

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY
CITY COUNCIL CONFERENCE ROOM
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
March 14, 2006

The Concord City Council and Redevelopment Agency met in a regular joint meeting on Tuesday, March 14, 2006 in the City Council Chamber at 5:30 p.m., Mayor Bonilla presiding. Councilmembers Allen and Peterson were absent and there were no public comments. The meeting was recessed at 5:32 p.m. to reconvene at 5:40 p.m. in the City Council Conference Room in closed session to confer regarding Real Property Negotiation pursuant to Government Code Section 54956.8 – Property: Chronicle Pavilion at Concord; City Negotiators: Assistant City Manager Mark Deven and consultant Tonic Entertainment (Nick Toby Clainos); Negotiation Parties: Bill Graham Presents; Under Negotiation: Price and terms of payment. Councilmember Peterson arrived at 5:45 p.m. The meeting recessed at 6:50 p.m. to reconvene in the City Council Chamber in regular session.

The meeting reconvened at 6:55 p.m. in the City Council Chamber with Mayor/Agencymember Bonilla presiding. Councilmember Allen was absent. The pledge to the flag was led by representatives of Boy Scout Troops 266 and 465. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Laura Hoffmeister, Mark Peterson, Bill Shinn, Susan Bonilla

COUNCILMEMBERS ABSENT: Helen Allen

STAFF PRESENT: Lydia Du Borg, City Manager; Mary Rae Lehman, City Clerk; Craig Labadie, City Attorney; Mark Deven, Assistant City Manager; Peggy Lefebvre, Director of Finance; Qamar Khan, Director of Public Works; Alex Pascual, Director of Building, Engineering, and Neighborhood Services; Jim Forsberg, Director of Planning and Economic Development

MEMBERS OF THE AUDIENCE WHO ADDRESSED COUNCIL: Joseph V. A. Partansky, Concord; Rodney Cain, Oakland; Chuck Carpenter, Concord

PUBLIC COMMENT PERIOD

Joseph V. A. Partansky, Concord, encouraged government agencies to observe Sunshine Week, March 12 - 18, 2006, and to provide transparent government services.

PRESENTATION – Business Recognition Awards

Following a report by Business Development Manager John Montag, Past Chair of the Concord Greater Chamber of Commerce Jeff Kasper and President/Chief Executive Office Keith McMahon introduced representatives from Shaw Environmental, Cal State 9 Credit Union, Sam Clar Office Furniture, and Gaunt Machine & Iron Works, Inc. Mayor Bonilla, Councilmember Hoffmeister, and Councilmember Shinn presented Business Recognition Awards.

ANNOUNCEMENT

Mayor Bonilla announced that she would be substituting for Councilmember Allen at the Council Committee on Infrastructure and Franchise meeting scheduled for March 22, 2006.

CITY COUNCIL MATTERS

ACCEPTANCE OF IMPROVEMENTS - Removal of Three Underground Storage Tanks in the Corporation Yard, Project No. 1095

Motion was made by Hoffmeister and seconded by Peterson to accept improvements for RFB #2020, Project No. 1095, Removal of Three Underground Storage Tanks in the Corporation Yard, performed by Controlled Environmental Services of Oakley, and to direct the City Clerk to file the Notice of Completion. Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla Noes: None Absent: Allen

AWARD OF CONTRACT – RFB #2038 – 2006 Slurry Seal Program

The following bids were opened at 2:00 p.m. on Wednesday, February 22, 2006:

Bond Blacktop, Inc.	Union City	\$ 778,937.22
Valley Slurry Seal Company	W. Sacramento	\$ 873,701.25
American Asphalt Repair & Resurfacing Co., Inc.	Hayward	\$ 948,135.68
Intermountain Slurry Seal, Inc.	Watsonville	\$1,113,794.69
Graham Contractors, Inc.	San Jose	\$1,116,415.45
California Pavement Maintenance Co.	Sacramento	\$1,156,629.46

Motion was made by Hoffmeister and seconded by Peterson to award a contract for RFB #2038, 2006 Slurry Seal Program, to Bond Blacktop, Inc. of Union City as the lowest responsible bidder in the amount of \$ 778,937.22, and to approve a related budget transfer in the amount of \$120,000. Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla Noes: None Absent: Allen

ADOPTION OF RESOLUTION 06-15 – Right-of-Way Certifications

Motion was made by Hoffmeister and seconded by Peterson to adopt Resolution 06-15, entitled "A RESOLUTION DESIGNATING AS THE APPROPRIATE PERSON, AND AUTHORIZING THE CITY ENGINEER TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS" as required of all public agencies receiving State and Federal project grants being administered by Caltrans. Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla Noes: None Absent: Allen

ADOPTION OF RESOLUTION 06-14 - Application for Proposition 12 Urban Forestry Program Funding

Motion was made by Hoffmeister and seconded by Peterson to adopt Resolution 06-14, entitled "A RESOLUTION AUTHORIZING THE FILING OF APPLICATION FOR PROPOSITION 12 URBAN FORESTRY PROGRAM FUNDING FOR TREE PLANTING AND CERTIFIES THE ASSURANCES OF THE CITY OF CONCORD TO CONSTRUCT, OPERATE, MAINTAIN, AND PROVIDE THE MATCHING FUNDS FOR THE PROJECT" as required by the California Department of Forestry and Fire Protection (CDF) per their procedures and criteria for the allocation of Proposition 12 grant funds which will be used for the planting of 133 trees at five public parks. Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla Noes: None Absent: Allen

SETTING FOR PUBLIC HEARING - Public Nuisance Ordinance

Motion was made by Hoffmeister and seconded by Peterson to set a public hearing for Tuesday, April 4, 2006 at 6:30 p.m. in the Council Chamber to consider amendments to Article II, Chapter 62 entitled "Public Nuisances"; Article III, Chapter 62 entitled "Weeds and Other Vegetation"; Article VI, Chapter 62 entitled "Abandoned, Wrecked, Dismantled, and Inoperative Vehicles"; Article II, Chapter 82 entitled "Collection and Disposal"; and Article II, Chapter 114 entitled "Trees and Shrubs." Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla Noes: None Absent: Allen

SETTING FOR PUBLIC HEARING - Animal Control

Motion was made by Hoffmeister and seconded by Peterson to set a public hearing for Tuesday, April 4, 2006 at 6:30 p.m. in the Council Chamber to consider the amendment of Chapter 1, General Provision, Sections 1-24, County Animal Control Ordinance, relating to dangerous animals. Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla Noes: None Absent: Allen

SETTING FOR PUBLIC HEARING - Amendment to Master Fees and Charges Resolution - Residential Garbage Rates

Motion was made by Hoffmeister and seconded by Peterson to set a public hearing for Tuesday, April 4, 2006 at 6:30 p.m. in the Council Chamber to consider a base-year rate application by Concord Disposal Service to increase residential garbage rates by 10.9% effective May 4, 2006. Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla Noes: None Absent: Allen

AUTHORIZATION OF GRANT - Federal Justice Assistance Grant (JAG)

This item was pulled by Councilmember Shinn to provide the opportunity for Lt. Brian Wiesendanger to present a brief overview of the program and services provided by the Family Violence-Victim Advocate. Lt. Weisendanger explained that there were over 1200 reported incidents each year and that the advocate assists with medical follow-up, crisis intervention, and hearing support, as well as partners with various agencies throughout the county who provide resources, support groups, and other preventive services.

Motion was made by Shinn and seconded by Peterson to accept the Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$29,226, to appropriate the money to partially fund the Police Department's Family Violence-Victim Advocate position, and to authorize the City Manager to execute the grant. Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla

Noes: None

Absent: Allen

ADOPTION OF RESOLUTION 06-6 – Grant Request to the Department of Conservation's Division of Recycling

This item was pulled by Joseph V. A. Partansky, Concord, who requested clarification of the grant and an explanation of what it has been used for in the past. Jeff Roubal, Senior Administrative Analyst responsible for the City's recycling program, stated that this was the 7th year an application would be submitted for this grant funding. He advised that funds would be used to install trash cans along Monument Boulevard, to distribute educational materials made from recycled beverage containers, to mail an educational brochure on recycling and litter reduction to Concord addresses, and to buy trash cans made of recycled plastic for the Corporation Yard.

Motion was made by Hoffmeister and seconded by Peterson to adopt Resolution 06-6, entitled "A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT FUNDING REQUEST TO THE DEPARTMENT OF CONSERVATION'S DIVISION OF RECYCLING AND DESIGNATING THE CITY MANAGER TO RECEIVE AND EXPEND AVAILABLE FUNDS ON BEHALF OF THE CITY OF CONCORD." Motion passed by the following vote of the Council:

Ayes: Hoffmeister, Peterson, Shinn, Bonilla

Noes: None

Absent: Allen

PROPOSED AMENDMENT TO CONCORD MUNICIPAL CODE – Condominium Conversion

The notice of public hearing was published in the Contra Costa Times, posted in the City's posting cabinet at the Civic Center, and mailed to interested parties on March 2, 2006.

Mayor Bonilla announced that the public hearing would be opened and continued until April 25, 2006 at the request of Councilmember Allen. She stated that a report would be held for presentation at the meeting of April 25, 2006.

The public hearing was opened.

Chuck Carpenter, Concord, commended the Planning Commission and staff for including inclusionary housing in the proposed Condominium Conversion Ordinance.

Rodney Cain, Oakland, requested confirmation that no action will be taken on the proposed Condominium Ordinance until April 25, 2006.

Motion was made by Hoffmeister and seconded by Peterson to keep the public hearing open and to continue it to April 25, 2006.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MATTERS

AGREEMENT WITH McDONOUGH, HOLLAND & ALLEN PC - Legal Services to the Concord Redevelopment Agency

Motion was made by Peterson and seconded by Bonilla to approve an agreement with McDonough, Holland, and Allen PC to provide legal services to the Concord Redevelopment Agency and to authorize the Executive Director to execute the agreement. Motion passed by the following vote of the Council:

Ayes: Bonilla, Hoffmeister, Peterson, Shinn, Noes: None Absent: Allen

CORRESPONDENCE

- a. Treasurer's Report for the month of December, 2005.
- b. Legislative letter to Senator Kehoe opposing SB 1206 dated February 28, 2006.
- c. Memo dated March 14, 2006 from Assistant City Attorney Mark Boehme relating to Agenda Item #4.a entitled *Proposed Modifications to Condominium Conversion Ordinance*.
- d. Facsimile transmitted March 14, 2006 from Bruce Woolpert, Graniterock.
- e. Copy of the March 8-14, 2006 edition of *Guardian* submitted by J. Partansky.

By order of the Chair, the meeting was adjourned at 7:42 p.m.

SUSAN A. BONILLA
MAYOR/AGENCYMEMBER

WILLIAM D. SHINN
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK/AGENCY SECRETARY