

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL AND THE
REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
MAY 11, 2010

The Concord City Council and Redevelopment Agency convened in a regular joint meeting on Tuesday, May 11, 2010, at 6:00 p.m. in the City Council Chamber located at 1950 Parkside Drive. Mayor Bjerke presided over the meeting and all members were present. Vice Mayor Allen led the pledge to the flag. 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, Bill Shinn, Guy Bjerke

COUNCILMEMBERS ABSENT:
STAFF PRESENT:

Daniel E. Keen, City Manager; Craig Labadie, City Attorney; Valerie Barone, Assistant City Manager; Mary Rae Lehman, City Clerk; Jim Forsberg, Community Development Director; Alex Pascual, Director of Public Works and Engineering; Joan Carrico, Director of Community and Recreation Services; Michael Wright, Director Community Reuse Planning; Ron Puccinelli, Director of Information Technology; Peggy Lefebvre, Director of Finance; David Livingston, Chief of Police; Kathy Ito, Director of Human Resources

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL:

Paul Poston, Concord; Jeff Apkarian, Martinez; Geri Henry, Concord; Barry Tyler, Danville; Rick Waterhouse, Concord; Reginald Terrill, Oakland; Adair Macfarlane, Clayton; John DeSouza, Danville; Cindy Turlington, Concord; Blaine Carter, Concord; Teresa Duddy, Concord; Theresa Karr, Pleasant Hill; Mary Ann Mitchell, Concord; Leslie Collier, Moraga

PUBLIC COMMENT PERIOD

Paul Poston, Concord, expressed his appreciation of the City's coordination of a second neighborhood clean-up event in his neighborhood and for the response he received on questions raised on recreational vehicles.

ANNOUNCEMENTS - None

CITY COUNCIL
MATTERS

APPROVAL OF MINUTES

Motion was made by Allen and seconded by Shinn to approve the minutes of the meetings held April 13 and April 15, 2010. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Project No. 2109, Ygnacio Valley Road Permanent Restoration (Phase 2)

Motion was made by Allen and seconded by Shinn to accept the improvements for Project No. 2109, Ygnacio Valley Road Permanent Restoration (Phase 2), constructed by Top Grade Construction, Inc. of Livermore; and to direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Project No. 2104, Diablo Creek Golf Course Fire Reconstruction

The following bids were opened by the City Clerk on April 1, 2010 at 2:00 p.m. One bid was received from Prime Electric, Inc. of Brentwood in the amount of \$70,000.

Motion was made by Allen and seconded by Shinn to award a contract in the amount of \$70,000.00 to Prime Electric, Inc. of Brentwood for Project No. 2104, Diablo Creek Golf Course Fire Reconstruction - Phase 4. Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY

SETTING FOR PUBLIC HEARING – Legacy Park Center Apartments Amendment

Motion was made by Allen and seconded by Shinn to set a public hearing on Tuesday, May 25, 2010 at 6:30 p.m. in the Council Chamber to consider the Amended and Restated Disposition and Development Agreement and related Settlement Agreement and Mutual Release pertaining to the Legacy Park Central Apartments located at 1555 Galindo Street in downtown Concord. Motion passed by unanimous vote of the Council/Agency.

SETTING FOR PUBLIC HEARING – Fiscal Year 2010-2011 Budgets

Motion was made by Allen and seconded by Shinn to set a public hearing on June 1 and continued on June 22, 2010 commencing at 6:30 p.m. in the Council Chamber to consider the Fiscal Year 2010-2011 Budgets for the City of Concord and Concord Redevelopment Agency, Ten-Year Financial Plans and Related Items including the following matters relating to the 2010-11 Budgets:

- 1) Proposed Amendments to the Master Fees and Charges Resolution – considering the amendment of 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.

- 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.
- 3) Fiscal Year 2010-11 City of Concord Budget, Ten-Year Financial Plan and Capital Improvement Program – considering the Fiscal Year 2010-11 City of Concord Budget and Ten-Year Financial Plan, and adoption of the 2010-11 Capital Improvement Program.
- 4) 2010-11 City of Concord Redevelopment Agency Budget - consideration of 2010-11 City of Concord Redevelopment Agency Budget.

Motion passed by unanimous vote of the Council/Agency.

CITY COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY

AGREEMENT WITH H. T. HARVEY AND ASSOCIATES – Professional Services

Motion was made by Allen and seconded by Shinn to approve a Master Agreement for Professional Services associated with the preparation of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station with H. T. Harvey and Associates for a total amount of \$58,650; and to authorize the Local Reuse Authority Executive Director to execute the agreement. Motion passed by unanimous vote of the Authority.

CITY COUNCIL
MATTERS

SETTING FOR PUBLIC HEARING - Boards and Commissions Modifications

City Clerk Mary Rae Lehman presented a report, referring to a memorandum dated May 11, 2010, stating that the information was continued from the April 27, 2010 meeting. She advised that a survey had been conducted with local agencies which determined that a majority of the surrounding agencies successfully use a 4-year term structure for most or all of their Boards and Commissions. She confirmed that staff was recommending all Concord Boards and Commissions convert to four year terms on an odd-year recruiting schedule. She suggested that the recruitment which was also carried forward from the April 27th meeting would be for terms ending 2013 to initiate the odd-year cycle.

City Clerk Lehman advised that Council approval of amendments to Policy and Procedure No. 89 authorizing the ability for the Councilmembers to waive formal interviews and amend policy language to remove reference to the Mobilehome Rent Review Board could be approved this evening; however, amendments to a four-year term would require an ordinance amendment which would require a public hearing and recommended the hearing be set for July 13, 2010. She concluded her presentation by requesting the Council formally announce the recruitment for applicants to fill two openings on the Appeals Board; to fill 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. She stated that most of the incumbents were expected to reapply.

Mayor Bjerke opened the public comment period.

Paul Poston, Concord, concurred with the recommendation to allow the Council discretion to waive interviews with applicants, but recommended that all applicants new to the process should be given the courtesy of an interview.

Mayor Bjerke closed the public comment period and entertained discussion by the Council.

Following discussion by the Councilmembers, the following motions were made by Allen and seconded by Shinn: (1) to amend Policy and Procedure No. 89 to allow the Councilmembers to waive the opportunity to conduct interviews with previously interviewed or incumbent applicants to the City's various Boards and Commissions; (2) to propose changing the current two-year term for all Board and Commission members to a four-year term and set a public hearing to amend the Concord Municipal Code Chapter 2 and Chapter 122 to reflect the term change for Tuesday, July 13, 2010 at 6:30 p.m. in the Council Chamber; and (3) to announce the opening of a recruitment period to fill four positions on the Commission on Aging; four positions on the Community Services Commission; three positions on the Parks, Recreation and Open Space Commission, each for three-year terms ending June 30, 2013, with most of the incumbents expected to reapply, and two openings on the Appeals Board for one-year terms ending February 28, 2011, and the deadline for receipt of applications by the Administrative Services Coordinator to 5:00 p.m. on Friday, June 25, 2010. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 10-36 – Community Services Funding

Notice of the public hearing was published in the Contra Costa Times, posted in the posting cabinet at the Civic Center and mailed to all interested parties on April 27, 2010.

Community Grants Manager Marla Parada made a presentation, referring to her memorandum dated May 11, 2010, stating that the recommendation to adopt the 2010-11 Action Plan and associated documents culminated several months of deliberations by the Community Services Commission (CSC) and several meetings with the City Council. She concluded her comments by recommending the City Council approve 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.

Following comments by the Councilmember, motion was made by Hoffmeister and seconded by Shinn to adopt Resolution No. 10-36, entitled "A RESOLUTION ACCEPTING THE CONTRA COSTA HOME CONSORTIUM CONSOLIDATED PLAN AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR FY 2010-15, AND AUTHORIZING THE CITY MANAGER TO SUBMIT, ON BEHALF OF THE CITY OF CONCORD, THE 2010-11 ONE YEAR ACTION PLAN, CONSISTENT WITH THE PROGRAM RULES WHICH GOVERN THE RECEIPT AND EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ALLOCATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DURING FISCAL YEAR 2010-11." Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MATTERS

PROPOSED SERVICE AND BUDGET REDUCTIONS – FY 2010-11 Budget

City Manager Dan Keen presented a report, referencing his memorandum dated May 11, 2010, stating that there are anticipated deficits in the proposed Fiscal Year 2010-11 Ten-Year plan. He advised that the proposed budget will address \$6.4 million of the \$13 million deficit and will take our reserves to \$6.3 million, well below the Council's authorized \$15 million. He shared that median home prices are 50% below their peak, and that there were a significant number of properties in foreclosure.

City Manager Keen stated that the budget concerns included additional property tax devaluations, weak sales tax revenues, the State budget's \$19.9 Billion deficit, and the recent adverse decision in a lawsuit which cost our local Redevelopment Agency \$7.3 million and he emphasized that the projected deficit for the City of Concord was nearly \$13 million, up from \$9.7 million stated in October 2009. He shared that the City has already saved over \$10.3 million through service cuts, decreased staffing levels, and wage and benefit reductions by non-sworn employees.

Each of the Department Heads presented a report outlining proposed budget reductions in each of the respective areas of responsibility.

City Manager Keen summarized the proposals by stating that they reflect the recommendations made by the community through surveys and the "Living Within Our Means" workshops. He emphasized that resolving the deficit would require service reductions and shared his confidence that by working together we would be successful in closed the budget deficit.

Mayor Bjerke called a recess at 8:25 p.m. and reconvened the meeting at 8:40 p.m.

QUESTIONS/COMMENTS FROM THE AUDIENCE REGARDING THE BUDGET

Mayor Bjerke opened the public comment period.

Jeff Apkarian, representing Public Employees Union Local One, supporting the employees of Concord in the Administrative, Technical and Clerical unit and the Field and Operation unit, shared that the members of Local One had had no raises, had participated in the City imposed furlough days which reduced their salaries, and were doing more work because of the large number of retirements. He advised that all City employees needed to make the same contribution to the deficit problem, including the safety positions.

Geri Henry, Concord, expressed her opposition to closing the Concord Community Pool on Cowell Road.

Barry Tyler, Danville, stated his support of Camp Concord, and suggested that the City should market the facility to corporations to increase the revenue. He volunteered to speak to organizations if the City concurred.

Rick Waterhouse, Concord, stated his support for keeping the Concord Community Pool open year-round so that the Terrapins Swim Team could continue to use the facility. He shared

the accomplishments of the Swim Team and the coaching staff and stated that their accomplishments were an asset to the City.

Adair Macfarlane, employee and resident of Clayton, urged the City Council to continue the multi-family inspection program to ensure the condition of the City's housing stock.

John De Souza, resident of Danville and owner of property on Carleton Drive, shared his experience with the neighborhood preservation staff in improving the Carleton Drive area.

Cindy Turlington, employee and Concord resident, stated that she understood the multi-family program was not in jeopardy in this budget period, but wanted to provide some background on the program.

Wayne Carter, Concord, stated that cutting code enforcement would negatively affect the City by allowing an increase in community blight.

Teresa Duddy, Concord, expressed her support for keeping the Concord Community Pool open during the winter months.

Theresa Karr, representing the California Apartment Association, shared that she had helped staff develop the multi-family inspection program, and worked with staff to make the program sustain itself. She urged the City Council to continue the program.

Mary Ann Mitchell, Concord, spoke in support of keeping the Concord Community Pool open.

Leslie Collier, Moraga, stated that she has sent her children to Camp Concord because youth who attend camp do better in life on the whole. She asked the Council to continue to operate Camp Concord.

Paul Poston, Concord, stated that in his opinion, code enforcement is necessary to the City, and suggested that the parking meters proposed for downtown would force people to use the garages or park elsewhere.

Mayor Bjerke closed the public comment period and announced that the first public hearing would be on June 1 and adoption of the budget was scheduled to occur on June 22, 2010.

QUESTIONS/COMMENTS FROM THE CITY COUNCIL

Following comments by the Councilmembers, City Manager Keen stated that information requested by the Councilmembers would be prepared for the June 1st public hearing and encouraged the community to share their comments.

CORRESPONDENCE

- a. Treasurer's report for the month of March, 2010.
- b. 20 e-mails or letters sent to the City objecting proposed budget reductions.
- c. E-mail dated May 10, 2010 from Ray Mitchell, Terrapin Swim Team Director, opposing the proposal to close Concord Community Pool for three months.
- d. Revised Attachment 3 to the Report on CDBG Funding, Item # 4.a.
- e. Booklet containing a history of the City's Multi-Family Inspection Program.

- f. Copy of the comments read by John De Souza regarding the Multi-Family Inspection Program.
- g. Copy of comments submitted by Blaine Carter regarding the Multi-Family Inspection Program.

By order of the Chair, the meeting was adjourned at 10:08 p.m.

GUY S. BJERKE
MAYOR/AGENCYMEMBER

MARK A. PETERSON
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN, CMC
CITY CLERK/AGENCY SECRETARY