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REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL AND
REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
MAY 25, 2010

The Concord City Council and Redevelopment Agency convened in a regular joint meeting at 5:40 p.m. in the City Council Conference Room located at 1950 Parkside Drive on Tuesday, May 25, 2010, with Mayor/Agencymember Bjerke presiding. All members were present and there were no public comments. Mayor Bjerke called a recess at 5:42 p.m. and immediately reconvened in closed session to confer with labor negotiators pursuant to Government Code Section 54957.6 with City Negotiators: Daniel E. Keen, City Manager; Valerie Barone, Assistant City Manager; Kathy Ito, Director of Human Resources; and Charles Sakai, Esq. of Renne, Sloan, Holtzman and Sakai Law Firm and Employee Organizations: Administrative, Technical & Clerical Representation Unit and Field & Operations Representation Unit of Concord Public Employees' Union, Local One; OPEIU Local 29 (formerly Concord Associated Professional Employees).

Mayor Bjerke called a recess at 6:25 p.m. to reconvene in the Council Chamber

The Concord City Council and Redevelopment Agency convened in a regular joint meeting at 6:35 p.m. in the Council Chamber located at 1950 Parkside Drive on Tuesday, May 25, 2010, with Mayor/Agencymember Bjerke presiding. All members were present 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: Helen Allen, Laura Hoffmeister, Mark Peterson, William Shinn, Guy Bjerke

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Daniel E. Keen, City Manager; Craig Labadie, City Attorney; Valerie Barone, Assistant City Manager; Mary Rae Lehman, City Clerk; Alex Pascual, Director of Public Works and Engineering; Michael Wright, Reuse Project Director

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL: Jay Bedecarre, Clayton; Betsy Trtek, Concord; Ron Turner, Concord; Edi Birsan, Concord; Lloyd Crenna, Concord

PUBLIC COMMENTS:

Jay Bedecerre, Clayton, invited the City Council and members of the community to attend the 21st annual KidFest May 29, 30, and 31st being held at Mt. Diablo High School.

Betsy Trtek, Concord, advised that property at the corner of Monument Boulevard and Oak Grove Road had become trash filled and blighted, and asked the City Council to take the steps necessary to clean up the area.

ANNOUNCEMENTS – None

CITY COUNCIL
MATTERS

APPROVAL OF MINUTES

Motion was made by Allen and seconded by Shinn to approve the minutes for the meeting held April 27, 2010. Motion passed by unanimous vote of the Council.

MEMORANDUM OF UNDERSTANDING – Central Contra Costa Sanitary District

Motion was made by Allen and seconded by Shinn to approve an updated Memorandum of Understanding with Central Contra Costa Sanitary District for Wastewater Pretreatment; and to authorize the City Manager to execute the Agreement. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 10-31 – Pleasant Hill Landscaping and Lighting Assessment District #20

Motion was made by Allen and seconded by Shinn to adopt Resolution No. 10-31, entitled "A RESOLUTION APPROVING THE REQUEST OF THE CITY OF PLEASANT HILL TO ALLOW SUNVALLEY MALL AND CERTAIN OTHER CITY OF CONCORD COMMERCIAL PROPERTIES TO BE INCLUDED IN PLEASANT HILL LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT #20, COMMERCIAL AREA LANDSCAPING AND LIGHTING" approving a request from the City of Pleasant Hill to allow SunValley Mall and other City of Concord commercial properties to be included in the Pleasant Hill Landscaping and Lighting Assessment District #20.

ADOPTION OF RESOLUTION NO. 10-46 – Amended and Restated Supplementary Retirement PARS Program

This item was pulled from the consent calendar by Ron Turner, Concord and Edi Birsan, Concord.

Ron Turner, Concord, expressed his surprise to see the item on the agenda for a single employee and recommended that the PARS Retirement package should be offered to all the rest of the loyal employees.

Edi Birsan, Concord, shared his concern the an amendment of a one-time opportunity offered last year might have liability issues with the agreements made with the 64 employees who took the offer last year.

Following comments of clarification by the City Manager and City Attorney and comments by the Councilmembers, motion was made by Allen and seconded by Shinn to adopt Resolution No. 10-46 entitled, "A RESOLUTION APPROVING THE ADOPTION OF AN AMENDED AND RESTATED SUPPLEMENTARY RETIREMENT PROGRAM THROUGH THE PUBLIC AGENCY RETIREMENT SYSTEM (PARS) AND ADDING AN ADDITIONAL TIER FOR PARTICIPATION IN THE PLAN" to allow the retirement package to be offered to Community Development Director Jim Forsberg. The motion passed by the following vote of the City Council:

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

ADOPTION OF RESOLUTIONS NO. 10-39, 10-40, 10-41 and 10-42 – Confirming the Assessment Diagrams and Levying Assessments - Landscape and Lighting Districts

The four Resolutions of Intention noticing the Public Hearing were published in the Contra Costa Times on May 11, 2010, for the City's four Landscaping and Lighting Maintenance Districts and posted in the Civic Center posting cabinet. All affected parties were notified.

Alex Pascual, Director of Public Works and Engineering, presented a report, referring to his memorandum dated May 25, 2010, advising that the City Council had ordered the preparation of Engineer's Reports for the levy of annual assessments for the Downtown Landscape Maintenance District, the Pine Hollow Estates Landscape Maintenance District, Landscaping and Lighting Maintenance District No. 3, and the Citywide Street Lighting Assessment District on February 23, 2010 to provide a public document that delineates the improvements expected to be installed and maintained by the respective districts. He concluded by stating that the districts are not subject to Proposition 218 balloting requirements for it is not necessary to increase the assessment for FY 2010/11 and advised that District No. 3 is being maintained under a contract.

Mayor Bjerke opened the public comment period and received no comments.

Mayor Bjerke closed the public comment and received no comments from the City Council.

Motion was made by Hoffmeister and seconded by Shinn to adopt the following resolutions in one motion:

- a) Resolution No. 10-39, entitled "A RESOLUTION CONFIRMING THE ASSESSMENT DIAGRAM AND LEVY OF ASSESSMENTS FOR MAINTENANCE WITHIN THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2010-2011;" and
- b) Resolution No. 10-40, entitled "A RESOLUTION CONFIRMING THE ASSESSMENT DIAGRAM AND LEVY OF ASSESSMENTS FOR MAINTENANCE WITHIN THE PINE HOLLOW LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT FOR FISCAL YEAR 2010-2011;" and
- c) Resolution No. 10-41, entitled "A RESOLUTION CONFIRMING THE ASSESSMENT DIAGRAM AND LEVY OF ASSESSMENTS FOR MAINTENANCE WITHIN THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT #3 FOR FISCAL YEAR 2010-2011;" and
- d) Resolution No. 10-42, entitled "A RESOLUTION CONFIRMING THE ASSESSMENT DIAGRAM AND LEVY OF ASSESSMENTS FOR MAINTENANCE WITHIN THE CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2010-2011."

Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MATTERS

AGREEMENTS WITH CONTRA COSTA COUNTY – Housing Rehabilitation and Grant Programs

Motion was made by Allen and seconded Hoffmeister to approve two agreements with Contra Costa County for Administration of the City's Housing Rehabilitation Loan and Grant Programs at an annual cost of up to \$160,000 in Redevelopment Set-Aside funds and \$40,000 in approved Community Development Block Grant (CDBG) funds; to authorize the City Manager/Executive Director to execute each agreement. Motion passed by unanimous vote of the Council

ADOPTION OF RESOLUTION NOS. 10-33, 10-742, 10-45 AND 10-746 – Conveyance of Galindo House and Properties and the Masonic Temple Building

The notice of public hearing was published in the Contra Costa Times on May 11 & May 18, 2010 and posted in the City's posting cabinet and mailed to all interested parties.

Economic Development and Housing Manager presented a report, referring to his memorandum dated May 25, 2010, advising that the actions proposed would approve agreements for the sale of the Galindo House Property and the Masonic temple Building to the Concord Historical Society. Approval, he stated, would facilitate the Historical Society's plans to renovate and operate the Galindo House as a museum and relocate the Masonic Temple building onto the Galindo Property for use as a historical museum/resource center. He advise that the City and the Historical Society had been working together for several years to determine a reasonable approach to allow the Concord Historical Society to fulfill its objective and provide an amenity that will be beneficial to the community.

Mayor Bjerke opened the public hearing.

Lloyd Crenna, President of the Concord Historical Society, stated that the members and Board feel qualified to handle the project which will open an historical house and museum in Concord which will be open to schools, scholars and the public.

Mayor Bjerke closed the public hearing.

Motion was made by Hoffmeister and seconded by Shinn to adopt Resolution No. 10-33, entitled "A RESOLUTION APPROVING THE AUTHORIZING THE CITY OF CONCORD'S CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED AT 1721 AMADOR AVENUE CONCORD KNOWN AS THE GALINDO PROPERTY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD"; to adopt Resolution No. 10-742, entitled "A RESOLUTION APPROVING AND AUTHORIZING ACCEPTANCE OF CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED AT 1721 AMADOR AVENUE CONCORD FROM THE CITY OF CONCORD"; to adopt Resolution No. 10-45, entitled "A RESOLUTION APPROVING AND AUTHORIZING A PURCHASE AND SALE AGREEMENT AND A MASONIC TEMPLE RELOCATION AGREEMENT BY AND AMONG THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD, THE CONCORD HISTORICAL SOCIETY AND THE CITY OF CONCORD FOR REDEVELOPMENT AGENCY'S SALE OF THE GALINDO PROPERTY LOCATED AT 1721 AMADOR AVENUE AND THE MASONIC TEMPLE BUILDING PROPERTY PRESENTLY LOCATED AT 1765 GALINDO STREET TO THE CONCORD HISTORICAL SOCIETY"; and to adopt Resolution No. 10-746, entitled "A RESOLUTION APPROVING AND AUTHORIZING A

PURCHASE AND SALE AGREEMENT AND A MASONIC TEMPLE RELOCATION AGREEMENT BY AND AMONG THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD, THE CONCORD HISTORICAL SOCIETY AND THE CITY OF CONCORD FOR THE REDEVELOPMENT AGENCY'S SALE OF THE GALINDO PROPERTY LOCATED AT 1721 AMADOR AVENUE AND THE MASONIC TEMPLE BUILDING PRESENTLY LOCATED AT 1765 GALINDO STREET TO THE CONCORD HISTORICAL SOCIETY", the actions of which will convey the Galindo House and Property from the City of Concord to the Concord Redevelopment Agency and the Agency's acceptance of the property and improvements; the approval of a Purchase and Sale Agreement between the Redevelopment Agency and the Concord Historical Society for the sale of the Galindo House and Property to the Concord Historical Society; the approval of a Relocation Agreement regarding the former Masonic Temple building located on Galindo Street and the transfer of the building from the Redevelopment Agency to the Concord Historical Society; and approval of an agreement to settle, release and waive all potential claims of the Concord Historical Society. Motion passed by unanimous vote of the Council/Agency.

ADOPTION OF RESOLUTION NOS. 10-743 AND 10-44 – Amended and Restated Disposition and Development Agreement and Related Settlement Agreement and Mutual Release

The notice of public hearing was published in the Contra Costa Times on May 11, 2010 and May 18, 2010, posted in the City's posting cabinet and mailed to all interested parties.

City Attorney Craig Labadie presented a report, referring to his memorandum dated May 25, 2010, advising that the Redevelopment Agency had entered into a Disposition and Development Agreement with a residential developer to facilitate land assembly and development of a luxury apartment complex in downtown Concord. He advised that following the completion of the development, the developer was sued by the State of California and certain trade unions for alleged prevailing wage law violations. The tentative settlement agreement, he advised, was conditioned upon the Agency Board and the City Council approved amendments to the Disposition and Development Agreement to modify various financial provisions. He clarified the original agreement was with Legacy Partners, now referred to as EQR (2000) Concord LLC and gave an overview of the terms and conditions.

Mayor Bjerke opened the public hearing. He closed the public hearing without receiving any comments.

Motion was made by Allen and seconded by Shinn to adopt Redevelopment Agency Resolution No. 10-743, entitled "A RESOLUTION APPROVING THE AUTHORIZING THE EXECUTION OF A AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT AND SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD AND EQR (2000) CONCORD LLC" and to adopt City Council Resolution No. 10-44 entitled "A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT AND SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD AND EQR (2000) CONCORD LLC" pertaining to the Legacy Park Central Apartments located at 1555 Galindo Street in downtown Concord. Motion passed by unanimous vote of the Council/Agency.

REDEVELOPMENT AGENCY
MATTERS

AGREEMENT WITH McDONOUGH HOLLAND & ALLEN PC – Legal Services

Motion was made by Allen and seconded by Hoffmeister to approve an agreement with McDonough Holland & Allen PC in the amount of \$200,000 to provide legal services in support of the Redevelopment Agency's redevelopment activities in its project areas; and to authorize the Executive Director to execute the agreement. Motion passed by unanimous vote of the Agency.

ADOPTION OF RESOLUTION NOS. 10-744 AND 10-745 – Authorizing Transmittal of the Preliminary Report for the Concord Community Reuse Redevelopment Project

John Montagh, Economic Development and Housing Manager, presented a report, referring to his memorandum dated May 25, 2010, shared that as a part of the process for adopting the Redevelopment Plan for the area now occupied by the former Concord Naval Weapons Station, the Agency was required under California Redevelopment Law to release the Preliminary Report to the various affected taxing entities and to interested stakeholders, residents, businesses, property owners, and the public for their review and comment. He advised that the action requested would only authorize the transmittal of the Preliminary Report to those agencies and entities, and to the Planning Commission for review and comment.

Mayor Bjerke opened a public comment period and heard no comments.

Motion was made by Hoffmeister and seconded by Allen to adopt Resolution No. 10-744, entitled "A RESOLUTION AUTHORIZING TRANSMITTAL OF THE PRELIMINARY REPORT FOR THE CONCORD COMMUNITY REUSE REDEVELOPMENT PROJECT TO AFFECTED TAXING ENTITIES AND STATE DEPARTMENTS OF FINANCE AND HOUSING AND COMMUNITY DEVELOPMENT," and to adopt Resolution No. 10-745, entitled "A RESOLUTION REFERRING THE PROPOSED REDEVELOPMENT PLAN FOR THE CONCORD COMMUNITY REUSE REDEVELOPMENT PROJECT TO THE PLANNING COMMISSION OF THE CITY OF CONCORD FOR REVIEW AND RECOMMENDATION." Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. KidFest handbill presented by Jay Bedecarre during Public Comment.
- b. Memorandum dated May 25, 2010, clarifying the agreement in Item 4.a as only for a two-year period.
- c. Fact Sheet entitled "Concord Fuels Reduction Project, Updated May 25, 2010."
- d. E-mail from Judy Madsen encouraging severe cuts during the Fiscal Year 2010-2011 budget.
- e. E-mails from Jeff Apkarian - Local One, Michael Sandoval, Dan Marino, Norm Machado, Kathy Barnett, and Jennifer Terry objecting to the early retirement exception proposed in Item 2.d.

By order of the Chair, the meeting was adjourned at 7:46 p.m. in memory of Deirdre Katz, a long-time resident and supporter of the Library League, who passed away on May 8, 2010.

GUY S. BJERKE
MAYOR/AGENCYMEMBER

MARK A. PETERSON
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN, CMC
CITY CLERK/AGENCY SECRETARY