

**AMENDED AGENDA AND
AMENDED AGENDA ITEM NO. 9.F STAFF REPORT**
Changes in ~~strikeout~~ and **highlighted** font.

COUNCILMEMBERS
Laura M. Hoffmeister, Mayor
Edi E. Birsan, Vice Mayor
Dominic D. Aliano
Laura M. Nakamura
Carlyn S. Obringer

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



**Regular Meeting of the
Concord City Council/City
Council Sitting as the
Local Reuse Authority**

Tuesday,
April 11, 2023

5:00 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
and/or Various
telephonic/electronic
locations

IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION
UPDATED MARCH 2, 2023

Members of the public are invited to attend and participate at: **Council Chamber, 1950 Parkside Drive, Concord, CA.**

As a courtesy and technology permitting, members of the public may continue to provide live remote oral public comment via the City's Zoom Platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. In those instances, so long as the public may still attend the meeting in person, the meeting will continue. Members of the public desiring to provide comments as a part of the meeting are encouraged to either submit written comments by 3:00 p.m. prior to the meeting or to attend the meeting in person.

NOTICE: The Closed Session portion of the meeting agenda will be held in person only in the City Council Conference Room, 1950 Parkside Drive. Public Comment for the Closed Session item will be taken in person only when the Closed Session begins at 5:00 p.m.

HOW TO PARTICIPATE

The public is invited to participate in the City Council meeting using any of the following methods:

1. IN PERSON:

- a. Members of the public can provide in-person comments in the Council Chamber. Members of the public are encouraged, but not required, to fill out a speaker card. The Council Chamber will have seating available for members of the public to attend in person up to full seating capacity.

2. REMOTE:

- a. **Zoom:**
<https://cityofconcord.zoom.us/j/83324438637?pwd=U0htdUNMUINjRjIHh0cEpnVXROdz09> or **Zoom Webinar ID:** 833 2443 8637 and **Passcode:** 157718
- b. Zoom Phone Numbers. Dial Toll Free: (669) 900-6833 or (346) 348-7799 or (253) 215-8782.
- c. During the meeting, each period for public comment will be announced, and participants may use the "Raise Hand" feature on Zoom to request to speak. If calling in via Zoom use *9 to raise and lower your hand. The meeting host will call on you, by name, and promote you to panelist in the webinar so you can be seen via your camera. Please enable your microphone when it is your turn to speak. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required. (If you need instructions on how to use this feature, please contact the City Clerk by 3:00 p.m. of the meeting date at cityclerk@cityofconcord.org).

3. EMAIL:

- a. Public comments can also be submitted via email to cityclerk@cityofconcord.org. Please note that emailed comments will not be read aloud by staff. Any public comments received up until 3:00 p.m. of the meeting date will be:
 1. distributed to the Council before the meeting,
 2. posted online for public inspection at <https://stream.ci.concord.ca.us/OnBaseAgendaOnline/Meetings/Search>, and
 3. inserted into the meeting record.
- b. As emails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your email.

4. TO WATCH OR LISTEN ONLY:

- a. Watch on TV on Comcast Channel 28, Astound/Wave Channel 1026, and AT&T U-verse Channel 99
- b. Watch the TV broadcast through the City’s website by following [THIS LINK](#)
- c. Watching Live Streaming of the meeting by following [THIS LINK](#)
- d. Join the Zoom webinar by following [THIS LINK](#)

CLOSED SESSION

1. OPENING

Roll Call

2. PUBLIC COMMENT

The public is entitled to address the City Council on items appearing on the Closed Session Calendar before or during the City Council’s consideration. Public Comment Each speaker will be limited to approximately three minutes. **Please see “How to Participate” above.**

3. CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code)
Name of case: Stephen Burke v. City of Concord; Contra Costa County
Superior Court Case No. MSC22-00150.
- b. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO
GOVERNMENT CODE SECTION 54957.6
Agency designated representatives: Valerie Barone, City Manager; Jasmin Loi,
Director of Human Resources; Karan Reid, Director of Finance; James Peavey,
Human Resources Manager; Lisa Charbonneau, Esq., Liebert Cassidy
Whitmore
Employee organizations: Administrative, Technical & Clerical Representation
Unit and Field & Operations Representation Unit of International Brotherhood of
Teamsters Local 856; Professional Representation Unit of OPEIU Local 29

4. RECESS TO OPEN SESSION

OPEN SESSION

5. OPENING

Roll Call – Announcements/Consideration and Approval of Requests by Councilmembers to Participate Remotely Pursuant to AB 2449

Pledge of Allegiance – Vice Mayor Birsan

6. PUBLIC COMMENT PERIOD

This is a 15-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. **Please see "How to Participate" above.**

7. PRESENTATIONS

- a. **Presentation** – from Congressman Mark DeSaulnier (CA-10) presenting the City of Concord federal funding he secured for a traffic and pedestrian safety and accessibility project. **Introduction by Mayor Hoffmeister.**
- b. **Presentation** – from Suzanne Tavano, Ph.D., Contra Costa Health Services Director of Behavioral Services, on the Oak Grove Behavioral Health Campus located at 1034 Oak Grove Road. **Introduction by Mayor Hoffmeister.**

8. ANNOUNCEMENT

- a. **Announcing** – openings on Concord's Commission on Aging; Community Services Commission; Concord/Pleasant Hill Health Care District Grant Committee; and Parks, Recreation and Open Space Commission; and setting a deadline of Friday, May 12, 2023, at 5 p.m. for applications to be due to the City Clerk. **Report by Joelle Fockler, City Clerk.**

9. CITY COUNCIL/CITY COUNCIL SITTING AS THE LOCAL REUSE AUTHORITY (LRA) 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. **Please see "How to Participate" above.**

CITY COUNCIL CONSENT CALENDAR

- a. **Considering** – approval of the minutes from the January 28 and February 7, 2023, meetings. Recommended by the City Clerk.
- b. **Considering** – the following for Meadow Lane/Market Street Paving (Project No. 2582), on Meadow Lane from Monument Boulevard to Market Street, and on Market Street from Meadow Lane to Willow Pass Road:
 1. Award of a Construction Contract in the amount of \$3,977,859.50 to Ghilotti Bros., Inc. and authorizing staff to utilize the available project contingency for contract change orders that become necessary up to 10% of the contract amount; and authorizing the Mayor to execute the contract in a form acceptable to the City Attorney. (Measure V and American Rescue Plan Act Funds)
 2. Authorizing the City Engineer to accept the improvements upon completion of Project No. 2582, and directing the City Clerk to file a Notice of Completion. Recommended by the Director of Community Development.

CEQA: Not a project/exempt per CEQA Guidelines Sections 15060(c), 15061(b)(2), 15061(b)(3), 15273, 15378, 15301, 15302, 15303, 15304, and/or Public Resources Code Section 21065.

- c. **Considering** – approval of a Professional Services Agreement with Pavement Engineering Inc. in the not-to-exceed amount of \$158,812.50 (base agreement of \$144,375 plus Staff authority to spend up to a 10% contingency of \$14,437.50) for design engineering and related services for Citywide Arterial and Collector Maintenance No. 3 (Project No. 2616), on Landana Drive from Concord Boulevard to Willow Pass Road, Farm Bureau Road from Willow Pass Road to Wren Avenue, and Laguna Street from Detroit to Galindo Street; and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney (Measure V Funds). Recommended by the Director of Community Development.

CEQA: Not a project/exempt per Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c)(2), 15378 and/or 15061(b)(3).

- d. **Considering** – adoption of a Resolution Authorizing the Designation of Applicant Agent Resolution to the California Governor’s Office of Emergency Services (Cal OES). Recommended by the Chief of Police.

- e. **Considering** – approval of a five-year License Agreement with Markham Regional Arboretum Society for the purpose of planning, funding, and implementing improvement and maintenance projects and community gardens in coordination with the City; and authorizing the City Manager to sign the agreement in a form acceptable to the City Attorney. Recommended by the Assistant City Manager.

CEQA: Not a project/exempt per CEQA Guidelines Sections 15060(c), 15061(b)(2), 15061(b)(3), 15301 – Existing Facilities, 15302 – Replacement or

Reconstruction, 15303 – New Construction and Small Structures, 15304 – Minor Alterations to Land, 15305 – Minor Alterations in Land Use Limitations, 15323 – Normal Operations of Facilities for Public Gatherings, 15327 – Leasing New Facilities, and/or Public Resources Code Section 21065.

- f. **Considering** – the following for the Pavement Maintenance Zone 5J Project (Project No. 2526), generally on the Overhill Neighborhood, north of Solano Way, east of Grant Street, and south of Hillcrest Community Park:
1. Award of a construction contract in the amount \$2,922,387 to Radius Earthwork, Inc.; authorizing Staff to utilize the available project contingency for contract change orders that become necessary up to 10% of the contract amount; and authorizing the Mayor to execute the contract in a form acceptable to the City Attorney.
 2. Approval of a Professional Services Agreement with **Zoon Engineering** ~~MNS-Engineers, Inc.~~ in the not-to-exceed amount of \$346,453.49 (base agreement of \$314,957.72 plus staff authority to spend up to a 10% contingency of \$31,495.77) to provide construction management, inspection, and materials testing; and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney.
 3. Approval of budget transfers in the total amount of \$350,000 to Project No. 2526; including \$250,000 from PJ 2444 (Pavement Maintenance Zone 4, Fund 260), and \$100,000 from PJ 2556 (Pothole and Base Repair #2 Project, Fund 407).
 4. Authorizing the City Engineer to accept the improvements, upon completion of Project No. 2526, and directing the City Clerk to file a Notice of Completion.

(Funded by Measure V – Funds 407 & 490, and State Gas Tax - Fund 260)
Recommended by the Director of Community Development.

CEQA: Not a project/exempt per CEQA Guidelines Sections 15060(c), 15061(b)(2), 15061(b)(3), 15273, 15378, 15301, 15302, 15303, 15304, and/or Public Resources Code Section 21065.

CITY COUNCIL/LOCAL REUSE AUTHORITY CONSENT CALENDAR

- g. **Considering** – an amendment to the Professional Services Agreement (PSA) with Burke, Williams & Sorenson, LLP in the amount of \$148,274.94 for work completed in responding to a Public Records Act request regarding the Master Developer Selection process at the former Concord Naval Weapons Station and work to draft a new Request for Qualifications with associated documents for future Master Developer Selection establishing a new total not-to-exceed amount of \$208,274.94; and authorizing the City Attorney to execute the amendment. (Original contract \$60,000 from Exclusive Negotiating Agreement (ENA) Deposit to the LRA by Concord First Partners, LLC; this amendment \$148,274.94 from LRA Loan Reserve (General Fund). Recommended by the

Director of Economic Development and Base Reuse.

CEQA: Not a project/exempt under Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, and/or 15378.

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. **Please see "How to Participate" above.**

a. **Study Session** – considering the following:

1. An update on the preparation of the City's Objective Design Standards (ODS) document;
2. An overview of the draft standards and diagrams for the five sections: Citywide, Downtown, Neighborhoods, Corridors, and Special Case/Infill areas; and
3. Providing feedback on the administrative draft Objective Design Standards, for incorporation into the final draft Objective Design Standards. **Report by Joan Ryan, Principal Planner.**

CEQA: Not a project/exempt pursuant to Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c)(2), 15378, and/or 15061(b)(3).

b. **Considering** – adoption of a Resolution accepting the Concord Police Department Military Equipment Report for 2022 and Inventory for 2023, determining to continue Ordinance 22-6 and Concord Police Department Policy 706: Military Equipment, and determining that each type of military equipment identified in that report has complied with the standards for approval pursuant to Ordinance 22-6 and AB 481. **Report by Kevin Halm, Provisional Lieutenant.**

CEQA: Not a "project" under Public Resources Code Section 21065, Guidelines Sections 15060(c)(2) and/or 15378; in the alternative, is exempt under Guidelines Sections 15061(b)(3).

11. CITY COUNCIL PUBLIC HEARING

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the public hearing is opened, except on public hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council level for discussion and action. Further comment from the audience will not be received unless requested by the Council. No public hearing shall commence after 10 p.m. unless approved by majority vote of the City Council. **Please see "How to Participate" above.**

a. **Considering** – the following actions:

1. Adoption of a Resolution approving an Administrative Permit, Minor Exception, and Design and Site Review for a cannabis microbusiness with

storefront retail for Infinity Assets Concord LLC (dba “Cookies”) at 5121 Port Chicago Highway, APN 159-040-037 (PL22021 – AP, ME, DR, DA); and

2. Introduction of an Ordinance approving and adopting a Development Agreement by and between the City of Concord and Infinity Assets Concord LLC (dba “Cookies”) regarding the development of property located at 5121 Port Chicago Highway; APN 159-040-037 (PL22021 – AP, ME, DR, DA) by reading of the title only and waiving further reading. **Report by Michael Hart, Associate Planner.**

CEQA: Categorically exempt pursuant to CEQA Guidelines Sections 15301, 15302, 15303, 15304, and/or 15305.

12. CORRESPONDENCE

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

13. REPORTS AND ANNOUNCEMENTS

Closed Session Announcements

City Manager or Staff Reports

Council Reports

14. ADJOURNMENT

Next Meeting: Regular Meeting

Date: 4/25/2023 6:30 PM

NOTICE TO THE PUBLIC

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure §1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited by California law to raising only those issues you or someone else raised in the hearing or in a written correspondence delivered to the City Council prior to or at the hearing.

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 Tianjun Cao at (925) 671-3243 or Tianjun.cao@cityofconcord.org, at least 24 hours in advance of the meeting. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.