



ANNOTATED AGENDA

**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**

Tuesday, July 13, 2010

5:30 P.M. – Joint Study Session with Planning Commission

6:30 p.m. – Regular Joint Meeting

City Council Chamber

1950 Parkside Drive, Concord, CA

**JOINT STUDY SESSION
CITY COUNCIL/PLANNING COMMISSION**

5:30 p.m. – Council Chamber

**ROLL CALL – Planning Commissioner Gene Sylls was absent.
Councilmember Hoffmeister arrived at 5:43 p.m.**

PUBLIC COMMENT PERIOD

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

- I. STUDY SESSION – Joint City Council/Planning Commission Study Session on amendment of the Concord 2030 General Plan to include the adopted Concord Naval Weapons Station Reuse Plan. Report by Michael Wright, Reuse Project Director.**

ACTION: Commissioner Ron Leone recused himself from the meeting stating that he lived within 500 feet of the Concord Naval Weapons Station. Study Session was held.

- II. RECESS – at 6:35 p.m. to reconvene in regular joint meeting.**
-

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

ROLL CALL – All present.

PLEDGE TO THE FLAG – Councilmember Peterson

PUBLIC COMMENT PERIOD

Martha Kozonasky, Concord, inquired about e-verifications.

1. **PRESENTATION** – to Maureen Kilmurray, Librarian for Concord Library, proclaiming Concord – a *Family Place Library*. **Presentation by Mayor Bjerke.**

ACTION: Presentation made.

2. **ANNOUNCEMENTS – None**
-

**CITY COUNCIL
MATTERS**

3. **CITY COUNCIL CONSENT ITEMS:**

- a. **Approval of minutes** – for the meetings held June 22 and June 29, 2010. Recommended by City Clerk.

ACTION: Minutes approved.

- b. **Awarding** – 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; authorizing the City Manager to execute the contract; and further authorizing the City Manager, upon recommendation of the Chief of Police, to renew the contract for two one-year periods. Recommended by Chief of Police.

ACTION: Contract awarded, City Manager authorized to execute the contract and to renew the contract for two additional one-year periods.

- c. **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. Resolution Nos. 10-58 and 10-59 for adoption. Recommended by Chief of Police.

ACTION: Resolution Nos. 10-58 and 10-59 adopted.

- d. **Accepting** – 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 directing the City Clerk to file a Notice of Completion. Recommended by Acting City Engineer.

ACTION: Improvements accepted; City Clerk directed to file a Notice of Completion.

- e. **Approving** – an application for funding under the California Department of Resources Recycling and Recovery Used Oil Recycling Block Grant program; and authorizing the City Manager, or his designated representative, to execute the necessary documents. Resolution No. 10-64 for adoption. Recommended by Acting City Engineer.

ACTION: Resolution No. 10-64 adopted.

- f. **Accepting** – 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 directing the City Clerk to file a Notice of Completion. Recommended by Acting City Engineer.

ACTION: Improvements accepted; City Clerk directed to file a Notice of Completion.

- g. **Approving** – 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 provide Surveyor Services; and authorizing the City Manager to execute the agreement. Recommended by Acting City Engineer.

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

- h. **Approving** – the new Contra Costa Clean Water Program Agreement; and authorizing the City Manager to execute the agreement. Resolution No. 10-63 for adoption. Recommended by Acting City Engineer.

ACTION: Resolution No. 10-63 for adoption.

- i. **Awarding** – 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 waiving a minor bid defect. Recommended by the Acting City Engineer.

ACTION: Contract awarded and minor bid defect waived.

- j. **Approving** – 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 authorizing the City Manager to execute the agreement. Recommended by Chief Building Official.

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

- k. **Approving** – 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 authorizing the City Manager to execute the agreement. Recommended by Acting City Engineer.

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

- l. **Approving** – 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. Recommended by Mayor Bjerke.

ACTION: Nomination of Keith McMahon approved for a two-year term ending July 30, 2012.

- m. **Approving** – 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 authorizing the City Manager to execute the Agreement. Recommended by Acting City Engineer.

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

- n. **Approving** – a five-year Cisco Lease Agreement for the technical replacement of the City’s telephone system in the amount of \$96,879.99 to be paid annually; authorizing the City Manager to execute the agreement; and authorizing the Finance Director to sign the master tax-exempt lease / purchase agreement as required by the lessor. Recommended by Director of Information Technology.

ACTION: Agreement approved; City Manager authorized to execute the agreement and Finance Director authorized to execute the master tax-exempt lease and purchase agreement.

4. **CITY COUNCIL PUBLIC HEARING**

-
- a. **Consideration** – of the appeal submitted by Andersen, 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. **Report by Frank Abejo, Senior Planner.**

ACTION: Report heard, public testimony taken, and the appeal confirmed, the Administrative Approval denied without prejudice and the matter returned to staff to process the application through a Use Permit waiving all fees. Staff was directed to return with a resolution confirming the actions taken. (4-1; Peterson – No)

- b. **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. Resolution No. 10-57 for adoption. Recommended by the Planning Commission. **Report by Ryan Lenhardt, Senior Planner.**

ACTION: Report heard, public testimony taken, and Resolution No. 10-57 adopted approving the Kelly-Moore Paints PDP (PD 09-001) 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.

- c. **Consideration** – of a City-initiated amendment to the Concord Municipal Code, Ordinance 10-2 amends Chapter 2, Article V, as well as Chapter 122, Article II, Division 4 of the Concord Municipal Code by (a) increasing 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) relocating 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) reflecting the dissolution of the Human Relations Commission. Ordinance No. 10-2 for introduction. **Report by City Clerk.**

ACTION: Report heard, public testimony taken, and Ordinance No. 10-2 introduced by reading of the title and waiving further reading. (4-1; Peterson – No)

**JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY**

5. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT ITEMS:

- a. **Approving** – 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 authorizing the City Manager/Executive Director to execute the agreement. Recommended by Redevelopment and Housing Manager.

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

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

6. LOCAL REUSE AUTHORITY CONSENT ITEMS:

- a. **Approving** – 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 authorizing the Executive Director to execute the agreement. Recommended by Reuse Project Director.

ACTION: Agreement approved; Executive Director authorized to execute it.

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 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. Andersen, Andersen, Bonnifield & Roscha Law Firm, regarding a parking easement for 1505 Willow Pass Road, reference Item # 4.a.
 - f. 188 pieces of correspondence stating support for affirming the appeal submitted by Andersen, Bonnifield, & Roscha on behalf of The Blue Devils, reference Item # 4.a.
 - g. 2 pieces of correspondence stating support for denying the appeal submitted by Andersen, Bonnifield & Roscha on behalf of The Blue Devils, reference Item # 4.a.
8. **CLOSED SESSION REPORTS – None**
9. **COUNCIL AND STAFF REPORTS – None**
- a) Recent Conference Attendance
10. **ADJOURNMENT – at 12:55 a.m. on Wednesday, July 14, 2010.**
-

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 27, 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.