

COUNCIL MEMBERS

Laura M. Hoffmeister, Mayor
Edi E. Birsan, Vice Mayor
Ronald E. Leone
Carlyn S. Obringer

Civic Center
1950 Parkside Drive
Concord, CA 94519
www.cityofconcord.org



**Regular Meeting of the
Concord City Council
ANNOTATED AGENDA**

Tuesday,
January 10, 2017

6:00 p.m. - Closed Session
6:30 p.m. - Open Session

Closed Session:
City Council Conference
Room
1950 Parkside Drive

Open Session:
Council Chamber
1950 Parkside Drive

Information for the public on participation at Council meetings can be found on the back of the Speaker Identification Card located near the Council Chamber entrance. Should you have any questions after consulting the Speaker Identification Card, please contact the City Clerk prior to the Council meeting.

AGENDIZED ITEMS – The public is entitled to address the City Council on items appearing on the agenda before or during the City Council’s consideration of that item. Each speaker will be limited to approximately three minutes.

CLOSED SESSION

1. OPENING

Roll Call – all present

2. PUBLIC COMMENT – no public comment

3. CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One potential case.

ACTION: Closed session held.

4. RECESS TO OPEN SESSION

5. OPENING

Roll Call – all present

Pledge to the Flag – Vice Mayor Birsan

6. PUBLIC COMMENT PERIOD

This is a fifteen minute Public Comment Period for items within the City Council's subject matter jurisdiction that are not on this agenda. Each speaker will be limited to approximately three minutes. State law prohibits the City Council from acting at this meeting on any matter raised during the Public Comment Period.

Joe Partanksy, Concord, spoke of the electoral college and the third runner-up in the November 2016 City of Concord election.

Ame Secrist, Concord, spoke of mail theft in the Lakeview Villas Home Owners Association.

Kelly Hunt, Concord, spoke of mail theft in the Lakeview Villas Home Owners Association.

Aman Shariati, Concord, requested removal of a cell phone antenna in his neighborhood.

7. PRESENTATIONS

- a. **Presentation** – of Certificates of Recognition to local youth that participated in the California Youth Energy Services Program. **Introduction by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister introduced Principal Planner Michael Cass who outlined the California Youth Energy Services Program and presented Certificates of Recognition to local youth that participated in the Program.

- b. **Presentation** – by Aaron Hawkins, Concord Pavilion General Manager, providing an update on the Concord Pavilion. **Introduction by Mayor Hoffmeister.**

ACTION: Mayor Hoffmeister introduced Concord Pavilion General Manager Aaron Hawkins who provided an update on activities at the Concord Pavilion.

8. ANNOUNCEMENTS

- a. **Announcing** – a recruitment to fill an unscheduled vacancy for a business representative on the Measure Q Oversight Committee; and setting Friday, February 10, 2017 at 5 p.m. as the deadline for receipt of applications by the City Clerk.

ACTION: Mayor Hoffmeister announced a recruitment to fill an unscheduled vacancy for a business representative on the Measure Q Oversight Committee; and set Friday, February 10, 2017 at 5 p.m. as the deadline for receipt of applications by the City Clerk.

9. CITY COUNCIL CONSENT CALENDAR

The public is entitled to address the City Council on items appearing on the Consent Calendar before or during the City Council's consideration of the Consent Calendar. Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Councilmember, individual or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Mayor may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate.

- a. **Considering** – approval of the minutes from the meetings of November 29, December 6 and December 13, 2016. Recommended by the City Clerk.

ACTION: Minutes of November 29, 2016 adopted by the following vote of the Council:

AYES: Birsan, Leone, Hoffmeister NOES: None ABSTAIN: Obringer

Minutes of December 6 and 13, 2016 adopted by unanimous vote of the Council.

- b. **Considering** – adoption of Ordinance No. 16-9 entitled, "An Ordinance Amending Concord Municipal Code Section 5.05.020 (Article Intended as Revenue Measure) to Specify that a Stamp, Signature, or other Notation on Approved Plans, Business License, or Similar does not Constitute a Zoning Clearance, Administrative Permit, Minor Use Permit, Use Permit, or other Regulatory Approval; Chapter 5.80 (Medical Marijuana Dispensaries) to Rename Chapter and Add Section 5.80.030 Prohibiting Outdoor Marijuana Cultivation; and Section 9.05.020 (Sale and Display of Narcotics and other Paraphernalia) to Rename Section and Clarify the Enforcement of Sale and Display of Prohibited Substances or Paraphernalia." Ordinance No. 16-9 was introduced on December 13, 2016. Recommended by the City Clerk.

The ordinance does not constitute a "project" within the meaning of CEQA Guidelines Section 15060(c)(2) because there is no potential it will result in a direct or reasonably foreseeable indirect physical change in the environment and CEQA Guidelines Section 15378 because it has no potential for resulting in

either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. Even if the ordinance does comprise a project for CEQA analysis, it falls within the “Common Sense” CEQA exemption set forth in 14 Cal Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”

This item was pulled from the consent calendar by several Concord residents.

ACTION: Ordinance No. 16-9 adopted.

- c. **Considering** – an agreement with Contra Costa County and adoption of Resolution No. 17-7 to jointly establish a development review process and the allocation of any sales tax revenue from an undeveloped parcel of land that shares jurisdiction on the northwest corner of Marsh Drive and Solano Way (Parcel C; APN 125-210-012.) Recommended by the Director of Community and Economic Development.

The agreement is not subject to environmental review under the California Environmental Quality Act (CEQA), as it does not constitute a “project” under CEQA per Public Resources Code Section 21065 and CEQA Guidelines Section 15378.

ACTION: Resolution No. 17-7 adopted.

- d. **Considering** – acceptance of Improvements for Concord Various Streets Preservation Project, Project No. 2292; and directing the City Clerk to file a Notice of Completion. Recommended by the Director of Community and Economic Development.

ACTION: Improvements for Concord Various Streets Preservation Project, Project No. 2292 accepted; City Clerk directed to file a Notice of Completion.

- e. **Considering** – approval of a Professional Services Agreement for Financial and Accounting Services in the amount of \$50,000 with Robert Half International, Inc.; and authorizing the City Manager to execute the agreement. (General Fund) Recommended by the Director of Finance.

ACTION: Professional Services Agreement for financial and accounting services in the amount of \$50,000 with Robert Half International, Inc. approved; City Manager authorized to execute the agreement.

- f. **Considering** – acceptance of improvements for Willow Pass Park Field Lights Replacement, Project No. 2347; and directing the City Clerk to file a Notice of Completion. Recommended by the Director of Community and Economic Development.

ACTION: Improvements for Willow Pass Park Field Lights Replacement, Project No. 2347 accepted; City Clerk directed to file a Notice of Completion.

- g. **Considering** – adoption of Resolution No. 17-2 authorizing the Application for FY 2016-17 Transportation Development Act (TDA) Grant Funds to support the West Concord Bikeway Improvements Project for the amount of \$120,000. Recommended by the Director of Community and Economic Development.

ACTION: Resolution No. 17-2 adopted.

- h. **Considering** – a two-year lease agreement with the Concord Police Association (POA) for use of facilities located at 5060 Avila Road in Concord for a total two-year cost of \$78,000; and authorizing the City Manager to execute the agreement. (General Fund) Recommended by the Chief of Police.

ACTION: Two-year lease agreement with the Concord Police Association for use of facilities located at 5060 Avila Road in Concord for a total two-year cost of \$78,000 approved; City Manager authorized to execute the agreement.

- i. **Considering** – adoption of Resolution No. 17-4 adopting a Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074 for Citywide Bridge Preventative Maintenance Project - Group 2 Bridges, Project No. 2060/2371. Recommended by the Director of Community and Economic Development.

ACTION: Resolution No. 17-4 adopted.

10. CITY COUNCIL CONSIDERATION ITEMS

The public is entitled to address the City Council on items appearing on the agenda before or during the City Council's consideration of that item. Each speaker will be limited to approximately three minutes.

- a. **Considering** – review of the Draft Subdivision Ordinance, and providing feedback to staff. **Report by G. Ryan Lenhardt, Senior Planner.**

ACTION: Report heard; opportunity for public testimony given; staff given direction on how to proceed with the Subdivision Ordinance.

- b. **Considering** – adoption of Resolution No. 17-3 establishing a Bicycle and Pedestrian Advisory Committee and calling for a recruitment. **Report by Laura Simpson, Planning Manager.**

ACTION: Report heard; public testimony given; Resolution No. 17-3 adopted with revisions.

- c. **Considering** – a Draft Technical Study for Community Choice Aggregation Program in Contra Costa County. **Report by Michael P. Cass, Principal Planner.**

ACTION: Report heard; public testimony given; comments from Council given.

- d. **Considering** – acceptance of the Comprehensive Annual Financial Report with Independent Auditors' Report and Required Communications Letter for the Fiscal Year Ending June 30, 2016. **Report by Suzanne McDonald, Financial Operations Manager.**

ACTION: Report heard; opportunity for public testimony given; Comprehensive Annual Financial Report with Independent Auditors' Report and Required Communications Letter for the Fiscal Year Ending June 30, 2016 accepted.

- e. **Considering** – a selection process to fill current City Councilmember vacancy. **Report by Joelle Fockler, City Clerk.**

ACTION: Report heard; public testimony given; Council established process to interview applicants for current City Councilmember vacancy.

11. CORRESPONDENCE

Correspondence received at the City Council meeting will be listed here on the Annotated Agenda.

- a. January 22 – 28, 2017 National School Choice Week Proclamation
- b. December 14, 2016 Mike Rose Auto Body Proclamation
- c. January 14, 2017 Kitakami 20th Anniversary of Assembly Hall Proclamation
- d. Article on Marijuana Legalization
- e. Concord Subdivision Ordinance Update PowerPoint Presentation
- f. Bicycle and Pedestrian Advisory Committee PowerPoint Presentation
- g. Correspondence Received on Bicycle and Pedestrian Advisory Committee
- h. Community Choice Energy in Contra Costa County PowerPoint Presentation
- i. Flyer from MCE on Clean Jobs and Public Accountability
- j. Flyer from MCE on Cleaner Energy Sources for California
- k. Independent Auditors' Required Communication for the Fiscal Year ended June 30, 2016 PowerPoint Presentation
- l. Benched Item No. 10.e - Councilmember Application
- m. Email on Potential Brown Act Violation re: Item 10.e – Selection process to fill current City of Concord Council vacancy

- n. Comments submitted by Dr. Harmesh Kumar on Council appointment
- o. Proposed questions for Councilmember applicants submitted by Vice Mayor Birsan

12. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements – **none.**

City Manager or Staff Reports – **none.**

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

Councilmember Leone requested to take the item of combining the Planning Commission and Design Review Board into one committee to the Housing and Economic Development Committee. It was the consensus of the Council to take the item to the Council’s goal setting workshop scheduled for April 2017.

13. ADJOURNMENT – at 12:50 a.m.

Next Meeting: Regular Meeting

Date: 1/24/2017 – 6:30 p.m.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS - The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the City Clerk for personal use during Council meetings.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

The following is a list of regular **Council Committee** meeting dates. Most meetings are held in the Garden Conference Room, 1950 Parkside Drive, Concord. **NOTE: Meetings are subject to change or cancellation. For latest information and committee agendas please call 671-3158.**

| Committee | Chair/Member | Meeting Time |
|---|--------------------|--|
| Policy Development & Internal Operations | Hoffmeister/Birsan | 2 nd Thursday at 5:30 p.m. |
| Housing & Economic Development | Leone/Obringer | 4 th Monday at 5:30 p.m. |
| Infrastructure & Franchise | Birsan/Hoffmeister | 2 nd Monday at 5:30 p.m. |
| Recreation, Cultural Affairs & Comm. Svc. | Obringer/vacant | 3 rd Wednesday at 5:30 p.m. |
| Youth & Education | vacant/Leone | 3 rd Monday at 5:30 p.m. |