

JOINT STUDY SESSION PLANNING
COMMISSION/CITY COUNCIL,
REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
/REDEVELOPMENT AGENCY AND
THE CITY COUNCIL SITTING AS
THE LOCAL REUSE AUTHORITY
COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
JULY 13, 2010

The Concord City Council and Planning Commission met in a Joint Study Session in the City Council Chamber at 5:37 p.m. with Mayor Bjerke presiding. Commissioner Sylls was absent and Councilmember Hoffmeister arrived at 5:43 p.m. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Helen Allen, Laura Hoffmeister, Bill Shinn, Mark Peterson, Guy Bjerke

PLANNING COMMISSIONERS PRESENT: Kevin Costa, Ron Leone, John Mercurio, Robert Hoag

COUNCILMEMBERS ABSENT: None

PLANNING COMMISSIONERS ABSENT: Gene Sylls

STAFF PRESENT: Daniel E. Keen, City Manager; Craig Labadie, City Attorney; Valerie Barone, Assistant City Manager; Mary Rae Lehman, City Clerk; Michael Wright, Reuse Project Director; Peggy Lefebvre, Director of Finance; Kathy Ito, Director of Human Resources; Ron Puccinelli, Director of Information Technology

PUBLIC COMMENT PERIOD

Paul Choisser, Concord, expressed his opinions on staff assistance and volunteerism.

STUDY SESSION – Concord Naval Weapons Station

Commissioner Ron Leone recused himself from the meeting stating that he lives within 500 feet of the Concord Naval Weapons Station thus it has been determined that he has a conflict of interest.

Reuse Project Director Michael Wright gave an overview of the process taken to develop and adopt the Reuse Plan inclusive of the Preferred Alternative. He explained that it would be necessary to amend the Concord 2030 General Plan to include the adopted Reuse Plan and that work was continuing to define an Area Plan. The Area Plan, he advised, would provide the basis to satisfy State Law requirements regarding General Planning, CEQA and a Climate Action Plan, and refines the Reuse Plan to create strategic flexibility while assuring desired outcomes.

Director Wright introduced Ellen Greenberg, Associate Planner, who further explained the transition from Reuse Plan to Area Plan. She assured that the vision developed in the earlier process will be retained, but that the diagram will be refined. She shared that it would provide for greater integration of uses in the villages and neighborhoods, provide greater flexibility, refine circulation networks, adjust planning area boundaries and integrate neighborhood parks and plazas among other things. The goal is to build positive expectations for new neighborhoods, she said.

Director Wright then emphasized that the amendment of the current General Plan would include consistency amendments that incorporate the Area Plan. He advised that an analysis of the issues raised earlier were researched, especially regarding the matters of housing and the labor interests. He shared that recommendations would be prepared and presented later in the year. He concluded by advising that the Department of Defense was changing their position on the disposition of the property. He said originally the Department of Defense favored a public auction or the sale of the whole property. They are now, he advised, leaning toward an Economic Development Conveyance which would allow portions of the land to be economically conveyed to stimulate jobs. This would place the land under the control of the City via the Local Reuse Authority but would come with some liability to the city to ensure jobs.

Mayor Bjerke opened a public comment period.

Paul Choisser, Concord, expressed his opinions over the early proposal to extend Denkinger and West Streets through to the property.

Edi Birsan, Concord, questioned the extent of flexibility, and asked if the changes would deviate from the original Reuse Plan.

Mayor Bjerke assured that the Reuse Plan will continue in much the same design as approved by the Council in early January.

Mayor Bjerke closed the public comment period and comments were made by the Commissioners and Council.

A recess was called at 6:35 p.m. to reconvene in regular joint meeting.

The Concord City Council and Redevelopment Agency reconvened in regular joint session in the City Council Chamber at 6:53 p.m. on Tuesday, July 13, 2010 with Mayor/Agencymember Bjerke presiding. The pledge to the flag was led by Councilmember Peterson. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Helen Allen, Laura Hoffmeister, Bill Shinn, Mark Peterson, Guy Bjerke

COUNCILMEMBERS ABSENT: None

STAFF PRESENT:

Daniel E. Keen, City Manager; Craig Labadie, City Attorney; Valerie Barone, Assistant City Manager; Mary Rae Lehman, City Clerk; Katy Wisinski, Deputy City Attorney, Danae Gemmell, Acting City Engineer; Ron Puccinelli, Director of Information Technology; Michael Wright, Reuse Project Director; Frank Abejo, Senior Planner; Ryan Lenhardt, Senior Planner

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL:

Martha Kozonasky, Concord; Wendy Moore, Concord; Andrew Butt, Richmond; Craig Andersen, Concord; Richard Loewke, San Ramon; Ron Leone, Concord; Steve Escamilla, San Francisco; Joe Pratchard, Concord; Mundy Viar, Martinez; Keagan Cummings, Brentwood; Toby Cummings, Brentwood; Kit Rodgers, Hillsborough; Derek Radtke, Brentwood; Doug Peterson, Clayton; Donna Batchelor, Concord; John Maltester, Martinez; Ken Frey, Concord; Rick Odello, Oakley; Terry Mitchell, Discovery Bay; Debbie Odello, Oakley; Ernie Medeiros, Brentwood; Linda Chambers, Concord; Robert Bergmann, Concord; JoEllen Abate McEntire, Walnut Creek; Gail Emory, Lafayette; Andrew Moran, Walnut Creek; Maria Koroleva, Concord; Heather Tierran, Concord; Kim Probst, Walnut Creek; Michael Wood, Livermore; Maile Collmer, Concord; Gina Jennings, Concord; Cynthia Ewy, San Ramon; Hoyt Weller, Concord; Celeste Graybill, Concord; Deborah Braunecker, Concord; Montana J. Malbrough, Fallbrook; Denise Jennison, Danville; Zach Kehrt, Sacramento; Bret Rios, Concord; Dodie Martz, Pleasant Hill; Christopher Helbush, Concord; Edi Birsan, Concord; Lee Carpenter, Livermore; Joseph Haworth, Walnut Creek; Allen/Lisa Abbott, Livermore; Gareth Ashley, Concord; Sheri Welch, Concord; Chuck Helbush, Livermore; Albert Nichols, San Ramon; Amy Cox, Lafayette; John Luis, Danville; Paul Lopez, Concord; Chuck Lessin, Richmond, VA; Sister Marygrace, Concord; Dennis Costanza, Concord; Colleen Coll, Concord; Lee Shuff, Concord; Terry Mitchell, Discovery Bay; Terence Delepine, Concord; Paul Choisser, Concord

PUBLIC COMMENT PERIOD

Martha Kozonasky, Concord, inquired about e-verifications.

PRESENTATION – Family Place Library

Mayor Bjerke made a presentation to Maureen Kilmurray, Librarian for Concord Library, proclaiming Concord – a *Family Place Library*.

ANNOUNCEMENTS

Mayor Bjerke announced that Ygnacio Valley High School Athletic Boosters was raffling off a 2010 Harley Davidson Motorcycle to help support sports programs at the school.

CITY COUNCIL
MATTERS

APPROVAL OF MINUTES

Motion was made by Allen and seconded by Shinn to approve the minutes for the meetings held June 22 and June 29, 2010. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – RFB #2203, Annual Crossing Guard Services

The following bids were opened on Friday, May 14, 2010 at 10:00 a.m.:

Commonwealth International, Inc.	S. El Monte, CA	\$13.85/hr.
American Guard Services, Inc.	Carson, CA	\$14.24/hr.
All City Management Services	Los Angeles, CA	\$15.49/hr.
VIP Security Specialist, Inc.	San Bruno, CA	\$17.00/hr.
Ingram Security. & Patrol, Inc.	Cerritos, CA	\$17.86/hr.

Motion was made by Allen and seconded by Shinn to award a contract in the amount of \$92,275.20 to American Guard Services, Inc. for RFB #2203, Annual Contract to Provide Crossing Guard Services, for the 2010-2011 school year; and to authorize the City Manager to execute the contract; and to further authorize the City Manager, upon recommendation of the Chief of Police, to renew the contract for two one-year periods. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NOS. 10-58 AND 10-59 – Acceptance and Appropriation of Grant Funds

Motion was made by Allen and seconded by Shinn to adopt Resolution No. 10-58, entitled "A RESOLUTION AUTHORIZING THE PURCHASE OF EMERGENCY SHELTER EQUIPMENT UTILIZING FUNDS FROM THE CONTRA COSTA COUNTY COMMUNITY AWARENESS AND EMERGENCY RESPONSE ORGANIZATION GRANT FOR THE 2010-11 FISCAL YEAR" authorizing the acceptance and appropriation of \$1,250 in grant funds from the Contra Costa County Community Awareness and Emergency Response organization (CAER) and appropriating the funds to purchase equipment for the 2010 Care and Shelter Exercise planned for 2010-2011; and to adopt Resolution No. 10-59, entitled "A RESOLUTION AUTHORIZING THE H1N1 PREVENTION COMMUNITY OUTREACH FUND UTILIZING FUNDS FROM THE CONTRA COSTA COUNTY HEALTH SERVICES GRANT FOR THE 2010-11 FISCAL YEAR" authorizing the acceptance and appropriation of: a) \$1,250 in grant funds from the Contra Costa County Community Awareness and Emergency Response organization (CAER) and appropriating the funds to purchase equipment for the 2010 Care and Shelter Exercise planned for 2010-2011; and b) \$18,600 from the Contra Costa Health Services H1N1 2010 grant fund and appropriating those funds for community education and outreach programs within the community utilizing the Community Emergency Response Team (CERT) members and Volunteers in Police Service (VIPS) members. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Project No. 2108, Treat Boulevard (Oak Grove Road to San Miguel Road) Street Median Landscape Improvements

Motion was made by Allen and seconded by Shinn to accept the improvements for Project No. 2108, Treat Boulevard (Oak Grove Road to San Miguel Road) Street Median Landscape Improvements, constructed by GSL Construction, Inc. of Livermore; and to direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 10-64 – Recovery Used Oil Recycling Block Grant Application

Motion was made by Allen and seconded by Shinn to adopt Resolution No. 10-64, entitled “A RESOLUTION APPROVING APPLICATION FOR CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY USED OIL RECYCLING BLOCK GRANT” approving the submittal of an application for funding under the California Department of Resources Recycling and Recovery Used Oil Recycling Block Grant program; and to authorize the City Manager, or his designated representative, to execute the necessary documents. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Projects 2134, 2135, and 2140, Various Sidewalk Improvements

Motion was made by Allen and seconded by Shinn to accept the improvements for Project No. 2134, Sidewalk Improvements on Clayton Road (Market Street to Oakland Avenue); Project No. 2135, Sidewalk Improvements on Clayton Road (at various intersections); and Project No. 2140, Citywide Sidewalk Improvement Program (FY 2009-10), constructed by Joseph J. Albanese, Inc. of Santa Clara; and to direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

AGREEMENT WITH FRANK KENNEDY OF KENNEDY AND ASSOCIATES – Interim Current Development Manager

Motion was made by Allen and seconded by Shinn to approve a Professional Services Agreement with Frank Kennedy of Kennedy and Associates in an amount not to exceed \$72,000 to act as Interim Current Development Manager and to provide Surveyor Services; and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 10-63 – Contra Costa Clean Water Program Agreement

Motion was made by Allen and seconded by Shinn to adopt Resolution No. 10-63, entitled “A RESOLUTION APPROVING THE CONTRA COSTA CLEAN WATER PROGRAM AGREEMENT”; and authorizing the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Project No. 2119, 911 System Replacement and Dispatch Room Remodel

The following bids were opened on Monday, May 10, 2010 at 2:00 p.m.

Xybix Systems, Inc. (Xybix) Littleton, CO \$138,811.46 (corrected bid total)

Motion was made by Allen and seconded by Shinn to award a construction contract in the amount of \$138,811.46 to Xybix Systems, Inc. of Littleton, CO, for Project No. 2119, 911 System Replacement and Dispatch Room Remodel - Phase 2; and to waive a minor bid defect. Motion passed by unanimous vote of the Council.

AGREEMENT WITH TRB ASSOCIATES – Plan Check and Inspection Services

Motion was made by Allen and seconded by Shinn to approve a Professional Services Agreement in the amount of \$120,000 with TRB Associates to provide plan check and inspection services during Fiscal Year 2010-2011; and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

AMENDMENT TO AGREEMENT WITH AZARI ENGINEERING – Amend Master Agreement

Motion was made by Allen and seconded by Shinn to approve an amendment to the two-year Master Agreement with Azari Engineering, increasing the amount by \$40,000 to a total amount of \$290,000; and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

NOMINATION OF REPRESENTATION – Contra Costa County Aviation Advisory Committee

Motion was made by Allen and seconded by Shinn to approve the nomination of Keith McMahon to serve as the City of Concord's representative on the Contra Costa County Aviation Advisory Committee (CCCAAC) for a two-year term ending July 30, 2012. Motion passed by unanimous vote of the Council.

AGREEMENT WITH COLE MANAGEMENT & ENGINEERING, INC. – Project No. 2052, Concord Boulevard Gap Closure – Phase II

Motion was made by Allen and seconded by Shinn to approve a Professional Services Agreement with Cole Management & Engineering, Inc. for Project No. 2052, Concord Boulevard Gap Closure – Phase II in the amount of \$129,423; and to authorize the City Manager to execute the Agreement. Motion passed by unanimous vote of the Council.

AGREEMENT WITH CISCO SYSTEMS CAPITAL CORP. – City Network and Telephone Equipment

Motion was made by Allen and seconded by Shinn to approve a five-year Lease Agreement with Key Government Finance, Inc., subsidiary of Cisco Systems Capital Corp. for the replacement of the City's telephone system in the amount of \$96,879.99 to be paid annually for a five year period; to authorize the City Manager to execute the agreement; and to authorize the Finance Director to sign the master tax-exempt lease / purchase agreement as required by the lessor. Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY

AGREEMENT WITH HOUSING RIGHTS, INC. – Counseling Services on Housing Issues

Motion was made by Allen and seconded by Shinn to approve an agreement with Housing Rights, Inc. in the amount of \$115,000 to provide comprehensive counseling services on housing issues for Fiscal Year 2010-11, with an option to extend the agreement for two successive one-year terms; and to authorize the City Manager/Executive Director to execute the agreement. Motion passed by unanimous vote of the Council/Agency.

CITY COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY

AGREEMENT WITH ERLER & KALINOWSKI, INC. (EKI) – Hazardous Materials Management and Remedial Assessment on the Concord Naval Weapons Station

This item was pulled from the consent calendar by Paul Choisser, Concord, who stated that he had been following the Reuse Project for the past two years, and believes that the Navy could do a better job of environmental clean-up than the City could.

Motion was made Shinn and seconded by Peterson to approve a Professional Services Agreement with Erler & Kalinowshi, Inc. (EKI) in an amount not to exceed \$65,000 for services associated with hazardous materials management and remedial assessment reviews on the Concord Naval Weapons Station site; and to authorize the Executive Director to execute the agreement. Motion passed by unanimous vote of the Authority.

CITY COUNCIL
MATTERS

INTRODUCTION OF ORDINANCE NO. 10-2 – Amendment of Concord Municipal Code Chapters 2 and 122

The notice of public hearing was posted in the Civic Center posting cabinet, published in the Contra Costa Times and mailed to interested parties on June 29, 2010.

City Clerk Mary Rae Lehman presented a report, referring to her memorandum dated July 13, 2010, stating that the recommendation to amend the Concord Municipal Code was required to complete recent direction by the City Council when they approved changing the length of Board and Commission member terms from two years to four years. She stated that the amendment provided an opportunity to also update the Code in two additional areas: a) to move reference to the Design Review Board from Chapter 122, Article II, Division 4 to Chapter 2, Article V for consistency within the code, and b) to remove reference to the Human Relations Commission from Chapter 2, Article V, confirming the Commission's recent decision to disband and reorganize as an independent non-profit organization.

Mayor Bjerke opened and closed the public hearing without hearing any comments.

Following comments by the Council, motion was made by Shinn and seconded by Hoffmeister to introduce Ordinance No. 10-2 by reading of the title only and waiving further reading, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS, COMMISSIONS, AND COMMITTEES) AND CHAPTER 122 (ZONING) ARTICLE II (ADMINISTRATION) DIVISION 4 (DESIGN REVIEW BOARD AND DESIGN REVIEW PROCEDURES) TO REMOVE THE HUMAN RELATIONS COMMISSION, ESTABLISH FOUR-YEAR TERMS FOR ALL BOARDS AND COMMISSIONS AND RESTATE THE DESIGN REVIEW BOARD" a City-initiated amendment to the Concord Municipal Code that (a) increases the terms of members serving the Board of Appeals; Parks, Recreation, and Open Space Commission; Commission on Aging; Community Services Commission; Design Review Board; Personnel Board; and Planning Commission to four years, (b) relocates the ordinance governing the Design Review Board to the Concord Municipal Code Article and Chapter in which all other boards, commissions, and committees are established, and (c) reflects the dissolution of the Human Relations Commission, confirming the action taken by the Human Relations Commission to disband and reorganize as an independent non-profit organization. The City Attorney read the Ordinance title. Motion passed by the following vote of the Council:

AYES: Allen, Hoffmeister, Shinn, Bjerke

NOES: Peterson

ABSTAIN: None

ADOPTION OF RESOLUTION NO. 10-57 – Kelly-Moore Paints Preliminary Development Plan (PD 09-001)

The notice of public hearing was posted in the Civic Center posting cabinet, published in the Contra Costa Times and mailed to interested parties on June 29, 2010.

Senior Planner Ryan Lenhardt presented a report, referencing his memorandum dated July 13, 2010, stating that Kelly-Moore Paints had submitted an application for a Preliminary Development Plan (PDP) for a 4,900 sq. ft. retail store on a 0.72-acre site at 5195 Clayton Road, on the east side of Terry Lynn Lane. He advised that the Planning Commission unanimously recommends approval and had approved the related Use Permit and Design Review applications pending Council approval. He shared that the project was categorically exempt from the requirements of CEQA.

Following questions by the Council, Mayor Bjerke opened the public hearing.

Wendy Moore, Concord, stated her concerns over the proposed traffic circulation onto Terry Lynn Lane by customers, and shared observations on the length of the traffic signal light at Terry Lynn Lane and Clayton Road.

Terence Delepine, Concord, stated his desire to have the fence protect the back of the property as it is adjacent to his property and because the parking lot is at the back of the property, he feared for the safety of his children.

Andrew Butts, Richmond, and representative for Kelly-Moore, stated that the company desires to work with the neighborhood to ensure they were satisfied with the project.

Councilmember Hoffmeister suggested that the orientation of the building could provide a private area for undesirable activities.

Andrew Butt, Richmond, stated that chains would be installed and would be locked when the business was not open and that signage would be used to direct delivery traffic.

Linda Tierney, Concord, nearby resident stated that traffic from the Alpine Vet Center already creates a nuisance for nearby residents and stated her concern that employees of Kelly-Moore Paints might park within the neighborhood.

Mayor Bjerke closed the public hearing.

Motion was made by Hoffmeister and seconded by Shinn to adopt Resolution No. 10-57, entitled "A RESOLUTION APPROVING THE PRELIMINARY DEVELOPMENT PLAN (PD 09-001) FOR KELLY-MOORE PAINTS LOCATED AT 5195 CLAYTON ROAD; APN 117-180-075" approving 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 as recommended by the Planning Commission with the following provisions: a) protection for the westerly fence, b) that the parking lots be secured after hours, and c) that signage be installed to direct delivery trucks to exit on Clayton Road. Motion passed by unanimous vote of the Council.

PUBLIC HEARING – Appeal of Administrative Approval for Pop's Bingo World

The notice of public hearing was posted in the Civic Center posting cabinet, published in the Contra Costa Times and mailed to interested parties on June 29, 2010.

Senior Planner Frank Abejo presented a report, referring to his memorandum dated July 13, 2010, advising that Enea Court Properties had received approval of an Administrative Application earlier in the year, and that The Blue Devils, represented by the law firm of Andersen, Bonnifield & Roscha had filed an appeal to the Planning Commission. He stated that the Appellant had requested a continuation of the Appeal when a correction was made by staff regarding the relationship of the Preliminary Development Plan for the surrounding office properties was submitted late in the process. He advised that the Planning Commission denied the request for a continuation and after taking testimony, also denied the Appeal.

The Blue Devils then filed an Appeal to the City Council of the denial made by the Planning Commission, advised Mr. Abejo, and then identified and explained the seven arguments contained in the Appellant's Appeal. Senior Planner Abejo also explained that the building had been vacant since 2008.

The Councilmembers presented questions and received clarification.

Appellant Representative Craig Andersen of Andersen, Bonnifield and Roscha Law Firm, expressed his disappointment in the way the matter had been handled at the Planning Commission level and shared the process from his perspective.

Dick Loewke, AICP, Urban and Environmental Planning, presented a summary of findings based upon his analysis of information provided on this matter by the Appellant's Representative.

He concluded his comments by stating, in part, that in his opinion a new Use Permit should be considered because a business has been closed for over 6 months.

Ron Leone, Concord, stated that as a Planning Commissioner who had heard the first Appeal, he had voted for a continuance because he felt the Appellant hadn't had the proper time to respond to information presented.

Richard Eyheralde, Napa, stated that based on his knowledge of Bingo players, patrons arrive averaging about 1.5 people per vehicle, thus he questioned adequate parking at the site for the number of players anticipated. He also advised that Blue Devils Bingo Hall is open 7 nights a week with 250 people on average on Friday and Saturday nights and approximately 200 people on average the other evenings.

David Gibbs, Executive Director of the Blue Devils, stated that the organization depends on the revenue generated by the Bingo Hall and said that it is a declining business. He said that Bingo Halls are declining in number and highly regulated by the State. He concluded by asking the Council to consider the important recognition that the Blue Devils bring for Concord.

Mayor Bjerke called a recess at 8:55 p.m. and reconvened the meeting at 9:10 p.m.

Proponent Paul Lopez, Concord, shared his desire to begin serving the community and non-profit charities that are depending upon Pop's Bingo World to help offset the deficits they are experiencing. He explained that the business hours were off peak traffic hours and that there is a reciprocal parking easement with the other businesses in the complex. He concluded by stating in his opinion the project had been properly processed.

Chuck Lessin, Richmond, VA, principal of Pop's Bingo World, B1 Technologies, explained that he has been in the Bingo business for over 30 years and that while it is not as strong as it was, the reviews that have been done indicate that Concord would be a good place to open a Bingo Hall.

Sister Marygrace Puchac representing East Bay Services, stated that her organization is financially struggling and that she is counting on Pop's Bingo World to help with financial assistance.

Dennis Costanza, representing Community Youth Center (CYC), stated support for the application submitted by Paul Lopez for Pop's Bingo World and emphasized that the CYC and other charities were looking forward to an opportunity to raise funds at the facility.

Colleen Coll, Concord, stated that as a member of the East Bay Services Board of Directors she was excited to see an opportunity for her organization to raise the funds that have been taken from them over the past months and urges the Council's approval.

Mayor Bjerke opened the public hearing.

Steve Escamilla, San Francisco; Joe Pratchard, Concord; Mundy Viar, Martinez; Keagan Cummings, Brentwood; Toby Cummings, Brentwood; Kit Rodgers, Hillsborough; Derek Radtke, Brentwood; Doug Peterson, Clayton; Donna Batchelor, Concord; John Maltester, Martinez; Ken Frey, Concord; Rick Odello, Oakley; Terry Mitchell, Discovery Bay; Debbie Odello, Oakley; Ernie Medeiros, Brentwood; Linda Chambers, Concord; Robert Bergmann, Concord; JoEllen Abate McEntire, Walnut Creek; Gail Emory, Lafayette; Andrew Moran, Walnut Creek; Maria Koroleva, Concord; Heather Tierran, Concord; Kim Probst, Walnut Creek; and Michael Wood, Livermore, individually stated their support for granting the appeal which would allow the Blue Devils to continue their fund raising efforts supporting their organization as they have in the past.

Mayor Bjerke called a recess at 10:50 pm. and reconvened the meeting at 11:00 p.m.

Maile Collmer, Concord; Gina Jennings, Concord; Cynthia Ewy, San Ramon; Hoyt Weller, Concord; Celeste Graybill, Concord; Deborah Braunecker, Concord; Montana J. Malbrough, Fallbrook; Denise Jennison, Danville; Zach Kehrt, Sacramento; Bret Rios, Concord;

Dodie Martz, Pleasant Hill; Christopher Helbush, Concord; Edi Birsan, Concord; Lee Carpenter, Livermore; Joseph Haworth, Walnut Creek; Allen/Lisa Abbott, Livermore; Gareth Ashley, Concord; Sheri Welch, Concord; Chuck Helbush, Livermore; Albert Nichols, San Ramon; Amy Cox, Lafayette; and John Luis, Danville individually stated their support for granting the appeal which would allow the Blue Devils to continue their fund raising efforts supporting their organization as they have in the past.

Craig Andersen, representative for the Blue Devils, requested the application be returned to the Planning Commission.

Dick Loewke, AICP, stated that in his opinion an Environmental Impact Report was appropriate and should be completed.

Paul Lopez, restated his opinion that the application that has been submitted has been properly reviewed and found 100% complete.

Mayor Bjerke closed the public hearing.

The Councilmembers commented on the project, and Peterson made a motion to uphold the Planning Commission's decision and deny the appeal. The motion failed to receive a second.

Motion was made by Allen and seconded by Shinn to confirm the appeal; deny the Administrative Approval without prejudice; and return the matter to staff to process the application, waiving the Use Permit application fee. City Attorney Labadie clarified that remanding the matter to staff will bring the project up through the Planning Commission. Staff was directed to return with a resolution confirming the actions taken. Motion passed by the following vote of the Council:

AYES: Allen, Hoffmeister, Shinn, Bjerke NOES: Peterson ABSENT: None

CORRESPONDENCE

- a. Letter dated June 30, 2010 from Mayor Bjerke to Senator DeSaulnier opposing AB 1955 (De La Torre) Public Offices, Incompatible Offices.
- b. Letter dated July 12, 2010 from David Gibbs, Executive Director of the Blue Devils, providing information on the Blue Devils organization.
- c. Memorandum dated July 8, 2010 written by Frank Abejo, Senior Planner responding to a request for information submitted by Councilmember Hoffmeister regarding Item # 4.a.
- d. Letter dated July 9, 2010 from Austin Weaver of the Andersen, Bonnifield & Roscha Law Firm concerning Item # 4.a.
- e. Copy of a letter dated July 8, 2010 by Richard T. Loewke, AICP, to Craig F. Anderson of Andersen, Bonnifield & Roscha Law Firm, regarding a parking easement for 1505 Willow Pass Road, reference Item # 4.a.

- f. 188 correspondence items stating support for affirming the appeal that was submitted by Andersen, Bonnifield, & Roscha on behalf of The Blue Devils, reference Item # 4.a.
- g. 2 correspondence items stating support for denying the appeal that was submitted by Andersen, Bonnifield & Roscha on behalf of The Blue Devils, reference Item # 4.a.

By order of the Mayor, the meeting was adjourned at 12:55 a.m. on Wednesday, July 14, 2010.

GUY S. BJERKE
MAYOR/AGENCYMEMBER

MARK A. PETERSON
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN, CMC
CITY CLERK/AGENCY SECRETARY