

COUNCIL MEMBERS

Laura M. Hoffmeister, Mayor
Edi E. Birsan, Vice Mayor
Ronald E. Leone
Carlyn S. Obringer

Civic Center
1950 Parkside Drive
Concord, CA 94519
www.cityofconcord.org



**Regular Meeting of the
Concord City Council
ANNOTATED AGENDA**

Tuesday,
December 13, 2016

6:30 p.m. - Open Session

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.

1. OPENING

Roll Call – all present

Pledge to the Flag – Boy Scout Troup 266

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.

No public comment.

3. PRESENTATIONS

- a. **Presentation** – of Mayor's Community service Award. **Report from Mayor Hoffmeister.**

ACTION: This item was continued to the January 10, 2017 meeting.

- b. **Presentation** – by Jaime Jenett, Continuum of Care Planning and Policy Manager, Health, Housing and Homeless Division, on the Countywide Coordinated Entry Program for homeless services. **Introduction by Brenda Kain, Community Services Program Manager.**

ACTION: Presentation held.

- c. **Presentation** – by Victoria Walker, Community and Economic Development Director, on the 50th Anniversary of Concord Civic Center. **Introduction by Mayor Hoffmeister.**

ACTION: Presentation held.

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 September 13 and 27, 2016. Recommended by the City Clerk.

ACTION: Minutes approved by the following vote of the Council:

AYES: Birsan, Leone, Hoffmeister NOES: None Abstain: Obringer

- b. **Considering** – adoption of Ordinance No. 16-8 entitled, "An Ordinance Amending Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.50 (Multiple Family Rental Dwelling Unit Inspection and Maintenance Code), Sections 15.50.010 through 15.50.180. Ordinance No. 16-8 was introduced on November 29, 2016. Recommended by the City Clerk.

The proposed changes to the Multi-Family Inspection Program are not subject to environmental review under the California Environmental Quality Act (CEQA), as the administration of an inspection program is not considered a “project” pursuant to Public Resources Code Section 21065 and Section 15378 of the CEQA guidelines.

ACTION: Ordinance No. 16-8 adopted by the following vote of the Council:

AYES: Birsan, Leone, Hoffmeister NOES: None Abstain: Obringer

- c. **Considering** – approval of an Agreement for Professional Services with Pavement Engineering, Inc. in the amount of \$96,710 to provide for design and related services for Measure Q Pavement Maintenance Project #5 – Zones 4 and 5, Project No. 2332, subject to the approval of the City Attorney; and authorize the City Manager to execute the Agreement. Recommended by the Director of Community and Economic Development.

ACTION: Agreement for Professional Services with Pavement Engineering, Inc. in the amount of \$96,710 approved; City Manager authorized to execute the Agreement.

- d. **Considering** – approval of an Agreement for Professional Services with Municipal Resource Group, LLC in an amount not to exceed \$133,500 to provide financial consulting services in connection with development of the Fiscal Years 2017-18 and 2018-19 Municipal Budget. Recommended by the Director of Finance.

ACTION: Agreement for Professional Services with Municipal Resource Group, LLC in an amount not to exceed \$133,500 approved; City Manager authorized to execute the Agreement.

- e. **Considering** – adoption of Resolution No. 16-88 accepting grant funding in the amount of \$24,000 from the Brenden Mann Foundation for the enhancement of public safety and allocating appropriation of the funds and approval for use for the Garage Security Camera Capital Improvement Project 2275, thereby amending the Capital Improvement Budget for fiscal year 2016-17. Recommended by the Director of Information Technology.

ACTION: Resolution No. 16-88 approved.

- f. **Considering** – affirmation of the 2017 Council Meeting Calendar. Recommended by the City Clerk.

ACTION: 2017 Meeting Calendar affirmed.

- g. **Considering** – adoption of Resolution No. 16-82 ordering summary vacation of 8,060 sq. ft. of excess public right-of-way located at 2111 Kirker Pass Road, APN 117-070-027. Recommended by the Director of Community and Economic Development.

In accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, the project qualifies for a Categorical Exemption pursuant to CEQA Guidelines Section 15305, “Minor Alterations in Land Use Limitations” and, therefore, no further environmental review is required.

This item was pulled from the Consent Calendar, and Councilmember Obringer recused herself from the item.

ACTION: Resolution No. 16-82 adopted by the following vote of the Council:

AYES: Birsan, Leone, Hoffmeister NOES: None ABSENT: None

- h. **Considering** – adoption of Resolution No. 16-83 finding that there remains a reasonable relationship between current needs for the Offsite Street Improvement Program (OSIP), Art in Public Places and Master Storm Drain Fees and the purposes for which they were originally charged. (Government Code Section 66000 et. seq.) Recommended by the Director of Community and Economic Development.

ACTION: Resolution No. 16-83 adopted.

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** – adoption of revisions to Policy and Procedure No. 2, City Council Meeting Procedures. Report by Joelle Fockler, City Clerk. This item was continued from the November 29, 2016 meeting.

ACTION: Revisions to Policy and Procedure No. 2 adopted.

- b. **Considering** – an approval process to fill the councilmember vacancy created by the resignation of Councilmember Grayson. Report by Joelle Fockler, City Clerk.

ACTION: Resolution No. 16-93 adopted.

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. 16-9 amending Concord Municipal Code Chapter 5.05 (Business Licenses), Section 5.05.020 (Article Intended as Revenue Measure) to specify that a stamp, signature, or other notation on approved plans, Business License, or similar does not constitute a zoning clearance, administrative permit, Minor Use Permit, Use Permit, or other regulatory approval; Chapter 5.80 (Medical Marijuana Dispensaries) to rename chapter and add Section 5.80.030 prohibiting outdoor marijuana cultivation; and Chapter 9.05 (Offenses and Miscellaneous Provisions), Section 9.05.020 (Sale and Display of Narcotics and Other Paraphernalia) to rename section and clarify the enforcement of sale and display of prohibited substances or paraphernalia. General Discussion of Marijuana Regulation and Taxation. Report by Michael P. Cass, Principal Planner.

The ordinance does not constitute a “project” within the meaning of CEQA Guidelines Section 15060(c)(2) because there is no potential it will result in a direct or reasonably foreseeable indirect physical change in the environment and CEQA Guidelines Section 15378 because it has no potential for resulting in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. Even if the ordinance does comprise a project for CEQA analysis, it falls 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.”

ACTION: Ordinance No. 16-9 introduced by reading of the title only and waiving further reading.

8. CORRESPONDENCE

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

- a. Transforming the Homeless System of Care PowerPoint Presentation
- b. Concord Civic Center 50th Anniversary Pamphlet
- c. City Council Meeting Procedures Policy and Procedure No. 2 PowerPoint Presentation
- d. City Council Vacancy PowerPoint Presentation
- e. Benched Item No. 6.b Attachment 4 – City Council Application
- f. Benched Item No. 7.a Exhibit B – Marijuana
- g. Marijuana Regulations PowerPoint Presentation
- f. Benched Item No. 9.a Attachments 1 and 2 – Standing Committees and External Appointments
- h. Proposed revisions to City Council Meeting Procedures submitted by Vice Mayor Birsan

9. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements – **none**

City Manager or Staff Reports – **none**

Council Reports

Considering ratifying composition of City Council Standing Committees and confirming representation on external agencies. Report by Mayor Hoffmeister.

ACTION: Composition of City Council Standing Committees and representation on external agencies ratified.

10. ADJOURNMENT – at 9:41 p.m.

Next Meeting: Regular Meeting

Date: 1/10/2017 - 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/Birsan	2 nd Thursday at 5:30 p.m.
Housing & Economic Development	Leone/Obringer	4 th Monday at 5:30 p.m.
Infrastructure & Franchise	Birsan/Hoffmeister	2 nd Monday at 5:30 p.m.
Recreation, Cultural Affairs & Comm. Svc.	Obringer/Vacant	3 rd Wednesday at 5:30 p.m.
Youth & Education	Vacant/Leone	3 rd Monday at 5:30 p.m.