

Please note 6:00 p.m. start time

COUNCILMEMBERS

Edi E. Birsan, Mayor
Carlyn S. Obringer, Vice Mayor
Laura M. Hoffmeister
Ronald E. Leone
Timothy A. McGallian

Civic Center
1950 Parkside Drive
Concord, CA 94519
www.cityofconcord.org



**ANNOTATED AGENDA
Regular Meeting of the
Concord City Council**

Tuesday,
February 13, 2018

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 – 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.

Lindy Lavender, Central Contra Costa Sanitary District (CentralSan), spoke about the CentralSan Academy, www.centalsan.org/academy.

Kenji Yamada, Concord, spoke in opposition of the decisions made at the February 6, 2018, meeting regarding district elections.

Greg Colley, Concord Communities Alliance, spoke in opposition of the decisions made at the February 6, 2018, meeting regarding district elections.

Laura Nakamura, Concord Communities Alliance, spoke in opposition of the decisions made at the February 6, 2018, meeting regarding district elections and the inefficiency of the timeliness of the Council meetings being streamed on the website.

Hope Johnson, Concord, spoke in opposition of the decisions made at the February 6, 2018, meeting regarding district elections.

Rose Lubbe, Pittsburg, spoke about getting her car towed in Concord and the cost to retrieve her car.

Bryan Elizarraraz, Calvary Temple, spoke about Convoy of Hope, taking place on April 28, 2018, at Meadow Homes Park.

George Fulmore, Concord, spoke in support of the map selected on February 6, 2018, in support of including low income housing in the housing fund allocation, about the Resident Rent Review Panel not meeting, and suggested 1500 Monument should be called a cultural historic area.

Wendy Hershey, Concord, spoke to dangers involved with cannabis dispensaries.

Cora Mitchell, Concord, spoke about district elections and creating the maps as fairly as possible.

3. PRESENTATIONS

- a. **Presentation** – by Chief of Police Guy Swanger providing an update on department activities. **Introduction by Mayor Birsan.**

ACTION: Presentation made.

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** – adoption of Resolution No. 18-8 approving the submittal of a Resolution of Local Support to the California Department of Transportation for funding of Willow Pass Road/Cowell Road Complete Streets Feasibility Study Grant (\$177,060) and committing any necessary matching funds (11.47 percent, i.e. \$22,940) and stating assurance to complete the project. Recommended by the Director of Community and Economic Development.

CEQA: Not a project under CEQA Guidelines Section 15378.

This item was pulled from the Consent Calendar by Vice Mayor Obringer.

ACTION: Resolution No. 18-8 adopted.

- b. **Receiving** – the Quarterly Treasurer's Report for the period October 1 - December 31, 2017. Recommended by the City Treasurer.

ACTION: Quarterly Treasurer's Report for the period October 1 – December 31, 2017, received.

- c. **Considering** – acceptance of improvements for Clayton Road/Treat Boulevard/Denkinger Road Intersection Capacity Improvements, Project No. 2144; and directing the City Clerk to file a Notice of Completion. Recommended by the Director of Community and Economic Development.

ACTION: Improvements for Clayton Road/Treat Boulevard/Denkinger Road Intersection Capacity Improvements, Project No. 2144, accepted; City Clerk directed to file a Notice of Completion.

- d. **Considering** – approval of a one year Professional Services Agreement with Vavrinek, Trine, Day and Co., LLP, to complete the fiscal year 2017/2018 financial statement audits. Recommended by the Director of Finance.

ACTION: One year Professional Services Agreement with Vavrinek, Trine, Day and Co., LLP in the amount of \$94,810 approved; City Manager authorized to execute the Agreement.

- e. **Considering** – adoption of Resolution No. 18-15 authorizing the City Manager to lease office space to house a Downtown Police Field Office, for up to five years with annual rent between \$27,646 and \$30,702 per year, and up to \$30,000 in tenant improvement/build out costs. (\$173,514) (Asset Forfeiture Funds and Brenden Mann Grant) Recommended by the Chief of Police.

CEQA: Not a project under CEQA Guidelines Sections 15378, and 15061(b)(3) and/or categorically exempt under CEQA Guidelines Section 15327.

This item was pulled from the Consent Calendar by Concord residents Hope Johnson and George Fulmore.

ACTION: Resolution No. 18-15 adopted.

- f. **Considering** – the award of: (1) a Construction Contract in the amount of \$4,030,168.92 to Bay Pacific Pipelines, Inc. for the Downtown Sewer and Streetscape Improvements Phase IIB (Project No. 2404), authorizing staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; (2) approval of an Agreement for Professional Services with CSG Consultants in the amount of \$287,811.33 for construction management, inspection, and materials testing services; (3) an Amendment to a Professional Services Agreement with Harris and Associates in the amount of \$23,310 for additional design engineering services; (4) authorize the City Manager to execute the agreements, subject to approval of the City Attorney; and (5) approve a related budget transfer of \$1,600,000 to Project No. 2404 (\$900,000 from Fund 710 Sewer Operation Funds and \$700,000 from Fund 225 PEG Fees). Recommended by the Director of Community and Economic Development.

CEQA: Exempt per CEQA Guidelines Sections 15301 – Existing Facilities, 15302 – Replacement and Reconstruction, and 15304 – Minor Alterations to Land.

ACTION: Construction contract in the amount of \$4,030,168.92 awarded to Bay Pacific Pipelines, Inc. for the Downtown Sewer and Streetscape Improvements Phase IIB, Project No. 2404; staff authorized to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; Agreement for Professional Services with CSG Consultants in the amount of \$287,811.33 for construction management, inspection, and materials testing services approved; an Amendment to a Professional Services with Harris and Associates in the amount of \$23,310 for additional design engineering services approved; Mayor authorized to execute the construction contract and City Manager authorized to execute the Agreement and Amendment, subject to approval of the City Attorney; and budget transfer of \$1,600,000 to Project No. 2404 (\$900,000 from Fund 710 Sewer Operation Funds and \$700,000 from Fund 225 PEG Fees) approved.

- g. **Considering** – approval of Construction Change Order No. 1 in the amount of \$11,060; authorizing a budget transfer in the amount \$19,000 from Measure Q Capital Improvement Program Funds from the Ellis Lake Park Restroom Building Project (Fund 401), Project No. 2351, to Willow Pass Park Restroom and Concession Facility Replacement – Field 1 [Utility Relocation Phase], Project No. 2334; and authorizing staff to use project contingency funds for contract change orders within staff’s authority for the various project contracts: Building Procurement, Utility Relocation, and Sitework. (General Fund and Measure Q Capital Improvement Program Funds) Recommended by the Director of Community and Economic Development.

ACTION: Construction Change Order No. 1 in the amount of \$11,060 for Willow Pass Park Restroom & Concession Facility Replacement – Field 1 Project, Project No. 2334) approved; budget transfer in the amount of \$19,000 from Measure Q Capital Improvement Program Funds from the Ellis Lake Park Restroom Building Project (Fund 401), Project No. 2351, to Willow Pass Park Restroom & Concession Facility Replacement – Field 1 [Utility Relocation Phase], Project No. 2334 approved; staff authorized to use project contingency funds for contract change orders within staff’s authority for the various project contracts: Building Procurement, Utility Relocation, and Sitework.

- h. **Considering** – a letter opposing SB 287 (Weiner) which would limit local control related to housing projects within half a mile of a transit station. Recommended by the Community Relations Manager.

ACTION: Letter opposing SB 287 approved.

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. 18-14 approving and authorizing the execution of certain amendments to 2015 lease financing documents to provide for the substitution of the property and authorizing and directing certain actions related thereto. **Report by Karan Reid, Director of Finance.**

ACTION: Presentation heard; opportunity for public testimony given; Resolution No. 18-14 adopted.

- b. **Considering** – adoption of Resolution No. 18-13 approving and authorizing the execution of certain lease financing documents in connection with the prepayment of that certain equipment lease/purchase agreement, dated as of April 1, 2011, by and between Banc of America Public Capital Corporation and the City of Concord, and authorizing and directing certain actions with respect thereto. **Report by Karan Reid, Director of Finance.**

ACTION: Presentation heard; opportunity for public testimony given; Resolution No. 18-13 adopted.

- c. **Considering** – adoption of Resolution No. 18-17 authorizing the issuance of City of Concord (Contra Costa County, California) 2018 Wastewater Refunding Revenue Bonds, approving the form and authorizing execution of an Indenture of Trust, an Escrow Agreement, a Bond Purchase Agreement, a Preliminary Official Statement, and a Continuing Disclosure Certificate, and authorizing actions related thereto. **Report by Karan Reid, Director of Finance.**

ACTION: Presentation heard; opportunity for public testimony given; Resolution No. 18-17 adopted.

- d. **Considering** – acceptance of Fiscal Year 2017-18 Mid-Year Review and adoption of Resolution No. 18-19 amending the Fiscal Year 2017-18 Municipal Budget. **Report by Donna Lee, Budget Officer.**

CEQA: None of the activities addressed herein constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Sections 15060(c)(2), 15060(c)(3), or 15378 because none of the activities has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; even if any activity was a project under CEQA, each is exempt under 14 Cal. Code Regs. Sections 15061(b)(2), 15061(b)(3), and 15378(b)(4).

ACTION: Item continued to the March 20, 2018, City Council Meeting.

- e. **Considering** – appointment of applicants to the Residential Rent Review Panel. **Report by Joelle Fockler, City Clerk.**

ACTION: Elena Lieberman appointed as the landlord of a multi-family complex member, Jason McClough as the landlord of a multi-family complex alternate, and Betty Gabaldon as the tenant of a multi-family complex alternate for four-year terms ending February 28, 2022.

- f. **Considering** – approval of expenditure of funds to Axon in the total amount of \$1,414,395.61 (with a not to exceed amount of \$1,500,000) for a five year contract to provide body worn cameras, in car cameras, and the *Evidence.Com* storage solution; approval of expenditure of funds to Verizon Wireless in the amount of \$56,216 for City issued smart phones, cases, and chargers; and approval of expenditure of funds to Verizon Wireless in the amount of \$63,804 for unlimited smart phone service plan. (Asset Forfeiture Funds) **Report by Jeff Krieger, Police Lieutenant.**

ACTION: Expenditure of funds to Axon in the total amount of \$1,414,395.61 (with a not to exceed amount of \$1,500,000) for a five year contract to provide body worn cameras, in car cameras, and the Evidence.Com storage solution approved; expenditure of funds to Verizon Wireless in the amount of \$56,216 for City issued smart phones, cases, and chargers approved; expenditure of funds to Verizon Wireless in the amount of \$63,804 for unlimited smart phone service plan approved; and City Manager authorized to execute the agreement.

7. 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** – the review of Zoning Administrator Order #17-10 which approved a new wireless communications facility within the public right-of-way, adjacent to 1039 Oak Grove Road, and adoption of Resolution No. 18-9 approving a Minor Use Permit for the wireless facility. **Report by G. Ryan Lenhardt, Senior Planner.**

CEQA; Categorically exempt under CEQA Guidelines Section 15301 “Existing Facilities.”

ACTION: Item continued to the regular meeting of the City Council on March 20, 2018, and applicant was instructed to explore other design options or other pole locations.

- b. **Considering** – the review of Zoning Administrator Order #17-11 which approved a new wireless communications facility within the public right-of-way, adjacent to 2039 Sierra Road, and adoption of Resolution No. 18-10 approving a Minor Use Permit for the wireless facility. **Report by G. Ryan Lenhardt, Senior Planner.**

CEQA: Categorically exempt under CEQA Guidelines Section 15301 “Existing Facilities.”

ACTION: Resolution No. 18-10 adopted and amended as follows: “as amended” is added to each reference to Exhibit A; Exhibits B, C, D, and E will need to be updated to reflect the new design and the design is similar to, or better than the design shown on page 133 of the agenda item packet; in Exhibit A, Conditions of Approval, condition #2 is amended to require all exhibits listed in condition #2 be similarly updated, condition #11 will require the equipment be mounted to be consistent with the new plans and a condition is added to require a graffiti response within 48 hours as stated by applicant; and updated plans be subject to approval by the Planning Division.

- c. **Considering** – the review of Zoning Administrator Order #17-14 which approved a new wireless communications facility within the public right-of-way, adjacent to 1051 Oak Grove Road, and adoption of Resolution No. 18-11 approving a Minor Use Permit for the wireless facility. **Report by Jessica Gonzalez, Assistant Planner.**

CEQA; Categorically exempt under CEQA Guidelines Section 15301 “Existing Facilities.”

ACTION: Resolution No. 18-11 adopted and amended as follows: “as amended” is added to each reference to Exhibit A; Exhibits B, C, D, and E will need to be updated to reflect the new design and the design is similar to, or better than the design shown on page 133 of the agenda item packet; in Exhibit A, Conditions of Approval, condition #2 is amended to require all exhibits listed in condition #2 be similarly updated, condition #11 will require the equipment be mounted to be consistent with the new plans and a condition is added to require a graffiti response within 48 hours as stated by applicant; and updated plans be subject to approval by the Planning Division.

8. CORRESPONDENCE

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

- a. Amendments to 2015 Lease with Bank of the West, 2018 Opus Bank Lease Financing, and 2018 Wastewater Refunding Revenue Bonds PowerPoint Presentation
- b. ExteNet Wireless Communications Facilities - 1039 Oak Grove Road and 2039 Sierra Road PowerPoint Presentation
- c. ExteNet Wireless Communications Facilities - 1051 Oak Grove Road PowerPoint Presentation
- d. Police Chief’s 2017 Year-End Report PowerPoint Presentation
- e. Body Worn Camera Project PowerPoint Presentation
- f. Benched Correspondence – Agenda Item No. 5.a
- g. Convoy of Hope flyer and brochure
- h. Benched Correspondence – Agenda Item 5.e
- i. Comments submitted by Rose Lubbe
- j. Central Contra Costa Sanitary District Citizens Academy brochure
- k. Letter submitted by Concord Communities Alliance
- l. Comments submitted by Andrew Smith and read into the record by the City Clerk

9. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements – **none**

City Manager or Staff Reports – **none**

Council Reports

Vice Mayor Obringer proposed to hold a meeting with Supervisor Mitchoff to address homeless needs, and noted that she will be addressing it at the Council goal setting meeting on March 24.

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

10. ADJOURNMENT – at 11:30 p.m.

Next Meeting: Regular Meeting
Date: 2/27/2018 - 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	Birsan/Obringer	2 nd Wednesday at 5:30 p.m.
Housing & Economic Development	Obringer/McGallian	4 th Monday at 5:30 p.m.
Infrastructure & Franchise	Hoffmeister/Leone	2 nd Monday at 6:00 p.m.
Recreation, Cultural Affairs & Comm. Svc.	McGallian/Birsan	3 rd Wednesday at 5:30 p.m.
Youth & Education	Leone/Hoffmeister	3 rd Monday at 6:00 p.m.