

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/
City Council Sitting as the
Local Reuse Authority**

Tuesday,
July 12, 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

2. PUBLIC COMMENT

Public Comment for Closed Session items is limited to items on the Closed Session agenda. Each speaker will be limited to approximately three minutes

No public comment.

3. CLOSED SESSION

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

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.

4. RECESS TO OPEN SESSION – at 6:45 p.m.

5. OPENING

Roll Call – all present

Pledge to the Flag – Councilmember Grayson

6. 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.

Joe Partansky, Concord, spoke of the Americans with Disabilities Act.

Howard Herrold, Concord, spoke of his frustration with the Neighborhood Services Division and PG&E and his desire to raise the tree height to 14 feet.

George Fulmore, Concord, spoke of the spray park and play structures at Meadow Homes Park.

Dr. Harmesh Kumar, Concord, spoke of the recent tragedy in Dallas and his support of the Concord Police Department.

7. PRESENTATIONS – none

8. **ANNOUNCEMENTS – Vice Mayor Leone read a statement into the record regarding the Community Reuse Project at the former Concord Naval Weapons Station stating that now that a Master Developer has been selected and the Term Sheet for the project has been approved, he is able to resume his place on the City Council in decisions related to the project. He noted that if decisions must be made by the Council regarding the green belt, he will again recuse himself from the discussion and the vote.**

9. **CONSENT CALENDAR**

The public is entitled to address the City Council on items appearing on the Consent Calendar before or during the City Council's consideration of the 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 meeting of April 13, 2016. Recommended by the City Clerk.

ACTION: Minutes approved.

b. **Considering** – adoption of Ordinance No. 16-4 entitled, "An Ordinance Approving and Adopting a Development Agreement by and between the City of Concord and Swift Realty Partners, LLC, Regarding the Development of Property Located in Downtown Concord Described as Assessor's Parcel Numbers: 126-103-001, 126-103-015, 126-103-016, and 126-123-017." Recommended by the City Clerk.

ACTION: Ordinance No. 16-4 adopted.

c. **Considering** – approval of Resolution No. 16-48 levying assessments for unpaid administrative citation fines, inspection and re-inspection fees, and abatement costs for property maintenance violations in the 2015 calendar year. Recommended by the Chief of Police and the Director of Community and Economic Development.

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

d. **Matter to be set for Public Hearing** – on Tuesday, August 2, 2016, at 6:30 p.m. in the Council Chamber - an Amendment to Concord Development Code Chapters 18.20 (General Terms) and 18.180 (Signs) to allow for freeway-oriented signs including digital pylon signs, Use Permit, Tree Removal and Design Review to construct a shopping center with up to 375,000 square feet of floor area on a 30-acre site located at 2001-2003 Diamond Boulevard. Anticipated shopping center uses include a grocery store, theater, restaurants (including drive-through restaurant), general retail, general office/medical office,

health club, and financial services. An Environmental Impact Report (EIR) was prepared for the project pursuant to the California Environmental Quality Act and the EIR and the related Statement of Overriding Considerations will be considered concurrently. The General Plan designation is West Concord Mixed Use; Zoning classification is WMX (West Concord Mixed Use); APN 126-440-001. Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, August 2, 2016, at 6:30 p.m.

- e. **Matter to be set for Public Hearing** – on Tuesday, August 2, 2016, at 6:30 p.m. in the Council Chamber - an amendment to the General Plan, Development Code Section 18.45.010(C), and a change of zoning from Downtown Mixed Use (DTMU/DMX) to West Concord Mixed Use (WCMU/WMX) for six parcels located on the north side of Concord Avenue between State Highway 242 and Bonifacio Street. Pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, an Addendum to the 2012 Supplemental Environmental Impact Report for the 2030 Concord General Plan (SEIR) dated May 2016 has been prepared for consideration with the proposed actions. As there are no new significant changes identified with this amendment, the City Council will consider adopting the Addendum and reaffirming the Statement of Overriding Considerations. Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, August 2, 2016, at 6:30 p.m.

- f. **Matter to be set for Public Hearing** – on Tuesday, August 2, 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 to incorporate a rate increase and modifications to the franchise fee and proposed amendments to Exhibit A to Resolution No. 78-6042 establishing Fees and Charges for Various Municipal Services in the City of Concord to increase residential solid waste fees. Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, August 2, 2016, at 6:30 p.m.

- g. **Considering** – adoption of Resolution No. 16-4735.7 approving the June 30, 2016 tentative agreement, authorizing the City Manager to prepare and execute a successor Memorandum of Understanding between the City of Concord and the Office and Professional Employees International Union (OPEIU) Local 29 for the period of May 1, 2015 through June 30, 2019, and authorizing corresponding budget appropriations and expenditures. (General Fund) Recommended by the Director of Human Resources.

ACTION: Resolution No. 16-4735.7 adopted.

- h. **Considering** – adoption of Resolution No. 16-56 fixing the employer’s contribution under the Public Employees’ Medical and Hospital Care Act (PEMHCA) for members of the Office and Professional Employees International Union (OPEIU) Local 29. (General Fund) Recommended by the Director of Human Resources.

ACTION: Resolution No. 16-56 adopted.

- i. **Considering** – approval of an Agreement for Professional Services with Environmental Science Associates (ESA) associated with preparation of conceptual flood management plans and creek restoration plans in support of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station in an amount not to exceed \$40,000. (Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

ACTION: Agreement for Professional Services with Environmental Services Associates in an amount not to exceed \$40,000 approved.

- j. **Considering** – approval of an Agreement for Professional Services with H. T. Harvey & Associates (HTH) associated with preparation of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station in an amount not to exceed \$225,000. (Funding provided through a loan to the LRA from the General Fund) Recommended by the Director of Community Reuse Planning.

ACTION: Agreement for Professional Services with H.T. Harvey & Associates in an amount not to exceed \$225,000 approved.

- k. **Considering** – approval of an Agreement for Legal Professional Services with Burke, Williams & Sorensen, LLP in the amount of \$270,000 in connection with transactional legal support for the Community Reuse Project at the former Concord Naval Weapons Station (CNWS). (Funding will be provided by the Master Developer or a loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

ACTION: Agreement for Legal Professional Services with Burke, Williams & Sorensen, LLP in the amount of \$270,000 approved.

- l. **Considering** – approval of an Agreement for Legal Professional Services with Garrity and Knisely regarding property transfer and remediation for the Community Reuse Project at the former Concord Naval Weapons Station (CNWS) in an amount not to exceed \$130,000. (Funding will be provided by the Master Developer or a loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

ACTION: Agreement for Legal Professional Services with Garrity and Knisely in an amount not to exceed \$130,000 approved.

- m. **Considering** – approval of an Agreement for Professional Services 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 for the Community Reuse Project at the former Concord Naval Weapons Station (CNWS) in the amount not to exceed \$18,000. (Funding will be provided by a loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

This item was pulled from the Consent Calendar by Vice Mayor Leone.

ACTION: Agreement for Professional Services with Johnson Marigot Consulting, LLC in the amount not to exceed \$18,000 approved.

- n. **Considering** – approval of an Agreement for Professional Services with HR&A Advisors, Inc. (HR&A) for the Community Reuse Project at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$85,000. (Funding will be provided by the Master Developer or a loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

This item was removed from the Consent Calendar by Vice Mayor Leone.

ACTION: Agreement for Professional Services with HR&A Advisors, Inc. in an amount not to exceed \$85,000 approved by the following vote:

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

- o. **Considering** – approval of an Agreement for Professional Services with Environmental Risk Services Corporation (ERS) for the Community Reuse Project at the former Concord Naval Weapons Station (CNWS) in an amount not to exceed \$170,000 (Funding will be provided by a Loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

ACTION: Agreement for Professional Services with Environmental Risk Services Corporation in an amount not to exceed \$170,000 approved.

- p. **Considering** – approval of an Agreement for Legal Professional Services with Ebbin Moser + Skaggs, L.L.P. in the amount of \$175,000 for work with the Community Reuse Project. (Funding will be provided by the Master Developer or a loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

ACTION: Agreement for Legal Professional Services with Ebbin Moser + Skaggs, LLP in the amount of \$175,000 approved.

- q. **Considering** – approval of an Agreement for Professional Services with The Wright Group for services associated with the former Concord Naval Weapons Station (CNWS) in an amount not to exceed \$36,000. (Funding will be provided by the Master Developer or through a loan to the Local Reuse Authority (LRA) from the General Fund) Recommended by the Director of Community Reuse Planning.

This item was removed from the Consent Calendar by Vice Mayor Leone.

ACTION: Agreement for Professional Services with HR&A Advisors, Inc. in an amount not to exceed \$85,000 approved by the following vote:

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

- r. **Considering** – approval of an Agreement for Professional Services with Arup North America Ltd. (Arup) associated with land transfer/development planning for the Community Reuse Project at the former Concord Naval Weapons Station (CNWS) in an amount not to exceed \$365,000. (Funding will be provided by the Master Developer or through a loan to the Local Reuse Authority (LRA) from the General Fund or/and through a grant from the Office of Economic Adjustment (OEA)) Recommended by the Director of Community Reuse Planning.

ACTION: Agreement for Professional Services with Arup North America LTD in an amount not to exceed \$365,000 approved.

10. **CONSIDERATION 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.

- a. **Considering** – adoption of Policy and Procedure No. 171 establishing a formal policy on sidewalk inspection and repair. **Report by Justin Ezell, Director of Public Works.**

ACTION: Report heard, public comment given, Policy and Procedure No. 171 adopted.

- b. **Appointing** – one applicant to fill an unscheduled vacancy on the City of Concord Planning commission for a term ending February 28, 2017. **Report by Joelle Fockler, City Clerk.**

ACTION: Dominic Aliano appointed to fill an unscheduled vacancy on the City of Concord Planning Commission for a term ending February 28, 2017.

- c. **Considering** – adoption of Resolution No. 16-14 establishing a Community Advisory Committee to encourage and provide public input into the Specific Plan process for the Development Phase One Property of the Community Reuse Project at the former Concord Naval Weapons Station. **Report by Guy Bjerke, Director of Community Reuse Planning.**

ACTION: Report heard, public comment given, Resolution No. 16-14 adopted.

- d. **Considering** – approval of an Amended and Restated Agreement to Negotiate between the Local Reuse Authority and Lennar Concord LLC regarding the Development Phase One Property in the Community Reuse Project at the former Concord Naval Weapons Station. **Report by Guy Bjerke, Director of Community Reuse Planning.**

ACTION: Report heard, public comment given, Amended and Restated to Negotiate between the Local Reuse Authority and Lennar Concord LLC approved.

11. **CORRESPONDENCE**

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

- a. PowerPoint Presentation for Item No. 10.a – Policy and Procedure No. 171
- b. Benched Item No. 10.a – Policy and Procedure No. 171

12. **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.**

13. **ADJOURNMENT – at 9:43 p.m.**

Next Meeting: Regular Meeting

Date: 7/26/2016 - 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.