing. There being no one to speak to the item, Mayor Casey closed the Public Hearing.

On motion by Member Johnson, seconded by Vice Mayor Parent to approve and carried unanimously.

10. Introduction of an Ordinance Amending Pittsburg Municipal Code Title 9, Chapter 9.24 Related to the Regulation of Alarm Systems and Adoption of a City Council Resolution Establishing Alarm Ordinance Fees

Mayor Casey opened the Public Hearing.

AJ Fardella spoke in favor of the ordinance.

There being no one to speak to the item, Mayor Casey closed the Public Hearing.

On motion by Member Evola, seconded by Vice Mayor Parent to approve and carried by the following vote:

Ayes: Evola, Parent, Johnson, Casey  
Noes: Kee

### **CONSIDERATION**

11. Adoption of a City Council Resolution Approving the Request for Change in Use of Community Development Block Grant (CDBG) 07-08 Grant Funds for Pacific Community Services, Inc. (PCSI)

On motion by Member Johnson, seconded by Member Evola to approve and carried by the following vote:

Ayes: Evola, Kee, Johnson, Casey  
Abstained: Parent

### **CONFLICT OF INTEREST DECLARATION - City Council/Agency Members may make any conflict of interest declarations pertaining to Consent Calendar items at this time.**

There was no conflict of interest declaration.

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

City Manager Grisham asked that item 26 be removed for discussion. Member Evola requested item 28 be removed for discussion.

On motion by Member Johnson, seconded by Vice Mayor Parent to approve the Consent Calendar without items 26 and 28.

12. Minutes of September 2, 2008

13. Claims - Claims against the City which may cause expenditure of funds; on file in the Office of the City Clerk.

#1867 Pearline Stamps; #1868 Pearline Stamps; #1872 John Morris (Claims denied)

14. Adoption of both an Agency and City Council Resolution for Consideration of the Sale of Real Property by the City of Pittsburg to the Redevelopment Agency of the City of Pittsburg to Assemble the Property Necessary for the Civic Center Mid-Rise Office Building and Adjacent Stand-Alone Restaurant

15. Adoption of City Council and Agency Resolutions Approving a Consultant Agreement by and between the City of Pittsburg, the Redevelopment Agency of the City of Pittsburg, and the Pittsburg Power Company and Stewart Enterprises II

16. Adoption of a Pittsburg Power Company Resolution Approving an "On-Call" General engineering Support Services Contract Between Island Energy and West Power Inc.

17. Adoption of a Power Company Resolution Authorizing Reimbursement Funds to Provide Construction Power Service to United Spiral Pipe

18. Adoption of Minute Order for Support for the East Bay Regional Park District's Park Bond Extension Measure

19. Adoption of the Equal Employment Opportunity Plan

20. Adoption of a City Council Resolution for Approval of the Business Improvement District Consultant Agreement between the City of Pittsburg and the Pittsburg Chamber of Commerce for the 2008-09 Fiscal Year

21. Adoption of both an Agency and City Council Resolution Accepting Plans and Specifications, Allocating Additional Funding, and Awarding Contract 2007-16, 2007/8 Citywide Pavement Rehabilitation Project to Bay Cities Paving & Grading, Inc. of Concord, California

22. Adoption of a City Council Resolution Amending the City's Conflict of Interest Code

23. Adoption of both an Ordinance Amending Pittsburg Municipal Code, Title 5, Chapters 5.04 and 5.12 Relating to Business Licenses and Business Permits and Adoption of a City Council Resolution Establishing the Business Permit Fees

24. Adoption of a City Council Resolution for Acceptance and Approval of Keller Canyon Landfill Mitigation Funds

25. Adoption of a City Council Resolution Approving the City Manager Employment Agreement

27. Adoption of a City Council Resolution for Authorization to Amend Resolution No. 06-10504 (Authorizing Citywide Purchasing Policies, Authorizations, and Purchasing Limits) to Increase the City Manager's Expenditure Authority from \$50,000 to \$100,000 as Long as Sufficient Budgeted Funds are Available

The following items were removed from the Consent Calendar for discussion:

26. Adoption of a City Council Resolution Awarding Contract 2005-13, Fire Station Number 85 Project to Pencon, Inc. from Livermore, California

Staff asked that this resolution not be adopted in favor of rejecting all bids and re-bidding the project.

On motion by Vice Mayor Parent, seconded by Member Johnson, to reject all bids and re-bid the project and carried unanimously.

28. Receive Report and Adoption of a City Council Resolution Approving the City of Pittsburg Investment Policy of Public Funds to be Effective September 15, 2008

On motion by Member Evola, seconded by Member Johnson to approve with the following corrections:

Correcting the item to quarterly rather than semi-annual, (providing informal monthly reports as well) within a 60 day time frame; remove the word "refrain" and replace with "shall not participate in;" and inserting language wherein when bond documents are silent, the terms of these council set forth policies shall govern.

The motion carried unanimously.

## **ADJOURNMENT**

The meeting was adjourned at 8:10 p.m. to Monday, October 6, 2008 *in memory of Shimonoseki City Councilman, Mr. Tadashi Ueda.*

Respectfully submitted,

Alice E. Evenson, City Clerk