

REGULAR MEETING OF THE
CONCORD CITY COUNCIL
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, MARCH 22, 2016

The Concord City Council met in a regular meeting in the City Council Conference Room located in Wing A at 1950 Parkside Drive at 5:30 p.m. on Tuesday, March 22, 2016, with Mayor Hoffmeister presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session to a) confer with legal counsel – existing litigation (paragraph (1) of subdivision (d) of Section 54956.9) Name of case: (Genessis Figueroa v. Mario Barajas, et. al., Contra Costa County Superior Court Case No. 13-01035) and b) confer with labor negotiators pursuant to Government Code Section 54957.6. City Negotiators: Valerie Barone, City Manager; Kay Winer, Interim Director of Human Resources - Negotiations; Charles Sakai, Esq. and Don Turko of Renne, Sloan, Holtzman & Sakai. 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; Peace Officer Representation Unit of Concord Police Officers Association and Police Managerial Representation Unit of Police Management Association. Unrepresented Units: Executive, Management & Confidential Employees.

The meeting recessed at 7:25 p.m. to reconvene in regular session in the Council Chamber.

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 7:30 p.m. on Tuesday, March 22, 2016, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Vice Mayor Leone. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Tim Grayson, Dan Helix, Ron Leone, Laura Hoffmeister

STAFF PRESENT: Valerie Barone, City Manager; Brian Libow, Interim City Attorney; Tim McGallian, City Treasurer, Joelle Fockler, City Clerk; Jovan Grogan, Deputy City Manager; Guy Swanger, Chief of Police; Victoria Walker, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Steve Voorhies, Director of Parks and Recreation; Robert Ovadia, City Engineer; Laura Simpson, Planning Manager; Joan Ryan, Senior Planner; Bob Hardie, Facilities Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Wesley Brinkman, Concord; John Gregg, Concord; Sonnie Tandberg, Concord; George Fulmore, Concord; Dr. Harmesh Kumar, Concord; Joe Partansky, Concord; Alan Fong, Concord; Ron Turner, Assemblymember Bonilla’s Office

PUBLIC COMMENT PERIOD

Wesley Brinkman, Church of Jesus Christ of Latter-day Saints, invited Council to attend an event entitled “Feeding Children Everywhere” on April 30, 2016, at the 1590 Dekinger Road site, to put together meals for children to be given to the Contra Costa Food Bank.

John Gregg and Sonnie Tandberg, Convoy of Hope Concord, spoke of a community event scheduled at Meadow Homes Park on April 23, 2016, where there will be groceries, hot lunch, shoes, health services, kids zone, nutrition education, family portraits, community services, veterans services, haircuts, and breast health services available to the community.

George Fulmore, Concord, spoke of rent increases in Concord.

Dr. Harmesh Kumar, Concord, spoke of the importance of preventive mental health care.

Joe Partansky, Concord, spoke of a free orientation by the National Alliance on Mental Illness, NAMI, on mental health services at the Concord Family Justice Center every Wednesday at 7 p.m.

Alan Fong, Concord, requested something be done to stop kids from hanging out behind the Dana Plaza Shopping Center behind a concrete wall meant to hold garbage containers.

PRESENTATIONS

Mayor Hoffmeister presented a proclamation to Joe Surges declaring March 22, 2016, as Joseph Surges Day in the City of Concord.

Ron Turner, representing Assemblymember Bonilla, presented Mr. Surges with a proclamation from Assemblymember Bonilla.

ANNOUNCEMENTS

Mayor Hoffmeister announced a recruitment to fill five positions on the Commission on Aging, one to fill an unscheduled vacancy with a term ending June 30, 2017, one additional position with a term ending June 30, 2017, and three positions with terms ending June 30, 2019, and set Friday April 22, 2016, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

Mayor Hoffmeister announced a recruitment to fill one position on the Concord Pleasant Hill Health Care District Grant Committee to serve a one-year term ending June 30, 2017; and set Friday, April 22, 2016, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

CITY COUNCIL MATTERS

ADOPT ORDINANCE NO. 16-1

Motion was made by Helix and seconded by Grayson to adopt Ordinance No. 16-1 Entitled, "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE, CHAPTER 18.170 (WATER EFFICIENT LANDSCAPING.)" Motion passed by unanimous vote of the Council.

ADOPT ORDINANCE NO. 16-425.1

Motion was made by Helix and seconded by Grayson to adopt Ordinance No. 16-425.1 Entitled, "AN ORDINANCE AMENDING THE ZONING MAP AS FOLLOWS: AUTUMN BROOK RESIDENTIAL SUBDIVISION REZONING (PL140280-RZ) OF PARCEL 147-350-003 FROM RS-7 (SINGLE FAMILY RESIDENTIAL; 7,000 SQUARE FOOT MINIMUM LOT SIZE) TO RL (RESIDENTIAL LOW DENSITY.)" Motion passed by unanimous vote of the Council.

APPROVE CONTRACT WITH ALH URBAN & REGIONAL ECONOMICS IN THE AMOUNT OF \$47,000 – Veranda Shopping Center

Motion was made by Helix and seconded by Grayson to approve a contract in an amount up to \$47,000 for ALH Urban & Regional Economics to prepare an Economic Impact Analysis for the proposed Veranda Shopping Center located at 2001-2003 Diamond Boulevard. Motion passed by unanimous vote of the Council.

ACCEPT IMPROVEMENTS – Project No. 2329, FY 14-15 Pavement Maintenance Project

Motion was made by Helix and seconded by Grayson to accept Improvements for FY14-15 Pavement Maintenance Project, Project No. 2329, constructed by Intermountain Slurry Seal, Inc. accepted; City Clerk directed to file a Notice of Completion; and Professional Services Agreement Amendment with Swinerton Management and Consulting in the amount of \$3,400 for construction management services approved. Motion passed by unanimous vote of the Council.

ADOPT RESOLUTION NO. 16-17 – Tesoro Foundation Grant

Motion was made by Helix and seconded by Grayson to adopt Resolution No. 16-17 and accept and appropriate funds for a grant in the amount of \$10,000 received by the Concord Police Department from the Tesoro Foundation to be used for CERT training. Motion passed by unanimous vote of the Council.

ADOPT RESOLUTION NO. 16-1 – National Pollutant Discharge Elimination System Program

Motion was made by Helix and seconded by Grayson to adopt Resolution No. 16-1 and authorize the Contra Costa County Flood Control & Water Conservation District to maintain the already established annual parcel assessment of \$35 per single family residence a year for Fiscal Year 2016-17 for drainage maintenance and implementation of the National Pollutant Discharge Elimination System Program. Motion passed by unanimous vote of the Council.

AWARD CONTRACT TO MATRIXHG INC IN THE AMOUNT OF \$80,000 – Police Department hot water tank and boilers

Motion was made by Helix and seconded by Grayson to award a contract to MatrixHG, Inc. in the amount of \$80,000 for emergency replacement of the hot water tank and boilers at the City of Concord Police Department. Motion passed by unanimous vote of the Council.

ADOPT RESOLUTION NO. 16-6 – Beverage Container Recycling

This item was pulled from the agenda and will be added to a future meeting.

CONFIRM APPOINTMENT TO THE CONTRA COSTA COUNTY ADVISORY COUNCIL ON AGING

This item was pulled from the Consent Calendar by resident Joe Partansky who requested that appointees be introduced to the public at the meeting when confirmed and present updates on committee business every six months to a year.

Motion was made by Grayson and second by Birsan to appoint City of Concord Commission on Aging member Cathy McCaughey to serve on the Contra Costa County Advisory Council on Aging and direct the City Clerk to pass the information to the County Board of Supervisors for further action. Motion passed by unanimous vote of the Council

CONFIRMATION TO THE CONTRA COSTA COUNTY AVIATION ADVISORY COMMITTEE

This item was pulled from the Consent Calendar by resident Joe Partansky who requested that appointees be introduced to the public at the meeting when confirmed and present updates on committee business every six months to a year.

Motion was made by Grayson and seconded by Birsan to reappoint Keith McMahon to continue to serve as the City of Concord's representative on the Contra Costa County Aviation Advisory Committee for a two-year term ending March 1, 2018. Motion passed by unanimous vote of the Council.

ADOPT RESOLUTION NO. 16-19 – All-Hazards Emergency Operations Plan

This item was pulled from the Consent Calendar by resident Joe Partansky who requested that brief highlights of the plan be presented.

Margaret Romitti, Program Manager, Police Department, presented highlights from the updated All-Hazards Emergency Operations Plan. Councilmembers asked questions and shared their thoughts regarding the plan and opportunity was given for public comment.

Motion was made by Leone and seconded by Grayson to adopt the All-Hazards Emergency Operations Plan and Resolution No. 16-19. Motion passed by unanimous vote of the Council.

APPOINTMENT OF APPLICANT TO SERVE ON THE MEASURE Q OVERSIGHT COMMITTEE

Report made by Joelle Fockler, City Clerk, and opportunity for public comment was given.

Motion was made by Hoffmeister and seconded by Leone to appoint Brandy Leidgen to the Measure Q Oversight Committee for a term ending December 31, 2017. Motion passed by unanimous vote of the Council.

INTRODUCE ORDINANCE NO. 16-2 AND ADOPT RESOLUTION NO. 16-3 – Secondary Living Units

Senior Planner Joan Ryan presented a report requesting the Council introduce Ordinance No. 16-2 to remove barriers to the construction of small secondary living units, adopt Resolution No. 16-3, and adopt revisions to the Master Fees and Charges Schedule. Ms. Ryan noted secondary units were addressed City's Housing Element Plan and this was a tool staff believes will encourage more affordable housing.

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

Motion was made by Grayson and seconded by Birsan, introducing Ordinance No. 16-2 entitled "TEXT AMENDMENT TO THE DEVELOPMENT CODE (PL16024-DC), SECTION 18.200.180, SECONDARY LIVING UNITS, TO ESTABLISH A TWO-YEAR PILOT PROGRAM TO REMOVE BARRIERS TO THE CONSTRUCTION OF SMALL SECONDARY LIVING UNITS" by title only and waiving further reading; adopting Resolution No. 16-3 entitled " A RESOLUTION ADOPTING A DEVELOPMENT CODE AMENDMENT (PL16024-DC) TO SECTION 18.200.180 TO ESTABLISH A TWO-YEAR PILOT PROGRAM TO REMOVE BARRIERS TO THE CONSTRUCTION OF SMALL SECONDARY LIVING UNITS, ADOPT REVISIONS TO THE MASTER FEE SCHEDULE; AND DIRECT STAFF TO DEVELOP AND IMPLEMENT A

MARKETING AND/OR PUBLICITY CAMPAIGN FOR THE SECONDARY UNIT PILOT PROGRAM.” Motion carried by unanimous vote of the Council.

CORRESPONDENCE

- a. Convoy of Hope Concord Flyer
- b. Emergency Preparedness efforts for People with Disabilities, Elderly & Children Flyer
- c. Two-Year Pilot Program for Secondary Living Units PowerPoint Presentation
- d. Benched Item No. 12.a – Secondary Living Units

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 9:25 p.m.

LAURA M. HOFFMEISTER
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK

SPECIAL MEETING OF THE
CONCORD CITY COUNCIL SITTING
AS THE LOCAL REUSE AUTHORITY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
MONDAY, MARCH 28, 2016

The Concord City Council sitting as the Local Reuse Authority met in a special meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Monday, March 28, 2016, with Mayor Hoffmeister presiding. Councilmember Grayson and Vice Mayor Leone recused themselves from Agenda Item No. 3.a and were not in attendance. The pledge of allegiance was led by Councilmember Birsan. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

AUTHORITY MEMBERS PRESENT: Edi Birsan, Dan Helix, Laura Hoffmeister

AUTHORITY MEMBERS ABSENT: Tim Grayson, Ron Leone

STAFF PRESENT: Valerie Barone, City Manager; Brian Libow, Interim City Attorney; Tim McGallian, City Treasurer, Joelle Fockler, City Clerk; Jovan Grogan, Deputy City Manager; Guy Bjerke, Director of Community Reuse Planning; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE AUTHORITY: George Fulmore, Concord; Tim Lynch, Walnut Creek; Dennis Costanza, Pittsburg; Greg Sanborn, Concord; Phyllis Gordon, Pittsburg; Louise McGuire, Concord; Dr. Harmesh Kuman, Concord; Ralph Oliver, Concord; Hope Johnson, Concord; Paul Poston, Concord; Rich Eber, Concord

PUBLIC COMMENT PERIOD

George Fulmore, Concord, spoke of rent control.

LOCAL REUSE AUTHORITY
MATTERS

CONSIDERATION OF THE REJECTION OF REQUEST FOR CHANGES TO AGREEMENT TO NEGOTIATE – Catellus Development Corporation

Guy Bjerke, Director of Community Reuse Planning, presented a report, referring to the staff report dated March 28, 2016, and outlining a request by Catellus Development Corporation for changes in its Agreement to Negotiate and Term Sheet, refund of Catellus' Initial Good Faith Deposit of \$250,000 in exchange for Catellus' voluntary withdrawal from the Master Developer selection process, and waiver and release of any and all claims it may have against the City.

Mr. Bjerke reported that staff recommended the LRA reject Catellus' request for changes to its Agreement to Negotiate and Term Sheet and authorize the refunding of Catellus' Initial Good Faith Deposit of \$250,000 in exchange for Catellus' voluntary withdrawal from the Master Developer selection process and wavier and release of any and all claims it may have against the City, subject to a mutually agreeable settlement agreement, and authorize the City Manager to execute a settlement agreement on behalf of the LRA and City.

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

Tim Lynch, Walnut Creek, spoke in favor of Catellus' withdrawal from the Master Developer selection process.

Dennis Costanza, Pittsburg, spoke in favor of staff's recommendation to reject Catellus' request to change its Agreement to Negotiate and Term Sheet, refund Catellus' initial good faith deposit in exchange for Catellus' voluntary withdrawal from the Master Developer selection process, and release them of any and all claims they may have against the City.

Greg Sanborn, Concord, spoke in favor of granting Catellus' request to change its Agreement to Negotiate and Term Sheet.

Phyllis Gordon, Pittsburg, spoke in favor of staff's recommendation to reject Catellus' request to change its Agreement to Negotiate and Term Sheet.

Louise McGuire, Concord, spoke of having a second option if Catellus removed itself and suggested having SunCal back in the running.

Dr. Harmesh Kumar, Concord, spoke of the need to be thorough and not to rush to judgment at this time.

Ralph Oliver, Concord, spoke in favor of granting Catellus' request to change its Agreement to Negotiate and Term Sheet.

Hope Johnson, Concord, spoke against staff's recommendation and suggested the City work with Cattellus.

Paul Poston, Concord, spoke in support of Cattellus' Term Sheet and allowing both developers to make changes to their term sheets.

Richard Eber, Concord, spoke in support of doing everything possible to keep Cattellus in the process.

Mayor Hoffmeister closed the public comment period.

Following and comments by the City Council, a motion was made by Birsan and seconded by Hoffmeister to reject Catellus' request for changes to its Agreement to Negotiate and Term Sheet and authorize the refunding of Catellus' Initial Good Faith Deposit of \$250,000 in exchange for Catellus' voluntary withdrawal from the Master Developer selection process and wavier and release of any and all claims it may have against the City, subject to a mutually agreeable settlement agreement, and authorize the City Manager to execute a settlement agreement on behalf of the LRA and City. Motion carried by the following vote of the Council:

AYES: Birsan, Hoffmeister

NOES: Helix

ABSENT: Grayson, Leone

CORRESPONDENCE

- a. Email received from Concord resident Tim Carr
- b. Article entitled, "Catellus has had Enough and Appears to want out from Concord Naval Weapons Station Project, written by Richard Eber

By order of the Mayor, the meeting was adjourned at 8:53 p.m.

LAURA M. HOFFMEISTER
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY
CONCORD SENIOR CENTER
2727 PARKSIDE CIRCLE
CONCORD, CALIFORNIA
TUESDAY, APRIL 5, 2016

The Concord City Council met in a regular meeting at the Concord Senior Center located at 2727 Parkside Circle at 6:30 p.m. on Tuesday, April 5, 2016, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Councilmember Helix. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Dan Helix, Laura Hoffmeister

COUNCILMEMBERS ABSENT: Tim Grayson, Ron Leone

STAFF PRESENT: Valerie Barone, City Manager; Brian Libow, Interim City Attorney; Tim McGallian, City Treasurer, Joelle Fockler, City Clerk; Jovan Grogan, Deputy City Manager; Guy Bjerke, Director of Reuse Planning; Justin Ezell, Director of Public Works; Karan Reid, Director of Finance; Steve Voorhies, Director of Parks and Recreation; Leslye Asera, Community Relations Manager; Pamela Laperchia, Executive Assistant to the Reuse Project

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: George Fulmore, Concord; Sister Lilly Fitzpatrick, San Francisco; Gareth Ashley, Concord; Seth Adams, Concord; Peter Stuart, Concord; Justin Decker; Pete McKean, San Francisco; Guy Hollins, Lafayette; Ralph Oliver, Concord; Mary Harms, Martinez; Dan Jameyson, Concord; Brian McCosker, Concord; Joseph Stein, Walnut Creek; Rev. Amanda May, Pleasant Hill; Jeanette Green, Concord; King Bunyi, Concord; Rev. Richard Mangini, Concord; Pat Everette, Concord; Heidi Moschetti, Concord; Brian Fealy, Concord; Eva Zander, Concord; Elizabeth Crocker; Jose Guitierrez, Concord; Steve Older, Concord; Rasheed Custer, Concord; Cindy Molander, Concord; Ashur Yoseph, Concord; Forrest Towe, Concord; Julia Jameyson, Concord; Suzanne Delbou, Concord; Joe Summers, Fairfield; Harmesh Kumar, Concord; Larry Del Carlo, Concord; Karina Acosta, Concord; Rich Eber, Concord; Susan Guest, Concord; Roseanne Nieto, Concord; Hope Johnson, Concord; Suzanne Morgan, Concord; Louise McGuire, Concord; Colleen Cole, Concord; Casilda Gonzales, Concord; Paul Poston, Concord; Stephanie Medious, Concord; Scott Hutchinson, Concord; Turtle Pfeiffer, Concord; Abram Wilson, San Ramon; Pablo Benavente, Concord; Jeff Koertzen, Concord; Delores Loague, Concord; Michael Pinesciti, Concord; Tim Cody, Concord; Dennis Costanza, Pittsburg; Margaret Hanlon-Gradie, Martinez; Leslie Gleason, Concord; Matthew Leber

PUBLIC COMMENT PERIOD

George Fulmore, Concord, spoke on rent control in Concord.

PRESENTATIONS – none.

ANNOUNCEMENTS

Mayor Hoffmeister announced a recruitment to fill an unscheduled vacancy on the Planning Commission for a term ending February 28, 2017; and set Friday, May 6, 2016, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

CITY COUNCIL
MATTERS

APPROVAL OF MINUTES

Motion was made by Helix and seconded by Birsan to approve the minutes from the meeting of February 11, 2016. Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

AUTHORIZING THE PURCHASE OF DELL COMPUTER EQUIPMENT

Motion was made by Helix and seconded by Birsan to authorize the purchase of Dell computer equipment in the amount of \$202,042.81. Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

AWARDING A CONSTRUCTION CONTRACT, CONCORD VARIOUS STREEST PRESERVATION, Project No. 2292

This item was pulled from the Consent Calendar by staff for consideration at a later date.

PROFESSIONAL SERVICES AGREEMENT – BKF Engineers

Motion was made by Helix and seconded by Birsan to approve a Professional Services Agreement with BKF Engineers of Walnut Creek in the amount of \$218,843 for design services for Farm Bureau Road Complete Streets – Phase 2, Wren Avenue to Walnut Avenue, Project No. 2354, and authorize the City Manager to execute the Agreement. Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

RESOLUTION NO. 16-6 – CalRecycle

Motion was made by Helix and seconded by Birsan to adopt Resolution No. 16-6 entitled, “A RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATIONS TO CALRECYCLE FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS.” Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

SET PUBLIC HEARING

Motion was made by Helix and seconded by Birsan to set a public hearing for Tuesday, April 26, 2016, at 6:30 p.m. in the Council Chamber to consider the Draft 2016-17 Action Plan for Community Grant Funding from Community Development Block Grant Funds (CDBG) and Child Care Developer Fees. Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

SELECTION OF MASTER DEVELOPER TO NEGOTIATE A DISPOSITION AND DEVELOPMENT AGREEMENT TO IMPLEMENT THE FIRST PHASE OF THE CONCORD REUSE PROJECT (CRP) AREA PLAN

Guy Bjerke, Director of Community Reuse Planning, introduced Michael Wright, the Wright Group; Jerry Ramiza, Burke, Williams & Sorensen; Paul Silvern, HR&A; and Dahlia Chazon, Arup, from the LRA team who were available to answer Council questions.

Mr. Bjerke presented a report and covered the following three areas in his presentation: 1) the Master Developer selection process; 2) the current status of the Reuse Project and next steps, and 3) an explanation of the staff report and staff recommendation.

Following questions by the Council, Mr. Bjerke introduced Kofi Bonner, Lennar, who thanked the Council for the opportunity to present, presented a report regarding Lennar's qualifications to become the Master Developer for the Reuse Project, and reiterated that Lennar was prepared to enter into discussions with staff regarding the primary areas of concern listed in the staff report for the item as well as any concerns that arise. Mr. Bonner expressed Lennar's commitment to the project and emphasized Lennar's commitment to the communities it does business with. Mr. Bonner noted that Lennar was willing to accept the terms agreed to with Catellus. Mr. Bonner introduced Vicki Nyland, Lennar CFO, who outlined Lennar's financial proposal for the Reuse Project, which included two options, one with less guaranteed payment, more profit sharing, and the other, a more conservative approach, with higher guaranteed payment and less profit sharing. Ms. Nyland introduced Gordon Hart, Lennar's outside counsel, who outlined Lennar's military base redevelopment experience and the City's environmental liability protection. Mr. Hart then introduced Suheil Totah, EVP, who oversees entitlements and forward planning for Lennar.

Mr. Totah outlined Lennar's Community Benefit Program, and reported that Lennar will invest more than \$120 million in community benefits for Concord, comprising of school funding, 80 acres of parks, greenways and open spaces; community centers; and a Concord connector shuttle connecting the Reuse Project to Todos Santos Plaza and BART. Mr. Totah explained that funds would be guaranteed for economic development for possible uses such as affordable housing subsidies, local hire program, vocational training and apprentice programs, veteran-focused training and employment opportunities, insurance and credit support for small and local contractors, and education and youth program funding. Mr. Totah then introduced Randi Gerson, Director of Development, who outlined Lennar's comprehensive affordable housing proposal and reported that Lennar is committed to providing 25 percent affordable housing across the project site within all housing types. Kofi Bonner then closed the presentation by stating that Lennar builds world class communities and was prepared to move forward with negotiations.

The Council asked clarifying questions regarding financial disclosure, open book finances; the market capitalization value of Lennar Concord, LLC; Term Sheet for Phase I only; housing for very low income housing; arbitration; off-site improvements; traffic; transfer of title of the land; housing built first; job training and operational jobs; access to organization; Five Point Group; a community amenity; Phase I approach balance; gap funding; and infrastructure funding.

Mayor Hoffmeister recessed the meeting at 8:13 p.m.

Mayor Hoffmeisiter reconvened the meeting at 8:30 p.m. and opened a public comment period.

Sister Lilly Fitzpatrick, San Francisco, spoke in support of Lennar.

Gareth Ashley, Concord, MDUSD Measure C Citizens Bond Oversight Committee, spoke about schools and inviting Mt. Diablo Unified School District to the table.

Seth Adams, Concord, Save Mt. Diablo, supported moving the project forward with an improved term sheet.

Peter Stuart, Concord, CNWS Neighborhood Alliance, spoke of three points of interest including conservation and preservation, traffic, and toxic cleanup.

Justin Decker, Contra Costa Young Workers, spoke in support of good job opportunities.

Pete McKean, San Francisco, TMI/NCI, spoke in support of Lennar.

Guy Hollins, Lafayette, spoke in support of Lennar.

Ralph Oliver, Concord, spoke in opposition of Lennar.

Mary Harms, Martinez, United Way of the Bay Area, spoke of living wage jobs for the project.

Dan Jameyson, Concord, spoke of good jobs, affordable housing, and the right to assemble.

Brian McCosker, Concord, spoke in support of Lennar.

Joseph Stein, Walnut Creek, spoke in support of Lennar.

Rev. Amanda May, Pleasant Hill, St. Michael & All Angels Episcopal Church, spoke in favor of the Council's commitment to low income housing.

Jeanette Green, Concord, requested that Lennar come speak to the Holbrook Heights Neighborhood Association.

King Bunyi, Concord, requested that the process start over and the formation of a review committee to revise the master developer selection process.

Rev. Richard Mangini, Concord, St. Bonaventure/Multi Faith Action, spoke in favor of low income housing, living wage, jobs, and in support of Lennar.

Pat Everette, Concord, Labor Council Coalition, requested that the Contra Costa Labor Council Coalition platform be included in the project.

Heidi Moschetti, Concord, CWA Local 9400, spoke of good fair jobs with a living wage.

Brian Fealy, Concord, Machinists Union, spoke of good jobs, open space, living wage, and a right to organize.

Eva Zander, Concord, spoke in favor of affordable housing on the project.

Elizabeth Crocker, Unity Council, spoke on behalf of Chris Iglesias, Concord, Unity Council, in favor of affordable housing and bike lanes for the project.

Jose Guterrez, Concord, United Here 2850, spoke in favor of the project, union jobs for the project, and in support of Lennar.

Steve Older, Concord, Contra Costa Labor Council, spoke in favor of the right to organize and in support of Lennar.

Rasheed Custer, Concord, CWA 9400, spoke in favor of a good living wage, union jobs, and in support of Lennar.

Cindy Molander, Concord, Multi-faith Action Coalition, spoke in favor of good jobs, living wage, benefits, and career advancement.

Ashur Yoseph, Concord, spoke in support of Lennar.

Forrest Towe, Concord, Anvil Builders, spoke in support of Lennar.

Julia Jameyson, Concord, spoke in favor of the right to organize and the Good Jobs Policy.

Suzanne Delbou, Concord, spoke of her distrust of the Council and Lennar and requested the Council start the process of choosing a master developer over.

Joe Summers, Fairfield, Contra Costa Labor Council, spoke in favor of good jobs, living wage, right to assemble, and negotiating a community benefits agreement.

Dr. Harmesh Kumar, Concord, stated that the master developer selection process had been tainted.

Larry Del Carlo, Concord, spoke in favor of moving forward with the project and in support of Lennar.

Karina Acosta, Concord, spoke in favor of good jobs, affordable housing, parks and open space, and in support of Lennar.

Rich Eber, Concord, spoke in opposition of Lennar.

Susan Guest, Concord, spoke in favor of moving forward with the project and working with Lennar.

Roseanne Nieto, Concord, spoke in favor of moving forward with the project.

Hope Johnson, Concord, spoke in opposition of Lennar.

Suzanne Morgan, Concord, spoke in opposition of Lennar.

Louise McGuire, Concord, spoke in opposition of Lennar and requested that the City Council restart the process of selecting a master developer.

Colleen Cole, Concord, spoke in opposition of Lennar and requested that the City Council restart the process of selecting a master developer.

Casilda Gonzales, Concord, spoke in opposition of Lennar and requested that the City Council restart the process of selecting a master developer.

Paul Poston, Concord, spoke in opposition of Lennar.

Stephanie Medious, Concord, spoke of Lennar's commitment to the community.

Scott Hutchinson, Concord, spoke in favor of moving forward with the process while ensuring affordable housing and living wage jobs.

Turtle Pfeiffer, Concord, spoke in favor of moving forward with the process.

Abram Wilson, San Ramon, spoke in support of Lennar and noted that this project will elevate all of Contra Costa County.

Pablo Benavente, Concord, spoke in favor of prevailing wage, preferential hiring for veterans, and the right to assemble.

Mayor Hoffmeister recessed the meeting at 10:30 p.m.

Mayor Hoffmeister reconvened the meeting at 10:43 p.m.

Jeff Koertzen, Concord, spoke in favor of living wage and affordable housing.

Delores Loague, Concord, spoke in favor of housing for homeless in the project.

Michael Pinesclti, Concord, spoke in favor of affordable housing.

Tim Cody, Concord, Mt. Diablo Unified School District, spoke of concerns with a school in the Sun Terrace neighborhood.

Dennis Costanza, Pittsburg, spoke in support of Lennar.

Margaret Hanlon-Gradie, Martinez, Contra Costa AFL-CIO Labor Council, spoke of jobs, housing and environmental nexus, and in support of Lennar.

Leslie Gleason, Concord, SHELTER, Inc., spoke of very low income housing for the project.

Matthew Leber, East Bay Housing Organization, spoke of affordable housing, good jobs, and public transit.

Due to the late hour, Mayor Hoffmeister requested a motion to continue the meeting. A motion was made by Helix and seconded by Birsan to continue the meeting to Wednesday, April 13, 2016, at 6:30 p.m. in the City Council Chamber, 1950 Parkside Drive. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

By order of the Mayor, the meeting was adjourned at 11 p.m. to April 13, 2016.

LAURA M. HOFFMEISTER
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE JOHN
MUIR/MT. DIABLO COMMUNITY
HEALTH CARE DISTRICT BOARD
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, APRIL 12, 2016

The Concord City Council met in a regular meeting in the City Council Conference Room located in Wing A at 1950 Parkside Drive at 6:30 p.m. on Tuesday, April 26, 2016, with Mayor Hoffmeister presiding. All Councilmembers were present. The pledge of allegiance was led by Vice Mayor Leone. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Tim Grayson, Dan Helix, Ron Leone, Laura Hoffmeister

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Joelle Fockler, City Clerk; Marsha Moore, Deputy City Clerk; Jovan Grogan, Deputy City Manager; Guy Swanger, Chief of Police; Victoria Walker, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Kenji Yamada, Concord; Daniel Robles, Concord; Babs Gomez, Concord; Olga Chan, Concord; Ignacio Rodriquez, Concord; Nati Flores, Monument Impact; Betty Gobaldon, Concord; George Fulmore, Concord; Casilda Gonzalez, Concord; Mary Nicely, Office of Assembler Thurmond; Kurt Snider, Concord; Eric Haynes, Concord; Bob Lilley, IBEW 302; Ruben Ramirez, Concord; John Perez, Concord; Dan Torres, Sprinkler Fitters Local 483; Kevin VanBuskirk, Contra Costa Building Trades Council; Meg Vasey, IBEW 302; Argentina Davila-Luevano, California Leadership Institute; Angel Luevano, Todos Unidos; Barb Johnson, Walnut Creek; Patrick Nowakowski, Office of Assemblymember Frazier; Jason Lindsey, Concord; Debora Allen, Pittsburg; John Loudon, California Construction Alliance Group; Cherie Cabral, Building Trades Labor Management Construction Trust; Matt Heavey, Concord; Ed Strelo, Concord

PUBLIC COMMENT PERIOD

Kenji Yamada, Bike Concord, spoke of the City of Concord's commitment to have a bicycle friendly community.

Daniel Robles, Concord, requested the City of Concord Police Department bring back gang mediator Jim Hernandez to help with violence in the City.

Babs Gomez, Concord, spoke about a program she watched on KQED Newsroom (Episode #327H), regarding rent control and lack of affordable housing and encouraged the Council to watch it.

Olga Chan, Concord, spoke about rent increases and the eviction of her neighbors without cause.

Ignacio Rodriquez, Concord, spoke about rent increases and poor living conditions in apartments.

Nati Flores, Monument Impact, thanked Ignacio Rodriquez for his comments and spoke to the issue of rent increases in the community.

Betty Gobaldon, Concord, spoke to increases in rent, non-working heaters, leaking ceilings and mold in her apartment.

George Fulmore, Concord, spoke in support of the other speakers regarding rent increases.

Casilda Gonzales, Concord, spoke regarding an event at Meadow Homes Park, Convoy of Hope, to be held April 23rd at 10 a.m. for the community in need to meet with medical professionals and receive groceries and other items.

PRESENTATIONS

Mayor Hoffmeister presented a proclamation to Chris Llata, Parks Maintenance Team Leader, proclaiming April 5, 2016, as Arbor Day in the City of Concord.

ANNOUNCEMENTS – none.

CITY COUNCIL/CITY COUNCIL SITTING AS THE
JOHN MUIR/MT. DIABLO COMMUNITY HEALTH CARE DISTRICT BOARD MATTERS

ADOPT ORDINANCE NO. 16-2 – Secondary Living Units

Motion made by Helix and seconded by Grayson to adopt Ordinance No. 16-2 entitled “AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE AS FOLLOWS: A TEXT AMENDMENT TO THE DEVELOPMENT CODE (PL16024-DC), SECTION 18.200.180, SECONDARY LIVING UNITS, TO ESTABLISH A TWO-YEAR PILOT PROGRAM TO REMOVE BARRIERS TO THE CONSTRUCTION OF SMALL SECONDARY LIVING UNITS.” Motion passed by unanimous vote of the Council.

ADOPT RESOLUTION NO 16-20 – Recycling and Recovery Used Oil Payment

Motion made by Helix and seconded by Grayson to adopt Resolution No. 16-20, entitled, “A RESOLUTION ACCEPTING CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY USED OIL PAYMENT FUNDING AND APPROPRIATING FUNDS TO THE CITY OF CONCORD OIL COLLECTION PROGRAM.” Motion passed by unanimous vote of the Council.

ADOPT RESOLUTION NO 16-21 – ICMA 401 Governmental Profit Sharing

Motion by Helix and seconded by Grayson to adopt Resolution No. 16-21, entitled, “A RESOLUTION APPROVING THE CONTINUANCE OF THE ICMA RETIREMENT CORPORATION GOVERNMENTAL PROFIT SHARING PLAN & TRUST FOR EMPLOYEES OF THE CITY OF CONCORD,” and authorizing the City Manager to execute the associated Adoption

Agreement, ensuring compliance and qualified status with the IRS. Motion passed by unanimous vote of the Council.

SET PUBLIC HEARING

Motion was made by Helix and seconded by Grayson to set a public hearing on Tuesday, April 26, 2016, at 6:30 p.m. in the Council Chamber to consider proposed amendments to Exhibit A to Resolution No. 78-6042 establishing fees and charges for various municipal services in the City of Concord and adoption of City of Concord Policy & Procedure No. 170, User Fees and Charges Cost Recovery Policy, establishing policy guidelines for setting and updating User Fees and Charges and establishing cost recovery goals. Motion passed by unanimous vote of the Council.

AUTHORIZING EMPLOYMENT AGREEMENT – City Attorney

Motion made by Helix and seconded by Grayson authorize the Mayor to execute an Employment Agreement with Susanne Meyer Brown to serve as City Attorney. Motion passed by unanimous vote of the Council.

AUTHORIZE AD HOC COMMITTEE TO WORK WITH OUTSIDE COUNSEL – Citywide Project Stabilization Agreement

City Manager Valerie Barone presented a report stating that the Ad Hoc Committee formed to discuss project agreements wanted authority to work with outside counsel and staff to negotiate with the building trades unions to reach a tentative project stabilization agreement that would come back to council for consideration and discussion.

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

Mary Nicely, District Director, Office of Assemblymember Thurmond, spoke in support of a citywide project labor agreement and brought a letter from Assemblymember Thurmond.

Kurt Snider, Concord, spoke in support of the Helmet to Hardhat program for veterans.

Eric Haynes, Concord, spoke in favor of the building trades apprentice programs and noted that jobs in Concord will allow workers to spend money in Concord.

Bob Lilley, IBEW 302, spoke in favor of a project stabilization agreement and a local hiring policy.

Ruben Ramirez, Concord, spoke in support of the agreement and felt that as a member of Plumbers 159, he was able to support his family.

John Perez, Concord, spoke in support of a project labor agreement and felt it would allow him to work closer to home.

Dan Torres, Sprinklerfitters Local 483, spoke in support of a citywide project agreement and said the trades jobs had been good for his family.

Kevin VanBuskirk, President, Contra Costa Building Trades Council, spoke in support of project labor agreements, that they ensure workers receive correct pay, provide benefits to veterans and ensure labor harmony.

Meg Vasey, IBEW 302, spoke in support of project labor agreements and felt union training programs enhanced opportunities for women.

Argentina Davila-Luevano, California Leadership Institute, spoke in support of a citywide project labor agreement.

Angel Luevano, Todos Unidos, spoke in support of the Ad Hoc Committee's recommendation for the project labor agreements.

Barb Johnson, on behalf of former Congressman George Miller, read a message from former Congressman Miller in support of project labor agreements.

Patrick Nowakowski, Office of Assemblymember Frazier, read a letter from Assemblymember Frazier in support of a citywide project labor agreement.

Jason Lindsey, Concord, spoke in support of being able to work locally and having good paying jobs in Concord.

Debora Allen, Pittsburg, spoke in opposition to project labor agreements and felt they would increase costs of construction and did not ensure local hire.

John Loudon, California Construction Alliance Group, spoke in opposition to negotiating a project labor agreement and felt it discriminated against non-union workers and local employees working in federally recognized non-union programs.

Cherie Cabral, Building Trades Labor Management Construction Trust, spoke in support of a project labor agreement and noted they are increasing in the State.

Matt Heavey, Concord, spoke in opposition to the project labor agreement and felt it would be a detriment to his company and employees and that the agreements discriminated against those that do not want to join a union.

Ed Strelo, Concord, spoke in support of project labor agreements.

Mayor Hoffmeister closed the public comment period.

Motion made by Grayson and seconded by Leone authorizing the Council Ad Hoc Committee to work with outside Counsel Michael Vlaming to negotiate and develop a project stabilization agreement for consideration of adoption by the City Council. Motion passed by unanimous vote of the Council.

Mayor Hoffmeister called for a break at 8:25 p.m.

Mayor Hoffmeister reconvened the meeting at 8:30 p.m.

JOHN MUIR/MT. DIABLO HEALTH CARE DISTRICT – Filling two vacancies

City Clerk Joelle Fockler presented a report stating that the Council appoints three members to the John Muir/Mt. Diablo Community Health Board. Mayor Hoffmeister currently served on the Board and the other two positions were vacant. Ms. Fockler added that two councilmembers were allowed to serve and inquired as to if any councilmembers were interested. Councilmember Birsan volunteered to serve.

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

Motion made by Leone and seconded by Hoffmeister to appoint Birsan to one vacancy, and announce a recruitment for up to two vacancies. Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Attributes of a Bicycle Friendly Community Flyer
- b. Building Trades Council PRA to State Division of Apprenticeship Standards
- c. *"The TRUTH about the ABC"* DVD
- d. Letter from Assemblymember Tony Thurmond
- e. Benched Item No. 6.a – Project Stabilization Agreement Correspondence
- f. Benched Item No. 9 – Councilmember Birsan's League of Cities Administrative Committee report

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 8:49 p.m.

LAURA M. HOFFMEISTER
MAYOR

MARSHA MOORE, CMC
DEPUTY CITY CLERK