

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
SEPTEMBER 23, 2003

The Concord City Council and Redevelopment Agency convened in a regular joint meeting on Tuesday, September 23, 2003 in closed session regarding personnel matters, pursuant to Government Code Section 54957, to interview applicants for the position of Director of Public Works – Maintenance Services. The meeting convened at 5:30 p.m. in the City Council Conference Room and all Councilmembers were present. The meeting recessed at 6:15 p.m. to reconvene in the Council Chamber.

The Concord City Council and Redevelopment Agency reconvened in the Council Chamber at 6:32 p.m., with Mayor/Agencymember Peterson presiding. The pledge to the flag was led by Vice Mayor Allen. 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

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Ed James, City Manager; Lydia Du Borg, Assistant City Manager; Mary Rae Lehman, City Clerk; Craig Labadie, City Attorney; Mike Vogan, Director of Public Works-Maintenance Services; Alex Pascual, Director of Public Works-Engineering Services; Helen Bell, Director of Finance; Peter Dragovich, Director of City Management; Deborah Raines, Planning Manager; Dwayne Dalman, Economic Development/ Redevelopment Specialist

MEMBERS OF AUDIENCE
WHO ADDRESSED COUNCIL: Harold Pavelis, Concord; Ellen Williams, Concord; Hal Yeager, Pleasant Hill

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.

PRESENTATION - State Assembly and Senate Resolution, Concord Disposal

Assemblymember Joe Canciamilla and Senator Torlakson's Chief of Staff Gloria Omania presented certificates to Concord Disposal and the City of Concord commending Concord Disposal Service and the City of Concord for accomplishments including exceeding state-mandated recycling goals.

PROCLAMATION - Domestic Violence Awareness Month

Mayor Peterson proclaimed October 2003 as Domestic Violence Awareness Month in the City of Concord and presented the proclamation to Daniel Payne of STAND! Against Domestic Violence.

PRESENTATION - Concord Business Recognition Awards

Following reports from Economic Development/Redevelopment Specialist Dwayne Dalman and Chamber of Commerce Chair Dirk Wentling, Mayor Peterson presented Business Recognition Awards to Conco Cement Company, Xradia, Inc., and Niello Infinity.

CITY COUNCIL MATTERS

APPOINTMENTS - Administration of Homeland Security's Critical Infrastructure Protection Grant

Motion was made by McManigal and seconded by Allen to appoint 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. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS - Project No. 785.2, Mt. Diablo Creek Bank Stabilization at Schenone Court

Motion was made by McManigal and seconded by Allen to accept improvements for Project No. 785.2, Mt. Diablo Creek Bank Stabilization at Schenone Court, constructed by Steelhead Constructors, Inc., 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. 105, Concord Community Park Restroom

Motion was made by McManigal and seconded by Allen to accept improvements for Project No. 105, Concord Community Park Restroom, constructed by D. K. Environmental, 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. 033, Traffic Signal Installation at the Intersection of Port Chicago Highway and Arnold Industrial Way

Motion was made by McManigal and seconded by Allen to accept 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 to direct the City Clerk to file the Notice of Completion. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS - Project No. 085, Baldwin Childcare Center Addition

Motion was made by McManigal and seconded by Allen to accept improvements for Project No. 085, Baldwin Childcare Center Addition, constructed by JMA Construction of San Francisco; to approve a related \$8,000 budget transfer; and to direct the City Clerk to file the Notice of Completion. Motion passed by unanimous vote of the Council.

AGREEMENTS FOR PROFESSIONAL SERVICES - Associated Engineering Consultants; Azari Engineering; Harris and Associates; LCC; NorCal Engineering Consultants; Testing Engineers; and Zumwalt Engineering Group

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

ADOPTION OF RESOLUTION 03-4735.1 - Confidential Employees Pay Schedule Increase

Motion was made by McManigal and seconded by Allen to adopt Resolution 03-4735.1, entitled "A RESOLUTION APPROVING AN INCREASE IN THE CONFIDENTIAL EMPLOYEE PAY SCHEDULE," approving an increase in Confidential employees pay schedule in the amount of 2% effective with the first pay period following October 1, 2003. Motion passed by unanimous vote of the Council.

AGREEMENT WITH SCIENCE APPLICATIONS INTERNATIONAL CORPORATION - Recycling Program

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

BUDGET TRANSFER AND ADDENDA TO AGREEMENTS - Senior Citizen Facility Project No. 903

This item was removed from the Consent Calendar at the request of Councilmember Hoffmeister, who asked questions of staff regarding the project.

Motion was made by Hoffmeister and seconded by Allen to approve a budget transfer of \$631,000 to the Senior Citizen Facility Project No. 903; to approve an addendum to the agreement with Pacific Program Management, Inc. for building inspection services; to approve an addendum to the agreement with Group 4; to approve various change orders and staff costs; and to authorize the City Manager to execute the addenda. Motion passed by unanimous vote of the Council.

BUCHANAN FIELD AIRPORT - Airport Influence Area for Real Estate Disclosure

Assistant City Manager Lydia Du Borg presented a report, referring to her memorandum dated September 23, 2003 regarding consideration of an Airport Influence Area for real estate disclosures in accordance with AB 2776. She stated that an issue is being considered by the Airport Land Use Commission (ALUC) that involves property in Concord. The ALUC is charged with designating an area around Buchanan Field Airport within which a new State law will require real estate disclosures for sale and lease transactions. The law gives specific wording for the disclosure which warns of annoyances or inconveniences associated with proximity to airport operations, she said, and treats the new airport annoyances disclosure in the same way as natural hazard disclosures. In discussions already held by the ALUC on this subject, a majority of ALUC members have indicated an interest in drawing the designated area in a manner that will encompass all of Concord's downtown, much of its commercial area, and major residential areas. From its analysis of the new law, staff finds this is neither necessary for compliance with the law, nor advisable. Staff is recommending the City Council urge the ALUC to designate an area based on established actual noise and safety criteria, which would encompass a significantly smaller area of the City.

Harold Pavelis stated he had contacted the airport regarding noise issues.

Ellen Williams, representing the Chamber of Commerce, stated that the Chamber has not taken a position on the matter.

Hal Yeager, Airport Land Use Commission member, expressed concerns regarding how the disclosure would be addressed by the real estate industry.

Following discussion, motion was made by McManigal and seconded by Allen to select Alternative 2 from the Report to Council dated September 23, 2003, with minor revision to the wording, 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. Motion passed by unanimous vote of the Council.

REPORT ON STATUS OF GENERAL PLAN AND ZONING ORDINANCE UPDATES

Planning Manager Deborah Raines presented a report, referring to her memorandum dated September 23, 2003 regarding the status of the General Plan and Zoning Ordinance updates and public outreach efforts.

She stated that the consulting firm Dyett & Bhatia has been retained to develop a new Zoning Ordinance, and conducted research which included a review of the City's current General Plan. This review resulted in the conclusion that, in order to continue with the Zoning Ordinance project, a comprehensive update of the 1994 General Plan would be necessary, which they will also perform.

She described the update process and the public outreach efforts to inform the community about the projects and invite their involvement and participation.

Councilmembers provided input and suggestions regarding the project and future presentations to the public.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MATTERS

ADOPTION OF CITY COUNCIL RESOLUTION 03-54 AND REDEVELOPMENT AGENCY RESOLUTION 03-657 - Application for Funding, California Housing Finance Agency (Cal HFA) HELP Program

Motion was made by Allen and seconded by McManigal to adopt City Council Resolution 03-54, entitled "A RESOLUTION AUTHORIZING APPLICATION TO THE CAL HFA HELP PROGRAM FOR FUNDING ASSISTANCE FOR THE MULTI-FAMILY HOUSING REHABILITATION PROGRAM," and Redevelopment Agency Resolution 03-657, entitled "A RESOLUTION AUTHORIZING APPLICATION TO THE CALHFA HELP PROGRAM FOR FUNDING ASSISTANCE FOR THE MULTI-FAMILY HOUSING REHABILITATION PROGRAM." Motion passed by unanimous vote of the Council/Agency.

ADOPTION OF CITY COUNCIL RESOLUTION 03-4735.2 AND REDEVELOPMENT AGENCY RESOLUTION 03-656 - Increase in Executive and Management Pay Schedules

Motion was made by Allen and seconded by McManigal to adopt City Council Resolution 03-4735.2, entitled "A RESOLUTION APPROVING AN INCREASE IN THE EXECUTIVE AND MANAGEMENT PAY SCHEDULE," and Redevelopment Agency Resolution 03-656, entitled "A RESOLUTION APPROVING AN INCREASE IN THE EXECUTIVE AND MANAGEMENT PAY SCHEDULE," approving an 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. Motion passed by unanimous vote of the Council/Agency.

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.

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.

The City Council/Redevelopment Agency took a recess at 8:00 p.m. to reconvene at 8:15 p.m. in closed session in the City Council Conference Room regarding: (1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(c) – potential litigation – initiation of litigation; and (2) 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.

By order of the chair, the meeting was adjourned at 8:40 p.m.

APPROVED:

MARK A. PETERSON
MAYOR/AGENCYMEMBER

LAURA M. HOFFMEISTER
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK/AGENCY SECRETARY