

**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  
Successor Agency of the  
Redevelopment  
Agency/City Council  
Sitting as the Local Reuse  
Authority**

Tuesday, July 25, 2017

6:00 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 – Vice Mayor Birsan**

**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.

Eliot Mack, Rising Sun Energy Center, sponsored by PG&E and the City, stated that they install free LED light bulbs and other water and energy saving devices and invited the public and councilmembers to consider having their homes assessed. Rising Sun can be reached at (925) 322-0414 and [www.risingsunenergy.org](http://www.risingsunenergy.org)

### 3. PRESENTATIONS

- a. Presentation – of the Daniel C. Helix Award of Excellence to Rob Schweitzer, Facilities Maintenance Technician, by Director of Public Works Justin Ezell. **Introduction by Mayor Hoffmeister.**

**ACTION: This item was pulled from the agenda due to a scheduling conflict with the awardee and was rescheduled for September 5, 2017.**

- b. Presentation – of the "50 Leading Fleets" in America for 2017 Award by Government Fleet Magazine and the American Public Works Association to the City of Concord Fleet Division. **Presentation by Jeff Roubal, Fleet Manager.**

**ACTION: Fleet Manager Jeff Roubal announced that the City of Concord Fleet Division was selected by Government Fleet Magazine and the American Public Works Association as one of the "50 Leading Fleets" in America for 2017.**

### 4. ANNOUNCEMENTS

- a. **Announcing** – open recruitments for Concord Pavilion Community Outreach Committee and Concord/Pleasant Hill Health Care District Grant Committee with a deadline for applications by Friday, August 25, 2017 at 5 p.m. to the City Clerk's Office.

**ACTION: Mayor Hoffmeister announced open recruitments for the Concord Pavilion Community Outreach Committee and Concord/Pleasant Hill Health Care District Grant Committee with a deadline for applications by Friday, August 25, 2017, at 5 p.m. to the City Clerk's Office.**

### 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** – entrance into a Memorandum of Understanding ("MOU") between the City and Episcopal Senior Communities Foundation regarding the proposed Home Share Concord Pilot Program and authorizing City Manager to

execute necessary documents. Recommended by the Director of Community and Economic Development.

CEQA: Not a project under Public Resources Code Section 21065, Guidelines Sections 15060(c)(3), or Section 15378.

**ACTION: Memorandum of Understanding (“MOU”) between the City and Episcopal Senior Communities Foundation regarding the proposed Home Share Concord Pilot Program approved; City Manager authorized to execute necessary documents.**

- b. **Considering** – adoption of Resolution Nos. 17-56 and 17-57 authorizing the filing of applications for funding assigned to the Metropolitan Transportation Commission (MTC) and committing to fund the City’s local match of \$2.1 million prior to MTC project approval in September 2017; and stating assurance to complete the Monument Boulevard Class 1 Path and Willow Pass Road Repaving projects. Recommended by the Director of Community and Economic Development.

CEQA: Categorically Exempt 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 Rich Eber.**

**ACTION: Resolution Nos. 17-56 and 17-57 adopted.**

- c. **Considering** – entrance into an Exclusive Negotiating Agreement with Avalon Bay for the approximately three acre Town Center II site (bounded by Galindo Street, Concord Blvd, Clayton Road and Mira Vista Street) held by the City for future development; and authorizing the City Manager to execute the Agreement. Recommended by the Director of Community and Economic Development.

CEQA: Not a “project” under Public Resources Code Section 21065, Guidelines Sections 15060(c)(2), 15060(c)(3), or 15378, 15352; in the alternative, is exempt under Guidelines Sections 15061(b)(3), 15378(b)(4), and 15306.

**ACTION: Entrance into an Exclusive Negotiating Agreement with Avalon Bay for the approximately three acre Town Center II site (bounded by Galindo Street, Concord Blvd, Clayton Road and Mira Vista Street) held by the City for future development approved; City Manager authorized to execute the Agreement.**

- d. **Considering** – designation of Vice Mayor Edi Birsan as Voting Delegate and Councilmember Tim McGallian as Alternate for the League of California Cities Annual Business Meeting scheduled for Friday, September 15, 2017, at 12:30 p.m. at the Sacramento Convention Center. Recommended by the Mayor.

**ACTION: Vice Mayor Edi Birsan designated as Voting Delegate and Councilmember Tim McGallian designated as Alternate for the League of California Cities Annual Business Meeting scheduled for Friday, September 15, 2017, at 12:30 p.m. at the Sacramento Convention Center.**

- e. **Considering** – adoption of Ordinance No. 17-10 entitled, "AN ORDINANCE AMENDING CHAPTER 5.80 (MARIJUANA) OF THE CONCORD MUNICIPAL CODE TO ALLOW THE DELIVERY OF MEDICAL MARIJUANA BY LICENSED DISPENSARIES TO QUALIFIED PATIENTS." Ordinance No. 17-10 was introduced on June 27, 2017, by reading of the title only and waiving further readings. Recommended by the City Clerk.

CEQA: Not constitute a "project" under CEQA Guidelines 15060(c)(2) and 15378; in the alternative, is exempt pursuant to Section 15061(b)(3).

**This item was pulled from the Consent Calendar by Concord resident Hope Johnson.**

**ACTION: Ordinance No. 17-10 adopted.**

- f. **Considering** – approval of a Voluntary Cleanup Agreement (with an estimated cost to the City of \$26,500) between the City of Concord and the California Department of Toxic Substances Control for the Monument Corridor Pedestrian and Bikeway Network Improvement Phase II, Project No. 2169, subject to approval of the City Attorney; approval of a transfer of approximately \$24,973 of remaining Measure J Funds from the Monument Corridor Pedestrian and Bikeway Network Improvement Phase Two project to the Public Works Street Maintenance Account; and authorizing the City Manager to execute the Agreement. (Public Works Street Maintenance Measure J Funds) Recommended by the Director of Community and Economic Development.

**ACTION: Voluntary Cleanup Agreement (with an estimated cost to the City of \$26,500) between the City of Concord and the California Department of Toxic Substances Control for the Monument Corridor Pedestrian and Bikeway Network Improvement Phase II, Project No. 2169 approved, subject to approval of the City Attorney; a transfer of approximately \$24,973 of remaining Measure J Funds from the Monument Corridor Pedestrian and Bikeway Network Improvement Phase Two project to the Public Works Street Maintenance Account approved; City Manager authorized to execute the Agreement.**

- g. **Considering** – adoption of Resolution No. 17-64 supporting the City of Concord’s Smart City efforts. Recommended by the Assistant City Manager.

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

**ACTION: Resolution No. 17-64 adopted.**

- h. **Considering** – approval of a Wireless Communications License Agreement with New Cingular Wireless PCS (AT&T) for installation and upgrade of cellular equipment at the Concord Pavilion; and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney. Recommended by the Director of Parks and Recreation.

CEQA: Categorically exempt under CEQA Guidelines Sections 15301 – Existing Facilities and 15302 – Replacement or Reconstruction, 15303 – New Construction or Conversion of Small Structures, and 15304 – Minor Alterations to Land.

**ACTION: Wireless Communications License Agreement with New Cingular Wireless PCS (AT&T) for installation and upgrade of cellular equipment at the Concord Pavilion approved; City Manager authorized to execute the agreement in a form acceptable to the City Attorney.**

- i. **Considering** – approval of a routine maintenance agreement with the California Department of Fish and Wildlife, which requires a \$3,000 application fee; and authorizing the Director of Public Works to execute the agreement in a form acceptable to the City Attorney. (Storm Water Program) Recommended by the Director of Public Works.

CEQA: Categorically exempt under Guidelines Sections 15301 – Existing Facilities.

**ACTION: Routine maintenance agreement with the California Department of Fish and Wildlife, which requires a \$3,000 application fee, approved; Director of Public Works authorized to execute the agreement in a form acceptable to the City Attorney.**

- j. **Considering** – approval of a Cooperative Agreement for the City of Clayton to design and construct the El Molino Cross-Tie Sewer Project, Project No. 2405, in the amount of \$560,000 between the City of Concord and the City of Clayton subject to approval of the City Attorney; and authorizing the City Manager to execute the Cooperative Agreement. Recommended by the Director of Community and Economic Development.

CEQA: The City of Clayton is considered to be the “lead agency” pursuant to CEQA Guidelines Sec. 15051(a) and (d).

**This item was pulled from the Consent Calendar by Mayor Hoffmeister. She recused herself from the item and left the dais.**

**ACTION: Cooperative Agreement for the City of Clayton to design and construct the El Molino Cross-Tie Sewer Project, Project No. 2405, in the amount of \$560,000 between the City of Concord and the City of Clayton approved, subject to approval of the City Attorney; City Manager authorized to execute the Cooperative Agreement.**

**AYES: Birsan, Leone, Obringer, McGallian NOES: None ABSENT: Hoffmeister**

- k. **Considering** – acceptance of annual write-off of uncollectible accounts receivable in the amount of \$53,954 for FY 2016-17. Recommended by the Director of Finance.

**This item was pulled from the Consent Calendar by Councilmembers Obringer and McGallian. They recused themselves from the item and left the dais.**

**ACTION: Annual write-off of uncollectible accounts receivable in the amount of \$53,954 for FY 2016-17 accepted.**

**AYES: Birsan, Leone, Hoffmeister NOES: None ABSENT: Obringer and McGallian**

- l. **Considering** – adoption of Resolution No. 17-62 approving assessment of unpaid inspections and re-inspection costs associated with the multi-family housing inspection program, totaling \$2,254; and directing Contra Costa County to assess these properties. (2415 Olivera Road, APN 110-035-010; 1660 Frisbie Court, APN 128-290-049)

**ACTION: Resolution No. 17-62 adopted.**

## **6. SUCCESSOR AGENCY OF THE CONCORD REDEVELOPMENT AGENCY CONSENT CALENDAR**

- a. **Considering** – adoption of Resolution No. 17-781S approving an Agreement of Purchase and Sale for \$560,000 and initial escrow instructions between the Successor Agency as Seller, and Stephen Cuneo and Hien Tran as Buyer, for the property located at 1601 Sutter St., Concord, CA (APN 126-045-012); and authorizing the Agency Chair to execute all documents, deeds, and similar instruments needed to complete the transaction in a form acceptable to the City Attorney. Recommended by the Director of Community and Economic Development.

**CEQA: Not a “Project” under Public Resources Code Sections 21065 and 21080 and CEQA Guidelines Sections 15352 or 15378.**

**ACTION: Resolution No. 17-781S adopted; Agency Chair authorized to execute all documents, deeds, and similar instruments needed to complete the transaction in a form acceptable to the City Attorney.**

**7. 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** – appointment to fill three positions on the Parks, Recreation and Open Space Commission. **Report by Marsha Moore, Deputy City Clerk.**

**ACTION: Christopher Lucas, Michael Miller and Wayne Schafer re-appointed to the Parks, Recreation and Open Space Commission for four-year terms ending June 30, 2021.**

- b. **Considering** – adoption of Resolution No. 17-61 establishing additional parameters for the Residential Review Panel (created by the Residential Rent Review Program Ordinance No. 17-7); and calling for recruitment. **Report by Laura Simpson, Planning Manager.**

**ACTION: Report heard; opportunity for public testimony given; Resolution No. 17-61 adopted as amended to add three alternates and give priority to landlords that own property in Concord and a second preference to landlords that own property outside of Concord.**

- c. **Considering** – approval of the FY2017-2018 Investment Policy Update. **Report by Patti Barsotti, City Treasurer.**

**ACTION: Report heard; opportunity for public testimony given; FY2017-2018 Investment Policy Update approved.**

- d. **Considering** – adoption of Resolution No. 17-58 approving wireless Master License Agreement form; and authorizing the City Manager to execute Master License Agreements and to issue licenses for City-owned poles in the public right-of-way. Recommended by the Director of Community and Economic Development. **Report by Afshan Hamid, Senior Planner.**

CEQA: Not a “project” under Guidelines Section 15378 and Public Resources Code Section 21065; in the alternative, is exempt under Section 15061(b)(3).

**ACTION: Report heard; public testimony given; Resolution No. 17-58 adopted as amended to allow for up to a 20-year term for the Master License Agreements.**

**8. LOCAL REUSE AUTHORITY CONSIDERATION ITEMS**

- a. **Receiving** – an informational report on the funding of Local Reuse Authority efforts in the planning and management of the Concord Community Reuse Project at the former Concord Naval Weapons Station. **Report by Guy Bjerke, Director, Community Reuse Planning.**

**ACTION: Report heard; public testimony given; comments from Council given.**

- b. **Considering** – appointment of up to two (2) alternate member positions to the Concord Naval Weapons Station Reuse Project Community Advisory Committee (CAC) or choosing a selection process. **Report by Guy Bjerke, Director, Community Reuse Planning.**

**ACTION: Report heard; public testimony given; Steve Older appointed as an alternate to the Concord Naval Weapons Station Reuse Project Community Advisory Committee with a vote of:**

**AYES: Leone, McGallian, Hoffmeister, Obringer    NOES: Birsan**

**Julie Dennler appointed as an alternate to the Concord Naval Weapons Station Reuse Project Community Advisory Committee with a vote of:**

**AYES: Leone, McGallian, Hoffmeister    NOES: Obringer, Birsan**

**9. 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. 17-12 approving (1) the draft Fiscal Year 2017-18 Action Plan which provides \$1,364,246 in grant funding from all sources, including Community Development Block Grant (CDBG), Child Care Developer Fees (CCDF), Revolving Loan Funds (RLF) and Program Income; (2) the analysis of Impediments to Fair Housing Choice; and (3) the revised Citizen Participation Plan. **Report by Brenda Kain, Community Services Program Manager.**

**ACTION: Report heard; opportunity for public testimony given; Resolution No. 17-12 adopted.**



## 10. CORRESPONDENCE

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

- a. Benched Correspondence – Letter to Honorable Steve Glazer dated July 25, 2017 in support of AB 22 – Storing and Recording Electronic Data
- b. Benched Correspondence from John di Bene with AT&T Wireless dated July 25, 2017, for Item No. 7.d Wireless Master Agreement
- c. Benched Memo for Item No. 5.c from Economic Development Manager John Montagh dated July 25, 2017
- d. Master License for Small Cells on City-Owned Poles PowerPoint Presentation
- e. Benched memo for item No. 8.b from Reuse Director Bjerke dated July 24, 2017
- f. Rising Sun Energy Center sign-up sheet and materials
- g. Funding of the Local Reuse Authority for the Concord Community Reuse Project PowerPoint Presentation
- h. Correspondence for item No. 7.d from T-Mobile dated July 25, 2017
- i. Correspondence – Letter regarding the Community Advisory Committee from CAC Chair Helix dated July 24, 2017

## 11. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements -

**City Attorney Susanne Brown report that at its November 1, 2016, Closed Session, the City Council unanimously authorized the City Attorney to settle that certain Contra Costa County Superior Court action entitled Alfredo Diaz, et al. v. City of Concord, et al., Case No. C14-02179. At private, court-ordered mediation on October 26, 2016, the parties tentatively agreed to resolve this matter for \$200,000, pending approval by both the Concord City Council and the Contra Costa County Superior Court. The Superior Court recently approved the settlement, and the case was dismissed with prejudice in July 2017. This settlement resolves any and all claims against the City of Concord and/or its employees arising out of that case.**

City Manager or Staff Reports – **none**

Council Reports – **Councilmember Obringer entered into the record an email received by the Council from former Mayor and current CAC Chair Helix where he expressed concerns about how the CAC was functioning and level of understanding some of the CAC had of the Specific Plan.**

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

**Mayor Hoffmeister noted that the Council is taking a recess for the month of August and will return with the next regular meeting at 6:30 p.m. on**

**September 5, 2017.**

**12. ADJOURNMENT – 10:44 p.m.**

Next Meeting: Regular Meeting  
Date: 9/5/2017 - 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.**

<b>Committee</b>	<b>Chair/Member</b>	<b>Meeting Time</b>
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 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.