

REGULAR JOINT MEETING OF THE  
CONCORD CITY COUNCIL AND  
REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
APRIL 25, 2006

The Concord City Council and Redevelopment Agency met in a regular joint meeting on April 25, 2006. The meeting convened at 6:37 p.m. in the Council Chamber, with Mayor/Agencymember Bonilla presiding. All Councilmembers were present and the pledge to the flag was led by Councilmember Allen. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

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

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Lydia Du Borg, City Manager; Mark Deven, Assistant City Manager; Craig Labadie, City Attorney; Mary Rae Lehman, City Clerk; Peggy Lefebvre, Finance Director; Joan Carrico, Director of Community and Recreation Services; Alex Pascual, Director of Building, Engineering, and Neighborhood Services; Ron Puccinelli, Director of Information Technology; Qamar Khan, Director of Public Works

MEMBERS OF THE AUDIENCE

WHO ADDRESSED COUNCIL: Paul Larsen, Concord; Liz Lamach, Concord; Kathy Lafferty, Concord

Mayor Bonilla announced the City Council would be considering, at a Special Meeting scheduled for May 16, 2006, a recommendation by the Planning Commission to refocus the General Plan Update and shift the emphasis to the existing urban area. She explained that the option would revise the current General Plan Update to remove the proposed development parameters for the Concord Naval Weapons Station. Councilmember Hoffmeister later requested that the item be scheduled for the regular meeting of May 23, 2006 as she would not be available to attend the May 16, 2006 meeting. The Council all concurred that the meeting would be held on May 23, 2006.

PRESENTATION - Liberty Gymnastics Level 6 Boys Team

Mayor Bonilla presented certificates of commendation to the Liberty Gymnastics Level 6 Boys Team members Taylor Bevans, Austin Chavez, Dillon Choi, Justin Choi, Misha Kolomensky, Isaiah Nuno, and Jacob van Hogh recognizing their 2006 accomplishments.

PROCLAMATION - Older American Month

Mayor Bonilla presented proclamations recognizing May as "Older American Month" to Arthur Gubisch, Chair of Concord Commission on Aging; Harry Driskill, Vice Chair of the Concord Senior Citizens Club; Maria Vandevier, representing Senior Outreach Services; and Avis Connolly, Program Manager for the Concord Senior Center.

PROCLAMATION - National Public Works Week

Mayor Bonilla presented a proclamation to Qamar Khan, Director of Public Works proclaiming May 21 - 27, 2006 as "National Public Works Week" in the City of Concord.

PRESENTATION - 2006 Summer Programs

Director of Community and Recreation Services Joan Carrico presented a video presentation and report on the 2006 Summer programs available to the citizens of the community and advised that registrations are currently being accepted.

PRESENTATION - Community Outreach on the Concord Naval Weapons Station

Community Relations Manager Leslye Asera gave an overview of the Concord Community Reuse Project and stated that the project has three phases; Pre-planning, development of a reuse plan, and detailed plans for the Concord Naval Weapons Station. She advised that Phase I will consist of several public meetings to gain stakeholder and citizen input and announced that a public Ideas Fair would be held on May 6, at the Concord High School. She encouraged attendance by the entire listening audience. She concluded by introducing Gary Kuwabara, Office of Economic Adjustment Program Manager, who presented a video depicting the challenges facing the community as it comes to a consensus on the future use of the Concord Naval Weapons Station and suggesting that the communication will be the key to a positive, successful, and mutual outcome.

ANNOUNCEMENT

City Manager Lydia Du Borg introduced and welcomed the new Director of Camp Concord, Mary Lou Chopelas.

Mayor Bonilla stated that she would not be available to attend the Housing and Economic Development Council Committee meeting scheduled for Wednesday, April 26, 2006 and announced that Councilmember Shinn would be substituting in her absence.

CITY COUNCIL MATTERS

PROFESSIONAL SERVICES AGREEMENT - Sloan, Renne, Holtzman and Sakai

Motion was made by Allen and seconded by Shinn to approve an agreement for professional legal services to provide employee relations consulting services with Sloan, Renne, Holtzman, and Sakai in the amount of \$20,000 and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-30 - Project No. 1928.2, Concord Community Pool Deck Repairs

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-30, entitled "A RESOLUTION DECLARING CONCORD COMMUNITY POOL DECK REPAIRS CAN BE PERFORMED MORE ECONOMICALLY WITH MATERIALS AND SUPPLIES ON THE OPEN MARKET AND AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT FOR THE PROJECT," rejecting the sole bid by Top Estate Construction of Stockton in the amount of \$89,700 for Project No. 1928.2, Concord Community Pool Deck Repairs; to direct the City Clerk to release the bid bond; to authorize staff to negotiate with contractors to perform the work without additional bidding in an amount of \$52,000 in accordance with Section 20167 of the Public Contract Code; and to authorize the Mayor to execute the contract. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING - Proposed Amendment to Concord Municipal Code - Cable Ordinance

Motion was made by Allen and seconded by Shinn to set a public hearing for Tuesday, May 23, 2006 at 6:30 p.m. in the Council Chamber to consider a proposed amendment to the Concord Municipal Code which would revoke in its entirety Chapter 102 - Telecommunications, and Article II - Cable Communications, and replace them with a new Chapter 102 - Telecommunications, and Article II - Cable Communications, to update standards. Motion passed by unanimous vote of the Council.

ADOPTION OF ORDINANCE 06-4 - Public Nuisance Ordinance

Motion was made by Allen and seconded by Shinn to adopt Ordinance 06-4, 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." Motion passed by unanimous vote of the Council.

ACCEPTANCE OF CERTIFICATION - Contra Costa Transportation Authority's Growth Management Biennial Checklist

Motion was made by Allen and seconded by Shinn to approve certification of the Contra Costa Transportation Authority's Growth Management Biennial Compliance Checklist for calendar years 2004 and 2005 and to authorize the City Manager to execute the checklist. Motion passed by unanimous vote of the Council.

ADOPTION OF ORDINANCE 06-2 - Dangerous Animals

Motion was made by Allen and seconded by Shinn to adopt Ordinance 06-2, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 1 (GENERAL PROVISIONS), SECTION 1-24 (ADOPTION OF COUNTY ANIMAL CONTROL ORDINANCE) RELATING TO DANGEROUS ANIMALS," and adopting by reference the County Animal Control Ordinance. Motion passed by unanimous vote of the Council.

TRAFFIC MITIGATION FEE AGREEMENT - City of Pittsburg

Motion was made by Allen and seconded by Shinn to approve a Traffic Mitigation Fee Agreement with the City of Pittsburg for intersection related improvements at Bailey Road/Concord Boulevard and Bailey Road/Myrtle Drive, and to authorize the Mayor to execute the agreement. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS - Project No. 1254, Monument Community First 5 Center

Motion was made by Allen and seconded by Shinn to accept improvements for Project No. 1254, Monument Community First 5 Center, constructed by Pacific Coast Reconstruction and Building, Inc. of Lafayette, and to direct the City Clerk to file the Notice of Completion. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT - Project 2752.5, Camp Concord Improvements

A bid opening was scheduled for Thursday, March 2, 2006 at 10:00 a.m. No bids were received.

Motion was made by Allen and seconded by Shinn to award the contract for Project No. 2752.5, Camp Concord Improvements to Apollo Plumbing of South Lake Tahoe without competitive bidding in the amount of \$28,900, and to approve a related budget transfer in the amount of \$46,740. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING - Vacation of a Portion of Beach Street

Motion was made by Allen and seconded by Shinn to set a public hearing for Tuesday, May 16, 2006 at 6:30 p.m. in the Council Chamber to consider the vacation of a portion of Beach Street located between the north end of Willow Pass Road and the south end of Salvio Street affecting Assessor's Parcel Numbers 111-221-002, 111-221-008, 111-222-017, and 111-222-004. Motion passed by unanimous vote of the Council.

SETTING OF PUBLIC HEARING - Multi-Family Housing Inspection and Maintenance Code

Motion was made by Allen and seconded by Shinn to set a public hearing for Tuesday, May 16, 2006 at 6:30 p.m. in the Council Chamber to consider a proposed amendment to the Concord Municipal Code, article XIV, entitled Multi-Family Rental Dwelling Unit Inspection and Maintenance Code; Article IV, entitled Uniform Building Code; and Article V, entitled Boards, Commissions, and Committees. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING - Esplanade General Plan Amendment and Municipal Code Amendment

This item was pulled from the consent calendar by Paul Larsen, Concord, representing the Concord Historical Society, who stated that in his opinion future notices concerning this matter should include notice of the proposed demolition of the Masonic Temple.

Motion was made by Hoffmeister and seconded by Shinn to set a public hearing for Tuesday, May 23, 2006 at 6:30 p.m. in the Council Chamber to consider an application by DeNova Homes to amend the General Plan designation at 1795 Galindo Street from Commercial Office to High Density Residential; and to amend the Downtown Business (DB) District land use map from Office to Residential to allow up to 332 condominium units; and to adopt a Mitigated Negative Declaration as the appropriate environmental document affecting Assessor Parcel Numbers 126-062-011; 126-143-001, -002, -003, -008, -009, -010, -011; and 126-153-006 and -007. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-34 - 2006-07 Community Development Block Grant - Community Services Funding

The notice of public hearing was published in the Contra Costa Times, mailed to affected parties, and posted in the Civic Center posting cabinet on April 14, 2006.

Community Services Manager Teri House presented a report, referring to her memorandum dated April 25, 2006, stating that recommendations by the Community Services Commission for funding of a variety of human services programs and housing, capital improvement, and other projects are for a two-year period in all categories and are based upon verified and secured funding from Community Development Block Grant, General Funds, and Child Care Developer Fees for 2006-07 and on assumptions for 2007-08. She explained the process used by the Commission to make conclude their recommendations and spoke of the several program recommendations which would provide services to the homeless in the community.

The public hearing was opened following comments by the Councilmembers.

Kathy Lafferty, representing Cambridge Community Center, expressed her disappointment that the Cambridge affiliated crisis center and senior transportation program had not received a funding recommendation, stating that lack of funding would result in the discontinuation of some services.

Liz Lamach, founder of Matteo's Dream, expressed her appreciation of the funding recommendation for the playground for all disabilities project, and the assistance she had received during the application the process.

The public hearing was closed and a motion was made by Peterson and seconded by Allen to adopt Resolution 06-34, entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT, ON BEHALF OF THE CITY OF CONCORD, THE 2006-07 ONE-YEAR ACTION PLAN, CONSISTENT WITH THE PROGRAM RULES WHICH GOVERN THE RECEIPT AND EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ALLOCATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DURING FISCAL YEAR 2006-07," Motion was passed by unanimous vote of the City Council.

AMENDMENT TO CONCORD MUNICIPAL CODE – Condominium Conversions

This item was continued from the meeting of March 14, 2006 with the Public Hearing Open.

Motion was made by Shinn to continue the Public Hearing to May 16, 2006. Councilmember Hoffmeister stated her schedule conflict and requested the hearing be held on May 23, 2006. Vice Mayor Peterson expressed his concern over the number of items already scheduled for May 23, 2006. Motion died for a lack of second.

Motion was made by Shinn and seconded by Peterson to continue the Public Hearing to June 27, 2006. Motion passed by unanimous vote of the City Council.

TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) – John Muir Health

A notice of public hearing was published in the Contra Costa Times, mailed to interested parties, and posted in the Civic Center posting cabinet on April 10, 2006.

John Montagh, Business Development Manager, presented a report referring to his memorandum dated April 25, 2006, stating the issuance of tax-exempt obligations by the California Statewide Communities Development Authority (CSCDA) for funding John Muir Health capital expenditures will benefit the healthcare facility owned and operated by John Muir Health at its Concord campus located at 2540 East Street. He went on to add that approval by the Council would not require any financial assistance or pledge of any credit by the City or the Redevelopment Agency. He explained that the City had entered into a Joint Powers Agreement with the CSCDA in 1998, and per that agreement, a TEFRA hearing was required of the governing body of the jurisdiction in which the project is location and that the debt becomes the responsibility of John Muir Medical Center.

The public hearing was opened and closed without comment.

Motion was made by Hoffmeister and seconded by Shinn to adopt Resolution 06-33, entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CONCORD APPROVING A TAX-EXEMPT BOND FINANCING TO BE ISSUED BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO BENEFIT JOHN MUIR HEALTH.” Motion passed by the unanimous vote of the City Council.

JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY MATTERS

MASTER CONSULTION AGREEMENT – Origins Design Network

Motion was made by Allen and seconded by Shinn to approve a master agreement in the amount of \$30,000 with Origins Design Network to provide architectural and design consulting services to the City of Concord Redevelopment Agency; and to authorize the Executive Director to execute the agreement. Motion passed by the following vote of the Council:

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

CORRESPONDENCE

Eleven letters dated March 13, 2006 urging exclusionary housing be removed from the proposed condominium conversion ordinance.

COUNCIL AND STAFF REPORTS

Councilmembers gave brief reports on their recent activities in the community.

By order of the chair, the meeting was adjourned at 8:38 p.m.

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SUSAN A. BONILLA  
MAYOR/AGENCYMEMBER

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WILLIAM D. SHINN  
COUNCILMEMBER/AGENCY CHAIR

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MARY RAE LEHMAN  
CITY CLERK