



CONCORD ANNOTATED 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 – 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, 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

ACTION: Closed Session held.
 - 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.)

ACTION: Closed Session held.

V. RECESS TO OPEN SESSION – at 6:50 p.m.

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

ROLL CALL – All present

PLEDGE TO THE FLAG – Councilmember Grayson

PUBLIC COMMENT PERIOD

Howard Herrold, Concord, spoke of problems with the height of limbs of a fruitless mulberry tree growing in his neighbor’s yard on Hope Avenue.

Lynn Noon, Concord Library, invited the Council and the public to attend a Quinceanera Celebration at the Concord Library scheduled for Saturday, January 23, 2016, at 2 p.m.

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.**

ACTION: Curt Michael presented with the 2015 CACEO Officer of the Year award.

- b. **Presentation** – by Aaron Hawkins, Concord Pavilion General Manager, providing an update on the Concord Pavilion. **Introduction by Mayor Hoffmeister.**

ACTION: Concord Pavilion General Manager Aaron Hawkins provided an update on the 2015

- c. **Presentation** – by Jason Crapo, Contra Costa County, on a proposed County-wide Community Choice Aggregation Program. **Introduction by Mayor Hoffmeister.**

ACTION: Jason Crapo, Contra Costa County, presented a proposed County-wide Community Choice Aggregation Program.

2. ANNOUNCEMENTS – None

**CITY COUNCIL
MATTERS**

3. CITY COUNCIL CONSENT ITEMS:

- a. **Item Removed.**
- 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.

This item was pulled from the Consent Calendar by Councilmember Birsan.

ACTION: Resolution No. 16-4 adopted.

- 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.

ACTION: Public hearing set for Tuesday, February 2, 2016, at 6:30 p.m. in the Council Chamber.

- d. **Accepting** – Public Improvements for Tract 9162, Copperleaf Subdivision, and releasing the obligation of the bonds posted with the Subdivision Agreement. Resolution No. 16-5 for adoption. Recommended by the Director of Community and Economic Development.

ACTION: Resolution No. 16-5 adopted.

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.

ACTION: Report heard, public testimony given, 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 adopted.

- 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.

ACTION: Report heard, opportunity for public testimony given, and the Comprehensive Annual Financial Report with Independent Auditors' Report and Required Communications Letter for the year ending June 30, 2015 accepted.

- 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.

ACTION: Report heard, opportunity for public testimony given, determination made to appoint at the time, and LaMar Anderson appointed to the Concord Planning Commission for a term ending February 28, 2017.

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.

- a. Flyers about the Quinceanera Celebration at the Concord Library.
- b. Concord Pavilion 2015 recap.
- c. Community Choice Energy (CCE) in Contra Costa County PowerPoint.
- d. Community Choice Aggregation PowerPoint.
- e. Speaking notes submitted by Concord resident Audrey Albrecht.

6. PUBLIC COMMENTS ON PRESENTATION ITEMS

George Fulmore, Concord, commented on the Concord Pavilion presentation and noted that he would like to see jazz concerts at the Pavilion, ticket prices are too high, and requested an audit of Pavilion records by the City.

Paul Poston, Concord, commended Code Enforcement Officer of the Year Curt Michael on receiving a well-deserved award.

7. CLOSED SESSION REPORTS – None**8. 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.

9. ADJOURNMENT – at 9:10 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, January 26, 2016

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>