

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL AND
REDEVELOPMENT AGENCY
COUNCIL CHAMBERS
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
MAY 23, 2006

The Concord City Council/Redevelopment Agency met in a regular joint meeting on Tuesday, May 23, 2006 at 5:30 p.m. in the City Council Conference Room. Vice Mayor Peterson was absent. Mayor/Agencymember Bonilla presided and there were no public comments. The meeting adjourned at 5:35 p.m. to immediately reconvene in closed session to a) confer with legal counsel to discuss mediation arising out of public employees pursuant to Government Code Sections 54956.9(b) and 54957, and b) confer 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 No. C97-02154 and C97-02155. The meeting adjourned at 6:30 p.m. to reconvene in the Council Chambers.

The Concord City Council and Redevelopment Agency reconvened at 6:35 p.m. in the Council Chambers, Mayor/Agencymember Bonilla presiding. The pledge to the flag was led by Boy Scout Troop 226. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Helen Allen, Susan Bonilla, Bill Shinn, Laura Hoffmeister
Mark Peterson arrived at 7:45 p.m.

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Lydia Du Borg, City Manager; Mark Deven, Assistant City
Manager; Craig Labadie, City Attorney; Mary Rae Lehman,
City Clerk; Alex Pascual, Director of Public Works -
Engineering Services; Qamar Khan, Director of Public
Works; Joan Carrico, Director of Community and Recreation
Services; Michael Wright, Reuse Project Director

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL: Alan Smith, Concord; Joseph V. A. Partansky, Concord;
Kathy Gleason, Concord; Kent Fickett, Orinda; Ray O'Brien,
Bay Point; Sandy Johnson, Concord; Ken Clarke, Concord;
Mike Daley, Berkeley; James Dugart, Concord; Ursula Luna,
Concord; Keith McMahon, Concord

PUBLIC COMMENT PERIOD

Alan Smith requested support for Proposition 81 on the June 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*.

PRESENTATION - Neighborhood Partnership Graduations

Mayor Bonilla presented Certificates of Graduation to representatives of the Baldwin Park,

Canterbury Village, Cambridge Park, and Holbrook Neighborhood Partnerships who were in the audience.

PRESENTATION - Friends of Camp Concord

Director of Community and Recreation Services Joan Carrico gave a brief report in the absence of Dave Goldman, President of Friends of Camp Concord, detailing a donation in the amount of \$47,000 for the Recreation Activity Scholarship Fund. She explained that the funds are proceeds from the Youth Golf Tournament and that the support of Friends of Camp Concord was instrumental in adding a low rope challenge to the activities at Camp Concord.

ANNOUNCEMENT - Introduction of Reuse Project Director

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

CITY COUNCIL MATTERS

REJECTION OF BID - RFB# 2029, Supply and Install Fencing as Needed

Motion was made by Hoffmeister and seconded by Allen to authorize the rejection of a sole bid by Northern American Fence and Supply, Inc. of Oakland, for RFB# 2029, Supply and Install Fencing as Needed. Motion passed by the following vote of the Council:

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

ADOPTION OF RESOLUTION 06-39 - Application to U.S. Department of Housing and Urban Development

Motion was made by Hoffmeister and seconded by Allen to adopt Resolution 06-39, entitled, "A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FUNDING UNDER THE HEALTHY HOMES PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HEALTHY HOMES PROGRAM" authorizing the submittal of an application for funding in the amount of \$1,000,000 for the Fiscal Year 2006 Healthy Homes Program. Motion passed by the following vote of the Council:

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

ADOPTION OF RESOLUTION 06-41 - Call for General Municipal Election

Motion was made by Hoffmeister and seconded by Allen to adopt Resolution 06-41, entitled "A RESOLUTION CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006 FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS," to choose successors for the term expirations of Councilmember Helen Allen, Susan Bonilla, and Laura Hoffmeister; City Treasurer Thomas Wentling; and City Clerk Mary Rae Lehman. Motion was passed by the following vote of the Council:

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

AWARD OF CONTRACT - Project No. 1709.3, Ygnacio Valley Neighborhood Park Irrigation Well Replacement

Motion was made by Hoffmeister and seconded by Allen to award a construction contract to Maggiora Brothers Drilling of Watsonville as the lowest responsible bidder in the amount of \$130,000 for Project 1709.3, Ygnacio Valley Neighborhood Park Irrigation Well Replacement. Motion passed by the following vote of the Council:

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

PROFESSIONAL SERVICES AGREEMENT - Moore Iacofano Goltsman, Inc. (MIG)

This item was removed from the calendar by staff to allow Julia Dos Santos to present a report on the Americans with Disabilities Act (ADA) Transition Plan Update required of the City. She stated that the City is required to conduct a self evaluation and would be holding two public meeting to receive input from the citizens of the community.

Joseph V. A. Partansky, Concord, commended the City on the effort and asked that all historical data on ADA matters be given to the contractor hired to prepare the Plan.

Motion was made by Hoffmeister and seconded by Shinn to approve 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; to approve a related budget transfer in the amount of \$27,000; and to authorize the City Manager to execute the agreement. Motion passed by the following vote of the Council:

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

ESPLANADE GENERAL PLAN AMENDMENT AND MUNICIPAL CODE AMENDMENT

The notice of public hearing was published in the Contra Costa Times, mailed to all interested and affected parties, and posted in the Civic Center posting cabinet on May 9, 2006.

Mayor Bonilla announced that the City had received a letter from the developer asking that the item be continued due to family health matters. Motion was made by Allen and seconded by Shinn to continue the item to Tuesday, July 25, 2006 at 6:30 p.m. without opening the public hearing and that the item be renoticed to all parties and a legal notice be published in the newspaper. Motion passed by the following vote of the Council:

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

PROPOSED MUNICIPAL CODE AMENDMENT - Cable Ordinance Amendment

The notice of public hearing was published in the Contra Costa Times, mailed to all interested parties, and posted in the Civic Center posting cabinet on May 9, 2006.

Motion was made by Shinn and seconded by Hoffmeister to continue the public hearing to consider 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 to Tuesday, July 25, 2006 at 6:30 p.m.

Joseph V. A. Partansky, Concord, stated that in his opinion the Cable Ordinance was independent of the Comcast Franchise Renewal which is also recommended for continuation, and that the matter should be heard.

Motion passed by the following vote of the Council:

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

ADOPTION OF RESOLUTION 06-32 - Comcast Franchise Renewal

The notice of public hearing was published in the Contra Costa Times, mailed to interested parties, and posted in the Civic Center posting cabinet on May 12, 2006 and May 17, 2006.

At the recommendation of staff, motion was made by Allen and seconded by Hoffmeister to continue the public hearing to consider a 15-year non-exclusive cable television franchise agreement with Comcast, renewing the current agreement with new terms and conditions as recommended by the Council Committee on Infrastructure and Franchise. Motion passed by the following vote of the Council:

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

GENERAL PLAN UPDATE - Eliminate Concord Naval Weapons Station From the Project

Principal Planner Phillip Woods presented a report, referring to his memorandum dated May 23, 2006 stating that based on testimony received at the April 19, 2006 Planning Commission meeting, the City Council was being asked to review and consider whether there is a conflict between the process and timeframe for the General Plan Update which was initiated in March 2003, and the recently initiated Concord Community Reuse Project. He further stated that the Federal Government's approval of the closure of the inland area of the Concord Naval Weapons Station and the proposed General Plan update for that area has caused some confusion within the community. The proposed action, he said, would provide the opportunity for the Council and the community to review the future of the Naval Weapons Station property without language imposed by the General Plan update document.

Following comments from the Council, the public comment period was opened.

Resident Kathy Gleason read a letter she had submitted to Council dated May 23, 2006.

Ken Fickett, resident of Orinda; Mike Daley, representing the Sierra Club of Berkeley; James Dugart, Concord; and Ursula Luna, Concord, each expressed their desire to remove the Concord Naval Weapons Station from the General Plan Update.

Ray O'Brien, Bay Point, stated his desire to see representative of all the local communities represented on a panel to determine the future development of the Concord Naval Weapons Station.

Sandy Johnson, Concord, requested the definition of the term "open space."

Keith McMahon, Concord Chamber of Commerce, and Ken Clarke, Concord, each stated that they would like the General Plan Update to proceed as initiated.

The public comment period was closed and the Councilmember made comments.

Motion was made by Allen and seconded by Hoffmeister to accept the Planning Commission's recommendation to refocus the General Plan Update and shift the emphasis to the existing urban area by taking out the proposed development parameters for the Concord Naval Weapons Station. The motion passed by unanimous vote of the Council.

CITY COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY

PROFESSIONAL SERVICES AGREEMENT – Environmental Risk Services Corporation

Motion was made by Shinn and seconded by Hoffmeister to approve a professional services agreement in the amount of \$140,000 with Environmental Risk Services Corporation (ERS) for the Concord Community Reuse Project environmental data research; and to authorize the Local Reuse Authority Executive Director to execute the agreement. Motion passed by unanimous vote of the Authority.

PROFESSIONAL SERVICES AGREEMENT – Garrity and Knisely

Motion was made by Shinn and seconded by Hoffmeister to approve a professional services agreement in the amount of \$210,000 with Garrity and Knisely for the Concord Community Reuse Project legal services; and to authorize the Local Reuse Authority Executive Director to execute the agreement. Motion passed by unanimous vote of the Authority.

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, Redevelopment: Low and Moderate Income Housing Fund.
- d) Letter dated May 16, 2006 from Craig F. Anderson representing DeNova Homes, requesting on behalf of Applicant David Sanson to continue the Public Hearing scheduled for the Esplanade General Plan Amendment.
- e) Copy of the May 16, 2006 letter mailed to interested persons entitled *Concord's Americans with Disabilities Act (ADA) Transition Plan Update: Notice of Upcoming Public Input Meetings*.
- f) Copy of the May 17, 2006 edition of East Bay Express submitted by Joe Partansky.
- g) Memorandum date May 23, 2006 from Alex Pascual, Director of Building, Engineering and Neighborhood Services to Lydia Du Borg entitled *Designation of Funds to Park Lands Zone for Ygnacio Valley Park Irrigation Well Replacement*.
- h) Letter dated May 3, 2006 from Lloyd R. Crenna regarding DeNova Homes/Esplanade Project/Masonic Temple Building.
- i) Brochure entitled *Contra Costa County Public Works Department* submitted by Joe Partansky.
- j) E-mail copies of correspondence submitted by Keith McMahon in response to his electronic document entitled *Naval Weapons Station Master Plan*.
- k) Copy of a City document entitled *What Happened to the Tule Elk?*
- l) Letter dated May 23, 2006 from Kathy Gleason and members of the CNWS

Neighborhood Alliance entitled *Concord Naval Weapons Station Neighborhood Alliance*.

- m) Letters dated May 22, 2006 from Jimm Edgar, President of the Mount Diablo Audubon Society entitled *Mount Diablo Audubon Society's Comments on the Planning Commission's Recommendation to Remove the Weapons Station Lands from Consideration in the General Plan 2030*.
- n) E-mail dated May 23, 2006 from Doreen Schwynock to the City Council entitled *Concord Naval Weapons Station Site in the General Plan 2030*.
- o) E-mail dated May 22, 2006 from Paul Elliott to the City Council entitled *General Plan*.

By order of the Chair, the meeting was adjourned at 8:39 p.m.

APPROVED:

SUSAN A. BONILLA
MAYOR/AGENCYMEMBER

WILLIAM D. SHINN
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK