

**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  
Concord/Pleasant Hill  
Health Care District Board**

Tuesday,  
May 2, 2017

6:30 p.m. - 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.

**1. OPENING**

**Roll Call – all present**

**Pledge to the Flag – Councilmember McGallian**

**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.

Margaret Roberts, Concord, spoke of the fast and efficient response of the Contra Costa Consolidated Fire District to a recent fire at a structure on Parkside Drive.

Monique Lazzarini, Walnut Creek, spoke for her daughter, Emily Costanza, who is working on her Girl Scout Gold Award Project to combat the housing crisis. She requested citizens to go to Emily's Facebook page, Bay Area Housing Crisis, and if affected by the housing crisis, leave their story.

Tim Carr, Concord, thanked the Council for helping getting dumpsters for the Sun Terrace Neighborhood Clean-up held last weekend, and spoke of oil being dumped at the park in the Sun Terrace neighborhood.

Mike McDermott, Concord, spoke of the understaffing of code enforcement officers in the City.

### 3. PRESENTATIONS

- a. **Presentation** – by Jessica Osborn, Putnam Clubhouse, on the Putnam Clubhouse Social and Vocational Rehabilitation Program for adults recovering from mental illness. **Introduction by Mayor Hoffmeister.**

**ACTION: Presentation not held, as no representative from the Putnam Clubhouse was present.**

- b. **Presentation** – to Jay Bedecarre, Bay Area Festivals, Inc., proclaiming May 27-29, 2017, as "Bay Area KidFest Days" in the City of Concord and commemorating KidFest's 28th Anniversary. **Introduction by Mayor Hoffmeister.**

**ACTION: Mayor Hoffmeister presented Jay Bedecarre, Bay Area Festivals, Inc., a proclamation declaring May 27-29, 2017, as "Bay Area KidFest Days" in the City of Concord.**

- c. **Presentation** – of Business Recognition Awards to Ismael Palacio, Owner, Bambino's; Christena Reinhard, Owner/Founder, Union & Fifth; and Dimitri Haloulos, CEO, BevMo! Overview of program by Pedro Garcia, Economic Development Specialist; introduction of recipients by Marilyn Fowler, President/CEO, Concord Greater Chamber of Commerce. **Presentations by Mayor Hoffmeister.**

**ACTION: Pedro Garcia, Economic Development Specialist, highlighted the Business Recognition Program and introduced Marilyn Fowler, President/CEO, Concord Greater Chamber of Commerce, who presented Business Recognition Awards to Ismael Palacio, Christena Reinhard, and Dimitri Haloulos.**

### 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** – approval of the minutes from the meeting of April 1, 2017. Recommended by the City Clerk.

**ACTION: Minutes from the meeting of April 1, 2017, approved.**

- b. **Considering** – approval of an Agreement for Professional Services with Terracon Consultants, Inc. in the amount of \$72,500 to provide for design and related services for the Concord Community Pool Deck Repair Project, Project No. 2388, subject to approval of the City Attorney; and authorize the City Manager to execute the agreement. (Funded by Measure q Funds (401) and Capital Projects General Funds (400)) Recommended by the Director of Community and Economic Development.

This activity does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(2) and CEQA Guidelines Section 15378; if a project for CEQA analysis, the activity falls within the “Common Sense” CEQA exemption set forth in 14 Cal Code Regs. Section 15061(b)(3).

**ACTION: Agreement for Professional Services with Terracon Consultants, Inc. in the amount of \$72,500 for design and related services for the Concord Community Pool Deck Repair Project approved, subject to the approval of the City Attorney; City Manager authorized to execute the agreement.**

- c. **Considering** – adoption of Resolution Nos. 17-30, 17-31, 17-32, 17-33, 17-34, 17-35, 17-36, and 17-37 accepting the Preliminary Engineer's Reports and ordering improvements in the Downtown Landscape Maintenance District, Pine Hollow Landscape Maintenance District, Landscaping and Lighting Maintenance District No. 3, and the Citywide Street Lighting Assessment District; and setting a Public Hearing for June 6, 2017. Recommended by the Director of Public Works.

**ACTION: Resolution Nos. 17-30, 17-31, 17-32, 17-33, 17-34, 17-35, 17-36, and 17-37 adopted; Public Hearing set for June 6, 2017.**

- d. **Considering** – adoption of Resolution No. 17-38 allowing the City of Pleasant Hill to include Sunvalley Mall and certain other City of Concord commercial properties in the Pleasant Hill Landscaping and Lighting Assessment District #20. (No fiscal impact) Recommended by the Director of Public Works.

**ACTION: Resolution No. 17-38 adopted.**

- e. **Considering** – Choice in Aging Grant Deed Request that Concord/Pleasant Hill Health District relinquish a Right of Refusal for 490 Golf Club Road, Pleasant Hill. Recommended by the Director of Community and Economic Development.

**ACTION: Choice in Aging Grant Deed Request that Concord/Pleasant Hill Health Care District relinquish a Right of Refusal for 490 Golf Club Road, Pleasant Hill, approved.**

## 6. 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. 17-7 establishing a Residential Rent Review Program in the City of Concord by reading of the title only and waiving further reading and adoption of Resolution No. 17-6042.3 establishing a new fee to implement the Residential Rent Review Program. **Report by Laura Simpson, Planning and Housing Manager.**

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the Residential Rent Review Program and proposed fee do not constitute a “project” within the meaning of Public Resources Code Section 21065 and 14 Cal. Code Reg. Section 15060(c)(2), 15060(c)(3) or 15378 and are categorically exempt pursuant to Section 15061(b)(3).

**ACTION: Report heard; public testimony given; Ordinance No. 17-7 introduced by reading of the title only and waiving further reading.**

## 7. CORRESPONDENCE

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

- a. April 18, 2017, Letter to Assemblymember Jim Frazier re: AB 898 (Frazier) Property taxation: revenue allocations: East Contra Costa Fire Protection District - OPPOSED
- b. April 20, 2017, Letter to Henry Stern, Chair, California State Senate re: Support Senate Constitutional Amendment 3 (SCA3) - reduction of voter

threshold for library construction bond measures to 55 percent.

- c. Proclamation – Alcohol Awareness Month
- d. Proclamation – Postmaster Raul Acosta Day
- e. Bay Area Housing Crisis Share Your Story Flyer
- f. Benched correspondence for Agenda Item No. 6.a
- g. Proposed Residential Rent Review Ordinance PowerPoint Presentation

## 8. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements

**City Attorney Susanne Brown reported the following:**

**1. At its December 6, 2016, closed session, the City Council, by a unanimous 4-0 vote (Hoffmeister, Birsan, Leone, and Obringer), authorized the City Attorney to settle that certain United States District Court action entitled David Dutcher v. Don Lawson, et. al, United States District Court Case No. C12-01981 CRB. At a court ordered December 13, 2016, judicial settlement conference conducted by United States Magistrate Judge Joseph Spero, the case resolved for \$200,000, an amount within the authority granted by the City Council. This settlement resolves any and all claims against the City of Concord and/or its employees arising out of that case. The United States District Court dismissed the case with prejudice on April 30, 2017.**

**2. At its December 6, 2016, closed session, the City Council, by a unanimous 4-0 vote (Hoffmeister, Birsan, Leone, and Obringer), authorized the City Attorney to settle that certain United States District Court action entitled Ray Valentine v. City of Concord, et al., United States District Court Case No. C16-00279MEJ. At a court ordered December 14, 2016, mediation conducted by mediator Scott Emblidge, the case resolved for \$150,000, an amount within the authority granted by the City Council. This full and global settlement resolves any and all claims against the City of Concord and/or its employees arising out of that case. The United States District Court dismissed the case with prejudice on March 15, 2017.**

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.**

**9. ADJOURNMENT – at 9:30 p.m.**

Next Meeting: Regular Meeting  
Date: 5/9/2017 - 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) 671-3031, 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.**

<b>Committee</b>	<b>Chair/Member</b>	<b>Meeting Time</b>
Policy Development & Internal Operations	Hoffmeister/Birsan	2 <sup>nd</sup> Thursday 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 5:30 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.