

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, June 13, 2017

6:00 p.m. - Closed Session
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.

CLOSED SESSION

1. OPENING

Roll Call – Councilmember Obringer absent

2. PUBLIC COMMENT - none

3. CLOSED SESSION

- a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property: Area within Concord Community Reuse Plan
Agency negotiators: Valerie Barone, City Manager; Guy Bjerke, Director of Community Reuse Planning

Negotiating parties: Alan Lee, Department of the Navy
Under negotiation: Price, Terms of Payment

ACTION: Closed session held.

4. RECESS TO OPEN SESSION

5. OPENING

Roll Call – Councilmember Obringer absent

Pledge to the Flag – Councilmember Leone

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.

None.

7. PRESENTATIONS

- a. **Presentation** – of the proceeds from the Mayor's Cup Golf Tournament held May 5, 2017, to the Concord Ambassadors and First Tee Contra Costa Youth Golf Program. **Presentation by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister presented Mary Rae Lehman, Concord Ambassadors, and Aimee Areliano, First Tee Contra Costa Youth Golf Program, each with a \$8,964.75 proceeds check from the Mayor's Golf Tournament held May 5, 2017.

8. ANNOUNCEMENTS – none.

9. 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 25 and May 1, 2017. Recommended by the City Clerk.

ACTION: Minutes approved by the following vote:

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

- b. **Considering** – adoption of Ordinance No. 17-8 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONCORD APPROVING THE MARIN CLEAN ENERGY JOINT POWERS AGREEMENT AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM." Ordinance No. 17-8 was introduced on May 23, 2017, by reading of the title only and waiving further readings. Recommended by the City Clerk.

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: Ordinance No. 17-8 adopted by the following vote of the Council:

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

- c. **Considering** – approval of a three-year agreement with York Risk Services Inc. in the total amount of \$435,122 for professional services as the third party administrator of the City of Concord Self-Insured Workers’ Compensation Program. (Workers’ Compensation Fund) Recommended by the Director of Human Resources.

ACTION: Three-year agreement with York Risk Services, Inc. in the total amount of \$435,122 for professional services as the third party administrator of the City of Concord Self-Insured Workers’ Compensation Program approved by the following vote of the Council:

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

- d. **Considering** – a letter stating the Concord City Council’s position that an election regarding the territory transfer to create a Northgate Unified School District election should be held in the entire current Mt. Diablo Unified School District area. Recommended by the Assistant City Manager.

This item was pulled from the Consent Calendar by Concord resident Herbert Lee and Concord resident Harmesh Kumar.

ACTION: Letter stating the Concord City Council’s position that an election regarding the territory transfer to create a Northgate Unified School District election should be held in the entire current Mt. Diablo Unified School District area by the following vote of the Council:

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

- e. **Considering** – adoption of Resolution No. 17-49 confirming the City of Concord’s compliance with the State Surplus Land Act (AB 2135 as exists now or may be amended in the future) to receive a federal grant in the amount of \$9,084,000 from the Metropolitan Transportation Commission to implement citywide Safe Routes to School, Complete Streets, and pavement rehabilitation projects, as part of the Cycle 2 OneBayArea Grant (OBAG 2) funding program. Recommended by the Director of Community and Economic Development.

Action on this item is exempt from California Environmental Quality Act (CEQA) review, as adoption of Resolution No. 17-49 is not considered a project activity within the meaning of Section 15378 of the CEQA Guidelines, and is subject to the exemption contained in Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty to have no possibility of a significant effect on the environment.

ACTION: Resolution No. 17-49 adopted by the following vote of the Council:

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

- f. **Considering** – adoption of Resolution No. 17-27 authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission (MTC) and committing any necessary matching funds and stating assurance to complete the Commerce Avenue Complete Streets Project; adoption of Resolution No. 17-28 amending the FY 2017-18 CIP budget to adjust the scope and funding plan of Project No. 2085, Commerce Avenue Complete Streets Project, including acceptance and appropriation of \$1.44 million of MTC funds; and a budget transfer of \$500,000 of Measure Q Lease Financing Funds from CIP Project No. 2157 (a holding account) to Project 2085 to provide matching funds. (MTC grant and Measure Q Lease Revenue funds) Recommended by the Director of Community and Economic Development.

ACTION: Resolution No. 17-27 and Resolution No. 17-28 adopted by the following vote of the Council:

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

- g. **Considering** – approval of a Sublease Agreement of Waterworld Waterpark between EPR Parks, LLC, as sublessor, and Six Flags Concord, LLC, as sublessee. Recommended by the City Attorney.

In accordance with CEQA Guidelines Section 15378 and Public Resources Code Section 21065, this approval of the Sublease does not constitute a “project” as it is not reasonably foreseeable the approval will cause either a direct or indirect physical change to the environment; even if it were a project, it would be exempt from CEQA pursuant to Section 15323.

ACTION: A Landlord’s Consent to Sublease between the City of Concord and EPR Parks, LLC, and a Sublease Agreement of Waterworld Waterpark between EPR Parks, LLC, as sublessor, and Six Flags Concord, LLC, as sublessee approved; and the City Manager authorized to execute the documents, subject to approval of the City Attorney by the following vote of the Council:

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

- h. **Considering** – approval and appropriation of funds for the City Council Chamber, Senior Center, Todos Santos Plaza, and the Concord Pavilion Video Refresh Project, Project No. 2416 in the amount of \$785,922; award of contract in the amount of \$714,474.19 to VMI, Inc. for equipment and installation; authorize staff to use the available project contingency up to 10 percent of project value; and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney. (Public, Educational, and Governmental (PEG) Funds) Recommended by the Director of Information Technology.

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Code of Regulations CEQA Guidelines Section 15061(b)(3) in that there is no possibility it may have a significant effect on the environment.

ACTION: Funds for the City Council Chamber, Senior Center, Todos Santos Plaza, and the Concord Pavilion Video Refresh Project, Project No. 2416, in the amount of \$785,922 approved and appropriated; contract in the amount of \$714,474.19 awarded to VMI, Inc. for equipment and installation; staff authorized to use the available project contingency up to 10 percent of project value; and City Manager authorized to execute the agreement in a form acceptable to the City Attorney by the following vote of the Council:

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

- i. **Considering** – approval of an Agreement for Legal Professional Services with Lubin Olson & Niewiadomski LLP in the amount of \$196,000 for work with the Community Reuse Project. (Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

ACTION: Agreement for Legal Professional Services with Lubin Olson & Niewiadomski LLP in the amount of \$196,000 for work with the Community Reuse Project approved; and City Attorney authorized to execute the Agreement by the following vote of the Council:

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

10. CITY COUNCIL CONSIDERATION ITEM

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** – approval of the FY2017-18 Investment Policy Update. **Report by Patti Barsotti, City Treasurer.**

ACTION: This item was continued to July 25, 2017.

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** – Biennial Budget for Fiscal Years 2017-18 and 2018-19 and Ten-Year Financial Forecasts for Fiscal Years 2017-18 through Fiscal Year 2026-27. **Report by Karan Reid, Director of Finance.**

ACTION: Report heard; opportunity for public comment given; public hearing continued to June 27, 2017.

12. CORRESPONDENCE

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

- a. June 8, 2017 email received from Stan Stansbury
- b. June 9, 2017 email received from Herbert Lee
- c. City Council Budget Hearing PowerPoint Presentation
- d. Capital Budget Mid-Cycle Informational Status Report PowerPoint Presentation

13. 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 of interest.**

14. ADJOURNMENT – at 8:45 p.m.

Next Meeting: Regular Meeting
Date: 6/27/2017 - 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.