

**Please note 6 p.m.  
Open Session start**

**COUNCIL MEMBERS**  
Laura M. Hoffmeister, Mayor  
Ronald E. Leone, Vice Mayor  
Edi E. Birsan  
Timothy S. Grayson  
Daniel C. Helix

Civic Center  
1950 Parkside Drive  
Concord, CA 94519  
[www.cityofconcord.org](http://www.cityofconcord.org)



**ANNOTATED AGENEDA**

**Regular Meeting of the  
Concord City Council/City Council Sitting as the Successor  
Agency of the Concord Redevelopment Agency/City Council  
Sitting as the Local Reuse Authority**

Tuesday,  
September 13, 2016

6:00 p.m. - Open Session

Council Chamber  
1950 Parkside Drive

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Information for the public on participation at Council meetings can be found on the back of the Speaker Identification Card located near the Council Chamber entrance. Should you have any questions after consulting the Speaker Identification Card, please contact the City Clerk prior to the Council meeting.

**AGENDIZED ITEMS** – The public is entitled to address the City Council on items appearing on the agenda before or during the City Council's consideration of that item. Each speaker will be limited to approximately three minutes.

**1. OPENING**

**Roll Call – Councilmember Helix absent**

**Pledge to the Flag – Councilmember Grayson**

**2. PUBLIC COMMENT PERIOD**

This is a fifteen minute Public Comment Period for items within the City Council's subject matter jurisdiction that are not on this agenda. Each speaker will be limited to approximately three minutes. State law prohibits the City Council from acting at this meeting on any matter raised during the Public Comment Period.

Mike McDermott, Concord, spoke of the Planning Commission approach to managing parking in new developments.

Paul Poston, Concord, thanked Justin Ezell and Steve Voorhies for addressing issues at Bay View Park, stating it was taken care of promptly and he was happy with the City response to issues raised.

Dea Smith, Concord, spoke of traffic at Treat and Clayton Road and that Canterbury Village is being used as a cut through, especially during commute hours.

Cindy Campos, Concord, announced the Detroit Avenue Celebration to be held September 24 from 10 a.m. – 2 p.m. at Meadows Home Park.

Abdulia Sanchez and Perunika Kabaivanova, Concord, invited the Council and citizens to the Detroit Avenue Celebration, and thanked Council for its support of the Complete Streets Program.

Rhea Elena, First Five Contra Costa, thanked Council and staff for its ongoing support in making Detroit Avenue safe through the Complete Streets project.

Harmesh Kumar, Concord, spoke of the anniversary of 9/11, and spoke of the high rates of suicide and violence in the United States due to mental health services not being available.

Joe Partansky, Concord, spoke of an event at the Clayton Library to be held September 28 at 6:30 p.m. on Contra Costa County's Community Warning System; and thanked the Police Department for its efforts in the recent raids that resulted in the arrest of 24 gang members.

George Fulmore, Concord, spoke of Capital Improvement Projects in the Monument area.

### 3. PRESENTATIONS

- a. **Presentation** – to Father Marin of the St. Demetrios Greek Orthodox Church proclaiming September 16-18, 2016 as Greek Festival Days in Concord. Presentation by Mayor Hoffmeister.

**ACTION: Mayor Hoffmeister presented Father Marin of the St. Demetrios Greek Orthodox Church a proclamation declaring September 16-18, 2016 as Greek Festival Days in the City of Concord.**

- b. **Presentation** – proclaiming the week of September 19-25, 2016 as Falls Prevention Awareness Week in the City of Concord. Presentation by Mayor Hoffmeister.

**Mayor Hoffmeister presented Linda Meneken, Meals on Wheels and Senior Outreach Services, a proclamation declaring the week of September 19-25, 2016 as Falls Prevention Awareness in the City of Concord.**

- c. **Presentation** – to the Concord Police Department from the California Highway Patrol and California Office of Traffic Safety for First Place for the California Law Enforcement Challenge and Special Award for Distracted Driver Enforcement. Introduction by Mayor Hoffmeister.

**Mayor Hoffmeister introduced Chief Paul Fontana, California Highway Patrol, Golden Gate Division, who presented the Concord Police Department First Place Award for the California Law Enforcement Challenge and Special Award for Distracted Driver Enforcement.**

- d. **Presentation** – of the Public Works Department Award of Excellence by Director of Public Works Justin Ezell. Introduction by Mayor Hoffmeister.

**ACTION: Director of Public Works, Justin Ezell, introduced recipient Don Morrison who was presented with the Public Works Department Award of Excellence by Mayor Hoffmeister.**

- e. **Presentation** – by Guy Bjerke, Director of Community Reuse Planning, on the status of the Community Reuse Project. Introduction by Mayor Hoffmeister.

**ACTION: Guy Bjerke, Director of Community Reuse Planning, presented an update on the status of the Community Reuse Project.**

- f. **Presentation** – by Director of Finance, Karan Reid, on the City's Unfunded Liabilities. Introduction by Mayor Hoffmeister.

**ACTION: Karan Reid, Director of Finance, presented an update on the City's Unfunded Liabilities.**

#### **4. ANNOUNCEMENTS – none**

#### **5. CITY COUNCIL CONSENT CALENDAR**

The public is entitled to address the City Council on items appearing on the Consent Calendar before or during the City Council's consideration of the Consent Calendar. Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Councilmember, individual or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Mayor may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate.

- a. **Considering** – approval of the minutes from the meetings of April 26, May 3, and May 10, 2016. Recommended by the City Clerk.

**ACTION: Minutes from the meetings of April 26, May 3, and May 10, 2016 approved.**

- b. **Matter to set for Public Hearing** – on Tuesday, October 11, 2016, at 6:30 p.m. in the Council Chamber - considering a proposed amendment to the Concord Municipal Code Title 2 (Administration) regarding the Board of Appeals, and to the Title 15 (Buildings and Building Regulations) to include the 2016 California Code Regulations, Title 24, consisting of the California Building Code, California Residential Code, California Fire Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Historical Code, California Building Code, and the California Green Building Standards Code. Recommended by the Director of Community and Economic Development.

**ACTION: Public Hearing set for Tuesday, October 11, 2016, at 6:30 p.m.**

- c. **Matter to set for Public Hearing** – on Tuesday, September 27, 2016, at 6:30 p.m. in the Council Chamber - considering adoption of the Bicycle, Pedestrian and Safe Routes to Transit Plan, which envisions Concord as a community where bicycling, walking and transit can serve the transportation needs of all users. The Plan outlines a strategy to develop a safer and more comfortable walking and bicycling network, through physical improvements and programs designed to educate and encourage safe use of the expanded transportation network. The Plan helps position the City for future funding for bicycle, pedestrian and transit access improvements by identifying community needs and addressing those needs with \$146 million of identified and prioritized capital improvement projects. The Plan also contains evaluation programs to encourage forward progress by documenting progress towards the Plan's goals. Recommended by the Director of Community and Economic Development.

**ACTION: Public Hearing set for Tuesday, September 27, 2016, at 6:30 p.m.**

- d. **Considering** – adoption of Ordinance No. 16-5 entitled, "An Ordinance Amending Concord Municipal Code, Title 18, Development Code, Chapter 18.45.010(C) (Purpose - WMX-West Concord Mixed Use) to Change the Land Use Designation from Downtown Mixed-Use to West Concord Mixed Use for Six Parcels (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) located on the North Side of Concord Avenue between Highway 242 and Bonifacio." Ordinance No. 16-5 was introduced on August 2, 2016 by reading of the title only and waiving further reading. Recommended by the City Clerk.

**ACTION: Ordinance No. 16-5 adopted by the following vote of the Council:**

**AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix**

- e. **Considering** – adoption of Ordinance No. 16-425.2 entitled, "An Ordinance Amending the Concord 2030 General Plan, Downtown Specific Plan, and Zoning Map to Change the Land Use Designation from Downtown Mixed Use to West Concord Mixed Use for Six Parcels (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) located on the North Side of Concord Avenue between Highway 242 and Bonifacio." Ordinance No. 16-425.2 was introduced on August 2, 2016 by reading of the title only and waiving further reading. Recommended by the City Clerk.

**ACTION: Ordinance No. 16-425.2 adopted by the following vote of the Council:**

**AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix**

- f. **Considering** – adoption of Resolution No. 16-69 Accepting Deferred Improvements for Tract 9162, Copperleaf Subdivision; and releasing the Obligation of the Reduced Faithful Performance Bond. Recommended by the Director of Community and Economic Development.

**ACTION: Resolution No. 16-69 adopted by the following vote of the Council:**

**AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix**

- g. **Considering** – award of a Construction Contract for Traffic Signal Head Retrofit Project No. 2312, in the amount of \$109,615.00 to DC Electric Group Inc. (Funded by Gas Tax, Measure Q, and Measure J Local funds) Recommended by the Director of Public Works.

**ACTION: Construction contract awarded in the amount of \$109,615 for Traffic Signal Retrofit Project No. 2312 to DC Electric Group, Inc.**

- h. **Considering** – approval of a license agreement to allow the Monument Community Shuttle operator, MYGORIDE, Inc., to use City of Concord property for overnight parking of shuttle vehicles; and authorizing the City Manager to execute the agreement. Recommended by the Director of Community and Economic Development.

**ACTION: License agreement to allow the Monument Community Shuttle operator, MYGORIDE, Inc., to use City of Concord property for overnight parking of shuttle vehicles approved; City Manager authorized to execute the agreement.**

- i. **Considering** – award of an Equipment Procurement Contract in the amount of \$83,631 to Miracle Play Systems, Inc. for Meadow Homes Park Playground Installation, Project No. 2352 (Funded by Measure WW and Parkland) Recommended by the Director of Community and Economic Development.

Project is categorically exempt per CEQA Guidelines Section 15303 – New Construction.

**ACTION: Equipment Procurement Contract awarded in the amount of \$83,631 for Meadow Homes Park Playground Installation, Project No. 2352, to Miracle Play Systems, Inc.**

- j. **Considering** – award of contract to Future Ford in the amount of \$83,270.16 for RFB #2355, three 2017 Ford Utility Police Interceptors. Recommended by the Director of Public Works.

**ACTION: Purchase of three 2017 Ford Utility Police Interceptors in the amount of \$83,270.16 awarded to Future Ford of Concord.**

- k. **Considering** – approval of a cooperative agreement with the Contra Costa Transportation Authority to fund construction costs of the Salvio Street Complete Streets Project (Project No. 2331); and authorizing the Mayor to execute the agreement. Recommended by the Director of Community and Economic Development.

**ACTION: Cooperative agreement with the Contra Costa Transportation Authority to fund construction costs of the Salvio Street Complete Streets Project, Project No. 2331, approved; Mayor authorized to execute the agreement.**

- l. **Item to set for Public Hearing** – on Tuesday, September 27, 2016, at 6:30 p.m. in the Council Chamber - considering the sale of an unused 4,342 square foot portion of property located at 4050 Port Chicago Highway, Concord, California, APN 100-370-013, to Pacific Ranch Investments, L.P. for an appraised value of \$17,300. Recommended by the Director of Community and Economic Development.

**ACTION: Public Hearing set for Tuesday, October 11, 2016, at 6:30 p.m.**

- m. **Considering** – responses to Contra Costa County 2015-16 Grand Jury Reports Nos. 1609, "Human Trafficking," and 1614, "Where will we Live?" Recommended by the Chief of Police and the Director of Community and Economic Development.

**ACTION: Responses to Contra Costa County 2015-16 Grand Jury Report Nos. 1609, "Human Trafficking," and 1614, "Where will we Live?" approved; City Manager authorized to submit the responses to the Grand Jury on behalf of the City.**

- n. **Considering** – adoption of Resolution Nos. 16-71, 16-72, 16-73, 16-74, 16-75 and 16-76 fixing the employer's contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA) for members of the International Brotherhood of Teamsters Local Union 856 (ATC and F&O units), the Concord Police Association, the Concord Police Managers' Representation Unit, the Office and Professional Employees International Union (OPEIU) Local 29, and Unrepresented Employees for 2017. Recommended by the Director of Human Resources.

**ACTION: Resolution Nos. 16-71, 16-72, 16-73, 16-74, 16-75 and 16-76 adopted by the following vote of the Council:**

**AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix**

- o. **Considering** – adoption of an Amended Flexible Spending Account Section 125 Program to provide for a cafeteria plan option; and establishing a Health Reimbursement Arrangement Account. Recommended by the Director of Human Resources.

**ACTION: Amended Flexible Spending Account Section 125 Program providing for a cafeteria plan option adopted and a Health Reimbursement Arrangement Account established.**

- p. **Considering** – amendment of Policy & Procedure No. 37.17, Vacation, to ensure compliance with IRS regulations relating to the process for receiving cash-in-lieu of vacation and to reflect clean-up language based on previously agreed to changes that occurred in prior Memoranda of Understanding that had not been reflected in the policy before. Recommended by the Director of Human Resources.

**ACTION: Policy & Procedure No. 37.17, Vacation, amended to ensure compliance with IRS regulations relating to the process for receiving cash-in-lieu of vacation and to reflect clean-up language.**

- q. **Considering** – adoption of Successor Agency Resolution No. 16-780S approving the Purchase and Sale Agreement for a 9,600 square foot parcel at 1601 Sutter Street containing a 3,600 square foot office building to Rose Family Properties; and authorizing the City Manager, or her designee, to execute all documents needed to complete the transaction in a form acceptable to the City Attorney. Recommended by the Director of Community and Economic Development.

**ACTION: Successor Agency Resolution No. 16-780S adopted by the following vote of the Council:**

**AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix**

## 6. CITY COUNCIL CONSIDERATION ITEMS

The public is entitled to address the City Council on items appearing on the agenda before or during the City Council's consideration of that item. Each speaker will be limited to approximately three minutes.

- a. **Considering** – a proposed citywide Project Stabilization Agreement with the Contra Costa Building & Construction Trades Council for all City let construction projects over \$750,000 in value; and authorize the City Manager to execute the agreement in a form acceptable to the City Attorney. Recommended by the Director of Community and Economic Development.

**ACTION: Citywide Project Stabilization Agreement with the Contra Costa Building and Construction Trades Council for all City let construction projects over \$750,000 in value approved; City Manager authorized to execute the agreement in a form acceptable to the City Attorney.**

- b. **Establishing** – a selection process for the appointment of members to the Community Advisory Committee (CAC) for the Development Phase One Property of the Community Reuse Project; and considering changes to the Council November public meeting calendar. Recommended by the Director of Community Reuse Planning.

**ACTION: Selection process and schedule for the appointment of the members to the Community Advisory Committee for the Development Phase One Property of the Community Reuse Project approved.**

**7. CITY COUNCIL PUBLIC HEARING**

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the public hearing is opened, except on public hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council level for discussion and action. Further comment from the audience will not be received unless requested by the Council. No public hearing shall commence after 10 p.m. unless approved by majority vote of the City Council.

- a. **Considering** – introduction of Ordinance No. 16-3 amending the Concord Municipal Code by adopting a text amendment to the Development Code (PL160109-DC) to Sections 18.185.020 and 18.185.040 of the Affordable Housing Ordinance, to reduce the applicable project size from 5 units to 2 units and Resolution No. 16-6042.4 amending the City's Fees and Charges resolution to increase the inclusionary housing fees, which would be effective, if approved, on January 1, 2017.

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as exempt pursuant to 15061(B)(3), falling within the "common sense" exemption set forth in 14 Cal. Codes Regs. Section 15061(B)(3), excluding projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment" and no further environmental review is required. Moreover, future projects would undergo individual CEQA review.

**ACTION: Item continued to September 27, 2016.**

- b. **Considering** – adoption of Resolution No. 16-65 approving the Downtown Corridors Plan. Report by Joan Ryan, Senior Planner.

There is no new information that would require preparation of a subsequent or supplemental EIR or negative declaration under Public Resources Code Section 21166 or California Environmental Quality Act (CEQA) Guidelines Section 15162. The Corridors Plan is further exempt from CEQA pursuant to CEQA Guidelines Sections 15262 (Feasibility and Planning Studies), 15301(c) Class 1 (Existing Facilities), and 15304(h) Class 4 (Minor Alterations to Land).

**ACTION: Report heard; public testimony taken; Resolution No. 16-65 adopted by the following vote of the Council:**

**AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix**

- c. **Considering** – an appeal by Pleasant Paper Recycling, Inc. (dba Concord Recycling Center) of the Planning Commission decision regarding the Planning Division's interpretation of Concord Development Code Section 18.40.010(d) regarding outdoor storage in the Service Commercial (SC) Zoning District, and imposing fencing and landscaping requirements on Use Permits 01-00 and 03-11 for 1320 and 1313 Galaxy Way. Report by Laura Simpson, Planning

Manager.

Consideration of and action on the activities contemplated under this item do not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Sections 15060(c)(2), 15060(c)(3), or 15378 because they have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if such activities did constitute a project under the CEQA, staff believes the activities they fall within the “common sense” CEQA exemption set forth in 14 Cal Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” Moreover, even if the activities did not qualify for the common sense exemption, they are exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction or Conversion of Small Structures).

**ACTION: Report heard; public testimony taken; Resolution No. 16-59 adopted by the following vote of the Council:**

**AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix**

## **8. CORRESPONDENCE**

Correspondence received at the City Council meeting will be listed here on the Annotated Agenda.

- a. Fall Prevention Checklist and Resource Guide
- b. Detroit Avenue Celebration Event Flyer
- c. Benched Correspondence Item No. 6.a – Letter from Congressman DeSaulnier
- d. Benched Correspondence Item No. 6.a – Letter from Councilmember Helix
- e. Concord Reuse Project Status Update PowerPoint Presentation
- f. Update on Long-Term Post-Employment Liabilities PowerPoint Presentation
- g. Downtown Corridors Plan PowerPoint Presentation
- h. Pleasant Paper Recycling Center PowerPoint Presentation
- i. Revised letter submitted from Congressman DeSaulnier’s Office – Project Stabilization Agreement

## **9. REPORTS AND ANNOUNCEMENTS**

Closed Session Announcements

City Manager or Staff Reports

Council Reports

## **10. ADJOURNMENT**

Next Meeting: Regular Meeting

Date: September 27, 2016 - 6:30 p.m.

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS** - The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the City Clerk for personal use during Council meetings.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

The following is a list of regular **Council Committee** meeting dates. Most meetings are held in the Garden Conference Room, 1950 Parkside Drive, Concord. **NOTE: Meetings are subject to change or cancellation. For latest information and committee agendas please call 671-3158.**

Committee	Chair/Member	Meeting Time
Policy Development & Internal Operations	Hoffmeister/Leone	2 <sup>nd</sup> Thursday at 5:30 p.m.
Housing & Economic Development	Leone/Helix	4 <sup>th</sup> Monday at 5:30 p.m.
Infrastructure & Franchise	Helix/Birsan	2 <sup>nd</sup> Monday at 5:30 p.m.
Recreation, Cultural Affairs & Comm. Svc.	Grayson/Hoffmeister	3 <sup>rd</sup> Wednesday at 5:30 p.m.
Youth & Education	Birsan/Grayson	3 <sup>rd</sup> Monday at 5:30 p.m.