



ANNOTATED AGENDA

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

**Tuesday, February 23, 2010
6:30 p.m. – Regular Joint Meeting
Concord Senior Center – Wisteria Room
2727 Parkside Circle, Concord, CA**

NOTE: CHANGE IN LOCATION

**6:30 p.m. – Regular Meeting
Concord Senior Center – Wisteria Room**

ROLL CALL – All present. (Councilmember Peterson arrived at 6:45 p.m.)

PLEDGE TO THE FLAG – Councilmember Hoffmeister

PUBLIC COMMENT PERIOD – None

1. PRESENTATIONS

- a. **PRESENTATION** – to representatives of the *Third Legacy Motorcycle Club* honoring them for their 25 years of service to the community and recognizing the service of member Jim Smith. **Report by Mayor Bjerke.**

ACTION: Mayor Bjerke made presentations to club member Jim Smith.

2. ANNOUNCEMENTS

Mayor Bjerke announced that the city would be hosting three “Living Within Our Means” workshops to solicit public input on the city’s budget and invited the public to participate. He advised that meetings would be held February 27th in the Senior Center, March 6th at Centre Concord, and March 16th at Cambridge School.

**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. **Approval of minutes** – for the meetings of January 26 and February 9, 2010. Recommended by City Clerk.

ACTION: Minutes approved.

- b. **Setting of a public hearing** – on Tuesday, March 23, 2010 in the Council Chamber – consideration of a proposed amendment to the Concord Municipal Code revoking Chapter 34, **Floodplain Management**, to update standards for consistency with the California Model Floodplain Management Ordinance for Noncoastal Communities. Recommended by Director of Public Works and Engineering.

ACTION: Public Hearing set for Tuesday, March 23, 2010 at 6:30 p.m. in the Council Chamber.

- c. **Ordering** – the preparation of the Engineer's Report for the levy of annual assessments for the following landscaping and lighting maintenance assessment districts for Fiscal Year 2010-11. Recommended by Director of Public Works and Engineering.

- (1) Downtown Landscape Maintenance District. Resolution No. 10-8 for adoption.

ACTION: Resolution No. 10-8 adopted. (4-0-1; Peterson absent)

- (2) Pine Hollow Landscape Maintenance District. Resolution No. 10-9 for adoption.

ACTION: Resolution No. 10-9 adopted. (4-0-1; Peterson absent)

(3) Landscaping and Lighting Maintenance District #3. Resolution No. 10-10 for adoption.

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

(4) Citywide Street Lighting Assessment District. Resolution No. 10-11 for adoption.

ACTION: Resolution No. 10-11 adopted. (4-0-1; Peterson absent)

- d. **Approving** – an agreement with Francisco & Associates in the amount of \$29,000 to provide Engineering Services for the City of Concord’s 2010/11 Landscape and Lighting Assessment Districts: Downtown Landscape Maintenance District, Pine Hollow Landscape Maintenance District, Landscaping and Lighting Maintenance District #3, and the Citywide Street Lighting Assessment District; and authorizing the City Manager to execute the agreement. Recommended by Director of Public Works and Engineering.

ACTION: Agreement approved; City Manager authorized to execute it.

- e. **Approving** - the appropriation of \$660,000 from the Public Works and Engineering Operations Account for Surface Seal (47656001Z01) to Project No. 2167, Whitman Road Pavement Rehabilitation (Detroit Avenue to Oak Grove Road). Resolution No. 10-14 for adoption. Recommended by Director of Public Works and Engineering.

ACTION: Resolution No. 10-14 adopted. (4-0-1; Peterson absent)

- f. **Confirming** – a Mitigated Negative Declaration (with Mitigation Monitoring and Reporting Program) as the appropriate environmental document for Project No. 1761, Commerce Avenue Roadway Extension and Bridge at Pine Creek and authorizing the City Manager to sign both the Notice of Completion and Environmental Document Transmittal and the Notice of Determination; and authorizing the City Clerk to file the Notices with the County Clerk and State Clearinghouse. Resolution No. 10-2 for adoption. Recommended by Director of Public Works and Engineering.

ACTION: Resolution No. 10-2 adopted confirming the Mitigated Negative Declaration and authorizing the City Manager to execute required documentation and authorizing the City Clerk to ensure filing. (4-0-1; Peterson absent)

- g. **Approving** – Project No. 2170, Clayton Road Pavement Rehabilitation (Treat Boulevard to Ygnacio Valley Road); appropriating \$385,000 from Surface Seal Operations to the project, approving a Design Services Agreement with Azari Engineering in the amount of \$177,000; and authorizing the City Manager to execute it; and authorizing the filing of an Application for Federal Jobs of Main Street Act of 2010 Grant. Resolution Nos. 10-15 and 10-17 for adoption. Recommended by Director of Public Works and Engineering.

ACTION: Resolution Nos. 10-15 and 10-17 adopted; Project approved, requested funds appropriated, Agreement approved and City Manager authorized to execute it; and filing of Grant Application authorized. (4-0-1; Peterson absent)

- h. **Approving** – an Energy Audit Agreement with Chevron Energy Solutions as an Energy Service Company (ESCO) to perform an audit of the energy usage in the City's facilities with the intent of having Chevron implement selected Energy Conservation Measures through a separate Energy Services Agreement (ESA). Payment of the energy audit cost of \$140,000 to Chevron will be incorporated into the ESA and will come from the City's energy savings, which Chevron will guarantee as part of the ESA. Recommended by Director of Public Works and Engineering.

ACTION: This item was continued to March 9, 2010 at the request of staff.

- i. **Approving** – an agreement with Link Path Communications, LLC in an amount not to exceed \$35,000 for radio frequency engineering, system design, grant application preparation and submittal; approving the submittal of an ARRA grant application; and authorizing the City Manager to execute the agreement and any required grant documents. Recommended by Director of Information Technology.

ACTION: Agreement approved; submittal of grant application approved; and City Manager authorized to execute all documents.

- (ADDED) j. **Approving** – Project No. 2171, Dave Brubeck Park Trail Improvement Project, and Project No. 2172, Monument Corridor Shared Use Trail Project; and authorizing the filing of two related grant applications to the Statewide Park Program Resolution No. 10-16 for adoption. Recommended by Director of Public Works and Engineering.

ACTION: Resolution No. 10-16 adopted approving the project and authorizing the filing of grant applications. (4-0-1; Peterson absent)

4. **CITY COUNCIL CONSIDERATION ITEMS:**

- a. **Consideration** – of the proposed Calendar Year 2010 Measure WW Funding Allocation Plan, which will be submitted with a funding distribution application to East Bay Regional Park District (EBRPD) upon approval. **Report by Director of Public Works and Engineering**

ACTION: Report heard, testimony received, Calendar Year 2010 Measure WW Funding Allocation Plan approved. (3-2; Allen, Peterson - No)

- b. **Consideration** – of AB 1600 annual report on development fee transactions, in compliance with State Government Code Section 66006, and finding that there remains a reasonable relationship between current needs for developer fees and the purposes for which they were originally charged Government Code Section 66001(d0). Data is available as required by Government Code Title 7, Division 1, Chapter 8, Section 66006. Resolution No. 10-13 for adoption. **Report by the Director of Public Works and Engineering.**

ACTION: Adopt Resolution No. 10-13, approving the Developer Fees Report and finding that there remains a reasonable relationship between the current needs and the purposes for which the fees were originally charged.

**JOINT
CITY COUNCIL/REDEVELOPMENT AGENCY
MATTERS**

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

- a. **Approving** – an agreement with Pacific Coast Farmers' Market to continue operating a Certified Farmers' Market at Todos Santos Plaza and authorizing the City Manager to execute the agreement. Recommended by Community Development Director.

ACTION: Agreement approved; City Manager authorized to execute it.

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

6. CITY COUNCIL SITTING AS THE LOCAL REUSE AUTHORITY PUBLIC HEARING:

a. **Continuation** – of the consideration of the following matters from the meeting held on February 9, 2010:

- 1) **Consideration** – of a Final Environmental Impact Report (FEIR) that has been prepared for the City of Concord’s (City) Concord Community Reuse Project (Project) pertaining to the Concord Naval Weapons Station. Adopt Findings of Fact and a Statement of Overriding Considerations regarding unavoidable and significant environmental impacts and a Mitigation Monitoring and Reporting Plan pursuant to the California Environmental Quality Act. Approve the preferred alternative as the Reuse Plan to be submitted to the U.S. Department of Housing and Urban Development and the U.S. Navy. Resolution Nos. 10-7 and 10-8 for adoption. **Report by Michael Wright, Reuse Project Director.**

ACTION: Report heard, public testimony taken, **Local Reuse Authority Resolution No. 10-7 adopted** certifying the Final Environmental Impact Report for the Concord Community Reuse Project (unanimously); and **Local Reuse Authority Resolution No. 10-8 adopted** approving the Concord Community Reuse Project, adopting Findings of Fact and a Statement of Overriding Considerations under the California Environmental Quality Act, adopting a Mitigation Monitoring and Reporting Plan; and staff directed to integrate the Reuse Plan in to the General Plan. (3-2; Allen, Peterson – No)

- 2) **Consideration** – of revisions to Legally Binding Agreements for homeless assistance in connection with the Concord Naval Weapons Station to be submitted to the U.S. Department of Housing and Urban Development and the U.S. Navy. **Report by Craig Labadie, City Attorney.**

ACTION: Report heard, testimony taken, and **Local Reuse Authority Resolution No. 10-9** approving revisions to the Legally Binding Agreements for homeless assistance in connection with the Concord Naval Weapons Station. (4-1; Allen – No)

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. Letter from Public Advocates dated February 19, 2010, making comment on the Final Environmental Impact Report, Item #6.
 - b. E-mail dated February 19, 2010, from East Sun Terrace President Turtle Pfeiffer and Sun Terrace Neighborhood President Paul Poston responding to a letter dated February 9, 2010 submitted by the Concord Naval Weapons Station Alliance (CNWS Alliance).
 - c. E-mail dated February 17, 2010, from Paul Poston, sharing information about the traffic through the Sun Terrace neighborhood.
 - d. E-mail from Vern Lemke dated February 13, 2010, regarding the City News Brief article entitled “Census Time” and Leslye Asera’s response dated February 19, 2010.
 - e. E-mail dated February 11, 2010, from Karen Gober suggesting an active Volunteer program and Leslye Asera’s February 19, 2010 response.
 - f. E-mail from Kathy Gleason, dated February 9, 2010, requesting additional information regarding the Final Environmental Impact Report.
 - g. E-mail from Laura Dahl, resident of the Sun Terrace Neighborhood, stating that she disagrees with comments made in the letter submitted by Kathy Gleason.
 - h. E-mail dated February 22, 2010, from Stephen Cobb encouraging adoption of a Final Environmental Impact Report as suggested by Community Coalition for Sustainable Concord.
 - i. E-mail submitted by Dee Simmons dated February 20, 2010, stating support for the recommendations of the Community Coalition for a Sustainable Concord.
 - j. E-mail from Sue Guest dated February 22, 2010, stating her support for preserving as much open space on the Concord Naval Weapons Station as possible.
 - k. Letter dated February 22, 2010, from Samual and Yu Cherri Plainfield stating their opposition of the proposed Reuse Project.
 - l. Michael Wright’s February 18, 2010 response to Kathy Gleason’s letter of February 9, 2010.

- m. Letter dated February 10, 2010, from the Department of Transportation on the revised Environmental Impact Report.
 - n. Letter dated February 9, 2010, from the City of Pittsburg expressing continued concern over the Reuse Project's potential transportation impacts on the city.
 - o. Memorandum dated February 23, 2010, from City Attorney Craig Labadie advising of additional revisions to the Food Bank LBA.
 - p. Letter dated February 23, 2010, from Contra Costa County Flood Control expressing continued concern over on-site mitigation measures.
 - q. Michael Wright's February 23, 2010 response to Public Advocates letter dated February 19, 2010.
 - r. Letter dated February 23, 2010, from Eden Housing to Michael Wright re: Final EIR.
 - s. Copy of comments read by Seth Adams, Save Mount Diablo, regarding the Reuse Project.
 - t. Letter dated February 23, 2010, concerning the Mitigation Monitoring and Reporting Program from Save Mount Diablo to Michael Wright.
 - u. Letter dated February 23, 2010, from a group of stakeholders to the City Council expressing recommendations for the CNWS during a General Plan Amendment process.
 - v. Flyer submitted by Peter Cohan, East Bay Housing Organization, supporting his public hearing comments.
8. **CLOSED SESSION REPORTS – None**
9. **COUNCIL AND STAFF REPORTS – None**
10. **ADJOURNMENT – at 10:40 p.m. in memory of Harmon West, who served on the City Planning Commission, and extended condolences to the family.**

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: 5:30 p.m., Tuesday, March 2, 2010

MEETING RECORDS

DVDs of City Council meetings are available for viewing at the City Clerk's office and copies can be purchased for a period of one year following the meeting. Copies are also available for check-out at the Concord Public Library. City Council meetings from 7/11/08 forward can be viewed from the City's Website at <http://www.cityofconcord.org/citygov/agendas/council/>. Contact the Community Relations Manager at (925) 671-3272 for further information.