REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE JOHN
MUIR/MT. DIABLO HEALTH CARE
DISTRICT BOARD
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, DECEMBER 11, 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, December 11, 2018, with Mayor Obringer presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session under Conference with Labor Negotiators Pursuant to Government Code Section 54957.6. Agency designated representatives: Valerie Barone, City Manager; Jasmin Loi, Director of Human Resources; Donna Williamson, Esq. Liebert Cassidy Whitmore. Employee organizations: Administrative, Technical & Clerical Representation Unit and Field & Operations Representation Unit of International Brotherhood of Teamsters Local 856; Professional Representation Unit of OPEIU Local 29; Peace Officer Representation Unit of Concord Police Officers Association and Police Managerial Representation Unit of Police Management Association. Unrepresented employees: Executive, Management & Confidential employees.

The meeting recessed at 7:30 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 7:30 p.m. on Tuesday, December 11, 2018, with Mayor Obringer presiding. The pledge of allegiance was led by Vice Mayor McGallian. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Dominic Allano, Edi Birsan, Laura Hoffmeister, Tim McGallian, Carlyn Obringer

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Kathleen Trepa, Assistant City Manager; Joelle Fockler, City Clerk; Andrea Ouse, Director of Community and Economic Development; Steve Voorhies, Director of Parks and Recreation; Scott Conn, IT Network and Operations Manager; Brenda Kain, Housing Manager; John Montagh, Economic Development Manager; Sophia Sidhu, Housing Program Analyst; Ryan Pursley, Chief Building Official; Frank Abejo, Principal Planner; Kevin Marstall, City Engineer; Aldrich Bautista, Interim CIP Manager; Bernard Enrlle, Senior Civil Engineer; Mark Migliore, Associate Civil Engineer

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Tobias Lester, Concord; George Fulmore, Concord; Hector Barragan, Monument Business Owners Coalition; Dennis Dorando, Concord; Moses Sullivan, Concord; Natalie; Claire Weer, Concord; JG; Kara Sweeney, Concord; Lowell Brown, Concord; Sue Handy, Concord; Ana Rikkelman, Concord; Darneal Harris, Concord; Azita
PUBLIC COMMENT PERIOD

Tobias Lester, Concord, stated that the use of public funds for a police lip sync video was a poor use of public funds and the choice of song was inappropriate.

George Fulmore, Concord, spoke of Council’s lack of attention to the Monument area.

Hector Barragan, Monument Business Owners Coalition, spoke in opposition to Cardenas Market being located in the Monument area.

Dennis Dorando, Concord, stated that RV parking on private residences was not blight.

Moses Sullivan, Concord, thanked the Council for cleaning up the area around his apartment building.

Natalie, spoke about climate change and the need for bike racks in Concord.

PRESENTATIONS – none.

ANNOUNCEMENTS

City Clerk Fockler announced openings on Concord’s Board of Appeals, Design Review Board, Personnel Board, Planning Commission, Pavilion Outreach Committee, Bicycle and Pedestrian Advisory Committee, the Contra Costa Transit Authority Citizen Advisory Committee, and the Central Contra Costa Transit Authority Advisory Committee; and set a deadline of Friday, January 11, 2019, at 5 p.m. for applications to be due to the City Clerk.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – September 25, October 2, and October 9, 2018

A motion was made by Hoffmeister and seconded by McGallian to approve the minutes from the meetings of September 25, October 2, and October 9, 2018. Motion passed by the following vote of the Council:

AYES: Birsan, Hoffmeister, McGallian Obringer  NOES: None  ABSTAIN: Alliano

2019 CITY COUNCIL MEETING CALENDAR

Item was pulled from the Consent Calendar by Mayor Obringer who suggested cancelling the March 12, 2019, regular meeting due to a conflict with the National League of Cities.

A motion was made by Hoffmeister and seconded by McGallian to cancel the March 12, 2019, regular Meeting; and adopt the amended 2019 City Council Meeting Calendar. Motion passed by unanimous vote of the Council.

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT – SDI

A motion was made by Hoffmeister and seconded by McGallian to approve a Professional Services Agreement in the amount of $52,950 with SDI for an operational assessment of the Information Technology Department; 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.
APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT – Alta Planning + Design
ADOPTION OF RESOLUTION NO. 18-77 – Sustainable Transportation Planning Grant Funds

A motion was made by Hoffmeister and seconded by McGallian to (1) approve a Professional Services Agreement with Alta Planning + Design in the amount of $200,000 for a Complete Streets Feasibility Study for Willow Pass Road, Cowell Road, and Galindo Street, and authorize the City Manager to execute the Agreement in a form acceptable to the City Attorney; and (2) adopt Resolution No. 18-77 entitled, "A Resolution Appropriating Caltrans Grant Funds in the Amount of $177,060 for the Willow Pass Road/Cowell Road Complete Streets Feasibility Study Project." Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 18-72 – OSIP, Art in Public Places, and Master Storm Drain Fees

A motion was made by Hoffmeister and seconded by McGallian to adopt Resolution No. 18-72 entitled, "A Resolution Finding that there Remains a Reasonable Relationship between Current Needs for the Offsite Street Improvement Program (OSIP), Art in Public Places, and Master Storm Drain Fees and the Purposes for which they were Originally Charged (Government Code Section 66000 et seq.)" Motion passed by unanimous vote of the Council.

AWARD OF CONSTRUCTION CONTRACT – Rosas Brothers Construction

A motion was made by Hoffmeister and seconded by McGallian to award a construction contract in the amount of $294,300 to Rosas Brothers Construction of Oakland for the Citywide Accessibility Improvements No. 5, Project No. 2426; and authorize staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount. Motion passed by unanimous vote of the Council.

APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES – Open Counter Enterprises, Inc.

A motion was made by Hoffmeister and seconded by McGallian to approve an Agreement for Professional Services with Open Counter Enterprises, Inc. of San Francisco, CA, in an amount not to exceed $158,900 for a three-year subscription to OpenCounter software and technological services; 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.

APPROVAL OF AN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – Drake Haglan and Associates

A motion was made by Hoffmeister and seconded by McGallian to approve an amendment to the Professional Services Agreement with Drake Haglan and Associates in the amount of $42,300 for the construction management, inspection, and material testing services of the Farm Bureau Road Complete Streets Project (Project No. 2354); 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.

APPROVAL OF 5-YEAR SMARTNET SERVICE PLAN – Quest Systems

A motion was made by Hoffmeister and seconded by McGallian to approve an upgraded, 5-year SmartNet Service Plan with Cisco's authorized agent, Quest Systems, for a total amount of $164,597 providing 24-hour, year-round coverage for critical core network equipment and 8-hour weekday coverage for select non-critical components. Motion passed by unanimous vote of the Council.
JOHN MUIR/MT. DIABLO HEALTH CARE DISTRICT BOARD CONSIDERATION ITEM

APPOINTING A COUNCILMEMBER OR HOLDING A RECRUITMENT TO APPOINT A MEMBER OF THE PUBLIC AS A CITY OF CONCORD REPRESENTATIVE ON THE JOHN MUIR/MT. DIABLO COMMUNITY HEALTH FUND BOARD

City Clerk Joelle Fockler presented a report requesting that the City Council either appoint a Councilmember or hold a recruitment to appoint a member of the public as a Concord representative on the John Muir/Mt. Diablo Community Health Fund Board.

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

A motion was made by Obringer and seconded by Hoffmeister to appoint Councilmember Aliano to the John Muir/Mt. Diablo Community Health Fund Board for a term ending December 31, 2021. Motion passed by unanimous vote of the Council.

CITY COUNCIL CONSIDERATION ITEMS

APPOINTING COUNCILMEMBERS TO REPRESENT THE CITY COUNCIL ON COUNCIL COMMITTEES, AD HOC COMMITTEES, AND OTHER PROJECT RELATED COMMITTEES, AND REGIONAL BODIES AND BOARDS OF VARIOUS EXTERNAL ORGANIZATIONS OF WHICH THE CITY IS A MEMBERS

Based on the preferences shared by the councilmembers, Mayor Obringer proposed appointments to the Standing Committees for 2019 as follows:

<table>
<thead>
<tr>
<th>Standing Committees</th>
<th>Appointees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Development and Internal Operations</td>
<td>Obringer</td>
<td>McGallian</td>
</tr>
<tr>
<td>Infrastructure and Franchise</td>
<td>Hoffmeister</td>
<td>Birsan</td>
</tr>
<tr>
<td>Housing and Economic Development</td>
<td>McGallian</td>
<td>Obringer</td>
</tr>
<tr>
<td>Recreation, Cultural Affairs &amp; Community Services</td>
<td>Birsan</td>
<td>Aliano</td>
</tr>
<tr>
<td>Youth and Education</td>
<td>Aliano</td>
<td>Hoffmeister</td>
</tr>
</tbody>
</table>

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

Mayor Obringer recommended Ron Leone remain on the Campus District Visioning Project Blue Ribbon Committee; however, other councilmembers felt two councilmembers needed to be appointed. After discussion, there was consensus that two members of the Council should be appointed to the Campus District Visioning Project Blue Ribbon Committee, and Mayor Obringer removed her recommendation.

Motion made by Hoffmeister and seconded by Birsan to confirm the appointments to the 2019 City Council Standing Committees as recommend by Mayor Obringer. Motion passed by unanimous vote of the Council.
Motion made by Hoffmeister and seconded by McGallian to appoint Councilmember Aliano to the Campus District Visioning Project Blue Ribbon Committee. Motion passed by unanimous vote of the Council.

Mayor Obringer addressed the Ad Hoc Committees and changed the term of the Concord/Pittsburg border issues Committee to begin its one year from the date of the first meeting on November 15, 2018, and appointed Councilmembers Aliano and McGallian to serve on the Ad Hoc Committee related to reviewing the architecture of all construction projects.

Mayor Obringer proposed the 2019 appointments to external agencies as follows:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Meeting Schedule</th>
<th>Member</th>
<th>Second Member or Alternate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Association of Bay Area Governments (ABAG) General Assembly</td>
<td>The General Assembly must be held by April 1 of each year, the Spring Meeting is usually held in March, and the Fall General Assembly is held in October or November.</td>
<td>Aliano</td>
<td>McGallian</td>
</tr>
<tr>
<td>Central Contra Costa Transit Authority (The County Connection)</td>
<td>3rd Thursday of each month, 9 a.m.</td>
<td>Hoffmeister</td>
<td>Obringer</td>
</tr>
<tr>
<td>East Bay Division of League of CA Cities Board of Directors</td>
<td>3rd Thursday of each month, 6 p.m.</td>
<td>McGallian</td>
<td>Birsan</td>
</tr>
<tr>
<td>Transportation Partnership and Cooperation Regional Committee (TRANSPAC)</td>
<td>2nd Thursday of each month, 9 a.m.</td>
<td>Obringer</td>
<td>Birsan</td>
</tr>
<tr>
<td>Citizen Corps Community Emergency Response Team (CERT)</td>
<td>Quarterly</td>
<td>Aliano</td>
<td>Hoffmeister</td>
</tr>
<tr>
<td>Marin Clean Energy Board</td>
<td></td>
<td>McGallian</td>
<td>Obringer</td>
</tr>
</tbody>
</table>

Motion made by Hoffmeister and seconded by Aliano to confirm 2019 appointments to external agencies as recommended by Mayor Obringer. Motion passed by unanimous vote of the Council.

RESIDENTIAL RENT REVIEW/MULTI-FAIMLY INSPECTION PROGRAM REPORT TO CITY COUNCIL – Continued from November 27, 2018

Councilmember Aliano disclosed he had viewed the videos of past meetings, read the staff reports, minutes, and annotated agendas on this topic and is informed and could fully participate on this matter. He also disclosed that he met with Raise the Roof Coalition, Contra Costa First Five, and the California Apartment Association to discuss rent control and any information shared was the same information shared by these organization during the public comment period at the November 27 meeting.

The Council shared their thoughts on the idea of having an ad hoc committee to address the rent issue and requested the following items be reviewed by a committee:

- explore rental increase cap, one idea is to cap it at 10 percent;
- one rent increase per calendar year;
annual lease agreements;
noticing requirements for notice of termination;
an ordinance for base line rent;
notification to the City for rent increases over a certain threshold;
just cause eviction policy;
rent relocation policy;
rent review panel – continue it or not, and binding or not;
landlord retaliation policies;
creation of a database;
link Code Enforcement violations to ability to raise rent;
explore the application to senior apartments; and
report back to Council on results found and for decisions, even if disagreement on committee

Council directed staff to agendize the formation of an Ad Hoc committee and define the purpose of the Ad Hoc Committee at the January 8, 2019, City Council meeting.

Mayor Obringer called a recess at 8:55 p.m. The meeting resumed at 9:07 p.m.

INTRODUCTION OF ORDINANCE NO. 18-9

A notice of public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on November 27, 2018.

Councilmember Aliano disclosed that because he considered this item as a Planning Commissioner he was recusing himself from consideration of the item as a City Councilmember and left the dais.

Principal Planner Frank Abejo provided a background on the item and the proposed revised amendment to Exhibit A of Ordinance No. 18-9 including:

1. Home-based businesses providing “education-related tutoring” allowed for up to 4 students at a time and up to 12 students per day during the hours of 8 a.m. to 9 p.m.
2. Home-based tutoring business subject to an administrative permit with notice to neighbors within 100 feet of the business.
3. Education-related tutoring limited to “tutoring for school-aged children (i.e. K-12) on subjects typically covered by a school curriculum or program.”
4. Home-based tutoring business subject to performance standards as applicable to the property.
5. Streamline permit process for home-based businesses relying on non-student clientele.

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

Claire Weer, Concord, spoke in support of the Ordinance.

JG, spoke in support of the Ordinance.

Kara Sweeney, Concord, spoke in support of the Ordinance.

Lowell Brown, Concord, spoke in opposition to the Ordinance.

Sue Handy, Concord, spoke in opposition to the Ordinance.

Ana Rikkelman, Concord, spoke in support of the Ordinance.
Darneal Harris, Concord, spoke in support of the Ordinance.

Azita Berloui, Concord, spoke in opposition to the Ordinance.

Mayor Obringer closed the public comment period.

Following comments by the City Council, a motion was made by Hoffmeister and seconded by Birsan to introduce Ordinance No. 18-9 entitled, “An Ordinance Amending Concord Municipal Code Title 18 (Development Code), Chapter 18.200.100 (Home-Based Businesses) by reading of the title only with the addition of language to Exhibit A, Section D(3) to define academic subjects as mathematics, language arts, and sciences. Motion failed by the following vote:

AYES: Birsan, Hoffmeister   NOES: McGallian, Obringer   ABSENT: Aliano

A motion was made by Hoffmeister and seconded by McGallian to introduce Ordinance No. 18-9 entitled, “An Ordinance Amending Concord Municipal Code Title 18 (Development Code), Chapter 18.200.100 (Home-Based Businesses) by reading of the title only with the following amendments to Exhibit A: allow two students at a time and no more than eight per day, eliminate Section D(3)c, and add language to Section D(3) to define academic subjects as mathematics, language arts, and sciences. Motion passed by the following vote of the Council:

AYES: Birsan, Hoffmeister, McGallian,   NOES: Obringer   ABSENT: Aliano

Councilmember Aliano returned to the dais.

Due to the late hour, a motion was made by McGallian and seconded by Hoffmeister to hold the next public hearing after 10 p.m.

ADOPTION OF RESOLUTION NO. 18-73 – Purchase and Sale Agreement with Major Brand Gas of Concord – 1596 Concord Avenue

A notice of public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on November 30, 2018, and December 4, 2018.

Economic Development Manager John Montagh presented a report, explaining that Major Brand Gas of Concord, Inc. owns the Shell Gas Station at 1500 Concord Avenue and recently purchased additional properties at 2181 Fremont Avenue and 1590 Concord Avenue abutting the gas station located at 1500 Concord Avenue. He stated that the City of Concord owns a 4,960 square foot parcel at 1596 Concord Avenue adjacent to the properties purchased by Major Brand Gas of Concord, Inc., and Major Brand Gas of Concord proposed to purchase the City owned property at 1596 Concord Avenue.

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

Gursharnjeet Cheema, Major Brand Gas of Concord, Inc. spoke in support of the Resolution.

Mayor Obringer closed the public comment period.

A motion was made by McGallian and seconded by Birsan to adopt Resolution No. 18-73 entitled, “A Resolution Approving an Agreement of Purchase and Sale and Initial Escrow Instructions between the City of Concord, as Seller, and Major Brand Gas of Concord, Inc., as Buyer, for Assessor’s Parcel Number 126-043-018, 1596 Concord Avenue." Motion passed by unanimous vote of the Council.
CORRESPONDENCE

a. Benched correspondence for Agenda Item No. 10.c – Residential Rent Review
b. PowerPoint on Home-based Business Standards
c. Benched correspondence for Agenda Item No. 11.a – Introduction of Ordinance No. 18-9

COUNCIL REPORTS

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 10:38 p.m.

CARLYN S. OBRINGER
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK