



Concord ANNOTATED AGENDA

**REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY COUNCIL SITTING
AS THE LOCAL REUSE AUTHORITY**

**Tuesday, March 25, 2014
6:30 p.m. – Regular Meeting
City Council Chamber
1950 Parkside Drive, Concord, CA**

**CLOSED SESSION
CITY COUNCIL CONFERENCE ROOM
5:30 p.m.**

- I. ROLL CALL – Mayor Grayson absent**
- II. PUBLIC ANNOUNCEMENT (Open Session)**
- III. PUBLIC COMMENT (Open Session) - None**
- IV. CLOSED SESSION:**
 - a. Conference with Legal Counsel – Anticipated Litigation
Potential initiation of litigation pursuant to Government Code Section 54956.9(d)(4). Identity of potential adverse party withheld to avoid jeopardizing ability to conclude existing settlement negotiations.

ACTION: Closed session held.
- V. ADJOURNMENT – at 6:25 p.m.**

**CITY COUNCIL
REGULAR MEETING
6:30 p.m. – City Council Chamber**

ROLL CALL – All present

PLEDGE TO THE FLAG – Councilmember Birsan**PUBLIC COMMENT PERIOD**

Battalion Chief Dominic Ciotola, Concord’s liaison with the Contra Costa Fire Protection District, introduced himself and extended an invitation to the Council to contact him at any time with questions or concerns.

Tim Madigan, Concord, announced that he was serving as the Interim Librarian at the Concord library and provided an overview of some of the upcoming events planned for the next couple of months.

Ray Barbour, Concord, spoke of the field trips students take to Markham Park and suggested that the northwest corner of Joan and La Vista Avenues be considered for curb and gutter under the Safe Routes to School program.

Lois Courchaine, Concord, expressed her concern over the number of discarded plastic bags that litter our road and water ways, and asked the Council to consider a municipal code plastic bag ban.

Sheila Hill, Concord, advised that surrounding communities had been pro-active in banning plastic bags, and urged the Concord City Council to do the same.

Charles Lindquist, Concord, shared his observations of the performance of the Design Review Board members during the meetings of February 27 and March 13.

1. PRESENTATIONS

- a. **Presentation** – Concord Pavilion Update presented by Matt Prieshoff, Chief Operating Officer for Live Nation, California. **Introduction by Mayor Grayson.**

ACTION: Andrew Hawkins, General Manager of the Concord Pavilion, gave an overview of the design concepts, colors and landscape improvements planned for the Pavilion upgrades, and shared information on the status of the project. He advised that he was confident that the work would be completed in time for the first show scheduled for May 25th.

- b. **Presentation** – to Ricardo Simental, Policy Coordinator, Monument Corridor Anti Drug and Alcohol Coalition proclaiming April as “Alcohol Awareness Month.” **Introduction by Mayor Grayson.**

ACTION: Mayor Grayson made a presentation to Ricardo Simental, Policy Coordinator of the Monument Corridor Anti Drug and Alcohol Coalition, proclaiming April as “Alcohol Awareness Month” in the City of Concord.

- c. **Presentation** – An overview and update on the Parks Maintenance Division. Presentation by Steve Voorhies, Parks Program Manager. **Introduction by Mayor Grayson.**

ACTION: Steve Voorhies, Parks Program Manager, gave a presentation on the City's Parks Maintenance Division and answered questions about the programs operations, goals and objectives.

2. **ANNOUNCEMENTS -**

**CITY COUNCIL
MATTERS**

3. **CITY COUNCIL CONSENT ITEMS:**

- a. **Approving** – the minutes from the meetings of February 25 and March 11, 2014. (No Fiscal Impact) Recommended by City Clerk.

ACTION: Minutes approved.

- b. **Adopt Ordinance No. 14-3** – amending Division 5, Downtown Districts (DP, DMX, and WMX), Section 122-153 Purpose, Subsection (c) WMX of the Development Code adding schools and amending Table 122-154.1 for consistency. Ordinance No. 14-3 was introduced on March 11, 2014 by reading of the title and waiving further reading. Recommended by Planning Commission.

ACTION: Ordinance No. 14-3 adopted.

- c. **Approving** – the receipt of grant funds in the amount of \$48,207.97 from the Brenden Mann Foundation, appropriate the funds for downtown patrol services, adopt Resolution No. 14-15 amending the Fiscal Year 2013-14 budget; and authorize the City Manager to execute all required documents. (Grant funds) Recommended by Chief of Police.

ACTION: Resolution No. 14-15 adopted amending the fiscal budget to accept a grant in the amount of \$48,207.97 and appropriate the funds for downtown patrol services; City Manager authorized to execute required documents.

- d. **Awarding** – a contract through the National Joint Powers Alliance (NJPA) to Owen Equipment Company in the amount of \$90,355.53 to purchase the ROVVER RCX 90 Closed Circuit Camera, ROVVER X 130 Crawler and Basic Truck Package system. (Sewer Operations Fund) Recommended by Director of Public Works.

ACTION: Contract awarded.

- e. **Awarding** – a contract for RFB #2277, Abandoned Trash Removal on an as-needed basis, in the amount not-to-exceed \$15,000 to Bernardini Enterprises, Inc. as the lowest responsive bidder; and authorize the City Manager to execute the current contract and extend the contract for up to three additional, one-year periods. (Grant Funds) Recommended by Director of Public Works.

ACTION: This item was pulled from the consent calendar by staff for reassessment of need.

- f. **Approving** – Project No. 2301 (ADA Improvements – Monument Blvd (Mi Casa Court to Detroit Avenue); and appropriate \$70,000 from Project No. 1284 (Citywide Accessibility Improvements) and \$6,500 from Project No. 2064 (Monument Corridor Pedestrian Infrastructure Improvements) to fully fund the project. Recommended by Director of Community and Economic Development.

ACTION: Project No. 2301 approved, and budget transfers in the amount of \$70,000 from Project No. 1284 and \$6,500 from Project No. 2064 were appropriated to the Project.

- g. **Approving** – the Third Amendment to the Stormwater Utility Area Agreement between the Contra Costa County Flood Control and Water Conservation District and the City of Concord; and authorizing the City Manager to sign the amendment. Resolution No. 14-18 for adoption. (No Fiscal Impact) Recommended by Director of Community and Economic Development.

ACTION: Resolution No. 14-18 adopted; City Manager authorized to sign the Third Amendment to the Stormwater Utility Area Agreement.

- h. **Matter to set for Public Hearing** – on Tuesday, April 8, 2014 at 6:30 p.m. in the Council Chamber – consideration of the proposed Resolution of Necessity for the acquisition of a permanent Right-of-Way and Utility Easement and a Temporary Construction easement for the Clayton Road/Treat Boulevard/Denkinger Road intersection Capacity Improvement Project. Recommended by Director of Community and Economic Development.

ACTION: Matter set for public hearing on Tuesday, April 8, 2014 at 6:30 p.m.

- i. **Approving** – and accepting the General Plan Annual Progress Report, including the Housing Element Annual Progress Report; and directing staff to submit the report to the Governor's Office of Planning and Research and to the State Department of Housing and Community Development. (No Fiscal Impact) Recommended by the Planning Commission.

ACTION: General Plan Annual Progress Report approved and accepted; and staff directed to submit the report to the Governor's Office of Planning and Research and to the State Department of Housing and Community Development.

- j. **Approving** – the first of two five-year extension options to East Bay Golf Center's Independent Contractor Agreement held with Joseph Fernandez, Director of Golf dated March 25, 2014; and authorize the City Manager to execute the agreement. (No Fiscal Impact) Recommended by Director of Parks and Recreation.

ACTION: Approving a five-year extension to East Bay Golf Center's Independent Contractor Agreement with Joseph Fernandez; and authorizing the City Manager to execute the agreement.

- k. **Authorizing** – and approving the hiring of a full-time, limited-duration (18-months) benefited Program Coordinator at an annual salary of \$78,520, plus benefits, to work in concert with the Information Technology Department and the entire organization to facilitate the purchase and implementation of a document imaging replacement system; authorizing the transfer of approved budget funds for personnel costs from the Information Technology, Community and Economic Development and City Management departments. (General Fund Transfer) Recommended by City Manager.

ACTION: Authorizing and approving the hiring of a full-time, limited-duration (18-month) benefited Program Coordinator at a salary of \$78,520 plus benefits; and authorizing the transfer of approved budget funds to cover the personnel costs.

4. CITY COUNCIL CONSIDERATION ITEMS:

- a. **Consideration** – of appointments to fill up to 4 positions on the Commission on Aging to increase membership due to recent resignations; and to fill one vacancy on the Appeals Board.

ACTION: 1) Following a report by Edi Biran, Chair of the Recreation, Cultural Affairs & Community Services Council Subcommittee, motion was made by Birsan and seconded by Leone to appoint Linda Bailey and Lela Elloway to serve on the Commission on Aging for terms ending June 30, 2015, and waive the need to interview the appointees during the 2015 recruitment, retaining the authority to reappoint the members for an additional term length if desired at that time; 2) following a report by Dan Helix, Chair of the Infrastructure and Franchise Council Subcommittee, motion was made by Helix and seconded by Hoffmeister to appoint John Edward Villandre to the Appeals Board to serve a term ending February 28, 2017.

5. CITY COUNCIL PUBLIC HEARING:

Notice of the public hearing was posted in the Civic Center posting cabinet, mailed to interested parties, and published in the Contra Costa Times on March 12 and March 18, 2014.

- a. **Consideration** – of the sale of an unused portion of property located at 4050 Port Chicago Highway, Concord California (APN 100-370-009) to Pacific Ranch Investments at fair market value. The General Plan and Zoning Designation for the property portion is Parks and Recreation and the project is classified as Categorical Exempt pursuant to Section 15305(a), Class 5, “Minor Alterations in Land Use Limitations.” Resolution No. 14-17 for adoption. Recommended by Director of Community and Economic Development. **Report by John Montagh, Economic Development and Housing Manager.**

ACTION: Report heard, opportunity for public testimony provided, Resolution No. 14-17 adopted authorizing the Mayor to enter into the purchase and sales agreement with Pacific Ranch Investments for a 12,075 square foot portion of property locate at 4050 Port Chicago Highway at a value of \$42,504.

**CITY COUNCIL SITTING AS
THE LOCAL REUSE AUTHORITY**

6. LOCAL REUSE AUTHORITY CONSENT ITEMS:

- a. **Approving** – an amendment to the Master Services Agreement with ALH Urban & Regional Economics (ALH Economics) for Professional Services associated with the Disposition and Land Transfer at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$5,000 for a total contract price of \$53,460 thus requiring Council approvals; and authorizing the Executive Director of the LRA to execute the agreement. Funding will be provided by a loan from the General Fund to the LRA approved by the City Council on December 10, 2013. Recommended Reuse Project Director.

ACTION: Amendment to agreement with ALH Urban & Regional Economics in the amount of \$5,000 approved and Executive Director authorized to execute it.

- b. **Approving** – an amendment to the Master Agreement for Professional Services with Erler and Kalinowski, Inc. in the amount of \$5,850 for a total contract price of \$124,850 for Professional Services associated with Hazardous Materials Management and Remedial Assessment Reviews; and authorizing the Executive Director of the LRA to execute the agreement. The funding will be a loan to the LRA from the General Fund as approved and appropriated as part of an amendment of the FY 2013/2014 budget approved by the City Council on December 10, 2013. Recommended Reuse Project Director.

ACTION: Amendment to agreement with Erler and Kalinowski, Inc. approved in the amount of \$5,850 approved and Executive Director authorized to execute it.

7. CORRESPONDENCE – City Council correspondence not selectively included in the following list is available for inspection during normal business hours by contacting the City Clerk at 671-3495.

- a. Letter dated February 27, 2013 from Mayor Grayson to Supervisor/Board Chair Mitchoff congratulating the receipt of a \$9.6M federal grant to hire firefighters.
- b. Memorandum dated March 25, 2014 submitted by City Clerk Lehman to remove the award of a contract for RFB #2277 from the consent calendar for reassessment.
- c. Materials submitted by Ray Barbour during the public comment period regarding his desire for a curb and gutter at La Vista and Joan Avenues.

- d. Copy of the comments read into the record by Charles Lindquist during the public comment period.
- e. Copy of the materials concerning a plastic bag ban distributed by Sheila Hill during the public comment period.
- f. Copy of the PowerPoint presentation given by Steve Voorhies, Parks Program Manager.
- g. List of the events and meetings that Vice Mayor Ron Leone had participated in during the period March 13, through March 25, 2014.

8. **CLOSED SESSION REPORTS - None**

9. **COUNCIL AND STAFF REPORTS**

The Councilmembers shared highlights of some of the events and activities in which they had participated over the past couple of weeks.

10. **ADJOURNMENT – at 8:40 p.m.**

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). 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 or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting (Policy and Procedure No. 2, Section 4.24). For information on the next regular or special City Council meeting, please call (925) 671-3495.

NEXT REGULAR CITY COUNCIL MEETING: 6:30 p.m.; Tuesday, April 8, 2014

MEETING RECORDS

DVDs of most City Council meetings are available for listening or viewing in the City Clerk's office and at the Concord Public Library. Copies of the DVDs may be purchased. Contact the Community Relations Manager at (925) 671-3272 for further information.

TELEVISED MEETINGS

All meetings are broadcast live on Comcast channel 28, Astound Broadband channel 29, and AT&T U-Verse channel 99. The meeting is replayed on the Wednesday following the meeting at 8:00 a.m., 2:00 p.m. and 7:00 p.m. Replays are also broadcast on Thursday, Friday and Saturday. Please check the City website, <http://www.cityofconcord.org/about/citynews/tvlistings.pdf>