



# A G E N D A

## REGULAR MEETING OF THE CONCORD CITY COUNCIL



Tuesday, July 22, 2014  
7:00 p.m. – Regular Meeting  
City Council Chamber  
1950 Parkside Drive, Concord, CA

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### CITY COUNCIL REGULAR MEETING 7:00 p.m. – City Council Chamber

#### ROLL CALL

**PLEDGE TO THE FLAG** – Councilmember Helix

#### PUBLIC COMMENT PERIOD

1. **PRESENTATIONS**
2. **ANNOUNCEMENTS**

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### CITY COUNCIL MATTERS

#### CITY COUNCIL CONSENT ITEMS:

- a. **Approving** – the minutes from the meeting of June 24, 2014. (No Fiscal Impact) Recommended by the Deputy City Clerk.
- b. **Approving** – amendments to the City’s Conflict of Interest Code, and confirm that the Local Reuse Authority’s Conflict of Interest Code established by Resolution LRA 06-1 dated January 10, 2006 remains appropriate. (No fiscal impact) Resolution No. 14-54 for adoption. Recommended by the City Clerk.
- c. **Adoption of Ordinance No. 14-5** – an Ordinance amending Concord Municipal Code Section 10.25.010 (Truck Routes); Section 10.25.020 (Commercial Vehicles Prohibited from Using Certain Streets); and Section 10.25.030 (Restrictions on use of Pine Hollow Road. Ordinance 14-5 was introduced on July 8, 2014. Recommended by the Deputy City Clerk.

- d. **Adoption of Ordinance No. 14-7** – an Ordinance amending Concord Municipal Code Title 10 (Traffic and Vehicles), Chapter 10.30 (Stopping, Standing, and Parking) adding new Section 10.30.305 (Valet Parking Passenger Loading/Unloading Zones) and other related updates. Ordinance 14-7 was introduced on July 8, 2014. Recommended by the Deputy City Clerk.
- e. **Approving** – a three month extension to the current terms of the Pixieland Amusement Park, Inc. Contract and Lease Agreement; and authorizing the City Manager to execute the Amendment; and directing staff to continue to negotiate terms and return to the City Council with a new Contract and Lease Agreement for Council consideration prior to October 31, 2014. (No fiscal impact) Recommended by the Director of Parks and Recreation.
- f. **Approving** – the final map for Tract 9162, Copperleaf Subdivision (Assessor's Parcel No. 113-133-008); accepting the public utility easement, public sanitary sewer easement, and public emergency vehicle access easements offered for dedication; and authorizing the City Manager to execute the Subdivision Improvement Agreement and Stormwater Maintenance Agreement for the Copperleaf Subdivision, subject to the City Attorney's approval of the Performance Securities submitted by the Subdivider. (No fiscal impact) Resolution No. 14-49 for adoption. Recommended by the Director of Community and Economic Development.
- g. **Awarding** – a contract to TEC Oakland for the purchase of one 2015 Chassis Cab (RFB #2294) in the amount of \$57,105.55. (Vehicle Replacement Fund) Recommended by the Director of Public Works.
- h. **Approving** – an amendment to a Professional Services Agreement with Swinerton Management & Consulting of San Francisco in the amount of \$9,600 for project management services; approving a Task Order Amendment with RBF Consulting of Walnut Creek in the amount of \$35,063 for design services for Project No. 2251 (Farm Bureau Road Safe Routes to School Improvements, from Willow Pass Road to Wren Avenue); and authorizing the City Manager to execute the amendments. (Safe Routes to School Grant, Measure J, OSIP, and Gas Tax Funds) Recommended by the Director of Community and Economic Development.
- i. **Approving** – Project No. 2316 (Concord Community Pool ADA Improvements); and appropriating \$11,038.45 from Project No. 1284 (Citywide Accessibility Improvements) to fully fund the project with available CDBG funds. (CDBG) Recommended by the Director of Parks and Recreation.
- j. **Awarding** – a contract to Tritech Software Systems in the amount of \$1,303,054 to license and implement the Police Department Law Enforcement Records Management System, Capital Improvement Project No. 2272; and authorizing the City Manager to execute the Agreement. (CIP Project No. 2272) Recommended by

the Interim Director of Information Technology.

- k. **Approving** – an Amendment to a Lease Agreement with Vasconi-Belka Realty for use of the privately-owned, paved parking lot by Monument Community First 5 Center participants; and authorizing the City Manager to execute the amendment. (First 5 Contra Costa Children and Families Commission) Recommended by the Director of Parks and Recreation.
- l. **Authorizing** – the City Manager to negotiate and restructure the Former Redevelopment Agency Loans with Concord Plaza Tower, Inc., and cede the City’s fee ownership of the land where the Plaza Tower is located with Concord Homes, Inc.; and authorizing the City Manager to execute any related agreements. Resolution No. 14-60 for adoption. Recommended by the Director of Community and Economic Development.
- m. **Authorizing** – the acceptance of grant monies in the amount of \$113,348 from the State of California’s Office of Traffic Safety; and appropriating the funds for use in the City’s Selective Traffic Enforcement Program. Resolution No. 14-61 for adoption. Recommended by the Chief of Police.
- n. **Authorizing** – the City Manager to respond to Contra Costa County 2013-2014 Grand Jury Report Nos. 1403, 1404, and 1405, relating to Child Abuse Reporting Training, Planning for Technology, and Implementation of the California Public Records Act. Recommended by the City Attorney.
- o. **Accepting** – the improvements for Project No. 2301 (ADA Improvements on Monument Boulevard – Mi Casa Court to Detroit Avenue) constructed by Spencon Construction, Inc. of Danville; and directing the City Clerk to file a Notice of Completion. (CDBG and Gas Tax Funds) Recommended by the Director of Community and Economic Development.
- p. **Authorizing** – the City Manager to award a construction contract for Project No. 2296 (Concord Boulevard PG&E Utility Pole Relocation and Pavement Rehabilitation); and authorizing the City Manager to execute the agreement. Resolution No. 14-55 for adoption. (OSIP, Measure J Local and Caltrans Grant Funds) Recommended by the Director of Community and Economic Development.
- q. **Confirming** – acceptance of Offer of Dedication No. 1739 (Shell Oil Use Permit Amendment 3-79) entered into on June 24, 1986 for recordation purposes only, and at this time the current property owner is requesting that the City formalize that acceptance through the City Council. (No fiscal impact) Recommended by the Director of Community and Economic Development.
- r. **Authorizing** – an Interagency Agreement with San Mateo County for a period of three years in an amount not to exceed \$99,000 for Forensic Laboratory Services. Resolution No. 14-63 (General Fund) Recommended by the Chief of Police.

**4. CITY COUNCIL CONSIDERATION ITEMS:**

- a. **Consideration** – to allow California Hero Program and Figtree Financing to operate in Concord as part of the Property Assessed Clean Energy (PACE) Program. Resolution Nos. 14-57, 14-58, and 14-59 for adoption. (No fiscal impact) **Report by: Robert Ramirez, Economic Development Specialist.**

**Staff recommendation: Hear the report, take public testimony, and adopt Resolution Nos. 14-57, 14-58, and 14-59.**

- b. **Consideration** – to accept Regional Measure 2 grant funds to support the City's Bicycle and Pedestrian Master Plan and Safe Routes to Transit Project; and direction from Council regarding the formation of the Bicycle and Pedestrian Plan Advisory Committee. Resolution No. 14-53 for adoption. (RM-2, TDA grant, and Measure J) **Report by: Andrew Mogensen, Interim Planning Manager.**

**Staff recommendation: Hear the report, take public testimony, receive direction of the formation of the Bicycle and Pedestrian Plan Advisory Committee, and adopt Resolution No. 14-53.**

- c. **Consideration** – of a request for reconsideration made by Councilmember Helix to allow for reconsideration of increases to select parking fines approved at the June 24, 2014 budget hearing. **Report by Cheryl Owens, Finance/Business Operations Manager.**

**Staff recommendation: Hear the report, take public testimony, and provide staff direction.**

- d. **Consideration** – of a request for reconsideration made by Councilmember Birsan to implement a senior citizen discount to lap swimming fees, and if determined that a discount is desired, set a Public Hearing for September 9, 2014 to amend the Master Fees and Charges schedule for fiscal year 2014-15. (Aquatics Program) **Report by: Christopher Roke, Recreation Program Manager.**

**Staff recommendation: Hear the report, take public testimony, and provide staff direction.**

- e. **Consideration** – of approval of a Resolution Providing Direction to Staff to Work with CalPERS to Modify Pension and Retiree Medical Benefits for Elected Officials. Resolution No. 14-65 for adoption. **Report by: Scott P. Johnson, Assistant City Manager.**

**Staff recommendation: Hear the report, take public testimony, and adopt**

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**Resolution No. 14-65.**

- f. **Consideration** – of approval of the Pipeline Pathways Project Framework Agreement with Pacific Gas & Electric Company. **Report by: Valerie J. Barone, City Manager.**

**Staff recommendation: Hear the report, take public testimony, approve the Pipeline Pathways Project Framework Agreement with Pacific Gas & Electric Company, and authorize the City Manager to execute the agreement.**

**5. CITY COUNCIL PUBLIC HEARING:**

**MAYOR: Madam Clerk, have all the publications been completed and appropriate parties notified?**

- a. **Consideration** – of an Ordinance adopting and enacting a new recodified and republished Municipal Code for the City of Concord, California; providing for the repeal of certain ordinances not included therein reorganizing the Code in a logical and coherent manner, and providing a manner for amending such Code. Ordinance No. 14-2 (uncodified) for introduction. **Report by Mary Rae Lehman, City Clerk.**

**Staff Recommendation: Hear the report, take public testimony and introduce Ordinance No. 14-2 (uncodified) by reading of the title only and waiving further readings.**

**NOTE TO MAYOR: After motion and second, ask City Attorney to read ordinance title.**

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- 7. **CORRESPONDENCE** – City Council correspondence not selectively included in the following list is available for inspection during normal business hours by contacting the City Clerk at 671-3390.

- a. Treasurer’s Report for the period April 1, 2014 – June 30, 2014.

**8. PUBLIC COMMENTS ON PRESENTATION ITEMS**

**9. CLOSED SESSION REPORTS**

**10. COUNCIL AND STAFF REPORTS**

**11. ADJOURNMENT**

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**NOTICE**

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting (Policy and Procedure No. 2, Section 4.24). For information on the next regular or special City Council meeting, please call (925) 671-3390.

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**NEXT REGULAR CITY COUNCIL MEETING: 6:30 p.m.; Tuesday, September 9, 2014**

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**CLOSED SESSION:** The City Council may convene in closed session immediately prior to or at the conclusion of the above meeting. If a closed session is to be held, an agenda will be posted on the Friday prior to the meeting. For additional information regarding the closed session, contact the City Attorney's Office at 671-3160.

**NOTICE TO PUBLIC**

**SPEAKER'S CARD** - Members of the audience who wish to address the City Council are requested to complete a Speaker's Card available at the front bench. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

**AGENDA REPORTS** - Agenda reports are available for public viewing in a binder on the front staff desk.

**PUBLIC COMMENT PERIOD** - This is a fifteen-minute Public Comment Period for items not on this agenda, and each speaker will be limited to approximately three minutes. State law prohibits the City Council from acting at this meeting on any matter raised during the Public Comment Period.

**CONSENT CALENDAR** - Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Councilmember, individual or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Mayor may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate.

**PUBLIC HEARINGS** - Persons who wish to speak on Public Hearings listed on the agenda will be heard when the public hearing is opened, except on public hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency. No public hearing shall commence after 10:00 p.m. unless approved by majority vote of the City Council.

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS** - The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the City Clerk for personal use during Council meetings.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3170, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

The following is a list of regular Council Committee meeting dates. Most meetings are held in the Garden Conference Room, 1950 Parkside Drive, Concord. **NOTE: Meetings are subject to change or cancellation. For latest information**

and committee agendas please call 671-3158.

Committee	Chair/Member	Meeting Time
Housing & Economic Development	Grayson/Leone	4 <sup>th</sup> Monday at 5:30 p.m.
Infrastructure & Franchise	Hoffmeister/Helix	2 <sup>nd</sup> Thursday at 5:30 p.m.
Recreation, Cultural Affairs & Comm. Svc.	Birsan/Hoffmeister	4 <sup>th</sup> Thursday at 5:30 p.m.
Policy Development & Internal Operations	Helix/Grayson	2 <sup>nd</sup> Monday at 5:30 p.m.
Youth & Education	Leone/Birsan	3 <sup>rd</sup> Monday at 5:30 p.m.

Correspondence received that constitutes a public record under the Public Records Act concerning any matter on this agenda is available for inspection during normal business hours by contacting the City Clerk's office at 1950 Parkside Drive, Wing A, Concord, CA.

**E-mail:** [cityinfo@ci.concord.ca.us](mailto:cityinfo@ci.concord.ca.us)

**Website:** [www.cityofconcord.org](http://www.cityofconcord.org)

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### **MEETING RECORDS**

City Council meetings are available for viewing on the City's website, [www.cityofconcord.org](http://www.cityofconcord.org) and at the Concord Public Library. Copies of DVDs of the Council Meeting are available for purchase. Contact the City Clerk's Office at (925) 671-3390 for further information.

### **TELEVISED MEETINGS**

All meetings are broadcast live on Comcast channel 28, Astound Broadband channel 29, and AT&T U-Verse channel 99. The meeting is replayed on the Wednesday following the meeting at 8:00 a.m., 2:00 p.m. and 7:00 p.m. Replays are also broadcast on Thursday, Friday and Saturday. Please check the City website, <http://www.cityofconcord.org/about/citynews/tvlistings.pdf>