

**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](http://www.cityofconcord.org)



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

Tuesday,  
September 26, 2017

6:00 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

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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: Director of Human Resources

**ACTION: Closed session held.**

4. **RECESS TO OPEN SESSION**

5. **OPENING**

**Roll Call – all present**

**Pledge to the Flag – Councilmember McGallian**

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.

George Fulmore, Concord, spoke about the Monument Democratic Club.

David Pintado, Concord, spoke about the Monument Democratic Club and invited others to participate.

Cindy Gershen, Concord, spoke about positive activities going on at Mount Diablo High School.

7. **PRESENTATIONS – none**

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 June 6 and 13, 2017. Recommended by the City Clerk.

**ACTION: Minutes from the meetings of June 6 and 13, 2017 adopted.**

- b. **Considering** – approval of an Agreement for Professional Services with Harris & Associates, Inc. in the amount of \$187,334 to provide design engineering and related services for the Concord BART Area Sanitary Sewer Upgrade project (Project No. 2406); authorizing the City Manager to execute the agreement, subject to the approval of the City Attorney; and approval of a related budget transfer in the amount of \$190,000 from Sewer Capital Facility Replacement Holding Account (Project No. 2209 Fund 710 Sewer Operating Funds) to the

Concord BART Area Sanitary Sewer Upgrade project (Project No. 2406).  
Recommended by the Assistant City Manager.

CEQA: Not 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 with Harris & Associates, Inc. in the amount of \$187,334 to provide design engineering and related services for the Concord BART Area Sanitary Sewer Upgrade Project (Project No. 2406) approved; City Manager authorized to execute the agreement approved, subject to the approval of the City Attorney; related budget transfer in the amount of \$190,000 from Sewer Capital Facility Replacement Holding Account (Project No. 2209 Fund 710 Sewer Operating Funds) to the Concord BART Area Sanitary Sewer Upgrade project (Project No. 2406) approved.**

- c. **Considering** – approval of a month-to-month contract term extension with the Contra Costa Horsemen’s Association for the lease of two parcels of real property located on Grant Street. Recommended by the Director of Public Works.

CEQA: Exempt pursuant to CEQA Guidelines 15301 – Existing Facilities.

**ACTION: Month-to-month contract term extension with the Contra Costa Horsemen’s Association for the lease of two parcels of real property located on Grant Street approved.**

- d. **Considering** – approval of an Agreement for Professional Services with Drake Haglan and Associates in the amount of \$221,275.99 to provide construction management and related services for Farm Bureau Road Complete Streets - Phase 2, City Project No. 2354; and authorizing the City Manager to execute the agreement, subject to approval of the City Attorney. Recommended by the Assistant City Manager.

CEQA: Not 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 with Drake Haglan and Associates in the amount of \$221,275.99 to provide construction management and related services for Farm Bureau Road Complete Streets – Phase 2, City Project No. 2354, approved; City Manager authorized to execute the agreement, subject to approval of the City Attorney.**

- e. **Considering** – approval of Streambed Alteration Agreement Notification No. 1600-2016-0216-R3 with California Department of Fish and Wildlife, which requires a \$1,500 application fee; and authorizing the Director of Public Works to execute the agreement in a form acceptable to the City Attorney. (Storm Water Program) Recommended by the Director of Public Works.

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

**ACTION: Streambed Alteration Agreement Notification No. 1600-2016-0216-R3 with California Department of Fish and Wildlife approved; Director of Public Works authorized to execute the Agreement in a form acceptable to the City Attorney.**

- f. **Considering** – adoption of Resolution No. 17-72 approving a contract with Contra Costa County authorizing the acceptance and appropriation of State AB 109 (Public Safety Realignment Act) funds in the amount of \$135,720 to partially offset the cost of one existing police officer to provide coordinated support of AB 109 law enforcement activities; and authorizing the City Manager to execute the contract. Recommended by the Chief of Police.

**ACTION: Resolution No. 17-72 adopted.**

- g. **Considering** – adoption of Resolution No. 17-71 approving the FY 2016/17 Consolidated Annual Performance and Evaluation Report (CAPER) and authorizing the City Manager or designee to submit, on behalf of the City of Concord, the CAPER, consistent with the program rules which govern the Community Development Block Grant Program as required by the U.S. Department of Housing and Urban Development. Recommended by the Assistant City Manager.

**ACTION: Resolution No. 17-71 adopted.**

- h. **Considering** – adoption of Ordinance No. 17-11 entitled, "An Ordinance to Repeal and Replace Development Code Chapter 18.205, add Chapter 18.207, and Amending Other Sections of the Development Code and the Municipal Code, in Connection with Wireless Communication Facilities." Ordinance No. 17-11 was introduced on September 5, 2017, by reading of the title only and waiving further reading. Recommended by the City Clerk.

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

**ACTION: Ordinance No. 17-11 adopted.**

- i. **Considering** – adoption of Resolution No. 17-73 affirming the City of Concord’s commitment to being an inclusive, tolerant, and supportive community for all. Recommended by the Assistant City Manager.

**This item was pulled from the Consent Calendar by Mayor Hoffmeister.**

**ACTION: Report heard; public testimony given; Resolution No. 17-73 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. **Receiving** – public testimony regarding the renewal of the Concord Tourism Improvement District and the levy and collection of assessments on lodging businesses within the District. There is no Council action taken at this time. **Report by John Montagh, Economic Development Manager.**

**ACTION: Report heard; opportunity for public testimony given.**

- b. **Considering** – adoption of Resolution No. 17-69 amending the 2017-18 Capital Budget to incorporate a list of projects funded by SB 1: the Road Repair and Accountability Act, and appropriating the funds (\$750,000) as follows:

- 1. Diamond Boulevard Pavement Rehabilitation Project (Project No. 2422): pavement rehabilitation of Diamond Boulevard from Willow Pass Road to the bridge over Walnut Creek; \$325,000 in RMRA funds.

- 2. Oak Grove Pavement Rehabilitation – Phase II (Project No. 2423): pavement rehabilitation of Oak Grove Road from Whitman Road to Treat Boulevard; \$425,000 in RMRA funds. **Report by Robert Ovadia, City Engineer.**

CEQA: Not a “project” under CEQA Guidelines 15060(c)(2) and 15378; in the alternative, exempt pursuant to Section 15061(b)(3).

**ACTION: Report heard; public testimony given; Resolution No. 17-69 adopted.**

- c. **Considering** – appointment of applicants to fill positions on the Community Services Commission, Concord/Pleasant Hill Health Care District Grant Committee, and Concord Pavilion Community Outreach Committee. **Report by Joelle Fockler, City Clerk.**

**ACTION: Report heard; opportunity for public testimony given; the following appointments made:**

1. **Community Services Commission - Ciel Gierke for a two-year term expiring June 20, 2019, and Robert Ferrier, Stephen Siproth, Michael Koby and Rodalyn Guinto for four-year terms expiring June 30, 2021.**
2. **Concord/Pleasant Hill Health Care District Grant Committee - Marshall Lewis and Norbert Schuff to two-year terms expiring June 30, 2019, and Lori Thompson and Sara Guillermo to four-year terms expiring June 30, 2021.**
3. **Concord Pavilion Community Outreach Committee - Mariya Kisina for the remainder of a two-year term ending February 28, 2019.**

**11. CORRESPONDENCE**

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

- a. September 15, 2017, letter to the Mayor from Wendy Gutshall, Director, Public and Government Affairs, Northern California Division, Safeway
- b. Benched Correspondence – email dated September 22, 2017, to the Mayor from Wendy Gutshall, Director, Public and Government Affairs, Northern California Division, Safeway
- c. Benched item – Agenda item No. 9.g, Exhibit A to Attachment 1, page 26
- d. Benched Correspondence – Agenda item No. 9.i
- e. Agenda item No. 9.i – Letters from Fr. Mathew Vellankal and Parish Life Director Christa Fairfield, St. Bonaventure Catholic Community, dated September 25, 2017
- f. Agenda item No. 9.i – Letter from Fr. Ismael Gutierrez, St. Francis of Assisi Church, dated September 25, 2017
- g. Agenda item No. 9.i – written statement of comments from Judy Walters
- h. Agenda item No. 9.i – Letters submitted from community leaders and Contra Costa County ACCE

**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 9:30 p.m. in memory of former Police Chief Robert Bradshaw.**

Next Meeting: Regular Meeting  
 Date: 10/3/2017 - 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 <sup>nd</sup> Wednesday at 6:00 p.m.
Housing & Economic Development	Leone/Obringer	4 <sup>th</sup> Monday at 5:30 p.m.
Infrastructure & Franchise	Birsan/Hoffmeister	2 <sup>nd</sup> Monday at 5:30 p.m.
Recreation, Cultural Affairs & Comm. Svc.	Obringer/McGallian	3 <sup>rd</sup> Wednesday at 5:30 p.m.
Youth & Education	McGallian/Leone	3 <sup>rd</sup> Monday at 5:30 p.m.