

**Amended Agenda –
changes highlighted in
yellow**

COUNCILMEMBERS

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

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,
February 27, 2018

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 – all present (Mayor Birsan arrived at 6:06 p.m.)

2. PUBLIC COMMENT – none.

3. CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code Section 54956.9(d)(1)
Name of case: Burns, et al. v. City of Concord, et al., United States District
Court Case No. C14-00535 LB

ACTION: Closed session held.

4. RECESS TO OPEN SESSION

5. OPENING

Roll Call – all present

Pledge to the Flag – Vice Mayor Obringer

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.

Rosario Lubbe, Pittsburg, spoke of towing fees and regulations.

LaMar Anderson, Concord, thanked Mayor Birsan for his rendition of Black Bart at the Contra Costa County "Poetry Out Loud" competition and spoke about gun safety in schools.

Laura Nakamura, Concord, thanked the Council and staff for the improvements in the timing of posting the meeting playbacks.

Tim Carr, Concord, spoke of his concern after the tragedy in Florida and spoke of officer presence in all schools.

George Fulmore, Concord, spoke about the Concord Pioneer being a good newspaper, access to schools, and the frequency of the meetings of the Rent Review Board.

Cindy Gershan, Mt. Diablo High School, spoke about the wonderful things going on at Mt. Diablo High School.

7. PRESENTATIONS

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

ACTION: Presentation made.

8. ANNOUNCEMENTS – none

9. CITY COUNCIL/LOCAL REUSE AUTHORITY CONSENT CALENDAR

The public is entitled to address the City Council/LRA on items appearing on the Consent Calendar

before or during the City Council/LRA's consideration of the Consent Calendar. Adoption of the Consent Calendar may be made by one motion of the City Council/LRA, 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.

City Council Consent Items

- a. **Considering** – approval of the minutes from the meeting of January 16, 2018. Recommended by the City Clerk.

ACTION: Minutes of the January 16, 2018 City Council meeting approved.

- b. **Considering** – award of purchase of a 2018 Ford F450 in the amount of \$115,942 from the National Auto Fleet Group (NAFG). (Annual Vehicle Replacement Fund) Recommended by the Director of Public Works.

ACTION: Purchase of a 2018 Ford F450 in the amount of \$115,942 from the National Auto Fleet Group (NAFG) approved.

- c. **Considering** – adoption of Resolution No. 18-18 authorizing the Contra Costa Flood Control and Water Conservation District to maintain the already established annual parcel assessment of \$35 per single family residence a year for Fiscal year 2018-19 for drainage maintenance and implementation of the National Pollutant Discharge Elimination System Program. Recommended by the Director of Public Works.

CEQA: Not a project as authorizing the amount of the annual parcel assessment for the NPDES program does not have the potential to cause a significant effect on the environment; categorically exempt under CEQA Guidelines Section 15273.

ACTION: Resolution No. 18-18 adopted.

- d. **Considering** – adoption of Resolution No. 18-3493.1 approving the classification amendment of the Automotive Parts Worker assigned to the Field & Operations (F&O) representation unit at pay grade 005 to the Automotive Parts and Services Technician assigned to the Field & Operations (F&O) representation unit at pay grade 007. Recommended by the Director of Human Resources.

ACTION: Resolution No. 18-3493.1 adopted.

- e. **Considering** – adoption of Resolution No. 18-25 accepting a \$52,400 grant from the Brenden Mann Foundation; authorizing and appropriating the grant funds to be used for Downtown Patrol Program Services and necessary

improvements and furniture for the Downtown Community Impact Unit Office; amending the Municipal Budget for Fiscal Year 2017-18 accordingly; and authorizing the City Manager and/or designee to execute all associated documents. (Brenden Mann Grant) Recommended by the Chief of Police.

ACTION: Resolution No. 18-25 adopted.

Local Reuse Authority Consent Items

- f. **Considering** – a revised Memorandum of Understanding (MOU) between the Contra Costa Transportation Authority (CCTA) and the City of Concord Local Reuse Authority (LRA) on the development and operation of GoMentum Station Connected Vehicles (CV) and Autonomous Vehicle (AV) Program on the former Concord Naval Weapons Station (CNWS). Recommended by the Director of Community Reuse Planning.

CEQA: Not a project under CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), or 15378; in the alternative, exempt under CEQA Guidelines 15301 (Existing Facilities), 15302. (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), 15311 (Accessory Structures), and/or Section 15323 (Normal Operations of Facilities for Public Gatherings)

This item was removed from consideration to return at a later date at the request of the Contra Costa Transportation Authority.

10. CITY COUNCIL PUBLIC HEARINGS

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. **Fourth public hearing** – to receive community input on City Council Districts to be established for district-based elections, including input on maps showing five potential Council District boundaries, provide direction on any preferred configurations and changes to draft maps; and to introduce Ordinance No. 18-2 and corresponding map establishing five City Council Districts by **reading of the title only and waiving further reading.** Report by Laura Simpson, Planning and Housing Manager.

CEQA: Exempt under CEQA Guidelines Sections 15320, 15378, and 15061(b)(3).

ACTION: Report heard; public testimony given; Ordinance No. 18-2 introduced by reading of the title only and waiving further reading.

- b. **Considering** – adoption of Resolution No. 18-12 approving a Negative Declaration prepared pursuant to the California Environmental Quality Act; adoption of Resolution No. 18-4283.1 approving a General Plan Amendment from Parks and Recreation to Low Density Residential; and introduction of Ordinance No. 18-425.1 approving a rezoning from PR (Parks and Recreation) to RS6 (Single family residential) for an approximate 0.93 acre site located at 2171 Sunshine Drive **by reading of the title only and waiving further reading.** **Report by Frank Abejo, Principal Planner.**

ACTION: Report heard; opportunity for public testimony given; Resolution No. 18-12 adopted; Resolution No. 18-4283.1 adopted; Ordinance No. 18-425.1 introduced by reading of the title only and waiving further reading.

- c. **Considering** – introduction of Ordinance No. 18-1 (an Ordinance amending Concord Municipal Code Title 18 (Development Code), Chapter 18.20 (General Terms), Chapter 18.35 (North Todos Santos [NTS]), Chapter 18.150 (General Development Standards), Chapter 18.200 (Standards for Specific Uses), and Chapter 18.425 (Minor Exceptions), amending the Development Code in order to include allowable residential densities in the North Todos Santos (NTS) district (Table 18.35.030.B), reduce setbacks for pools (Sec. 18.150.160), comply with state law on parking requirements for accessory dwelling units (Sec. 18.200.180), update standards for attended donation centers and include provisions for unattended donation boxes (Sec. 18.200.200), clarify applicability of minor exceptions for residential structures (Sec. 18.425.020), and clarify various land use classifications (Sec. 18.20.020) **by reading of the title only and waiving further reading.** **Report by Frank Abejo, Principal Planner.**

CEQA: Not a project under CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), or 15378; in the alternative, exempt under Section 15061(b)(3).

ACTION: Report heard; public testimony given; Ordinance No. 18-1 introduced by reading of the title only and waiving further reading, and amended to pull 18.200.200 regarding unattended donation boxes from the ordinance (Exhibit C) and refer to the Committee on Policy Development and Internal Operations.

11. **CORRESPONDENCE**

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

- a. Happenings at Mount Diablo High School submitted by Cindy Gershan
- b. Mount Diablo High School Super Bowl City 2018 Senior Project
- c. Community Reuse Project December 2017 Program Report
- d. Concord City Council Districting PowerPoint Presentation
- e. Benched Correspondence – Agenda Item No. 10.a

- f. Letter Submitted by Scott Rafferty
- g. Suggested Names of Districts submitted by Scott Davis
- h. Drafting Checklist of Local Redistricting Commission Considerations Submitted by John Haberkorn
- i. 2171 Sunshine Drive General Plan Amendment and Rezoning PowerPoint Presentation
- j. Development Code Cleanup Amendment PowerPoint Presentation
- k. Benched Correspondence – Agenda Item No. 10.c

12. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements -

At its February 27, 2018, closed session, the City Council by an unanimous 5-0 vote, authorized the City Attorney to accept the settlement offer signed by the opposing party in that certain United States District Court action entitled John Burns, et al. v. City of Concord, et al., United States District Court Case No. C14-00535 LB. The case settled for \$1.2 million, which will primarily be covered by insurance, and this settlement resolves any and all claims against the City of Concord and/or its employees arising out of that case. No liability is admitted.

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.

- a. **Considering** – the change of Council Ad Hoc Committee member for the Ad Hoc Committee on Concord/Pittsburg border issues related to the potential adoption for the Reuse Project Specific Plan and consideration of the annexation and potential approval of land use entitlements for the Faria Ranch Project. Recommended by the Mayor.

ACTION: Mayor Birsan appointed himself and Councilmember Hoffmeister to the Ad Hoc Committee on Concord/Pittsburg border issues related to the potential adoption for the Reuse Project Specific Plan and consideration of the annexation and potential approval of land use entitlements for the Faria Ranch Project.

13. ADJOURNMENT – 10:35 p.m.

Next Meeting: Regular Meeting

Date: 3/6/2018 - 6:30 PM

NOTICE

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6), or on the date that a written decision or written findings is mailed by first-class mail. Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to the next City Council meeting, regardless of whether it is a regular or special meeting. The City Council may be requested to reconsider a decision if the request is made by a City Council member who was on the prevailing side of the vote and at the same meeting that the decision was made. (Policy and Procedure No. 2, Section 4.24). For more information on the next regular or special City Council meeting, please call (925) 671-3390.

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	Birsan/Obringer	2 nd Wednesday at 5:30 p.m.
Housing & Economic Development	Obringer/McGallian	4 th Monday at 5:30 p.m.
Infrastructure & Franchise	Hoffmeister/Leone	2 nd Monday at 6:00 p.m.
Recreation, Cultural Affairs & Comm. Svc.	McGallian/Birsan	3 rd Wednesday at 5:30 p.m.
Youth & Education	Leone/Hoffmeister	3 rd Monday at 6:00 p.m.