

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
JUNE 24, 2003

The Concord City Council and Redevelopment Agency convened in a regular joint meeting on Tuesday, June 24, 2003 in the Council Chamber. The meeting convened at 6:30 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; Mary Rae Lehman, City Clerk; Craig Labadie, City Attorney; Greg Jones, Assistant City Manager; Peter Dragovich, Director of City Management; Jim Forsberg, Director of Planning and Economic Development; Mike Vogan, Director of Public Works-Maintenance Services; Alex Pascual, Director of Public Works-Engineering Services; Mark Deven, Director of Parks and Recreation; Ron Howard, Director of Finance; Hamid Pouya, Director of Building and Neighborhood Services; Ron Puccinelli, Director of Information Technology; Ron Ace, Chief of Police

MEMBERS OF AUDIENCE WHO ADDRESSED COUNCIL: Joe Partansky, Concord; William McDonald, Concord; Michelle Blackwell, Concord; Beverly Lane, Danville; Otto Wilson, Concord; Clair Hotten, Walnut Creek; Theresa Karr, Sacramento; Jon Hoffman, Mill Valley; Noel Williams, Concord; Russell Schadt, Danville; Tom Cranmer, Concord

PUBLIC COMMENT PERIOD

William McDonald commented about complaint letters he had written to the City concerning the pedestrian crossing at Concord Boulevard and Farm Bureau Road and the City's responses.

Joe Partansky stated that the Third Annual Report of the Frail, Elderly, and Persons with Disabilities will be presented at the Concord Human Relations Commission meeting on July 7, 2003.

Florence Weiss, Downtown Coordinator, announced the events scheduled in the City for the Fourth of July weekend and invited everyone to attend.

Michelle Blackwell addressed the City Council regarding the Chronicle Pavilion, stating that community events have been greatly reduced due to Clear Channel's lack of support for the community. She urged the City Council not to renew the contract with Clear Channel for operation of the Pavilion.

Beverly Lane, Director of the East Bay Regional Parks District, announced a community event on July 12 to remove Puncture Vine from the Iron Horse Trail.

Councilmembers responded to comments made during the Public Comment Period. Councilmember McManigal requested that the City Attorney schedule a closed session as soon as possible to review the results of the audit the City conducted regarding the Pavilion Associates and to prepare for whatever legal action may be necessary.

ANNOUNCEMENTS

Mayor Peterson announced the extension of the recruitment period for openings on the Commission on Aging to July 25, 2003.

CITY COUNCIL MATTERS

APPROVAL OF MINUTES

Motion was made by Allen and seconded by McManigal to approve the minutes of May 27 and June 3, 2003. Motion passed by unanimous vote of the Council.

ADOPTION OF ORDINANCE 03-3 - Sewer Fees

Motion was made by Allen and seconded by McManigal to adopt Ordinance 03-3 entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 110 (UTILITIES), ARTICLE II (SEWER SYSTEM), SECTION 110-32 (RATES AND CHARGES ESTABLISHED), PARAGRAPH (C) BY INCREASING THE MINIMUM ANNUAL SEWER SERVICE CHARGE AND INCREASING OTHER CORRESPONDING CHARGES AS STATED IN SECTION 110-32 (C)." Motion passed by unanimous vote of the Council.

ADOPTION OF ORDINANCE 03-5 - Claims

Motion was made by Allen and seconded by McManigal to adopt Ordinance 03-5 entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 2 (ADMINISTRATION), ARTICLE VII (FINANCE), DIVISION 2 (DEMANDS AGAINST CITY TREASURY)." Motion passed by unanimous vote of the Council.

AGREEMENTS WITH SAVANT TECHNOLOGY GROUP; BASIS, INC.; NET WORKS; AND QUEST - Information Technology Consulting Services

Motion was made by Allen and seconded by McManigal to approve master agreements for professional services with Savant Technology Group; Basis, Inc.; Net Works; and Quest for a variety of technology consulting services for information technology projects, and to authorize the City Manager to execute the agreements. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-38 - Joint Exercise of Powers Agreement for Aquatic Pesticides

Motion was made by Allen and seconded by McManigal to adopt Resolution 03-38, entitled "A RESOLUTION APPROVING THE JOINT EXERCISE OF POWERS AGREEMENT (JEPA) FOR AQUATIC PESTICIDES WITH ALAMEDA COUNTY PUBLIC WORKS AGENCY; ZONE 7-ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT; CITY OF ANTIOCH; AND

CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE JEPA.” Motion passed by unanimous vote of the Council.

WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

Motion was made by Allen and seconded by McManigal to approve the year-end write-off of uncollectible accounts receivable in the amount of \$7,874.82. Motion passed by unanimous vote of the Council.

AGREEMENT WITH CONTRA COSTA CONVENTION AND VISITORS BUREAU

Motion was made by Allen and seconded by McManigal to approve an agreement with Contra Costa Convention and Visitors Bureau for funding for fiscal year 2003-04 in the amount of \$282,949. Motion passed by unanimous vote of the Council.

AGREEMENT WITH RYAN SMILEY - Police Information Services

Motion was made by Allen and seconded by McManigal to approve an agreement with Ryan Smiley in an amount not to exceed \$50,000 to continue development, installation and management of an Intranet site and web-based program for Police Information Services, and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

AGREEMENT WITH JIM NORMAN - Police Information Services

Motion was made by Allen and seconded by McManigal to approve an agreement with Jim Norman in an amount not to exceed \$40,000 to provide support for the programming and installation of Mobile Data Computers and additional support for Police Information Services, and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

AGREEMENT WITH MOTOROLA - Mobile Data Computer Maintenance

Motion was made by Allen and seconded by McManigal to approve an agreement with Motorola for one year in the amount of \$108,835.10 for the maintenance of hardware for the mobile data computers, and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

ENROLLMENT IN VENTURA COUNTY’S AGREEMENT WITH GARTNER GROUP - Technology Advisory Services

Motion was made by Allen and seconded by McManigal to authorize the City Manager to enroll the City of Concord in Ventura County’s agreement with Gartner Group in the amount of \$24,817 for technology advisory services. Motion passed by unanimous vote of the Council.

ADOPTION OF ORDINANCE 03-4 - Secondary Living Units

Motion was made by Allen and seconded by McManigal to adopt Ordinance 03-4, entitled “AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 122 (ZONING), ARTICLE III (DISTRICTS AND DISTRICT REGULATIONS), DIVISION 2 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), SECTION 122-310; DIVISION 4 (D-3 - DUPLEX RESIDENTIAL), SECTION 122-362; AND DIVISION 6, (MULTI-FAMILY RESIDENTIAL DISTRICTS (LOW TO MEDIUM DENSITY), FAR 0.2 AND FAR 0.2+ TO 0.4), SECTION 122-412, PERTAINING TO SECONDARY LIVING UNITS.” Motion passed by the following vote of the Council:

AYES: Allen, Bonilla, Hoffmeister, McManigal

NOES: Peterson

ABSTAIN: None

PRESENTATION - Majors Bill and Judy Nottle

Mayor Peterson presented a Certificate of Recognition to Majors Bill and Judy Nottle, The Salvation Army, commending them for their contributions to the City of Concord.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MATTERS

STATEMENTS OF INVESTMENT POLICY

Motion was made by McManigal and seconded by Allen to approve the City of Concord and City of Concord Redevelopment Agency Statements of Investment Policy. Motion passed by unanimous vote of the Council/Agency.

CITY OF CONCORD AND REDEVELOPMENT AGENCY SERVICES AGREEMENT

Motion was made by McManigal and seconded by Allen to authorize the execution of the 2003-04 services agreement in the amount of \$820,557 between the City of Concord and the City of Concord Redevelopment Agency. Motion passed by unanimous vote of the Council/Agency.

PUBLIC HEARING - Fiscal Year 2002-03 Budgets for the City of Concord and Redevelopment Agency, Ten-Year Financial Plan and Related Items

Continued from June 3, 2003 with the public hearing open.

City Manager Ed James presented a report, referring to his memorandum dated June 24, 2003 regarding consideration of the following items: (a) amending the Master Fees and Charges Resolution for fees relating to various municipal services and developer fees, including but not limited to Administrative Fees; Business, Professional and Trades Fees; Permit Center Fees; Parks and Recreation Fees; Police Fees; Maintenance Services Fees, and the Off-Site Street Improvement Program (OSIP) Fees; (b) approving annual appropriation limit and adjustment factors for Fiscal Year 2003/04, pursuant to Article XIII B of the California Constitution; (c) amending Policy and Procedure No. 129, Budget and Fiscal Policies, to establish additional reserve funds; (d) approving the Fiscal Year 2003/04 City of Concord Budget and Ten-Year Financial Plan, and adoption of the 2003/04 Capital Improvement Program; and (e) approving the 2003/04 City of Concord Redevelopment Agency Budget. He presented responses to questions asked by Councilmembers at the June 3, 2003 public hearing relating to multi-family housing inspection fees and other proposed fee changes. He stated that the proposed fee increase of 6% to the multi-family housing inspection fee which includes a Consumer Price Index increase and coverage of increased employee costs. He added that a Council Committee will review the inspection program and fees later in the year and may recommend further changes.

Otto Wilson, Concord Homes Incorporated; Clair Hotten, Hotten Investment; Theresa Karr, California Apartment Association; Jon Hoffman, property owner; Noel Williams, resident of The Heritage; Russell Schaadt, Braddock and Logan; and Tom Cranmer, property owner addressed the City Council regarding the proposed increase to the multi-family housing inspection fees, requesting that the fees not be increased because of a failing economy and resulting vacancies. They requested that properties that were well maintained not be required to undergo repeated inspections.

Joe Partansky suggested that The Heritage senior residence be exempt from inspection fees.

The public hearing was closed.

Motion was made by Peterson and seconded by Allen to adopt Resolution 03-6042.1, entitled "A RESOLUTION AMENDING EXHIBIT "A" TO RESOLUTION NO. 78-6042 (ESTABLISHING FEES AND CHARGES FOR VARIOUS MUNICIPAL SERVICES IN THE CITY OF CONCORD) TO INCREASE OR

DELETE CERTAIN FEES SET FORTH IN EXHIBIT "A" TO RESOLUTION NO. 78-6042" with the revision that the multi-family housing inspection fee remain the same as the prior year.

Councilmember McManigal stated that he would not support the motion, preferring to leave the fee increase in place and wait until the program has been fully evaluated to determine if a fee reduction and program changes are appropriate.

Motion was made by McManigal and seconded by Allen to amend the motion to remove the proposed revision to the inspection fee.

Councilmember Hoffmeister stated that she would support a 3% fee increase and would support the amendment.

Following discussion, Councilmember McManigal withdrew his motion to amend the main motion.

Motion was made by McManigal to eliminate the multi-family housing inspection program. Motion died for lack of a second.

The original motion passed by the following vote of the Council:

AYES: Allen, Bonilla, Peterson

NOES: Hoffmeister, McManigal

ABSTAIN: None

The City Council took a recess at 8:20 p.m. and reconvened at 8:30 p.m.

Motion was made by Allen and seconded by McManigal to adopt Resolution 03-32, entitled "A RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT FOR THE CITY OF CONCORD FOR THE 2003-2004 FISCAL YEAR PURSUANT TO CALIFORNIA CONSTITUTION ARTICLE XIII B." Motion passed by unanimous vote of the Council.

Motion was made by Allen and seconded by McManigal to approve the amendment to Policy and Procedure No. 129 - Budget and Fiscal Policies, to establish additional reserve funds as recommended. Motion passed by unanimous vote of the Council.

Motion was made by Hoffmeister and seconded by Allen to adopt Resolution 03-33, entitled "A RESOLUTION ADOPTING THE MUNICIPAL BUDGET, INCLUDING A TEN-YEAR FINANCIAL PLAN AND THE 2003-2004 CAPITAL IMPROVEMENT PROGRAM, INCLUDING A TEN-YEAR CAPITAL IMPROVEMENT PLAN, FOR THE FISCAL YEAR 2003-2004 AND RECONFIRMING AUTHORIZATION TO USE REDEVELOPMENT AGENCY SET-ASIDE FUNDS FOR HOUSING-RELATED ACTIVITIES UNDER THE CITY'S NEIGHBORHOOD IMPROVEMENT PROGRAM." Motion passed by unanimous vote of the Council.

Motion was made by Hoffmeister and seconded by McManigal to adopt Redevelopment Agency Resolution 03-655, entitled "A RESOLUTION ADOPTING THE REDEVELOPMENT AGENCY BUDGET FOR THE FISCAL YEAR 2003-2004 AND RECONFIRMING THE USE OF REDEVELOPMENT AGENCY HOUSING SET-ASIDE FUNDS FOR HOUSING-RELATED ACTIVITIES UNDER THE CITY'S NEIGHBORHOOD IMPROVEMENT PROGRAM." Motion passed by unanimous vote of the Agency.

CORRESPONDENCE

- a. City of Concord Redevelopment Agency Investment Report dated April 30, 2003.
- b. City of Concord Treasurer's Report for April, 2003.

- c. Letters dated May 21 and June 2, 2003 from Carol Longshore to the Planning Commission and City Council in support of the Willow Walk Residential Subdivision appeal.
- d. E-mail from Jim Kearns objecting to the proposed increase in senior golf rates at Diablo Creek Golf Course.
- e. Letter dated June 17, 2003 from Marcus O'Connell commenting on the City's response to his letter of June 3, 2003 and requesting additional information.
- f. Copy of letter dated June 13, 2003 to the City Attorney from Pacific Telesis regarding the proposed changes to encroachment permit fees.
- g. Letter dated June 19, 2003 from Property Pro, Ltd. objecting to the proposed increase in multi-family housing inspection fees and asking that the inspection program be reviewed.
- h. E-mail from Joe Mahoney providing comments and suggestions on the City's Multi-Family Housing Inspection Program and related fees.
- i. Letter dated June 23, 2003 from Russell Schaadt, Braddock and Logan Services, objecting to the proposed increase in multi-family housing inspection fees.
- j. Comments and reply to the City Manager letter dated May 30, 2003 submitted during the Public Comment Period from William McDonald regarding complaint letters he had written to the City concerning the pedestrian crossing at Concord Boulevard and Farm Bureau Road and the City's responses.
- k. Letter dated June 23, 2003 from Janelle Hampton, Community Director for Oakview Apartments, objecting to the proposed increase in multi-family housing inspection fees.
- l. Letter dated June 23, 2003 from Sher Gora, Community Director for Diablo View Apartments and Villa Diablo, objecting to the proposed increase in multi-family housing inspection fees.
- m. Letter dated June 23, 2003 from Jack Taylor, Community Director for Meadowlark Apartments, objecting to the proposed increase in multi-family housing inspection fees.
- n. Letter dated June 23, 2003 from Scott Ostrode, Regional Manager for Diablo View Apartments, Meadowlark Apartments, Oakview Apartments and Diablo Villa, objecting to the proposed increase in multi-family housing inspection fees.
- o. Letter dated June 23, 2003 from Brian Rein, Chief Operating Officer for Diablo View Apartments, Meadowlark Apartments, Oakview Apartments and Diablo Villa, objecting to the proposed increase in multi-family housing inspection fees.
- p. Petition containing 70 signatures submitted by Dr. Noel Williams from residents of The Plaza Tower/Heritage senior apartments objecting to the multi-family housing inspection program.
- q. Proposals submitted by Theresa Karr, California Apartment Association, relating to the multi-family housing inspection program.

COUNCIL AND STAFF REPORTS

Councilmembers reported on upcoming meetings they will be attending.

Councilmember Bonilla sent best wishes to the owner and staff of The Garden Gate gift shop, which is closing.

Mayor Peterson stated that Lauri Harris, the parent of a recent High School graduate, wrote to thank the City for televising and recording the graduation ceremonies recently held in Concord.

By order of the chair, the meeting was adjourned at 8:43 p.m.

APPROVED:

MARK A. PETERSON
MAYOR/AGENCYMEMBER

LAURA M. HOFFMEISTER
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK/AGENCY SECRETARY