

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL/CITY  
COUNCIL SITTING AS THE  
LOCAL REUSE AUTHORITY  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, MARCH 25, 2014

The Concord City Council met in a regular meeting in the City Council Conference Room located in Wing A at 1950 Parkside Drive at 5:30 p.m. on Tuesday, March 25, 2014, with Vice Mayor Leone presiding. Mayor Grayson was absent. The meeting was recessed and immediately reconvened in a closed session to confer with Legal Counsel regarding the potential initiation of litigation pursuant to Government Code Section 54956.9(d)(4). Identification of the potential adverse party is withheld to avoid jeopardizing the ability to conclude existing settlement negotiations. The meeting adjourned at 6:20 p.m. to reconvene in regular session in the Council Chamber.

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:35 p.m. on Tuesday, March 25, 2014, with Mayor Grayson 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, 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; Michael Wright, Reuse Project Director; Joan Carrico, Director of Parks and Recreation; Steve Voorhies, Parks Program Manager; John Montagh, Economic Development and Housing Manager

**MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL:** Battalion Chief Dominic Ciotola, Contra Costa Fire District; Tim Madigan, Concord; Ray Barbour, Concord; Lois Courchaine, Concord; Sheila Hill, Concord; Charles Lindquist, Concord

**PUBLIC COMMENT PERIOD**

Battalion Chief Dominic Ciotola, Concord's liaison with the Contra Costa Fire Protection District, introduced himself and extended an invitation to the Council to contact him at any time with questions or concerns.

Tim Madigan, Concord, announced that he was serving as the Interim Librarian at the Concord library and provided an overview of some of the upcoming events planned for the next couple of months.

Ray Barbour, Concord, spoke of the field trips students take to Markham Park and suggested that the northwest corner of Joan and La Vista Avenues be considered for curb and gutter under the Safe Routes to School program.

Lois Courchaine, Concord, expressed her concern over the number of discarded plastic bags that litter our road and water ways, and asked the Council to consider a municipal code plastic bag ban.

Sheila Hill, Concord, advised that surrounding communities had been pro-active in banning plastic bags, and urged the Concord City Council to do the same.

Charles Lindquist, Concord, shared his observations of the performance of the Design Review Board members during the meetings of February 27 and March 13.

PRESENTATIONS

CONCORD PAVILION UPDATE

Mayor Grayson introduced Andrew Hawkins, General Manager of the Concord Pavilion, who gave an overview of the design concepts, colors and landscape improvements planned for the Concord Pavilion upgrades, and shared information on the status of the project. Mr. Hawkins advised that he was confident that the work would be completed in time for the first show scheduled for May 25<sup>th</sup>.

ALCOHOL AWARENESS MONTH

Mayor Grayson made a presentation to Ricardo Simental, Policy Coordinator of the Monument Corridor Anti Drug and Alcohol Coalition, proclaiming April as "Alcohol Awareness Month" in the City of Concord.

PARKS MAINTENANCE DIVISION UPDATE

Mayor Grayson introduced Steve Voorhies, Parks Program Manager, gave a presentation on the City's Parks Maintenance Division and answered questions about the programs operations, goals, objectives and successful programs and projects.

ANNOUNCEMENTS - None

CITY COUNCIL  
MATTERS

APPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by Leone to approve the minutes from the meetings of February 25 and March 11, 2014. Motion passed by unanimous vote of the Council.

ADOPTION OF ORDINANCE NO. 14-3

Motion was made by Hoffmeister and seconded by Leone to adopt 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" amending Division 5, Downtown Districts (DP, DMX, and WMX), Section 122-153 Purpose, Subsection (c) WMX of the Development Code adding schools and amending Table 122-154.1 for consistency. Ordinance No. 14-3 was introduced on March 11, 2014 by reading of the title and waiving further reading. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – National Joint Powers Alliance to Owen Equipment Company

Motion was made by Hoffmeister and seconded by Leone to award a contract through the National Joint Powers Alliance (NJPA) to Owen Equipment Company in the amount of \$90,355.53 to purchase the ROVVER RCX 90 Closed Circuit Camera, ROVVER X 130 Crawler and Basic Truck Package system. The NJPA provides the opportunity for its members to purchase equipment through nationally leveraged, competitively bid contracts. Motion passed by unanimous vote of the Council.

ABANDONED TRASH REMOVAL, RFB #2277 – Removed From the Calendar

The item recommended the award of a contract for RFB #2277, Abandoned Trash Removal on an as-needed basis in the amount not-to-exceed \$15,000 to Bernardini Enterprises, Inc. was pulled from the consent calendar by staff for reassessment of need.

ACCEPTANCE OF PROJECT NO. 2301 – ADA IMPROVEMENTS, MONUMENT BOULEVARD

Motion was made by Hoffmeister and seconded by Leone to approve Project No. 2301, American Disability Act (ADA) Improvements – Monument Boulevard, Mi Casa Court to Detroit Avenue; and to appropriate \$70,000 from Project No. 1284 (Citywide Accessibility Improvements) and \$6,500 from Project No. 2064 (Monument Corridor Pedestrian Infrastructure Improvements) to fully fund the project. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 14-18 – Third Amendment to the Stormwater Utility Area Agreement

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-18, entitled "A RESOLUTION APPROVING THE THIRD AMENDMENT TO STORMWATER UTILITY AREA AGREEMENT BETWEEN THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF CONCORD," and to authorize the City Manager to sign the amendment. Motion passed by unanimous vote of the Council.

MATTER SET FOR PUBLIC HEARING – Resolution of Necessity for permanent Right-of-Way and Utility Easement

Motion was made by Hoffmeister and seconded by Leone to set a public hearing for Tuesday, April 8, 2014 at 6:30 p.m. in the Council Chamber to consider a proposed Resolution of Necessity for the acquisition of a permanent Right-of-Way and Utility Easement and a Temporary Construction easement for the Clayton Road/Treat Boulevard/Denkinger Road intersection Capacity Improvement Project, 4300 Clayton Road and 4420 – 4498 Treat Boulevard. Motion passed by unanimous vote of the Council.

GENERAL PLAN ANNUAL PROGRESS REPORT – Housing Element Annual Progress Report

Motion was made by Hoffmeister and seconded by Leone to approve and accept the General Plan Annual Progress Report, including the Housing Element Annual Progress Report; and to direct staff to submit the report to the Governor's Office of Planning and Research and to the State Department of Housing and Community Development. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 14-15 – Brenden Mann Foundation Grant

This item was pulled from the consent calendar by Councilmember Hoffmeister who extended thanks to the Brenden Mann Foundation for their support to the Concord community.

Motion was made by Hoffmeister and seconded by Helix to adopt Resolution No. 14-15, entitled "A RESOLUTION AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2014-2015" approving the receipt of grant funds in the amount of \$48,207.97 from the Brenden Mann Foundation, to appropriate the funds for downtown patrol services; and to authorize the City Manager to execute all required documents. Motion passed by unanimous vote of the Council.

AMENDMENT TO AGREEMENT WITH EAST BAY GOLF CENTER'S INDEPENDENT CONTRACTOR – Joe Fernandez

This item was pulled from the consent calendar by Councilmember Hoffmeister who commended Golf Pro Joe Fernandez and his staff for the excellent job they do at the Diablo Valley Golf Course.

Motion was made by Hoffmeister and seconded by Helix to approve the first of two five-year extension options to East Bay Golf Center's Independent Contractor Agreement held with Joseph Fernandez, Director of Golf dated March 25, 2014; and to authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

APPROVAL TO HIRE A FULL-TIME, LIMITED DURATION BENEFITED PROGRAM COORDINATOR

This item was pulled from the consent calendar by resident Ray Barbour, Concord, who expressed appreciation for the services he had received from the City Clerk's office.

City Manager Valerie Barone provided information on the need for the position and the reasoning for it to be a benefited position, referencing the report dated March 25, 2014.

Motion was made by Helix and seconded by Leone to authorize and approve the hiring of a full-time, limited-duration (18-months) benefited Program Coordinator at an annual salary of \$78,520, plus benefits, to work in concert with the Information Technology Department and the entire organization to facilitate the purchase and implementation of a document imaging replacement system; authorizing the transfer of approved budget funds for personnel costs from the Information Technology, Community and Economic Development and City Management departments. Motion passed by unanimous vote of the Council.

APPOINTMENTS TO THE COMMISSION ON AGING AND TO THE APPEALS BOARD.

Following a report by Edi Birsan, Chair of the Recreation, Cultural Affairs & Community Services Council Subcommittee, motion was made by Birsan and seconded by Leone to appoint Linda Bailey and Lela Elloway to serve on the Commission on Aging for terms ending June 30, 2015, filling vacancies due to resignations, and to waive the need to interview the appointees during the 2015 recruitment, retaining the authority to reappoint the members for an additional term length if desired at that time. Motion passed by unanimous vote of the Council.

Following a report by Dan Helix, Chair of the Infrastructure and Franchise Council Subcommittee, motion was made by Helix and seconded by Hoffmeister to appoint John Edward Villandre to fill a vacancy on the Appeals Board and to serve a term ending February 28, 2017. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 14-17 – Approval to Sale Unused Property

Notice of the public hearing was posted in the Civic Center posting cabinet, mailed to interested parties, and published in the Contra Costa Times on March 12 and March 18, 2014.

Economic Development and Housing Manager, John Montag, gave a report, referring to the memorandum dated March 25, 2014, advising that Pacific Ranch Investments had proposed the purchase of a vacant piece of property owned by the City located at 4050 Port Chicago Highway consisting of 12,075 sq. ft. He clarified that the public notice referenced a slightly smaller sq. footage because it had not included a 700 sq. foot frontage, and that the City Attorney had determined that because difference in the totals was de minimus, a re-notice was not required. Mr. Montag continued by stating that an appraisal had determined the value of the property to be \$3.52 per sq. foot, for a property value of \$42,504 and Pacific Ranch Investments and the City had successfully negotiated a purchase and sale agreement. Manager Montag advised that as part of the offer by Pacific Ranch Investments, who own the adjacent property, they would allow runoff of golf cart washing water onto their property and will manage the waste water. Mr. Montag concluded his presentation by advising that the transaction was categorically exempt under the California Environmental Quality Act (CEQA) and stated that the property, while adjacent to the City's Diablo Valley Golf Course, is currently unused and is not anticipated to be necessary for future development at the golf course.

Following comments by the Councilmembers, Mayor Grayson opened the public hearing. Upon receiving no comments from the public, Mayor Grayson closed the public hearing.

Motion was made by Hoffmeister and seconded by Helix to adopt Resolution No. 14-17, entitled "A RESOLUTION APPROVING THE DISPOSITION OF A PORTION OF CITY-OWNED PROPERTY LOCATED AT 4050 PORT CHICAGO HIGHWAY, APN 100-370-009; AND AUTHORIZING A PURCHASE AND SALE AGREEMENT FOR SAID PROPERTY" authorizing the sale of a 12,075 square foot unused portion of property located at 4050 Port Chicago Highway, Concord California (APN 100-370-009) to Pacific Ranch Investments for the fair market value of \$42,504. The General Plan and Zoning Designation for the property portion is determined Parks and Recreation and the project is classified as Categorically Exempt pursuant to Section 15305(a), Class 5, "Minor Alterations in Land Use Limitations." Motion passed by unanimous vote of the Council.

The Council then reorganizes as the Local Reuse Authority to conduct the following business:

CITY COUNCIL SITTING AS  
THE LOCAL REUSE AUTHORITY

AMENDMENT TO AGREEMENT WITH ALH URBAN & REGIONAL ECONOMICS – Professional Services

Motion was made by Hoffmeister and seconded by Helix to approve an amendment to the Master Services Agreement with ALH Urban & Regional Economics (ALH Economics) for Professional Services associated with the Disposition and Land Transfer at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$5,000 for a total contract price of \$53,460 thus requiring Council approvals; and to authorize the Executive Director of the LRA to execute the agreement. Funding will be provided by a loan from the General Fund to the LRA approved by the City Council on December 10, 2013. Motion passed by unanimous vote of the Authority.

AMENDMENT TO AGREEMENT WITH ERLER AND KALINOWSKI, INC. – Professional Services

Motion was made by Hoffmeister and seconded by Helix to approve an amendment to the Master Agreement for Professional Services with Erler and Kalinowski, Inc. in the amount of \$5,850 for a total contract price of \$124,850 for Professional Services associated with Hazardous Materials Management and Remedial Assessment Reviews; and to authorize the Executive Director of the LRA to execute the agreement. The funding will be a loan to the LRA from the General Fund as approved and appropriated as part of an amendment of the FY 2013/2014 budget approved by the City Council on December 10, 2013. Motion passed by unanimous vote of the Authority.

The Authority reorganized as the City Council for the City of Concord and continued the meeting agenda.

CORRESPONDENCE

- a. Letter dated February 27, 2013 from Mayor Grayson to Supervisor/Board Chair Mitchoff congratulating the receipt of a \$9.6M federal grant to hire firefighters.
- b. Memorandum dated March 25, 2014 submitted by City Clerk Lehman to remove the award of a contract for RFB #2277 from the consent calendar for reassessment.
- c. Materials submitted by Ray Barbour during the public comment period regarding his desire for a curb and gutter at La Vista and Joan Avenues.
- d. Copy of the comments read into the record by Charles Lindquist during the public comment period.
- e. Copy of the materials concerning a plastic bag ban distributed by Sheila Hill during the public comment period.
- f. Copy of the PowerPoint presentation given by Steve Voorhies, Parks Program Manager.
- g. List of the events and meetings that Vice Mayor Ron Leone had participated in during the period March 13, through March 25, 2014.

CLOSED SESSION REPORTS - None

COUNCIL AND STAFF REPORTS

The Councilmembers shared highlights of some of the events and activities in which they had participated over the past couple of weeks.

By order of the Mayor, the meeting was adjourned at 8:40 p.m.

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TIMOTHY S. GRAYSON  
MAYOR

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RONALD E. LEONE  
VICE MAYOR

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MARY RAE LEHMAN, CMC  
CITY CLERK