



CONCORD ANNOTATED AGENDA

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

**Tuesday, February 24, 2015
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 – All Present

PLEDGE TO THE FLAG – Councilmember Birsan

PUBLIC COMMENT PERIOD

Paul Poston, Concord, spoke to the Concord Naval Weapons Station Developer presentations from February 10 and 11 and thanked the Council and staff for their time. He was apprehensive of the first two developers' presentations and felt the third presentation followed the recommendation of the Committee.

1. PRESENTATIONS

- a. **Presentation** – by Matt Prieshoff, Chief Operating Officer, Live Nation, on the 2014 Concord Pavilion Season. **Introduction by Mayor Grayson.**

Action: Matt Prieshoff, Chief Operating Officer, Live Nation, presented an overview of the 2014 Concord Pavilion Season and a preview of the 2015 season.

- b. **Presentation** – by BART representatives regarding the Downtown Concord BART Station Intermodal Project. **Introduction by Joan Ryan, Senior Planner.**

Action: Senior Planner Joan Ryan introduced BART District I Director Gail Murray who introduced Project Manager Sadie Graham. Ms. Graham gave a presentation regarding the Downtown Concord BART Station Intermodal Project.

2. ANNOUNCEMENTS

City Clerk Joelle Fockler announced an extension to the recruitment to fill five positions on the Measure Q Oversight Committee and one position on the Central Contra Costa Transit Authority Advisory Committee; and set Friday, March 13, 2015, at 5 p.m. as the deadline for receipt of applications by the City Clerk for the Measure Q Oversight Committee and Friday, March 27, 2015, at 5 p.m. as the deadline for receipt of applications by the City Clerk for the Central Contra Costa Transit Authority Advisory Committee.

CITY COUNCIL MATTERS

3. CITY COUNCIL CONSENT ITEMS:

- a. **Approving** – the minutes from the meeting of January 27, 2015. (No Fiscal Impact) Recommended by the City Clerk.

Action: Minutes of the January 27, 2015 meeting approved.

- b. **Authorizing** – the application for Used Oil Competitive Grant Program funding; and authorizing the Director of Public Works, or his designee, to execute all necessary documents. Resolution No. 15-10 for adoption. Recommended by the Director of Public Works.

Action: Application for the Used Oil Competitive Grant Program approved; Director of Public Works, or his designee, authorized to execute all necessary documents. Resolution 15-10 approved.

- c. **Accepting** – a \$250,000 Priority Development Area Planning Grant from the Contra Costa Transportation Authority (CCTA) for the Downtown Corridors Plan, approving a Cooperative Funding Agreement with CCTA to administer the grant; and authorizing the City Manager to execute the agreement and any related amendments, and confirming staff's selection of the consultant for the project as ARUP from CCTA's approved list. Recommended by the Director of Community and Economic Development.

Action: \$250,000 Priority Development Area Planning Grant from the Contra Costa Transportation Authority (CCTA) for the Downtown Corridors Plan in the amount of \$250,000 and Cooperative Funding Agreement with CCTA to administer the grant approved; City Manager authorized to execute the agreement and any related amendments; and staff's selection of the consultant for the project as ARUP from CCTA's approved list confirmed.

- d. **Awarding** – a contract to Hinderliter, De Llamas and Associates for audit of sales and use tax transactions. (General Fund) Resolution No. 15-11 for adoption. Recommended by the Director of Finance.

Action: Contract to Hinderliter, De Llamas and Associates for audit of sales and use tax transactions and Resolution No. 15-11 approved.

- e. **Approving** – A Concord Pavilion Management Agreement side letter affirming the City’s commitment regarding Hoffman family seating and parking at the Concord Pavilion. (No Fiscal Impact) Resolution No. 15-12 for adoption. Recommended by the City Attorney.

Action: Concord Pavilion Management Agreement side letter affirming the City’s commitment regarding Hoffman family seating and parking at the Concord Pavilion and Resolution No. 15-12 approved.

4. **CITY COUNCIL CONSIDERATION ITEM:**

- a. **Appointment** – of three applicants to the Personnel Board for terms ending February 28, 2019. (No Fiscal Impact) **Report by Council Committee on Policy Development and Internal Operations.**

Action: Report heard; opportunity for public testimony given; and Randall Horton, Susan Buckland and Robert Ferrier appointed to the Personnel Board for terms ending February 28, 2019.

5. **CITY COUNCIL PUBLIC HEARING:**

- a. **Consideration** – of an appeal of Planning Commission action approving the Oakmont Senior Living Use Permit and Design Review Application (PL1400211), subject to the Conditions of Approval adopted by Planning Commission Resolution No. 15-01PC. Resolution No. 15-9 for adoption. **Report by Frank Abejo, Senior Planner.**

Action: Report Heard; public testimony taken; and amended Resolution No. 15-9 adopted, denying the appeal and approving the Oakmont Senior Living Use Permit and Design Review (PL1400211), with a deed restriction and revisions to COA #28.

**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 and Regional Economics (ALH Economics) for professional services associated with disposition and land transfer planning at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$15,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total contract value since 2012 is \$116, 460. Recommended by the Local Reuse Authority Executive Director.

Action: Amendment to the Master Services Agreement with ALH Urban and Regional Economics (ALH Economics) for professional services associated with disposition and land transfer planning at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$15,000 approved; Executive Director authorized to execute the amendment.

- b. **Approving** – an amendment to the Professional Services Agreement for specialized legal services with Burke, Williams & Sorensen, LLP, in the amount of \$35,000 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 \$215,000. Recommended by the Local Reuse Authority Executive Director.

Action: An amendment to the Professional Services Agreement for legal services with Burke, Williams & Sorensen, LLP, in the amount of \$35,000 in connection with transactional legal support for the transfer for the former Concord Naval Weapons Station (CNWS) approved; City Attorney authorized to execute the amendment.

- c. **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) not to exceed \$120,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total Funding since 2012 is \$345,000. Recommended by the Local Reuse Authority Executive Director.

Action: 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) not to exceed \$120,000 approved; Executive Director authorized to execute the amendment.

- d. **Approving** – an amendment to the Master Agreement for Professional Services for Concord Community Reuse Project legal services with Garrity and Knisely in the amount of \$30,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2007 is \$500,000. Recommended by the Local Reuse Authority Executive Director.

Action: An amendment to the Master Agreement for Professional Services for Concord Community Reuse Project legal services with Garrity and Knisely in the amount of \$30,000 approved; City Attorney authorized to execute agreement.

- e. **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 \$62,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2006 is \$10.2 million. Recommended by the Local Reuse Authority Executive Director.

Action: 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 \$62,000 approved; Executive Director authorized to execute the agreement.

- f. **Approving** – an amendment to the Master Agreement with H. T. Harvey & Associates (HTH) for professional services associated with preparation of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station in an amount not to exceed \$35,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2009 is \$421,593. Recommended by the Local Reuse Authority Executive Director.

Action: An amendment to the Master Agreement with H. T. Harvey & Associates (HTH) for professional services associated with preparation of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station in an amount not to exceed \$35,000 approved; Executive Director authorized to execute the agreement.

- g. **Approving** – an amendment to the Master Agreement with Engineering Science Associates (ESA) for professional services associated with preparation of conceptual flood management plans and creek restoration plans in support of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station in an amount not to exceed \$31,000. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Total funding since 2008 is \$251,300. Recommended by the Local Reuse Authority Executive Director.

Action: An amendment to the Master Agreement with Engineering Science Associates (ESA) for professional services associated with preparation of conceptual flood management plans and creek restoration plans in support of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station in an amount not to exceed \$31,000 approved; Executive Director authorized to execute the agreement.

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 671-3390.

- a. PowerPoint Presentation for agenda item 5a – Oakmont Senior Living Appeal.

8. **PUBLIC COMMENTS ON PRESENTATION ITEMS**

Kenji Yamada, Concord, spoke to the presentation by BART regarding the Downtown BART Station Intermodal project, thanking the Council for their questions and addressed questions to BART to which he will forward to BART.

9. CLOSED SESSION REPORTS

City Attorney Mark Coon reported that at a closed session held on November 25, 2014 regarding the workers' compensation claim of Richard Eidson v. City of Concord (Worker's Compensation Appeals Board Case Number ADJ23612) the City Council, by unanimous vote, approved a settlement offer to resolve the case in the amount of \$71,449. On Monday, February 23, 2015, Mr. Eidson accepted that settlement offer, and the case has been formally dismissed.

10. COUNCIL AND STAFF REPORTS.

The Councilmembers shared highlights of some of the events and activities in which they had participated since the last Council meeting.

11. ADJOURNMENT – at 8:55 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) 671-3390.

NEXT REGULAR CITY COUNCIL MEETING: 5:30 p.m.; Tuesday, March 3, 2015.**Please note meeting start time.**

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 a.m., 2 p.m. and 7 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>