



CONCORD ANNOTATED AGENDA

**REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY COUNCIL SITTING AS THE
CONCORD/PLEASANT HILL HEALTH CARE DISTRICT
Tuesday, June 9, 2015
6:30 p.m.
City Council Chamber
1950 Parkside Drive, Concord, CA**

**CLOSED SESSION
City Council Conference Room
5:30 p.m.**

I. ROLL CALL – all present.

II. PUBLIC ANNOUNCEMENT (Open Session) – none.

III. PUBLIC COMMENT (Open Session) – none.

IV. CLOSED SESSION:

a. Conference with Labor Negotiators pursuant to Government Code Section 54957.6.

City Negotiators: Valerie Barone, City Manager
Laura Brunson, Director of Human Resources
Charles Sakai, Esq. and Don Turko of Renne, Sloan,
Holtzman & Sakai

Employee Organizations: Administrative, Technical & Clerical Representation Unit and Field & Operations Representation Unit of International Brotherhood of Teamsters Local 856; Professional Representation Unit of OPEIU Local 29; Peace Officer Representation Unit of Concord Police Officers Association and Police Managerial Representation Unit of Police Management Association.

Unrepresented Units: Executive, Management & Confidential Employees

b. Conference with Legal Counsel – Anticipated Litigation (Government Code Section 54956.9 (d)(2))

c. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8.

Property: Area within Concord Community Reuse Plan

Negotiating Parties: Michael Wright – City of Concord
Alan Lee – Department of Navy, BRAC Project Office

Under Negotiation: Price, Terms of Payment

- d. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) – pending litigation proceeding entitled: *Ana Ramos v. City of Concord, et al.*, Contra Costa County Superior Court Case No. MSC13-01663

V. ADJOURNMENT

ACTION: Closed session held.

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

ROLL CALL – all present.

PLEDGE TO THE FLAG – Councilmember Birsan

PUBLIC COMMENT PERIOD

Bruce Borjesson, Concord, spoke of his opposition to PG&E’s Contra Costa-Moraga 230kV Reconductoring Project.

Tim McGallian, Todos Santos Business Association, spoke of the events scheduled for the 4th of July holiday.

Jonathan Kevles, Renew Financial, requested that the City opt-in to CaliforniaFIRST PACE financing program.

- 1. **PRESENTATIONS – none.**
- 2. **ANNOUNCEMENTS – none.**

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

- a. **Approving** – the minutes from the meeting of May 26, 2015. (No Fiscal Impact) Recommended by the City Clerk.

ACTION: Minutes approved.

- b. **Matter to set for public hearing** – on Tuesday, July 7, 2015, at 6:30 p.m. in the City Council Chamber to consider an Ordinance amending District WMX of the Development Code deleting certain industrial uses and amending Table 18.45.020 for consistency. An addendum to the 2012 EIR to the Development Code has been prepared and approved by the Planning Commission with the recommendation it be forwarded to the City Council for adoption. Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, July 7, 2015.

- c. **Matter to set for public hearing** – on Tuesday, July 7, 2015, at 6:30 p.m. in the City Council Chamber to consider an Ordinance amending District IMX of the Development Code allowing certain outdoor activities with a Use Permit and amending Table 18.45.020 for consistency. An addendum to the 2012 EIR to the Development Code has been prepared and approved by the Planning Commission with the recommendation it be forwarded to the City Council for adoption. Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, July 7, 2015.

- d. **Matter to set for public hearing** – on Tuesday, July 7, 2015, at 6:30 p.m. in the City Council Chamber to consider an amendment to the Concord Municipal Code Title 15 (Buildings and Building Regulations), in order to add a new Chapter 15.115 (Solar Energy Systems) to create an expedited, streamlined permitting process for small residential rooftop solar systems as required by Assembly Bill 2188 (Chapter 521, Statutes 2014). The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). The proposed Municipal Code amendment will have no significant negative effect on the environment. Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, July 7, 2015.

- e. **Authorizing** – the purchase of Dell computer equipment in the amount of \$96,592.24. (Computer Replacement Fund) Recommended by the Director of Information Technology.

ACTION: Purchase of Dell computer equipment in the amount of \$96,592.24 authorized.

- f. **Approving** – a three-year Enterprise License Agreement with Microsoft in the amount of \$97,498.57 for the first year and \$102,620.51 for years two and three for software licenses used by all City Staff, and authorize the City Manager to execute the Agreement. (General Fund) Recommended by the Director of Information Technology.

ACTION: Three-year Enterprise License Agreement with Microsoft approved; City Manager authorized to execute the agreement.

- g. **Approving** – a Professional Services Agreement with Harrison Engineering, Inc. of Pleasant Hill in the not-to-exceed amount of \$100,000 to provide civil engineering design, environmental review, right-of-way certification and design services during construction; approving an associated budget transfer in the amount of \$15,000 for Concord Various Streets Preservation (Project No. 2292); and authorizing the City Manager to execute the Agreement. (Measure J, Gas Tax, and STP/CMAQ through OBAG Grant Funds) Recommended by the Director of Community and Economic Development.

ACTION: Professional Services Agreement with Harrison Engineering, Inc. approved; budget transfer approved; City Manager authorized to execute the agreement.

- h. **Authorizing** – the lien on various properties for failure to pay abatement costs, administrative citation fines, inspections and re-inspection fees; and directing the Contra Costa County Auditor Controller to assess the property owners' regular property tax bills for the amounts shown therein. Resolution No. 15-42 for adoption. (General Fund Reimbursement) Recommended by the Chief of Police and the Director of Community and Economic Development.

ACTION: Resolution No. 15-42 adopted.

- i. **Authorizing** – the purchase of battery backup systems and 24VDC backup battery packs for signal controllers from Tesco Controls, Inc. as a Sole Source Contract (Measure J 28(a) Funds) Recommended by the Director of Public Works.

ACTION: Purchase of battery backup systems and 24VDC backup battery packs for signal controllers from Tesco Controls, Inc. approved.

4. CITY COUNCIL PUBLIC HEARING:

BUDGET HEARING

a. **Consideration – of the Biennial Budget and Ten-Year Financial Forecasts for Fiscal Years 2015-16 and 2016-17 for the City of Concord and Related Items**

- 1) **Presentation** – concluding the presentations begun at the May 12, 2015 Budget Workshop and addressing the questions raised at that meeting. **Report by City Manager Valerie Barone.**

ACTION: Presentation made by Deputy City Manager Jovan Grogan.

- 2) **Presentation** – of the Capital Improvement Budget. **Report by Robert Ovadia, City Engineer.**

ACTION: Presentation made by City Engineer Robert Ovadia.

- 3) **Presentation** – of the Enterprise and Special Revenue Ten-Year Plans.

- Sewer and Stormwater Fund. **Report by Robert Ovadia, City Engineer.**
- Diablo Creek Golf Course Fund. **Report by Joan Carrico, Director of Parks and Recreation.**

ACTION: Presentation continued to the June 23, 2015 Public Hearing.

- 4) **Proposed Amendment to Exhibit A to Resolution No. 78-6042 (Establishing Fees and Charges for Various Municipal Services in the City of Concord)** - consideration of amending Exhibit A to the Master Fees and Charges Resolution for fees relating to various municipal services, including but not limited to Administrative Fees; Business, Professional and Trades Fees; Parks and Recreation Fees; Permit Center Fees; Police Fees; Off-Site Street Improvement Program (OSIP) Fees; and Parkland In-Lieu Fees. Data is available, as required by Government Code Title 7, Division 1, Chapter 8 Section 66016. Resolution No. 15-6042.1 proposed.

- 5) **Annual Appropriation Limits and Adjustment Factors** - approving annual appropriation limits and adjustment factors for Fiscal Year 2015-16, pursuant to Article XIII B of the California Constitution and reaffirming Policy & Procedure No. 129, "Budget and Fiscal Policies" in order to ensure the City's continued financial health. Resolution No. 15-43 proposed.
- 6) **Establishment of the Minimum Purchase Threshold** for Fiscal Year 2015-16 over which City Council approval is required in accordance with Concord Municipal Code Article VIII Sec. 2-644(a). Resolution No. 15-44 proposed.
- 7) **2015-16 and 2016-17 City of Concord Budget, Ten-Year Financial Forecast and Capital Improvement Program** - consideration of Fiscal Year 2015-16 and 2016-17 City of Concord Budget and Ten-Year Financial Forecast, and adoption of the 2015-16 Capital Improvement Program. Resolution No. 15-45 proposed.

ACTION: Reports heard; public hearing opened, public testimony taken; public hearing continued to Tuesday, June 23, 2015 at 6:30 p.m. in the Council Chamber.

**CITY COUNCIL SITTING
AS THE CONCORD/PLEASANT HILL
HEALTH CARE DISTRICT**

**5. CONCORD/PLEASANT HILL HEALTH CARE DISTRICT CONSIDERATION
ITEM:**

- a. **Considering** – approval of the Concord/Pleasant Hill Health Care District Grant Committee second year funding recommendations for programs/projects for FY 2015/16. Resolution No. 15-010 for adoption. **Report by Brenda Kain, Community Services Program Manager.**

ACTION: Report heard; public testimony taken; Resolution No. 15-010 adopted; Executive Director authorized to execute all required documentation.

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5. **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. Letter from Public Utilities Commission to Mr. David T. Kraska and photos submitted by Bruce Borjesson
 - b. Renew Financial Statement Made by Jonathan Kevles
 - c. Benched Item No. 3H Attachment 1, Exhibit A
 - d. Budget Hearing FY 2015-16 PowerPoint Presentation

6. **PUBLIC COMMENTS ON PRESENTATION ITEMS – none.**

7. **CLOSED SESSION REPORTS**

City Attorney Mark Coon reported that at tonight's meeting a settlement was reached in the case entitled: *Ana Ramos v. City of Concord, et. al*, in the amount of \$375,000.

8. **COUNCIL AND STAFF REPORTS**

Councilmembers commented on the recent meeting held on June 5, 2015, in Austin, Texas, to meet with Catellus and stakeholders of the project developed by Catellus for a very informative meeting in choosing the best fit for a developer for the Concord Reuse Project.

Councilmembers shared information on recent and upcoming activities and events.

9. **ADJOURNMENT – at 9:35 p.m. to reconvene in Closed Session.**

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, June 23, 2015.

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>