

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL/CITY  
COUNCIL SITTING AS THE LOCAL  
REUSE AUTHORITY  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, FEBRUARY 24, 2015

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, February 24, 2015, with Mayor Grayson presiding. 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, Ron Leone, Laura Hoffmeister, Tim Grayson

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Valerie Barone, City Manager; Mark Coon, City Attorney; Joelle Fockler, City Clerk; Marsha Moore, Deputy City Clerk; Victoria Walker, Director of Community and Economic Development; Guy Swanger, Chief of Police; Joan Carrico, Director of Community and Recreation Services; Justin Ezell, Director of Public Works; Laura Brunson, Director of Human Resources; Mike Wright, Executive Director Local Reuse Authority; Jovan Grogan, Deputy City Manager; Laura Simpson, Planning Manager; Frank Abejo, Senior Planner; Joan Ryan, Senior Planner; Susanne McDonald, Ray Kuzbari, Transportation Manager; Leslye Asera, Community Relations Manager; Jeff Roubal, Program Manager

MEMBERS OF THE PUBLIC  
WHO ADDRESSED THE COUNCIL: Paul Poston, Concord; Ray Barbour, Concord; Kenji Yamada, Concord.

PUBLIC COMMENT PERIOD

Paul Poston, Concord, spoke to the Concord Naval Weapons Station Developer presentations from February 10 and 11 and thanked the Council and staff for their time. He was apprehensive of the first two developers' presentations and felt the third presentation followed the recommendations of the Committee.

## PRESENTATIONS

2014 CONCORD PAVILION SEASON

Mayor Grayson introduced Matt Prieshoff, Chief Operating Officer, Live Nation, who gave an overview of the 2014 Concord Pavilion Season and highlighted some of the performances scheduled for the 2015 Season.

DOWNTOWN CONCORD BART STATION INTERMODAL PROJECT

Senior Planner Joan Ryan introduced BART District I Director Gail Murray who introduced Project Manager Sadie Graham. Ms. Graham made a presentation regarding the Downtown Concord BART Station Intermodal Project.

ANNOUNCEMENTS

City Clerk Joelle Fockler announced an extension to the recruitment to fill five positions on the Measure Q Oversight Committee and one position on the Central Contra Costa Transit Authority Advisory Committee; and set Friday, March 13, 2015, at 5 p.m. as the deadline for receipt of applications by the City Clerk for the Measure Q Oversight Committee and Friday, March 27, 2015, at 5 p.m. as the deadline for receipt of applications by the City Clerk for the Central Contra Costa Transit Authority Advisory Committee.

CITY COUNCIL  
MATTERSAPPROVAL OF MINUTES

Motion was made by Helix and seconded by Hoffmeister to approve the minutes for the meetings of January 27, 2015. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 15-10 – Used Oil Competitive Grant Program Funding

Motion was made by Helix and seconded by Hoffmeister to adopt Resolution No. 15-10 entitled, "A RESOLUTION AUTHORIZING THE APPLICATION FOR THE CALRECYCLE USED OIL COMPETITIVE GRANT." Motion passed by unanimous vote of the Council.

ACCEPTANCE OF \$250,000 PRIORITY DEVELOPMENT AREA PLANNING GRANT -  
Downtown Corridors Plan

Motion was made by Helix and seconded by Hoffmeister to accept the \$250,000 Priority Development Area (PDA) Planning Grant from the Contra Costa Transportation Authority (CCTA) for preparation of the Downtown Corridors Plan; approve the Cooperative Funding Agreement with CCTA and authorize the City Manager to execute the agreement and any related amendments; and confirm staff's selection of the consultant for the project as ARUP from the CCTA's approved list. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 15-11 – Audit of Sales and Use Tax Transactions

Motion was made by Helix and seconded by Hoffmeister to enter into an agreement with Hinderliter, de Llamas and Associates for sales, use and transaction tax audit and recover services in an amount not to exceed \$9,000 plus 15 percent of the sales and use tax revenue recovered by the consultant during the contract period and 25 percent of the transaction tax revenue recovered by the consultant during the contract period, and adopt Resolution No. 15-11

entitled, "A RESOLUTION AUTHORIZING EXAMINATION OF SALES AND USE TAX RECORDS." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 15-12 – Hofmann Family Seating and Parking at the Pavilion

Motion was made by Helix and seconded by Hoffmeister to enter into a Side Letter Agreement with Live Nation and adopt Resolution No. 15-12 entitled, "A RESOLUTION CONFIRMING THE CITY OF CONCORD'S COMMITMENT TO REQUIRE LIVE NATION AND ANY FUTURE CONCORD PAVILION OPERATOR TO PROVIDE THE HOFMANN FAMILY WITH VIP PARKING AND SEATING AT THE PAVILION." Motion passed by unanimous vote of the Council.

The Council then reorganized as the Local Reuse Authority to conduct the following business:

CITY COUNCIL SITTING  
AS THE LOCAL REUSE AUTHORITY

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

Motion was made by Hoffmeister and seconded by Helix to authorize the Executive Director to execute an amendment to the existing Master Services Agreement with ALH Economics for an amount not to exceed \$15,000 for professional services associated with disposition and land transfer planning at the Concord Naval Weapons Station (CNWS). Motion passed by unanimous vote of the Authority.

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

Motion was made by Hoffmeister and seconded by Helix to authorize the City Attorney to execute an amendment to the Master Professional Services Agreement with Burke, Williams & Sorensen, LLP, in an amount not to exceed \$35,000 for specialized transactional legal services. Motion passed by unanimous vote of the Authority.

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

Motion was made by Hoffmeister and seconded by Helix to authorize the Executive Director to execute an amendment to the Master Agreement for Professional Services with Environmental Risk Services Corporation (ERS) in an amount not to exceed \$120,000 for professional services associated with hazardous materials management, remedial assessment reviews, and risk management planning. Motion passed by unanimous vote of the Authority.

AMENDMENT TO THE MASTER AGREEMENT FOR PROFESSIONAL SERVICES – Garrity and Knisely

Motion was made by Hoffmeister and seconded by Helix to authorize the City Attorney to execute an amendment to the Master Agreement for Professional Services with Garrity and Knisely in an amount not to exceed \$30,000 for Concord Community Reuse Project legal services. Motion passed by unanimous vote of the Authority.

AMENDMENT TO THE MASTER SERVICES AGREEMENT – ARUP, Inc.

Motion was made by Hoffmeister and seconded by Helix to authorize the Executive Director to execute an amendment to the Master Services Agreement with ARUP, Inc. in an amount not to exceed \$62,000 for professional services associated with land

transfer/development planning at the Concord Naval Weapons Station (CNWS). Motion passed by unanimous vote of the Authority.

AMENDMENT TO THE MASTER AGREEMENT FOR PROFESSIONAL SERVICES – H. T. Harvey & Associates (HTH)

Motion was made by Hoffmeister and seconded by Helix to authorize the Executive Director to execute an amendment to the Master Agreement for Professional Services with H. T. Harvey & Associates (HTH) in an amount not to exceed \$35,000 for professional services associated with preparation of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station (CNWS). Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER AGREEMENT FOR PROFESSIONAL SERVICES – Engineering Science Associates (ESA)

Motion was made by Hoffmeister and seconded by Helix to authorize the Executive Director to execute an amendment to the Master Agreement for Professional Services with Engineering Science Associates (ESA) in an amount not to exceed \$31,000 for professional services associated with preparation of conceptual flood management plans and creek restoration plans in support of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station (CNWS). Motion passed by unanimous vote of the Authority.

The Authority reorganized as the City Council for the City of Concord and continued the meeting agenda.

APPOINTMENT TO THE CITY OF CONCORD'S PERSONNEL BOARD

Motion was made by Hoffmeister and seconded by Grayson to appoint incumbents Randall Elbert Horton and Susan Buckland and applicant Robert Ferrier to the City of Concord Personnel Board. Motion passed by unanimous vote of the Council.

APPEAL OF PLANNING COMMISSION APPROVAL – Oakmont Senior Living Use Permit and Design Review Application (PL1400211-UP,DR)

Grayson, Helix and Leone each disclosed that they had separately met with individuals involved in the appeal and they had told those individuals that no determination would be made until the appeal was heard before the Council.

Senior Planner Frank Abejo presented a report, referring to the memorandum dated February 24, 2015, and reporting that the appellant, Oakmont Senior Living LLC filed a timely appeal of the January 7, 2015 Planning Commission approval of a Use Permit and Design Review application to construct an approximately 100,000 square-foot, 76-unit, senior assisted living facility at 1401 Civic Court. Mr. Abejo noted that the appeal was requesting an amendment to a condition of approval related to parking requirements.

William Mabry, Oakmont Senior Living, LLC, described the reason for the appeal, noting that Oakmont Senior Living could accept a modification to Condition of Approval No. 28 implementing TMP Level 1 effective immediately and implementing twenty (20) off-site employee parking spaces as part of TMP Level 2.

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

Ray Barbour, Concord, spoke of the quality of the project and his agreement with the appellant's request.

Following comments by the Council, a motion was made by Hoffmeister and seconded by Birsan to adopt Resolution No. 15-9 entitled, "A RESOLUTION DENYING AN APPEAL BY OAKMONG SENIOR LIVING, LLC, AND UPHOLDING THE APPROVAL FOR THE OAKMONT

SENIOR LIVING USE PERMIT AND DESIGN REVIEW (PL1400211 – UP, DR)" and approving the Oakmont Senior Living Use Permit and Design Review (PL1400211), with a deed restriction and revisions to Condition of Approval #28 as follows:

*28. Implement the Transportation Management Plan (TMP) prepared by Crane Transportation Group, dated December 22, 2014, subject to the amendments set forth herein. The TMP shall be implemented on an on-going basis to ensure adequate parking is provided for Oakmont residents, employees, and visitors at all times. The TMP is hereby amended to require the following prior to issuance of Certificate of Occupancy:*

*(a) TMP Level 1 shall be in effect immediately. Criteria shall be established as to when each additional TMP level is triggered, as approved by the Transportation Manager.*

*(b) Notice shall be posted in conspicuous public locations (including the lobby or concierge desk) and in employee areas directing Oakmont residents, employees, and visitors to lodge parking complaints with the City; and*

*(c) Twenty (20) off-site employee parking spaces shall be provided as part of TMP Level 2 in place of TMP Level 3.*

The motion passed by unanimous vote of the Council.

CORRESPONDENCE – none.

PUBLIC COMMENT ON PRESENTATIONS MADE

Kenji Yamada, Concord, spoke to the presentation by BART regarding the Downtown BART Station Intermodal project, thanked the Council for its questions, and addressed questions to BART which he planned to also email to them.

CLOSED SESSION REPORTS

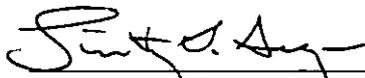
City Attorney Mark Coon reported that at a closed session held on November 25, 2014 regarding the workers' compensation claim of Richard Eidson v. City of Concord (Worker's Compensation Appeals Board Case Number ADJ23612) the City Council, by unanimous vote, approved a settlement offer to resolve the case in the amount of \$71,449. On Monday, February 23, 2015, Mr. Eidson accepted that settlement offer, and the case has been formally dismissed.

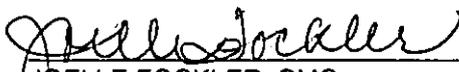
COUNCIL AND STAFF REPORTS

Councilmembers shared information on recent events they had attended in the community, including the Chamber of Commerce Crab feed held on February 20, 2015.

Mayor Grayson requested and received concurrence that Policy & Procedure No. 37.4 be brought before the PD&IO Committee for discussion

By order of the Mayor, the meeting was adjourned at 8:55 p.m.

  
TIMOTHY S. GRAYSON  
MAYOR

  
JOELLE FOCKLER, CMC  
CITY CLERK