

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY
PERMIT CENTER CONFERENCE ROOM
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
APRIL 11, 2006

The Concord City Council and Concord Community Services Commission met in a Joint Study Session on Tuesday, April 11, 2006 in the Permit Center Conference Room at 5:40 p.m. to consider accepting the Proposed Draft 2006-07 Action Plan for community grant funding in all project categories from Community Development Black Grant Funds, City of Concord General Fund, and Child Care Developer fees. Mayor Bonilla presided. All members of the Council were present (Vice Mayor Peterson arrived at 5:45 p.m. and Councilmember Allen arrived at 6:00 p.m.); as were Commissioners Camaddo, Green, Hussain, Kunz, Lawson, Ormiston, and West. There were no public comments. A report on the funding of a variety of human services programs and housing, capital improvement, and other projects through Concord's annual Community Grant process was presented by Community Services Manager Teri House, and an overview of the review and recommendation process was presented by Commission Chair Moize Hussain and Commissioner Earl Ormiston. The Council reviewed the Community Services Commission recommendations that comprise the draft 2006-07 Action Plan for grant funding, made comments, and confirmed the recommendations be presented at a Public Hearing on April 25, 2006 at 6:30 p.m.

The meeting was recessed at 6:27 p.m. to reconvene in the City Council Chamber in a regular joint meeting of the Concord City Council and Redevelopment Agency at 6:50 p.m. with Mayor/Agencymember Bonilla presiding. All members 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, William Shinn, Susan Bonilla

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Lydia Du Borg, City Manager; Mary Rae Lehman, City Clerk; Craig Labadie, City Attorney; Mark Deven, Assistant City Manager; Peggy Lefebvre, Director of Finance; Alex Pascual, Director of Building, Engineering, and Neighborhood Services; Cherie Rosenquist, Director of Human Resources; Jim Forsberg, Director of Planning and Economic Development; Joan Carrico, Director of Community and Recreation Services

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL:

Joseph V. A. Partansky, Concord; Dirk Wentling, Concord; Paul Lopez, Concord

PUBLIC COMMENT PERIOD

There were no public comments

PROCLAMATION – West Nile Virus and Mosquito and Vector Control Awareness Week

Mayor Bonilla presented a proclamation to Angela Micheals-Tibbals, Concord's representative to the Contra Costa County Mosquito and Vector Control Board of Trustees proclaiming April 24 through April 30, 2006 as "West Nile Virus and Mosquito and Vector Control Awareness Week" in the City of Concord.

PRESENTATION – Senior Mobility Issues

Director of Community and Recreation Services Joan Carrico introduced Earle Ormiston, representing "For Every Generation Transportation Work Group", Gretchen Hansen, Paratransit Manager for the Rossmoor Community, and Elaine Welch, Executive Director of Senior Helpline Services, who made a presentation on senior mobility issues.

CITY COUNCIL MATTERS

APPROVAL OF MINUTES

Motion was made by Allen and seconded by Shinn to approve the minutes of March 14, 2006. Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla Noes: None Absent: None Abstained: Allen (Councilmember Allen abstained due to absence from the March 14, 2006 meeting.)

ADOPTION OF RESOLUTION 06-20 – Accepting Engineer's Report, Downtown Landscape Maintenance District

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-20, entitled "ADOPTION OF A RESOLUTION ACCEPTING THE ENGINEER'S REPORT FOR THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT." Motion passed by unanimous vote of the City Council.

ADOPTION OF RESOLUTION 06-21 – Accepting Engineer's Report, Pine Hollow Landscape and Lighting Maintenance District

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-21, entitled "ADOPTION OF A RESOLUTION ACCEPTING THE ENGINEER'S REPORT FOR THE PINE HOLLOW LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT." Motion passed by unanimous vote of the City Council.

ADOPTION OF RESOLUTION 06-22 – Accepting Engineer's Report, Landscape and Lighting Assessment District #3

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-22, entitled "ADOPTION OF A RESOLUTION ACCEPTING THE ENGINEER'S REPORT FOR THE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT #3." Motion passed by unanimous vote of the City Council.

ADOPTION OF RESOLUTION 06-23 – Accepting Engineer’s Report, Citywide Street Lighting Assessment District

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-23, entitled “ADOPTION OF A RESOLUTION ACCEPTING THE ENGINEER’S REPORT FOR THE CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT.” Motion passed by unanimous vote of the City Council.

ADOPTION OF RESOLUTION OF INTENTION 06-24 – Downtown Landscape Maintenance District

Motion was made by Allen and seconded by Shinn to adopt Resolution of Intention 06-24, entitled “ADOPTION OF A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT.” Motion passed by unanimous vote of the City Council.

ADOPTION OF RESOLUTION OF INTENTION 06-25 – Pine Hollow Landscape and Lighting Maintenance District

Motion was made by Allen and seconded by Shinn to adopt Resolution of Intention 06-25, entitled “ADOPTION OF A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE PINE HOLLOW LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT.” Motion passed by unanimous vote of the City Council.

ADOPTION OF RESOLUTION OF INTENTION 06-26 – Landscape and Lighting Maintenance District #3

Motion was made by Allen and seconded by Shinn to adopt Resolution of Intention 06-26, entitled “ADOPTION OF A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT #3.” Motion passed by unanimous vote of the City Council.

ADOPTION OF RESOLUTION OF INTENTION 06-27 – Citywide Street Lighting Assessment District

Motion was made by Allen and seconded by Shinn to adopt Resolution of Intention 06-27, entitled “ADOPTION OF A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT.” Motion passed by unanimous vote of the City Council.

SETTING FOR PUBLIC HEARING – John Muir Health TEFRA Hearing

Motion was made by Allen and seconded by Shinn to set a public hearing on Tuesday, April 25, 2006 at 6:30 p.m. in the Council Chamber, and waive the three-week noticing requirement, to consider, in accordance with Section 147(f) of the Internal Revenue Code of 1986 Tax Equity and Fiscal Responsibility Act (TEFRA), the proposed issuance by California Statewide Communities Development Authority of revenue bonds in one or more series in an amount not to exceed \$350,000,000 (the “Bonds”); a portion of the proceeds of the Bonds, in the approximate amount of \$25,000,000 to be used by John Muir Health (the “Borrower”) to finance the cost of acquisition, construction, improvement, equipping, renovation, rehabilitation, remodeling and other capital projects on or about John Muir Health, Concord Campus, located at or near 2540 east Street, Concord, California, facilities that are owned and operated by the Borrower, a California nonprofit public benefit corporation and an organization as described in Section 501(c)(3) of the Code. Motion passed by unanimous vote of the City Council.

AWARD OF CONTRACT – Project No. 1752.2 (now Project No. 2752.2), Concord Library Improvements, and Project No. 2001, Civic Center ADA Door Improvements

This item was pulled from the consent calendar by Joseph V. A. Partansky who complimented the City on making the Council Chambers accessible to the disabled. Director of Building, Engineering, and Neighborhood Services Alex Pascual advised that approximately \$14,000 of the contract would be used for automated accessibility doors on the Council Chamber and approximately \$99,000 would be used for library improvements.

The following bids were opened on Wednesday, March 15, 2006:

River City Painting	\$112,956.33
ABK – Anthony B. Kohler Construction Company	\$117,459.00
FIX Painting Co.	\$162,107.20

Motion was made by Allen and seconded by Hoffmeister to award a construction contract for PJ #1752.2 (now Project No 2752.2), Concord Library Improvements, and PJ #2001, Civic Center ADA Door Improvements, to River City Painting of Sacramento as the lowest responsible bidder in the amount of \$112,957. Motion passed by unanimous vote of the City Council.

AGREEMENT AMENDMENT WITH BILL GRAHAM ENTERPRISES – Pavilion Management Agreement

Assistant City Manager Mark Deven presented a report, referring to his memorandum dated April 11, 2006, stating that Bill Graham Presents (BGP) requested to exercise the option for another term, along with additional modifications to the agreement, in accordance with agreement provisions of the Pavilion Management Agreement approved February 29, 2000. He further stated that the Council had approved an agreement on November 22, 2005, with Tonic Entertainment to assist the City in negotiations with Bill Graham Presents which resulted in a new, more favorable proposal from BGP. Following comments by the City Council, Trevor Ralph, General Manager of the Sleep Train Pavilion at Concord and Sleep Train Amphitheatre in Marysville for Bill Graham Presents, provided answers to several questions posed by the Council concerning the general entertainment business. Motion was made by Shinn and seconded by Allen to approve a revision in the term length of the first extension changing it from five years to two years, to revise the payment and designation of related fees, to designate a new name and title sponsor to now be known as Sleep Train Pavilion at Concord, and to authorize the City Manager to execute the amendment. Motion passed by unanimous vote of the City Council.

ADOPTION OF RESOLUTION 06-4823.1 – Enea Circle General Plan Amendment and Palmero Preliminary Development Plan

The notice of public hearing was published in the Contra Costa Times, mailed to affected parties and posted in the Civic Center posting cabinet on March 31, 2006.

Planning Manager Deborah Raines presented a report, referring to her memorandum dated April 11, 2006 regarding consideration of applications by Enea Square Partners and Allied Investments for the construction of up to 224 residential condominiums on a 4.64 acre site located at 1401 and 1465 Enea Circle. She stated that the General Plan designation is currently Regional Office and would require a General Plan Amendment to include the project area including seven parcels, APN's 126-300-023, -030, -033, -035, -043, -044 and -047, totaling 10.51 acres located in the area of Enea Circle, amending the land use designation to High Density Residential/Regional Office and that the Zoning classification is Planned District (PD). She referred the Council to a benched letter from the developer dated April 11, 2006 requesting a change in Condition #7 which would allow the payment of an in-lieu fee to fulfill their affordable housing obligation and concluded by recommending the Council adopt a Mitigated Negative Declaration, and approve the General Plan Amendment and a Preliminary Development Plan.

Housing Manager Amy Hodgett and Amy DeVaudreuil, an attorney with Goldfarb and Lipman, answered questions posed by the Council regarding affordable housing requirements and State Redevelopment law.

The Mayor called a recess at 8:30 p.m. and reconvened at 8:42. p.m.

Paul Lopez, representative of Enea Square Partners LP and Allied Investments, requested the Council consider waiving the fee charges on the units which are exempt under current code even though their recent letter indicated that they would pay the amount on all marketable units and stated that he would leave that decision to the pleasure of the Council. He introduced Architect John Thatch who gave an overview of the architectural designs of the project.

Mayor Bonilla opened the public comment period.

Concord resident Dirk Wentling stated his opposition to the project in the proposed location specifically citing the impact of increased traffic along Willow Pass Road.

Following the close of the public comment period, and comments by the Councilmembers, motion was made by Peterson and seconded by Allen to adopt Resolution 06-4823.1, entitled "A RESOLUTION CONFIRMING THAT A MITIGATED NEGATIVE DECLARATION IS THE APPROPRIATE ENVIRONMENTAL DOCUMENT AND APPROVING A GENERAL PLAN AMENDMENT FOR 1401 ENEA CIRCLE, 1465 ENEA CIRCLE (COMPRISED OF TWO PARCELS), 1485 ENEA CIRCLE, 1505 WILLOW PASS ROAD, 1470 ENEA CIRCLE, AND 1450 ENEA CIRCLE," and to adopt Resolution 06-28, entitled "A RESOLUTION CERTIFYING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR THE PALMERO RESIDENTIAL CONDOMINIUMS," and adding the amendment of Condition #7 to pay a mitigation fee for each of the marketable units in the amount of \$18,560 as stated in the benched April 11, 2006 letter, directing staff to initiate an amendment of the Parking Ordinance allowing street parking to satisfy guest parking requirements based on proximity to transit or parking garages and reevaluating the guest parking ratio, and later amending the motion with consent of the entire Council to include the developer make a good faith effort to build affordable housing units on another parcel within the City limits at a later date. Motion passed by the following vote of the Council:

Ayes: Allen, Peterson, Shinn, Bonilla

Noes: Hoffmeister

Absent: None

CITY COUNCIL SITTING AS THE LOCAL REUSE AUTHORITY

AUTHORIZATION TO COMMUNICATE – Secretary of the Navy

Motion was made by Allen and seconded by Shinn to authorize the Local Reuse Authority Executive Director to send a letter requesting the Secretary of the Navy to postpone the Department of the Navy's Determination of Surplus Property for a minimum of ninety days up to a maximum period of six months to allow adequate time for careful review and consideration of the application for transfer received by the Navy during the Department of Defense and federal screening process, to allow time for the Navy to finalize negotiations for transfer requests with the Coast Guard and the Army, and to provide additional time for the Local Reuse Authority to complete the Phase I public outreach process. Motion passed by unanimous vote of the City Council.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY

AGREEMENT WITH GESINEE AND DANIEL VAN ATTA – Façade Improvement Program Grant

Motion was made by Allen and seconded by Shinn to approve a Façade Improvement Program Grant Agreement in the amount of \$5,000 with Gesinee and Daniel Van Atta for façade improvements at 2355-2357 Concord Boulevard, and to authorize the Executive Director to execute the agreements. Motion passed by unanimous vote of the City Council.

CORRESPONDENCE

- a. Letter from Enea Square Partners, LP regarding guest parking changes dated April 10, 2006.
- b. Letter from Enea Square Partners, LP regarding changes to Condition #7 dated April 11, 2006.
- c. Recap of telephone call from resident Ed Seghers on April 11, 2006 regarding terms of proposed Pavilion agreement.

COUNCIL AND STAFF REPORTS

Councilmembers highlighted events they had attended during the prior week.

By order of the Chair, the meeting was adjourned at 10:15 p.m.

SUSAN A. BONILLA
MAYOR/AGENCYMEMBER

WILLIAM D. SHINN
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK/AGENCY SECRETARY