

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**

Tuesday,
September 5, 2017

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

Closed Session
City Council Conference
Room
1950 Parkside Drive

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 – all present

2. PUBLIC COMMENT – none

3. CLOSED SESSION

- a. PUBLIC EMPLOYEE APPOINTMENT pursuant to Government Code Section 54957(b)(1)
Title: Community and Economic Development Director

ACTION: Closed session held.

- b. 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 – all present

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.

Natalie, spoke of banning smoking in apartments and parks and raising the legal age of smoking to 21.

Joe Partansky, Concord, invited the Council and the public to Diablo Valley College on Wednesday, September 6, 2017, at 4 p.m. for a program about US - Russia relations and truth and accountability.

Daryl Bergman, Concord, spoke of the crime, lack of parking, overcrowding, and lack of infrastructure on Monument Boulevard and asked the City to form a Monument Boulevard Task Force.

George Fulmore, Concord, spoke of Deferred Action for Childhood Arrivals (DACA) status, and requested that the City develop a statement in opposition of President Trump's decision regarding DACA. Mr. Fulmore presented a list of his top ten Council priorities.

Silvia Amico, Concord, spoke of drug dealers, addicts, homeless, and prostitution rings on Meadow Lane in Concord, and the lack of response by the Concord Police Department.

William Colin, Concord, spoke of his concern about the President's DACA rescission, and stated that even with a six month delay, the rescission has created a heightened concern for students in the area. He requested assistance to help the students to feel safe.

Carol Edgerton, Concord, requested that the Council release a statement in support of DACA. She spoke of concern about illegal dumping, crowding, parking, and too much low income housing in the Monument area.

7. PRESENTATIONS

- a. **Presentation** – of the Daniel C. Helix Award of Excellence to Rob Schweitzer, Facilities Maintenance Technician, by Director of Public Works Justin Ezell.
Introduction by Mayor Hoffmeister.

ACTION: Mayor Hoffmeister introduced Justin Ezell, who presented Rob Schweitzer, Facilities Maintenance Technician, the Daniel C. Helix Award of Excellence.

- b. **Presentation** – by Chief of Police Guy Swanger providing an update on department activities. **Introduction by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister introduced Guy Swanger, Chief of Police, who gave a presentation on Police Department Activities for the period January – June 2016/2017; public testimony given.

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 May 23 and June 3, 2017. Recommended by the City Clerk.

ACTION: The meeting minutes of May 23, 2017, were pulled from consideration by staff. The minutes of June 3, 2017, were adopted.

- b. **Considering** – acceptance of improvements for Phase 1 of the Downtown Sidewalk, Curb and Gutter Improvements Project, Project No. 2374; and directing the City Clerk to file a Notice of Completion. Recommended by the Director of Public Works.

ACTION: Improvements for Phase 1 of the Downtown Sidewalk, Curb, and Gutter Improvements Project, Project No. 2374, accepted; City Clerk directed to file a Notice of Completion.

- c. **Considering** – appointment of two members to the Oversight Board for the Successor Agency of the former Concord Redevelopment Agency. Recommended by the Mayor.

ACTION: Moses Sullivan and Ryan Lenhardt (Local 29 Representative) appointed to the Oversight Board for the Successor Agency of the former Concord Redevelopment Agency.

- d. **Considering** – adoption of Ordinance No. 17-9 entitled, "An Ordinance Repealing and Replacing Concord Municipal Code Title 17 (Subdivisions)." Ordinance No. 17-9 was introduced on July 11, 2017. Recommended by the City Clerk.

CEQA: On July 11, 2017, the City Council adopted Resolution No. 17-50 adopting the Initial Study/Negative Declaration for the City of Concord Subdivision Ordinance Update.

ACTION: Ordinance No. 17-9 adopted.

- e. **Considering** – adoption of Resolution No. 17-68 accepting funding in the amount of \$32,494 under the California Beverage Container Recycling and Litter Abatement City/County Payment Program and allocating funding to litter abatement activities. Recommended by the Director of Public Works.

ACTION: Resolution No. 17-68 adopted.

- f. **Considering** – award of a contract and approval of an agreement for the Operational Improvements Along Parallel Arterials, Project No. 2356: 1) a construction contract in the amount of \$2,812,879 to Ray's Electric and authorize staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount, and 2) a Professional Services Agreement with Swinerton Management and Consulting in the amount of \$159,200 for construction management services and \$10,000 for materials testing services for a total not to exceed amount of \$169,200; authorizing the City Manager to execute the contract and agreement subject to the approval of the City Attorney; approval of a \$325,000 budget transfer from Pavement Management Annual Program Holding Account – Measure J, Project No. 2157. (Measure C and Measure J Funds) Recommended by the Assistant City Manager.

CEQA: Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 – Existing Facilities, 15302 – Replacement and Reconstruction, and 15304 – Minor Alterations to Land.

ACTION: Construction contract in the amount of \$2,812,879 awarded to Ray’s Electric, staff authorized to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; Professional Services Agreement with Swinerton Management and Consulting in the amount of \$159,200 for construction management services and \$10,000 for materials testing services for a total not to exceed amount of \$169,200 approved; Mayor authorized to execute the contract; City Manager authorized to execute the agreement; \$325,000 budget transfer from Pavement Management Annual Program Holding Account – Measure J, Project 2157, approved.

- g. **Considering** – rejection of the sole bid submitted by Ghilotti Bros, Inc. of San Rafael for the Downtown Sewer and Streetscape Improvements Phase 2B, Project No. 2404); and directing staff to re-advertise the project for bids. (Sewer Operation Funds) Recommended by the Assistant City Manager.

ACTION: Sole bid submitted by Ghilotti Bros, Inc. of San Rafael for the Downtown Sewer and Streetscape Improvements Phase 2B, Project No. 2404, rejected; staff directed to re-advertise the project for bids.

- h. **Considering** – adoption of Resolution No. 17-65 accepting 2016-17 California Department of Resources Recycling and Recovery Used Oil Payment Funding in the amount of \$34,899; and allocating the funding to the City of Concord Used Oil Collection Programs. Recommended by the Director of Public Works.

ACTION: Resolution No. 17-65 adopted.

- i. **Considering** – award of purchase of five police motorcycles in the amount of \$123,189.95 to Long Beach BMW Motorcycle, Long Beach, CA. (Annual Vehicle Replacement Fund) Recommended by the Director of Public Works.

ACTION: Purchase of five police motorcycles in the amount of \$123,189.95 awarded to Long Beach BMW Motorcycle, Long Beach, CA.

- j. **Considering** – approval of an Agreement for Professional Services in the amount of \$278,148 with Ghirardelli Associates to provide construction management and related services for Citywide Bridge Repair Program Group 2 Bridges - City Project No. 2371, Federal Project No. BPMP 5135 (049); and authorizing the City Manager to execute the agreement, subject to approval of the City Attorney. (Federal grant, Measure J) Recommended by the Assistant City Manager.

CEQA: A Mitigated Negative Declaration for the overall project was adopted by the City Council on January 10, 2017, through the adoption of Resolution No. 17-4. The Agreement for Professional Services does not constitute a "project" under CEQA Guidelines 15060(c)(2) and 15378; in the alternative, is exempt pursuant to Section 15061(b)(3).

ACTION: Agreement for Professional Services in the amount of \$278,148 with Ghirardelli Associates to provide construction management and related services for Citywide Bridge Repair Program Group 2 Bridges, City Project No. 2371, Federal Project No. BPMP 5135 (049) approved; City Manager authorized to execute the Agreement.

- k. **Considering** – adoption of Resolution No. 17-66 declaring intention to renew the Concord Tourism Improvement District and adoption of Resolution No. 17-67 requesting consent from Contra Costa County to allow the Crowne Plaza to remain in the District. Recommended by the Assistant City Manager.

ACTION: Resolution No. 17-66 adopted.

10. 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** – an interview process for unscheduled elected, and appointed, City office vacancies. **Report by Susanne Meyer Brown, City Attorney.**

ACTION: Report heard; opportunity for public comment given; Council determined that the City continue with its current practice and adopt no specific approach at this time. Motion passed by the following vote of the Council:

AYES: Leone, McGallian, Obringer, Hoffmeister

NOES: Birsan

ABSENT: None

- b. **Considering** – proposed revisions to Policy and Procedure No. 2, City Council Meeting Procedures, including switching from Robert's Rules of Order to a modified version of Rosenberg's Rules of Order, changing the length of the mayoral term, and a mayoral/vice mayoral rotation process. **Report by Susanne Meyer Brown, City Attorney.**

ACTION: Report heard; opportunity for public comment given; revisions to Policy and Procedure No. 2 approved, including switching from Robert's Rules of Order to a modified version of Rosenberg's Rules of Order; and change the mayoral term to one year. The vice mayoral rotation process was deferred until after the December 2017 reorganization.

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** – introduction of Ordinance No. 17-11 amending the Development Code by repealing and replacing Chapter 18.205, “Wireless Communications Facilities for New & Substantially Changed Facilities,” adding Chapter 18.207, “Wireless Communications Facilities for Eligible Facilities Requests,” and amending other sections of the Development Code and the Municipal Code to bring the regulations for Wireless Communities Facilities into compliance with Federal and State law by reading of the title only and waiving further reading. **Report by Afshan Hamid, Senior Planner.**

CEQA: Not a project under Public Resources Code Section 21065, Guidelines Sections 15060(c)(3), and/or Section 15378.

ACTION: Report heard; public comment given; Ordinance No. 17-11 introduced by reading of the title only and waiving further reading.

12. CORRESPONDENCE

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

- a. Letter dated August 28, 2017, to Senator Harris from Mayor Hoffmeister
- b. Proclamation – Concord’s Kung Fu Academy – August 5, 2017
- c. Commendation – International Support 4 Recovery – August 31, 2017
- d. Proclamation – Pain Awareness month – September 2017
- e. Proclamation – CAER “Shelter in Place Education Day” – November 1, 2017
- f. Proclamation – Monument First 5 Center Fifth Anniversary – August 25, 2017
- g. Comments dated September 5, 2017, submitted by Joe Partansky
- h. Comments submitted regarding the Shamrock Condos located at 1133 Meadow Lane
- i. Public Safety PowerPoint Presentation
- j. Wireless Ordinance Update PowerPoint Presentation
- k. Benched correspondence on Wireless Ordinance Item
- l. Additional PowerPoint Slides on Wireless Ordinance Item
- m. Benched email response dated July 26, 2017, to Hope Johnson from Vice Mayor Birsan

13. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements – **none**

City Manager or Staff Reports - **none**

Council Reports

Councilmember Leone requested Committee review of research on selling the naming rights for streets and parks. Vice Mayor Birsan agreed that the item should be discussed. The request did not have consensus of the Council.

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 10:45 p.m. in memory of those who lost lives in Hurricane Harvey.

Next Meeting: Regular Meeting

Date: 9/12/2017 - 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.