



CONCORD ANNOTATED AGENDA

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

**Tuesday, July 8, 2014
6:30 p.m. – Regular Meeting
City Council Chamber
1950 Parkside Drive, Concord, CA**

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

ROLL CALL – Mayor Grayson absent

PLEDGE TO THE FLAG – Councilmember Birsan

PUBLIC COMMENT PERIOD

1. PRESENTATIONS

- a. **Presentation** – by Chief of Police Guy Swanger recognizing Doug Schuster for his 17 years of Leadership with the Neighborhood Patrol program. **Introduction by Vice Mayor Leone.**

ACTION: Presentation made.

- b. **Presentation** – by Victoria Walker, Director of Community and Economic Development, providing an update on Community and Economic Development projects and activities. **Introduction by Vice Mayor Leone.**

ACTION: Presentation made.

2. ANNOUNCEMENTS - None

**CITY COUNCIL
MATTERS****3. CITY COUNCIL CONSENT ITEMS:**

- a. **Approving** – the minutes from the meeting of June 10, 2014. (No Fiscal Impact) Recommended by Deputy City Clerk.

ACTION: Minutes approved. (4-0-1; Grayson absent)

- b. **Approving** – the transfer of funds from Project No. 2019 in the amount of \$170,000 to Information Technology Contract Services account to be used for a five year lease agreement with Astound Broadband Corporation in the amount of \$10,830 per month for institutional fiber and internet services, and approving a five year amendment in the amount of \$4,500 per month to a lease agreement for co-location computer equipment space with Astound Broadband Corporation; and authorizing the City Manager to execute the agreements. (Project No. 2019 and General Funds) Recommended by Director of Information Technology.

ACTION: Transfer of funds from Project No. 2019 to Information Technology Contract Services account in the amount of \$170,000 to be used for a five year lease agreement with Astound Broadband Corporation approved; a five-year amendment in the amount of \$4,500 per month to a lease agreement with Astound Broadband Corporation approved; and the City Manager authorized to execute the agreements.

- c. **Approving** – an agreement with Hello Housing in the amount of \$49,000 for administering the City's Housing Conservation Program funded with Community Development Block Grant (CDBG) funds; and authorize the City Manager to execute the agreement. Recommended by Director of Parks and Recreation.

ACTION: Agreement with Hello Housing in the amount of \$49,000 approved; and the City Manager authorized to execute the agreement.

- d. **Approving** – the submittal of a Priority Development Area (PDA) Planning Grant Application to the Contra Costa Transportation Authority to support the preparation of a Corridor Plan for Salvio, Grant, and Oak Streets for a total grant request of \$250,000. Resolution No. 14-52 for adoption. Recommended by Director of Community and Economic Development.

ACTION: Submittal of a Priority Development Area (PDA) Planning Grant Application to the Contra Costa Transportation Authority approved; Resolution No. 14-52 adopted. (4-0-1; Grayson absent)

- e. **Matter to set for Public Hearing** – on Tuesday, July 22, 2014, at 6:30 p.m. in the Council Chamber and waiving the three week noticing period to consider an Uncodified Ordinance adopting a newly reformatted and republished Municipal Code for the City of Concord which will be maintained and hosted by Code Publishing Company as a link on the City’s website. Recommended by the City Clerk.

ACTION: Matter set for public hearing on Tuesday, July 22, 2014, at 6:30 p.m. in the Council Chamber.

- f. **Adoption of Ordinance No. 14-6** – an Ordinance amending the Concord Municipal Code and adopting clean up amendments to the 2012 Development Code: Volume 1, dated July 24, 2012 (Formerly Chapter 122 (Zoning) of the Concord Municipal Code) to revise various articles and sections, amending Title 12 (Streets, Sidewalks and Other Public Places), Chapter 12.50 (Vendors), Section 12.50.030 (Vending Locations; Permits and Business Licenses; Vendor Operations), Subsection (a); and Title 6 (Animals), Chapter 6.10 (Keeping Non-Commercial Animals), Section 6.10.020 (Definitions), and Section 6.10.030 (General Conditions for Keeping Livestock, Companion Animals and Fowl). Ordinance No. 14-6 was introduced on June 24, 2014. Recommended by Deputy City Clerk.

ACTION: Ordinance No. 14-6 adopted. (4-0-1; Grayson absent)

- g. **Approving** – the Final Map for Tract 9324, Olive Drive No. 1 Subdivision (Assessor’s Parcel No. 116-140-026) and the Subdivision Improvement Agreement; and authorizing the City Manager to execute the Agreement. Resolution No. 14-56 for adoption. Recommended by Director of Community and Economic Development.

ACTION: Final Map for Tract 9324, Olive Drive No. 1 Subdivision and the Subdivision Improvement Agreement approved; Resolution No. 14-56 adopted; and City Manager authorized to execute the agreement. (4-0-1; Grayson absent)

4. **CITY COUNCIL CONSIDERATION ITEM:**

- a. **Consideration** – of the Draft Housing Element Update 2014-2022 (General Plan Amendment – PL14212-GP) and authorizing the submission to the State Department of Housing and Community Development. **Report by Andrew Mogensen, Principal Planner.**

ACTION: Report heard, public testimony taken, Draft Housing Element Update 2014-2022 (General Plan Amendment – PL14212-GP) accepted, and submittal to the State Department of Housing and Community Development authorized.

- b. **Consideration** – of a request by Councilmember Helix for reconsideration of the action taken at the meeting of June 24, 2014 to increase various Parking Fine fees to match the highest charged in Contra Costa County as presented in the memorandum (Staff Report) dated June 24, 2014 and incorporated by consent into Resolution No. 14-6042.1. Councilmember Helix formally stated his support of the motion made by Councilmember Birsan and confirmed by majority of the Council for inclusion into the Resolution which was adopted unanimously. **Report by Councilmember Helix.**

ACTION: Report heard, opportunity for public testimony given, request for reconsideration approved and staff directed to bring the matter back for Council reconsideration on July 22, 2014. Councilmember Birsan made a request for reconsideration of a senior discount for the lap swim fees and staff was directed to bring the matter back to the July 22, 2014 meeting.

5. **CITY COUNCIL PUBLIC HEARING:**

- a. **Consideration** – of an amendment to Concord Municipal Code Sections 10.25.010 (Truck routes), 10.25.020 (Commercial vehicles prohibited from using certain streets) and 10.25.030 (Restrictions on use of Pine Hollow Road), to update the City's weight limit for commercial vehicles that are required to use truck routes from three tons to five tons, in accordance with State policy for registering commercial motor vehicles. Ordinance No. 14-5 for introduction. **Report by Ray Kuzbari, Transportation Manager.**

ACTION: Report heard; opportunity for public testimony given; and Ordinance No. 14-5 was introduced by reading of the title and waiving further readings. (4-0-1; Grayson absent)

- b. **Consideration** – of an amendment to Concord Municipal Code to include a new section on Valet Parking Zones under Chapter 10.30 (Stopping, Standing, and Parking) and update other sections accordingly, to facilitate vehicular access and parking at full-service eating establishments. Ordinance No. 14-7 for introduction. **Report by Ray Kuzbari, Transportation Manager.**

ACTION: Report heard; opportunity for public testimony given; and Ordinance No. 14-7 was introduced by reading of the title and waiving further readings. (4-0-1; Grayson absent)

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

6. LOCAL REUSE AUTHORITY CONSENT ITEMS:

- a. **Approving** – a Master Services Agreement in the amount of \$5,000 with Johnson Marigot Consulting, LLC for Concord Community Reuse Project Disposition and Development Regulatory Support Services. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2014 is \$5,000. Recommended by Reuse Project Director.

ACTION: Master Services Agreement with Johnson Marigot Consulting, LLC approved; and Executive Director authorized to execute agreement.

- b. **Approving** – an amendment to the Master Agreement for Professional Services associated with preparation of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station with H. T. Harvey & Associates (HTH), not to exceed \$65,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2009 is \$386,593. Recommended by Reuse Project Director.

ACTION: Amendment to the Master Agreement with H.T. Harvey & Associates (HTH) approved; and Executive Director authorized to execute agreement.

- c. **Approving** – an amendment to the Master Services Agreement with HR&A Advisors, Inc. (HR&A) for professional services associated with the Economic Development Conveyance (EDC) Application and Business Plan and developer selection process at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$70,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2012 is \$210,000. Recommended by Reuse Project Director.

ACTION: Amendment to the Master Services Agreement with HR&A Advisors, Inc. (HR&A) approved; and Executive Director authorized to execute agreement.

- d. **Approving** – an amendment to the Master Agreement for Professional Services associated with hazardous materials management, remedial assessment reviews, and risk management planning with Environmental Risk Services Corporation (ERS) for a not-to-exceed amount of \$85,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2012 is \$225,000. Recommended by Reuse Project Director.

ACTION: Amendment to the Master Agreement with Environmental Risk Services Corporation (ERS) approved; and the Executive Director authorized to execute agreement.

- e. **Approving** – an amendment to the Master Services Agreement with ALH Urban & Regional Economics (ALH Economics) for professional services associated with disposition and transfer planning at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$30,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2012 is \$101,460. Recommended by Reuse Project Director.

ACTION: Amendment to the Master Services Agreement with ALH Urban & Regional Economics (ALH Economics) approved; and the Executive Director authorized to execute agreement.

- f. **Approving** – an amendment to the Master Agreement for Professional Services in the amount of \$90,000 with Garrity and Knisely for Concord Community Reuse Project Legal Services. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2007 is \$470,000. Recommended by Reuse Project Director.

ACTION: Amendment to the Master Agreement with Garrity and Knisely approved; and City Attorney authorized to execute agreement.

- g. **Approving** – an amendment to the Master Services Agreement in the amount of \$18,000 with the Law Offices of Craig Labadie for Concord Community Reuse Project Disposition and Development legal services. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2012 is \$84,000. Recommended by Reuse Project Director.

ACTION: Amendment to the Master Services Agreement with the Law Offices of Craig Labadie approved; and City Attorney authorized to execute agreement.

- h. **Approving** – an amendment to the Professional Services Agreement for specialized legal services with Burke, Williams & Sorensen, LLP in the amount of \$80,000 in connection with transactional legal support for the transfer for the former Concord Naval Weapons Station (CNWS). Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2013 is \$180,000. Recommended by Reuse Project Director.

ACTION: Amendment to the Professional Services Agreement with Burke, Williams & Sorensen, LLP approved; and City Attorney authorized to execute agreement.

- i. **Approving** – an amendment to the Professional Services Agreement for specialized legal services with Ebbin Moser & Skaggs, LLP in the amount of \$70,000 in connection with development of a natural resource conservation strategy and site wide resource permits for the Concord Reuse Project Area Plan. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2012 is \$210,000. Recommended by Reuse Project Director.

ACTION: Amendment to the Professional Services Agreement with Ebbin Moser & Skaggs, LLP approved; and City Attorney authorized to execute agreement.

- j. **Approving** – an amendment to the Master Services Agreement with ARUP, Inc. for professional services associated with land transfer development planning at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$290,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2006 is \$10.1 million. Recommended by Reuse Project Director.

ACTION: Amendment to the Master Services Agreement with ARUP, Inc. approved; and Executive Director authorized to execute agreement.

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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 to Senator Correa re: AB 2471 (Frazier) Public contracts: change orders. (*As amended May 23, 2014*) Notice of Opposition.
- b. Photos submitted by Sandra Luz Miller during Public Comment.
- c. *Room for Life Science & Biotechnology – Businesses to Grow* brochure prepared by the City of Concord Economic Development Department.
- d. Concord Housing Element Update 2014-2022 PowerPoint Presentation.

- e. State of California – DMV – Commercial Vehicle Registration Act (CVRA) Process handout.
 - f. DMV Registration of Pickup Trucks handout.
 - g. Benched Ordinance No. 14-5.
 - h. Benched Ordinance No. 14-7.
 - i. List of events that Vice Mayor Leone attended dated June 25 – July 8, 2014.
8. **PUBLIC COMMENTS ON PRESENTATION ITEMS**
9. **CLOSED SESSION REPORTS**
10. **COUNCIL AND STAFF REPORTS**
11. **ADJOURNMENT**
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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) 671-3390.

NEXT REGULAR CITY COUNCIL MEETING: 6:30 p.m.; Tuesday, July 22, 2014

Tonight's meeting is replayed on the Wednesday following the meeting at 8:00 a.m. and 2:00 p.m.

MEETING RECORDS

City Council meetings are available for viewing on the City's website, www.cityofconcord.org and at the Concord Public Library. Copies of DVDs of the Council Meeting are available for purchase. Contact the City Clerk's Office at (925) 671-3390 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/pdf/about/citynews/tvlistings.pdf>