



ANNOTATED AGENDA

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

**Tuesday, July 25, 2006
6:30 p.m. – Council Chamber
1950 Parkside Drive**

5:30 p.m. – Closed Session

- I. ROLL CALL – Councilmember Allen absent.**
 - II. PUBLIC ANNOUNCEMENT (Open Session)**
 - III. PUBLIC COMMENT (Open Session) – None**
 - IV. CLOSED SESSION:**
 - a. Conference with Legal Counsel to discuss significant exposure to potential litigation arising out of the proposed approval of a General Plan Amendment and Municipal Code Amendment for the Esplanade Condominiums Project pursuant to Government Code Section 54956.9(b).
- ACTION: Closed session held.**
- V. ADJOURN – at 6:30 p.m. to reconvene in the Council Chambers.**

6:30 p.m. – Council Chamber

ROLL CALL – All present.

PLEDGE TO THE FLAG – Councilmember Allen

PUBLIC COMMENT PERIOD

Pat Howlett, Concord, advised the Council of the “Buchanan Field Airport is Turning 60” celebration scheduled for Saturday, August 5 from 10:00 a.m. to 3:00 p.m. and invited the Council’s attendance and participation.

Gail Lewis, Concord, shared her desire to see a noise ordinance passed which would prohibit roosters in the residential areas of the community stating that the crowing of the roosters owned by her neighbors is a daily annoyance.

Keith McMahon, President/CEO of the Chamber of Commerce, read into the record a suggested Vision for the NWS Reuse project.

1. **PRESENTATION** - to Chief David Livingston proclaiming August 1, 2006 as “National Night Out” in Concord. **Report from Callie Foster Struggs, Neighborhood Services Manager.**

ACTION: Following a report by Callie Foster Struggs, Mayor Bonilla presented a proclamation to Chief of Police David Livingston.

2. **ANNOUNCEMENTS**

City Manager Lydia Du Borg introduced and welcomed new employees Jill Hecht, Administrative Analyst, and Ric Notini, Community Reuse Project Manager. She also introduced employee Mario Camorongon, who was recently appointed the City’s new Senior Civil Engineer.

CITY COUNCIL MATTERS

3. **CITY COUNCIL CONSENT CALENDAR**

- a. **Approval of Minutes** – of June 20, 2006 and June 27, 2006. Recommended by City Clerk.

ACTION: Minutes approved.

- b. **Matters to be set for public hearing** – on Tuesday, September 12, 2006, at 6:30 p.m. in the Council Chamber:
- 1) **La Villa Bella** – consideration of an application by Strategic Investment 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 for 12 town houses on a 0.29-acre site at 2383 Salvio Street; APN 112-135-011. Recommended by the Planning Commission.

ACTION: Public hearing set for Tuesday, September 12, 2006 at 6:30 p.m. in the Council Chamber.

- c. **Confirming** – unpaid abatement costs, administrative citations and re-inspection fees and directing Contra Costa County to assess the property owners for the appropriate amounts. Resolution 06-50 for adoption. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Resolution 06-50 adopted, confirming assessment to listed property owners.

- d. **Approving** – an agreement with Nortek in an amount not to exceed \$50,000 to provide technical support for the current Computer Aided Dispatch (CAD) System used by the Police Department, and work associated with the identification, selection, implementation and transition to a new CAD System; and to authorize the City Manager to sign the agreement, and any required amendments up to agreement, for up to an additional one-year period. Recommended by the Chief of Police.

ACTION: Agreement approved; City Manager authorized to execute the agreement and approve required amendments and extensions.

- e. **Accepting** - the public improvements constructed for Tract 8837, Concordia Subdivision, including drainage facilities, sewer facilities, street widening and other improvements required for the development of 10 single-family homes; and releasing the obligation of the bonds posted with the Subdivision Agreement. Resolution No. 06-56 for adoption. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Resolution 06-56 adopted accepting improvements and releasing the obligation of bonds.

- f. **Accepting** - improvements for Project No. 2752.5, Camp Concord Grease Interceptor, constructed by Terry's Apollo Plumbing & Heating of South Lake Tahoe and Project No. 2752.6, Camp Concord Road Repair, constructed by Kustom Koatings, Inc. of Reno, Nevada; and directing the City Clerk to file the Notices of Completion. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Improvements accepted; City Clerk authorized to file Notices of Completion.

- g. **Approving** - Master Agreements with Fehr & Peers; Geocon Consultants; JMEC Engineering, Inc.; Kimley-Horn & Associates, Inc.; Kleinfelder; Robert Mozingo, Architect; Nolte & Associates; Testing Engineers, Inc. and VBN Corporation for professional services for various capital projects and other services; and authorizing the City Manager to execute the Agreements. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Master Agreements approved; City Manager authorized to execute them.

- h. **Awarding** - a construction contract in the amount of \$73,030 to Poscon Electric, Inc. of Pittsburg as the lowest responsible bidder for Project No. 1931, Parks Lighting Improvement Program (Len Hester Park and Markham Nature Park.). Bids were opened on Tuesday, June 6 at 10 a.m. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Contract awarded as recommended.

- i. **Authorizing** - Permit Parking on Graymont Circle, Graymont Court, Parrin Court, and Drummond Place. Resolution No. 06-55 for adoption. Recommended by the Director of Public Works.

ACTION: Resolution 06-55 adopted authorizing permit parking as recommended.

- j. **Approving** - a Professional Services Agreement with Linhart Petersen Powers Associates, Inc. in an amount not to exceed \$100,000 for plan check and consulting services related to plan reviews; and authorizing the City Manager to execute the Agreement. Recommended by Director of Building, Engineering & Neighborhood Services.

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

-
- k. **Awarding** – a contract for Crack Sealant Material, RFB #2047, to Deery American Corporation, of Fruita, Colorado, as the lowest responsible bidder in the amount of \$84,730.00. Bids were opened at 10:00 a.m. on June 29, 2006. Recommended by the Director of Public Works.
- ACTION: Contract awarded as recommended.**
- l. **Accepting** – the improvements for Project No. 1928.2, Concord Community Pool Deck Repairs, constructed by Diamond Safety Concepts, Inc., of Olivehain, California; and directing the City Clerk to file the Notice of Completion. Recommended by Director of Building, Engineering, and Neighborhood Services.
- ACTION: Improvements accepted; City Clerk directed to file a Notice of Completion.**
- m. **Awarding** – a construction contract in the amount of \$229,330 to Valletta Construction, Inc. of San Francisco as the lowest responsible bidder for Project No. 2006, Kona Kai Storm Drain Improvements. Bids were opened on Wednesday, May 31, 2006 at 10:00 a.m. Recommended by Director of Building, Engineering, and Neighborhood Services.
- ACTION: Contract awarded as recommended.**
- n. **Approving** – an agreement with the Mt. Diablo Unified School District for development of the After School Education and Safety Program at 14 sites, and authorizing the City Manager to execute the agreement. Recommended by Director of Community and Recreation Services.
- ACTION: Agreement approved; City Manager authorized to execute it.**
- o. **Approving** - a new Planning Technician classification assigned to PG-ATC, pay grade 10. Resolution 06-3493.2 for adoption. Recommended by Director of Human Resources.
- ACTION: Resolution 06-3493.2 adopted approving the new classification.**
- p. **Approving** - Master Agreements for Professional Services with Abrams Associates, Dowling Associates and Omni-Means for transportation planning services, each in the amount of \$40,000; and authorizing the City Manager to execute the agreements. Recommended by Director of Public Works
- ACTION: Master Agreements approved; City Manager authorized to execute them.**
- q. **Approving** – the Final Map for Tract 9046, Port Chicago Plaza, Assessor’s Parcel

Nos. 100-370-007 and -008 contingent upon the developer complying with the remaining applicable Conditions of Approval Nos. 14 and 66 relating to indemnification clauses in Covenants, Conditions & Restrictions (CC&Rs); approving the related Subdivision Agreement; authorizing the City Manager to execute the Subdivision Agreement; and approving the modification of Condition of Approval No. 75, allowing a merged driveway option. Resolution 06-54 for adoption. Recommended by Director of Building, Engineering, and Neighborhood Services.

ACTION: Resolution 06-54 adopted approving the Final Map contingent upon compliance with Conditions of Approval Nos. 14 and 66; Subdivision Agreement approved; City Manager authorized to execute the Subdivision Agreement; and modifications of Condition of Approval No. 75 approved as recommended.

4. CITY COUNCIL CONSIDERATION

- a. **Consideration** – of Tobacco Retailers License Ordinance alternatives and setting a public hearing for Tuesday, September 5, 2006 at 6:30 p.m. in the Council Chamber. **Report by Mark Deven, Assistant City Manager.**

ACTION: Report heard; staff directed to develop an amendment to the Municipal Code establishing a Tobacco Retailers License Ordinance, and setting a public hearing for Tuesday, September 5, 2006.

5. CITY COUNCIL PUBLIC HEARING

- a. **Proposed Amendment to Concord Municipal Code - Cable Ordinance Amendment** - consideration of a proposed amendment which would revoke 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. This matter was originally set for public hearing for May 23, 2006. Ordinance 06-7 for introduction. Recommended by Director of City Management.

ACTION: This item was pulled from the calendar and the public hearing was cancelled.

5. CITY COUNCIL PUBLIC HEARING (Contd.)

- b. **Comcast Franchise Renewal - 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. This matter was originally set for public hearing for May 23, 2006. Recommended by the Council Committee on Infrastructure & Franchise

ACTION: This item was pulled from the calendar and the public hearing was cancelled.

- c. **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. This item was continued from May 23, 2006 at the request of the developer. **Report by Jim Forsberg, Director of Planning and Economic Development.**

ACTION: Resolution 06-4823.2 adopted, approving the General Plan Amendment, adopting a Mitigated Negative Declaration with Mitigation Monitoring Report as the appropriate Environment document; Ordinance 06-8 introduced by reading of the title only and waiving further reading; staff directed to review the ability to sell the Redevelopment Agency owned Masonic Temple for \$1 and to report back to the Council/Redevelopment Agency at a later date.

JOINT CITY COUNCIL/

REDEVELOPMENT AGENCY

6. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

- a. **Matter to be set for public hearing - on Tuesday, October 3, 2006 at 6:30 p.m.** in the Council Chamber - consideration of a proposed Redevelopment Agency Plan Amendment No. 13 for the Central Concord Redevelopment Project which would add three sub-areas located within the City of Concord: The North Concord, Willow Pass Corridor and Monument Corridor Sub-areas; increase the limit on the amount of bonded indebtedness secured by tax increment that may be outstanding for certain Parcels of the existing Redevelopment Project Area; and make certain clarifying and technical changes to ensure the existing Redevelopment Plan is consistent with previously adopted ordinances. Recommended by the Director of Planning and Economic Development.

ACTION: Public hearing set for Tuesday, October 3, 2006 at 6:30 p.m. in the Council Chamber.

- b. **Approving** – an agreement with Housing Rights, Inc. for comprehensive housing counseling services for Fiscal Year 2006-07 in the amount of \$69,216, and authorizing the City Manager/Executive Director to execute the contract. Recommended by Director of Planning and Economic Development.

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

7. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

- a. **Central Concord Redevelopment Plan Debt Time Limit** – consideration of adopting an ordinance to amend the Redevelopment Plan to extend the time limit of the effectiveness of the plan and the time limit to repay indebtedness by one year for each year in which an Educational Revenue Augmentation Fund (ERAF) payment is made to Contra Costa County. Ordinance 06-9 (uncodified) for introduction. **Report by Helen Bean, Redevelopment/Economic Development Manager.**

ACTION: Ordinance 06-9 (Uncodified) introduced by reading of the title only and waiving further reading.

8. CORRESPONDENCE

- a. Treasurer's Report for the month of May, 2006.
- b. Buchanan Field Airport Celebration flyer submitted by Pat Howlett, Concord.
- c. Letter dated July 25, 2006 entitled *Reuse Plan-Community Advisory Structure* submitted by Keith McMahon, President/CEO, Concord Chamber of Commerce.
- d. Letter dated July 25, 2006 entitled *NWS Reuse Vision* read into the record by Keith McMahon, President/CEO Concord Chamber of Commerce.
- e. Letter from Bob Mattson regarding the preservation of the Masonic Temple.
- f. E-mail dated July 25, 2006 from Isabella Landig-Collins regarding the proposed demolition of the Masonic Temple.
- g. E-Mail from Jan Sprague dated July 25, 2006 regarding the proposed demolition of the Masonic Temple.
- h. E-mail from Sue Leontini Swearingen dated July 24, 2006 supporting a full EIR for the Masonic Temple.
- i. Letter dated July 25, 2006 from Mary E. Tressel regarding the Masonic Temple, including a letter from son Jacob supporting the preservation of the Masonic Temple.
- j. Notation from Nita Kissinger stating that the Masonic Temple should not be torn down.
- k. E-mail from Michele Taylor Martin dated July 25, 2006 supporting the preservation of the Masonic Temple.
- l. E-mail from Kathy Gleason dated July 25, 2006 supporting the preservation of the Masonic Temple.
- m. Recap of a telephone call taken July 25, 2006 from a Valle Verde school teacher who expressed the value of the Concord Gallery currently occupying the Masonic Temple.
- n. Recap of a telephone call taken July 25, 2006 from Ed Zawatson stating his opposition of tearing down the Masonic Temple.

8. CORRESPONDENCE (Contd.)

- o. Memorandum dated July 25, 2006 entitled *Recovery of Administrative Citations, Re-*

Inspection Fees and Abatement removing Renzo Solari from the Cost Accounting Report; reference Item 3.c.

- p. Recap of a telephone call taken July 25, 2006 from Janet Tonnesson supporting the preservation of the Masonic Temple.
- q. E-Mail from Denise Miller, Co-Gallery Director, dated July 25, 2006 stating the Masonic Temple is vital to the existence of the Concord Gallery.
- r. E-mail from Carol Hess dated July 25, 2006 expressing the value of the Concord Gallery operations to the educational programs of Mt. Diablo schools.
- s. E-mail from Karen Mason dated July 25, 2006 expressing her desire to see the Masonic Temple preserved so that the California Watercolor Association has a place to continue to display their artwork.
- t. Revised Map A, Exhibit A to Ordinance 06-8; reference Item 5.c.
- u. E-mail from Bondi Abraham dated July 25, 2006 regarding preservation of the Masonic Temple.

9. CLOSED SESSION REPORTS - None

10. COUNCIL AND STAFF REPORTS

Mayor Bonilla and Councilmember Hoffmeister advised they would be attending the League of California Cities' *2006 Mayors & Council Members Academy - Executive Forum*

11. ADJOURNMENT – at 11:20 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, August 1, 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.