

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

DATE: April 7, 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)

AUDIENCE REMARKS

There were no audience remarks regarding items on the Closed Session Agenda.

CLOSED SESSION

The Council convened in Closed Session at 6:30 p.m. for the following items:

1. Conference with Legal Counsel – Existing Litigation (Section 54956.9(a)):

Alfred J. Abono, Jr. vs. City of Pittsburg et al, Contra Costa County Superior Court Case No. C07-01731

Alfred J. Abono, Jr., Mark W. Davis and Daniel Roay v. City of Pittsburg et al, United States District Court Case No. C07-3969

2. Conference with Real Property Negotiator (Section 54956.8):

APN 085-204-009, Agency Negotiator: Marc Grisham, Randy Starbuck, Brad Nail; Negotiating Parties: Tony and Yvonne Wong; Under Negotiation: Both price and terms of payment.

APN 085-205-005, Agency Negotiator: Marc Grisham, Randy Starbuck, Brad Nail; Negotiating Parties: Ian Lee, et al; Under Negotiation: Both price and terms of payment.

CALL TO ORDER

Mayor Will 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 having convened in Closed Session.

Mayor Casey stated there was nothing to report from Closed Session.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

Orin Allen led the Pledge of Allegiance.

PRESENTATIONS

a. National Library Week

Marian Partridge, Pittsburg Library, presented information on National Library Week.

b. New Employee Introductions

New employees from the Police Department, Public Works, Redevelopment and the Power Company were introduced.

COUNCIL MEMBER REPORTS/REMARKS

Vice Mayor Parent extended her welcome to the new employees from Island Energy. She attended the soccer field opening. She also attended the Mayors Conference where the subject was the mortgage crisis. The League of California Cities representative offered some ideas to help with the issue.

Council Member Johnson stated he attended the American Italian Club St. Joseph's Society reception and the Mariachi Concert at the CAB. He also attended the soccer field opening.

Council Member Kee stated he attended the Fil-Am Bataan Day memorial event. He also commented, on behalf of himself and Vice Mayor Parent, on fundraising activities being questioned regarding the Youth Golf tournament and the Ferris Wheel for Small World Park.

CITY MANAGER REPORTS/REMARKS

City Manager Grisham stated he had nothing to report.

CITIZENS REMARKS

Orin Allen invited the Council to attend the Diablo Valley Controllers air show on April 19.

AJ Fardella stated most of the Measure C money for the Mt. Diablo Unified School District has been spent, and the Oak Hills neighborhood has benefited greatly. He has learned they were the only area that built everything that was promised. He urged the City to consider meeting with MDUSD when meeting with the schools subcommittees.

Seth Adams, Save Mt. Diablo, advised the Council of what he believes to be illegal grading in the San Marco area and called for a City investigation of the issue.

Michael Lengyel appreciated Mayor Casey's open government approach but was concerned about not being able to pull items from the Consent Calendar for discussion. He also was against renaming of the Buchanan Road Bypass for an Antioch Mayor.

Willie Mims stated he hopes the record has been set straight with the issue of fundraising by Council Members Kee and Parent. He also commended City Manager Grisham for all the work he has done, but was concerned about the survey results presented at the prior goal session and the number of persons surveyed. He also agreed that citizens should be allowed to pull Consent Calendar items for discussion. He stated Pittsburg is the only city he knows of that does this. He also commented on the need for a traffic signal at California and Diane Avenues.

REDEVELOPMENT AGENCY MEETING

CONSIDERATION

3. Adoption of an Agency Resolution Approving a Commercial Rehabilitation Loan by and Between the Redevelopment Agency of the City of Pittsburg and Ron Vincent and Chris Nazri for 3841 Railroad Avenue (APN 088-072-066-9)

On motion by Vice Chair/Mayor Parent, seconded by Member Kee and carried unanimously to approve.

4. Approve by Minute Order Selecting a Conceptual Design for the City Park Master Plan

David Manley stated he was concerned that the park is locked and not available to the public.

Michael Bennett spoke as a Pittsburg Little League Safety and Security Officer. He stated that since the park has been locked, there are no issues with urination, used needles, thefts, break-ins, homeless camps, or trash. He urged the City to keep the fence up.

Michael Lengyel voiced concern over locking the public out of the park, and also urged the City to leave the eucalyptus trees intact.

Willie Mims also voiced concern about removing the mature trees that are in the park. He also stated the park is owned by the taxpayers and it should not be locked. The public should have full accessibility.

Martin Fox, speaking on behalf of Pittsburg Little League, stated locking the park has created a much safer environment for children. He stated since the park has been locked there are no more needles, alcohol containers, trash, fecal matter, etc. He urged the City to continue locking the park.

Tai Colbert asked whether keeping the park lit during the evening hours would help prevent problems there. She cited the student hat committee suicide at LMC when the area was unlit.

On motion by Member Kee, seconded by Vice Mayor Parent and carried unanimously to approve Concept B.

CITY COUNCIL MEETING

PUBLIC HEARING

5. Adoption of an Ordinance Amending the Pittsburg Municipal Code Section 15.20, Fire Code Regulations, to Adopt by Reference the 2007 Fire Code and Amendments to the Fire Code

Mayor Casey opened the Public Hearing.

Fire Chief Keith Richter asked that the item be continued to allow the Fire District time to review the Code changes.

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

On motion by Vice Mayor Parent, seconded by Member Kee and carried unanimously to approve the ordinance.

Item 7 was taken next because of the number of speaker cards turned in for item 6.

7. Adoption of a City Council Resolution to Review and Approve the Community Advisory Commission (CAC) Funding Recommendations for the 2008-2009 CDBG Program Year

Mayor Casey opened the Public Hearing.

The following speakers thanked the Council for the opportunity to obtain CDBG funding:

Connie Russell
Alvita White
Alissa Friedman
Myrna Johnson
Willa Parsons

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

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

6. Adoption of City Council Resolutions and Introduction and Waive First Reading of the Ordinance Approving City Initiated Hillside Regulations and Related General Plan and Zoning Amendments

Council Member Evola recused himself due to his employer and his financial interest. He left the dais at this time.

Mayor Casey opened the Public Hearing.

The following speakers spoke in opposition to the ordinance as presented:

Janess Hanson
Rosanne Nieto
Ray O'Brien
Deborah Raines
June Forsyth
Dennis Linsley
Mike Lengyel
Christina Wong
Michael Sarabia
Troy Bristol
Robert Green

Joyce Gunn
Greg Osorio
Willie Mims
Sheree McIntyre
Timothy Donohue
Katherine Dano-Luttjohann
Mansoora Zaeem
Robert Silva
Darnell Turner
Christina Armor
Seth Adams
Brian Holt
Michael Kerr
David Campos
Dick Straub
Annette Jenkins

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

Vice Mayor Parent commented that this ordinance will apply to all hills in the City, and will affect all developers in those areas. She proposed taking each section individually as separate items to fashion something that would be of benefit to the whole community.

Member Kee stated he wanted to get back to the intent of the document.

City Attorney Faubion clarified the resolutions and ordinance presented and the order in which they would need to be adopted.

Vice Mayor Parent outlined several changes she would like to see made to the ordinance.

Member Kee asked for clarification on maximum height limits on construction. He also mentioned some housekeeping items on the hillside design guidelines.

Mayor Casey, with respect to the Council Members who spoke, preferred to start all over with the process rather than pick it apart piece by piece.

City Manager Grisham stated a careful environmental review would have to be done in light of changes made to the document. He recommended not adopting something that would subject it to legal challenges. He suggested either going back and strengthening the general plan or making the changes recommended by Council.

On motion by Vice-Mayor Parent, seconded by Member Kee for the City Council to agree to have ordinance changed in a general manner and refer back to staff to

incorporate the concepts that the Council puts forth these changes.

The motion failed by the following vote:

AYES: Parent and Kee
NOES: Casey and Johnson

On motion by Member Johnson, seconded by Mayor Casey to not accept the ordinance as considered, and scrap item 6 altogether and bring it back.

The motion failed by the following vote:

AYES: Casey and Johnson
NOES: Parent and Kee

Council then directed staff to revise the ordinance, incorporating input from the public and the City Council, and bring back to Council at a later date.

Council Member Evola returned to the dais at this time.

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

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

8. Minutes of March 17, 2008 and April 1, 2008
9. Adoption of both an Agency and City Council Resolution Accepting Plans and Specifications, Allocating Additional Funding and Awarding Contract 2006-14, El Dorado Heights Pavement Rehabilitation Project to Bay Cities Paving & Grading Inc. of Concord, California
10. Adoption of an Ordinance Amending Pittsburg Municipal Code Section 13.10, Collection of Contra Costa Water District's Facilities Reserve Charge
11. Adoption of a City Council Resolution to Authorize Mazzei Pontiac-Cadillac's 2007-08 Semi-Annual Distribution Payments and the City of Antioch's 2007-08 Annual Sales and Use Tax Disbursement Payment

12. Adoption of a City Council Resolution Approving Proposed Amendment to eBART Memorandum of Understanding
13. Adoption of a City Council Resolution to Authorize Winter Chevrolet Inc. and Winter Honda Inc. 2007-08 Semi-Annual Distribution Payments
14. Adoption of both an Agency and City Council Resolutions Adopting a Mitigated Negative Declaration and Mitigation and Monitoring Plan, Allocating Additional Funding, Authorizing a Consultant Agreement Amendment and Awarding a Construction Contract for 2007-01, Davi Avenue Roadway Improvement Project
15. Adoption of a City Council Resolution Accepting Plans and Specifications and Awarding a Contract to Charles Kopp Inc., d.b.a. Continental Electric of Pinole, California, for Construction of Contract 2007-27, Electrical Systems, Various Locations
16. Adoption of a City Council Resolution Approving a Request to the Metropolitan transportation Commission for the Allocation of 2008/09 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding
17. Adoption of a City Council Resolution to Accept the 2007 Patch Paving Contract as Complete
18. Adoption of a City Council Resolution Approving Funding for the Mayor's Make A Difference Day
19. Adoption of a City Council Resolution to Adopt Unrepresented Employee Benefits and Salary Schedule, Principally in Support of Pittsburg Power Company Resolution 08-179 Incorporating Island Energy Staff into the Pittsburg Power Company
20. Authorization of Letter of Protest to Contra Costa Board of Supervisors Regarding Determination of Property Tax Administration Cost Recovery for FY 2007/08

ADJOURNMENT

The meeting was adjourned at 11:00 p.m. to Monday, April 21, 2008.

Respectfully submitted,

Alice E. Evenson, City Clerk