



CONCORD ANNOTATED AGENDA

**REGULAR MEETING OF THE
CONCORD CITY COUNCIL/
CITY COUNCIL SITTING AS
THE LOCAL REUSE AUTHORITY
Tuesday, July 28, 2015
6:30 p.m.
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) – none.**
- 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
Kay Winer, Labor Negotiator
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 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 6:35 p.m. to reconvene in regular session in the Council Chamber.

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

ROLL CALL – all present.

PLEDGE TO THE FLAG – Councilmember Leone

PUBLIC COMMENT PERIOD

Lynn Noone, Adult Services Librarian, presented an update on the summer activities at the Concord Library.

Dori DeCommer, Concord Library, spoke about the summer reading program at the Concord Library, *Read to the Rhythm*.

George Fulmore, Concord, spoke about the Spray Park, and inquired why the Spray Park wasn't working earlier in the day.

Stephen Carroll, Unionville, stated that there is one race, the human race.

Joe Partansky, Concord, spoke of city publications and their availability to the public.

Roylen Stack, Concord, spoke of the parked cars with for sale signs that line Detroit Avenue and demanded a four-way stop at the corner of Detroit, Pine Creek, and Todd.

Steve Older, Concord, Director of Machinist Union, President of AFLCIO Labor Council, urged the Council to adopt their good Concord jobs platform and support the good jobs initiative.

Tom Lawson, President of Plumbers and Steamfitters Local 159, requested that the Council ensure good jobs and living wages for the Concord Naval Weapons Station Project by signing an agreement with the Community Coalition for a Sustainable Concord before a master developer is selected.

Tom Lewis, United Steel Workers Local 5, spoke of good jobs, living wages, and affordable housing for the Concord Naval Weapons Station Project.

Dan Reynolds, Contra Costa Central Labor Council, spoke of valid labor agreements and priority given to Concord residents for jobs on the Concord Naval Weapons Station Project

1. **PRESENTATIONS**

- a. **Presentation** – to City Treasurer Thomas J. Wentling proclaiming July 28, 2015, as *Thomas Wentling Day* in the City of Concord, in honor of his retirement and 30 years of services to the citizens of Concord. **Presentation by Mayor Grayson.**

ACTION: Mayor Grayson presented outgoing City Treasurer Thomas J. Wentling a proclamation declaring July 28, 2015, as *Thomas Wentling day* in the City of Concord.

- b. **Presentation** – by Chief of Police Guy Swanger providing an update on department activities. **Introduction by Mayor Grayson.**

ACTION: Mayor Grayson introduced Police Chief Guy Swanger who provided an update on department activities.

2. **ANNOUNCEMENTS**

- a. **Announcing** – a recruitment to fill an unexpected vacancy on the Planning Commission for a term ending February 28, 2017, and set Friday, August 28, 2015 at 5 p.m. as the deadline for receipt of applications by the City Clerk. (No Fiscal Impact) Recommended by the City Clerk.

ACTION: City Clerk Joelle Fockler announced a recruitment to fill an unexpected vacancy on the Planning Commission for a term ending February 28, 2017, and setting Friday, August 28, 2015, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

**CITY COUNCIL
MATTERS**

3. **CITY COUNCIL CONSENT ITEMS:**

- a. **Approving** – the minutes from the meetings of June 30, July 7, July 14, and July 21, 2015. (No Fiscal Impact) Recommended by the City Clerk.

ACTION: Minutes of June 30, July 7, July 14, and July 21, 2015, approved.

- b. **Awarding** – contract to Owen Equipment of Sacramento in the amount of \$401,374 for a 2015 Vactor Plus Truck with 2105 Jet Rodder. (Vehicle Replacement Fund) Recommended by the Director of Public Works.

ACTION: Contract awarded to Owen Equipment in the amount of \$401,374 for a 2015 Vactor Plus Truck with 2105 Jet Rodder.

- c. **Awarding** – contract to Safety Network Traffic Signs, Inc. in the amount of \$250,000 for the Traffic Sign Replacement Project. (General Funds) Recommended by the Director of Public Works.

ACTION: Contract awarded to Safety Network Traffic Signs, Inc. in the amount of \$250,000 for the Traffic Sign Replacement Project.

- d. **Authorizing** – the purchase of one Asphalt Melter Crack Sealer in the amount of \$53,935.05 through H-GAC. (Vehicle Replacement Fund) Recommended by the Director of Public Works.

ACTION: Purchase of one Asphalt Melter Crack Sealer in the amount of \$53,935.05 through H-GAC authorized.

- e. **Awarding** – contract to Spraytec in the amount of \$77,351 to build a Pesticide Spray Truck. (Vehicle Replacement Fund) Recommended by the Director of Public Works.

ACTION: Contract awarded to Sparytec in the amount of \$77,351 to build a Pesticide Spray Truck.

- f. **Adopting** – Ordinance No. 15-6 entitled, “AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 15 (BUILDINGS AND BUILDING REGULATIONS), IN ORDER TO ADD A NEW CHAPTER 15.115 (SOLAR ENERGY SYSTEMS) TO CREATE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS AS REQUIRED BY ASSEMBLY BILL 2188 (CHAPTER 521, STATUTES 2014).” Ordinance No. 15-6 was introduced on July 7, 2015, by reading of the title only and waiving further reading. Recommended by the City Clerk.

ACTION: Ordinance No. 15-6 adopted.

- g. **Adopting** – Ordinance No. 15-5 entitled, “AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE BY ADOPTING AN AMENDMENT TO THE 2012 DEVELOPMENT CODE; VOLUME 1, DATED JULY 24, 2012 (FORMERLY CHAPTER 122 (ZONING) OF THE CONCORD MUNICIPAL CODE) TO REVISE ARTICLE II (ZONING DISTRICTS – USES AND STANDARDS), DIVISION 6 BUSINESS PARK AND INDUSTRIAL DISTRICTS (OBP, IBP, IMX, AND HI) TABLE 18.50.202 (BUSINESS PARK AND INDUSTRIAL DISTRICTS-ALLOWED USES AND PERMIT REQUIREMENTS), LAND USE CLASSIFICATIONS; INDUSTRIAL MIXED USE (IMX).” Ordinance No. 15-5 was introduced on July 7, 2015, by reading of the title only and waiving further reading. Recommended by the City Clerk.

ACTION: Ordinance No. 15-5 adopted.

- h. **Approving** – the addition of two Property Assessed Clean Energy (PACE) providers, Open PACE and Ygrene PACE to the existing California Hero and Figtree PACE Programs to provide energy efficiency financing options to residents and businesses of Concord. Resolutions No. 15-54, 15-55, and 15-56 for adoption. (No fiscal impact) Recommended by the Director of Community and Economic Development.

ACTION: Resolution Nos. 15-54, 15-55, and 15-56 adopted.

- i. **Awarding** – a construction contract in the amount of \$2,105,335.42 to Ghilotti Brothers, Inc. of San Rafael, approving a professional services agreement with Park Engineering, Inc. of Orinda in the amount of \$207,424 for construction management services; approving related budget transfers; and authorizing the City Manager to execute the contract and agreement for Detroit Avenue Bicycle and Pedestrian Improvements – Clayton Road to Monument Boulevard (Project No. 2276.) (General Funds, Measure J, Measure Q, IT Operations, and CMAQ/OBAG Grant Funds) Recommended by the Director of Community and Economic Development.

ACTION: Construction contract awarded to Ghilotti Brothers, Inc. in the amount of \$2,105,335.42; professional services agreement with Park Engineering, Inc. in the amount of \$207,424 approved; related budget transfers approved; and City Manager authorized to execute the contract and agreement for Detroit Avenue Bicycle and Pedestrian Improvements – Clayton Road to Monument Boulevard, Project No. 2276.

- j. **Approving** – the appointment of Mayor Grayson as voting member and Councilmember Leone as alternate for the General Business Meeting of the League of California Cities Annual Conference scheduled for September 30 – October 2, 2015, in San Jose. (No fiscal impact) Recommended by the Mayor.

ACTION: Mayor Grayson appointed as voting member and Councilmember Leone appointed as alternate for the General Business Meeting of the League of California Cities 2015 Annual Conference.

- k. **Authorizing** – the purchase of a Rain Bird Pre-packaged Variable Speed Pumping System for Concord Community Park in the amount of \$68,600 as Phase I of Project No. 2242 – The Replacement of Pump System Component at Four (4) Park Locations. (WW Funds) Recommended by the Director of Public Works.

ACTION: Purchase of a Rain Bird Pre-packaged Variable Speed Pumping System for Concord Community Park in the amount of \$68,600 approved as Phase I of Project No. 2242 – The Replacement of Pump System Component at Four Park Locations.

- l. **Approving** – an agreement with the Contra Costa County Sheriff’s Crime Lab for Forensic Services in the amount of \$495,000 for FY 2015-16 and \$495,000 for FY 2016-17; and authorizing the City Manager to execute the agreement. (General Funds) Recommended by the Chief of Police.

ACTION: Agreement with the Contra Costa County Sheriff’s Crime Lab for Forensic Services in the amount of \$495,000 for FY 2015-16 and \$495,00 for FY 2016-17 approved; City Manager authorized to execute the agreement.

4. **CITY COUNCIL CONSIDERATION ITEMS:**

- a. **Considering** – approval of a Principal Planner position to facilitate the Planning and Entitlement Process for the Concord Community Reuse Project. (COSTS TO FUND THIS POSITION WILL BE PAID BY THE PHASE 1 MASTER DEVELOPER) **Report by Laura Simpson, Planning Manager.**

ACTION: Report heard; opportunity for public testimony given; Resolution No. 15-3493.2 approving a Principal Planner position to facilitate the Planning and Entitlement Process for the Concord Community Reuse Project adopted.

- b. **Considering** – a pilot program for the placement of art on utility boxes within the City of Concord. (Sponsorships and donations) **Report by Justin Ezell, Director of Public Works.**

ACTION: Report heard; opportunity for public testimony given; staff authorized to work with Streets Alive! to place vinyl wrap artwork on utility boxes and to help solicit sponsorships to fund the art on utility box program.

- c. **Awarding** – a construction contract in the amount of \$1,551,551 to Intermountain Slurry Seal, Inc. of Reno, NV; approving a Professional Services Agreement with Swinerton Management & Consulting of Concord in the amount of \$93,714 for construction management services; approving a budget transfer in the amount of \$1,870,000; and authorizing the City Manager to execute the contract and agreement for the FY 14-15 Pavement Maintenance Project (PJ 2329). (Measure J and Measure Q) **Report by Robert Ovadia, City Engineer.**

ACTION: Report heard; opportunity for public testimony given; award a construction contract in the amount of \$1,551,551 to Intermountain Slurry Seal, Inc.; approve a Professional Services Agreement with Swinerton Management & Consulting in the amount of \$93,714; budget transfer in the amount of \$1,870,000 approved; and City Manager authorized to execute the contract and agreement for the FY 14-15 Pavement Maintenance Project, PJ 2329.

**CITY COUNCIL SITTING
AS THE LOCAL REUSE AUTHORITY**

5. LOCAL REUSE AUTHORITY CONSENT ITEMS:

- a. **Approving** – an amendment to the Master Agreement for Professional Services associated with preparation of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station with H.T. Harvey & Associates (HTH), not to exceed \$110,000; and authorizing the Local Reuse Authority Executive Director to execute the amendment. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Recommended by the Local Reuse Authority Executive Director.

This item was pulled from the agenda by Local Reuse Authority Executive Director to allow staff to refine the work programs based on regulatory input.

- b. **Approving** – an amendment to the Master Agreement for Professional Services associated with preparation of conceptual flood management plans and creek restoration plans in support of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station with Engineering Science Associates (ESA), not to exceed \$148,000; and authorizing the Local Reuse Authority Executive Director to execute the amendment. Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund. Recommended by the Local Reuse Authority Executive Director.

This item was pulled from the agenda by Local Reuse Authority Executive Director to allow staff to refine the work programs based on regulatory input.

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 671-3390.
- a. Flyer from Concord Library
 - b. Letter to Thomas Wentling from Contra Costa Water District Board President Joel Keller – Item No. 1a
 - c. PowerPoint Presentation on Public Safety – Item No. 1b
 - d. PowerPoint Presentation on Principal Planner Position – Item No. 4.a
 - e. Benched Items 5a & 5b – Memorandum from the Local Reuse Authority Executive Director

7. **PUBLIC COMMENTS ON PRESENTATION ITEMS**

Joe Partansky, Concord, stated that he would have liked a question and answer period with the public after the presentation, inquired if the Bike, Pedestrian, and Safe Routes Committee was working in cooperation with the police department, would have liked the Chief to elaborate on the Mental Health Evaluation Team, and requested that the police department put more information on its webpage.

8. **CLOSED SESSION REPORTS – none.**

9. **COUNCIL AND STAFF REPORTS**

Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

Councilmember Leone requested and received support to have the Housing and Economic Development Committee review options for an Electronic Digital Sign Ordinance. The Housing and Economic Development Committee will also review the procedures for naming streets.

10. **ADJOURNMENT – 10:06 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 1, 2015.

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 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>