

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/City
Council Sitting as the
Local Reuse Authority**

Tuesday,
August 28, 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 Leone

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.

Darby Witherspoon, San Francisco, requested that Council consider a plastic straw ban in Con

Travis Curran, Concord, requested that Council consider a plastic straw ban in Concord.

Michael Schneider, Concord, spoke of the need for crossing guards at public schools in Concord.

George Fulmore, Concord, spoke of potholes on Monument Boulevard, and the need for affordable housing.

Sara Zoccoli, Concord, spoke of the need for crossing guards at public schools in Concord.

Kenji Yamada, Concord, urged the Council to agendaize the Raise the Roof Coalition presentation at a Council meeting and suggested the Council use reusable straws and cups as an example to the public.

3. PRESENTATIONS – none

4. ANNOUNCEMENTS – none

5. TREASURER'S REPORT

- a. **Considering** – accepting the Quarterly Treasurer's Report for the period April 1 - June 30, 2018. **Report by Patti Barsotti, City Treasurer.**

ACTION: Quarterly Treasurer's Report for the period April 1 – June 30, 2018 accepted.

6. CITY COUNCIL/LOCAL REUSE AUTHORITY (LRA) CONSENT CALENDAR

The public is entitled to address the City Council/LRA on items appearing on the Consent Calendar before or during the City Council's/LRA's consideration of the Consent Calendar. Adoption of the Consent Calendar may be made by one motion of the City Council/LRA, 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.

CITY COUNCIL CONSENT CALENDAR

- a. **Considering** – approval of the minutes from the meetings of May 22, May 29, and June 5, 2018. Recommended by the City Clerk.

ACTION: Minutes from the meetings of May 22, May 29, and June 5, 2018 approved.

- b. **Considering** – adoption of Resolution No. 18-59 accepting the Fiscal year 2017/18 Consolidated Annual Performance and Evaluation report (CAPER) and authorizing the City Manager or designee to submit, on behalf of the City of Concord, the CAPER, consistent with the program rules which govern the Community Development Block Grant Program as required by the U.S. Department of Housing and Urban Development. Recommended by the Director of Community and Economic Development.

ACTION: Resolution No. 18-59 adopted.

- c. **Considering** – adoption of Resolution No. 18-56 approving the street name Enclave Lane for the Enclave Subdivision (No. 9179), consistent with the City’s Subdivision Ordinance. Recommended by the Director of Community and Economic Development.

CEQA: Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the naming of a street for an approved subdivision does not constitute a project under CEQA, per Section 15378 “Project”, and therefore, no further environmental review is required.

ACTION: Resolution No. 18-56 adopted.

- d. **Considering** – award of three-year contract for janitorial services in the amount of \$376,000 per year to Universal Building Services and Supply, Co. with the option to extend the contract for two (2) additional one (1) year periods; and authorizing the City Manager to execute a contract in a form acceptable to the City Attorney. (Building Maintenance Fund) Recommended by the Director of Public Works.

ACTION: Three-year contract for janitorial services in the amount of \$376,000 per year to Universal Building Services and Supply, Co. with the option to extend the contract for two (2) additional one (1) year periods awarded; and City Manager authorized to execute a contract in a form acceptable to the City Attorney.

- e. **Considering** – ratification of Construction Change Order No. 4 in the amount of \$453,747.50; authorizing the City Manager to execute a Professional Services Agreement Amendment with Swinerton Management and Consulting in the amount of \$104,550 for construction management services in a form acceptable to the City Attorney; authorizing a budget transfer of \$603,672.50 to the Operational Improvements Along Parallel Arterials Project, Project No. 2356 (\$300,000 from PEG Funds, \$303,672.50 from Fund 408); and authorizing staff to use project contingency funds for contract change orders of up to \$45,375. Recommended by the Director of Community and Economic Development.

CEQA: Exempt per California Environmental Quality Act (CEQA) Guidelines Sections 15301 – Existing Facilities, 15302 – Replacement and Reconstruction, 15303 – New Construction or Conversion of Small Structures, and 15304 – Minor Alterations to Land.

ACTION: Construction Change Order No. 4 in the amount of \$453,747.50 ratified; City Manager authorized to execute a Professional Services Agreement Amendment with Swinerton Management and Consulting in the amount of \$104,550 for construction management

services in a form acceptable to the City Attorney; budget transfer of \$603,672.50 to the Operational Improvements Along Parallel Arterials Project, Project No. 2356 (\$300,000 from PEG Funds, \$303,672.50 from Fund 408) authorized; staff authorized to use project contingency funds for contract change orders of up to \$45,375.

LOCAL REUSE AUTHORITY (LRA) CONSENT CALENDAR

- f. **Considering** – amendment of an Agreement for Professional Services increasing the not to exceed amount by \$24,000 for a total contract amount of \$181,800 with Towill, Inc. to provide land surveying services related to the Area Plan for the former Concord Naval Weapons Station; and authorizing the Executive Director of the Local Reuse Authority to execute the agreement, subject to approval from the City Attorney. (Funding has been provided by a loan to the Local Reuse Authority (LRA) from the City) Recommended by the Director of Community Reuse Planning.

ACTION: Amendment of an Agreement for Professional Services increasing the not to exceed amount by \$24,000 for a total contract amount of \$181,800 with Towill, Inc. to provide land surveying services related to the Area Plan for the former Concord Naval Weapons Station approved; and Executive Director of the Local Reuse Authority authorized to execute the agreement, subject to approval from the City Attorney.

- g. **Considering** – approval of an Amendment to a Professional Services Agreement with MIG for the Campus District Visioning Project in the amount of \$95,760 for a total not to exceed amount of \$115,786 and extending the term to September 30, 2019. (Funding will be provided by a loan to the LRA from the City) Recommended by the Director of Community Reuse Planning.

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

ACTION: Amendment to a Professional Services Agreement with MIG for the Campus District Visioning Project in the amount of \$95,760 for a total not to exceed amount of \$115,786 and extending the term to September 30, 2019 approved.

7. **CITY COUNCIL/LOCAL REUSE AUTHORITY (LRA) CONSIDERATION ITEMS**
The public is entitled to address the City Council/LRA on items appearing on the agenda before or during the City Council's/LRA's consideration of that item. Each speaker will be limited to approximately three minutes.

CITY COUNCIL CONSIDERATION ITEM

- a. **Considering** – Home-based Business Standards on clients and customers.
Report by Frank Abejo, Principal Planner.

ACTION: Report heard; public testimony given; direction to explore and prepare a draft ordinance for a site specific administrative permit process for an in home tutoring instruction with up to four students at a time and up to 12 students per day by the following vote of the Council:

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

LOCAL REUSE AUTHORITY CONSIDERATION ITEM

- b. **Considering** – adoption of Resolution No. 18-61 to form the Campus District Blue Ribbon Committee for the Campus District Visioning Project at the former Concord Naval Weapons Station and appointing members to the Committee. **Report by Kathleen Tropa, Assistant City Manager.**

ACTION: Resolution No. 18-61 adopted as amended to allow up to 15 members add Bob Linscheid - Special Advisor to the President of California Polytechnic University San Luis Obispo for Economic Development; and Satinder Malhi - Associate Director of Government and Community Affairs, California State University East Bay.

8. 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** adoption of Resolution No. 18-60 authorizing the Mayor to execute a Disposition and Development Agreement (DDA) with AvalonBay Communities, Inc. for the sale and development of an approximately three acre City owned parcel at 1765 Galindo Street bounded by Galindo Street, Concord, Boulevard, Clayton Road, and Mira Vista, Concord, CA, APN 126-143-012, for the appraised fair market value of \$4 million and confirming the associated California Environmental Quality Act determination.

CEQA: Exempt, including per CEQA Guidelines Section 15183. City has caused to be prepared an Infill Initial Study dated July 2018 ("Infill Initial Study") which concludes that the development project ("Project") as described in the Agreement meets the performance standards identified in

Appendix M of the CEQA Guidelines for infill projects in that (i) the proposed Project is not located near a high-volume roadway (defined as over 100,000 vehicles per day) and is located within one quarter (0.25) mile of an existing major transit stop (Bay Area Rapid Transit - Concord Station), and (ii) there are no project specific effects which are peculiar to the Project or the Town Center II Property that were not adequately addressed in the Environmental Impact Reports and related CEQA documentation prepared for the General Plan and/or Downtown Specific Plan.

ACTION: Item was not heard; continued to a date uncertain.

- b. Considering introduction of Ordinance No. 18-8 amending Concord Municipal Code Title 1 (General Provisions), Chapter 1.05 (General Provisions), Section 1.05.240 (Adoption of County Animal Control Ordinance) by reading of the title only and waiving further reading. **Report by Renee Williams, Police Sergeant.**

CEQA: Exempt/not a project per CEQA Guidelines Sections 15060(c), 15061(b)(2) and (3), 15273, 15321, 15378, and Public Resources Code Section 21065.

ACTION: Report heard; opportunity for public testimony given; Ordinance No. 18-8 introduced by reading of the title only and waiving of further reading.

9. **CORRESPONDENCE**

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

- a. PowerPoint Presentation – Home-Based Business Standards
- b. Benched Information – Agenda Item No. 7.a – Home-based Business Standards
- c. Benched Correspondence – Agenda Item No. 7.b – Blue Ribbon Committee Proposed Member Information
- d. Benched Correspondence – Agenda Item No. 8.b – e-mail received Friday, August 24, 2018 from Ron Glas
- e. PowerPoint Presentation – Adoption of County Animal Control Ordinance
- f. Comments submitted by Anna Rikkelman regarding Agenda Item No. 7.a
- g. School Crossing Guards flier and history submitted by Michael Schneider

10. **REPORTS AND ANNOUNCEMENTS**

- a. Closed Session Announcements – **none**
- b. City Manager or Staff Reports – **none**
- c. Council Reports

Vice Mayor Obringer proposed to have the use of Roundup heard by the Policy Development and Internal Operations Committee. There was support from the Council for the proposal.

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

11. ADJOURNMENT – at 9:30 p.m.

Next Meeting: Regular Meeting

Date: 9/4/2018 - 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.