



ANNOTATED AGENDA

**REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY**

**Tuesday, April 22, 2003
5:30 p.m. - Council Chamber
7:00 p.m. - Council Chamber
1950 Parkside Drive, Concord, CA**

5:30 p.m. - Council Chamber

- I. ROLL CALL – Mayor Peterson, Vice Mayor Allen, Councilmembers Bonilla, Hoffmeister, and McManigal, Planning Commissioners Costa and Shinn.**
- II. JOINT STUDY SESSION - with Planning Commission to explore the feasibility of establishing an Inclusionary Housing Program. Reports from Planning Manager Deborah Raines, Principal Planner Phillip Woods and Housing Manager Amy Hodgett.**
- ACTION: Reports presented and staff provided with further direction.**
- III. RECESS - at 7:44 p.m. to reconvene at 8:15 p.m. in the Council Chamber.**

8:15 p.m. - Council Chamber

ROLL CALL – All Present (Vice Mayor Allen arrived at 8:20 p.m.)

PLEDGE TO THE FLAG – Councilmember Bonilla

PUBLIC COMMENT PERIOD

Joseph Partansky commended the City for proclaiming April 21 – April 27, 2003 as Disability Awareness Month. He requested that candidates be allowed to use a bulletin board on local cable channels and that City Council meetings be made available for viewing on the internet. He also requested that closed captioning be used for televised public meetings.

- 1. PRESENTATION - of a donation in the amount of \$35,000 from the Friends of Camp Concord for the Recreation Activity Scholarship Fund. Report from Mayor Peterson.**

ACTION: Following a report from Recreation Program Manager Steve Voorhies, Mayor Peterson accepted the donation.

2. **PRESENTATION** - Jim Ocean for his dedication and contribution to the City of Concord's cultural vitality through music and event programming. **Report from Mayor Peterson.**

ACTION: Following a report from Florence Weiss, Downtown Coordinator, Mayor Peterson presented the commendation to Jim Ocean.

3. **PRESENTATION** - to Concord's top recyclers. **Report from Mayor Peterson.**

ACTION: Following a report from Senior Administrative Analyst Jeff Roubal, Mayor Peterson presented the plaques to the top recyclers.

4. **PROCLAMATION** - to be presented to the Concord VIPS, proclaiming April 27 through May 3, 2003 as National Volunteer Week in the City of Concord. **Report from Mayor Peterson.**

ACTION: Following a report from Sgt. Steve Price, Mayor Peterson presented the proclamation.

5. **PROCLAMATION** - proclaiming April 21-April 27, 2003 as "Disability Awareness Week" in the City of Concord. **Report from Mayor Peterson.**

ACTION: Mayor Peterson presented the proclamation to Lynne Anderson, Development Manager of Easter Seals, Bay Area.

6. **PROCLAMATION** - proclaiming April, 2003 as "Alcohol Awareness Month" in the City of Concord. **Report from Mayor Peterson.**

ACTION: Mayor Peterson presented the proclamation to Jim Bouquin, Executive Director of New Connections.

7. **PROCLAMATION** - proclaiming April 25, 2003 as "Arbor Day" in the City of Concord. **Report from Mayor Peterson.**

ACTION: Following a report from Parks Manager Ginger Gessner, Mayor Peterson presented the proclamation to Kandi Lancaster, member of Concord Parks, Recreation, and Open Space Commission.

8. **ANNOUNCEMENTS**

Mayor Peterson announced that the first Community Workshop for the General Plan will be held April 29, 2003 at 6:30 p.m. at the Willow Pass Community Center

CITY COUNCIL MATTERS

9. CITY COUNCIL CONSENT CALENDAR

- a. **Approval of Minutes** - of March 25 and April 1, 2003. Recommended by City Clerk.

ACTION: Minutes approved, with Vice Mayor Allen abstaining on the minutes of April 1, 2003.

- b. **Approving** - a six-month extension of the cable television franchise with Comcast to November 4, 2003. Resolution 03-19 for adoption. Recommended by Director of City Management.

ACTION: Resolution 03-19 adopted, approving the extension to November 4, 2003.

- c. **Accepting** - improvements for Project No. 151, Landana Drive Pavement Rehabilitation, constructed by McGuire and Hester, and directing the City Clerk to file the Notice of Completion. Recommended by Director of Public Works-Engineering Services.

ACTION: Improvements accepted; Notice of Completion to be filed.

- d. **Accepting** - improvements for Project No. 952, Concord Avenue Median Landscaping and Curb Reconstruction (Salvio Street to Bonifacio Street), constructed by DK Environmental; approving a related budget transfer of \$28,500; and directing the City Clerk to file the Notice of Completion. Recommended by Director of Public Works-Engineering Services.

ACTION: Improvements accepted; budget transfer approved; Notice of Completion to be filed.

- e. **Accepting** - improvements for Project No. 845, Concord Skatepark, constructed by Altman General Engineering; approving a related budget transfer of \$38,000; and directing the City Clerk to file the Notice of Completion. Recommended by Director of Public Works-Engineering Services.

ACTION: Improvements accepted; budget transfer approved; Notice of Completion to be filed.

9. CITY COUNCIL CONSENT CALENDAR -contd.

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- f. **Rejecting** - all bids for Project No. 640, Ygnacio Valley Road at Park Highlands Blvd. Intersection Improvements, and directing staff to rebid the project based on a revised scope of work. Bids were opened on December 17, 2002 at 10:00 a.m.. Recommended by Director of Public Works-Engineering Services.

ACTION: Bids rejected; staff directed to rebid the project as recommended.

- g. **Awarding** - construction contract for Project No. 188, Highlands Park Lighting Improvements, to Jacino Electrical as the lowest responsible bidder in the amount of \$35,640. Bids were opened on March 1, 2003 at 9:30 a.m.. Recommended by Director of Public Works-Engineering Services.

ACTION: Contract awarded as recommended.

- h. **Awarding** - construction contract for Project No. 034, Monument Boulevard/ Detroit Avenue Traffic Signal Upgrade, to Paz Rafala Electrical Construction, Inc. as the lowest responsible bidder in the amount of \$81,698.60. Bids were opened on February 26, 2003 at 2:00 p.m.. Recommended by Director of Public Works-Engineering Services.

ACTION: Contract awarded as recommended.

- i. **Awarding** - construction contract for Project No. 085, Baldwin Childcare Storage Room Addition, to JMA Construction as the lowest responsible bidder in the amount of \$42,450; rejecting a non-responsive bid; rejecting a bid protest; and approving a related budget transfer of \$27,000. Recommended by Director of Public Works-Engineering Services.

ACTION: Non-responsive bid and bid protest rejected; contract awarded as recommended.

- j. **Awarding** - contract for RFQ No. 1924, Annual Contract for Traffic Loop Installation, to Columbia Electric as the lowest responsible bidder in the amount of \$10,200 for the installation of traffic loop detectors. Bids were opened on March 7, 2003 at 10:00 a.m.. Recommended by the Director of Public Works-Maintenance Services.

ACTION: Contract awarded as recommended.

- k. **Awarding** - contract for the 2003 Weed Abatement Program, RFQ No. 1928, to C. Helms Weed Control as the lowest responsible bidder in the amount of \$35,000. Bids were opened on March 17, 2003 at 10:00 a.m. Recommended by Director of Parks and Recreation.

ACTION: Contract awarded as recommended.

9. CITY COUNCIL CONSENT CALENDAR -contd.

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- l. **Approving** - U.S. Department of Interior Bureau of Reclamation's License to Use Reclamation Right-of-Way for Project No. 182, Traffic Signal Installation at Clayton Road and Contra Costa Canal Trail Crossing, and authorizing the City Manager to execute the agreement. Recommended by Director of Public Works-Engineering Services.

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

- m. **Approving** - a third amendment to the contract and lease agreement with Pixieland, Inc. for the renovation of City-owned rides at Pixieland Park located at 2740 E. Olivera Road, and authorizing the City Manager to execute the amendment. Recommended by Director of Public Works-Maintenance Services.

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

- n. **Approving** - budget transfer of \$36,000 for Project No. 119, East Street (Pacheco Street to 150' South of Grant Street) and Clayton Road (Oakland Avenue to Davis Street) Pavement Rehabilitation, to complete the design funding. Recommended by the Director of Public Works - Engineering Services.

ACTION: Budget transfer approved.

10. CITY COUNCIL PUBLIC HEARINGS

- a. **2003-04 FY Community Services Grant Funding Allocations** - consideration of the Community Services Commission's recommendations for funding in all project categories from Community Development Block Grant funds, Child Care Developer fees, Program Income, and the City of Concord General Fund. Resolution 03-20 for adoption. **Report from Community Services Manager Teri House.**

ACTION: Resolution 03-20 adopted, approving public service and other funding as contained in the Report to Council dated April 22, 2003; authorizing the City Manager to submit to HUD the Concord One-Year Action Plan for specific use of CDBG funds in Fiscal Year 2003-04; and authorizing the City Manager to disburse funds and execute agreements consistent with the Council's designation and approval of the programs, with an increase in funding for YES! Concord to \$15,000 (3-2; McManigal and Hoffmeister, No).

10. CITY COUNCIL PUBLIC HEARINGS -contd.

- b. **Proposed Amendment to the Municipal Code - Churches, Lodges, Fraternal and**

Community Service Organizations - consideration of amending Chapter 122 of the Concord Municipal Code (Zoning), pertaining to provisions for churches, lodges, fraternal and community service organizations in the Single Family Residential, Duplex, Multi-Family Residential, and Apartment and Professional Office Zoning Districts, to make the City's Zoning Ordinance consistent with the General Plan, and adopting a Mitigated Negative Declaration as the appropriate environmental document. Approval recommended by Planning Commission. Ordinance 03-1 for introduction. **Report from Principal Planner Cathy Munneke.**

ACTION: Ordinance 03-1 introduced by reading of the title only and waiving further reading, amending the Municipal Code as recommended, to be adopted May 6, 2003 (4-1; Allen, No).

- c. **Proposed Amendment to the Municipal Code - Drainage Fees** - consideration of amending Chapter 110 (Utilities), Article IV (Drainage Fees) of the Concord Municipal Code to delete the fees from the Code and include them in the Resolution of Fees and Charges. Ordinance 03-2 for introduction. **Report from Director of Public Works-Engineering Services Alex Pascual.**

ACTION: Ordinance 03-2 introduced by reading of the title only and waiving further reading, amending the Municipal Code as recommended, to be adopted May 6, 2003.

- 11. **CONSIDERATION** - of appointing three applicants to the Concord Parks, Recreation and Open Space Commission for two-year terms ending April 30, 2005. **Report from Council Committee on Recreation and Cultural Affairs.**

ACTION: John Mercurio, Wayne Schafer, and Jennifer McGarry reappointed to the Parks, Recreation and Open Space Commission for two-year terms ending April 30, 2005, and Michael Liebe appointed as alternate for a one-year term ending April 30, 2004.

**JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MATTERS**

12. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARINGS

Sale of Agency Property to BMW Concord - consideration of approving the execution of a Purchase Agreement with BMW Concord for the sale of 19,888 sq. ft. of Redevelopment Agency-owned property at Market Street and Willow Pass Road, and authorizing the City Manager/Executive Director to execute the agreement. City Council Resolution 03-18 and Redevelopment Agency Resolution 03-654 for adoption. **Report from Economic Development/Redevelopment Specialist David Griffith.**

ACTION: City Council Resolution 03-18 and Redevelopment Agency Resolution 03-654 adopted, approving the purchase agreement as recommended and authorizing the City Manager/Executive Director to execute it.

13. CORRESPONDENCE

- a. City of Concord Redevelopment Agency Investment Report dated February 28, 2003.
- b. City of Concord Treasurer's Report for February 2003.
- c. Letter from Grace Lau in support of the Cambridge bus service.
- d. Information packet provided by Joe Partansky regarding San Francisco Government Television.

16. RECESS - at 10:18 p.m. to reconvene in closed session in the City Council Conference Room.

10:20 p.m. - City Council Conference Room

17. ROLL CALL - All present

18. CLOSED SESSION:

- a. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) – existing litigation entitled:

- (1) **Diann Writer v. City of Concord, Contra Costa County Superior Court Case No. C02-03210**
- (2) **Harvest Church v. City of Concord, Court of Appeal Case No. A096604 (Contra Costa County Superior Court Case No. C99-03758).**

ACTION: Closed session held.

19. CLOSED SESSION REPORTS

In closed session, the City Council unanimously approved a settlement in the amount of \$75,000 in the case of Diann Writer v. City of Concord.

20. ADJOURNMENT - at 10:40 p.m.

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) 671-3292.

NEXT REGULAR CITY COUNCIL MEETING: 6:30 p.m., Tuesday, May 6, 2003

MEETING RECORDS

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