



CONCORD ANNOTATED AGENDA

**REGULAR MEETING OF THE
CONCORD CITY COUNCIL AND CITY COUNCIL
SITTING AS THE SUCCESSOR AGENCY**

**Tuesday, September 9, 2014
6:30 p.m. – Regular Meeting
City Council Chamber
1950 Parkside Drive, Concord, CA**

**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)

IV. CLOSED SESSION:

a. Conference with Legal Counsel pursuant to Government Code Section 54956.9(d) (potential initiation of litigation), regarding November 22, 2013 claim filed against the City of Concord by the Kerr Family Trust, Paula Kerr, Julia Meneghetti and Deborah Kerr.

b. Conference with Labor Negotiators pursuant to Government Code Section 54957.6.

City Negotiators: Scott P. Johnson, Assistant 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

V. ADJOURNMENT – at 6:25 p.m. to reconvene in regular session in the Council Chamber.

ACTION: Closed session held.

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

ROLL CALL – All present

PLEDGE TO THE FLAG – Councilmember Birsan

PUBLIC COMMENT PERIOD

Baltazar Cerda, Concord, spoke of a noise and nuisance issue he is having with a neighbor and requested assistance from the City to help resolve the issue.

Daniel Borsuk, Pittsburg, announced his candidacy to the Contra Costa Water District Board of Directors, Division 1, and pledged to cooperate with Concord on water issues.

Michael Bryant, Concord, spoke of the need for a crossing guard at the intersection of Landana Drive and Larkspur Drive; and submitted a petition requesting to reinstate the crossing guard from the members of the Monte Gardens Elementary School Community.

Matthew Rinn, Contra Costa Community College Trustee, relayed information about upcoming community forum meetings on the State of the Contra Costa Community College District to be held from 7:30 a.m. – 9 a.m. on September 22, 23, 24, and 30 and October 1, 2014.

Charles Lindquist, Concord, submitted written correspondence regarding a recent drug raid at his next door neighbor's and noted that along with approximately \$1.8 million street value of crystal methamphetamine seized, two German Shepard guard dogs were also seized, relieving the neighborhood of the constant barking.

Joe Partansky, Concord, spoke of his vision of a candidate's community forum in local newspapers in which candidates take turns writing a column in local newspapers each Friday until the upcoming November election.

Rudy Gonzalez, Teamsters 856, reminded the Council that Teamster members are currently working without a contract, and although they are engaged in extension discussions, the members are ready for negotiations if necessary. He noted the cuts and sacrifices the members have made, commended the members for their commitment to the City, and urged the Council to do their best so that the outcome can be a fair and equitable solution.

Floyd Roseberry, Concord, commended the Public Works department for recent emergency sidewalk repairs.

Graciela T. Quenun, Concord, spoke of her concern of a neighbor's dog that recently attacked her and requested assistance from the City to help resolve the issue.

1. **PRESENTATIONS**

- a. **Presentation** – by Jack Hlavac, Chair of the Concord Tourism Improvement District. **Introduction by Mayor Grayson.**

ACTION: Presentation made.

- b. **Presentation** – to Father Marin of the St. Demetrios Greek Orthodox Church proclaiming September 12-14, 2014 as Greek Festival Days in Concord. **Presentation by Mayor Grayson.**

ACTION: Mayor Grayson presented a proclamation to Father Marin.

- c. **Presentation** – to Virginia Brunk, Meals on Wheels Falls Prevention Program, proclaiming the week of September 21-27, 2014 as *Fall Prevention Awareness Week*. **Presentation by Mayor Grayson.**

ACTION: Mayor Grayson presented a proclamation to Virginia Brunk.

- d. **Presentation** – Certificates of Commendation to Veronica Fiorella Tucker and Grace McAdoo for saving Veronica’s father from drowning in Lake Tahoe on July 24, 2014. **Presentation by Mayor Grayson.**

ACTION: Mayor Grayson presented Certificates of Commendation to Veronica Fiorella Tucker and Grace McAdoo.

- e. **Presentation** – to the Concord Blue Devils proclaiming September 9, 2014 as Concord Blue Devil Day in the City of Concord. **Presentation by Mayor Grayson.**

ACTION: Mayor Grayson presented a proclamation to the Concord Blue Devils.

2. **ANNOUNCEMENTS** – None

**CITY COUNCIL
MATTERS**

3. **CITY COUNCIL CONSENT ITEMS:**

- a. **Approving** – the minutes from the meeting of August 26, 2014. (No Fiscal Impact) Recommended by the Deputy City Clerk.

ACTION: Minutes of August 26, 2014 approved.

- b. **Accepting** – funding in the amount of \$270,000 from the Mt. Diablo Unified School District and appropriating for use in the City’s School Resource Officer program. Resolution No. 14-68 for approval. Recommended by the Chief of Police.

ACTION: Resolution No. 14-68 adopted.

- c. **Accepting** – the improvements for Project No. 2179 (ADA Barriers at Baldwin Park and other Concord locations) constructed by McNabb Construction of Lafayette; and direct the City Clerk to file a Notice of Completion. (CDBG, Measure WW, Measure J, and Parkland Funds) Recommended by the Director of Community and Economic Development.

ACTION: Improvements accepted for Project No. 2179, ADA Barriers at Baldwin Park and other Concord locations; City Clerk directed to file a Notice of Completion.

- d. **Approving** – an agreement in the amount of \$262,912.32 between the City of Concord and PG&E for the undergrounding of overhead lines in the area of Clayton Road at Treat Boulevard as required for Project No. 2144 (Clayton Road/Treat Boulevard Intersection Capacity Improvements); and authorize the City Manager to execute the agreement. (Measure J, Measure C, and OSIP Funds) Recommended by the Director of Community and Economic Development.

ACTION: Agreement with PG&E approved; City Manager authorized to execute the agreement.

- e. **Approving** – a five-year Capital Lease Agreement with Quest Technology Management in the amount of \$27,204 annually, for a total amount not to exceed \$136,020, to replace the City’s Technology Security Equipment; and authorizing the City Manager to execute the agreement. (General Funds) Recommended by the Director of Information Technology.

ACTION: Capital Lease Agreement with Quest Technology Management approved; City Manager authorized to execute the agreement.

- f. **Approving** – the Sewer System Management Plan to comply with State Order No. 2006-0003 and Executive Order WQ-2013-0058.EXE, which call for statewide general waste discharge requirements for sanitary sewer systems. (Sewer Enterprise Funds) Recommended by the Director of Public Works.

ACTION: Sewer System Management Plan approved.

- g. **Approving** – a Professional Services Agreement with West Coast Arborists, Inc. in the amount of \$130,000 to provide tree maintenance services for Fiscal Year 2014-15, with three annual options of a one-year renewal; and authorizing the City Manager to execute the agreement. (General Funds) Recommended by the Director of Public Works.

ACTION: This item was removed from consideration.

- h. **Approving** – a deductive contract change order for Project No. 2198 (Police Department Building Management System); authorizing the City Manager to execute the change order; approving Amendment No. 2 to the agreement with Chevron Energy Solutions; authorizing the City Manager to execute the amendment; accepting improvements for various ESCO projects managed by Chevron Energy Solutions Company; and directing the City Clerk to file Notices of Completion. (General Funds) Recommended by the Director of Community and Economic Development.

ACTION: The item was continued to the next Infrastructure and Franchise Committee meeting.

- i. **Approving** – the creation of the Public Works Supervisor classification assigned to the Office and Professional Employees International Union (OPEIU) bargaining unit at pay grade 012, \$5,847 - \$7,462 per month (market rate). Resolution No. 14-3493.1 for adoption. (General Funds) Recommended by the Director of Human Resources.

ACTION: This item was removed from consideration.

- j. **Approving** – an agreement with Contra Costa County in the amount of \$130,500 to provide coordinated support of AB 109 law enforcement requirements; appropriating the funds to be used to offset the cost of one full-time police officer; and authorizing the City Manager to execute the agreement. Resolution No. 14-67 for adoption. (AB 109 Funds) Recommended by the Chief of Police.

ACTION: Agreement with Contra Costa County approved; City Manager authorized to execute the agreement; Resolution No. 14-67 approved.

- k. **Awarding** – a contract to Questica, Inc. in an amount not to exceed \$218,000 to license and implement citywide budget management software for Information Technology Capital Project No. 2306 approved in the FY 2014-15 budget; authorizing the City Manager to execute the agreement; and allocating \$38,000 (Information Technology Replacement Fund) to augment the FY 2014-15 budget for Project No. 2306. Resolution No. 14-73 for adoption. Recommended by the Director of Information Technology.

ACTION: Agreement with Questica approved; City Manager authorized to execute the agreement; Resolution No. 14-73 adopted.

4. CITY COUNCIL CONSIDERATION ITEMS:

- a. **Consideration** – of approval of a resolution supporting the development of the Central County Family Justice Center. Resolution No. 14-74 for adoption. **Report by Guy Swanger, Chief of Police.**

ACTION: Report heard; public testimony taken; Resolution No. 14-74 adopted.

- b. **Consideration** – of suspension of fee to Concord Senior Citizen's Club for Thursday Morning use of the Concord Senior Center. **Report by Joan Carrico, Director of Parks and Recreation.**

ACTION: Report heard; public testimony taken; staff directed to continue to suspend the Thursday morning facility use fee to the Concord Senior Citizen's Club through the end of calendar year 2014.

**JOINT MEETING OF THE CITY COUNCIL AND
THE CITY COUNCIL SITTING AS
THE SUCCESSOR AGENCY**

5. CONSENT ITEM:

- a. **Approving** – an agreement with the City of Concord in the amount of \$305,407 regarding expenditure of excess bond proceeds, and authorizing the Mayor to execute the Agreement for the City and the City Manager to execute the Agreement for the Successor Agency. City Council Resolution No. 14-70 and Successor Agency to the Redevelopment Agency Resolution No. 14-776S for adoption. (Successor Agency Funds) Recommended by the Director of Community and Economic Development.

ACTION: Agreement with the City of Concord approved; Mayor authorized to execute the Agreement for the City and the City Manager authorized to execute the Agreement for the Successor Agency; City Council Resolution No. 14-70 adopted; Redevelopment Agency Resolution No. 14-776S adopted.

6. CONSIDERATION ITEM:

- a. **Approving** – the form and authorizing distribution of a Preliminary Official Statement in connection with the issuance and sale by the Successor Agency of the Redevelopment Agency of the City of Concord of Tax Allocation Bonds to refinance redevelopment activities within and for the benefit of the Central Concord

Redevelopment Project Area of the Former Redevelopment Agency of the City of Concord, approving related documents and actions, and approving continuing disclosure procedures (savings). Successor Agency to the Redevelopment Agency Resolution No. 14-777S and City Council Resolution No. 14-71 for approval.

Report by Karan Reid, Director of Finance.

ACTION: Report heard; opportunity for public testimony given; and a) as the Successor Agency to the Redevelopment Agency Resolution No. 14-777S adopted and b) as the City Council Resolution No. 14-71 adopted.

7. **CORRESPONDENCE** – City Council correspondence not selectively included in the following list is available for inspection during normal business hours by contacting the Deputy City Clerk at 671-3390.
- a. Written comments received from Daniel L. Borsuk, candidate for Contra Costa Walter District Board of Directors, Division 1.
 - b. Petition to Reinstate the Crossing Guard at the Intersection of Landana Drive and Larkspur Drive submitted by Michael Bryant.
 - c. Flyer regarding Community Forum Meetings on the State of the Community College District submitted by Matthew Rinn.
 - d. Written comments received from Charles Lindquist dated September 9, 2014.
 - e. Concord Tourism Improvement District 2013-2014 Annual Report.
 - f. Written information on Fall Prevention Awareness submitted by Virginia Brunk.
 - g. Map of Central Concord Redevelopment Project Area Parcels I-IV (benched Item No. 6.a).
 - h. Item 6.a Attachment 2, Exhibit A, Continuing Disclosure Procedures (benched Item No. 6.a).
 - i. Preliminary Official Statement dated September 10, 2014 (Item 6.a)
 - j. List of events and activities in which Vice Mayor Leone had participated in during the period August 27, 2014 – September 9, 2014.

8. PUBLIC COMMENTS ON PRESENTATION ITEMS

Joe Partansky, Concord, spoke of using Public Comment on Presentations made be expanded to allow the public to comment on questions and issues that arise during the meeting.

9. CLOSED SESSION REPORTS – None**10. COUNCIL AND STAFF REPORTS**

Several Councilmembers shared information on recent events they had attended in the community and announced upcoming events.

11. ADJOURNMENT – at 9:15 p.m.

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.

NEXT REGULAR CITY COUNCIL MEETING: 6:30 p.m.; Tuesday, September 23, 2014

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

MEETING RECORDS

City Council meetings are available for viewing on the City's website, 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>