

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE LOCAL
REUSE AUTHORITY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, NOVEMBER 3, 2015

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, November 3, 2015, with Mayor Grayson presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session to confer with Legal Counsel pursuant to Government Code Section 54956.9 (a): *Ron Turner v. City of Concord* (WCAB No. ADJ7863058 and *Matthew Switzer v. City of Concord* (WCAB No. ADJ9388946).

The meeting recessed at 6:00 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 6:30 p.m. on Tuesday, November 3, 2015, with Mayor Grayson presiding. The pledge of allegiance was led by Councilmember Leone. 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; Susanne Brown, Senior Assistant City Attorney; Joelle Fockler, City Clerk; Tim McGallian, City Treasurer; Justin Ezell, Director of Public Works; Guy Bjerke, Local Reuse Authority Executive Director; Jovan Grogan, Deputy City Manager; Jeff Lewis, Director of Information Technology; Doug Elloway, Information Technology Manager; Laura Simpson, Planning Manager; Andrew Mogensen, Principal Planner; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC
WHO ADDRESSED THE COUNCIL: Roylen Stack, Concord; Dr. Harmesh Kumar, Concord;
George Fulmore, Concord

PUBLIC COMMENT PERIOD

Roylen Stack, Concord, questioned possible California Public Employees' Pension Reform Act (PEPRA) violations on agenda items 3c and 6b. Because Ms. Stack's comments were regarding items on the agenda, her comments were deferred to agenda items 3c and 6b.

Dr. Kumar, Concord, announced his run for the State Assembly District 14 seat.

George Fulmore, Concord, spoke of safety at Ellis Lake Park, gravel on Detroit Avenue, and setting guidelines for rent control.

PRESENTATIONS

NATIONAL HOSPICE/PALLIATIVE CARE MONTH

Mayor Grayson presented Rocci Barsotti, Concord Kiwanis, a proclamation declaring November 2015 as National Hospice/Palliative Care Month in the City of Concord.

ANNOUNCEMENTS – None

CITY COUNCIL
MATTERS

RESOLUTION NO. 15-69 – California Beverage Container Recycling and Litter Abatement City/County Payment Program

Motion was made by Hoffmeister and seconded by Helix to adopt Resolution No. 15-69 entitled, "A RESOLUTION TO ACCEPT FUNDING UNDER CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER ABATEMENT CITY/COUNTY PAYMENT PROGRAM AND ALLOCATE THE FUNDS TO BEVERAGE CONTAINER RECYCLING AND LITTER ABATEMENT ACTIVITIES WITHIN THE CITY OF CONCORD." Motion passed by unanimous vote of the Council.

NETWORK AND INFRASTRUCTURE SUPPORT AND TECHNICAL STAFFING – Thebs Consulting, LLC; Botts Strategic Solutions; Robert Half International, Inc.

Motion was made by Hoffmeister and seconded by Helix to amend the agreement with Thebs Consulting, LLC in the amount of \$51,000, amend the agreement with Botts Strategic Solutions in the amount of \$48,000, amend the agreement with Robert Half International, Inc. in the amount of \$49,000; and authorize the City Manager to execute the amendments. Motion passed by unanimous vote of the Council.

LEGAL PROFESSIONAL SERVICES – Interim City Attorney

This item was pulled from the consent calendar by Roylen Stack.

After clarification by City Manager Barone, a motion was made by Hoffmeister and seconded by Helix to approve an agreement for legal professional services between the City of Concord and Libow & Wellman for the services of Brian M. Libow as Concord's Interim City Attorney for a not to exceed amount of \$150,000; and authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

The Council reconvened as the Local Reuse Authority.

LOCAL REUSE AUTHORITY
MATTERS

AMENDMENT TO MASTER AGREEMENT FOR PROFESSIONAL SERVICES – Environmental Risk Services Corporation (ERS)

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment to the master agreement for professional services associated with hazardous materials management, remedial assessment reviews, and risk management planning with Environmental Risk Services Corporation (ERS) not to exceed \$50,000, and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT – ARUP, Inc.

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment to the master services agreement with ARUP, Inc. for professional services associated with land transfer/development planning at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$40,000; and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – Burke, Williams & Sorensen, LLP

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment to the professional services agreement for specialized legal services with Burke, Williams & Sorensen, LLP in the amount of \$70,000 in connection with transactional legal support for the transfer for the former Concord Naval Weapons Station (CNWS); and authorize the Senior Assistant City Attorney to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT – HR&A Advisors, Inc.

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment to the master services agreement with HR&A Advisors, Inc. (HR&A) for professional services associated with the Economic Development Conveyance (EDC) application and business plan and developer selection process at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$55,000; and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT – Johnson Marigot Consulting, LLC

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment to the master services agreement with Johnson Marigot Consulting, LLC for preparation of materials to support an application for a 404 permit under the Clean Water Act and regulatory support services in the amount of \$20,000; and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – The Wright Group

This item was pulled from the Local Reuse Authority by Roylen Stack.

After clarification by City Manager Barone, a motion was made by Hoffmeister and seconded by Helix to approve an amendment to the professional services agreement for technical, strategic and tactical advice on the Base Reuse Project with The Wright Group (Michael Wright) not to exceed \$76,000; and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

The Local Reuse Authority reconvened as the Concord City Council.APPOINTMENT TO THE CONCORD PLEASANT HILL HEALTH CARE DISTRICT

Motion was made by Helix and seconded by Hoffmeister to appoint James Mason and Niko Anagnostopoulos to the Concord Pleasant Hill Health Care District for terms ending June 30, 2019 and Enrico Bunyi and Cindy Moreci for terms ending June 30, 2017. Motion passed by unanimous vote of the Council.

INTRODUCTION OF ORDINANCE NO. 15-8 – Development Code Update

Principal Planner Andrew Mogensen presented a report, referring to the staff report dated November 3, 2015, and noting that the text of Ordinance 15-8 proposes changes only to the following Development Code Sections: 18.20.020 Use Classifications - Hookah Lounges, 18.40.020 Small Residential Care Facilities, 18.200.130 Mechanical and Electronic Games, 18.505.020 Time Limits and Extension, and 18.540.090 Limitations of Actions.

Following questions by the Council, changes to Exhibit C, 18.200.130, Mechanical and electronic games, be amended to read as follows:

Where allowed by Division II of this title (Zoning Districts – Uses and Standards), establishments that operate mechanical and electronic games as ancillary to a principal use, such as a restaurant or retail establishment, shall comply with the requirements of this section.

Mayor Grayson opened a public comment period, and upon receiving no comment, closed the public comment period.

Motion was made by Hoffmeister and seconded by Leone to introduce Ordinance No. 15-8 entitled, "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE, CHAPTERS 18.20.020 (USE CLASSIFICATIONS), 18.40.020 (SMALL RESIDENTIAL CARE FACILITIES), 18.200.050 (CHILD DAY CARE FACILITIES), 18.200.130 (MECHANICAL AND ELECTRONIC GAMES), AS AMENDED, 18.200.200 (TEMPORARY EVENTS, USES, AND STRUCTURES), 18.415.100 (DECISIONS AND FINDINGS), 18.505.020 (TIME LIMITS AND EXTENSIONS), AND 18.540.090 (LIMITATION OF ACTIONS). Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Tree of Lights Celebration for 2015 brochure.
- b. Item 5a, Development Code Update, PowerPoint Presentation.
- c. Item 5a, Letter from Emily Minns, Attorney at Law.

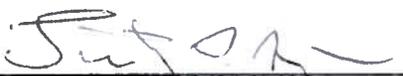
PUBLIC COMMENTS ON PRESENTATION ITEMS – None

CLOSED SESSION REPORTS – None

COUNCIL AND STAFF REPORTS

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

By order of the Mayor, the meeting was adjourned at 7:20 p.m.



 TIMOTHY S. GRAYSON
 MAYOR



 JOELLE FOCKLER, CMC
 CITY CLERK