

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE LOCAL
REUSE AUTHORITY/CITY COUNCIL
SITTING AS THE
CONCORD/PLEASANT HILL HEALTH
CARE DISTRICT BOARD
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, MAY 22, 2018

The Concord City Council met in a regular meeting in the City Council Conference Room located at 1950 Parkside Drive at 6:00 p.m. on Tuesday, May 22, 2018, with Mayor Birsan presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session under Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: Two potential cases. Significant exposure to litigation pursuant to paragraph (2) of subdivision (3) of Government Code Section 54956.9: One potential case.

The meeting recessed at 6:25 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 6:30 p.m. on Tuesday, May 22, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Councilmember Hoffmeister. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Laura Hoffmeister, Ron Leone, Tim McGallian, Carlyn Obringer, Edi Birsan

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; Jasmin Loi, Director of Human Resources; Guy Bjerke, Director of Community Reuse Planning; Jeff Lewis, Director of Information Technology; Steve Voorhies, Director of Parks and Recreation; Karan Reid, Director of Finance; Donna Lee, Budget Officer; Bob Hardie, Facilities Maintenance Supervisor; Bernard Enrile, Senior Civil Engineer; Mark Migliore, Associate Civil Engineer; Brenda Kain, Housing Program Manager; David Boatwright, Senior Administrative Analyst; John Montagh, Economic Development Manager; Florence Weiss, Downtown Program Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Greg Colley, Concord; George Fulmore, Concord; Teresa Saunders, Concord; Margaret Hanlon-Gradie, Contra Costa AFL-CIO; Debra Bernstein, Concord; Ken Scoles, Bay Point; Rick Kennedy, Concord; Vanessa Wolf, Concord; Debbie Toth, Choice in Aging; Vontré Mason, Mt. Diablo High School; Larry Sly, Concord; Mike Conklin, Sentinels of Freedom; Elaine Schroth, Visit Concord; Hope Johnson, Concord; Kristin Connelly,

East Bay Leadership Council; Cindy Gershen, Walnut Creek; Natalie; Diane Sprouse, Concord; John Haberkorn, Concord; Tobias Lester, Concord

PUBLIC COMMENT PERIOD

Greg Colley, Concord Communities Alliance, spoke of the need for tenant protections in Concord and provided the Council with a data sheet on landlords in Concord.

George Fulmore, Concord, inquired if a security component was involved in solving the start of the Renaissance II Fire, and spoke of possible issues for candidates running for office in District 3.

Teresa Saunders, Concord Blue Devils, announced an event scheduled for June 2 at Dave Brubeck Park, 6-8 p.m.

Margaret Hanlon-Gradie, Contra Costa AFL-CIO, thanked the staff for pulling Agenda Item No. 9.c from consideration from the agenda.

Debra Bernstein, Raise the Roof Coalition, recapped the May Day event held by the Raise the Roof Coalition and submitted postcards in support of tenant protections and stabilized rental costs.

Ken Scoles, Bay Point, spoke of the need and desire for a Veterans Village at the Concord Naval Weapons Station.

Anonymous spoke of the poor presentation by Lennar at the last CAC meeting and the January meeting with BART regarding the buffer.

PRESENTATIONS

CERTIFICATES OF APPRECIATION TO BUSINESSES, NON-PROFIT ORGANIZATIONS, PUBLIC AGENCIES, AND CITY OF CONCORD EMPLOYEES – Support and Aid for the Renaissance II Fire

Mayor Birsan presented certificates of appreciation to businesses, non-profit organizations, public agencies, and City of Concord employees for support and aid for the Renaissance II Fire.

ANNOUNCEMENTS – none.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – March 24 and April 2, 2018

The April 2, 2018, meeting minutes were removed from consideration by staff.

Motion was made by Hoffmeister and seconded by Obringer to approve the minutes of the meeting of March 24, 2018. Motion passed by unanimous vote of the Council.

REJECTION OF BID AND AWARD OF CONTRACT – Council Chamber Restrooms

Motion was made by Hoffmeister and seconded by Obringer to reject the bid protest from Alex Li of Construction West Services, Inc., and award a contract for the Council Chamber restrooms remodel to Alex Kushner, General Contractor, in the amount of \$92,400; and authorize

the City Manager to execute the contract in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

AWARD – CUSTODIAL MAINTENANCE SERVICES

This item was pulled from consideration by staff. Staff will return to the City Council with a recommended action at a later date.

RESOLUTION NO. 18-42 – Pleasant Hill Landscaping and Lighting Assessment District No. 20

Motion was made by Hoffmeister and seconded by Obringer to adopt Resolution No. 18-42 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 City of Pleasant Hill Landscaping and Lighting Assessment District #20, Commercial Area Landscaping and Lighting.” Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-47 – Flying the Rainbow Flag at the Civic Center

Motion was made by Hoffmeister and seconded by Obringer to adopt Resolution No. 18-47 entitled, “A Resolution Recognizing June 2018 as Lesbian, Gay, Bisexual, Transgender, Questioning, Plus (LGBTQ+) Pride Month in the City of Concord and Directing Staff to Fly the Rainbow Flag at the Civic Center throughout the Month of June.” Motion passed by unanimous vote of the Council.

PROFESSIONAL SERVICES AGREEMENT – BKF Construction

Motion was made by Hoffmeister and seconded by Obringer to approve a Professional Services Agreement in the amount of \$22,000 with BKF for construction and right-of-way support services for Farm Bureau Road Complete Streets – Phase 2 (Wren Ave to Walnut Ave), Project No. 2354, and authorize the City Manager to execute the Agreement. Motion passed by unanimous vote of the Council.

BUDGET TRANSFER – IT Related Improvements

This item was pulled from the Council Consent Calendar by Concord resident George Fulmore who spoke to project information posted on the City’s website.

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

Motion was made by Hoffmeister and seconded by McGallian to approve a budget transfer in the amount of \$168,600 for IT-related improvements at various locations: Operation Improvements along Parallel Arterials, Project No. 2356 and Farm Bureau Road Complete Streets Phase II, Project No. 2354. Motion passed by unanimous vote of the Council.

LOCAL REUSE AUTHORITY CONSIDERATION ITEM

APPROVAL OF A 12-MONTH EXTENSION OF THE AMENDED AND RESTATED AGREEMENT TO NEGOTIATE – Lennar Concord, LLC

Councilmember Leone recused himself from the item due to the close proximity of his residence to the project, and left the dais.

Director of Community Reuse Planning Guy Bjerke presented a report, explaining that Lennar Concord, LLC, is requesting a 12-month extension of their current Amended and Restated

Agreement to Negotiate with the Local Reuse Authority regarding the Development Phase One Property in the Community Reuse Project at the former Concord Naval Weapons Station.

Mr. Bjerke reported that the current agreement envisioned parallel paths for both the Disposition and Development Agreement negotiations and the preparation of the Specific Plan over a 24-month period, with both documents and their associated environmental review being considered by the City Council in 2018, but since the approval of the current agreement, the scope of the Specific Plan, Infrastructure Plan, and environmental documents has expanded beyond what was originally anticipated by the City and Lennar. Specifically, the scope of work increase includes:

1. Preparing the Specific Plan, Infrastructure Plan, and environmental documents for the entire Economic Development Conveyance of 2,300 acres rather than only for the Phase One Property of 500 acres to ensure consistency between development phases and infrastructure compatibility.
2. Adding the BART Property of 18 acres into the Specific Plan program.
3. Adding the Coast Guard Property of 58 acres into the Specific Plan program.
4. Enhancing the public review process, beyond community meetings and the Community Advisory Committee, with the addition of joint City Council/Planning Commission study sessions.

Mr. Bjerke conveyed that the extra steps are being taken to ensure the Specific Plan is appropriately comprehensive and thoroughly reviewed, and the negotiation of the DDA is also tied to these extra steps as that agreement must reflect planning decisions and impact mitigations required by the Specific Plan and associated environmental documents. He noted that all documents are now expected to be ready for final consideration by the City Council in June 2019.

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

Ken Scoles, Bay Point, spoke in support of extending the agreement with Lennar.

Margaret Hanlon-Gradie, Contra Costa AFL-CIO, spoke in support of a Project Labor Agreement and community benefits.

Rick Kennedy, Concord, urged the Council to continue to work with Lennar.

Vanessa Wolf, Concord, spoke in support of the agreement extension with Lennar.

Debbie Toth, Choice in Aging, spoke in support of the agreement extension with Lennar.

Vontré Mason, Mt. Diablo High School, spoke in support of the agreement extension with Lennar.

Larry Sly, Concord, spoke in support of the agreement extension with Lennar.

Mike Conklin, Sentinels of Freedom, spoke in support of the agreement extension with Lennar.

Elaine Schroth, Visit Concord, spoke in support of the agreement extension with Lennar.

Hope Johnson, Concord, stated that this is not the time for Concord to execute an extension with Lennar while an investigation is going on with the Lennar Hunters' Point project.

Kristin Connelly, East Bay Leadership Council, spoke in support of the agreement extension with Lennar.

Cindy Gershen, Walnut Creek, spoke in support of the agreement extension with Lennar.

Mayor Birsan closed the public comment period.

The Council asked clarifying questions and commented on the status of the project. Vice Mayor Obringer expressed concern over TetraTech working in Concord, the health and safety of the citizens living near the Naval Weapons Station, the use of funds for the Agreement, and the development of the site not being world-class. A motion was made by Hoffmeister and seconded by McGallian to approve a 12-month extension of the Amended and Restated Agreement to Negotiate between the Local Reuse Authority and Lennar Concord, LLC, regarding the Development Phase One Property in the Community Reuse Project at the former Concord Naval Weapons Station. Motion passed by the following vote of the Council:

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

Mayor Birsan called a recess at 8:30 p.m. The meeting resumed at 8:40 p.m.

Councilmember Leone returned to the dais.

CITY COUNCIL CONSIDERATION ITEM

MEMORANDUM OF SUPPORT FOR A MASTER PLANNED MIXED USE DOWNTOWN SOCCER SPECIFIC STADIUM – Hall Sports Ventures

Economic Development Manager John Montag outlined the project, explaining that Hall Sports Ventures desires to pursue a master-planned, mixed-use project, anchored by a soccer-specific stadium in downtown Concord. He conveyed that the conceptual project would include a state of the art 15,000 to 18,000-seat soccer specific stadium, hotel, retail, office, and multifamily developments on City and BART properties, and that as the franchise owner of a United Soccer League Division II professional soccer team, the proposed stadium would be home field for Hall Sports Ventures team. He reported that if the Council is supportive of the master plan concept, Hall Sports Ventures is asking for a Memorandum of Support to be issued by the City. Mr. Montag explained that the memorandum is non-binding to either party, does not commit either party to a project, and does not pose any cost to the City; it does allow Hall Sports Ventures to begin discussion with BART staff and officials on BART's downtown Concord property, needed for the mixed use project.

Mr. Montag stated that if Council supports the proposal, staff will begin to draft an Exclusive Negotiating Agreement for City property located adjacent to the downtown BART property. He requested Council input and direction on the proposal, approval of the proposed Memorandum of Support, direction to negotiate an Exclusive Negotiating Agreement, and for staff to investigate a downtown Convention/Conference center.

Mr. Montag introduced Mark Hall, Hall Sports Ventures, who presented an overview of the proposed vision of the project.

The Council asked about the timing of the project and if any other cities are being considered for the project. They inquired about soccer as a growth industry, asked if the project would be implemented in phases, asked about the price of the project and what the developer expects the City to contribute to the project. They asked if the concept includes a retractable roof on the stadium, what the expected employment numbers for the stadium and hotel are, and if the

plan called for local hire and union labor. They spoke of concerns regarding traffic and traffic mitigation.

Mayor Birsan opened a public comment period.

George Fulmore, Concord, spoke in opposition to the project.

Hope Johnson, Concord, spoke of her concerns about traffic, the fit of the project with Todos Santos Plaza, and the reliance on BART to get patrons to and from the venue.

Natalie, spoke in opposition to the project.

Margaret Hanlon-Gradie, Contra Costa AFL-CIO, spoke in support of a Community Benefit Agreements for this type of project.

Diane Sprouse, Concord, spoke in opposition to the project.

John Haberkorn, Concord, inquired about the last sentence of the Memorandum of Support and if negotiations with other developers could occur if the Memorandum is executed.

Tobias Lesster, Concord, spoke in opposition to the project.

Mayor Birsan closed the public comment period.

The Council asked clarifying questions and shared concerns about the language in the memorandum of support. They were concerned over how to put something of this size into the downtown, traffic, parking, and spoke of the need for more community outreach. There was support for exploring the proposal.

Motion made by Obringer and seconded by Leone to support the advancement of the exploration of the Hall project to include the development of a master-planned, mixed-use project, anchored by a soccer-specific stadium of approximately a 15,000-18,000 seat capacity, potential multiple hotels, convention center, and residential, retail or commercial office space on land that is presently owned by the City of Concord on the corner of Oak Street and Galindo Street extending towards the Grant Street intersection with the BART station, together with adjacent lands owned by the San Francisco Bay Area Rapid Transit District, and commonly known as the downtown BART Station site. Motion passed by the following vote of the Council:

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

Motion by Hoffmeister and seconded by to hear the public hearings after 10 p.m. Motion passed by unanimous vote of the Council.

CONCORD/PLEASANT HILL HEALTH CARE DISTRICT BOARD PUBLIC HEARING

RESOLUTION NO. 18-015 – Fiscal Year 2018-19 Funding

A notice of the public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on May 11, 2018.

Housing and Community Services Manager Brenda Kain presented a report, explaining that the Concord/Pleasant Hill Health Care District Committee reviewed 37 applications for District funding and is recommending approval of a \$290,000 allocation for fiscal year 2018/19 to fund 16 local nonprofit service providers. She recommended approval of Resolution No. 18-015 authorizing the allocation of \$290,000 to fund program administration and a variety of nonprofit healthcare services in FY 2018-19.

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

Debbie Toth, Choice in Aging, spoke of her frustration in Choice in Aging not being funded.

Mayor Birsan closed the public comment period.

Following comments by the Council, a motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 18-015 entitled, "A Resolution Authorizing the Executive Director to Disburse Funds and Execute all attendant Documents and Agreements for Fiscal Year 2018-19 Funding on behalf of the Concord/Pleasant Hill Health Care District." Motion passed by unanimous vote of the Council.

CITY COUNCIL PUBLIC HEARINGS

ADOPTION OF RESOLUTION NOS. 18-43, 18-44, 18-45, and 18-46 - Confirming the Assessment Diagrams and Levying Assessments for the Landscaping and Lighting Districts

The Public Hearing notice was published in the East Bay Times on May 11, 2018, for the City's four Landscaping and Lighting Maintenance Districts and posted in the Civic Center posting cabinet.

Senior Administrative Analyst David Boatwright presented a report advising that on March 6, 2018, the City Council ordered the preparation of Engineer's Reports for the levy of annual assessments for the Downtown Landscape Maintenance District, the Pine Hollow Estates Landscape Maintenance District, Landscaping and Lighting Maintenance District No. 3, and the Citywide Street Lighting Assessment District; and that on April 24, 2018, the Resolutions of Intention were adopted and published in accordance with the provisions of the Landscaping and Lighting Act of 1972.

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

A motion was made by Hoffmeister and seconded by Obringer to adopt the following resolutions in one motion confirming the diagrams and levying the assessments:

Resolution No. 18-43 entitled, "A Resolution Confirming the Assessment Diagram and Levy of Assessments for Maintenance within the Downtown Landscape Maintenance District for Fiscal Year 2018-19;" and

Resolution No. 18-44 entitled, "A Resolution Confirming the Assessment Diagram and Levy of Assessments for Maintenance within the Pine Hollow Estates Landscape and Lighting Maintenance District for Fiscal Year 2018-19;" and

Resolution No. 18-45 entitled, "A Resolution Confirming the Assessment Diagram and Levy of Assessments for Maintenance within the Landscape and Lighting Maintenance District No. 3 for Fiscal Year 2018-19;" and

Resolution No. 18-46 entitled, "A Resolution Confirming the Assessment Diagram and Levy of Assessments for Maintenance within the Citywide Street Lighting Assessment District for Fiscal Year 2018-19." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-49 – Amending the Fiscal Year 2017-18 and FY 2018-19 Municipal Budgets; RESOLUTION NO. 18-6042.2 – Amending Exhibit A to Resolution No 78-6042 Establishing Fees and Charges for Various Municipal Services in the City of Concord; RESOLUTION NO. 18-4735.1 - Adopting the City of Concord Salary Schedule Effective July 1, 2018; ACCEPTANCE OF THE FINAL REPORT ON FISCAL SUSTAINABILITY OPTIONS; RESOLUTION NO. 18-50 – Adopting a 20-year Financial Forecast, Fiscal Stability Strategies, and Further Amending the FY 2018-19 Municipal Budget; RESOLUTION NO. 18-51 – Amending Policy and Procedure No. 129 – Budget and Fiscal Policies

A notice of the public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on May 11, and May 18, 2018.

Budget Officer Donna Lee reviewed the agenda for the public hearing, the City Priority Focus Areas, the City Council Goals, and the Biennial Budget Process Overview. She outlined the FY 2017-18 and FY 2018-19 projected budget and recommended adjustments for General Fund, General Fund Project, and Non-General Fund accounts. Ms. Lee outlined the Master Fees and Charges update and introduced Diane Sprouse, Chair of the Measure Q Citizens' Oversight Committee, who presented the Measure Q Citizens' Oversight Committee Report.

Ms. Lee then introduced Steve Toler, Senior Manager, Management Partners, who outlined the City of Concord Budget Strategies Towards Fiscal Sustainability Final Report, and reviewed the Fiscal Strategies for Fiscal Stability consisting of a potential cannabis tax on the November 2018 ballot; phase-in funding for infrastructure maintenance/capital costs; shared services or contract for street sweeping in FY 2019-20; extending Measure Q until ended by voters at the 1 cent rate on the November 2020 ballot; and amending Budget and Fiscal Policies Policy and Procedure No. 129.

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

Hope Johnson, Concord, spoke of concern over doubling the Measure Q from .5 cent to 1 cent in 2020.

Mayor Birsan closed the public comment period.

Motion by Hoffmeister and second by McGallian to adopt the following resolutions in one motion:

Resolution No. 18-49 entitled, "A Resolution Adopting 2017-18 and 2018-19 Municipal Budget Adjustments;" and

Resolution No. 18-6042.2 entitled, "A Resolution Amending Exhibit A to Resolution No. 78-6042 Establishing Fees and Charges for Various Municipal Services in the City of Concord;" and

Resolution No. 18-4735.1 entitled, "A Resolution Adopting the City of Concord's Salary Schedule Effective July 1, 2018, in Accordance with the Requirements of California Public Employees Retirement System (CalPERS) for a Publicly Available Pay Schedule;" and

Resolution No. 18-51 entitled, "A Resolution Amending the Budget and Fiscal Policies Policy and Procedure No. 129." Motion passed by unanimous vote of the Council.

Resolution No. 18-50 was not considered.

INTRODUCTION OF ORDINANCE NO 18-4 – Increasing Council Compensation

A notice of the public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on May 11, 2018.

City Clerk Joelle Fockler presented a report introducing Ordinance 18-4 which will increase Councilmember compensation by 4 percent to \$1,352 per month to be effective after the November 2018 City Council election.

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

Hope Johnson, Concord, spoke in opposition to the Council increasing its compensation while Measure Q is in effect.

Anonymous spoke in opposition to the Council increasing its compensation.

Anonymous spoke in opposition to the Council increasing its compensation.

Mayor Birsan closed the public comment period.

Motion was made by Hoffmeister to introduce Ordinance No. 18-4 increasing Councilmember compensation by 1 percent to be effective after the November 2018 City Council Election. The motion failed due to a lack of a second.

Motion was made by McGallian and seconded by Birsan to introduce Ordinance No. 18-4 entitled, "An Ordinance Amending Concord Municipal Code Chapter 2.10 (Officers and Employees), Article II (Compensation), Section 2.10.020 (Councilmembers) Increasing Councilmember Compensation by 4 Percent, to \$1,352 Per Month, to be Effective after the November 2018 City Council Election," by reading of the title only and waiving further reading. Motion passed by the following vote of the Council:

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

CORRESPONDENCE

- a. Concord Community Alliance handout submitted by Greg Colley
- b. Postcards submitted by Raise the Roof Coalition regarding rent increases
- c. Benched Item No. 9.c. – Memorandum from Justin Ezell, Director of Public Works
- d. Benched Correspondence Agenda item No. 11.d – Email from Teresa Fairbanks to Valerie Barone dated May 15, 2018
- e. Benched Item No. 10.a – Amended and Restated Agreement to Negotiate with Lennar
- f. Benched Correspondence Agenda item 10.b – Email from Hope Johnson dated May 21, 2018
- g. Benched Correspondence Agenda Item No. 10.b
- h. Agenda Item No. 10.b PowerPoint Presentation - Hall Sports Ventures
- i. Letter submitted by Steve Chappell, Walnut Creek Surf Soccer Club regarding Agenda Item No. 10.b
- j. Letter submitted by Neil Diaz, American Youth Soccer Associate regarding Agenda Item No. 10.b
- k. Letter submitted by Zach Sullivan, Diablo FC regarding Agenda Item No. 10.b

- I. Agenda Item No. 11.c Power Point Presentation – Public Hearing on FY 2017-18 and 2018-2019 Biennial Budget Mid-Cycle Update
- m. May 15, 2018, Letter from Mayor Birsan creating the Mayor’s Art Gallery Project Competition

CLOSED SESSION REPORTS

City Attorney Susanne Brown reported out that the City Council has given authorization to initiate two legal actions and the defendants and other particulars will once formally commenced be disclosed to any person upon inquiry unless to do so would jeopardize the City’s ability to effectuate service of process on one or more unserved parties or that to do so would jeopardize the City’s ability to include existing settlement negotiations to the City’s advantage.

COUNCIL REPORTS

Councilmembers shared information on upcoming events and activities and commented on items of interest.

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 12:00 a.m. in memory of service men and women and former Contra Costa County Supervisor Eric Hasseltine.

EDI E. BIRSAN
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK

SPECIAL MEETING OF THE
CONCORD CITY COUNCIL/PLANNING
COMMISSION
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, MAY 29, 2018

The Concord City Council and Planning Commission met in a special joint meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Tuesday, May 29, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Councilmember Leone. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Laura Hoffmeister, Ron Leone, Tim McGallian, Carlyn Obringer, Edi Birsan

PLANNING COMMISSIONERS PRESENT: Ray Barbour, Jason Laub, Mark Weinmann, Dominic Aliano

PLANNING COMMISSIONER ABSENT: John Mercurio

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Kathleen Tropa, Assistant City Manager; Joelle Fockler, City Clerk; Guy Swanger, Chief of Police; Karan Reid, Director of Finance; Andrea Ouse, Director of Community and Economic Development; Laura Simpson, Planning and Housing Manager; Nick Gartner, Police Lieutenant; Margaret Kotzue, Senior Assistant City Attorney; Michael Cass, Principal Planner; Pedro Garcia, Economic Development Specialist

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Clare Goodwin, Concord; Devan Perona, Concord; Jordan Locklear, NORML; Benjamin Adams, Concord; Luke Adams, Concord; Daren Mason, Concord; Arya Campbell, NORML; Eve Crow, Concord; John Keibel, Concord; Stephanie Siri, Concord; Ryan Doronila, Concord; Cliff Perona, Concord; Greg Kremenier, Concord; Timothy Byars, Concord; Rochelle LeVa, Walnut Creek; Beatrice Gaylord, Concord; Robert Hoag, Concord; Leslie Goodwin, Concord; Eloise Theisen, Concord; Rebecca Byars, Concord; David Shields, Concord; Renee Lee, Walnut Creek; Scott Goodwin, Concord; Blanca Colin, Concord; William Colin, Monument Impact; Robert Lowitz, Walnut Creek; Trent Crow, Concord; Jennifer Schwab, Teamsters; Mike McDermott, Concord; Matt Light; Eric Whitaker, Concord; Brandon Mullins, Pleasant Hill; Hope Johnson, Concord; Linette Perona, Concord; Kenji Yamada, Concord; Natalie; Bryan Higginbotham, Benicia; Debra Taraaskewid, Concord; Laurie Light; Tess Schoenbart, Lafayette; David Theisen, Concord; Nasser Azimi, Concord; Demetrio Ramirez

STUDY SESSIONCANNABIS USES AND INDUSTRY TRENDS – Cannabis Policy, Including Taxation, Regulation, and Permitting

Principal Planner Michael P. Cass presented the meeting overview, reviewed the status of Concord cannabis regulations, explained the proposed work plan, and reviewed the tentative schedule for community outreach of retail and microbusinesses.

Mr. Cass explained that staff was currently developing draft ballot language that covers all types of cannabis but noted that the revenue from taxation is projected to be minimal due to limits on the number of businesses and the restriction of medicinal only.

Principal Planner Cass presented potential buffer areas and sensitive uses. He relayed Police Department (PD) concerns about delivery, manufacturing, testing laboratories, and distribution and retail storefront. Mr. Cass requested direction to affirm or modify the direction to explore medicinal-only cannabis storefront and non-storefront retail uses and microbusinesses and requested the Council and Planning Commission provide initial thoughts on buffers from sensitive uses. In addition, Mr. Cass requested direction on what additional information is needed from staff prior to developing regulations, whether to develop regulations for other cannabis uses, such as cultivation, and Council's affirmation or modification of direction to place a tax measure on the November 2018 ballot. He introduced Neil Hall, SCI Consulting Group, who reviewed trends in the commercial cannabis industry.

At the request of the City Council, Lt. Nicholas Garner reviewed the memorandum he wrote on cannabis operations that was included with the staff report.

The Council asked staff and the consultant questions about the types of licenses; what action other cities have taken regarding cannabis; clarification on state issued medicinal cards; what PD staffing would be needed for oversight; if businesses would come to Concord if only medicinal cannabis was allowed; safety considerations; clarifications about a dedicated unit in the PD and the PD needs; the nexus between legal and illegal operations if cannabis was allowed; the clarification of storefront and non-storefront and how loitering would be addressed with a storefront business; the impact of dealing with a cash based business; details surrounding a cannabis tax; if there was a marijuana black market in Concord; and if medicinal cannabis supply would be hurt if recreational retail was allowed.

The Planning Commission asked about oversight for a limited number of retail storefronts, the meaning of significant impact, and marijuana crime statistics.

At Mayor Birsan's request, Nasser Azimi, Ohana Gardens, provided an overview of his cannabis delivery business. The Council and Planning Commission asked Mr. Azimi questions about his company, including the amount of gross revenue the company makes, the number of deliveries the company makes per day, how sales tax is collected, what the customer base is within Concord, and what other communities Ohana Gardens serves.

Mayor Birsan called a recess at 8:34 p.m. The meeting resumed at 8:45 p.m.

Mayor Birsan opened a public comment period.

Clare Goodwin, Concord, spoke in opposition to retail dispensaries.

Devan Perona, Concord, spoke in opposition to recreational marijuana in all its forms.

Jordan Locklear, NORML, spoke in support of cannabis.

Benjamin Adams, Concord, spoke in opposition to marijuana.

Luke Adams, Concord, spoke in opposition to marijuana.

Daren Mason, Concord, spoke in opposition to cannabis.

Arya Campbell, NORML, spoke in support of cannabis.

Eve Crow, Concord, spoke in opposition to cannabis.

John Keibel, Concord, spoke in opposition to cannabis.

Stephanie Siri, Concord, spoke in opposition to cannabis retail sales and outdoor grow.

Ryan Doronila, Concord, spoke in support of cannabis.

Cliff Perona, Concord, spoke in opposition to cannabis.

Greg Kremenlier, Concord, spoke in support of cannabis.

Timothy Byars, Concord, spoke in support of cannabis.

Rochelle LeVa, Walnut Creek, spoke in support of cannabis.

Beatrice Gaylord, Concord, spoke in opposition to cannabis.

Robert Hoag, Concord, spoke in opposition to marijuana.

Leslie Goodwin, Concord, spoke in opposition to cannabis.

Eloise Theisen, Concord, spoke in support of cannabis.

Rebecca Byars, Concord, spoke in support of cannabis.

David Shields, Concord, spoke in opposition to cannabis.

Renee Lee, Walnut Creek, spoke in support of cannabis.

Scott Goodwin, Concord, spoke in opposition to cannabis.

Blanca Colin, Concord, spoke in opposition to marijuana.

William Colin, Monument Impact, spoke in opposition to marijuana.

Robert Lowitz, Walnut Creek, spoke in support of cannabis.

Trent Crow, Concord, spoke in opposition to marijuana.

Jennifer Schwab, Teamsters, spoke in support of cannabis.

Mike McDermott, Concord, spoke in opposition to marijuana.

Matt Light, spoke in support of cannabis and the cannabis retail pilot.

Eric Whitaker, Concord, spoke in support of cannabis.

Brandon Mullins, Pleasant Hill, spoke in support of cannabis.

Hope Johnson, Concord, spoke in support of retail uses.

Linette Perona, Concord, spoke in opposition to marijuana.

Kenji Yamada, Concord, spoke in support of cannabis.

Natalie, spoke in support of cannabis.

Bryan Higginbotham, Benicia, spoke in support of cannabis.

Debra Taraskewid, Concord, spoke in opposition to cannabis.

Laurie Light, spoke in support of cannabis and the cannabis retail pilot.

Tess Schoenbart, Lafayette, spoke in support of cannabis.

David Theisen, Concord spoke in support of cannabis and the cannabis retail pilot.

Nasser Azimi, Ohana Gardens, spoke about the point of sale and taxes.

Demetrio Ramirez, spoke in support of cannabis.

Mayor Birsan closed the public comment period.

Mayor Birsan called a recess at 11:20 p.m. The meeting resumed at 11:30 p.m.

The Council and Planning Commission expressed support for exploring medicinal only cannabis non-storefront retail uses and microbusinesses; exploring buffers from sensitive uses for non-storefront retail and microbusiness cannabis uses; exploring a pilot program for non-storefront medicinal cannabis; and exploring placing an excise tax measure before the voters on the November 2018 ballot. There was not support for adult use nor cultivation.

The Council and Planning Commission requested additional information about the cannabis black market, the tools that the Police Department needs to support cannabis sales, and statistics on crimes against cannabis businesses and cash based businesses.

City Manager Valerie Barone summarized the direction from Council: explore regulations for medical only non-storefront retail with some support for exploring a medical only storefront retail pilot and microbusiness; explore the creation of buffers from sensitive uses, but not so strong that there is only one zoned area in the City; no support for cultivation; and an interest in exploring a tax measure for medicinal only cannabis.

CORRESPONDENCE

- a. Benched Correspondence – Agenda Item 2a
- b. PowerPoint Presentation – Cannabis Study Session
- c. PowerPoint Presentation from SCI Consulting Group – Trends in the Industry: Commercial Cannabis
- d. Petition signed by Concord residents to allow responsible cannabis industry to exist in Concord
- e. Map submitted by Kenji Yamada of 600ft radius around Todos Santos Plaza
- f. Letter submitted by Demetrio Ramirez dated May 29, 2018
- g. Proposal from Matt and Laurie Light – Cannabis Retail Pilot
- h. Denver Post article dated August 25, 2017, Exclusive: Traffic fatalities linked to marijuana are up sharply in Colorado. Is legalization to blame?

- i. California Department of Public Health information – Marijuana and Tobacco Use

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 12:35 a.m.

EDI E. BIRSAN
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE LOCAL
REUSE AUTHORITY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, JUNE 5, 2018

The Concord City Council met in a regular meeting in the City Council Conference Room located at 1950 Parkside Drive at 6:00 p.m. on Tuesday, June 5, 2018, with Mayor Birsan presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session under Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(d)(1)). Name of case: Michele Ligouri v. City of Concord, WCAB Case No. ADJ9773810.

The meeting recessed at 6:25 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 6:30 p.m. on Tuesday, June 5, 2018, with Mayor Birsan 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: Laura Hoffmeister, Ron Leone, Tim McGallian, Carlyn Obringer, Edi Birsan

STAFF PRESENT: Kathleen Tropa, Assistant City Manager; Susanne Brown, City Attorney; Joelle Fockler, City Clerk; Karan Reid, Director of Finance; Andrea Ouse, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Guy Bjerke, Director of Community Reuse Planning; John Montagh, Economic Development Manager; Bernard Enrile, Senior Civil Engineer; Aldrich Bautista, Associate Civil Engineer; Jeff Rogers, Infrastructure Manager; Jennifer Ortega, Community Relations Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Kirstyn Gianfala, Concord; Nick Weathers, Helmets to Hardhats; Dan Torres, Sprinkler Fitters Local 483; Kevin Buskirk, Contra Costa County Building Trades Council; Greg Feere, Contra Costa County Building Trades Council; Bill Whitney, Contra Costa County Building Trades Council; Sara Glascock, IBEW; George Fulmore, Concord; Ron Bennett, Concord; Teresa Saunders, Concord Blue Devils

PUBLIC COMMENT PERIOD

Kristyn Gianfala, Concord, spoke of banning smoking in multi-family housing complexes.

Nick Weathers, Helmets to Hardhats, spoke of the benefits of unions for veterans.

Dan Torres, Sprinkler Fitters Local 483, requested an Ad-Hoc Committee be formed to ensure Lennar negotiates a Project Labor Agreement (PLA) with the Building Trades Council for the Naval Weapons Station Project.

Kevin Van Buskirk, Contra Costa County Building Trades Council, requested an Ad-Hoc Committee be formed to ensure Lennar negotiates a PLA with the Building Trades Council for the Naval Weapons Station Project.

Greg Feere, Contra Costa County Building Trades Council, requested that the Council ensures that Lennar negotiates a PLA with the Building Trades Council for the Naval Weapons Station Project.

Bill Whitney, Contra Costa County Building Trades Council, requested an Ad-Hoc Committee, comprised of the Mayor and Vice Mayor, be formed to ensure Lennar negotiates a PLA with the Building Trades Council for the Naval Weapons Station Project.

Sarah Glascock, Concord, requested that the Council ensures that Lennar negotiates a PLA with the Building Trades Council for the Naval Weapons Station Project.

George Fulmore, Concord, spoke of the Rent Review Board, a proposed multi-use project in Downtown Concord, and poor conditions on soccer fields.

Ron Bennett, Concord, spoke of Lennar and a PLA with the Building Trades Council for the Naval Weapons Station Project.

Teresa Saunders, Concord Blue Devils, requested Council consider short term benefits and long term results with the Concord Naval Weapons Station development.

PRESENTATIONS

PROCLAMATION – Elder and Dependent Adult Abuse Awareness Month

Mayor Birsan presented Nicole Howell, Executive Director, Long Term Care Ombudsman for Contra Costa and Solano Counties, and Britney Hayes, Adult Protective Services (APS), a proclamation declaring June 2018 “Elder Abuse Awareness Day” in the City of Concord.

CONTRA COSTA WATER DISTRICT – Projects and Activities

Mayor Birsan introduced Contra Costa Water District Director Ernesto Avila who gave a presentation on Contra Costa Water District Projects and Activities.

SAFEWAY – Cooperation and Investments to the Downtown Concord Store

Economic Development Manager John Montagh introduced Wendy Gutshall, Director, Public and Government Affairs; Shane Ryan, District Manager; and John Lavasse, Store Director, Safeway, who received a Certificate of Appreciation for its cooperation and investments concerning the Downtown Concord store.

ANNOUNCEMENTS

Assistant City Manager Kathleen Trepia introduced Community Relations Manager Jennifer Ortega.

CITY COUNCIL CONSENT CALENDARAWARD OF CONTRACT – 2018 CITYWIDE RESIDENTIAL PAVEMENT MAINTENANCE PROJECT NO. 2434 – Graham Contractors, Inc.

Motion was made by Hoffmeister and seconded by Obringer to award a contract to Graham Contractors, Inc. in the amount of \$1,958,000 for the 2018 Citywide Residential Pavement Maintenance Project No. 2434, authorize transfer of funds from the Pavement Maintenance Program Project No. 2157 holding account, and authorize the City Manager to execute the contract in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

REJECTION OF THE SOLE BID FOR MEASURE Q REPAIR PROJECT #8 – Project No. 2379

Motion was made by Hoffmeister and seconded by Obringer to reject the sole bid for Measure Q Repair Project #8, Project No. 2379, and direct staff to re-advertise the project for bids; award an Agreement for Professional Services in the amount of \$142,027.50 with Park Engineering, Inc. for constructability review, 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 – Five 2018 Ford Utility Police Interceptors – Towne Ford

Motion was made by Hoffmeister and seconded by Obringer to award the purchase of five 2018 Ford Utility Police Interceptors to Towne Ford in the amount of \$135,975. Motion passed by unanimous vote of the Council.

REJECTION OF ALL BIDS FOR MEASURE Q MAINTENANCE PROJECT #7 – Project No. 2379

This item was pulled from the Consent Calendar by Concord resident George Fulmore who spoke about how long the road projects take to get approved.

Motion was made by Hoffmeister and seconded by Leone to reject all bids for Measure Q Maintenance Project #7, Project No. 2378, and direct staff to re-advertise the project for bids; award an Agreement for Professional Services in the amount of \$211,957.60 with Ghirardelli Associates for constructability review, 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.

LOCAL REUSE AUTHORITY CONSENT ITEMAPPROVAL OF AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES – Towill, Inc.

Motion was made by Hoffmeister and seconded by Obringer to approve an Amendment to an Agreement for Professional Services with Towill, Inc. to provide land surveying services related to the Area Plan for the former Concord Naval Weapons Station increasing the not-to-exceed amount by \$68,800 for a total agreement amount of \$157,800 and extending the term of the agreement to June 30, 2019, and authorizing the Executive Director to execute the Amendment in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

CITY COUNCIL CONSIDERATION ITEM

APPOINTMENT TO THE CONCORD PAVILION COMMUNITY OUTREACH COMMITTEE

Councilmember McGallian presented the recommendation from the Council Committee on Recreation, Cultural Affairs, and Community Services to appoint Lisa Fulmer.

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

Motion was made by McGallian and seconded by Birsan to appoint Lisa Fulmer to the Concord Pavilion Community Outreach Committee for a term ending February 28, 2019. Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Contra Costa Water District Water Provider Update PowerPoint Presentation
- b. Benched Correspondence Agenda Item 10.a – Letter submitted by Tina Segrove dated May 31, 2018
- c. Correspondence submitted by Eric Christen dated June 3, 2018 regarding Project Labor Agreements

COUNCIL REPORTS

Councilmember Leone recused himself because he lives within 500 feet of the Naval Weapons Station and left the dais so Vice Mayor Obringer could request that the formation of an Ad Hoc Committee to ensure that a Project Labor Agreement be formed be placed on the June 12, 2018, City Council Meeting. It was the consensus of the Council to bring the formation of an Ad Hoc Committee to the June 26, 2018, City Council meeting.

Councilmember Leone returned to the dais.

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 8:16 p.m.

EDI E. BIRSAN
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK