

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY
CONCORD SENIOR CENTER
2727 PARKSIDE CIRCLE
CONCORD, CALIFORNIA
TUESDAY, APRIL 5, 2016

The Concord City Council met in a regular meeting at the Concord Senior Center located at 2727 Parkside Circle at 6:30 p.m. on Tuesday, April 5, 2016, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Councilmember Helix. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Dan Helix, Laura Hoffmeister

COUNCILMEMBERS ABSENT: Tim Grayson, Ron Leone

STAFF PRESENT: Valerie Barone, City Manager; Brian Libow, Interim City Attorney; Tim McGallian, City Treasurer, Joelle Fockler, City Clerk; Jovan Grogan, Deputy City Manager; Guy Bjerke, Director of Reuse Planning; Justin Ezell, Director of Public Works; Karan Reid, Director of Finance; Steve Voorhies, Director of Parks and Recreation; Leslye Asera, Community Relations Manager; Pamela Laperchia, Executive Assistant to the Reuse Project

MEMBERS OF THE PUBLIC

WHO ADDRESSED THE COUNCIL: George Fulmore, Concord; Sister Lilly Fitzpatrick, San Francisco; Gareth Ashley, Concord; Seth Adams, Concord; Peter Stuart, Concord; Justin Decker; Pete McKean, San Francisco; Guy Hollins, Lafayette; Ralph Oliver, Concord; Mary Harms, Martinez; Dan Jameyson, Concord; Brian McCosker, Concord; Joseph Stein, Walnut Creek; Rev. Amanda May, Pleasant Hill; Jeanette Green, Concord; King Bunyi, Concord; Rev. Richard Mangini, Concord; Pat Everette, Concord; Heidi Moschetti, Concord; Brian Fealy, Concord; Eva Zander, Concord; Elizabeth Crocker; Jose Gutierrez, Concord; Steve Older, Concord; Rasheed Custer, Concord; Cindy Molander, Concord; Ashur Yoseph, Concord; Forrest Towe, Concord; Julia Jameyson, Concord; Suzanne Delbou, Concord; Joe Summers, Fairfield; Harmesh Kumar, Concord; Larry Del Carlo, Concord; Karina Acosta, Concord; Rich Eber, Concord; Susan Guest, Concord; Roseanne Nieto, Concord; Hope Johnson, Concord; Suzanne Morgan, Concord; Louise McGuire, Concord; Colleen Cole, Concord; Casilda Gonzales, Concord; Paul Poston, Concord; Stephanie Medious, Concord; Scott Hutchinson, Concord; Turtle Pfeiffer, Concord; Abram Wilson, San Ramon; Pablo Benavente, Concord; Jeff Koertzen, Concord; Delores Loague, Concord; Michael Pinesciti, Concord; Tim Cody, Concord; Dennis Costanza, Pittsburg; Margaret Hanlon-Gradie, Martinez; Leslie Gleason, Concord; Matthew Leber

PUBLIC COMMENT PERIOD

George Fulmore, Concord, spoke on rent control in Concord.

PRESENTATIONS – None

ANNOUNCEMENTS

Mayor Hoffmeister announced a recruitment to fill an unscheduled vacancy on the Planning Commission for a term ending February 28, 2017; and set Friday, May 6, 2016, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

CITY COUNCIL
MATTERS

APPROVAL OF MINUTES

Motion was made by Helix and seconded by Birsan to approve the minutes from the meeting of February 11, 2016. Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

AUTHORIZING THE PURCHASE OF DELL COMPUTER EQUIPMENT

Motion was made by Helix and seconded by Birsan to authorize the purchase of Dell computer equipment in the amount of \$202,042.81. Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

AWARDING A CONSTRUCTION CONTRACT, CONCORD VARIOUS STREET PRESERVATION, Project No. 2292

This item was pulled from the Consent Calendar by staff for consideration at a later date.

PROFESSIONAL SERVICES AGREEMENT – BKF Engineers

Motion was made by Helix and seconded by Birsan to approve a Professional Services Agreement with BKF Engineers of Walnut Creek in the amount of \$218,843 for design services for Farm Bureau Road Complete Streets – Phase 2, Wren Avenue to Walnut Avenue, Project No. 2354; and authorize the City Manager to execute the Agreement. Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

RESOLUTION NO. 16-6 – CalRecycle

Motion was made by Helix and seconded by Birsan to adopt Resolution No. 16-6 entitled, "A RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATIONS TO CALRECYCLE FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS." Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

SET PUBLIC HEARING

Motion was made by Helix and seconded by Birsan to set a public hearing for Tuesday, April 26, 2016, at 6:30 p.m. in the Council Chamber to consider the Draft 2016-17 Action Plan for Community Grant Funding from Community Development Block Grant Funds (CDBG) and Child Care Developer Fees. Motion carried by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister

NOES: None

ABSENT: Grayson, Leone

SELECTION OF MASTER DEVELOPER TO NEGOTIATE A DISPOSITION AND DEVELOPMENT AGREEMENT TO IMPLEMENT THE FIRST PHASE OF THE CONCORD REUSE PROJECT (CRP) AREA PLAN

Guy Bjerke, Director of Community Reuse Planning, introduced Michael Wright, the Wright Group; Jerry Ramiza, Burke, Williams & Sorensen; Paul Silvern, HR&A; and Dahlia Chazon, Arup, from the LRA team who were available to answer Council questions.

Mr. Bjerke presented a report and covered the following three areas in his presentation: 1) the Master Developer selection process; 2) the current status of the Reuse Project and next steps, and 3) an explanation of the staff report and staff recommendation.

Following questions by the Council, Mr. Bjerke introduced Kofi Bonner, Lennar, who thanked the Council for the opportunity to present, presented a report regarding Lennar's qualifications to become the Master Developer for the Reuse Project, and reiterated that Lennar was prepared to enter into discussions with staff regarding the primary areas of concern listed in the staff report for the item as well as any concerns that arise. Mr. Bonner expressed Lennar's commitment to the project and emphasized Lennar's commitment to the communities it does business with. Mr. Bonner noted that Lennar was willing to accept the terms agreed to with Catellus. Mr. Bonner introduced Vicki Nyland, Lennar CFO, who outlined Lennar's financial proposal for the Reuse Project, which included two options, one with less guaranteed payment, more profit sharing, and the other, a more conservative approach, with higher guaranteed payment and less profit sharing. Ms. Nyland introduced Gordon Hart, Lennar's outside counsel, who outlined Lennar's military base redevelopment experience and the City's environmental liability protection. Mr. Hart then introduced Suheil Totah, EVP, who oversees entitlements and forward planning for Lennar.

Mr. Totah outlined Lennar's Community Benefit Program, and reported that Lennar will invest more than \$120 million in community benefits for Concord, comprising of school funding, 80 acres of parks, greenways and open spaces; community centers; and a Concord connector shuttle connecting the Reuse Project to Todos Santos Plaza and BART. Mr. Totah explained that funds would be guaranteed for economic development for possible uses such as affordable housing subsidies, local hire program, vocational training and apprentice programs, veteran-focused training and employment opportunities, insurance and credit support for small and local contractors, and education and youth program funding. Mr. Totah then introduced Randi Gerson, Director of Development, who outlined Lennar's comprehensive affordable housing proposal and reported that Lennar is committed to providing 25 percent affordable housing across the project site within all housing types. Kofi Bonner then closed the presentation by stating that Lennar builds world class communities and was prepared to move forward with negotiations.

The Council asked clarifying questions regarding financial disclosure, open book finances; the market capitalization value of Lennar Concord, LLC; Term Sheet for Phase I only; housing for very low income housing; arbitration; off-site improvements; traffic; transfer of title of the land; housing built first; job training and operational jobs; access to organization; Five Point Group; a community amenity; Phase I approach balance; gap funding; and infrastructure funding.

Mayor Hoffmeister recessed the meeting at 8:13 p.m.

Mayor Hoffmeister reconvened the meeting at 8:30 p.m. and opened a public comment period.

Sister Lilly Fitzpatrick, San Francisco, spoke in support of Lennar.

Gareth Ashley, Concord, MDUSD Measure C Citizens Bond Oversight Committee, spoke about schools and inviting Mt. Diablo Unified School District to the table.

Seth Adams, Concord, Save Mt. Diablo, supported moving the project forward with an improved term sheet.

Peter Stuart, Concord, CNWS Neighborhood Alliance, spoke of three points of interest including conservation and preservation, traffic, and toxic cleanup.

Justin Decker, Contra Costa Young Workers, spoke in support of good job opportunities.

Pete McKean, San Francisco, TMI/NCI, spoke in support of Lennar.

Guy Hollins, Lafayette, spoke in support of Lennar.

Ralph Oliver, Concord, spoke in opposition of Lennar.

Mary Harms, Martinez, United Way of the Bay Area, spoke of living wage jobs for the project.

Dan Jameyson, Concord, spoke of good jobs, affordable housing, and the right to assemble.

Brian McCosker, Concord, spoke in support of Lennar.

Joseph Stein, Walnut Creek, spoke in support of Lennar.

Rev. Amanda May, Pleasant Hill, St. Michael & All Angels Episcopal Church, spoke in favor of the Council's commitment to low income housing.

Jeanette Green, Concord, requested that Lennar come speak to the Holbrook Heights Neighborhood Association.

King Bunyi, Concord, requested that the process start over and the formation of a review committee to revise the master developer selection process.

Rev. Richard Mangini, Concord, St. Bonaventure/Multi Faith Action, spoke in favor of low income housing, living wage, jobs, and in support of Lennar.

Pat Everette, Concord, Labor Council Coalition, requested that the Contra Costa Labor Council Coalition platform be included in the project.

Heidi Moschetti, Concord, CWA Local 9400, spoke of good fair jobs with a living wage.

Brian Fealy, Concord, Machinists Union, spoke of good jobs, open space, living wage, and a right to organize.

Eva Zander, Concord, spoke in favor of affordable housing on the project.

Elizabeth Crocker, Unity Council, spoke on behalf of Chris Iglesias, Concord, Unity Council, in favor of affordable housing and bike lanes for the project.

Jose Gutierrez, Concord, United Here 2850, spoke in favor of the project, union jobs for the project, and in support of Lennar.

Steve Older, Concord, Contra Costa Labor Council, spoke in favor of the right to organize and in support of Lennar.

Rasheed Custer, Concord, CWA 9400, spoke in favor of a good living wage, union jobs, and in support of Lennar.

Cindy Molander, Concord, Multi-faith Action Coalition, spoke in favor of good jobs, living wage, benefits, and career advancement.

Ashur Yoseph, Concord, spoke in support of Lennar.

Forrest Towe, Concord, Anvil Builders, spoke in support of Lennar.

Julia Jameyson, Concord, spoke in favor of the right to organize and the Good Jobs Policy.

Suzanne Delbou, Concord, spoke of her distrust of the Council and Lennar and requested the Council start the process of choosing a master developer over.

Joe Summers, Fairfield, Contra Costa Labor Council, spoke in favor of good jobs, living wage, right to assemble, and negotiating a community benefits agreement.

Dr. Harmesh Kumar, Concord, stated that the master developer selection process had been tainted.

Larry Del Carlo, Concord, spoke in favor of moving forward with the project and in support of Lennar.

Karina Acosta, Concord, spoke in favor of good jobs, affordable housing, parks and open space, and in support of Lennar.

Rich Eber, Concord, spoke in opposition of Lennar.

Susan Guest, Concord, spoke in favor of moving forward with the project and working with Lennar.

Roseanne Nieto, Concord, spoke in favor of moving forward with the project.

Hope Johnson, Concord, spoke in opposition of Lennar.

Suzanne Morgan, Concord, spoke in opposition of Lennar.

Louise McGuire, Concord, spoke in opposition of Lennar and requested that the City Council restart the process of selecting a master developer.

Colleen Cole, Concord, spoke in opposition of Lennar and requested that the City Council restart the process of selecting a master developer.

Casilda Gonzales, Concord, spoke in opposition of Lennar and requested that the City Council restart the process of selecting a master developer.

Paul Poston, Concord, spoke in opposition of Lennar.

Stephanie Medious, Concord, spoke of Lennar's commitment to the community.

Scott Hutchinson, Concord, spoke in favor of moving forward with the process while ensuring affordable housing and living wage jobs.

Turtle Pfeiffer, Concord, spoke in favor of moving forward with the process.

Abram Wilson, San Ramon, spoke in support of Lennar and noted that this project will elevate all of Contra Costa County.

Pablo Benavente, Concord, spoke in favor of prevailing wage, preferential hiring for veterans, and the right to assemble.

Mayor Hoffmeister recessed the meeting at 10:30 p.m.

Mayor Hoffmeister reconvened the meeting at 10:43 p.m.

Jeff Koertzen, Concord, spoke in favor of living wage and affordable housing.

Delores Loague, Concord, spoke in favor of housing for homeless in the project.

Michael Pinesclti, Concord, spoke in favor of affordable housing.

Tim Cody, Concord, Mt. Diablo Unified School District, spoke of concerns with a school in the Sun Terrace neighborhood.

Dennis Costanza, Pittsburg, spoke in support of Lennar.

Margaret Hanlon-Gradie, Martinez, Contra Costa AFL-CIO Labor Council, spoke of jobs, housing and environmental nexus, and in support of Lennar.

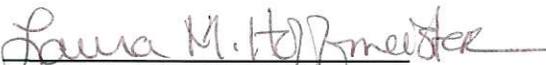
Leslie Gleason, Concord, SHELTER, Inc., spoke of very low income housing for the project.

Matthew Leber, East Bay Housing Organization, spoke of affordable housing, good jobs, and public transit.

Due to the late hour, Mayor Hoffmeister requested a motion to continue the meeting. A motion was made by Helix and seconded by Birsan to continue the meeting to Wednesday, April 13, 2016, at 6:30 p.m. in the City Council Chamber, 1950 Parkside Drive. Motion passed by the following vote of the Council:

AYES: Birsan, Helix, Hoffmeister NOES: None ABSENT: Grayson, Leone

By order of the Mayor, the meeting was adjourned at 11 p.m. to April 13, 2016.


LAURA M. HOFFMEISTER
MAYOR


JOELLE FOCKLER, MMC
CITY CLERK