

Please note 7:30 p.m.
Open Session Start Time

COUNCILMEMBERS

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

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



Tuesday,
December 11, 2018

6:00 p.m. - Closed Session
7:30 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 LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6
Agency designated representatives: Valerie Barone, City Manager; Jasmin Loi, Director of Human Resources; Donna Williamson, Esq., Liebert Cassidy Whitmore
Employee organizations: Administrative, Technical & Clerical Representation Unit and Field & Operations Representation Unit of International Brotherhood

of Teamsters Local 856; Professional Representation Unit of OPEIU Local 29; Peace Officer Representation Unit of Concord Police Officers Association and Police Managerial Representation Unit of Police Management Association.

Unrepresented employees: Executive, Management & Confidential Employees

ACTION: Closed session held.

4. RECESS TO OPEN SESSION

5. OPENING

Roll Call – all present

Pledge to the Flag – Vice Mayor McGallian

6. PUBLIC COMMENT PERIOD

This is a 15-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.

7. PRESENTATIONS - none

8. ANNOUNCEMENTS

- a. **Announcing** - openings on Concord's Board of Appeals, Design Review Board, Personnel Board, Planning Commission, Pavilion Outreach Committee, Bicycle and Pedestrian Advisory Committee, the Contra Costa Transit Authority – Citizen Advisory Committee, and the Central Contra Costa Transit Authority Advisory Committee and setting a deadline of Friday, January 11, 2019, at 5:00 p.m. for applications to be due to the City Clerk.

ACTION: Announcement made.

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 September 25, October 2, and October 9, 2018. Recommended by the City Clerk.

ACTION: Minutes approved.

- b. **Considering** – adoption of the 2019 City Council Meeting Calendar. Recommended by the City Clerk.

ACTION: 2019 City Council Meeting Calendar adopted.

- c. **Considering** – approval of a Professional Services Agreement in the amount of \$52,950 with SDI for an operational assessment of the Information Technology Department; and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney. (General Fund) Recommended by the Assistant City Manager.

ACTION: Professional Services Agreement in the amount of \$52,950 with SDI for operational assessment of the Information Technology Department approved; City Manager authorized to execute the agreement in a form acceptable to the City Attorney.

- d. **Considering** – (1) approval of a Professional Services Agreement with Alta Planning + Design in the amount of \$200,000 for a Complete Streets Feasibility Study for Willow Pass Road, Cowell Road, and Galindo Street and authorizing the City Manager to execute the Agreement in a form acceptable to the City Attorney; and (2) adoption of Resolution No. 18-77 appropriating \$177,060 in Sustainable Transportation Planning (STP) Grant funds to the Complete Streets Feasibility Study. (STP Grant and Measure Q Funds) Recommended by the Director of Community and Economic Development.

CEQA: Not a project/exempt under Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c)(2), 15061(b)(3), and/or Section 15378.

ACTION: Professional Services Agreement with Alta Planning + Design in the amount of \$200,000 for a Complete Streets Feasibility Study for Willow Pass Road, Cowell Road, and Galindo Street approved; City Manager authorized to execute the Agreement in a form acceptable to the City Attorney; Resolution No. 18-77 adopted.

- e. **Considering** – adoption of Resolution No. 18-72 finding that there remains a reasonable relationship between current needs for the Offsite Street Improvement Program (OSIP), Art in Public Places and Master Storm Drain Fees and the purposes for which they were originally charged (Government Code Section 66000 et. seq.) Recommended by the Director of Community and Economic Development.

ACTION: Resolution No. 18-72 adopted.

- f. **Considering** – award of a construction contract in the amount of \$294,300 to Rosas Brothers Construction of Oakland for the Citywide Accessibility Improvements No.5, Project No. 2426; and authorizing staff to utilize the available project contingency for contract change orders up to 10% of the contract amount. (Community Development Block Grant, Measure J Funds) Recommended by the Director of Community and Economic Development.

CEQA: The project qualifies for a Categorical Exclusion pursuant to National Environmental Protection Act (NEPA) Section 24 CFR 58.35(a)(2) and a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301, 15302, and 15304.

ACTION: Construction contract in the amount of \$294,300 awarded to Rosas Brothers Construction for the Citywide Accessibility Improvements No. 5, Project No. 2426; staff authorized to utilize the available project contingency for contract change orders up to 10 percent of the contract amount.

- g. **Considering** – approval of an Agreement for Professional Services with Open Counter Enterprises, Inc., of San Francisco, CA in an amount not to exceed \$158,900 for a three-year subscription to OpenCounter software and technological services, authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney. (Technology Fee Fund) Recommended by the Director of Community and Economic Development.

CEQA: Not a project and/or exempt from CEQA per CEQA Guidelines Section 15060(c)(2), 15378, and/or 15061(b)(3).

ACTION: Agreement for Professional Services with Open Counter Enterprises, Inc. in an amount not to exceed \$158,900 for a three-year subscription to OpenCounter software and technological services approved; City Manager authorized to execute the agreement in a form acceptable to the City Attorney.

- h. **Considering** – approval of an amendment to the Professional Services Amendment with Drake Haglan and Associates in the amount of \$42,300 for the construction management, inspection, and material testing services of the Farm Bureau Road Complete Streets Project (Project No. 2354); 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.

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

ACTION: Amendment to the Professional Services Agreement with Drake Haglan and Associates in the amount of \$42,300 approved; City Manager authorized to execute the agreement in a form acceptable to the City Attorney.

- i. **Considering** – approval of an upgraded, 5-year SmartNet service Plan with Cisco’s authorized agent, Quest Systems, for a total amount of \$164,597 providing 24-hour, year-round coverage for critical core network equipment and 8-hour weekday coverage for select non-critical components. (General Fund) Recommended by the Assistant City Manager.

ACTION: 5-Year SmartNet service plan with Cisco’s authorized agent, Quest Systems, for a total amount of \$164,597 providing 24-hour, year-round coverage for critical core network equipment and 8-hour weekday coverage for select non-critical components approved.

10. JOHN MUIR/MT. DIABLO HEALTH CARE DISTRICT BOARD/CITY COUNCIL CONSIDERATION ITEMS

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

John Muir/Mt. Diablo Health Care District Board Consideration Item

- a. **Considering** – appointing a Councilmember or holding a recruitment to appoint a member of the public as a City of Concord representative on the John Muir/Mt. Diablo Community Health Fund Board. **Report by Joelle Fockler, City Clerk.**

ACTION: Report heard; opportunity for public comment given; Dominic Aliano appointed to the John Muir/Mt. Diablo Community Health Fund Board for a term ending December 31, 2021.

City Council Consideration Items

- b. **Considering** – appointing councilmembers to represent the City Council on Council committees, ad hoc committees, and other project related committees, and regional bodies and boards of various external organizations of which the City is a member. **Report by Joelle Fockler, City Clerk.**

ACTION: Report heard; opportunity for public comment given; assignments made to the City Council standing committees and external agencies.

- c. Report to City Council on the Residential Rent Review Program in Accordance with Ordinance No. 17-7 and Multi-Family Rental Inspection Program; discussion of tenant protections and multi-family rental property

ownership concerns; considering further direction from City Council. Report by Sophia Sidhu, Housing Program Analyst, and Ryan Pursley, Chief Building Official. **This item is continued from the November 27, 2018, City Council Meeting. The report was presented and the public comment period was conducted at the November 27 meeting. Council consideration will occur at this meeting.**

ACTION: Report heard; staff directed to define formation and parameters of Ad Hoc Committee and put on January 8, 2019, City Council Meeting Agenda.

11. 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** – introduction of Ordinance No. 18-9 amending Concord Development Code Section 18.200.100 regarding restrictions on clients, customers, or students served by home-based businesses by reading of the title only and waiving further reading. **Report by Frank Abejo, Principal Planner.**

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

Councilmember Aliano disclosed that because he considered this item as a Planning Commissioner he was recusing himself from consideration of the item as a City Councilmember and left the dais.

ACTION: Report heard; public comment given; Ordinance No. 18-9 introduced with amendments by reading of the title only and waiving further reading by the following vote:

AYES: Birsan, Hoffmeister NOES: McGallian, Obringer ABSENT: Aliano

- b. **Considering** – adoption of Resolution No. 18-73 approving a Purchase and Sale Agreement with Major Brand Gas of Concord, Inc. for City owned property located at 1596 Concord Avenue (APN 126-043-018) in the amount of \$124,057; and authorizing the Mayor to execute all documents, deeds, and similar instruments needed to complete the transaction in a form acceptable to the City Attorney. **Report by John Montagh, Economic Development Manager.**

CEQA: 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, 15372, or 15378.

ACTION: Report heard; public comment given; Resolution No. 18-73 adopted.

12. CORRESPONDENCE

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

- a. Benched correspondence for Agenda Item No. 10.c – Residential Rent Review
- b. PowerPoint on Home-based Business Standards
- c. Benched correspondence for Agenda Item No. 11.a – Introduction of Ordinance No. 18-9

13. REPORTS AND ANNOUNCEMENTS

- a. Closed Session Announcements – **none**
- b. City Manager or Staff Reports – **none**
- c. Council Reports
Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

14. ADJOURNMENT – at 10:38 p.m.

Next Meeting: Regular Meeting

Date: 1/8/2019 6:30 p.m.

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