

COUNCIL MEMBERS

Laura M. Hoffmeister, Mayor
Edi E. Birsan, Vice Mayor
Ronald E. Leone
Timothy A. McGallian
Carlyn S. Obringer

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,
February 14, 2017

6:30 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

Pledge to the Flag – Vice Mayor 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.

Kellie Hunt, Concord, spoke of mail theft at the Lakeview Villas.

Peter Nelson, Baha'i Center Concord, invited the Council and the public to the Baha'i Center grand opening at 4100 Clayton Road, on February 23, at 7:30 p.m.

Joe Partansky, Concord, requested that the City Council go on the record as having a positive attitude toward the First Amendment; requested handouts for presentations be available to the public 72 hours prior to the presentation; and have a sign made at the Todos Santos podium with regard to First Amendment capacity.

Dr. Harmesh Kumar, Concord, asked what the Police Department use of force procedures are.

Robyn Kustlits, Concord, announced the Rainbow Community Center 2017 Annual Crab Feed Fundraiser, to be held Saturday, February 25, at the Mt. Diablo Unitarian Universalist Church, 55 Eckley Lane, Walnut Creek.

James Haro, Concord, inquired about police inspection charges, liens, and a lawsuit for his property located at 2749 Montgomery Avenue.

3. PRESENTATIONS

- a. **Presentation** – by Nicole Impagliazzo, Concord Disposal Services, on special garbage rates for very-low income seniors in Concord. **Introduction by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister introduced Nicole Impagliazzo, Concord Disposal Services, who gave a presentation on special garbage rates for very-low income seniors in Concord.

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

ACTION: Mayor Hoffmeister introduced Chief of Police Guy Swanger, who gave a presentation on Police Department Activities for the period January 2015 – December 2016.

4. ANNOUNCEMENTS – none

5. 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** – award of contract for Umpiring Services, RFB #2363, to Concord Softball Umpires as the lowest responsible bidder in the amount of \$73,000. (General Fund) Recommended by the Director of Parks and Recreation.

ACTION: Professional Services Agreement with Concord Softball Umpires in the amount of \$73,000 approved; City Manager authorized to execute the agreement.

- b. **Considering** – approval of a site license agreement with New Cingular Wireless PCS (AT&T) for installation and upgrade of wireless communications equipment at the Concord Pavilion; and authorizing the City Manager to execute the agreement. Recommended by the Director of Parks and Recreation.

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 – Existing Facilities and 15302 – Replacement or Reconstruction, 15303 – New Construction or Conversion of Small Structures, and 15304 – Minor Alterations to Land.

ACTION: This item was removed from consideration by staff.

- c. **Considering** – adoption of Ordinance No. 17-425.1 entitled, "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE, CHAPTER 18.50.010(B) (PURPOSE - IBP- BUSINESS PARK) TO CHANGE THE LAND USE AND ZONING MAP DESIGNATION FROM OFFICE BUSINESS PARK (OBP) TO INDUSTRIAL BUSINESS PARK (IBP) FOR SIX PARCELS (APNS 159-040-021-2, 159-040-024-6, 159-040-037-8, 159-040-038-6, 159-040-039-4, 159-040-095-6), LOCATED WEST OF PORT CHICAGO HIGHWAY AND NORTH OF BATES AVENUE." Ordinance No. 17-425.1 was introduced on January 24, 2017 by reading of the title only and waiving further reading. Recommended by the City Clerk.

An Addendum to the 2012 Supplemental Environmental Impact Report (SEIR) dated October 2016 ("Addendum") was approved by adoption of Resolution No. 17-5 on January 24, 2017.

ACTION: Ordinance No. 17-425.1 adopted.

- d. **Considering** – adoption of a position of support for Senate Bill 2 (Atkins)- Building Homes and Jobs Act and Senate Bill 3 (Beall)- Affordable Housing Bond Act of 2018 and authorize the Mayor to send letters of support to State Legislature and Governor's Office on behalf of the City of Concord. Recommended by the Director of Community and Economic Development.

ACTION: Position of support for Senate Bill 2 and Senate Bill 3 adopted; Mayor authorized to send letters of support.

- e. **Considering** – award of contract for the replacement of a pedestrian bridge at Newhall Park in the amount of \$87,499.50; and authorizing the City Manager to execute the contract in a form acceptable to the City Attorney. (Measure Q - Building Maintenance Fund) 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, 15302 – Replacement or Reconstruction, and 15304 – Minor Alterations to Land because it involves the replacement of an existing pedestrian bridge and related installation work.

ACTION: Contract awarded to Bridgeway Civil Constructors Inc. in the amount of \$87,499.50 for the replacement of a pedestrian bridge at Newhall Park; City Manager authorized to execute the contract in a form acceptable to the City Attorney.

- f. **Considering** – approval of an Amendment to the Master Agreement 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 \$56,000. (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: Amendment to the Master Agreement with ESA in an amount not to exceed \$56,000 approved.

- g. **Considering** – approval of an Amendment to the Master Services Agreement with ALH Urban & Regional Economics (ALH Economics) for Professional Services associated with disposition and land transfer planning at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$20,000. (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: Amendment to the Master Services Agreement with ALH Economics in an amount not to exceed \$20,000 approved.

6. 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** – adding an additional member to the Concord Naval Weapons Station Reuse Project Community Advisory Committee (CAC) by adopting Local Reuse Authority Resolution No. 17-17 (amending Local Reuse Authority Resolution No. 17-15) and choosing a selection process. **Report by Guy Bjerke, Director of Community Reuse Planning.**

ACTION: Report heard; opportunity for public testimony given; LRA Resolution No. 17-17 adopted.

- b. **Considering** – approval of a process to fill the unscheduled vacancy of the City Treasurer. **Report by Joelle Fockler, City Clerk.**

ACTION: Report heard; opportunity for public testimony given; Resolution No. 17-9 adopted.

- c. **Considering** – acceptance of Fiscal Year 2016-17 Mid-Year Review and adoption of Resolution No. 17-13 amending the Fiscal Year 2016-17 Municipal Budget and authorizing the write-off of uncollectible debt of \$30,000, adoption of Resolution No. 17-3493.1 authorizing a Plan Check Engineer position and a Permit Center Technician I position, and adoption of LRA Resolution No. 17-16 approving an Interfund Loan Agreement in the amount of \$1,800,000 between the City of Concord (lender) and the Local Reuse Authority (borrower) (*The Council had previously approved the loan; this is the legal documentation.*) **Report by Karan Reid, Director of Finance.**

None of the activities addressed herein constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Sections 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. Sections 15061(b)(2), 15061(b)(3) and 17358(b)(4).

ACTION: Report heard; opportunity for public testimony given; Resolution No. 17-13 adopted; Resolution No. 17-3493.1 adopted; LRA Resolution No. 17-16 adopted.

7. CITY COUNCIL PUBLIC HEARING

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** – introduction of Ordinance No. 17-1 amending Concord Municipal Code Title 10 (Traffic and Vehicles), Chapter 10.20 (Operation of Vehicles), Article IV (Special Speed Zones), Section 10.20.080 (Speed Limits Established) to change the speed limit on Rolling Woods Way from Pine Hollow to the northernmost boundary of the Crystyl Ranch development from 25 miles per hour to 30 miles per hour. **Report by Ray Kuzbari, Transportation Manager.**

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15301 – Existing Facilities, Council action on this item is categorically exempt from CEQA as the proposed action pertains to the operation of an existing public facility (roadway), involving no expansion of use beyond that existing at the time of the City of Concord's determination.

ACTION: Report heard; public testimony given; Ordinance No. 17-1 introduced by reading of the title only and waiving further reading by the following vote of the Council:

**AYES: Leone, McGallian, Obringer, Hoffmeister NOES: Birsan
ABSENT: None**

8. CORRESPONDENCE

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

- a. Proclamation – Mike Van Hofwegen Retirement – January 30, 2017
- b. Proclamation – Steve Glazier, Volunteer of the Year – February 16, 2017
- c. Letter to Hon. Jim Bell, Senate Transportation Committee – February 2, 2017
- d. Letter to Hon. Jim Frazier, Assembly Transportation Committee – February 2, 2017
- e. Rainbow Community Center 2017 Annual Crab Feed Fundraiser Flyer
- f. Concord Disposal Service PowerPoint Presentation
- g. Police Department PowerPoint Presentation
- h. City Treasurer Vacancy PowerPoint Presentation
- i. Fiscal Year 2016-17 Mid-Year Budget Report PowerPoint Presentation
- j. Correspondence received from Vice Mayor Birsan on his visit to ABCO Labs
- k. Letter submitted by Concerned Citizens of Concord regarding 2898 Laguna Street
- l. CAC ballots determining which candidates to interview
- m. Correspondence received from Vice Mayor Birsan on his attendance at the ABAG Special General Assembly Meeting on January 30, 2017

9. 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.**

10. ADJOURNMENT – at 10:42 p.m.

Next Meeting: Special Meeting

Date: 2/18/2017 – 10:00 **Joelle Fockler, MMC | City Clerk**

City of Concord | Website: www.cityofconcord.org

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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/Birsan	2 nd Thursday at 6:00 p.m.
Housing & Economic Development	Leone/Obringer	4 th Monday at 5:30 p.m.
Infrastructure & Franchise	Birsan/Hoffmeister	2 nd Monday at 6:00 p.m.
Recreation, Cultural Affairs & Comm. Svc.	Obringer/McGallian	3 rd Wednesday at 5:30 p.m.
Youth & Education	McGallian/Leone	3 rd Monday at 5:30 p.m.