

REGULAR MEETING OF THE
 CONCORD CITY COUNCIL
 CITY COUNCIL CHAMBER
 1950 PARKSIDE DRIVE
 CONCORD, CALIFORNIA
 TUESDAY, JANUARY 28, 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, January 28, 2014, with Mayor Grayson presiding. Councilmember Hoffmeister was absent. The meeting was recessed and immediately reconvened in a closed session to a) confer regarding a personnel matter pursuant to Government Code Section 54957(b)(1), Public Employment Appointment – Director of Human Resources; and to b) confer with Labor Negotiators pursuant to Government Code Section 54957.6. City Negotiators included Valerie Barone, City Manager; Kay Winer, City Consultant; and Charles Sakai, Esq. of Renne, Sloan, Holtzman & Sakai regarding Employee Organizations including Administrative, Technical & Clerical Representation Unit and Field & Operations Representation Unit of International Brotherhood of Teamsters Local 856; Professional Representation Unit of OPEIU Local 29; Peace Officer Representation Unit of Concord Police Officers Association and Police Managerial Representation Unit of Police Management Association and Unrepresented Units - Executive, Management & Confidential Employees. The meeting adjourned at 6:50 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 7:05 p.m. on Tuesday, January 28, 2014, with Mayor Grayson presiding. Councilmember Hoffmeister was absent when the meeting commenced, arriving at 7:35 p.m. The pledge of allegiance was led by Councilmember Helix. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Dan Helix, Ron Leone, Tim Grayson
 Laura Hoffmeister arrived at 7:35 p.m.

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; Jovan Grogan, Budget Official

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Jeanette Green, Concord; Sonia Romero, Concord; Lynn Kuehl, Concord; Richard Eber, Concord; Don Fielding, Concord; Dr. Harmesh Kumar, Concord; Mara Gold on behalf of Supervisor Mitchoff, Concord

PUBLIC COMMENT PERIOD

Lynn Keuhl, Concord, shared information regarding an event the Concord Small Business Association was hosting on Friday, February 9th, which would feature Senator Mark DeSaulnier discussing Senate Bill 1, Replacing California's Redevelopment. He advised that the event would be held at the Contra Costa Water District office commencing at 5:00 p.m.

Sonia Romero, Concord, presented photographs of areas of sidewalk which she felt were in disrepair and hazardous to senior residents who walk them.

Jeannette Green, Concord, invited the Council to the first Holbrook Heights Neighborhood meeting scheduled for Wednesday, January 29th at 7:00 p.m. at the Concord Senior Center; and announced that she had been appointed to the Tesoro Community Committee.

PRESENTATIONS

City Manager Valerie Barone made opening comments in a presentation to provide updates on the City's Long-Term Post-Employment Liabilities and Infrastructure Backlog. She explained that the City was required to use \$24 million in reserves to balance the budget since the recession began in 2008, and shared that this was in spite of reducing staffing levels by 144 employees, cutting programs and services, increasing employee contributions to health and retirement benefits, and outsourcing services. She advised that the passage of the Measure Q half-cent sales tax had provided revenues which had offset impacts to the General Fund. However, she continued, the loss of the Redevelopment Agency, funding responsibilities to CalPERS, and postponed general maintenance and preventive measures to the City's infrastructure are nearing critical status and have not been addressed. Budget Officer Jovan Grogan gave particulars on the revenue and expenditure position of the City over the past few years, and advised that the Measure Q sales tax revenue was scheduled to cease in 2015. He stated that conservative use of Measure Q revenue could keep the City in a positive financial position through Fiscal Year 2021-22 with continued conservative spending. He concluded his comments by stating that the analysis did not include expenditures to fully fund the City's employee retirement (CalPERS), medical obligations (OPEB), the City's Closed Pension Plan (CCRS), nor the maintenance backlog to City facilities, park systems, signs or roadways.

Karan Reid, Director of Finance, gave an overview of the impacts of CalPERS, OPEB, CCRS liabilities sharing that the City's annual \$9 million contributions to CalPERS were included in the current budget and 10-year plan, but still leaves an \$83 million unfunded liability. She explained that the City should be paying \$2.9 million more annually to fully fund retiree liabilities.

Justin Ezell, Director of Public Works, advised that since 2008 the Public Works Department had lost more than half of its employees and more than a third of its budget which has created the reported backlog. He stated that the City would be required to spend an additional \$7.2 to \$7.6 million per year on infrastructure alone; confirming that that amount did not include addressing city parks and recreations areas or signage.

Robert Ovadia, City Engineer, explained that to maintain the current condition of the City streets, the City would be required to spend \$5.8 million more each year than allocated and to improve the conditions would cost up to \$10.5 annually.

Following comments by the Council, Mayor Grayson opened a public comment period.

Dr. Harmesh Kumar, Concord, read a statement into the record asking for specific pension and health information on employees, and requesting a commitment to fully fund all liabilities, eliminate or extend the 5-year vesting period.

Don Fielding, Concord, expressed his concern over the unfunded liabilities and stated his objection to the elected officials getting life time benefits for 5 years of service.

Richard Eber, Concord, shared his concern over the City's financial shortfall and recommended that after Measure Q expires in 2016 a new measure should go on the ballot to continue the tax.

Mayor Grayson closed the public comment period.

After comments by the Councilmembers, Mayor Grayson asked staff to work with the Measure Q Committee to provide additional information on Measure Q and its future. The request was support by all Councilmembers.

ANNOUNCEMENTS - None

CITY COUNCIL MATTERS

APPROVAL OF MINUTES

Motion was made by Helix and seconded by Leone to approve the minutes from the meeting of January 14, 2014. Motion passed by unanimous vote of the Council.

AGREEMENT WITH AECOM – Amendment for Project No. 2060, Citywide Bridge Repair

Motion was made by Helix and seconded by Leone to approve a Professional Services Agreement amendment with AECOM of Sacramento in the not-to-exceed amount of \$165,740.44 to provide Civil Engineering Design & Environmental Services for Project No. 2060 (Citywide Bridge Repair Program BPMP-5135(039)); and to authorize the City Manager to execute the amendment. Motion passed by unanimous vote of the Council.

AGREEMENT WITH TRB AND ASSOCIATES – Amendment for Plan Check and Inspection

Motion was made by Helix and seconded by Leone to approve an amendment to the 4-year Master Professional Services Agreement with TRB and Associates, Inc. for plan checking and building inspection services increasing the compensation level from \$250,000 to the not-to-exceed amount of \$525,000 in each of the fiscal years, extending the contract to June 30, 2017; and to authorize the City Manager to execute the amendment. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 14-6 – Contra Costa County Park Dedication Funds

This item was pulled from the calendar by Mara Gold on behalf of Supervisor Karen Mitchoff, who extended congratulations to the City for their receipt of the County funding.

Motion was made by Helix and seconded by Leone to adopt Resolution No. 14-6, entitled "A RESOLUTION ACCEPTING CONTRA COSTA COUNTY PARK DEDICATION FUNDS, AND APPROPRIATING FUNDS TO PROJECT NO. 2297, INSTALL SHADE STRUCTURE FOR MEADOW HOMES SPRAY PARK" accepting Contra Costa County Park Dedication Funds in the amount of \$47,600 and to appropriate the funds to Project No. 2297, Shade Structure Installation at Meadow Homes Spray Park; authorizing \$6,142 in residual funds from CIP Project No. 1288 to Project No. 2297; and to authorize the City Manager to sign any supplemental agreements provided by Contra Costa County. Motion passed by unanimous vote of the Council.

INTRODUCTION OF ORDINANCE NO. 14-1 – Update of Fire Code

Notice of the public hearing was published in the Contra Costa Times, posted in the City's posting cabinet and mailed to any interested parties on record on January 14, 2014.

A report was presented by Robert Woods, Chief Building Official, referencing his memorandum dated January 28, 2014, who explained that the County Board of Supervisors had adopted the 2013 California Fire Code with amendments recommended by the Contra Costa

County Fire Protection District in October, 2013. The amendment, Mr. Woods explained clarified terms and definitions, weed abatement procedures, auto wrecking yard requirements, regulations for emergency access to developments during and after construction, certain fire sprinkler operations and administrative modifications to operations and procedures. He assured there would be no fiscal impacts to the City and introduced Lewis Broschard Fire Marshal for Contra Costa County Fire Protection District to answer any questions.

Mayor Grayson opened and closed the public hearing without receiving additional comments.

Motion was made by Hoffmeister and seconded by Helix to introduce Ordinance No. 14-1, entitled "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS) ARTICLE VI (FIRE CODE) ADOPTING THE 2013 CALIFORNIA FIRE CODE AND RATIFYING THE AMENDMENTS CONTAINED IN COUNTY ORDINANCE 2013-22" amending Section 14-151 (Fire Code adopted), Section 14-152 (Contra Costa County Fire Protection District Ordinance adopted), and Section 14-153 (Delegation of enforcement to Fire Chief) to adopt the 2013 California Fire Code and the Contra Costa County amendments to the 2013 California Fire Code by reading of the title and waiving further reading. City Attorney Mark Coon read the ordinance title. Motion passed by unanimous vote of the Council.

CONSIDERATION OF THE SALE OF PROPERTY AT 4050 PORT CHICAGO HIGHWAY – Resolution No. 14-5 recommended for adoption

Notice of the public hearing was published twice in the Contra Costa Times on January 14 and 21, 2014, posted in the City's posting cabinet and mailed to any interested parties on record.

The public hearing schedule to consider 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 was continued to the meeting of Tuesday, February 4, 2014 to allow additional review by staff.

CORRESPONDENCE

- a. Treasurer's Report for the period October 1 – December 31, 2013.
- b. Letter dated January 28, 2014 submitted during public comment period by Sonia Romero concerning local sidewalks.
- c. Transcript of comments read into the record by Dr. Harmesh Kumar.
- d. List of events and meetings attended by Vice Mayor Leone between January 15, 2014 and January 27, 2014.

CLOSED SESSION REPORTS - None

COUNCIL AND STAFF REPORTS

Councilmember Hoffmeister shared information regarding the Walnut Creek Watershed Council and received support from her fellow Councilmembers to have staff bring back information on the issues for Council consideration.

Councilmember Leone shared information regarding his recent attendance at the Downtown Specific Plan and at the League of California Cities' Policy Committee. He gained support from his fellow Councilmembers to have the policy on street naming reviewed by the Policy Development and Internal Operations Council Sub-committee.

Councilmember Hoffmeister stated that she had attended the State of the Campus presentation at Cal State Hayward – Concord Campus, and announced that they would be switching to the semester system. She also stated that the State would be reviewing a ban of plastic bags at the statewide level and gained support from her fellow Councilmembers to write a letter of support.

By order of the Mayor, the meeting was adjourned at 9:50 p.m.

TIMOTHY S. GRAYSON
MAYOR

MARY RAE LEHMAN, CMC
CITY CLERK