



ANNOTATED AGENDA

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

**Tuesday, September 26, 2006
7:00 p.m. – Council Chamber
1950 Parkside Drive**

**5:30 – Closed Session
City Council Conference Room**

- I. ROLL CALL – All present.**
 - II. PUBLIC ANNOUNCEMENT (Open Session)**
 - III. PUBLIC COMMENT (Open Session) – None**
 - IV. CLOSED SESSION – regarding personnel matters, pursuant to Government Code Section 54957 – Annual Performance Evaluation of City Attorney.**
- ACTION: Closed session held.**
- V. ADJOURNMENT – at 7:00 p.m. to reconvene in the Council Chambers**

7:00 p.m. – Council Chamber

ROLL CALL – All present.

PLEDGE TO THE FLAG - Councilmember Hoffmeister

PUBLIC COMMENT PERIOD

Joseph V. A. Partansky stated his support of community television and encouraged consideration of airing DemocracyNow.Org.

Greg Enholm, Bay Point, expressed his desire to see the City and the College District work cooperatively to ensure educational opportunities for all students.

1. **PROCLAMATION** - to Judy Bastin and Eddy Williams, members of the Alcohol and Other Drugs Advisory Board of Contra Costa County, proclaiming September as “National Alcohol and Drug Addiction Recovery Month.” **Presentation by Mayor Bonilla.**

ACTION: Mayor Bonilla presented a proclamation to Judy Bastin, member of the Alcohol and Other Drugs Advisory Board, proclaiming September as “National Alcohol and Drug Addiction Recovery Month.”

2. **ANNOUNCEMENTS**

City Manager Lydia Du Borg introduced and welcomed Charla Freckmann, the City’s new Employee Services Manager.

CITY COUNCIL MATTERS

3. **CITY COUNCIL CONSENT CALENDAR**

Mayor Bonilla announced that the City had become aware after the publication of the evening’s agenda of the need for the City Council to approve a Resolution adopting the National Incident Management System (NIMS) Principles and Policies into the City’s Emergency Management System prior to a September 30, 2006 deadline to be eligible for FY 2007 funding opportunities. A motion was made, seconded and unanimously approved to add the following item:

Approving – the adoption of the Principles and Policies of the National Incident Management System (NIMS) and implementing mandated NIMS Training for all City of Concord employees to comply with Homeland Security Presidential Directive, Management of Domestic Emergency Incidents. Resolution 06-66 for adoption. Recommended by Chief of Police.

ACTION: Resolution 06-66 adopted.

- a. **Approval of Minutes** - of September 5, 2006. Recommended by City Clerk.

ACTION: Minutes approved.

- b. **Approving** - revisions to Policy and Procedure No. 34, entitled “Business Meeting Attendance and Travel Authorization and Reimbursement of Expenses” to include language consistent with the requirements established with the passage of AB 1234. Recommended by Director of Human Resources.

ACTION: Policy and Procedure No. 34 approved; Administrative Directive No. 43 acknowledged.

- c. **Adoption of Ordinance 06-10 - Amendment to Concord Municipal Code – Tobacco Retailers License Ordinance** - repealing Chapter 38 (Health and Sanitation), Article III (Tobacco Advertising Restrictions) in its entirety and adding a new Chapter 38 (Health and Sanitation), Article III (Tobacco Retailers License Program); and establishing a new fee for the license and various other administrative charges associated with the program, which will cause amendment to the Master Fees and Charges for Various Municipal Services Resolution. Ordinance 06-10 introduced on September 5, 2006.

ACTION: Ordinance 06-10 adopted.

- d. **Approving** - the amendment to the Master Fees and Charges for Various Municipal Services adding the Tobacco Retailers License Program Fees to Section B of Exhibit “A” to Resolution 78-6042. Resolution 06-6042.4 for adoption. Recommended by Director of Finance.

ACTION: Resolution 06-6042.4 adopted.

- e. **Approving** - a second amendment to the Professional Services Agreement with Gillarde Planning and Consulting in an amount not to exceed \$35,000 for the continuation of development review services bringing the total contract price to \$74,500; and authorizing the City Manager to execute the amendment. Recommended by Director of Planning and Economic Development.

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

- f. **Approving** - modifications of the Memorandum of Understanding Between the City of Concord and the Concord Peace Officers Association representing the Police Managerial Representation Unit for the period July 1, 2006 through June 30, 2007. Resolution 06-4735.4 for adoption. Recommended by Director of Human Resources.

ACTION: Resolution 06-4735.4 adopted.

- g. **Accepting** - the improvements for Project No. 2017, Installation of Pool Heaters at Concord Community Pool, constructed by Pool Scene, Inc. of Sacramento; and directing the City Clerk to file the Notice of Completion. Recommended by the Director of Building, Engineering, & Neighborhood Services.

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

- h. **Approving** - Project No. 2060, Bridge Preventive Maintenance Plan; and appropriation of Caltrans Bridge Preventive Maintenance Program Grant Funds in the amount of \$24,345 to the project. Recommended by Director of Building, Engineering and Neighborhood Services.

ACTION: Resolution 06-63 adopted approving Project 2060, Bridge Preventive Maintenance Program approved; Program Grant and appropriation accepted; and City Manager authorized to execute the Funding Agreement.

- i. **Adoption of Ordinance 06-11 - La Villa Bella Municipal Code Amendment** – amending Chapter 122 (Zoning), Article III (District and District Regulations) Division 12 (DBD Downtown Business District) Section 122-573 (Uses Permitted and Approval Procedures) Exhibit A, Map A from Office to Residential for the property located at 2383 Salvio Street; APN 112-135-011. Ordinance 06-11 introduced September 12, 2006.

ACTION: Ordinance 06-11 adopted. (3-2; Hoffmeister, Shinn – No)

4. CITY COUNCIL PUBLIC HEARING

- a) **Proposed Amendment to Concord Municipal Code - Cable Ordinance Amendment** - consideration of a proposed amendment which would revoke in its entirety Concord Municipal Code Chapter 102 – Telecommunications, and Article II – Cable Communications, and replacing with a new Chapter 102 – Telecommunications, and Article II – Cable Communications to update standards. Ordinance 06-7 for introduction. **Report by Peter Dragovich, Director of City Management.**

ACTION: Ordinance 06-7 introduced as recommended by reading of the title only and waiving further reading.

- b) **Comcast Franchise Renewal - Comcast Franchise Agreement** - consideration of a 15-year non-exclusive cable television franchise agreement with Comcast, renewing the current agreement with new terms and conditions. Resolution 06-32 for adoption. **Report by Peter Dragovich, Director of City Management.**

ACTION: Resolution 06-32 adopted.

**JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY**

**5. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT
CALENDAR**

- a. **Approving** - an increase in the Confidential Pay Schedule in the amount of 3.0% effective October 9, 2006. Resolutions 06-4735.2 and 06-688 for adoption. Recommended by Director of Human Resources.

ACTION: Resolutions 06-4735.2 and 06-688 adopted.

- b. **Approving** - an increase in the Unrepresented Executive and Management Pay Schedule in the amount of 3.0% to maximum rates and reducing the minimum of each salary range, and adopting the Executive and Management Retirement Cash Out Benefit for unrepresented management employees effective October 9, 2006. Resolutions 06-4735.3 and 06-689 for adoption. Recommended by Director of Human Resources.

ACTION: Resolution 06-4735.3 and 06-689 adopted.

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- 6. 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. Memorandum dated September 26, 2006 from City Manager Lydia Du Borg entitled “Adoption of Resolution 06-66 – Recognizing the National Incident Management System (NIMS) and adopting the NIMS Principles and Policies in the City’s Emergency Management System.”
 - b. Memorandum dated September 26, 2006 from Alex Pascual, Director of Building, Engineering and Neighborhood Services, entitled “Resolution approving Project 2060, Bridge Preventive Maintenance Plan; Accepting Bridge Preventive Maintenance Program Grant and Appropriating to Project No. 2060; and Authorizing the City Manager to Execute the Funding Agreement.
 - c. Materials submitted by J. Partansky related to DemocracyNow.Org.
 - d. Letter dated September 26, 2006 submitted by Greg Enholm, Bay Point.
- 7. CLOSED SESSION REPORTS**
- 8. COUNCIL AND STAFF REPORTS**
- 9. ADJOURNMENT**

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.

NEXT REGULAR CITY COUNCIL MEETING: Tuesday, October 3, 2006

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.