Regular Meeting of the Infrastructure & Franchise Committee

Monday, April 8, 2019

AGENDIZED ITEMS – The public is entitled to address the Committee on items appearing on the agenda before or during the Committee’s consideration of that item. Each speaker will be limited to approximately three minutes.

1. ROLL CALL

2. PUBLIC COMMENT PERIOD

3. REPORTS
   a. Interview – applicants for Board of Appeals. Report by Joelle Fockler, City Clerk.

4. ADJOURNMENT

Next Meeting: Regular Meeting
Date: 5/13/2019 6:00 p.m.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.
Distribution: City Council
Valerie Barone, City Manager
Susanne Brown, City Attorney
Kathleen Trepa, Assistant City Manager
Joelle Fockler, City Clerk
Report in Brief
Interview applicants to fill two (2) member openings and one (1) alternate opening on the Board of Appeals.

Recommended Action
Interview applicants to fill two (2) member openings and one (1) alternate opening on the Board of Appeals and make a recommendation to the City Council for appointment.

Background
A recruitment was announced on December 11, 2018, to fill two member and one alternate position on the Board of Appeals, and the deadline for applications to the City Clerk’s Office was Friday, January 11, 2019, at 5 p.m. The terms of Robert Mills, Matt Trost, and one vacant alternate position expired on February 28, 2019. This recruitment is to fill those two positions and one alternate with terms ending February 28, 2023.

The City Clerk’s Office received three applications from Anthony Alessi, incumbent Robert Mills, and Nhat Phan. Incumbent Robert Mills will be considered for appointment without interview, and Anthony Alessi has withdrawn his application.

The five-member and two-alternate Board of Appeals meets as needed to interpret State law and the California Building Standards Code pertaining to construction standards for the City. They make a determination of suitable alternate materials and methods of construction and hear appeals of orders, decisions, and determinations
made by the City’s Chief Building Official. Decisions of the Board are final and may not be appealed to the City Council. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to the City of Concord Construction Code and are not employees of the City. Appointees shall be qualified in and specifically knowledgeable in the City of Concord Construction Code and applicable local ordinances. The Board meets on an as-needed basis.

Public Contact
The Agenda was posted.

Attachments
1. Applicant Summary
2. Municipal Code Excerpt
2019 Board of Appeals Applicants

<table>
<thead>
<tr>
<th>Name</th>
<th>Employer</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthony Alessi</td>
<td>Tesla</td>
<td>Security Team Manager</td>
</tr>
<tr>
<td>*Robert Mills</td>
<td>Self-Employed</td>
<td>Electrician</td>
</tr>
<tr>
<td>Nhat Phan</td>
<td>ETIC</td>
<td>Civil Engineer</td>
</tr>
</tbody>
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*Incumbent
BOARD OF APPEALS

Chapter 15.08.010

15.08.010 Establishment of Board of Appeals.

(a) General. In order to hear and decide appeals authorized under the City of Concord Construction Code, there shall be and is hereby created a Board of Appeals, which shall constitute the “Local Appeals Board” and “Housing Appeals Board,” as those terms are defined and used in the California Building Standards Code (the “Board of Appeals”). The Board of Appeals shall be appointed by the City Council and shall hold office at their pleasure but in no event shall serve longer than four years without reappointment by the City Council.

(b) Limitation of responsibilities. The responsibilities and authority of the Board of Appeals shall be limited as provided in accordance with state law and the City of Concord Construction Code. Specifically, the authority of the Board of Appeals shall not include legal interpretation of the administrative provisions of the City of Concord Construction Code and shall not include authority to grant appeals which waive requirements of state law or the City of Concord Construction Code or grant variances from state law or the City of Concord Construction Code.

(c) Number. The Board of Appeals shall consist of five members and two alternates appointed by the City Council. The alternates shall be called by the Board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.

The Building Official shall be an ex officio member of the Board of Appeals but shall have no vote on any matter before the Board.

(d) Qualifications. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to the City of Concord Construction Code and are not employees of the city. Appointees shall be qualified in and specifically knowledgeable in the City of Concord Construction Code and applicable local ordinances.

(e) Chairperson. The Board of Appeals shall annually select one of its members to serve as chairperson.
BOARD OF APPEALS

Chapter 15.08.010

(f) **Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional, or financial interest, or a conflict of interest under the Fair Political Practices Act. A disqualified Board of Appeals member shall declare his or her disqualification to the Building Official, who shall arrange for an alternate member to serve in place of the disqualified member and shall make the disqualification part of the hearing record.

(g) **Secretary.** The City Manager shall designate a qualified clerk to serve as secretary to the Board of Appeals. The secretary shall file a detailed record of all proceedings in the City Clerk’s office.

(h) **Compensation of members.** Members of the Board of Appeals shall serve without compensation.

(i) **Quorum.** A quorum shall consist of three members and/or alternates.

(j) **Open hearing.** The Board of Appeals shall have no regular meetings; all meetings shall be special meetings noticed pursuant to California Government Code Section 54956. All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant’s representative, the Building Official, and any person whose interests are affected shall be given an opportunity to be heard.

(k) **Hearing procedure.** The hearing shall be informal and shall not require compliance with the rules of evidence. At the hearing, the Board of Appeals shall hear and consider all relevant evidence.

(l) **Postponed hearing.** Continuances of the hearing may be granted by the City Manager on request of the appellant or the appellant’s representative for good cause shown, or on the City Manager’s own motion.

(m) **Board decision.** The Board of Appeals shall decide the appeal by a majority vote of the members present.

(Ord. No. 16-7, § 3)
Staff Report

Date: April 8, 2019

To: Council Committee on Infrastructure & Franchise

From: Valerie J. Barone, City Manager

Reviewed by: Joelle Fockler, MMC, City Clerk

Prepared by: Marsha Moore, CMC, Deputy City Clerk
Marsha.moore@cityofconcord.org
(925) 671-3085

Subject: Interview applicants for the Bicycle and Pedestrian Advisory Committee

Report in Brief
The Infrastructure and Franchise Committee will interview applicants for two (2) positions on the Bicycle and Pedestrian Advisory Committee.

Recommended Action
Interview applicants for two (2) positions on the Bicycle and Pedestrian Advisory Committee and make a recommendation to the City Council for appointment.

Background
In accordance with Policy and Procedure No. 89, an announcement was made on December 11, 2018, to fill two positions on the Bicycle and Pedestrian Advisory Committee with terms ending February 28, 2023. Applications were due by Friday, January 11, 2019, at 5 p.m. The terms of Michelle Hernandez and David Pitman expired on February 28, 2019.

The role of the Bicycle and Pedestrian Advisory Committee is to review transportation capital projects including roadway, pedestrian and bicycle improvements and provide input to staff on Complete Streets features and for conformity with the City’s Bicycle, Pedestrian and Safe Routes to Transit Plan, adopted in September 2016 (Plan); review related grant applications; annually review the City’s progress on Plan implementation; and, review and provide input on programs or policies related to implementation of the Bicycle, Pedestrian and Safe Routes to Transit Plan as requested by staff or the City
Council. Members must be Concord residents and be enthusiastic about Complete Streets, cycling and other alternative modes of transportation. The Committee meets quarterly and more frequently as needed.

Applications were received from 11 individuals. In addition to incumbents Michelle Hernandez and David Pitman, applications were received from Robert Clevidence, Teresa Derdiarian, Lyudmil Grigorov, Nathan Hanna, Laura Nakamura, Chloe Page, Eric Robertson, Michael Schneider, and Martin Steinpress. Incumbents Michelle Hernandez and David Pitman will be considered; however, are not being interviewed. Due to a potential conflict, Teresa Derdiarian has been removed from consideration.

Public Contact
The Agenda was posted.

Attachments
1. Bicycle and Pedestrian Advisory Committee Applicant Summary
2. Resolution No. 17-3 Establishing the Bicycle and Pedestrian Advisory Committee
# 2019 Bicycle and Pedestrian Advisory Committee Applicants

<table>
<thead>
<tr>
<th>Name</th>
<th>Employer</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Clevidence</td>
<td>N/A</td>
<td>Retired</td>
</tr>
<tr>
<td>Teresa Derdiarian</td>
<td>Associated Right of Way Services, Inc.</td>
<td>Real Estate</td>
</tr>
<tr>
<td>Lyudmil Grigorov</td>
<td>Tileshop Inc</td>
<td>Warehouse-sale person</td>
</tr>
<tr>
<td>Nathan Hanna</td>
<td>Shell Oil</td>
<td>Chemical Engineer</td>
</tr>
<tr>
<td>*Michelle Hernandez</td>
<td>Self</td>
<td>Clinical Psychologist</td>
</tr>
<tr>
<td>Laura Nakamura</td>
<td>UCSF Benioff Children's Hospital Oakland</td>
<td>Pediatric Cardiac Sonographer</td>
</tr>
<tr>
<td>Chloe Page</td>
<td>Mt Diablo Unified School District</td>
<td>Educator</td>
</tr>
<tr>
<td>*David Pitman</td>
<td>Retired</td>
<td>Software Engineer</td>
</tr>
<tr>
<td>Eric Robertson</td>
<td>Oakland Unified School District, Global Family School</td>
<td>Teacher</td>
</tr>
<tr>
<td>Michael Schneider</td>
<td>Talon Software Solutions</td>
<td>Software Analyst</td>
</tr>
<tr>
<td>Martin Steinpress</td>
<td>Brown and Caldwell Engineers and Consultants</td>
<td>Environmental Consultant</td>
</tr>
</tbody>
</table>

* Incumbents
BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A Resolution Establishing a Bicycle and Pedestrian
Advisory Committee

WHEREAS, on December 11, 2012, Concord City Council adopted Complete Streets Policy for the city in which the city expressed its commitment to creating and maintaining Complete Streets that provide safe, comfortable and convenient travel along and across streets through a comprehensive, integrated transportation network that serves all categories of users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families; and

WHEREAS, the Complete Streets Policy also directed that when the Bicycle and Pedestrian Advisory Committee is formed, that the Bicycle and Pedestrian Advisory Committee review transportation projects early in the planning and design stage, to provide comments and recommendation regarding Complete Streets features; and

WHEREAS, on September 27, 2016, Concord City Council adopted the Bicycle, Pedestrian and Safe Routes to Transit Plan for the city which includes a recommended implementation measure to establish a Bicycle and Pedestrian Advisory Committee; and

WHEREAS, certain grants require review of proposed projects by a Bicycle and Pedestrian Advisory Committee; and

WHEREAS, the City Council desires to establish a Bicycle and Pedestrian Advisory Committee (BPAC), and authorizes the City Clerk to initiate recruitment of the BPAC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
RESOLVE AS FOLLOWS:

Section 1. Authorizes establishing the Bicycle and Pedestrian Advisory Committee (BPAC) to provide input on bicycle and pedestrian capital projects; and authorizes the City Clerk to initiate recruitment for the BPAC, as generally described below:

a. BPAC Membership and Composition: The BPAC shall consist of 5 members appointed by the City Council. No alternates shall be appointed. Membership criteria
are that at all members must be Concord residents and must express interest and
enthusiasm for Bicycle, Pedestrian and Safe Routes to Transit Plans.

b. **BPAC Operation Policies:** The BPAC will operate within the framework of the
City’s existing Mission, Vision and Values (MVV) and be guided by operating
principles and ground rules consistent with existing City policies for boards and
commissions.

c. **BPAC Term of Appointment:** Terms of BPAC members shall be staggered to avoid
recruitment for the entire Committee at one time. Terms shall be four years, except for
initial appointments wherein the Council shall appoint two of the members to two-year
terms and the remaining members to four-year terms to establish overlapping
membership on the committee. Mid-term vacancies will be filled according to existing
City procedures.

d. **BPAC Functions and Roles:** The BPAC shall be advisory to staff and review and
provide input on transportation capital projects, including roadway, pedestrian and
bicycle improvements, and related grant applications that are brought before the
committee by City staff, regarding Complete Streets features. When requested by staff
or the City Council, BPAC will annually review progress of the adopted Bicycle,
Pedestrian and Safe Routes to Transit Plan and will report back to the City Council.

e. **BPAC Application and Selection Process:** Individuals interested in serving on the
BPAC shall be asked to complete and submit a written application specifying their
background, affiliations, and areas of interest. The Infrastructure and Franchise
Committee shall review the applications, conduct interviews, and make
recommendations for BPAC membership to the Council. The Council shall appoint the
members of the BPAC.

f. **BPAC Meeting Frequency and Organization:** The BPAC shall meet quarterly, or
more frequently as needed, usually in the evenings, with potential additional meetings
on weekends and other times. BPAC meetings will be convened and supported by City
staff, and shall be open to the public and subject to public meeting regulations.
g. **Appointment of Chair and Vice Chair:** At the first meeting, the BPAC members shall select a Chair and Vice Chair. Subsequently, the BPAC shall select their Chair and Vice Chair annually in the month of January.

h. **Duration of BPAC:** BPAC shall be ongoing unless and until such time as the City Council terminates the BPAC.

**Section 2.** This resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** by the City of Concord City Council on January 10, 2017, by the following vote:

**AYES:** Councilmembers - E. Birsan, R. Leone, C. Obringer, L. Hoffmeister

**NOES:** Councilmembers - Nonr

**ABSTAIN:** Councilmembers - None

**ABSENT:** Councilmembers - None

**I HEREBY CERTIFY** that the foregoing Resolution No. 17-3 was duly and regularly adopted at a regular meeting of the City Council of the City of Concord on January 10, 2017.

![Signature]

Joelle Fockler, MMC
City Clerk

**APPROVED AS TO FORM:**

![Signature]

Susanne Meyer Brown
City Attorney