

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/City
Council Sitting as the
Local Reuse Authority

Tuesday, July 11, 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 – 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.

Maria Villacis, Concord, spoke of concerns over having convenience store/liquor store, bar, and nightclub right next to Meadow Homes Park.

Ben Hornstein, Concord Senior Center, spoke of upcoming events at the Senior Center, including the Mad Hatter Tea Part to be held on July 22 from 10 a.m. – 12 p.m. and Hawaiian Fusion on September 9. He noted that the taxi script program that allows for reduced rates for Concord seniors is in place for any Concord resident 65 years or older.

Hope Johnson, Concord, spoke of Council comments at the end of the June 27 meeting, and asked that if the Council is close to violating the Brown Act at a meeting and the City Attorney cautions them against it, the City Attorney let the public know the reason. She stated her opposition to Five Point Lennar sponsoring City events.

George Fulmore, Concord, gave kudos to the Public Works Department for its operation of the Spray Park and spoke of the play structure at Meadow Homes Park and blocked sidewalks on Detroit Avenue.

Ken Scoles, Bay Point, Veterans of Contra Costa, spoke in favor of building a Veterans Building and Veterans Village on the former Naval Weapons Station Project.

Barbara Kious, Concord, spoke of putting together a volunteer Monument clean-up project.

3. PRESENTATIONS

- a. **Presentation** – to Debbie Smith, CEO, AHA Movement, proclaiming July, 2017, as "Anti-Hazing Awareness Month" in the City of Concord. **Introduction by Mayor Hoffmeister.**

ACTION: presentation made.

- b. **Presentation** – of Business Recognition Awards to Alex Lowry, Owner, Elite Motor Cars; Jim Robertson, Vice President of Human Resources and Franchise Services, Round Table Pizza; and Michael Chiroso, Executive Director, and Brad Buchholz, General Manager, the Big C Athletic Club. 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: presentation made.

4. ANNOUNCEMENTS – none.

5. CITY COUNCIL CONSENT CALENDAR

The public is entitled to address the City Council/Local Reuse Authority 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 May 9, 2017. Recommended by the City Clerk.

ACTION: minutes of May 9, 2017, adopted.

- b. **Considering** – an agreement with AMF Media Group in the amount of \$130,000 to provide marketing and public relations services in support of the City's Economic Development program; authorizing the expenditure of future media buys in an amount not to exceed \$110,000, for a total Agreement amount of \$240,000; and authorizing the City Manager to execute the Agreement. (General Fund) Recommended by the Director of Community and Economic Development.

ACTION: agreement with AMF Media Group in the amount of \$240,000 approved; expenditure of future media buys in an amount not to exceed \$110,000 approved; City Manager authorized to execute the agreement.

- c. **Considering** – approval of an agreement with Pavement Engineering, Inc. in the amount of \$244,953 to provide for project design and related services for Measure Q Projects #7 and #8 in Pavement Maintenance Zones 1 and 2, Project Nos. 2378 and 2379; and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney. (Measure Q) 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, this design activity falls within the "Common Sense" CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3).

ACTION: agreement with Pavement Engineering, Inc. in the amount of \$244,953 approved; City Manager authorized to execute the agreement.

- d. **Considering** – award of purchase of smart irrigation controllers and related equipment in the amount of \$62,777 to Horizon Distributors of Concord. (Measure Q and General Fund) Recommended by the Director of Public Works. **(Continued from June 27, 2017)**

This project qualifies for a Categorical Exemption pursuant to CEQA Guidelines Sections 15301 – Existing Facilities; and 15302 – Replacement or Reconstruction.

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

ACTION: purchase of smart irrigation controllers and related equipment in the amount of \$62,777 to Horizon Distributors of Concord awarded.

- e. **Considering** – award of 1) a construction contract in the amount of \$2,303,652.10 to Ghilotti Bros., Inc. of San Rafael for Measure Q Pavement Repair Projects #5 and #6, Project Nos. 2332 and 2333, providing pavement repair and maintenance on various streets within the City, authorizing staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount, and authorizing the Mayor to execute the contract in a form acceptable to the City Attorney; and 2) approval of an agreement with Swinerton Management and Consulting in the amount of \$190,271 for construction management, inspection, and materials testing services for Project Nos. 2332 and 2333, and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney. Recommended by the Director of Community and Economic Development.

The project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 – Existing Facilities, 15302 – Replacement and Reconstruction, and 15304 – Minor Alterations to Land.

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

ACTION: construction contract in the amount of \$2,303,652.10 awarded to Ghilotti Bros, Inc.; Mayor authorized to execute the contract; agreement with Swinerton Management and Consulting in the amount of \$190,276 approved; City Manager authorized to execute the agreement.

- f. **Considering** – affirmation of appointment of Vice Mayor Birsan to represent the City of Concord on the Marin Clean Energy Board of Directors. Recommended by the Mayor.

ACTION: Vice Mayor Birsan affirmed as the City of Concord representative to the Marin Clean Energy Board of Directors.

LOCAL REUSE AUTHORITY CONSENT CALENDAR

- g. **Considering** – the adoption of Local Reuse Authority Resolution No. 17-18 approving an Interfund Loan Agreement in the amount of \$3.15 million between the City of Concord (Lender) and the Local Reuse Authority (Borrower) for the Temporary Use of Workers' Compensation Fund dollars to support the Base Reuse Project. (Workers' Compensation Fund) Recommended by the Director of Community Reuse Planning. **(Continued from June 27, 2017)**

This item was pulled from the Local Reuse Authority Consent Calendar by Concord resident Tim Carr.

ACTION: Local Reuse Authority Resolution No. 17-18 adopted.

- h. **Considering** – approval of an Amendment to the Agreement for Legal Professional Services with Jarvis, Fay, Doporto & Gibson, LLP (Jarvis Fay) in the amount of \$100,000 to provide legal support for the California Environmental Quality Act (CEQA) review of the Specific Plan for the Community Reuse Project at the former Concord Naval Weapons Station, and authorizing the City Attorney to execute the Amendment. (Funding will be provided by the Master Developer) Recommended by the Director of Community Reuse Planning.

ACTION: amendment to the Agreement for Legal Professional Services with Jarvis, Fay, Doporto & Gibson, LLP in the amount of \$100,000 approved; City Attorney authorized to execute the amendment.

- i. **Considering** – approval of an Amendment to the Agreement for Professional Services with Environmental Risk Services Corporation (ERS) in a not to exceed amount of \$160,000 for specialized remediation services for the Community Reuse Project at the former Concord Naval Weapons Station, and authorizing the Local Reuse Authority Executive Director to execute the agreement in a form acceptable to the City Attorney. (Funding will be provided by a Loan to the Local Reuse Authority from the City) Recommended by the Director of Community Reuse Planning.
This item was pulled from the Consent Calendar by Concord resident Hope Johnson.

ACTION: amendment to the Agreement with Environmental Risk Services Corporation in the amount of \$160,000 approved; Local Reuse Authority Executive Director authorized to execute the amendment.

- j. **Considering** – approval of an Amendment to the Agreement for Professional Services with HR&A Advisors, Inc. (HR&A) in an amount not to exceed \$120,000 for specialized real estate and financial advice related to the Community Reuse Project at the Concord Naval Weapons Station, and authorizing the Local Reuse Authority Executive Director to execute the Amendment in a form acceptable to the City Attorney. (Funding will be provided by the Master Developer or a loan to the Local Reuse Authority from the City) Recommended by the Director of Community Reuse Planning.

ACTION: amendment to the Agreement with HR&A Advisors, Inc. in the amount of \$120,000 approved; Local Reuse Authority Executive Director authorized to execute the amendment.

- k. **Considering** – approval of an Agreement for Legal Professional Services with Garrity and Knisely in an amount not to exceed \$150,000 regarding property transfer and remediation for the Community Reuse Project at the former Concord Naval Weapons Station, and authorizing the City Attorney to execute the Agreement in a form acceptable to the City Attorney. (Funding will be provided by the Master Developer or a loan to the Local Reuse Authority from the City) Recommended by the Director of Community Reuse Planning.

ACTION: agreement with Garrity and Knisley in the amount of \$150,000 approved; City Attorney authorized to execute the Agreement.

- i. **Considering** – approval of an Agreement for Professional Services with Environmental Science Associates in an amount not to exceed \$355,000 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, and authorizing the Local Reuse Authority Executive Director to execute the Agreement in a form acceptable to the City Attorney. (Funding will be provided by a loan to the Local Reuse Authority from the City) Recommended by the Director of Community Reuse Planning.

ACTION: agreement with Environmental Science Associates in the amount of \$355,000 approved; Local Reuse Authority Executive Director authorized to execute the agreement.

- m. **Considering** – approval of an Amendment to the Agreement for Professional Services with Arup North America Ltd. in an amount not to exceed \$504,000 associated with land transfer and development planning for the Community Reuse Project at the former Concord Naval Weapons Station, and authorizing the Local Reuse Authority Executive Director to execute the Amendment in a form acceptable to the City Attorney. (Funding will be provided by the Master Developer and through a loan to the Local Reuse Authority from the City and through a grant from the Office of Economic Adjustment) Recommended by the Director of Community Reuse Planning.

This item was pulled from the Consent Calendar by Councilmember Obringer.

ACTION: amendment to the agreement with Arup North America Ltd. in the amount of \$504,000 approved; Local Reuse Authority Executive Director authorized to execute the amendment.

- n. **Considering** – approval of an Agreement for Professional Services with H. T. Harvey & Associates in an amount not to exceed \$345,000 associated with preparation of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station and assistance with the California Environmental Quality Act assessment of the Specific Plan, and authorizing the Local Reuse Authority Executive Director to execute the agreement in a form acceptable to the City Attorney. (Funding provided by the Master Developer and through a loan to the LRA from the City) Recommended by the Director of Community Reuse Planning.

ACTION: agreement with H.T. Harvey & Associates in the amount of \$345,000 approved; Local Reuse Authority Executive Director authorized to execute the agreement.

- o. **Considering** – approval of an Amendment to the Agreement for Legal Professional Services with Burke, Williams & Sorensen, LLP in the amount of \$100,000 in connection with transactional legal support for the Community Reuse Project at the former Concord Naval Weapons Station, and authorizing the City Attorney to execute the Amendment in a form acceptable to the City Attorney. (Funding will be provided by the Master Developer or through a loan to the Local Reuse Authority from the City) Recommended by the Director of Community Reuse Planning.

ACTION: amendment to the agreement with Burke, Williams & Sorensen, LLP in the amount of \$100,000 approved; City Attorney authorized to execute the amendment.

- p. **Considering** – approval of an Agreement for Professional Services with Johnson Marigot Consulting, LLC, in an amount not to exceed \$20,000 for preparation of materials to support an application for a 404 Permit under the Clean Water Act and Regulatory Support Services for the Community Reuse Project at the former Concord Naval Weapons Station, and authorizing the Local Reuse Authority Executive Director to execute the Agreement in a form acceptable to the City Attorney. (Funding will be provided by a loan to the Local Reuse Authority from the City) Recommended by the Director of Community Reuse Planning.

ACTION: agreement with Johnson Marigot Consulting, LLC, in the amount of \$20,000 approved; Local Reuse Authority Executive Director authorized to execute the agreement.

- q. **Considering** – approval of an Agreement for Professional Services with the Hallmark Group in an amount not to exceed \$495,000 to provide design and implementation of project controls for the Community Reuse Project at the former Concord Naval Weapons Station, and authorizing the Local Reuse Authority Executive Director to execute the Agreement in a form acceptable to the City Attorney. (Funding will be provided by a loan to the Local Reuse Authority from the City) Recommended by the Director of Community Reuse Planning.

ACTION: agreement with the Hallmark Group in the amount of \$495,000 approved; Local Reuse Authority Executive Director authorized to execute the agreement.

- r. **Considering** - approval of an Agreement for Professional Services with ALH Urban & Regional Economics in an amount not to exceed \$36,000 for economic studies and fiscal analysis related to the Community Reuse Project at the Concord Naval Weapons Station, and authorizing the Local Reuse Authority Executive Director to execute the Agreement in a form acceptable to the City Attorney. (Funding will be provided by a loan to the Local Reuse Authority from the City) Recommended by the Director of Community Reuse Planning.

This item was pulled from the Consent Calendar by Councilmember Obringer.

ACTION: agreement with ALH Urban & Regional Economics in the amount of \$36,000 approved; Local Reuse Authority Executive Director authorized to execute the agreement.

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** – adoption of Resolution No. 17-59 establishing a pilot program with Starship Technologies Ltd. to allow the use of autonomous robots, also known as Personal Delivery Devices (PDD), for a period of up to 12 months. **Report by Pedro Garcia, Jr., Economic Development Specialist.**

Not a “project” per Public Resources Code Section 21065 and CEQA Guidelines Section 15061(b)(3); even if a project, exempt pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations.

Vice Mayor Birsan recused himself from the item and left the dais due to a member of his family being employed by Door Dash.

ACTION: Report heard; public testimony given; Resolution No. 17-59 adopted.

- b. **Considering** – appointment of applicants to the Commission on Aging. **Report by Joelle Fockler, City Clerk.**

ACTION: David Afinowicz, Paula Johnstone, Fuad Omran, and Nancy Sansom appointed to the Commission for terms ending June 30, 2019, and Ben Hornstin, Mei Lee, Melvin Lee, Delores Leon, and Charles Rogers appointed to the Commission for terms ending June 30, 2021.

- c. **Considering** – appointment of applicants to the Concord/Pleasant Hill Health Care District Grant Committee. **Report by Joelle Fockler, City Clerk.**

ACTION: Michael Handlin appointed to the Concord/Pleasant Hill Health Care District Grant Committee for a term ending June 30, 2021.

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** – adoption of Resolution No. 17-55 approving a Purchase and Sale Agreement with Carlton Senior Living LCC for City owned property located at Harrison and Sutter Street (APN 126-045-020), and authorizing the Mayor to execute all documents needed to complete the transaction, and further authorizing the Mayor to execute all deeds and similar instruments 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" as defined by the California Environmental Quality Act (CEQA) pursuant to Public Resources Code sections 21065 and 21080 and CEQA Guidelines sections 15060, 15352, or 15378.

ACTION: Report heard; opportunity for public testimony given, Resolution No. 17-55 adopted.

- b. **Considering** – updating the City of Concord's Subdivision Ordinance through (a) adoption of Resolution No. 17-50 adopting an Initial Study/Negative Declaration for the City of Concord Subdivision Ordinance Update Project, Ordinance No. 17-9, pursuant to the California Environmental Quality Act, and (b) introduction of Ordinance No. 17-9 repealing and replacing Concord Municipal Code Title 17 (Subdivisions) by reading of the title only and waiving further reading. **Report by G. Ryan Lenhardt, Senior Planner.**

ACTION: Report heard; opportunity for public testimony given; Resolution No. 17-50 adopted; Ordinance No. 17-9 introduced by reading of the title only and waiving further readings.

8. CORRESPONDENCE

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

- a. Anti-Hazing Awareness Movement brochure

- b. Concord Subdivision Ordinance Update PowerPoint Presentation
- c. Correspondence received from Vice Mayor Birsan on the League of Cities Executive Seminars, June 28-29, 2017

9. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements - **none**

City Manager or Staff Reports - **none**

Council Reports

Councilmember Leone requested support of adding alternates to the Concord Naval Weapons Station Community Advisory Committee. It was the consensus of the Council to have the methodology of the addition of two alternates to the Concord Naval Weapons Station Community Advisory Committee on the July 25, 2017, City Council meeting agenda.

Councilmember Obringer requested support of exploring a Styrofoam ban to the Committee on Policy Development and Internal Operations. It was the consensus of the Council to have staff explore a Styrofoam ban and bring it to the Committee on Policy Development and Internal Operations.

Vice Mayor Birsan requested that the Committee on Policy Development and Internal Operations (PD&IO) review district elections in September. There was not consensus to have the PD&O; however, it was the consensus of the Council to have staff prepare a white paper on district elections.

Vice Mayor Birsan requested that staff explore the formation of an Arts Commission. It was the consensus of the Council to work and support outside groups involved in the Arts at this time.

A discussion was held regarding marijuana, and it was determined that research would continue in concurrence with the development of a formal survey for citizens for their feedback on marijuana uses.

Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

10. ADJOURNMENT – 9:35 p.m.

Next Meeting: Regular Meeting

Date: 7/25/2017 - 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 nd Wednesday 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 5:30 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. |