



ANNOTATED AGENDA

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

Tuesday, July 22, 2003

**5:30 p.m. - City Council Conference Room
6:30 p.m. - Council Chamber
1950 Parkside Drive, Concord, CA**

5:30 p.m. - City Council Conference Room

ROLL CALL - All present

I. CLOSED SESSION

Conference with Legal Counsel pursuant to Government Code Section 54956.9(c) to discuss potential litigation against Concord Pavilion Associates.

ACTION: Closed session held.

II. RECESS - at 6:10 p.m. to reconvene at 6:30 p.m. in the Council Chamber.

6:30 p.m. - Council Chamber

ROLL CALL - All present

PLEDGE TO THE FLAG - Councilmember Hoffmeister

PUBLIC COMMENT PERIOD

Joseph Partansky requested that the City provide more access to agendas, annotated agendas, minutes, and reports for all City of Concord boards, commissions, and committees.

William McDonald requested stricter enforcement of parking violations at Willow Pass Park. He also requested that the City provide additional parking on East Olivera Road.

Bruce Borjesson and Wayne Klier requested the installation of crossing lights on Cowell Road where the Iron Horse Trail crosses Cowell Road.

Sibi Soroka stated that, in his opinion, Council received inaccurate information from The Olsen Company regarding the Willow Walk project and requested that Councilmembers of the prevailing vote reconsider their decision.

Phillip Kriegh stated that, in his opinion, private businesses and low income/affordable housing programs are unnecessarily receiving government funds from the City of Concord. He requested that Concord adopt a noise ordinance that includes the hours a business can operate and penalties for persons with loud car radios.

1. **PRESENTATION** - to Dave Pitman, President of the Concord Park Neighborhood Association, on behalf of all the Neighborhood Partnerships in Concord, proclaiming August 5, 2003 as "National Night Out" in Concord. **Report from Mayor Peterson.**

ACTION: Mayor Peterson presented the proclamation to Dave Pitman.

2. **PRESENTATION** - of Certificates of Completion to the students of the Concord Young Ambassadors Program. **Report from Mayor Peterson.**

ACTION: Mayor Peterson presented the certificates to the students.

3. **ANNOUNCEMENTS**

City Manager Ed James introduced new Recreation Program Manager Marla Parada, and new Finance Director Helen Bell and gave a brief history on both.

CITY COUNCIL MATTERS

4. **CITY COUNCIL CONSENT CALENDAR**

- a. **Approving** - agreement to continue membership in the Contra Costa Clean Water Program to implement joint municipal National Pollutant Discharge Elimination System (NPDES) permits and share program costs, and authorizing the City Manager to execute the agreement. Resolution 03-44 for adoption. Recommended by Director of Public Works-Maintenance Services.

ACTION: Resolution 03-44 adopted and agreement approved; City Manager authorized to execute agreement.

4. CITY COUNCIL CONSENT CALENDAR - contd.

- b. **Approving** - agreement with the Concord Community Economic Development Organization for operation of the Monument Labor Works Program, and authorizing the City Manager to execute the agreement. Recommended by Director of Parks and Recreation.

ACTION: Agreement approved; City Manager authorized to execute it. Council requested a status report of the center's progress be brought to the Neighborhood and Community Services Commission in three months.

- c. **Approving** - a Stormwater Utility Area Agreement with the Contra Costa County Flood Control & Water Conservation District and authorizing the City Manager to execute the agreement. Resolution 03-43 for adoption. Recommended by Director of Public Works-Maintenance Services.

ACTION: Resolution 03-43 adopted and agreement approved; City Manager authorized to execute agreement.

- d. **Authorizing** - the Contra Costa County Flood Control & Water Conservation District to enter into an agreement with Central Contra Costa Sanitary District to continue conducting stormwater inspections on the City's behalf. Resolution 03-45 for adoption. Recommended by Director of Public Works-Maintenance Services.

ACTION: Resolution 03-45 adopted as recommended.

- e. **Accepting** - subdivision improvements for Amber Grove Subdivision, Tract 8418, consisting of a 27-unit, single-family residential subdivision located at 5165 Olive Drive, formerly APN 117-020-075, constructed by Pulte Homes Corporation, and authorizing release of Improvement Bonds. Resolution 03-41 for adoption. Recommended by Director of Public Works-Engineering Services.

ACTION: Resolution 03-41 adopted, accepting subdivision improvements and authorizing release of Improvement Bonds.

- f. **Accepting** - improvements for the 2003 Cape Seal Program, RFQ #1920, constructed by Bond Blacktop, Inc., and directing the City Clerk to file the Notice of Completion. Recommended by the Director of Public Works-Maintenance Services.

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

4. CITY COUNCIL CONSENT CALENDAR - contd.

- g. **Accepting** - improvements for Project No. 179, Pine Hollow Landscape District Soundwall Slope Stabilization and Footing Repair (on Discovery Way at Grasswood Court and Grasswood Circle), constructed by Planned Environments, Inc., and directing the City Clerk to file the Notice of Completion. Recommended by the Director of Public Works-Engineering Services.

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

- h. **Accepting** - improvements for Project No. 145, Civic Center Building C, Information Technology Department Remodel, constructed by Albay Construction; approving a related budget transfer in the amount of \$5,000; and directing the City Clerk to file the Notice of Completion. Recommended by the Director of Public Works-Engineering Services.

ACTION: Improvements accepted; budget transfer of \$5,000 approved; Notice of Completion to be filed.

- i. **Awarding** - contract in the amount of \$159,964 to All City Management Services Inc. as the most qualified bidder to provide school crossing guard services for the 2003-04 school year, Q-1938, with an option to renew the contract for two one-year periods, and authorizing the City Manager to sign the agreement. Recommended by Chief of Police.

ACTION: Contract awarded with option to renew for two one-year periods; City Manager authorized to execute the agreement.

- j. **Awarding** - contract for Project No. 640, Ygnacio Valley Road at Park Highlands Blvd. Intersection Improvements, to Mike Brown Electric Co. as the lowest responsible bidder in the amount of \$96,471.00. Bids were opened at 10:30 a.m. on June 17, 2003. Recommended by Director of Public Works-Engineering Services.

ACTION: Contract awarded as recommended (4-0; McManigal abstained).

- k. **Awarding** - contract for Project No. 107, El Dorado Middle School/Westwood Elementary Joint Use Improvements, to RMT Landscape as the lowest responsible bidder in the amount of \$1,440,549.53; waiving a minor bid defect; and approving a related budget transfer in the amount of \$190,000. Bids were opened at 11 a.m. on June 5, 2003. Recommended by Director of Public Works-Engineering Services.

ACTION: Contract awarded as recommended; minor bid defect waived; budget transfer of \$190,000 approved.

4. CITY COUNCIL CONSENT CALENDAR - contd.

- l. **Awarding** - contract for Project No. 206, Removal of Barriers to the Mobility Impaired (FY 2003-04) and Project No. 207, Curb, Gutter and Sidewalk Repair Program (FY 2003-04), to SpenCon Construction, Inc. as the lowest responsible bidder in the amount of \$53,605.50, and waiving a minor bid defect. Bids were opened at 10 a.m. on June 24, 2003. Recommended by Director of Public Works-Engineering Services.

ACTION: Contract awarded as recommended; minor bid defect waived.

- m. **Awarding** - contract for Project No. 208, Citywide Sidewalk Improvement Program (FY 2003-04), to SpenCon Construction as the lowest responsible bidder in the amount of \$59,436.50, and approving a related budget transfer in the amount of \$35,000. Bids were opened at 10:30 a.m. on June 24, 2003. Recommended by Director of Public Works-Engineering Services.

ACTION: Contract awarded as recommended; budget transfer of \$35,000 approved.

- n. **Awarding** - contract for Project No. 183, Market Street at Fry Way Traffic Signal, to W. Bradley Electric, Inc. as the lowest responsible bidder in the amount of \$162,073.70. Bids were opened on Tuesday, July 1, 2003, at 10:00 a.m. Recommended by Director of Public Works-Engineering Services

ACTION: Contract awarded as recommended.

- o. **Awarding** - contract for Project No. 785.2, Mount Diablo Creek Bank Stabilization at Schenone Court, to Steelhead Constructors as the lowest responsible bidder in the amount of \$81,777. Bids were opened on Tuesday, June 19, 2003, at 2:30 p.m. Recommended by Director of Public Works-Engineering Services

ACTION: Contract awarded as recommended.

- p. **Rejecting** - bids for Project No. 176, Academy Road Widening (North Side - Phase 2); and directing staff to re-bid the project in early 2004. Bids were opened on Wednesday, June 4, 2003 at 2:30 p.m. Recommended by Director of Public Works-Engineering Services

ACTION: Bids rejected as recommended; staff directed to rebid the project in early 2004.

4. CITY COUNCIL CONSENT CALENDAR - contd.

- q. **Accepting** - three Offers of Dedication and three Quitclaim Deeds for street and drainage improvements related to Tract 7030, Heartland Court II Subdivision. Resolution 03-46 for adoption. Recommended by Director of Public Works-Engineering Services.

ACTION: Resolution 03-46 adopted, accepting Offers of Dedication and Quitclaim Deeds. NOTE: Clerical error caused incorrect reference to Subdivision Tract Number and name - resolution revised to reflect correct Tract No. 6875 and name, Heartland Court Subdivision.

- r. **Authorizing** - permit parking on Weaver Lane between Smith Lane and Weaver Court; Weaver Court; Carondelet Court; Bethany Court; Bethany Lane; and Smith Lane between Weaver Lane and Bethany Lane. Resolution 03-47 for adoption. Recommended by the Director of Public Works-Maintenance Services.

ACTION: Resolution 03-47 adopted, authorizing permit parking as recommended.

- s. **Authorizing-** permit parking on Black Oak Road, White Oak Drive, Red Oak Drive, White Oak Court, and the south side of Academy Road. Resolution 03-39 for adoption. Recommended by the Director of Public Works - Maintenance Services.

ACTION: Resolution 03-39 adopted, authorizing permit parking as recommended.

- t. **Confirming** - Neighborhood Preservation Cost Accounting Report of unpaid administrative citation fines, re-inspection fees and abatement costs for various properties in Concord. Resolution 03-42 for adoption. Recommended by Director of Building and Neighborhood Services.

ACTION: Resolution 03-42 adopted, confirming fines, fees and costs as recommended.

- u. **Approving** - an agreement for professional services with Page & Turnbull, Inc., to provide architectural and landscape design of improvements for the Galindo House and Gardens Interim Project, No. 991, and authorizing the City Manager to execute the agreement. Recommended by Assistant City Manager.

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

5. CITY COUNCIL PUBLIC HEARINGS

Proposed Amendment to the Municipal Code - Conduct in Park and Recreation Areas - consideration of amending Sections 74-31, 74-32 and 74-35 of the Concord Municipal Code to allow Code enforcement by Open Space Rangers in the Lime Ridge Open Space. Ordinance 03-6 for introduction. **Report from Lt. Mike Wells.**

ACTION: Ordinance 03-6 introduced by reading of the title only and waiving further reading, amending the Municipal Code as recommended.

6. **CONSIDERATION** - of adopting a resolution supporting a process recommended by the Contra Costa Transportation Authority to place the reauthorization of a local sales tax measure for transportation purposes, similar to the 1988 Measure C, on future ballots. Resolution 03-48 for adoption. **Report from Transportation Manager John Templeton.**

ACTION: Resolution 03-48 not adopted as recommended. Item was tabled pending receipt of proposed measure language.

REDEVELOPMENT AGENCY MATTERS

7. **CONSIDERATION** - of approving a 180-day Exclusive Negotiating Rights agreement with The Olson Company as the Master Developer for the Galindo Street redevelopment site; authorizing the Executive Director to execute the agreement; and of appointing an Ad Hoc Design Review Committee. **Report from Director of Planning and Economic Development Jim Forsberg.**

ACTION: The Olson Company was selected as the Master Developer for the Galindo Street redevelopment site; authorizing the Executive Director to execute an Exclusive Negotiating Agreement with the Master Developer.

An Ad-Hoc Design Review Committee was appointed consisting of Helen Allen and Laura Hoffmeister (4-1; McManigal, No).

JOINT CITY COUNCIL/ REDEVELOPMENT AGENCY MATTERS

8. **CORRESPONDENCE**
- a. City of Concord Treasurer's Report for May, 2003.
 - b. Contra Costa Convention and Visitors Bureau Statistical Activity Report for July 2002 through March 2003.
9. **CLOSED SESSION REPORTS - None**

10. COUNCIL AND STAFF REPORTS

Vice Mayor Allen reported on her recent attendance at the California League of Cities Conference in Monterey.

Councilmember Hoffmeister reported on her recent attendance at a workshop pertaining to transportation funding.

Mayor Peterson announced the establishment of an Ad Hoc Committee consisting of Vice Mayor Allen as Chair and Councilmember Hoffmeister as Vice Chair, to work with the Concord Ambassadors in planning the 30-year anniversary of Concord's sister city relationship with Kitakami, Japan.

Mayor Peterson announced that the City Council will be taking a summer recess in August and the next regular City Council meeting will be on September 2, 2003.

11. ADJOURNMENT - at 9:40 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, September 2, 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.