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, August 28, 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

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Kathleen Trepa, Assistant City Manager; Patti Barsotti, City Treasurer; Joelle Fockler, City Clerk, Karan Reid, Director of Finance; Guy Swanger, Chief of Police; Guy Bjerke, Director of Local Reuse Planning; Andrea Ouse, Director of Community and Economic Development; Steve Voorhies, Director of Parks and Recreation; Justin Ezell, Director of Public Works; Kevin Marstall, City Engineer; Bernard Ennle, Interim CIP Manager; Brenda Kain, Community Services Program Manager; Joan Ryan, Community Reuse Area Planner

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Darby Witherspoon, San Francisco; Travis Curran, Concord; Michael Schneider, Concord; George Fulmore, Concord; Sara Zoccoli, Concord; Kenji Yamada, Concord; Amy Kumar, Concord; Anna Rikkelman, Concord; Kara Sweeney, Concord; Claire Weer, Concord; Jen G, Concord; Lowell Brown, Concord; Azita Berloui, Concord

PUBLIC COMMENT PERIOD

Darby Witherspoon, San Francisco, requested that Council consider a plastic straw ban in Concord.

Travis Curran, Concord, requested that Council consider a plastic straw ban in Concord.

Michael Schneider, Concord, spoke of the need for crossing guards at public schools in Concord.

George Fulmore, Concord, spoke of potholes on Monument Boulevard; and the need for affordable housing.

Sara Zoccoli, Concord, spoke of the need for crossing guards at public schools in Concord.

Kenji Yamada, Concord, urged the Council to agendize the Raise the Roof Coalition presentation at a Council meeting and suggested the Council use reusable straws and cups as an example to the public.
PRESENTATIONS – none.

ANNOUNCEMENTS – none.

TREASURER'S REPORT

City Treasurer Patti Barsotti presented the Quarterly Treasurer's Report for the period April 1 – June 30, 2018.

A motion was made by Hoffmeister and seconded by McGallian to accept the Quarterly Treasurer's Report for the period April 1 – June 30, 2018. Motion passed by unanimous vote of the Council.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – May 22, May 29, and June 5, 2018

A motion was made by Obringer and seconded by McGallian to adopt the minutes of the May 22, May 29, and June 5, 2018, City Council Meetings. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-59 – Accepting the FY 2017/18 Consolidated Annual Performance and Evaluation Report (CAPER)

A motion was made by Obringer and seconded by McGallian to adopt Resolution No. 18-59 entitled, "A RESOLUTION ACCEPTING THE FY 2017/18 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER); AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT, ON BEHALF OF THE CITY OF CONCORD, THE CAPER, CONSISTENT WITH THE PROGRAM RULES THAT GOVERN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-56 - Street Name for Enclave Subdivision (No. 9179)

This item was pulled from the Consent Calendar by Councilmember Leone who spoke to the process of bringing street naming resolutions to the Council. Councilmember Hoffmeister preferred the street be named Enclave Place, rather than Enclave Lane.

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

A motion was made by Leone and seconded by Hoffmeister to adopt Resolution No. 18-56 entitled, "A RESOLUTION APPROVING THE STREET NAME FOR THE ENCLAVE SUBDIVISION (NO. 9179), CONSISTENT WITH THE CITY’S SUBDIVISION ORDINANCE," AMENDING THE STREET NAME TO "ENCLAVE PLACE." Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Janitorial Services – Universal Building Services and Supply

This item was pulled from the Consent Calendar by Concord resident George Fulmore who questioned the need to contract janitorial services.

Mayor Birsan opened a public comment period. Upon receiving no public comment, Mayor Birsan closed the public comment period.
A motion was made by Hoffmeister and seconded by Obringer to award a three-year contract for janitorial services in the amount of $376,000 per year to Universal Building Services and Supply Co. with the option to extend the contract for two additional one year periods; 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.

CONSTRUCTION CHANGE ORDER NO. 4 – Operational Improvements along Parallel Arterials

This item was pulled from the Consent Calendar by Concord resident George Fulmore who questioned the need to contract engineering services.

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

A motion was made by Hoffmeister and seconded by Obringer to ratify Construction Change Order No. 4 in the amount of $453,747.50; authorize the City Manager to execute a Professional Services Agreement Amendment with Swinerton Management and Consulting in the amount of $104,550 for construction management services in a form acceptable to the City Attorney; authorize a budget transfer of $603,672.50 to the Operational Improvements along Parallel Arterials Project, Project No. 2356 ($300,000 from PEG Funds, $303,672.50 from Fund 408); and authorize staff to use project contingency funds for contract change orders of up to $45,375. Motion passed by unanimous vote of the Council.

LOCAL REUSE AUTHORITY CONSENT CALENDAR

APPROVAL OF AN AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES – Towill, Inc.

A motion was made by Obringer and seconded by McGallian to approve an amendment to an Agreement for Professional Services increasing the not to exceed amount by $24,000 for a total contract amount of $181,800 with Towill, Inc. to provide land surveying services related to the Area Plan for the former Concord Naval Weapons Station; and authorize the Executive Director of the Local Reuse Authority to execute the amendment in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

APPROVAL OF AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT – MIG

A motion was made by Obringer and seconded by McGallian to approve an amendment to a Professional Services Agreement with MIG for the Campus District Visioning Project in the amount of $95,760 for a total not to exceed amount of $115,786, and extending the term to September 30, 2019; 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.

CITY COUNCIL CONSIDERATION ITEM

CONSIDERING HOME-BASED BUSINESS STANDARDS ON CLIENTS AND CUSTOMERS

Principal Planner Frank Abjeo presented a background, noting the definition of home-based business and review of home-based business standard on customers or students. He explained that the discussion of the standard on students was initiated by a code enforcement case concerning a home-based tutoring business at 3733 Crenna Avenue. Mr. Abjeo conveyed that the home-based business operator tutors approximately 40 high school students per week and requests amending the Development Code to eliminate restrictions on individual instruction and cap of six students per day; and eliminate operating hours or extend them from 8:00 p.m. to 9:00 p.m.
Principal Planner Abjeo reported that the Policy Development and Internal Operations Committee considered this matter on June 11, 2018. At that time the Committee did not formally recommend a code amendment but agreed to forward the matter to the full City Council. He conveyed that the Planning Commission considered the matter on August 1, 2018, and recommended against amending the Code.

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

Amy Kumar, Concord, spoke in support of changes to home based business standards.
Anna Rikkelman, Concord, spoke in support of changes to home based business standards.
Kara Sweeney, Concord, spoke in support of changes to home based business standards.
Claire Weer, Concord, spoke in support of changes to home based business standards.
Kenji Yamada, Concord, spoke of other ways for students to get to and from tutoring services other than cars.
Jen G, Concord, spoke in support of changes to the home based business standards.
Lowell Brown, Concord, spoke in opposition to changes to home based business standards.
Azita Berloui, Concord, spoke in opposition to changes to home based business standards.
Terry Farwell, Concord, spoke in support of changes to the home based business standards.

Mayor Birsan closed the public comment period.

Following clarifying questions and comments by the Council, a motion was made by Hoffmeister and seconded by Leone to direct staff to explore and prepare a draft ordinance for a site specific administrative permit process for in home tutoring instruction with up to four students a time and up to 12 students per day. Motion passed by the following vote of the Council:

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

LRA RESOLUTION NO. 18-20 – Campus District Blue Ribbon Committee

Assistant City Manager Kathleen Trepa presented background on the Campus Visioning Project at the former Concord Naval Weapons Station and the direction to staff to retain a consultant to assist in forming a Blue Ribbon Committee. Ms. Trepa noted MIG, Inc. worked with staff and the Campus District Ad Hoc Committee to draft Resolution No. 18-61 to form the Blue Ribbon Committee and appoint the members.

Mayor Birsan opened a public comment period.

Anna Rikkelman, Concord, spoke of having a high school student on the committee.
Natalie, spoke in opposition to the proposed list of Committee members.

Mayor Birsan closed the public comment period.

A motion was made by Obringer and seconded by Leone to adopt LRA Resolution No. 18-20 entitled, "A RESOLUTION ESTABLISHING THE CAMPUS DISTRICT BLUE RIBBON COMMITTEE FOR THE CAMPUS DISTRICT VISIONING PROJECT AT THE FORMER CONCORD NAVAL WEAPONS STATION AND APPOINTING MEMBERS THEREETO," as amended to allow up to 15 members and adding Bob Linscheid - Special Advisor to the President.
of California Polytechnic University San Luis Obispo for Economic Development; and Satinder Malhi - Associate Director of Government and Community Affairs, California State University East Bay. Motion passed by unanimous vote of the Council

This resolution was originally adopted by the City Council as Resolution No. 18-61. After the meeting, it was noted this item needed a LRA Resolution No. and a change was made to the final resolution that was signed to reflect LRA Resolution No. 18-20.

RESOLUTION NO. 18-60 – Disposition and Development Agreement with AvalonBay Communities, Inc.

This item was continued to a date uncertain.

INTRODUCTION OF ORDINANCE NO. 18-8 – Animal Control Ordinance

A notice of public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on August 17, 2018.

Sergeant Renee Williams presented a report, explaining that Contra Costa County provides services to the City of Concord under a City-County Animal Services Agreement. She reported that the County recently updated its County Animal Control Ordinance and has asked all cities it services to adopt the same animal control ordinance. She noted that by adopting the updates, the City is enabling the County to continue providing animal code enforcement services. Sgt. Williams introduced Mr. Steve Burdo, Community and Media Relations Coordinator from CCC Animal Services to answer specific questions regarding the Contra Costa County Code Division 416, Animal and the changes made therein.

Following clarifying questions by the Council, Mayor Birsan opened a public comment period. Upon receiving no public comment, Mayor Birsan closed the public comment period.

A motion was made by Hoffmeister and seconded by Obringer to introduce Ordinance No. 18-8 entitled, “AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.05 (GENERAL PROVISIONS), SECTION 1.05.240 (ADOPTION OF COUNTY ANIMAL CONTROL ORDINANCE)” by reading of the title only and waiving further reading. Motion passed by unanimous vote of the Council.

CORRESPONDENCE

a. PowerPoint Presentation – Home-Based Business Standards
b. Benched Information – Agenda Item No. 7.a – Home-based Business Standards
c. Benched Correspondence – Agenda Item No. 7.b – Blue Ribbon Committee Proposed Member Information
d. Benched Correspondence – Agenda Item No. 8.b – e-mail received Friday, August 24, 2018 from Ron Glas
e. PowerPoint Presentation – Adoption of County Animal Control Ordinance
f. Comments submitted by Anna Rikkelman regarding Agenda Item No. 7.a
g. School Crossing Guards flier and history submitted by Michael Schneider

COUNCIL REPORTS

Vice Mayor Obringer proposed to have the use of Roundup heard by the Policy Development and Internal Operations Committee. There was support from the Council for the proposal.

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 9:30 p.m.

[Signature]
EDI E. BIRSAN
MAYOR

[Signature]
JOELLE FOCKLER, MMC
CITY CLERK