

COUNCIL MEMBERS
Laura M. Hoffmeister, Mayor
Ronald E. Leone, Vice Mayor
Edi E. Birsan
Timothy S. Grayson
Daniel C. Helix

Civic Center
1950 Parkside Drive
Concord, CA 94519
www.cityofconcord.org



**ANNOTATED AGENDA
Regular Meeting of the
Concord City Council**

Tuesday,
June 28, 2016

5:30 p.m. - Closed Session

City Council Conference
Room
1950 Parkside Drive

7:00 p.m. - Open Session
Please note later starting time

Council Chamber
1950 Parkside Drive

Information for the public on participation at Council meetings can be found on the back of the Speaker Identification Card located near the Council Chamber entrance. Should you have any questions after consulting the Speaker Identification Card, please contact the City Clerk prior to the Council meeting.

AGENDIZED ITEMS – The public is entitled to address the City Council on items appearing on the agenda before or during the City Council’s consideration of that item. Each speaker will be limited to approximately three minutes.

CLOSED SESSION

1. OPENING

Roll Call – all present. Mayor Hoffmeister arrived at 5:35 p.m.

2. PUBLIC ANNOUNCEMENT – none.

3. PUBLIC COMMENT

Frank Abejo, City of Concord OPEIU Local 29 Shop Steward, spoke of the group’s frustration with the City of Concord’s last best and final offer presented on June 21, 2016, not being equitable with the Teamsters Local 856 offer and submitted and read into record a petition signed by all 17 members of OPEIU Local 29.

Kelly Gschwend, OPEIU Local 29, spoke of lack of equality of the offer presented to OPEIU Local 29 employees versus the offer presented to the Teamsters Local 856 employees.

Nic Kis, City of Concord Employee, stated that he does not feel appreciated as an employee, and spoke of his disappointment with the City in offering a different offer to OPEIU Local 29 than the Teamsters Local 856.

4. CLOSED SESSION

- a. Conference with Labor Negotiators pursuant to Government Code Section 54957.6 City Negotiators: Valerie Barone, City Manager; Jovan Grogan, Deputy City Manager; and Jonathan Holtzman, Esq. 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.

5. RECESS TO OPEN SESSION – at 7:10 p.m.

6. OPENING

Roll Call – all present

Pledge to the Flag – Vice Mayor Leone

7. PUBLIC COMMENT PERIOD

This is a fifteen minute Public Comment Period for items within the City Council's subject matter jurisdiction that are not on this agenda. Each speaker will be limited to approximately three minutes. State law prohibits the City Council from acting at this meeting on any matter raised during the Public Comment Period.

Will Taylor, Executive Director, National Alliance on Mental Illness (NAMI,) spoke of two upcoming community events to be held in Concord, NAMI in Motion, a mental health awareness event scheduled for Saturday, September 10, and the Crash Course, an orientation to the mental health system, offered every Wednesday night from 7 p.m. – 8:30 p.m. at the Family Justice Center.

Harmesh Kumar, Concord, spoke of lack of homeless services during the evening and

night hours, and requested that the City of Concord do something about it.

George Fulmore, Concord, thanked the Council for moving rent issue forward and made suggestions on rules for rental units in Concord.

David Contada, Concord, spoke of the importance of play structures at Meadow Homes Park.

8. PRESENTATIONS

- a. Presentation by Kimberli Buckley, Concord Library Senior Community Library Manager, on the Concord Library Refresh. **Introduction by Mayor Hoffmeister.**

ACTION: Presentation made.

- b. Presentation to Ricardo Simental, Monument Corridor Anti-Drug & Alcohol Coalition, in recognition of Alcohol Awareness Month. **Presentation by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister presented a proclamation to Ricardo Simental declaring June as Alcohol Awareness Month in the City of Concord.

- c. Presentation by Kathryn Monroy, Recreation and Special Events Program Coordinator, and Caryl Tynan, Recreation and Special Events Program Coordinator, proclaiming July as, "Parks and Recreation Month" in the City of Concord. **Introduction by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister presented a proclamation declaring July as Parks and Recreation Month in the City of Concord to Mark Sinclair, Chair of the Parks, Recreation and Open Space Committee. Kathryn Monroy and Caryl Tynan gave a presentation on the City of Concord Parks and Recreation Department and its activities.

9. ANNOUNCEMENTS

- a. **Announcing** - the opening of a recruitment to fill a vacancy and seeking applications for one position on the John Muir/Mt. Diablo Community Health Fund Board for a term ending December 31, 2016, and setting Tuesday, July 12, 2016, at 5 p.m. as the deadline for applications to be received by the City Clerk.

ACTION: Mayor Hoffmeister announced a recruitment to fill a vacancy and seeking applications for one position on the John Muir/Mt. Diablo Community Health Fund Board for a term ending December 31, 2016, and

setting Tuesday, July 12, 2016, at 5 p.m. as the deadline for applications to be received by the City Clerk.

10. CITY COUNCIL CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Councilmember, individual or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Mayor may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate

- a. **Considering** - approval of the minutes from the meetings of March 22 and 28 and April 5 and 12, 2016. Recommended by the City Clerk.

ACTION: March 22 and 28 and April 5 and 12, 2016, minutes approved.

- b. **Considering** – adopting Resolution No. 16-52 calling for and ordering a General Municipal Election and Specifications of the Election Order for the purpose of electing two members of the City Council, each for full terms of four years, and requesting and consenting to the consolidation of said General Municipal Election with the General Election to be held on November 8, 2016. Recommended by the City Clerk.

ACTION: Resolution No. 16-52 adopted.

- c. **Considering** – approving the City of Concord FY 2016-17 Investment Policy. Recommended by the Director of Finance.

ACTION: City of Concord FY 2016-17 Investment Policy approved.

- d. **Considering** - approving an updated and standardized agreement to provide vehicle and equipment maintenance to outside agencies. Recommended by the Director of Public Works.

ACTION: Updated and standardized agreement to provide vehicle and equipment maintenance to outside agencies approved.

- e. **Considering** – approving various annual license and maintenance agreements for IT hardware and software for Fiscal Year 2016-17 (General Fund). Recommended by the Director of Information Technology.

ACTION: Various annual license and maintenance agreements for IT hardware and software for Fiscal Year 2016-17 approved.

- f. **Matter to be set for Public Hearing** – on Tuesday, July 12, 2016, at 6:30 p.m. in the Council Chamber – a review of proposed amendment to the Solid Waste Franchise Agreement with Concord Disposal Services and proposed amendments to Exhibit A to Resolution No. 78-6042 establishing Fees and

Charges for Various Municipal Services in the City of Concord. Recommended by the Director of Community and Economic Development.

ACTION: This item was pulled from consideration by staff to return at a later date.

- g. **Considering** – rejection of bid for Citywide On-Call Sidewalk Replacement Pilot Program, Project No. 2341. Recommended by the Director of Community and Economic Development.

This item was pulled from the Consent Calendar by Concord resident George Fulmore.

ACTION: Bid submitted by Wayne E. Swisher Cement Contractor Inc. of Antioch for On-Call Sidewalk Replacement Pilot Program, Project No. 2341, rejected; staff authorized to re-bid the project as proposed.

- h. **Considering** – adopting Resolution No. 16-53 authorizing and appropriating the acceptance of State AB109 funds in the amount of \$130,500 to partially offset the cost of one existing police officer to provide coordinated support of AB 109 law enforcement activities; and authorizing and directing the City Manager to execute the related contract between the City of Concord and Contra Costa County. Recommended by the Chief of Police.

ACTION: Resolution No. 16-53 adopted.

- i. **Considering** – awarding a contract to Flooring Solutions, Inc. in the amount of \$56,100 for carpet replacement at the Concord Library; and authorizing the City Manager to execute the contract in a form acceptable to the City Attorney. (Measure Q, Facilities Replacement Fund) Recommended by the Director of Public Works.

ACTION: A contract in the amount of \$56,100 awarded to Flooring Solutions, Inc. for carpet replacement at the Concord Library awarded, and City Manager authorized to execute the contract in a form acceptable to the City Attorney.

- j. **Considering** – adopting Resolution No. 16-45 authorizing the City Manager to authorize the County to collect electrical usage data on behalf of the City and allocate up to \$35,000 of City funding for a Community Choice Aggregation Technical Study. (General Fund) Recommended by the Director of Community and Economic Development.

ACTION: Resolution No. 16-45 adopted.

- k. **Considering** – awarding a contract in the amount of \$65,000 to Revel Environmental Manufacturing, Inc. of Concord for the supply and installation of 135 full trash capture devices for the Full Trash Capture Devices Project, Request for Quote (RFQ) No. 2353, authorizing staff to utilize available project contingency for contract change orders up to 10 percent of the contract amount; and authorizing the City Manager to execute the contract in a form acceptable to the City Attorney. Recommended by the Director of Community and Economic Development.

This project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 – Existing Facilities and 15308 – Actions taken by Regulatory Agencies for Protection of the Environment.

ACTION: A contract in the amount of \$65,000 to Revel Environmental Manufacturing, Inc. for the supply and installation of 135 full trash capture devices for the Full Trash Capture Devices Project, Request for Quote No. 2353 approved, staff authorized to utilize available project contingency for contract change orders up to 10 percent of the contract amount; and City Manager authorized to execute the contract in a form acceptable to the City Attorney.

- l. **Considering** – a Professional Services Agreement for building procurement and installation in the amount of \$310,485 to Public Restroom Company for Willow Pass Park Restroom & Concession Facility Replacement – Field #1, Project No. 2334. (General Fund) Recommended by the Director of Community and Economic Development.

This project is categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 – Replacement and Reconstruction.

ACTION: A Professional Services Agreement in the amount of \$310,485 with Public Restroom Company for Willow Pass Park Restroom & Concession Facility Replacement – Field#1, Project No. 2334, approved; City Manager authorized to execute the agreement in a form acceptable to the City Attorney.

- m. **Considering** – adopting Resolution No. 16-4735.3 approving the May 24, 2016, tentative agreement, authorizing the City Manager to prepare and execute a successor Memorandum of Understanding between the City of Concord and the International Brotherhood of Teamsters Local Union No. 856 representing the employees in Administrative, Clerical & Technical and Field Operations Units for the period of July 1, 2015 – June 30, 2019, and authorizing corresponding budget appropriations and expenditures. (General Fund) Recommended by the Director of Human Resources.

ACTION: Resolution No. 16-4735.3 adopted.

- n. **Considering** – adopting Resolution Nos. 16-4735.4, 16-4735.5, and 16-4735.6 approving adjustments to salary and benefits for Unrepresented Employees and approving amendments to the Executive Management Compensation Policy, Policy and Procedure No. 37.9, and authorizing corresponding budget appropriations and expenditures. (General Fund) Recommended by the Director of Human Resources.

ACTION: Resolution Nos. 16-4735.4, 16-4735.5, and 16-4735.6 adopted; amendments to the Executive Management Compensation Policy, Policy and Procedure No. 37.9, approved; budget appropriations and expenditures approved.

- o. **Considering** – adopting Resolution Nos. 16-49, 16-50, and 16-51 fixing the employer’s contribution under the Public Employees’ Medical and Hospital Care Act (PEMHCA) for members of the International Brotherhood of Teamsters Local 856 (Administrative, Technical & Clerical and Field and Operations Units) and Unrepresented Employees and Elected Officials, to include Council-appointed Employees, Executive Management, Mid-Management, and Confidential Employees. (General Fund) Recommended by the Director of Human Resources.

ACTION: Resolution Nos. 16-49, 16-50, and 16-51 approved.

- p. **Considering** – adopting Resolution No. 16-57 providing fixed and vested City contribution amounts for Retiree Health Care Benefits for Teamster and Unrepresented current retirees. Recommended by the Director of Human Resources.

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

It was the consensus of the Council to return this item to Closed Session discussion and return to the Council for consideration at a later date.

11. CITY COUNCIL PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the public hearing is opened, except on public hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council level for discussion and action. Further comment from the audience will not be received unless requested by the Council. No public hearing shall commence after 10 p.m. unless approved by majority vote of the City Council.

- a. **Considering** – adopting Resolution Nos. 16-46, 16-47, 16-48, and 16.6042.3 amending the Fiscal Year 2015-16 and FY 2016-17 Municipal Budget and 10-Year Forecast. **Report by Janell Hampton, Budget Officer. Continued from June 14, 2016.**

None of the activities addressed herein constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because none of the activities has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; even if any activity was a project under CEQA, each is exempt under 14 Cal. Code Regs. Section 15061(b)(3) and 14 Cal. Code Regs. Section 15378(b)(4).

ACTION: Report heard, opportunity for public comment given, Resolution Nos. 16-46, 16-47, 16-48, and 16-6042.3 adopted.

- b. **Considering** – adopting Resolution No. 16-44 adopting Fiscal Year 2016-17 and 2017-18 Biennial Capital Budget and Related Items. **Report by Robert Ovadia, City Engineer. Continued from June 14, 2016.**

Adopting a Capital Budget is not a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; even if a project under CEQA, exempt under 14 Cal. Code Regs. Section 15061(b)(3) and 14 Cal. Code Regs. Section 15378(b)(4). Individual improvement projects will undergo CEQA review as necessary if and when pursued.

ACTION: Report heard, public comment given, Resolution No. 16-44 adopted.

12. **CORRESPONDENCE**

Correspondence received at the City Council meeting will be listed here on the Annotated Agenda.

- a. Letter dated June 27, 2016, from the Office and Professional Employees International Union, Local 29
- b. Flyers submitted by Will Taylor, NAMI
- c. Contra Costa County Library STEAM brochure
- d. Concord Library Refresh Project 2016 PowerPoint Presentation
- e. Concord Parks & Recreation Makes Life Better PowerPoint Presentation
- f. FY 2015-17 Biennial Operating Budget Mid-Cycle Update and FY 2016-18 Biennial Capital Budget Hearing PowerPoint Presentation

13. **REPORTS AND ANNOUNCEMENTS**

Closed Session Announcements - **none**

City Manager or Staff Reports - **none**

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

Council directed staff to take the topic of curb cutaways/RV parking to a Council Committee best determined by the City Manager.

14. ADJOURNMENT – at 9:07 p.m.

Next Meeting: Regular Meeting

Date: 7/5/2016 - 6:30 p.m.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS - The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the City Clerk for personal use during Council meetings.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

The following is a list of regular **Council Committee** meeting dates. Most meetings are held in the Garden Conference Room, 1950 Parkside Drive, Concord. **NOTE: Meetings are subject to change or cancellation. For latest information and committee agendas please call 671-3158.**

Committee	Chair/Member	Meeting Time
Policy Development & Internal Operations	Hoffmeister/Leone	2 nd Thursday at 5:30 p.m.
Housing & Economic Development	Leone/Helix	4 th Monday at 5:30 p.m.
Infrastructure & Franchise	Helix/Birsan	2 nd Monday at 5:30 p.m.
Recreation, Cultural Affairs & Comm. Svc.	Grayson/Hoffmeister	3 rd Wednesday at 5:30 p.m.
Youth & Education	Birsan/Grayson	3 rd Monday at 5:30 p.m.