

REGULAR MEETING OF THE
CONCORD CITY COUNCIL
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, NOVEMBER 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, November 14, 2017, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Councilmember Obringer. 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 Trepa, Assistant City Manager; Patti Barsotti, City Treasurer; Joelle Fockler, City Clerk; Justin Ezell, Director of Public Works; Andrea Ouse, Director of Community and Economic Development; Karan Reid, Director of Finance; Steve Voorhies, Director of Parks and Recreation; Jeff Lewis, Director of Information Technology; Laura Simpson, Planning Manager; Aldrich Bautista, Associate Civil Engineer; Michael Cass, Principal Planner; Pedro Garcia, Economic Development Specialist; Joan Ryan, Community Reuse Area Planner; Brenda Kain, Program Manager; Tim Stuart, Manager of Business Systems and Project Management; Deborah Yamamoto, Senior Financial Analyst; Kathie Leavitt, Program Manager; Jeff Roubal, Fleet Maintenance Manager; Robert Ovadia, City Engineer; Leslye Asera, Community Relations Manager

WHO ADDRESSED THE COUNCIL: Elaine Stephenson, Concord; Hope Johnson, Concord; Katrin Castro, Concord; Carol Edgerton, Concord; Darlene Dranzik, Concord; Dan McGright, Concord; Edward Gaede, Pleasant Hill; Sylvia Nachlenser, Concord; Daryl Bergman, Concord; George Fulmore, Concord; Jerrod Rodriguez; Matmooma Ahmed, Concord; Andy Madeira, Eden Housing; Mark Serivanich, Concord

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.

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

PRESENTATIONS

Homeless Awareness Month

Mayor Hoffmeister presented Yolanda Gonzales, Monument Crisis Center, a proclamation declaring November 2017 as "Homeless Awareness Month" in the City of Concord.

Small Business Saturday

Mayor Hoffmeister presented Marilyn Fowler, President/CEO, and Sharon Jenkins, Chair of the Board, Greater Concord Chamber of Commerce, a proclamation declaring November 24, 2017, as "Small Business Saturday" in the City of Concord.

Rave Mobile Safety and Smart 911

Presentation by Emergency and Volunteer Services Manager Margaret Romiti and Sergeant Tamra Roberts on RAVE Mobile Safety and Smart911.

ANNOUNCEMENTS - none.

QUARTERLY TREASURER'S REPORT – July 1 – September 30, 2017

Motion was made by Birsan and seconded by Obringer to receive the Quarterly Treasurer's Report for the period July 1 – September 30, 2017. Motion passed by unanimous vote of the Council.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES

Motion was made by Birsan and seconded by Leone to adopt the minutes from the meetings of July 11 and 25, 2017. Motion passed by unanimous vote of the Council.

CONCORD COMMUNITY POOL DECK REPAIR PROJECT, PROJECT NO. 2388

Motion was made by Birsan and seconded by Leone to award a construction contract in the amount of \$1,731,416.69 to Tricon Construction, Inc. dba Tricon Aquatics of Rancho Cordova, CA; authorize staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount, authorize the Mayor to execute the contract; approve 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; and authorize the City Manager to execute the Agreement in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

AWARD OF PURCHASE – THREE FORD UTILITY POLICE INTERCEPTORS – Future Ford of Concord

Motion was made by Birsan and seconded by Leone to award the purchase of three 2017 Ford Utility Police Interceptors in the amount of \$83,064.42 to Future Ford of Concord. Motion passed by unanimous vote of the Council.

AFFIRMATION OF ALTERNATE ON THE MARIN CLEAN ENERGY BOARD OF DIRECTORS – Councilmember Tim McGallian

Motion was made by Birsan and seconded by Leone to affirm the appointment of Councilmember Tim McGallian as an alternate to represent the City of Concord on the Marin Clean Energy Board of Directors. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 17-78 – Submittal to the Metropolitan Transportation Commission (MTC) for Funding Associated with the Downtown Corridors Bike/Pedestrian Improvements Project

Motion was made by Birsan and seconded by Leone to adopt Resolution No. 17-78 entitled, "A Resolution Authorizing the Submittal of a Resolution to the Metropolitan Transportation Commission for Funding of Design and Environmental Activities under the Active Transportation Program Grant." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 17-79 – Filing Application for Funding Assigned to MTC

Motion was made by Birsan and seconded by Leone to adopt Resolution No. 17-79 entitled, "A Resolution Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating Assurance to Complete the Project." Motion passed by unanimous vote of the Council.

PRODUCT AND SERVICES AGREEMENT – Active Network, Inc.

Motion was made by Birsan and seconded by Leone to approve 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 authorize the City Manager to execute the agreement in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

REJECTION OF BIDS – Civic Center Wayfinding Project

This item was pulled from the Consent Calendar by Councilmember Obringer who noted that the Committee on Housing and Economic Development met twice regarding the Civic Center Wayfinding Project, once on September 25, 2017, and again on October 23, 2017.

Motion was made by Leone and seconded by Obringer to reject all bids for the Civic Center Wayfinding Project. Motion passed by unanimous vote of the Council.

ORDINANCE NO. 17-13

This item was pulled from the Consent Calendar by Vice Mayor Birsan who stated that he voted no on the introduction of Ordinance No. 17-13, and he does not support the Ordinance.

Daryl Bergman, Concord, stated that the City is missing out on revenue if it doesn't allow the sale and delivery of marijuana.

Motion was made by McGallian and seconded by Obringer to adopt 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 was introduced on October 24, 2017, by reading of the title only and waiving further reading. Motion passed by the following vote of the Council:

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

CITY COUNCIL CONSIDERATION ITEMSALLOCATION OF AFFORDABLE HOUSING FUNDS

Planning and Housing Manager Laura Simpson provided the City Council with an overview of the City's Affordable Housing Goals, the definition of Affordable Housing, the sources of funding, the process for creating new Affordable Rental Housing, options for types of housing, and the method of allocation.

Ms. Simpson reported that at its July 24, 2017, meeting, the Committee on Housing and Economic Development (H&ED) recommended new senior housing, acquisition/rehabilitation of existing rental apartments along Clayton Road, exploring the possibility of teacher housing, and researching a 9-acre parcel owned by BART south of the Downtown Concord BART station.

Ms. Simpson requested feedback from the Council on priority needs – senior, family, teacher; types of projects – new construction and/or acquisition/rehab, 100 percent affordable and/or mixed income; and allocation process – notice of funding availability, partner with BART, react on a first come, first served basis to proposals.

Council asked Ms. Simpson clarifying questions, and Councilmember Obringer shared thoughts from the H&ED Committee discussions including affordable housing on the Reuse Project, rehabilitating existing apartment units now that are defacto affordable housing that could be vulnerable in the future, a senior only project, and teacher housing.

Councilmember Leone noted that veterans housing is also listed in the staff report.

Mayor Hoffmeister opened a public comment period.

Daryl Bergman, Concord, spoke of her concerns of the locations of low-income housing and stated that she understood that the City of Concord is violating the Fair Housing Act.

Matmooma Ahmed, Concord, spoke in support of teachers and seniors receiving consideration for affordable housing, felt that City staff and police officers should also be considered for affordable housing, and blending together senior and younger tenant housing.

Andy Madeira, Eden Housing, stated that working with BART is a great idea, noted that Council could address its priorities by providing senior, veterans, and teacher housing, spoke of change in state laws that allows teachers to go into affordable units, and encourage process through flexibility and first come first served policy.

George Fulmore, Concord, spoke of the Clayton Crossing property, and stated that it is a well-managed property.

Mark Serivanich, Concord, spoke of spreading affordable housing throughout the City.

Mayor Hoffmeister closed the public comment period.

Councilmember McGallian supported senior housing, mixed tenant affordable housing, affordable housing spread throughout the City, exploring the BART site, veterans housing, and research of the Coast Guard Property.

Councilmember Leone 's priorities included researching the Coast Guard Property and veterans' housing and noted that support of veterans' housing was included in the staff report.

Councilmember Obringer emphasized focusing on current citizens who are living in existing units in need of renovation, affordable single family home ownership, senior and veteran housing, housing for teachers, and owner occupancy.

Vice Mayor Birsan's priorities included rehabilitation of owner occupied housing, affordable or mixed income projects, rehabilitation and acquisition over new construction, partnering with BART, affordable housing for teachers and City staff, affordable housing throughout the City, and mixed communities.

Mayor Hoffmeister's priorities included senior housing, housing for veterans and disabled, rehabilitation projects, and onsite professional management groups. She had some interest in researching use of the Coast Guard property and encouraged the most economical use of the funds throughout the City.

AMENDMENT TO EMPLOYMENT AGREEMENT – Valerie Barone

Mayor Hoffmeister presented a report, stating that on October 10, 2017, the City Council met in closed session to review the performance of City Manager Valerie Barone, that the Council is pleased with Ms. Barone's performance, and it has concluded that City Manager Barone has efficiently and effectively served as the City Manager since her last performance evaluation.

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

Motion was made by Birsan and seconded by Leone to approve 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). Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- 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

CLOSED SESSION REPORTS – noneCOUNCIL AND STAFF 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.

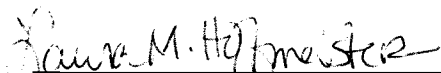
Councilmember Obringer spoke of meeting business contacts and raising interest in Concord from discussions held at a recent Bay Area Council dinner. She requested that staff look into a task force in the Monument community to include looking into open space at Cambridge Park, code enforcement of the 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.

By order of the Mayor, the meeting was adjourned at 9:35 p.m.


LAURA M. HOFFMEISTER
MAYOR


JOELLE FOCKLER, MMC
CITY CLERK