

REGULAR MEETING OF THE
CONCORD CITY COUNCIL
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, FEBRUARY 13, 2018

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:00 p.m. on Tuesday, February 13, 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: Valerie Barone, City Manager; Susanne Brown, City Attorney; Patti Barsotti, City Treasurer; Joelle Fockler, City Clerk; Kathleen Tropa, Assistant City Manager; Guy Swanger, Chief of Police; Andrea Ouse, Director of Community and Economic Development; Jasmin Loi, Director of Human Resources; Justin Ezell, Director of Public Works; Steve Voorhies, Director of Parks and Recreation; Karan Reid, Director of Finance; Margaret Kotzebue, Senior Assistant City Attorney; Laura Simpson, Planning and Housing Manager; Donna Lee, Budget Officer; Chris Rhoades, Budget Analyst; Mario Camorongon, Senior Civil Engineer; Ali Hatefi, Associate Civil Engineer; Mark Migliore, Associate Civil Engineer; Leslye Asera, Community Relations Manager; Ryan Lenhardt, Senior Planner; Jessica Gonzalez, Assistant Planner; Jeff Krieger, Police Lieutenant

MEMBERS OF THE PUBLIC
WHO ADDRESSED THE COUNCIL: Lindy Lavender, CentralSan; Kenji Yamada, Concord; Greg Colley, Concord; Laura Nakamura, Concord; Hope Johnson, Concord; Rose Lubbe, Pittsburg; Bryan Elizarraraz, Calvary Temple; George Fulmore, Concord; Wendy Hershey, Concord; Cora Mitchell, Concord; Ambika Ganapathy; Natalie; Steve Weir, Concord; Katrin Castro, Concord; Jesse Ledesma, Concord; Darlene Dranzik, Concord

PUBLIC COMMENT PERIOD

Lindy Lavender, Central Contra Costa Sanitary District (CentralSan), spoke about the CentralSan Academy, www.centalsan.org/academy.

Kenji Yamada, Concord, spoke in opposition of the decisions made at the February 6, 2018, meeting regarding district elections.

Greg Colley, Concord Communities Alliance, spoke in opposition of the decisions made at the February 6, 2018, meeting regarding district elections.

Laura Nakamura, Concord Communities Alliance, spoke in opposition of the decisions made at the February 6, 2018, meeting regarding district elections and the inefficiency of the timeliness of the Council meetings being streamed on the website.

Hope Johnson, Concord, spoke in opposition of the decisions made at the February 6, 2018, meeting regarding district elections.

Rose Lubbe, Pittsburg, spoke about getting her car towed in Concord and the cost to retrieve her car.

Bryan Elizarraraz, Calvary Temple, spoke about Convoy of Hope, taking place on April 28, 2018, at Meadow Homes Park.

George Fulmore, Concord, spoke in support of the map selected on February 6, 2018, in support of including low income housing in the housing fund allocation, about the Resident Rent Review Panel not meeting, and suggested 1500 Monument should be called a cultural historic area.

Wendy Hershey, Concord, spoke to dangers involved with cannabis dispensaries.

Cora Mitchell, Concord, spoke about district elections and creating the maps as fairly as possible.

PRESENTATIONS

UPDATE ON POLICE DEPARTMENT ACTIVITIES

Mayor Birsan introduced Guy Swanger, Chief of Police, who presented the 2017 Year-End Report on Public Safety.

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

Ambika Ganapathy, spoke about the increased contact with the homeless.

Natalie, spoke about a report done by the United Nations about homeless issues and in opposition to license plate readers.

George Fulmore, Concord, asked to see more data on police activity at the parks.

Mayor Birsan closed the public comment period.

ANNOUNCEMENTS – none.

CITY COUNCIL CONSENT CALENDAR

QUARTERLY TREASURER'S REPORT – October 1 – December 31, 2017

Motion was made by Hoffmeister and seconded by Obringer to receive the Quarterly Treasurer's Report for the period October 1 – December 31, 2017. Motion passed by unanimous vote of the Council.

BOULEVARD/DENKINGER ROAD INTERSECTION CAPACITY IMPROVEMENTS, Project No. 2144

Motion was made by Hoffmeister and seconded by Obringer to accept improvements for Clayton Road/Treat Boulevard/Denkinger Road Intersection Capacity Improvements, Project No. 2144, and direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

PROFESSIONAL SERVICES AGREEMENT – Vavrinek, Trine, Day and Co., LLP

Motion was made by Hoffmeister and seconded by Obringer to approve a one year Professional Services agreement with Vavrinek, Trine, Day and Co., LLP, to complete the fiscal year 2017-2018 financial statement audits. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT, APPROVAL OF PROFESSIONAL SERVICES AGREEMENT, AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – Downtown Sewer and Streetscape Improvements Phase IIB, Project 2404

Motion was made by Hoffmeister and seconded by Obringer to award a construction contract in the amount of \$4,030,168.92 to Bay Pacific Pipelines, Inc. for the Downtown Sewer and Streetscape Improvement Phase IIB, Project No. 2404; authorize staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; approve a Professional Services Agreement with CSG Consultants in the amount of \$287,811.33 for construction management, inspection, and materials testing services; approve an Amendment to the Professional Services Agreement with Harris and Associates in the amount of \$23,310 for additional design engineering services; authorize the Mayor to execute the contract and the City Manager to execute the Agreement and the Amendment, subject to the approval of the City Attorney; and approve a related budget transfer of \$1,600,000 to Project No. 2404 (\$900,000 from Fund 710 Sewer Operation Funds and \$700,000 from Fund 225 PEG Fees). Motion passed by unanimous vote of the Council.

CONSTRUCTION CHANGE ORDER NO. 1 AND BUDGET TRANSFER – Willow Pass Park Restroom & Concession Facility Replacement – Field 1 Project, Project No. 2334

Motion was made by Hoffmeister and seconded by Obringer to approve Construction Change Order No. 1 in the amount of \$11,060 for the Willow Pass Restroom & Concession Facility Replacement – Field 1 Project, Project 2334; authorize a budget transfer in the amount of \$19,000 from Measure Q Capital Improvement Program Funds from the Ellis Lake Park Restroom Building Project (Fund 401), Project No. 2351, to the Willow Pass Park Restroom and Concession Facility Replacement – Field 1 [Utility Relocation Phase], Project No. 2334; and authorize staff to use project contingency funds for contract change orders within staff's authority for the various project contracts: building procurement, utility relocation, and sitework. Motion passed by unanimous vote of the Council.

LETTER OF OPPOSITION – SB 287 (Weiner)

Motion was made by Hoffmeister and seconded by Obringer to approve a letter opposing SB 287 (Weiner) which would limit local control related to housing projects within half a mile of a transit station. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-8 – Resolution of Local Support

This item was pulled from the Consent Calendar by Vice Mayor Obringer who pointed out benched correspondence from residents that live near Cowell Road.

Councilmember Hoffmeister spoke in support of the Resolution and asked that a community meeting be held as part of the project if the City received the grant.

Mayor Birsan opened a public comment period.

Steve Weir, Concord, spoke on behalf of Peggy Winston, and said the community was ready to work together to make Cowell Road a safer corridor.

Mayor Birsan closed the public comment period.

Motion was made by Hoffmeister and seconded by Obringer to adopt Resolution No. 18-8 entitled, "A Resolution Authorizing the Submittal of a Resolution of Local Support to the California Department of Transportation for Funding of Willow Pass Road/Cowell Road Complete Streets Feasibility Study Grant and Committing any Necessary Matching Funds and Stating Assurance to Complete the Project." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-15 – Downtown Police Field Office

This item was pulled from the Consent Calendar by Concord residents Hope Johnson and George Fulmore.

Hope Johnson, Concord, spoke of her email submitted on February 13, 2018, in opposition to the field office's location and stated that there should be services for homeless.

George Fulmore, Concord, spoke of putting a police field office in the Monument area.

Mayor Birsan opened a public comment period.

Natalie, stated that the office would be better suited for a community center.

Mayor Birsan closed the public comment period.

Following questions by the Council, a motion was made by McGallian and seconded by Leone to adopt amended Resolution No. 18-15 entitled, "A Resolution Approving the Execution of a Lease for Office Space to House a Downtown Police Field Office." Motion passed by unanimous vote of the Council.

CITY COUNCIL CONSIDERATION ITEMS

RESOLUTION NO. 18-14 – 2015 Lease Financing Documents

Director of Finance Karan Reid presented a report regarding the Lease Agreement dated March 1, 2015, by and between the Public Property Financing Corporation and the City of Concord, which was assigned to Bank of the West. She reported that the City had an opportunity to pay off a prior equipment lease; however, this requires amending the 2015 Bank of the West Agreement to substitute the property, a necessary administrative step to allow the City to refinance a lease under a separate resolution.

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 Obringer to adopt Resolution No. 18-14 entitled, "A Resolution Amending Certain 2015 Lease Financing Documents to Provide for the Substitution of the Property and Authorizing and Directing Certain Actions Relating Thereto." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-13 – Lease Financing Documents – Banc of America Public Capital Corporation

Director of Finance Karan Reid presented a report regarding the prepayment of that certain Equipment Lease/Purchase Agreement, dated as of April 1, 2011, by and between Banc of America Public Capital Corp. and the City of Concord. She reported by prepaying the Lease Purchase Agreement by entering into a new lease agreement with Opus Bank, the City will see an average annual savings of \$32,085.

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 Obringer to adopt Resolution No. 18-13 entitled, "A Resolution Approving the Form and Authorizing the Execution of Certain Lease Financing Documents in Connection with the Prepayment of that Certain Equipment Lease/Purchase Agreement, dated as of April 1, 2011, by and between Banc of America Public Capital Corporation and the City of Concord, and Authorizing and Directing Certain Actions with Respect Thereto." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-17 – 2018 Wastewater Refunding Revenue Bonds

Director of Finance Karan Reid presented a report requesting authorization of the issuance and sale of 2018 Wastewater Refunding Revenue Bonds in an estimated aggregate principal amount of \$9.0 million to refinance the 2007 Wastewater Certificates of Participation to take advantage of lower interest rates to reduce annual debt service payments in the Sewer Fund. She noted the average annual savings to the City would be \$79,000.

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

Motion was made by Leone and seconded by McGallian to adopt Resolution No. 18-17 entitled, "A Resolution Authorizing the Issuance of City of Concord (Contra Costa County, California) 2018 Wastewater Refunding Revenue Bonds, Approving the Form and Authorizing Execution of an Indenture of Trust, an Escrow Agreement, a Bond Purchase Agreement, a Preliminary Official Statement, and a Continuing Disclosure Certificate, and Authorizing Actions Related Thereto." Motion passed by unanimous vote of the Council.

Mayor Birsan called a recess at 8:20 p.m. The meeting resumed at 8:30 p.m.

APPOINTMENT OF APPLICANTS TO THE RESIDENTIAL REVIEW BOARD

City Clerk Joelle Fockler presented a report regarding the recent recruitment to fill the landlord member position and tenant alternate position on the Residential Rent Review Panel. She noted the positions were for four-year terms ending February 28, 2022, interviews were held by the Council Committee on Housing and Economic Development on Monday, January 29, 2018, and the current landlord alternate had requested to be considered for the primary member position.

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

Motion was made by Obringer and seconded by McGallian to appoint Elena Lieberman as the landlord of a multi-family complex member, Jason McClough as the landlord of a multi-family complex alternate, and Betty Gabaldon as the tenant of a multi-family complex alternate for four-year terms ending February 28, 2022. Motion passed by unanimous vote of the Council.

CITY COUNCIL PUBLIC HEARINGS

REVIEW OF ZONING ADMINISTRATOR ORDERS #17-10, #17-11, AND #17-14

Senior Planner Ryan Lenhardt presented a report on the review of Zoning Administrator Order #17-10, which approved a new wireless communications facility within the public right-of-way adjacent to 1039 Oak Grove Road and review of Zoning Administrator Order #17-11, which approved a new wireless communications facility within the public right-of-way adjacent to 2039

Sierra Road, then Jessica Gonzalez gave a brief presentation on Zoning Administrator Order #17-14, which approved a new wireless communications facility within the public right-of-way adjacent to 1051 Oak Grove Road.

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

Katrin Castro, Concord, spoke in opposition to the minor use permits.

Jesse Ledesma, Concord, spoke in opposition to the cell tower being in front of his home and of his concern with the safety of what will radiate from the tower.

Darlene Dranzik, Concord, spoke of her concern with the health safety of the towers.

City Clerk Joelle Fockler read into the record comments from Concord resident Andrew Smith.

Mayor Birsan closed the public comment period.

The Council asked staff and ExteNet additional clarifying questions regarding the design and placement of the wireless communications facilities.

Motion made by Obringer and seconded by Hoffmeister to continue the review of Zoning Administrator Order #17-10 for 1039 Oak Grove Road to the regular meeting of the City Council on March 20, 2018, and instruct the applicant to explore other design options or other pole locations. Motion passed by unanimous vote of the Council.

Motion made by Hoffmeister and seconded by McGallian to adopted Resolution No. 18-10 entitled, "A Resolution Upholding the Zoning Administrator's Decision to Approve ExteNet Wireless Communications Facility Minor Use Permit (PL16490-MP)," amended as follows: "as amended" is added to each reference to Exhibit A; Exhibits B, C, D, and E will need to be updated to reflect the new design and the design is similar to, or better than the design shown on page 133 of the agenda item packet; in Exhibit A, Conditions of Approval, condition #2 is amended to require all exhibits listed in condition #2 be similarly updated, condition #11 will require the equipment be mounted to be consistent with the new plans and a condition is added to require a graffiti response within 48 hours as stated by applicant; and updated plans be subject to approval by the Planning Division. Motion passed by unanimous vote of the Council.

Motion made by Hoffmeister and seconded by Obringer to adopt Resolution No. 18-11 entitled, "A Resolution Upholding the Zoning Administrator's Decision to Approve ExteNet Wireless Communications Facility Minor Use Permit (PL16493-MP)," amended as follows: "as amended" is added to each reference to Exhibit A; Exhibits B, C, D, and E will need to be updated to reflect the new design and the design is similar to, or better than the design shown on page 133 of the agenda item packet; in Exhibit A, Conditions of Approval, condition #2 is amended to require all exhibits listed in condition #2 be similarly updated, condition #11 will require the equipment be mounted to be consistent with the new plans and a condition is added to require a graffiti response within 48 hours as stated by applicant; and updated plans be subject to approval by the Planning Division. Motion passed by unanimous vote of the Council.

CITY COUNCIL CONSIDERATION ITEMS

ACCEPTANCE OF FISCAL YEAR 2017-18 MID-YEAR REVIEW AND ADOPTION OF RESOLUTION NO. 18-19 – Amending the Fiscal Year 2017-18 Municipal Budget

Motion was made by McGallian and seconded by Leone to continue the item to the March 20, 2018, City Council meeting. Motion passed by unanimous vote of the Council.

EXPENDITURE OF FUNDS – Body Worn Cameras, In Car Cameras, and Evidence.Com Storage Solution

Lieutenant Jeff Krieger presented a report, explaining that the Police Department has worked for over three years to develop a Body Worn Camera (BWC) and In Car Camera (ICC) program and Information Technology has identified additional infrastructure upgrades, new equipment and web based applications that need to be added to the City's system to allow for effective data processing and management of the BWC and ICC system. Lieutenant Krieger noted that after vetting several vendors, Axon Enterprises was selected for their camera systems as well as digital evidence management solution and Verizon was selected due to their status as the City service provider and their superior cellular coverage.

Vice Mayor Obringer inquired about the timing of the report and why staff felt now was the time to proceed, if a system is in place to turn on the camera if the officer forgets, and if there are policies in place in other jurisdictions that protect citizens' privacy. She asked about storage and privacy of the records.

Councilmember Leone inquired about the quality of the camera at night and if the camera records before the officer turns the camera on.

Councilmember Hoffmeister asked about cameras operating for other officers in the same radius, and asked if the cellphone stipend would end for the officers that get a City issued cell phone.

Councilmember McGallian asked about upgrades in the future.

Mayor Birsan asked about the sole source justification and spoke to privacy of the data.

Mayor Birsan opened a public comment period.

Kenji Yamada, Concord, commented that the policy should be posted for the public to review and suggested content for the policy.

Natalie, stated that not enough effort was made to make the public aware of this issue.

Mayor Birsan closed the public comment period.

Following comments by the Council, a motion was made by Hoffmeister and seconded by McGallian to approve the expenditure of funds to Axon in the total amount of \$1,414,395.61 (with a not to exceed amount of \$1,500,000) for a five year contract to provide body worn cameras, in car cameras, and the *Evidence.com* storage solution; approve the expenditure of funds to Verizon Wireless in the amount of \$56,216 for City issued smart phones, cases, and chargers; approve the expenditure of funds to Verizon Wireless in the amount of \$63,804 for unlimited smart phone service plan; and authorize the City Manager to execute the agreement. Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Amendments to 2015 Lease with Bank of the West, 2018 Opus Bank Lease Financing, and 2018 Wastewater Refunding Revenue Bonds PowerPoint Presentation
- b. ExteNet Wireless Communications Facilities - 1039 Oak Grove Road and 2039 Sierra Road PowerPoint Presentation
- c. ExteNet Wireless Communications Facilities - 1051 Oak Grove Road PowerPoint Presentation
- d. Police Chief's 2017 Year-End Report PowerPoint Presentation
- e. Body Worn Camera Project PowerPoint Presentation

- f. Benched Correspondence – Agenda Item No. 5.a
- g. Convoy of Hope flyer and brochure
- h. Benched Correspondence – Agenda Item 5.e
- i. Comments submitted by Rose Lubbe
- j. Central Contra Costa Sanitary District Citizens Academy brochure
- k. Letter submitted by Concord Communities Alliance
- l. Comments submitted by Andrew Smith and read into the record by the City Clerk


COUNCIL REPORTS

Vice Mayor Obringer proposed to hold a meeting with Supervisor Mitchoff to address homeless needs, and noted that she will be addressing it at the Council goal setting meeting on March 24.

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

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 11:30 p.m.



EDI E. BIRSAN
MAYOR



JOELLE FOCKLER, MMC
CITY CLERK