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, November 13, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Councillor 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, Carolyn Ohringer, 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; Guy Swanger, Chief of Police; Justin Ezell, Director of Public Works; Steve Voorhies, Director of Parks and Recreation; Andrea Ouse, Director of Community and Economic Development; Guy Bjerke, Director of Community Reuse Planning; Kevin Marstall, City Engineer; Ali Hatefi, Associate Civil Engineer; Aldrich Bautista, Associate Civil Engineer; Abhishek Parikh, Transportation Manager; Russ Norris, Sergeant; Brenda Kain, Housing Manager; Jennifer Ortega, Community Relations Manager

MEMBERS OF THE PUBLIC WHO Addressed THE COUNCIL: Chef Lynda Rexroat, Cooking with Kids; Evelyn Freitas, Concord; John DeSousa, Danville; George Fulmore, Concord; Blaine Carter, Concord; Anna Rikkelman, Concord; Tobias Lester, Concord; Sreenivas Ramireddy, Danville; Natalie; Elaine Schroth, Visit Concord; Mary Lopez, Concord; Michael; Jonathan Feinstein, Concord; Kevin King, Concord; Denny Henriques, Concord; Joelle Henriques, Concord; Jerry Boyle, Concord; Richard Evon, Concord; Susan Baker, Concord; Michael Byford, Concord; Rick Kennedy, Concord; Florence Weiss, Concord

PUBLIC COMMENT PERIOD

Chef Lynda Rexroat, Cooking with Kids, spoke of the cooking classes provided to children and requested financial support for five classes in January 2019 at the Monument Crisis Center.

Evelyn Freitas, Concord, spoke in support of an ordinance making the City of Concord responsible for the repairs of all sidewalks within the City.

John DeSousa, Danville, expressed concerns about biases from the Mayor on the issue of rent control.
George Fulmore, Concord, spoke about the Retail Engagement Program needing to come back to the Council and in support of just cause eviction rules.

Blaine Carter, Concord, spoke in opposition to rental control.

Florence Weiss, Downtown Program Manager, City of Concord, invited the public to the Tree-Lighting and Mayor’s Sing-a-Long on Saturday, December 1, at 4:00 p.m. in Todos Santos Plaza. Ms. Weiss invited up Kenna Brevard from Highlands Elementary to present the holiday pin she designed. The other student, Leon Ponomarenko, also from Highlands Elementary, was not able to attend to present his winning pin.

PRESENTATIONS

MONET STYLE ARTWORK – Silverwood Elementary Transitional Kindergarteners

Mayor Birsan introduced transitional kindergarteners from Silverwood Elementary who presented their Monet style artwork.

FALL 2018 MAYOR’S ART COMPETITION

Mayor Birsan presented certificates to Marlen Soberanes Caballero, 4th Grade, Wren Elementary School; Aaron Vaino, 4th Grade, Mountain View Elementary School; Natalie Camarena Castaneda, 5th Grade, Ygnacio Valley Elementary School; and Juan Estrada, 4th Grade, Westwood Elementary School, in recognition of their prize winning paintings in the K-5 category of the fall 2018 Mayor’s Art Competition.

CONCORD HILLS REGIONAL PARK – EAST BAY REGIONAL PARK DISTRICT

Beverly Lane, Director Ward 6, East Bay Regional Park District Board, and Brian Holt, Chief of Planning and GIS, on East Bay Regional Park District Memorandum of Understanding with the U.S. Department of the Navy and U.S. Department of the Interior.

CENTRAL CONTRA COSTA SANITARY DISTRICT

Tad Pirvki, Central Contra Costa Sanitary District Board Member; Roger Bailey, General Manager, and Danea Gemmel, Planning and Development Services Division Manager, presented on the Central Contra Costa Sanitary District and how it affects Concord.

Mayor Birsan opened a public comment period.

Anna Rikkelman, Concord, spoke in support of the infrastructure needs of the Central Contra Costa Sanitary District.

George Fulmore, Concord, spoke in support of the infrastructure needs of the Central Contra Costa Sanitary District.

Tobias Lester, Concord, inquired about the $650,000 cost of a meter.

Mayor Birsan closed the public comment period.

ANNOUNCEMENTS – none.
TREASURER’S REPORT

City Treasurer Patti Barsotti introduced Monique Spyke, Managing Director, and Allison Kaune, Senior Managing Consultant, PFM Asset Management, LLC, who presented the Investment Program Update.

Mayor Birsan opened a public comment period.

Sreenivas Ramireddy, Danville, asked about the cost of services provided by PFM Asset Management, LLC.

Natalie, asked if the City of Concord invested in fossil fuels, military, and/or the marijuana industry.

Mayor Birsan closed the public comment period.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – August 22, 2018

A motion was made by McGallian and seconded by Obringer to approve the minutes of the August 22, 2018, meeting. Motion passed by unanimous vote of the Council.

PURCHASE OF A VACTOR SEWER CLEANING TRUCK – Owen Equipment

A motion was made by McGallian and seconded by Obringer to award purchase of a Vactor Sewer Cleaning Truck to Owen Equipment in the amount of $463,733.93. Motion passed by unanimous vote of the Council.

CONTRA COSTA COUNTY IRON HORSE CORRIDOR ADVISORY COMMITTEE – Dan Mackay

A motion was made by McGallian and seconded by Obringer to recommend to District IV Supervisor Karen Mitchoff the reappointment of Dan Mackay to represent the City of Concord on the Contra Costa County Iron Horse Corridor Advisory Committee. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-66 – Accepting Funding under the California Department of Resources Recycling and Recover Used Oil Payment Program

A motion was made by McGallian and seconded by Obringer to adopt Resolution No. 18-66 entitled, “A Resolution Accepting $34,637 In Funding Under The California Department Of Resources Recycling And Recover Used Oil Payment Funding And Allocating Such Funds To The City Of Concord Used Oil Collection Programs.” Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT FOR THE PROVISION OF DELIVERY OF UNLEADED FUEL – Pinnacle Petroleum

A motion was made by McGallian and seconded by Obringer to award a two-year contract for the provision and delivery of unleaded fuel on an as-needed basis up to the amount of $450,000 per year to Pinnacle Petroleum, with the option to extend the contract for three additional one-year periods for up to $450,000 per year; 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.
AGREEMENT FOR PROFESSIONAL SERVICES – Harris & Associates, Inc.

A motion was made by McGallian and seconded by Obringer to approve an Agreement for Professional Services with Harris & Associates, Inc. in the amount of $178,734 to provide design engineering and related services for the Downtown Sanitary Sewer Upgrade – Phase III (Project No. 2407); 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.

CONCORD COMMUNITY POOL PLASTER REPAIR PROJECT – Project No. 2435

A motion was made by McGallian and seconded by Obringer to award a construction contract in the amount of $742,000 to Earl Adams Tile-Coping & Plastering, Inc. dba Adams Pool Solutions of Pleasanton, CA; authorize staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; authorize the Mayor to execute the contract; approve an Agreement for Professional Services in the amount of $100,081.22 with Park Engineering, Inc. for construction management, inspections, and materials testing services for the project; authorize the City Manager to execute the agreement in a form acceptable to the City Attorney; and approve a budget transfer and appropriation in the amount of $966,000 from General Fund reserves to Project No. 2435. Motion passed by unanimous vote of the Council.

MASTER FUNDING AGREEMENT – Metropolitan Transportation Commission

A motion was made by McGallian and seconded by Obringer to approve a Master Funding Agreement between the Metropolitan Transportation Commission and the City of Concord for planning, programming, transportation, transit, land use, or other projects; authorize the City Manager or Designee to execute the Master Funding Agreement in a form acceptable to the City attorney; approve Supplement 1 to Master Funding Agreement; authorize the Director of Community and Economic Development to execute Supplement 1 to Master Funding Agreement in a form acceptable to the City Attorney; appropriate $588,854 for City-led portion of work; and approve reimbursement based grant funding in the amount $588,854 from MTC funds. Motion passed by unanimous vote of the Council.

LOCAL REUSE AUTHORITY CONSENT CALENDAR

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT – LPA, Inc.

This item was pulled from the Consent Calendar by Concord resident George Fulmore who stated this money would be better spent on Ellis Lake Park.

Mayor Birsan opened a public comment period.

Elaine Schroth, Visit Concord, spoke in support of the Tournament Sports Complex Concept Plan.

Mayor Birsan closed the public comment period.

A motion was made by McGallian and seconded by Obringer to approve a Professional Services Agreement with LPA, Inc. for the Tournament Sports Complex Concept Plan and Feasibility Report for a not to exceed amount of $173,000 through December 1, 2019, together with a one-year extension option without additional funding. Motion passed by unanimous vote of the Local Reuse Authority.

LOCAL REUSE AUTHORITY RESOLUTION NO. 18-23

A motion was made by Hoffmeister and seconded by Leone to adopt Local Reuse Authority Resolution No. 18-23 entitled, "A Resolution Amending Local Reuse Authority Resolution No. 16-14 Establishing a Community Advisory Committee (Cac) In Order To Extend The Members' Terms." Motion passed by unanimous vote of the Local Reuse Authority.
CITY COUNCIL CONSIDERATION ITEMS

RESOLUTION NO. 18-62 – Declaring a Shelter Crisis Pursuant to SB 850

Sergeant Russ Norris presented a report on the Homeless Emergency Aid Program (HEAP), authorized by Senate Bill 850. He reported on the Concord shelter crisis, with information on 2017 CORE contacts, complaints to police about homeless persons, and homeless encampments.

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

Mary Lopez, Concord, asked if any homeless people were at the table to give their thoughts on what they need.

Natalie, asked if calls for service were for committed crimes or simply for someone being homeless.

Michael, stated that homelessness is a social issue.

Mayor Birsan closed the public comment period.

A motion was made by McGallian and seconded by Leone to adopt Resolution No. 18-62 entitled, “A Resolution Declaring a Shelter Crisis Pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code 8698.2).” Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-63 – Permit Parking in the Arlington Estates Neighborhood – Pre-Authorizing Permit Parking – Park Highland Neighborhood

Transportation Manager Abhishek Parikh presented a report, noting that in 2016 Arlington Estates residents requested permit parking to address ongoing concerns related to student overflow parking from Clayton Valley Charter High School. He reported that a parking survey was conducted and confirmed resident parking concerns, and “No School Traffic” signs were installed in an attempt to discourage student parking; however, the signs were advisory only, and unenforceable. Mr. Parikh stated that another request was received in May 2018 where student overflow parking concern was confirmed.

Mr. Parikh reported that the Park Highland neighborhood is expected to be impacted by the implementation of permit parking in Arlington Estates, and he recommended pre-authorization of permit parking in the Park Highland neighborhood, with implementation subject to residents formally requesting permit parking, and the City receiving a signed petition with over 50 percent of residents in favor of permit parking. He recommended approval of permit parking for the Arlington Estates neighborhood with a 2-hour parking time limit except by resident permit, on school days, from 8 a.m. – 3 p.m.

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

Jonathan Feinstein, Concord, spoke in opposition to the permit parking.

Kevin King, Concord, spoke in support of permit parking in the Arlington Estates neighborhood.

Denny Henrieruex, Concord, spoke in support of permit parking in the Arlington Estates neighborhood.

Joelle Henrieruex, Concord, spoke in support of permit parking in the Arlington Estates neighborhood.

Jerry Boyle, Concord, requested Council support in getting Clayton Valley Charter School to comply with dealing with student issues.
Richard Evon, Concord, spoke in opposition to permit parking.

Susan Baker, Concord, spoke in opposition to permit parking.

Michael Byford, Concord, spoke in opposition to permit parking.

Mayor Birsan closed the public comment period.

A motion was made by McGallian and seconded by Hoffmeister to adopt Resolution No. 18-63 entitled, "A Resolution Authorizing Permit Parking in the Arlington Estates Neighborhood and Pre-Authorizing Permit Parking for Park Highland Neighborhood along Park Highland Boulevard between Alberta Way and Balham Drive Subject to Compliance with Concord Municipal Code Chapter 10.30 (Stopping, Standing, and Parking) Article VI (Permit Parking Areas)." Motion passed by unanimous vote of the Council.

Mayor Birsan recessed the meeting at 11:10 p.m. The meeting resumed at 11:15 p.m.

Due to the late hour, a motion was made by McGallian and seconded by Obringer to consider Agenda Item No. 7.c, approval of a 9-month extension of the Amended and Restated Agreement to Negotiate with Lennar and consider Agenda Item No. 8.a, adoption of Resolution No. 18-70. Motion passed by unanimous vote of the Council.

CITY COUNCIL PUBLIC HEARING

RESOLUTION NO. 18-70 - Approving the Issuance by the California Statewide Communities Development Authority of not to exceed $10,000,000 aggregate principal amount of the Authority’s revenue obligations for the benefit of Carondelet High School

A notice of Public Hearing announcing the hearing date of November 13, 2018, was published in the East Bay Times on October 23, 2018, mailed to interested parties of record, and posted in the City’s posting cabinet.

Assistant City Manager Kathleen Trepa reported that the City received a request from the California Statewide Communities Development Authority (CSCDA) to conduct a Tax Equity and Fiscal Responsibility Act of 1986 (TEFRA) hearing in connection with the proposed issuance of up to $10,000,000 in tax exempt bonds for the benefit of Carondelet High School who intends to use the bond proceeds for the financing of its new STEM Innovation Center for science, technology, engineering, and math. Ms. Trepa emphasized that bond repayment is the sole responsibility of Carondelet, and the City of Concord will bear no responsibility for bond repayments. She explained that the reason the financing request is being brought to the Concord City Council is because the Council is an “applicable elected representative” of the governmental unit hosting the proposed project, and the “applicable elected representative” must provide the approval of the bond refinancing.

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 McGallian to adopt Resolution No. 18-70 entitled, “A Resolution Approving The Issuance By The California Statewide Communities Development Authority Of Not To Exceed $10,000,000 Aggregate Principal Amount Of The Authority’s Revenue Obligations For The Benefit Of Carondelet High School For The Purpose Of Financing The Cost Of Acquisition, Construction, Development, Installation, Improvement, Equipping And Furnishing Of Educational Facilities And Other Matters Relating Thereto Herein Specified.” Motion passed by unanimous vote of the council.
LOCAL REUSE AUTHORITY CONSIDERATION ITEM

APPROVAL OF A 9-MONTH EXTENSION OF THE AMENDED AND RESTATED AGREEMENT TO NEGOTIATE – Lennar Concord, LLC

Councilmember Leone recused himself due to the proximity of his home to the NWS Project and left the dais.

Director of Community Reuse Planning Guy Bjerke presented a report, explaining that since the approval of the original agreement in 2016, the scope of the Specific Plan, Infrastructure Plan, and environmental documents has expanded beyond what was originally anticipated. He reported that in May 2018 the LRA extended the agreement to negotiate by approving the First Amended and Restated Agreement to Negotiate. Mr. Bjerke reported that a second extension of 9 months (to March 31, 2020) is necessary to address the additional time spent collecting community input during the summer of 2018 and LRA staff’s recommendation to maximize public comment opportunities during the consideration of the Specific Plan.

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

Rick Kennedy, Concord, spoke in support of the extension.

Mayor Birsan closed the public comment period.

A motion was made by McGallian and seconded by Hoffmeister to approve a 9-month extension (to March 2020) of the Amended and Restated agreement to Negotiate between the Local Reuse Authority (LRA) and Lennar Concord, LLC (Lennar) 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 Local Reuse Authority:

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

CORRESPONDENCE

a. Letter to Bureau of Cannabis Control re: Proposed Regulations – October 2018
b. Email from Michael McDermott – re: Letter to Bureau of Cannabis Control
c. Letter From the Greater Chamber of Commerce – Agenda Item No. 7.c
d. DDA Fund – support of the preparation of the DDA
e. Cooking with Kids Foundation Brochure submitted by Chef Lynda Ruxroat
f. Sidewalk Repair Petitions submitted by Evelyn Freitas
g. Articles on Rent Control submitted by Blaine Carter
h. Concord Hills Regional Park Land Use Plan PowerPoint Presentation
i. Central San PowerPoint Presentation
j. Investment Program Update PowerPoint Presentation
k. Consideration: Resolution No. 18-62 Declaring a Shelter Crisis PowerPoint Presentation
l. Arlington Estates/Park Highlands Permit Parking Application PowerPoint Presentation

COUNCIL REPORTS

Councilmember McGallian requested and received support for review of parking permits to PD&IO Committee.
Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

By order of the Mayor, the meeting was adjourned at 11:45 p.m. in recognition of veterans.

EDI E. BIRSAN
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK