

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL/  
CITY COUNCIL SITTING AS THE  
LOCAL REUSE AUTHORITY  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, JULY 8, 2014

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Tuesday, July 8, 2014, with Vice Mayor Leone presiding. Mayor Grayson was absent, and the pledge of allegiance was led by Councilmember Birsan. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Dan Helix, Laura Hoffmeister,  
Ron Leone

COUNCILMEMBERS ABSENT: Tim Grayson

STAFF PRESENT: Valerie Barone, City Manager; Josh Clendenin, Assistant  
City Attorney; Scott Johnson, Assistant City Manager;  
Joelle Fockler, Deputy City Clerk; Victoria Walker,  
Director of Community and Economic Development;  
Tom Kuhlman, Director of Information Technology; Guy  
Swanger, Chief of Police; Laura Brunson, Human  
Resources Director; Robert Ovadia, City Engineer;  
Karan Reid, Director of Finance; Lesyle Asera,  
Community Relations Manager; Robert Ramirez,  
Economic Development Specialist; Dan Sequeira,  
Senior Civil Engineer; Andrew Mogensen, Interim  
Planning Manager; Margaret Romiti, Emergency/VIPS  
Manager; Robert Ovadia, City Engineer; Frank Abejo,  
Senior Planner

MEMBERS OF THE PUBLIC  
WHO ADDRESSED THE COUNCIL: Paul Poston, Concord; Roland Flamme, Concord;  
Sandra Luz Miller, Concord; George Fulmore, Concord;  
Robert Blazer, Concord; Kurt Leintz, Concord; Joel  
deValcourt, Greenbelt Alliance; Amie Fishman, East Bay  
Housing Organizations (EBHO); Reyes Ramos,  
Concord; Ray Barbour, Concord

PUBLIC COMMENT PERIOD

Paul Poston, Concord, commended Lt. Ivan Menchaca for his dedication to the community.

Roland Flamme, Concord, thanked the City Council for adopting the Ordinance amending the General Conditions for Keeping Livestock.

Sandra Luz Miller, Concord, spoke of the retaliation and harassment from her landlord.

George Fulmore, Concord, spoke of the high cost of tickets at the Concord Pavilion and Live Nation's ability to resell the tickets at a higher price.

PRESENTATIONS

PRESENTATION RECOGNIZING DOUG SCHUSTER

Vice Mayor Leone introduced Police Chief Guy Swanger who introduced Volunteer Margaret Romiti who presented Doug Schuster with a plaque recognizing him for his 17 years of leadership with the Neighborhood Patrol program.

COMMUNITY AND ECONOMIC DEVELOPMENT UPDATE

Vice Mayor Leone introduced Director of Community and Economic Development Director Victoria Walker who gave an update on Community and Economic Development Department programs and activities.

ANNOUNCEMENTS – None

CITY COUNCIL  
MATTERS

APPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by Birsan to approve the minutes for the meeting of June 10, 2014. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

APPROVAL OF THE TRANSFER OF FUNDS FROM PROJECT NO. 2019 TO THE INFORMATION TECHNOLOGY CONTRACT SERVICES ACCOUNT TO BE USED FOR A FIVE YEAR LEASE AGREEMENT AND APPROVAL OF A FIVE YEAR AMENDMENT TO A LEASE AGREEMENT – Astound Broadband Corporation

Motion was made by Hoffmeister and seconded by Birsan to approve the transfer of funds from Project No. 2019 in the amount of \$170,000 to Information Technology Contract Services account to be used for a five year lease agreement with Astound Broadband Corporation in the amount of \$10,830 per month for institutional fiber and internet services, and approving a five year amendment in the amount of \$4,500 per month to a lease agreement for co-location computer equipment space with Astound Broadband Corporation; and authorizing the City Manager to execute the agreements. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

APPROVAL OF AGREEMENT – Hello Housing

Motion was made by Hoffmeister and seconded by Birsan to approve an agreement with Hello Housing in the amount of \$49,000 for administering the City's Housing Conservation Program funded with Community Development Block Grant (CDBG) funds; and authorizing the City Manager to execute the agreement. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

MATTER SET FOR PUBLIC HEARING – Uncodified Ordinance Adopting a Newly Reformatted and Republished Municipal Code

Motion was made by Hoffmeister and seconded by Birsan to set a public hearing for Tuesday, July 22, 2014, at 6:30 p.m. in the Council Chamber and waiving the three week noticing period to consider an Uncodified Ordinance adopting a newly reformatted and republished Municipal Code for the City of Concord which will be maintained and hosted by Code Publishing Company as a link on the City's website. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

ADOPTION OF ORDINANCE NO. 14-6 – Adopting Clean Up Amendments to the 2012 Development Code

Motion was made by Hoffmeister and seconded by Birsan to adopt Ordinance No. 14-6 entitled, "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE AND ADOPTING CLEAN UP AMENDMENTS TO THE 2012 DEVELOPMENT CODE; VOLUME 1, DATED JULY 24, 2012 (FORMERLY CHAPTER 122 (ZONING) OF THE CONCORD MUNICIPAL CODE) TO REVISE VARIOUS ARTICLES AND SECTIONS; AMENDING TITLE 12 (STREET, SIDEWALKS, AND OTHER PUBLIC PLACES), CHAPTER 12.50 (VENDORS), SECTION 12.50.030 (VENDING LOCATIONS; PERMITS AND BUSINESS LICENSES; VENDOR OPERATIONS), SUBSECTION (a); AND TITLE 6 (ANIMALS), CHAPTER 6.10 (KEEPING NON-COMMERCIAL ANIMALS), SECTION 6.10.020 (DEFINITIONS), AND SECTION 6.10.030 (GENERAL CONDITIONS FOR KEEPING LIVESTOCK, COMPANION ANIMALS, AND FOWL)." Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

ADOPTION OF RESOLUTION NO. 14-52 – Authorizing the Submittal of a Priority Development Area (PDA) Planning Grant Application to the Contra Costa Transportation Authority

This item was pulled from the Consent Calendar by Vice Mayor Leone who thanked Staff and the Downtown Steering Committee for their work on this project, and commented that he believes this grant will help to improve the area which includes Oak, Grant, and Salvio Streets.

Motion was made by Hoffmeister and seconded by Birsan to adopt Resolution No. 14-52 entitled, "A RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMITTAL OF A GRANT APPLICATION TO THE CONTRA COSTA TRANSPORTATION AUTHORITY FOR THE FUNDING OF PLANNING ACTIVITIES UNDER THE PDA (PRIORITY DEVELOPMENT AREA) PLANNING GRANT PROGRAM." Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

ADOPTION OF RESOLUTION NO. 14-56 – Final Map for Tract 9234, Olive Drive No. 1 Subdivision

This item was pulled from the Consent Calendar by Kurt Leintz, Concord, who had concerns about lot line issues with the project.

City Engineer Robert Ovadia explained that the City is requesting approval of the Final Map; accept the public roadway and public utility easement offered for dedication; and authorization of the City Manager to execute the Subdivision Agreement and Stormwater Maintenance Agreement for Tract 9324, Olive Drive No. 1 Subdivision.

Receiving no questions from the City Council, Vice Mayor Leone opened a public comment period.

Robert Blazer, Concord, spoke of confusion over his property line, of which the back corner abuts the project property line.

Curt Leintz, Concord, spoke of his concern that a project was being approved with lot line issues that could have been addressed at the Design Review Commission level, and requested Council not adopt the final map.

Vice Mayor Leone closed the public comment period.

Following comments by the Council, a motion was made by Helix and seconded by Hoffmeister to adopt Resolution No. 14-56 entitled, "A RESOLUTION APPROVING THE FINAL MAP FOR TRACT 9324, OLIVE DRIVE NO. 1 SUBDIVISION, ASSESSOR'S PARCEL NO. 116-140-026." Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

**The City Council then convened as the Local Reuse Authority.**

CITY COUNCIL SITTING AS  
THE LOCAL REUSE AUTHORITY

APPROVAL OF MASTER SERVICES AGREEMENT – Johnson Marigot Consulting, LLC

Motion was made by Hoffmeister and seconded by Helix to approve a Master Services Agreement in the amount of \$5,000 with Johnson Marigot Consulting, LLC for Concord Community Reuse Project Disposition and Development Regulatory Support Services; and authorize the Executive Director to execute agreement. Motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

APPROVAL OF AMENDMENT TO MASTER AGREEMENT FOR PROFESSIONAL SERVICES -  
H. T Harvey & Associates (HTH)

Motion was made by Hoffmeister and seconded by Helix to approve an amendment not to exceed \$65,000 to the Master Agreement for Professional Services associated with preparation of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station with H. T. Harvey & Associates (HTH); and authorize the Executive Director to execute the amendment. Motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

APPROVAL OF AMENDMENT TO MASTER SERVICES AGREEMENT – HR&A Advisors, Inc. (HR&A)

Motion was made by Hoffmeister and seconded by Helix to approve an amendment not to exceed \$70,000 to the Master Services Agreement with HR&A Advisors, Inc. (HR&A) for professional services associated with the Economic Development Conveyance (EDC) Application and Business Plan and developer selection process at the Concord Naval Weapons Station (CNWS); and authorize the Executive Director to execute the amendment. Motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

APPROVAL OF AMENDMENT TO MASTER AGREEMENT FOR PROFESSIONAL SERVICES –  
Environmental Risk Services Corporation (ERS)

Motion was made by Hoffmeister and seconded by Helix to approve an amendment not to exceed \$85,000 to the Master Agreement for Professional Services associated with hazardous materials management, remedial assessment reviews, and risk management planning with Environmental Risk Services Corporation (ERS); and authorize the Executive Director to execute the amendment. The motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

APPROVAL OF AMENDMENT TO MASTER SERVICES AGREEMENT – ALH Urban & Regional  
Economics (ALH Economics)

Motion was made by Hoffmeister and seconded by Helix to approve an amendment not to exceed \$30,000 to the Master Services Agreement with ALH Urban & Regional Economics (ALH Economics) for professional services associated with disposition and land transfer planning at the Concord Naval Weapons Station (CNWS); and authorize the Executive Director to execute the amendment. The motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

APPROVAL OF AMENDMENT TO MASTER AGREEMENT FOR PROFESSIONAL SERVICES –  
Garrity and Knisely

Motion was made by Hoffmeister and seconded by Helix to approve an amendment not to exceed \$90,000 to the Master Agreement for Professional Services with Garrity and Knisely for Concord Community Reuse Project legal services; and authorize the City Attorney to execute the amendment. The motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

APPROVAL OF AMENDMENT TO MASTER SERVICES AGREEMENT – The Law Offices of Craig Labadie

Motion was made by Hoffmeister and seconded by Helix to approve an amendment in the amount of \$18,000 with the Law Offices of Craig Labadie for Concord Community Reuse Project disposition and development legal services; and authorize the City Attorney to execute the amendment. The motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone            NOES: None            ABSENT: Grayson

APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – Burke, Williams & Sorensen, LLP

Motion was made by Hoffmeister and seconded by Helix to approve an amendment to the Professional Services Agreement for specialized legal services with Burke, Williams & Sorensen, LLP in the amount of \$80,000 in connection with transactional legal support for the transfer for the former Concord Naval Weapons Station (CNWS); and authorize the City Attorney to execute the amendment. The motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone            NOES: None            ABSENT: Grayson

APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – Ebbin Moser + Skaggs, L.L.P.

Motion was made by Hoffmeister and seconded by Helix to approve an amendment to the Professional Services Agreement for Specialized Legal Services with Ebbin Moser + Skaggs, L.L.P. in the amount of \$70,000 in connection with development of a natural resource conservation strategy and site wide resource permits for the Concord Reuse Project Area Plan; and authorize the City Attorney to execute the amendment. The motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone            NOES: None            ABSENT: Grayson

APPROVAL OF AMENDMENT TO MASTER SERVICES AGREEMENT – ARUP, Inc.

Motion was made by Hoffmeister and seconded by Helix to approve an amendment to the Master Services Agreement with ARUP, Inc. for professional services associated with land transfer/development planning at the Concord Naval Weapons Station (CNWS); and authorize the Executive Director to execute the amendment. The motion passed by the following vote of the Authority:

AYES: Birsan, Helix, Hoffmeister, Leone            NOES: None            ABSENT: Grayson

**The Local Reuse Authority reconvened as the Concord City Council.**

ACCEPTANCE OF DRAFT HOUSING ELEMENT UPDATE 2014-2022 (GENERAL PLAN AMENDMENT – PL14212-GP) AND AUTHORIZE SUBMITTAL TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Interim Planning Manager Andy Mogensen introduced Janet Smith-Heimer, BAE Urban Economics, who presented a summary of the Housing Element process to date, referring to the memorandum dated July 8, 2014.

Following questions by the Council, Vice Mayor Leone opened a public comment period.

Joel deValcourt, Greenbelt Alliance, thanked staff and the consultant and noted that they would like to see a Nexus study on housing fees be performed at this time, even if the fees are not raised at this time.

Amie Fishman, East Bay Housing Organizations (EBHO), spoke of EBHO's concern of waiting to perform a Nexus study on housing fees and requested that the study be performed before the market cycle has passed.

Vice Mayor Leone closed the public comment period.

Following comments by Council, a motion was made by Helix and seconded by Hoffmeister to accept the Draft Housing Element Update 2014-2022; and authorize submission to the State Department of Housing and Community Development for the required 60-day review and comment period. The motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

CONSIDERATION OF A REQUEST FOR RECONSIDERATION – Increase Various Parking Fine Fees

Councilmember Helix presented an oral report explaining his request for reconsideration of the action taken at the meeting of June 24, 2014 to increase various Parking Fine fees to match the highest charged in Contra Costa County as presented in the memorandum (Staff Report) dated June 24, 2014, and incorporated by consent into Resolution No. 14-6042.1, where Councilmember Helix formally stated his support of the motion made by Councilmember Birsan and confirmed by the majority of the Council for inclusion into the Resolution, which was adopted unanimously.

A motion was made by Helix and seconded by Birsan that the Council reconsider the previously adopted increases in fines for these parking violations, as set forth in the Fiscal Year 2014-15 Master List of Fees and Charges, and that this item be placed on the agenda for the July 22, 2014 City Council meeting. The motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone      NOES: None      ABSENT: Grayson

Vice Mayor Leone opened and closed a public comment period without receiving any comments.

A motion was made by Birsan and seconded by Helix for reconsideration of a senior discount for lap swim fees, and that this item be placed on the agenda for the July 22, 2014 City Council meeting. The motion passed by the following vote of the Council:

AYES: Birsan, Helix, Leone      NOES: Hoffmeister      ABSENT: Grayson

INTRODUCTION OF ORDINANCE NO. 14-5 – Amending Concord Municipal Code Sections 10.25.010 (Truck routes), 10.25.020 (Commercial vehicles prohibited from using certain streets), and 10.25.030 (Restrictions on use of Pine Hollow Road)

Transportation Manager Ray Kuzbari, referring to his memorandum dated July 8, 2014, presented a report proposing to update the City's weight limit for commercial vehicles that are required to use truck routes from three tons to five tons, in accordance with State policy for registering commercial motor vehicles.

Vice Mayor Leone opened and closed a public comment period without receiving any comments.

Following comments by the Council, a motion was made by Helix and seconded by Hoffmeister to Introduce Ordinance No. 14-5 entitled, "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 10 (TRAFFIC AND VEHICLES), CHAPTER 10.25 (RESTRICTED USE OF CERTAIN STREETS), SECTION 10.25.010 (TRUCK ROUTES); SECTION 10.25.020 (COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS); AND SECTION 10.25.030 (RESTRICTIONS ON USE OF PINE HOLLOW ROAD)." The motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone                      NOES: None                      ABSENT: Grayson

INTRODUCTION OF ORDINANCE NO. 14-7 – Amending Concord Municipal Code to include a new section on valet parking passenger loading/unloading zones and other related updates

Transportation Manager Ray Kuzbari, referring to his memorandum dated July 8, 2014, presented a report proposing to amend the Municipal Code to include a new section on valet parking passenger loading/unloading zones and other related updates; and, if adopted, authorize staff to approve the first qualified valet parking request as a pilot project on a six-month basis.

Following questions by the Council, Vice Mayor Leone opened a public comment period.

Reyes Ramos, Concord, owner of Agave Restaurant, spoke in support of the Ordinance.

Vice Mayor Leone closed the public comment period.

Following comments by the Council, a motion was made by Helix and seconded by Hoffmeister to Introduce Ordinance No. 14-7 entitled, "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 10 (TRAFFIC AND VEHICLES), CHAPTER 10.30 (STOPPING, STANDING, AND PARKING) ADDING NEW SECTIONS 10.30.305 (VALET PARKING PASSENGER LOADING/UNLOADING ZONES) AND OTHER RELATED UPDATES," with amendments proposed by Councilmember Hoffmeister; and authorize staff to approve the first qualified valet parking request as Pilot project on a six-month trial basis. The motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister, Leone                      NOES: None                      ABSENT: Grayson

CORRESPONDENCE

- a. Letter to Senator Correa re: AB 2471 (Frazier) Public contracts: change orders. *(As amended May 23, 2014)* Notice of Opposition.
- b. Photos submitted by Sandra Luz Miller during Public Comment.
- c. *Room for Life Science & Biotechnology – Businesses to Grow* brochure prepared by the City of Concord Economic Development Department.
- d. Concord Housing Element Update 2014-2022 PowerPoint Presentation.
- e. State of California – DMV – Commercial Vehicle Registration Act (CVRA) Process handout.
- f. DMV Registration of Pickup Trucks handout.
- g. Benched Ordinance No. 14-5.

- h. Benched Ordinance No. 14-7.
- i. List of events that Vice Mayor Leone attended dated June 25 – July 8, 2014.

PUBLIC COMMENTS ON PRESENTATION ITEMS

Ray Barbour, Concord, stated that he noticed the new addition to the agenda, Public Comments on Presentation Items, and suggested that when presentations are completed, the mayor make an announcement stating that a time for comments on presentations will be allotted toward the end of the meeting.

CLOSED SESSION REPORTS - None

COUNCIL AND STAFF REPORTS

Councilmembers shared information on events and meetings in which they had recently participated, and identified future activities that they would be attending.

By order of the Vice Mayor, the meeting was adjourned at 9:40 P.M.

  
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RON LEONE  
VICE MAYOR

  
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JOELLE FOCKLER, CMC  
DEPUTY CITY CLERK