

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS
CONCORD/PLEASANT HILL HEALTH
CARE DISTRICT BOARD
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, MAY 2, 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, May 2, 2017, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Councilmember McGallian. 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; Kathleen Tropa, Assistant City Manager; Patti Barsotti, Treasurer; Joelle Fockler, City Clerk; Guy Swanger, Chief of Police; Steve Voorhies, Director of Parks and Recreation; Justin Ezell, Director of Public Works; Victoria Walker, Director of Community and Economic Development; John Montagh, Economic Development; Laura Simpson, Planning Manager; Robert Ovadia, City Engineer; Pedro Garcia, Economic Development Specialist; Aldrich Bautista, Associate Engineer; David Boatwright, Senior Administrative Analyst; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC
WHO ADDRESSED THE COUNCIL: Margaret Roberts, Concord; Monique Lazzarini, Walnut Creek; Tim Carr, Concord; Mike McDermott, Concord; Vince Nims, Concord; Sherry Davis, Concord; Debra Bernstein, Concord; Eduardo Torres, Tenants Together; John Sullivan, Concord; Blaine Carter, Concord; Joseph Lawton, San Ramon; Judy Weil, Danville; Jeffrey Weil, Alamo; Guadalupe Alaniz, Concord; Diane Sprouse, Concord; Carlos Alarcon, Morgan Hill; John Sousa, Danville; Sreenivas Ramireddy, Danville; JJ Mallein, Danville; Theresa Karr, California Apartment Association; Karina Acosta, Concord; Bill Cotton, Cotton Properties

PUBLIC COMMENT PERIOD

Margaret Roberts, Concord, spoke of the fast and efficient response of the Contra Costa Consolidated Fire District to a recent fire at a structure on Parkside Drive.

Monique Lazzarini, Walnut Creek, spoke for her daughter, Emily Costanza, who is working on her Girl Scout Gold Award Project to combat the housing crisis. She requested citizens to go to Emily's Facebook page, Bay Area Housing Crisis, and if affected by the housing crisis, leave their story.

Tim Carr, Concord, thanked the Council for helping getting dumpsters for the Sun Terrace Neighborhood Clean-up held last weekend; and spoke of oil being dumped at the park in the Sun Terrace neighborhood.

Mike McDermott, Concord, spoke of the understaffing of code enforcement officers in the City.

PRESENTATIONS

PUTNAM CLUBHOUSE SOCIAL AND VOCATIONAL REHABILITATION PROGRAM

This presentation was not heard, as there was no representative present from the Putnam Clubhouse.

BAY AREA KIDFEST – May 27-29, 2017

Mayor Hoffmeister presented Jay Bedecarre, Bay Area Festivals, Inc., a proclamation declaring May 27-29, 2017, as “Bay Area KidFest Days” in the City of Concord and commemorating KidFest’s 28th Anniversary.

BUSINESS RECOGNITION AWARDS – Bambino’s, Union & Fifth, BevMo!

Pedro Garcia, Economic Development Specialist, highlighted the Business Recognition Program and introduced Marilyn Fowler, President/CEO, Concord Greater Chamber of Commerce, who presented Business Recognition Awards to Ismael Palacio, Owner, Bambino’s; Christena Reinhard, Owner/Founder, Union & Fifth; and Dimitri Haloulos, CEO, BevMo!

ANNOUNCEMENTS – none

APPROVAL OF MEETING MINUTES – April 1, 2017

Motion was made by McGallian and seconded by Obringer to approve the April 1, 2017, meeting minutes. Motion passed by unanimous vote of the Council.

PROFESSIONAL SERVICES AGREEMENT – Terracon Consultants, Inc.

Motion was made by McGallian and seconded by Obringer to approve an Agreement for Professional Services with Terracon Consultants, Inc. in the amount of \$72,500 to provide for design and related services for the Concord Community Pool Deck Repair Project, Project No. 2388, subject to the approval of the City Attorney; and authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 17-30 - Accepting Engineer’s Report, Downtown Landscape Maintenance District

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 17-30, entitled “A RESOLUTION ACCEPTING THE ENGINEER’S REPORT FOR THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT.” Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 17-31 - Accepting Engineer's Report, Pine Hollow Estates Landscape and Lighting Maintenance District

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 17-31, entitled "A RESOLUTION ACCEPTING THE ENGINEER'S REPORT FOR THE PINE HOLLOW LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT." Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 17-32 - Accepting Engineer's Report, Landscaping and Lighting Assessment District No. 3

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 17-32, entitled "A RESOLUTION ACCEPTING THE ENGINEER'S REPORT FOR THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 3." Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 17-33 - Accepting Engineer's Report, Citywide Street Lighting Assessment District

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 17-33, entitled "A RESOLUTION ACCEPTING THE ENGINEER'S REPORT FOR THE CONCORD CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT." Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION OF INTENTION NO. 17-34 - Downtown Landscape Maintenance District

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 17-34, entitled "A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT," ordering improvements and setting a public hearing for June 6, 2017, at 6:30 p.m. in the Council Chamber. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION OF INTENTION NO. 17-35 - Pine Hollow Landscape and Lighting Maintenance District

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 17-35, entitled "A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE PINE HOLLOW LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT," ordering improvements and setting a public hearing for June 6, 2017, at 6:30 p.m. in the Council Chamber. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION OF INTENTION NO. 17-36 - Landscaping and Lighting Assessment District No. 3

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 17-36, entitled "A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 3," ordering improvements and setting a public hearing for June 6, 2017, at 6:30 p.m. in the Council Chamber. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION OF INTENTION NO. 17-37 - Citywide Street Lighting Assessment District

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 17-37, entitled "A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND TO SET PUBLIC HEARINGS FOR THE CITYWIDE STREET LIGHTING ASSESSMENT DISTRICT," ordering improvements and setting a public hearing for June 6, 2017, at 6:30 p.m. in the Council Chamber. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 17-38 – Pleasant Hill Landscaping and Lighting Assessment District No. 20

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 17-38 entitled, "A RESOLUTION APPROVING THE REQUEST OF THE CITY OF PLEASANT HILL TO ALLOW SUNVALLEY MALL AND CERTAIN OTHER CITY OF CONCORD COMMERCIAL PROPERTIES TO BE INCLUDED IN PLEASANT HILL LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 20, COMMERCIAL AREA LANDSCAPING AND LIGHTING." Motion passed by unanimous vote of the Council.

CHOICE IN AGING GRANT DEED REQUEST – Concord/Pleasant Hill Health Care District

Motion was made by McGallian and seconded by Obringer to relinquish the Right of First Refusal for the property located at 490 Golf Club Road; and direct the Mayor to execute a Quitclaim Deed. Motion passed by unanimous vote of the Council.

INTRODUCTION OF ORDINANCE NO. 17-7 – Residential Rent Review Program

Planning and Housing Manager Laura Simpson reported that between June 2016 and March 2017, the City Council and its Committee on Housing and Economic Development (HED) held seven meetings on the issue of rent stabilization and tenant protection in Concord, and that at the last meeting held on March 8, 2017, the HED outlined a Residential Rent Review Program to be drafted as an ordinance and requested that staff forward it to Council with recommendation for adoption. She reported that staff has been working throughout the process with consultant Barry Miller, who she introduced to present an overview of the draft ordinance.

Barry Miller reviewed the ordinance establishing a Residential Rent Review Program in response to City Council and HED study sessions and public testimony regarding the issue of rising rents in the City. He reported that in 2016 the City Council and HED convened five study sessions on rising rents, and more than 10 hours of public testimony was taken, including testimony from many displaced tenants or tenants facing displacement. Mr. Miller relayed that at the end of November 2016, staff was directed to create a Rental Housing Reporting Line and return to the HED with a mediation-based Rent Review Program, and that in March 2017, the HED recommended the Residential Rent Review Program (Program) for Council Consideration.

Mr. Miller reviewed the number of calls received during the reporting period of January 24, 2017 – April 5, 2017, recorded by rent increase percentage. He went over rent "control" vs. rent "review", explained that all properties with three or more rental units will be affected by the Program, reviewed the noticing requirements for the Program, noted that Program includes a 10 percent threshold for rent review eligibility, and explained the three step rent review process of conciliation, mediation, and non-binding hearing.

Mr. Miller presented an overview of the factors to be considered by the Rent Review Panel, the payment of rent during rent review, other Program elements, Program costs, and next steps.

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

Vince Nims, spoke in support of rent control.

Sherry Davis, stated that the 10 percent limit is very high, the ordinance before the Council does not help her, and she can no longer afford to live in Concord.

Debra Burnstein, Concord, stated that the 10 percent threshold is too high for renters and does not benefit the tenant.

Eduardo Torres, Tenants Together, stated that the ordinance before the Council does not benefit tenants and the 10 percent threshold is too high.

John Sullivan, Concord, stated that the 10 percent threshold is appropriate, and that the ordinance before the Council is a fair proposal.

Blaine Carter, Concord, stated that the 10 percent threshold is appropriate, rent control is not a viable option, and there should be an application fee.

Joseph Lawton, Castle Management, urged the Council to remember that the drive is supply and demand.

Judy Weil, Danville, spoke in support of the ordinance before the Council.

Jeffrey Weil, Alamo, spoke in support of the ordinance before the Council.

Guadalupe Alaniz, Concord, stated that the 10 percent threshold is too high and does not benefit the tenant, and spoke in support of just cause evictions.

Diane Sprouse, Concord, spoke in opposition to the Rent Review Ordinance.

Carlos Alorcon, Mt. View, spoke of binding vs. non-binding mediation.

John Sousa, Concord, spoke of his concern with the Rent Review Ordinance.

Sverinas Ramiraeddi, spoke of lack of housing in general and the high costs associated with owning rental properties.

JJ Mallein, Danville, spoke of lack of housing in general and the costs associated with owning rental properties.

Theresa Carr, California Apartment Association, spoke in support of the 10 percent threshold

Karina Acosta, Concord, stated that the 10 percent threshold is too high and spoke in support of a just cause policy.

Bill Cotton, Cotton Properties, spoke of the costs associated with owning rental properties and stated that the 10 percent is fair.

Tim Carr, Concord, spoke of the rate of inflation.

Mayor Hoffmeister closed the public comment period.

Following questions and comments by the Council, a motion was made by Leone and seconded by Obringer to introduce Ordinance No. 17-7 entitled, "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE BY ADOPTING NEW CHAPTER 19.40 'RESIDENTIAL RENT REVIEW PROGRAM'," by reading of the title only and waiving further reading. The motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 17-6042.3 – Residential Review Program

A motion was made by Leone and seconded by Birsan to adopt Resolution No. 17-6042.3 entitled, "A RESOLUTION AMENDING EXHIBIT A TO RESOLUTION NO. 78-6042 (ESTABLISHING FEES AND CHARGES TO ESTABLISH A RESIDENTIAL RENT REVIEW PROGRAM IN THE CITY OF CONCORD.)" The motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. April 18, 2017, Letter to Assemblymember Jim Frazier re: AB 898 (Frazier) Property taxation: revenue allocations: East Contra Costa Fire Protection District - OPPOSED
- b. April 20, 2017, Letter to Henry Stern, Chair, California State Senate re: Support Senate Constitutional Amendment 3 (SCA3) - reduction of voter threshold for library construction bond measures to 55 percent.
- c. Proclamation – Alcohol Awareness Month
- d. Proclamation – Postmaster Raul Acosta Day
- e. Bay Area Housing Crisis Share Your Story Flyer
- f. Benched correspondence for Agenda Item No. 6.a
- g. Proposed Residential Rent Review Ordinance PowerPoint Presentation

CLOSED SESSION REPORTS

City Attorney Susanne Brown reported the following:

1. At its December 6, 2016, closed session, the City Council, by a unanimous 4-0 vote (Hoffmeister, Birsan, Leone, and Obringer), authorized the City Attorney to settle that certain United States District Court action entitled David Dutcher v. Don Lawson, et. al, United States District Court Case No. C12-01981 CRB. At a court ordered December 13, 2016, judicial settlement conference conducted by United States Magistrate Judge Joseph Spero, the case resolved for \$200,000, an amount within the authority granted by the City Council. This settlement resolves any and all claims against the City of Concord and/or its employees arising out of that case. The United States District Court dismissed the case with prejudice on April 30, 2017.
2. At its December 6, 2016, closed session, the City Council, by a unanimous 4-0 vote (Hoffmeister, Birsan, Leone, and Obringer), authorized the City Attorney to settle that certain United States District Court action entitled Ray Valentine v. City of Concord, et al., United States District Court Case No. C16-00279MEJ. At a court ordered December 14, 2016, mediation conducted by mediator Scott Emblidge, the case resolved for \$150,000, an amount within the authority granted by the City Council. This full and global settlement resolves any and all claims against the City of Concord and/or its employees arising out of that case. The United States District Court dismissed the case with prejudice on March 15, 2017.

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 9:27 p.m.


LAURA M. HOFFMEISTER
MAYOR


JOELLE FOCKLER, MMC
CITY CLERK