

COUNCILMEMBERS

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

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



**ANNOTATED AGENDA
Regular Meeting of the
Concord City Council/City
Council Sitting as the
Local Reuse Authority**

Tuesday,
May 23, 2017

6:00 p.m. - Study Session
7:00 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

2. STUDY SESSION

- a. Study Session on the Concord Reuse Project Specific Plan. **Report by Joan Ryan, Community Reuse Area Planner.**

ACTION: Study Session held.

3. RECESS TO OPEN SESSION

4. OPENING

Pledge to the Flag – Vice Mayor Birsan

5. 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.

Mayor Hoffmeister read a comment into the record from Carol Longshore, Concord Historical Society, announcing the soft opening of the Concord Historical Society Event Center on July 16.

John Keibel, Concord Historical Society, announced the 75th anniversary of the Concord Naval Weapons Station.

Robin Kuslits, Rainbow Community Center, thanked the City of Concord for its participation in Pride on the Plaza held Saturday, May 20.

Natalie, spoke of plants planted by her at the Markham Regional Arboretum overflow parking lot removal by the Parks Division.

Hope Johnson, Concord, spoke of the CAC members speaking at public comment, and the necessity of clarifying that speakers represent their opinion, not representation of the CAC.

Harmesh Kumar, Concord, announced the 14th Annual Spring Diversity Festival to be held on Saturday, 27, 2017, at Mt. Diablo High School.

6. PRESENTATIONS

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

ACTION: Presentation held.

- b. **Presentation** – by Susan Burkitt, Concord Ambassadors, on the 20-Year Celebration of the Kitakami International Assembly Hall. **Introduction by Mayor Hoffmeister.**

ACTION: Presentation held.

- c. **Presentation** – by Andrew Menendez, Camp Director, Camp Concord, on the upcoming Camp season. **Introduction by Mayor Hoffmeister.**

ACTION: Presentation was postponed to a date uncertain.

7. ANNOUNCEMENTS - none

8. 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 meeting of April 11, 2017. Recommended by the City Clerk.

ACTION: Minutes from the April 11, 2017 meeting approved.

- b. **Considering** – the Annual Implementation Review of the Citywide Climate Action Plan. Recommended by the Director of Community and Economic Development.

The Annual Climate Action Plan Implementation Report does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(3), or Section 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and involves administrative activities that will not result in direct or indirect physical changes in the environment.

ACTION: Annual report on the implementation of the Citywide Climate Action Plan received.

- c. **Considering** – acceptance of Improvements for Pavement Rehabilitation Project – Salvio Street Complete Streets and Oak Grove Road, Project Nos. 2331 and 2355; and directing the City Clerk to file a Notice of Completion. Recommended by the Director of Community and Economic Development.

ACTION: This item was pulled from consideration by staff to return at a later date.

- d. **Considering** – adoption of Resolution No. 17-44 accepting a \$71,000 grant from the Brenden Mann Foundation; authorizing and appropriating the grant funds to be used for Downtown Patrol Program Services; amending the Municipal Budget for Fiscal Year 2016/17 accordingly; and authorizing the City Manager and/or designee to execute all associated documents. (Downtown Patrol Program Services) Recommended by the Chief of Police.

ACTION: Resolution No. 17-44 adopted.

- e. **Considering** – award of contract for security guard services at the former Concord Naval Weapons Station to National Security Industries & Services in the amount of \$138,480 for the initial term with the option to extend the contract two additional one year periods for \$138,480 each; and authorizing the City Manager to execute the contract in a form acceptable to the City Attorney. (Funding will be provided by the Master Developer, GoMentum Station, or through a loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

This item was removed from the Consent Calendar by Councilmember McGallian.

ACTION: The item was continued to the June 6, 2017, meeting.

- f. **Considering** – adoption of Resolution No. 17-40 approving a street name for the Ridge Park Subdivision to be assigned as Harvest Glen Court. Recommended by the City Manager.

The street name does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(3), or 14 Cal Code Regs. Section 15378.

ACTION: Resolution No. 17-40 adopted.

- g. **Considering** – adoption of Resolution No. 17-41 approving the Final Map for Subdivision 9180, Poetry Gardens (Assessor’s Parcel No. 126-210-045); approving the Subdivision Improvement Agreement and the Storm Water Maintenance Agreement for the subdivision; and authorizing the City Manager to execute the Agreements. Recommended by the Director of Community and Economic Development.

ACTION: Resolution No. 17-41 adopted; City Manager authorized to execute the Subdivision Improvement and Storm Water Maintenance Agreements.

- h. **Considering** – award of purchase of five Ford Utility Police Interceptors to Towne Ford in the amount of \$135,750. (Annual Vehicle Replacement Fund) Recommended by the Director of Public Works.

ACTION: Purchase of five Ford Utility Police Interceptors in the amount of \$135,750 awarded to Towne Ford.

- i. **Considering** – adoption of Resolution No. 17-4735.3 approving a Side Letter Agreement between the City of Concord and the Concord Police Association adding Back-up Dispatcher to the Qualifying List of Assignments for the Master Police Officer Designation. Recommended by the Director of Human Resources.

ACTION: Resolution No. 17-4735.3 adopted.

- j. **Considering** – adoption of Resolution No. 17-3493.2 approving the creation of the Senior Crimes and Intelligence Analyst classification assigned to the Office and Professional Employees International Union (OPEIU) Local 29 representation unit at pay grade 016; and Resolution No. 17-3493.3 approving the creation of the Crimes and Intelligence Analyst classification assigned to the Office and Professional Employees International Union (OPEIU) Local 29 representation unit at pay grade 014. Recommended by the Director of Human Resources.

This item was pulled from the Consent Calendar by Concord resident Joe Partansky.

ACTION: Resolution No. 17-3493.2 adopted.

- k. **Considering** – adoption of a position of opposition for Assembly Bill (AB) 1250 (Jones-Sawyer) – Counties and Cities: Contracts for Personal Services; and authorizing the Mayor to send a letter of opposition to the State Assembly on behalf of the City of Concord. Recommended by the City Clerk.

ACTION: Position of opposition for Assembly Bill (AB) 1250 – Counties and Cities: Contracts for Personal Services adopted; Mayor authorized to send a letter of opposition to the State Assembly.

- l. **Considering** – adoption of Ordinance No. 17-6 entitled, "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE BY ADOPTING A TEXT AMENDMENT TO THE DEVELOPMENT CODE (PL16000520 - MC), AMENDING SECTIONS 18.160.050 AND 18.160.060 TO CLARIFY THE REVIEW PROCESS AND PROGRAMS FOR PARKING IN-LIEU FEES." Ordinance No. 17-6 was introduced on April 25, 2017. Recommended by the City Clerk.

Pursuant to the California Environmental Quality Act (CEQA), the text amendment does not constitute a "project" within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Sections 15060(c)), or 15378, and is exempt from CEQA pursuant to Section 15061(b)(3).

ACTION: Ordinance No. 17-6 adopted.

- m. **Considering** – adoption of Ordinance No. 17-7 entitled, "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE BY ADOPTING NEW CHAPTER 19.40 "RESIDENTIAL RENT REVIEW PROGRAM." Ordinance No. 17-7 was introduced on May 2, 2017. Recommended by the City Clerk. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the Residential Rent Review Program and proposed fee do not constitute a "project" within the meaning of Public Resources Code Section 21065 and 14 Cal. Code Reg. Section 15060 (c)(2), 15060(c)(3) or 15378 and are categorically exempt pursuant to Section 15061(b)(3).

ACTION: Ordinance No. 17-7 adopted.

- n. **Considering** – approval of a 13-month Maintenance Services Agreement with Futures Explored, Inc. of Concord in the amount of \$84,500 for custodial maintenance services; and authorizing the City Manager to execute the Agreement in a form acceptable to the City Attorney. (General Fund) Recommended by the Director of Public Works.

ACTION: 13-month Maintenance Services Agreement for custodial maintenance services with Futures Explored, Inc. in the amount of \$84,500 approved; City Manager authorized to execute the Agreement in a form acceptable to the City Attorney.

9. 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** – appointment of four applicants to the Personnel Board; two for four-year terms ending February 28, 2021, and two for unscheduled vacancies with terms ending February 28, 2019. **Report by Joelle Fockler, City Clerk.**

ACTION: Julianne Averill and John Parodi were appointed to the Personnel Board for four-year terms ending February 28, 2021, and Eileen Bissen and Keenan Ng appointed to the Personnel Board for terms ending February 28, 2019.

- b. **Considering** – appointment of five applicants to the Bicycle and Pedestrian Advisory Committee; three positions for four-year terms ending February 28, 2021; and two positions with two-year terms ending February 28, 2019. **Report by Joelle Fockler, City Clerk.**

ACTION: Sarah Allen, Jack Grant, and Ana Villalobos were appointed to the Bicycle and Pedestrian Advisory Committee for four-year terms ending February 28, 2021, and Michelle Hernandez and David Pitman appointed to the Bicycle and Pedestrian Advisory Committee for two-year terms ending February 28, 2019.

- c. **Considering** – appointment of one applicant to fill an unscheduled vacancy on the Measure Q Oversight Committee and affirm Measure Q Oversight Committee member Brandi Leidgen as the business representative. **Report by Joelle Fockler, City Clerk.**

ACTION: Brandi Leidgen was affirmed as the business representative to the Measure Q Oversight Committee; Brian Freire was appointed to the Measure Q Oversight Committee for a term ending December 31, 2019.

- d. **Considering** – placement of a statue of Don Salvio Pacheco in celebration of the 150th anniversary of the founding of Concord and in-kind City services in support of the project. (General Fund) **Report by Kathleen Tropa, Assistant City Manager.**

This project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act Guidelines Sections 15301 – Existing Facilities, 15302 – Replacement or Reconstruction, 15303 – New Construction or Conversion of Small Structures, 15304 – Minor Alterations to Land, 15311 – Accessory Structures, and 15323 – Normal Operations of Facilities for Public Gathering.

Councilmembers Leone and Obringer recused themselves from the item and left the dais.

ACTION: Report heard; opportunity for public testimony given; placement of statue of Don Salvio Pacheco in Todos Santos Plaza at the entrance to Todos Santos Plaza, directly behind the existing archway, at the corner of Grant Street and Willow Pass Road approved; in-kind City services in support of the project including support, ownership, and maintenance approved by the following vote:

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

10. 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** – 1) introduction of Ordinance No. 17-8 approving the Marin Clean Energy Joint Powers Agreement and authorizing the implementation of a Community Choice Aggregation Program by reading of the title only and waiving further reading; 2) adoption of Resolution No. 17-42 requesting membership in Marin Clean Energy, authorizing the Mayor to execute the Memorandum of Understanding with Marin Clean Energy (“MOU”), and authorizing the City Manager and/or her designated representative to execute other documents to initiate membership with Marin Clean Energy. **Report by Michael P. Cass, Principal Planner.**

Joining a Community Choice Energy Program does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(3).

ACTION: Report heard; opportunity for public testimony given; Ordinance No. 17-8 introduced by reading of the title only and waiving further reading; Resolution No. 17-42 adopted; the Mayor authorized to execute the Memorandum of Understanding with Marin Clean Energy; and City Manager and/or her designated representative authorized to execute other documents to initiate membership with Marin Clean Energy.

11. **CORRESPONDENCE**

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

- a. Email from East Sun Terrace Neighborhood Alliance dated May 23, 2017
- b. Email from Katherine Dano-Luttjohann dated May 23, 2017
- c. Concord Reuse Project Specific Plan PowerPoint Presentation
- d. Concord Reuse Project Specific Plan City Council Study Session PowerPoint Presentation
- e. Concord Reuse Project Implementation Schedule – May 1, 2017
- f. Benched Correspondence – Item No. 10.a
- g. Information Received from Vice Mayor Birsan – Item No. 10.a
- h. Don Salvio Pacheco Statue – 150th Anniversary of Concord’s Founding Celebration PowerPoint Presentation

12. **REPORTS AND ANNOUNCEMENTS**

Closed Session Announcements - **none**

City Manager or Staff Reports - **none**

Council Reports - **Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items on interest.**

13. **ADJOURNMENT** – at 11 p.m. in memory of Grey Whipple.

Next Meeting: Regular Meeting
Date: 6/6/2017 - 6:30 PM

ADA NOTICE AND HEARING IMPAIRED PROVISIONS - The Council Chamber is equipped with a T-Coil Hearing Loop. This system allows “T” coil reception of the audio proceedings. Please switch your hearing aid or cochlear device to the “T”, “T” Coil or telephone position. If you would like better audio reception, a loop receiver that picks up the audio loop is available from the City Clerk.

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) 671-3031, 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 Wednesday at 6:00 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/McGallian | 3 rd Wednesday at 5:30 p.m. |
| Youth & Education | McGallian/Leone | 3 rd Monday at 5:30 p.m. |