



CONCORD ANNOTATED AGENDA

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/
CITY COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY
Tuesday, November 3, 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 Legal Counsel – *Ron Turner v. City of Concord* (WCAB No. ADJ7863058). Government Code Section 54956.9 (a).
 - b. Conference with Legal Counsel – *Matthew Switzer v. City of Concord* (WCAB No. ADJ9388946). Government Code Section 54956.9 (a).
- ACTION: Closed session held.**
- V. ADJOURNMENT – at 6:00 p.m. to reconvene in regular session in the Council Chamber.
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CITY COUNCIL
REGULAR MEETING
6:30 p.m. – City Council Chamber

ROLL CALL – all present.

PLEDGE TO THE FLAG – Councilmember Birsan

PUBLIC COMMENT PERIOD

Roylen Stack, Concord, questioned possible California Public Employees' Pension Reform Act (PEPRA) violations on agenda items 3c and 6b. Because Ms. Stack's comments were regarding items on the agenda, her comments were deferred to agenda items 3c and 6b.

Dr. Kumar, Concord, announced his run for the State Assembly District 14 seat.

George Fulmore, Concord, spoke of safety at Ellis Lake Park, gravel on Detroit Avenue, and setting guidelines for rent control.

1. PRESENTATIONS

- a. **Presentation – to Rocci Barsotti, Concord Kiwanis, proclaiming November 2015 as National Hospice/Palliative Care Month in the City of Concord. Presentation by Mayor Grayson.**

ACTION: Mayor Grayson presented Rocci Barsotti, Concord Kiwanis, a proclamation declaring November 2015 as National Hospice/Palliative Care Month in the City of Concord.

2. ANNOUNCEMENTS – none.

**CITY COUNCIL
MATTERS**

3. CITY COUNCIL CONSENT ITEMS:

- a. **Accepting – funding under the California Beverage Container Recycling and Litter Abatement City/County Payment Program and allocate the funding to litter abatement activities. Resolution No. 15-69 for adoption. Recommended by the Director of Public Works.**

ACTION: Resolution No. 15-69 adopted.

- b. **Approving** – extending current agreements between the City of Concord and Thebs Consulting, LLC in the not-to-exceed amount of \$51,000, Botts Strategic Solutions in the not-to-exceed amount of \$48,000, and Robert Half International, Inc. in the not-to-exceed amount of \$49,000 to provide for network infrastructure support and technical staffing on a month-to-month basis, for a maximum of three months to February 29, 2016, while a competitive request for proposal process for these services is completed; and authorizing the City Manager to execute the amendments. (General Fund) Recommended by the Director of Information Technology.

ACTION: Amendment in the amount of \$51,000 with Thebs Consulting, LLC approved; amendment in the amount of \$48,000 with Botts Strategic Solutions approved; and amendment in the amount of \$49,000 with Robert Half International, Inc. approved; City Manager authorized to execute the amendments.

- c. **Approving** – an agreement for legal professional services between the City of Concord and Libow & Wellman for the services of Brian M. Libow as the City of Concord's Interim City Attorney for a not to exceed amount of \$150,000; and authorizing the City Manager to execute the agreement.

This item was pulled from the Consent Calendar by Roylen Stack.

ACTION: Agreement for legal professional services with Libow & Wellman for the services of Brian M. Libow in the amount of \$150,000 approved; City Manager authorized to execute the agreement.

4. **CITY COUNCIL CONSIDERATION ITEM:**

- a. **Appointing** – applicants to serve on the Concord Pleasant Hill Health Care District Grant Committee. (No Fiscal Impact) **Report by Council Committee on Recreation, Cultural Affairs & Community Service.**

ACTION: James Mason and Niko Anagnostopoulos appointed to the Concord Pleasant Hill Health Care District Grant Committee for terms ending June 30, 2019; and Enrico Bunyi and Cindy Moreci appointed to the Concord Pleasant Hill Health Care District Grant Committee for terms ending June 30, 2017.

5. CITY COUNCIL PUBLIC HEARING:

- a. **Consideration** – of Development Code update amendments to Sections 18.20.020, Personal Services Restricted Use Classifications; 18.40.020, Small Residential Care Facilities in Office and Commercial Districts; 18.200.050, Child Day Care Facilities; 18.200.130, Mechanical and Electronic Games; 18.200.200, Temporary Events, Uses, and Structures; Section 18.415.100, Decisions and Findings; 18.505.020, Time Limits and Extensions; and 18.540.090, Limitations of Actions. Ordinance No. 15-8 for introduction.

ACTION: Report heard; opportunity for public testimony given; and Ordinance No. 15-8 introduced as amended by reading of the title only and waiving further readings.

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

6. LOCAL REUSE AUTHORITY CONSENT ITEMS:

- a. **Approving** – an amendment to the master agreement for professional services associated with hazardous materials management, remedial assessment reviews, and risk management planning with Environmental Risk Services Corporation (ERS) not to exceed \$50,000. Total funding since 2012 including this amendment is \$500,000; an Office of Economic Adjustment (OEA) Grant provided \$95,000 of the total funding. (Funding provided by an existing loan to the Local Reuse Authority from the General Fund) Recommended by the Local Reuse Authority Executive Director.

ACTION: Amendment in the amount of \$50,000 with Environmental Risk Services Corporation (ERS) approved; Local Reuse Authority Executive Director authorized to execute amendment.

- b. **Approving** – an amendment to the professional services agreement for technical, strategic and tactical advice on the Base Reuse Project with The Wright Group (Michael Wright) not to exceed \$76,000. Total funding since 2015 including this amendment is \$126,000. (Funding provided by an existing loan to the Local Reuse Authority from the General Fund) Recommended by the Local Reuse Authority Executive Director.

This item was pulled from the LRA Consent Calendar by Roylen Stack.

ACTION: Amendment in the amount of \$76,000 with The Wright Group approved; Local Reuse Authority Executive Director authorized to execute amendment.

- c. **Approving** – an amendment to the master services agreement with ARUP, Inc. for professional services associated with land transfer/development planning at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$40,000. Total funding since 2006 including this amendment is \$10.3 million. (Funding provided by an existing grant from the OEA) Recommended by the Local Reuse Authority Executive Director.

ACTION: Amendment in the amount of \$40,000 with ARUP, Inc. approved; Local Reuse Authority Executive Director authorized to execute amendment.

- d. **Approving** – an amendment to the professional services agreement for specialized legal services with Burke, Williams & Sorensen, LLP in the amount of \$70,000 in connection with transactional legal support for the transfer for the former Concord Naval Weapons Station (CNWS). Total funding since 2013 including this amendment is \$395,000. (Funding provided by a loan to the Local Reuse Authority from the General Fund) Recommended by the Local Reuse Authority Executive Director.

ACTION: Amendment in the amount of \$70,000 with Burke, Williams & Sorensen, LLP approved; Senior Assistant City Attorney authorized to execute the amendment.

- e. **Approving** – an amendment to the master services agreement with HR&A Advisors, Inc. (HR&A) for professional services associated with the Economic Development Conveyance (EDC) application and business plan and developer selection process at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$55,000. Total funding since 2012 including this amendment is \$390,000 of which \$125,000 was supported by an OEA Grant. (Funding provided by a loan to the Local Reuse Authority from the General Fund and a grant from the OEA) Recommended by the Local Reuse Authority Executive Director.

ACTION: Amendment in the amount of \$55,000 with HR&A Advisors, Inc. (HR&A) in the amount of \$55,000 approved; Local Reuse Authority Executive Director authorized to execute amendment.

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- f. **Approving** – an amendment to the master services agreement with Johnson Marigot Consulting, LLC for preparation of materials to support an application for a 404 permit under the Clean Water Act and regulatory support services in the amount of \$20,000. Total funding since 2014 including this amendment is \$80,000, of which \$10,000 was supported by an OEA grant. (Funding provided by an existing loan to the Local Reuse Authority from the General Fund) Recommended by the Local Reuse Authority Executive Director.

ACTION: Amendment in the amount of \$20,000 with Johnson Marigot Consulting, LLC approved; Local Reuse Authority Executive Director authorized to execute amendment.

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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. Tree of Lights Celebration for 2015 brochure
- b. Item 5a, Development Code Update, PowerPoint Presentation
- c. Item 5a, Letter from Emily Minns, Attorney at Law

8. **PUBLIC COMMENTS ON PRESENTATION ITEMS – none.**

9. **CLOSED SESSION REPORTS – none.**

10. **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.

11. **ADJOURNMENT – at 7:20 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, November 10, 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>