



ANNOTATED AGENDA

**JOINT STUDY SESSION ON THE CONCORD CITY COUNCIL AND
THE COMMUNITY SERVICES COMMISSION; THE
REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL/REDEVELOPMENT AGENCY
AND THE CITY COUNCIL SITTING AS THE LOCAL REUSE AUTHORITY
Tuesday, April 27, 2010**

5:30 p.m. – Study Session – Permit Center Conference Room

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

**Joint Study Session
with Community Services Commission
5:30 p.m. - Permit Center Conference Room**

ROLL CALL – Councilmember Peterson absent.

PUBLIC COMMENT – None

- I. STUDY SESSION WITH COMMUNITY SERVICES COMMISSION –
Community Services Funding** – consideration of the proposed 2010-11 Action Plan containing the Community Services Commission's recommendations 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; the proposed Analysis of Impediments to Fair Housing Choice; and the proposed five-year Consolidated Plan for Fiscal Years 2010-2015. **Report from Community Grants Manager Marla Parada.**

ACTION: Report heard, public testimony taken, staff directed to proceed as recommended.

- II. RECESS – at 6:05 p.m. to reconvene in the Council Chamber at 6:30 p.m.**

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

ROLL CALL – Councilmember Peterson absent.

PLEDGE TO THE FLAG – Councilmember Shinn

PUBLIC COMMENT PERIOD

Florence Weiss, Downtown Program Manager, announced the kick-off of the Summer Music and Market Series held on Tuesdays and Thursdays in Todos Santos Plaza would be beginning on Thursday, April 29th and invited the audience to attend.

Jim Ocean, OceanWorks Productions, expressed appreciation to the City for its 22 years of support to the free entertainment in Todos Santos Park, and announced that this year ten audience sing-a-longs would be held during intermissions.

Paul Poston, Concord, inquired about the RV Permit process and the enforcement of the Recreational Vehicle Ordinance, and then thanked the City for the Neighborhood Clean-up support to the Sun Terrace Neighborhood.

Mayor Bjerke announced that the annual KidFest celebrations would be held at Mt. Diablo High School, May 29 – 31, 2010.

1. PRESENTATIONS

- a. **Presentation** – to Alex Pascual, Director of Public Works, proclaiming May 16-22, 2010 as “National Public Works Week” in the City of Concord. **Report by Director of Public Works.**

ACTION: Mayor Bjerke made a presentation to Director Alex Pascual proclaiming May 16-22, 2010 as “National Public Works Week.”

- b. **Presentation** – to John Cullen, representing Monument Community Partnership, commending the work of the VITA volunteers (Volunteer Income Tax Assistance). **Presentation by Mayor Bjerke.**

ACTION: Mayor Bjerke presented to John Cullen, certificates of appreciation for each of the volunteer who worked on the 2010 *Earn It! Keep It! Save It!* VITA program.

2. **ANNOUNCEMENTS**

- a. **Announcing** – the opening of a recruitment period for four positions on the Commission on Aging; four positions on the Community Services Commission; and three positions on the Parks, Recreation and Open Space Commission each two-year terms ending June 30, 2012, and advising that the incumbents are anticipated to reapply; and announcing the recruitment for two vacancies on the Appeals Board for two-year terms ending June 30, 2013; and setting Friday, June 25, 2010, as the deadline for receipt of applications for these openings by the Administrative Services Coordinator. Recommended by the City Clerk.

ACTION: This item was continued to May 11, 2010.

**CITY COUNCIL
MATTERS**

3. **CITY COUNCIL CONSENT ITEMS:**

- a. **Approving** – a five-year capital lease agreement with De Lage Landen Public Finance LLC for services to be provided by Astro Business Technologies in an amount not to exceed \$22,740 annually for color hybrid multifunction printer equipment; authorizing the City Manager to execute the lease agreement and authorizing the Finance Department to submit the required credit application and issue the associated purchase orders. Recommended by Director of Information Technology.

ACTION: Lease approved; City Manager authorized to execute it and Finance Department authorized to submit required credit application.

- b. **Approving** – the nomination of Patricia Howlett to the County Board of Supervisors to continue to serve as the City of Concord’s representative on the Contra Costa Council Aviation Advisory Committee for another two-year term ending February 28, 2012. Recommended by the City Clerk.

ACTION: Nomination of Patricia Howlett approved for an additional two-year term.

- c. **Confirming** – the City’s Commission on Aging nomination of Charles Hester to serve as the City’s representative to the County Advisory Council on Aging, and recommending to the County Board of Supervisors his appointment as the City’s representative. Recommended by the City Clerk.

ACTION: Nomination of Charles Hester confirmed.

- d. **Adopting** – a resolution calling for a general municipal election in Concord on November 2, 2010, under the provisions of laws relating to General Law cities in the State of California, for the purpose of electing three members to the City Council and one City Treasurer, each for full terms of four years. Resolution 10-32 for adoption. Recommended by City Clerk.

ACTION: Resolution No. 10-32 adopted. (4-0-1; Peterson absent.)

- e. **Approving** – the upgrading of background checks for massage, taxi, tow, entertainment, and solicitor permits to include FBI level checks. Resolution No. 10-20 for adoption. Recommended by Chief of Police.

ACTION: Resolution No. 10-20 adopted. (3-1-1; Peterson absent, Shinn abstained stating his brother drives a taxi cab.)

- f. **Awarding** – a construction contract to Pantano Excavating Inc. in the amount of \$379,446.69, for Project No. 2159, RDA Properties Demolition. Recommended by Director of Public Works and Engineering.

ACTION: Award of contract approved.

- g. **Matter to be Set for Public Hearing** – on Tuesday, May 25, 2010, at 6:30 p.m. in the Council Chamber - consideration of the conveyance of 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.

ACTION: Matter set for public hearing on Tuesday, May 25, 2010, at 6:30 p.m. in the Council Chamber.

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- h. **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 Christina Rodgers at (925) 671-3141. Recommended by Director of Public Works and engineering.

- (1) Accepting the Engineer's Report for the Downtown Landscape Maintenance District. Resolution 10-22 for adoption.

ACTION: Resolution No. 10-22 adopted. (4-0-1; Peterson absent.)

- (2) Accepting the Engineer's Report for Pine Hollow Landscape Maintenance District. Resolution 10-23 for adoption.

ACTION: Resolution No. 10-23 adopted. (4-0-1; Peterson absent.)

- (3) Accepting the Engineer's Report for Landscaping and Lighting Maintenance District #3. Resolution 10-24 for adoption.

ACTION: Resolution No. 10-24 adopted. (4-0-1; Peterson absent.)

- (4) Accepting the Engineer's Report for the Citywide Street Lighting Assessment District. Resolution 10-25 for adoption.

ACTION: Resolution No. 10-25 adopted. (4-0-1; Peterson absent.)

- (5) Ordering improvements in the Downtown Landscape Maintenance District and setting a public hearing for May 25, 2010 at 6:30 p.m. in the Council Chamber. Resolution of Intention 10-26 for adoption.

ACTION: Resolution No. 10-26 adopted. (4-0-1; Peterson absent.)

- (6) Ordering improvements in the Pine Hollow Landscape Maintenance District and setting a public hearing for May 25, 2010 at 6:30 p.m. in the Council Chamber. Resolution of Intention 10-27 for adoption.

ACTION: Resolution No. 10-27 adopted. (4-0-1; Peterson absent.)

- (7) Ordering improvements in the Landscaping and Lighting Maintenance District #3 and setting a public hearing for May 25, 2010 at 6:30 p.m. in the Council Chamber. Resolution of Intention 10-28 for adoption.

ACTION: Resolution No. 10-28 adopted. (4-0-1; Peterson absent.)

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- (8) Ordering improvements in the Citywide Street Lighting Assessment District and setting a public hearing for May 25, 2010 at 6:30 p.m. in the Council Chamber. Resolution of Intention 10-29 for adoption.

ACTION: Resolution No. 10-29 adopted. (4-0-1; Peterson absent.)

- i. **Approving** – an amendment to the contract with Lew Edwards Group in the amount of \$15,500, for a total contract amount of \$35,500 for public education and outreach support on the City’s budget problem and service impacts. Recommended by Assistant City Manager.

ACTION: Amendment to agreement approved; City Manager authorized to execute it.

- j. (Added) **Confirmation** – of the City’s support of legislation entitled *Local Jobs for America Act* (H.R. 4812) introduced by U. S. Representative George Miller, chair of the House Committee, to create jobs in both the public and private sectors and help restore vital services that families rely upon. Resolution No. 10-37 for adoption. Recommended by the City Manager.

ACTION: Council directed Mayor to author a letter of support. No action was taken on the Resolution.

4. **CITY COUNCIL CONSIDERATION ITEMS:**

- a. **Consideration** – of recommendations to: (1) amend Policy and Procedure No. 89 to allow the Councilmembers to waive interviews of Board and Commission applicants if they so desire; (2) propose an amendment of the Concord Municipal Code to change the current two-year term for all Board and Commission members to a four-year term and conduct interviews on odd-numbered years and to set the public hearing for Tuesday, July 13, 2010 at 6:30 p.m. in the Council Chamber; and (3) propose an additional amendment of the Municipal Code to impose term limits, allowing a member to serve two four-year terms, for a total of eight years, and requiring a break in service before serving again on a City advisory body. Recommended by the Council Subcommittee on Policy Development and Internal Operation. **Report by Assistant City Manager, Valerie Barone.**

ACTION: This item was continued to May 11, 2010.

5. **CITY COUNCIL PUBLIC HEARINGS:**

- a. **Consideration** – of an appeal filed by Goldrich & Kest Industries, LLC, of the Planning Commission's denial to extend the approval of the Clayton Gardens Use Permit Amendment (UA 05-002), Variance (VA 08-010) and Tree Removal (RT 08-004). Resolution No. 10-34 for adoption. **Report by Frank Abejo, Senior Planner.**

ACTION: Report heard; public testimony taken; Resolution No. 10-34 adopted granting the appeal with direction to the appellant that they should return in 6 months to give a status report to the Planning Commission.

- b. **Consideration** – of the establishment of an underground utility district on Market Street from Willow Pass Road, north for 840 feet (Market Street Underground Utility District). Resolution No. 10-30 for adoption. **Report by Alex Pascual, Director of Public Works and Engineering.**

ACTION: Report heard; public testimony taken; Resolution No. 10-30 adopted.

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

6. **CITY COUNCIL SITTING AS THE LOCAL REUSE AUTHORITY CONSENT ITEM:**

- a. **Approving** – a Master Agreement for Professional Services with H. Phillip Williams and Associates in the amount of \$138,500 for the preparation of a conceptual flood management plan in support of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station. Recommended by Reuse Project Director.

ACTION: Agreement approved; Executive Director authorized to execute the document.

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- b. **Approving** – a Master Agreement for Professional Services with ARUP, Inc. in the amount not to exceed \$142,829 for services associated with the preparation of a General Plan Amendment and support services for preparation of site wide permits and general support for implementation of the adopted Reuse Plan for the Concord Naval Weapons Station. Recommended by Reuse Project Director.

ACTION: Agreement approved; Executive Director authorized.

- 7. **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. Material on the 2010 Music and Market Series submitted by Jim Ocean during the public comment period.
- b. Material on the 2010 *Earn It! Keep It! Save It!* free income tax preparation assistance submitted by John Cullen during the public comment period.
- c. Letter dated April 27, 2010 from Gene Sylls opposing the term limits proposed in Item #4.a.
- d. Copy of comments made by Edi Birsan regarding Item #4.a.
- e. Copy of comments made by Frank Hickman, Goldrich and Kest, regarding Item #5.a.

- 8. **CLOSED SESSION REPORTS**

City Attorney Labadie announced a Closed Session was scheduled to immediately follow the evening's meeting.

- 9. **COUNCIL AND STAFF REPORTS – None**

- 10. **ADJOURNMENT – at 8:25 p.m. to reconvene in the City Council Conference Room in Closed Session.**

CLOSED SESSION
CITY COUNCIL CONFERENCE ROOM
Convened at 8:30 p.m.

I. ROLL CALL – Councilmember Peterson

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
Charles Sakai, Esq. of Renne, Sloan, Holtzman & Sakai

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)

ACTION: Closed session held.

V. ADJOURNMENT – at 8:45 p.m.

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: 6:00 p.m., Tuesday, May 11, 2010

MEETING RECORDS

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