

REGULAR JOINT MEETING OF THE  
CONCORD CITY COUNCIL AND  
REDEVELOPMENT AGENCY  
COUNCIL CHAMBERS  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
JUNE 27, 2006

The Concord City Council/Redevelopment Agency met in a regular joint meeting on Tuesday, June 27, 2006 in the Council Chamber with Mayor/Agencymember Bonilla presiding. The meeting convened at 6:37 p.m. with all Councilmembers present. 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, 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; Margaret Lefebvre, Director of Finance; Alex Pascual, Director of Building, Engineering and Neighborhood Services; Qamar Khan, Director of Public Works; Joan Carrico, Director of Community and Recreation Services; Cherie Rosenquist, Director of Human Resources; Ron Puccinelli, Director of Information Technology; Jim Forsberg, Director of Planning and Economic Development

MEMBERS OF THE AUDIENCE WHO ADDRESSED COUNCIL: Joseph Partansky, Concord; Theresa Karr, Pleasant Hill; Douglas Stricker, San Jose

PUBLIC COMMENT PERIOD

Joseph Partansky encouraged attendance at the July 10, 2006 Human Relations Commission to hear the annual report on Americans with Disabilities Act compliance.

ANNOUNCEMENTS

Mayor Bonilla invited the community to attend the Classic Car Show being held in conjunction with the Thursday Music and Market Series on June 29, 2006 and the 4<sup>th</sup> of July festivities planned for the Todos Santos Plaza.

CITY COUNCIL MATTERS

APPROVAL OF MINUTES

Motion was made by Peterson and seconded by Hoffmeister to approve the minutes of June 10, 2006. Motion passed by unanimous vote of the Council.

FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT AMENDMENT – Agreement with Rehabilitation Services of Northern California

Motion was made by Peterson and seconded by Hoffmeister to amend the 2006-07 Action Plan for Federal Community Development Block Grant Public Services funding to allocate \$35,000 to Rehabilitation Services of Northern California for the provision of a Senior Shopping Shuttle Service and to enter into a one-year agreement with Rehabilitation Services of Northern California for the services in a total amount of \$50,000, which would include Federal Community Development Block Grant funds of \$35,000 and Capital Improvement Project No. 1016 Senior Transportation Funds in the amount of \$15,000. Motion passed by unanimous vote of the Council.

YEAR-END WRITE-OFF – Uncollectible Funds

Motion was made by Peterson and seconded by Hoffmeister to authorize the year-end write-off of uncollectible accounts receivable in the amount of \$24,793.45. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Project No. 2031, Centre Concord Roof Repairs

The following bids were opened at 1:00 p.m. on Friday, June 9, 2006:

Enterprise Roofing Services, Inc.	\$275,087.89
IMR Roofing Corp.	\$328,053.00

Motion was made by Peterson and seconded by Hoffmeister to award a contract for Project No. 2031, Centre Concord Roof Repairs, to Enterprise Roofing Services, Inc. of Concord as the lowest responsible bidder in the amount of \$275,088. Motion passed by unanimous vote of the Council.

AGREEMENT WITH FIRST 5 CONTRA COSTA CHILDREN AND FAMILIES COMMISSION – Monument Community First 5 Center Grant Programs and Services

Motion was made by Peterson and seconded by Hoffmeister to approve an agreement with the First 5 Contra Costa Children and Families Commission to manage the grant for programs and services for Fiscal Year 2006-07 for the Monument Community First 5 Center, and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

VARIOUS MASTER AGREEMENTS – General Engineering Services for Capital Projects

Motion was made by Peterson and seconded by Hoffmeister to approve Master Agreements to provide professional engineering services on various capital projects with Associated Engineering Consultants, Associated Right of Way Services (ARWS), Azari Engineering, Bellecci & Associates, Blymyer Engineers, Inc., Cole Management & Engineering, Harris & Associates, Harrison Engineering, Inc., and Leptien, Cronin, Cooper Inc. (LCC) in the amount of \$250,000 each; and to authorize the City Manager to execute the agreements. Motion passed by unanimous vote of the Council.

MASTER AGREEMENTS WITH R-COMPUTER AND QUEST – Technology Consulting Services

Motion was made by Peterson and seconded by Hoffmeister to approve Master Agreements to provide professional services with R-Computer of Pleasant Hill, in the amount of \$100,000 per year through June 30, 2009, and with Quest of Sacramento in the amount of \$100,000 per year through June 30, 2009, for technology consulting services; and to authorize the City Manager to execute the agreements. Motion passed by unanimous vote of the Council.

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

Motion was made by Peterson and seconded by Hoffmeister to set a public hearing for Tuesday, July 25, 2006 at 6:30 p.m. in the Council Chamber to consider a proposed amendment which would revoke in its entirety Concord Municipal Code Chapter 102 – Telecommunications, and Article II – Cable Communications, and replacing them with a new Chapter 102 – Telecommunications, and Article II – Cable Communications to update standards. This matter was originally set for public hearing for May 23, 2006, but was continued from that meeting. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING – Comcast Franchise Renewal

Motion was made by Peterson and seconded by Hoffmeister to set a public hearing for Tuesday, July 25, 2006 at 6:30 p.m. in the Council Chamber to consider a 15-year non-exclusive cable television franchise agreement with Comcast, renewing the current agreement with new terms and conditions. This matter was originally set for public hearing for May 23, 2006, but was continued from that meeting. Motion passed by unanimous vote of the Council.

SETTING FOR PUBLIC HEARING – La Villa Bella Townhouses

This item was removed from the consent calendar and will be set at a later date.

AUTHORIZATION OF GRANT – State of California Office of Traffic Safety for DUI Enforcement

Motion was made by Peterson and seconded by Hoffmeister to accept a grant from the State of California Office of Traffic Safety in the amount of \$147,066 and approve its use for a driving under the influence (DUI) enforcement, awareness and vehicle impound program beginning in Fiscal Year 2006-07. Motion passed by unanimous vote of the Council.

AGREEMENT RENEWAL WITH LAWSON SOFTWARE – Maintenance Support

Motion was made by Peterson and seconded by Hoffmeister to approve the renewal of a maintenance support agreement with Lawson Software in the amount of \$55,480.24 for Fiscal Year 2006/07, and provide for optional renewals for up to three additional years at a 4% annual increase; and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

AGREEMENT WITH MOTOROLA – Maintenance of Hardware for Mobile Data Computers

Motion was made by Peterson and seconded by Hoffmeister to approve an agreement with Motorola in the amount of \$116,063.16 to perform hardware maintenance of the mobile data computers (MDCs) for a period of one year; and to authorize the City Manager to execute the agreement and to approve any minor future amendments. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-52 – Allowing SunValley Mall and other Properties be Included in the Pleasant Hill Landscaping and Lighting Assessment District #20

Motion was made by Peterson and seconded by Hoffmeister to adopt Resolution 06-52 entitled, "A RESOLUTION APPROVING THE REQUEST OF THE CITY OF PLEASANT HILL TO ALLOW SUNVALLEY MALL AND CERTAIN OTHER CITY OF CONCORD COMMERCIAL PROPERTIES TO BE INCLUDED IN PLEASANT HILL LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT #20, COMMERCIAL LANDSCAPING AND LIGHTING." Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-53 – Modifications to the Executive and Management Compensation Program

City Manager Lydia Du Borg requested this item be pulled from the consent calendar to provide a report and stated that the modifications for the City's Executive and Management Compensation Policy, the Executive and Management Performance Management Process Guidelines, and the Pay for Performance Plan were for the unrepresented employees, excluding the represented managerial employees at this time, and emphasized that the compensation plan changes were needed to make the plan consistent with CalPERS.

Motion was made by Shinn and seconded by Peterson to adopt the Executive Management Compensation Policy for unrepresented management employees, the Executive Management Process Guidelines for unrepresented management employees, the Pay for Performance Plan for unrepresented executive and management employees, to authorize the City Manager or designee to administer and implement the Executive Management Pay for Performance Plan and incentive awards in accordance with CalPERS regulations, and to adopt Resolution 06-53, entitled "A RESOLUTION APPROVING MODIFICATIONS TO THE EXECUTIVE AND MANAGEMENT PAY FOR PERFORMANCE PLAN FOR UNREPRESENTED EMPLOYEES APPLYING CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS) REGULATIONS AND AUTHORIZING ITS IMPLEMENTATION." Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

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

Continued from June 13, 2006 with the public hearing open.

City Manager Lydia Du Borg presented a report, referring to her memorandum dated June 27, 2006, regarding consideration of (a) amending the Master Fees and Charges Resolution for fees relating to various municipal services, including but not limited to Administrative Fees; Business, Professional, and Trades Fees; Parks and Recreation Fees; Permit Center Fees; and Police Fees; (b) approving annual appropriation limits and adjustment factors for Fiscal Year 2006-07, pursuant to Article XIII B of the California Constitution; (c) approving the Fiscal Year 2006-07 City of Concord Budget, Ten-Year Financial Plan and adoption of the 2006-07 Capital Improvement Program; and (d) the Fiscal Year 2006-07 City of Concord Redevelopment Agency Budget. She stated that a memo containing additional analysis and a summary of the Treat/Oak Grove Traffic Signal project, as requested by the Council at the June 13 hearing, was benched and then introduced Director of Building, Engineering and Neighborhood Services Alex Pascual who gave an overview of the project.

Director Pascual explained the findings of the Fehr and Peers survey, and stated that the signal would decrease delays at the intersection and minimize the number of accidents caused by vehicles making left turns. He emphasized that the project was primarily funded by California State Hazard Elimination Safety Grant funds.

In answer to questions by Councilmembers, a Fehr and Peers representative confirmed that the queue at the signal would increase traffic back-up by about five vehicles or approximately 50 feet during peak periods.

John Templeton, Transportation Manager, asked to be recognized and addressed the Council stating that in his opinion the project would create a negative impact on off-peak hours by increasing delays on Treat Boulevard.

Following additional clarifying comments by the Council, the public hearing was closed without comments from the public.

Motion was made by Allen and seconded by Peterson to adopt Resolution 06-6042.2, entitled "A RESOLUTION AMENDING EXHIBIT A TO RESOLUTION NO. 78-6042 (ESTABLISHING FEES AND CHARGES FOR VARIOUS MUNICIPAL SERVICES IN THE CITY OF CONCORD)." Motion passed by unanimous vote of the Council.

Motion was made by Allen and seconded by Peterson to adopt Resolution 06-46, entitled "A RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT FOR THE CITY OF CONCORD FOR FISCAL YEAR 2006-2007 PURSUANT TO CALIFORNIA CONSTITUTION ARTICLE XIII B." Motion passed by unanimous vote of the Council.

Motion was made by Allen and seconded by Peterson to adopt Resolution 06-47, entitled "A RESOLUTION ADOPTING THE MUNICIPAL BUDGET, INCLUDING A TEN-YEAR FINANCIAL PLAN AND THE 2006-2007 CAPITAL IMPROVEMENT PROGRAM, INCLUDING A TEN-YEAR CAPITAL IMPROVEMENT PLAN, FOR FISCAL YEAR 2006-2007 AND RECONFIRMING AUTHORIZATION TO USE REDEVELOPMENT AGENCY SET-ASIDE FUNDS FOR HOUSING-RELATED ACITIVITIES UNDER THE CITY'S NEIGHBORHOOD IMPROVEMENT PROGRAM," removing the Treat Boulevard/Oak Grove Plaza Driveway Traffic Signal from the project list for further study, and including the recommendation for a future study and consideration of additional landscape median improvements along the Bailey Road Parkway. Motion passed by unanimous vote of the Council.

Motion was made by Allen and seconded by Peterson to adopt Redevelopment Agency Resolution 06-684, entitled "A RESOLUTION ADOPTING THE REDEVELOPMENT AGENCY BUDGET FOR FISCAL YEAR 2006-2007 AND RECONFIRMING THE USE OF REDEVELOPMENT AGENCY HOUSING SET-ASIDE FUNDS FOR HOUSING-RELATED ACTIVITIES UNDER THE CITY'S NEIGHBORHOOD IMPROVEMENT PROGRAM." Motion passed by unanimous vote of the Agency.

#### CITY COUNCIL PUBLIC HEARING

#### PROPOSED AMENDMENT TO THE CONCORD MUNICIPAL CODE – Door-To-Door Solicitation

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 June 13, 2006.

Lt. Gary Norvell, Concord Police Department, gave a report referring to his memorandum dated June 27, 2006, stating that due to the number of complaints from the residential community regarding aggressive door-to-door salesmen which required service calls by on-duty patrol, staff proposes an ordinance that would regulate door-to-door vendors by requiring the principal sponsor hold a valid solicitors permit issued by the Police Chief and that they also possess a business license. He stated that the new ordinance would provide the police and city staff with the tools necessary to enforce specific solicitation activities and would protect against potential criminal activity and disruption of privacy of our citizens. He also stated that due to recommendations made by the Neighborhood and Community Services Council Committee, exemptions in the proposed ordinance would still allow the youth from local schools or service clubs to conduct their fund raising activities by selling door-to-door.

The public hearing was opened and closed without comment.

Motion was made by Allen and seconded by Hoffmeister to introduce Ordinance 06-6, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 18 (BUSINESS AND BUSINESS REGULATIONS), ADDING ARTICLE XII (SOLICITORS AND PEDDLERS)" by reading of the title only and waiving further reading. Motion passed by unanimous vote of the Council.

#### ADOPTION OF RESOLUTION 06-49 – Industrial Condominiums

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 June 13, 2006.

Ryan Lenhardt, Senior Planner, presented a report referring to his memorandum dated June 27, 2006, stating that DLR Ventures was seeking approval to construct three multi-tenant industrial buildings on a 2.8 acre site at the northwest corner of Industrial Way and Arnold Industrial Way. He advised the buildings would total 54,272 sq. ft. and be single story structures. He further stated that staff and the Planning Commission recommend that the Council adopt Resolution 06-49 approving the application, and then he introduced Doug Stricker, principal of DLR Ventures, who presented a overview of the project and its architectural treatments.

Following brief comments by the Council, Mayor Bonilla opened and closed the public hearing with no public comments.

Motion was made by Peterson and seconded by Shinn to adopt Resolution 06-49, entitled "A RESOLUTION APPROVING THE PRELIMINARY DEVELOPMENT PLAN (PD 05-002) FOR THE INDUSTRIAL CONDOMINIUMS LOCATED 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.

#### PROPOSED AMENDMENT TO THE CONCORD MUNICIPAL CODE – Condominium Conversions

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 all interested parties on June 13, 2006.

Deborah Raines, Planning Manager, presented a report, referring to her memorandum dated June 27, 2006, requesting approval to repeal the City's existing Condominium Ordinance and enact a new Residential Condominium Conversions Ordinance which would incorporate new open space standards, inclusionary housing requirements, annual conversion and percent leasing caps, and other changes to make the Ordinance consistent with Concord's multi-family development and building standards. She stated that the amendment would apply to any existing multi-family rental housing project for which the City has received an application to convert to condominiums after March 14, 2006.

The Councilmembers expressed their concern over imposing monitoring fees which would be collected upon resale, requested clarification on open space requirements, expressed concern over repealing the current ordinance and adopting a new ordinance which only affected conversions and not new construction, and shared their displeasure when advised that a condominium conversion would not credit, in whole or part, State mandated affordable housing numbers.

A recess was called at 8:40 p.m.

The meeting reconvened at 8:50 p.m. and the public comment period was opened.

Theresa Karr, representing the California Apartment Owners, stated that when an apartment owner sells a unit they are required to provide certain information, and questioned the proposed ordinance requirement to disclose what she considered private information without receiving written permission from the tenant. She also questioned the non-English noticing requirement and lifetime leases.

Following comments by Joseph V. A. Partansky, Concord, who shared his opinions on non-English publications and noticing, the public hearing was closed.

Motion was made by Allen and seconded by Peterson to introduce Ordinance 06-3, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE BY REPEALING CHAPTER 94 (SUBDIVISIONS), ARTICLE VI (CONDOMINIUMS) AND ADDING CHAPTER 94 (SUBDIVISIONS) ARTICLE VI (RESIDENTIAL CONDOMINIUM CONVERSIONS)" by reading of the title only and waiving further reading with the following modifications: 1) delete requirement for tenant notices in languages other than English; 2) delete requirement to offer lifetime leases to tenants over 60 years of age; 3) delete the entire affordable housing component; 4) require the establishment of a Homeowners Association for all conversion projects; and 5) remove personal information questions from Sec 94-174 "Application Requirements." Motion passed by unanimous vote of the Council.

JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY

ADOPTION OF RESOLUTION 06-685 AND 06-686 – Redevelopment Plan Amendment Preliminary Report

Motion was made by Allen and seconded by Hoffmeister to adopt Redevelopment Agency Resolution 06-685, entitled "A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD AUTHORIZING TRANSMITTAL OF THE PRELIMINARY REPORT TO AFFECTED TAXING ENTITIES AND AUTHORIZING CIRCULATION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT ON PROPOSED AMENDMENT NO. 13 TO THE REDEVELOPMENT PLAN FOR THE CENTRAL CONCORD REDEVELOPMENT PROJECT," and to adopt Redevelopment Agency Resolution 06-686, entitled "A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD REFERRING PROPOSED AMENDMENT NO. 13 TO THE REDEVELOPMENT PLAN FOR THE CENTRAL CONCORD REDEVELOPMENT PROJECT TO THE PLANNING COMMISSION OF THE CITY OF CONCORD FOR REPORT AND RECOMMENDATION AND PROVIDING SAID AMENDMENT TO CERTAIN RESIDENTS AND COMMUNITY ORGANIZATIONS," approving the transmittal of the proposed Redevelopment Plan Amendment Preliminary Report for sub-areas in North Concord, along Willow Pass Corridor, and Monument Boulevard Corridor, and a Draft Environmental Report to each affected taxing agency, and referring the proposed Redevelopment Plan Amendment to the Planning Commission for review of consistency with the General Plan. Motion passed by unanimous vote of the Agency.

APPROVAL OF REDEVELOPMENT AGENCY STATEMENTS OF INVESTMENT POLICY

Motion was made by Allen and seconded by Hoffmeister to approve the City of Concord and Concord Redevelopment Agency Statements of Investment Policy. Motion passed by unanimous vote of the Agency.

CORRESPONDENCE

- a. Letter dated June 8, 2006 to Assemblyman J. Canchamilla opposing SB 1206 – Redevelopment Law.

- b. Letter dated June 5, 2006 to Senator M. Escutia opposing AB 2987 – Digital Infrastructure and Video Competition Act of 2006.
- c. Memo from City Manager Lydia Du Borg to the Mayor and City Council dated June 27, 2006 regarding pulling Item 2.h.3 La Villa Bella Town House from the agenda.
- d. Memo dated June 27, 2006 from Alex Pascual, Director of Building, Engineering and Neighborhood Services to City Manager Lydia Du Borg, entitled “Treat Blvd./Oak Grove Plaza Driveway Traffic Signal.”
- e. Memo dated June 27, 2006 from Alex Pascual, Director of Building, Engineering, and Neighborhood Services to City Manager Lydia Du Borg, entitled “Errata to the Proposed CIP/TIP 10-Year Plan.”
- f. Revised Staff Report and attachments for Item 2.M dated June 27, 2006, entitled “A RESOLUTION APPROVING MODIFICATIONS TO THE EXECUTIVE AND MANAGEMENT COMPENSATION PROGRAM FOR UNREPRESENTED EMPLOYEES APPLYING CALIFORNIA PUBLIC EMPLOYEE RETIREMENT SYSTEM (CALPERS) REGULATIONS AND AUTHORIZING ITS IMPLEMENTATION.”
- g. Colored renditions of Exhibit A and B to Attachment 5 and Exhibit A to Attachment 4, referencing Item 4.1.
- h. Revised Ordinance 06-3.

COUNCIL AND STAFF REPORTS

Councilmembers shared highlights of the events they had attended during the past week and invited the community attend one of the “Singing Flag” productions scheduled for the Dave Brubeck Park on July 2, 3, and 4.

By order of the Chair, the meeting was adjourned at 9:39 p.m.

APPROVED:

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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