

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
JULY 1, 2003

The Concord City Council and Redevelopment Agency convened in a regular joint meeting on Tuesday, July 1, 2003 in closed session to confer with Legal Counsel pursuant to Government Code Section 54956.9(a) – existing litigation entitled: James C. Collins, et al. v. City of Concord, Contra Costa County Superior Court Case No. C02-02433. The meeting convened at 5:30 p.m. in the City Council Conference Room and all Councilmembers were present. The meeting recessed at 6:25 p.m. to reconvene in the Council Chamber.

The Concord City Council and Redevelopment Agency convened in a regular joint meeting on Tuesday, July 1, 2003 in the Council Chamber. The meeting convened at 6:36 p.m., with Mayor/Agencymember Peterson presiding. The pledge to the flag was led by former City of Concord Mayor Colleen Coll. 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: Lydia Du Borg, Assistant City Manager; Mary Rae Lehman, City Clerk; Craig Labadie, City Attorney; 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; Mark Deven, Director of Parks and Recreation

MEMBERS OF AUDIENCE WHO ADDRESSED COUNCIL: Brian Keathley, San Ramon; John Haffner, Concord; Danielle Haffner, Concord; Russell Overbeck, Concord; Nick Virgallito, Concord; Carl Hamilton, Concord; Nick Virgallito, Concord; Dick Schermerhorn, Martinez; Andreanna Jovan, Concord; Harriet Britt, Concord; Pennie Rose, Concord; Terri Gross, Concord; Terri Vinci, Concord; Ann Wiley, Concord; Wendy Hershey, Concord; Marianne Dias; Bill Maggiora, Lafayette; Timothy Martinez, Concord; Ken Poff, Concord; Barbara Johnson Smith, Concord; Lesley Kaplan, Concord; Kyle Emerson, San Ramon; Joe Silva, Concord; Sibi Soroka, Concord; Joe Bradford, San Ramon; Mitch Solomon, San Ramon; Ed Seghers, Concord; William McDonald, Concord; Joseph Partansky, Concord

PUBLIC COMMENT PERIOD

Brian Keathley stated that his car was towed and subsequently damaged by Continental Tow, with whom the City contracts for towing services. He stated that the company was unresponsive and requested that the City consider his complaint when the company's contract is up for renewal.

Ed Seghers discussed prior actions and votes by the City Council in approving the contract with Bill Graham Presents for operation and privatization of the Pavilion.

William McDonald responded to comments made by Mayor Peterson at the previous meeting.

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.

PROCLAMATION - National Aquatics Week

Mayor Peterson proclaimed the week of July 13-19 as "National Aquatics Week" in the City of Concord and presented the proclamation to Program Manager Barbara Selway.

ANNOUNCEMENTS

Vice Mayor Allen announced that, due to lack of respect shown to the Police Department by skaters and the vandalism of nearby police cars, the Concord Skatepark will be closed on July 2 and July 3.

CITY COUNCIL MATTERS

APPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by Allen to approve the minutes of June 10, 2003. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING - Proposed Amendment to the Municipal Code, Conduct in Park and Recreation Areas

Motion was made by Hoffmeister and seconded by Allen to set a public hearing for Tuesday, July 22, 2003 at 6:30 p.m. in the Council Chamber to consider amending Sections 74-31, 74-32 and 74-35 of the Concord Municipal Code to allow Code enforcement by Open Space Rangers in the Lime Ridge Open Space. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT - Project No. 119, East Street (Pacheco Street to 150' South of Grant Street) and Clayton Road (Oakland Avenue to Davis Street) Pavement Rehabilitation

The following bids were opened bids were opened at 10:00 a.m. on April 29, 2003:

Ghilotti Construction	\$473,811.00
Silicon Valley Paving	\$476,097.00
Bay Cities Paving & Grading	\$476,929.38
Granite Construction	\$510,561.50
North Bay Construction	\$517,322.50
Redgwick Construction	\$528,904.00
El Camino Paving	\$528,931.00
Construction Materials Testing	Non-responsive

Motion was made by Hoffmeister and seconded by Allen to award the contract 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 Ghilotti Construction as the lowest responsible bidder in the amount of \$473,811, and to reject the bid from Construction Materials Testing as non-responsive. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT - Project No. 928.1, Concord Community Pool Building Renovation

The following bids were opened at 2 p.m. on May 22, 2003:

NEMA Construction	\$274,000
Vila Construction	\$286,322
Helmann	\$320,000
Albay	\$324,000
Page Construction	\$329,642
JMA Construction	\$338,800

Motion was made by Hoffmeister and seconded by Allen to award the contract for Project No. 928.1, Concord Community Pool Building Renovation, to NEMA Construction Co. as the lowest responsible bidder in the amount of \$274,000, and to reject a bid protest from Helmann Construction Company protesting the selection of NEMA Construction as the low bidder. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT - Project No. 172, Monte Gardens/San Vicente Area Sewer Rehabilitation (Phase 2)

The following bids were opened at 10 a.m. on April 30, 2003:

RePipe-California, Inc. dba PPR	\$318,691.40
Gelco Services, Inc.	\$345,416.00
Insituform Technologies, Inc.	\$407,502.00

Motion was made by Hoffmeister and seconded by Allen to award the contract for Project No. 172, Monte Gardens/San Vicente Area Sewer Rehabilitation (Phase 2), to RePipe-California, Inc. dba PPR of Santa Ana, as the lowest responsible bidder in the amount of \$318,691.40. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS - Project No. 117, Monument Boulevard at Monument Court Intersection Improvements

Motion was made by Hoffmeister and seconded by Allen to accept improvements for Project No. 117, Monument Boulevard at Monument Court Intersection Improvements, constructed by Sposeto Engineering; to approve a related budget transfer in the amount of \$12,000; and to direct the City Clerk to file the Notice of Completion. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-40 - Willow Walk Residential Subdivision Appeal

The notice of public hearing was published in the Contra Costa Times, mailed to affected parties and posted on the Civic Center kiosk on June 20, 2003.

Planning Manager Deborah Raines presented a report, referring to her memorandum dated July 1, 2003 regarding consideration of an appeal by John Haffner, et al., of the Planning Commission's approval (5-0) of an application by The Olson Company to construct a 56-lot single-family residential subdivision at 2800 and 2888 Willow Pass Road, 1855 and 1861 Parkside Drive, 1880 Third Street, and 2877, 2879, and 2885 Euclid Avenue, APN's: 113-021-003, -008, -009, -010, -011, -015, -019, -020, -022, -024, and -025. She responded to issues raised in the appeal, including discussion of the arborist's

report, noise, parking, traffic and public notification. She concluded that staff recommends denial of the appeal.

The public hearing was opened.

Appellant John Haffner addressed the Council in support of his appeal, citing the reasons contained in the appeal.

Danielle Haffner, Russell Overbeck, Carl Hamilton, Andreanna Jovan, Harriet Britt, Pennie Rose, Terri Gross, Terri Vinci, Bill Maggiora, Timothy Martinez, Wendy Hershey, Joe Silva, Marianne Dias, Leslie Kaplan, Ann Wiley, Barbara Johnson Smith, Ken Poff, and Sibi Soroka addressed the City Council regarding the project, expressing concerns regarding traffic, parking, density, preservation of heritage trees, and public notification.

Nick Virgallito, Chamber of Commerce Executive Vice President; and Dick Schermerhorn, Contra Costa Economic Partnership spoke in support of the project, stating it will bring much-needed housing to the city.

Project proponents Joe Bradford and Mitch Solomon, representing The Olson Company, responded to issues raised during the public hearing and questions from Councilmembers.

Kyle Emerson, The Olson Company, provided information on the CEQA report.

The public hearing was closed.

The City Council took a recess at 8:12 p.m. and reconvened at 8:32 p.m.

Vice Mayor Allen suggested air conditioning be standard provision in all homes.

Councilmember Hoffmeister proposed revisions to Conditions of Approval Nos. 96, 97, 101, 2, 6, 14, 70, and 73.

Motion was made by McManigal and seconded by Allen to adopt Resolution 03-40, entitled "A RESOLUTION DENYING THE APPEAL OF THE WILLOW WALK RESIDENTIAL SUBDIVISION TENTATIVE MAP (TM 03-002), USE PERMIT (UP 03-002), HERITAGE TREE REMOVAL PERMIT (RT 03-002) AND DESIGN REVIEW (DR 03-002)," including the changes to the Conditions of Approval as proposed by Councilmember Hoffmeister.

Councilmember Hoffmeister offered a friendly amendment directing the Design Review Board to require the addition of decorative paving or landscaping, and requiring that Condition No. 150 include that garages not be used for storage. The maker and seconder of the motion agreed to the revisions.

Councilmember Bonilla stated that she would not support the motion, stating that she was not convinced the project was the best one for the site. She stated that she would prefer to see a lower density project.

Mayor Peterson stated that he would not support the motion, stating that he does not support the affordable housing component of the project and that the reduced cost of the units is subsidized by other buyers. He indicated he would like to continue to review the proposal.

Motion passed by the following vote of the Council:

AYES: Allen, Hoffmeister, McManigal

NOES: Bonilla, Peterson

ABSTAIN: None

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MATTERS

CORRESPONDENCE

- a. City of Concord Redevelopment Agency Investment Report dated May 31, 2003.
- b. Letter dated July 1, 2003 from Carol Longshore opposing the Willow Walk Subdivision and urging the City Council to grant the appeal.
- c. Excerpts submitted by Ed Seghers from the February 15, 2000 Report to Council and Minutes relating to the Concord Pavilion Operational Study.
- d. Photos submitted by Sibi Soroka of developments similar to the proposed Willow Walk project.

COUNCIL AND STAFF REPORTS

Mayor Peterson announced the events scheduled in the City for the Fourth of July weekend and invited everyone to attend.

By order of the chair, the meeting was adjourned at 11:03 p.m.

APPROVED:

MARK A. PETERSON
MAYOR/AGENCYMEMBER

LAURA M. HOFFMEISTER
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK/AGENCY SECRETARY