

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL AND
REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
JUNE 13, 2006

The Concord City Council and Redevelopment Agency met in a regular joint meeting on Tuesday, June 13, 2006. The meeting convened at 6:38 p.m. in the Council Chamber, with Mayor/Agencymember Bonilla presiding. 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; Alex Pascual, Director of Building, Engineering, and Neighborhood Services; Ron Puccinelli, Director of Information Technology; David Livingston, Chief of Police; Jim Forsberg, Director of Planning and Economic Development; Cherie Rosenquist, Director of Human Resources; Qamar Khan, Director of Public Works

MEMBERS OF THE AUDIENCE
WHO ADDRESSED COUNCIL:

Robert Moreau, Bay Point; Gail Knowles, Antioch; John Sullivan, Castro Valley; Theresa Karr, Pleasant Hill

PUBLIC COMMENT PERIOD Robert Moreau expressed his opinion concerning business opportunities for Concord.

PRESENTATION – Business Recognition Awards

John Montagh, Business Development Manager, gave a brief overview of the Business Recognition Program and then introduced Philip Arndt, Chairman of the Concord Chamber of Commerce, who recognized representatives of Concord Nissan, Orchard Supply Hardware, and Suwa's Restaurant. Mayor Bonilla presented each with a certificate.

PRESENTATION – Mr. Funnelhead Magnet Art Contest

Mayor Bonilla presented a Certificate of Recognition to Michelle Viezcas, 5th grade student at Fair Oaks Elementary school and winner of the Mr. Funnelhead Magnet Art Contest, a part of the Clean Water Program.

PRESENTATION – Ygnacio Valley Road Repair

Director of Building, Engineering, and Neighborhood Services Alex Pascual presented an update on the Ygnacio Valley Road landslide repairs, noting that a second lane for traffic had been recently opened which reduces delays during peak commutes, and stating that the road damage was the result of two slides, each requiring repairs. He went on to state that approval of a funding request to the Federal Government will provide the ability to make repairs this year.

CITY COUNCIL MATTERSAPPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by Shinn to approve the minutes of April 11, April 25, May 9, May 10, May 16, and May 23, 2006. Motion was passed by unanimous vote of the Council, with Councilmember Allen abstaining on the minutes of May 9, 2006 and Councilmember Hoffmeister abstaining on the minutes of May 16, 2006 due to their absence from those meetings.

AGREEMENT WITH HANSON, BRIDGETT, MARCUS, VLAHOS, RUDY, LLP – Professional Services

A motion was made by Hoffmeister and seconded by Shinn to approve a professional services agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy, LLP for legal services relating to the City of Concord Retirement Plan in an amount not to exceed \$40,000 covering Fiscal Year 2005-06 and Fiscal Year 2006-07, and to authorize the City Manager to execute it. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING – Proposed Municipal Code Amendment - Door-to-Door Solicitation

Motion was made by Hoffmeister and seconded by Shinn to set a public hearing for Tuesday, June 27, 2006 at 6:30 p.m. to consider a proposed amendment to Municipal Code Chapter 18 (Business and Business Regulations), adding Article XII, Regulating Solicitors and Peddlers and waiving the three-week noticing requirement. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING – Industrial Condominiums – DLR Ventures

Motion was made by Hoffmeister and seconded by Shinn to set a public hearing for Tuesday, June 27, 2006 at 6:30 p.m. to consider an application by DLR Ventures for a Preliminary Development Plan (PDP) for the construction of three multi-tenant light industrial buildings totaling 54,272 sq. ft. on a 2.81-acre site at the northwest corner of Arnold Industrial Way and Industrial Way, APN's 159-060-083 and -084. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Project No. 2752.4, Camp Concord ADA Restroom Improvements and Boys Shower Modifications

No bids were received for Project No. 2752.4 which was scheduled for bid opening on Thursday, March 2, 2006 at 10:00 a.m.

Motion was made by Hoffmeister and seconded by Shinn to award a construction contract in accordance with Public Contract Code when no bids are received to K-W Western of Reno, Nevada in the amount of \$168,309 for Project No. 2752.4, Camp Concord ADA Restroom Improvements and Boys Shower Modifications, and to approve a related budget transfer in the amount of \$212,909. Motion passed unanimous vote of the Council.

AWARD OF CONTRACT – Metal Building Company

The following bids were opened on Monday, May 15, 2006 at 1:00 p.m.

Metal Building Company	Oakland, CA	\$14,330
Martinez Sheet Metal, Inc.	Martinez, CA	\$24,505

Motion was made by Hoffmeister and seconded by Shinn to award a contract in the amount of \$14,303 to Metal Building Company of Oakland, as the lowest responsible bidder for RFB #2051, Remove and Replace the Gutters on the Corporation Yard Garage. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – W. Bradley Electric

The following bids were opened on Friday, May 19, 2006 at 10:30 a.m.:

W. Bradley Electric, Inc.	Novato, CA	\$12,969
Tennyson Electric, Inc.	Livermore, CA	\$38,440

Motion was made by Hoffmeister and seconded by Shinn to award a contract in the amount of \$12,969 to W. Bradley Electric, Inc. of Novato, CA as the lowest responsible bidder for RFB #2049, Installation of the Pedestrian Warning Beacon at the Crosswalk of Willow Pass Road and San Vincente Drive. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – M. Bumgarner, Inc.

The following bids were opened on Wednesday, May 23, 2006 at 10:00 a.m.:

M. Bumgarner, Inc.	Livermore, CA	\$13,670
Chrisp Company	Fremont, CA	\$14,218

Motion was made by Hoffmeister and seconded by Shinn to award a contract in the amount of \$13,670 to M. Bumgarner, Inc. of Livermore, CA as the lowest responsible bidder for RFB #2052, Repair of Damaged Guardrail on Bailey Road located near the north end of the Concord city limits. Motion passed by unanimous vote of the Council.

ADOPTION OF ORDINANCE 06-5 – Concord Municipal Code Amendment – Multi-Family Housing Inspection and Maintenance Code

This item was pulled from the consent calendar by Gail Knowles, Antioch, and John Sullivan, Castro Valley, who stated their opposition to the proposed 5% increase in inspection program fees.

Following comments by the Council, a motion was made by Hoffmeister and seconded by Shinn to adopt Ordinance 06-5, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE XIV (MULTI-FAMILY RENTAL DWELLING UNIT INSPECTION AND MAINTENANCE CODE) SECTIONS 14-391 THROUGH 14-407, ARTICLE IV (BUILDING CODE), SECTION 14-91, AND CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS, COMMISSIONS, AND COMMITTEES), DIVISION 2 (BOARD OF APPEALS), SECTIONS 2-296." Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTIONS 06-42, 06-43, 06-44, AND 06-45 – Annual Assessments for Landscape and Lighting Maintenance Districts

The Resolutions of Intention adopted on April 11, 2006 regarding the annual assessments for Landscape and Lighting Maintenance District were published in the Contra Costa Times, mailed to affected parties, and posted in the Civic Center posting cabinet on June 2, 2006.

Director of Public Works Qamar Khan presented a report, referring to his memorandum dated June 13, 2006, stating that the district are not subject to Proposition 218 balloting and that with the exception of an automatic inflation increase in the Ygnacio Woods Benefit Zone of District No. 3, the assessment rates in all districts remain unchanged in Fiscal Year 2006-07.

The public hearing was opened and closed without public comments.

Motion was made by Allen and seconded by Shinn to adopt Resolution 06-42, entitled "A RESOLUTION CONFIRMING THE ASSESSMENT DIAGRAM AND LEVY OF ASSESSMENTS FOR MAINTENANCE WITHIN THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2006/2007". Motion passed by unanimous vote of the Council.

Motion was made by Hoffmeister and seconded by Peterson to adopt Resolution 06-43, entitled "A RESOLUTION CONFIRMING THE ASSESSMENT DIAGRAM AND LEVY OF ASSESSMENTS FOR MAINTENANCE WITHIN THE PINE HOLLOW LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT FOR FISCAL YEAR 2006/2007". Motion passed by unanimous vote of the Council.

Motion was made by Peterson and seconded by Hoffmeister to adopt Resolution 06-44, entitled "A RESOLUTION CONFIRMING THE ASSESSMENT DIAGRAM AND LEVY OF ASSESSMENTS FOR MAINTENANCE WITHIN THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT #3 FOR FISCAL YEAR 2006/2007". Motion passed by unanimous vote of the Council.

Motion was made by Shinn and seconded by Allen to adopt Resolution 06-45, entitled "A RESOLUTION CONFIRMING THE ASSESSMENT DIAGRAM AND LEVY OF ASSESSMENTS FOR MAINTENANCE WITHIN THE CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2006/2007". Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MATTERS

SETTING FOR PUBLIC HEARING – Central Concord Redevelopment Plan Debt Time Limit

Motion was made by Hoffmeister and seconded by Shinn to set a public hearing for Tuesday, July 25, 2006 at 6:30 p.m. to consider adopting an ordinance to amend the Redevelopment Plan to extend the time limit of the effectiveness of the plan and the time limit to repay indebtedness by one year for each year in which an Educational Revenue Augmentation Fund (ERAF) payment is made to Contra Costa County. Motion passed by unanimous vote of the Council.

PUBLIC HEARING – Fiscal Year 2006-07 Budgets for the City of Concord and Concord Redevelopment Agency, Ten-Year Financial Plans and Related Items

The notice of public hearing was published in the Contra Costa Times, posted in the Civic Center posting cabinet, and mailed to interested parties on June 2, 2006. City Manager Lydia Du Borg presented a report, referring to her memorandum dated June 13, 2005, stating that this year's major

budget challenges are the State's fiscal condition, health plan benefit costs, funding liability for Other Post Employment Benefits (OPEB), increases in shared City costs for County provided services, future liability associated with the Pavilion annual debt service, and with fewer employees, maintaining existing service levels for a growing and changing community. She continued by stating that the proposed General Fund Ten-Year Financial Plan includes a shortfall of \$500,000 beginning in FY 2007-08, and advised that efforts for preparing a plan for the civilian use of the Concord Naval Weapons Station will be significant.

Finance Director Peggy Lefebvre gave a report on the revenue projections and the annual appropriation limits and adjustment factors. She stated that estimates were modest so that we don't overspend our resources and that our RDA revenue was still at risk pending State action. She went on to say that most City fees and charges had been adjusted 5% to reflect cost of living, excepting golf course fees.

Following a report by Alex Pascual, Director of Building, Engineering and Neighborhood Services on the proposed Capital Improvement Program for Fiscal Year 2006-07, the public hearing was opened.

Theresa Karr addressed the Council regarding the proposed fee increase for the multi-family inspection program, stating that increase was an economic burden on apartment owners and that the additional costs would be passed along to the tenants.

The Councilmembers requested additional information at the final budget hearing on various proposed projects and reports on various services.

Motion was made by Allen and seconded by Peterson to continue the public hearing to June 27, 2006 at 6:30 p.m. in the Council Chamber.

CORRESPONDENCE

- a. Letter dated May 18, 2006 to Senator Lowenthal opposing SB 1800, General Plans; Housing.
- b. Letter dated May 18, 2006 to Senator Murray supporting SB 1431, Public Contracts, Design-build Contracting.
- c. Letter dated May 26, 2006 to Senator Dunn opposing AB 573, Indemnification, Design Professionals.
- d. Letter dated May 30, 2006 to Assemblymember Canciamilla opposing AB 2987, Digital Infrastructure and Video Competition Act of 2006.
- e. Letters dated May 31, 2006 to Senator D. Feinstein and Senator B. Boxer opposing SB 2686, Communications, Consumer's Choice, and Broadband Deployment Act of 2006.
- f. Letter received June 5, 2006 from L. Stiles regarding Animal Control Services.

- g. Memorandum from Alex Pascual, Director of Building, Engineering, and Neighborhood Services entitled "Errata to the Proposed CIP/TIP 10-Year Plan".

By order of the chair, the meeting was adjourned at 8:40 p.m.

SUSAN A. BONILLA
MAYOR/AGENCYMEMBER

WILLIAM D. SHINN
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK