

COUNCILMEMBERS

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

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



Tuesday,
November 14, 2017

6:30 p.m. - 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.

1. OPENING

Roll Call – all present

Pledge to the Flag – Councilmember Obringer

2. 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.

Elaine Stephenson, Concord, spoke of elder care businesses and rentals in homes on Beckner Court and the parking issues they cause.

Hope Johnson, Concord, spoke about Dan Helix resigning from the Community Advisory Committee (CAC) and her concern over the CAC’s lack of knowledge of such a complex project as the Reuse Project.

Katrin Castro, Concord, spoke in opposition to the cellular towers proposed for the Orchard neighborhood.

Carol Edgerton, Concord, spoke of multifamily dwellings in the Monument area and the congestion and problems they cause and requested that a Task Force be formed in the area.

Darlene Dranzik, Concord, spoke in opposition to the cellular towers proposed for the Tree Haven neighborhood.

Dan McGright, Concord, spoke in opposition to the cellular towers proposed for the Orchard neighborhood.

Edward Gaede, Pleasant Hill, owner of 1531 Peach Place, Concord, spoke in opposition to the cellular towers proposed for the Orchard neighborhood.

Sylvia Nachlenser, Concord, spoke in opposition to the cellular towers proposed for the Orchard neighborhood.

Daryl Bergman, Concord, spoke of forming a task force in the Monument area.

George Fulmore, Concord, spoke of his ideas for improvements at Ellis Lake Park.

Jerrod Rodriguez, spoke of turning on lights in the skate park.

3. PRESENTATIONS

- a. **Presentation** – to Yolanda Gonzalez, Monument Crisis Center, proclaiming November 2017 as "Homeless Awareness Month" in the City of Concord.
Introduction by Mayor Hoffmeister.

ACTION: Presentation made.

- b. **Presentation** – to Marilyn Fowler, President/CEO, Greater Concord Chamber of Commerce, proclaiming November 25, 2017, as "Small Business Saturday" in the City of Concord. **Introduction by Mayor Hoffmeister.**

ACTION: Presentation made.

- c. **Presentation** – by Emergency and Volunteer Services Manager Margaret Romiti and Sergeant Tamra Roberts on RAVE Mobile Safety and Smart911.
Introduction by Mayor Hoffmeister.

ACTION: Presentation made.

4. ANNOUNCEMENTS – none

5. **TREASURER'S REPORT**

- a. **Receiving** – the Quarterly Treasurer's Report for the period July 1 - September 30, 2017. (No Fiscal Impact) Recommended by the City Treasurer.

ACTION: Treasurer's Report for the period July 1 – September 30, 2017, received.

6. **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 July 11 and 25, 2017. Recommended by the City Clerk.

ACTION: Minutes from the meetings of July 11 and 25, 2017, approved.

- b. **Considering** – award of the following for the Concord Community Pool Deck Repair project, Project No. 2388: (1) construction contract in the amount of \$1,731,416.69 to Tricon Construction, Inc. dba Tricon Aquatics of Rancho Cordova, CA, authorizing staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount, and authorizing the Mayor to execute the contract; (2) approval of an Agreement for Professional Services in the amount of \$115,052 with Swinerton Management and Consulting for construction management, inspection, and materials testing services for the project, authorizing the City Manager to execute the Agreement in a form acceptable to the City Attorney; and (3) approval of a budget transfer in the amount of \$220,000 (\$175,000 from Parkland Dedication Fund 450 and \$45,000 from Measure Q Fund 125). Recommended by the Director of Community and Economic Development.

CEQA: Categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 – Existing Facilities, 15302 – Replacement and Reconstruction, and 15304 – Minor Alterations to Land.

ACTION: Construction contract in the amount of \$1,731,416.99 awarded to Tricon Construction, Inc. dba Tricon Aquatics; staff authorized to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; Mayor authorized to execute the contract; Agreement for Professional Services in the amount of \$115,052 with Swinerton Management and Consulting approved; City Manager authorized to execute the Agreement in a form acceptable to the City Attorney.

- c. **Considering** – award of purchase of three 2017 Ford Utility Police Interceptors to Future Ford of Concord in the amount of \$83,064.42. (Annual Vehicle Replacement Fund) Recommended by the Director of Public Works.

ACTION: Purchase of three 2017 Ford Utility Police Interceptors in the amount of \$83,064.42 awarded to Future Ford of Concord.

- d. **Considering** – rejection of all bids for the Civic Center Wayfinding Project. Recommended by the Director of Public Works.

ACTION: All bids for the Civic Center Wayfinding Project rejected.

- e. **Considering** – affirmation of appointment of Councilmember Tim McGallian as an alternate to represent the City of Concord on the Marin Clean Energy Board of Directors. Recommended by the Mayor.

ACTION: Councilmember Tim McGallian affirmed as alternate to represent the City of Concord on the Marin Clean Energy Board of Directors.

- f. **Considering** – adoption of Ordinance No. 17-13 entitled, "An Ordinance Amending the Municipal Code and Development Code to ban all Marijuana (Cannabis) Uses, Except for Personal Indoor Cultivation and Delivery of Medical Marijuana to Qualified Patients." Ordinance No. 17-13 was introduced on October 24, 2017. Recommended by the City Clerk.

CEQA: Not a project under Public Resources Code 21065, Guidelines Sections 15060(c)(2), 15060(c)(3), 15061(b)(3), or 15378; in the alternative, is categorically exempt pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment.

This item was pulled from the Consent Calendar by Vice Mayor Birsan.

ACTION: Ordinance No. 17-13 adopted by the following vote:

AYES: McGallian, Obringer, Hoffmeister

NOES: Birsan, Leone

ABSENT: None

- g. **Considering** – adoption of Resolution No. 17-78 authorizing the submittal of a resolution to the Metropolitan Transportation Commission (MTC) for funding of design and environmental activities associated with the Downtown Corridors Bike/Pedestrian Improvements (Project) under the Active Transportation Program Grant for \$623,000; and Resolution No. 17-79 affirming local support for the project, authorizing the filing of an application for funding assigned to MTC, committing the necessary matching funds totaling \$106,000 for Fiscal Years 2017-18 and 2018-19, and stating assurance to complete the Project. (Funding for Fiscal Year 2017-18 of \$23,000 will come from within the existing approved budget; funding for Fiscal Year 2018-19 of \$83,000 will be allocated as part of the CIP budget to be adopted in May 2018.) Recommended by the Director of Community and Economic Development.

CEQA: Not a project as there is no potential for causing a physical change to the environment as contemplated under CEQA (Public Resources Code Section 21065 and Section 15378 of the CEQA guidelines.)

ACTION: Resolution Nos. 17-18 and 17-79 adopted.

- h. **Considering** – a Product and Services Agreement with Active Network, Inc. for recreation management software for an initial three-year term with two automatic renewal periods of two years each at an estimated cost of \$60,782 for Fiscal Year 2017-18, an estimated cost of \$107,225 in Fiscal Year 2018-19, and increasing up to \$153,586 in Fiscal Year 2023-24; and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney. (The first year of the agreement is funded by the Information Technology Capital Project No. 2007; year two will be funded through the adopted budget; future years will be funded within future budgets.) Recommended by the Director of Parks and Recreation and the Director of Information Technology.

ACTION: Product and Services Agreement with Active Network, Inc. for recreation management software for an initial three-year term with two automatic renewal periods of two years each at an estimated cost of \$60,782 for Fiscal Year 2017-18, and estimated cost of \$107,225 in Fiscal Year 2018-19, and increasing up to \$153,586 in Fiscal Year 2023-24 approved; City Manager authorized to execute the Agreement in a form acceptable to the City Attorney.

7. 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** – allocation of Affordable Housing Funds (estimated \$14 million available for investment in 2023). **Report by Laura Simpson, Planning and Housing Manager.**

ACTION: Report heard; public testimony given; feedback on prioritizing affordable housing goals and the preferred method for allocating available affordable housing funds given.

- b. **Considering** – an amendment to the Employment Agreement between the City of Concord and City Manager Valerie Barone applying the July 2017 and July 2018 cost of living adjustments (cola) granted all bargaining and unrepresented employees to the City Manager: specifically, a 3 percent cola effective October 10, 2017 (annual salary of \$274,104) and a future 3 percent cola effective July 2, 2018 (annual salary of \$282,327). **Report by Laura M. Hoffmeister, Mayor.**

ACTION: Amendment to the Employment Agreement between the City of Concord and City Manager Valerie Barone applying a 3 percent cola effective October 10, 2017 (annual salary of \$274,104) and a future 3 percent cola effective July 2, 2018 (annual salary of \$282,327) approved.

8. CORRESPONDENCE

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

- a. Proclamation to Eagle Scout Hadley Pike dated November 11, 2017
- b. Benched flyer on Licensed Cannabis Sales
- c. George Fulmore's suggestion for renovations to Ellis Lake Park
- d. RAVE Mobile Safety and Smart911 PowerPoint Presentation
- e. Smart 911 Fact Sheet (2)
- f. Benched Minutes from the July 11, 2017, City Council Meeting
- g. Benched letter from Bridge Housing
- h. Affordable Housing Fund Allocation PowerPoint Presentation
- i. Photo of rehabilitation housing project on Virginia Lane by Eden Housing

9. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements – **none**

City Manager or Staff Reports – **none**

Council Reports

Councilmember Leone addressed Dan Helix's recent resignation from the Community Advisory Committee (CAC) and expressed his regret of Mr.

Helix's resignation. Councilmember Leone spoke of the dangerous conditions on Willow Pass Road. He noted that improvements will be made during Stage One of the Reuse Project, but requested lights or other mitigating measures be installed to enhance safety in the meantime. Mr. Leone expressed his concern of the Monument area and expressed a desire for the formation of a Council Committee, task force, or a Specific Plan and requested staff to develop a plan to address issues in the Monument community. Councilmember Leone mentioned an upcoming Rental Review Hearing and requested that staff research the possibility of televising and taping the hearing for the public.

Vice Mayor Birsan requested that City staff look into putting lights in at the skate park.

Councilmember Obringer spoke of meeting business contacts and raising interest in Concord from discussions held at a recent Bay Area Council dinner. She requested that staff look into a task force in the Monument community to include looking into open space at Cambridge Park, code enforcement of the area, and economic development in the area. Ms. Obringer expressed her thanks to Dan Helix's 45 years of service to the Concord community and being proactive with the CAC and advocating for small group study sessions for the CAC. She emphasized that it is crucial that the City provide additional training to CAC members going forward so they truly understand all of the issues in order to make the Reuse Project the world class project that is envisioned. She urged Mr. Helix to withdraw his resignation.

Councilmember McGallian expressed support for a Monument area task force with the intention that the City helps the group get started to grow into a vibrant group. He spoke of a disconnect between homeowners and residents of multifamily housing and the task force helping to bridge the gap between the two.

Mayor Hoffmeister stated that she spoke with Mr. Helix regarding reconsidering his resignation from the CAC, and that during the conversation Mr. Helix stated that he felt he had completed what he wanted to contribute to the group. She thanked Mr. Helix for his service and stated that his presence on the CAC will be missed. Mayor Hoffmeister noted that a task force may not be necessary in assisting the residents in the Monument area, instead she asked staff to explore connecting with a community organization similar to the Dana Estates HOA in the Monument area that already exists to see how the City can provide resources to assist the citizens in the area with their concerns and priorities. She echoed Councilmember Leone's concern with Willow Pass Road and requested that staff take temporary measures for increased safety.

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

10. ADJOURNMENT – at 9:35 p.m.

Next Meeting: Regular Meeting
Date: 11/28/2017 - 6:30 PM

ADA NOTICE AND HEARING IMPAIRED PROVISIONS - The Council Chamber is equipped with a T-Coil Hearing Loop. This system allows “T” coil reception of the audio proceedings. Please switch your hearing aid or cochlear device to the “T”, “T” Coil or telephone position. If you would like better audio reception, a loop receiver that picks up the audio loop is available from the City Clerk.

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) 671-3031, 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 Wednesday at 6:00 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/McGallian	3 rd Wednesday at 5:30 p.m.
Youth & Education	McGallian/Leone	3 rd Monday at 5:30 p.m.