



ANNOTATED AGENDA

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

Tuesday, September 23, 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

I. ROLL CALL - All present

II. CLOSED SESSION:

- a. Personnel matters, pursuant to Government Code Section 54957 – interview applicants for the position of Director of Public Works – Maintenance Services.

ACTION: Closed session held; to be reconvened at the conclusion of the Council meeting.

III. RECESS - at 6:15 p.m. to reconvene in the Council Chamber.

6:30 p.m. - Council Chamber

ROLL CALL - All present

PLEDGE TO THE FLAG - Vice Mayor Allen

PUBLIC COMMENT PERIOD

Harold Pavelis urged the City Council to adopt a resolution opposing the Patriot Act and presented them with a recent news article regarding the matter.

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1. **PRESENTATION** - by Assemblymember Joe Canciamilla of a joint State Assembly and Senate Resolution, sponsored by Assemblymember Joe Canciamilla and Senator Tom Torlakson, commending Concord Disposal Service and the City of Concord for accomplishments including exceeding state-mandated recycling goals. **Report from Mayor Peterson.**

ACTION: Assemblyman Canciamilla and Senator Torlakson's Chief of Staff Gloria Omania presented certificates to Concord Disposal and the City of Concord.

2. **PROCLAMATION** - proclaiming October 2003 as Domestic Violence Awareness Month in the City of Concord. **Report from Mayor Peterson.**

ACTION: Mayor Peterson presented the proclamation to Daniel Payne of STAND! Against Domestic Violence.

3. **PRESENTATION** - of Concord Business Recognition Awards to Conco Cement Company; Xradia, Inc.; and Niello Infinity. **Report from Economic Development/Redevelopment Specialist Dwayne Dalman.**

ACTION: Awards presented.

4. **ANNOUNCEMENTS - None**

CITY COUNCIL MATTERS

5. CITY COUNCIL CONSENT CALENDAR

- a. **Appointing** - Chief of Police Ron Ace, Police Captain Jim Jennings and Police Department Financial Analyst Cheryl Owens to act on behalf of the City Council regarding administration of the Office of Homeland Security's Critical Infrastructure Protection Grant. Recommended by Chief of Police.

ACTION: Appointments made as recommended.

- b. **Accepting** - improvements for Project No. 785.2, Mt. Diablo Creek Bank Stabilization at Schenone Court, constructed by Steelhead Constructors, Inc., 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.

5. CITY COUNCIL CONSENT CALENDAR - contd.

- c. **Accepting** - improvements for Project No. 105, Concord Community Park Restroom, constructed by D. K. Environmental, 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. 033, Traffic Signal Installation at the Intersection of Port Chicago Highway and Arnold Industrial Way, constructed by Steiny and Company, 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.

- e. **Accepting** - improvements for Project No. 085, Baldwin Childcare Center Addition, constructed by JMA Construction of San Francisco; approving a related \$8,000 budget transfer; 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; budget transfer approved.

- f. **Approving** - seven Master Agreements for Professional Services for design and contract management services for the City's Capital Improvement Program with Associated Engineering Consultants; Azari Engineering; Harris and Associates; LCC; NorCal Engineering Consultants; Testing Engineers; and Zumwalt Engineering Group; and authorizing the City Manager to execute the agreements. Recommended by Director of Public Works - Engineering Services.

ACTION: Agreements approved; City Manager authorized to execute them.

- g. **Approving** - increase in Confidential employees pay schedule in the amount of 2% effective with the first pay period following October 1, 2003. Resolution 03-4735.1 for adoption. Recommended by Assistant City Manager.

ACTION: Resolution 03-4735.1 adopted.

5. CITY COUNCIL CONSENT CALENDAR - contd.

- h. **Approving** - agreement with Science Applications International Corporation in the amount of \$34,894 to expand the City's recycling program in multi-family housing developments, and authorizing the City Manager to execute the agreement. Recommended by Director of Public Works-Maintenance Services.

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

- i. **Approving** - budget transfer of \$631,000 to the Senior Citizen Facility Project No. 903; approving an addendum to the agreement with Pacific Program Management, Inc. for building inspection services; approving an addendum to the agreement with Group 4; approving various change orders and staff costs; and authorizing the City Manager to execute the addenda. Recommended by Director of Public Works-Maintenance Services.

ACTION: Budget transfer approved; addenda to agreements approved; change orders and staff costs approved; City Manager authorized to execute addenda.

- 6. **CONSIDERATION** - of Airport Influence Area for real estate disclosures in accordance with AB 2776. **Report from Assistant City Manager Lydia Du Borg.**

ACTION: Alternative 2 selected from Report to Council dated September 23, 2003, with minor revision to wording as underlined, urging the Airport Land Use Commission to designate an area based on noise and safety criteria for the airport influence area to be subject to real estate disclosures required by AB 2776, with boundaries specific to readily-identifiable streets or natural features.

- 7. **REPORT** - on status of General Plan and Zoning Ordinance Updates and public outreach efforts. **Report from Planning Manager Deborah Raines.**

ACTION: Report presented.

JOINT CITY COUNCIL/ REDEVELOPMENT AGENCY MATTERS

8. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

- a. **Authorizing** - the Redevelopment Agency of the City of Concord to apply to the California Housing Finance Agency (Cal HFA) HELP Program for funding for the Multi-Family Housing Rehabilitation Program. City Council Resolution 03-54 and Redevelopment Agency Resolution 03-657 for adoption. Recommended by Director of Building and Neighborhood Services.

ACTION: City Council Resolution 03-54 and Redevelopment Agency Resolution 03-657 adopted.

- b. **Approving** - increase in the Executive and Management Pay Schedule in the amount of 1.5% for non-sworn executive and managers and 3% for sworn managers, effective October 1, 2003. City Council Resolution 03-4735.2 and Redevelopment Agency Resolution 03-656 for adoption. Recommended by Assistant City Manager.

ACTION: City Council Resolution 03-4735.2 and Redevelopment Agency Resolution 03-656 adopted.

9. CORRESPONDENCE

- a. City of Concord Redevelopment Agency Investment Report dated July 31, 2003.
- b. Paper entitled "Palo Alto Resolved: How One Community Passed a Resolution Against the Patriot Act" submitted by Harold Pavelis.

10. CLOSED SESSION REPORTS

11. COUNCIL AND STAFF REPORTS

Vice Mayor Allen announced the Symphony in the Park to be held at Todos Santos Plaza on Sunday, September 28.

Councilmember Bonilla reported on her attendance at the Diablo Valley Literary Council 25th annual lunch.

Mayor Peterson reported on the City's recent 19th Annual Mayor's Golf Tournament.

12. RECESS - at 8:00 p.m. to reconvene at 8:15 p.m. in closed session in the City Council Conference Room regarding:

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

City of Concord v. Contra Costa County Municipal Risk Management Insurance Authority

Contra Costa County Superior Court Case No. C00-04311

ACTION: Closed session held.

13. ADJOURNMENT - at 8:40 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: Tuesday, October 7, 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.