

COMMITTEE MEMBERS  
Edi E. Birsan, Chair  
Laura M. Hoffmeister, Committee Member

Civic Center  
1950 Parkside Drive  
Concord, CA 94519  
www.cityofconcord.org



**Special Meeting of the  
Infrastructure &  
Franchise Committee**

Tuesday, February 21, 2017

6:00 p.m.

Garden Conference  
Room, Wing A  
1950 Parkside Drive

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**AGENDIZED ITEMS** – The public is entitled to address the City Council on items appearing on the agenda before or during the City Council's consideration of that item. Each speaker will be limited to approximately three minutes.

**1. ROLL CALL**

**2. PUBLIC COMMENT PERIOD**

**3. REPORTS**

- a. **Interview** – applicants for the Board of Appeals. Report by Joelle Fockler, City Clerk.

**4. ADJOURNMENT**

Next Meeting: Regular Meeting  
Date: 4/10/2017 - 6:00 PM

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS**

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Distribution: City Council  
Valerie Barone, City Manager  
Susanne Brown, City Attorney  
Justin Ezell, Director of Public Works  
Joelle Fockler, City Clerk



## **Staff Report**

**Date:** February 21, 2017

**To:** Council Committee on Infrastructure & Franchise

**From:** Valerie J. Barone, City Manager

**Reviewed by:** Joelle Fockler, MMC, City Clerk

**Prepared by:** Marsha Moore, CMC, Deputy City Clerk  
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(925) 671-3085

**Subject:** **Interview Applicants for the Board of Appeals**

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### **Report in Brief**

Interview applicants to fill five (5) openings on the Board of Appeals.

### **Recommended Action**

Interview applicants to fill five (5) openings on the Board of Appeals and make a recommendation to the City Council for appointment.

### **Background**

A recruitment was announced on November 1, 2016 to fill five positions on the Board of Appeals, and the deadline for applications to the City Clerk's Office was Friday, January 6, 2017 at 5 p.m. The terms of Cesar Sifuentes, John Edward Villandre and the vacancy left by the passing of William Abend expire on February 28, 2017. This recruitment is to fill those three positions and two alternates for four-year terms ending February 28, 2021.

The City Clerk's Office received five applications from Cesar Sifuentes, Maxwell Greene, David Hoover, Suzanne Alaksa and Erric Castillo. Maxwell Greene has withdrawn his application.

The five-member and two-alternate Board of Appeals meets as needed to interpret State law and the California Building Standards Code pertaining to construction standards for the City. They make a determination of suitable alternate materials and methods of construction and hear appeals of orders, decisions, and determinations

made by the City's Chief Building Official. Decisions of the Board are final and may not be appealed to the City Council. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to the City of Concord Construction Code and are not employees of the City. Appointees shall be qualified in and specifically knowledgeable in the City of Concord Construction Code and applicable local ordinances.

**Public Contact**

The Agenda was posted.

**Attachments**

1. Applicant Summary
2. Municipal Code Excerpt

## January 2017 Applicants for Board of Appeals

<b>Name</b>	<b>Employer</b>	<b>Occupation</b>
Suzanne Alaska	Retired	Professional Engineer
Erric Castillo	Shell Oil Products	Engineering Manager
David Hoover	HYT Corporation	Engineer/Designer/Engineering Consultant
Cesar Sifuentes*	Self Employed	Structural Engineer

\*Denotes incumbent

**BOARD OF APPEALS****Chapter 15.08.010****15.08.010 Establishment of Board of Appeals.**

(a) *General.* In order to hear and decide appeals authorized under the City of Concord Construction Code, there shall be and is hereby created a Board of Appeals, which shall constitute the “Local Appeals Board” and “Housing Appeals Board,” as those terms are defined and used in the California Building Standards Code (the “Board of Appeals”). The Board of Appeals shall be appointed by the City Council and shall hold office at their pleasure but in no event shall serve longer than four years without reappointment by the City Council.

(b) *Limitation of responsibilities.* The responsibilities and authority of the Board of Appeals shall be limited as provided in accordance with state law and the City of Concord Construction Code. Specifically, the authority of the Board of Appeals shall not include legal interpretation of the administrative provisions of the City of Concord Construction Code and shall not include authority to grant appeals which waive requirements of state law or the City of Concord Construction Code or grant variances from state law or the City of Concord Construction Code.

(c) *Number.* The Board of Appeals shall consist of five members and two alternates appointed by the City Council. The alternates shall be called by the Board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.

The Building Official shall be an ex officio member of the Board of Appeals but shall have no vote on any matter before the Board.

(d) *Qualifications.* The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to the City of Concord Construction Code and are not employees of the city. Appointees shall be qualified in and specifically knowledgeable in the City of Concord Construction Code and applicable local ordinances.

(e) *Chairperson.* The Board of Appeals shall annually select one of its members to serve as chairperson.

**BOARD OF APPEALS**

**Chapter 15.08.010**

(f) *Disqualification of member.* A member shall not hear an appeal in which that member has a personal, professional, or financial interest, or a conflict of interest under the Fair Political Practices Act. A disqualified Board of Appeals member shall declare his or her disqualification to the Building Official, who shall arrange for an alternate member to serve in place of the disqualified member and shall make the disqualification part of the hearing record.

(g) *Secretary.* The City Manager shall designate a qualified clerk to serve as secretary to the Board of Appeals. The secretary shall file a detailed record of all proceedings in the City Clerk's office.

(h) *Compensation of members.* Members of the Board of Appeals shall serve without compensation.

(i) *Quorum.* A quorum shall consist of three members and/or alternates.

(j) *Open hearing.* The Board of Appeals shall have no regular meetings; all meetings shall be special meetings noticed pursuant to California Government Code Section 54956. All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the Building Official, and any person whose interests are affected shall be given an opportunity to be heard.

(k) *Hearing procedure.* The hearing shall be informal and shall not require compliance with the rules of evidence. At the hearing, the Board of Appeals shall hear and consider all relevant evidence.

(l) *Postponed hearing.* Continuances of the hearing may be granted by the City Manager on request of the appellant or the appellant's representative for good cause shown, or on the City Manager's own motion.

(m) *Board decision.* The Board of Appeals shall decide the appeal by a majority vote of the members present.

(Ord. No. 16-7, § 3)