



ANNOTATED AGENDA

**REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY**

**Monday, March 23, 2009
6:30 p.m. – Regular Joint Meeting
City Council Chamber
1950 Parkside Drive, Concord, CA**

**5:30 p.m. – Closed Session
City Council Conference Room**

I. ROLL CALL – All present.

II. PUBLIC ANNOUNCEMENT (Open Session)

III. PUBLIC COMMENT (Open Session) - None

IV. CLOSED SESSION:

a. Conference with Labor Negotiators pursuant to Government Code Section 54957.6.

City Negotiators: Daniel E. Keen, City Manager
Valerie Barone, Assistant City Manager
Kathy Ito, Director of Human Resources

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

ACTION: Closed session held.

V. ADJOURNMENT – at 6:30 p.m. to reconvene in the Council Chambers.

**6:30 p.m. – Regular Meeting
Council Chamber**

ROLL CALL – All present.

PLEDGE TO THE FLAG – Vice Mayor Bjerke

PUBLIC COMMENT PERIOD - None

1. PRESENTATION

- a. **PRESENTATION** – to Donna Wiley and Candace Cosgrove, representing the American Red Cross Bay Area Chapter, proclaiming March, 2009 as “Red Cross Month” in the City of Concord. **Report by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister made a presentation to Donna Wiley.

2. ANNOUNCEMENTS

- a. **ANNOUNCING** – the recruitment for applicants to serve as the District IV Supervisor’s appointment to represent the City of Concord on the Contra Costa County Iron Horse Corridor Management Program Advisory Committee and advising the recruitment will remain open until filled. Recommended by City Clerk.

ACTION: Recruitment announced for applicants to serve as the City’s representative to the Contra Costa County Iron Horse Corridor Management Program Advisory Committee.

- b. **ANNOUNCING** – the opening of 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 setting Friday, May 15 as the deadline for receipt of applications.

ACTION: Recruitment announced for applicants to fill openings on the City’s Commission on Aging, Community Services Commission, Human Relations Commission, and Park, Recreation and Open Space Commission, and setting Friday, May 15 as the deadline for applications.

**CITY COUNCIL
MATTERS**

3. CITY COUNCIL CONSENT ITEMS:

- a. **Approving** – minutes of the meetings of February 23 and March 2, 2009. Recommended by City Clerk.

ACTION: Minutes approved.

- b. **Awarding** – 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. Recommended by Director of Public Works.

ACTION: Contract awarded.

- c. **Matters to be set for public hearing** – for Monday, April 13, 2009 at 6:30 p.m. in the Council Chamber:

- (1) **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.

ACTION: Public hearing set for Monday, April 13, 2009 at 6:30 p.m. in the Council Chamber.

- (2) **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.

ACTION: Public hearing set for Monday, April 13, 2009 at 6:30 p.m. in the Council Chamber.

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- d. **Approving** – 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 authorizing the City Manager to execute the agreement. Recommended by Director of Human Resources.

ACTION: Agreement approved; City Manager authorized to execute it.

- e. **Approving** – 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 authorizing the City Manager to execute the agreement. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Agreement approved; City Manager authorized to execute it.

- f. **Approving** – the City's revised Proposition 1B Expenditure Plan for Fiscal Year 2007-08. Resolution 09-16 for adoption. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Resolution 09-16 adopted.

- g. **Approving** – the acceptance of a grant from the California Coastal Conservancy in the amount of \$150,000; and authorizing the City Manager to sign the Grant Agreement. Resolution 09-17 for adoption. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Resolution 09-17 adopted.

- h. **Accepting** – the improvements for Project No. 2034, Ygnacio Valley Road Repair, constructed by Gordon N. Ball of Alamo, CA; and direct the City Clerk to file a Notice of Completion. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Improvements accepted; City Clerk authorized to file a Notice of Completion.

- i. **Awarding** – 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. Recommended by Director of Public Works.

ACTION: Contract awarded; City Manager authorized to execute it.

- j. **Approving** – 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. Recommended by Director of Public Works.

ACTION: Agreement approved; City Manager authorized to execute it.

- k. **Matter to be set for public hearing** for Monday, April 27, 2009 at 6:30 p.m. in the Council Chamber – consideration of 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. Recommended by Director of Community and Recreation Services.

ACTION: Public hearing set for Monday, April 27, 2009 at 6:30 p.m. in the Council Chamber.

- l. **Approving** - 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. Recommended by Director of Information Technology.

ACTION: This item was pulled from the consent calendar and considered as Item # 4.d on the consideration calendar.

- m. **Authorizing** – the rejection of all bids submitted for RFB #2172, 2009 Charter Bus Services for Camp Concord, and directing staff to rebid the project. Recommended by Director of Community and Recreation Services.

ACTION: Rejection of bids authorized; staff directed to rebid the project.

4. CITY COUNCIL CONSIDERATION ITEMS:

- a. **Appointment** – of three applicants to the Planning Commission for terms ending February 28, 2011. **Report by Mayor Hoffmeister.**

ACTION: Following balloting, Kevin Costa, Robert Hoag, and Ron Leone were reappointed to the Planning Commission for two-year terms ending February 28, 2011.

- b. **Appointment** – of two applicants to the Concord Design Review Board for terms ending February 28, 2011. **Report from Council Committee on Housing and**

Economic Development.

ACTION: Following a report by the Council Committee on Housing and Economic Development, Kirk Shelby and Ross Wells were reappointed to the Design Review Board for two-year terms ending February 28, 2011.

- c. **Approving** – a list of Measure WW funded projects. **Report by Director of Building, Engineering and Neighborhood Services.**

ACTION: Report presented, proposed list of Measure WW funded projects approved.

- d. **Approving** - 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. Recommended by Director of Information Technology.

ACTION: Agreement approved; Finance Department authorized to submit application and purchase orders.

**JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY**

5. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT ITEMS:

- a. **Approving** – an agreement with U.S. Communities, LLC in the amount not to exceed \$76,000 for administration of the multi-family compliance monitoring program; and authorizing the City Manager to execute the agreement. Recommended by Director of Planning and Economic Development.

ACTION: Agreement approved; City Manager authorized to execute it.

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- b. **Approving** – the modification 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 allowing these grants to be combined with either Rehabilitation Loans or Lead Based Paint Grants. Recommended by Director of Planning and Economic Development.

ACTION: Modifications to the City’s Affordable Housing Conservation Program were approved.

- c. **Approving** – an agreement with the HdL Companies in the amount of \$19,500 to provide consulting services associated with property tax review and analysis; and authorizing the City Manager/Executive Director to execute the agreement. Recommended by Director of Planning and Economic Development.

ACTION: Agreement approved; City Manager/Executive Director authorized to execute it.

6. **CORRESPONDENCE** - City Council correspondence not selectively included in the following list is available for inspection during normal business hours by contacting the City Clerk at 671-3495.

- 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. Memorandum 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.

7. **CLOSED SESSION REPORTS - None**

8. **COUNCIL AND STAFF REPORTS - None**

9. **ADJOURNMENT – 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.**

NOTICE

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting (Policy and Procedure No. 2, Section 4.24). For information on the next regular or special City Council meeting, please call (925) 671-3495.

NEXT REGULAR CITY COUNCIL MEETING: Monday, April 6, 2009

MEETING RECORDS

Audio cassette tapes, videotapes and DVDs of most City Council meetings are available for listening or viewing at the City Clerk's office. Copies of the videotapes or DVDs may be purchased. Contact the Community Relations Manager at (925) 671-3272 for further information.