

This agenda has been amended to
remove Consent Calender Item Number 3.a.



AMENDED AGENDA

**REGULAR MEETING OF THE
CONCORD CITY COUNCIL**

Tuesday, January 12, 2016

5:30 p.m. – Closed Session

6:30 p.m. – Open Session

1950 Parkside Drive, Concord, CA

**CITY COUNCIL
REGULAR MEETING
CLOSED SESSION**

5:30 p.m. – City Council Conference Room

I. ROLL CALL

II. PUBLIC ANNOUNCEMENT (Open Session)

III. PUBLIC COMMENT (Open Session)

IV. CLOSED SESSION

- a. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6.

City Negotiators: Valerie Barone, City Manager
Kay Winer, Interim Director of Human Resources –
Negotiations
Charles Sakai, Esq. and Don Turko of Renne, Sloan,
Holtzman & Sakai

Employee Organizations: 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.

Unrepresented Units: Executive, Management & Confidential Employees

- b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: (*Samuel Bogut v. City of Concord, et al*, United States District Court Case No. 15-CV-04572.)

V. RECESS TO OPEN SESSION

**CITY COUNCIL
REGULAR MEETING
6:30 p.m. – City Council Chamber**

ROLL CALL

PLEDGE TO THE FLAG – Councilmember Grayson

PUBLIC COMMENT PERIOD

1. **PRESENTATIONS**

- a. **Presentation** – by Darrell Revier, Region 2 Representative, California Association of Code Enforcement Officers (CACEO), presenting City of Concord employee Curt Michael with the CACEO Officer of the Year award. **Introduction by Mayor Hoffmeister.**
- b. **Presentation** – by Aaron Hawkins, Concord Pavilion General Manager, providing an update on the Concord Pavilion. **Introduction by Mayor Hoffmeister.**
- c. **Presentation** – by Jason Crapo, Contra Costa County, on a proposed County-wide Community Choice Aggregation Program. **Introduction by Mayor Hoffmeister.**

2. **ANNOUNCEMENTS**

**CITY COUNCIL
MATTERS**

3. **CITY COUNCIL CONSENT ITEMS:**

- a. **This item has been removed.**

~~**Approving** – a contract in an amount up to \$114,944 with LSA Associates to prepare an Environmental Impact Report (EIR) and associated documentation to analyze the environmental effects of the proposed Rocketship School located at 1335-1385 Galindo Street. (Cost paid for by Rocketship Education) Recommended by the Director of Community and Economic Development.~~

- b. **Authorizing** – the application for FY 2015-16 Transportation Development Act (TDA) Grant Funds in the amount of \$150,000 to support a Bicycle and Pedestrian Safety Improvement Project on Detroit Avenue at Whitman Road. This project is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction or Conversion of Small Structures.) Resolution No. 16-4 for adoption. Recommended by the Director of Community and Economic Development.

- c. **Matter to set for public hearing** – on Tuesday, February 2, 2016, at 6:30 p.m. in the City Council Chamber to consider an ordinance to rezone a parcel from RS-7 (Single Family Residential, 7,000 sq. ft. minimum lot size) to RL (Residential, Low Density) for a Tentative Subdivision Map, Design Review, Minor Exception, and Tree Removal for eight single-family homes at 1890 Risdon Road, APN 147-350-003.

Pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, an Initial Study was completed and a Mitigated Negative Declaration (MND) was prepared and distributed for public review. The 20-day comment period began October 6, 2015 and ended October 26, 2016, pursuant to the requirements of CEQA. The draft MND determined that, although the proposed project could have potentially significant impacts for Biological and Cultural Resources and Geology and Soils, mitigation measures incorporated as part of the project's design or as conditions of approval would reduce the potential impacts to less-than-significant levels. A Mitigation Monitoring and Reporting Program (MMRP) was also prepared to ensure compliance with the mitigation measures identified in the MND. Recommended by the Director of Community and Economic Development.

- d. **Accepting** – Public Improvements for Tract 9162, Copperleaf Subdivision, and releasing the obligation of the bonds posted with the Subdivision Agreement. Resolution No. 16-05 for adoption. Recommended by the Director of Community and Economic Development.

4. CITY COUNCIL CONSIDERATION ITEMS:

- a. **Authorizing** – Contra Costa County to collect electrical usage data on behalf of the City of Concord and authorizing the City of Concord to contribute funding of up to \$25,000 for a Community Choice Aggregation Technical Study. (General Fund) Resolution No. 16-7 for adoption. Report by Laura Simpson, Planning Manager.

Staff recommendation: hear the report, take public testimony, and adopt Resolution No. 16-7 authorizing the City Manager to execute documents authorizing the County to collect electrical demand data for Concord and approving the expenditure of up to \$25,000 toward the technical study.

- b. **Accepting** – the Comprehensive Annual Financial Report with Independent Auditors' Report and Required Communications Letter for the year ending June 30, 2015. Report by Suzanne McDonald, Financial Operations Manager.

Staff recommendation: hear the report, take public testimony, and accept the Comprehensive Annual Financial Report with Independent Auditors' Report and Required Communications Letter for the year ending June 30, 2015.

- c. **Announcing** – an unscheduled vacancy on the City of Concord Planning Commission and determining whether to appoint at this time or publish formal recruitment. Report by Joelle Fockler, City Clerk.

Staff recommendation: hear the report, take public testimony, and either fill the position from the existing list by ballot vote or open a recruitment to fill the unscheduled vacancy and set Friday, February 26, 2016, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

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5. **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.
 6. **PUBLIC COMMENTS ON PRESENTATION ITEMS**
 7. **CLOSED SESSION REPORTS**
 8. **COUNCIL AND STAFF REPORTS**
 9. **ADJOURNMENT**

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) 671-3495.

NEXT REGULAR CITY COUNCIL MEETING: 6:30 p.m., Tuesday, January 26, 2016

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	Leone/Helix	4 th Monday at 5:30 p.m.
Infrastructure & Franchise	Helix/Birsan	2 nd Monday at 5:30 p.m.
Recreation, Cultural Affairs & Comm. Svc.	Grayson/Hoffmeister	4 th Thursday at 5:30 p.m.
Policy Development & Internal Operations	Hoffmeister/Leone	2 nd Thursday at 5:30 p.m.
Youth & Education	Birsan/Grayson	3 rd 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.

MEETING RECORDS

DVDs of most City Council meetings are available for listening or viewing in the City Clerk's office and at the Concord Public Library. Copies of the DVDs may be purchased. Contact the Community Relations Manager at (925) 671-3272 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 a.m., 2 p.m. and 7 p.m. Replays are also broadcast on Thursday, Friday and Saturday. Please check the City website, <http://www.cityofconcord.org/pdf/about/citynews/tvlistings.pdf>