

REGULAR JOINT MEETING OF THE  
CONCORD CITY COUNCIL  
AND REDEVELOPMENT AGENCY  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
JANUARY 6, 2004

The Concord City Council and Redevelopment Agency met in a regular joint meeting on Tuesday, January 6, 2004. The meeting convened at 6:31 p.m. in the Council Chamber, with Mayor/ Agency-member Allen presiding. The pledge to the flag was led by Vice Mayor Hoffmeister. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Susan Bonilla, Laura Hoffmeister, Bill McManigal, Mark Peterson, Helen Allen

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Ed James, City Manager; Lydia Du Borg, Assistant City Manager; Mary Rae Lehman, City Clerk; Craig Labadie, City Attorney; Qamar Khan, 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

MEMBERS OF AUDIENCE WHO ADDRESSED COUNCIL: Charles Lindquist, Concord; Dianne Cole, Pinole; Richard Norris, Walnut Creek; David Long, Moraga; Duane Allen, Pleasant Hill

PUBLIC COMMENT PERIOD

Charles Lindquist urged recipients of the City's Annual Customer Satisfaction Survey to indicate that a new library and improved library services are a top priority.

REPORT FROM SUPERVISOR MARK DESAULNIER - Buchanan Field Airport

Contra Costa County Supervisor Mark DeSaulnier presented a report on Buchanan Field Airport. He submitted copies of the Board of Supervisors Board Order entitled "Exploring Alternatives for Aviation in Contra Costa County" dated December 9, 2003, and a copy of his letter to the Federal Aviation Administration dated December 24, 2003.

He stated that there is a serious housing crisis and infill opportunities are needed to address the increasing population. He stated that the airport covers 480 acres of potentially developable land. He described the process required by the Federal Aviation Administration in order to close an airport. He stated he would like to see a partnership between the City and the County to review how the land might be developed, revenue sharing and annexation matters. He stated that the Board of Supervisors directed

the preparation of a Request for Proposals, which would take approximately four months to prepare, and responses would take an additional three months. He assured the Council that the County was not indicating a desire to cease running the airport at any time in the future.

Councilmembers and Supervisor DeSaulnier discussed his presentation, including potential sites for relocation of the airport if it were to be closed, and how the closure of the airport may be of benefit to or be detrimental to the City. Councilmembers expressed several concerns regarding the impact on local businesses and commercial developments, fiscal impact to the City, and annexation of the property. Supervisor DeSaulnier stated that he is not opposed to the site becoming part of the City prior to its development.

Dianne Cole, Friends of Concord Airport; Richard Norris, attorney representing Seeno Companies; and David Long, representing Hangar Coalition, spoke in support of the airport, stating that it provides vital services to the area and is important to the economic vitality of the City.

Duane Allen stated that the FAA is generally not supportive of closing airports. He stated that improvements were made to Reed-Hillview Airport in San Jose and suggested that be considered for Buchanan Field Airport.

The City Council took a recess at 7:55 p.m. and reconvened at 8:05 p.m.

#### ANNOUNCEMENTS

Mayor Allen announced two openings on the Design Review Board for two-year terms ending March 31, 2006 and established Friday, February 6, 2004 as the deadline for receipt of applications.

Mayor Allen announced the extension of the recruitment period for openings on the Personnel Board to February 6, 2004.

#### CITY COUNCIL MATTERS

##### APPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by McManigal to approve the minutes of November 18 and December 2, 2003, with a correction to a typographical error on the minutes of December 2, 2003. Motion passed by unanimous vote of the Council.

##### ADOPTION OF ORDINANCE 03-8 - Central Concord Redevelopment Plan Debt

Motion was made by Hoffmeister and seconded by McManigal to adopt Ordinance 03-8 (Uncodified) by reading of the title only and waiving further reading, entitled "AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONCORD AMENDING THE CENTRAL CONCORD REDEVELOPMENT PLAN TO EXTEND BY ONE YEAR THE TIME LIMITS ON THE EFFECTIVENESS OF THE PLAN AND THE TIME LIMIT TO RECEIVE PROPERTY TAXES AND REPAY INDEBTEDNESS." Motion passed by unanimous vote of the Council.

##### SETTING FOR PUBLIC HEARING - Chevron Oil Stop Preliminary Development Plan

Motion was made by Hoffmeister and seconded by McManigal to set a public hearing for Tuesday, January 27, 2004 at 7:00 p.m. in the Council Chamber to consider an application to construct a one-story, 4,775 square foot automotive service facility located at 4290 Clayton Road, APN 132-160-004. Motion passed by unanimous vote of the Council.

AMENDMENTS TO CITYWIDE AND DEPARTMENTAL RECORDS RETENTION SCHEDULES

Motion was made by Hoffmeister and seconded by McManigal to approve amendments to the Citywide and Departmental Records Retention Schedules. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION OF INTENTION 04-1 - The Alameda Underground Utility District

Motion was made by Hoffmeister and seconded by McManigal to adopt Resolution of Intention 04-1 entitled "A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO DESIGNATE AN AREA FOR THE UNDERGROUND INSTALLATION OF UTILITIES AND ORDERING THE REMOVAL OF ABOVE-GROUND UTILITIES IN AN AREA GENERALLY LOCATED ON THE ALAMEDA BETWEEN CLAYTON ROAD AND CORDOVA WAY (THE ALAMEDA UNDERGROUND UTILITY DISTRICT)", and setting a public hearing for Tuesday, February 10, 2004, at 6:30 p.m. in the Council Chamber. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 04-3 - Designation of Alternates

Motion was made by Hoffmeister and seconded by McManigal to adopt Resolution 04-3, entitled "A RESOLUTION DESIGNATING ALTERNATES FOR MEMBERS OF THE CITY COUNCIL TO ACT ON THEIR BEHALF IN CASE OF A DISASTER." Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS - Project No. 116, Port Chicago Highway Median Landscape

Motion was made by Hoffmeister and seconded by McManigal to accept improvements for Project No. 116, Port Chicago Highway Median Landscape (Panoramic Drive to Arnold Industrial Way), constructed by Misan Construction; to approve a related \$13,000 budget transfer; and to direct the City Clerk to file the Notice of Completion. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 04-8 - Local Taxpayers and Public Safety Protection Act

Director of City Management Peter Dragovich presented a report, referring to his memorandum dated January 6, 2004, regarding adopting a resolution supporting the Local Taxpayers and Public Safety Protection Act, which would protect local government revenues from State take-aways, sponsored by the League of California Cities. He stated that the League of California Cities, the California State Association of Counties and the California Special Districts Association are sponsoring an initiative for the November 2004 statewide ballot titled the Local Taxpayers and Public Safety Protection Act. This initiative would amend the California Constitution to increase local control over local tax dollars.

He stated that, while State law prohibits the expenditure of public funds to promote ballot measures, the City Council may adopt a resolution that officially endorses a ballot measure, and confirms the prohibition on using government funds for political purposes. He concluded that staff recommends the City Council adopt Resolution 04-8 endorsing the Local Taxpayers and Public Safety Protection Act and confirming the prohibition on using government funds for political purposes.

Motion was made by Hoffmeister and seconded by Peterson to adopt Resolution 04-8, entitled "A RESOLUTION ENDORSING A STATEWIDE BALLOT INITIATIVE TO REQUIRE VOTER APPROVAL BEFORE STATE GOVERNMENT MAY TAKE LOCAL TAX FUNDS."

Councilmember McManigal stated that, traditionally, the City Council does not usually take a position on statewide or countywide initiatives, but he added that he felt that this situation is an exception since it directly affects the City of Concord.

Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 04-5 - AB 1600 Annual Report on Developer Fee Transactions

Director of Public Works-Engineering Services Alex Pascual presented a report, referring to his memorandum dated January 6, 2004 regarding the AB 1600 annual report on development fee transactions for FY 2002-03, in compliance with State Government Code Section 66006, and finding that there remains a reasonable relationship between current needs for the Offsite Street Improvement Program (OSIP), Art in Public Places, and Master Storm Drain Fees and the purposes for which they were originally charged (Government Code Section 66001(d)).

With each development during the previous fiscal year, the City collected certain developer fees that are subject to the reporting requirement. These developer fees are Traffic Mitigation (Off-Site Street Improvement Program or OSIP), Parkland Dedication, Child Care, and Storm Drain. The City no longer collects Arts in Public Places fees, he said, which the Council rescinded in 1996. Of the aforementioned developer fees, two comply with the provision of AB 1600 that funds be expended within five years; Child Care and Parkland funds/accounts are no older than 4 years. The Traffic Mitigation (OSIP), Art in Public Places, and the Storm Drain fee fund balances are more than 5 years old.

He stated that staff recommends that Council accept the report and adopt Resolution 04-5, finding that there is a reasonable relationship between current needs for the fees and the purposes for which they were originally charged.

Motion was made by McManigal and seconded by Peterson to adopt Resolution 04-5, entitled "A RESOLUTION FINDING THAT THERE REMAINS A REASONABLE RELATIONSHIP BETWEEN CURRENT NEEDS FOR THE OFFSITE STREET IMPROVEMENT PROGRAM (OSIP), ART IN PUBLIC PLACES AND MASTER STORM DRAIN FEES AND THE PURPOSES FOR WHICH THEY WERE ORIGINALLY CHARGED (GOVERNMENT CODE SECTION 66000 ET. SEQ.)." Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/  
JOINT POWERS FINANCING AUTHORITY MATTERS

ADOPTION OF CITY COUNCIL RESOLUTION 04-7 AND JOINT POWERS FINANCING AUTHORITY RESOLUTION 04-1- Issuance of Sewer Revenue Certificates for Trunk Sewer Rehabilitation

Director of Finance Helen Bell presented a report, referring to her memorandum dated January 6, 2004 regarding the following actions in connection with issuance of Sewer Revenue Certificates for the rehabilitation of various trunk sewers: (a) authorizing the execution, sale and delivery of not-to-exceed \$14,000,000 Certificates of Participation, authorizing and directing execution of related installment sale agreement and trust agreement, approving official statement and authorizing official actions; and (b) approving, authorizing and directing execution of certain installment sale financing documents and authorizing and directing certain actions with respect thereto. She stated that the proposed action approves various legal agreements between the City of Concord, the City of Concord Joint Powers Financing Authority and BNY Western Trust Company relating to the issuance of sewer revenue Certificates of Participation. The proceeds from the COP issuance will be used to rehabilitate various sections of the City's trunk sewer lines. She stated that the total debt issue is anticipated to be \$12.6 million with an annual debt service of \$830,000 and a 25-year term. The total interest rate will be 4.6%. the sale of the Certificates of Participation is scheduled for January 27, 2004, she said.

Motion was made by Bonilla and seconded by Peterson to adopt City Council Resolution 04-7, entitled "A RESOLUTION AUTHORIZING THE EXECUTION, SALE AND DELIVERY OF NOT TO EXCEED \$14,000,000 CERTIFICATES OF PARTICIPATION, AUTHORIZING AND DIRECTING EXECUTION OF RELATED INSTALLMENT SALE AGREEMENT AND TRUST AGREEMENT, APPROVING OFFICIAL STATEMENT, AND AUTHORIZING OFFICIAL ACTIONS;" and to adopt Joint Powers Financing Authority Resolution 04-1, entitled "A RESOLUTION OF THE CITY OF CONCORD JOINT POWERS FINANCING AUTHORITY PROVIDING FOR: APPROVING, AUTHORIZING AND

DIRECTING EXECUTION OF CERTAIN INSTALLMENT SALE FINANCING DOCUMENTS AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO.” Mayor Allen called for a Roll Call Vote: Councilmember Bonilla, Aye; Councilmember Peterson, Aye; Vice Mayor Hoffmeister, Aye; Councilmember McManigal, Aye; Mayor Allen, Aye. Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY MATTERS

AGREEMENT WITH PACIFIC COAST FARMERS’ MARKET - Farmers’ Market at Todos Santos Plaza

Motion was made by Peterson and seconded by McManigal to approve a three-year agreement with Pacific Coast Farmers’ Market to continue operating Certified Farmers Markets at Todos Santos Plaza, and to authorize the City Manager/Executive Director to execute the agreement. Motion passed by unanimous vote of the Council.

By order of the chair, the meeting was adjourned at 8:27 p.m.

APPROVED:

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HELEN M. ALLEN  
MAYOR/AGENCYMEMBER

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SUSAN BONILLA  
COUNCILMEMBER/AGENCY CHAIR

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MARY RAE LEHMAN  
CITY CLERK/AGENCY SECRETARY