

REGULAR JOINT MEETING OF THE  
CONCORD CITY COUNCIL  
AND REDEVELOPMENT AGENCY  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
APRIL 22, 2003

The Concord City Council, Redevelopment Agency, and Planning Commission met in a joint study session on Tuesday, April 22, 2003, at 5:30 p.m. in the Council Chamber with Mayor/Agencymember Peterson presiding. All Councilmembers and Planning Commissioners Costa and Shinn were present. There were no comments during the public comment period. Planning Manager Deborah Raines, Principal Planner Phillip Woods, and Housing Manager Amy Hodgett presented reports, referring to their memorandum dated April 22, 2003, regarding exploring the feasibility of establishing an Inclusionary Housing Program.

Carolyn Landman, Maricela Arias, Teresa Samaniego, representative from CCISCO, Shirley Dean, representative from Consumer Credit Counseling, Gayle Montgomery, Roseanne Montgomery, and Joseph Partansky spoke in support of affordable housing.

Following discussion, Councilmembers directed staff to prepare an economic analysis of the various inclusionary housing program options; refine components to identify what is best suited for Concord; and move towards preparing a draft ordinance. In addition, staff was directed to refer the matter to the Housing and Economic Development Committee for review and recommendations, and bring those recommendations to a future Study Session with the City Council. The meeting recessed at 7:44 p.m. to reconvene in the Council Chamber.

The Concord City Council and Redevelopment Agency reconvened at 8:15 p.m. in the Council Chamber, with Mayor/Agencymember Peterson presiding. The pledge to the flag was led by Councilmember Bonilla. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

#### ROLL CALL

COUNCILMEMBERS PRESENT: Helen Allen, Susan Bonilla, Laura Hoffmeister, Bill McManigal, Mark Peterson (Allen arrived at 8:20 p.m.)

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Ed James, City Manager; Mary Rae Lehman, City Clerk; Craig Labadie, City Attorney; Lydia Du Borg, Assistant City Manager; Greg Jones, Assistant City Manager; Jim Forsberg, Director of Planning and Economic Development; Mike Vogan, Director of Public Works-Maintenance Services; Alex Pascual, Director of Public Works-Engineering Services; Ginger Gessner, Parks Manager; Deborah Raines, Planning Manager; Vicki Matheny, Recreation Services Manager; Phillip Woods, Principal Planner; Peter Dragovich, Director of City Management

MEMBERS OF AUDIENCE WHO ADDRESSED COUNCIL: Ken Biser, Walnut Creek; Alice Bonner, Concord; Ruby Bordwalla, Concord; Harold Kroger, Concord; Eizo Kobayashi, Concord; Kathy Lafferty, Concord; Roberta Laurence, Concord; Albert O'Neal, Concord; Joseph V.A. Partansky, Concord; Betty Strom, Concord; Gail Werblin, Concord

PUBLIC COMMENT PERIOD

Joseph Partansky commended the City for proclaiming April 21 - April 27, 2003, as Disability Awareness Week. He requested the City use closed captioning for televised public meetings and requested a bulletin board be allowed on local cable channels for use by election candidates. He also asked that City Council meetings be made available for viewing on the Internet.

PRESENTATION – Friends of Camp Concord

Following a report from Recreation Program Manager Steve Voorhies, Mayor Peterson accepted a donation in the amount of \$35,000 from the Friends of Camp Concord for the Recreation Activity Scholarship Fund.

PRESENTATION – Certificate of Commendation

Following a report from Downtown Coordinator Florence Weiss, Mayor Peterson presented a Certificate of Commendation to Jim Ocean for his dedication and contribution to the City of Concord's cultural vitality through music and event programming.

PRESENTATION – Concord's Top Recyclers

Following a report from Senior Administrative Analyst Jeff Roubal, Mayor Peterson presented plaques to Concord's top recyclers: Safeway Stores #1192, #595, and #955, Concord Sheet Metal Products, Albertson's Store #7011, Anna's Attic, Costco, and Concord Disposal/ Mt. Diablo Recycling.

PROCLAMATION – National Volunteer Week

Following a report from Sgt. Steve Price, Mayor Peterson presented a proclamation to the Concord VIPs proclaiming April 27 - May 3, 2003, as National Volunteer Week in the City of Concord.

PROCLAMATION – Disability Awareness Week

Mayor Peterson proclaimed April 21 - April 27, 2003, as "Disability Awareness Week" in the City of Concord and presented the proclamation to Lynne Anderson, Development Manager of Easter Seals, Bay Area.

PROCLAMATION – Alcohol Awareness Month

Mayor Peterson proclaimed the month of April 2003 as "Alcohol Awareness Month" in the City of Concord and presented the proclamation to Jim Bouquin, Executive Director of New Connections.

PROCLAMATION – Arbor Day

Following a report from Parks Manager Ginger Gessner, Mayor Peterson proclaimed April 25, 2003, as "Arbor Day" in the City of Concord and presented the proclamation to Kandi Lancaster, member of Concord's Parks, Recreation, and Open Space Commission.

ANNOUNCEMENTS

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

CITY COUNCIL MATTERS

APPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by Allen to approve the minutes of March 25 and April 1, 2003, with Vice Mayor Allen abstaining on the minutes of April 1, 2003 due to her absence at that meeting. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Project No. 151, Landana Drive Pavement Rehabilitation

Motion was made by Hoffmeister and seconded by Allen to accept improvements for Project No. 151, Landana Drive Pavement Rehabilitation, constructed by McGuire and Hester, and to direct the City Clerk to file the Notice of Completion. Motion passed by unanimous vote of the Council.

ACCEPTING IMPROVEMENTS – Project No. 952, Concord Avenue Median Landscaping and Curb Reconstruction

Motion was made by Hoffmeister and seconded by Allen to accept improvements for Project No. 952, Concord Avenue Median Landscaping and Curb Reconstruction (Salvio Street to Bonifacio Street), constructed by DK Environmental; to approve a related budget transfer of \$28,500; and to direct the City Clerk to file the Notice of Completion. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Project No. 845, Concord Skatepark

Motion was made by Hoffmeister and seconded by Allen to accept improvements for Project No. 845, Concord Skatepark, constructed by Altman General Engineering; to approve a related budget transfer of \$38,000; and to direct the City Clerk to file the Notice of Completion. Motion passed by unanimous vote of the Council.

BID REJECTION – Project No. 640, Ygnacio Valley Road at Park Highlands Blvd. Intersection Improvements

Motion was made by Hoffmeister and seconded by Allen to reject all bids for Project No. 640, Ygnacio Valley Road at Park Highlands Blvd. Intersection Improvements, and to direct staff to rebid the project based on a revised scope of work. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Project No. 188, Highlands Park Lighting Improvements

The following bids were opened on March 13, 2003, at 9:30 a.m.:

Jacino Electrical	Grass Valley	\$35,640
Mike Brown Electric Co.	Cotati	\$36,793
WICE	Oakland	\$42,000
Delta Electrical Construction, Inc.	Martinez	\$47,902
Steiny and Company, Inc.	Vallejo	\$54,366

Motion was made by Hoffmeister and seconded by Allen to award the contract for Project No. 188, Highlands Park Lighting Improvements, to Jacino Electrical as the lowest responsible bidder in the amount of \$35,640. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Project No. 034, Monument Boulevard/Detroit Avenue Traffic Signal Upgrade

The following bids were opened on February 26, 2003, at 2:00 p.m.:

Paz Rafala Electrical Construction, Inc.	Gilroy	\$81,698.60
Richard A. Heaps	Sacramento	\$82,911.50
W. Bradley Electric, Inc.	Novato	\$84,928.50
Steiny and Company, Inc.	Vallejo	\$85,231.25
Jacino Electrical	Grass Valley	\$88,407.50
Columbia Electric, Inc.	San Leandro	\$89,746
Brown & Fesler, Inc.	San Ramon	\$93,015
Mike Brown Electric Co.	Cotati	\$93,124.50

Motion was made by Hoffmeister and seconded by Allen to award the 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. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Project No. 085, Baldwin Childcare Storage Room Addition

The following bids were opened on February 27, 2003, at 10:00 a.m.:

JMA Construction	San Francisco	\$42,450
Skill Clean, Inc.	Pittsburg	\$42,500
		Non-Responsive
Hellmann Construction Co.	Pacheco	\$50,584
Allbay Construction Co.	Martinez	\$53,200
San Francisco Commercial Builders, Inc.	San Francisco	\$56,200
Carlin Company, Inc.	S. San Francisco	\$59,732
Cje/RTE (JV)	Concord	\$88,840
Ferris Carpet, Inc.	Napa	Incomplete
Construction Materials Testing, Inc.	Concord	Incomplete

Motion was made by Hoffmeister and seconded by Allen to award the contract for Project No. 085, Baldwin Childcare Storage Room Addition, to JMA Construction as the lowest responsible bidder in the amount of \$42,450; to reject a non-responsive bid; to reject a bid protest; and to approve a related budget transfer of \$27,000. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – RFQ-1924, Annual Contract for Traffic Loop Installation

The following bids were opened on March 7, 2003, at 10:00 a.m.:

Columbia Electric, Inc.	San Leandro	\$10,200
Mike Brown Electric Co.	Cotati	\$17,850
Steiny and Company, Inc.	Vallejo	\$22,100
Wingard Engineering, Inc.	Bethel Island	\$24,650
W. Bradley Electric, Inc.	Novato	\$25,500
Tennyson Electric, Inc.	Livermore	\$32,300

Motion was made by Hoffmeister and seconded by Allen to award the contract for RFQ-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. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – RFQ-1928, 2003 Weed Abatement Program

The following bids were opened on March 17, 2003, at 10:00 a.m.:

C. Helms Weed Control	Concord	Hourly Rate for Labor: \$20.95 Hourly Rate for Supervision: \$21.50
Phoenix Programs	Concord	Hourly Rate for Labor: \$20 Hourly Rate for Supervision: \$23
DK Environmental	Martinez	Hourly Rate for Labor: \$77 Hourly Rate for Supervision: \$91

Motion was made by Hoffmeister and seconded by Allen to award the contract for RFQ-1928, 2003 Weed Abatement Program, to C. Helms Weed Control as the lowest responsible bidder in the amount of \$35,000 for approximately 1,504 hours of labor and 163 hours of supervision. Motion passed by unanimous vote of the Council.

AGREEMENT WITH U.S. DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION – Project No. 182, Traffic Signal Installation at Clayton Road and Contra Costa Canal Trail Crossing

Motion was made by Hoffmeister and seconded by Allen to approve 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 to authorize the City Manger to execute the agreement. Motion passed by unanimous vote of the Council.

AMENDMENT TO AGREEMENT – Pixieland, Inc.

Motion was made by Hoffmeister and seconded by Allen to approve 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 to authorize the City Manager to execute the amendment. Motion passed by unanimous vote of the Council.

BUDGET TRANSFER – Project No. 119, East Street and Clayton Road Pavement Rehabilitation

Motion was made by Hoffmeister and seconded by Allen to approve a budget transfer in the amount 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. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-19 – Cable Television Franchise Extension

This item was removed from the consent calendar at the request of Joseph Partansky.

Joseph Partansky requested that the franchise agreement with Comcast be cancelled due to performance problems and stated that, in his opinion, Comcast is not following the terms of the agreement. He requested that all correspondence between the City and Comcast, including financial reports, be made available for viewing and that more information on franchises be posted on the City’s website, including a monthly update on negotiation proceedings. He requested the creation of a local production facility in Concord where public access shows can be made and aired on Concord public television.

Following discussion, motion was made by McManigal and seconded by Allen to adopt Resolution 03-19, entitled “A RESOLUTION EXTENDING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF CONCORD AND COMCAST TO NOVEMBER 4, 2003.” Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY MATTERS

ADOPTION OF CITY COUNCIL RESOLUTION 03-18 AND REDEVELOPMENT AGENCY RESOLUTION  
03-654 – Sale of Agency Property to BMW Concord

The notice of public hearing was published in the Contra Costa Times on April 9 and April 15, 2003, and mailed to affected parties and posted on the Civic Center kiosk on April 8, 2003.

Economic Development/Redevelopment Specialist David Griffith presented a report, referring to his memorandum dated April 22, 2003, regarding consideration of approving the execution of a Purchase Agreement with BMW Concord for the sale of Redevelopment Agency-owned property at Market Street and Willow Pass Road, and to authorize the City Manger/Executive Director to execute the agreement.

The public hearing was opened and closed without comments.

Following discussion, motion was made by McManigal and seconded by Hoffmeister to adopt City Council Resolution 03-18, entitled "A RESOLUTION APPROVING THE EXECUTION OF A PURCHASE AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD AND ROBERT AND MARK DAY COMPANY, LLC (CONCORD BMW)," and Redevelopment Agency Resolution 03-654, entitled "A RESOLUTION APPROVING THE EXECUTION OF A PURCHASE AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD AND ROBERT AND MARK DAY COMPANY, LLC (CONCORD BMW)," approving the purchase agreement and authorizing the City Manager/Executive Director to execute it. Motion passed by unanimous vote of the Council.

CITY COUNCIL PUBLIC HEARINGS

2003-04 FY COMMUNITY SERVICES GRANT FUNDING ALLOCATIONS

The notice of public hearing was published in the Contra Costa Times, mailed to affected parties, and posted on the Civic Center kiosk on April 11, 2003.

Community Services Manager Teri House presented a report, referring to her memorandum dated April 22, 2003, regarding 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. Ms. House stated that the funds will benefit low-income households by providing a variety of affordable services. She advised that the Community Services Commission has recommended reallocation of \$7,721 to the YES! Concord program, and in addition to the reallocation, the Chamber of Commerce donated \$23,559.73 to the City of Concord and Mount Diablo Unified School District for the YES! Concord Program. She concluded her report, stating that the Community Service Commission approved reallocation of 02-03 funds for fiscal year 03-04, with the provision that this amount be matched, dollar for dollar, by YES! Concord fund raising efforts.

The public hearing was opened

Ken Bisor, Executive Director of Senior Outreach Services, expressed his gratitude and appreciation for the City's ongoing support.

Kathy Lafferty thanked the City for its support and expressed concern over funding for the senior transportation program and for the food program. She stated that, in her opinion, there will be no access to food on the Monument Corridor when the Crisis Center closes June 30, 2003.

Alice Bonner, representative of YES! Concord, spoke in support of City funding for the program.

Gail Werblin, Council Director of Family Stress Center, thanked the City for its financial support which enabled them to meet their goal of families serviced for FY 02-03.

Eizo Kobayashi, chapter member of YES! Concord, spoke in support of City funding for the program.

Harold Kroger, Albert O'Neal, Roberta Laurence, and Ruby Bordwalla spoke in support of the senior transportation program and requested that the City continue funding.

The public hearing was closed

Following discussion, motion was made by Allen and seconded by Bonilla to adopt revised resolution 03-20 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT, ON BEHALF OF THE CITY OF CONCORD, THE ONE-YEAR ACTION PLAN, CONSISTENT WITH THE PROGRAM RULES GOVERNING THE RECEIPT AND EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ALLOCATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DURING FISCAL YEAR 2003-04," increasing funding for YES! Concord to \$15,000 without any matching requirements. Motion passed by the following vote of the council:

AYES: H. Allen, S. Bonilla, M. Peterson      NOES: L. Hoffmeister, B. Mcmanigal      ABSTAIN: None

INTRODUCTION OF ORDINANCE 03-1 – Churches, Lodges, Fraternal, and Community Service Organizations

The notice of public hearing was published in the Contra Costa Times, mailed to affected parties, and posted on the Civic Center kiosk on April 11, 2003.

Principal Planner Cathy Munneke presented a report, referring to her memorandum dated April 22, 2003, regarding 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 to adopt a Mitigated Negative Declaration as the appropriate environmental document.

The public hearing was opened and closed without comments.

Following discussion, motion was made by McManigal and seconded by Hoffmeister to introduce Ordinance 03-1 by reading of the title only and waiving further reading, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 122 (ZONING), ARTICLE III (DISTRICTS AND DISTRICT REGULATIONS), RELATING TO ACCESS FROM A MAJOR STREET OR ARTERIAL FOR CHURCHES, LODGES, FRATERNAL, AND COMMUNITY SERVICE ORGANIZATIONS; AND ARTICLE IV (GENERAL PROVISIONS AND EXCEPTIONS), REQUIRING MAJOR STREET ACCESS FOR CHILD CARE CENTERS." The City Attorney read the ordinance title. Motion passed by the following vote of the Council:

AYES: S. Bonilla, L. Hoffmeister, B. McManigal, M. Peterson      NOES: H. Allen      ABSTAIN: None

INTRODUCTION OF ORDINANCE 03-2 – Drainage Fees

Director of Public Works-Engineering Services Alex Pascual presented a report, referring to his memorandum dated April 22, 2003, regarding consideration of amending Chapter 110 (Utilities), Article IV (Drainage Fees) of the Concord Municipal Code to delete the fees from the Municipal Code and include them in the Resolution of Fees and Charges.

The public hearing was opened and closed without comment.

Following discussion, motion was made by Allen and seconded by McManigal to introduce Ordinance 03-2 by reading of the title only and waiving further reading, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 110 (UTILITIES), ARTICLE IV (DRAINAGE FEES), DIVISION 3 (LOCAL DRAINAGE AREAS)." The City Attorney read the ordinance title. Motion passed by unanimous vote of the Council.

APPOINTMENTS TO PARKS, RECREATION, AND OPEN SPACE COMMISSION

Following a report from the Council Committee on Recreation and Cultural Affairs, motion was made by Allen and seconded by Peterson to reappoint John Mercurio, Wayne Schafer, and Jennifer McGarry to the Parks, Recreation, and Open Space Commission for two-year terms ending April 30, 2005, and to appoint Michael Liebe as an alternate to the Parks, Recreation, and Open Space Commission for a one-year term ending April 30, 2004. Motion passed by unanimous vote of the Council.

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 Joseph Partansky regarding San Francisco Government Television.
- e. Letter from Virginia Lizarraga in support of the Inclusionary Housing Program.
- f. Letter from Merlin Wedepohl, Executive Director of Shelter Inc., in support of the Inclusionary Housing Program.

The meeting recessed at 10:15 p.m. to reconvene in a closed session in the City Council Conference Room.

CLOSED SESSION

The Concord City Council and Redevelopment Agency reconvened at 10:20 p.m. in a closed session regarding: (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). All Councilmembers were present and there were no public comments.

By order of the chair, the meeting was adjourned at 10:40 p.m.

CLOSED SESSION REPORTS

City Attorney, Craig Labadie reported that, in the prior 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.



APPROVED:

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MARK A. PETERSON  
MAYOR/AGENCYMEMBER

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LAURA M. HOFFMEISTER  
COUNCILMEMBER/AGENCY CHAIR

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MARY RAE LEHMAN  
CITY CLERK/AGENCY SECRETARY