



Concord ANNOTATED AGENDA

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

**Tuesday, April 22, 2014
6:30 p.m.
City Council Chamber
1950 Parkside Drive, Concord, CA**

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

ROLL CALL – Councilmember Helix absent

PLEDGE TO THE FLAG – Councilmember Hoffmeister

PUBLIC COMMENT PERIOD

Ray Barbour, Concord, extended appreciation to the City for the support shown to residents on Joan Avenue in responding to safety concerns and for the recent installation of speed humps paid for by the residents.

Roland Flamme, Concord, expressed his desire for the passage of a law which would prohibit roosters in residential areas.

Battalion Chief Lon Goetsch, Contra Costa County Fire Protection District, introduced himself and advised that Station 6 in Concord had recently added one truck and two fire fighters.

John and Carey Gregg, representing Calvary Temple Church, shared highlights of the Convoy of Hope event held on April 5, 2014.

Carlyn Obringer, Concord, extended an invitation to the Council and residents to attend the 2nd Annual AAUW-Concord Art and Wine (and Beer) Walk scheduled for Saturday, May 10, 2014 from 1:00 – 4:00 p.m. in downtown Concord.

George Fulmore, Concord, shared his concern over how schools are rated and suggested a more comprehensive testing of the schools.

Mark Weinmann, Chairman of the Community Services Commission, expressed his concern over recent matters relevant to the Commission.

1. **PRESENTATIONS**

- a. **Presentation** – in recognition of Phyllis Wanamaker and the Garden Club.
Introduction by Mayor Grayson.

ACTION: Presentations made to Phyllis Wanamaker for the years of service she has given to the Memorial Tree Program and to the Concord Women’s Garden Club for the initiation and maintenance of the Markham Arboritum.

- b. **Presentation** – in recognition of Police Officer Scott Wagner (retired).
Introduction by Mayor Grayson.

ACTION: Mayor Grayson presented a proclamation to Retired Police Officer Scott Wagner commending him for his support of Special Olympics and naming April 22, 2014 as Scott Wagner Day in the City of Concord.

- c. **Presentation** – Concord Tourism Improvement District update presented by Matt Hohenstreet, Visit Concord Boardmember. **Introduction by Mayor Grayson.**

ACTION: Mayor Grayson introduced Matt Hohenstreet, Board Member, and Trish Owen, Marketing Committee Representative of the Concord Tourism Improvement District, who introduced the logo and tagline “Diablo Valley – Defying Expectations” and shared the process of design and development. They also announced that a kick-off event was scheduled at Todos Santos Park for May 29th.

- d. **Presentation** – Library Strategic Plan Update presented by Gail McPartland, Deputy County Librarian, Public Services Contra Costa County Library.
Introduction by Mayor Grayson.

ACTION: Mayor Grayson introduced Gail McPartland, Deputy County Librarian, who further introduced Jessica Hudson, the new Concord Librarian. Ms. McPartland then gave an overview of the Library Strategic Plan and their outreach to the communities.

- (ADDED) e. **Presentation** – to Concord Disposal Service, in recognition of Earth Day, April 22, 2014. **Introduction by Mayor Grayson.**

ACTION: Mayor Grayson introduced Nicole Impagliazzo of Mt. Diablo Recycling and presented her with a proclamation naming April 22, 2014 as “Earth Day” in the City of Concord.

2. **ANNOUNCEMENTS - None**

**CITY COUNCIL
MATTERS**

3. **CITY COUNCIL CONSENT ITEMS:**

- a. **Approving** – the minutes from the meetings of April 1 and 2, 2014 (No Fiscal Impact). Recommended by City Clerk.

ACTION: Minutes approved.

- b. **Matter to set for Public Hearing** – on Tuesday, May 6, 2014 at 6:30 p.m. in the Council Chamber – consideration of the Draft 2014-15 Action Plan for Community Grant Funding from Community Development Block Grant Funds (CDBG) and Child Care Developer Fees. Recommended by Director of Parks and Recreation Services.

ACTION: Matter set for public hearing on May 6, 2014 at 6:30 p.m. in the Council Chamber.

- c. **Adopting** – Resolution No. 14-20 supporting the Walnut Creek Watershed Council and its Activities (No Fiscal Impact). Recommended by Director of Community and Economic Development.

ACTION: Resolution No. 14-20 adopted. (4-0-1; Helix absent)

- d. **Amending** – agreement with Pinnacle Petroleum Incorporated to provide and deliver unleaded gasoline on an as-needed basis (General Fund). Recommended by Director of Public Works.

ACTION: Amendment to the agreement with Pinnacle Petroleum Incorporated increasing the estimated annual fuel costs for the City's fleet from the original contract price of \$497,326.50 to \$501,577.00 due to unanticipated price changes in the petroleum market.

- e. **Approving** – Master Agreements for Professional Services with six transportation firms to prepare transportation studies in the City of Concord (CIP). Recommended by Director of Community and Economic Development.

ACTION: Master agreements approved with the below listed transportation consulting firms, each in the amount of \$250,000; and City Manager authorized to execute them as follows:

- a) **Kimley-Horn and Associates, Inc.**
- b) **Omni-Means Ltd.**
- c) **Kittleson & Associates, Inc.**
- d) **DKS Associates**
- e) **Fehr & Peers**
- f) **URS Corporation**

- f. **Adopting** – Policy and Procedure No.169 establishing a formal policy on memorial and commemorative items (no fiscal impact). Recommended by Director of Public Works.

ACTION: Policy and Procedure No. 169 adopted.

- g. **Approving** – the following items related to Downtown Landscape Maintenance District, Pine Hollow Landscape Maintenance District, Landscaping and Lighting Maintenance District #3, and the Citywide Street Lighting Assessment District. For additional information contact David Boatwright, Senior Admin Analyst at (925) 671-3141. (Funded by Landscape District Assessments) Recommended by Director of Public Works.

- (1) Accepting the Engineer's Report for the Downtown Landscape Maintenance District. Resolution No. 14-23 for adoption.

ACTION: Resolution No. 14-23 adopted. (4-0-1; Helix absent)

- (2) Accepting the Engineer's Report for Pine Hollow Landscape Maintenance District. Resolution No. 14-24 for adoption.

ACTION: Resolution No. 14-24 adopted. (4-0-1; Helix absent)

- (3) Accepting the Engineer's Report for Landscaping and Lighting Maintenance District No. 3. Resolution No. 14-25 for adoption.

ACTION: Resolution No. 14-25 adopted. (4-0-1; Helix absent)

- (4) Accepting the Engineer's Report for the Citywide Street Lighting Assessment District. Resolution No. 14-26 for adoption.

ACTION: Resolution No. 14-26 adopted. (4-0-1; Helix absent)

- (5) Ordering improvements in the Downtown Landscape Maintenance District; and setting a public hearing for May 27, 2014 at 6:30 p.m. in the Council Chamber. Resolution of Intention No. 14-27 for adoption.

ACTION: Resolution No. 14-27 adopted. (4-0-1; Helix absent)

- (6) Ordering improvements in the Pine Hollow Landscape Maintenance District; and setting a public hearing for May 27, 2014 at 6:30 p.m. in the Council Chamber. Resolution of Intention No. 14-28 for adoption.

ACTION: Resolution No. 14-28 adopted. (4-0-1; Helix absent)

- (7) Ordering improvements in the Landscaping and Lighting Maintenance District No. 3; and setting a public hearing for May 27, 2014 at 6:30 p.m. in the Council Chamber. Resolution of Intention No. 14-29 for adoption.

ACTION: Resolution No. 14-29 adopted. (4-0-1; Helix absent)

- (8) Ordering improvements in the Citywide Street Lighting Assessment District; and setting a public hearing for May 27, 2014 at 6:30 p.m. in the Council Chamber. Resolution of Intention No. 14-30 for adoption.

ACTION: Resolution No. 14-30 adopted. (4-0-1; Helix absent)

4. CITY COUNCIL CONSIDERATION ITEMS:

- a. **Consideration** – of the removal of Farm Bureau Road from the City's truck route system. Alternate truck routes exist in the City and there is no need to designate new truck routes to replace Farm Bureau Road. Most truck operators would shift to Clayton Road, Port Chicago Highway/East Street and Grant Street to gain access to/from Hwy 242 and Hwy 4. Recommended by the Director of Community and Economic Development. Resolution No. 14-3521.2 for adoption. (Minimal Fiscal Impact) Report by Ray Kuzbari, Transportation Manager.

ACTION: Report heard, public testimony, Resolution No. 14-3521.2 adopted authorizing the removal of the truck route designation from Farm Bureau Road; and directing staff to install the appropriate traffic signs to effectuate the change. (4-0-1; Helix absent)

5. **CITY COUNCIL PUBLIC HEARING:**

MAYOR: Madam Clerk, have all the publications been completed and appropriate parties notified?

- a. **Consideration** – of an appeal filed by Steve Rawlings, on behalf of 99 Cents Only Stores, concerning the Zoning Administrator’s denial of an application to sell alcoholic beverages at the 99 Cent Only Store at 4665 Clayton Road stating a discrepancy in the crime rates reported by the Concord Police Department to the California Department of Alcoholic Beverage Control and those reported to the Zoning Administrator as required for a Finding of Public Convenience and Necessity.

ACTION: Report heard, public testimony taken, Resolution No. 14-16 adopted denying the appeal, and upholding the Zoning Administrator’s denial of the 99 Cents Only Store request for a Finding of Public Convenience and Necessity. (4-0-1; Helix absent)

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

6. **LOCAL REUSE AUTHORITY CONSENT ITEMS:**

- a. **Approving** – an amendment to the Master Services Agreement with Environmental Risk Services Corporation (ERS) for Professional Services associated with hazardous materials management, remedial assessment reviews, and risk management planning in an amount not to exceed \$25,000 (OEA Grant) for a total contract price of \$140,000 thus requiring Council approvals; and authorizing the Executive Director of the LRA to execute the agreement. Recommended Reuse Project Director.

ACTION: Amendment to agreement approved; 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 from Mayor Grayson to California State Senator Correa in support of SB 1262 – Medical Marijuana.
 - b. Letter from Mayor Grayson to California State Senator Padilla in support of SB 270 Solid Waste: Single-use Carryout Bags.
 - c. Copy of the Art and Wine (and Beer) Walk flyer submitted by Carlyn Obringer during public comment period.
 - d. Copy of PowerPoint presentation made by Matt Hohenstreet during his presentation on “Diablo Valley – Defying Expectations.”
 - e. Copy of handout submitted by Gail McPartland during her presentation on the Contra Costa County Library’s Strategic Plan Update.
 - f. Copy of materials submitted by Isaac Kern during the public hearing on the 99 Cents Only Store appeal.
 - g. Copy of marketing materials submitted by Steven Rawlings showing the grocery and produce selections offered by 99 Cent Only stores
 - h. Legible copy of Attachment C “Memorial and Commemorative request and Agreement Form.”
 - g. List of events and activities in which Vice Mayor Ron Leone participated during the period April 9 – April 22, 2014.

8. **CLOSED SESSION REPORTS** - None

9. **COUNCIL AND STAFF REPORTS**

Councilmembers shared information on events and activities in which they had recently participated or had scheduled in the upcoming days.

10. **ADJOURNMENT – at 10:05 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, May 6, 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>