



ANNOTATED AGENDA

**REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY
AND THE CITY COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY**

**Monday, April 13, 2009
6:30 p.m. – Regular Joint Meeting
City Council Chamber
1950 Parkside Drive, Concord, CA**

**5:30 p.m. – Reception
Garden Conference Room**

- I. **RECEPTION** - a reception was held in the Garden Conference Room to honor the members of the Community Advisory Committee for the Local Reuse Project and thank them for their service.

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

ROLL CALL – Councilmember Peterson absent.

PLEDGE TO THE FLAG – Councilmember Shinn

Mayor Hoffmeister announced that the Concord City Council desired to participate in a voluntary pay reduction to assist in offsetting the budget shortfalls and requested the City Attorney assist by providing information on how that could be accomplished.

PUBLIC COMMENT PERIOD

Paul Choisser, Concord, shared information about the John Muir Heritage Birthday/Earth Day Celebration scheduled for April 18, 2009 from 10:00 a.m. - 4:00 p.m. at 4242 Alhambra in Martinez and encouraged the community to attendance.

Edi Birsan, Concord, stated his support of the Measure D \$99 school tax which will appear on the upcoming ballot.

Joe Partansky, Clayton, spoke on the short public response period for comments on the ADA Update Plan; his desire for the City to allow the public to call in comments or questions during a televised public meeting; and the use of PEG funds.

1. **PRESENTATION**

- a. **PRESENTATION** – to the retiring members of the Community Advisory Committee, thanking them for their dedicated service. **Presentation by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister thanked the retiring Community Advisory Committee members for their service and presented those in attendance with a Certificate of Appreciation.

2. **ANNOUNCEMENTS - None**

**CITY COUNCIL
MATTERS**

3. **CITY COUNCIL CONSENT ITEMS:**

MAYOR: "The next item is the City Council Consent Calendar which is considered in a single motion. If any member of the Council or the public wishes to remove any item from the Consent Calendar, please indicate now; otherwise I will consider a motion for approval."

Staff Recommendation: Adopt the Consent Calendar as recommended.

- a. **Approving** – minutes of the meeting of March 23, 2009. Recommended by City Clerk.

ACTION: Minutes approved.

- b. **Approving** – the appropriation of \$210,000 from Measure WW Bond Extension Funds for capital projects to be completed during Fiscal Year 2008-09. Resolution No. 09-31 for adoption. Recommended by Director of Finance.

ACTION: Resolution No. 09-31 adopted. (4-0-1, Peterson absent)

- c. **Approving** – the rescission of the authorization made in 2007 to participate in the California Uniform Public Construction Cost Accounting Act (CUPCCAA). Resolution No. 09-30 for adoption. Recommended by Director of Finance.

ACTION: Resolution No. 09-30 adopted. (4-0-1, Peterson absent)

- d. **Approving** – an agreement with Management Partners, Inc. in the amount of \$50,000 for consulting assistance in connection with Human Resources services required for Fiscal Year 2008-09; 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. **Accepting** – the General Plan Progress Report and directing staff to submit the report to the Governor’s Office of Planning and Research and to the State Department of Housing and Community Development. Recommended by Director of Planning and Economic Development.

ACTION: General Plan Progress Report accepted and staff directed to submit it to the Governor’s Office of Planning and Research and to the State Department of Housing and Community Development.

- f. **Authorizing** – the recommendation to the Board of Supervisors of resident Rosanne Nieto to serve as the City’s representative on the Contra Costa County Iron Horse Corridor Advisory Committee for a two-year term ending December 31, 2010. Recommended by Mayor Hoffmeister.

ACTION: Authorization made to recommend Rosanne Nieto serve on the Contra Costa County Iron Horse Corridor Advisory Committee for a two-year term ending December 31, 2010.

- g. **Approving** – the summary vacation of approximately 1,076 square feet of excess right-of-way affecting a portion of 1970 Concord Ave., APN 126-052-026; and authorizing the City Manager to execute a quitclaim deed. Resolution No. 09-29 for adoption. Recommended by Director of Planning and Economic Development.

ACTION: Resolution No. 09-29 adopted. (4-0-1, Peterson absent)

- h. **Awarding** – a contract in the amount of \$20,675 to TruGreen Landcare, of Fairfield, CA, as the lowest responsible bidder for RFB #2168, Kirkwood Landscape Maintenance District. Recommended by Director of Public Works.

ACTION: Contract awarded for RFB #2168, Kirkwood Landscape Maintenance District.

- i. **Awarding** – a contract in the amount of \$16,836 to TruGreen Landcare, of Fairfield, CA, as the lowest responsible bidder for RFB #2169, Pine Hollow Landscape Maintenance District. Recommended by Director of Public Works.

ACTION: Contract awarded for RFB #2169, Pine Hollow Landscape Maintenance District.

- j. **Authorizing** – the recommendation to the Central Contra Costa Transit Authority Board of Directors to reappoint Charles Hester as the City’s representative to the Central Contra Costa Transit Authority Citizen’s Advisory Committee for a two-year term ending May 1, 2011. Recommended by Mayor Hoffmeister.

ACTION: Authorization made to recommend the reappointment of Charles Hester as the City’s representative on the Central Contra Costa Transit Authority Citizen’s Advisory Committee for a two-year term ending May 1, 2011.

- k. **Matter to be set for Public Hearing** – on Monday, May 11, 2009, at 6:30 consideration of 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. The General Plan designation is Low Density Residential; Zoning classification is R-10 (Single Family Residential, 10,000 sq. ft. minimum lot size); APN 113-133-008.

ACTION: Public hearing set for Monday, May 11, 2009 at 6:30 p.m. in the Council Chamber.

1. **Approving** – the following items related to Downtown Landscape Maintenance District, Pine Hollow Landscape Maintenance District, Landscaping and Lighting Maintenance District #3, and the Citywide Street Lighting Assessment District. For additional information contact Administrative Analyst Mary Miller at (925) 671-3141. Recommended by Director of Public Works.

- (1) Accepting the Engineer's Report for the Downtown Landscape Maintenance District. Resolution 09-20 for adoption.

ACTION: Resolution No. 09-20 adopted. (4-0-1, Peterson absent)

- (2) Accepting the Engineer's Report for Pine Hollow Landscape Maintenance District. Resolution 09-21 for adoption.

ACTION: Resolution No. 09-21 adopted. (4-0-1, Peterson absent)

- (3) Accepting the Engineer's Report for Landscaping and Lighting Maintenance District #3. Resolution 09-22 for adoption.

ACTION: Resolution No. 09-22 adopted. (4-0-1, Peterson absent)

- (4) Accepting the Engineer's Report for the Citywide Street Lighting Assessment District. Resolution 09-23 for adoption.

ACTION: Resolution No. 09-23 adopted. (4-0-1, Peterson absent)

- (5) Ordering improvements in the Downtown Landscape Maintenance District and setting a public hearing for June 1, 2009 at 6:30 p.m. in the Council Chamber. Resolution of Intention 09-24 for adoption.

ACTION: Resolution No. 09-24 adopted. (4-0-1, Peterson absent)

- (6) Ordering improvements in the Pine Hollow Landscape Maintenance District and setting a public hearing for June 1, 2009 at 6:30 p.m. in the Council Chamber. Resolution of Intention 09-25 for adoption.

ACTION: Resolution No. 09-25 adopted. (4-0-1, Peterson absent)

- (7) Ordering improvements in the Landscaping and Lighting Maintenance District #3 and setting a public hearing for June 1, 2009 at 6:30 p.m. in the Council Chamber. Resolution of Intention 09-26 for adoption.

ACTION: Resolution No. 09-26 adopted. (4-0-1, Peterson absent)

- (8) Ordering improvements in the Citywide Street Lighting Assessment District and setting a public hearing for June 1, 2009 at 6:30 p.m. in the Council Chamber. Resolution of Intention 09-27 for adoption.

ACTION: Resolution No. 09-27 adopted. (4-0-1, Peterson absent)

- m. **Approving** – a Professional Services Agreement with Harrison Engineering, Inc. in the amount of \$8,500 for Project No. 1283, Galindo Creek Trail Closure and Ygnacio Valley Road Landslide Repair; 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.

- n. **Approving** – a new Policy and Procedure No. 155, Identity Theft Prevention Program, created in order to comply with regulations ("Red Flag Rules") issued by the Federal Trade Commission (FTC) as part of the implementation of the Fair and Accurate Credit Transaction (FACT) Act of 2003. Resolution 09-28 for adoption. Recommended by City Attorney.

ACTION: This item was continued to April 27, 2009 at the request of staff.

- o. **Approving** – an amendment to the lease agreement with TMO CA/NV LLC, T-Mobile) to modify antenna facilities on a stadium light pole in Willow Pass Park; and authorizing the City Manager to execute the amendment. Recommended by Director of Community and Recreation Services.

ACTION: Amendment to lease agreement approved; City Manager authorized to execute the amendment.

4. CITY COUNCIL PUBLIC HEARINGS

MAYOR: Madam Clerk, have all the publications been completed and appropriate parties notified?

- a. **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. Resolution 09-18 for adoption. Report by Deborah Raines, Planning Manager.

ACTION: This item was continued to May 11, 2009 at the request of the appellant.

- b. **Consideration** – of amendment to the 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. Ordinance 09-1 for introduction. **Report by Katy Wisinski, Deputy City Attorney.**

ACTION: Report heard, public testimony taken, Ordinance No. 09-1 introduced by reading of the title only and waiving further reading.

**JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY**

5. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT ITEMS:

- a. **Approving** – a Professional Services Agreement with McDonough Holland and Allen PC in the amount of \$200,000 to provide legal services in support of the Agency’s redevelopment activities; 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.

REDEVELOPMENT AGENCY

6. REDEVELOPMENT AGENCY CONSENT ITEMS:

- a. **Approving** – an agreement with Creative Musical Alternatives in the amount of \$36,000 to provide talent booking and other services for Downtown events; and authorizing the Executive Director to execute the agreement. Recommended by the Director of Planning and Economic Development.

ACTION: Agreement approved in the amount of \$77,000; Executive Director authorized to execute it.

**CITY COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY**

7. LOCAL REUSE AUTHORITY CONSENT CALENDAR:

- a. **Approving** – the dissolution of the Community Advisory Committee for the Community Reuse Project and extend appreciation to the retiring members for the work they did to advise the Local Reuse Authority on the civilian reuse of the Concord Naval Weapons Station. Local Reuse Authority Resolution No. 09-06. Recommended by Reuse Director.

ACTION: Local Reuse Authority Resolution No. 09-06 adopted. (4-0-1, Peterson absent)

8. 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 February, 2009.

9. CLOSED SESSION REPORTS

City Attorney Craig Labadie announced that at a Closed Session held on April 6, 2009, the City Council unanimously approved a settlement in the amount of \$58,500 in the case of Nancy Chermak v. City of Concord, et al. - Contra Costa County Superior Court Case No. 08-01656, and unanimously authorized a settlement with no financial obligation to the City in the case of City of Concord v. Goldrich and Kest Industries, LLC, et al. Contra Costa County Superior Court Case No. N05-0491.

10. **COUNCIL AND STAFF REPORTS**

Councilmember Allen expressed concern over the potential distraction to drivers caused by sign spinners at the intersection of Clayton Road and Ygnacio Valley Road.

Councilmember Shinn reported on his recent attendance at a Public Safety Policy meeting held on April 2, 2009.

Mayor Hoffmeister reported on her attendance at the Easter Egg Hunt held at Len Hester Park.

11. **ADJOURNMENT** – at 7:15 p.m. in memory of former Congressman Jerome Waldie.

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 27, 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.