

COUNCILMEMBERS

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

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



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

Tuesday,
March 27, 2018

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 – Councilmember Leone and Vice Mayor Obringer Absent

Pledge to the Flag – Councilmember McGallian

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.

Maria Villanueva, Concord, spoke of her concerns about being evicted from her home with nowhere to go.

Kristal Gomez-Gonzalez, Concord, spoke of a bedbug crawling in her ear.

Martha Gonzalez, Concord, spoke of her concerns over no cause evictions and being evicted from her home with nowhere to go.

Maria Lira, Concord, spoke of her concerns about being evicted from her home without being able to find affordable housing.

Jazmin Gonzalez, Concord, spoke of her concerns about being evicted from her home and cockroaches in her apartment. She received an eviction notice last night to be out of her home by April 14 and was told she would not receive her deposit back.

Adan Torres, Concord, spoke of his concerns over unjust evictions, being evicted from his home with an eviction date of Saturday, March 31, and bedbugs and cockroaches in the apartment.

Eduardo Torres, Tenants Together, spoke of his concerns over unjust evictions and requested stronger tenant protection.

Johnny Lira, Concord, spoke of his concerns over having to move and go to a new school.

Rosalinda Romero, Concord, spoke of the high increase in her rent and stated that her apartment building is invested with cockroaches and rats.

Mike McDermott, Concord, spoke of Contra Costa County's presentation to the City Council on its plan for cannabis.

Tami Kerr, Harmony Castiglione, and Olga Khitarishvili, Concord High School, thanked Chief Swanger and the Concord City Council for its contribution to the Concord High Arts Program.

Fro Schmidt, Art Cottage, thanked the Todos Santos Arts Foundation and the City for putting the Art Cottage on the '10 Things to Do in Concord' poster at the Veranda Shopping Center.

George Fulmore, Concord, spoke of tenants' rights, stated that Ellis Lake Park is not useful in its current state, and questioned the park rule "No Amplified Music."

Corey Perrigo, Concord, advocated for tenant protection and spoke in support of fairness at his apartment complex.

Moses Sullivan, Concord, spoke of overflowing garbage and peoples' concern over speaking up in fear of retaliation.

Sheila Fields, Concord, spoke of putting a homeless shelter in Concord.

William Colin, Concord, spoke in support of the Raise the Roof Coalition and his concern over unjust evictions.

Maria Alas, Concord, spoke of the terrible conditions of her apartment, stated that she complained about her broken refrigerator on March 20, and after she complained, she received an eviction notice. Ms. Alas requested assistance from the City Council.

3. PRESENTATIONS

- a. **Presentation** – by Fran Smith, Contra Costa County Advisory Council on Aging, on a Countywide Aging Policy Platform. **Introduction by Mayor Birsan.**

ACTION: Presentation made by Debbie Toth, CEO, Choice in Aging.

4. ANNOUNCEMENTS

- a. **Announcing** – Recruitment to fill unscheduled vacancy on Concord Pavilion Community Outreach Committee. **Report by Joelle Fockler, City Clerk.**

ACTION: City Clerk Joelle Fockler announced a recruitment to fill an unscheduled vacancy on the Concord Pavilion Community Outreach Committee for a term ending February 28, 2019; and set Friday, April 27, 2018, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

5. CITY COUNCIL/LOCAL REUSE AUTHORITY (LRA) CONSENT CALENDAR

The public is entitled to address the City Council/LRA on items appearing on the Consent Calendar before or during the City Council's/LRA'S consideration of the Consent Calendar. Adoption of the Consent Calendar may be made by one motion of the City Council/LRA, 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.

CITY COUNCIL CONSENT CALENDAR

- a. **Considering** – approval of the minutes from the meeting of February 6, 2018. Recommended by the City Clerk.

ACTION: Minutes from the meeting of February 6, 2018, approved by the following vote of the Council:

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

- b. **Considering** – adoption of Ordinance No. 18-425.1 entitled, "An Ordinance Amending the Zoning Map of the City of Concord for 2171 Sunshine Drive from PR (Parks and Recreation) to RS6 (Single-Family Residential)." Ordinance No. 18-425.1 was introduced on February 27, 2018. Recommended by the City Clerk.

CEQA: An initial study was prepared for the project in accordance with the California Environmental Quality Act (CEQA). The initial study finds that the proposed project could not have a significant effect on the environment, and a negative declaration was adopted on February 27, 2018.

This item was pulled from the Council Consent Calendar by Concord resident George Fulmore.

ACTION: Ordinance No. 18-425.1 adopted by the following vote of the Council:

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

- c. **Considering** – adoption of Ordinance No. 18-1 entitled, "An Ordinance Amending Concord Municipal Code Title 18 (Development Code), Chapter 18.20 (General Terms), Chapter 18.35 (North Todos Santos [NTS]), Chapter 18.150 (General Development Standards), Chapter 18.200 (Standards for Specific Uses), and Chapter 18.425 (Minor Exceptions)." Ordinance No. 18-1 was introduced on February 27, 2018. Recommended by the City Clerk.

CEQA: Not a project under CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), or 15378; in the alternative, exempt under Section 15061(b)(3).

ACTION: Ordinance No. 18-1 adopted by the following vote of the Council:

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

- d. **Considering** – acceptance of improvements for Detroit Avenue / Whitman Road Pedestrian Improvements, Project No. 2318 and directing the City Clerk to file a Notice of Completion. Recommended by the Director of Community and Economic Development.

This item was pulled from the Council Consent Calendar by Councilmember Hoffmeister.

ACTION: Improvements for Detroit Avenue/Whitman Road Pedestrian Improvements, Project No. 2318 accepted; City Clerk directed to file a Notice of Completion by the following vote of the Council:

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

- e. **Considering** – approval of a Professional Services Agreement in an amount not to exceed \$11,000 with HdL Companies for cannabis fiscal analysis and taxation strategies services; and authorizing the City Manager to execute the Agreement. (General Fund) Recommended by the Director of Finance.

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

ACTION: Professional Services Agreement in an amount not to exceed \$11,000 with HdL Companies for cannabis fiscal analysis and taxation strategies approved; City Manager authorized to execute the Agreement by the following vote of the Council:

**AYES: Hoffmeister, McGallian NOES: Birsan
ABSENT: Leone, Obringer**

LOCAL REUSE AUTHORITY CONSENT CALENDAR

- f. **Considering** – approval of an amendment to the Agreement for Professional Services 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 for the Community Reuse Project at the former Concord Naval Weapons Station (CNWS) in the amount not to exceed \$106,000; and authorize the Executive Director of the Local Reuse Authority to execute the agreement, subject to approval by the City Attorney. (Funding will be provided by a loan to the LRA from the City) Recommended by the Director of the Local Reuse Authority.

ACTION: Amendment to the Agreement for Professional Services 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 for the Community Reuse Project at the former Concord Naval Weapons Station in the amount not to exceed \$106,000 approved; Executive Director of the Local Reuse Authority to execute the Amendment, subject to approval of the City Attorney by the following vote of the Local Reuse Authority:

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

- g. **Considering** – approval of an amendment to the Agreement for Professional Services with Arup North America Ltd. (Arup) associated with land transfer and development planning for the Community Reuse Project at the former Concord Naval Weapons Station (CNWS) in an amount not to exceed \$408,000; and authorize the Executive Director of the Local Reuse Authority to execute the agreement, subject to approval of the City Attorney. (Funding will be provided

by the Master Developer and through a loan to the LRA from the City and through a grant from the Office of Economic Adjustment) Recommended by the Director of the Local Reuse Authority.

ACTION: Amendment to the Agreement for Professional Services with Arup North America Ltd. associated with land transfer and development planning for the Community Reuse Project at the former Concord Naval Weapons Station in an amount not to exceed \$408,000 approved; Executive Director of the Local Reuse Authority authorized to execute the Amendment subject to the approval of the City Attorney by the following vote of the Local Reuse Authority:

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

- h. **Considering** – approval of an amendment to the Agreement for Legal Professional Services with Lubin Olson & Niewiadomski LLP in an amount not to exceed \$43,540 for work with the Community Reuse Project; and authorizing the City Attorney to execute the Amendment. (Funding will be provided by the Master Developer or a loan to the Local Reuse Authority from the General Fund) Recommended by the Director of the Local Reuse Authority.

ACTION: Amendment to the Agreement for Legal Professional Services with Lubin Olson & Niewiadomski, LLP in an amount not to exceed \$43,540 for work with the Community Reuse Project approved; City Attorney authorized to execute the Amendment by the following vote of the Local Reuse Authority:

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

6. **CORRESPONDENCE**

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

- a. Age Friendly Community PowerPoint Presentation
- b. Choice in Aging Learning Lab for Policy Makers flyer
- c. Benched Correspondence, Item No. 3.a., Contra Costa Senior Policy Platform 2020
- d. Benched Correspondence, Item No. 5.e., email dated March 26, 2018, from Karan Reid, Finance Director, in response to email dated March 24, 2018, from Rebecca Byars
- e. Marin Clean Energy Contra Costa informational materials

7. **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.

The Council discussed bringing just cause evictions back to the committee level, and decided to have staff instead research specific issues and locations reported at public comment.

Kenji Yamada, Concord, requested that if this item comes to the Council Committee on Housing and Economic Development that it be recorded like the City Council meetings.

8. ADJOURNMENT – 8:20 p.m.

Next Meeting: Special Meeting

Date: 4/2/2018 - 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	Birsan/Obringer	2 nd Wednesday at 5:30 p.m.
Housing & Economic Development	Obringer/McGallian	4 th Monday at 5:30 p.m.
Infrastructure & Franchise	Hoffmeister/Leone	2 nd Monday at 6:00 p.m.
Recreation, Cultural Affairs & Comm. Svc.	McGallian/Birsan	3 rd Wednesday at 5:30 p.m.
Youth & Education	Leone/Hoffmeister	3 rd Monday at 6:00 p.m.