



# CONCORD ANNOTATED AGENDA

## 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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### CLOSED SESSION City Council Conference Room 5:30 p.m.

- I. ROLL CALL – All present
- II. PUBLIC ANNOUNCEMENT (Open Session)
- III. PUBLIC COMMENT (Open Session) – None

IV. CLOSED SESSION:

- a. Conference with Labor Negotiators pursuant to Government Code Section 54957.6.

City Negotiators: Valerie Barone, City Manager  
Laura Brunson, Director of Human Resources  
Charles Sakai, Esq. 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

Unrepresented Units: Executive, Management & Confidential Employees

- b. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8.

Property: Area within Concord Community Reuse Plan

Negotiating Parties: Michael Wright – City of Concord  
Alan Lee – Department of Navy, BRAC Project Office

Under Negotiation: Price, Terms of Payment

**ACTION: Closed Session held.**

- V. **ADJOURNMENT** – at 6:55 p.m. to reconvene in regular session in the Council Chamber.
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**CITY COUNCIL  
REGULAR MEETING  
7:00 p.m. – City Council Chamber**

**ROLL CALL** – All present.

**PLEDGE TO THE FLAG** – Councilmember Helix

**PUBLIC COMMENT PERIOD**

Charles Lindquist, Concord, announced that Berkshire Books would be celebrating its 10<sup>th</sup> Birthday on Saturday, August 23<sup>rd</sup> starting at 3:p.m.

Rudy Rodriguez, Walnut Creek, expressed his concern over discrimination and the fact that there was no Human Relations Commission in Concord.

Dr. Harmesh Kumar, Concord, shared his opinion that the City should provide the seniors of the community with services at a minimal or no cost; and stated that he would be interested in talking about a Human Relations Commission.

1. **PRESENTATIONS** - None
2. **ANNOUNCEMENTS**

City Manager Valerie Barone introduced the City’s new Director of Information and Technology, Jeff Lewis, and welcomed him to the organization.

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**CITY COUNCIL  
MATTERS**

**3. CITY COUNCIL CONSENT ITEMS:**

- a. **Approving** – the minutes from the meeting of June 24, 2014. (No Fiscal Impact)  
Recommended by the Deputy City Clerk.

**ACTION: Minutes of the June 24, 2014 meeting approved.**

- 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.

**ACTION: Resolution No. 14-54 adopted.**

- 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.

**ACTION: Ordinance No. 14-5 adopted.**

- 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.

**ACTION: Ordinance No. 14-7 adopted.**

- 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.

**ACTION: Three-month extension of the Pixieland Amusement Park, Inc. Contract and Lease Agreement approved; City Manager authorized to execute the amendment, continue negotiations of new terms and bring a new Contract and Lease Agreement to Council prior to October 31, 2014.**

- 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.

**ACTION: This item was removed from the Consent Calendar at the request of the Developer, Discovery Homes.**

- 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.

**ACTION: Contract awarded to TEC Oakland for RFB #2294, one 2015 Chassis Cab in the amount of \$57,105.55.**

- 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.

**ACTION: Amendment to Professional Services Agreement with Swinerton Management & Consulting of San Francisco approved in the amount of \$9,600; a Task Order Amendment with RBF Consulting of Walnut Creek approved in the amount of \$35,063 in support of Project No. 2251, Farm Bureau Road Safe Route to School Improvements from Willow Pass Road and Wren Avenue; and City Manager authorized to execute the amendments.**

- 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.

**ACTION: Project No. 2316, Concord Community Pool ADA Improvements, approved and \$11,038.45 in funds appropriated from Project No. 1284, Citywide Accessibility Improvements.**

- 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

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City Manager to execute the Agreement. (CIP Project No. 2272) Recommended by the Interim Director of Information Technology.

**ACTION: Amendments to the Tritech Software Systems agreements for System Purchase and Software Support in a total amount of \$1,303,054 awarded to license and implement the Police Department Law Enforcement Records Management System, Capital Improvement Project No. 2272 (formerly P-2178); and City Manager authorized to execute the agreements.**

- 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.

**ACTION: Amendment to the Lease Agreement with Vasconi-Belka Realty for use of a paved parking lot for use by Monument Community First 5 Center approved; City Manager authorized to execute the amendment.**

- 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.

**ACTION: Resolution No. 14-60 adopted; City Manager authorized to negotiate and restructure the former Redevelopment Agency Loans with Concord Plaza Tower, Inc. to cede the City’s fee ownership of the land where the Plaza Tower is located.**

- 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.

**ACTION: Resolution No. 14-61 adopted; grant accepted from the State of California’s Office of Traffic Safety in the amount of \$113,348 and appropriated to the City’s Selective Traffic Enforcement Program.**

- 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.

**ACTION: City Manager authorized to respond to Contra Costa County 2013-2014 Grand Jury Report Nos. 1403, 1404 and 1405.**

- 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.

**ACTION: Improvements accepted for Project No. 2301, ADA Improvements on Monument Boulevard - Mi Casa Court to Detroit Avenue; City Clerk directed to file a Notice of Completion.**

- 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.

**ACTION: Resolution No. 14-55 adopted authorizing the City Manager to award a construction contract for Project No. 2296, Concord Boulevard PG&E Utility Pole Relocation and Pavement rehabilitation; City Manager authorized to execute the agreement.**

- 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.

**ACTION: Offer of Dedication No. 1739, Shell Oil Use Permit Amendment No. 3-79, confirmed, as requested by current property owner.**

- 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.

**ACTION: Resolution No. 14-63 adopted authorizing a three-year Interagency Agreement with San Mateo County in an amount up to \$99,000 appropriated to Forensic Laboratory Services.**

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**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.**

**ACTION: Report heard, public testimony taken, and Resolution Nos. 14-57, 14-58, and 14-59 adopted to allow California Hero Program and Figtree Financing to operate in Concord as part of the Property Assessed Clean Energy (PACE) Program.**

- 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.**

**ACTION: Report heard, public testimony taken, Resolution No. 14-53 adopted to accept Regional Measure 2 grant funds in the amount of \$20,000 to support the City's Bicycle and Pedestrian Master Plan and Safe Routes to Transit Project; and direction given to staff to have the Council Infrastructure and Franchise Committee review options for the formation of the Bicycle and Pedestrian Plan Advisory Committee.**

- 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.**

**ACTION: Report heard, public testimony taken; and staff directed to adjust parking fines with a 2.8% inflation factor rounded to the nearest dollar.**

- 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.**

**ACTION: Report heard, public testimony taken, and staff directed to take no further action on the matter. (4-0-1; Birsan No)**

- 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.**

**ACTION:** Report heard, public testimony taken, and Resolution No. 14-65 adopted directing staff to continue work with CalPERS to modify Pension and Retiree Medical Benefits for Elected Officials, eliminating lifetime health benefits and pensions.

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

**ACTION:** Report heard, opportunity for public testimony given without comment, Pipeline Pathways Project Framework Agreement with Pacific Gas & Electric Company approved; and City Manager authorized to execute the agreement.

5. **CITY COUNCIL PUBLIC HEARING:**

- 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.**

**ACTION:** Report heard, opportunity for public testimony provided with no comment, Ordinance No. 14-2 (uncodified) introduced with clarifying language by reading of the title only and waiving further readings. City Attorney read the Ordinance title.

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6. **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 671-3495.

- a. Treasurer's Report for the period April 1, 2014 – June 30, 2014.
- b. E-mail dated July 22, 2014 from Sheila Hill commenting on Lifetime Health Coverage, Prayer at City Council Meetings, and Plastic Pollution Crisis.
- c. E-mail dated July 22, 2014 from David Schomaker support a proposed Resolution No. 14-54 calling for the formation of a Standing Bike and Pedestrian Advisory Committee.
- d. E-mail from Adam Foster dated July 21, 2014 and eight other interested persons in support of a Standing Bike and Pedestrian Advisory Committee.
- e. Memo from City Clerk Lehman dated July 22, 2014 advising that the Developer of Copperleaf Subdivision had requested that the item to approve the Final Map, Item 3.f, be removed from the evening's consent calendar.

- f. E-mail from Peter Wilson dated July 20, 2014 urging a vote in favor of eliminating CalPERS retirement and health benefits for future Councilmembers.
- g. Copy of the PowerPoint presentation made by Tom Guarino of PG&E on their Pipeline Pathways Program.
- h. Copy of the comments made by Terry Kremin regarding lifetime benefits for elected officials; reference Item 4.e.
- i. Copy of the comments made by Charles Lindquist during Public Comment period announcing the 10<sup>th</sup> Anniversary of Berkshire Books on Clayton Road.
- j. Nine signed copies by interested persons of a proposed Resolution No. 14-54 authored in support of the formation of a Standing Bike and Pedestrian Advisory Committee submitted by Adam Foster; reference Item 4.b.
- k. A listing submitted by Vice Mayor Leone of the events and activities in which he had participated during the period July 10, 2014 and July 22, 2014.

7. **PUBLIC COMMENTS ON PRESENTATION ITEMS - None**

8. **CLOSED SESSION REPORTS - None**

9. **COUNCIL AND STAFF REPORTS**

Several Councilmembers shared information on recent events they had attended in the community, announced upcoming events, and expressed appreciation for the opportunities offered to the public.

Mayor Grayson announced that a Special Meeting would be held on Tuesday, July 29, 2014.

10. **ADJOURNMENT – at 9:55 p.m.**

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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**

Tonight's meeting is replayed on the Wednesday following the meeting at 8:00 a.m. and 2:00 p.m.

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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/pdf/about/citynews/tvlistings.pdf>