

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



Concord
ANNOTATED
Regular Meeting of the
Concord City Council

Tuesday,
November 1, 2016

5:30 p.m. - Closed Session
6:30 p.m. - Open Session

Closed Session:
City Council Conference
Room (Wing A)
1950 Parkside Drive

Open Session:
City Council Chamber
1950 Parkside Drive

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.

CLOSED SESSION

1. OPENING

Roll Call – all present

2. PUBLIC COMMENT – none

3. CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))
Name of case: Diaz v. City of Concord, et al., Contra Costa County Superior
Court Case No. C14-02179

ACTION: Closed session held.

4. RECESS TO OPEN SESSION – at 5:45 p.m.

5. OPENING

Roll Call – all present

Pledge to the Flag – Councilmember Birsan

6. 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.

Olivia Rivera and Gaby Rivas, Central County Regional Group/First 5 Contra Costa, spoke in support of a rent moratorium in Concord.

Hope Johnson, Concord, wanted to ensure that it was on record that the Council is on notice because Lennar and Five Point are having to redo their financials for the Bay View Hunter's Point project; and requested that Lennar and Five Point's financials be constantly reviewed.

Mary Harms, Contra Costa Labor Council, spoke in support of a rent moratorium in Concord and requested that the item be put on the November 29 City Council meeting agenda.

Terri House, Contra Costa Council on Homelessness, spoke on National Hunger and Homeless Awareness week, which is scheduled for November 12-20, 2016.

Greg Colley, Concord, spoke in support of a temporary rent moratorium in Concord, dialog with all concerned stake holders; and fair and balanced policies for all Concord residents.

Mary Dahlquist, Concord, spoke of how gardens can help wildlife, her concern over the decline of birds and supporting wildlife through plant life.

George Fulmore, Concord, spoke in support of a rent moratorium and of the status of Capital Improvement Projects.

Bob Lane, Faith Alliance for a Moral Economy, spoke in support of affordable housing in Concord.

Carlyn Obringer, Concord, spoke of transportation options for Concord seniors.

Harmesh Kumar, Concord, spoke of both the expense of staying at an assisted living facility and the expense of running an assisted living facility.

Eduardo Torres, Tenants Together, spoke in support of a rent moratorium in Concord

7. PRESENTATIONS

- a. **Presentation** – by Lynne Noone, Contra Costa County Concord Library, on the Culture, Community and Connections Program. Introduction by Mayor Hoffmeister.

ACTION: Presentation made.

- b. **Presentation** – by Gaurav Garg, MISAC Board Member, presenting the Municipal Information Systems Association of California (MISAC) Award to the City of Concord. Introduction by Mayor Hoffmeister.

Action: Presentation made.

8. ANNOUNCEMENTS

- a. **Announcing** – open recruitment for Board of Appeals, Personnel Board, Planning Commission, Design Review Board, Concord Pavilion Outreach Committee, Concord Pleasant Hill Health Care District Grant Committee and Commission on Aging with a deadline for applications to the City Clerk by Friday, January 6, 2017 at 5 p.m. Recommended by the City Clerk.

ACTION: Open recruitment for Board of Appeals, Personnel Board, Planning Commission, Design Review Board, Concord Pavilion Outreach Committee, Concord Pleasant Hill Health Care District Grant Committee and Commission on Aging with a deadline for applications to the City Clerk by Friday, January 6, 2017 at 5 p.m. announced.

9. TREASURER'S REPORT

- a. **Receiving** – the Quarterly Treasurer's Report for the period July 1 – September 30, 2016. Recommended by the City Treasurer.

ACTION: Treasurer's Report for the period July 1 – September 30, 2016 received.

10. 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 June 7 and 14 and October 11 and 25, 2016. Recommended by the City Clerk.

ACTION: Minutes from the meetings of June 7 and 14 and October 11 and 25, 2016 approved.

- b. **Considering** – award of a site construction contract in the amount of \$160,580 to McNabb Construction of Lafayette for the Meadow Homes Park Playground Installation (sitework), Project No. 2352; approve a related budget transfer; and authorize staff to utilize the available project contingency for contract change orders up to 10% of the amount of the construction contract. (Parkland Funds, Measure WW Grant funds) Recommended by the Director of Community and Economic Development.

This project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act Guidelines Sections 15303 – New Construction and 15304 – Minor Alterations to Land.

ACTION: Site construction contract in the amount of \$160,580 awarded to McNabb Construction for the Meadow Homes Park Playground Installation, Project No. 2352; related budget transfer approved; staff authorized to utilize the available project contingency for contract change orders up to 10% of the amount of the construction contract.

- c. **Considering** – award of a site construction contract in the amount of \$167,716 to Sposeto Engineering of Livermore for the Willow Pass Park Restroom Replacement, Project No. 2334; and authorize staff to utilize the available project contingency for contract change orders up to 10% of the amount of the construction contract. (General Fund) Recommended by the Director of Community and Economic Development.

This project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 – Replacement or Reconstruction.

ACTION: Site construction contract in the amount of \$167,716 awarded to Sposeto Engineering for the Willow Pass Park Restroom Replacement, Project No. 2334; staff authorized to utilize the available project contingency for contract change orders up to 10% of the amount of the construction contract.

- d. **Considering** – changes to City of Concord Policy and Procedure No. 170, User Fees and Charges Cost Recovery Policy, adjusting Special Events Fees by 3% per annum; adoption of Resolution No. 16-6042.6 amending Exhibit A to Resolution No. 78-6042 adjusting City Employee Service Rates for Special Events; and establishing a new Special Events Special Revenue Fund to account for revenue received from Special Events services. Recommended by the Director of Finance.

ACTION: Changes to City of Concord Policy and Procedure No. 170 adjusting Special Events Fees by 3% per annum approved; Resolution No. 16.6042.6 adopted.

- e. **Considering** – adoption of Ordinance No. 16-7 entitled, "An Ordinance Amending Concord Municipal Code Title 2 (Administration), Title 8 (Health and Safety), and Title 15 (Buildings and Building Regulations." Ordinance No. 16-7 was introduced on October 11, 2016 by reading of the title only and waiving further reading. Recommended by the City Clerk.

This project qualifies for a Categorical Exemption pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ACTION: Ordinance No. 16-7 adopted.

- f. **Item to set for Public Hearing** – on Tuesday, November 29, 2016, at 6:30 p.m. in the Council Chamber - proposed amendment to Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.50 (Multiple-Family Rental Dwelling Units) and proposed amendment to Table 3b of Resolution No. 78-6042 of the Master Fees and Charges Resolution to set forth the Multiple-Family Rental Inspection Program fees and charges. Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, November 29, 2016, at 6:30 p.m.

- g. **Item to set for Public Hearing** – on Tuesday, November 29, 2016, at 6:30 p.m. in the Council Chamber - considering 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 inclusionary housing fees. Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, November 29, 2016, at 6:30 p.m.

11. 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** – adoption of Resolution No. 16-81 pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986 for the California Statewide Communities Development Authority to issue up to \$39,000,000 in tax-exempt obligation on behalf of Community Housing Works for the purpose of financing, the acquisition, construction, improvement, renovation, rehabilitation, remodeling and affordable housing extension at Sun Ridge Apartments located at 1265 Monument Boulevard. Report by Pedro Garcia, Economic Development Specialist.

ACTION: Resolution No. 16-81 adopted.

12. CORRESPONDENCE

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

- a. Culture, Community and Connections PowerPoint Presentation

13. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements - **none**

City Manager or Staff Reports - **none**

Council Reports - **none**

14. ADJOURNMENT - at 8:04 p.m.

Next Meeting: Special Meeting

Date: 11/19/2016 - 8:30 a.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 nd Thursday at 5:30 p.m.
Housing & Economic Development	Leone/Helix	4 th Monday at 5:30 p.m.
Infrastructure & Franchise	Helix/Birsan	2 nd Monday at 5:30 p.m.
Recreation, Cultural Affairs & Comm. Svc.	Grayson/Hoffmeister	3 rd Wednesday at 5:30 p.m.
Youth & Education	Birsan/Grayson	3 rd Monday at 5:30 p.m.