

**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](http://www.cityofconcord.org)



**ANNOTATED AGENDA  
Regular Meeting of the  
Concord City Council/City  
Council Sitting as the  
Local Reuse Authority**

Tuesday,  
April 25, 2017

6:00 p.m. - Closed Session  
6:30 p.m. - Open Session

Closed Session  
City Council Conference  
Room  
1950 Parkside Drive  
  
Open Session  
Council Chamber  
1950 Parkside Drive

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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 – Mayor Hoffmeister absent**

**2. PUBLIC COMMENT - none**

**3. CLOSED SESSION**

- a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.  
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One potential case.

**ACTION: Closed session held.**

- b. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6.  
Agency designated representatives: Valerie Barone, City Manager; Guy Swanger, Chief of Police; Nicholas Gartner, Police Lieutenant; Elia Bamberger, Director of Human Resources  
Employee organization: Concord Police Officers Association

**ACTION: Closed session held.**

**4. RECESS TO OPEN SESSION**

**5. OPENING**

**Roll Call – all present**

**Pledge to the Flag – Councilmember McGallian**

**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.

Lamar Anderson, Concord, spoke of the NAACP Awards held on April 22, 2017.

Lana Hanlon, Concord, American Association of University Women, spoke of the AAUW Wine Walk to be held in Todos Santos Plaza on Saturday, May 13, 2017, from 1 p.m. – 4 p.m.

**7. PRESENTATIONS**

- a. **Presentation** – to Shannon Griffin, Recreation and Special Events Program Coordinator, proclaiming April 28, 2017, as "Arbor Day" in the City of Concord.  
**Introduction by Mayor Hoffmeister.**

**ACTION: Mayor Hoffmeister presented a proclamation to Chris Llata, Senior Maintenance Team Leader, declaring April 28, 2017, as "Arbor Day" in the City of Concord.**

- b. **Presentation** – by John Montagh, Economic Development Manager, of awards received for the City's Economic Development video and creative advertisement marketing campaigns. **Introduction by Mayor Hoffmeister.**

**ACTION: John Montagh, Economic Development Manager, introduced Vintage Foster, AMF Media Group, who presented the City Council with awards received by the City's Economic Development Division for its video and creative advertisement marketing campaigns.**

- c. **Presentation** – by Joe Fernandez, Head PGA Professional and Director of Golf, on activities at the Diablo Creek Golf Course. **Introduction by Steve Voorhies, Director of Parks and Recreation.**

**ACTION: Steve Voorhies, Director of Parks and Recreation, introduced Joe Fernandez, Head PGA Professional and Director of Golf, who gave an update on activities at the Diablo Creek Golf Course and then introduced George Marshall, Legends, who gave a presentation on Food Truck Cinemas.**

**8. ANNOUNCEMENTS - none**

**9. 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 meeting minutes from the meeting of March 28, 2017. Recommended by the City Clerk.

**ACTION: Minutes from the March 28, 2017 meeting approved.**

- b. **Considering** – adoption of Ordinance No. 17-3 entitled, "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 15 (BUILDINGS AND BUILDING REGULATIONS) CHAPTER 15.65 (FIRE CODE) ADOPTING THE 2016 CALIFORNIA FIRE CODE AND RATIFYING THE AMENDMENTS CONTAINED IN COUNTY ORDINANCE NO. 2016-23." Ordinance No. 17-3 was introduced on March 28, 2017. Recommended by the City Clerk.

**ACTION: Ordinance No. 17-3 adopted.**

- c. **Considering** – adoption of Ordinance No. 17-4 entitled, "AN ORDINANCE REAUTHORIZING THE CITY'S PUBLIC EDUCATIONAL AND GOVERNMENT (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 SECTION 5.30.810(d) (REAUTHORIZATION). Ordinance No. 17-4 was introduced on March 28, 2017. Recommended by the City Clerk.

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 there is no possibility it may have significant effects on the environment.

**ACTION: Ordinance No. 17-4 adopted.**

- d. **Considering** – adoption of Ordinance No. 17-5 entitled, "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 18 (DEVELOPMENT CODE), CHAPTERS 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), 18.405 (PERMIT APPLICATION FILING AND PROCESSING), 18.415 (DESIGN AND SITE REVIEW), 18.425 (MINOR EXCEPTIONS) AND THE LAND USE TABLES FOR ALL ZONING DISTRICTS." Ordinance No. 17-5 was introduced on April 4, 2017. Recommended by the City Clerk.

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: Ordinance No. 17-5 adopted.**

- e. **Considering** – adoption of Resolution No. 17-25 authorizing the sale of 16,344 square feet of vacant contiguous properties owned by the City of Concord located at the southern end of Commerce Avenue to CBC Properties for an appraised value of \$407,000 and authorizing the Mayor to execute all documents needed to complete the transaction in a form acceptable to the City Attorney; and appropriating the revenue to be used for the maintenance and repair of Commerce Avenue, Project No. 2085. Recommended by the Director of Community and Economic Development.

The sale of these properties is a Categorical Exempt action pursuant to the California Environmental Quality Act (CEQA) Guidelines, Title 14, Chapter 3 of the California Code of Regulations, including under CEQA Guidelines Sections 15061(b)(3) and 15405(a) (Class 5, Minor Alterations in Land Use Limitations.)

**ACTION: Resolution No. 17-25 adopted.**

- f. **Considering** – Award of Contract for On-Call Sewer Repair Services in the amount of \$176,720 to Overmiller Inc. dba Roto Rooter Sewer Service, with the option to extend the contract two (2) additional one (1) year periods, and authorizing the City Manager to execute the contract in a form acceptable to the City Attorney. (Sewer Enterprise 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 repair and replacement of the existing sewer collection system and related installation work.

**ACTION: Contract awarded for On-Call Sewer Repair Services, RFQ No. 2372, in the amount of \$176,720 to Overmiller Inc. dba Roto Rooter Sewer Service with the option to extend the contract two additional one year periods; City Manager authorized to execute the contract in a form acceptable to the City Attorney.**

- g. **Considering** – approval of an Agreement for Professional Services with SWCA Environmental Consultants in the amount of \$279,317.80 to provide environmental 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 Master Developer for the Concord Reuse Project) Recommended by the Director of Community Reuse Planning.

**ACTION: Agreement for Professional Services with SWCA Environmental Consultants in the amount of \$279,317.80 to provide environmental consultant services in connection with the preparation of the Concord Reuse Project – Specific Plan and related environmental documents, subject to approval of the City Attorney approved; City Manager authorized to execute the Agreement.**

## 10. 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. 17-6 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; and considering an increase of Parking In-

Lieu fee to \$25,000 (Resolution No. 17-6042.2; Item No. 10.b) **This item was continued from April 4, 2017. 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: Report heard; public testimony given; Ordinance No. 17-6 introduced by reading of the title only and waiving further reading.**

- b. **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. **This item was continued from April 4, 2017. Report by Karan Reid, Director of Finance.**

These updates do not constitute a "project" within the meaning of Public Resources Code Section 20165, 14 Cal Code Reg. Sections 15060(c)(2) or (3), or 15378, and are exempt from CEQA pursuant to Section 15061(b)(3).

**ACTION: Report heard; opportunity for public testimony given; Resolution No. 17-6042.2 adopted as amended to reflect in-lieu parking fees to increase fees to \$12,500 as of July 1, 2017 and \$25,000 as of July 1, 2018 and amended to delay the preschool two-day program resident fee increase to \$149 and three-day program resident fee increase to \$215 until January 1, 2018.**

- c. **Considering** – adoption of Resolution No. 17-39 approving the Purchase and Sale Agreement with DG Concord LLC for City owned property located at 1701/1711 Concord Avenue (APN 112-101-022); and authorizing the Mayor to execute all documents needed to complete the transaction in a form acceptable to the City Attorney. **Report by John Montagh, Economic Development Manager.**

Approving the Purchase and Sale Agreement is not a "Project" under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21065 and CEQA Guidelines Sections 15060 (c) or 15378.

**ACTION: Report heard; opportunity for public testimony given; Resolution No. 17-39 adopted.**

- d. **Considering** – adoption of Resolution No. 17-24 approving the Purchase and Sale Agreement with TDI Auto Group Inc. for City owned properties located at 1880 Market Street, APN 126-291-021 and APN 126-291-010; and authorizing the Mayor to execute all documents needed to complete the transaction in a form acceptable to the City Attorney. **Report by John Montagh, Economic Development Manager.**

Approving the Purchase and Sale Agreement is not a "Project" under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21065 and CEQA Guidelines Sections 15060 (c) or 15378.

**ACTION: Report heard; opportunity for public testimony given; Resolution No. 17-24 adopted.**

## 11. **CORRESPONDENCE**

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

- a. Art & Wine (and Beer!) Walk Flyer
- b. Marketing Awards PowerPoint Presentation
- c. Diablo Creek Golf Course PowerPoint Presentation
- d. Parking In-Lieu Fee PowerPoint Presentation
- e. Amendments to Master Fee Schedule PowerPoint Presentation
- f. Mayor's Cup 33<sup>rd</sup> Annual Golf Classic brochure
- g. Medical Cannabis in America Briefing Book and Recommendations for Regulators of Cannabis Operations

## 12. **REPORTS AND ANNOUNCEMENTS**

Closed Session Announcements - **none**

City Manager or Staff Reports - **none**

Council Reports

**It was the consensus of the Council to send the issue of Northgate High School secession from the Mt. Diablo Unified School District, be sent to the Council Committee on Youth and Education.**

**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 10:10 p.m. in memory of Steven R. Cuneo, who served on the City of Concord Planning Commission.**

Next Meeting: Regular Meeting  
 Date: 5/2/2017 - 6:30 PM

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