1. City Council Meeting Agenda

Documents:

08-07-2018 ANNOTATED AGENDA.PDF

2. Supporting Documents

Documents:

4A.PDF
4B.PDF
4C.PDF
5A.PDF
Regular Meeting of the Concord City Council

Tuesday, August 7, 2018
6:00 p.m. - Open Session
Council Chamber
1950 Parkside Drive

Information for the public on participation at Council meetings can be found on the back of the Speaker Identification Card located near the Council Chamber entrance. Should you have any questions after consulting the Speaker Identification Card, please contact the City Clerk prior to the Council meeting.

AGENDIZED ITEMS – The public is entitled to address the City Council on items appearing on the agenda before or during the City Council's consideration of that item. Each speaker will be limited to approximately three minutes.

1. OPENING

Roll Call – all present

Pledge to the Flag – Councilmember McGallian

2. PUBLIC COMMENT PERIOD

Rhea Laughlin, First 5 Contra Costa and Raise the Roof, shared information regarding recently released housing report and requested time on a future agenda to present the report.

Jima Monson, Central County Regional Group, statement read into the record regrading rent increases.

Kristi Laughlin, East Bay Alliance for Sustainable Economy, spoke about the housing crisis and the recently released housing report.
Debra Bernstein, Monument Impact, spoke about rent increases and unjust evictions.

Natalie, spoke about climate change and creating a sense of fair play.

Jaime Cader, Concord, spoke about rent increases.

Marianna Moore, Concord, spoke about the recently released housing report and read a letter from John Muir Health that is included with the report.

Chris Ricci, Chris Ricci Presents, Inc., announced the Taco Fest taking place August 25, at Todos Santos Plaza.

George Fulmore, Concord, spoke about rent increases, the condition of Monument Blvd, and Code Enforcement visits to 1500 Monument Blvd regarding their Lottery sign.

Ajit Kaushal, Concord, spoke about the new Shiva Murugan Temple being built in Concord and announced the Second Annual Concord Murugan Festival on September 1 and 2, 2018.

Matt Light, invited the Council and public to the cannabis education day on September 8, 2018, 10am – 3pm at Todos Santos Plaza.

Elenie Daphnis, Concord, spoke about rent increases and the landlord not responding to maintenance issues.

3. ANNOUNCEMENTS -

City Clerk Joelle Fockler announced the upcoming Fall 2018 Concord Community Institute starting September 22, 2018. Applications are due by Friday, August 24, 2018.

4. CITY COUNCIL CONSENT CALENDAR
The public is entitled to address the City Council on items appearing on the Consent Calendar before or during the City Council’s consideration of the Consent Calendar. Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Councilmember, individual or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Mayor may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate.

a. Considering – approval of the minutes from the meetings of May 8 and May 22, 2018. Recommended by the City Clerk.

The May 22, 2018, meeting minutes were removed from consideration by staff to return at a later date.

ACTION: Meeting minutes form the meeting of May 8, 2018, adopted.
b. **Considering** – designation of Mayor Birsan as voting delegate and Councilmember McGallian as alternate for the League of California Cities Annual Business Meeting scheduled for Friday, September 14, at 12:30 p.m. at the Long Beach Convention Center. Recommended by the Mayor.

**ACTION:** Mayor Birsan designated as voting delegate and Councilmember McGallian as alternate for the League of California Cities Annual Business Meeting.

c. **Considering** – approval of a $400,000 and one year extension amendment to the Agreement for Professional Services with Advanced Mobility Group (AMG) associated with Engineering Staff Augmentation Services for the Transportation Division; and authorizing the City Manager to execute the amendment in a form acceptable to the City Attorney. (Transportation Division Funds) Recommended by the Director of Community and Economic Development.

This item was pulled from the Council Consent Calendar by Concord resident George Fulmore.

**ACTION:** A $400,000 and one year extension amendment to the Agreement for Professional Services with Advanced Mobility Group (AMG) associated with Engineering Staff Augmentation Services for the Transportation Division approved; and City Manager authorized to execute the amendment in a form acceptable to the City Attorney.

5. **CITY COUNCIL CONSIDERATION ITEM**
The public is entitled to address the City Council on items appearing on the agenda before or during the City Council’s consideration of that item. Each speaker will be limited to approximately three minutes.

a. **Considering** – adoption of Resolution No. 18-58 calling for and giving notice of a November 6, 2018, election on a proposed ballot measure to extend an existing voter-approved Local Transactions and Use (Sales) Tax at a one cent (1%) rate until repealed by the voters to fund general municipal services such as street repair and public safety; and establishing the policies and procedures for such an election and requesting that the County of Contra Costa conduct such an election. Recommended by the City Manager.

CEQA: Exempt per Public Resources Code section 21065, CEQA Guidelines Sections 15378(b)(4), 15061(b)(3), 15273, and/or 15060.

**ACTION:** Report heard; public testimony taken; Resolution No. 18-58 failed by the following vote of the Council:

AYES: Hoffmeister, McGallian, Birsan    NOES: Leone, Obringer    ABSENT: None
6. **CORRESPONDENCE**
Correspondence received at the City Council meeting will be listed here on the Annotated Agenda.

   a. Correspondence Received – Agenda Item No. 5.a
   b. The Housing Crisis Hits Home in Concord report
   c. Second Annual Concord Murugan Festival invitation
   d. Cannabis Education Day flyer
   e. PowerPoint Presentation – Agenda item No. 5.a – Proposed Measure Q Ballot Measure
   f. PowerPoint Presentation – Agenda item No. 5.a – City of Concord: 2018 Survey Results Highlights

7. **REPORTS AND ANNOUNCEMENTS**

   a. Closed Session Announcements - none
   b. City Manager or Staff Reports - none
   c. Council Reports

   **Appointment** – of an ad-hoc committee to work with staff to review the architecture of all construction projects that need planning permits in the inner and outer downtown core for up to the next six months. **Report by Mayor Birsan.**

   **ACTION:** Councilmember Leone and Mayor Birsan appointed to an ad-hoc committee to work with staff to review the architecture of all construction projects that need planning permits in the inner and outer downtown core for up to the next six months.

   Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

8. **ADJOURNMENT** – at 8:05 p.m.

Next Meeting: Special Meeting
Date: 8/11/2018 - 9:00 AM

**NOTICE**
There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6), or on the date that a written decision or written findings is mailed by first-class mail. Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to the next City Council meeting, regardless of whether it is a regular or special meeting. The City Council may be requested to reconsider a decision if the request is made by a City Council member who was on the prevailing side of the vote and at the same meeting that the decision was made. (Policy
and Procedure No. 2, Section 4.24). For more information on the next regular or special City Council meeting, please call (925) 671-3390.

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS** - The Council Chamber is equipped with a T-Coil Hearing Loop. This system allows "T" coil reception of the audio proceedings. Please switch your hearing aid or cochlear device to the "T", "T" Coil or telephone position. If you would like better audio reception, a loop receiver that picks up the audio loop is available from the City Clerk.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

The following is a list of regular **Council Committee** meeting dates. Most meetings are held in the Garden Conference Room, 1950 Parkside Drive, Concord. **NOTE: Meetings are subject to change or cancellation.** For latest information and committee agendas please call 671-3158.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Chair/Member</th>
<th>Meeting Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Development &amp; Internal Operations</td>
<td>Birsan/Obringer</td>
<td>2nd Wednesday at 5:30 p.m.</td>
</tr>
<tr>
<td>Housing &amp; Economic Development</td>
<td>Obringer/McGallian</td>
<td>4th Monday at 5:30 p.m.</td>
</tr>
<tr>
<td>Infrastructure &amp; Franchise</td>
<td>Hoffmeister/Leone</td>
<td>2nd Monday at 6:00 p.m.</td>
</tr>
<tr>
<td>Recreation, Cultural Affairs &amp; Comm. Svc.</td>
<td>McGallian/Birsan</td>
<td>3rd Wednesday at 5:30 p.m.</td>
</tr>
<tr>
<td>Youth &amp; Education</td>
<td>Leone/Hoffmeister</td>
<td>3rd Monday at 6:00 p.m.</td>
</tr>
</tbody>
</table>
The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:00 p.m. on Tuesday, May 8, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Vice Mayor Obringer. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Laura Hoffmeister, Ron Leone, Carlyn Obringer, Edi Birsan (Councilmember Hoffmeister left the meeting at 7:30 p.m. and returned at 8:10 p.m.)

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Patti Barsotti, City Treasurer; Kathleen Trepa, Assistant City Manager; Joelle Fockler, City Clerk; Guy Swanger, Chief of Police; Andrea Ouse, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Steve Voorhies, Director of Parks and Recreation; Jeff Lewis, Director of Information Technology; Donna Lee, Budget Officer; Laura Simpson, Planning and Housing Manager; John Montagh, Economic Development Manager; Abhishek Parikh, Transportation Manager; Kevin Marstall, Interim City Engineer; Ryan Pursley, Chief Building Official; John Montagh, Economic Development Manager; Brian Nunnally, Business Development Manager; Pedro Garcia, Economic Development Specialist; Michael Cass, Principal Planner; Florence Weiss, Downtown Program Manager; Bernard Enrile, Senior Civil Engineer; Ali Hatifi, Associate Civil Engineer; ZeeLaura Page, Administrative Analyst; Coleman Frick, Associate Planner

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Florence Weiss, Concord; Catherine Hensick, Concord; Kenji Yamada, Concord; Jay Bedeccare, Clayton; Maggie Knapp, Rising Sun Energy Center; Jill Hernandez, Contra Costa County Horsemen's Association; Scott Gillespie and Bud Dansie, Red Devils Restoration; George Fulmore, Concord; Claire Weer, Concord; Ajit Kaushal, Concord; Rebecca Auerback, Concord; Alexandra McGee, MCE; Melissa Yu, Sierra Club; Carol Weed, Walnut Creek

STUDY SESSION

STUDY SESSION ON ECONOMIC DEVELOPMENT

Director of Economic Development Andrea Ouse introduced the item, reporting that the study session was the annual report on Economic Development and a precursor to the Fiscal Stability Plan that will be presented on May 22, 2018. She noted that the study session would define "Economic Development", review sales tax trends, review general revenue expectations, and explain City Economic Development programs. She introduced Andy Nickerson, Hdl, and
Barry Foster, ECONSolutions by HdL, who presented on sales and property taxes and trends and economic outlook.

The Council asked clarifying questions of Mr. Nickerson and Mr. Foster, after which Mayor Birsan continued the item to the end of the meeting.

After Council’s consideration of the other items on the Agenda, this item was continued.

John Montagh, Economic Development Manager, reviewed the City’s economic development history, explained the Economic Vitality Strategy, emphasized the City’s approach to proactive economic development and outreach, including staff attendance at trade shows, industry specific attraction, award winning marketing, retention/expansion efforts, revenue generation, workforce development, and enhancement of Concord’s quality of life. Mr. Montagh also reviewed recent economic development accomplishments.

Council asked clarifying questions about new emerging technologies such as autonomous vehicles and fiber network and applauded participation by councilmembers and department heads attending goodwill visits, complimented the Music and Market series and the City’s participation in Chamber of Commerce events, and suggested looking at how to market Concord more as a bio and life sciences community.

Mayor Birsan opened a public comment period.

George Fulmore, Concord, spoke of retaining a blend of housing in Concord.

Kenji Yamada, Concord, spoke of the Council’s support of responsible consumption of alcohol and the lack of support of another substance.

Mayor Birsan closed the public comment period and moved onto Correspondence.

PUBLIC COMMENT PERIOD

Florence Weiss, Downtown Program Manager, announced the upcoming Music and Market season and recognized one of the winners of the annual Mother’s Day essay contest who cannot attend the Saturday, May 12th event.

Catherine Hensick, Concord Art Association, outlined the Mayor’s Student Art Gallery program.

Kenji Yamada, Concord, spoke about Concord Connect and thanked staff for their quick response to items submitted through the app.

Jay Bedeccare, Clayton, announced the 29th Annual Bay Area KidFest to be held Memorial Day weekend, May 26-28, at Mt. Diablo High School.

Maggie Knapp, Rising Sun Energy Center, shared about the work being done in Concord.

Jill Hernandez, Contra Costa County Horsemen’s Association, spoke of fundraising efforts and events targeted at keeping agriculture in Concord.

Scott Gillespie and Bud Dansie, Red Devils Restoration, announced their Classic Car Show scheduled for Saturday, May 19, 10 a.m. – 4 p.m. at Todos Santos Plaza.

George Fulmore, Concord, spoke of Concord parks.

Claire Weer, Concord, spoke of her home occupation tutorial business.
Ajit Kaushal, Concord, thanked the Council for its support of the recent Diversity Festival and spoke of the increase in his business garbage rates.

PRESENTATIONS

BUSINESS RECOGNITION AWARD – Beyond Lucid Technologies

Mayor Birsan presented a Business Recognition Award to Jonathon Feit and Chris Witt of Beyond Lucid Technologies.

PROCLAMATION – City Clerks’ Week

Mayor Birsan presented Joelle Fockler, City Clerk; Marsha Moore, Deputy City Clerk; Vicki Dunbar, Administrative Secretary; and Debbie Solomon, Administrative Clerk II a proclamation declaring the week of May 6 – 12, 2018, as “City Clerks’ Week” in the City of Concord.

PRESENTATION – Convoy of Hope Event

John Gregg, Convoy of Hope, presented a recap of the Convoy of Hope event held Saturday, April 28, 2018.

ANNOUNCEMENTS

Mayor Birsan announced the Mayor’s Art Project for elementary, middle, and high school students in Concord. Three pictures each quarter will be chosen, hung in the Mayor’s office, and presented at a City Council meeting.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – March 24 and 27, 2018

The meeting minutes of March 24 were pulled from consideration by staff to return at the May 22, 2018, meeting.

Motion was made by Obringer and seconded by Leone to approve the minutes from the meeting of March 27, 2018. Motion passed by the following vote of the Council:

AYES: Leone, McGallian, Obringer, Birsan    NOES: None    ABSENT: Hoffmeister

RESOLUTION NO. 18-36 – Housing Rehabilitation Grant and Loan Program

Motion was made by Obringer and seconded by Leone to adopt Resolution No. 18-36 entitled, “A Resolution Increasing the Maximum Grant and Loan Amounts for the Housing Rehabilitation Grant and Loan Program and Reducing the Percentage amount of Retention for Contractors Payment, as Approved by the housing and Economic Development Committee.” Motion passed by the following vote of the Council:

AYES: Leone, McGallian, Obringer, Birsan    NOES: None    ABSENT: Hoffmeister

RESOLUTION NO. 18-39 – Supporting Proposition 68: The California Clean Water and Safe Parks Act

Motion was made by Obringer and seconded by Leone to adopt Resolution No. 18-39 entitled, “A Resolution Supporting Proposition 68: The California Clean Water and Safe Parks Act.” Motion passed by the following vote of the Council:

AYES: Leone, McGallian, Obringer, Birsan    NOES: None    ABSENT: Hoffmeister
PROFESSIONAL SERVICES AGREEMENT – Brown and Caldwell – Citywide Sewer Condition Assessment Study, Project No. 2208

Motion was made by Obringer and seconded by Leone to approve a Professional Services Agreement with Brown and Caldwell in the amount of $235,452 to provide preliminary studies and related services for the Citywide Sewer Condition Assessment Study, Project No. 2208, subject to the approval of the City Attorney, and authorize the City Manager to execute the agreement. Motion passed by the following vote of the Council:

AYES: Leone, McGallian, Obringer, Birsan    NOES: None    ABSENT: Hoffmeister

RESOLUTION 18-41 – Opposing the Tax Fairness, Transparency, and Accountability Act of 2018

Motion was made by Obringer and seconded by Leone to adopt Resolution No. 18-41 entitled, “A Resolution Opposing the Tax Fairness, Transparency and Accountability Act of 2018.” Motion passed by the following vote of the Council:

AYES: Leone, McGallian, Obringer, Birsan    NOES: None    ABSENT: Hoffmeister

AGREEMENT FOR COMMUNITY SURVEYING SERVICES – Godbe Research

Motion was made by Obringer and seconded by Leone to authorize the City Manager to enter into an agreement in an amount not to exceed $36,000 with Godbe Research for community surveying services. Motion passed by the following vote of the Council:

AYES: Leone, McGallian, Obringer, Birsan    NOES: None    ABSENT: Hoffmeister

ADOPTION OF CITY COUNCIL POLICY AND PROCEDURE NO. 178 – Legislative Advocacy Program and Platform

This item was pulled from the Consent Calendar by Concord resident Kenji Yamada who noted a current law that preempts local authority on rents and asked that the Council oppose that law based on the proposed Legislative Advocacy Program and Platform.

Mayor Birsan opened a public comment period, and upon receiving no public comment, closed the public comment period.

Motion was made by Obringer and seconded by Leone to adopt City Council Policy and Procedure No. 178 – Legislative Advocacy Program and Platform. Motion passed by the following vote of the Council:

AYES: Leone, McGallian, Obringer, Birsan    NOES: None    ABSENT: Hoffmeister

CITY COUNCIL CONSIDERATION ITEM

MCE’S “LIGHT GREEN” OR “DEEP GREEN” PROGRAMS

Planning and Housing Manager Laura Simpson introduced Associate Planner Coleman Frick who presented a report to consider enrollment in MCE’s “Light Green” or “Deep Green” programs or opting-out to remain with PG&E for the City’s municipal electricity accounts.

Following clarifying questions by the Council, Mayor Birsan opened a public comment period.

Rebecca Auerbach, Concord, urged the Council to opt in for the 100 percent Deep Green program.
Kenji Yamada, Concord, urged the Council to opt in for the 100 percent Deep Green program.

Alexandra McGee, MCE, presented updated statistics regarding MCE Light Green and reminded the Council that half of the penny per kilogram under Deep Green goes into a local development fund.

Melissa Yu, Sierra Club, urged the Council to opt into the 100 percent Deep Green program.

Carol Weed, Walnut Creek, urged the Council to opt in for the 100 percent Deep Green program.

Mayor Birsan closed the public comment period.

The Council shared their opinions regarding enrolling in MCE’s “Deep Green” program with support of enrolling in MCE’s “Light Green” program instead due to financial constraints, requested review of the “Deep Green” program in the future, and requested research of solar and other energy savings on City buildings.

Motion was made by Hoffmeister and seconded by McGallian to enroll in MCE’s “Light Green” program and direct staff to study solar options on City buildings and grounds.

Councilmember Leone offered an amendment to the motion to direct staff to study solar and other energy efficient options, to which Hoffmeister and McGallian agreed.

Motion was made by Hoffmeister and seconded by McGallian to enroll in MCE’s “Light Green” program and direct staff to study solar and other energy efficient options. The motion passed by the following vote of the Council:

AYES: Hoffmeister, Leone, McGallian, Obringer   NOES: Birsan   ABSENT: None

CITY COUNCIL PUBLIC HEARING

RESOLUTION NO. 18-40 – Adopting the Capital Budget for Fiscal Years 2018-2019 and 2019-2020

A notice of Public Hearing announcing the hearing date of May 8, 2018, was published in the East Bay Times on April 27, 2018, mailed to interested parties of record, and posted in the City’s posting cabinet.

Interim City Engineer Kevin Marstall presented a report recommending adopting Resolution No. 18-40, adopting the Fiscal Years 2018-19 and 2019-20 Capital Budget.

Mayor Birsan opened a public comment period.

George Fulmore, Concord, spoke of the errors and inconsistencies with the attachments to the staff report.

Mayor Birsan closed the public comment period.

Motion by Hoffmeister and second by Obringer to adopt Resolution No. 18-40 entitled, “A Resolution Adopting the Capital Budget for Fiscal Years 2018-2019 and 2019-2020.” Motion passed by the unanimous vote of the Council.
CORRESPONDENCE

b. April 18, 2018, letter to Governor Brown in support of State Budget Funding to Strengthen Disaster Response
c. HdL Companies Revenue and Development Trends PowerPoint Presentation
d. City of Concord’s Economic Development Program PowerPoint Presentation
e. 2018 Music and Market Series brochure
f. KidFest 2018 Flyer
g. Contra Costa Horseman’s Association Mother’s Day Tea Party Flyer
h. Contra Costa Horseman’s Association Chili Cook Off Fundraiser Flyer
i. Red Devils Restoration Car Show Flyer
j. The Bay Church Convoy of Hope Concord Event Results Flyer
k. City Electrical Accounts PowerPoint Presentation
l. Correspondence Received – Agenda Item No. 7.a
m. Capital Budget PowerPoint Presentation

COUNCIL REPORTS

Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

The Council discussed adding art to one of the standing committees and there was support to add it to the Youth and Education Committee, making the committee the Youth, Education, and Art Committee.

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 10:00 p.m.

____________________________
EDI E. BIRSAN
MAYOR

____________________________
JOELLE FOCKLER, MMC
CITY CLERK
The Concord City Council met in a regular meeting in the City Council Conference Room located at 1950 Parkside Drive at 6:00 p.m. on Tuesday, May 22, 2018, with Mayor Birsan presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session under Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: Two potential cases. Significant exposure to litigation pursuant to paragraph (2) of subdivision (3) of Government Code Section 54956.9: One potential case.

The meeting recessed at 6:25 p.m. to reconvene in regular session in the Council Chamber.

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Tuesday, May 22, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Councilmember Hoffmeister. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Laura Hoffmeister, Ron Leone, Tim McGallian, Carlyn Obringer, Edi Birsan

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Kathleen Trepa, Assistant City Manager; Patti Barsotti, City Treasurer; Joelle Fockler, City Clerk; Justin Ezell, Director of Public Works; Jasmin Loi, Director of Human Resources; Guy Bjerke, Director of Community Reuse Planning; Jeff Lewis, Director of Information Technology; Steve Voorhies, Director of Parks and Recreation; Karan Reid, Director of Finance; Donna Lee, Budget Officer; Bob Hardie, Facilities Maintenance Supervisor; Bernard Enrile, Senior Civil Engineer; Mark Migliore, Associate Civil Engineer; Brenda Kain, Housing Program Manager; David Boatwright, Senior Administrative Analyst; John Montagh, Economic Development Manager; Florence Weiss, Downtown Program Manager

MEMBERS OF THE PUBLIC WHO Addressed THE COUNCIL: Greg Colley, Concord; George Fulmore, Concord; Teresa Saunders, Concord; Margaret Hanlon-Gradie, Contra Costa AFL-CIO; Debra Bernstein, Concord; Ken Scotes, Bay Point; Rick Kennedy, Concord; Vanessa Wolf, Concord; Debbie Toth, Choice in Aging; Vontré Mason, Mt. Diablo High School; Larry Sly, Concord; Mike Conklin, Sentinels of Freedom; Elaine Schroth, Visit Concord; Hope Johnson, Concord; Kristin Connelly,
PUBLIC COMMENT PERIOD

Greg Colley, Concord Communities Alliance, spoke of the need for tenant protections in Concord and provided the Council with a data sheet on landlords in Concord.

George Fulmore, Concord, inquired if a security component was involved in solving the start of the Renaissance II Fire, and spoke of possible issues for candidates running for office in District 3.

Teresa Saunders, Concord Blue Devils, announced an event scheduled for June 2 at Dave Brubeck Park, 6-8 p.m.

Margaret Hanlon-Gradie, Contra Costa AFL-CIO, thanked the staff for pulling Agenda Item No. 9.c from consideration from the agenda.

Debra Bernstein, Raise the Roof Coalition, recapped the May Day event held by the Raise the Roof Coalition and submitted postcards in support of tenant protections and stabilized rental costs.

Ken Scoles, Bay Point, spoke of the need and desire for a Veterans Village at the Concord Naval Weapons Station.

Anonymous spoke of the poor presentation by Lennar at the last CAC meeting and the January meeting with BART regarding the buffer.

PRESENTATIONS

CERTIFICATES OF APPRECIATION TO BUSINESSES, NON-PROFIT ORGANIZATIONS, PUBLIC AGENCIES, AND CITY OF CONCORD EMPLOYEES – Support and Aid for the Renaissance II Fire

Mayor Birsan presented certificates of appreciation to businesses, non-profit organizations, public agencies, and City of Concord employees for support and aid for the Renaissance II Fire.

ANNOUNCEMENTS – none.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – March 24 and April 2, 2018

The April 2, 2018, meeting minutes were removed from consideration by staff.

Motion was made by Hoffmeister and seconded by Obringer to approve the minutes of the meeting of March 24, 2018. Motion passed by unanimous vote of the Council.

REJECTION OF BID AND AWARD OF CONTRACT – Council Chamber Restrooms

Motion was made by Hoffmeister and seconded by Obringer to reject the bid protest from Alex Li of Construction West Services, Inc., and award a contract for the Council Chamber restrooms remodel to Alex Kushner, General Contractor, in the amount of $92,400; and authorize
the City Manager to execute the contract in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

AWARD – CUSTODIAL MAINTENANCE SERVICES

This item was pulled from consideration by staff. Staff will return to the City Council with a recommended action at a later date.

RESOLUTION NO. 18-42 – Pleasant Hill Landscaping and Lighting Assessment District No. 20

Motion was made by Hoffmeister and seconded by Obringer to adopt Resolution No. 18-42 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 City of Pleasant Hill Landscaping and Lighting Assessment District #20, Commercial Area Landscaping and Lighting.” Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-47 – Flying the Rainbow Flag at the Civic Center

Motion was made by Hoffmeister and seconded by Obringer to adopt Resolution No. 18-47 entitled, “A Resolution Recognizing June 2018 as Lesbian, Gay, Bisexual, Transgender, Questioning, Plus (LGBTQ+) Pride Month in the City of Concord and Directing Staff to Fly the Rainbow Flag at the Civic Center throughout the Month of June.” Motion passed by unanimous vote of the Council.

PROFESSIONAL SERVICES AGREEMENT – BKF Construction

Motion was made by Hoffmeister and seconded by Obringer to approve a Professional Services Agreement in the amount of $22,000 with BKF for construction and right-of-way support services for Farm Bureau Road Complete Streets – Phase 2 (Wren Ave to Walnut Ave), Project No. 2354, and authorize the City Manager to execute the Agreement. Motion passed by unanimous vote of the Council.

BUDGET TRANSFER – IT Related Improvements

This item was pulled from the Council Consent Calendar by Concord resident George Fulmore who spoke to project information posted on the City’s website.

Mayor Birsan opened a public comment period, and upon receiving no public comment, closed the public comment period.

Motion was made by Hoffmeister and seconded by McGallian to approve a budget transfer in the amount of $168,600 for IT-related improvements at various locations: Operation Improvements along Parallel Arterials, Project No. 2356 and Farm Bureau Road Complete Streets Phase II, Project No. 2354. Motion passed by unanimous vote of the Council.

LOCAL REUSE AUTHORITY CONSIDERATION ITEM

APPROVAL OF A 12-MONTH EXTENSION OF THE AMENDED AND RESTATED AGREEMENT TO NEGOTIATE – Lennar Concord, LLC

Councilmember Leone recused himself from the item due to the close proximity of his residence to the project, and left the dais.

Director of Community Reuse Planning Guy Bjerke presented a report, explaining that Lennar Concord, LLC, is requesting a 12-month extension of their current Amended and Restated Agreement to Negotiate with the Local Reuse Authority regarding the Development Phase One Property in the Community Reuse Project at the former Concord Naval Weapons Station.
Mr. Bjerke reported that the current agreement envisioned parallel paths for both the Disposition and Development Agreement negotiations and the preparation of the Specific Plan over a 24-month period, with both documents and their associated environmental review being considered by the City Council in 2018, but since the approval of the current agreement, the scope of the Specific Plan, Infrastructure Plan, and environmental documents has expanded beyond what was originally anticipated by the City and Lennar. Specifically, the scope of work increase includes:

1. Preparing the Specific Plan, Infrastructure Plan, and environmental documents for the entire Economic Development Conveyance of 2,300 acres rather than only for the Phase One Property of 500 acres to ensure consistency between development phases and infrastructure compatibility.

2. Adding the BART Property of 18 acres into the Specific Plan program.

3. Adding the Coast Guard Property of 58 acres into the Specific Plan program.

4. Enhancing the public review process, beyond community meetings and the Community Advisory Committee, with the addition of joint City Council/Planning Commission study sessions.

Mr. Bjerke conveyed that the extra steps are being taken to ensure the Specific Plan is appropriately comprehensive and thoroughly reviewed, and the negotiation of the DDA is also tied to these extra steps as that agreement must reflect planning decisions and impact mitigations required by the Specific Plan and associated environmental documents. He noted that all documents are now expected to be ready for final consideration by the City Council in June 2019.

Following clarifying questions by the Council, Mayor Birsan opened a public comment period.

Ken Scoles, Bay Point, spoke in support of extending the agreement with Lennar.

Margaret Hanlon-Gradie, Contra Costa AFL-CIO, spoke in support of a Project Labor Agreement and community benefits.

Rick Kennedy, Concord, urged the Council to continue to work with Lennar.

Vanessa Wolf, Concord, spoke in support of the agreement extension with Lennar.

Debbie Toth, Choice in Aging, spoke in support of the agreement extension with Lennar.

Vontré Mason, Mt. Diablo High School, spoke in support of the agreement extension with Lennar.

Larry Sly, Concord, spoke in support of the agreement extension with Lennar.

Mike Conklin, Sentinels of Freedom, spoke in support of the agreement extension with Lennar.

Elaine Schroth, Visit Concord, spoke in support of the agreement extension with Lennar.

Hope Johnson, Concord, stated that this is not the time for Concord to execute an extension with Lennar while an investigation is going on with the Lennar Hunters’ Point project.
Kristin Connelly, East Bay Leadership Council, spoke in support of the agreement extension with Lennar.

Cindy Gershen, Walnut Creek, spoke in support of the agreement extension with Lennar.

Mayor Birsan closed the public comment period.

Following clarifying questions and comments by the Council, a motion was made by Hoffmeister and seconded by McGallian to approve a 12-month extension of the Amended and Restated Agreement to Negotiate between the Local Reuse Authority and Lennar Concord, LLC, regarding the Development Phase One Property in the Community Reuse Project at the former Concord Naval Weapons Station. Motion passed by the following vote of the Council:

AYES: Hoffmeister, McGallian, Birsan
NOES: Obringer
ABSENT: Leone

Mayor Birsan called a recess at 8:30 p.m. The meeting resumed at 8:40 p.m.

Councilmember Leone returned to the dais.

CITY COUNCIL CONSIDERATION ITEM

MEMORANDUM OF SUPPORT FOR A MASTER PLANNED MIXED USE DOWNTOWN SOCCER SPECIFIC STADIUM – Hall Sports Ventures

Economic Development Manager John Montagh outlined the project, explaining that Hall Sports Ventures desires to pursue a master-planned, mixed-use project, anchored by a soccer-specific stadium in downtown Concord. He conveyed that the conceptual project would include a state of the art 15,000 to 18,000-seat soccer specific stadium, hotel, retail, office, and multifamily developments on City and BART properties, and that as the franchise owner of a United Soccer League Division II professional soccer team, the proposed stadium would be home field for Hall Sports Ventures team. He reported that if the Council is supportive of the master plan concept, Hall Sports Ventures is asking for a Memorandum of Support to be issued by the City. Mr. Montagh explained that the memorandum is non-binding to either party, does not commit either party to a project, and does not pose any cost to the City; it does allow Hall Sports Ventures to begin discussion with BART staff and officials on BART’s downtown Concord property, needed for the mixed use project.

Mr. Montagh stated that if Council supports the proposal, staff will begin to draft an Exclusive Negotiating Agreement for City property located adjacent to the downtown BART property. He requested Council input and direction on the proposal, approval of the proposed Memorandum of Support, direction to negotiate an Exclusive Negotiating Agreement, and for staff to investigate a downtown Convention/Conference center.

Mr. Montagh introduced Mark Hall, Hall Sports Ventures, who presented an overview of the proposed vision of the project.

The Council asked about the timing of the project and if any other cities are being considered for the project. They inquired about soccer as a growth industry, asked if the project would be implemented in phases, asked about the price of the project and what the developer expects the City to contribute to the project. They asked if the concept includes a retractable roof on the stadium, what the expected employment numbers for the stadium and hotel are, and if the plan called for local hire and union labor. They spoke of concerns regarding traffic and traffic mitigation.

Mayor Birsan opened a public comment period.
George Fulmore, Concord, spoke in opposition to the project.

Hope Johnson, Concord, spoke of her concerns about traffic, the fit of the project with Todos Santos Plaza, and the reliance on BART to get patrons to and from the venue.

Natalie, spoke in opposition to the project.

Margaret Hanlon-Gradie, Contra Costa AFL-CIO, spoke in support of a Community Benefit Agreements for this type of project.

Diane Sprouse, Concord, spoke in opposition to the project.

John Haberkorn, Concord, inquired about the last sentence of the Memorandum of Support and if negotiations with other developers could occur if the Memorandum is executed.

Tobias Lesster, Concord, spoke in opposition to the project.

Mayor Birsan closed the public comment period.

The Council asked clarifying questions and shared concerns about the language in the memorandum of support. They were concerned over how to put something of this size into the downtown, traffic, parking, and spoke of the need for more community outreach. There was support for exploring the proposal.

Motion made by Obringer and seconded by Leone to support the advancement of the exploration of the Hall project to include the development of a master-planned, mixed-use project, anchored by a soccer-specific stadium of approximately a 15,000-18,000 seat capacity, potential multiple hotels, convention center, and residential, retail or commercial office space on land that is presently owned by the City of Concord on the corner of Oak Street and Galindo Street extending towards the Grant Street intersection with the BART station, together with adjacent lands owned by the San Francisco Bay Area Rapid Transit District, and commonly known as the downtown BART Station site. Motion passed by the following vote of the Council:

AYES: Obringer, Leone, Birsan       NOES: Hoffmeister, McGallian       ABSENT: None

Motion by Hoffmeister and seconded by to hear the public hearings after 10 p.m. Motion passed by unanimous vote of the Council.

CONCORD/PLEASANT HILL HEALTH CARE DISTRICT BOARD PUBLIC HEARING

RESOLUTION NO. 18-015 – Fiscal Year 2018-19 Funding

A notice of the public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on May 11, 2018.

Housing and Community Services Manager Brenda Kain presented a report, explaining that the Concord/Pleasant Hill Health Care District Committee reviewed 37 applications for District funding and is recommending approval of a $290,000 allocation for fiscal year 2018/19 to fund 16 local nonprofit service providers. She recommended approval of Resolution No. 18-015 authorizing the allocation of $290,000 to fund program administration and a variety of nonprofit healthcare services in FY 2018-19.

Following clarifying questions by the Council, Mayor Birsan opened a public comment period.
Debbie Toth, Choice in Aging, spoke of her frustration in Choice in Aging not being funded.

Mayor Birsan closed the public comment period.

Following comments by the Council, a motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 18-015 entitled, “A Resolution Authorizing the Executive Director to Disburse Funds and Execute all attendant Documents and Agreements for Fiscal Year 2018-19 Funding on behalf of the Concord/Pleasant Hill Health Care District.” Motion passed by unanimous vote of the Council.

CITY COUNCIL PUBLIC HEARINGS

ADOPTION OF RESOLUTION NOS. 18-43, 18-44, 18-45, and 18-46 - Confirming the Assessment Diagrams and Levying Assessments for the Landscaping and Lighting Districts

The Public Hearing notice was published in the East Bay Times on May 11, 2018, for the City’s four Landscaping and Lighting Maintenance Districts and posted in the Civic Center posting cabinet.

Senior Administrative Analyst David Boatwright presented a report advising that on March 6, 2018, the City Council ordered the preparation of Engineer’s Reports for the levy of annual assessments for the Downtown Landscape Maintenance District, the Pine Hollow Estates Landscape Maintenance District, Landscaping and Lighting Maintenance District No. 3, and the Citywide Street Lighting Assessment District; and that on April 24, 2018, the Resolutions of Intention were adopted and published in accordance with the provisions of the Landscaping and Lighting Act of 1972.

Mayor Birsan opened a public comment period, and upon receiving no public comment, closed the public comment period.

A motion was made by Hoffmeister and seconded by Obringer to adopt the following resolutions in one motion confirming the diagrams and levying the assessments:

Resolution No. 18-43 entitled, “A Resolution Confirming the Assessment Diagram and Levy of Assessments for Maintenance within the Downtown Landscape Maintenance District for Fiscal Year 2018-19;” and

Resolution No. 18-44 entitled, “A Resolution Confirming the Assessment Diagram and Levy of Assessments for Maintenance within the Pine Hollow Estates Landscape and Lighting Maintenance District for Fiscal Year 2018-19;” and

Resolution No. 18-45 entitled, “A Resolution Confirming the Assessment Diagram and Levy of Assessments for Maintenance within the Landscape and Lighting Maintenance District No. 3 for Fiscal Year 2018-19;” and

RESOLUTION NO. 18-49 – Amending the Fiscal Year 2017-18 and FY 2018-19 Municipal Budgets; RESOLUTION NO. 18-6042.2 – Amending Exhibit A to Resolution No 78-6042 Establishing Fees and Charges for Various Municipal Services in the City of Concord; RESOLUTION NO. 18-4735.1 - Adopting the City of Concord Salary Schedule Effective July 1, 2018; ACCEPTANCE OF THE FINAL REPORT ON FISCAL SUSTAINABILITY OPTIONS; RESOLUTION NO. 18-50 – Adopting a 20-year Financial Forecast, Fiscal Stability Strategies, and Further Amending the FY 2018-19 Municipal Budget; RESOLUTION NO. 18-51 – Amending Policy and Procedure No. 129 – Budget and Fiscal Policies

A notice of the public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on May 11, and May 18, 2018.

Budget Officer Donna Lee reviewed the agenda for the public hearing, the City Priority Focus Areas, the City Council Goals, and the Biennial Budget Process Overview. She outlined the FY 2017-18 and FY 2018-19 projected budget and recommended adjustments for General Fund, General Fund Project, and Non-General Fund accounts. Ms. Lee outlined the Master Fees and Charges update and introduced Diane Sprouse, Chair of the Measure Q Citizens’ Oversight Committee, who presented the Measure Q Citizens’ Oversight Committee Report.

Ms. Lee then introduced Steve Toler, Senior Manager, Management Partners, who outlined the City of Concord Budget Strategies Towards Fiscal Sustainability Final Report, and reviewed the Fiscal Strategies for Fiscal Stability consisting of a potential cannabis tax on the November 2018 ballot; phase-in funding for infrastructure maintenance/capital costs; shared services or contract for street sweeping in FY 2019-20; extending Measure Q until ended by voters at the 1 cent rate on the November 2020 ballot; and amending Budget and Fiscal Policies Policy and Procedure No. 129.

Following clarifying questions by the Council, Mayor Birsan opened a public comment period.

Hope Johnson, Concord, spoke of concern over doubling the Measure Q from .5 cent to 1 cent in 2020.

Mayor Birsan closed the public comment period.

Motion by Hoffmeister and second by McGallian to adopt the following resolutions in one motion:

Resolution No. 18-49 entitled, "A Resolution Adopting 2017-18 and 2018-19 Municipal Budget Adjustments;" and

Resolution No. 18-6042.2 entitled, “A Resolution Amending Exhibit A to Resolution No. 78-6042 Establishing Fees and Charges for Various Municipal Services in the City of Concord;” and

Resolution No. 18-4735.1 entitled, “A Resolution Adopting the City of Concord’s Salary Schedule Effective July 1, 2018, in Accordance with the Requirements of California Public Employees Retirement System (CalPERS) for a Publicly Available Pay Schedule;” and

Resolution No. 18-51 entitled, “A Resolution Amending the Budget and Fiscal Policies Policy and Procedure No. 129." Motion passed by unanimous vote of the Council.

Resolution No. 18-50 was not considered.
INTRODUCTION OF ORDINANCE NO 18-4 – Increasing Council Compensation

A notice of the public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on May 11, 2018.

City Clerk Joelle Fockler presented a report introducing Ordinance 18-4 which will increase Councilmember compensation by 4 percent to $1,352 per month to be effective after the November 2018 City Council election.

Following clarifying questions by the Council, Mayor Birsan opened a public comment period.

Hope Johnson, Concord, spoke in opposition to the Council increasing its compensation while Measure Q is in effect.

Anonymous spoke in opposition to the Council increasing its compensation.

Anonymous spoke in opposition to the Council increasing its compensation.

Mayor Birsan closed the public comment period.

Motion was made by Hoffmeister to introduce Ordinance No. 18-4 increasing Councilmember compensation by 1 percent to be effective after the November 2018 City Council Election. The motion failed due to a lack of a second.

Motion was made by McGallian and seconded by Birsan to introduce Ordinance No. 18-4 entitled, “An Ordinance Amending Concord Municipal Code Chapter 2.10 (Officers and Employees), Article II (Compensation), Section 2.10.020 (Councilmembers) Increasing Councilmember Compensation by 4 Percent, to $1,352 Per Month, to be Effective after the November 2018 City Council Election,” by reading of the title only and waiving further reading. Motion passed by the following vote of the Council:

AYES: Leone, McGallian, Birsan     NOES: Hoffmeister, Obringer     ABSENT: None

CORRESPONDENCE

a. Concord Community Alliance handout submitted by Greg Colley
b. Postcards submitted by Raise the Roof Coalition regarding rent increases
c. Benched Item No. 9.c – Memorandum from Justin Ezell, Director of Public Works
d. Benched Correspondence Agenda item No. 11.d – Email from Teresa Fairbanks to Valerie Barone dated May 15, 2018
e. Benched Item No. 10.a – Amended and Restated Agreement to Negotiate with Lennar
f. Benched Correspondence Agenda item 10.b – Email from Hope Johnson dated May 21, 2018
g. Benched Correspondence Agenda Item No. 10.b
h. Agenda Item No. 10.b PowerPoint Presentation - Hall Sports Ventures
i. Letter submitted by Steve Chappell, Walnut Creek Surf Soccer Club regarding Agenda Item No. 10.b
j. Letter submitted by Neil Diaz, American Youth Soccer Associate regarding Agenda Item No. 10.b
k. Letter submitted by Zach Sullivan, Diablo FC regarding Agenda Item No. 10.b
l. Agenda Item No. 11.c Power Point Presentation – Public Hearing on FY 2017-18 and 2018-2019 Biennial Budget Mid-Cycle Update
m. May 15, 2018, Letter from Mayor Birsan creating the Mayor’s Art Gallery Project Competition

CLOSED SESSION REPORTS

City Attorney Susanne Brown reported out that the City Council has given authorization to initiate two legal actions and the defendants and other particulars will once formally commenced be disclosed to any person upon inquiry unless to do so would jeopardize the City’s ability to effectuate service of process on one or more unserved parties or that to do so would jeopardize the City’s ability to include existing settlement negotiations to the City’s advantage.

COUNCIL REPORTS

Councilmembers shared information on upcoming events and activities and commented on items of interest.

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 12:00 a.m. in memory of service men and women and former Contra Costa County Supervisor Eric Hasseltine.

____________________________
EDIE E. BIRSAN
MAYOR

____________________________
JOELLE FOCKLER, MMC
CITY CLERK
Staff Report

Date: August 7, 2018

To: City Council

From: Edi E. Birsan, Mayor

Prepared by: Joelle Fockler, MMC, City Clerk
Joelle.fockler@cityofconcord.org
(925) 671-3390

Subject: Considering designation of voting delegate and alternate for the League of California Cities Annual Business Meeting scheduled for Friday, September 14, at 12:30 p.m. at the Long Beach Convention Center

Recommended Action
Consider the appointment of Mayor Edi Birsan as the City of Concord’s voting delegate and Councilmember Tim McGallian as alternate to the League of California Cities Annual Business Meeting scheduled for Friday, September 14, at 12:30 p.m., during the League of California Cities Annual Conference to be held September 12-14, 2018, at the Long Beach Convention Center.

Background
Consistent with the League of California Cities bylaws, a city’s voting delegate and up to two alternates must be designated by the city council. Designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor.

The voting delegate and alternate must be registered to attend the conference. They need not register for the entire conference; they can register for Friday only. To cast the city’s vote, a city official must have in his or her possession the city’s voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternate, but may not be transferred to another city official who is neither a voting delegate nor alternate.

The City Clerk must return the Voting Delegate Form to the League office by Friday, August 31, 2018.
Public Contact
The City Council Agenda was posted.

Attachments
1. Annual Conference Voting Procedures
2. Voting Delegate/Alternate Form
Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city’s voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city’s voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city’s vote, a city official must have in his or her possession the city’s voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.

7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.
2018 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 31, 2018. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: ________________________________
Title: ________________________________

2. VOTING DELEGATE - ALTERNATE

Name: ________________________________
Title: ________________________________

3. VOTING DELEGATE - ALTERNATE

Name: ________________________________
Title: ________________________________

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: ________________________________ E-mail ________________________________
Mayor or City Clerk ________________________________ Phone: ________________________________
(circle one) (signature)
Date: ________________________________

Please complete and return by Friday, August 31, 2018

League of California Cities
ATTN: Kayla Curry
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kcurry@cacities.org
(916) 658-8254
Staff Report

Date: August 7, 2018
To: City Council
From: Valerie J. Barone, City Manager
Reviewed by: Andrea Ouse, Director of Community and Economic Development
Prepared by: Abhishek Parikh, Transportation Manager
Abhishek.parikh@cityofconcord.org
(925) 671-3129

Subject: Considering approval of an amendment to the Agreement for Professional Services with Advanced Mobility Group (AMG) associated with Engineering Staff Augmentation Services for the Transportation Division extending the contract for one year and increasing the contract by $400,000 for an amount not to exceed $450,000; and authorizing the City Manager to execute the amendment and fund the amendment through funding allocated to CED - Transportation Division in the approved fiscal year budget

Report in Brief
The City utilizes a Professional Services Agreement with Advanced Mobility Group (AMG) to provide staff augmentation and consultant services for the Transportation Division. The City’s reliance on AMG this fiscal year is expected to increase due to the Transportation Program Manager’s retirement on June 29th. The City has been actively recruiting for this position since April but expect the position to remain vacant due to difficulty in finding a suitable candidate to fill the role. In order to manage the workload and provide transition support due to the Transportation Program Manager’s retirement, an existing Professional Services Agreement with AMG with a not-to-exceed limit of $50,000 has been executed and is set to expire on June 30, 2019. To continue to provide traffic engineering services in a timely manner, and to meet the commitment to provide day-to-day transportation service needs, the City needs to continue to rely on outside professional services to augment staff. Consequently, staff is recommending that $400,000 be added to the AMG contract for FY 18/19 and the agreement be extended for one additional fiscal year until June 30, 2020, with a not to exceed total...
contract amount of $450,000. The Council approved the funding for this contract at mid-year.

**Recommended Action**
Approve an amendment to the Agreement for Professional Services with AMG extending the contract for one year and increasing contract by $400,000 for an amount not to exceed $450,000, and authorize the City Manager to execute the agreement.

**Background**
For the past few months, the City’s Transportation Division has utilized AMG to provide staff augmentation services to perform review of citizen’s complaints, traffic operations and signal timing review, construction/design reviews etc. in addition to preparing the division for transition as Mr. Abul Hossain, one of the only two full time staff in the Transportation Division, retired on June 29, 2018, after 13 plus years of service.

AMG’s staff Chris Higbee will be the lead staff providing the staff augmentation services with other supporting staff from AMG. The scope of work and profile of support staff is attached in Attachment II. Chris was selected as the lead staff for the following reasons:

- As a resident of Concord, he has extensive knowledge of the City streets and layout;
- Substantial technical transportation expertise and experience;
- Working relationship with City staff members;
- Involvement with the City's Development Advisory Committee process;
- Understanding of the City's goals and objectives regarding transportation;
- Working knowledge of the City's traffic signal system; and
- He has been trained by Mr. Hossain for over 3 months to assist after his retirement

Currently, the recruitment for Transportation Program Manager II is ongoing for approximately three months. However, given the very specialized position and current labor market conditions, this position is very difficult to fill. Until the position is filled, AMG will provide support for day to day activities in the Transportation division.

**Financial Impact**
The maximum amount of the proposed agreement with AMG is $450,000 for FY 18/19 and 19/20.

This contract will be funded partly through the salary savings from the Transportation Program Manager II vacancy and partly from the mid-cycle budget adjustment that was approved by Council on May 22, 2018.
Public Contact
The City Council Agenda was posted.

Attachments
1. Agreement with AMG
2. Proposed Amendment to Agreement with AMG
2. Scope of Work/Rates for Engineering Staff Augmentation Services
AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT ("Agreement") is entered into on March 20, 2018 between the City of Concord ("CITY") and Advanced Mobility Group, 2999 Oak Road, Suite 420, Walnut Creek, CA 94597 ("CONSULTANT").

THE PARTIES ENTER THIS AGREEMENT based upon the following facts, understandings and intentions:

The CITY desires to contract with Advance Mobility Group and Advance Mobility Group to contract with the CITY for provision by Advance Mobility Group to the City for Engineering Staff Augmentation Services as further described in Section 2 of this Agreement, upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and promises of the parties herein contained, the parties hereto agree as follows:

1. **TERM.** This Agreement shall commence on March 20, 2018 and expire on June 30, 2019.

   A. **Extension of Term.** Upon mutual written agreement by the parties, the term of this Agreement may be extended for one additional period(s) of one year(s) each commencing upon the expiration of the initial or extended term, subject to the same terms and conditions of this Agreement. CONSULTANT shall give written notice of its request for extension of the term of the Agreement to the City’s Authorized Representative, as identified in Section 4 below, at least thirty (30) days prior to expiration of the initial or extended term.

   The extension(s) of the term of this Agreement shall be subject to a review of CONSULTANT’S performance in accordance with the terms and conditions of this Agreement and shall be subject to City approval. Such extension of time shall be in writing by a duly executed Amendment to this Agreement.

2. **SCOPE OF SERVICES.** Subject to such policy direction and approvals provided by the CITY’s Authorized Representative, CONSULTANT shall provide Engineering Staff Augmentation Services for the Transportation Division described in detail in Exhibit A, a proposal from Advanced Mobility Group dated March 19, attached hereto and made a part hereof. CITY retains all rights of approval and discretion with respect to the projects and undertakings contemplated...
by this Agreement.

3. **P A Y M E N T.** The compensation to be paid to CONSULTANT including payment for professional services and reimbursable expenses, shall be at the rate and schedules in detail in Exhibit A. However, in no event shall the amount CITY pays CONSULTANT exceed **50,000 dollars** ($50,000) for the term of this Agreement. Any Amendment to this Agreement that includes an increase to this compensation amount shall be made in accordance with Section 5 below.

CONSULTANT may submit monthly statements for services rendered; all statements shall include adequate documentation demonstrating work performed during the billing period. It is intended that CITY review such statement and pay CONSULTANT for services rendered within 30 days of receipt of a statement that meets all requirements of this Agreement. Payment by CITY shall not be deemed a waiver of unsatisfactory work, even if such defects were known to the CITY at the time of payment.

4. **A U T H O R I Z E D R E S E R V A T I V E S.** Authorized representatives shall represent CITY and CONSULTANT in all matters pertaining to the services to be ordered by CITY or rendered by CONSULTANT under this Agreement except where approval for the CITY is specifically required by the City Council. The CITY’s authorized representative is Abhishek Parikh, Transportation Manager of the Community & Economic Development Department. The CONSULTANT’s authorized representative is **Joy Bhattacharya, Vice President.**

5. **A M E N D M E N T T O A G R E E M E N T.** This Agreement may be amended in writing, subject to approval by both parties. If additional services are requested by CITY other than as described in the above Scope of Services, this Agreement may be amended, modified, or changed by the parties subject to mutual consent and in accordance with the CITY’s Municipal Code by execution of an Amendment by authorized representatives of both parties setting forth the additional scope of services to be performed, the performance time schedule, and the compensation for such services.

   **A. Amendment for Additional Compensation.** CITY’s Authorized Representative is authorized to execute amendments to the Agreement on behalf of CITY, including amendments providing for additional compensation to CONSULTANT not to exceed $50,000 during
the fiscal year, including the base contract amount, throughout the term of this Agreement. Any additional compensation to CONSULTANT that is $50,000 or more for the fiscal year, including the base contract amount, must be approved by City Council.

Consultant's failure to secure CITY's written authorization for additional compensation or changes to the Scope of Work shall constitute a waiver of any and all right to adjustment in the price or time due, whether by way of compensation, restitution, quantum meruit, or similar relief.

6. **INDEPENDENT CONTRACTOR.** Both parties understand and acknowledge that CONSULTANT, its agents, employers and subcontractors are and shall at all times remain as to the CITY wholly independent contractors. Neither the CITY nor any of its officers or employees shall have any control over the manner by which the CONSULTANT performs this Agreement and shall only dictate the results of the performance. CONSULTANT shall not represent that CONSULTANT or its agents, employees or subcontractors are agents or employees of the CITY, and CONSULTANT shall have no authority, express or implied, to act on behalf of the CITY in any capacity whatsoever as an agent, and shall have no authority, express or implied, to bind the CITY to any obligation whatsoever, unless otherwise provided in this Agreement.

As an independent contractor, CONSULTANT shall not be eligible for any benefits, which the City may provide to its employees and all persons, if any, hired by CONSULTANT shall be employees or subcontractors of CONSULTANT and shall not be construed as employees or agents of the CITY in any respect. CONSULTANT shall receive no premium or enhanced pay for work normally understood as overtime, i.e., hours that exceed forty (40) hours per work week, or work performed during non-standard business hours, such as in the evenings or on weekends. CONSULTANT shall not receive a premium or enhanced pay for work performed on a recognized holiday. CONSULTANT shall not receive paid time off for days not worked, whether it be in the form of sick leave, administrative leave, or for any other form of absence. CONSULTANT shall pay all taxes, assessments and premiums under the federal Social Security Act, any applicable unemployment insurance contributions, Workers Compensation insurance premiums, sales taxes, use taxes, personal property taxes, or other taxes or assessments now or hereafter in effect and payable by
reason of or in connection with the services to be performed by CONSULTANT.

7. **STANDARD OF PERFORMANCE.** CONSULTANT represents and warrants to CITY that CONSULTANT is skilled and able to provide such services described in the Scope of Work and that such services shall be performed in an expeditious manner and with the degree of skill and care that is required by current, good, and sound procedures and practices. CONSULTANT further agrees that the services shall be in conformance with generally accepted professional standards prevailing at the time work is performed.

8. **PERFORMANCE BY CONSULTANT.** CONSULTANT shall not employ other consultants, sub consultants, experts, or contractors without the prior written approval of the CITY. Notwithstanding the foregoing, CITY shall not be obligated or liable for payment hereunder to any party other than the CONSULTANT. CONSULTANT hereby designates the CONSULTANT’S representative as the person primarily responsible for the day-to-day performance of CONSULTANT’S work under this Agreement. CONSULTANT shall not change the CONSULTANT’S representative without the prior written consent of the CITY. Unless otherwise expressly agreed by the CITY, CONSULTANT’S representative shall remain responsible for the quality and timeliness of performance of the services, notwithstanding any permitted or approved delegation hereunder.

9. **OWNERSHIP AND MAINTENANCE OF DOCUMENTS.** All documents furnished by CONSULTANT pursuant to this Agreement are instruments of CONSULTANT’s services in respect to this project. They are not intended nor are represented to be suitable for reuse by others except CITY on extensions of this project or on any other project. Any reuse without specific written verification and adoption by CONSULTANT for the specific purposes intended will be at user’s sole risk and without liability or legal exposure and expenses to CONSULTANT, including attorney’s fees arising out of such unauthorized reuse.

CONSULTANT’s records, documents, calculations, and all other instruments of service pertaining to actual project shall be given to CITY at the completion of the project. The CITY reserves the right to specify the file format that electronic document deliverables are presented to the
CITY. Title to all plans, specifications, maps, estimates, reports, manuscripts, drawings, descriptions
and other final work products compiled by the CONSULTANT under the Agreement shall be vested
in the CITY, none of which shall be used in any manner whatsoever, by any person, firm, corporation,
or agency without the expressed written consent of the CITY. Basic survey notes and sketches,
charts, computations, and other data prepared or obtained under the Agreement shall be made
available, upon request, to the CITY without restriction or limitations on their use. CONSULTANT
may retain copies of the above-described information but agrees not to disclose or discuss any
information gathered, discussed or generated in any way through this Agreement without the written
permission of CITY during the term of this Agreement, unless required by law.

10. INDEMNIFICATION.

A. For Design Professional Services Only. Pursuant to California Civil Code
Section 2782.8, CONSULTANT agrees to indemnify the CITY (including its officers, agents,
employees and volunteers) against liability for claims against the CITY that arise out of, pertain to, or
relate to the negligence, recklessness, or willful misconduct of CONSULTANT in the performance of
this Agreement. The CONSULTANT will reimburse the CITY for any expenditures, including
reasonable attorney fees, incurred by the CITY in defending against claims ultimately determined to
arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the
CONSULTANT.

B. For All Other Services. CONSULTANT agrees to defend, indemnify and
hold harmless the CITY (including its officers, officials, employees, agents and volunteers) from and
against all claims, demands, actions, losses, damages, injuries, and liability (including all attorney’s
fees and other litigation expenses) arising out of the CONSULTANT’s performance under the terms
of this Agreement. This indemnification obligation on CONSULTANT’s part shall not apply to the
demands, actions, losses, damages, injuries, and liability arising out of the sole negligence or willful
misconduct on the part of the CITY.

11. INSURANCE. CONSULTANT shall, at its own expense, procure and maintain in
full force at all times during the term of this Agreement the following insurance:
A. **Commercial General Liability Coverage.** CONSULTANT shall maintain commercial general liability insurance with limits of no less than one million dollars ($1,000,000) combined single limit per occurrence or two million dollars ($2,000,000) aggregate limit for bodily injury, personal injury, and property damage.

B. **Automobile Liability Coverage.** CONSULTANT shall maintain automobile liability insurance covering all vehicles used in the performance of this Agreement providing a one million dollar ($1,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage.

C. **Professional Liability Coverage (Errors and Omissions).** CONSULTANT shall maintain professional liability insurance with coverage for all negligent errors, acts or omissions committed by CONSULTANT, its agents and employees in the performance of this Agreement. The amount of this insurance shall be not less than one million dollars ($1,000,000) on a claims made annual aggregate basis or a combined single limit per occurrence basis.

D. **Compliance with State Workers’ Compensation Requirements.** CONSULTANT covenants that it will insure itself against liability for Workers’ Compensation pursuant to the provisions of California Labor Code §3700, et seq. CONSULTANT shall, at all times, upon demand of the City, furnish proof that Workers’ Compensation Insurance is being maintained by it in force and effect in accordance with the California Labor Code. The insurer shall also agree to waive all rights of subrogation against the CITY, its officers, officials, employees and volunteers for losses arising from work performed by CONSULTANT for CITY. This provision shall not apply upon written verification by CONSULTANT that CONSULTANT has no employees.

E. **Other Insurance Provisions.** The policies are to contain, or be endorsed to contain the following provisions:

1. **Additional Insured.** CITY, its officers, agents, employees, and volunteers are to be covered as an additional insured as respects: Liability arising out of activities performed by or on behalf of CONSULTANT and operations of CONSULTANT, premises owned, occupied, or used by CONSULTANT. The coverage shall contain no special limitations on the scope
or protection afforded to CITY, its officers, officials, employees, or volunteers.

Except for worker's compensation and professional liability insurance, the policies mentioned in this subsection shall name CITY as an additional insured and provide for notice of cancellation to CITY. CONSULTANT shall also provide timely and prompt notice to CITY if CONSULTANT receives any notice of cancellation or nonrenewal from its insurer.

(2) **Primary Coverage.** CONSULTANT'S insurance coverage shall be primary insurance with respect to CITY, its officers, officials, employees, and volunteers. Any insurance, risk pooling arrangement, or self-insurance maintained by CITY, its officers, officials, employees, or volunteers shall be in excess of CONSULTANT'S insurance and shall not contribute with it.

(3) **Reporting Provisions.** Any failure to comply with the reporting provisions of the policy shall not affect the coverage provided to the CITY, its officers, officials, employees, or volunteers.

(4) **Verification of Coverage.** CONSULTANT shall furnish CITY with certificates of insurance and the original endorsements effecting coverage required by this Agreement. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The aforementioned policies shall be issued by an insurance carrier having a rating of Best A-7 or better which is satisfactory to the City Attorney and shall be delivered to CITY at the time of the execution of this Agreement or before work commences. Such policies and certificates shall be in a form approved by the City Attorney. CITY reserves the right to require complete certified copies of all required insurance policies at any time.

**12. TIME OF PERFORMANCE.** The time of performance of the services under this Agreement is of the essence, and all time deadlines identified in this Agreement or Scope of Services shall be strictly construed.

**13. SUSPENSION OF WORK.** CITY may, at any time, by ten (10) days' written notice, suspend further performance by CONSULTANT. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner, and CONSULTANT shall be paid for services
performed and reimbursable expenses incurred prior to the suspension date. During the period of
suspension, CONSULTANT shall not receive any payment for services, or expenses, except for
reasonable administration expenses, incurred by CONSULTANT by reason of such suspension.

14. **TERMINATION.** CITY may terminate this Agreement for any reason upon ten (10)
days written notice to the other party. CITY may terminate the Agreement upon five (5) days written
notice if CONSULTANT breaches this Agreement. In the event of any termination, CONSULTANT
shall promptly deliver to the CITY any and all finished and unfinished reports or other written,
recorded, photographic, or visual materials, documents, data, and other deliverables ("Work
Materials") prepared for the CITY prior to the effective date of such termination, all of which shall
become CITY's sole property. After receipt of the Work Materials, CITY will pay CONSULTANT
for the services performed as of the effective date of the termination.

15. **COMPLIANCE WITH CIVIL RIGHTS.** During the performance of this contract,
CONSULTANT agrees as follows:

A. **Equal Employment Opportunity.** In connection with the execution of this
Agreement, CONSULTANT shall not discriminate against any employee or applicant for employment
because of race, religion, color, sex, or national origin. Such actions shall include, but not be limited
to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or
recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and
selection for training including apprenticeship.

B. **Nondiscrimination Civil Rights Act of 1964.** CONSULTANT will comply
with all federal regulations relative to nondiscrimination in federally assisted programs.

C. **Solicitations for Subcontractors including Procurement of Materials and
Equipment.** In all solicitation, either by competitive bidding or negotiations, made by
CONSULTANT for work to be performed under a subcontract including procurement of materials or
leases of equipment, each potential subcontractor, supplier or lessor shall be notified by
CONSULTANT of CONSULTANT'S obligation under this Agreement and the regulations relative to
nondiscrimination on the grounds of race, religion, color, sex, or national origin.
16. **CONFLICT OF INTEREST.**

A. CONSULTANT covenants and represents that neither it, nor any officer or principal of its firm, has, or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of CITY or which would in any way hinder CONSULTANT's performance of services under this Agreement. CONSULTANT further covenants that in the performance of the Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the CITY. CONSULTANT agrees to at all times avoid conflicts of interest, or the appearance of any conflicts of interest, with the interests of the CITY in the performance of this Agreement.

B. CONSULTANT is not a designated employee within the meaning of the Political Reform Act because CONSULTANT:

   (1) Will conduct research and arrive at conclusions with respect to its rendition of information, advice, recommendation or counsel independent of the control and direction of the CITY or of any CITY official, other than normal contract monitoring; and

   (2) Possesses no authority with respect to any CITY decision beyond the rendition of information, advice, recommendation or counsel. (2 Cal. Code Regs. § 18700(a)(2).)

17. **COMPLIANCE WITH LAWS.** CONSULTANT shall comply with all applicable Federal, State of California, and local laws, rules, and regulations and shall obtain all applicable licenses, including a business license with the City of Concord, and permits for the conduct of its business and the performance of the services.

18. **CHOICE OF LAW.** This Agreement shall be construed and interpreted in accordance with the laws of the State of California, excluding any choice of law rules which may direct the application of the laws of another jurisdiction. In the event that suit shall be brought by either party hereunder, the parties agree that trial of such action shall be held exclusively in a state court in the County of Contra Costa, California.

19. **NON-WAIVER.** The waiver by either party of any breach of any term, covenant, or condition contained in the Agreement, or any default in their performance of any obligations under the
Agreement shall not be deemed to be a waiver of any other breach or default of the same or any other term, covenant, condition, or obligation, nor shall any waiver of any incident of breach of default constitute a continuing waiver of same.

20. **ENFORCEABILITY; INTERPRETATION.** In the event that any of the provisions or portions of application of any of the provisions of the Agreement are held to be illegal or invalid by a court of competent jurisdiction, CITY and CONSULTANT shall negotiate an equitable adjustment in the provisions of the Agreement with a view toward affecting the purpose of the Agreement. The illegality or invalidity of any of the provisions or portions of application of any of the provisions of the Agreement shall not affect the legality or enforceability of the remaining provisions or portions of application of any of the provisions of the Agreement. This Agreement shall be interpreted as though it was a product of a joint drafting effort and no provisions shall be interpreted against a party on the ground that said party was solely or primarily responsible for drafting the language to be interpreted.

21. **INTEGRATION.** All exhibits identified in this Agreement are attached hereto and incorporated herein by reference. The Agreement contains the entire agreement and understanding between the parties as to the subject matter of this Agreement. It merges and supersedes all prior or contemporaneous agreements, commitments, representation, writings, and discussions between CONSULTANT and CITY, whether oral or written.

22. **SUCCESSORS AND ASSIGNS: NO THIRD PARTY BENEFICIARIES; NO JOINT VENTURE.** CITY and CONSULTANT respectively, bind themselves, their successors, assigns, and legal representatives to the terms and obligations of this Agreement. CONSULTANT shall not assign or transfer any interest in the Agreement without the CITY's prior written consent, which consent shall be in the CITY's sole discretion. Any attempted assignment or transfer in breach of this provision shall be void. This Agreement is not intended and shall not be construed to create any third party benefit. This Agreement is not intended and shall not be construed to create a joint venture or partnership between the parties. CONSULTANT, its officers, employees and agents shall not have any power to bind or commit the CITY to any decision.

23. **FINANCIAL RECORDS.** Records of CONSULTANT's direct labor costs, payroll
costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to CITY if and when required.

24. **NOTICES.** All notices required hereunder shall be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or by personal delivery to the CITY's address as shown below, or such other places as CITY or CONSULTANT may, from time to time, respectively, designate in a written notice given to the other. Notice shall be deemed received three (3) days after the date of the mailing thereof or upon personal delivery.

To CITY:

Abhishek Parikh, Transportation Manager
Community & Economic Development Department
City of Concord
1950 Parkside Drive
Concord, CA 94519-2578
Phone: (925) 671-3129
Fax: (925) 798-9692

To CONSULTANT:

Joy Bhattacharya, Vice-President
Advanced Mobility Group
2999 Oak Road, Suite 450
Walnut Creek, CA 94597
Phone: 650.678.7309

25. **NON-LIABILITY.** No member of the CITY and no other officer, employee or agent of the CITY shall be personally liable to CONSULTANT or otherwise in the event of any default or breach of the CITY, or for any amount which may become due to CONSULTANT or any successor in interest, or for any obligations directly or indirectly incurred under the terms of this Agreement.

26. **EXECUTION.** Each individual or entity executing this Agreement on behalf of CONSULTANT represents and warrants that he or she or it is duly authorized to execute and deliver this Agreement on behalf of CONSULTANT and that such execution is binding upon CONSULTANT.

This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary
to produce or account for more than one such counterpart.

IN WITNESS WHEREOF, the parties have executed this Agreement in one (1) or more copies as of the date and year first written above.

CONSULTANT

By: [Signature]
Name: Joy Bhattacharya
Title: Vice President
Address: 2999 Oak Road, Suite 450
Walnut Creek, CA 94597
Telephone: 650.678.7309

CITY OF CONCORD, a Municipal Corporation

By: [Signature]
Name: Valerie Barone
Title: City Manager
Address: 1950 Parkside Drive
Concord, CA 94519
Telephone: 925.671.3175

APPROVED AS TO FORM:

[Signature]
City Attorney

Date: June 7, 2018

FINANCE DIRECTOR'S CERTIFICATION:

Concord, California

Date: June 7, 2018

I HEREBY CERTIFY THAT ADEQUATE FUNDS EXIST OR WILL BE RECEIVED DURING THE CURRENT FISCAL YEAR 2017/18 TO PAY THE ANTICIPATED EXPENSES TO BE INCURRED PURSUANT TO THIS CONTRACT.

THE SUM OF $50,000

Account Code: 1003101201-636200-500

[Signature]
Finance Director's Signature
March 19, 2018

Attention: Abhishek Parikh, PE
Transportation Manager
City of Concord

Dear Mr. Parikh,

Reference: Engineering Staff Augmentation Services

This letter details the professional services that Advanced Mobility Group (AMG) will provide in timely and efficient manner to assist the City of Concord with grant applications and traffic engineering project delivery. We have put together a strong project management and project delivery team with Joy Bhattacharya as the Project Manager and the point of contact for the City of Concord. AMG staff are currently providing the Program Management and staff augmentation services for the Contra Costa Transportation Authority and San Francisco County Transportation Authority, which provides our team with the experience of managing complex projects and successful project delivery. Joy has drawn on past experience to structure a team compiled of the right technical experts to support him and address your specific needs for each project and grant application. We will evolve as tasks and projects are assigned, so that each is staffed appropriately and is aligned for success.

AMG staff have provided on-call professional services on contracts throughout northern California, with 100+ task orders for city, county, state, and federal agencies. Our team has managed a variety of project types, overseen multiple projects simultaneously, and worked within parallel schedules to deliver successful results on time and within budget. This level of experience managing on-call contracts will ensure that there is no learning curve concerning the management of tasks, scheduling, budgets, and most importantly, the provision of capable staff resources.

AMG staff have experience not only within the Bay Area, but with all project types that the City of Concord is currently working on or will be managing as part of CCTA's future funding program. Our extensive experience in traffic engineering, public outreach, bicycle planning and design, transit planning, Transportation Demand Management (TDM), travel demand modeling, traffic analysis/simulation modeling, traffic calming, traffic impact studies, strategizing solutions, and project planning and design make us a well-suited partner, committed to extending this service to your community.

AMG is a collective of like-minded transportation professionals which was recently formed in response to the rapid technological evolution of transportation. Our group of industry leaders desire to harness innovative congestion management strategies to “redefining mobility” and improve the quality of life in our communities – a brief introduction to AMG is included on the following page.
SCOPE OF SERVICES
The Engineering Services will include but not limited to:

Grant Application Assistance

- Assist City with grant applications including but not limited to the TFCA, ATP, HSIP, Safe Routes to School, and Section 130 grants.
- Assist City in creating a list of projects and prioritize them based on City needs and requirements. Match each project to a potential grant fund and prepare a proactive and detailed grant application plan.
- Conduct technical analysis required as part of the grant application package.

Traffic Impact Study Review

- Oversee traffic impacts studies conducted for the City of Concord to establish consistency with City’s Traffic Impact Study guidelines and City’s latest General Plan update.
- Prepare and/or review Traffic Impact Studies.
- Review private development applications and coordinate with other departments or agencies to ensure the proposed designs of private development projects are compatible and consistent with City standards and regulations and State and Federal laws.
- Interact with private developers, engineers, other departments and public agencies and private utility companies on matters related to development processing.

Signal Timing/ATMS.now & Traffic Operations

- AMG staff will assist with developing signal timing plans and update for the City, including the signal operations updates for the City, which operates on ATMS.now. AMG staff are conversant with ATMS.now and currently assisting City of Dublin in regular operations of their system.
- AMG staff will act as the liaison between Western Pacific Signals and the City to resolve any issues with the signal timing system. AMG staff has implemented ATMS.now timings and adaptive systems for multiple cities and have good working relationship with Trafficware.
- Prepare and/or review traffic signal timing plans as needed.
- Assist City staff to implement slight modifications to signal timing citywide to adjust to the changes in traffic patterns.

Complete Street Design and Study Review

- AMG staff have completed multiple complete streets projects, including completing the studies and preparing the design plans for Complete Street implementation and neighborhood traffic management plans.
- AMG staff have performed and can assist in preparing and reviewing a thorough and comprehensive study of practical solutions to improve neighborhood livability by reducing traffic volumes, speeds, and cut-through traffic through residential neighborhood, implement road-diet strategies to improve quality of life and enhance safety along study corridors.
STAFF SUPPORT

Chris and Joy will be supported by the following staff on an as needed basis:

Role: Signal Timing/Adaptive Signal/Traffic Operations and Studies

Joanna is a senior transportation engineer with over 10 years of experience. She has extensive experience with highway operation analysis, travel demand forecasting, transportation planning, traffic impact studies, micro-simulation modeling, travel demand model modifications and applications, geographic data management and traffic signal system integration. Joanna is known in the industry for her excellent analytical and interpersonal abilities and time management skills.

Role: Transportation and Complete Streets Design/Review

Alex Ha has nine years' experience in the field of transportation engineering, including civil engineering and transportation planning. His civil engineering work is comprised of pedestrian safety and bicycle trail projects, traffic calming design, streetscape projects, transit center design, roadway widening, grading and drainage, signing and pavement marking projects, traffic control plans, traffic signal design, lighting design, and cost estimates. Alex's transportation planning includes environmental impact analysis, traffic impact analysis, level of service reports, speed surveys, and parking studies.

Role: Design/Day to Day Support

Chris has experience in the private sector of Civil Engineering, working for multiple public and private clients throughout the San Francisco Bay Area. He has worked as a lead project engineer on over 50 roadway projects, giving him a wealth of experience with the local jurisdictions and their applicable standards. His projects include Complete Streets design and implementation, traffic calming, parking, traffic impact and congestion management.

BUDGET

The following rate table will be used for conducting the services for the City of Concord. All invoices will be on a Time and Material basis and comply with the City's need for assistance.
FIRST AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES

THIS FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES (“Amendment”) is entered into on August 8, 2018, (“EFFECTIVE DATE”) by and between the CITY OF CONCORD, a municipal corporation (“CITY”) and Advanced Mobility Group. (“CONSULTANT”).

A. WHEREAS, the CITY and CONSULTANT entered into a Professional Services Agreement dated March 20, 2018 referenced as the City’s document No. AA-2864 for Engineering Staff Augmentation Services; and

B. WHEREAS, the parties hereto desire to amend the Professional Services Agreement to extend the term, and provide for additional compensation; and

C. WHEREAS, the Professional Services Agreement and this Amendment to Professional Services Agreement are hereby collectively referred to herein as the “Agreement.”

NOW, THEREFORE, in consideration of the mutual promises and conditions set forth herein, the parties mutually agree as follows:

Section 1. The term is extended to June 30, 2020. As such, Section 1, TERM, is amended to read as follows:

This Agreement shall commence on March 30, 2018, and expire on June 30, 2020.

Section 2. The scope of services is to include the services described in Exhibit A-1 attached hereto and incorporated by reference.

Section 3. The original compensation of $50,000 is increased by $400,000 for a new total of $450,000. As such, the second sentence of Section 3, COMPENSATION, is amended to read as follows:

However, in no event shall the amount CITY pays CONSULTANT shall exceed Four Hundred Fifty Thousand Dollars ($450,000) for services rendered, as more particularly described in the Scope of Service.

Section 4. Except as expressly amended herein all terms and conditions of the Professional Services Agreement remain in full force and effect.

[Signatures follow on next page]
IN WITNESS WHEREOF, the parties have executed this Amendment as of the Effective Date.

CONSULTANT

______________________ By: ______________________________
Dated Habib Shamskhou
President

CITY OF CONCORD

______________________ By: _______________________________
Dated Valerie Barone
City Manager

APPROVED AS TO FORM: ATTEST:

___________________________ ____________________________________
City Attorney City Clerk
March 19, 2018

Attention: Abhishek Parikh, PE
Transportation Manager
City of Concord

Dear Mr. Parikh,

Reference: Engineering Staff Augmentation Services

This letter details the professional services that Advanced Mobility Group (AMG) will provide in a timely and efficient manner to assist the City of Concord with grant applications and traffic engineering project delivery. We have put together a strong project management and project delivery team with Joy Bhattacharya as the Project Manager and the point of contact for the City of Concord. AMG staff are currently providing the Program Management and staff augmentation services for the Contra Costa Transportation Authority and San Francisco County Transportation Authority, which provides our team with the experience of managing complex projects and successful project delivery. Joy has drawn on past experience to structure a team compiled of the right technical experts to support him and address your specific needs for each project and grant application. We will evolve as tasks and projects are assigned, so that each is staffed appropriately and is aligned for success.

AMG staff have provided on-call professional services on contracts throughout northern California, with 100+ task orders for city, county, state, and federal agencies. Our team has managed a variety of project types, overseen multiple projects simultaneously, and worked within parallel schedules to deliver successful results on time and within budget. This level of experience managing on-call contracts will ensure that there is no learning curve concerning the management of tasks, scheduling, budgets, and most importantly, the provision of capable staff resources.

AMG staff have experience not only within the Bay Area, but with all project types that the City of Concord is currently working on or will be managing as part of CCTA’s future funding program. Our extensive experience in traffic engineering, public outreach, bicycle planning and design, transit planning, Transportation Demand Management (TDM), travel demand modeling, traffic analysis/simulation modeling, traffic calming, traffic impact studies, strategizing solutions, and project planning and design make us a well-suited partner, committed to extending this service to your community.

AMG is a collective of like-minded transportation professionals which was recently formed in response to the rapid technological evolution of transportation. Our group of industry leaders desire to harness innovative congestion management strategies to “redefining mobility” and improve the quality of life in our communities – a brief introduction to AMG is included on the following page.
ABOUT ADVANCED MOBILITY GROUP

With the advancement of technological evolution, there is no doubt that we are in a new era of “redefining mobility”. This evolution is expected to improve user choice of transportation options, reduce negative environmental impacts, and significantly enhance road and traffic safety. As we replace petroleum fuel with digital fuel, it is necessary to not only rethink but “redefining mobility”, leveraging rapid advances in technology to enable our communities and grow our local economy with accessible, affordable, and abundant transportation options.

Advanced Mobility Group (AMG) is always one step ahead of emerging trends in transportation. We know that cars are expected to be the third largest mobile device in the near future. Mobility-as-a-Service (MaaS) is gaining momentum in Europe and soon will be available in our communities in North America. Sooner than we think, the concept of auto ownership and auto maintenance will become outdated. Our experts are quick to not only adapt to emerging trends, but also quick to guide these trends with people, policy and smart adoption, shaping our proven strategic approach with rigor and vision. AMG stewards disruptive technologies to empower our private, public sector in early adoption of futuristic transportation solutions and building intelligent infrastructure.

Our senior consultants are thought-leaders in the industry, and have been leading with advanced technologies; connected and smart communities, Connected Autonomous Vehicles (CAV); Intelligent Transportation Systems (ITS) and innovative application solutions within the transportation sector. We are experts in assisting you with funding your next generation of transportation infrastructure and programs by building a coalition of private and public partnerships.

This new era requires a unique kind of consulting services in planning; programming; technology facilitation; building connected communities; program management; travel demand management; and traffic and transportation engineering. With our comprehensive vision and in-depth understanding of technology enablers that span over both public and private sector, we believe that AMG is well equipped in assisting you in navigating the mobility evolution and adequately plan for the future. We are passionate, in collaboration with our clients, to change the world for a better and more livable community and build a sustainable future cruising through this challenging and stimulating era of “redefining mobility”. Advanced Mobility solutions is our expertise – we are your team.
SCOPE OF SERVICES

The Engineering Services will include but not limited to:

**Grant Application Assistance**

- Assist City with grant applications including but not limited to the TFCA, ATP, HSIP, Safe Routes to School, and Section 130 grants.
- Assist City in creating a list of projects and prioritize them based on City needs and requirements. Match each project to a potential grant fund and prepare a proactive and detailed grant application plan.
- Conduct technical analysis required as part of the grant application package.

**Traffic Impact Study Review**

- Oversee traffic impacts studies conducted for the City of Concord to establish consistency with City’s Traffic Impact Study guidelines and City’s latest General Plan update.
- Prepare and/or review Traffic Impact Studies.
- Review private development applications and coordinate with other departments or agencies to ensure the proposed designs of private development projects are compatible and consistent with City standards and regulations and State and Federal laws.
- Interact with private developers, engineers, other departments and public agencies and private utility companies on matters related to development processing.

**Signal Timing/ATMS.now & Traffic Operations**

- AMG staff will assist with developing signal timing plans and update for the City, including the signal operations updates for the City, which operates on ATMS.now. AMG staff are conversant with ATMS.now and currently assisting City of Dublin in regular operations of their system.
- AMG staff will act as the liaison between Western Pacific Signals and the City to resolve any issues with the signal timing system. AMG staff has implemented ATMS.now timings and adaptive systems for multiple cities and have good working relationship with Trafficware.
- Prepare and/or review traffic signal timing plans as needed.
- Assist City staff to implement slight modifications to signal timing citywide to adjust to the changes in traffic patterns.

**Complete Street Design and Study Review**

- AMG staff have completed multiple complete streets projects, including completing the studies and preparing the design plans for Complete Street implementation and neighborhood traffic management plans.
- AMG staff have performed and can assist in preparing and reviewing a thorough and comprehensive study of practical solutions to improve neighborhood livability by reducing traffic volumes, speeds, and cut-through traffic through residential neighborhood, implement road-diet strategies to improve quality of life and enhance safety along study corridors.
• Complete Street implementation and Traffic calming related work are typically controversial in nature. AMG staff understand the challenges and approaches each study uniquely focusing on the overall goal for the study, whether it is conducting the study or reviewing studies/design completed by others.

Pedestrian/Bicycle Planning and Design

• AMG staff provide progressive transportation planning and design services that integrate all facets of mobility-oriented transportation systems. AMG staff specialize in low-impact, sustainable, multi-modal solutions that are context-driven, strategic, and comprehensive. In particular, our professionals across California work with clients to improve the vitality of communities by integrating transit, bicycle, and pedestrian modes in designs that not only promote a healthy lifestyle and improve overall mobility, but are also aesthetically pleasing.

• Mobility-oriented transportation services provide optimal whole-system solutions while reducing impacts to our natural environment. Our goal is to provide innovative, cost-effective solutions from project conception to completion. Services include development of master plans, feasibility and strategy studies, neighborhood structure plans, corridor studies, bicycle and pedestrian circulation, multimodal design guidelines, and multi-modal assessments.

• AMG staff have conducted numerous safe routes to school studies, and many of our analyses have identified deficiencies in current bicycle facilities and recommended new standards for improving the safety of bicyclists.

• AMG staff would be available to assist the City with review of pedestrian/bicycle planning and design studies or conduct the studies on an as-needed basis.

General Day to Day Engineering Tasks

• Initially, we are proposing that Chris Higbee will be available to work at the City offices for up to two days a week or on an as-needed basis.

• He will be supported by additional AMG staff on an as-needed basis and his work will be QA-QC’d by Joy.

• Day to day engineering tasks could involve
  ✓ Conduct safety analysis, including SWITRS analysis for the entire city to identify locations with high accident levels.
  ✓ Respond to street lighting requests.
  ✓ Respond to citizen’s request
  ✓ Assist City of Concord staff with additional technical analysis to respond to complaints or issues with the City.
  ✓ Perform Plan Check services.
  ✓ Learn best practices for the City from current staff
STAFF SUPPORT

Chris and Joy will be supported by the following staff on an as needed basis:

Role: Signal Timing/Adaptive Signal/Traffic Operations and Studies

Joanna is a senior transportation engineer with over 10 years of experience. She has extensive experience with highway operation analysis, travel demand forecasting, transportation planning, traffic impact studies, micro-simulation modeling, travel demand model modifications and applications, geographic data management and traffic signal system integration. Joanna is known in the industry for her excellent analytical and interpersonal abilities and time management skills.

Role: Transportation and Complete Streets Design/Review

Alex Ha has nine years' experience in the field of transportation engineering, including civil engineering and transportation planning. His civil engineering work is comprised of pedestrian safety and bicycle trail projects, traffic calming design, streetscape projects, transit center design, roadway widening, grading and drainage, signing and pavement marking projects, traffic control plans, traffic signal design, lighting design, and cost estimates. Alex’s transportation planning includes environmental impact analysis, traffic impact analysis, level of service reports, speed surveys, and parking studies.

Role: Design/Day to Day Support

Chris has experience in the private sector of Civil Engineering, working for multiple public and private clients throughout the San Francisco Bay Area. He has worked as a lead project engineer on over 50 roadway projects, giving him a wealth of experience with the local jurisdictions and their applicable standards. His projects include Complete Streets design and implementation, traffic calming, parking, traffic impact and congestion management.

BUDGET

The following rate table will be used for conducting the services for the City of Concord. All invoices will be on a Time and Material basis and comply with the City’s need for assistance.
# RATE SHEET

<table>
<thead>
<tr>
<th>Employee</th>
<th>Loaded Hourly Rate ($/hr.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bhattacharya, Joy</td>
<td>220.00</td>
</tr>
<tr>
<td>Joanna Liu</td>
<td>154.00</td>
</tr>
<tr>
<td>Ha, Alexander B (Alex)</td>
<td>154.00</td>
</tr>
<tr>
<td>Chris Higbee / Support Staff</td>
<td>100.00</td>
</tr>
</tbody>
</table>

We are ready to start immediately as soon as we receive the authorization to proceed. We look forward to assisting your department with our staff augmentation services.

Regards,

**Advanced Mobility Group**

![Signature]  
Vice President, AMG
Staff Report

Date: August 7, 2018
To: City Council
From: Valerie J. Barone, City Manager
Prepared by: Jennifer Ortega, Community Relations Manager

Jennifer.ortega@cityofconcord.org
(925) 671-3272

Subject: Considering adoption of Resolution No. 18-58 calling for and giving notice of a November 6, 2018, election on a proposed ballot measure to extend an existing voter-approved Local General Transactions and Use (Sales) Tax at a one cent (1%) rate until repealed by the voters to fund general municipal services such as street repair and public safety; and establishing the policies and procedures for such an election and requesting that the County of Contra Costa conduct such an election

CEQA: Exempt per Public Resources Code section 21065, CEQA Guidelines Sections 15378(b)(4), 15061(b)(3), 15273, and/or 15060.

Report in Brief
Measure Q, the existing half-cent local use and transactions (sales) tax measure was originally passed by Concord voters in 2010 in response to one of the worst recessions in the Country’s history. Voters extended Measure Q in 2014. In 2010 and 2014 Measure Q was supported by voters to help the City maintain fiscal stability through a secure source of locally-controlled funding that was used specifically to maintain the public’s essential services and rebuild emergency reserve funds. With Measure Q revenues, the City has been able to preserve essential services and restore its emergency reserve funds. However, the City has not been able to fully address community priorities, such as repairing deteriorating local roads and ensuring local control over local tax dollars to support neighborhood police patrols, gang prevention, and park and recreation programs.
As part of the Biennial Operating Budget process for Fiscal Years (FY) 2017-18 and 2018-19, the Council directed staff to begin work on a Fiscal Stability Plan (the Plan) to address these community priorities.

The City retained independent financial planning experts to update the City’s long-range financial forecasting and planning model from a 10-year forecast to a 20-year forecast to provide a longer-term view of the City’s financial stability. The updated model shows that after factoring in all investment needs over the 20-year horizon, coupled with the scheduled expiration of Measure Q in March 2025, the City will not be able to continue to provide the current level of services to the community or address deferred infrastructure maintenance needs, such as repairing local streets and roads and maintaining parks and other City facilities – let alone maintain long-term financial sustainability.

At its February 24, 2018, Council Workshop, the Council evaluated various budget stabilization strategies and prioritized options. Based on the feedback received at that workshop, staff recommended several strategies be considered as part of the mid-cycle operating budget update on May 22, 2018, including an option to extend Measure Q at a one-cent rate until ended by voters.

In June 2018, staff commissioned Godbe Research – the City’s long-term opinion research professional – to conduct a statistically-significant survey of more than 1,000 local voters to (1) gauge the public’s perceptions of the overall quality of life in Concord; (2) assess potential support for an extension of current, voter-approved local funding to protect and maintain City services with funding that cannot be taken by the State; and (3) identify respondent priorities of interest and other perspectives. This sample size exceeds the typical size conducted for statewide surveys and has a high degree of reliability.

The results, which will be presented to the public and Council at the August 7 Council meeting, show there is overwhelming support for a measure that continues funding to protect and maintain Concord’s city services, and in particular, enhancing streets and repairing potholes.

Based on this year-long effort, the purpose of this report is to present to the City Council the necessary information for Council to consider placing a measure before the voters in November 2018 so the public has the choice of deciding whether to extend Measure Q at a one-cent tax rate until ended by voters, which staff anticipates will generate approximately $26 million annually in locally controlled revenue.

**Recommended Action**

Adopt Resolution No. 18-58 (Attachment 1) calling for and giving notice of a November 6, 2018, election on a proposed ballot measure to extend an existing voter-approved local General Transactions and Use (Sales) Tax at a one cent (1%) rate until repealed.
by the voters to fund general municipal services such as street repair and public safety; and establishing the policies and procedures for such an election and requesting that the County of Contra Costa conduct such an election.

Background
The Great Recession had a devastating effect on the City’s General Fund, dramatically reducing sales and property tax revenues. In response, the City took decisive action to shrink its workforce by 25%, reduce programs and service levels in all departments, close police field offices, suspend capital projects to repair streets, reduce maintenance of parks and playgrounds, and partner with employees to implement personnel cost savings through pay freezes, furloughs, and benefit reductions. Even after these significant actions were taken, a sizeable structural budget deficit remained.

In 2010, to prevent further reductions in services to residents, Concord’s voters passed Measure Q, a half-cent local sales tax that has helped the City maintain its financial stability, maintain services and rebuild its emergency reserve funds during one of the worst economic times in the country’s history. Measure Q has helped maintain the community’s quality of life and kept Concord a safe place to live, work and raise a family, supported pothole and street repairs, 9-1-1 services, gang prevention services, neighborhood police patrols, park and recreation programs, and youth and senior services.

At the State level, to address its budget issues, in 2011 the State of California eliminated redevelopment agencies and their funding statewide, including the Concord Redevelopment Agency, further undermining the City’s economic recovery by effectively eliminating funds the City had utilized for blight abatement and economic development/revitalization, among other programs. In the last 28 years, the State has seized more than $104 million in locally generated revenue from Concord to address its own budget deficit.

Concord’s economy was slower to recover than those of neighboring cities. Rather than cutting even more community services and programs our public relies on, the City Council placed an extension of Measure Q on the 2014 ballot so voters could decide whether they wanted to help preserve vital city services. Voters supported the measure with 76% voting to extend the sales tax for an additional nine years.

The extension of Measure Q has allowed the City to continue to provide essential services and maintain its reserves; however, the City has not been able to fully address deferred infrastructure maintenance projects, such as repairs to local streets and roads.

As part of the budget development process for the City’s current Fiscal Years 2017-18 and 2018-19 budgets, the Council directed staff to begin work on a Fiscal Stability Plan (the Plan) that would incorporate all of the City’s investment needs in a 20-year financial
forecast and provide options to address a structural budget deficit projected to begin this fiscal year.

The City retained independent financial and planning experts, Management Partners, to work with staff to develop the Plan. The first step was to update the City’s long range financial forecasting model and expand it from a 10-year forecast to a 20-year forecast in order to provide a longer-term view of the City’s financial condition. The updated model, which is intended to incorporate all investment needs over time, includes those not previously incorporated into past City models and assumes the sunset of Measure Q in March 2025. When this data was factored in, the model projected an annual deficit of $13 million in the General Fund beginning in FY 2018-19 that grows to an ongoing annual structural deficit of approximately $33 million by FY 2026-27, which represents 30% of the City’s overall anticipated revenues.

At its March 24, 2018, Priority Setting Workshop, the City Council prioritized three “Tier 1” goals for the next 15 months. Number one on the list was to execute a fiscal stability strategy with focus on locally-controlled revenues for sustainability, specifically with an eye toward funding that can’t be seized by the State.

At its May 22, 2018, public hearing when Council received the report on FY 2017-18 and FY 2018-19 Mid-Cycle Budget Update, staff recommended five possible Fiscal Stability strategies be implemented beginning in FY 2018-19. One included extending Measure Q until ended by voters at a one-cent rate (an increase of one-half cent) on the November 2018 or 2020 ballot. If it is extended at a one-cent rate, Measure Q would generate approximately $26 million annually.

In June 2018, the City commissioned Godbe Research to conduct a statistically-significant survey of more than 1,000 local voters – a sample size usually reserved for statewide surveys – to comprehensively and reliably (1) gauge the public’s perceptions of the overall quality of life in Concord; (2) assess potential support for an extension of current, voter-approved local funding to protect and maintain City services with funding that cannot be taken by the State; and (3) identify respondent priorities information of interest and other perspectives.

The results, which will be presented to the community and Council at the August 7 meeting, show that there is overwhelming support for a measure that continues funding to protect and maintain Concord’s city services. Specifically, respondents said they supported prioritizing the following areas:

- Enhance City street and pothole repair
- Maintain 911 emergency response times
- Maintain gang prevention/crime investigation services
- Maintain neighborhood police patrols and police officers
- Maintain local services to address homelessness
Respondents also said they supported a local funding mechanism that requires their tax dollars stay in Concord to maintain local services and that they cannot be taken by Sacramento or the federal government.

**Analysis**

The budget analyses completed by Management Partners and presented to the City on February 24, 2018, clearly indicate that the City is facing a significant fiscal challenge. Assuming full funding of all infrastructure needs and the expiration of Measure Q, the forecast projects an annual deficit of $13 million in the General Fund beginning in FY 2018-19, which grows to an ongoing annual structural deficit of approximately $33 million by FY 2026-27. The report states that without corrective action, even with the current half-cent Measure Q sales tax, the City’s General Fund will be almost fully depleted by FY 2019-20 and will be in a deficit position by FY 2020-21, well before the expiration of Measure Q in March 2025.

When Measure Q was first enacted, the funds were used to protect vital City services, including 9-1-1 response times, police officers, local patrols, and gang prevention, as well as programming for youth and seniors. Four years later, the City was still struggling from a slow economic recovery when Concord was further impacted by the State’s elimination of redevelopment agencies. The annual loss of redevelopment funding meant that additional service cuts would be necessary, unless the voters extended Measure Q to protect vital services and community programs.

While core City services and programs have been stabilized as a result of Measure Q, one area that has continued to suffer from a lack of sufficient investment is the City’s streets and roadways. Deferred maintenance on roadways and infrastructure is the most costly problem the City of Concord faces. In fact, deferred infrastructure maintenance represents a majority of the $33 million total projected deficit in FY 2027-28. The City must be able to address these needs now, before they become even more expensive in the future.

The City is responsible for maintaining more than 65 million square feet (or 300 miles) of streets. In an April 24, 2018, presentation to Council, the City’s Engineering Department presented information showing that the City is significantly underfunding road maintenance and needs $8 million more per year simply to maintain its Pavement Conditions Index (PCI), which was rated a score of 60, or “fair.”

Measure Q currently generates $13 million per year. By extending the measure at a one-cent rate, the City would generate an estimated $26 million per year. The core services that are currently funded through Measure Q would be protected, and the City could immediately invest the needed funds into repairing deteriorating streets, fixing potholes and making significant infrastructure investments at a much faster pace.
Given the magnitude and timing of the budget deficit forecast, Management Partners worked with City staff to develop several options for addressing the projected budget gap. Among all of the strategies outlined in their report, extending Measure Q at a one-cent rate is estimated to yield a far greater revenue than any of the other options that the consultants identified.

**Measure Q Oversight**

The Measure Q Citizens’ Oversight Committee, which was formed when Measure Q was passed in 2010, is responsible for reviewing the annual auditor’s report and draft budget, and making findings to the City Council on whether the past use and proposed future use of Measure Q tax revenue is consistent with the community’s priorities. Each year, since its inception, the committee’s findings have confirmed the appropriate use of Measure Q funds. The Citizens’ Oversight Committee and mandatory audits will continue if Measure Q is extended.

In its annual report to Council, which was presented on May 22, the Committee commended the Council’s development of a fiscal stability plan to address the shortfall and said it feels the Council is moving in the right direction. The committee found that, given the magnitude of the City’s fiscal gap, Measure Q will continue to be a vital source of revenue to preserve city services and protect reserves.

The report states: “The Committee recognizes the City’s need to increase revenues in order to begin closing the projected budget shortfall without severe cuts to services. The Committee supports an increase in the percentage of the Transactions and Use Tax as one strategy to help achieve budget stability. The Committee recommends continuing with an oversight committee should the measure be extended by voters.”

Additionally, the Committee made the following findings:

1. **Does the FY 2016-17 Annual Audit reflect that the Measure Q tax was collected and appropriately spent?**

At its March 14, 2018, the Committee determined that the presentation of Measure Q Use and Transaction Tax in the financial statements reflected the collection of the tax appropriately, and it found that the usage of Measure Q tax revenue ($12.6 million) was identified clearly in the annual audit. The Committee also found that $7.5 million of Measure Q tax revenue went to maintain City services, which allowed the City to avoid cuts to core City services, and the remaining $5.1 million was used consistent with the City’s Fiscal Sustainability Ordinance to support reserves and infrastructure investment.
2. **Does the City’s proposed Biennial Capital Budget for FY 2018-19 and 2019-20 protect the City’s core services?**

On April 23, 2018, the Committee reviewed the Proposed FY 2018-19 and 2019-20 Biennial Capital Budget and concluded that the presentation on the use of Measure Q revenue to fund capital projects protects City core services. Specifically, the revenues are being allocated to support existing infrastructure. Safe and usable infrastructure is a core City service.

The report indicated that over the next two fiscal years $7.3 million in Measure Q revenue is planned for various street improvement projects, parks facilities improvements, building maintenance, citywide accessibility enhancements, and improving efficiencies through information technology. An additional $5 million has been set aside for repayment of the City’s Lease Revenue Finance Agreement for roadway maintenance. The Committee found that the proposed capital projects do not create new, ongoing expenditures. The Biennial Capital Budget addresses the infrastructure backlog and allocates payments for debt service for infrastructure improvements.

**What happens if Measure Q passes?**

If Measure Q is placed on the ballot at a one-cent rate and is approved by voters this November, the City would be able to continue funding core services, like maintaining 911 emergency response times, gang prevention services, and police patrols; maintaining city parks and playgrounds; funding after school and summer programs for youth; offering senior services and nutrition programs; and providing local services to help address homelessness. It would also be able to invest significantly more funds to repair streets and potholes, expediting existing projects and planning for even more in the near term, thus ensuring that the City can sustain and work toward improving its Pavement Condition Index (PCI).

With approximately $26 million in locally-controlled revenue that is specifically intended for core services and infrastructure investments, the City would be able to stave off a looming budget shortfall and protect these resources from any potential raid by Sacramento.

**Alternatives –**

1. **Put the Measure Q extension on the ballot at the half-cent rate until ended by voters.** The result: Measure Q revenues would continue to yield approximately $13 million per year, and increase slowly over time according to the City’s economic growth. This would cover approximately one-third of the City’s projected $33 million deficit, which is projected for 2026-27. Additionally, roadway improvements and street paving projects would continue to be underfunded, resulting in further deterioration and a likely decline in the City’s PCI rating.
2. **Wait until November 2020 to place the Measure Q extension on the ballot.** The result: The recent quality of life survey of Concord residents showed that there is significant public will now to extend the local sales at a one-cent rate. If we wait two years, roadway improvements and street paving projects would continue to be underfunded, resulting in further deterioration and a continuing decline in the City’s PCI rating. This would also result in increased costs to address failing roadways in the future. Further, other government agencies are already planning to place revenue-generating measures on the 2018 ballot. By placing an extension of Measure Q on the ballot now, Concord voters will have the opportunity to consider supporting their own community needs before those of regional or statewide efforts.

3. **Identify alternative sources of revenue and budget cuts to close the projected $33 million deficit.** The result: The financial planning consultants from Management Partners worked with City staff to identify several options for raising additional revenue and cutting expenses in a number of areas. No combination of cuts and other revenue sources came close to covering the projected gap to the degree that extending Measure Q at a one-cent rate will. Again, in this scenario, roadway improvements and street paving projects would continue to be underfunded, resulting in further deterioration and a continuing decline in the City’s PCI rating. It would also result in a significant decrease in service levels to the community.

**What happens if Measure Q does not pass?**

The City’s financial consultants, Management Partners, projects that the City will need to cut $10 million from the General Fund over seven years, beginning in FY 19-20. This means, not only will the City be unable to direct additional dollars toward addressing its most urgent need – repairing roadways and infrastructure – it will be forced to reduce funding for such projects and cut essential services, likely across all Departments, including public safety, code enforcement, and parks and recreation.

**Financial Impact**

If this proposed measure is approved by the voters, the one-cent rate would be effective April 1, 2019 and, at this rate, it is anticipated to generate approximately $26 million annually.

While the final cost of placing an extension of Measure Q on the November ballot depends on many factors, staff estimates that the cost will be $80,000 - $112,000. The FY 2018-19 adopted budget can absorb this cost.
Environmental Determination
Exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”) including without limitation Public Resources Code section 21065, CEQA Guidelines section 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services. The local general transactions and use (sales) tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; to issue it is not a commitment to any particular action. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the city would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines Section 15060 review under CEQA is not required.

Public Contact
The City Council Agenda was posted. Information about the results of Concord’s recent quality of life survey was also shared in the fall 2018 issue of City News, Concord’s news and activity guide. Notice of this meeting has been published.

Attachments
1. Resolution No. 18-58
2. Proposed Ordinance No 18-7
3. LAFCO Notification of Completed District Boundary Change
BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A Resolution Calling For and Giving Notice of a
November 6, 2018, Election on a Proposed Ballot
Measure to Extend an Existing Voter Approved Local
General Transactions and Use (Sales) Tax at a One
Cent (1%) Rate Until Repealed by the Voters to Fund
General Municipal Services such as Street Repair and
Public Safety; and Establishing the Policies and
Procedures for Such an Election and Requesting that
the County of Contra Costa Conduct Such and

Resolution No. 18-58

WHEREAS, in November 2010, the voters of Concord adopted a local revenue measure
(“Measure Q”), to mitigate cuts to local services caused by State takeaways and the Great Recession; and

WHEREAS, Measure Q established a local general transactions and use (sales) tax of one-half
of one cent (as authorized by Revenue and Taxation Code Section 7285.9), which is codified at
Chapter 3, Article V, Sections 3.15.360 through 3.15.500 of the Concord Municipal Code; and

WHEREAS, in November 2014, Concord voters extended Measure Q for another nine years
(“Measure Q Continuation Measure”); and

WHEREAS, fiscal analysis completed earlier this year clearly indicates that the City –
like many others in California – is facing a significant long-term fiscal challenge after incorporating in
the future costs of adequately addressing community priorities such as repairing streets and roads, and
the temporary nature of Measure Q:

WHEREAS, without a reliable source of ongoing, locally-controlled funding the City will be
unable to preserve essential services and maintain its long-term fiscal sustainability, which in turn will
require the City to make severe cuts to the services it currently provides, adversely affecting public
safety services, including 911 emergency response times, police officers, gang prevention and crime
investigation services, and neighborhood police patrols, along with other City services, such as street
and pothole repair, youth sports and recreation programs, city parks and playgrounds, and senior
services and the Senior Center; and

WHEREAS, at its May 22, 2018, meeting, the City Council adopted a 20-Year Financial
Forecast that recognized the need to implement long-term, locally-controlled budget stability strategies to address the fiscal challenges immediately to continue and preserve the level of services desired by residents of the City; and

WHEREAS, by extending Measure Q rate at a one-cent and giving local voters the power to decide when to end its duration, the City could do more to protect existing core services currently funded through Measure Q and would allow the City to immediately invest into repairing deteriorating streets, fixing potholes and making significant infrastructure investments at a much faster pace—projects the community has requested which now replace public safety as the top issue of concern; and

WHEREAS, at a public meeting on August 7, 2018, the Council considered placing a measure on the ballot for the November 6, 2018 General Election seeking voter approval of extending Measure Q at a one cent (1%) rate; and

WHEREAS, at that meeting, the City Council concluded that all of the information presented indicated that, to obtain the revenue necessary to maintain and preserve service levels, the Council should, at the November 6, 2018, General Election, place a measure before the voters of the City of Concord and ask the voters of the City to approve an extension of Measure Q (“Concord Essential Services Measure”) at a one cent (1%) rate and extending such assessment until repealed by the voters of the City of Concord; and

WHEREAS, by law, all funds from a Concord Essential Services Measure must stay in Concord to maintain local services and no funds can be taken by Sacramento (i.e. the State); and

WHEREAS, the Concord Essential Services Measure ensures fiscal accountability by requiring independent citizens oversight, mandatory financial audits, and yearly reports to the community to ensure the funds are spent as intended; and

WHEREAS, park and recreation usage has been increasing annually, and the City seeks to keep neighborhood parks clean and safe, while maintaining local recreation programs for residents of all ages -- including seniors, youth and children; and

WHEREAS, maintaining the City’s after-school programs, anti-gang activities, and recreation programs also keep youth and teens off the streets, out of trouble, and away from gangs and drugs;
and

WHEREAS, the City maintains more than 65,000,000 square feet of streets in the City of Concord--boulevards and roads like Clayton Road, Monument to Concord Avenue, and Denkinger/Treat Boulevard must be routinely paved and maintained; and

WHEREAS, the public has indicated that enhancing street and pothole repair is the community’s Number One priority; and

WHEREAS, besides enhancing street and pothole repair, Concord residents have also indicated that maintaining the following services will contribute to their quality of life: rapid 911 emergency response times; gang prevention/crime investigation services; neighborhood police patrols and police officers; and local services to address homelessness; and

WHEREAS, none of this money would be used for City administrator salaries; and

WHEREAS, the tax, if approved as a result of the adoption of the Concord Essential Services Measure, will be extended until repealed by the voters of the City of Concord at a rate of one cent (1%) (one cent for each dollar). The tax will continue to be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property. Food purchased as groceries and prescription medication are not subject to the measure. The tax revenue will be collected by the California Department of Tax and Fee Administration and remitted to the City. The tax shall be approved if the measure receives at least a simple majority of affirmative votes; and

WHEREAS, the Concord City Council is authorized by California Elections Code Section 9222 to place measures before the voters; and

WHEREAS, Elections Code Sections 9281 through 9287 set forth the procedures for primary arguments in favor of and in opposition to any City measure and for rebuttal arguments; and

WHEREAS, on June 12, 2018, the City Council adopted Resolution No. 18-53, calling for the City’s General Municipal Election and Specifications of the Election Order to be held on the same day as and consolidated with the Statewide Election to be held on November 6, 2018. It is desirable that the election called by this Resolution be consolidated with the General Municipal Election and Statewide Election, and that within the City, the precincts, polling places and election officers of the two elections be the same, and that the Election Division of the County of Contra Costa canvass the
returns of the General Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and are hereby incorporated by reference.

Section 2. Pursuant to California Constitution Article XIIIC, Section 2; Government Code Section 53724; and Elections Code Section 9222, the City Council of the City of Concord hereby calls an election at which it shall submit to the qualified voters of the City, a measure that, if approved, would adopt a local general transactions and use (sales) tax, as authorized by Revenue and Taxation Code section 7285.9. This measure shall be designated by letter by the Contra Costa County Elections Department. Pursuant to Election Code Section 10400 et seq., the election for this measure shall be consolidated with the General Municipal Election to be conducted on November 6, 2018.

Section 3. The question to be presented to the voters shall be as follows:

<table>
<thead>
<tr>
<th>Concord Essential Services Measure</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shall the measure to continue funding which Sacramento cannot seize, to protect/maintain Concord's city services, including 911 response, police officers, gang prevention, crime investigation, police patrols, city street/pothole repair, senior, youth, other general programs by extending the existing voter-approved local sales tax at a 1¢ rate to raise $26,000,000 per year until ended by voters, including annual audits, independent citizens oversight, and no money for Sacramento be adopted?</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

This question requires the approval of a majority of qualified electors casting votes.

Section 4. The ordinance authorizing the general tax to be approved by the voters pursuant to Sections 2 and 3 of this Resolution is as set forth in Exhibit A hereto. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November
6, 2018, election, as required by Revenue and Taxation Code section 7285.9. The Board of Supervisors of the County of Contra Costa is requested to order the County Clerk to set forth in the voter information portion of all sample ballots to be mailed to the qualified electors of the City the full text of the Ordinance and to mail with the sample ballots to the electors printed copies of the full text of the Ordinance, together with the primary arguments and rebuttal arguments (if any) for and against the measure, and to provide absent voter ballots for the election for use by qualified electors of the City who are entitled thereto in the manner provided by law. The Ordinance specifies that the rate of the transactions tax shall be one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City; it specifies that the rate of the use tax shall be one percent (1%) of the sales price of tangible personal property stored, used or otherwise consumed in the City, and that the tax shall be in effect until repealed by the voters of the City of Concord. The California Department of Tax and Fee Administration shall collect the tax from retailers subject to the tax and remit the funds to the City.

Section 5. The City Clerk is authorized, instructed and directed to work with the County Elections Division as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The County Elections Division is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 6. The Board of Supervisors is requested to instruct the County Elections Division to provide such services as may be necessary for the holding of the consolidated election. The election shall be held in all respects as if there were only one election. The City of Concord recognizes that the County will incur additional costs because of this consolidation and agrees to reimburse the County for those costs. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City’s cost of placing the measure on the election ballot.

Section 7. The polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. that same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California. The
notice of the time and place of holding the election is hereby given, and the City Clerk is authorized to
give further notice of the election, as required by law.

Section 8. The City of Concord agrees that the deadline dates are as designated by the County
Elections Official.

(a) The last day to submit this resolution to place the Concord Essential Services Measure
on the ballot is August 10, 2018.

(b) The last day for submission of primary arguments for or against the measure shall be
by 5:00 p.m. on August 22, 2018.

(c) The last day for submission of rebuttal arguments for or against the measure shall be by
5:00 p.m. on August 27, 2018.

(d) Primary arguments shall not exceed three hundred (300) words and shall be signed by
not more than five persons.

(e) Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed
by not more than five persons; those persons may be different persons than the persons
who signed the primary arguments.

(f) Pursuant to California Elections Code Section 9280, the City Council hereby directs
the City Clerk to transmit a certified copy of the measure to the City Attorney. The
City Attorney shall prepare an impartial analysis of the measure, not to exceed 500
words in length, showing the effect of the measure on the existing law and the
operation of the measure, and transmit the impartial analysis to the Elections Division
by August 17, 2018.

(g) Pursuant to California Elections Code Section 9285, when the City Clerk has selected
the arguments for and against the measure, which will be printed and distributed to the
voters, the City Clerk shall send copies of the argument in favor of the measure to the
authors of the argument against, and copies of the argument against to the authors of
the argument in favor. Rebuttal arguments shall be printed in the same manner as the
primary arguments. Each rebuttal argument shall immediately follow the primary
argument, which it seeks to rebut.
Section 9. The City Clerk is directed to file certified copies of this Resolution with the Board of Supervisors and the County Clerk of the County of Contra Costa, together with the attached ballot measure.

Section 10. The jurisdictional boundaries of the City of Concord have changed since the last general municipal election as set forth in the Contra Costa Local Agency Formation Commission (LAFCO) “Notification of Completed District Boundary Change” dated December 12, 2017, the LAFCO “Certificate of Completion” recorded with the Contra Costa County Recorder Office on October 24, 2017, as Document No. 2017-0195530-00, and LAFCO Resolution No. 09-07 “Resolution of the Contra Costa Local Agency Formation Commission Making Determinations and Approving Laurel Place/Pleasant View Annexation to the City of Concord and Corresponding Detachment from County Service Area P-6”, collectively referred herein as “LAFCO Annexation Completion Documents” and attached hereto as Exhibit B.

Section 11. The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”) including without limitation Public Resources Code section 21065, CEQA Guidelines section 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services. . The local general transactions and use (sales) tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; to issue it is not a commitment to any particular action. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the city would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines Section 15060 review under CEQA is not required.

Section 12. This Resolution shall become effective immediately upon its passage and...
adoption.

**PASSED AND ADOPTED** by the City Council of the City of Concord on August 7, 2018 by the following vote:

**AYES:** Councilmembers -

**NOES:** Councilmembers -

**ABSTAIN:** Councilmembers -

**ABSENT:** Councilmembers -

I HEREBY CERTIFY that the foregoing Resolution No. 18-58 was duly and regularly adopted at a special meeting of the City Council on August 7, 2018.

________________________________________
Joelle Fockler, MMC
City Clerk

**APPROVED AS TO FORM:**

__________________________
Susanne Meyer Brown
City Attorney

Attachment: Exhibit A - Ordinance No. 18-7
Exhibit B - LAFCO Annexation Completion Documents

cc: Board of Supervisors
Contra Costa County Clerk Recorder
ORDINANCE NO. 18-7

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 3 (REVENUE AND FINANCE) CHAPTER 3.15 (TAXATION), ARTICLE V (TRANSACTIONS AND USE TAX) BY EXTENDING AN EXISTING VOTER-APPROVED LOCAL GENERAL TRANSACTIONS AND USE (SALES) TAX AT A ONE CENT (1%) RATE TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

RECITALS

WHEREAS, in November 2010, the voters of Concord adopted a local revenue measure (“Measure Q”), to mitigate cuts to local services caused by State takeaways and the Great Recession; and

WHEREAS, Measure Q established a local general transactions and use (sales) tax of one-half of one cent (as authorized by Revenue and Taxation Code section 7285.9), which is codified at Chapter 3, Article V, Sections 3.15.360 through 3.15.500 of the Concord Municipal Code; and

WHEREAS, in November 2014, Concord voters extended Measure Q for another nine years (“Measure Q Continuation Measure”); and

WHEREAS, fiscal analysis completed earlier this year clearly indicates that the City – like many others in California – is facing a significant long-term fiscal challenge after incorporating in the future costs of adequately addressing community priorities such as repairing streets and roads, and the temporary nature of Measure Q;

WHEREAS, without a reliable source of ongoing, locally-controlled funding the City will be unable to preserve essential services and maintain its long-term fiscal sustainability, which in turn will require the City to make severe cuts to the services it currently provides, adversely affecting public safety services, including 911 emergency response times, police officers, gang prevention and crime investigation services, and neighborhood police patrols, along with other City services, such as street and pothole repair, youth sports and recreation programs, city parks and playgrounds, and senior services and the Senior Center; and

WHEREAS, at its May 22, 2018, meeting, the City Council adopted a 20-Year Financial Forecast that recognized the need to implement long-term, locally-controlled budget stability
strategies to address the fiscal challenges immediately to continue and preserve the level of services desired by residents of the City; and

WHEREAS, by extending Measure Q rate at a one-cent and giving local voters the power to decide when to end its duration, the City could do more to protect existing core services currently funded through Measure Q and would allow the City to immediately invest into repairing deteriorating streets, fixing potholes and making significant infrastructure investments at a much faster pace—projects the community has requested which now replace public safety as the top issue of concern; and

WHEREAS, at a public meeting on August 7, 2018, the Council considered placing a measure on the ballot for the November 6, 2018, General Election seeking voter approval of extending Measure Q at a one cent (1%) rate; and

WHEREAS, at that meeting, the City Council adopted Resolution 18-58 concluding that all of the information presented indicated that, to obtain the revenue necessary to maintain and preserve service levels, the Council should, at the November 6, 2018, General Election, place a measure before the voters of the City of Concord and ask the voters of the City to approve an extension of Measure Q ("Concord Essential Services Measure") at a one cent (1%) rate and extending such assessment until repealed by the voters of the City of Concord; and

WHEREAS, by law, all funds from a Concord Essential Services Measure must stay in Concord to maintain local services and no funds can be taken by Sacramento (i.e. the State); and

WHEREAS, the Concord Essential Services Measure ensures fiscal accountability by requiring independent citizens oversight, mandatory financial audits, and yearly reports to the community to ensure the funds are spent as intended; and

WHEREAS, park and recreation usage has been increasing annually, and the City seeks to keep neighborhood parks clean and safe, while maintaining local recreation programs for residents of all ages -- including seniors, youth and children; and
WHEREAS, maintaining the City’s after-school programs, anti-gang activities, and recreation programs also keep youth and teens off the streets, out of trouble, and away from gangs and drugs; and

WHEREAS, the City maintains more than 65,000,000 square feet of streets in the City of Concord—boulevards and roads like Clayton Road, Monument to Concord Avenue, and Dekinger/Treat Boulevard must be routinely paved and maintained; and

WHEREAS, the public has indicated that enhancing street and pothole repair is the community’s Number One priority; and

WHEREAS, besides enhancing street and pothole repair, Concord residents have also indicated that maintaining the following services will contribute to their quality of life: rapid 911 emergency response times; gang prevention/crime investigation services; neighborhood police patrols and police officers; and local services to address homelessness; and

WHEREAS, none of this money would be used for City administrator salaries; and

WHEREAS, the Concord City Council is authorized by California Elections Code Section 9222 to place measures before the voters; and

WHEREAS, Elections Code Sections 9281 through 9287 set forth the procedures for primary arguments in favor of and in opposition to any City measure and for rebuttal arguments; and

WHEREAS, on June 12, 2018, the City Council adopted Resolution No. 18-53, calling for the City’s General Municipal Election and Specifications of the Election Order to be held on the same day as and consolidated with the Statewide Election to be held on November 6, 2018. It is desirable that the election called by this Resolution be consolidated with the General Municipal Election and Statewide Election, and that within the City, the precincts, polling places and election officers of the two elections be the same, and that the Election Division of the County of Contra Costa canvass the returns of the General Election and that the election be held in all respects as if there were only one election.

WHEREAS, in the Consolidated Municipal Election Conducted on November 6, 2018, a majority of the voters voted to approve the Concord Essential Services Measure; and
WHEREAS, the tax approved as a result of the adoption of the Concord Essential Services Measure, will be extended until repealed by the voters of the City of Concord at a rate of one cent (1%) (one cent for each dollar). The tax will continue to be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property. Food purchased as groceries and prescription medication are not subject to the measure. The tax revenue will be collected by the California Department of Tax and Fee Administration and remitted to the City.

THE PEOPLE OF THE CITY OF CONCORD DO ORDAIN AS FOLLOWS:

Section 1. The People of Concord find that all Recitals are true and correct and are incorporated herein by reference.

Section 2. Concord Municipal Code Title 3 (Revenue and Finance) Chapter 3.15 (Taxation) Article V (Transactions and Use Tax), is hereby amended by the strikeout, and underlined italicized language:

3.15.360 Title.

This ordinance shall be known as the Concord Transactions and Use Tax Ordinance. The City of Concord hereinafter shall be called “City.” This ordinance shall be applicable in the incorporated territory of the City.

3.15.370 Operative date.

“Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance.

3.15.380 Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To impose a retail transactions and use tax in accordance with the provisions of pt. 1.6 (commencing with § 7251) of div. 2 of the Revenue and Taxation Code and § 7285.9 of pt. 1.7 of div. 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
(b) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in pt. 1.6 of div. 2 of the Revenue and Taxation Code.

(c) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

(d) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of pt. 1.6 of div. 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.15.390  Contract with State.

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.15.400  Transactions tax rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one half of one percent (0.5%).
one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.15.410 Place of sale.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

California Department of Tax and Fee Administration.

3.15.420 Use tax rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one half of one percent (0.5%) one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.15.430 Adoption of provisions of State law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of pt. 1.6 of div. 2 of the Revenue and Taxation Code, all of the provisions of pt. 1 (commencing with § 6001) of div. 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.15.440 Limitations on adoption of State law and collection of use taxes.

In adopting the provisions of pt. 1 of div. 2 of the Revenue and Taxation Code:
(a) Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted thereof therefor. However, the substitution shall not be made when:

1. The word “State” is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California.
2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
   a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of pt. 1 of div. 2 of the Revenue and Taxation Code, or;
   b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
4. In §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(b) The word “City” shall be substituted for the word “State” in the phrase “retailer engaged in business in this State” in § 6203 and in the definition of that phrase in § 6203.

3.15.450 Permit not required.
If a seller’s permit has been issued to a retailer under § 6067 of the Revenue and Taxation Code, an additional transactor’s permit shall not be required by this ordinance.

3.15.460 Exemptions and exclusions.

(a) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

(b) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

(2) Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

   a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1.45 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
   
   b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the
vehicle will be operated from that address.

(3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

(4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(c) There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in §§ 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

(3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

(4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any
period of time for which the lessee is obligated to lease the property for an amount fixed
by a lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other
consumption, or possession of, or exercise of any right or power over, tangible personal
property shall be deemed not to be obligated pursuant to a contract or lease for any period
of time for which any party to the contract or lease has the unconditional right to
terminate the contract or lease upon notice, whether or not such right is exercised.

(6) Except as provided in subparagraph (7), a retailer engaged in business in the City shall
not be required to collect use tax from the purchaser of tangible personal property, unless
the retailer ships or delivers the property into the City or participates within the City in
making the sale of the property, including, but not limited to, soliciting or receiving the
order, either directly or indirectly, at a place of business of the retailer in the City or
through any representative, agent, canvasser, solicitor, subsidiary, or person in the City
under the authority of the retailer.

(7) “A retailer engaged in business in the City” shall also include any retailer of any of the
following: vehicles subject to registration pursuant to Chapter 1.45 (commencing with
Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with
Section 21411 of the Public Utilities Code, or undocumented vessels registered under
Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be
required to collect use tax from any purchaser who registers or licenses the vehicle,
vessel, or aircraft at an address in the City.

(d) Any person subject to use tax under this ordinance may credit against that tax any
transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer
liable for a transactions tax pursuant to pt. 1.6 of div. 2 of the Revenue and Taxation Code
with respect to the sale to the person of the property the storage, use or other consumption of
which is subject to the use tax.

3.15.470 Amendments.
All amendments subsequent to the effective date of this ordinance to pt. 1 of div. 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with pt. 1.6 and pt. 1.7 of div. 2 of the Revenue and Taxation Code, and all amendments to pt. 1.6 and pt. 1.7 of div. 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.15.480 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or pt. 1.6 of div. 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.15.490 Annual audit; citizens’ oversight.

By no later than December 31st of each year after the operative date, the city’s independent auditors shall complete a report reviewing the collection, management and expenditure of revenue from the tax levied by this Article. Additionally, there shall be a committee consisting of no fewer than five members of the public to review and report on the receipt of revenue and expenditure of funds from the tax authorized by this Article. The committee members shall be either Concord residents or representatives of Concord businesses. Prior to the operative date, the City Council shall adopt a resolution establishing the composition of the committee, setting the terms of office of the committee members, and defining the scope of the committee’s responsibilities, which at a minimum shall include reviewing the annual auditor’s report and making recommendations to the City Council for use of the tax revenue. The committee’s report and recommendations shall be completed by a date to allow for it to be considered as part of the annual budget process. The committee’s report and recommendations shall be a matter of public record and shall be considered by the City Council at a public meeting. Also prior to the operative date, the City Council shall appoint at least a quorum of the members of the committee; and the Council shall complete the appointment of members of the committee.
by the end of fiscal year 2014-2019.

3.15.500 Termination Date.

The authority to levy the tax imposed by this ordinance shall expire on the fourteenth anniversary of the last day of the calendar quarter preceding the operative date, unless terminated earlier by a unanimous vote of the City Council remain in effect until repealed by the voters of the City of Concord.

Section 3. This Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”) including without limitation Public Resources Code section 21065, CEQA Guidelines section 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services. The local general transactions and use (sales) tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; to issue it is not a commitment to any particular action. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines Section 15060 review under CEQA is not required.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, it shall be severable and the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 5. This Ordinance relates to the levying and collecting of the City transactions and use taxes. The City Council, by a ______________________ vote of the Council by adopting Resolution 18-58, approved submission of this Ordinance to the voters at an election to be held on
November 6, 2018. Upon approval by a majority of the voters of the city, and upon adoption of a resolution declaring the election results, the Mayor shall hereby be authorized to attest to the adoption of this Ordinance by the voters of the City by signing where indicated below.

Edi E. Birsan
Mayor

ATTEST:

Joelle Fockler, MMC
City Clerk

(Seal)

Ordinance No. 18-7 was submitted to the People of the City of Concord at the November 6, 2018, general municipal election. It was approved by the following vote of the People:

YES: __________

NO: __________

Ordinance No. 18-7 was thereby adopted by the voters of the City of Concord at the November 6, 2018, election and took effect immediately. A resolution declaring the results of the election was adopted at a regular meeting of the City Council held on December XX, 2018, by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

ABSTAIN: Councilmembers -

ABSENT: Councilmembers -

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Concord, California.

Joelle Fockler, MMC
City Clerk
December 12, 2017

NOTIFICATION OF COMPLETED
DISTRICT BOUNDARY CHANGE

TO: Distribution List

FROM: Lou Ann Texeira, Executive Officer

SUBJECT: LAFCO 09-07 - Laurel Place/Pleasant View Reorganization: Annexation to City of Concord and Corresponding Detachment from County Service Area (CSA) P-6

Please be advised that the proceedings for the above-referenced boundary change have been completed. Enclosed is LAFCO’s Certificate of Completion. The effective date of the change is October 24, 2017.

Please call the LAFCO office if you have any questions.

Distribution List:
- David Twa, CCC Administrator
- Victoria Walker, City of Concord
- Valerie Barone, City of Concord
- Dan Freeman, Lenox Homes
- Joe Sordi, Lenox Homes
- County Departments
  - John Kopchik, Conservation and Development
  - Jason Crapo, Conservation and Development
  - Chris Howard, Conservation and Development
  - Scott Konopasek, Elections
  - Evan Ayers, Elections
  - Marilyn Underwood, Environmental Health
  - Bob Campbell, Auditor
  - Haj Nahal, Auditor - Property Tax Division
  - Tim Ewell, CAO
  - Lynette Stone, Assessor
  - Brian Balbas, Public Works
  - Tim Jensen, Flood Control/Public Works
  - Chris Lau, Roads/Public Works
  - Jim Stein, Surveyor/Public Works
  - Renee Hutchins, Records/Public Works
  - Carl Roner, Paving/Public Works
  - Elizabeth Arbuckle, Sheriff-Coroner
  - CAD RMS Technician, Sheriff-Coroner
  - Betsy Burkhart, CCTV
Ms. Lou Ann Texeira, Executive Officer  
Contra Costa LAFCo  
651 Pine St., 6th Fl.  
Martinez, CA 94553

This is to acknowledge receipt of the statement(s) required by Section 54900, et seq., of the Government Code for the action described below. Copies of your documents will be forwarded by us to other agencies. You are required by Section 54902 of the Government Code to file a complete set of documents, except for the processing fee, with the County Assessor and Auditor affected by this action.

Tax rate area boundaries and property tax allocations will become effective for the assessment roll indicated below.

<table>
<thead>
<tr>
<th>Assessment Roll:</th>
<th>2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>County:</td>
<td>07 Contra Costa</td>
</tr>
<tr>
<td>District:</td>
<td>01 [0005] CITY - CONCORD</td>
</tr>
<tr>
<td>Conducting Authority:</td>
<td>LAFCO</td>
</tr>
<tr>
<td>Short Title:</td>
<td>CITY OF CONCORD: LAUREL PLACE/PLEASANT VIEW ANNEXATION DETACHMENT FROM CSA P-6</td>
</tr>
<tr>
<td>Type of Action:</td>
<td>02 City - Annexation</td>
</tr>
<tr>
<td>Resolution/Ord. No.:</td>
<td>09-07</td>
</tr>
<tr>
<td>LAFCo No.:</td>
<td>09-07</td>
</tr>
<tr>
<td>Effective Date:</td>
<td>10/24/2017</td>
</tr>
<tr>
<td>Fee:</td>
<td>$350.00</td>
</tr>
<tr>
<td>Acreage:</td>
<td>5.86</td>
</tr>
</tbody>
</table>

City Boundary Change:
Estimated Population: 30

Total assessed value of all property in subject territory: $9,321,578.00

Ric Schwarting  
Research Manager (GIS)  
Tax Area Services Section

cc: County Assessor, County Auditor

Page 32 of 38
CERTIFICATE OF COMPLETION

As Executive Officer of the Contra Costa Local Agency Formation Commission, I hereby certify that the attached documents are complete and in accordance with the boundaries, modifications and conditions specified by the Commission in its Resolution No. 09-07 approving this action.

1. The kind of change of organization or reorganization and the short-form designation of the proceeding is:

   LAFCO 09-07 – Laurel Place/Pleasant View Annexation to the City of Concord

2. The affected agency is located in Contra Costa County.

3. The territory is inhabited, the annexation has 100% landowner consent, and all affected agencies that will gain/lose territory as a result of the change of organization have consented and the conducting authority proceedings have been waived.

4. The Local Agency Formation Commission's resolution of approval, which was adopted on August 12, 2015, is made a part of this certificate by reference and sets forth the description of the boundaries of the proposal and any terms and conditions that apply.

Date: October 24, 2017

LOU ANN TEXEIRA
Executive Officer
RESOLUTION NO. 09-07

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
LAUREL PLACE/PLEASANT VIEW ANNEXATION TO THE CITY OF CONCORD AND
CORRESPONDING DETACHMENT FROM COUNTY SERVICE AREA P-6

WHEREAS, a proposal to annex territory to the City of Concord was filed with Executive Officer of the Contra Costa Local Agency Formation Commission by an affected landowner pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, the Executive Officer has examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission’s consideration of this proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the Laurel Place/Pleasant View Annexation proposal including, but not limited to, the Executive Officer’s report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, at a public hearing on August 12, 2015, the Commission amended the proposal to include the concurrent detachment of the subject property from County Service Area (CSA) P-6; and

WHEREAS, the Local Agency Formation Commission determines the Laurel Place/Pleasant View Annexation proposal to be in the best interests of the affected area and the organization of local governmental agencies within Contra Costa County;

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Determine that Contra Costa County, as Lead Agency, prepared and adopted a Mitigated Negative Declaration relating to the Laurel Place Lots pursuant to the California Environmental Quality Act (CEQA).

2. Determine that Contra Costa LAFCO, as a Responsible Agency, prepared an Addendum to the County’s Mitigated Negative Declaration and has considered the Addendum with the adopted Mitigated Negative Declaration.

3. Said boundary reorganization is hereby approved.

4. The subject proposal is assigned the distinctive short-form designation:

   LAUREL PLACE/PLEASANT ANNEXATION TO THE CITY OF CONCORD AND CORRESPONDING DETACHMENT FROM COUNTY SERVICE AREA P-6

5. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.

Page 34 of 38
6. The subject territory shall be liable for any existing bonded indebtedness of the annexing agency, if applicable.

7. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.

8. Prior to recordation, the applicant shall deliver an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.

9. LAFCO will defer recordation of annexation map for up to one year (August 2, 2016) to allow the developer time to complete site and house construction and obtain necessary County permits.

10. Said territory is found to be inhabited.

11. The proposal has 100% landowner consent; no affected landowners/registered voters opposed the annexation. Said conducting authority proceedings are hereby waived.

12. All subsequent proceedings in connection with this boundary reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * * * * * * * * * * * * * * * *

PASSED AND ADOPTED THIS 12th day of August 2015, by the following vote:

AYES: Andersen (A), Blubaugh, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSTENTIONS: none

ABSENT: Glover (M), Piepho (M)

ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.

Dated: August 12, 2015

Lou Ann Texeira, Executive Officer
EXHIBIT “A”

LAFCO 09-07

LAUREL PLACE / PLEASANT VIEW

ANNEXATION TO THE CITY OF CONCORD

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN PROPERTY, SITUATE IN A PORTION OF LOT NO. 37, RANCHO MONTE DEL DIABLO, IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY TERMINUS OF THE CENTERLINE OF LAUREL DRIVE, 50.00 FEET WIDE, SAID POINT BEING NORTH 46°09'54" WEST, 1,935.61 FEET FROM THE CENTERLINE INTERSECTION OF AYERS ROAD;

THENCE, (1) SOUTH 16°51'56" WEST, 28.05 FEET;

THENCE, (2) SOUTH 46°09'54" EAST, 246.03 FEET;

THENCE, (3) SOUTH 43°48'45" WEST, 402.51 FEET, TO THE CONCORD CITY LIMIT LINE;

THENCE ALONG THE CONCORD CITY LIMIT LINE THE FOLLOWING COURSES:

(4) NORTH 46°08'18" WEST, 52.18 FEET;

THENCE ON A TANGENT CURVE (5) CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 56.30 FEET, THROUGH A CENTRAL ANGLE OF 26°59'46", AN ARC LENGTH OF 26.53 FEET AND A CHORD DISTANCE OF 26.28 FEET TO A POINT ON SAID CURVE, A RADIAL (6) TO SAID POINT BEARING NORTH 16°51'56" EAST;

THENCE (7) NORTH 73°08'04" WEST, 24.82 FEET;

THENCE, (8) NORTH 16°51'56" EAST, 268.54 FEET;

THENCE, (9) LEAVING THE CONCORD CITY LIMIT LINE, NORTH 16°51'56" EAST, 593.97 FEET;

THENCE, (10) ON A TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1,158.63 FEET, THROUGH A CENTRAL ANGLE OF 11°44'39", AN ARC LENGTH OF 237.49 FEET AND A CHORD DISTANCE OF
237.07 FEET TO A POINT ON SAID CURVE, A RADIAL (11) TO SAID POINT BEARING SOUTH 84°52'43" EAST;

THENCE, (12) SOUTH 73°08'04" EAST, 84.25 FEET;

THENCE, (13) SOUTH 16°51'56" WEST, 149.93 FEET;

THENCE, (14) SOUTH 46°10'11" EAST, 414.40 FEET;

THENCE, (15) SOUTH 43°50'05" WEST, 402.65 FEET;

THENCE, (16) NORTH 46°09'54" WEST, 209.52 FEET;

THENCE, (17) SOUTH 16°51'56" WEST, 28.05 FEET TO THE CENTERLINE OF SAID LAUREL DRIVE AND THE POINT OF BEGINNING AND CONTAINING 5.77 ACRES OF LAND, MORE OR LESS.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as a basis for an offer for sale of the land described.

[Signature]

S. S. 16

BOB J. LEZCANO-LS8514 DATE

BOUNDARY DESCRIPTION CONFORMS TO LAFCO REQUIREMENTS. DATE 5/12/16

[Signature]

JAMES A. STEIN, COUNTY SURVEYOR
PLS 6571

Page 37 of 38
Proposed Measure Q
Ballot Measure

KATHLEEN TREPA, ASSISTANT CITY MANAGER
AUGUST 7, 2018
Background

- 10 Year Financial Forecast identified a structural deficit beginning FY 19-20.

- Management Partners retained to develop
  - a comprehensive 20 year financial model, and
  - a menu of strategies to address budget shortfall, which
    - forecasted a $33 million deficit by FY 2026-27.

- February 24, 2018 Fiscal Stability Workshop
20 Year Financial Model

Includes previous actions to:
- Reduce staffing by 25%
- Reduce employee benefits
- Reduce programs across depts.
- Reduce park & facility maintenance

*Source - Management Partners*
SHORTFALL CAUSES

• Over $14M in unbudgeted infrastructure work.

• Loss of Measure Q in 2025.

• Unfunded pension liabilities.

*Source – Management Partners
History of Measure Q

- Originally approved by voters in 2010 at half cent rate.
- Measure Q ordinance outlines use of funds and created oversight committee to monitor use of funds.
- 2012 State disbands redevelopment agencies.
- 2014 voters extended Measure Q to March 2025 and Council adopted Fiscal Sustainability Ordinance.
- Measure Q currently generates approximately $13 million annually.
Use of Measure Q Revenue

<table>
<thead>
<tr>
<th>Millions $</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 7.50</td>
<td>Essential Services</td>
</tr>
<tr>
<td>$ 2.98</td>
<td>Roadway / Infrastructure Investment</td>
</tr>
<tr>
<td>$ 2.50</td>
<td>Roadway Investment (debt)</td>
</tr>
<tr>
<td>$ 0.25</td>
<td>Economic Development</td>
</tr>
<tr>
<td>$ 0.23</td>
<td>Building Maintenance</td>
</tr>
<tr>
<td>$ 13.46</td>
<td></td>
</tr>
</tbody>
</table>
City-wide average Pavement Condition Index (PCI) is 60.
Proposed Measure Q Extension

- Proposed one cent rate would generate approximately $26 million.
- To invest in roadways, parks and facilities and support current operations.
- Continue to find ways to generate additional revenue and contain costs.
- Effective April 1, 2019 if approved by voters.
Recommendation

Adopt Resolution No. 18-58 authorizing the placement of the proposed measure on the November 2018 ballot for voters to consider the extension of Measure Q at a one cent rate until repealed by voters.
City of Concord:
2018 Survey Results Highlights

June 2018
Overview and Research Objectives

The City of Concord commissioned Godbe Research to conduct a survey of local voters with the following research objectives:

- Gauge the public’s perceptions of the overall quality of life in Concord;
- Assess potential support for an extension of current, voter-approved local funding to protect and maintain City services with funding that cannot be taken by the State;
- Identify respondent priorities, information of interest, and other perspectives.
Methodology Overview

- **Data Collection**: Landline (103), text to online (803), and email to online (121) interviewing
- **Universe**: 50,491 likely November 2020 voters in the City of Concord, with a subsample of those likely to vote in the November 2018 election (41,500)
- **Fielding Dates**: June 7 through June 13, 2018
- **Interview Length**: 20 minutes
- **Sample Size**: 1,027 Likely November 2020 voters
  897 Likely November 2018 voters
- **Margin of Error**: ± 3.03% Likely November 2020 voters
  ± 3.24% Likely November 2018 voters

The data have been weighted to reflect the actual population characteristics of likely voters in the City of Concord in terms of their gender, age, and political party type.
Key Findings
Opinion on Overall Quality of Life in Concord
November 2018 (n=897)

<table>
<thead>
<tr>
<th>Category</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>10.2%</td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>62.0%</td>
<td>72.9%</td>
</tr>
<tr>
<td>Just Fair</td>
<td>24.2%</td>
<td>26.5%</td>
</tr>
<tr>
<td>Poor</td>
<td>3.2%</td>
<td></td>
</tr>
<tr>
<td>DK/NA</td>
<td>0.4%</td>
<td></td>
</tr>
</tbody>
</table>

2018 2017
Excellent + Good 72.2% 72.9%
Just Fair + Poor 27.4% 26.5%
Ratio Exc + Good / Poor 22.6 17.8
Uninformed Support for Hypothetical Measure

Shall the measure that continues funding, which Sacramento cannot take away, to protect and maintain Concord’s city services, including:

- 911 emergency response,
- police officers,
- gang prevention,
- crime investigation,
- neighborhood police patrols,
- city street and pothole repair,
- senior and youth programs,
- unrestricted general revenue purposes,

by extending the existing voter-approved local sales tax at a 1¢ rate, raising $26 million dollars per year, until ended by voters, including annual audits, independent citizens oversight, and no money for Sacramento be adopted?
Respondent Priorities I
November 2018 (n=897)

Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores:
### Respondent Priorities II
#### November 2018 (n=897)

<table>
<thead>
<tr>
<th>Priority</th>
<th>Rating</th>
<th>Mean Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain youth and teen programs</td>
<td></td>
<td>0.92</td>
</tr>
<tr>
<td>Maintain crime prevention programs, such as Neighborhood Watch</td>
<td></td>
<td>0.87</td>
</tr>
<tr>
<td>Maintain youth sports and recreation programs</td>
<td></td>
<td>0.86</td>
</tr>
<tr>
<td>Ensure sidewalks are accessible for persons with disabilities</td>
<td></td>
<td>0.79</td>
</tr>
<tr>
<td>Maintain police officers in local high schools</td>
<td></td>
<td>0.71</td>
</tr>
<tr>
<td>Enhance residential code enforcement</td>
<td></td>
<td>0.44</td>
</tr>
<tr>
<td>Enhance commercial code enforcement</td>
<td></td>
<td>0.36</td>
</tr>
<tr>
<td>Incur debt to accelerate infrastructure projects</td>
<td></td>
<td>-0.01</td>
</tr>
</tbody>
</table>

Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: “Much More Likely” = +2, “Somewhat More Likely” = +1, “No Effect” = 0, “Somewhat Less Likely” = -1, and “Much Less Likely” = -2.
### Informative Statements 1
**November 2018 (n=897)**

<table>
<thead>
<tr>
<th>Statement</th>
<th>Sample A</th>
<th>Sample B</th>
<th>No Effect</th>
<th>Somewhat More Likely</th>
<th>Much More Likely</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. By law, all funds from this measure must stay in Concord to maintain local services. No funds can be...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M. None of the money raised by the measure would be used for City administrator salaries</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. This measure requires independent citizens oversight, mandatory financial audits, and yearly reports to the...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. If the measure is approved, street and pothole repair efforts will be enhanced to include residential streets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. The measure will help maintain streets and repair potholes on more than 65 million square feet of streets...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. The measure will help maintain streets and repair potholes on more than 300 miles of streets in the City of...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. If the measure is approved, neighborhood police patrols, gang prevention services, and park and...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F. Many streets and roads have not had major repair in more than 20 years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q. The measure would improve streets and roads like Clayton Road, Monument to Concord Avenue, and...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Since 1990, the State has taken $104 million dollars from Concord to deal with the State budget deficit. This...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores:
“Much More Likely” = +2, “Somewhat More Likely” = +1, and “No Effect” = 0.
P. Park and recreation usage has been increasing each year. This measure will keep our parks clean and safe,

C. This measure will maintain after-school programs, anti-gang activities, and recreation programs that keep...

L. The measure will maintain services for thousands of senior citizens every year

O. Now is the right time to invest in Concord. It will cost less to repair and maintain streets and roads now as...

N. The measure will maintain services for thousands of youth and teens every year

K. This measure renews Measure Q which has helped maintain our quality of life and kept Concord a safe...

I. The Measure Q Citizens’ Oversight Committee has given the City overwhelmingly positive annual reviews. Now...

H. Visitors and shoppers from outside of Concord will pay their fair share for local city services

G. The City has kept the promises it made when Measure Q was renewed in 2014, we can trust them to do the...

Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: “Much More Likely” = +2, “Somewhat More Likely” = +1, and “No Effect” = 0.
Informed Support for Hypothetical Measure

Shall the measure that continues funding, which Sacramento cannot take away, to protect and maintain Concord's city services, including:

- 911 emergency response,
- police officers,
- gang prevention,
- crime investigation,
- neighborhood police patrols,
- city street and pothole repair,
- senior and youth programs,
- unrestricted general revenue purposes,

by extending the existing voter-approved local sales tax at a 1¢ rate, raising $26 million dollars per year, until ended by voters, including annual audits, independent citizens oversight, and no money for Sacramento be adopted?
Instead of extending the sales tax until ended by voters, if you heard that the sales tax would end in 9 years, would you vote yes or no on the measure?

- November 2018:
  - Definitely Yes: 36.7%
  - Probably Yes: 23.8%
  - Probably No: 11.8%
  - Definitely No: 14.2%
  - DK/NA: 13.4%

- November 2020:
  - Definitely Yes: 37.8%
  - Probably Yes: 23.5%
  - Probably No: 12.2%
  - Definitely No: 13.3%
  - DK/NA: 13.1%