

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
FEBRUARY 14, 2006

The Concord City Council and Redevelopment Agency met in a regular joint meeting on Tuesday, February 14, 2006 in the Council Chambers. The meeting convened at 6:40 p.m. with Mayor/Agencymember Bonilla presiding. All Councilmembers were present. The pledge to the flag was led by Councilmember Shinn. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Helen Allen, Laura Hoffmeister, Mark Peterson, Bill Shinn, Susan Bonilla

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Lydia Du Borg, City Manager; Mary Rae Lehman, City Clerk; Mark Boehme, Assistant City Attorney; Mark Deven, Assistant City Manager; Peggy Lefebvre, Director of Finance; Qamar Khan, Director of Public Works; Alex Pascual, Director of Building, Engineering, and Neighborhood Services

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL: Virginia Brunk, Concord; Joseph V. A. Partansky, Concord

PUBLIC COMMENT PERIOD

Virginia Brunk, Chair of the Commission on Aging, presented a card of appreciation on behalf of the Commission for the Centennial celebrations.

Joseph V. A. Partansky, Concord, shared his desire to see more support of youth partnerships within the City and with the Mt. Diablo Unified School District.

CITY COUNCIL MATTERS

APPROVAL OF MINUTES

Motion was made by Allen and seconded by Shinn to approve the minutes of January 24, 2006. Motion passed by unanimous vote of the Council.

AGREEMENT WITH FRANCISCO & ASSOCIATES – Engineering Services for the 2006/2007 Landscape and Lighting Assessment Districts

Motion was made by Allen and seconded by Shinn to approve an agreement with Francisco & Associates in the amount of \$29,000 to provide engineering services for the City of Concord's 2006/2007 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 to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-7 – Ordering Engineer's Report for the Downtown Landscape Maintenance District

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-7, entitled "A RESOLUTION ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT." Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-8 – Ordering Engineer's Report for the Pine Hollow Landscape Maintenance District

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-8, entitled "A RESOLUTION ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR THE PINE HOLLOW LANDSCAPE MAINTENANCE DISTRICT." Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-9 – Ordering Engineer's Report for the Landscaping and Lighting Maintenance District #3

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-9, entitled "A RESOLUTION ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT #3." Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-10 – Ordering Engineer's Report for the Citywide Street Lighting Assessment District

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-10, entitled "A RESOLUTION ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR THE CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT." Motion passed by unanimous vote of the Council.

APPOINTMENT TO CONTRA COSTA MOSQUITO AND VECTOR CONTROL DISTRICT

Motion was made by Allen and seconded by Shinn to appoint Angela Micheals-Tibbals to serve as the City's representative on the Contra Costa Mosquito and Vector Control Board of Trustees for a term ending December 31, 2007. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-13 – Amendment of FY 2005/2006 Annual Budget

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-13, entitled "A RESOLUTION AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2005/2006" to reflect adjustments deemed necessary based upon a review of projected revenue and expenditures as of December 31, 2005. Motion passed by unanimous vote of the Council.

APPOINTMENT TO CONTRA COSTA COUNTY AVIATION ADVISORY COMMITTEE

Motion was made by Allen and seconded by Shinn to recommend Patricia Howlett for reappointment by the Board of Supervisors to serve as the City's representative on the Contra Costa County Aviation Advisory Committee for a term ending February 28, 2008. Motion passed by unanimous vote of the Council.

APPOINTMENT TO CONTRA COSTA TRANSPORTATION AUTHORITY, CITIZEN'S ADVISORY COMMITTEE

This item was pulled from the calendar at the request of Joseph V. A. Partansky who stated his support of the appointment and expressed his appreciation that some of the volunteer appointments are listed in the City's Passport Directory. He stated that he would like to see all the Board and Commission appointments also listed in the directory.

Motion was made by Shinn and seconded by Hoffmeister to approve the appointment of John Mercurio to serve as the City's representative on the Contra Costa Transportation Authority, Citizen's Advisory Committee for a term ending December 31, 2007. Motion passed by unanimous vote of the Council.

PROPOSED AMENDMENT TO CONCORD MUNICIPAL CODE – Animal Control Ordinance

The notice of public hearing was published in the Contra Costa Times and posted in the posting cabinet at the Concord Civic Center on February 3, 2006.

Motion was made by Allen and seconded by Shinn to table the item to a date uncertain pending further action by the County Board of Supervisors. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-12 – Bay Built Appeal

The notice of public hearing was published in the Contra Costa Times, mailed to affected parties and posted in the posting cabinet at the Concord Civic Center on February 3, 2006.

Planning Manager Deborah Raines presented a report, referring to her memorandum dated February 14, 2006, regarding the appeal by Jeff McDermont, representing Bay Built, of the Planning Commission's action (4-1; Bjerke - No) to deny an application to establish a modern art/body art (tattoo) studio at 1924 Grant Street, Suite #6. She stated that the proposed business is within the City's redevelopment area which strives to improve the quality and mix of uses in the downtown area under the Economic Vitality Strategy plan adopted in 1997. She further stated that it was the opinion of staff that the proposed use of body art/tattooing is inconsistent with the City's policy documents and the objectives to revitalize the downtown area with commercial uses that eliminate blighting conditions and fulfill positive neighborhood objectives.

The public hearing was opened.

Jeff McDermont, appellant and Concord resident, gave a brief overview of the proposed business operations and the events which had occurred to date including the signing of a one-year lease, expenditures incurred and already made in facility modifications and designs to the leased unit, and the vandalism which recently occurred at the location. He then answered questions posed by the Council.

Grace Taylor, San Rafael, and Mike Lujan, Concord, expressed support of the business and encouraged the Council to approve it.

Keith McMahon, President of the Concord Chamber of Commerce and speaking on behalf of businesses in the Todos Santos Plaza area, stated that a tattooing business was not the type of business suited for the Todos Santos Park area.

Rev. Bill Alexander, Concord, read a letter from Mary Naegeli of the First Presbyterian Church, stating that in her opinion, the tattoo business would not promote the quality of life in the downtown area that the City had worked so hard to build.

A. C. Macdonald, Anne Macdonald, Erin Ruiz, Reiko Chong, Glenda Velasco, Frank Chong, Ron Penny, and Mark Krajcar each spoke in support of allowing the business in the proposed location.

John Egan, resident of Concord, shared his concern over the location of the business being in an area where high school students congregate nearly every day.

Jeff McDermont addressed additional questions from the City Council and provided additional information about the proposed business.

The public hearing was closed.

The Council recessed at 8:30 p.m. and reconvened at 8:47 p.m.

Following numerous comments by the Councilmembers, a motion was made by Peterson and seconded by Hoffmeister to uphold the Planning Commission's decision and adopt Resolution 06-12, entitled "A RESOLUTION DENYING THE APPEAL OF THE PLANNING COMMISSION'S DENIAL OF BAY BUILT'S OCCUPANCY AT 1924 GRANT STREET, SUITE #6." The motion passed by the following vote of the Council:

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

APPOINTMENTS TO THE CONCORD APPEALS BOARD

Following a report by Chair Hoffmeister of the Council Committee on Infrastructure and Franchise, a motion was made by Hoffmeister and seconded by Allen to reappoint William M. Abend, Robert Delucchi, and Charles Hazarian to the Concord Appeals Board for two-year terms ending February 28, 2008. Motion passed by unanimous vote of the Council.

APPOINTMENTS TO THE CONCORD DESIGN REVIEW BOARD

Following a report by Chair Allen of the Council Committee on Housing and Economic Development, a motion was made by Allen and seconded by Shinn to reappoint John Mercurio and Jack Moore to the Concord Design Review Board for two-year terms ending February 28, 2008. Motion passed by unanimous vote of the Council.

APPOINTMENTS TO THE CONCORD COMMISSION ON AGING

Following a report by Chair Shinn of the Council Committee on Neighborhood and Community Services, a motion was made by Shinn and seconded by Hoffmeister to reappoint Arthur Gubisch, Esther Nicasastro-Capon, Charles Rogers, and William Schafer to the Concord Commission on Aging for terms ending June 30, 2007, and to appoint Bruce Dexter, Delores Leon, and Louise Sprague to terms ending June 30, 2008. Motion passed by unanimous vote of the Council.

APPOINTMENTS TO THE CONCORD PLANNING COMMISSION

Following one round of balloting, a motion was made by Allen and seconded by Shinn to reappoint Bill E. Brumley and Gene Sylls to the Concord Planning Commission for two-year terms ending February 28, 2008. Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MATTERS

CORRESPONDENCE

- E-mail from Thomas Bloxham dated February 13, 2006 opposing Bay Built in the proposed location.
- February 14, 2006 letter from Rev. Mary Holder Naegeli opposing Bay Built in the proposed location.
- Card of congratulation for a job well done on the Centennial Celebration from the Concord Commission on Aging.
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- Three State Bar Association pamphlets presented by Joe Partansky.

ADJOURNMENT – at 9:47 p.m. in memory of William Leal III, longtime Trustee of the Mt. Diablo Unified School District Board.

SUSAN A. BONILLA
MAYOR/AGENCYMEMBER

WILLIAM D. SHINN
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK/AGENCY SECRETARY