



# **Concord** ANNOTATED AGENDA

**REGULAR MEETING OF THE  
CONCORD CITY COUNCIL/  
THE CONCORD CITY COUNCIL SITTING AS  
THE LOCAL REUSE AUTHORITY  
Tuesday, March 1, 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 – None**
  - III. PUBLIC COMMENT – None**
  - IV. CLOSED SESSION**
    - a. CLOSED SESSION UNDER GOVERNMENT CODE SECTION 54957  
PUBLIC EMPLOYMENT  
Title: (City Attorney)
- ACTION: Closed Session held.**
- V. RECESS TO OPEN SESSION at 6:15 p.m.**

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

**ROLL CALL – Mayor Hoffmeister absent**

**PLEDGE TO THE FLAG – Councilmember Helix**

**PUBLIC COMMENT PERIOD**

Dr. Harmesh Kumar, Concord, addressed the Council and stated that he is not scared.

- 1. **PRESENTATIONS – None**
- 2. **ANNOUNCEMENTS**

**ACTION:** City Clerk Joelle Fockler reminded the City Council and the public that there is one opening on the Concord Pavilion Community Outreach Committee for a term ending, February 28, 2017. The recruitment closes at 5 p.m. on Friday, March 4, 2016; and applications are due to the City Clerk by 5 p.m. on Friday, March 4.

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

3. **CITY COUNCIL/LOCAL REUSE AUTHORITY CONSENT ITEMS:**

- a. **Approving** – the minutes from the meeting of February 9, 2016. (No Fiscal Impact) Recommended by the City Clerk.

**ACTION: Minutes approved.**

- b. **Ordering** – the preparation of the Engineer’s Report for the levy of annual assessments for the City’s four Landscape and Lighting Maintenance Assessment Districts. Resolution Nos. 16-13, 16-14, 16-15, and 16-16 for adoption. (Maintenance District Funds). Recommended by the Director of Community and Economic Development.

- (1) Downtown Landscape Maintenance District - Resolution No. 16-13 for adoption.
- (2) Pine Hollow Landscape Maintenance District - Resolution No. 16-14 for adoption.
- (3) Landscaping and Lighting Maintenance District #3 - Resolution No. 16-15 for adoption.
- (4) Citywide Street Lighting Assessment District - Resolution No. 16-16 for adoption.

**ACTION: Resolution Nos. 16-13, 16-14, 16-15, and 16-16 adopted by the following vote:**

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

- c. **Matter to set for public hearing** – on March 22, 2016, at 6:30 p.m. in the City Council Chambers to consider adoption of Resolution No. 16-3 to revise the Master Fee Schedule and introduction of Ordinance No. 16-2 amending the Concord Municipal Code by adopting a City-Initiated Text Amendment to the Development Code (PD 16024-DC), Section 18.200.180, Secondary Living Units, for a Two-Year Pilot Program for Small Secondary Living Units. Recommended by the Director of Community and Economic Development

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the City Council adopted Resolution No. 15-2 on January 6, 2015, adopting a Negative Declaration for the Housing Element 2014-2022 General Plan Amendment to the Housing Element as Volume V of the *Concord 2030 General Plan* (“Approved Project”). The proposed Development Code changes are minor in nature and the codification of existing policy within the City’s Housing Element, which is the result of State legislative action, do not make substantial changes to the Approved Project or substantial changes with respect to the circumstances under which the Approved Project would be undertaken which would require revisions to the Negative Declaration due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, there is no new information that would require preparation of a subsequent or supplemental EIR or negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162, none of the elements requiring a subsequent or supplemental negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162 are met. In addition, the proposed code amendments will have minimal impact on the environment in that most all affected parcels would already be developed. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as exempt pursuant to 15061(B)(3), falling within the “common sense” exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” and no further environmental review is required. Moreover, future projects would undergo individual CEQA review.

**ACTION: Public hearing set for Tuesday, March 22, 2016, at 6:30 p.m. in the Council Chamber.**

- d. **Accepting** – the *Concord 2030 General Plan* Annual Progress Report, including the Housing Element Annual Progress Report and direct staff to submit the report to the Governor’s Office of Planning and Research and to the State Department of Housing and Community Development. (No Fiscal Impact) Recommended by the Director of Community and Economic Development

Pursuant to CEQA Guidelines Section 15378(b)(5), the *Concord 2030 General Plan* Annual Progress Report is not considered a “project” and no further environmental review is required.

**ACTION:** The *Concord 2030 General Plan Annual Progress Report* accepted, including the *Housing Element Annual Progress Report*; staff directed to submit the report to the Governor's Office of Planning and Research and to the State Department of Housing and Community Development.

- e. **Adopting** – an addendum to the existing Memorandum of Understanding with Teamsters Union Local 856 providing Communications Training Officer (CTO) training pay differential for dispatchers. (General Fund) Recommended by the Director of Human Resources.

**ACTION:** Addendum to the existing Memorandum of Understanding with Teamsters Union Local 856 providing Communications Training Officer (CTO) training pay differential for dispatchers adopted.

- f. **Awarding** – contract to Future Ford of Concord in the amount of \$138,090.90 for Five (5) 2016 Ford Interceptor SUVs. (Annual Vehicle Replacement Fund) Recommended by the Director of Public Works.

**ACTION:** A contract in the amount of \$138,090.90 for five 2016 Ford Interceptor SUV's awarded to Future Ford of Concord.

- g. **Awarding** – a two-year contract with three, one-year extension options to Flyers Energy of San Bruno, California, in the amount of \$55,478.50 per year to provide diesel fuel as needed. (Fleet Operations Fund) Recommended by the Director of Public Works.

**ACTION:** A two-year contract with three, one-year extension options in the amount of \$55,478.50 per year to provide diesel fuel awarded to Flyer Energy of San Bruno, California.

- h. **Extending** – the Council Committee on Early California Architectural Review through September 2016 and reappointing Vice Mayor Ron Leone, Councilmember Tim Grayson and Design Review Board member Kirk Shelby. (No Fiscal Impact) Recommended by the Director of Community and Economic Development.

**ACTION:** The Council Committee on Early California Architectural Review extended through September, 2016, and Vice Mayor Ron Leone, Councilmember Tim Grayson, and Design Review Board member Kirk Shelby reappointed.

- i. **Accepting** – a \$68,000 grant from the Brenden Mann Foundation, appropriating the funds for Downtown Patrol Program Services, adopting Resolution No. 16-11 amending the Fiscal Year 2015-2016 budget, and authorizing the City Manager to execute all required documents. Recommended by the Chief of Police.

**ACTION: Resolution No. 16-11 adopted by the following vote:**

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

- j. **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 \$80,000, and authorize the Executive Director of the LRA to execute the agreement. (Funding provided through a loan to the LRA from the General Fund that was approved and appropriated as part of the Adoption of the FY 2015/16 Budget) Recommended by the Director of Community Reuse Planning.

**ACTION: Vice Mayor Leone recused himself from this item. Amendment to the Master Agreement for Professional Services with H. T. Harvey & Associates not to exceed \$80,000 approved; Executive Director of the LRA authorized to execute the agreement.**

---

4. **CITY COUNCIL CONSIDERATION ITEMS:**

- a. **Accepting** – report on progress on the Subdivision Ordinance Update Project. Report by Ryan Lenhardt, Senior Planner.

**ACTION: Report heard, opportunity for public testimony provided, and feedback provided by the Council.**

- b. **Approving** – Measure WW Fund Reallocation in the amount of \$775,000 to support park improvements at Ellis Lake and Meadow Homes Parks, and authorizing the City Engineer to sign the application. (Measure WW Fund) Report by Robert Ovadia, City Engineer.

Meadow Homes Playground Installation: This project will create an alteration an existing park facility, which will include installation of playground equipment, and is categorically exempt under CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction) and/or 15303 (New Construction or Conversion of Small Structures).

Ellis Lake Park & Playground Improvements Project: This project will expand the existing playground area that will include installation of new playground equipment in an existing park facility, and is categorically exempt under CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction) and/or 15303 (New Construction or Conversion of Small Structures).

**ACTION: Report heard, public testimony given, staff authorized to prepare the necessary Measure WW applications for submission to the EBRPD by the March 31, 2016 deadline; and the City Engineer authorized to sign the subject application documents.**

- c. **Directing** – staff to accept two proposed applications to amend the General Plan and Zoning for two defined areas to West Concord Mixed Use (WMX):
- A request by Import Motors Inc. to amend the General Plan Land Use and Zoning from Regional Commercial (RC) to West Concord Mixed (WMX) use for twelve parcels located along the west side of Market Street, east of Highway 242, North of Willow Pass Road and south of Concord Boulevard.
  - A request by DG Concord LLC. to amend the General Plan Land Use and Zoning from Downtown Mixed Use (DMX) to West Concord Mixed Use (WMX), amend the Downtown Specific Plan, and amend Section 18.45.010 of the Development Code to revise the description of the location of West Concord Mixed Use Zoning District for six parcels located along the north side of Concord Boulevard between Market Street and Bonifacio Street.

Report by Andrew Mogensen, Principal Planner

**ACTION: Report heard, public testimony given, and staff directed to allow both Impact Motors Inc. (BMW) and DG Concord LLC (Mazda) to proceed with an application for their proposed General Plan and Zoning amendments, as per Concord Development Code Section §18.455.020.**

---

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. Letter submitted by BMW Concord for Agenda Item No. 4.c.
- b. Progress Report Subdivision Ordinance Update Powerpoint Presentation.

6. **CLOSED SESSION REPORTS** – None

7. **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.**

8. **ADJOURNMENT** – 7:35 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, March 22, 2016**

---

**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>