

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,
November 13, 2018

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.

1. OPENING

Roll Call – all present

Pledge to the Flag – Councilmember McGallian

2. PUBLIC COMMENT PERIOD

This is a 15-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.

3. PRESENTATIONS

- a. **Presentation** –of Monet Style artwork by Silverwood Elementary Transitional Kindergarteners. **Introduction by Mayor Birsan.**

ACTION: Presentation held.

- b. **Presentation** – to Marlen Soberanes Caballero, 4th Grade, Wren Elementary School; Aaron Vaino, 4th Grade, Mountain View Elementary School; Natalie Camarena Castaneda, 5th Grade, Ygnacio Valley Elementary School; Juan Estrada, 4th Grade, Westwood Elementary School, in recognition of their prize winning paintings in the K-5 category of the fall 2018 Mayor's Art Competition. **Presentation by Mayor Birsan.**

ACTION: Presentation held.

- c. **Presentation** – by Beverly Lane, Director Ward 6, East Bay Regional Park District Board; and Brian Holt, Chief of Planning and GIS, on East Bay Regional Park District Memorandum of Understanding with the U.S. Department of the Navy and the U.S. Department of the Interior. **Introduction by Mayor Birsan.**

ACTION: Presentation held.

- d. **Presentation** – by Tad Pilrvki, Board Member; Roger Bailey, General Manager; and Danae Gemmell, Planning and Development Services Division Manager, Central Contra Costa Sanitary District, on the Central Contra Costa Sanitary District and how it affects Concord. **Introduction by Mayor Birsan.**

ACTION: Presentation held.

4. ANNOUNCEMENTS - none

5. TREASURER'S REPORT

- a. **Considering** – the Quarterly Treasurer's Report for the Period July 1 through September 30, 2018. Presentation by PFM Asset Management. **Introduction by City Treasurer Patti Barsotti.**

ACTION: Quarterly Treasurer's Report for the period July 1 – September 30, 2018, accepted.

6. CITY COUNCIL/LOCAL REUSE AUTHORITY (LRA) 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's/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 CALENDAR

- a. **Considering** – approval of the minutes from the meeting of August 22, 2018. Recommended by the City Clerk.

ACTION: Minutes from the meeting of August 22, 2018, adopted.

- b. **Considering** – award of purchase of a Vactor Sewer Cleaning Truck to Owen Equipment in the amount of \$463,733.93. (Annual Vehicle Replacement Fund) Recommended by the Director of Public Works.

ACTION: Purchase of a Vactor Sewer Cleaning Truck awarded to Owen Equipment in the amount of \$463,733.93.

- c. **Considering** – authorization to recommend to District IV Supervisor Karen Mitchoff the reappointment of Dan Mackay to serve on the Contra Costa County Iron Horse Corridor Advisory Committee representing the City of Concord. Recommended by the Mayor.

ACTION: Reappointment of Dan Makay to serve on the Contra Costa County Iron Horse Corridor Advisory Committee authorized.

- d. **Considering** – adoption of Resolution No. 18-66 accepting \$34,637 in funding under the California Department of Resources Recycling and Recovery Used Oil Payment Program and allocation of such funds to the City of Concord used oil collection programs. Recommended by the Director of Public Works.

CEQA: Not a project/exempt per Guidelines Sections 15060(c)(2), 15252, 5061(b)(3), and/or 15300.2.

ACTION: Resolution No. 18-66 adopted.

- e. **Considering** – award of two-year contract for the provision and delivery of unleaded fuel on an as-need basis up to the amount of \$450,000 per year to Pinnacle Petroleum, with the option to extend the contract for three (3) additional one (1) year periods for up to \$450,000 per year; and authorizing the City Manager to execute a contract in a form acceptable to the City

Attorney. (Fleet Operation Fund) Recommended by the Director of Public Works.

ACTION: Two-year contract for the provision and delivery of unleaded fuel up to the amount of \$450,000 per year, with the option to extend the contract for three additional one-year periods for up to \$450,000 per year awarded to Pinnacle Petroleum; City Manager authorized to execute the contract in a form acceptable to the City Attorney.

- f. **Considering** – approval of an Agreement for Professional Services with Harris & Associates, Inc. in the amount of \$178,734 to provide design engineering and related services for the Downtown Sanitary Sewer Upgrade - Phase III (Project No. 2407), and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney. Recommended by the Director of Community and Economic Development.

CEQA: Not a project and/or exempt per CEQA Guidelines Section 15060(c)(2), 15060(c)(3), 15378, and/or 15061(b)(3).

ACTION: Agreement for Professional Services with Harris & Associates, Inc. in the amount of \$178,734 to provide design engineering and related services for the Downtown Sanitary Sewer Upgrade – Phase III (Project No. 2407); City Manager authorized to execute the agreement in a form acceptable to the City Attorney.

- g. **Considering** – the following for the Concord Community Pool Plaster Repair (Project No. 2435): (1) award of a construction contract in the amount of \$742,000 to Earl Adams Tile-Coping & Plastering, Inc. dba Adams Pool Solutions of Pleasanton, CA, authorizing staff to utilize the available project contingency for contract change orders up to ten percent of the contract amount, and authorizing the Mayor to execute the contract; (2) approval of an Agreement for Professional Services in the amount of \$100,081.22 with Park Engineering, Inc. for construction management, inspection, and materials testing services for the project; authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney; and (3) approval of a budget transfer and appropriation in the amount of \$966,000 from General Fund reserves to Project No. 2435. Recommended by the Director of Community and Economic Development.

CEQA: Categorically Exempt under CEQA Guidelines Sections 15301 – Existing Facilities, and 15302 – Replacement and Reconstruction.

ACTION: Construction contract awarded in the amount of \$742,000 to Earl Adams Tile-Coping & Plastering, Inc. dba Adams Pool Solutions of Pleasanton, CA; staff authorized to utilize the available project contingency for contract change orders up to 10 percent of the contract

amount; Mayor authorized to execute the contract; Agreement for professional services in the amount of \$100,081.22 with Park Engineering, Inc. for construction management, inspection, and materials testing services for the project approved; City Manager authorized to execute the agreement in a form acceptable to the City Attorney; budget transfer and appropriation in the amount of \$966,000 from General Fund reserve to Project No. 2345 approved.

- h. **Considering** – approval of a Master Funding Agreement between the Metropolitan Transportation Commission and the City of Concord for planning, programming, transportation, transit, land use, or other projects; authorizing the City Manager or Designee to execute the Master Funding Agreement in a form acceptable to the City Attorney; approval of Supplement 1 to Master Funding Agreement; appropriation of \$588,854 for the City-led portion of work; approval of reimbursement based grant funding in the amount of \$588,854 from MTC funds; and authorizing the Director of Community and Economic Development to execute Supplement 1 to Master Funding Agreement in a form acceptable to the City Attorney. Recommended by the Director of Community and Economic Development.

CEQA: Not a project and/or exempt per CEQA Guidelines Section 15060(c)(2), 15060(c)(3), 15378, 15061(b)(3), and/or 15300.2.

ACTION: Master Funding Agreement between the Metropolitan Transportation Commission and the City of Concord for planning, programming, transportation, transit, land use, or other projects approved; City Manager or designee authorized to execute the Master Funding Agreement in a form acceptable to the City Attorney; Supplement 1 to Master Funding Agreement approved; \$588,854 appropriated for City-led portion of work; reimbursement based grant funding in the amount of \$588,854 from MTC funds appropriated; Director of Community and Economic Development authorized to execute Supplement 1 to the Master Funding Agreement in a form acceptable to the City Attorney.

LOCAL REUSE AUTHORITY CONSENT CALENDAR

- i. **Considering** – approval of a Professional Services Agreement with LPA, Inc. for the Tournament Sports Complex Concept Plan and Feasibility Report for a not to exceed amount of \$173,000 through December 1, 2019, together with a one-year extension option without additional funding (funding will be provided through an existing loan to the LRA from the City). Recommended by the Director of Parks and Recreation.

CEQA: Not a project/exempt under CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), 15352, 15378, and/or 15262.

This item was pulled from the Consent Calendar by Concord resident George Fulmore.

ACTION: Professional Services Agreement with LPA, Inc. for the Tournament Sports Complex Concept Plan and Feasibility Report in the amount of \$173,000 approved; City Manager authorized to execute the agreement in a form acceptable to the City Attorney.

- j. **Considering** – adoption of Local Reuse Authority Resolution No. 18-23 extending the terms of the Concord Naval Weapons Station Reuse Project Community Advisory Committee Members until they make a Specific Plan recommendation to the City Council (anticipated to be in the fall of 2019). Recommended by the Director of Community Reuse Planning.

ACTION: Local Reuse Authority Resolution No. 18-23 adopted.

7. CITY COUNCIL/LOCAL REUSE AUTHORITY (LRA) CONSIDERATION ITEMS

The public is entitled to address the City Council/LRA on items appearing on the agenda before or during the City Council's/LRA's consideration of that item. Each speaker will be limited to approximately three minutes.

CITY COUNCIL CONSIDERATION ITEMS

- a. **Considering** – approval of Resolution No. 18-63 authorizing permit parking in the Arlington Estates neighborhood; and pre-authorizing permit parking for the Park Highland neighborhood along Park Highland Boulevard between Alberta Way and Balham Drive subject to compliance with Concord Municipal Code Chapter 10.30 (Stopping, Standing, and Parking), Article IV (Permit Parking Areas). **Report by Abhishek Parikh, Transportation Manager.**

CEQA: Not a project/exempt per CEQA Guidelines Sections 15061(b)(3), 15303, and/or 15305.

ACTION: Resolution No. 18-63 adopted.

- b. **Considering** – adoption of Resolution No. 18-62 declaring a shelter crisis pursuant to SB 850 (Chapter 48, Statutes of 2018, and Government Code 8698.2) **Report by Russ Norris, Sergeant.**

ACTION: Resolution No. 18-62 adopted.

LOCAL REUSE AUTHORITY CONSIDERATION ITEM

- c. **Considering** – approval of a 9-month extension (to March 31, 2020) of the Amended and Restated Agreement to Negotiate between the Local Reuse Authority (LRA) and Lennar Concord, LLC (Lennar) regarding the

Development Phase One Property in the Community Reuse Project at the former Concord Naval Weapons Station. **Report by Guy Bjerke, Director of Community Reuse Planning.**

Councilmember Leone recused himself due to the proximity of his home to the NWS Project and left the dais.

ACTION: 9-month extension of the Amended and Restated Agreement to Negotiate between the Local Reuse Authority and Lennar Concord, LLC regarding the Development Phase One Property in the Community Reuse Project at the former Concord Naval Weapons Station approved by the following vote of the Local Reuse Authority:

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

8. 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** – adoption of Resolution No. 18-70 approving the issuance by the California Statewide Communities Development Authority of not to exceed \$10,000,000 aggregate principal amount of the Authority’s revenue obligations for the benefit of Carondelet High School for the purpose of financing the cost of acquisition, construction, development, installation, improvement, equipping, and furnishing of educational facilities and other matters relating thereto herein specified. **Report by Karan Reid, Director of Finance.**

ACTION: Resolution No. 18-70 adopted.

9. CORRESPONDENCE

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

- a. Letter to Bureau of Cannabis Control re: Proposed Regulations – October 2018
- b. Email from Michael McDermott – re: Letter to Bureau of Cannabis Control
- c. Letter From the Greater Chamber of Commerce – Agenda Item No. 7.c
- d. DDA Fund – support of the preparation of the DDA
- e. Cooking with Kids Foundation Brochure submitted by Chef Lynda Rexroat
- f. Sidewalk Repair Petitions submitted by Evelyn Freitas
- g. Articles on Rent Control submitted by Blaine Carter
- h. Concord Hills Regional Park Land Use Plan PowerPoint Presentation
- i. Central San PowerPoint Presentation

- j. Investment Program Update PowerPoint Presentation
- k. Consideration: Resolution No. 18-62 Declaring a Shelter Crisis PowerPoint Presentation
- l. Arlington Estates/Park Highlands Permit Parking Application PowerPoint Presentation

10. REPORTS AND ANNOUNCEMENTS

- a. Closed Session Announcements - **none**
- b. City Manager or Staff Reports - **none**
- c. Council Reports
Councilmember McGallian requested and received support for review of parking permits to PD&IO Committee.

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

11. ADJOURNMENT – 11:45 p.m. in recognition of Veterans

Next Meeting: Regular Meeting
Date: 11/27/2018 6:30 p.m.

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.