



# **Concord** ANNOTATED AGENDA

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## **REGULAR MEETING OF THE CONCORD CITY COUNCIL**

**Tuesday, March 11, 2014  
6:30 p.m. – Regular Meeting  
City Council Chamber  
1950 Parkside Drive  
Concord, CA 94519**

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### **PERFORMANCE BY THE CONCORD HIGH SCHOOL JAZZ BAND 6:00 P.M. - CIVIC CENTER COURTYARD**

The Concord High School Jazz Band performed several numbers under the direction of Gary Coartney at 6:00 p.m. prior to the start of the meeting as a musical tribute to Concord Native Dave Brubeck. As a finale they performed “*Take Five*,” composed by Paul Desmond and made famous by the Dave Brubeck Quartet.

Immediately following the performance, Vice Mayor Ron Leone thanked the students and Director Coartney, and then called the City Council meeting to order, and called for a motion on Consent Item 3.a – the adoption of Resolution No. 14-13, designating the jazz piece “Take Five” as the City’s most treasured song. The motion passed by a vote of 4-0-1, with Mayor Tim Grayson absent.

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### **CITY COUNCIL REGULAR MEETING 6:30 p.m. – City Council Chamber**

**ROLL CALL** – Mayor Grayson absent

**PLEDGE TO THE FLAG** – Vice Mayor Leone

#### **PUBLIC COMMENT PERIOD**

Linda Reynolds, representing the Calvary Temple Church, announced that the Church would no longer be hosting the 4<sup>th</sup> of July “Flag” performances, but instead be focusing their energy on projects such as “Convoy of Hope,” “Clean Start for the Homeless,” and “Harvest to Home Outreach” to name a few.

The Councilmembers commended Calvary Temple Church for hosting the Singing Flag for 25 years, stating that it was a gift to the community.

Paul Poston, Concord, thanked Councilmember Birsan for his help to secure signatures for the permit parking in his neighborhood to combat the overflow parking from the BART station. He also expressed his support of the strategic planning being done for a proposed Family Justice Center.

Dr. Harmesh Kumar, Concord, announced the upcoming 11<sup>th</sup> Annual Cultural Festival being held in Todos Santos Park on May 3, 2014, and advised that 30 youth from China would be present to perform.

## 1. PRESENTATIONS

- a. **Presentation** – to Jill Chioino, member of the Prescription Drug Abuse Prevention Coalition (PDAPC) proclaiming March as “Prescription Drug Abuse Awareness Month” in the City of Concord. **Presentation by Mayor Grayson.**

**ACTION: Vice Mayor Leone presented a proclamation to Sgt. Xavier Shabazz of the Contra Cost County Sheriff’s Department.**

- b. **Presentation** – Report on a community priorities and satisfaction telephone survey conducted in February 2014. **Introduction by City Manager Valerie Barone. Report by consultant Bryan Godbe.**

**ACTION: City Manager Barone introduced Bryan Godbe of Godbe Research who shared the results of the recent City wide satisfaction survey.**

## 2. ANNOUNCEMENTS

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### CITY COUNCIL MATTERS

## 3. CITY COUNCIL CONSENT ITEMS:

- a. **Approving** – the designation of the jazz piece “Take Five” as performed by Dave Brubeck, a native of Concord, as the City’s most treasured song. Resolution No. 14-13 for adoption. (No Fiscal Impact) Recommended by City Clerk.

**ACTION: Resolution No. 14-13 adopted. (4-0-1; Grayson absent)**

- b. **Ordering** – the preparation of the Engineer's Report for the levy of annual assessments for the following landscaping and lighting maintenance assessment districts for Fiscal Year 2014/15. Resolution Nos. 14-7, 14-8, 14-9 and 14-10 for adoption. (Maintenance District Funds) Recommended by Director of Community and Economic Development
- (1) Downtown Landscape Maintenance District - Resolution No. 14-7 for adoption.  
**ACTION: Resolution No. 14-7 adopted. (4-0-1; Grayson absent)**
- (2) Pine Hollow Landscape Maintenance District - Resolution No. 14-8 for adoption.  
**ACTION: Resolution No. 14-8 adopted. (4-0-1; Grayson absent)**
- (3) Landscaping and Lighting Maintenance District #3 - Resolution No. 14-9 for adoption.  
**ACTION: Resolution No. 14-9 adopted. (4-0-1; Grayson absent)**
- (4) Citywide Street Lighting Assessment District - Resolution No. 14-10 for adoption  
**ACTION: Resolution No. 14-10 adopted. (4-0-1; Grayson absent)**
- c. **Approving** – a Professional Services Agreement with Harris & Associates in the not-to-exceed amount of \$380,000 to provide Civil Engineering Design, Environmental and Right-of-Way Services for Project No. 2239 (Central Concord Pedestrian Improvements & Streetscape Project); and authorizing the City Manager to execute the agreement. (Project No. 2239 funding) Recommended by Director of Community and Economic Development.  
**ACTION: Agreement with Harris & Associates approved; City Manager authorized to execute it.**
- d. **Approving** – the reappointment of Robert Barnes to serve as the City of Concord's representative to the Contra Costa Transportation Authority, Citizen's Advisory Committee (CCTA-CAC) for a two-year term ending February 28, 2016. (No Fiscal Impact) Recommended by Mayor Grayson.  
**ACTION: Robert Barnes reappointed to serve as the City's representative to the Contra Costa Transportation Authority, Citizen's Advisory Committee for a two-year term ending February 28, 2016.**

- e. **Matter to set for Public Hearing** – on Tuesday, April 22, 2014 at 6:30 p.m. in the Council Chamber - Consideration of an appeal filed by Steve Rawlings, on behalf of 99 Cents Only Stores, concerning the Zoning Administrator’s denial of an application to sell alcoholic beverages at the 99 Cent Only Store at 4665 Clayton Road stating a discrepancy in the crime rates reported by the Concord Police Department to the California Department of Alcoholic Beverage Control and those reported to the Zoning Administrator as required for a Finding of Public Convenience and Necessity. Recommended by City Clerk.

**ACTION: Public Hearing set for Tuesday, April 22, 2014 at 6:30 p.m.**

- f. **Matter to set for Public Hearing** – on Tuesday, March 25, 2014 at 6:30 p.m. in the Council Chamber, waiving the three week noticing period – Consideration of the sale of an unused 11,375 square foot portion of property located at 4050 Port Chicago Highway, Concord, California (APN 100-370-009) to Pacific Ranch Investments for an appraised value of \$40,000. The General Plan and Zoning Designation for the property portion is Parks and Recreation. The project is classified as Categorically Exempt pursuant to Section 15305(a), Class 5, “Minor Alterations in Land Use Limitations.” Recommended by City Clerk.

**ACTION: Public Hearing set for Tuesday, April 22, 2014 at 6:30 p.m.**

4. **CITY COUNCIL CONSIDERATION ITEMS:**

- a. **Consideration** – of the Comprehensive Annual Financial Report (CAFR) with Independent Auditors' Report for the fiscal year ending June 30, 2013 and the Memorandum on Internal Controls, and of the adoption of Policy and Procedure No. 168, entitled “Governmental Fund Balance Financial Reporting Policy,” to establish the Governmental Fund Balance Financial Reporting Policy implementing Governmental Accounting Standards Board Statement No. 54: Fund Balance Reporting and Governmental Type Definitions. (No Fiscal Impact)  
**Report by Suzanne McDonald, Financial Operations Manager**

**ACTION: Report heard; opportunity for public testimony given; Comprehensive Annual Financial Report (CAFR) with Independent Auditors' Report for the fiscal year ending June 30, 2013 and the Memorandum on Internal Controls accepted; and Policy and Procedure No. 168, entitled “Governmental Fund Balance Financial Reporting Policy” adopted.**

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**5. CITY COUNCIL PUBLIC HEARING:**

- a. **Consideration** – of an Ordinance amending Division 5, Downtown Districts (DP, DMX, and WMX), Section 122-153 Purpose, Subsection (c) WMX of the Development Code adding schools and amending Table 122-154.1 for consistency. A Negative Declaration has been prepared and approved by the Planning Commission with the recommendation it be forwarded to the City Council for adoption. Resolution No. 14-14 for adoption and Ordinance No. 14-3 for introduction. Recommended by Planning Commission. **Report by Jason Hade, Associate Planner.**

**ACTION: Report heard; opportunity for public testimony given; Resolution No. 14-14 was adopted and Ordinance No. 14-3 was introduced by reading of the title and waiving further readings. (4-0-1; Grayson absent)**

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6. **CORRESPONDENCE** – City Council correspondence not selectively included in the following list is available for inspection during normal business hours by contacting the City Clerk at 671-3495.

- a. Letter dated February 24, 2014 from Mayor Grayson to Governor Brown, stating support of increasing public library funding.
- b. Copy of the PowerPoint presentation made by Bryan Godbe regarding the 2014 Community Priorities Survey.
- c. List of events and activities in which Vice Mayor Leone had participated in during the period February 26 to March 11, 2014.

**7. CLOSED SESSION REPORTS – None****8. COUNCIL AND STAFF REPORTS**

City Manager Valerie Barone reported that information concerning the City's unfunded infrastructure needs and employee liabilities had been presented to the Measure Q Committee recently as requested by the City Council at their January 28<sup>th</sup> meeting, and the Committee recommended that the Council and staff work to educate the community by sharing the fiscal challenges. She concluded by advising that staff was developing an outreach plan.

The Councilmembers shared highlights of the events and activities in which they had recently participated.

**9. ADJOURNMENT at 8:27 p.m.**

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**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.

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**NEXT REGULAR CITY COUNCIL MEETING: 6:30 p.m.; Tuesday, March 25, 2014**

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**MEETING RECORDS**

DVDs of most City Council meetings are available for listening or viewing in the City Clerk's office and at the Concord Public Library. Copies of the DVDs may be purchased. Contact the Community Relations Manager at (925) 671-3272 for further information.

**TELEVISED MEETINGS**

All meetings are broadcast live on Comcast channel 28, Astound Broadband channel 29, and AT&T U-Verse channel 99. The meeting is replayed on the Wednesday following the meeting at 8:00 a.m., 2:00 p.m. and 7:00 p.m. Replays are also broadcast on Thursday, Friday and Saturday. Please check the City website, <http://www.cityofconcord.org/about/citynews/tvlistings.pdf>