



ANNOTATED AGENDA

**REGULAR JOINT MEETING OF THE CONCORD CITY
COUNCIL/REDEVELOPMENT AGENCY AND JOINT CITY
COUNCIL/REDEVELOPMENT AGENCY/
JOINT POWERS FINANCING AUTHORITY**

**Tuesday, June 22, 2010
6:30 p.m. - Regular Joint Meeting
City Council Chamber
1950 Parkside Drive, Concord, CA**

**CLOSED SESSION
5:30 p.m. – City Council Conference Room**

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
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);
Concord Police Officers Association and Police
Management Association

Unrepresented Units: Executive, Management & Confidential Employees

ACTION: Closed session held.

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

**REGULAR MEETING
6:30 p.m. – Council Chamber**

ROLL CALL – All present.

PLEDGE TO THE FLAG – Vice Mayor Allen

PUBLIC COMMENT PERIOD

Bryan Balch, Concord, recognized Police Sergeant Ivan Menchaca for his service to the Southern Field Office and share appreciation for the budget process.

Michael of Concord shared information on the mission of Diablo Food Not Bombs.

Joe Partansky, Clayton, expressed his opinions on the need for police enforcement and the Human Relations Commission.

Paul Poston, Concord, shared his opinions on the need for permits to dispense food, the influence of a vote, the enforcement of traffic, and the parking of vehicles on City streets.

1. **ANNOUNCEMENTS - None**
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**CITY COUNCIL
MATTERS**

2. **CITY COUNCIL CONSENT ITEMS:**

- a. **Approval of minutes** – for the meetings held May 25 and June 1, 2010. Recommended by City Clerk.

ACTION: Minutes approved.

- b. **Authorizing** – the appropriation and distribution of up to \$5,000 for information leading to the arrest and conviction of the person or persons responsible for the murder of Ronald Raby on or about April 20, 2010. Resolution No. 10-52 for adoption. Recommended by Chief of Police.

ACTION: Resolution No. 10-52 adopted.

- c. **Approving** – the lease agreement with the Mt. Diablo Unified School District for the use of the portable classroom at Meadow Homes Park; and authorize the City Manager to execute the agreement. Recommended by Director of Community and Recreation Services.

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

- d. **Approving** – the fourth amendment to a lease agreement with Vasconi-Belka Realty for use of the privately-owned, paved parking lot by Monument Community First 5 Center participants; and authorize the City Manager to execute the agreement. Recommended by Director of Community and Recreation Services.

ACTION: Fourth Amendment to the lease agreement was approved; City Manager authorized to execute it.

- e. **Approving** – an agreement with the First 5 Contra Costa Children and Families Commission to manage the grant for programs and services for the Monument Community First 5 Center; and authorize the City Manager to execute the agreement. Recommended by Director of Community and Recreation Services.

ACTION: Agreement with First 5 Contra Costa Children and Families Commission approved; City Manager authorized to execute it.

- f. **Approving** – an agreement with the Mt. Diablo Unified School District for the continuation of the Mt. Diablo CARES After School Program; and authorize the City Manager to execute the agreement. Recommended by Director of Community and Recreation Services.

ACTION: Agreement with Mt. Diablo Unified School District approved; City Manager authorized to execute it.

- g. **Authorizing** – the write-off of uncollectible Accounts Receivable for FY 2009-10 in the amount of \$9,909.52 of General Fund money and \$163,226.71 of RDA Set-Aside money. Recommended by Director of Finance.

ACTION: Write-off of uncollectible accounts approved.

- h. **Matters to be set for public hearing** – on July 13, 2010 at 6:30 p.m. in the Council Chamber:

- 1) **Consideration** - of the appeal submitted by Anderson, Bonnifield and Rocha on behalf of The Blue Devils (BD Performing Arts) of the Planning Commission's June 2, 2010 denial of an appeal by The Blue Devils of the approval of an Administrative Application for Pop's Bingo World to conduct charitable bingo games at 1505 Willow Pass Road; APN 126-300-036. Recommended by City Clerk.

ACTION: Matter set for public hearing on July 13, 2010.

- 2) **Consideration** - of an application by Kelly Moore Paints for a Preliminary Development Plan (PDP) for the construction of a 4,900 sq. ft. retail store on a 0.72-acre site at 5195 Clayton Road. The General Plan designation is Neighborhood Commercial; Zoning classification is PD (Planned District); APN: 117-180-075. Use Permit and Design Review have been pending approval of the PDP. Recommended by the Planning Commission.

ACTION: Matter set for public hearing on July 13, 2010.

- i. **Authorizing** – the renewal of annual maintenance support agreements with TriTech Software Systems in the amount of \$115,898, Accela Government Software in the amount of \$32,399.44, Lawson Software in the amount of \$79,827.40, The Active Network in the amount of \$16,517.30, Contra Costa County in the amount of \$53,219, and Motorola in the amount of \$157,270; and authorize the Information Technology Director to execute them. Recommended by the Director of Information Technology.

ACTION: Various support agreements approved; Information Technology Director authorized to execute them.

- j. **Approving** – modifications of the Memorandum of Understanding between the City of Concord and the Concord Peace Officer Representation Unit of the Concord Police Association for the period July 1, 2010 through June 30, 2014. Resolution No. 10- 4735.3 for adoption. Recommended by Director of Human Resources.

ACTION: Resolution Nos. 10-4735.3 and 10-4735.11 adopted.

- k. **Approving** – modifications of the Memorandum of Understanding between the City of Concord and the Concord Police Managers' Representation Unit of the Concord Police Association for the period July 1, 2010 through June 30, 2014. Resolution No. 10-4735.4 for adoption. Recommended by Director of Human Resources.

ACTION: Resolution No. 10-4735.4 adopted. (Reference supporting Resolution No. 10-4735.11 above.)

- l. **Approving** – the terms and conditions of employment for the City's Professional Representation Unit of Office and Professional Employees International Union (OPEIU), Local 29, for Fiscal Years 2010-2012. Resolution No. 10-4735.5 for adoption. Recommended by Director of Human Resources.

ACTION: Resolution Nos. 10-4735.5 and 10-4735.9 adopted.

- m. **Approving** – adjustments to compensation for the following non-represented employees. Recommended by the City Manager.

- 1) Modification to the City Manager's, City Attorney's and Executive Management employees' compensation in Fiscal Years 2010-2012. Resolution No. 10-4735.6 for adoption.

ACTION: Resolution Nos. 10-4735.6 and 10-4735.10 adopted.

- 2) Modification to the non-represented Management employees' compensation in Fiscal Years 2010-2012. Resolution No. 10-4735.7 for adoption.

ACTION: Resolution No. 10-4735.7 adopted. (Reference supporting Resolution 10-4735.10 above.)

- 3) Modification to the non-represented Confidential employees' compensation in Fiscal Years 2010-2012. Resolution No. 10-4735.8 for adoption.

ACTION: Resolution Nos. 10-4735.8 and 10-4735.12 adopted.

**JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MATTERS**

3. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT ITEMS:

- a. **Approving** – the annual Investment Policy as required by Government Code Section 53646. Recommended by Director of Finance.

ACTION: Investment Policy approved.

- b. **Authorizing** – amendments to the City's Conflict of Interest Code and the Redevelopment Agency's Conflict of Interest Code, and confirming that the Local Reuse Authority's Conflict of Interest Code established by Resolution LRA 06-1 dated January 10, 2006 remains appropriate. Resolution Nos. 10-54 and 10-749 for adoption. Recommended by City Clerk.

ACTION: Resolution Nos. 10-54 and 10-749 adopted.

4. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING:**a. Approval of Fiscal Year 2010-11 Budgets for the City of Concord and Concord Redevelopment Agency, Ten-Year Financial Plans and Related Items** – consideration for approval of Fiscal Year 2010-11 Budgets for the City of Concord and Concord Redevelopment Agency, Ten-Year Financial Plans and Related Items, which include:

- 1) **Proposed Amendments to the Master Fees and Charges Resolution** - consideration of amending the Master Fees and Charges Resolution for fees relating to various municipal services, including but not limited to Administrative Fees; Business, Professional and Trades Fees; Parks and Recreation Fees; Permit Center Fees; Police Fees; Off-Site Street Improvement Program (OSIP) Fees; and Parkland In-Lieu Fees. Data is available, as required by Government Code Title 7, Division 1, Chapter 8 Section 66016. Resolution No. 10-6042.1 for adoption.
- 2) **Annual Appropriation Limits and Adjustment Factors** - approving annual appropriation limits and adjustment factors for Fiscal Year 2010-11, pursuant to Article XIII B of the California Constitution and reaffirming Policy & Procedure No. 129, “Budget and Fiscal Policies” in order to ensure the City’s continued financial health. Resolution No. 10-48 for adoption.
- 3) **2010-11 City of Concord Budget, Ten-Year Financial Plan and Capital Improvement Program** - consideration of Fiscal Year 2010-11 City of Concord Budget and Ten-Year Financial Plan, and adoption of the 2010-11 Capital Improvement Program. Resolution No. 10-47 for adoption.
- 4) **2009-10 City of Concord Redevelopment Agency Budget** - consideration of Fiscal Year 2010-11 City of Concord Redevelopment Agency Budget. Resolution No. 10-747 for adoption.

ACTION: Report heard, public hearing continued, public testimony taken and Resolution Nos. 10-47, 10-48 and 10-747 adopted (unanimously). Resolution No. 10-6042.1 adopted (unanimously) with the elimination of the proposed reduction of street sweeping during the dry season (Item #63) (3-2; Peterson, Bjerke -No) and the adjustment of the proposed annual rental inspection fee increase for multi-family units from 25% to 12% (unanimously).

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/
JOINT POWERS FINANCING AUTHORITY MATTERS**

**5. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/JOINT POWERS
FINANCING AUTHORITY CONSENT ITEMS:**

- a. **Authorizing** – the Refinancing of a 1993 Lease Agreement and 1999 Judgment Obligation Bonds and approving related documents and actions; amending the Reimbursement Agreement by and between the Redevelopment Agency of the City of Concord and the City of Concord dated September 1, 1993; and authorizing the refinancing of 1993 Lease Revenue Bonds and City of Concord 1999 Judgment Obligation Bonds and approving related documents and actions. City Council Resolution No. 10-53, Redevelopment Agency Resolution No. 10-748, and Joint Powers Financing Authority Resolution No. 10-2 for adoption. Recommended by Director of Finance.

ACTION: Resolution Nos. 10-53, 10-748 and JPFA 10-2 adopted.

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 April, 2010.
- b. Letter dated June 18, 2010 from Theresa Karr, CAA Division Director, requesting consideration of the reduction of the annual rental inspection fee from 25% to 12%. Referenced Item 4.a.
- c. E-mail from M. Cain dated June 21, 2010 suggesting that enforcement of the “Hands Free While Driving” law would generate revenue and result in safer streets. Reference Item 4.a
- d. Benched revised Resolution No. 10-4735.6. Reference Item 2.m.
- e. Benched revised Resolution No. 10-4735.7. Reference Item 2.m.

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- f. Benched revised Resolution No. 10-4735.8. Reference Item 2.m.
 - g. Copy of PowerPoint presentation made by City Manager. Reference Item 4.a.
 - h. Copy of comments read into the record during the Public Comment period by Joe Partansky.
 - i. Copy of comments read into the record during the Public Comment period by Brad Macy.
 - j. E-mail dated June 22, 2010 referencing Attachment #5 to Item 2.i.

7. **CLOSED SESSION REPORTS - None**

8. **COUNCIL AND STAFF REPORTS**

Staff was directed by Council to bring back information, alternatives and recommendations concerning a possible temporary tax ballot measure that would help to address the \$5.3 million needed to offset the remaining budget deficit. Council requested that the information include legal advice about City activities relating to a ballot measure. Council further requested that the item be schedule for Council review in July to allow time for placement of a ballot measure on the November 2, 2010 ballot, if the Council so decides.

Council acknowledged the retirement of Public Works and Engineering Director Alex Pascual and congratulated him on his successful career with the City of Concord.

Community Development Director Jim Forsberg was recognized for his years of service with the City and best wishes were extended by the Council as he stepped into his retirement.

9. **ADJOURNMENT – at 10:20 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: 6:30 p.m., Tuesday, July 13, 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.