

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/City
Council Sitting as the
Local Reuse Authority/City
Council Sitting as the
Concord/Pleasant Hill
Health Care District Board**

Tuesday,
May 22, 2018

6:00 p.m. - Closed Session
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.

CLOSED SESSION

1. OPENING

Roll Call – all present

2. PUBLIC COMMENT - none

3. CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: Two potential cases. Significant exposure to litigation

pursuant to paragraph (2) of subdivision (3) of Government Code Section 54956.9: One potential case.

ACTION: Closed session held.

4. RECESS TO OPEN SESSION

5. OPENING

Roll Call – all present

Pledge to the Flag – Councilmember Hoffmeister

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.

Greg Colley, Concord Communities Alliance, spoke of the need for tenant protections in Concord and provided the Council with a data sheet on landlords in Concord.

George Fulmore, Concord, inquired if a security component was involved in solving the start of the Renaissance II Fire, and spoke of possible issues for candidates running for office in District 3.

Teresa Saunders, Concord Blue Devils, announced an event scheduled for June 2 at Dave Brubeck Park, 6-8 p.m.

Margaret Hanlon-Gradie, Contra Costa AFL-CIO, thanked the staff for pulling Agenda Item No. 9.c from consideration from the agenda.

Debra Bernstein, Raise the Roof Coalition, recapped the May Day event held by the Raise the Roof Coalition and submitted postcards in support of tenant protections and stabilized rental costs.

Ken Scoles, Bay Point, spoke of the need and desire for a Veterans Village at the Concord Naval Weapons Station.

Anonymous spoke of the poor presentation by Lennar at the last CAC meeting and the January meeting with BART regarding the buffer.

7. PRESENTATIONS

- a. **Presentation** – Certificates of Appreciation to businesses, non-profit organizations, public agencies, and City of Concord employees for support and aid for the recent Renaissance II Fire. **Presentation by Mayor Birsan.**

ACTION: Presentation made.

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 minutes from the meetings of March 24 and April 2, 2018. Recommended by the City Clerk.

ACTION: Meeting minutes from the meeting of March 24, 2018, adopted. Meeting minutes from the meeting of April 2, 2018, removed from consideration by staff.

- b. **Considering** – rejection of bid protest from Alex Li of Construction West Services, Inc., and award of contract for the Council Chamber restrooms remodel to Alex Kushner, General Contractor, in the amount of \$92,400; and authorizing the City Manager to execute the contract in a form acceptable to the City Attorney. (Measure Q and General Fund) Recommended by the Director of Public Works.

CEQA: Categorically exempt pursuant to CEQA Guidelines Sections 15301 – Existing Facilities, 15302 – Replacement or Reconstruction.

ACTION: Bid protest from Alex Li of Construction West Services, Inc. rejected; contract awarded to Alex Kushner, General Contractor, in the amount of \$92,400 for the Council Chamber restrooms remodel; City Manager authorized to execute the contract in a form acceptable to the City Attorney.

- c. **Considering** – award of three-year contract for custodial maintenance services in the amount of \$376,000 per year to Enviro Clean Maintenance of Hayward, CA, with the option to extend the contract for two (2) additional one (1) year periods; and authorizing the City Manager to execute the contract in a form acceptable to the City Attorney. (Building Maintenance Fund) Recommended by the Director of Public Works.

This item was pulled from consideration by staff to return at a later date.

- d. **Considering** – adoption of Resolution No. 18-42 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 No. 20. (No fiscal impact) Recommended by the Director of Public Works.

CEQA: Not a project and/or exempt under CEQA Guidelines Sections 15060(c)(2), 15378 including subsection (b)(4), 15061(b)(3), and 15273.

ACTION: Resolution No. 18-42 adopted.

- e. **Considering** – adoption of Resolution No. 18-47 directing staff to fly the Rainbow Flag at the Civic Center throughout the month of June 2018. Recommended by the City Clerk.

ACTION: Resolution No. 18-47 adopted.

- f. **Considering** – approval of a Professional Services Agreement in the amount of \$22,000 with BKF for construction and right-of-way support services for Farm Bureau Road Complete Streets - Phase 2 (Wren Ave to Walnut Ave), Project No. 2354, and authorizing the City Manager to execute the Agreement. (Measure J funds) Recommended by the Director of Community and Economic Development.

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

ACTION: Professional Services Agreement in the amount of \$22,000 with BKF for construction and right-of-way support services for Farm Bureau Road Complete Streets – Phase 2, Project No. 2354, approved; City Manager authorized to execute the Agreement.

- g. **Considering** – approval of a budget transfer in the amount of \$168,600 for IT-related improvements at various locations: Operation Improvements along Parallel Arterials, Project No. 2356 and Farm Bureau Road Complete Streets Phase II, Project No. 2354. (IT Administrative Professional Services Funds) Recommended by the Director of Community and Economic Development.

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

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

ACTION: Budget transfer in the amount of \$168,600 for IT-related improvements at various locations approved.

10. LOCAL REUSE AUTHORITY (LRA)/CITY COUNCIL CONSIDERATION ITEMS

The public is entitled to address the LRA/City Council on items appearing on the agenda before or during the LRA's/City Council's consideration of that item. Each speaker will be limited to approximately three minutes.

LOCAL REUSE AUTHORITY CONSIDERATION ITEM

- a. **Considering** – approval of a 12-month extension of the Amended and Restated Agreement to Negotiate between the Local Reuse Authority (LRA) and Lennar Concord, LLC (Lennar) regarding the Development Phase One Property in the Community Reuse Project at the former Concord Naval Weapons Station. **Report by Guy Bjerke, Director, Community Reuse Planning.**

CEQA: Exempt/not a project under Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), 15061(b)(3), 15306, 15352, and 15378.

**ACTION: Report heard; public testimony given; 12-month extension of the Amended and Restated Agreement to Negotiate between the Local Reuse Authority and Lennar Concord, LLC regarding the Development Phase One Property in the Community Reuse Project at the former Concord Naval Weapons Station approved by the following vote of the Council:
AYES: Hoffmeister, McGallian, Birsan NOES: Obringer
ABSENT: Leone**

CITY COUNCIL CONSIDERATION ITEM

- b. **Considering** – Hall Sports Ventures request for a Memorandum of Support for a Master Planned Mixed Use Downtown Soccer Specific Stadium; authorizing staff to negotiate an Exclusive Negotiating Agreement for City property and investigate a Downtown Conference Center. **Report by John Montagh, Economic Development Manager.**

CEQA: Not a project/exempt under CEQA Guidelines Sections 15060(c)(2), 15352, 15378, and 15262.

ACTION: Report heard; public testimony given; advancement of the exploration of the Hall project supported by the following vote of the Council:

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

11. CONCORD/PLEASANT HILL HEALTH CARE DISTRICT BOARD (CPHHCD)/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 CPHHCD/Council level for discussion and action. Further comment from the audience will not be received unless requested by the CPHHCD/Council. No public hearing shall commence after 10 p.m. unless approved by majority vote of the CPHHCD/City Council.

CONCORD/PLEASANT HILL HEALTH CARE DISTRICT BOARD PUBLIC HEARING

- a. **Considering** – adoption of Resolution No. 18-015 authorizing the Executive Director to disburse funds and execute all attendant documents and agreements for Fiscal Year 2018-19 funding on behalf of the Concord/Pleasant Hill Health Care District. (Concord/Pleasant Hill Health Care District Funds) **Report by Brenda Kain, Housing and Community Services Manager.**

CEQA: Exempt under CEQA Guidelines Section 15060(c)(2), 15378 including, 15061(b)(3), and/or 15322.

ACTION: Report heard; opportunity for public testimony given; Resolution No. 18-015 adopted.

CITY COUNCIL PUBLIC HEARINGS

- b. **Considering** – adoption of Resolution Nos. 18-43, 18-44, 18-45, and 18-46, confirming the Assessment Diagrams and levying the annual assessments for the Downtown Landscape Maintenance District, Pine Hollow Estates Landscape & Lighting District, Landscape & Lighting District No. 3, and the Citywide Lighting Assessment District for Fiscal Year 2018-19. **Report by David Boatwright, Senior Administrative Analyst.**

CEQA: Not a project and/or exempt under CEQA Guidelines Sections 15060(c)(2), 15378, 15061(b)(3), and/or 15273.

ACTION: Report heard; opportunity for public testimony given; Resolution Nos. 18-43, 18-44, 18-45, and 18-46 adopted.

- c. **Considering** – adoption of Resolution No. 18-49 amending the Fiscal Year 2017-18 and FY 2018-19 Municipal Budgets and adopting Tier 1 and Tier 2 City Council Goals; adoption of Resolution No. 18-6042.2 amending Exhibit A to Resolution No. 78-6042 Establishing Fees and Charges for Various Municipal Services in the City of Concord; adoption of Resolution No. 18-4735.1 adopting the City of Concord Salary Schedule effective July 1, 2018; acceptance of the Final Report on Fiscal Stability Options; adoption of Resolution No. 18-50 adopting a 20-year Financial Forecast, Fiscal Stability Strategies, and Further Amending the FY 2018-19 Municipal Budget; and

adoption of Resolution No. 18-51 amending Policy and Procedure No. 129 – Budget and Fiscal Policies. **Report by Donna Lee, Budget Officer.**

CEQA: Exempt under Public Resources Code Section 21065, CEQA Guidelines Sections 15060, 15061, and/or 15378.

ACTION: Report heard; opportunity for public testimony given; Resolution Nos. 18-49, 18-6042.2, 18-4735.1, and 18-51 adopted.

- d. **Considering** – introduction of Ordinance No. 18-4 increasing Councilmember compensation by 4 percent to \$1,352 per month, to be effective after the November 2018 City Council election, by reading of the title only and waiving further reading. **Report by Joelle Fockler, City Clerk.**

ACTION: Report heard; opportunity for public testimony given; Ordinance No. 18-4 introduced by reading of the title only and waiving further reading by the following vote of the Council:

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

12. CORRESPONDENCE

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

- a. Concord Community Alliance handout submitted by Greg Colley
- b. Postcards submitted by Raise the Roof Coalition regarding rent increases
- c. Benched Item No. 9.c. – Memorandum from Justin Ezell, Director of Public Works
- d. Benched Correspondence Agenda item No. 11.d – Email from Teresa Fairbanks to Valerie Barone dated May 15, 2018
- e. Benched Item No. 10.a – Amended and Restated Agreement to Negotiate with Lennar
- f. Benched Correspondence Agenda item 10.b – Email from Hope Johnson dated May 21, 2018
- g. Benched Correspondence Agenda Item No. 10.b
- h. Agenda Item No. 10.b PowerPoint Presentation - Hall Sports Ventures
- i. Letter submitted by Steve Chappell, Walnut Creek Surf Soccer Club regarding Agenda Item No. 10.b
- j. Letter submitted by Neil Diaz, American Youth Soccer Associate regarding Agenda Item No. 10.b
- k. Letter submitted by Zach Sullivan, Diablo FC regarding Agenda Item No. 10.b
- l. Agenda Item No. 11.c Power Point Presentation – Public Hearing on FY 2017-18 and 2018-2019 Biennial Budget Mid-Cycle Update
- m. May 15, 2018, Letter from Mayor Birsan creating the Mayor’s Art Gallery Project Competition

13. REPORTS AND ANNOUNCEMENTS

- a. Closed Session Announcements –

City Attorney Susanne Brown reported out that the City Council has given authorization to initiate two legal actions and the defendants and other particulars will once formally commenced be disclosed to any person upon inquiry unless to do so would jeopardize the City’s ability to effectuate service of process on one or more unserved parties or that to do so would jeopardize the City’s ability to include existing settlement negotiations to the City’s advantage.

- b. City Manager or Staff Reports – **none**

- c. Council Reports -

Councilmembers shared information on upcoming events and activities and commented on items of interest.

14. ADJOURNMENT – 12:00 a.m. in memory of service men and women and former Contra Costa County Supervisor Eric Hasseltine.

Next Meeting: Special Meeting
Date: 5/29/2018 - 6:00 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.