

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

The Concord City Council and Redevelopment Agency convened in a regular joint meeting on Tuesday, July 22, 2003 in closed session regarding conference with Legal Council pursuant to Government Code Section 54956.9(c) to discuss potential litigation against Concord Pavilion Associates. The meeting convened at 5:30 p.m. in the City Council Conference Room and all Councilmembers were present. The meeting recessed at 6:10 p.m. to reconvene in the Council Chamber.

The Concord City Council and Redevelopment Agency reconvened at 6:35 p.m. in the Council Chamber, with Mayor/Agencymember Peterson presiding. The pledge to the flag was led by Councilmember Hoffmeister. 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; Mike Vogan, Director of Public Works-Maintenance Services; Mark Deven, Director of Parks and Recreation; Ron Ace, Chief of Police; Helen Bell, Finance Director; Jim Forsberg, Director of Planning and Economic Development; Alex Pascual, Director of Public Works-Engineering Services; Ron Puccinelli, Director of Information Technology.

MEMBERS OF AUDIENCE  
WHO ADDRESSED COUNCIL: Bruce Borjesson, Concord; Wayne Klier, Concord; Sibi Soroka, Lafayette; Philip Kriegh, Concord; David Pitman, Concord; Joseph Partansky, Concord; Paul Larson, Concord; Pierre Noble, Concord; John Farley, Concord; Bradley Kimbrough, Concord; Lisa Arnold, Concord; Jesse Rutti, Concord; Michael Anderson, Concord; Stacy Hart, Concord; Raul Rojas, Concord; William McDonald, Concord; Ed Seghers, Concord; Bernard Dulaney, Concord; Terry Tussing, Concord; Susan Burkitt, Concord; Mary Fujii, Concord.

PUBLIC COMMENT PERIOD

Joseph Partansky requested that the City provide more access to agendas, annotated agendas, minutes, and reports for all City of Concord boards, commissions, and committees.

William McDonald requested stricter enforcement of parking violations at Willow Pass Park. He also requested that the City provide additional parking on East Olivera Road.

Bruce Borjesson and Wayne Klier requested the installation of crossing lights on Cowell Road where the Iron Horse Trail crosses Cowell Road.

Sibi Soroka stated that, in his opinion, Council received inaccurate information from The Olsen Company regarding the Willow Walk project and requested that Councilmembers of the prevailing vote reconsider their decision.

Phillip Kriegh stated that, in his opinion, private businesses and low income/affordable housing programs are unnecessarily receiving government funds from the City of Concord. He requested that Concord adopt a noise ordinance that includes the hours a business can operate and penalties for persons with loud car radios.

PROCLAMATION - National Night Out

Mayor Peterson proclaimed August 5, 2003, as "National Night Out" in the City of Concord and presented the proclamation to Dave Pitman, President of the Concord Park Neighborhood Association.

PRESENTATION - Certificates of Completion

Following a report from Susan Burkitt, President, and Mari Fujii, Project Coordinator, of the Concord Ambassadors, Mayor Peterson presented Certificates of Completion to the students of the Concord Young Ambassadors Program.

ANNOUNCEMENTS

City Manager Ed James introduced new Recreation Program Manager Marla Parada, and new Finance Director Helen Bell and gave a brief history on both.

CITY COUNCIL MATTERS

ADOPTION OF RESOLUTION 03-44 - Contra Costa Clean Water Program

Motion was made by Allen and seconded by Hoffmeister to adopt Resolution 03-44, entitled "A RESOLUTION APPROVING CONTRA COSTA CLEAN WATER PROGRAM AGREEMENT (2004-2010) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT," approving an agreement to continue membership in the Contra Costa Clean Water Program to implement joint municipal National Pollutant Discharge Elimination System (NPDES) permits and share program costs, and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-43 - Stormwater Utility Area Agreement

Motion was made by Allen and seconded by Hoffmeister to adopt Resolution 03-43, entitled "A RESOLUTION APPROVING A STORMWATER UTILITY AREA AGREEMENT BETWEEN THE CONTRA COSTA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT AND THE CITY OF CONCORD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT," approving a Stormwater Utility Area Agreement with the Contra Costa County Flood Control & Water Conservation District and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-45 - Stormwater Inspections Agreement

Motion was made by Allen and seconded by Hoffmeister to adopt Resolution 03-45, entitled "A RESOLUTION AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT TO ENTER INTO AN AGREEMENT WITH THE CENTRAL CONTRA COSTA SANITARY DISTRICT TO CONTINUE CONDUCTING STORMWATER INSPECTIONS ON THE CITY'S BEHALF," authorizing the Contra Costa County Flood Control & Water Conservation District to enter into an agreement with Central Contra Costa Sanitary District to continue conducting stormwater inspections on the City's behalf. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-41 - Accepting Subdivision Improvements, Amber Grove Subdivision, Tract 8418

Motion was made by Allen and seconded by Hoffmeister to adopt Resolution 03-41, entitled "A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 8418, AMBER GROVE," accepting subdivision improvements for Amber Grove Subdivision, Tract 8418, consisting of a 27-unit, single-family residential subdivision located at 5165 Olive Drive, formerly APN 117-020-075, constructed by Pulte Homes Corporation, and to authorize release of Improvement Bonds. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS - RFQ #1920, 2003 Cape Seal Program

Motion was made by Allen and seconded by Hoffmeister to accept improvements for the 2003 Cape Seal Program, RFQ #1920, constructed by Bond Blacktop, 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. 179, Pine Hollow Landscape District Soundwall Slope Stabilization and Footing Repair

Motion was made by Allen and seconded by Hoffmeister to accept improvements for Project No. 179, Pine Hollow Landscape District Soundwall Slope Stabilization and Footing Repair (on Discovery Way at Grasswood Court and Grasswood Circle), constructed by Planned Environments, 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. 145, Civic Center Building C, Information Technology Department Remodel

Motion was made by Allen and seconded by Hoffmeister to accept improvements for Project No. 145, Civic Center Building C, Information Technology Department Remodel, constructed by Albay Construction; to approve a related budget transfer in the amount of \$5,000; and to direct the City Clerk to file the Notice of Completion. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT - Q-1938, School Crossing Guard Services

The following bids were opened at 11 a.m. on Thursday, June 12, 2003:

Kimco Office Pros	\$156,600
All City Management	\$159,964

Motion was made by Allen and seconded by Hoffmeister to award the contract in the amount of \$159,964 to All City Management Services Inc. as the most qualified bidder to provide school crossing guard services for the 2003-04 school year, Q-1938, with an option to renew the contract for two one-year periods, and to authorize the City Manager to sign the agreement. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT - Project No. 640, Ygnacio Valley Road at Park Highlands Blvd. Intersection Improvements

The following bids were opened at 10:30 a.m. on Tuesday, June 17, 2003:

Mike Brown Electric Co.	\$96,471.00
W. Bradley Electric, Inc.	\$96,939.00
Columbia Electric, Inc.	\$99,000.00
Steiny and Company, Inc.	\$101,375.55
Richard A. Heaps Electrical Contractor, Inc.	\$102,129.25
Granite Construction	\$117,062.00
Brown & Fesler, Inc.	\$118,566.00
Tennyson Electric, Inc.	\$123,577.50

Motion was made by Allen and seconded by Hoffmeister to award the contract for Project No. 640, Ygnacio Valley Road at Park Highlands Blvd. Intersection Improvements, to Mike Brown Electric Co. as the lowest responsible bidder in the amount of \$96,471. Motion passed by the following vote of the Council:

AYES: Allen, Bonilla, Hoffmeister, Peterson                      NOES: None                      ABSTAIN: McManigal

AWARD OF CONTRACT - Project No. 208, Citywide Sidewalk Improvement Program (FY 2003-04)

The following bids were opened at 10:30 a.m. on June 24, 2003:

SpenCon Construction, Inc.	\$59,436.50
Sposeto Engineering, Inc.	\$82,272.00

Motion was made by Allen and seconded by Hoffmeister to award the contract for Project No. 208, Citywide Sidewalk Improvement Program (FY 2003-04) to SpenCon Construction as the lowest responsible bidder in the amount of \$59,436.50, and to approve a related budget transfer in the amount of \$35,000. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT - Project No. 183, Market Street at Fry Way Traffic Signal

The following bids were opened at 10:00 a.m. on Tuesday, July 1, 2003:

W. Bradley Electric, Inc.	\$162,073.70
Richard A. Heaps Electrical Contractor, Inc.	\$172,589.45
Mike Brown Electric Co.	\$181,129.25
Steiny and Company, Inc.	\$200,673.25
Tennyson Electric, Inc.	\$209,191.00
Professional Construction Services	\$227,152.50

Motion was made by Allen and seconded by Hoffmeister to award the contract for Project No. 183, Market Street at Fry Way Traffic Signal to W. Bradley Electric, Inc. as the lowest responsible bidder in the amount of \$162,073.70. Motion passed by unanimous vote of the Council.

REJECTION OF BIDS - Project No. 176, Academy Road Widening (North Side - Phase 2)

The following bids were opened at 2:30 p.m. on Wednesday, June 4, 2003:

P.C.S. Construction	\$152,259.75
Bruce Carone Grading & Paving, Inc.	\$166,355.00
AJ Vasconi General Engineering	\$210,785.00
Sposeto Engineering	\$216,260.00

Motion was made by Allen and seconded by Hoffmeister to reject all bids for Project No. 176, Academy Road Widening (North Side - Phase 2) and to direct staff to re-bid the project in early 2004. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-46 - Tract 6875, Heartland Court Subdivision

Motion was made by Allen and seconded by Hoffmeister to adopt Resolution 03-46, entitled "A RESOLUTION ACCEPTING THREE OFFERS OF DEDICATION FROM HEARTLAND OF CONCORD OWNERS ASSOCIATION AND THREE QUITCLAIM DEEDS FROM HEARTLAND OF CONCORD OWNERS ASSOCIATION, CHEE AND MELODY LAM, AND GENE AND MARY SKINNER FOR STREET AND DRAINAGE IMPROVEMENTS FOR TRACT 6875 HEARTLAND COURT, INCLUDING EVALANE WAY," accepting three Offers of Dedication and three Quitclaim Deeds for street and drainage improvements related to Tract 6875, Heartland Court Subdivision. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-47 - Permit Parking

Motion was made by Allen and seconded by Hoffmeister to adopt Resolution 03-47, entitled "A RESOLUTION AUTHORIZING PERMIT PARKING ON WEAVER LANE BETWEEN SMITH LANE AND WEAVER COURT; WEAVER COURT; CARONDELET COURT; BETHANY COURT; BETHANY LANE; AND SMITH LANE BETWEEN WEAVER LANE AND BETHANY LANE," authorizing permit parking on the above-listed street locations. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-39 - Permit Parking

Motion was made by Allen and seconded by Hoffmeister to adopt Resolution 03-39, entitled "A RESOLUTION AUTHORIZING PERMIT PARKING ON BLACK OAK ROAD, WHITE OAK DRIVE, RED OAK DRIVE, WHITE OAK COURT, AND THE SOUTH SIDE OF ACADEMY ROAD," authorizing permit parking on the above-listed street locations. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 03-42 - Neighborhood Preservation Cost Accounting Report

Motion was made by Allen and seconded by Hoffmeister to adopt Resolution 03-42, entitled "A RESOLUTION CONFIRMING THE NEIGHBORHOOD PRESERVATION COST ACCOUNTING REPORT OF UNPAID ADMINISTRATIVE CITATION FINES, RE-INSPECTION FEES AND ABATEMENT COSTS," confirming the Neighborhood Preservation Cost Accounting Report of unpaid administrative citation fines, re-inspection fees and abatement costs for various properties in Concord. Motion passed by unanimous vote of the Council.

AGREEMENT WITH PAGE & TURNBULL, INC. - Galindo House and Gardens

Motion was made by Allen and seconded by Hoffmesiter to approve an agreement for professional services with Page & Turnbull, Inc., to provide architectural and landscape design improvements for the Galindo House and Gardens Interim Project, No. 991, and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT - Project No. 107, El Dorado Middle School/Westwood Elementary Joint User Improvements

This item was removed from the Consent Calendar at the request of Councilmember McManigal.

The following bids were opened at 11:00 a.m. on Thursday, June 5, 2003:

RMT Landscape Contractors, Inc.	\$1,440,549.53
Cleary Bros. Landscape, Inc.	\$1,447,925.86

Mark Deven, Director of Parks and Recreation presented a report referring to his memorandum dated July 22, 2003. He advised that the School District and the City negotiated a joint use agreement and facilitated and implemented a use plan that allows the athletic fields to be open during non-school hours, holidays, and weekends. Mr. Deven concluded his report, advising that there will be an entry arch to the 103-acre park at the corner of Concord Boulevard and Mendocino Avenue.

Following discussion, motion was made by McManigal and seconded by Allen to award the contract for Project No. 107, El Dorado Middle School/Westwood Elementary Joint Use Improvements, to RMT Landscape as the lowest responsible bidder in the amount of \$1,440,549.53; to waive a minor bid defect; and to approve a related budget transfer in the amount of \$190,000. Motion passed by unanimous vote of the council.

AWARD OF CONTRACT - Project No. 206, Removal of Barriers to the Mobility Impaired (FY 2003-04) and Project No. 207 Curb, Gutter and Sidewalk Repair Program (FY 2003-04)

This item was removed from the Consent Calendar at the request of Joseph Partansky.

Joseph Partansky thanked the Council for addressing concerns he presented at the Council Meeting of July 8, 2003, regarding the project. He requested the installation of a concrete pad at the County Connection 111 bus stop located at Todos Santos Park. Mr. Partansky also requested installation of white stop bars at crosswalks that are not painted in a standard manner.

The following bids were opened at 10:00 a.m. on Tuesday, June 24, 2003:

Spenco Construction, Inc.	\$53,605.50
Sposeto Engineering, Inc.	\$82,486.00

Motion was made by McManigal and seconded by Allen to award the contract for Project No. 206, Removal of Barriers to the Mobility Impaired (FY 2003-04) and Project No. 207, Curb, Gutter and Sidewalk Repair Program (FY 2003-04) to Spenco Construction, Inc. as the lowest responsible bidder in the amount of \$53,605.50, and to waive a minor bid defect. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT - Project No. 785.2, Mount Diablo Creek Bank Stabilization at Schenone Court

This item was removed from the Consent Calendar at the request of Paul Larson.

Paul Larson asked the Council to clarify if this project was located on City property or private property.

Council advised that the property is an easement.

The following bids were opened at 2:30 p.m. on Tuesday, June 19, 2003:

Steelhead Constructors, Inc.	\$81,777
D.K. Environmental	\$97,580
W.R. Forde Associates	\$110,400
Hanford A.R.C.	\$136,852
Pfister Excavating	\$224,500

Motion was made by Hoffmeister and seconded by McManigal to award the contract for Project No. 785.2, Mount Diablo Creek Bank Stabilization at Schenone Court, to Steelhead Constructors as the lowest responsible bidder in the amount of \$81,777. Motion passed by unanimous vote of the Council.

AGREEMENT WITH CONCORD COMMUNITY ECONOMIC DEVELOPMENT ORGANIZATION - Monument Labor Works Program

This item was removed from the Consent Calendar at the request of several Citizens.

Mark Deven, Director of Parks and Recreation, presented a report referring to his memorandum dated July 22, 2003, regarding the approval of an agreement with the Concord Community Economic Development Organization (CCEDO) for operation of the Monument Labor Works Program. Mr. Deven stated that the City is working with CCEDO to address street side solicitation on Monument Boulevard and advised that CCEDO will address its operational issues and continue its operations in coordination with City activities.

Pierre Noble, John Farley, Lisa Arnold, and Jessi Rutti spoke against approving the agreement.

Bradley Kimbrough, Stacy Hart, and Raul Rojas spoke in favor of approving the agreement.

Michael Anderson requested that the center be moved to a non-residential area.

Councilmember McManigal requested more enforcement of loitering in the area.

Councilmember Hoffmeister requested a quarterly report be provided within 30 days. She suggested that the center continue its efforts in seeking outside funding.

Councilmember Bonilla requested a progress report on center activities and available programs.

Mayor Peterson stated that he would like a full time City employee at the center to restrict loitering and requested a revision to the agreement to state that a review of the center's progress will be brought to the Neighborhood and Community Services Commission in three months.

Following discussion, motion was made by Peterson and seconded by Hoffmeister to approve an agreement with the Concord Community Economic Development Organization for operation of the Monument Labor Works Program and to authorize the City Manager to execute the agreement. Council requested a status report of the center's progress be brought to the Neighborhood and Community Services Council Committee in three months. Motion passed by unanimous vote of the Council.

The City Council took a recess at 8:35 p.m. and reconvened at 8:51 p.m.

INTRODUCTION OF ORDINANCE 03-6 - Conduct in Park and Recreation Areas

The notice of public hearing was published in the Contra Costa Times and posted on the Civic Center kiosk on July 11, 2003

Lieutenant Mike Wells presented a report, referring to his memorandum dated July 22, 2003, regarding consideration of amending Concord Municipal Code Chapter 74 (Parks and Recreation), Article II (Conduct in Park and Recreation Areas), Sections 74-31, 74-32, and 74-35 to allow Code enforcement by Open Space Rangers in the Lime Ridge Open Space. He stated that Rangers have no enforcement authority under the current Municipal Code and the proposal allows Rangers to issue citations for open space violations as stated in the Municipal Code. He concluded his report advising that Rangers will receive training in enforcement but will call for police assistance if a situation becomes physical.

The public hearing was opened.

Joseph Partansky spoke in support of amending the Concord Municipal Code.

The public hearing was closed.

Following discussion, motion was made by Hoffmeister and seconded by Bonilla to introduce Ordinance 03-6 by reading of the title only and waiving further reading, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 74 (PARKS AND RECREATION), ARTICLE II (CONDUCT IN PARK AND RECREATION AREAS), BY AMENDING SECTIONS 74-31, 74-32, AND 74-35." The City Attorney read the ordinance title. Motion passed by unanimous vote of the Council.

#### ADOPTION OF RESOLUTION 03-48 - Local Sales Tax Measure for Transportation Purposes

Transportation Manager John Templeton presented a report, referring to his memorandum dated July 22, 2003, regarding consideration of adopting a resolution supporting a process recommended by the Contra Costa Transportation Authority to place the reauthorization of a local sales tax measure for transportation purposes, similar to the 1998 Measure C, on future ballots. He advised that the project list and programs associated with the measure are still being developed.

Joseph Partansky spoke in support of placing the measure on future ballots but stated that, in his opinion, it should not be adopted until better language is developed and included in the measure.

Dave Pitman spoke in support of placing the measure on a future ballot.

Mayor Peterson stated that no decision exists on which projects have been selected for funding and, in his opinion, it is too early to vote on the proposal.

Councilmember McManigal advised that he is not in support of the proposal at this point as there are too many factors to work out.

Motion was made by McManigal and seconded by Allen to not adopt Resolution 03-48, entitled "A RESOLUTION SUPPORTING THE PROCESS TO PLACE THE REAUTHORIZATION OF MEASURE C ON FUTURE BALLOTS," and to table the item until more information can be gathered and presented. Motion passed by unanimous vote of the Council.

#### AGREEMENT WITH THE OLSON COMPANY - Galindo Street Redevelopment Site

Director of Planning and Economic Development Jim Forsberg presented a report, referring to his memorandum dated July 22, 2003, regarding approval of a 180-day Exclusive Negotiating Rights agreement with The Olson Company as the Master Developer for the Galindo Street redevelopment site. He advised that The Olson Company and Western Pacific were the two developers being considered for the project. Mr. Forsberg stated that Western Pacific was more cautious, resulting in smaller units, higher per-square-foot cost, and higher unit prices. He advised that on May 19, 2003, an ad hoc committee was appointed who, after interviewing both developers, recommended selection of The Olson Company. He advised that the 102-unit proposal is for side-by-side townhomes and several modules with lofts above but that may change as site plans are reviewed. He concluded his report with a timeline outlining the terms of agreement.

Mitch Solomon, Director of Land Acquisition for The Olson Company, stated that he has worked independently and with property owners on the project. He stated that, in his opinion, the project is consistent with the City's policy of smart growth as it is near the downtown area and transportation. Mr. Solomon stated that one-half of the townhomes are two-story, three bedroom units, and one-half will be two bedroom flats on the third floor. He advised that two parking garages and thirty on-site guest parking spaces will be available. He concluded by stating that thirty-five units will face Galindo Street and, because of the importance of the architectural style, they will partner with the Redevelopment Agency to overcome any problems that may arise.

Ed Seghers commented on the design of the project.

Terry Tussing spoke against the project.



Following discussion, motion was made by Peterson and seconded by Allen to approve a 180-day Exclusive Negotiating Rights agreement with The Olson Company as the Master Developer for the Galindo Street redevelopment site and to authorize the Executive Director to execute the agreement. Motion passed by unanimous vote of the Council.

A second motion was made by Peterson and seconded by Bonilla to appoint Councilmember Hoffmeister and Vice Mayor Allen to an ad hoc design review committee for the project. Motion passed by the following vote of the Council:

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

COUNCIL AND STAFF REPORTS

Vice Mayor Allen reported on her recent attendance at the California League of Cities Conference in Monterey.

Councilmember Hoffmeister reported on her recent attendance at a workshop pertaining to transportation funding.

Mayor Peterson announced the establishment of an Ad Hoc committee consisting of Vice Mayor Allen as Chair and Councilmember Hoffmeister as Vice Chair, to work with the Concord Ambassadors in planning the 30-year anniversary of Concord's sister city relationship with Kitakami, Japan.

Mayor Peterson announced that the City Council will be taking a summer recess in August and the next regular City Council meeting will be on September 2, 2003.

By order of the chair, the meeting was adjourned at 9:40 p.m.

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