

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/
CITY COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, FEBRUARY 14, 2017

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, February 14, 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; Joelle Fockler, City Clerk; Chief of Police Guy Swanger; 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; Guy Bjerke, Director of Reuse Planning; Ray Kuzbari, Transportation Manager; Robert Ovadia, City Engineer; Kathie Leavitt, Program Manager; Christopher Rhoades, Budget Analyst; Bob Hardie, Facilities Manager; Captain Bill Roche; Captain Garrett Voerge; Lt. Jeff Krieger; Lt. Russ Norris; Lt. Nick Gartner; Lt. Rob Zywicki; Sgt. James Nakayama; Michael Raney, Senior Crimes Analyst; Margaret Romiti, Program Manager

MEMBERS OF THE PUBLIC
WHO ADDRESSED THE COUNCIL: Kelly Hunt, Concord; Peter Nelson, Concord; Joe Partansky, Concord; Dr. Harmesh Kumar, Concord; Robyn Kustlits, Concord; James Haro, Concord; Matthew Zamora, Concord

PUBLIC COMMENT PERIOD

Kelly Hunt, Concord, spoke of mail theft at the Lakeview Villas.

Peter Nelson, Baha'i Center in Concord, invited the Council and the public to the Baha'i Center grand opening at 4100 Clayton Road, on February 23, at 7:30 p.m.

Joe Partansky, Concord, requested that the City Council go on the record as having a positive attitude towards the First Amendment; requested handouts for presentations be available to the public 72 hours prior to the presentation; and have a sign made at the Todos Santos podium with regard to First Amendment capacity.

Dr. Harmesh Kumar, Concord, asked what the Police Department use of force procedures are.

Robyn Kustlits, Concord, announced the Rainbow Community Center 2017 Annual Crab Feed Fundraiser, to be held Saturday, February 25, at the Mt. Diablo Unitarian Universalist Church, 55 Eckley Lane, Walnut Creek.

James Haro, Concord, inquired about police inspection charges, liens, and a lawsuit for his property located at 2749 Montgomery Avenue.

PRESENTATIONS

CONCORD DISPOSAL SERVICES – Special Garbage Rates for Very-Low Income Seniors

Mayor Hoffmeister introduced Nicole Impagliazzo, Concord Disposal Services, who gave a presentation on special garbage rates for very-low income seniors in Concord.

UPDATE ON POLICE DEPARTMENT ACTIVITIES

Mayor Hoffmeister introduced Chief of Police Guy Swanger, who gave a presentation on police department activities for the period January 2015 – December 2016.

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

Dr. Harmesh Kumar, Concord, asked what the outcomes were from the 19 juveniles referred to Community Court and asked if the count of homeless camps included camps that moved from one location to another.

Joe Partansky, Concord, asked what was done with valuable personal items removed from homeless camps.

Mayor Hoffmeister closed the public comment period.

ANNOUNCEMENTS – none.

AWARD OF CONTRACT – Umpiring Services, RFB #2363

Motion was made by Leone and seconded by Obringer to approve a Professional Services Agreement for umpiring services with Concord Softball Umpires in the amount of \$73,000. Motion approved by unanimous vote of the Council.

APPROVAL OF A SITE LICENSE AGREEMENT – New Cingular Wireless PCS (AT&T)

This item was removed from consideration by staff.

ADOPT ORDINANCE NO. 17-425.1 – Conco Rezone

Motion was made by Leone and seconded by Obringer to adopt Ordinance No. 17-425.1 entitled, "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE, CHAPTER 18.50.010(B) (PURPOSE – IBP – BUSINESS PARK) TO CHANGE THE LAND USE AND ZONING MAP DESIGNATION FROM OFFICE BUSINESS PARK (OBP) TO INDUSTRIAL BUSINESS PARK (IBP) FOR SIX PARCELS (APNS 159-040-021-2, 159-040-024-6, 159-040-037-8, 159-040-038-6, 159-040-039-4, 159-040-095-6), LOCATED WEST OF PORT CHICAGO HIGHWAY AND NORTH OF BATES AVENUE." Ordinance No. 17-425.1 was introduced on January 24, 2017. Motion passed by unanimous vote of the Council.

ADOPTION OF A POSITION OF SUPPORT FOR SENATE BILL 2 (Atkins) – Building Homes and Jobs Act and SENATE BILL 3 (Beall) – Affordable Housing Bond Act of 2018

Motion was made by Leone and seconded by Obringer to adopt a position of support for Senate Bill 2 (Atkins) – Building Homes and Jobs Act and Senate Bill 3 (Beall) – Affordable

Housing Bond Act of 2017; and authorize the Mayor to send letters of support to the State Legislature and Governor's Office on behalf of the City of Concord. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Pedestrian Bridge at Newhall Park

Motion was made by Leone and seconded by Obringer to award a contract for the replacement of a pedestrian bridge at Newhall Park in the amount of \$87,499.50; and authorizing the City Manager to execute the contract in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

AMENDMENT TO MASTER AGREEMENT – Environmental Science Associates (ESA)

Motion was made by Leone and seconded by Obringer to approve an amendment to the Master Agreement with Environmental Science Associates (ESA) associated with the preparation of conceptual flood management plans and creek restoration plans in support of site wide permits for sensitive habitat and species on the Concord Naval Weapons Station in an amount not to exceed \$56,000. Motion passed by unanimous vote of the Council.

AMENDMENT TO MASTER SERVICES AGREEMENT – ALH Urban & Regional Economics (ALH Economics)

Motion was made by Leone and seconded by Obringer to approve an amendment to the Master Services Agreement with ALH Urban & Regional Economics (ALH Economics) for professional services associated with disposition and land transfer planning at the Concord Naval Weapons Station (CNWS) in an amount not to exceed \$20,000. Motion passed by unanimous vote of the Council.

INTRODUCTION OF ORDINANCE NO. 17-1 – Speed Limit Change

Ray Kuzbari, Transportation Manager, presented a report, referring to the staff report dated February 14, 2017. He reported that Ordinance No. 17-1 will change the speed limit on Rolling Woods Way from Pine Hollow Road to the northernmost boundary of the Crystyl Ranch development from 25 miles per hour to 30 miles per hour. He stated that an Engineering and Traffic Survey (ETS) was conducted by the City in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD) to confirm the validity of the existing speed limit on Rolling Woods Way, as the current ETS will expire in April 2017. He noted that based on this review, it was determined that the speed limit on Rolling Woods Way between Pine Hollow Road and the northernmost boundary of the Crystyl Ranch development must be increased from 25 mph to at least 30 mph in compliance with CA-MUTCD guidelines. In addition, the current speed limit of 25 mph on the remaining segment of Rolling Woods Way from the northernmost boundary of the Crystyl Ranch development to Crystyl Ranch Drive was confirmed through the ETS to be valid, and, therefore, should not be changed.

Mr. Kuzbari recommended that the City Council introduce Ordinance No. 17-1 amending Concord Municipal Code Title 10 (Traffic and Vehicles), Chapter 10.20 (Operation of Vehicles), Article IV (Special Speed Zones), Section 10.20.080 (Speed limits established) to change the speed limit on Rolling Woods Way from Pine Hollow Road to the northernmost boundary of the Crystyl Ranch development from 25 miles per hour to 30 miles per hour.

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

Matthew Zamora, Concord, spoke of his concerns regarding increasing the speed limit.

Mayor Hoffmeister closed the public comment period.

Following discussion by the Council, a motion was made by Leone and seconded by Hoffmeister to introduce Ordinance No. 17-1 entitled, "AN ORDINANCE OF THE CITY OF CONCORD AMENDING CONCORD MUNICIPAL CODE TITLE 10 (TRAFFIC AND VEHICLES), CHAPTER 10.20 (OPERATION OF VEHICLES), ARTICLE IV (SPECIAL SPEED ZONES), SECTION 10.20.080 (SPEED LIMITS ESTABLISHED) TO CHANGE THE SPEED LIMIT ON ROLLING WOODS WAY FROM PINE HOLLOW ROAD TO THE NORTHERNMOST BOUNDARY OF THE CRYSTYL RANCH DEVELOPMENT FROM 25 MILES PER HOUR TO 30 MILES PER HOUR" by reading of the title only and waiving further reading. Motion passed by the following vote of the Council:

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

LOCAL REUSE AUTHORITY RESOLUTION NO. 17-17 – Adding an Additional Member to the Concord Naval Weapons Station Reuse Project Community Advisory Committee (CAC)

Director of Community Reuse Planning Guy Bjerke presented a report, referring to the staff report dated February 14, 2017. He reported that the Local Reuse Authority was being asked to decide whether they wished to add an additional member to the CAC, and if an additional member is desired, to review and choose a selection process.

Director Bjerke reported that the CAC was comprised of 12 members and that a concern about the even number of members and possible tie votes on CAC matters led the Council to consider adding an additional member to the CAC.

Director Bjerke reviewed the possible selection options, including:

1. Elevate the next CAC Alternate – Charles "Jim" Hoffman.
2. Select a new CAC member from the remainder of the November 19, 2016 interview pool. The four remaining applicants from the interview pool include Steve Older, Mark Harris, Jill Newquist and Jeanette Green.
3. Select a new CAC member from the September 23, 2016 applicant pool. There were approximately 80 applicants who were not chosen by the Council to be interviewed on November 19, 2016.
4. Re-advertise the opening to the public and select a new CAC member.

Mr. Bjerke noted that under options 2, 3, or 4 the Council may wish to select an additional alternate member.

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

Following discussion by the Council, a motion was made by Obringer and seconded by Hoffmeister to adopt Resolution No. 17-17 entitled, "A RESOLUTION AMENDING LOCAL REUSE AUTHORITY RESOLUTION NO. 17-15 (ESTABLISHING A COMMUNITY ADVISORY COMMITTEE) IN ORDER TO RATIFY ADDITION OF DANIEL C. HELIX AS AN EMERITUS VOTING MEMBER OF THE CONCORD NAVAL WEAPONS STATION REUSE PROJECT COMMUNITY ADVISORY COMMITTEE (CAC)" with the amendment that if Daniel C. Helix leave the CAC, his emeritus voting position will automatically become a regular voting position with no need for further City Council action. Motion passed by unanimous vote of the Council.

A motion was made by Obringer and seconded by McGallian to select a new CAC member from the September 23, 2016 applicant pool. Motion passed by the following vote of the Council:

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

Following discussion, it was the consensus of the Council to interview five applicants from the September 23, 2016 applicant pool. The applicants include: Peggy Tweedie, Colleen Geraghty, Jeanette Green, Rico Ramirez, and Charles "Jim" Hoffman.

ACCEPTANCE OF FISCAL YEAR 2016-17 MID-YEAR REVIEW

Director of Finance Karan Reid presented a report, referencing the staff report dated February 14, 2017. She stated that the report contained an update on several of the City Council's Priority Areas of Focus for Fiscal Year 2016-17 and presented prior year actuals as well as the current status of the City's General Fund and other non-General Fund accounts at the mid-point of the current fiscal year, Fiscal Year 2016-17.

Director Reid reported that the changes included modifying the General Fund budget for Fiscal Year 2016-17 to incorporate an increase in revenue of \$842,000, an increase in expenditures of \$1,838,100, and a \$403,900 contribution to the City's unallocated reserves. She conveyed that the recommended expenditure changes are in accordance with the City's Fiscal Sustainability Ordinance. Ms. Reid stated that projected Measure Q revenues were recommended to be decreased by \$278,000. She noted that adjustments were proposed to several non-General Fund accounts including Affordable Housing Funds, \$30,000 appropriation; Traffic Systems Management, \$50,000 appropriation; Project No. 2413, Portable Sound System Replacement, \$120,000 Infrastructure Technology appropriation; Project No. 2356, Operational Improvements to Parallel Arterials, \$150,000 Measure J funds appropriation and a transfer of \$150,000 from General Fund project Subdivision Ordinance Update; Project No. 2354, Farm Bureau Road Complete Streets – Phase II, \$400,000 Measure Q Lease Revenue Proceeds appropriation; Project No. 2412, Downtown Historic Street Signs, \$49,400 Art in Public Places appropriation and \$20,600 transfer from Project No. 2309, Todos Santos Decorative Tree Lighting; and Encumbrances for Enterprise and Internal Services Funds, \$1.7 million. She conveyed that the report presents the legal documents that document the previously approved loan of \$6,263,983 from the City's General Fund to the Local Reuse Authority.

Director Reid stated that the Council was being requested to adopt Resolution No. 17-13 amending the FY 2016-17 Municipal Budget and authorizing the write-off of an uncollectible loan of \$30,000, adopt Resolution No. 17-3493.1 authorizing a Plan Check Engineer position and a Permit Tech I position, and adopt LRA Resolution No. 17-16 approving an Interfund Loan Agreement between the city and the Local Reuse Authority.

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

RESOLUTION NO. 17-13 – Amending the Municipal Budget for Fiscal Year 2016-17

A motion was made by Birsan and seconded by McGallian to adopt Resolution No. 17-13 entitled, "A RESOLUTION AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2016-17." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 17-3493.1 – Authorizing a Plan Check Engineer Position and Permit Center Technician I Position

A motion was made by Birsan and seconded by McGallian to adopt Resolution No. 17-3493.1 entitled, "A RESOLUTION AUTHORIZING A PLAN CHECK ENGINEER POSITION IN

THE BUILDING DIVISION AND A PERMIT CENTER TECHNICIAN I POSITION IN THE ENGINEERING DIVISION.” Motion passed by unanimous vote of the Council.

LOCAL REUSE AUTHORITY RESOLUTION NO. 17-16 – Approving an Interfund Loan Agreement between the City of Concord and the Local Reuse Authority

A motion was made by Birsan and seconded by McGallian to adopt Local Reuse Authority Resolution No. 17-16 entitled, “A RESOLUTION APPROVING AN INTERFUND LOAN AGREEMENT BETWEEN THE CITY OF CONCORD (LENDER) AND THE LOCAL REUSE AUTHORITY (BORROWER) FOR THE TEMPORARY USE OF GENERAL FUND DOLLARS TO SUPPORT THE BASE REUSE PROJECT.” Motion passed by unanimous vote of the Council.

RESOLUTION NO. 17-9 – Approval of a Process to Fill the Unscheduled Vacancy of the City Treasurer

City Clerk Joelle Fockler presented a report, referring to the staff report dated February 14, 2017. She stated that on January 31, 2017, City Treasurer McGallian announced his resignation from the City Treasurer position due to his appointment to the City Council, requiring the City Council to consider the legally available alternatives for filling the vacancy created by City Treasurer McGallian’s resignation to complete his term of office ending December 2018.

City Clerk Fockler conveyed that the Council was being asked to approve one of the following options to fill the vacancy:

1. Appoint an individual to the vacant position, either through a direct appointment or following an application and interview process; or
2. Initiate the process for appointing an individual to the vacant position but leave open the option of calling a special election; or
3. Call for a special election.

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

Motion was made by Leone and seconded by Obringer to adopt Resolution No. 17-9 entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CONCORD TO APPOINT A CITIZEN TO FILL THE OFFICE OF CITY TREASURER VACATED BY THE RESIGNATION OF TIMOTHY A. MCGALLIAN WAIVING THE OPTION OF A SPECIAL ELECTION.” Motion passed by unanimous vote of the Council.

CORRESPONDENCE

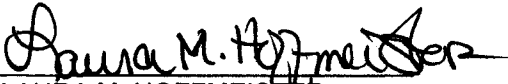
- a. Proclamation – Mike Van Hofwegen Retirement – January 30, 2017
- b. Proclamation – Steve Glazier, Volunteer of the Year – February 16, 2017
- c. Letter to Hon. Jim Bell, Senate Transportation Committee – February 2, 2017
- d. Letter to Hon. Jim Frazier, Assembly Transportation Committee – February 2, 2017
- e. Rainbow Community Center 2017 Annual Crab Feed Fundraiser Flyer
- f. Concord Disposal Service PowerPoint Presentation
- g. Police Department PowerPoint Presentation
- h. City Treasurer Vacancy PowerPoint Presentation
- i. Fiscal Year 2016-17 Mid-Year Budget Report PowerPoint Presentation
- j. Correspondence received from Vice Mayor Birsan on his visit to ABCO Labs
- k. Letter submitted by Concerned Citizens of Concord regarding 2898 Laguna Street
- l. CAC ballots determining which candidates to interview
- m. Correspondence received from Vice Mayor Birsan on his attendance at the ABAG Special General Assembly Meeting on January 30, 2017

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 10:42 p.m.


LAURA M. HOFFMEISTER
MAYOR


JOELLE FOCKLER, MMC
CITY CLERK