

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, MARCH 11, 2014

**SPECIAL PERFORMANCE BY THE  
CONCORD HIGH SCHOOL JAZZ BAND  
6:00 P.M. - CIVIC CENTER COURTYARD**

The Concord High School Jazz Band performed several numbers under the direction of Gary Coartney at 6:00 p.m. prior to the start of the meeting as a musical tribute to Concord Native Dave Brubeck in the courtyard outside the Council Chambers. As a finale the Band performed "Take Five," composed by Paul Desmond and made famous by the Dave Brubeck Quartet.

Immediately following the performance, Vice Mayor Ron Leone thanked the students and Director Coartney, and then called the City Council meeting to order, and called for a motion on Consent Item 3.a – the adoption of Resolution No. 14-13, designating the jazz piece "Take Five" as the City's most treasured song. Motion was made by Helix and seconded by Hoffmeister to approve the designation of the jazz piece "Take Five" as performed by Dave Brubeck, a native of Concord, as the City's most treasured song. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      Absent: Grayson

The Concord City Council then moved into the Council Chamber and met in a regular meeting located at 1950 Parkside Drive at 6:40 p.m. on Tuesday, March 11, 2014, with Vice Mayor Leone presiding. All Councilmembers were present and the pledge of allegiance was led by Councilmember Birsan. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT:      Edi Birsan, Dan Helix, Laura Hoffmeister, Ron Leone

COUNCILMEMBERS ABSENT:      Tim Grayson

STAFF PRESENT:      Valerie Barone, City Manager; Mark Coon, City Attorney; Scott P. Johnson, Assistant City Manager; Mary Rae Lehman, City Clerk; Chief Guy Swanger; Victoria Walker, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Karan Reid, Director of Finance; Robert Ovadia, City Engineer; Suzanne McDonald, Financial Operations Manager; Carol Johnson, Planning Manager; Jason Hade, Associate Planner

MEMBERS OF THE PUBLIC

WHO ADDRESSED THE COUNCIL:      Joe Partansky, Clayton; Shannon Sterling, Bay Point; Marc Ventura, Clayton; Mike Van Hofwegan, Concord; Carlyn Obringer, Concord; Nati Flores, Concord

PUBLIC COMMENT PERIOD

Linda Reynolds, representing the Calvary Temple Baptist Church, read a letter on behalf of the church into the record, advising that after 25 years, the leadership team had decided to bring closure to The Flag, the three day community 4<sup>th</sup> of July entertainment and fireworks display, and instead will be focusing their attention to other outreach projects such as Convoy of Hope, Clean Start for the Homeless; and Harvest to Home Outreach to name a few.

Paul Poston, Concord, extended thanks to Councilmember Birsan for assisting in canvassing his neighborhood for signatures for permit parking in the area that is impacted by overflow parking by BART users; and to Chief Swanger for inviting him to the strategic planning meeting concerning a Family Justice Center.

Harmesh Kumar, Concord, invited the attendees and viewing audience to the 11<sup>th</sup> Annual Cultural Festival planned for May 3<sup>rd</sup> at Todos Santos Park. He explained that there would be a delegation of youth from China who will be performing and a variety of ethnic foods.

PRESENTATION – Prescription Drug Abuse Awareness Month

Vice Mayor Leone made a presentation to Sgt. Xavier Shabazz of the Contra Costa County Sheriff’s Department proclaiming March as “Prescription Drug Abuse Awareness Month” in the City of Concord.

PRESENTATION – City Satisfaction Telephone Survey Report

City Manager Valerie Barone introduce consultant Bryan Godbe, who presented a report on a recent community telephone survey conducted with 504 randomly selected residents between February 9 – February 13, 2014 in both English and Spanish. The survey resulted in a very positive feedback on the how the City is conducting its business and keeping the community informed. Mr. Godbe, whose firm has assisted the City in similar surveys, explained that there was a short decline in satisfaction during the economic downturn, but shared statistics which revealed that the residents overall view the quality of life as very good and 83% are satisfied or very satisfied with the operations of the City. He confirmed that the 504 respondents were a cross-section of the entire community.

ANNOUNCEMENTS - None

CITY COUNCIL  
MATTERS

ADOPTION OF RESOLUTION NO. 14-7 – Ordering the Engineer’s Report for the Downtown Landscape Maintenance District

Motion was made by Helix and seconded by Hoffmeister to adopt Resolution No. 14-7, entitled “A RESOLUTION ORDERING THE PREPARATION OF AN ENGINEER’S REPORT FOR THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT” for the levy of annual assessments for landscaping maintenance for Fiscal Year 2014/15. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      Absent: Grayson

ADOPTION OF RESOLUTION NO. 14-8 – Ordering the Engineer’s Report for the Pine Hollow Landscape Maintenance District

Motion was made by Helix and seconded by Hoffmeister to adopt Resolution No. 14-8, entitled “A RESOLUTION ORDERING THE PREPARATION OF AN ENGINEER’S REPORT FOR THE PINE HOLLOW LANDSCAPE MAINTENANCE DISTRICT” for the levy of annual assessments for landscaping maintenance for Fiscal Year 2014/15. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone            NOES: None            Absent: Grayson

ADOPTION OF RESOLUTION NO. 14-9 – Ordering the Engineer’s Report for the Landscaping and Lighting Maintenance District #3

Motion was made by Helix and seconded by Hoffmeister to adopt Resolution No. 14-9, entitled “A RESOLUTION ORDERING THE PREPARATION OF AN ENGINEER’S REPORT FOR THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT #3” for the levy of annual assessments for landscaping and lighting maintenance for Fiscal Year 2014/15. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone            NOES: None            Absent: Grayson

ADOPTION OF RESOLUTION NO. 14-10 – Ordering the Engineer’s Report for the Citywide Street Lighting Assessment District

Motion was made by Helix and seconded by Hoffmeister to adopt Resolution No. 14-10, entitled “A RESOLUTION ORDERING THE PREPARATION OF AN ENGINEER’S REPORT FOR THE CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT” for the levy of annual assessments for lighting maintenance for Fiscal Year 2014/15. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone            NOES: None            Absent: Grayson

AGREEMENT WITH HARRIS & ASSOCIATES – Project 2239, Central Concord Pedestrian Improvements and Streetscape Project

Motion was made by Helix and seconded by Hoffmeister to approve a Professional Services Agreement with Harris & Associates in the not-to-exceed amount of \$380,000 to provide Civil Engineering Design, Environmental and Right-of-Way Services for Project No. 2239 (Central Concord Pedestrian Improvements & Streetscape Project); and to authorize the City Manager to execute the agreement. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone            NOES: None            Absent: Grayson

REAPPOINTMENT TO CONTRA COSTA TRANSPORTATION AUTHORITY, CITIZEN ADVISORY COMMITTEE

Motion was made by Helix and seconded by Hoffmeister to approve the reappointment of Robert Barnes to serve as the City of Concord’s representative to the Contra Costa Transportation Authority, Citizen’s Advisory Committee (CCTA-CAC) for a two-year term ending February 28, 2016. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone            NOES: None            Absent: Grayson

SETTING OF A PUBLIC HEARING – Appeal of Zoning Administrators Denial of Application by 99 Cents Only Stores

Motion was made by Helix and seconded by Hoffmeister to set a public hearing for Tuesday, April 22, 2014 at 6:30 p.m. in the Council Chamber to consider an appeal filed by Steve Rawlings, on behalf of 99 Cents Only Stores, concerning the Zoning Administrator's denial of an application to sell alcoholic beverages at the 99 Cent Only Store at 4665 Clayton Road stating a discrepancy in the crime rates reported by the Concord Police Department to the California Department of Alcoholic Beverage Control and those reported to the Zoning Administrator as required for a Finding of Public Convenience and Necessity. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone                      NOES: None                      Absent: Grayson

SETTING OF A PUBLIC HEARING - Sale of Unused Property at 4050 Port Chicago Highway

Motion was made by Helix and seconded by Hoffmeister to set a public hearing for Tuesday, March 25, 2014 at 6:30 p.m. in the Council Chamber, waiving the three week noticing period – Consideration of the sale of an unused 11,375 square foot portion of property located at 4050 Port Chicago Highway, Concord, California (APN 100-370-009) to Pacific Ranch Investments for an appraised value of \$40,000. The General Plan and Zoning Designation for the property portion is Parks and Recreation. The project is classified as Categorically Exempt pursuant to Section 15305(a), Class 5, "Minor Alterations in Land Use Limitations." Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone                      NOES: None                      Absent: Grayson

Comprehensive Annual Financial Report (CAFR) with Independent Auditors' Report

Suzanne McDonald, Financial Operations Manager, presented a report, referencing the memorandum dated March 11, 2014, explained that the annual audit of the financial records for the year ending June 30, 2013 and the Memorandum on Internal Control is complete and the Independent Auditors Report has issued a clean opinion. Ms. McDonald explained that the auditing firm of Vavrinek, Trine, Day and Co., LLP had completed the first audit they have performed for the City of Concord, and had recommended the City adopt a policy establishing a Governmental Fund Balance Financial Reporting Policy which would implement Governmental Accounting Standards Statement No. 54 (GASB 54): Fund Balance Reporting and Governmental Type Definitions in the City of Concord.

Ms. McDonald introduced David Showalter, CPA, who advised that they had spent a significant amount of time learning the City's methods and assessing the risks in order to provide what should be considered minor recommendations. He expressed sincere appreciation for the cooperation and responsiveness that he had received from city staff.

Vice Mayor Leone opened a public comment period and upon receiving not comments closed the public comment period.

Motion was made by Hoffmeister and seconded by Helix to accept the Comprehensive Annual Financial Report (CAFR) with Independent Auditors' Report for the fiscal year ending June 30, 2013 and the Memorandum on Internal Controls, and to adopt Policy and Procedure No. 168, entitled "Governmental Fund Balance Financial Reporting Policy," to establish the Governmental Fund Balance Financial Reporting Policy implementing Governmental Accounting Standards Board Statement No. 54: Fund Balance Reporting and Governmental Type Definitions. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone                      NOES: None                      Absent: Grayson

INTRODUCTION OF ORDINANCE NO. 14-3 – Amendment of Development Code Division 5

A notice of the public hearing was posted in the posting cabinet at the Civic Center, published in the Contra Costa Times, and mailed to interested parties on February 26, 2014.

Jason Hade, Associate Planner, presented a report, referring to the memorandum dated March 11, 2014, advised that the Planning Commission had recommended approval of the West Concord Mixed Use (WMX) Text Amendment to the Development Code to permit elementary, middle and secondary schools within the WMX district subject to an approved Use Permit. He shared that an application for the text amendment has been submitted by Hofmann Family Foundation to facilitate the operation of a newly created De La Salle Academy (grades 5-8) as a division of De La Salle High School. If approved, Mr. Hade continued, the applicant intends to file a Use Permit application to operate a proposed academy at 1380 Galaxy Way.

Vice Mayor Leone open a public hearing, and closed the hearing without receiving any comments.

Motion was made by Helix and seconded by Hoffmeister to adopt Resolution No. 14-14, entitled "A RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR THE WEST CONCORD MIXED USE TEXT AMENDMENT TO THE DEVELOPMENT CODE," and to introduce Ordinance No. 14-3, entitled "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE BY ADOPTING AMENDMENTS TO THE 2012 DEVELOPMENT CODE; VOLUME 1, DATED JULY 24, 2012 (FORMERLY CHAPTER 122 (ZONING) OF THE CONCORD MUNICIPAL CODE), ARTICLE II (ZONING DISTRICTS – USES AND STANDARDS), DIVISION 5 (DOWNTOWN DISTRICTS – DP, DMX, AND WMX), SECTION 122-153 (PURPOSE), SUBSECTION (C) (WMX – WEST CONCORD MIXED USE) AND TABLE 122-154.1 FOR CONSISTENCY by reading of the title and waiving further readings. City Attorney Mark Coon read the title of the ordinance. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      Absent: Grayson

CORRESPONDENCE

- a. Letter dated February 24, 2014 from Mayor Grayson to Governor Brown, stating support of increasing public library funding.
- b. Copy of the PowerPoint presentation made by Bryan Godbe regarding the 2014 Community Priorities Survey.
- c. List of events and activities in which Vice Mayor Leone had participated in during the period February 26 to March 11, 2014.

CLOSED SESSION REPORTS - None

COUNCIL AND STAFF REPORTS

City Manager Valerie Barone reported that information concerning the City's unfunded infrastructure needs and employee liabilities had been presented to the Measure Q Committee recently as requested by the City Council at their January 28<sup>th</sup> meeting, and the Committee recommended that the Council and staff work to educate the community by sharing the fiscal challenges. She concluded by advising that staff was developing an outreach plan.

Councilmembers shared information on events and activities in which they had participated over the past two weeks and commented on items of interest.

By order of the Mayor, the meeting was adjourned at 8:27 p.m.

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RONALD E. LEONE  
VICE MAYOR

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MARY RAE LEHMAN, CMC  
CITY CLERK