



# **CONCORD ANNOTATED AGENDA**

**REGULAR MEETING OF THE  
CONCORD CITY COUNCIL/  
THE CONCORD CITY COUNCIL SITTING AS  
THE LOCAL REUSE AUTHORITY  
Tuesday, February 23, 2016  
5:30 p.m. – Closed Session  
6:30 p.m. – Open Session  
1950 Parkside Drive, Concord, CA**

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**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 Human Resources Director -  
Negotiations

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.**

**V. RECESS TO OPEN SESSION – at 6:30 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**

Ben Hornstein, Concord Commission on Aging, invited the Council and the public to the Age Strong Live Long Health Expo to be held on Friday, February 26, 2016, from 9 a.m. – 1 p.m. at the Concord Senior Center.

Ajit Kaushal, Concord, spoke of the recent typhoon in Fiji, and requested the community’s help with fundraising.

Charles Lindquist, Concord, spoke of the closed rePLANET Recycling Center located at 1600 Concord Avenue and his preference that a recycling center not be allowed for future use at the site.

Olga Chan, Concord, spoke of rent increases at the Virginia Lane apartments in Concord.

Betty Gabaldon, Concord, spoke of rent increases and requested assistance from the City Council.

Dr. Harmesh Kumar, Concord, commented that the system is broken and attention needs to be made to people’s needs.

Devlyn Sewell, Concord, commented on the recent negative articles about Concord in newspapers all over the Bay Area.

**1. PRESENTATIONS**

- a. **Presentation** – to outgoing Contra Costa Water District President and Board Member Joe Campbell. **Introduction and Presentation by Mayor Hoffmeister.**

**ACTION: Mayor Hoffmeister presented Contra Costa Water District President and Board Member with a gift from the City Council and a proclamation declaring Friday, February 26, 2016, as Joe Campbell Day in Concord.**

- b. **Presentation** – by Mike Thomas, President and CAO, and Diana Camacho, Program Director, Community Benefits, on the John Muir Health Community Benefits Program. **Introduction by Mayor Hoffmeister.**

**ACTION: Mike Thomas, President and CAO, and Diana Camacho, Program Director, Community Benefits, gave a presentation on the John Muir Health Community Benefits Program.**

2. **ANNOUNCEMENTS – None**

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**CITY COUNCIL  
MATTERS**

3. **CITY COUNCIL CONSENT ITEMS:**

- a. **Receiving** – the Quarterly Treasurer’s Report for the period October 1 – December 31, 2015. (No Fiscal Impact) Recommended by the City Treasurer.

**This item was pulled from the Consent Calendar by City Treasurer Tim McGallian who presented the report to the City Council.**

**ACTION: Report received.**

- b. **Approving** – the minutes from the meetings of January 26 and February 2, 2016. (No Fiscal Impact) Recommended by the City Clerk.

**ACTION: Minutes adopted.**

- c. **Accepting** – the improvements for Centre Concord Movable Walls and Coverings, Project No. 2182, constructed by J-Walt Construction of Woodland; and direct the City Clerk to file a notice of completion. (Building Maintenance, Community Development Block Grant Funds and General Funds) Recommended by the Director of Community and Economic Development.

**ACTION: Improvements for Centre Concord Movable Walls and Coverings, Project No. 2182, accepted; City Clerk directed to file a notice of completion.**

- d. **Awarding** – a construction contract in the amount of \$253,940.40 (Base Bid plus Additive Bid 1 for Project No. 2325) to Rosas Brothers Construction to construct accessibility improvements at various locations; rejecting a bid protest submitted by Sposeto Engineering, Inc.; and authorizing the use of project contingency funds. (Measure J and Community Development Block Grant Funds) Recommended by the Director of Community and Economic Development.

**ACTION: Construction contract in the amount of \$253,940.50 awarded to Rosas Brothers Construction for Project No. 2325; bid protest submitted by Sposeto Engineering, Inc. rejected; the use of project contingency funds authorized.**

- e. **Authorizing** – the City Manager to enter into a three-year agreement with Pacific Coast Farmers’ Market to continue operating a Certified Farmers’ Market at Todos Santos Plaza. (No Fiscal Impact) Recommended by the Director of Community and Economic Development.

**ACTION: City Manager authorized to enter into a three-year agreement with Pacific Coast Farmers’ Market to continue operating a Certified Farmers’ Market at Todos Santos Plaza.**

- f. **Approving** – Eighteen (18) Master Services Agreements for Various Products and Consultant Services for Information Technology Support. (No expenditures are authorized by these agreements) Recommended by the Director of Information Technology.

**ACTION: Master Services Agreements for various products and consultant services for Information Technology support approved.**

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4. **CITY COUNCIL/LOCAL REUSE AUTHORITY CONSIDERATION ITEMS:**

- a. City response to Investigative Report by Michael Jenkins regarding the Master Developer Selection process for the Concord Naval Weapons Station Project. **Report by Guy Bjerke, Director of Community Reuse Planning.**

**Councilmember Leone recused himself from the item and left the dais.**

**Councilmember Grayson recused himself from further participation in the selection process for the Concord Naval Weapons Station Project master developer.**

**ACTION: Report heard; comments provided by representatives of Lennar and Catellus; public testimony given; received the investigative report regarding the Concord Naval Weapons Station Project master developer selection process by Michael Jenkins; and**

1. **Determined that Lennar Concord, LLC’s violation of the Agreement to Negotiate by soliciting campaign contributions to Councilmember Tim Grayson’s Assembly campaign does not merit the firm’s disqualification from the Master Developer selection process because (1) There is a public benefit to continuing with the competitive process and having both finalists considered by Council and the public as part of a robust public discussion; and (2) there is**

no evidence that Councilmember Grayson was aware of the source of the campaign contributions and he has indicated he was not; he returned the contributions as soon as he became aware of their possible connection to Lennar, and he has now recused himself from further participation in the selection process.

**AYES:** Birsan, Helix, Hoffmeister **NOES:** None **ABSTAIN:** Grayson, Leone

2. Responded to the report's finding of a Brown Act violation by directing staff to issue a new staff report that incorporates the staff recommendation in favor of Catellus that was removed prior to publishing the September 29, 2015 staff report.
3. Directed staff to inform both Catellus and Lennar that the Council intends to apply the ordinary meaning of the word "lobbying" in Section 11 of the Agreement to Negotiate and that campaign contributions fall within that definition.
4. Committed as individual Councilmembers and as a Council to approach the Master Developer selection dispassionately, disregard previous history, proceed impartially, consider all public testimony, and adhere to a merit-based evaluation focused on the Term Sheets and what is in the best interests for the City of Concord.
5. Directed staff to calendar a public meeting for selecting the Phase 1 Master Developer.
6. Moved forward with advanced Brown Act training for itself and hold the training in an open and public meeting.
7. Directed the City Manager to schedule advanced Brown Act training for the Executive Team and key staff who support the City's Boards and Commissions.
8. Directed staff to provide updates to the Council and the public on the status of the reuse of the Concord Naval Weapons Station on a regular basis.

**AYES:** Birsan, Grayson, Helix, Hoffmeister **NOES:** None **ABSTAIN:** Leone

- b. **Authorizing** – the Mayor to send cease and desist response letter under the Brown Act for inadvertent violation of Act on December 8, 2015. **Report by Brian Libow, Interim City Attorney.**

**ACTION:** Report heard, public testimony given; and Mayor authorized to send cease and desist response letter under the Brown Act for inadvertent violation of Act on December 8, 2015.

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**5. CITY COUNCIL PUBLIC HEARING:**

- a. **Consideration** – of an amendment to the Concord Municipal Code Title 18, Development Code, Chapter 18.170, Water Efficient Landscaping. Ordinance No. 16-1 for introduction. (Continued from January 23, 2016.)

Staff has determined that the adoption of the proposed ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2), Section 15060(c)(3), Section 15268, and Section 15061(b)(3), in that 1) the amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment; 2) the proposal complies with a requirement of the State of California and not a project as defined in Section 15378; and 3) landscaping is typically a ministerial action associated with a building permit and deemed exempt from CEQA under Section 15268; and 4) the proposed amendment is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. **Report by Andrew Mogensen, Principal Planner.**

**ACTION: Report heard, opportunity for public testimony given; and Ordinance No. 16-1 introduced by reading of the title only and waiving further readings.**

- b. **Consideration** – of Resolution No. 16-10 adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; Ordinance No. 16-425.1 Amending the Zoning Map from RS-7 (Single Family Residential) to RL (Residential Low Density); Resolution No. 16-8 adopting a tentative subdivision map, design review, minor exception, and tree removal based on findings for the Autumn Brook Residential Subdivision Rezoning, and approval of the street name “Autumn Brook Lane,” for the Autumn Brook eight-lot, single family residential subdivision located at 1890 Risdon Road.

**ACTION: Report heard, public testimony given, Resolution Nos. 16-10 and 16-8 adopted, the street name “Autumn Brook Lane” approved; and ordinance No. 16-425.1 introduced by reading of the title only and waiving further readings.**

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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 671-3390.

- a. Correspondence received for City Council/Local Reuse Authority Agenda Item No. 4.a.
- b. Postcard on the Age Strong, Live Long Health Expo.
- c. Written comments submitted by Olga Chan.

- d. Newspaper articles about Concord submitted by Devlin Sewell.
  - c. John Muir Health PowerPoint Presentation.
  - d. Autumn Brook Residential Subdivision Rezoning PowerPoint Presentation.
- 7. **CLOSED SESSION REPORTS**
  - 8. **COUNCIL AND STAFF REPORTS**
  - 9. **ADJOURNMENT – at 11:18 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, March 1, 2016**

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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 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>