

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE LOCAL
REUSE AUTHORITY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, JANUARY 23, 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, January 23, 2018, with Mayor Birsan presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session under Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Property: Area within Concord Community Reuse Plan; Agency negotiators: Valerie Barone, City Manager; Guy Bjerke, Director of Community Reuse Planning; Negotiating parties: Alan Lee, Department of the Navy; Under negotiation: Price, Terms of Payment.

The meeting recessed at 7:00 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 7:00 p.m. on Tuesday, January 23, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Vice Mayor Obringer. 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; Patti Barsotti, City Treasurer; Kathleen Tropa, Assistant City Manager; Joelle Fockler, City Clerk; Guy Swanger, Chief of Police; Andrea Ouse, Director of Community and Economic Development; Laura Simpson, Planning and Housing Manager; Leslye Asera, Community Relations Manager; Brian Nunnally, Business Development Manager; Ryan Pursley, Chief Building Official

MEMBERS OF THE PUBLIC

WHO ADDRESSED THE COUNCIL: Chris Helbush, Concord; Mike Hansen, Concord; Kevin Bartosek, Concord; Tom Hansen, IBEW 302; Harmesh Kumar, Concord; Harmony Castiglione, Concord; Ksenia Levenkova, Concord; Anne Murray, Concord; George Fulmore, Concord; Ambika Gunapathy, Concord; Natalie; Hope Johnson, Concord; Obdulia Sanchez, Concord; Jaime Cader, Concord; Tobias Lester, Concord; Kristi Laughlin, Raise the Roof Coalition; Lorena Cruz, Concord; Blanca Colin, Concord; Chris Arnold, Concord; Colleen Geraghty, Concord; Greg Colley, Concord Communities Alliance; Nabil Sirur, Concord; Tim Carr, Concord; Scott Rafferty, Walnut Creek; John Haberkorn, Concord; Ady Olivera, Concord; Dan Hardy, RCD Berkeley; Andy Madeira, Eden Housing; Robert Frates, Bel Air Development Company; John Sechser, Transwestern; Michele Disney; Kenji Yamada, Concord

PUBLIC COMMENT PERIOD

Chris Helbush, Concord, spoke on behalf of IBEW in favor of a project labor agreement on the Naval Weapons Station project.

Mike Hansen, Concord, spoke in favor of a project labor agreement on the Naval Weapons Station project.

Kevin Bartosek, Concord, spoke in favor of a project labor agreement on the Naval Weapons Station project.

Tom Hansen, IBEW 302, spoke in favor of a project labor agreement on the Naval Weapons Station project.

Harmesh Kumar, Concord, spoke of local funding, local jobs, and local income.

Harmony Castiglione, Concord, spoke about the Concord High Theatre Arts program's desire to raise money for their spring performance of Grease.

Ksenia Levenkova, Concord, requested a police substation in the Monument area and spoke of the conditions at the Shamrock Condominiums.

Anne Murray, Concord, requested a police substation in the Monument area.

George Fulmore, Concord, requested a police substation and community center in the Monument area; and spoke in support of a Monument to Downtown shuttle.

Ambika Gunapathy and service dog Timber, Concord, spoke of being homeless and having nowhere to shower.

PRESENTATIONS – none

ANNOUNCEMENTS – none

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – December 5, and 12, 2017, and January 2, 2018

Motion was made by Hoffmeister and seconded by Obringer to approve the minutes from the meetings of December 5, and 12, 2017, and January 2, 2018. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-5 – Accepting Public Improvements for Tract 9163, Chestnut Grove Subdivision

Motion was made by Hoffmeister and seconded by Obringer to adopted Resolution No. 18-5 entitled, "A Resolution Accepting Public Improvements for Tract 9163 Chestnut Grove Subdivision." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-4 – Accepting Public Improvements for Tract 9383, La Vista Villas Subdivision

Motion was made by Hoffmeister and seconded by Obringer to adopt Resolution No. 18-4 entitled, "A Resolution Accepting Public Improvements for Tract 9383 La Vista Villas Subdivision." Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Citywide Accessibility Improvements #3, Project No. 2357

Motion was made by Hoffmeister and seconded by Obringer to accept improvements for Citywide Accessibility Improvements #3, Project No. 2357; and direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

ADDITIONAL FUNDING TO EDEN HOUSING

Motion was made by Hoffmeister and seconded by Obringer to approve \$500,000 of additional funding to Eden Housing for the Virginia Lane (1140 & 1221 Virginia Lane) Affordable Housing Rehabilitation Project; and authorize staff to execute all documents necessary to complete this transaction. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-6 – Final Map for Subdivision 9305, 1561 Pine Street

Motion was made by Hoffmeister and seconded by Obringer to adopt Resolution No. 18-6 entitled, "A Resolution Approving the Final Map for Subdivision 9305, 1561 Pine Street, Assessor's Parcel No. 128-010-079; and approving the Subdivision Improvement Agreement." Motion passed by unanimous vote of the Council.

MASTER DEVELOPER SELECTION PROCESS FOR THE US COAST GUARD SITE

Motion was made by Hoffmeister and seconded by Obringer to modify the review process of the Master Developer selection process for the US Coast Guard site to have the full City Council perform the review without prior review by the City Council's Housing and Economic Development Committee. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-1 – Accepting and Appropriating Grant Funding from Kaiser Permanente Community Benefit Program

This item was pulled from the Council Consent Calendar by Concord resident George Fulmore who asked why the City was doing a pass through instead of it going directly to Monument Impact.

Natalie, spoke in support of having physical activities at Ellis Lake Park and felt Ellis Lake Park would be a great place for people to grow food.

Mayor Birsan closed the public comment period.

Motion was made by Obringer and seconded by Leone to adopt Resolution No. 18-1 entitled, "A Resolution Accepting Grant Funding from Kaiser Permanente Community Benefit Program in the Amount of \$10,000 for Ellis Lake Park Health and Fitness." Motion passed by unanimous vote of the Council.

REAPPOINTING ROSANNE NIETO AS THE CITY OF CONCORD REPRESENTATIVE ON THE CONTRA COSTA TRANSPORTATION AUTHORITY CITIZEN ADVISORY COMMITTEE

This item was pulled from the Council Consent Calendar by Concord resident Hope Johnson who felt that the representative should be someone who commutes.

Motion was made by Birsan and seconded by Obringer to reappoint Rosanne Nieto as the City of Concord representative on the Contra Costa Transportation Authority – Citizen Advisory Committee. Motion passed by unanimous vote of the Council.

PUBLIC HEARINGSECOND PUBLIC HEARING TO RECEIVE INPUT FROM THE COMMUNITY REGARDING DISTRICTS TO BE ESTABLISHED FOR DISTRICT-BASED ELECTIONS

Planning and Housing Manager Laura Simpson presented a report on Concord City Council redistricting and outlined the Council action requested – 1) hold the second public hearing to receive input on the composition and number of voting districts to allow for four maps to be drafted for the February 6 public hearing; and 2) provide direction to staff and the City's independent demographer on the number of districts to create; what neighborhoods to keep together; any primary criteria to use for boundary selection; and whether to maintain precinct boundaries. Ms. Simpson presented a brief background on the project, provided an upcoming schedule of meetings, described the community outreach being conducted for the process, and reviewed the criteria for the process. She introduced the City's independent demographer, Michael Wagaman, Wagaman Strategies, who explained equal population, geography and data, communities of interest, the three phases of the project, and the requested input needed for mapping.

Councilmember Leone spoke of the importance of keeping together community groups that have organizations, requested that the community groups be color categorized by precincts, and asked about inclusion of population by precincts.

Vice Mayor Obringer spoke of keeping community partnerships together, inquired if the County Registrar's request to keep precincts whole if district-elections is implemented in 2018 was still accurate, clarified that data used was census data from the 2010 census; and inquired if census block data from 2010 must be used even though there are updated numbers.

Councilmember McGallian asked what the average size of a precinct was, if district-based elections proceed in 2018 how could it be impacted by a possible deviation in a district's population, asked about the easiest way to get the information to the public regarding precinct boundaries, and spoke of pockets in the City where 1,000 – 2,000 now live that are not reflected in the 2010 census.

Councilmember Hoffmeister asked about the standard deviation allowed for the process and if the census maps were published online for the public to review.

Mayor Birsan asked the demographer if he felt it was difficult to match precinct maps with census data and confirmed with Mr. Wagaman the City was not supposed to take into account the disparity of registered voters. Mayor Birsan asked if feeder pattern of schools represented a community of interest.

Due to technical difficulties the Mayor called a recess at 8:30 p.m. The meeting resumed at 8:40 p.m.

Mayor Birsan opened a public comment period.

George Fulmore, Concord, supported the following five districts: Monument, Northern, Downtown, Southwest, and Southeast, with implementation in 2018; and submitted his suggested map.

Obdulia Sanchez, Concord, spoke in support of five districts and requested the Council consider the following criteria: tenants and renters, low income residents, immigrants, and people of color.

Jaime Cader, Concord, representing ACCE, spoke in favor of establishing district based elections.

Tobias Lester, Concord, stated that the public was being misled regarding how many districts are possible, spoke against establishing criteria so that incumbents do not have to run against each other, and asked why the demographer was chosen.

Kristi Laughlin, Raise the Roof Coalition, supports a minimum of five districts with implementation in 2018 and requested the following criteria be used: tenants, immigrants, and families living below the poverty level.

Lorena Cruz, Concord, spoke in support of recognizing renters and immigrants low income residents as communities of interest.

Blanca Colin, Concord, spoke in support of five districts with a district in the Monument area.

Chris Arnold, Concord, spoke of transparency and requested that the City Council submit a community of interest questionnaire.

Colleen Geraghty, Concord, spoke in favor of four districts with a directly elected at-large mayor and submitted her suggested map.

Greg Colley, Concord Communities Alliance, provided concept maps reflecting five districts created by Concord Communities Alliance based on the 2010 Census maps.

Hope Johnson, Concord, spoke in support of five districts, felt that North Concord was a community of interest, suggested putting the BART stations in two different districts, disagreed with a directly elected Mayor, preferred term limits if there was a directly elected mayor, and did not support a bias toward incumbents.

Nabil Sirur, Concord, spoke in support of renters being represented as a community of interest.

Tim Carr, Concord, felt that splitting census blocks was not an issue, requested census block map information, supported five districts, and a selected, not an elected, mayor. He felt that if an elected mayor was implemented, term limits should be implemented.

Scott Rafferty, Walnut Creek, complimented the City on the process, was concerned about the County Registrar saying the City would have to pay for the election if they implemented in 2018; and encouraged the City to implement in 2018.

John Haberkorn, Concord, asked if the County Registrar has put it into writing that they cannot accommodate district elections in 2018.

Ady Olvera, Concord, inquired about the number of homes information was sent to via email and extent of outreach, asked for additional demographers to review the maps, and requested more community interaction with the demographer.

Mayor Birsan closed the public comment period.

Councilmember McGallian spoke of the precinct map and the population map being used and available to the public as the baseline for developing districts. He stated his support for five districts.

Vice Mayor Obringer reiterated her suggestion that schools and churches be contacted to help with outreach in engaging the Spanish speaking population, suggested engaging with local civics teachers to work with students to draw districts, and supported keeping together long time neighborhoods such as Dana Estates and Sun Terrace. She stated her support of five districts

and requested confirmation in writing from the Contra Costa County Registrar's office to confirm support of Concord's 2018 district-based election.

Councilmember Hoffmeister thanked members of the public that have participated in this process. She spoke in support of the demographer preparing a couple of maps with five districts and a couple of maps with four districts and an at-large elected mayor, in support of keeping neighborhoods around transportation corridors intact where possible, and was okay if areas around specific parks or open spaces had to be split.

Councilmember Leone shared his concerns about the potential of people being territorial and having less representation. He spoke in support of implementing the districts in 2018.

Mayor Birsan spoke in support of seeing two maps with four districts and a directly elected mayor, and two maps with five districts. He spoke in support of recognized community partnerships being kept together.

Direction was given to staff on the following topics:

1. Number of districts to create – there was a consensus of the Council to see maps showing five districts.
2. What neighborhoods to keep together – there was a consensus of the Council to keep the following communities together: Monument community, transportation corridors, neighborhood partnerships, long standing home owners associations, Dana Estates, Sun Terrace, business districts, high school feeder patterns, and splitting up the BART stations.
3. Any legally required or allowed primary criteria to use for boundary selection – there was a consensus of the Council to see maps which keep the precincts whole and ensure the communities of interest are kept together.

Mayor Birsan called for a recess at 10:30 p.m. Meeting resumed at 10:40 p.m.

CITY COUNCIL CONSIDERATION ITEMS

ALLOCATION PROCESS OF THE CITY'S AFFORDABLE HOUSING FUNDS

Planning and Housing Manager Laura Simpson presented a report outlining the allocation process of the City's Affordable Housing Funds. She stated that the Council was being requested to provide direction to staff on the Council's desired process for allocating its affordable housing monies, direct staff to work with the Housing & Economic Development Committee (H&ED) to issue a Notice of Fund Availability (NOFA), review proposals for a recommendation to Council, and have Council make the final decision on what affordable housing project(s) to fund.

Ms. Simpson reported on the affordable housing goals and resources shared at the November 14, 2017, Council meeting and Concord's Regional Housing Needs Allocation (RHNA) established by the Association of Bay Area Governments. She noted with the \$14 million current available in local housing funds staff estimates two projects could be funded, and staff had expressed the priority needs and suggested types of projects at the November 14th meeting.

Ms. Simpson presented the recommendation that the City issue a Notice of Funding Availability (NOFA) with the following timeline: NOFA issued February 1, 2018, NOFA deadline of March 1, 2018, review NOFA responses at the March 26, 2018, H&ED meeting, recommendation to City Council for one or two development team proposals on April 24, 2018, submission of refined development proposals to City and County through County Consortium application by September 2018, and funding recommendation for one or two development proposals in November or December 2018.

Vice Mayor Obringer clarified that projects include acquisition and rehabilitation along with new development. She clarified that the overarching goal was to create new units by acquisition/rehabilitation and new development and asked if qualifications for the development team included not only new development, but also acquisition and rehabilitation.

Councilmember Hoffmeister suggested staff look at other housing projects done in the County recently, supported including rehabilitation as an option, and asked if the H&ED Committee would vet the proposals before Council review.

Councilmember Leone shared concerns about if this would add to the housing stock or just maintain the current stock of housing.

Mayor Birsan asked if the City could get RHNA credits for tiny homes and accessory dwelling units.

Mayor Birsan opened a public comment period.

George Fulmore, Concord, supported developing the property by the BART property, hoped to see the Committee meet in February, felt families should be on list of priorities; and did not support teachers being on the list.

Dan Hardy, RCD Berkeley, spoke in support of the City's priorities and the upcoming NOFA.

Andy Madeira, Eden Housing, spoke about new funding sources for housing at the state level and encouraged support of that effort.

Following comments by Council, a motion was made by Hoffmeister and seconded by McGallian to approve staff's recommendation and direct staff to work with the Housing and Economic Development Committee to issue a Notice of Fund Availability, review proposals for a recommendation to Council; and have Council make the final decisions on what affordable housing projects to fund. Motion passed by unanimous vote of the Council.

City Attorney Brown noted the updated Policy and Procedure No. 2 required approval of the Council to hear items past 11:00 p.m. There was a consensus of the Council to continue the meeting.

PROPOSED WORK PROGRAM TO ADDRESS REVITALIZATION OF KEY COMMERCIAL SITES

Due to the late hour, Mayor Birsan allowed Bob Frates, representative for Bel Air, and John Sechser, Transwestern, to speak at this time.

Robert Frates, Bel Air Development Company, stated the Bel Air Shopping Center's development plans were delayed because they were waiting for Staples to determine if it wants to exercise its option to extend its lease for five more years.

John Sechser, Transwestern, spoke in support of the approach with the retail revitalization.

Business Development Manager Brian Nunnally presented a report on the Retail Center Revitalization Program, providing a background on the development of the work program and noting the priority issues identified including: site/building conditions, vacancies, loitering and nuisance activity, and grandfathered site conditions. Mr. Nunnally stated that the Program is a multi-departmental effort including the Code Enforcement, Economic Development, Planning, and

Building Divisions and the City Attorney's office. He showed photos of site conditions, vacant parcels, grandfathered landscaping, graffiti, and sparse landscaping.

Mr. Nunnally outlined the proposed actions including immediate Code Enforcement activity on the properties evaluated as the most egregiously out-of-compliance, a strengthening of the Vacant Building Ordinance, creation of a Commercial Building Vacancy Registration Program, and retail investment attraction strategy and usage of the commercial real estate website OppSites.

Vice Mayor Obringer inquired about strengthening the Vacant Building Ordinance to enable the City to impose enforcement on grandfathered properties.

Councilmember McGallian inquired about OppSites listing and if fees charged as part of the program could go to marketing costs.

Councilmember Hoffmeister asked if "actively marketed," would be defined and asked if a fee could be added to a business license.

Councilmember Leone spoke in favor of the program and felt it was a step in the right direction.

Mayor Birsan asked about buildings vs. centers and requested a definition of a retail center.

Mayor Birsan opened a public comment period.

Greg Colley, Concord Communities Alliance, spoke in support of having property owners do the right thing, and pointed out that due to higher rent, the disposal income of residents to spend at the retail centers was limited.

Michele Disney, stated that urban forestry should be considered as part of the revitalization.

Kenji Yamada, Concord, inquired if there was anything in the Plan that includes disincentives for keeping commercial properties vacant while seeking rents that are unrealistic in the Concord market.

George Fulmore, Concord, spoke of preserving the cultural element of the Monument.

Natalie, spoke in favor of taking down some buildings in order to have some open space, even if temporary; using the space for gardening partnerships, murals to defer graffiti, or temporary shelter; and encouraged the awareness of eminent domain.

Mayor Birsan closed the public comment period.

Councilmember McGallian spoke of liability concerns and requested that it be incorporated into the Program, and stated his support of the Program.

Motion by Leone and second by Obringer to direct staff to implement the Retail Center Revitalization Program.

Vice Mayor Obringer spoke in support of the program and felt it meets the needs of community. She emphasized the need for expediency in implementation; and suggested that the costs for police services be included in the Cost Recovery Program

Councilmember Hoffmeister spoke of the condition of the Bel Air Shopping Center and in support of the Revitalization Program.

Mayor Birsan requested periodic review of the Program and report to Council.

Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Affordable Housing Fund Allocation PowerPoint
- b. Letter and pictures submitted by Ksenia Levenkova
- c. Agenda Item No. 11.a Correspondence received
- d. Concord City Council Districting PowerPoint
- e. Retail Center Revitalization Program PowerPoint
- f. Maps submitted by Greg Colley
- g. Materials regarding Michael Wagaman submitted by Tobias Lester
- h. Map submitted by Collen Geraghty (provided to demographer to be considered when drawing the maps)

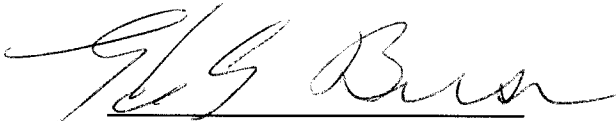
COUNCIL REPORTS

Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

Councilmember McGallian spoke about homeless and panhandlers in the Downtown. It was the consensus of the Council to have the Chief come back and report options.

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 12:30 a.m.



EDI E. BIRSAN
MAYOR


JOELLE FOCKLER, MMC
CITY CLERK