

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL/  
CITY COUNCIL SITTING AS THE  
LOCAL REUSE AUTHORITY  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, APRIL 22, 2014

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, April 22, 2014, with Mayor Grayson presiding. Councilmember Helix was absent and the pledge of allegiance was led by Councilmember Hoffmeister. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Laura Hoffmeister, Ron Leone, Tim Grayson

COUNCILMEMBERS ABSENT: Dan Helix

STAFF PRESENT: Valerie Barone, City Manager; Mark Coon, City Attorney; Scott P. Johnson, Assistant City Manager; Mary Rae Lehman, City Clerk; Victoria Walker, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Michael Wright, Reuse Project Director; David Boatwright, Senior Administrative Analyst; Ray Kuzbari, Transportation Manager; Carol Johnson, Planning Manager; Jason Hade, Associate Planner

MEMBERS OF THE PUBLIC

WHO ADDRESSED THE COUNCIL: Ray Barbour, Concord; Roland Flamme, Concord; Battalion Chief Lon Goetsch, Contra Costa Fire District; John and Carey Gregg, Concord; Carlyn Obringer, Concord; George Fulmore, Concord; Mark Weinmann, Concord; Gail McPartland, Concord; Prem P. Chaudhri, Concord; Isaac Kern, Concord

PUBLIC COMMENT PERIOD

Ray Barbour, Concord, extended appreciation to the City for the support shown to residents on Joan Avenue in responding to safety concerns and for the recent installation of speed humps paid for by the residents.

Roland Flamme, Concord, expressed his desire for the passage of a law which would prohibit roosters in residential areas.

Battalion Chief Lon Goetsch, Contra Costa County Fire Protection District, introduced himself and advised that Station 6 in Concord had recently added one truck and two fire fighters.

John and Carey Gregg, representing Calvary Temple Church, shared highlights of the Convoy of Hope event held on April 5, 2014.

Carlyn Obringer, Concord, extended an invitation to the Council and residents to attend the 2<sup>nd</sup> Annual AAUW-Concord Art and Wine (and Beer) Walk scheduled for Saturday, May 10, 2014 from 1:00 – 4:00 p.m. in downtown Concord.

George Fulmore, Concord, shared his concern over how schools are rated and suggested a more comprehensive testing of the schools.

Mark Weinmann, Chairman of the Community Services Commission, expressed his concern over recent matters relevant to the Commission.

## PRESENTATIONS

### MEMORIAL TREE PROGRAM AND CONCORD WOMEN'S GARDEN CLUB

Mayor Grayson made presentations to Phyllis Wanamaker for the years of service she has given to the Memorial Tree Program and to the Concord Women's Garden Club for the initiation and maintenance of the Markham Arboretum.

### HONOR TO RETIRED POICE OFFICER SCOTT WAGNER

Mayor Grayson presented a proclamation to Retired Police Officer Scott Wagner commending him for his support of Special Olympics and naming April 22, 2014 as Scott Wagner Day in the City of Concord.

### EARTH DAY IN THE CITY OF CONCORD

Mayor Grayson introduced Nicole Impagliazzo of Mt. Diablo Recycling and presented her with a proclamation naming April 22, 2014 as "Earth Day" in the City of Concord.

### CONCORD TOURISM IMPROVEMENT DISTRICT

Mayor Grayson introduced Matt Hohenstreet, Board Member, and Trish Owen, Marketing Committee Representative of the Concord Tourism Improvement District, who introduced the logo and tagline "Diablo Valley – Defying Expectations" and shared the process of design and development. They also announced that a kick-off event was scheduled at Todos Santos Park for May 29<sup>th</sup>.

### Library Strategic Plan Update

Mayor Grayson introduced Gail McPartland, Deputy County Librarian, who further introduced Jessica Hudson, the new Concord Librarian. Ms. McPartland than gave an overview of the Library Strategic Plan and the outreach done to the communities.

## ANNOUNCEMENTS - None

The City Council then convened as the Local Reuse Authority.

CITY COUNCIL SITTING AS  
THE LOCAL REUSE AUTHORITY

AGREEMENT AMENDMENT WITH ENVIRONMENTAL RISK SERVICES CORPORATION –  
Hazardous Materials Management/Remedial Assessment Reviews

Motion was made by Hoffmeister and seconded by Leone to approve an amendment to the Master Services Agreement with Environmental Risk Services Corporation (ERS) for Professional Services associated with hazardous materials management, remedial assessment reviews, and risk management planning in an amount not to exceed \$25,000 (OEA Grant) for a total contract price of \$140,000 thus requiring Council approvals; and to authorize the Executive Director of the LRA to execute the agreement. Motion passed by the following vote of the Authority:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

The Local Reuse Authority reconvened as the Concord City Council.

CITY COUNCIL  
MATTERS

APPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by Leone to approve the minutes from the meetings of April 1 and 2, 2014. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

MATTER SET FOR PUBLIC HEARING – Community Development Block Grant Funds

Motion was made by Hoffmeister and seconded by Leone to set a public hearing for Tuesday, May 6, 2014 at 6:30 p.m. in the Council Chamber to consider the Draft 2014-15 Action Plan for Community Grant Funding from Community Development Block Grant Funds (CDBG) and Child Care Developer Fees. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

AGREEMENT AMENDMENT WITH PINNACLE PETROLEUM INCORPORATED – Fuel Cost Increase

Motion was made by Hoffmeister and seconded by Leone to amend an agreement with Pinnacle Petroleum Incorporated to provide and deliver unleaded gasoline on an as-needed basis increasing the estimated annual fuel costs for the City’s fleet from the original contract price of \$497,326.50 to \$501,577.00 due to unanticipated price changes in the petroleum market. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

MASTER AGREEMENTS WITH TRANSPORTATION CONSULTING FIRMS

Motion was made by Hoffmeister and seconded by Leone to approve Master Agreements for Professional Services with the following six transportation firms, a) Kimley-Horn and Associates, Inc., b) Omni-Means Ltd. c) Kittleson & Associates, Inc., d) DKS Associates, e) Fehr & Peers, and f) URS Corporation, each in the amount of \$250,000, to prepare transportation studies in the City of Concord; and authorize the City Manager to execute them. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION NO. 14-23 – Accepting Engineer’s Report, Downtown Landscape Maintenance District

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-23, entitled “A RESOLUTION ACCEPTING THE ENGINEER’S REPORT FOR THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT.” Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION NO. 14-24 – Accepting Engineer’s Report, Pine Hollow Estates Landscape and Lighting Maintenance District

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-24, entitled “A RESOLUTION ACCEPTING THE ENGINEER’S REPORT FOR THE PINE HOLLOW ESTATES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT.” Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION NO. 14-25 – Accepting Engineer’s Report, Landscaping and Lighting Maintenance District No. 3

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-25, entitled “A RESOLUTION ACCEPTING THE ENGINEER’S REPORT FOR THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 3.” Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION NO. 14-26 – Accepting Engineer’s Report, Citywide Street Lighting Assessment District

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-26, entitled “A RESOLUTION ACCEPTING THE ENGINEER’S REPORT FOR THE CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT.” Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION OF INTENTION NO. 14-27 – Downtown Landscape Maintenance District

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-27, entitled “A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT,” ordering improvements and setting a public hearing for May 27, 2014, at 6:30 p.m. in the Council Chamber. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION OF INTENTION NO. 14-28 – Pine Hollow Estates Landscape and Lighting Maintenance District

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-28, entitled “A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE PINE HOLLOW ESTATES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT,” ordering improvements and setting a public hearing for May 27, 2014, at 6:30 p.m. in the Council Chamber. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION OF INTENTION NO. 14-29 – Landscaping and Lighting Assessment District No. 3

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-29, entitled “A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 3” ordering improvements and setting a public hearing for May 27, 2014, at 6:30 p.m. in the Council Chamber. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION OF INTENTION NO. 14-30 – Citywide Street Lighting Assessment District

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-30, entitled “A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT,” ordering improvements and setting a public hearing for May 27, 2014, at 6:30 p.m. in the Council Chamber. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION NO. 14-20 – Walnut Creek Watershed Council

This item was pulled from the calendar by Councilmember Hoffmeister who stated that Walnut Creek passes through a portion of Concord and expressed her support of the resolution.

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-20, entitled “A RESOLUTION SUPPORTING THE WALNUT CREEK WATERSHED COUNCIL AND ITS ACTIVITIES,” a voluntary, non-regulatory stakeholder group working to protect and enhance the watershed. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF POLICY AND PROCEDURE NO. 169 – Memorial and Commemorative Items

This item was pulled from the calendar by Councilmember Hoffmeister who stated her support of establishing the new policy and made recommendations for enhancing the Request and Agreement Form by adding location and contribution lines.

Motion was made by Leone and seconded by Hoffmeister to adopt Policy and Procedure No.169, entitled *Memorial and Commemorative Items*, establishing a formal policy for the placement of memorial and commemorative items in public spaces to ensure that the items contribute to the priorities and purpose of planning efforts and preservation of the unique characteristics of existing City-owned facilities, parks, open space areas, trail systems and neighborhoods. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION NO. 14-3521.2 – Removal of Farm Bureau Road from Truck Route System

Ray Kuzbari, Transportation Manager, presented a report referring to the memorandum dated April 22, 2014, advising that studies had been conducted and reviewed for removing the truck route designation from Farm Bureau Road. He shared that it was determined that there would be a direct benefit to the residential community along the Farm Bureau Road corridor and to the City at large by such action, and that alternative means of access to destinations throughout the City would have a neutral impact upon the truck operators. Mr. Kuzbari reported that alternate truck routes exist in the City and there was no need to designate new truck routes to replace Farm Bureau Road. He shared that truck operators would shift to Clayton Road, Port Chicago Highway/East Street and Grant Street to gain access to/from Highway 242 and Highway 4, and stated that the Council Committee on Infrastructure and Franchise had reviewed the proposal for removing the truck route designation and directed the matter be presented to the City Council with a recommendation for approval.

Mayor Grayson opened a public comment period.

Ray Barbour, Concord, expressed his support and suggested that any budget savings from reduced street maintenance be used in other school areas.

Mayor Grayson stated support for the recommendation and asked staff to review the Municipal Code regarding truck tonnage on city streets, stating that many passenger vehicles exceed the commercial weight stated in the Code.

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-3521.2 entitled "A RESOLUTION AMENDING THE TRAFFIC RESOLUTION, SECTION G, TRUCK ROUTES" deleting Section G-20 – Farm Bureau Road between Willow Pass Road and Clayton Road, thereby removing Farm Bureau Road from the City's truck route system, and directing staff to install the appropriate traffic signs to effect the change. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

ADOPTION OF RESOLUTION NO. 14-16 – Denial of an Appeal submitted by Steve Rawlings on behalf of 99 Cents Only Stores

Notice of the Public Hearing was published in the Contra Costa Times, mailed to interested persons, and posted in the City's posting cabinet on April 8, 2014.

Jason Hade, Associate Planner, presented a report, referencing the memorandum dated April 22, 2014, and advising that an appeal had been filed by Steve Rawlings on behalf of 99 Cents Only Stores appealing the Zoning Administrator's denial of an application to sell alcoholic beverages at the 99 Cent Only Store at 4665 Clayton Road. Mr. Hade advised that the appeal had stated a discrepancy between 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. He continued by sharing that the location of the 99 Cents Only Store is within an area of over concentration of liquor licenses as defined by the Alcoholic Beverage Control and that the Concord Police Department had expressed concerns regarding crime in the local areas.

Sergeant Russ Norris addressed the Council's questions regarding crime in the vicinity of 4665 Clayton Road and provided information on the potential impact of an additional alcohol retailer in the area.

Steve Rawlings, the appellant representing 99 Cents Only Stores, shared the company's desire to add alcoholic beverage to their retail offering as a convenience to their customers who use the 99 Cents Only Store as their one-stop market. He confirmed that all 99 Cents Only Stores train their staff thoroughly on alcohol sales law and advised that the corporation was willing to agree to a condition to restrict the sales area for alcoholic product to 12 lineal feet and not sell singles or chilled beverages.

Mayor Grayson opened the public hearing.

Isaac Kern, Boardmember of the Newhall Village Homeowners Association, stated that behind their neighborhood is a trail network where the homeowners constantly witness and encounter inebriants and transients. He said that the Association does not support the sale of alcohol at the 99 Cents Only Store.

Prem P. Chaudhri, owner of the Super 8, stated that he had purchased his business in 1996 and has never been cited and expressed his concern that alcohol sales so near his business will have a negative influence.

Ray Barbour, Concord, shared his opinion that there should be no additional availability of alcohol in the area.

Mayor Grayson closed the public hearing.

Following comments by the Councilmembers, motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 14-16, entitled "A RESOLUTION DENYING AN APPEAL BY STEVE RAWLINGS AND UPHOLDING THE DENIAL FOR THE 99 CENTS ONLY STORE REQUEST FOR A FINDING OF PUBLIC CONVENIENCE AND NECESSITY (PL 13121-FOPCN)" to sell alcohol at 99 Cents Only Store located at 4665 Clayton Road. Motion passed by the following vote of the Council:

Ayes: Birsan, Hoffmeister, Leone, Grayson      Noes: None      Absent: Helix

#### CORRESPONDENCE

- a. Letter from Mayor Grayson to California State Senator Correa in support of SB 1262 – Medical Marijuana.
- b. Letter from Mayor Grayson to California State Senator Padilla in support of SB 270 Solid Waste: Single-use Carryout Bags.
- c. Copy of the Art and Wine (and Beer) Walk flyer submitted by Carlyn Obringer during public comment period.

- d. Copy of PowerPoint presentation made by Matt Hohenstreet during his presentation on “Diablo Valley – Defying Expectations.”
- e. Copy of handout submitted by Gail McPartland during her presentation on the Contra Costa County Library’s Strategic Plan Update.
- f. Copy of materials submitted by Isaac Kern during the public hearing on the 99 Cents Only Store appeal.
- g. Copy of marketing materials submitted by Steven Rawlings showing the grocery and produce selections offered by 99 Cent Only stores
- h. Legible copy of Attachment C “Memorial and Commemorative request and Agreement Form.”
- g. List of events and activities in which Vice Mayor Ron Leone participated during the period April 9 – April 22, 2014.

CLOSED SESSION REPORTS - None

COUNCIL AND STAFF REPORTS

Councilmembers shared information on events and activities in which they had recently participated or had scheduled in the upcoming days.

By order of the Mayor, the meeting was adjourned at 10:05 p.m.

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TIMOTHY S. GRAYSON  
MAYOR

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MARY RAE LEHMAN, CMC  
CITY CLERK