



A G E N D A

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



NOTE: The Concord High School Jazz Band will perform under the direction of Director Gary Coartney at 6:00 p.m. prior to the start of the meeting.

CITY COUNCIL

REGULAR MEETING

6:30 p.m. – City Council Chamber



MUSICAL TRIBUTE TO CONCORD NATIVE DAVE BRUBECK –

“Take Five” performed by Concord High School Jazz Band - directed by Gary Coartney

ROLL CALL

PLEDGE TO THE FLAG – Vice Mayor Leone

PUBLIC COMMENT PERIOD

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.**
- 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.**

2. ANNOUNCEMENTS

**CITY COUNCIL
MATTERS**

- 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.

- 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.
 - (2) Pine Hollow Landscape Maintenance District - Resolution No. 14-8 for adoption.
 - (3) Landscaping and Lighting Maintenance District #3 - Resolution No. 14-9 for adoption.
 - (4) Citywide Street Lighting Assessment District - Resolution No. 14-10 for adoption.

- 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.

- 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.

- 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.

- 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.

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**

Staff Recommendation: Hear the report; take public testimony; accept 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 adopt Policy and Procedure No. 168, entitled “Governmental Fund Balance Financial Reporting Policy.”

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.**

Staff Recommendation: Hear the report; take public testimony; adopt Resolution No. 14-14 and introduce Ordinance No. 14-3 by reading of the title and waiving further readings.

6. CORRESPONDENCE

- a. Letter dated February 24, 2014 from Mayor Grayson to Governor Brown, stating support of increased public library funding.

7. CLOSED SESSION REPORTS**8. COUNCIL AND STAFF REPORTS****9. ADJOURNMENT**

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: 6:30 p.m.; Tuesday, March 25, 2014

CLOSED SESSION: The City Council may convene in closed session immediately prior to or at the conclusion of the above meeting. If a closed session is to be held, an agenda will be posted on the Friday prior to the meeting. For additional information regarding the closed session, contact the City Attorney's Office at 671-3160.

NOTICE TO PUBLIC

SPEAKER'S CARD - Members of the audience who wish to address the City Council are requested to complete a Speaker's Card available at the front bench. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

AGENDA REPORTS - Agenda reports are available for public viewing in a binder on the front staff desk.

PUBLIC COMMENT PERIOD - This is a fifteen-minute Public Comment Period for items not on this agenda, and each speaker will be limited to approximately three minutes. State law prohibits the City Council from acting at this meeting on any matter raised during the Public Comment Period.

CONSENT CALENDAR - Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Councilmember, individual or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Mayor may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate.

PUBLIC HEARINGS - Persons who wish to speak on Public Hearings listed on the agenda will be heard when the public hearing is opened, except on public hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency. No public hearing shall commence after 10:00 p.m. unless approved by majority vote of the City Council.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS - The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the City Clerk for personal use during Council meetings.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3170, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

The following is a list of regular Council Committee meeting dates. Most meetings are held in the Garden Conference Room, 1950 Parkside Drive, Concord. **NOTE: Meetings are subject to change or cancellation. For latest information and committee agendas please call 671-3158.**

| Committee | Chair/Member | Meeting Time |
|---|--------------------|---------------------------------------|
| Housing & Economic Development | Grayson/Leone | 4 th Monday at 5:30 p.m. |
| Infrastructure & Franchise | Hoffmeister/Helix | 2 nd Thursday at 5:30 p.m. |
| Recreation, Cultural Affairs & Comm. Svc. | Birsan/Hoffmeister | 4 th Thursday at 5:30 p.m. |
| Policy Development & Internal Operations | Helix/Grayson | 2 nd Monday at 5:30 p.m. |
| Youth & Education | Leone/Birsan | 3 rd Monday at 5:30 p.m. |

Correspondence received that constitutes a public record under the Public Records Act concerning any matter on this agenda is available for inspection during normal business hours by contacting the City Clerk's office at 1950 Parkside Drive, Wing A, Concord, CA.

E-mail: cityinfo@ci.concord.ca.us

Website: www.cityofconcord.org

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](#)