

REGULAR MEETING OF THE
CONCORD CITY COUNCIL
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, APRIL 4, 2017

The Concord City Council met in a regular meeting in the City Council Conference Room located in Wing A at 1950 Parkside Drive at 6:00 p.m. on Tuesday, April 4, 2017, with Mayor Hoffmeister presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session under Conference with Labor Negotiators Pursuant to Government Code Section 54957.6. Agency designated representatives: Valerie Barone, City Manager; Justin Ezell, Director of Public Works; Elia Bamberger, Director of Human Resources. Employee organization: Field & Operations Representation Unit of International Brotherhood of Teamsters Local 856; and Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Property: Area within Concord Community Reuse Plan; Agency Negotiators: Valerie Barone, City Manager; Guy Bjerke, Director of Community Reuse Planning; Negotiating parties: Alan Lee, Department of the Navy; Under negotiation: Price, Terms of Payment.

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 7:00 p.m. on Tuesday, April 4, 2017, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Vice Mayor Birsan. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Ron Leone, Tim McGallian, Carlyn Obringer, Laura Hoffmeister

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Kathleen Trepa, Assistant City Manager; City Treasurer, Patti Barsotti; Joelle Fockler, City Clerk; Bill Roche, Police Captain; Victoria Walker, Director of Community and Economic Development; Steve Voorhies, Director of Parks and Recreation; Justin Ezell, Director of Public Works; Karan Reid, Director of Finance; Laura Simpson, Planning Manager; Frank Abejo, Principal Planner; Michael Cass, Principal Planner; Margaret Kotzubue, Senior Assistant City Attorney; Ali Hatefi, Associate Civil Engineer; Mark Migliore, Associate Civil Engineer; Aldrich Bautista, Associate Civil Engineer; Bob Hardie, Facilities Maintenance Supervisor; Mario Camorongan, Senior Civil Engineer; ZeeLaura Page, Administrative Analyst; Debbie Yamamoto, Senior Financial Analyst; Jeff Rogers, Infrastructure Manager; Kathryn Monroy, Recreation Program Manager; Matt Galindo, Recreation and Special Events Program Coordinator; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC
WHO ADDRESSED THE COUNCIL: George Fulmore, Concord; Robin Jimenez, Concord; Jean Simutis, Concord; Hope Johnson, Concord; Paul Poston, Concord

PUBLIC COMMENT PERIOD

George Fulmore, Concord, spoke of the play structure at Meadow Homes Park.

Robin Jimenez, Concord, spoke of rent control in Concord.

Jean Simutis, Concord AAUW, spoke of Equal Pay Day, April 4, 2017, and the current wage gap of 20 percent between men and women.

Hope Johnson, Concord, spoke of Lennar 5 Point paying City staff for work on the Specific Plan and the conflict of interest that it causes.

Paul Poston, Concord, spoke of an article in the newspaper that stated that the millennium generation does not want to live in an urban environment.

PRESENTATIONS

MAGNET SCHOOLS AND THE RE-OPENING OF HOLBROOK ELEMENTARY SCHOOL

Mayor Hoffmeister introduced Dr. Nellie Meyer, Mt. Diablo Unified School District, who gave a presentation on magnet schools in the Mt. Diablo Unified School District and the re-opening of Holbrook Elementary School.

DANIEL C. HELIX AWARD OF EXCELLENCE – Mike Aboussie

Mayor Hoffmeister introduced Director of Public Works Justin Ezell who presented Mike Aboussie, Maintenance Worker II, the Daniel C. Helix Award of Excellence.

CALIFORNIA PARKS AND RECREATION SOCIETY DISTRICT 3 – 2016 AWARDS

Mayor Hoffmeister introduced Kathryn Monroy, Recreation Program Manager, and Matt Galindo, Recreation and Special Events Program Coordinator, who presented the City two awards received by the Recreation and Parks Department from the California Parks and Recreation Society District 3, Outstanding Recreation Program for revamped one-week swim lessons and Outstanding Park or Facility for Willow Pass Park Pickleball Courts.

ANNOUNCEMENTS

Mayor Hoffmeister welcomed City Treasurer Patti Barsotti.

AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES – Pavement Engineering, Inc.

Motion was made by Birsan and seconded by Obringer to approve an amendment to the Agreement for Professional Services with Pavement Engineering Inc. in the amount of \$65,282 to provide for design and related services for Measure Q Pavement Maintenance Project No. 5 – Zones 4 and 5, Project No. 2332, subject to approval of the City Attorney, authorize the City Manager to execute the agreement; and approving a related budget transfer in the amount of \$195,000 from the Concord BART Area Sanitary Sewer Upgrade Project, Project No. 2406, to the Pavement Maintenance Project No. 5, Project No. 2332. Motion passed by unanimous vote of the Council.

TRANSFER OF EQUITY OWNERSHIP OF WATERWOLD WATERPARK TO EPR PROPERTIES, INC.

This item was pulled from the Consent Calendar by Concord resident George Fulmore.

Motion was made by Birsan and seconded by McGallian to approve Transfer of Equity Ownership of Waterworld Waterpark to EPR Properties, Inc. and approve Estoppel Certificates and Sublease Agreement. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT FOR DETROIT AVENUE/WHITMAN ROAD PEDESTRIAN IMPROVEMENTS, Project No. 2318

This item was pulled from the Consent Calendar by Concord resident George Fulmore.

Motion was made by Birsan and seconded by McGallian to award a contract for Detroit Avenue/Whitman Road Pedestrian Improvements, Project No. 2318, in the amount of \$256,355 to Ray's Electric Inc. of Oakland, California; authorize staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; and approve a \$55,000 budget transfer from Measure Q Lease Revenue Financing, FY 14-15 Pavement Maintenance Project, Project No. 2329. Motion passed by unanimous vote of the Council.

CLAYTON ROAD/TREAT BOULEVARD/DENKINGER ROAD INTERSECTION CAPACITY IMPROVEMENTS PROJECT, Project No. 2144

Senior Civil Engineer Mario Camorongon presented a report, referring to the staff report dated April 4, 2017, and reporting that the Clayton Road/Treat Boulevard/Denkinger Road Intersection Improvements Project includes the widening of Clayton Road/Treat Boulevard/Denkinger Road intersection and installation of a new traffic signal to provide increased capacity and maximize the operational efficiency of the intersection during peak traffic periods. He confirmed that on April 7, 2015, the Council awarded a construction contract to Granite Rock Construction, and once the project was under construction, several situations arose that resulted in significant delays, including the discovery of underground fuel storage tanks, discovery of contaminated soil, delays in the removal of existing poles and overhead utilities by various utility companies, changes to a joint utility trench conduit by PG&E, relocation of a water meter that was in conflict with the roadway widening, and inclement weather. In addition, unforeseen utility conflicts encountered in the expanded roadway area, a need to maintain the project area through the delay periods and a revision in striping design to accommodate the construction activities occurred. He noted that many of the delays resulted in increased costs, requiring the negotiation of a change order to address the increased construction costs. Mr. Camorongon reported that additional funds are also required for (1) additional design services needed during construction, (2) additional construction management and inspection, and (3) to provide a minimal contingency through the remainder of the project for a total required budget transfer of \$525,000 to complete the project.

Mr. Camorongon recommended that the City Council authorize the City Manager to execute contract change orders for the project in the amount of \$357,000; authorize staff to execute additional contract change orders that become necessary up to \$50,000; and approve a budget transfer in the amount of \$525,000.

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

George Fulmore, Concord, spoke of his concern about City employees being paid by project costs.

Mayor Hoffmeister closed the public comment period.

Following comments by the City Council, a motion was made by Birsan and seconded by Obringer to approve Construction Change Order No. 5 in the amount of \$357,000 and authorizing

a budget transfer of \$525,000 to the Clayton Road/Treat Boulevard/Denkinger Road Intersection Capacity Improvements Project, Project No. 2144 (\$400,000 from Measure J Funds and \$125,000 from Measure Q Lease Revenue Financing Agreement Funds.) Motion passed by unanimous vote of the Council.

Mayor Hoffmeister called a recess at 8:25 p.m. The meeting resumed at 8:35 p.m.

INTRODUCTION OF ORDINANCE NO. 17-5 – Development Code

Principal Planner Frank Abejo presented a report on the proposed Development Code Amendment. He reported that the City of Concord Development Code, which includes zoning regulations, development standards, and processing requirements, is a living document within the Municipal Code that must be updated and maintained regularly in order to remain an effective instrument reflecting the goals and policies of the City. Mr. Abejo confirmed that the recommended amendments to the Development Code are an on-going effort to ensure it remains responsive to the community's needs and consistent with State law, and include amendments to use classifications and definitions within the Development Code, changes to the large family day care permit code sections, and clean-ups to various development and parking standards.

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

Passion Polanco, Concord, spoke of the costs associated with opening a large family day care.

Elianna Campos, Concord, stated that excess parking has never been an issue with her large family day care because families drop off and pick up their children at different times throughout the day.

Carolyn Cosas, Concord, stated that she operates a small family day care but cannot expand to a large family day care due to the associated costs.

Maria Escobar, Concord, spoke of her concern over the requirement of a facility not being allowed within 300 feet of any other such licensed facility.

Anita Lee, Concord, stated that she felt that the City of Concord is not business friendly toward day care businesses.

Gina Jackson, Richmond, spoke in support of her fellow child care providers.

Biana Kaplan, Concord, requested the reduction of permit fees and the reduction of the 300 foot requirement to 100 feet.

Alla Afinogenova, Concord, requested the reduction of permit fees and the reduction of the 300 foot requirement to 100 feet.

Benu Chhabra, Concord, requested the elimination of permit fees.

Due to the late hour, the City Council considered hearing Agenda Item No. 11.b, Introduction of Ordinance No. 17-6 and Agenda Item No. 11.c, Resolution No. 6042.2 after 10 p.m.

INTRODUCTION OF ORDINANCE NO. 17-6 AND UPDATES TO THE CITY'S MASTER FEES AND CHARGES SCHEDULE BY ADOPTION OF RESOLUTION NO. 17-6042.2

Motion was made by Birsan and seconded by Leone to consider Agenda Item No. 11.b, Introduction of Ordinance No. 17-6 amending the Concord Municipal Code by adopting a text

amendment to the Development Code Sections 18.160.050 and 18.160.060 and an increase in Parking In-Lieu fee to \$25,000 and Agenda Item No. 11.c, updates to the City's Master Fees and Charges Schedule by adoption of Resolution No. 17-6042.2 after 10 p.m. Motion failed by the following vote:

AYES: Birsan, Hoffmeister NOES: Leone, McGallian, Obringer Absent: None

Motion was made by Birsan and seconded by McGallian to continue consideration of Agenda Item No. 11.b, Introduction of Ordinance No. 17-6 amending the Concord Municipal Code by adopting a text amendment to the Development Code Sections 18.160.050 and 18.160.060 and an increase in Parking In-Lieu fee to \$25,000 and Agenda Item No. 11.c, updates to the City's Master Fees and Charges Schedule by adoption of Resolution No. 17-6042.2 to April 25, 2017. Motion passed by unanimous vote of the Council.

The City Council then returned to the public comment period for the consideration of Introduction of Ordinance No. 17-5.

Toni Robertson, Concord, spoke of concerns with the requirement of a facility not being allowed within 300 feet of any other such licensed facility.

Vadimir Kaplun, Concord, spoke in support of the child care providers.

Mayor Hoffmeister closed the public comment period.

Following comments by the City Council, a motion was made by Leone and seconded by Birsan to introduce Ordinance No. 17-5 entitled, "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 18 (DEVELOPMENT CODE), CHAPTERS 18.20 (GENERAL TERMS), 18.30 (RESIDENTIAL DISTRICTS), 18.150 (GENERAL DEVELOPMENT STANDARDS), 18.160 (PARKING, LOADING, AND ACCESS), 18.200 (STANDARDS FOR SPECIFIC USES), 18.405 (PERMIT APPLICATION FILING AND PROCESSING), 18.415 (DESIGN AND SITE REVIEW), 18.425 (MINOR EXCEPTIONS) AND THE LAND USE TABLES FOR ALL ZONING DISTRICTS," by reading of the title only and amending Chapter 18.200.050 by reducing the spacing and concentration to within 100 feet of any other such licensed facility, allowing curbside parking in front of the family day care home for pick-up and delivery of children, and reducing the permitting fee to \$300. Motion passed by unanimous vote of the Council.

CORRESPONDENCE

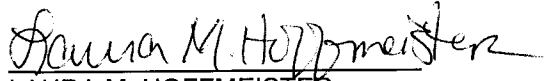
- a. March 21, 2017, letter to Governor Brown on the need for literacy investment augmentation
- b. March 24, 2017, letter to California State Senator Skinner in opposition to SB 649 (Hueso) Wireless Telecommunications Facilities
- c. March 24, 2017, letter to Assemblymember Grayson in support of AB 1 (Frazier) Transportation Funding
- d. March 24, 2017, letter to Assemblymember Cooper in support of AB 1326 (Cooper) Theft, Aggregate Valuation
- e. PowerPoint Presentation on magnet schools in Mt. Diablo Unified School District
- f. PowerPoint Presentation on Daniel C. Helix Award of Excellence
- g. PowerPoint Presentation on California Parks and Recreation Society District 3 - 2016 Awards
- h. Correspondence received from the Child Care Law Center
- i. PowerPoint Presentation on the Development Code Amendment
- j. Power Point Presentation on Parking In-Lieu Fee
- k. PowerPoint Presentation on Amendments to the Master Fee Schedule
- l. Benched correspondence received from Vice Mayor Birsan on the March 31, 2017, League of Cities Governance, Transparency and Labor Relations Policy Committee

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 10:55 p.m.



LAURA M. HOFFMEISTER
MAYOR



JOELLE FOCKLER, MMC
CITY CLERK