

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, MAY 10, 2016

The Concord City Council met in a regular meeting in the City Council Conference Room located in Wing A at 1950 Parkside Drive at 5:30 p.m. on Tuesday, May 10, 2016, with Mayor Hoffmeister presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session to confer with Labor Negotiators pursuant to Government Code Section 54957.6. City Negotiators: Valerie Barone, City Manager; Jovan Grogan, Deputy City Manager; Johnathan Holtzman, Esq. and Don Turko of Renne, Sloan, Holtzman & Sakai. 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 Units: Executive, Management, and Confidential employees.

The meeting recessed at 6:10 p.m. to reconvene in regular session in the Council Chamber.

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:15 p.m. on Tuesday, May 10, 2016, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Vice Mayor Leone. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

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

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Tim McGallian, City Treasurer, Joelle Fockler, City Clerk; Jovan Grogan, Deputy City Manager; Guy Swanger, Chief of Police; Karan Reid, Director of Finance; Victoria Walker, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Steve Voorhies, Director of Parks and Recreation; Laura Simpson, Planning Manager; Andrew Mogensen, Principal Planner; Robert Ovadia, City Engineer; John Montagh, Economic Development and Housing Manager; Leslye Asera, Community Relations Manager; Brian Nunnally, Business Development Manager; Mario Camorongon, Senior Civil Engineer; David Boatwright, Administrative Analyst; Pedro Garcia, Economic Development Specialist

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Alan Smith, Contra Costa Library Commission; Paul Poston, Concord; Florence Weiss, Downtown Program Manager; Smitty, Concord

PUBLIC COMMENT PERIOD

Alan Smith, Contra Costa Library Commission, presented a flyer highlighting the Concord Library 2016 Annual Report.

Paul Poston, Concord, congratulated the City Attorney and thanked the City and the Code Enforcement Division for partnering with Garaventa Enterprises and coordinating the neighborhood clean-up of the Sun Terrace Neighborhood.

Florence Weiss, Downtown Program Manager, announced the upcoming Music and Market Series and thanked the sponsors for participating.

Smitty, Concord, announced Bike to Work Day to be held Thursday, May 12, 2016.

STUDY SESSION – Bicycle, Pedestrian and Safe Routes to Transit Plan

Principal Planner Andrew Mogensen presented a report commenting that the study session was intended to provide the City Council with an overview of the City's recently released Draft Bicycle, Pedestrian, and Safe Routes to Transit Plan and noted that the Plan is available on the City's website. He introduced Jennifer Donlon-Wyant, Principal, Alta Planning and Design, who presented an overview on the current status of the Draft Bicycle, Pedestrian and Safe Routes to Transit Plan.

Following questions and comments from the Council, Mayor Hoffmeister opened a public comment period.

Kenji Yamata, Bike Concord, read into the record a letter he submitted as benched correspondence for the study session.

Laura Nakamura, Bike Concord, spoke of bike safety and having Class IV separated bikeways on Concord Boulevard, Clayton Road, Monument Boulevard, and Willow Pass Road.

Yelena Myakisheva, Concord, stated that the Monument is a neighborhood and should be treated like a neighborhood, and spoke of local artists painting the bike lanes in different designs for visibility.

Amy Ma, Concord, spoke of safe bike routes and asked if the truck route could be eliminated from Solano Avenue to make the road safer.

Mayor Hoffmeister closed the public comment period and reminded the public that additional opportunities for review and comments are available at the Parks, Recreation and Open Space Committee meeting scheduled for May 11, 2016, the Planning Commission Study Session scheduled for May 18, 2016, and the Bicycle, Pedestrian and Safe Routes to Transit Plan Advisory Committee scheduled for May 23, 2016.

OPEN SESSION

PUBLIC COMMENT

Jay Bedecarre, Clayton, announced the 28<sup>th</sup> annual Bay Area KidFest scheduled for 10 a.m. - 6 p.m., May 27-29, at Mt. Diablo High School, 2450 Grant Street.

Joe Partansky, Concord, requested modifications regarding ADA compliance to the Concord Connect app.

Harmesh Kumar, Concord, requested that enforcement for political signs be conducted equally for all candidates.

Rev. Richard Mangini, Concord, requested that topic of rent control be sent to the Housing & Economic Development City Council Committee.

Set Olaf Candanosa, Concord, requested assistance with rent control in Concord.

Gloria Ayala, Concord, requested assistance with rent control in Concord.

Eduardo Torres, Tenants Together, introduced himself to the Council, and spoke of the work he is doing with Concord citizens to organize tenants for basic human rights.

George Fulmore, Concord, spoke of rent control in Concord.

Isabel Lara, Concord, requested assistance with rent control in Concord.

Casilda Gonzales, Concord, requested that the main City phone number on the website be changed from 671-CITY to 671-3000.

#### PRESENTATIONS

##### PUBLIC WORKS DEPARTMENT AWARD OF EXCELLENCE – Juan Silva

Director of Public Works Justin Ezell introduced award recipient Juan Silva who was presented with the Public Works Department Award of Excellence by Mayor Hoffmeister.

##### PROCLAMATION – SMALL BUSINESS APPRECIATION DAY

Mayor Hoffmeister presented Marilyn Fowler, President/CEO of the Concord Chamber of Commerce a proclamation declaring May 10, 2016, "Small Business Appreciation Day" in the City of Concord.

##### BUSINESS RECOGNITION AWARDS – Tower Grille and Epidemic Ales

Economic Development Specialist Pedro Garcia presented an overview of the Business Recognition Awards program and introduced Marilyn Fowler, President/CEO of the Concord Chamber of Commerce who presented Business Recognition Awards to Gordon Clarke of Tower Grille and Erin Schally of Epidemic Ales.

#### ANNOUNCEMENTS - None

##### TREASURER'S REPORT – January 1 – March 31, 2016

City Treasurer Tim McGallian presented the Quarterly Treasurer's Report for the period January 1 – March 31, 2016.

Motion was made by Grayson and seconded by Leone to accept the Quarterly Treasurer's Report for the period January 1 – March 31, 2016. Motion carried by unanimous vote of the Council.

##### APPROVAL OF MINUTES – February 23, March 1 and March 18, 2016

Motion was made by Helix and seconded by Grayson to approve the minutes from the meetings of February 23, March 1, and March 18, 2016. Motion carried by unanimous vote of the Council.

##### SET PUBLIC HEARING

Motion was made by Helix and seconded by Grayson to set a public hearing for Tuesday, June 7, 2016, at 6:30 p.m. in the Council Chamber to consider a proposal for a Development

Agreement between the City of Concord and Swift Realty Partners, LLC. Motion carried by unanimous vote of the Council.

#### SET PUBLIC HEARING

Motion was made by Helix and seconded by Grayson to set a public hearing for Tuesday, June 7, 2016, at 6:30 p.m. in the Council Chamber to consider the Concord/Pleasant Hill Health Care District Grant Committee FY 2016-17 funding recommendations for community health programs. Motion carried by unanimous vote of the Council.

#### APPROVAL OF PROFESSIONAL SERVICES AGREEMENT AMENDMENT – Citywide Bridge Preventative Maintenance Program (BPMP) 5135 (039), Project No. 2060

Motion was made by Helix and seconded by Grayson to approve Professional Services Agreement Amendment No. 5 with AECOM of Sacramento in the amount of \$281,939.76 for civil engineering design and environmental services for the Citywide Bridge Preventative Maintenance Program (BPMP) 5135 (039), Project No. 2060, extend the Agreement to June 30, 2017; and authorize the City Manager to execute the Amendment. Motion carried by unanimous vote of the Council.

#### CONTRA COSTA COUNTY AVIATION ADVISORY COMMITTEE APPOINTMENT – Keith McMahon

Motion was made by Helix and seconded by Grayson to confirm the recommendation for appointment of Keith McMahon to continue to serve as the City of Concord's representative on the Contra Costa County Aviation Advisory Committee for a three-year term ending March 1, 2019. Motion carried by unanimous vote of the Council.

#### APPROVAL OF BUDGET TRANSFER – Detroit Avenue Bicycle and Pedestrian Improvements Project, Project No. 2276

This item was pulled from the Consent Calendar by Mayor Hoffmeister.

Motion was made by Helix and seconded by Birsan to approve a budget transfer in the amount of \$65,000 for the Detroit Avenue Bicycle and Pedestrian Improvements Project, Project No. 2276. Motion carried by unanimous vote of the Council.

#### APPOINTMENT TO MEASURE Q OVERSIGHT COMMITTEE

Motion was made by Hoffmeister and seconded by Leone to appoint Darrin Walters to fill an unscheduled vacancy for the business representative on the Measure Q Oversight Committee for a term ending December 31, 2019. Motion carried by unanimous vote of the Council.

#### AWARD OF CONTRACT – Concord Various Streets Preservation Project, Project No. 2292

This item was continued from the April 26, 2016, City Council meeting. City Engineer Robert Ovadia reported that the Concord Various Streets Project includes roadway improvements for Concord Boulevard between Sixth Street and Port Chicago Highway and Arnold Industrial Way between Port Chicago Highway and Pike Lane.

Mr. Ovadia stated that the item was considered by the City Council on April 26, 2016, was continued to the May 10 meeting, and that the staff report includes responses to questions raised during the April 26, 2016, meeting.

Following questions by the City Council, Mayor Hoffmeister opened a public comment period, and upon receiving no comments, closed the public comment period.

A motion was made by Birsan and seconded by Leone to award a Construction Contract in the amount of \$1,105,789, for the Base Bid and Bid Alternate B and C, to Granite Construction and direct staff to modify the contract as necessary; authorize staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; accept and appropriate CalRecycle grant funding into the project budget; authorize the City manager to execute the Contract; approve a Professional Services Agreement with Swinerton Management and Consulting of Concord in the total not-to-exceed amount of \$140,550 (\$103,050 for construction management and \$37,500 for materials testing) for construction management, construction inspection, and material testing services, and direct staff to modify the agreement as necessary; authorize the City Manager to execute the agreement; and approve a \$310,000 transfer of unallocated Measure Q - Lease Revenue Finance Agreement Funds from the Pavement Maintenance Annual Program - Holding Account, Project No. 2157, to the Concord Various Streets Preservation Project, Project No. 2292. Motion carried by unanimous vote of the Council.

RESOLUTION NO. 16-31 – Issuance of \$546,000,000 in Tax-Exempt Obligations on behalf of John Muir Health

Business Development Manager Brian Nunnally reported that the Council was being asked to approve Resolution No. 16-31 pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986 for the California Statewide Communities Development Authority to issue up to \$546,000,000 in tax-exempt obligations on behalf of John Muir Health.

He explained that the California Statewide Communities Development Authority (CSCDA) is a joint exercise powers authority sponsored by the League of California Cities and California State Association of Counties, and Concord is among the more than 500 CSCDA members statewide. Mr. Nunnally stated that John Muir Health desired to seek issuance of up to \$546,000,000 in tax exempt bonds through CSCDA, and that the bond issuance is a complete refinancing of existing debt, with savings from the refinancing expected to generate an additional \$30 million to \$40 million that will be used for capital projects at both the Concord and Walnut Creek JMH campuses. He noted that in order for all or part of the bonds to qualify as tax-exempt bonds, the City or another CSCDA public agency member must conduct a TEFRA public hearing, providing the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing, noting that the CSCDA has asked that the City conduct the TEFRA public hearing as a first step in the bond process, and that at the conclusion of the public hearing the Council adopt Resolution No. 16-31 approving the bond issuance by CSCDA.

Mr. Nunnally confirmed that bond repayment is the sole responsibility of John Muir Health, the City would have no responsibility for bond repayments, and the bond debt would in no way affect property taxes in Concord.

Following questions by the City Council, Mayor Hoffmeister opened a public comment period, and upon receiving no public comment, closed the public comment period.

Motion was made by Helix and seconded by Grayson to adopt Resolution No. 16-31 entitled, "A RESOLUTION APPROVING THE ISSUANCE OF ONE OR MORE SERIES OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY REVENUE BONDS (JOHN MUIR HEALTH), SERIES 2016 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$546,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, EQUIPPING, RENOVATION, REHABILITATION AND REMODELING OF AND OTHER CAPITAL PROJECTS AT CERTAIN HEALTH FACILITIES FOR JOHN MUIR HEALTH AND CERTAIN OTHER MATTERS RELATING THERETO." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 16-6042.1 – Amendments to Exhibit A to Resolution No. 78-6042  
Establishing Fees and Charges for Various Municipal services in the City of Concord

Director of Finance Karan Reid reported that on April 26, 2016 the City Council received a report on the User Fee Study, the Fee Setting Policy, and related fee adjustments. On April 26 the Council approved Policy and Procedure 170 establishing a User Fee Cost Recovery Policy, and continued the consideration of fee changes to the May 10, 2016 meeting.

Ms. Reid noted that the proposed amendments to the Fee Schedule incorporate a few minor changes from the April 26 report and include a Parkland fee for Small Secondary Units, addition of a new title "Abatement and Summary Abatement", correction of fee amounts for "Exemption for Small Collection Facilities for Non-Profits" and deletion of the Escort Service Permit section. Ms. Reid explained that the recommended fees could reduce the annual General Fund subsidy by approximately \$600,000. She requested that the Council hold the public hearing and adopt Resolution No. 16-6042.1.

Following questions by the City Council, Mayor Hoffmeister opened a public comment period, and upon receiving no public comment, closed the public comment period.

Motion was made by Helix and seconded by Leone to adopt Resolution No. 16-6042.1 entitled, "A RESOLUTION AMENDING EXHIBIT A TO RESOLUTION NO. 78-6042 (ESTABLISHING FEES AND CHARGES FOR VARIOUS MUNICIPAL SERVICES IN THE CITY OF CONCORD." Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Flyer highlighting the Concord Library 2016 Annual Report
- b. Benched correspondence received for the Study Session
- c. PowerPoint Presentation for the Bicycle, Pedestrian and Safe Routes to Transit Plan
- d. KidFest 2016 Flyer
- e. PowerPoint Presentation on the Amendments to the Master Fee Schedule

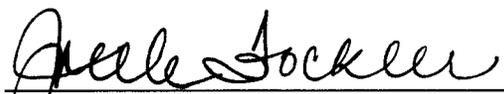
CLOSED SESSION REPORTS – None

COUNCIL AND STAFF REPORTS

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

By order of the Mayor, the meeting was adjourned at 9 p.m. in memory of James "Jim" Swanson.

  
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 LAURA M. HOFFMEISTER  
 MAYOR

  
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 JOELLE FOCKLER, MMC  
 CITY CLERK