

CITY COUNCIL
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,
March 28, 2017

6:00 p.m.

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 – Councilmember Obringer

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.

Linda Beil, Concord, spoke of traffic and pedestrian safety on La Vista Avenue.

Richard Davilla, Concord, spoke of flooding at La Vista Avenue.

George Fulmore, Concord, spoke of the play structure at Meadow Homes Park and the implementation of project management software.

Rich Eber, Concord, praised the Council for not getting involved with passing sanctuary city resolutions.

Kira Hall, Concord, spoke of recent rent increases and mold, rodent, and insect problems at the Parkhaven apartment complex.

The rest of public comment occurred after the City Treasurer interviews.

Moses Sullivan, Concord, spoke of parking and safety issues on Carey Drive.

3. PRESENTATIONS

- a. **Presentation** – by Carol Longshore, Concord Historical Society, on the 150th Celebration Statue of Don Salvio Pacheco. **Introduction by Mayor Hoffmeister.**

Councilmember Leone made a disclosure on his and Councilmember Obringer's behalf stating that he and Councilmember Obringer are members of the Concord Historical Society and are involved in private fundraising efforts for Concord's 150th Anniversary, and in order to avoid any conflict of interest, recused themselves and left the dais and Chamber during discussion of this item.

ACTION: Carol Longshore and Ray Barbour, Concord Historical Society, made a presentation on celebrating Concord's 150th Anniversary in 2018.

- b. **Presentation** – to Timothy A. McGallian for his service as City Treasurer. **Introduction by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister presented Timothy A. McGallian a plaque in recognition of his service as City Treasurer.

4. ANNOUNCEMENTS

- a. **Announcing** – open recruitments for the Commission on Aging and Concord/Pleasant Hill Health Care District Grant Committee with a deadline for applications by Friday, April 28, 2017, at 5 p.m. to the City Clerk's Office. Recommended by the City Clerk.

ACTION: Mayor Hoffmeister announced a recruitment to fill three positions on the Commission on Aging and three positions on the Concord/Pleasant Hill Health Care District Grant Committee, and set Friday, April 28, 2017, at 5 p.m. as the deadline for receipt of applications by the City Clerk's Office.

- b. **Announcing** – creation of and appointments to an Ad Hoc Committee to evaluate design changes to the Veranda Shopping Center. Recommended by the Mayor.

ACTION: Mayor Hoffmeister created an Ad Hoc Committee made up of herself and Councilmember Obringer to evaluate design changes to the Veranda Shopping Center.

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** – approval of the minutes from the meetings of February 14 and February 28, 2017. Recommended by the City Clerk.

ACTION: Minutes from the meetings of February 14 and February 28, 2017 approved.

- b. **Considering** – an amendment to the bus shelter agreement with Outfront Media, LLC, extending the term by five years and modifying payment terms; and authorizing the City Manager to execute the amendment subject to City Attorney approval. Recommended by the Director of Community and Economic Development.

Action on this item is categorically exempt from California Environmental Quality Act (CEQA) review under CEQA Guidelines Section 15301 "Existing Facilities," Section 15302 "Replacement or Reconstruction," and Section 15303 "New Construction or Conversion of Small Structures."

ACTION: Amendment to the bus shelter agreement with Outfront Media, LLC, extending the term by five years and modifying payment terms approved; City Manager authorized to execute the amendment subject to City Attorney approval.

- c. **Considering** – acceptance of improvements for Measure Q Pavement Project No. 1 – Hillsborough Dr., from Labrador St. to St. George Dr., and E. Olivera Rd., from Pt. Chicago Hwy to Wexford Dr., Project No. 2359; and directing the City Clerk to file a Notice of Completion. Recommended by the Director of Community and Economic Development.

ACTION: Improvements for Measure Q Pavement Project No. 1 – Hillsborough Dr., from Labrador St. to St. George Dr., and E. Olivera Rd., from Pt. Chicago Hwy to Wexford Dr., Project No. 2359, accepted; City Clerk directed to file a Notice of Completion.

- d. **Considering** – approval of new Master Agreements to provide on-call transportation engineering services in the City of Concord through FY 2019/20 with DKS Associates, Fehr & Pehrs, Kimley-Horn and Associates, Inc., Kittelson & Associates, and Omni-Means, Ltd. for a not-to-exceed amount of \$250,000 per year each; and authorizing the City Manager to execute the agreements subject to City Attorney approval. (CIP Funds) Recommended by the Director of Community and Economic Development.

Council action on this item is exempt from California Environmental Quality Act (CEQA) review as the proposed Master Agreements do not constitute a project within the meaning of Section 15378 of the CEQA Guidelines, and under Section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

ACTION: Master Agreements to provide on-call transportation engineering services in the City of Concord through FY 2019/20 with DKS Associates, Fehr & Pehrs, Kimley-Horn and Associates, Inc., Kittelson & Associates, and Omni-Means, Ltd. for a not-to-exceed amount of \$250,000 per year each approved; City Manager authorized to execute the agreements subject to City Attorney approval.

- e. **Considering** – adoption of Resolution No. 17-21 authorizing participation in the Institute for Local Government’s Recognition Program, the Beacon Program, recognizing environmental achievement. Recommended by the Director of Community and Economic Development.

Participation in the ILG’s Beacon Program does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(3), or Section 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, and involves administrative activities that will not result in direct or indirect physical changes in the environment.

ACTION: Resolution No. 17-21 adopted.

- f. **Considering** – adoption of Ordinance No. 17-1 entitled, "AN ORDINANCE 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 ROAD TO THE NORTHERNMOST BOUNDARY OF THE CRYSTYL RANCH DEVELOPMENT FROM 25 MILES PER HOUR TO 30 MILES PER HOUR." Ordinance No. 17-1 was introduced on February 14, 2017 by reading of the title only and waiving further reading.

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: Ordinance No. 17-1 adopted.

- g. **Considering** – adoption of Ordinance No. 17-2 entitled, "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE AS FOLLOWS: A TEXT AMENDMENT TO THE DEVELOPMENT CODE (PL1723-DC), REPEALING AND REPLACING SECTION 18.200.180 (SECONDARY LIVING UNITS) WITH SECTION 18.200.180 (ACCESSORY DWELLING UNITS), AND AMENDING SECTIONS 18.200 (STANDARDS FOR SPECIFIC USES), CHAPTER 18.20 (GENERAL TERMS), TABLE 18.30.020 (RESIDENTIAL DISTRICTS), TABLE 18.35.020 (NORTH TODOS SANTOS DISTRICT), TABLE 18.40.020 (OFFICE AND COMMERCIAL DISTRICTS), TABLE 18.45.020 (DOWNTOWN DISTRICTS), TABLE 18.50.020 (BUSINESS PARK AND INDUSTRIAL DISTRICTS), TABLE 18.55.020 (PUBLIC/QUASI-PUBLIC DISTRICT), TABLE 18.60.020 (COMMUNITY LAND DISTRICTS), CHAPTER 18.420 (ADMINISTRATIVE PERMITS), CHAPTER 18.415 (DESIGN AND SITE REVIEW), CHAPTER 18.160 (PARKING LOADING AND ACCESS), AND CHAPTER 18.155.060 (DESIGN CRITERIA FOR SMALL LOT SINGLE-FAMILY SUBDIVISIONS), AND A TEXT AMENDMENT TO CONCORD MUNICIPAL CODE CHAPTER 13.05 (SEWER SYSTEM). Ordinance No. 17-2 was introduced on March 7, 2017. Recommended by the City Clerk.

Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000 et seq., as amended, and implementing State CEQA Guidelines, Title 14, Chapter 3, of the California Code of Regulations (collectively, “CEQA”), the Amendment is statutorily exempt from CEQA review pursuant to Public Resources Code Section 21080.17 (“Act not applicable to local ordinances regulating construction of dwelling units and second units”) and CEQA Guidelines Section 15282(h) (“Other Statutory Exemptions”): “(t)he adoption of an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.”

ACTION: Ordinance No. 17-2 adopted.

- h. **Considering** – approval of a Third Amendment to the Agreement for Professional Services with TRB+ increasing the not-to-exceed amount to \$975,000 per year and extending the agreement through June 30, 2019 to perform plan review and building inspection services; and authorizing the City Manager to execute the agreement. (Building Plan Review and Inspection Fees) Recommended by the Director of Community and Economic Development.

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

ACTION: Third Amendment to the Agreement for Professional Services with TRB+ increasing the not-to-exceed amount to \$975,000 per year and extending the agreement through June 30, 2019 approved; City Manager authorized to execute the Amendment.

- i. **Considering** – approval of an Agreement for Professional Services with Kittelson and Associates, Inc. in the amount of \$48,040 to provide transportation consulting services in connection with the preparation of the Concord Reuse Project Specific Plan and related environmental documents, subject to approval of the City Attorney; and authorizing the City Manager to execute the Agreement. (Agreement to be funded by the Master Developer for the Concord Community Reuse Project) Recommended by the Director of Community Reuse Planning.

ACTION: Agreement for Professional Services with Kittleson and Associates, Inc. in the amount of \$48,040 approved, subject to the approval of the City Attorney; City Manager authorized to execute the Agreement.

6. CITY COUNCIL CONSIDERATION ITEM

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. **Determining** – interview questions, interviewing applicants for City Treasurer vacancy, appointing City Treasurer, and ratifying the appointment by adoption of Resolution No. 17-23. Recommended by the City Clerk.

ACTION: Interview questions determined, applicants interviewed, opportunity for public testimony given, Edith Patricia Barsotti appointed as City Treasurer, Resolution No. 17-23 adopted, Oath of Office administered by the City Clerk.

7. 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** – the introduction of Ordinance No. 17-3 amending the Concord Municipal Code Title 15 to include the 2016 State Regulatory Fire Code and ratifying the code amendments contained in Contra Costa County Ordinance 2016-23 by reading of the title only and waiving further reading. **Report by Ryan Pursley, Plan Check Engineer.**

ACTION: Report heard; opportunity for public testimony given; Ordinance No. 17-3 introduced by reading of the title only and waiving further reading.

- b. **Considering** – the introduction of Ordinance No. 17-4 reauthorizing the City's Public, Educational, and Governmental (PEG) Fees by amending Concord Municipal Code Title 5 (Business Licenses and Regulations), Chapter 5.30 (Cable Communications Systems), Section 5.30.180 (State video franchise and PEG fees), by adding Sec. 5.30.180 (State video franchise and PEG fees), by adding Sec.5.30.810(d) (Reauthorization), by reading of the title only and waiving further reading. **Report by Scott Conn, Principal Consultant.**

The Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Code of Regulations CEQA Guidelines Section 15061(b)(3) in that it is no possibility it may have significant effect on the environment.

ACTION: Report heard; opportunity for public testimony given; Ordinance No. 17-4 introduced by reading of the title only and waiving further reading.

8. CORRESPONDENCE

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

- a. March 17, 2017 letter to the California State Senate in support of Senate Constitutional Amendment 3 (SCA3) which would reduce the voter threshold for library construction bond measures to 55 percent
- b. Celebrating Concord's 150th Anniversary in 2018-City Founded by Don Salvio Pacheco in 1868 PowerPoint Presentation
- c. Introduction of Ordinance No. 17-3 2016 State Regulatory Fire Code PowerPoint
- d. Questions to ask Applicants for City Treasurer
- e. City Treasurer Ballots
- f. Letter submitted Against Concord becoming a Sanctuary City
- g. Correspondence submitted regarding Flooding on La Vista Avenue
- h. Correspondence submitted regarding traffic situation on La Vista Avenue

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 9:40 p.m. in memory of Kathryn Roseberry, Steve Sage, and Judy Trette.

Next Meeting: Regular Meeting
Date: 4/4/2017 – 6:30 p.m.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS - The Council Chamber is equipped with a T-Coil Hearing Loop. This system allows “T” coil reception of the audio proceedings. Please switch your hearing aid or cochlear device to the “T”, “T” Coil or telephone position. If you would like better audio reception, a loop receiver that picks up the audio loop is available from the City Clerk.

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) 671-3031, 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.