



ANNOTATED AGENDA

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

**Tuesday, April 4, 2006
6:30 p.m. – Council Chamber
1950 Parkside Drive**

**5:30 p.m. – Closed Session
City Council Conference Room**

I. ROLL CALL – Councilmember Hoffmeister absent.

II. PUBLIC ANNOUNCEMENT (Open Session)

III. PUBLIC COMMENT (Open Session)

IV. CLOSED SESSION:

a. Conference with legal counsel to discuss significant exposure to potential arbitration proceedings against the City arising out of public employee discipline pursuant to Government Code Sections 54956.9(b) and 54957. [Two potential cases]

b. Conference with legal counsel pursuant to Government Code Section 54956.9(a) existing litigation entitled:

City of Concord v. Merle Hall, et al.

Contra Costa County Superior Court Case No. C04-01408

c. Conference with legal counsel pursuant to Government Code Section 54956.9(a)

City of Concord v. Timothy Darden

Contra Costa County Superior Court Case No. C06-00063

ACTION: Closed Session held.

V. ADJOURNMENT – at 6:30 p.m. to reconvene in the Council Chambers.

6:30 p.m. – Council Chamber

ROLL CALL – Councilmember Hoffmeister absent.

PLEDGE TO THE FLAG – Vice Mayor Peterson

PUBLIC COMMENT PERIOD – None

1. ANNOUNCEMENTS – None

CITY COUNCIL MATTERS

2. CITY COUNCIL CONSENT CALENDAR

- a. **Approval of minutes** – of the February 28, 2006 meeting. Recommended by City Clerk.

ACTION: Minutes approved; Councilmember Peterson abstained due to his absence at that meeting.

- b. **Approving** – a contract agreement with Maze and Associates for auditing services for the fiscal year ending June 30, 2006, in the amount of \$81,606, and including an option to extend the agreement for the fiscal year ending June 30, 2007, in an amount not to exceed \$84,014, and authorizing the City Manager to execute the agreement. Recommended by Director of Finance.

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

- c. **Awarding** – a construction agreement with Anthony B. Kohler Construction Company of Oakley in the amount of \$54,945 for Project No. 2030, Valley District Field Office Improvements, and waiving a minor defect in the bid proposal. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Agreement awarded; minor defect waived.

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- d. **Approving** – a temporary Lead Forensic Specialist classification for a six-month period assigned to PG-ATC, pay grade 11, at a monthly pay range of \$4,108 - \$4,993. Resolution 06-3493.1 for adoption. Recommended by Director of Human Resources.

ACTION: Resolution 06-3493.1 adopted.

- e. **Matter to be set for Public Hearing** – Tuesday, April 25, 2006 – **Community Services Funding** – consideration of accepting the Proposed Draft 2006-07 Action Plan containing the Community Services Commission's recommendations for community grant funding in all project categories from Community Development Block Grant Funds, City of Concord General Fund, and Child Care Developer fees. Recommended by Director of Community and Recreation Services.

ACTION: Public Hearing set for Tuesday, April 25, 2006 at 6:30 p.m.

- f. **Appointing** - Councilmember Shinn to represent the City of Concord as a voting delegate at the Spring General Assembly of the Association of Bay Area Governments being held at the Moscone Convention Center in San Francisco, California on Thursday, April 20, 2006. Recommended by Mayor Bonilla.

ACTION: Councilmember Shinn appointed.

3. CITY COUNCIL PUBLIC HEARINGS

- a. **Concord Municipal Code Amendment - Animal Control** – consideration of an amendment of Concord Municipal Code Chapter 1, General Provisions, Sections 1-24, County Animal Control Ordinance, relating to dangerous animals, and adopting by reference the County Animal Control Ordinance. Ordinance 06-2 for introduction. **Report by Peter Dragovich, Director of City Management.**

ACTION: Ordinance 06-2 introduced by reading of the title only and waiving further reading, amending the Municipal Code as recommended.

- b. **Concord Municipal Code Amendment – Public Nuisance Ordinance** – consideration of amendments to Article II, Chapter 62 entitled Public Nuisances; Article III, Chapter 62 entitled Weeds and Other Vegetation; Article VI, Chapter 62 entitled Abandoned, Wrecked, Dismantled, and Inoperative Vehicles; Article II, Chapter 82 entitled Collection and Disposal; and, Article II, Chapter 114 entitled Trees and Shrubs. Recommended by Council Committee on Neighborhood and Community Services. **Report by Callie Foster-Struggs, Neighborhood Preservation Manager.**

ACTION: Ordinance 06-4 introduced by reading of the title only and waiving further reading, amending the Municipal Code as recommended.

- c. **Proposed Amendment to the Master Fees and Charges Resolution – Residential Garbage Rates** – consideration of a Base-Year Rate Application by Concord Disposal Service to increase residential garbage rates by 6.22% effective May 4, 2006. Recommended by Council Committee on Infrastructure and Franchise. Resolution 06-6042.1 for adoption. **Report by Peter Dragovich, Director of City Management.**

ACTION: Resolution 06-6042.1 adopted increasing residential garbage rates by 6.22% effective May 4, 2006.

JOINT CITY COUNCIL/ REDEVELOPMENT AGENCY MATTERS

4. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

- a. **Approving** – amendment to Appendix "A" of Resolution 81-6601, the City of Concord's Conflict of Interest Code, and confirming that the Redevelopment Agency Conflict of Interest Code and the Local Reuse Authority Conflict of Interest Code remain unchanged. City Council Resolution 06-19 for adoption. Recommended by City Attorney.

ACTION: Resolution 06-19 adopted.

5. CORRESPONDENCE

- a. Letter to Senator Dunn opposing SB 1206 dated March 23, 2006.
- b. Letter to Assemblymember Salinas opposing AB 2197 dated March 27, 2006.
- c. Letter to Assemblymember Mullin opposing AB 2197 dated March 27, 2006.
- d. E-mail from Kurt Turner dated April 1, 2006 concerning size of recycling bins.
- e. E-mail from Mike Barker dated April 2, 2006 concerning garbage service.
- f. E-mail from Cassie Bartholomew dated April 3, 2006 concerning recycling.
- g. E-mail from Rich Van Tassell dated April 3, 2006 concerning garbage rates.
- h. Revised Ordinance 06-4 – Public Nuisance Ordinance.
- i. Municipal Code mark-up reflecting Ordinance 06-4 revisions.

6. CLOSED SESSION REPORTS

City Attorney Craig Labadie reported that while meeting in closed session prior to the public meeting, the City Council voted 4-0 (Hoffmeister absent) to approve a proposed settlement agreement in the case of City of Concord v. Darden, involving a real property title dispute arising out of a private fence that was encroaching into public property at Hillcrest Park. He stated that the settlement provides for removal of the fence and resolution of the title issues with no monetary payment by the City.

7. COUNCIL AND STAFF REPORTS

Councilmember Allen gave an overview of her recent trip to the National League of Cities in Washington D.C.

8. ADJOURNMENT – at 7:54 p.m.

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: Tuesday, April 11, 2006

MEETING RECORDS

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