

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL AND
REDEVELOPMENT AGENCY AND THE
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
MAY 11, 2009

The Concord City Council and Redevelopment Agency met in a regular joint meeting on Monday, May 11, 2009, at 6:37 p.m. in the Council Chamber located at 1950 Parkside Drive with Mayor/Agencymember Hoffmeister presiding. Councilmember Allen was absent and the pledge to the flag was led by Councilmember Peterson. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

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

COUNCILMEMBERS ABSENT: Helen Allen

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; Ron Puccinelli, Director of Information Technology; Chief David Livingston; Joan Carrico, Director of Community and Recreation Services; Teri House, Community Services Manager; Deborah Raines, Planning Manager

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL:

Etta Maitland, Concord; Gregg Chavaria, Walnut Creek; Joe Partansky, Clayton; Edi Birsan, Concord; Art Pedreira, Concord; Gail Werblin, Concord; Janice Cho, Richmond; Sherrie Olson, Concord; Sanjiv Patel, Concord

PUBLIC COMMENT PERIOD

Etta Maitland, Concord, expressed gratitude for the CDBG funding Ombudsman Services of Contra Costa has received in the past and urged a two-year funding cycle next funding period with as much money as possible.

Gregg Chavaria, representing CASA, encouraged the Council to retain the \$100,000 in General Fund money in the CDBG program to continue funding of the 26 programs which are helping the youth of the community.

Joe Partansky, Clayton, shared information about Bike to Work Day on Thursday, May 14, 2009 and stated that it is also Bike to School Day and Bike to Transit Day. He noted the locations of the Energizer Station throughout the community.

Edi Birsan, Concord, requested a list of the decisions that have been made to reduce the budget deficit. Mayor Hoffmeister advised that no decisions have been made, that there may be impacts due to the upcoming May 19 election, and that recommendations will be presented at the budget hearing scheduled for June 1 and acted upon by the Council on June 22, 2009.

Art Pedreira, Concord, expressed his opinion about the cut-through traffic through Hickory Drive, the responsibility for repair of sidewalks throughout the City, and the exposed trash containers in his neighborhood.

PRESENTATION – National Public Works Week

Mayor Hoffmeister made a presentation to Qamar Khan, Director of Public Works, proclaiming May 17 – 23, 2009, as “National Public Works Week” in the City of Concord.

ANNOUNCEMENTS

Mayor Hoffmeister announced that the Council meeting scheduled for May 25, 2009 would be cancelled due to the Memorial Day Holiday.

CITY COUNCIL
MATTERS

APPROVAL OF MINUTES

Motion was made by Shinn and seconded by Bjerke to approve the minutes for the meeting of April 27, 2009. Motion passed by the following vote of the Council:

AYES: Bjerke, Peterson, Shinn, Hoffmeister NOES: None ABSENT: Allen

REJECTION OF ALL BIDS – Project No. 2109, Ygnacio Valley Road Repair Phase II

Motion was made by Shinn and seconded by Bjerke to reject all bids opened April 16, 2009 for Project No. 2109, Ygnacio Valley Road Repair Phase II; and to authorize staff to rebid the project. Motion passed by the following vote of the Council:

AYES: Bjerke, Peterson, Shinn, Hoffmeister NOES: None ABSENT: Allen

AWARD OF CONTRACT – RFB #2178, 2009 Charter Bus Service for Camp Concord Re-Bid

The following bids were opened on Tuesday, April 7, 2009 at 10:00 a.m.

Vol-Ten Corp. dba Delta Charter	Stockton, CA	Rd. Trip \$1,898.00 One-way \$ 998.00
Sierra Pacific Tours	Concord, CA	Rd. Trip \$2,495.32 One-way \$1,247.76

Motion was made by Shinn and seconded by Bjerke to award a contract for RFB #2178, 2009

Charter Bus Service for Camp Concord Re-bid, to Delta Charter as the responsible low bidder with a round-trip price of \$1898. Motion passed by the following vote of the Council:

AYES: Bjerke, Peterson, Shinn, Hoffmeister NOES: None ABSENT: Allen

ACCEPTANCE OF IMPROVEMENTS – 2009 Patch Paving Program, RFB #2089

Motion was made by Shinn and seconded by Bjerke to accept the improvements for the 2009 Patch Paving Program, constructed by G. Bortolotto & Co., Inc. under RFB #2089; and to direct the City Clerk to file the Notice of Completion. Motion passed by the following vote of the Council:

AYES: Bjerke, Peterson, Shinn, Hoffmeister NOES: None ABSENT: Allen

RESCHEDULING OF PUBLIC HEARING – Appeal Filed by John Newman

Motion was made by Shinn and seconded by Bjerke to reschedule for July 13, 2009 the public hearing set on April 13, 2009 for May 11, 2009 to consider an appeal filed by John Newman of the Planning Commission's approval of an application by Discovery Homes for a Rezoning to R-7.5 (Single Family Residential, 7,500 sq. ft. minimum lot size), Vesting Tentative Map, Tree Removal, and Design Review for 11 single-family homes on a 2.36-acre site at 3319 Walnut Avenue, referred to as Copperleaf Subdivision.

DETERMINATION OF NEED TO TAKE IMMEDIATE ACTION

Motion was made by Shinn and seconded by Bjerke determining the need to take action to provide evidence of objection to a proposal before the Governor to borrow over \$2 billion in local property taxes from cities, counties and special districts to balance the state budget. Motion passed by super majority vote of the Council:

AYES: Bjerke, Peterson, Shinn, Hoffmeister NOES: None ABSENT: Allen

ADOPTION OF RESOLUTION 09-40 – Finding of Fiscal Hardship if Property Tax Funds are Seized

Motion was made Shinn and seconded by Bjerke to adopt Resolution No. 09-40, entitled "A RESOLUTION FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA"; and directing the City Clerk to forward copies of the adopted resolution to the Governor, State Legislators and the League of California Cities. Motion passed by the following vote of the Council:

AYES: Bjerke, Peterson, Shinn, Hoffmeister NOES: None ABSENT: Allen

ANNUAL MEMBERSHIP THROUGH VENTURA COUNTY – Gartner Inc.

This item was pulled from the consent calendar by Vice Mayor Bjerke.

Director of Information Technology Ron Puccinelli made a presentation, referring to his memorandum date May 11, 2009, explaining that Gartner Inc. is a reputable organization that provides services to several hundred organizations and has provided cost savings to agencies by providing administrative support on contract negotiations and input in Requests for Proposal development. He concluded by advising that Gartner's services are obtained through an annual

membership with Ventura County.

Motion was made by Shinn and seconded by Bjerke to approve an annual renewal of membership with Gartner Inc., through Ventura County's publicly bid agreement, in the amount of \$43,175 per year for up to four years to provide the Information Technology Department with research, best practices, industry and government benchmarking information, and process and asset management tools needed to ensure the City's portfolio meets the City's business need. Motion passed by the following vote of the Council:

AYES: Bjerke, Peterson, Shinn, Hoffmeister NOES: None ABSENT: Allen

RESPONSE TO GRAND JURY REPORT NO 0907 – Retiree Healthcare Benefits Leave County Taxpayers on the Hook

This item was pulled from the consent calendar by Edi Birsan, Concord, who expressed his concern over the way the City has responded to the report, stating that the response indicates that the City will include changes to its retirement benefits.

Motion was made by Bjerke and seconded by Peterson to authorize the City Manager to respond to the Contra Costa County 2008-2009 Grand Jury Report No. 0907, *Retiree Healthcare Benefits Leave County Taxpayers on the Hook*, as it relates to the City of Concord. Motion passed by the following vote of the Council:

AYES: Bjerke, Peterson, Shinn, Hoffmeister NOES: None ABSENT: Allen

ADOPTION OF RESOLUTION NO. 09-32 – Community Development Grant Funding

Community Services Manager, Teri House, made a presentation referring to her memorandum dated May 11, 2009, advising that this is the second year of the 2008-2010 grant cycle recommendations made by the Community Services Commission. She stated that the recommendations in all categories were based on secured funding sources from Community Development Block Grant (CDBG) entitlement funds, Child Care Developer fees, CDBG Housing Revolving Loan fund program income, and the City of Concord General Fund. She concluded the Concord's entitlement grant amount is \$1,021,869, an increase of \$6,872 over the original allocation.

Mayor Hoffmeister opened the Public Hearing.

Gail Werblin, Director of the Family Stress Center, expressed appreciation for the many years of funding.

Janice Cho, Bay Area Legal Aid, shared that this is their first year of funding and advised that the dollars will allow their organization to provide free legal services to approximately 800 residents.

Mayor Hoffmeister closed the Public Hearing.

Motion was made by Bjerke and seconded by Peterson to adopt Resolution No. 09-32, entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT, ON BEHALF OF THE CITY OF CONCORD, THE 2009-10 ONE YEAR ACTION PLAN, CONSISTENT WITH THE PROGRAM RULES WHICH GOVERN THE RECEIPT AND EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ALLOCATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DURING FISCAL YEAR 2009-10" approving the Action Plan and the 2009-10 funding for all projects as recommended by the Community Services Commission. Motion passed by the following vote of the Council:

AYES: Bjerke, Peterson, Shinn, Hoffmeister

NOES: None

ABSENT: Allen

ADOPTION OF RESOLUTION 09-18 – Denial of GASCO Appeal

Planning Manager Deborah Raines made a presentation referring to her memorandum dated May 11, 2009 advising that the Zoning Administrator had denied a request by Gasco, a gasoline service station, to sell beer and wine at 4323 Clayton Road. She explained that an appeal of that action was filed by the operator citing inaccurate findings for a Public Convenience and Necessity. Following the presentation of a brief history of the business operations at the site, Manager Raines recommended the Council uphold the Zoning Administrator's decision citing that the ratio of off-sale retail licenses to population in the census tract is over concentrated per the standard set by the Alcohol Beverage Control.

Sgt. Bill Roche of the Concord Police Department shared crime and call history at the GASCO location since 2001 stating that there had been 13 calls to the location over that period of time.

Following comments by the Councilmember and clarifications by staff, Mayor Hoffmeister opened the public hearing.

Sanjiv Patel, appellant, shared with the Council the improvements he had done to the business since he had purchased it and the processes that he had put into place to encourage socially responsible sales and purchases. He also defined the safety and monitoring practices that were in place.

Sherrie Olson, Manager of the business, expressed her support of the applicant receiving approval to sell beer and wine. She explained that the employees would be well trained and that the building was well lit, had an alcohol management program, and a cash control feature.

Mayor Hoffmeister closed the public hearing.

Motion was made by Peterson and seconded by Hoffmeister to adopt Resolution 09-19 approving the appeal. Councilmembers Shinn and Bjerke each stated their opposition to the motion. The motion died without action.

Motion was made by Peterson to continue the public hearing until all five members of the Council were present. The motion died for lack of a second.

Motion was made by Shinn and seconded by Bjerke to adopt Resolution No. 09-18, entitled "A RESOLUTION DENYING THE APPEAL BY SANJIV PATEL AND APPROVING THE ZONING ADMINISTRATOR'S DENIAL OF A LICENSE ALLOWING THE SALE OF BEER AND WINE AT GASCO," a service station located at 4323 Clayton Road. Motion passed by the following vote of the Council:

AYES: Bjerke, Shinn, Hoffmeister

NOES: Peterson

ABSENT: Allen

- b. GASCO Appeal – consideration of 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. This item was continued from the meeting of April 13, 2009 at the request of the appellant. Report by Deborah Raines, Planning Manager.

COUNCIL AND STAFF REPORTS

Mayor Hoffmeister reported on the successful Thursday Night Farmers Market and Music season opening and thanked the John Hege family for promoting the organ donation program.

CORRESPONDENCE

- a. Letter to Assemblyman T. Mendoza dated April 16, 2009 opposing AB 155 – Municipal Bankruptcy.
- b. Letter to Assemblymember A. Strickland dated April 28, 2009 opposing AB 1192 – Funding Local Public Improvements.
- c. Memo dated May 11, 2009 from City Clerk advising of need to add Item 3.h. to the agenda.
- d. Resolution No. 09-19 entitled, “A Resolution granting the Appeal by Sanjiv Patel and Approving the Zoning Administrator permit Allowing the Sale of beer and Wine at Gasco” related to Item 4.b.
- e. Memo dated May 11, 2009 from Ron Puccinelli, Director of Information Technology, providing additional information relevant to Item 3.c.
- f. Copy of Security Plan and Alcohol Management Program submitted by Sanjiv Patel relevant to Item 4.b.

By order of the Chair, the meeting was adjourned at 8:55 p.m.

LAURA M. HOFFMEISTER
MAYOR/AGENCYMEMBER

WILLIAM D. SHINN
COUNCILMEMBER/AGENCY VICE CHAIR

MARY RAE LEHMAN, CMC
CITY CLERK/AGENCY SECRETARY