

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY
CITY COUNCIL CONFERENCE ROOM
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
APRIL 4, 2006

The Concord City Council and Redevelopment Agency met in a regular joint meeting on Tuesday, April 4, 2006 in the City Council Conference Room at 5:35 p.m., Mayor/Agencymember Bonilla presiding. Councilmember/Agencymember Hoffmeister was absent and there were no public comments. The meeting was recessed at 5:38 p.m. to reconvene in the same room at 5:40 p.m. in closed session to a) confer with legal counsel to discuss significant exposure to potential arbitration proceedings against the City arising out of public employees discipline pursuant to Government Code Sections 54956.9(b) and 54957 [two potential cases]; b) to confer with legal counsel pursuant to Government Code Section 54956.9(a) existing litigation entitled: *City of Concord v. Merle Hall, et al.* [Contra Costa County Superior Court Case No. C04-01408]; and c) to confer with legal counsel pursuant to Government Code Section 54956.9(a) entitled: *City of Concord v Timothy Darden* [Contra Costa County Superior Court Case No. C06-00063]. The closed session meeting adjourned at 6:30 p.m. to reconvene in the City Council Chamber in regular session.

The meeting reconvened at 6:45 p.m. in the City Council Chamber with Mayor/Agencymember Bonilla presiding. Councilmember/Agencymember Hoffmeister was absent. The pledge to the flag was led by Vice Mayor Peterson. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Helen Allen, Mark Peterson, William Shinn, Susan Bonilla

COUNCILMEMBERS ABSENT: Laura Hoffmeister

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; Peter Dragovich, Director of City Management; Alex Pascual, Director of Building, Engineering, and Neighborhood Services

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL:

Dan Helix, Concord; Richard Shuler, Concord; Sil Garaventa, Concord

PUBLIC COMMENT PERIOD

There were no public comments

CITY COUNCIL MATTERS

APPROVAL OF MINUTES

Motion was made by Allen and seconded by Shinn to approve the minutes of February 28, 2006. Motion passed by the following vote of the Council:

Ayes: Allen, Shinn, Bonilla Noes: None Absent: Hoffmeister Abstained: Peterson (Councilmember Peterson abstained due to his absence from the February 28, 2006 meeting.)

AGREEMENT WITH MAZE AND ASSOCIATES – Auditing Services

Motion was made by Allen and seconded by Shinn to approve an agreement with Maze and Associates for auditing services for the fiscal year ending June 30, 2006, in the amount of \$81,606, and an option to extend the agreement for the fiscal year ending June 30, 2007, in an amount not to exceed \$84,014; and to authorize the City Manager to execute the agreement. Motion passed by the following vote of the Council:

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

ADOPTION OF RESOLUTION 06-3493.1 –Temporary Lead Forensic Specialist Classification

Motion was made by Allen and seconded by Shinn to adopt Resolution No. 06-3493.1, entitled "A RESOLUTION ADOPTING THE TEMPORARY LEAD FORENSIC SPECIALIST CLASSIFICATION" for a six-month period assigned to PG-ATC, Pay Grade 11, at a monthly pay range of \$4,108 - \$4,993. Motion passed by the following vote of the Council:

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

SETTING FOR PUBLIC HEARING – Community Services Funding

Motion was made by Allen and seconded by Shinn to set a public hearing for Tuesday, April 25, 2006 at 6:30 p.m. in the Council Chamber to consider accepting the proposed draft 2006-07 Action Plan containing the Community Services Commission's recommendations for community grant funding in all project categories from Community Development Block Grant Funds, City of Concord General Fund, and Child Care Developer fees. Motion passed by the following vote of the Council:

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

APPOINTMENT OF VOTING DELEGATE – Spring General Assembly

Motion was made by Allen and seconded by Peterson to appoint Councilmember Shinn to represent the City of Concord as a voting delegate at the Spring General Assembly of the Association of Bay Area Governments being held at the Moscone Convention Center in San Francisco, California on Thursday, April 20, 2006. Motion passed by the following vote of the Council:

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

AWARD OF CONTRACT – Project No 2030, Valley District Field Office Improvements

This item was removed from the consent calendar by Councilmember Shinn who asked Director of Building, Engineering and Neighborhood Services to give an overview of the move of the Valley Field Office from the Clayton Valley Shopping Center to the Dianda Plaza. Director Alex Pascual provided brief comments.

The following bids were opened by the City Clerk on Thursday, March 16, 2006 at 10 a.m.:

Anthony B. Kohler Construction Company	\$54,945
Melloni Construction	\$61,330
John Plane Construction, Inc.	\$87,737

Motion was made by Shinn and seconded by Allen to award a construction agreement with Anthony B. Kohler Construction Company of Oakley in the amount of \$54,945 for Project No. 2030, Valley District Field Office Improvements, and to waive a minor defect in the bid proposal. Motion passed by the following vote of the Council:

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

INTRODUCTION OF ORDINANCE 06-2 – Animal Control

The notice of public hearing was published in the Contra Costa Times and posted in the Civic Center posting cabinet on March 25, 2006.

Director of City Management Peter Dragovich presented a report, referring to his memorandum dated April 4, 2006, stating that the Concord Municipal Code incorporates the County Animal Control Ordinance by reference to enable enforcement of animal control by Contra Costa County Animal Services Department. He advised that on November 15, 2005, following a review of its Dangerous Animal Ordinance which failed to provide adequate tools to proactively deal with the threat of dangerous animals, the County Board of Supervisors adopted amendments to the County Animal Control Ordinance. He further advised that on February 28, 2006, the Board of Supervisors adopted an additional amendment “to specifically state that nothing in the animal control ordinance shall be construed to limit the access of any person in violation of state or federal laws”. He explained that the County took this action to address Americans with Disabilities Act (ADA) concerns that were raised after the County adopted amendments to the Animal Control Ordinance in November, 2005.

Director Dragovich stated that the Dangerous Animal Ordinance adopted and amended by the County Board of Supervisors provides comprehensive, proactive tools for the County Animal Services Department to regulate and control potentially dangerous and dangerous animals. He explained that a potentially dangerous designation of an animal would expire if there were no incidents within a three year period and that a permit for a potentially dangerous animal must be renewed annually. He further stated that a permit for an animal designated dangerous must also be renewed annually but that the dangerous distinction does not expire. He concluded by recommending the introduction and subsequent adoption of Ordinance 06-2.

The public hearing was opened and closed without comments.

Following comments by Councilmember Shinn, who stated that he works with animal services and serves on the hearing panel for the County, a motion was made by Shinn and seconded by Allen to introduce Ordinance 06-2 by reading of the title only and waiving further reading, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 1(GENERAL PROVISIONS), SECTION 1-24 (ADOPTION OF COUNTY ANIMAL CONTROL ORDINANCE) RELATING TO DANGEROUS ANIMALS." The City Attorney read the ordinance title. Motion passed by the following vote of the Council:

Ayes: Allen, Peterson, Shinn, Bonilla

Noes: None

Absent: Hoffmeister

INTRODUCTION OF ORDINANCE 06-4 – Public Nuisance Ordinance

The notice of public hearing was published in the Contra Costa Times and posted in the Civic Center posting cabinet on March 25, 2006.

Neighborhood Services Manager Callie Foster Struggs presented a report, referring to her memorandum dated April 4, 2006, regarding consideration of proposed amendments to the Concord Municipal Code which will make changes in the language of the current public nuisance code clarifying and/or expanding definitions, strengthening enforceability, clarifying citation, hearing, and other legal procedures, and specifying the enforcement authority due to the consolidation of Departments and changes in staff work assignments. She concluded by recommending the introduction and adoption of Ordinance 06-4.

The public hearing was opened and closed without comment.

Motion was made by Allen and seconded by Peterson to introduce Ordinance 06-4 by reading of the title only and waiving further reading, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 62 (NEIGHBORHOOD PRESERVATION), ARTICLE II (PUBLIC NUISANCES), SECTIONS 62-32 THROUGH 62-42, ARTICLE III (WEEDS AND OTHER VEGETATION), SECTIONS 62-71 THROUGH 62-74, ARTICLE VI (ABANDONED, WRECKED, DISMANTLED, AND INOPERATIVE VEHICLES), SECTIONS 62-162 THROUGH 62-176, CHAPTER 82 (SOLID WASTE), ARTICLE II (COLLECTION AND DISPOSAL), SECTIONS 82-31 THROUGH 82-53, AND CHAPTER 114 (VEGETATION), ARTICLE II (TREES AND SHRUBS), DIVISION 1 (GENERAL), SECTIONS 114-33 THROUGH 114-38". The City Attorney read the ordinance title. Motion passed by the following vote of the Council:

Ayes: Allen, Peterson, Shinn, Bonilla

Noes: None

Absent: Hoffmeister

ADOPTION OF RESOLUTION 06-6042.1 – Master Fees and Charges – Residential Garbage Rates

The public hearing notice was published in the Contra Costa Times and posted in the Civic Center posting cabinet on March 21, 2006.

Director of City Management Peter Dragovich presented a report, referring to his memorandum dated April 4, 2006 regarding consideration of a Base-Year Rate Application by Concord Disposal Service to increase residential garbage rates by 6.22% effective May 4, 2006. He stated that on February 3, 2006 Concord Disposal Service submitted an application and audited financial statements to the City for the current four-year cycle. He stated that the City of Concord had reviewed the application and hired NewPoint Group to prepare a review of the application. In addition, he stated that the City had hired Consultant Edward R. James to assist with negotiations of a new contract. He further stated that the City of Concord is currently meeting and exceeding all state-mandated recycling requirements, but that it is anticipated that

the State of California will raise recycling goals in the future, and that the Council Committee on Infrastructure and Franchise recommends approval of Resolution No. 06-6042.1 amending Master Fees and Charges Resolution to reflect the 6.22% rate increase effective May 4, 2006.

The public hearing was opened.

Residents Dan Helix and Richard Shuler spoke in support of the services provided by Concord Disposal.

The public hearing was closed

Following comments by the Council and clarification of questions, motion was made by Allen and seconded by Shinn to adopt Resolution 06-6042.1, 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 RESIDENTIAL SOLID WASTE FEES EFFECTIVE MAY 4, 2006" increasing residential garbage rates by 6.22% effective May 4, 2006. Motion passed by the following vote of the Council:

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

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MATTERS

ADOPTION OF RESOLUTION 06-19 – Amendment of Appendix A of Conflict of Interest Code

Motion was made by Peterson and seconded by Allen to adopt Resolution No. 06-19, entitled "A RESOLUTION AMENDING APPENDIX "A" OF RESOLUTION 81-6601, THE CITY OF CONCORD'S CONFLICT OF INTEREST CODE" amending the Conflict of Interest for the City of Concord, the Redevelopment Agency and the Local Reuse Authority. Motion passed by the following vote of the Council:

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

CORRESPONDENCE

- a. Letter to Senator Dunn opposing SB 1206 dated March 23, 2006..
- b. Letter to Assemblymember Salinas opposing AB 2197 dated March 27, 2006.
- c. Letter to Assemblymember Mullin opposing AB 2197 dated March 27, 2006.
- d. E-mail from Kurt Turner dated April 1, 2006 concerning size of recycling bins.
- e. E-mail from Mike Barker dated April 2, 2006 concerning garbage service.
- f. E-mail from Cassie Bartholomew dated April 3, 2006 concerning recycling.
- g. E-mail from Rich Van Tassell dated April 3, 2006 concerning garbage rates.
- h. Revised Ordinance 06-4 – Public Nuisance Ordinance.
- i. Municipal Code mark-up reflecting Ordinance 06-4 revisions.

CLOSED SESSION REPORTS

City Attorney Craig Labadie reported that while meeting in closed session prior to the public meeting, the City Council voted 4-0 (Hoffmeister absent) to approve a proposed settlement agreement in the case of City of Concord v. Darden, involving a real property title dispute arising out of a private fence that was encroaching into public property at Hillcrest Park. He stated that the settlement provides for removal of the fence and resolution of the title issues with no monetary payment by the City.

COUNCIL AND STAFF REPORTS

Councilmember Allen gave an overview of her recent trip to the National League of Cities Conference in Washington D.C.

By order of the Chair, the meeting was adjourned at 7:54 p.m.

SUSAN A. BONILLA
MAYOR/AGENCYMEMBER

WILLIAM D. SHINN
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK/AGENCY SECRETARY