

Please note earlier
start time – 5:30 p.m.

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,
August 2, 2016

5:30 p.m. - Open Session

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.

1. OPENING

Roll Call – all present – Mayor Hoffmeister arrived at 6:07 p.m.

Pledge to the Flag – Councilmember Birsan

2. 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.

George Fulmore, Concord, spoke of rent control and play structures at Meadow Homes Park.

John Dorsett, Concord, spoke of the restrictions regarding serving on the Concord Naval Weapons Station Reuse Project Community Advisory Committee.

3. PRESENTATIONS

- a. **Presentation** – by Chief of Police Guy Swanger providing an update on department activities. **Introduction by Mayor Hoffmeister.**

ACTION: Chief of Police Guy Swanger presented an update on Police Department activities.

4. ANNOUNCEMENTS - none

5. TREASURER'S REPORT

- a. **Receiving** – the Quarterly Treasurer’s Report for the period April 1 – June 30, 2016. (No Fiscal Impact) Recommended by the City Treasurer.

ACTION: Quarterly Treasurer’s Report for the period April 1 – June 30, 2016 accepted.

6. CITY COUNCIL 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** – a budget appropriation in the amount of \$20,000 to provide for additional financial studies relating to the City’s Other Post Employment Benefit and a Third Amendment to Professional Services Agreement with Bartel Associates, LLC to fund additional financial services required for the Other Post Employment Benefit fund. (Post Retirement Health Care Benefit Fund) Recommended by the Director of Finance.

ACTION: Budget appropriation in the amount of \$20,000 to provide for additional financial studies relating to the City’s Other Post Employment Benefit and a Third Amendment to Professional Services Agreement with Bartel Associates, LLC approved.

- b. **Annual Write-Off of Uncollectable Accounts Receivable for FY 2016-16.** Recommended by the Director of Finance.

ACTION: Write-off of uncollectible accounts receivable in the amount of \$30,243 as of June 30, 2016 authorized.

- c. **Considering** - responses to Contra Costa County 2015-16 Grand Jury Reports Nos. 1605, *Caring for the Victims: Commercial Sexual Exploitation of Children in Contra Costa County*; 1606, *Reclaiming our Water*, and 1615, *Truancy and*

Chronic Absence in Contra Costa County Schools. Recommended by the Chief of Police and the Director of Community and Economic Development.

ACTION: City Manager authorized to submit responses to the Grand Jury on behalf of the City.

- d. **Matter to set for Public Hearing** - on Tuesday, September 13, 2016, at 6:30 p.m. in the Council Chamber - considering Ordinance No.16-3 amending the Concord Municipal Code by adopting a text amendment to the Development Code (PL160109-DC) to Sections 18.185.020 and 18.185.040 of the Affordable Housing Ordinance, to reduce the applicable project size from 5 units to 2 units and Resolution No. 16-6042.4 amending the City's Fees and Charges resolution to increase inclusionary housing fees, which would be effective, if approved, on January 1, 2017. Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, September 13, 2016 at 6:30 p.m.

- e. **Matter to set for Public Hearing** – on Tuesday, September 13, 2016, at 6:30 p.m. in the Council Chamber – considering the adoption of Resolution No. 16-65 adopting the Downtown Corridors Plan including proposed improvements within the public right-of-way to enhance three critical street segments or “corridors” along Oak Street, Grant Street (from Salvio to Oak Street) and Salvio Street (from Broadway to Grant Street.) Recommended by the Director of Community and Economic Development.

ACTION: Public Hearing set for Tuesday, September 13, 2016 at 6:30 p.m.

- f. **Considering** – major terms for a sublease agreement, to be drafted in a form acceptable to the City Attorney, to allow Clayton Valley Charter High School the temporary right to use Boatwright Sports Complex for student parking and authorizing the City Manager to execute the agreement subject to consent of Cal State University East Bay. Recommended by the Director of Public Works.

This project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act Guidelines Sections 15301 – Existing Facilities, 15303 – New Construction or Small Structures and 15305 – Minor Alterations in Land Use Limitations.

ACTION: Major terms for a sublease agreement, to be drafted in a form acceptable to the city Attorney, to allow Clayton Valley Charter High School the temporary right to use Boatwright Sports Complex for student parking approved and City Manager authorized to execute the agreement, subject to consent of Cal State University East Bay.

- g. **Considering** – adoption of Resolution No. 16-66 authorizing the acceptance of Justice Assistance Grant Funds in the amount of \$33,988 and amending the Municipal Budget for Fiscal Year 2016-17 and appropriating and authorizing such funds to be used to fund Limited Service Officer Trainee positions in the Police Department. Recommended by the Chief of Police.

ACTION: Resolution No. 16-66 adopted.

- h. **Considering** – a Contract Change Order for Clayton Road/Treat Boulevard/Dekinger Road Intersection Improvements, Project No. 2144, in the amount of \$141,364 to Granite Rock Construction. (Funded by Measure J and Gas Tax) Recommended by the Director of Community and Economic Development.

ACTION: Contract Change Order for Clayton Road/Treat Boulevard/Dekinger Road Intersection Improvements, Project No. 2144, in the amount of \$141,364 approved.

- i. **Considering** – award of a Construction Contract for the Local Government Electric Vehicle Fleet Project (Project No. 2193) in the Amount of \$146,500 to ABM Electric of Pleasanton and authorize the Mayor to execute such contract subject to City Attorney approval; and authorize staff to utilize the available project contingency for contract change orders up to 10% of the contract amount. (Funded by Surface Transportation Program (STP)/Congestion Management and Air Quality (CMAQ) Grant funds and General Fund) Recommended by the Director of Community and Economic Development.

This project qualifies for a Categorical Exclusion pursuant to NEPA Section 6004 issued by Caltrans, and a Statutory Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15601(b)(3) “project not subject to CEQA review.”

ACTION: Construction Contract for the Local Government Electric Vehicle Project, Project No. 2193, in the amount of \$146,500 with ABM Electric approved; Mayor authorized to execute the Contract subject to City Attorney approval; and staff authorized to use the available project contingency for contract change orders up to 10% of the contract amount.

- j. **Considering** – an award of two contracts for the Central Concord Pedestrian Improvements and Streetscape (Project No. 2239): (1) a Construction Contract in the amount of \$3,125,154 to Ghilotti Bros., Inc.; authorize staff to utilize the available project contingency for contract change orders up to 8% of the contract amount; and (2) a Professional Services Agreement with Park Engineering for construction management services in the amount of \$184,848 and materials testing services in the amount of \$30,000 (total contract amount

of \$214,848); authorize the City Manager to execute the agreements subject to approval of the City Attorney; and approve associated budget transfer. (Funded by Measure J-TLC Grant, State Gas Tax, and Measure J Local Funds) Recommended by the Director of Community and Economic Development.

This Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act Guidelines Sections 15301 – Existing Facilities and 15304 -- Minor Alterations to Land.

ACTION: Construction Contract in the amount of \$3,125,154 to Ghilotti Bros, Inc. approved; staff authorized to utilize the available project contingency for contract change orders up to 8 percent of the contract amount; Professional Services Agreement with Park Engineering in the amount of \$184,848 for construction management services and \$30,000 for materials testing services for a total agreement amount of \$214,848 approved; City Manager authorized to execute the Contract and Agreement subject to the approval of the City Attorney; and associated budget transfer approved.

- k. **Considering** – award of two contracts for the Measure Q Pavement Repair Project #1 – Hillsborough Drive and East Olivera Road Project (Project No. 2359): (1) a Construction Contract in the amount of \$2,412,756 to Ghilotti Construction Company of Santa Rosa; authorize staff to utilize the available project contingency for contract change orders up to 10% of the contract amount; and (2) a Professional Services Agreement with CSG Consultants for construction management in the amount of \$160,590 for construction management services and in the amount of \$20,000 for materials testing (total contract amount of \$180,590); authorize the City Manager to execute the agreements subject to approval of the City Attorney; accept and appropriate CalRecycle grant funding into the project budget; and approve associated budget transfers. (Funded by Measure Q Lease Revenue Bond, Pavement Management Project No. 2157. (Holding Account Fund 400), and Information Technology Operating Fund - Fund 634) Recommended by the Director of Community and Economic Development.

This Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act Guidelines Sections 15301 – Existing Facilities and 15304 – Minor Alterations to Land.

ACTION: Construction Contract in the amount of \$2,412,756 to Ghilotti Construction Company of Santa Rosa approved; staff authorized to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; Professional Services Agreement with CSG Consultants in the amount of \$160,590 for construction management services and \$20,000 for materials testing for a total agreement amount of \$180,590 approved; and City Manager authorized to execute the Contract and Agreement subject to the approval of the City Attorney.

- i. **Considering** – rejection of the sole bid submitted by Ghilotti Construction Company, Inc. of Novato for the Measure Q Pavement Repair Project #2 – Solano Way, Wren Avenue and Sixth Street Pavement Rehabilitation Project, Project No. 2361, and directing staff to re-advertise the project for bids. Funded by Measure Q) Recommended by the Director of Community and Economic Development.

ACTION: Sole bid submitted by Ghilotti Construction Company, Inc. of Novato for the Measure Q Pavement Repair Project #2 – Solano Way, Wren Avenue and Sixth Street Pavement Rehabilitation Project, Project No. 2361 rejected; staff directed to re-advertise the project for bids.

- m. **Considering** – award of two contracts for the Measure Q Pavement Repair Project #4 — Citywide Pothole and Base Repairs (Project No. 2364): (1) a Construction Contract in the amount of \$1,323,905 to Granite Rock Company of Concord; authorize staff to utilize the available project contingency for contract change orders up to 10% of the contract amount; and (2) a Professional Services Agreement with Swinerton Management and Consulting to provide construction management services in the amount of \$109,203 and materials testing services in the amount of \$11,250 (total contract amount of \$120,453); authorize the City Manager to execute the agreements subject to approval of the City Attorney. (Funded by Measure Q Lease Revenue Bond) Recommended by the Director of Community and Economic Development.

This Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act Guidelines Sections 15301 – Existing Facilities and 15304 -- Minor Alterations to Land.

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

ACTION: Construction Contract in the amount of \$1,323,905 to Granite Rock Company awarded; staff authorized to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; Professional Services Agreement with Swinerton Management and Consulting in the amount of \$109, 203 to provide construction management services and \$11,250 to provide materials testing services for a total contract amount of \$120,453 approved; and City Manager authorized to execute the Contract and the Agreement subject to approval of the City Attorney.

- n. **Considering** – adoption of Resolution No. 16-4735.11 approving the terms and conditions of employment for employees in the Concord Police Managers’ Representation Unit for the period July 1, 2015 – June 30, 2019. Recommended by the Director of Human Resources.

ACTION: Resolution No. 16-4735.11 adopted.

- o. **Considering** – adoption of Resolution No. 16-4735.12 approving the terms and conditions of employment for employees in the Concord Police Association for the period July 1, 2015 – June 30, 2019. Recommended by the Director of Human Resources.

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

ACTION: Resolution No. 16-4735.12 adopted.

- p. **Considering** – adopting Resolution Nos. 16-61 and 16-62 fixing the employer’s contribution under the Public Employees’ Medical and Hospital Care Act (PEMHCA) for members of the Concord Police Association and the Concord Police Managers’ Representation Unit. (General Fund) Recommended by the Director of Human Resources.

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

ACTION: Resolution Nos. 16-61 and 16-62 adopted.

- q. **Considering** – Resolution Nos. 16-4735.8, 16-4735.9, and 16-4735.10 approving adjustments to Confidential Employee, Management, Executive Management, City Attorney and City Manager benefits. (General Fund) Recommended by the Director of Human Resources.

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

ACTION: Resolution Nos. 16-4735.8, 16-4735.9, and 16-4735.10 adopted.

- r. **Considering** – adopting Resolution No. 16-57 providing vesting for fixed City contribution amounts for retiree health care benefits for current eligible City retirees; and Resolution No. 16-67 providing vesting for fixed City contribution amounts for retiree health care benefits for eligible current unrepresented employees upon retirement directly from the City. Recommended by the Director of Human Resources.

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

ACTION: Resolution Nos. 16-57 and 16-67 adopted.

7. CITY COUNCIL 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** – appointment to two unscheduled vacancies on the City of Concord Community Services Commission, one with a term ending June 30, 2017 and one with a term ending June 30, 2019. Report by Joelle Fockler, City Clerk.

ACTION: Robert Ferrier appointed to the Community Services Commission for a term ending June 30, 2017, and Lance Goree appointed to the Community Services Commission for a term ending June 30, 2019.

- b. **Considering** – appointment of an applicant to the City of Concord Design Review Board for one member of the public with a term ending February 28, 2019. Report by Joelle Fockler, City Clerk.

ACTION: David Litty appointed as the member of the public to the Design Review Board for a term ending February 28, 2019.

- c. **Considering** – appointment of an applicant as the City of Concord representative on the John Muir/Mt. Diablo Community Health Fund Board with a term ending December 31, 2017. Report by Joelle Fockler, City Clerk.

ACTION: Carolyn Fong appointed as a City of Concord representative on the John Muir/Mt. Diablo Community Health Fund Board for a term ending December 31, 2017.

8. 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** – an Environmental Impact Report with Statement of Overriding Considerations, Application for 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 centers uses include a grocery store, theater, restaurants (including drive-through restaurant), general retail, general office/medical office, health club, and financial services. (Veranda Project) Report by Frank Abejo, Senior Planner.

ACTION: Report heard and public testimony given. Ordinance No. 16-6 introduced with amendments by reading of the title only and waiving further readings by the following vote of the Council:

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

Resolution No. 16-63 adopted by unanimous vote of the Council.

Resolution No. 16-64 adopted with amendments by unanimous vote of the Council.

- b. **Considering** – adoption of Resolution No. 16-54 approving the Thirteenth Amendment to the Franchise Agreement between the City of Concord and Concord Disposal Service and adoption of Resolution No. 16-6042.2 amending 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. Report by Joan Ryan, Senior Planner.

ACTION: Report heard; public testimony given; Resolution No. 16-54 adopted; and Resolution No. 16-6042.2 adopted.

Councilmember Helix left the meeting at 11:15 p.m.

- c. **Considering** – a change of zoning for six parcels (Located on the North Side of Concord Between Highway 242 and Bonifacio Street - APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) From Downtown Mixed-Use (DMX) to West Concord Mixed Use (WMX) By Amending the General Plan, Downtown Specific Plan, Zoning Map and the Text in Development Code Section 18.45.010(C), and considering the adoption of an Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR and Reaffirming the Statement of Overriding Considerations. Report by Laura Simpson, Planning Manager.

ACTION: Report heard; opportunity for public testimony given; Resolution Nos. 16-60, 16-4823.1, and 16-68 adopted by the following vote of the Council:

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

Ordinances Nos. 16-425.2 and 16-5 introduced by reading of the title only and waiving further reading by the following vote:

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

- d. **Considering** – Pleasant Paper Recycling, Inc.'s (dba Concord Recycling Center) appeal of a Planning Division Interpretation of Concord Development Code Section 18.40.010(D) regarding Outdoor Storage in the Service Commercial (SC) Zoning District and amendments to Use Permit 01-00 and 03-11 for 1320 and 1313 Galaxy Way to allow outdoor storage pursuant to Development Code Sections 18.200.170.D. and E. Report by Laura Simpson, Planning Manager.

This item is continued, per the applicant's request, to the September 13, 2016, City Council meeting.

9. **CORRESPONDENCE**

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

- a. City of Concord Police Department Public Safety Study Session January – June 2015/16 PowerPoint
- b. Veranda Shopping Center Project PowerPoint
- c. Benched correspondence – Letter dated July 29, 2016 from Bike Concord
- d. Benched Conditions of Approval for Veranda Shopping Center Project Memorandum dated August 2, 2016
- e. Benched correspondence - BAE Urban Economics Economic Impacts Analysis for the Proposed Veranda Shopping Center dated June 22, 2016
- f. Benched correspondence – Veranda Shopping Center site plans, elevations, and signage

- g. Letter dated August 2, 2016 submitted by Craig Anderson
- h. Letter dated August 2, 2016 submitted by Wil Evans
- i. Amendment to Franchise Agreement with Concord Disposal Service PowerPoint
- j. DG Concord, LLC General Plan Amendment PowerPoint

10. 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.**

11. ADJOURNMENT – at 11:40 p.m.

Next Meeting: Regular Meeting
Date: September 13, 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.
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