

REGULAR MEETING OF THE
CONCORD CITY COUNCIL
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, OCTOBER 27, 2015

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, October 27, 2015, with Mayor Grayson presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session personnel matter pursuant to Government Code Sections 54957(b)(1) and 54957(b)(4). Public employee appointment: Interim City Attorney.

The meeting recessed at 6:30 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, October 27, 2015, with Mayor Grayson presiding. The pledge of allegiance was led by Councilmember Leone. 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, Tim Grayson

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, Senior Assistant City Attorney; Joelle Fockler, City Clerk; Tim McGallian, City Treasurer; Guy Swanger, Chief of Police; Justin Ezell, Director of Public Works; Victoria Walker, Director of Community and Economic Development; Jovan Grogan, Deputy City Manager; Robert Ovadia, City Engineer; Laura Simpson, Planning Manager; Steve Voorhies, Parks Manager; Shannon Griffin, Volunteer Program Coordinator; Pedro Garcia, Economic Development Specialist

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: George Fulmore, Concord; Paul Poston, Concord; Jennifer Raska, Concord

PUBLIC COMMENT PERIOD

George Fulmore, Concord, requested funding for Meadow Homes Park.

Paul Poston, Concord, spoke of the widening of Highway 4, and requested clarification of the project.

Jessica Raska, Concord, spoke of concern of schedule changes at the Concord BART Station.

PRESENTATIONS

MANUFACTURING DAY

Mayor Grayson presented James Gardner, East Bay Advanced Manufacturing Partnership, a proclamation declaring October 2, 2015, as "Manufacturing Day" in the City of Concord.

RED RIBBON WEEK

Mayor Grayson presented Ricardo Simental, Monument Corridor Anti-Drug & Alcohol Coalition Coordinator, a proclamation declaring October 23-30, 2015 as "Red Ribbon Week" in the City of Concord.

CALIFORNIA LAW ENFORCEMENT CHALLENGE (CLEC) 2014 SUPPORT AND LEADERSHIP IN TRAFFIC SAFETY AWARD

Mayor Grayson introduced California Highway Patrol Chief Paul Fontana and California Highway Patrol Captain Costigan, who presented the Concord Police Department Traffic Unit with the California Law Enforcement Challenge (CLEC) 2014 Support and Leadership in Traffic Safety Award.

PARKS VOLUNTEERS

Mayor Grayson introduced Steve Voorhies, Parks Manager, and Shannon Griffin, Volunteer Program Coordinator, who presented parks volunteer honorees Arnel Jaime and the Boy Scouts of America, Concord; Marvin Hutchinson; Matt Huffaker and Life Church; Reiko Chong and the Shinnyo-Eu Buddhist Temple; Wes Brinkman and the Church of Jesus Christ of Latter Day Saints, Concord; and Oliver Wesson, III and the California State Automobile Association, Concord with certificates of recognition.

COMMUNITY ADVISORY COUNCIL OF THE MONUMENT FIRST FIVE CENTER

Mayor Grayson introduced members of the Community Advisory Council of the Monument First Five Center, who gave an update on current activities.

ANNOUNCEMENTS – none.

CITY COUNCIL
MATTERS

APPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by Helix to approve the minutes of the meeting of October 13, 2015. Motion passed by unanimous vote of the Council.

IMPROVEMENTS FOR TODOS SANTOS PLAZA ARCHWAY – Project 2294

Motion was made by Hoffmeister and seconded by Helix to accept the improvements for Todos Santos Plaza Archway, Project 2294, constructed by Hess Construction Co., Inc. of American Canyon, and to direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 15-68 - MT. DIABLO UNIFIED SCHOOL DISTRICT SCHOOL RESOURCE OFFICER PROGRAM

Motion was made by Hoffmeister and seconded by Helix to adopt Resolution No. 15-68 entitled, "A RESOLUTION TO ACCEPT FUNDING FROM THE MT. DIABLO UNIFIED SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICE PROGRAM AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2015-16." Motion carried by unanimous vote of the Council.

INFORMATIONAL REPORT – Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG)

Planning Manager Laura Simpson presented a report, referring to the staff report dated October 27, 2015, and explaining that the Metropolitan Transportation Commission (MTC) recently held a meeting at which they discussed transferring funding from the Association of Bay Area Governments (ABAG) to MTC by the end of 2015, in what appeared to be an expedited merger process for the two organizations. She reported that MTC will hold a hearing on this issue at its meeting of October 28, 2015, and many jurisdictions, including the City of Concord, have written to express concern about a process that is not transparent and inclusive of all stakeholders. Ms. Simpson noted that the idea of merging ABAG and MTC is supported by many, but it will take time to prepare a transition plan and implement a plan in a thoughtful, meaningful way.

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

Paul Poston, Concord, spoke of his concern of a merger in order to raise more funds for the MTC.

Mayor Grayson closed the public comment period.

Following comments from the Council, the Council provided staff with direction on the

CORRESPONDENCE

- a. City of Concord Volunteer Appreciation 2015 PowerPoint Presentation
- b. Monument First 5 Center Recommendation Summary 2014-15 PowerPoint Presentation
- c. Benched Item No. 3.c – Resolution No. 15-68
- d. MTC and ABAG Potential Merger PowerPoint Presentation
- e. Letter from Contra Costa Economic Partnership Executive Director Kristin Connelly to the MTC

PUBLIC COMMENTS ON PRESENTATION ITEMS - None

CLOSED SESSION REPORTS

Senior Assistant City Attorney Susanne Brown reported that prior to the open session the Council met in Closed Session regarding a personnel matter pursuant to public employee appointment Interim City Attorney, and that the Council would return to Closed Session following the Open Session and report out on any determination after deliberations.

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.

The Council recessed at 8 p.m. to reconvene in Closed Session in the City Council Conference Room.

The Council reconvened in regular session at 8:24 p.m. and Senior Assistant City Attorney Susanne Brown reported that in Closed Session the Council had taken action to appoint an individual to the Interim City Attorney position and directed the City Manager to prepare a Legal Services Agreement with that individual. The City Council will consider the agreement at the November 3, 2015 City Council meeting. Ms. Brown reported that the voting tally was unanimous.

By order of the Mayor, the meeting was adjourned at 8:25 p.m. in memory of Bill Shinn.

TIMOTHY S. GRAYSON
MAYOR

JOELLE FOCKLER, CMC
CITY CLERK

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE LOCAL
REUSE AUTHORITY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, NOVEMBER 3, 2015

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, November 3, 2015, with Mayor Grayson presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session to confer with Legal Counsel pursuant to Government Code Section 54956.9 (a): *Ron Turner v. City of Concord* (WCAB No. ADJ7863058 and *Matthew Switzer v. City of Concord* (WCAB No. ADJ9388946).

The meeting recessed at 6:00 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, November 3, 2015, with Mayor Grayson presiding. The pledge of allegiance was led by Councilmember Leone. 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, Tim Grayson

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, Senior
Assistant City Attorney; Joelle Fockler, City Clerk; Tim
McGallian, City Treasurer; Justin Ezell, Director of Public
Works; Guy Bjerke, Local Reuse Authority Executive
Director; Jovan Grogan, Deputy City Manager; Jeff
Lewis, Director of Information Technology; Doug
Elloway, Information Technology Manager; Laura
Simpson, Planning Manager; Andrew Mogensen,
Principal Planner; Leslye Asera, Community Relations
Manager

MEMBERS OF THE PUBLIC
WHO ADDRESSED THE COUNCIL: Roylen Stack, Concord; Dr. Harmesh Kumar, Concord;
George Fulmore, Concord

PUBLIC COMMENT PERIOD

Roylen Stack, Concord, questioned possible California Public Employees' Pension Reform Act (PEPRA) violations on agenda items 3c and 6b. Because Ms. Stack's comments were regarding items on the agenda, her comments were deferred to agenda items 3c and 6b.

Dr. Kumar, Concord, announced his run for the State Assembly District 14 seat.

George Fulmore, Concord, spoke of safety at Ellis Lake Park, gravel on Detroit Avenue, and setting guidelines for rent control.

PRESENTATIONS

NATIONAL HOSPICE/PALLIATIVE CARE MONTH

Mayor Grayson presented Rocci Barsotti, Concord Kiwanis, a proclamation declaring November 2015 as National Hospice/Palliative Care Month in the City of Concord.

ANNOUNCEMENTS – none.

CITY COUNCIL
MATTERS

RESOLUTION NO. 15-69 – California Beverage Container Recycling and Litter Abatement City/County Payment Program

Motion was made by Hoffmeister and seconded by Helix to adopt Resolution No. 15-69 entitled, "A RESOLUTION TO ACCEPT FUNDING UNDER CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER ABATEMENT CITY/COUNTY PAYMENT PROGRAM AND ALLOCATE THE FUNDS TO BEVERAGE CONTAINER RECYCLING AND LITTER ABATEMENT ACTIVITIES WITHIN THE CITY OF CONCORD." Motion passed by unanimous vote of the Council.

NETWORK AND INFRASTRUCTURE SUPPORT AND TECHNICAL STAFFING – Thebs Consulting, LLC; Botts Strategic Solutions; Robert Half International, Inc.

Motion was made by Hoffmeister and seconded by Helix to amend the agreement with Thebs Consulting, LLC in the amount of \$51,000, amend the agreement with Botts Strategic Solutions in the amount of \$48,000, amend the agreement with Robert Half International, Inc. in the amount of \$49,000, and authorize the City Manager to execute the amendments. Motion passed by unanimous vote of the Council.

LEGAL PROFESSIONAL SERVICES – Interim City Attorney

This item was pulled from the consent calendar by Roylen Stack.

After clarification by City Manager Barone, a motion was made by Hoffmeister and seconded by Helix to approve an agreement for legal professional services between the City of Concord and Libow & Wellman for the services of Brian M. Libow as Concord's Interim City Attorney for a not to exceed amount of \$150,000, and authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

The Council reconvened as the Local Reuse Authority.

LOCAL REUSE AUTHORITY
MATTERSAMENDMENT TO MASTER AGREEMENT FOR PROFESSIONAL SERVICES – Environmental Risk Services Corporation (ERS)

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment 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) not to exceed \$50,000, and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT – ARUP, Inc.

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment to the master services agreement with ARUP, Inc. for professionals services associated with land transfer/development planning at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$40,000, and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

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

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment to the professional services agreement for specialized legal services with Burke, Williams & Sorensen, LLP in the amount of \$70,000 in connection with transactional legal support for the transfer for the former Concord Naval Weapons Station (CNWS), and authorize the Senior Assistant City Attorney to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT – HR&A Advisors, Inc.

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment 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) in an amount not to exceed \$55,000, and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO MASTER SERVICES AGREEMENT – Johnson Marigot Consulting, LLC

Motion was made by Hoffmeister and seconded by Birsan to approve an amendment to the master services agreement with Johnson Marigot Consulting, LLC for preparation of materials to support an application for a 404 permit under the Clean Water Act and regulatory support services in the amount of \$20,000, and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – The Wright Group

This item was pulled from the Local Reuse Authority by Roylen Stack.

After clarification by City Manager Barone, a motion was made by Hoffmeister and seconded by Helix to approve an amendment to the professional services agreement for technical, strategic and tactical advice on the Base Reuse Project with The Wright Group (Michael Wright) not to exceed \$76,000, and authorize the Local Reuse Authority Executive Director to execute the amendment. Motion passed by unanimous vote of the Authority.

The Local Reuse Authority reconvened as the Concord City Council.APPOINTMENT TO THE CONCORD PLEASANT HILL HEALTH CARE DISTRICT

Motion was made by Helix and seconded by Hoffmeister to appoint James Mason and Niko Anagnostopoulos to the Concord Pleasant Hill Health Care District for terms ending June 30, 2019 and Enrico Bunyi and Cindy Moreci for terms ending June 30, 2017. Motion passed by unanimous vote of the Council.

INTRODUCTION OF ORDINANCE NO. 15-8 – Development Code Update

Principal Planner Andrew Mogensen presented a report, referring to the staff report dated November 3, 2015, and noting that the text of Ordinance 15-8 proposes changes only to the following Development Code Sections: 18.20.020 Use Classifications – Hookah Lounges, 18.40.020 Small Residential Care Facilities, 18.200.130 Mechanical and Electronic Games, 18.505.020 Time Limits and Extension, and 18.540.090 Limitations of Actions.

Following questions by the Council, changes to Exhibit C, 18.200.130, Mechanical and electronic games, be amended to read as follows:

Where allowed by Division II of this title (Zoning Districts – Uses and Standards), establishments that operate mechanical and electronic games as ancillary to a principal use, such as a restaurant or retail establishment, shall comply with the requirements of this section.

Mayor Grayson opened a public comment period, and upon receiving no comment, closed the public comment period.

Motion was made by and seconded by to introduce Ordinance No. 15-8 entitled, “AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE, CHAPTERS 18.20.020 (USE CLASSIFICATIONS), 18.40.020 (SMALL RESIDENTIAL CARE FACILITIES), 18.200.050 (CHILD DAY CARE FACILITIES), 18.200.130 (MECHANICAL AND ELECTRONIC GAMES), AS AMENDED, 18.200.200 (TEMPORARY EVENTS, USES, AND STRUCTURES), 18.415.100 (DECISIONS AND FINDINGS), 18.505.020 (TIME LIMITS AND EXTENSIONS), AND 18.540.090 (LIMITATION OF ACTIONS). Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Tree of Lights Celebration for 2015 brochure.
- b. Item 5a, Development Code Update, PowerPoint Presentation.
- c. Item 5a, Letter from Emily Minns, Attorney at Law.

PUBLIC COMMENTS ON PRESENTATION ITEMS – None

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 7:20 p.m.

TIMOTHY S. GRAYSON
MAYOR

JOELLE FOCKLER, CMC
CITY CLERK