

Please note 7 p.m. start
time for Open Session

COUNCILMEMBERS

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**

Tuesday,
April 4, 2017

6:00 p.m. - Closed Session
7:00 p.m. - Open Session

Closed Session:
Council Conference
Room
1950 Parkside Drive

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.

CLOSED SESSION

1. OPENING

Roll Call – all present

2. PUBLIC COMMENT - none

3. CLOSED SESSION

- a. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6.
Agency designated representatives: Valerie Barone, City Manager; Justin Ezell, Director of Public Works; Elia Bamberger, Director of Human Resources
Employee organization: Field & Operations Representation Unit of International Brotherhood of Teamsters Local 856

ACTION: Closed session held.

- b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property: Area within Concord Community Reuse Plan
Agency negotiators: Valerie Barone, City Manager; Guy Bjerke, Director of Community Reuse Planning
Negotiating parties: Alan Lee, Department of the Navy
Under negotiation: Price, Terms of Payment

ACTION: Closed session held.

4. RECESS TO OPEN SESSION

5. OPENING

Roll Call – all present

Pledge to the Flag – Vice Mayor Birsan

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.

George Fulmore, Concord, spoke of the play structure at Meadow Homes Park.

Robin Jimenez, Concord, spoke of rent control in Concord.

Jean Simutis, Concord AAUW, spoke of Equal Pay Day, April 4, 2017, and the current wage gap of 20 percent between men and women.

Hope Johnson, Concord, spoke of Lennar 5 Point paying City staff for work on the Specific Plan and the conflict of interest that it causes.

Paul Poston, Concord, spoke of an article in the newspaper that stated that the millennium generation does not want to live in an urban environment.

7. PRESENTATIONS

- a. **Presentation** – by Dr. Nellie Meyer, Mt. Diablo Unified School District, on the re-opening of Holbrook Elementary School. **Introduction by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister introduced Dr. Meyer, Mt. Diablo Unified School District, who gave a presentation on magnet schools in the Mt. Diablo Unified School District and the re-opening of Holbrook Elementary.

- b. **Presentation** – of the Daniel C. Helix Award of Excellence to Mike Aboussie, Maintenance Worker II, by Director of Public Works Justin Ezell. **Introduction by Mayor Hoffmeister.**

Mayor Hoffmeister introduced Justin Ezell, Director of Public Works, who presented Mike Aboussie, Maintenance Worker II, the Daniel C. Helix Award of Excellence.

- c. **Presentation** – by Kathryn Monroy, Recreation Program Manager, and Matt Galindo, Recreation and Special Events Program Coordinator, on the Outstanding Recreation Program for the revamped one-week swim lesson program and Outstanding Facility for the Willow Pass Park Pickleball Courts awards received by the Parks and Recreation Department from the California Parks and Recreation Society, District 3. **Introduction by Mayor Hoffmeister.**

Mayor Hoffmeister introduced Kathryn Monroy, Recreation Program Manager, and Matt Galindo, Recreation and Special Events Program Coordinator, who presented the City with two awards received from the California Parks and Recreation Society District 3 for 2016, Outstanding Recreation Program, for revamped one-week swim lessons, and Outstanding Park or Facility, for Willow Pass Park Pickleball Courts.

8. **ANNOUNCEMENTS**

Mayor Laura Hoffmeister introduced and welcomed the City's new City Treasurer, Patti Barsotti.

9. **CITY COUNCIL CONSENT CALENDAR**

- a. **Considering** – approval of an Amendment to the Agreement for Professional Services with Pavement Engineering Inc. in the amount of \$65,282 to provide for design and related services for Measure Q Pavement Maintenance Project No. 5 – Zones 4 and 5, Project No. 2332, subject to approval of the City Attorney; authorizing the City Manager to execute the agreement; and approving a related budget transfer in the amount of \$195,000 from the Concord BART Area Sanitary Sewer Upgrade Project, Project No. 2406, to the Pavement Maintenance Project No. 5, Project No. 2332. (Sanitary Sewer Upgrade Project) Recommended by the Director of Community and Economic Development.

ACTION: Amendment to the Agreement for Professional Services with Pavement Engineering, Inc. in the amount of \$65,282 to provide for design and related services for Measure Q Pavement Maintenance Project No. 5 – Zones 4 and 5, Project No. 2332, subject to the approval of the City Attorney approved; City Manager authorized to execute the agreement; related budget transfer in the amount of \$195,000 from the Concord BART Area Sanitary Sewer Upgrade Project, Project No. 2406, to the Pavement Maintenance Project No. 5, Project No. 2332 approved.

- b. **Considering** – approval of Transfer of Equity Ownership of Waterworld Waterpark to EPR Properties, Inc.; approving Estoppel Certificates and Sublease Agreement. Recommended by the City Attorney.

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

ACTION: Transfer of Equity Ownership of Waterworld Waterpark to EPR Properties, Inc. approved; Estoppel Certificates and Sublease Agreement approved.

- c. **Considering** – Award of Contract for Detroit Avenue/Whitman Road Pedestrian Improvements, Project No. 2318, in the amount of \$256,355 to Ray's Electric Inc. of Oakland, California; authorizing staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; and approving a \$55,000 budget transfer from Measure Q Lease Revenue Financing, FY14-15 Pavement Maintenance Project., PJ 2329. (Funded by TDA Grant Funds, Measure Q, and Measure J28a funds) 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 as set forth in the Notice of Exemption.

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

ACTION: Contract for Detroit Avenue/Whitman Road Pedestrian Improvements, Project No. 2318, in the amount of \$265,355 to Ray's Electric, Inc. awarded; staff authorized to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; \$55,000 budget transfer from Measure Q Lease Revenue Financing, FY 14-15 Pavement Maintenance Project, PJ 2329 approved.

10. 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. **Considering** – Construction Change Order No. 5 in the amount of \$357,000 and authorizing a budget transfer of \$525,000 to the Clayton Road/Treat Boulevard/Denkinger Road Intersection Capacity Improvements Project, Project No. 2144. (\$400,000 from Measure J Funds and \$125,000 from Measure Q Lease Revenue Financing Agreement Funds) **Report by Mario Camorongan, Senior Civil Engineer.**

ACTION: Report heard; public testimony given; Construction Change Order No. 5 in the amount of \$357,000 approved; budget transfer in the amount of \$525,000 authorized to the Clayton Road/Treat Boulevard/Denkinger Road Intersection Capacity Improvements Project, Project No. 2144, from Measure J Funds (\$400,000) and Measure Q Lease Revenue Financing Agreement Funds (\$125,000) approved.

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** – introduction of Ordinance No. 17-5, to amend the Development Code in order to add land use classifications and regulations for transitional and supportive housing as required by State law, streamline the review process for large family day care homes and multiple permit applications, amend the permit requirements and review criteria for projects that provide parking in excess of the parking requirement, and to make minor technical or procedural corrections on policies related to residential fences, minor exceptions, site visibility triangle, and design review findings by amending Concord Municipal Code Title 18 (Development Code), Chapter 18.20 (General Terms), 18.30 (Residential Districts), 18.150 (General Development Standards), 18.160 (Parking, Loading and Access), 18.200 (Standards for Specific Uses), 19.405 (Permit Application Filing and Processing), 18.415 (Design and Site Review), and the land use tables for all zoning districts, by reading of the title only and waiving further reading. **Report by Frank Abejo, Principal Planner.**

Pursuant to the California Environmental Quality Act (CEQA), the Amendment does not constitute a “project” within the meaning of Public Resources Code Section 21054, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), or 15378 and is exempt under Section 15061(b)(3).

ACTION: Report heard; public testimony given; Ordinance No. 17-5 introduced by reading of the title only and waiving further reading.

- b. **Considering** – introduction of Ordinance No. 17-6 amending the Concord Municipal Code by adopting a text amendment to the Development Code Sections 18.160.050 and 18.160.060 to clarify the review process and programs for parking in-lieu fees by reading of the title only and waiving further reading; considering an increase in Parking In-Lieu fee to \$25,000 (Resolution No. 17-6042.2, Item 11.c) **Report by Michael Cass, Principal Planner.**

Pursuant to the California Environmental Quality Act (CEQA), the text amendment and proposed parking in-lieu fee increase does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Sections 15060(c), or 15378, and is exempt from CEQA pursuant to

Section 15061(b)(3).

ACTION: This item was continued to April 25, 2017.

- c. **Considering** – updates to the City’s Master Fees and Charges Schedule by adoption of Resolution No. 17-6042.2 amending Exhibit A to Resolution No. 78-6042 establishing fees and charges for various municipal services in the City of Concord. **Report by Karan Reid, Director of Finance.**

These updates do not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Sections 15060(c)(2) or (3), or 15378, and are exempt from CEQA pursuant to Section 15061(b)(3).

ACTION: This item was continued to April 25, 2017.

12. **CORRESPONDENCE**

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

- a. March 21, 2017, letter to Governor Brown on the need for literacy investment augmentation
- b. March 24, 2017, letter to California State Senator Skinner in opposition to SB 649 (Hueso) Wireless Telecommunications Facilities
- c. March 24, 2017, letter to Assemblymember Grayson in support of AB 1 (Frazier) Transportation Funding
- d. March 24, 2017, letter to Assemblymember Cooper in support of AB 1326 (Cooper) Theft, Aggregate Valuation
- e. PowerPoint Presentation on magnet schools in Mt. Diablo Unified School District
- f. PowerPoint Presentation on Daniel C. Helix Award of Excellence
- g. PowerPoint Presentation on California Parks and Recreation Society District 3 – 2016 Awards
- h. Correspondence received from the Child Care Law Center
- i. PowerPoint Presentation on the Development Code Amendment
- j. Power Point Presentation on Parking In-Lieu Fee
- k. PowerPoint Presentation on Amendments to the Master Fee Schedule
- l. Benched correspondence received from Vice Mayor Birsan on the March 31, 2017 League of Cities Governance, Transparency and Labor Relations Policy Committee

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 on interest.**

14. ADJOURNMENT – 10:55 p.m.

Next Meeting: Regular Meeting

Date: 4/11/2017 - 6:30 PM

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.