

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL/CITY  
COUNCIL SITTING AS THE LOCAL  
REUSE AUTHORITY  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, APRIL 25, 2017

The Concord City Council met in a regular meeting in the City Council Conference Room located at 1950 Parkside Drive at 6:00 p.m. on Tuesday, April 25, 2017, with Vice Mayor Birsan presiding. Mayor Hoffmeister was absent. The meeting was recessed and immediately reconvened in a closed session regarding Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4); One potential case; and Conference with Labor Negotiators pursuant to Government Code Section 54957.6. Agency designated representatives: Valerie Barone, City Manager; Guy Swanger, Chief of Police; Nicholas Gartner, Police Lieutenant; Elia Bamberger, Director of Human Resources. Employee organization: Concord Police Officers' Association.

The meeting recessed at 6:26 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 6:30 p.m. on Tuesday, April 25, 2017, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Councilmember McGallian. 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 Tropa, Assistant City Manager; Joelle Fockler, City Clerk; Guy Swanger, Chief of Police; Steve Voorhies, Director of Parks and Recreation; Justin Ezell, Director of Public Works; Victoria Walker, Director of Community and Economic Development; Jeff Lewis, Director of Information Technology; John Montag, Economic Development Manager; Laura Simpson, Planning Manager; Michael Cass, Principal Planner; Robert Kennedy, Parks Manager; Brian Nunnally, Business Development Manager; Robert Ovadia, City Engineer; Jeff Rogers, Infrastructure Manager; Pedro Garcia, Economic Development Specialist; Chris Llata, Senior Maintenance Team Leader; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC  
WHO ADDRESSED THE COUNCIL: Lamar Anderson, Concord; Lana Hanlon, Concord; Scott Bohrer, Browman Development; Tom Young, Concord Chevrolet; Will Stedman, DG Concord, LLC

PUBLIC COMMENT PERIOD

Lamar Anderson, Concord, spoke of the NAACP Awards held on April 22, 2017.

Lana Hanlon, Concord, American Association of University Women, spoke of the AAUW Wine Walk to be held in Todos Santos Plaza on Saturday, May 13, 2017, from 1 p.m. – 4 p.m.

## PRESENTATIONS

### ARBOR DAY

Mayor Hoffmeister presented Chris Llata, Senior Maintenance Team Leader, a proclamation declaring April 28, 2017, as "Arbor Day" in the City of Concord.

### ECONOMIC DEVELOPMENT DIVISION MARKETING AWARDS

Mayor Hoffmeister introduced John Montagh, Economic Development Manager, who introduced, Vintage Foster, AMF Media Group, who outlined marketing awards received by the City's Economic Development Division for its video and creative advertisement marketing campaigns.

### DIABLO CREEK GOLF COURSE

Steve Voorhies, Director of Parks and Recreation, introduced Joe Fernandez, Head PGA Professional and Director of Golf, who presented an update on activities at the Diablo Creek Golf Course; and introduced George Marshall, Legends, who gave a presentation on Food Truck Cinemas.

### APPROVAL OF MEETING MINUTES – March 28, 2017

Motion was made by Leone and seconded by Birsan to approve the March 28, 2017, meeting minutes. Motion passed by unanimous vote of the Council.

### ORDINANCE NO. 17-3 – Fire Code

Motion was made by Leone and seconded by Birsan to adopt Ordinance No. 17-3 entitled, "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 15 (BUILDINGS AND BUILDING REGULATIONS) CHAPTER 15.65 (FIRE CODE) ADOPTING THE 2016 CALIFORNIA FIRE CODE AND RATIFYING THE AMENDMENTS CONTAINED IN COUNTY ORDINANCE NO. 2016-23." Ordinance No. 17-3 was introduced on March 28, 2017. Motion passed by unanimous vote of the Council.

### ORDINANCE NO. 17-4 – Public Educational and Government (PEG) Fees

Motion was made by Leone and seconded by Birsan to adopt Ordinance No. 17-4 entitled, "AN ORDINANCE REAUTHORIZING THE CITY'S PUBLIC EDUCATIONAL AND GOVERNMENT (PEG) FEES BY AMENDING CONCORD MUNICIPAL CODE TITLE 5 (BUSINESS LICENSES AND REGULATIONS), CHAPTER 5.30 (CABLE COMMUNICATIONS SYSTEMS), SECTION 5.30.180 (STATE VIDEO FRANCHISE AND PEG FEES) BY ADDING SECTION 5.30.810(d) (REAUTHORIZATION)." Ordinance No. 17-4 was introduced on March 28, 2017. Motion passed by unanimous vote of the Council.

### ORDINANCE NO. 17-5 – Development Code

Motion was made by Leone and seconded by Birsan to adopt 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.” Ordinance No. 17-5 was introduced on April 4, 2017. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 17-25 – Sale of Vacant Contiguous Properties Owned by the City of Concord to CBC Properties

Motion was made by Leone and seconded by Birsan to adopt Resolution No. 17-25 entitled, “A RESOLUTION AUTHORIZING THE SALE OF A 13,266 SQUARE FOOT PORTION OF PROPERTY LOCATED AT THE SOUTHERN END OF COMMERCE AVENUE (APN 126-330-025-1 AND 126-330-026-9 TO CBC PROPERTIES FOR AN APPRAISED VALUE OF \$407,000,” authorize the Mayor to execute all documents needed to complete the transaction in a form acceptable to the City Attorney; and appropriate the revenue to be used for the maintenance and repair of Commerce Avenue, Project No. 2085. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Overmiller Inc. dba Roto Rooter Sewer Service

Motion was made by Leone and seconded by Birsan to award a contract for On-Call Sewer Repair Services in the amount of \$176,720 to Overmiller Inc. dba Roto Rooter Sewer Service, with the option to extend the contract two additional one year periods; and authorize the City Manager to execute the contract in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

AGREEMENT FOR PROFESSIONAL SERVICES – SWCA Environmental Consultants

Motion was made by Leone and seconded by Birsan to approve an Agreement for Professional Services with SWCA Environmental Consultants in the amount of \$279,317.80 to provide environmental consulting services in connection with the preparation of the Concord Reuse Project – Specific Plan and related documents, subject to the approval of the City Attorney; and authorize the City Manager to execute the Agreement. Motion passed by the unanimous vote of the Council.

INTRODUCTION OF ORDINANCE NO. 17-6 – Parking In-Lieu Fees

Michael Cass, Principal Planner, presented a report, referring to the April 25, 2017, staff report, and reporting that recent multifamily residential development applications in the downtown have highlighted the need to clarify the current requirements and review procedures of the Development Code in connection with the payment of in-lieu fees to satisfy parking requirements for the new developments located in the Downtown Parking District. Mr. Cass recommended that the City Council amend the Development Code to clarify that the payment of fees in-lieu of providing the required parking shall be subject to a Use Permit requirement.

Principal Planner Cass reported that, as the Master Fee Schedule currently sets the in-lieu parking fee at \$1,572 per parking stall, staff also recommended increasing the in-lieu fee to \$25,000 per parking stall for new multi-family residential. Mr. Cass also recommended that the Council retain the lower current fee of \$1,572 per space for new commercial development and existing building conversions.

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

Scott Bohrer, Browman Development Company, requested that the Council exempt projects that are at the least in the preliminary review process and phase in the fees to help encourage development in the downtown.

Mayor Hoffmeister closed the public comment period.

Following comments by the Council, a motion was made by Leone to raise the parking in-lieu fees to \$25,000 effective July 1, 2020. Motion failed due to lack of a second.

A motion was made by Birsan and seconded by Obringer to introduce Ordinance No. 17-6 entitled, "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE BY ADOPTING A TEXT AMENDMENT TO THE DEVELOPMENT CODE (PL16000520 – MC), AMENDING SECTIONS 18.160.050 AND 18.160.060 TO CLARIFY THE REVIEW PROCESS AND PROGRAMS FOR PARKING IN-LIEU FEES" by reading of the title only and waiving further reading. Motion passed by unanimous vote of the Council.

A motion was made by Birsan and seconded by Leone to allow projects submitted as of April 25, 2017, and building permits pulled by July 1, 2020, to pay the parking in-lieu fee at \$1,572 per parking stall. Motion passed by the following vote of the Council:

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

A motion was made by Birsan and seconded by Obringer to increase parking in-lieu fees to \$25,000 as of July 1, 2017. Motion failed by the following vote of the Council:

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

A motion was made by Birsan and seconded by Obringer to increase parking in-lieu fees to \$12,500 as of July 1, 2017, and \$25,000 as of July 1, 2018. Motion passed by the following vote of the Council:

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

Mayor Hoffmeister called a recess at 8:55 p.m. The meeting resumed at 9:05 p.m.

RESOLUTION NO. 17-39 – Purchase and Sale Agreement with DG Concord LLC

Economic Development Manager John Montag presented a report, referring to the staff report dated April 25, 2017, and reporting that 1701 and 1711 Concord Avenue were former Redevelopment Agency properties and DG Concord LLC has shown an interest in purchasing this property to expand their Mazda dealership in Concord. Staff commissioned a fair market value appraisal and DG Concord LLC has agreed to pay \$1,080,000.

Manager Montag recommended the Council adopt Resolution 17-39 approving the Purchase and Sale Agreement with DG Concord LLC for City property located at 1701 and 1711 Concord Avenue and authorize the Mayor to execute all documents needed to complete the transaction; and further authorize the Mayor to execute all deeds and similar instruments in a form acceptable to the City Attorney.

Will Stedman, DG Concord, LLC, addressed the Council and answered questions.

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

A motion was made by Obringer and seconded by Leone to adopt Resolution No. 17-39 entitled, "A RESOLUTION APPROVING AN AGREEMENT OF PURCHASE AND SALE AND INITIAL ESCROW INSTRUCTIONS BETWEEN THE CITY OF CONCORD, AS SELLER, AND DG CONCORD, LLC, AS BUYER, FOR 1701 AND 1711 CONCORD AVENUE, CITY OF CONCORD, CA (APN 112-101-022)." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 17-24 – Purchase and Sale Agreement with TDI Auto Group Inc.

Economic Development Manager John Montag presented a report, referring to the staff report dated April 25, 2017, and reporting that 1880 Market Street was a former Redevelopment Agency property and the smaller adjacent property was not a former Redevelopment Agency property. TDI Auto Group desires to purchase the properties in order to expand Concord Chevrolet. Staff commissioned a fair market value appraisal and TDI Auto Group agrees to pay \$1,420,000.

Manager Montag recommended the Council adopt Resolution No. 17-24 approving the Purchase and Sale agreement with TDI Auto Group for City Property located at 1880 Market Street and authorize the Mayor to execute all documents needed to complete the transaction; and further authorize the Mayor to execute all deeds and similar instruments in a form acceptable to the City Attorney.

Tom Young, Executive Manager, Concord Chevrolet, addressed the Council and answered questions.

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

A motion was made by McGallian and seconded by Birsan to adopt Resolution No. 17-24 entitled, "A RESOLUTION APPROVING AN AGREEMENT OF PURCHASE AND SALE AND INITIAL ESCROW INSTRUCTIONS BETWEEN THE CITY OF CONCORD, AS SELLER, AND TDI AUTO GROUP, INC. AS BUYER, FOR 1880 MARKET STREET, CONCORD, CA, APNS 126-291-010 AND 126-291-021." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 17-6042.2 – Updates to the City's Master Fees and Charges Schedule

Director of Finance Karan Reid presented a report, referring to the April 25, 2017, staff report, and reporting that Policy & Procedure No. 170 requires that certain fees and charges for City services be adjusted based on changes in labor costs. She noted that since the last fees and charges update, new labor contracts were negotiated which included labor cost adjustments totaling 14.5 percent over four fiscal years: FY2015-16 through FY 2018-19. Ms. Reid recommended that fee adjustments be allocated over the two-year budget cycle versus being implemented all at one time; specifically, establishing a 7.5 percent increase for the first year (FY2017-18), and a 7 percent increase in the second year (FY2018-19) of the upcoming biennial budget.

Director Reid recommended that the City Council open the public hearing, take public testimony on the proposed user fees and charges, and adopt Resolution No. 17-6042.2, as amended for parking in-lieu fees, amending Exhibit A to Resolution No. 78-6042 establishing fees and charges for various municipal services in the City of Concord.

Director of Parks and Recreation Steve Voorhies answered questions regarding the resident and nonresident fees for the two-day and three-day preschool programs, as well as questions regarding the five-day pilot program.

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

Motion was made by Birsan and seconded by McGallian to adopt Resolution No. 17-6042.2 entitled, "RESOLUTION AMENDING EXHIBIT A TO RESOLUTION NO. 78-6042 (ESTABLISHING FEES AND CHARGES FOR VARIOUS MUNICIPAL SERVICES IN THE CITY OF CONCORD)," minus parking in-lieu fees and preschool fees. Motion passed by unanimous vote of the Council.

Motion was made by Birsan and seconded by McGallian to set parking in-lieu fees at \$12,500 as of July 1, 2017, and \$25,000 as of July 1, 2018. Motion passed by the following vote of the Council:

AYES: Birsan, Obringer, McGallian and Hoffmeister NO: Leone ABSENT: None

Motion was made by Birsan and seconded by McGallian to amend the resident preschool fees to remain at \$129 for the two-day program and \$194 for the three-day program and accept the pilot five-day program and adopt the remaining preschool fees as presented. Motion failed by the following vote of the Council:

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

Motion was made by Leone and seconded by Birsan to keep the resident rate for two-day at \$129 and for the three-day program at \$194, with an increase of resident pre-school fees on January 1, 2018, to \$149 for the two-day program and \$215 for the three-day program, accept the pilot five-day program and adopt the remaining preschool fees as presented. Motion passed by the following vote of the Council:

AYES: Birsan, Leone, McGallian NOES: Obringer, Hofmeister ABSENT: None

CORRESPONDENCE

- a. Art & Wine (and Beer!) Walk Flyer
- b. Marketing Awards PowerPoint Presentation
- c. Diablo Creek Golf Course PowerPoint Presentation
- d. Parking In-Lieu Fee PowerPoint Presentation
- e. Amendments to Master Fee Schedule PowerPoint Presentation
- f. Mayor's Cup 33<sup>rd</sup> Annual Golf Classic brochure
- g. Medical Cannabis in America Briefing Book and Recommendations for Regulators of Cannabis Operations

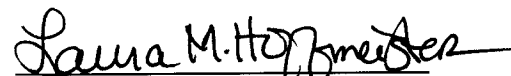
CLOSED SESSION REPORTS – none

COUNCIL AND STAFF REPORTS

It was the consensus of the Council to send the issue of Northgate High School secession from the Mt. Diablo Unified School District to the Council Committee on Youth and Education.

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 10:10 p.m. in memory of Steven R. Cuneo, who served on the City of Concord Planning Commission.

  
LAURA M. HOFFMEISTER  
MAYOR

  
JOELLE FOCKLER, MMC  
CITY CLERK