



# ANNOTATED AGENDA

**REGULAR JOINT MEETING OF THE CONCORD CITY COUNCIL  
AND REDEVELOPMENT AGENCY  
AND THE CITY COUNCIL SITTING AS THE LOCAL REUSE AUTHORITY**

**Monday, December 1, 2008  
6:30 p.m. – Joint Meeting  
Concord Senior Citizens Center – Wisteria Room  
2727 Parkside Circle, Concord, CA**

**NOTE CHANGE IN MEETING LOCATION**

**5:30 p.m. – Closed Session  
Senior Center Conference Room**

- I. ROLL CALL – Peterson and Shinn absent.**
- II. PUBLIC ANNOUNCEMENT (Open Session)**
- III. PUBLIC COMMENT (Open Session) - None**
- IV. CLOSED SESSION:**
  - a. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a)  
– existing litigation entitled:  
  
*Carl Pugaczewski v. City of Concord, et al.*  
Contra Costa County Superior Court Case No. C07-02493  
  
**ACTION: Closed session held**
- V. ADJOURNMENT – at 5:50 p.m. to reconvene in the Wisteria Room.**

**6:30 p.m. – Joint Meeting  
Concord Senior Citizens Center**

**ROLL CALL – Shinn Absent; Peterson arrived at 7:05 p.m.**

**PLEDGE TO THE FLAG – Councilmember Hoffmeister**

**PUBLIC COMMENT PERIOD**

Craig Peterson, Concord, extended an invitation to attend the 2008 Lighting of the Beacon at the summit of Mt. Diablo from 3:45 p.m. until dusk on December 7, 2008.

Edi Birsan, Concord, requested information on the impact of the recent economic downturn on City operations.

**1. PRESENTATION**

- a. **Presentation** - of a Certificate of Recognition to Elena Rowan, a 4th grade student at Highlands Elementary for the winning design of the 2008 Holiday Pin. **Presentation by Vice Mayor Allen**

**ACTION: Presentation made to Elena Rowan; Virginia Thomas, President of the Todos Santos Business Association, extended an invitation to the Council and audience to participate in the Mayor’s Sing-Along and Tree Lighting on Saturday, December 6, 2008.**

- b. **Presentation** – of a Community Rating System plaque to Mayor Shinn by Sarah Owen, Natural Hazards Program Specialist, representing the National Flood Insurance Program. **Introduction by Alex Pascual, Director of Building, Engineering and Neighborhood Services.**

**ACTION: Presentation made by Sarah Owen to Vice Mayor Allen.**

**2. ANNOUNCEMENTS**

- a. **Announcing** – a correction in the number of openings on the Planning Commission due to administrative error. There are three openings on the Planning Commission to fill the expiring terms of Kevin Costa, Robert Hoag and Ron Leone; and the deadline for receipt of applications is Friday, January 2, 2009 at 5:00 p.m. Recommended by City Clerk.

**ACTION: Announcement made correcting the number of openings on the Planning Commission.**

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**CITY COUNCIL  
MATTERS**

**3. CITY COUNCIL CONSENT CALENDAR**

- a. **Approving** – minutes of the November 3, 2008 meeting. Recommended by City Clerk.

**ACTION: Minutes approved.**

- b. **Adopting** – Recreational Vehicle Parking Ordinance No. 08-7, amending Concord Municipal Code Chapter 122 (Zoning), Article IV (General Provisions and Exceptions) 122-744 (c), relating to storage and parking standards for Recreational Vehicles. Ordinance was introduced on October 27, 2008 by reading of the title only and waiving further readings.

**ACTION: Ordinance 08-7 adopted. (3-0-2; Peterson, Shinn absent)**

- c. **Approving** – an amendment to the agreement with Mt. Diablo School District for collaboration of the Mt. Diablo CARES After-School Program; and authorizing the City Manager to execute the agreement. Recommended by Director of Community and Recreation Services.

**ACTION: Amendment to the agreement approved; City Manager authorized to execute it.**

- d. **Approving** – the conceptual business terms and conditions for a second amendment to the Management Agreement with Live Nation for the Sleep Train Pavilion; and authorizing the City Manager to negotiate and execute the agreement. Recommended by Interim Assistant City Manager.

**ACTION: Second amendment approved; City Manager authorized to execute the negotiated agreement.**

- e. **Approving** – an agreement with the City of Hayward, Chief Ron Ace (Ret.) and Carol Ace, to reimburse off-setting out-of-pocket retiree medical expenses in the event of employment which will culminate in a savings to the City of Concord; and authorizing the City Manager to execute the agreement. Recommended by Director of Human Resources.

**ACTION: Agreement approved; City Manager authorized to execute it.**

- f. **Approving** – an amendment to the employment agreement between the City of Concord and Craig Labadie, City Attorney, providing for an increase in annual salary from \$198,834 to \$210,000 and a one-time performance bonus in the amount of \$15,500. Recommended by Mayor Shinn.

**ACTION: Amendment to the agreement approved as requested.**

- g. **Awarding** – a construction contract in the amount of \$450,096 to GSL Construction, Inc. of Livermore for Project No. 2108, Treat Boulevard (Oak Grove to San Miguel Road) Street Median Landscaping Improvements; and adopting the plans and specifications. Recommended by Director of Building, Engineering and Neighborhood Services.

**ACTION: Contract awarded; plans and specifications adopted.**

- h. **Accepting** – the improvements for Project No. 2098, Mira Vista Subdrain Repair, performed by Geocon Consultants, Inc. of Sonoma, and directing the City Clerk to file the Notice of Completion. Recommended by Director of Building, Engineering and Neighborhood Services.

**ACTION: Improvements accepted; City Clerk directed to file the Notice of Completion.**

- i. **Approving** – two Professional Services Agreements with Azari Engineering, Inc. for design services of Project No. 2130, Clayton Road (Market Street to Oakland Avenue) Pavement Rehabilitation in the amount of \$144,000 and for Project No. 2131, Clayton Road Intersection Improvements in the amount of \$159,999; and authorizing the City Manager to execute the agreements. Recommended by Director of Building, Engineering and Neighborhood Services.

**ACTION: Two agreements approved; City Manager authorized to execute them.**

- j. **Matter to set for Public Hearing** - on Monday, January 12, 2008 at 6:30 p.m. at the Concord Senior Center – to consider designation/approval of a preferred alternative for the Concord Naval Weapons Station and a Homeless Accommodation Submission for purposes of the Local Reuse Authority’s application to Housing and Urban Development pursuant to federal military base closure laws. Recommended by the Reuse Project Director.

**ACTION: Public hearing set for Monday, January 12, 2008 at 6:30 p.m. at the Concord Senior Center.**

- k. **Approving** – the acceptance of a grant in the amount of \$30,744.68 from the Regents of the University of California Berkeley – Traffic Safety Center and appropriating it to the Concord Police Departments’ Driving Under the Influence/Unlicensed Driver enforcement, awareness and vehicle impound program. Recommended by Chief of Police.

**ACTION: Grant acceptance approved and appropriated as recommended.**

**4. CITY COUNCIL PUBLIC HEARING**

- a. **Consideration** - of an application by Lowe's HIW Inc., for certification of an Environmental Impact Report and a Preliminary Development Plan for a new shopping center totaling approximately 334,112 square feet in building area that includes a 137,933-square-foot Lowe's building plus 31,179-square-foot garden center; a 155,000-square-foot anchor tenant building; and approximately 10,000 square feet of retail/restaurant building space on two outparcels at 1923-1985 and 2001 Arnold Industrial Way. The General Plan designation is Regional Commercial; Zoning classification is PD (Planned District); APN's 159-090-013, -015, -024, -028, -030, -032, -034, -036. Recommended by the Planning Commission.

**ACTION: Resolution No. 08-62 adopted certifying the Lowe's Shopping Center Environmental Impact Report and adopting a Statement of Overriding Considerations; and Resolution No. 08-63 adopted approving the Lowe's Shopping Center Preliminary Development Plan with new PDP conditions expressing Council preference for bus turnouts instead of bus stops and encouraging the applicant to incorporate solar power equipment if feasible. (4-0-1; Shinn absent)**

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**JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY MATTERS**

**5. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT ITEM:**

- a. **Approving** - annual budget adjustments for Fiscal Year 2008-09 allocating savings from Fiscal Year 2007-08 and miscellaneous other adjustments as appropriate. City Council Resolution No. 08-64 and Redevelopment Agency Resolution No. 08-728 for adoption. Recommended by Director of Finance.

**ACTION: City Council Resolution 08-64 and Redevelopment Agency Resolution 08-728 adopted. (3-0-2; Peterson, Shinn absent)**

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**REDEVELOPMENT AGENCY  
MATTERS**

**6. REDEVELOPMENT AGENCY CONSENT ITEMS:**

- a. **Authorizing** – the Executive Director to enter into a Purchase and Sale Agreement with Meadow Creek Group, LLC to purchase real property located at 1717 Galindo Street (APN 126-143-011), 1747 Galindo Street (APN 126-143-003), 1795 Galindo Street (APN 126-062-011), 1855 Clayton Road (APN 126-142-010), 1875 Clayton Road (APN 126-153-006), and 1899 Clayton Road (APN 126-153-007) in the amount of \$4,834,000. Redevelopment Agency Resolution No. 08-726 for adoption. Recommended by the Director of Planning and Economic Development.

**ACTION: Redevelopment Agency Resolution 08-726 adopted authorizing the Purchase and Sale Agreement with Meadow Creek Group LLC. (3-0-2; Peterson, Shinn absent)**

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**CITY COUNCIL SITTING AS THE  
LOCAL REUSE AUTHORITY**

**7. LOCAL REUSE AUTHORITY CONSENT ITEMS:**

- a. **Approving** – an amendment to the Professional Services Agreement with ARUP Inc. in an amount not to exceed \$250,000 to conduct Stage 4 activities including responding to requests for clarifications, response to comments on the Draft Environmental Impact Report on the Concord Naval Weapons Station Reuse Plan, commencement of regulatory agency negotiations on mitigation parameters, and specialized biologic/hydrology studies; and authorizing the Executive Director to execute the amendment. Recommended by Reuse Project Director.

**ACTION: Amendment to the Agreement approved; Executive Director authorized to execute it.**

- b. **Approving** – the acceptance of a Grant from the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) in the amount of \$750,000 for specific station area planning. Recommended by Reuse Project Director.

**ACTION: Grant acceptance approved.**

- c. **Approving** – a Master Services Agreement with ARUP Inc. for Professional Services associated with station area planning at the Concord Naval Weapons Station in an amount not to exceed \$750,000; approving Task Order No. 1 in the amount of \$200,000; and authorizing the Executive Director to execute the agreement. Recommended by Reuse Project Director.

**ACTION: Master Agreement approved; Task Order No. 1 approved; Executive Director authorized to execute both documents.**

- d. **Approving** – a fourth amendment to the Master Agreement for Professional Services associated with preparation of the Reuse Plan for the Concord Naval Weapons Station with ARUP, Inc. in an amount not to exceed \$200,000; and authorizing the Executive Director to execute the agreement. Recommended by Reuse Project Director.

**ACTION: Fourth amendment to the Master Agreement approved; Executive Director authorized to execute it.**

**8. LOCAL REUSE AUTHORITY STUDY SESSION:**

- a. **Study Session** – Presentation of the Community Advisory Committee’s recommended alternative for the Concord Naval Weapons Station Reuse Plan. **Report by Reuse Project Director Michael Wright.**

**ACTION: Report presented by Reuse Project Director Michael Wright; public testimony received; Council comments received.**

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- 9. 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. E-mail dated November 24, 2008 from Mike Cluster supporting the recommendations of the Citizens Advisory Committee.
  - b. E-mail from Hanika Cook dated November 25, 2008 supporting the Clustered Village Alternative for the Concord Naval Weapons Station.
  - c. E-mail dated November 25, 2008 from D. K. Snodgrass concerning the Concord Naval Weapons Station Redevelopment.
  - d. Letter dated November 20, 2008 from Seth Adams, Save Mount Diablo, concerning Concord Naval Weapons Station.
  - e. E-mail from Edi Birsan dated December 1, 2008 regarding the Concord Naval Weapons Station.
  - f. E-mail from Edi Birsan dated November 27, 2008 opposing the Recreational Vehicle Ordinance adoption.
  - g. Memorandum from Frank Abejo to the City Council revising the minimum setback requirements for the Lowe's Shopping Center PDP.
  - h. Memorandum from Dan Keen to the City Council regarding a bid protest received for Project 2108, Treat Boulevard Street Median Landscape Improvements.
  - i. Letter dated December 1, 2008 from Ken Anderson, John Muir Health in support of the Clustered Village Plan for the Concord Naval Weapons Station.
  - j. Memorandum dated November 26, 2008 from Michael Wright to the City Council providing response to questions raised at the November 17, 2008 Study Session.
  - k. Written statements of Scott Littlehale prepared for the December 1, 2008 City Council meeting.
  - l. Written comments read into record by Lynda Deuhens on the Native American history on the Concord Naval Weapons Station.
  - m. Brochure entitled "Open Spaces & Vibrant Places" prepared by the Greenbelt Alliance.

- n. Copy of a brochure entitled “Higher-Density Development Myth and Fact” submitted by Christina Wong.
- o. Copy of a presentation entitled “Friends of Port Chicago National Memorial” submitted by Diana McDaniel.
- p. Copy of comments made by Jeff Britton concerning the Concord Naval Weapons Station.
- q. Additional survey statements of support for a combined plan for the Concord Naval Weapons Station submitted by Kathy Gleason.
- r. Comments submitted by Jeff Britton concerning the extension of Denkinger Road into the Concord Naval Weapons Station.
- s. Invitation to the 2008 Lighting of the Beacon submitted by Craig Peterson.
- t. Materials on the 90 acre Howard M. Terpenning Recreation Complex submitted by Michael Marshall.
- u. Letter dated December 1, 2008 from Seth Adams, Save Mount Diablo, concerning the Concord Naval Weapons Station.
- v. Copy of Jeff Britton’s alternative to extending Denkinger Road into the Concord Naval Weapons Station.
- w. Copy of newspaper article on Land-use Law submitted by Paul Choisser.
- x. Copy of letter dated December 1, 2008 submitted by Arthur Chan.
- y. Copy of letter dated November 26, 2008 submitted by the Greater Concord Chamber of Commerce and read into record by Keith McMahon.

## **10. CLOSED SESSION REPORTS**

City Attorney Labadie reported that a settlement had been approved in the amount of \$90,000 during Closed Session in the case of Carl Pugaczewski v. City of Concord by a 3-0-2 vote; Peterson and Shinn were absent.

**11. COUNCIL AND STAFF REPORTS**

Vice Mayor Allen asked that the City Manager provide information on a noise ordinance at the January 5, 2009 meeting.

**12. ADJOURNMENT – at 11:05 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: Monday, December 8, 2008**

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**MEETING RECORDS**

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