



CONCORD ANNOTATED AGENDA

**SPECIAL JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY**

**Tuesday, May 23, 2006
6:30 p.m. – Council Chamber
1950 Parkside Drive**

5:30 p.m. – Closed Session

- I. ROLL CALL – Councilmember Peterson absent.**
- II. PUBLIC ANNOUNCEMENT (Open Session) - None**
- III. PUBLIC COMMENT (Open Session) – None**
- IV. CLOSED SESSION:**
- a. Conference with legal counsel to discuss mediation arising out of public employees pursuant to Government Code Sections 54956.9(b) and 54957.
 - b. Conference with legal counsel pursuant to Government Code Section 54956.9(a) – existing litigation entitled:

Concord Communities v. City of Concord
Contra Costa County Superior Court Case Nos. C97-02154 and C97-02155
- ACTION: Closed session held.**
- V. ADJOURN – at 6:30 p.m. to reconvene in the Council Chambers.**
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6:30 p.m. – Council Chamber

ROLL CALL – Councilmember Peterson arrived at 7:45 p.m.

PLEDGE TO THE FLAG – Boy Scout Troop 226

PUBLIC COMMENT PERIOD

Alan Smith requested support for Proposition 81 on the November 6, 2006 ballot.

Joseph V. A. Partansky requested a Council Subcommittee review the buyout of Contra Costa Times, shared upcoming dates for a broadcast about the County Public Works Department, and submitted an article regarding WiFi published in the May 17, 2006 edition of *East Bay Express*.

1. **PRESENTATION** – of neighborhood graduation certifications to Baldwin Park, Canterbury Village, Cambridge Park, and Holbrook Neighborhood Partnerships. **Report from Callie Foster Struggs, Neighborhood Services Manager.**

ACTION: Certifications presented.

2. **PRESENTATION** – by Dave Goldman, President of Friends of Camp Concord, of a donation in the amount of \$47,000 for the Recreation Activity Scholarship Fund. **Report by Christopher Roke, Recreation Program Manager.**

ACTION: Report by Joan Carrico in the absence of Dave Goldman, President of Friends of Camp Concord, and Christopher Roke, Recreation Program Manager.

3. **ANNOUNCEMENTS**

City Manager Lydia Du Borg introduced and welcomed Michael Wright, Reuse Project Director.

CITY COUNCIL MATTERS

4. CITY COUNCIL CONSENT CALENDAR

- a. **Authorizing** – rejection of sole bid by Northern American Fence and Supply, Inc., of Oakland, for RFB #2029, Supply and Install Fencing as Needed. Bids were opened at 1:00 p.m. on February 6, 2006. Recommended by Director of Public Works.

ACTION: Rejection of sole bid authorized. (4-0-1; Peterson absent)

- b. **Authorizing** – the submittal of an application for funding in the amount of \$1,000,000 to the United States Department of Housing and Urban Development (HUD) for the Fiscal Year 2006 Healthy Homes Program. Resolution 06-39 for adoption. Recommended by Director of Planning and Economic Development.

ACTION: Resolution 06-39 adopted. (4-0-1; Peterson absent)

- c. **Approving** – a Professional Services Agreement with Moore Iacofano Goltsman, Inc. (MIG) of Berkeley in the not-to-exceed amount of \$226,889, for Project 2035, ADA Transition Plan Update; approving a related budget transfer in the amount of \$27,000; and authorizing the City Manager to execute the agreement. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Agreement and budget transfer approved; City Manager authorized to execute the agreement. (4-0-1; Peterson absent)

- d. **Adopting** – resolution calling for a general municipal election in Concord on November 7, 2006 under the provisions of laws relating to General Law cities in the State of California, for the purpose of electing three members to the City Council, one City Treasurer and one City Clerk for four-year terms. Resolution 06-41 for adoption. Recommended by City Clerk.

ACTION: Resolution 06-41 adopted. (4-0-1; Peterson absent)

- e. **Awarding** – a contract for Project No. 1709.3, Ygnacio Valley Neighborhood Park Irrigation Well Replacement, in the amount \$130,000 to Maggiora Brothers Drilling of Watsonville, as the lowest responsible bidder. Recommended by Director of Building, Engineering and Neighborhood Services

ACTION: Contract awarded. (4-0-1; Peterson absent)

5. CITY COUNCIL PUBLIC HEARING

- a. **Esplanade General Plan Amendment and Municipal Code Amendment** – consideration of an application by DeNova Homes to amend the General Plan land use designation from Community Office to High Density Residential and to amend the Zoning Ordinance, Map A “Land Use in the Downtown Business District” from Office overlay to Residential overlay to allow up to 332 condominium units on property located at 1765 Galindo Street, APN’s 126-062-011; 126-143-001 through 003,-008 through -001; and 126-153-006,-007. This application proposes the demolition of the Masonic Temple Building. A Mitigated Negative Declaration was prepared and a Notice of Intent to Adopt a Mitigated Negative Declaration was posted and circulated for comments from December 2, 2005 to January 3, 2006. The Planning Commission recommended preparation of an Environmental Impact Report. **Report by Ryan Lenhardt, Senior Planner.**

ACTION: A request for continuance from developer dated May 16, 2006 was acknowledged and the item continued to July 25, 2006 with full renoticing. (4-0-1; Peterson absent)

- b. **Proposed Amendment to Concord Municipal Code - Cable Ordinance Amendment** - consideration of a proposed amendment revoking in its entirety Concord Municipal Code Chapter 102 – Telecommunications, and Article II – Cable Communications, and replacing with a new Chapter 102 – Telecommunications, and Article II – Cable Communications to update standards. Introduction of Ordinance 06-7. **Report by Peter Dragovich, Director of City Management.**

ACTION: Matter continued to July 25, 2006. (4-0-1; Peterson absent)

- c. **Comcast Franchise Agreement** - consideration of a 15-year non-exclusive cable television franchise agreement with Comcast, renewing the current agreement with new terms and conditions. Approval recommended by the Council Committee on Infrastructure & Franchise. Resolution No. 06-32 for adoption. **Report by Peter Dragovich, Director of City Management.**

ACTION: Matter continued to July 25, 2006. (4-0-1; Peterson absent)

6. CONSIDERATION

- a. **General Plan Update** – consideration of a recommendation from the Planning Commission to eliminate the proposed development parameters for the Concord Naval Weapons Station from the current General Plan Update project, and to concentrate the emphasis on existing urban areas. Recommended by Concord Planning Commission. **Report by Phillip Woods, Principal Planner.**

ACTION: Planning Commission’s recommendation accepted; the Concord Naval Weapons Station (CNWS) removed from the General Plan Update.

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

7. LOCAL REUSE AUTHORITY CONSENT CALENDAR

- a. **Approving** – a Professional Services Agreement in the amount of \$140,000 with Environmental Risk Services Corporation (ERS) for Concord Community Reuse Project environmental data research; and authorizing the LRA Executive Director to execute the agreement. Recommended by Director of Planning and Economic Development.

ACTION: Agreement approved; LRA Executive Director authorized to execute the agreement.

- b. **Approving** – a Professional Services Agreement in the amount of \$210,000 with Garrity and Knisely for Concord Community Reuse Project legal services; and authorizing the LRA Executive Director to execute the agreement. Recommended by Director of Planning and Economic Development.

ACTION: Agreement approved; LRA Executive Director authorized to execute the agreement.

8. CORRESPONDENCE

- a. Treasurer's Report for the month of March, 2006.
- b. Treasurer's Report for the month of April, 2006.
- c. Letter dated May 9, 2006 to Assemblymember Judy Chu opposing AB 2922.
- d. Letter dated May 16, 2006 from Attorney Craig Anderson, Anderson & Bonnifield requesting continuance of the Esplanade Public Hearing.
- e. Copy of an e-mail dated May 22, 2006 from Paul Elliot supporting the Planning Commission's recommendation to remove the Concord Naval Weapons Station from the General Plan.
- f. Letter dated May 22, 2006 from the Mount Diablo Audubon Society supporting the Planning Commission's recommendation to remove the Concord Naval Weapons Station from the General Plan.
- g. May 22, 2006 e-mail from Jeffrey K. Woods, JCM Partners, LLC to CEO of the Concord Chamber of Commerce, Keith McMahon, in response to his May 22, 2006 e-mail concerning the General Plan Update.
- h. E-mail from Doreen Schwynoch dated May 23, 2006 regarding removing the Concord Naval Weapons Station from the General Plan Update.
- i. Letter dated May 23, 2006 from Kathy Gleason and members of the CNWS Neighborhood Alliance requesting the Concord Naval Weapons Station remain open space.
- j. Copy of both pages of the May 3, 2006 letter from Lloyd R. Crenna. (One page was inadvertently left out of the packet.)
- k. Copy of a May 23, 2006 Memo from Lydia Du Borg clarifying the designated zone for funds from the Unallocated Park Land Funds.
- l. Copy of the May 16, 2006 letter mailed to individuals and agencies concerning upcoming meeting on the ADA Transition Plan Update.
- m. Copy of the article entitled *What Happened to the Tule Elk?*
- n. Copies of e-mails submitted by Chamber of Commerce CEO Keith McMahon.

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- o. Copy of the May 17, 2006 edition of *East Bay Express* submitted by Joe Partansky.
 - p. Copy of a brochure about the Contra Costa County Public Works Department submitted by Joe Partansky.
 - q. Copy of a flyer announcing broadcast about the County Public Works program submitted by Joe Partansky.

9. CLOSED SESSION REPORTS - None

10. COUNCIL AND STAFF REPORTS - None

11. ADJOURNMENT – 8:39 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: Tuesday, June 13, 2006

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.