

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL AND
REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
MARCH 23, 2009

The Concord City Council and Redevelopment Agency met in a regular joint meeting on Monday, March 23, 2009 at 5:30 p.m. in the City Council Conference Room at 1950 Parkside Drive with Mayor/Agencymember Hoffmeister presiding. All members were present and there were no public comments. The meeting recessed at 5:35 p.m. to immediately reconvene in Closed Session to confer with Labor Negotiators pursuant to Government Code Section 54957.6 whom included: Daniel E. Keen, City Manager, Valerie Barone, Assistant City Manager, and Kathy Ito, Director of Human Resources regarding Employee Organizations: The Administrative, Technical & Clerical Representation Unit Concord Employees' Association, Local One, The Field & Operations Representation Unit Public Employees' Union, Local One, Concord Associated Professional Employees, Concord Police Officers Association and Police Management Unit.

The meeting was adjourned at 6:30 p.m. to reconvene in the regular joint session in the Council Chamber.

The Concord City Council and Redevelopment Agency reconvened in a regular joint meeting at 6:37 p.m. in the Council Chamber located at 1950 Parkside Drive with Mayor/Agencymember Hoffmeister presiding. All members were present and the pledge to the flag was led by Vice Mayor Bjerke. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Helen Allen, Guy Bjerke, Mark Peterson, Bill Shinn,
Laura Hoffmeister

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Dan Keen, City Manager; Craig Labadie, City Attorney;
Mary Rae Lehman, City Clerk; Valerie Barone, Assistant
City Manager, Alex Pascual, Director of Building,
Engineering, and Neighborhood Services; Qamar Khan,
Director of Public Works; Jim Forsberg, Director of Planning
and Economic Development; Peggy Lefebvre, Director of
Finance; Kathy Ito, Director of Human Resources

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL: None

PUBLIC COMMENT PERIOD No one addressed the City Council.

PRESENTATION – Red Cross Month

Mayor Hoffmeister made a presentation to Donna Wiley, representative of the American Red Cross Bay Area Chapter, proclaiming March, 2009 as “Red Cross Month” in the City of Concord.

ANNOUNCEMENT – Recruitment for the Iron Horse Corridor Management Program Advisory Committee

Mayor Hoffmeister announced the recruitment for applicants to serve as the City’s representative on the Contra Costa County Iron Horse Corridor Management Program Advisory Committee and advised the recruitment would remain open until filled.

ANNOUNCEMENT – Recruitment for Applicant to Various City Commissions

Mayor Hoffmeister announced the opening of the recruitment for applicants to fill three openings on the City’s Commission on Aging; five openings on the Community Services Commission; four openings on the Human Relations Commission; and three openings on the Parks, Recreation and Open Space Commission and set Friday, May 15 at 5:00 p.m. as the deadline for receipt of applications by the Administrative Services Coordinator.

CITY COUNCIL
MATTERS

APPROVAL OF MINUTES

Motion was made by Allen and seconded by Shinn to approve the minutes for the meetings of February 23 and March 2, 2009. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – RFB #2174, 2009 Slurry Seal Program

The following bids were opened on Wednesday, February 25, 2009 at 2:00 p.m.

Valley Slurry Seal Company	West Sacramento, CA	\$ 969,379.10
Intermountain Slurry Seal Inc.	Watsonville, CA	\$1,017,818.58
Bond Blacktop	Union City, CA	\$1,038,098.33
Graham Contractors	San Jose, CA	\$1,179,035.79
CA Pavement Maintenance Co., Inc.	Sacramento, CA	\$1,123,590.21
American Asphalt Repair and Resurfacing Co., Inc.	Hayward, CA	\$1,212,985.00

Motion was made by Allen and seconded by Shinn to award a contract for RFB # 2174, 2009 Slurry Seal Program, in the amount of \$969,379.10 to Valley Slurry Seal Company of West Sacramento, CA, the lowest responsible bidder. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING – GASCO Appeal

Motion was made by Allen and seconded by Shinn to set a public hearing for Monday, April 13, 2009 at 6:30 p.m. in the Council Chamber to consider an appeal filed by Engineer’s Associates, Inc. of the Zoning Administrator’s denial on February 11, 2009 of a request for a Zoning Administrator Permit for a Finding of Public Convenience and Necessity for retail sales of alcoholic beverages (beer and wine) at a GASCO site located at 4323 Clayton Road, APN 115-242-038. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING – Amendment of Concord Municipal Code

Motion was made by Allen and seconded by Shinn to set a public hearing for Monday, April 13, 2009 at 6:30 p.m. in the Council Chamber to consider amendments to Concord Municipal Code Chapter 2 (Administration) and Chapter 26 (Election) pertaining to the office of the City Clerk to reflect the voters decision to have the position filled by appointment and deleting reference to the election cycle, compensation, campaign statement requirements, and filing requirements. Motion passed by unanimous vote of the Council.

AGREEMENT FOR PROFESSIONAL SERVICES – Liebert Cassidy Whitmore Law Firm

Motion was made by Allen and seconded by Shinn to approve an agreement for professional services with Liebert, Cassidy Whitmore for legal services relating to labor relations in the amount of \$50,000 for Fiscal Year 2009-2010 and \$50,000 in Fiscal Year 2010-2011, if found necessary; and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

AGREEMENT FOR PROFESSIONAL SERVICES – Cole Management and Engineering, Inc.

Motion was made by Allen and seconded by Shinn to approve a Professional Services Agreement with Cole Management and Engineering, Inc. for Project No. 1283, Galindo Creek Trail Closure and Slope Stabilization in the amount not-to-exceed \$64,572; and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 09-16 – Revised Proposition 1B Expenditure Plan

Motion was made by Allen and seconded by Shinn to adopt Resolution No. 09-16, entitled “A RESOLUTION APPROVING THE REVISED PLAN FOR THE USE OF PROPOSITION 1B FUNDS FOR FISCAL YEAR 2007-08” which includes two American with Disability Act (ADA) sidewalk improvements and for Project No. 1283, Galindo Trail Closure and Ygnacio Valley Road Landslide Repair. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 09-17 – California Coastal Conservancy

Motion was made by Allen and seconded by Shinn to adopt Resolution No. 09-17, entitled “A RESOLUTION ACCEPTING A GRANT FROM THE CALIFORNIA COASTAL CONSERVANCY FOR PROJECT NO. 1283 AND AUTHORIZING THE CITY MANAGER TO SIGN THE GRANT AGREEMENT” accepting a grant from the California Coastal Conservancy in the amount of \$150,000; and to authorize the City Manager to sign the Grant Agreement. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Project No. 2034, Ygnacio Valley Road Repair

Motion was made by Allen and seconded by Shinn to accept the improvements for Project No. 2034, Ygnacio Valley Road Repair, constructed by Gordon N. Ball of Alamo, CA; and to direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – RFB #2173, Annual Contract for elevator Maintenance

The following bids were opened on Thursday, February 26, 2009 at 10:00 a.m.

Dream Ride Engineering, Inc.	Benicia, CA	\$15,060
Thyssen Krupp Elevator Corp.	Hayward, CA	\$15,900
Ascent Elevator Services	San Francisco, CA	\$16,164
Metropolitan Elevator Co.	Oakland, CA	Unresponsive

Motion was made by Allen and seconded by Shinn to award a contract for RFB #2173, Annual Contract for Elevator Maintenance at Various City Facilities, to Dream Ride Engineering, Inc. of Benicia, as the lowest responsible bidder in the amount of \$15,060; and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

AGREEMENT FOR PROFESSIONAL SERVICES – Francisco & Associates

Motion was made by Allen and seconded by Shinn to approve an agreement for professional services with Francisco & Associates in the amount of \$20,500 for preparation and mailing of the Proposition 218 public notice for a sewer service charge increase; and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING – Community Grant Funding

Motion was made by Allen and seconded by Shinn to set a public hearing for Monday, April 27, 2009 at 6:30 p.m. in the Council Chamber to consider the draft 2009-10 Action Plan containing the Community Service Commission’s recommendation for Community Grant Funding in all project categories from Federal Community Development Block Grant Funds, City of Concord General Fund, and Child Care Developer Fees. Motion passed by unanimous vote of the Council.

REJECTION OF ALL BIDS – RFB #2172, 2009 Charter Bus Services for Camp Concord

The following bids were opened on Wednesday, February 18, 2009 at 10:00 a.m.

Delta Charter Services	Stockton, CA	Incomplete
Ryan’s Express Transportation	Reno, NV	Incomplete
Sierra Pacific Tours	Concord, CA	Withdrawn
Amador Stage Lines Inc.	Sacramento, CA	Incomplete
Royal Coach Tours, Inc.	San Jose, CA	Incomplete

Motion was made by Allen and seconded by Shinn to authorize the rejection of all bids submitted for RFB #2172, 2009 Charter Bus Services for Camp Concord, and to direct staff to rebid the project. Motion passed by unanimous vote of the Council.

APPOINTMENTS TO PLANNING COMMISSION

Mayor Hoffmeister gave a brief report and announced that the Council would ballot for the appointment of three applicants. Following one round of balloting, Kevin Costa, Robert Hoag and Ron Leone were reappointed to two-year terms ending February 28, 2011. Motion was made by Allen and seconded by Shinn to confirm the appointments. Motion passed by unanimous vote of the Council.

APPOINTMENTS TO DESIGN REVIEW BOARD

Following a report from Vice Mayor Bjerke, Chair of the Council Committee on Housing and Economic Development, motion was made by Bjerke and seconded by Allen to reappoint Kirk Shelby and Ross Wells to the Concord Design Review Board for two-year terms ending February 28, 2011. Motion passed by unanimous vote of the Council.

APPROVAL OF PROJECT LIST – Measure WW Funded Projects

Alex Pascual, Director of Building, Engineering and Neighborhood Services, gave a presentation support his memorandum dated March 23, 2009, providing an overview of the voters November 2008 passage of the East Bay Regional Park District’s Measure WW park bond extension and stating that it provides a \$5,657,180 allocation to the City of Concord. He explained the general requirements of the funding and the proposed projects for FY 2008-09 funding stating that the project

must be submitted by March 31, 2009. He reviewed the projects proposed for FY 2009-10 through FY 2013-14 and explained that the non-reimbursable costs would be listed as Parkland Funds, which is considered a loan to the General Fund estimated at \$443,000.

Following questions and comments by the Council, the Council unanimously recommended approval of the project list of projects.

LEASE AGREEMENT FOR REPROGRAPHIC EQUIPMENT – Xerox Corporation

This item was pulled from the consent calendar and moved to the consideration calendar as required for projects exceeding \$100,000. Ron Puccinelli, Director of Information Technology, presented a report, referencing his memorandum dated March 23, 2009, stating that the equipment would serve the Printing Services division and would replace equipment which is seven years old. He also stated that the City would realize an annual costs savings of \$15,312 over the current lease.

Motion was made by Bjerke and seconded by Allen to approve a five year capital lease agreement with Xerox Corporation in the amount of \$44,758 annually for black and white and color reprographic equipment and authorizing the Finance Department to submit the required credit application and issue the associated purchase orders. Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY

AGREEMENT FOR ADMINISTRATION SERVICES – Compliance Services, LLC, aka U.S. Communities, LLC

Motion was made by Shinn and seconded by Peterson to approve an agreement with Compliance Services, LLC, also known as U.S. Communities, LLC in the amount not to exceed \$76,000 for administration of the multi-family compliance monitoring program; and to authorize the City Manager/Executive Director to execute the agreement. Motion passed by unanimous vote of the Council/Agency.

MODIFICATIONS TO CITY'S AFFORDABLE HOUSING CONSERVATION PROGRAM

Motion was made by Shinn and seconded by Peterson to approve modifications of the City's Affordable Housing Conservation Program to increase permissible dollar amount limits for emergency repair grants from \$1,500 to \$15,000 for single family homes and \$8,000 for mobile homes and to make grants available to households with an income at or below 80% of area median, adjusted for family size, and to allow these grants to be combined with either Rehabilitation Loans or Lead Based Paint Grants. Motion passed by unanimous vote of the Council/Agency.

AGREEMENT FOR CONSULTING SERVICES – HdL Companies

Motion was made by Shinn and seconded by Peterson to approve an agreement with the HdL Companies in the amount of \$19,500 to provide consulting services associated with property tax review and analysis; and to authorize the City Manager/Executive Director to execute the agreement. Motion passed by unanimous vote of the Council/Agency.

CORRESPONDENCE

- a. Treasurer's Report for the month of December, 2008.
- b. Treasurer's Report for the month of January, 2009.

- c. A project list showing non-reimbursable costs associated with Item 4.C.
- d. Dated March 23, 2009 in reference to Item 3.L, requesting the item be handled as Consideration Item 4.D.
- e. Copy of PowerPoint presentation made by Director Alex Pascual for Item 4.C.

By order of the Chair, the meeting was adjourned at 7:25 p.m. in memory of the four Oakland Police Officers who lost their lives serving their community: Sgt. Mark Dunakin, Sgt. Erv Romans, Sgt. Dan Sakai and Officer John Hege.

LAURA M. HOFFMEISTER
MAYOR/AGENCYMEMBER

HELEN M. ALLEN
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN, CMC
CITY CLERK/AGENCY SECRETARY