



TO THE HONORABLE MAYOR AND COUNCIL:

DATE: September 1, 2015

SUBJECT: ADOPT RESOLUTION 15-58 AMENDING THE RULES OF THE PLANNING COMMISSION OF THE CITY OF CONCORD TO CHANGE THE MEETING START TIME TO 6:30 P.M.

Report in Brief

The Planning Commission and City Staff are proposing a change to the start time of Planning Commission meetings from the current 7:00 p.m. to 6:30 p.m., a half hour earlier, to allow for Planning Commission meetings to be completed at an earlier time. This would then be consistent with the City Council meetings starting time of 6:30 p.m. This proposed change would also decrease the overtime hours required for non-management staff that will be present at the Commission meetings.

Staff recommends the City Council adopt Resolution 15-58 (Attachment 1) amending the Rules of the Planning Commission to change the Planning Commission meeting start time to 6:30 p.m.

Background

Concord Municipal Code Section 2.20.370 (Rules of procedure; designation of committees and task forces) provides that the Planning Commission adopt rules of procedure by resolution. However, any such resolution must be approved by the City Council before it becomes effective.

The current Rules of the Planning Commission for the City of Concord are codified in the "Rules of the Planning Commission," effective April 6, 2008. The following section indicates the time the Planning Commission meetings are held.

I. MEETINGS:

- A. The Planning Commission shall schedule meetings as necessary, to be held on the first and third Wednesdays of each month beginning at 7:00 p.m. in the City Council Chambers. Study Sessions shall occur on an as-needed basis.

The Planning Commission and Staff are proposing to simply change the time in the paragraph above from 7:00 p.m. to 6:30 p.m., and, upon City Council approval, issue a revised Information Bulletin, as shown in Exhibit A of Attachment 1.

Discussion

The Planning Commission and Staff are recommending the earlier start time to be consistent with the start time of City Council meetings. This proposed change also would reduce the wait time for applicants and staff who stay to present at or provide support for Planning Commission meetings. Another benefit of an earlier start time would be the reduction of overtime hours for non-management staff. By starting earlier, Planning Commission meetings would end earlier for the commissioners and the public. The Planning Commission adopted a resolution (Attachment 2) approving the change at its meeting of July 15, 2015.

Environmental Review

Administrative activities such as this Amendment are exempt from CEQA per 14 Cal Code Regs. Section 15378. Therefore, no further environmental review is required.

Fiscal Impact

There may be a minor reduction in overtime hours required for non-management staff present at Planning Commission meetings.

Public Contact

Posting of the City Council Agenda.

Recommendation for Action

Approve a Resolution 15-58 amending the Rules of the Planning Commission to change the Planning Commission meeting start time to 6:30 p.m.

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Reviewed by: John Montagh, Acting CED Director
Econ. Development & Housing Manager
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Valerie J. Barone
City Manager

valerie.barone@cityofconcord.org

Attachment 1: City Council Resolution
Attachment 2: Planning Commission Resolution

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Approving an Amendment to the Rules
of the Planning Commission of the City of Concord
Changing the Meeting Start Time to 6:30 p.m.**

Resolution No. 15-58

WHEREAS, pursuant to Section 2.20.370, Rules of Procedure; Designation of Committees and Task Forces, of the City of Concord Municipal Code, the Planning Commission shall adopt rules of procedure and designate committees and task forces by resolution; and

WHEREAS, said resolution shall not be effective until approved by the City Council; and

WHEREAS, on July 15, 2015, the Planning Commission of the City of Concord adopted Planning Commission Resolution No. 15-10 changing the Planning Commission meeting start time to 6:30 p.m.; and

WHEREAS, the City Council at its meeting of September 1, 2015, considered the amendment to the Rules of the Planning Commission and approved said amendment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
RESOLVE AS FOLLOWS:**

Section 1. Resolution No. 15-58 is adopted, thereby approving the Amendment to the Planning Commission Rules of Procedures, incorporated by reference as Exhibit A, changing the meeting start time to 6:30 p.m.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Concord on September 1, 2015, by the following vote:

AYES: Councilmembers –

NOES: Councilmembers -

ABSTAIN: Councilmembers -

ABSENT: Councilmembers –

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1 **I HEREBY CERTIFY** that the foregoing Resolution No. 15-58 was duly and regularly
2 adopted at a regular meeting of the City Council of the City of Concord on September 1, 2015.
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4

5 _____
Joelle Fockler, CMC
City Clerk

6 **APPROVED AS TO FORM:**
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8 _____
Mark S. Coon
City Attorney
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10 Exhibit A: Rules of the Planning Commission
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EXHIBIT A

RULES OF THE PLANNING COMMISSION CITY OF CONCORD, CALIFORNIA

The following rules are adopted for the conduct of all business of the Planning Commission of the City of Concord.

I. MEETINGS:

- A. The Planning Commission shall schedule meetings as necessary, to be held on the first and third Wednesdays of each month beginning at 6:30 p.m. in the City Council Chambers. Study Sessions shall occur on an as-needed basis.
- B. The Chair or a majority of the Planning Commission may call a special meeting at any time.

II. ELECTION OF OFFICERS:

- A. Officers shall consist of a Chair and Vice Chair.
- B. Officers shall be selected from the Commission.
- C. Nomination and election of officers shall normally be held on the first meeting following the annual appointments of Commissioners by the City Council.
- D. In the event the Chair retires, completes his/her term of appointment or is otherwise removed from office, the Vice Chair shall become Chair for the balance of the term of office and a new Vice Chair shall be selected to serve until the next re-organization.

III. QUORUM:

Three (3) Commissioners shall constitute a quorum for all business, except for the election of officers for which four (4) Commissioners shall constitute a quorum.

IV. VOTING:

- A. If only three (3) Commissioners are present, all action must be unanimous on any recommended amendment to the Municipal Code or General Plan; all other action would require the majority vote of the Commission in attendance.
- B. A tie vote results in failure of the motion. A subsequent motion may be entertained.

- C. Voting shall be by voice vote for the entire Commission without roll call. A roll call may be required at the option of the Chair or upon request of any member of the Commission or upon request of the project applicant.
- D. A participating Commissioner who remains silent during the voting shall be counted as voting in the majority.
- E. Motion for reconsideration of an item previously acted upon shall not be permitted.

V. ATTENDANCE

Any Commissioner who is absent from three (3) consecutive meetings of the Commission without being excused will be deemed to have resigned from office. (The City Council may appoint a new Commissioner to serve in the place of such a person.)

VI. CONDUCT OF MEETINGS

- A. All meetings shall be conducted under Roberts Rules of Order, except as modified by these Rules.
- B. All Commissioners shall address persons through the Chair.
- C. Each person wishing to address the Planning Commission is requested to fill out and return to the minute-taker a speaker card containing the speaker's name, address and item on which he/she is interested in addressing the Commission, and the speaker's position on the item to be addressed. The Chair shall use the speaker's cards to determine whether a time limit is necessary for the item to be discussed, to arrange the order of presentation of testimony before the Planning Commission, and to recognize speakers. The Chair may recognize anyone desiring to address the Planning Commission even if a speaker card has not been filled out. After having received permission from the Chair to address the Planning Commission, each person shall come to the microphone and give his/her name for the record before speaking. All remarks shall be addressed to the Planning Commission as a body. No person other than a member of the Planning Commission and the person having the floor shall enter into any discussion without permission of the Chair. Any person following this procedure shall have the right to be heard during the public comment period or at the time the Planning Commission considers any hearing items listed on the agenda.
- D. Members of the Planning Commission must preserve order and decorum and shall not, by conversation or otherwise, delay or interrupt the proceedings or peace of the Planning Commission in any way, or disturb

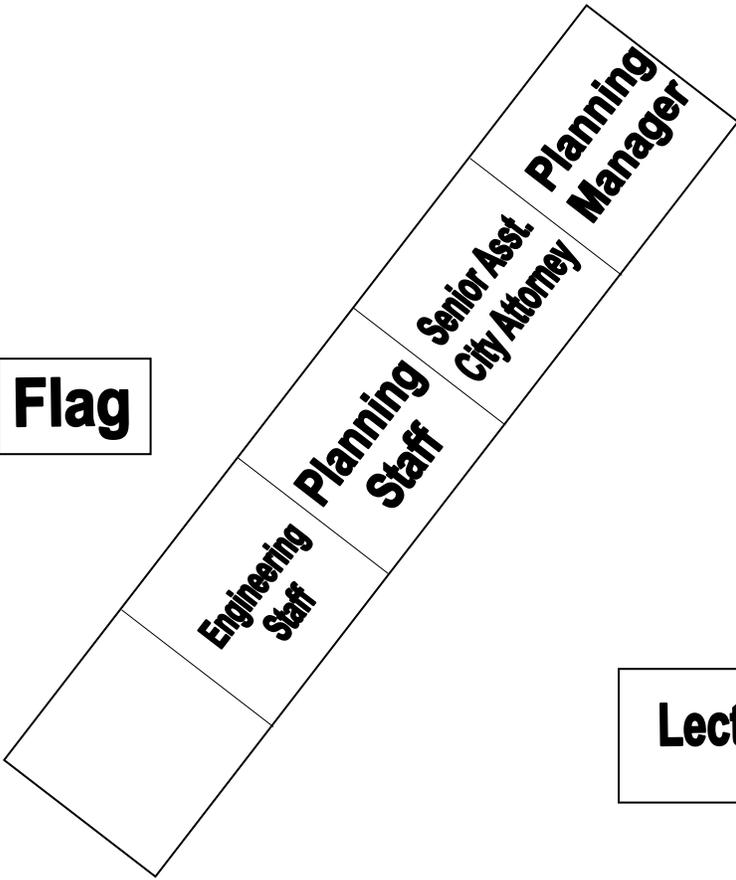
any other member of the Planning Commission while speaking, or refuse to obey the orders of the Planning Commission or the Chair, except as otherwise provided herein.

- E. No person addressing the Planning Commission may make any unduly repetitive, irrelevant, personal, impertinent, slanderous, profane, loud, threatening, or abusive remark to any member of the Planning Commission, City staff, or the general public. No person may bring into the Council Chamber any device, sign or object that may cause disruption of the meeting, or obstruct others attending the meeting from participating in, hearing, or seeing the meeting proceedings. Any person who makes such remarks, or who engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any Planning Commission meeting may, at the discretion of the Chair or the Planning Commission majority, be barred from further comments during that meeting, or subjected to enforcement actions pursuant to Section 4.43 of City of Concord's Policy and Procedure 2.
- F. Persons who wish to speak on hearings listed on the agenda will be heard when the hearing is opened, except on hearing items previously heard and closed to public comment. The project applicant normally shall be the first person to make a presentation when a hearing is opened for public comment. After the public has commented, the item is closed to further public comment and brought to the Planning Commission level for discussion and action. Further comment from the audience will not be received unless requested by the Commission.
- G. At the discretion of the majority vote of the Commissioners, no new items will be heard after 11:00 p.m. New items will be continued with priority to the next regular meeting of the Planning Commission.
- H. A maximum 15-minute public comment period will be provided. The public comment period is not for the discussion of items scheduled for that evening's agenda.
- I. All routine (consent) and continued items will be considered by the Planning Commission at the beginning of the meeting. There will not be separate discussions of these items unless a request is made prior to the time the Commission considers the motions.

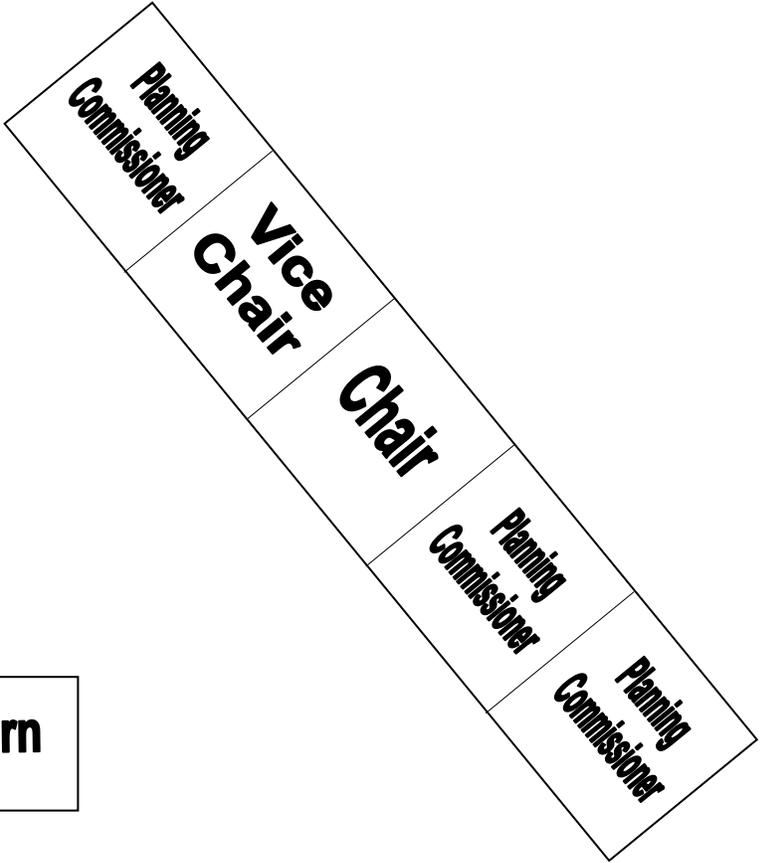
VII. POLICY:

All matters of policy not covered by law may be adopted as a "Resolution of Policy" and when so adopted shall be considered the official policy of the Planning Commission.

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1 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

2 Recitals

3 1. The Planning Commission finds that the above recitals (which are hereby incorporated by
4 reference) are accurate and constitute findings in this matter and, together with the Amendment
5 Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set
6 forth in this Resolution, and further makes the following findings:

7 General

8 2. The Planning Commission has reviewed, considered, and evaluated all of the Amendment
9 Information prior to acting upon Amendment.

10 3. The documents and other materials that constitute the record of proceedings upon which the
11 Planning Commission has based its recommendation are located in and may be obtained from the City
12 of Concord Planning Division, 1950 Parkside Drive, Concord, CA 94519.

13 CEQA

14 4. Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000,
15 et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California
16 Code of Regulations (collectively, “CEQA”), the Amendment does not constitute a “project” within
17 the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2),
18 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the
19 environment, or a reasonably foreseeable indirect physical change in the environment. Even if the
20 Amendment did constitute a project under CEQA, the Amendment falls within the “common sense”
21 exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where “it can be
22 seen with certainty that there is no possibility that the activity in question may have a significant effect
23 on the environment...”. Further, administrative activities are exempt from CEQA per 14 Cal Code
24 Regs. Section 15378.

25 Amendment

26 5. Based on the Amendment Information, and all oral and written testimony submitted on this
27 item, the Planning Commission makes the findings set forth below with respect to the Amendment:
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- 1 a. The findings above are hereby incorporated by reference.
- 2 b. The proposed Amendment is consistent with the policies in the General Plan and any
- 3 applicable Specific Plan.
- 4 c. The proposed Amendment would not be detrimental to the public interest, health,
- 5 safety, convenience, or welfare of the City.

6 6. The Planning Commission does hereby approve Planning Commission Resolution PC 15-10
 7 and adopt the Amendment, consistent with the revisions in Attachment A hereto, and does hereby
 8 recommend that the City Council adopt a Resolution approving this Planning Commission Resolution
 9 PC 15-10 and this Amendment, consistent with the revisions in Attachment A hereto.

10 Effective Date

11 This resolution shall become effective immediately upon its passage and adoption.

13 **PASSED AND ADOPTED** this 15th day of July, 2015 by the following vote:

- 14 **AYES:** Commissioners Avila, Laub, Hoag, Obringer
- 15 **NOES:** None
- 16 **ABSTAIN:** None
- 17 **ABSENT:** None

18 
 19 Laura Simpson
 20 Secretary to the Planning Commission

21 Attachment:
 22 A – Amendment.

ATTACHMENT A

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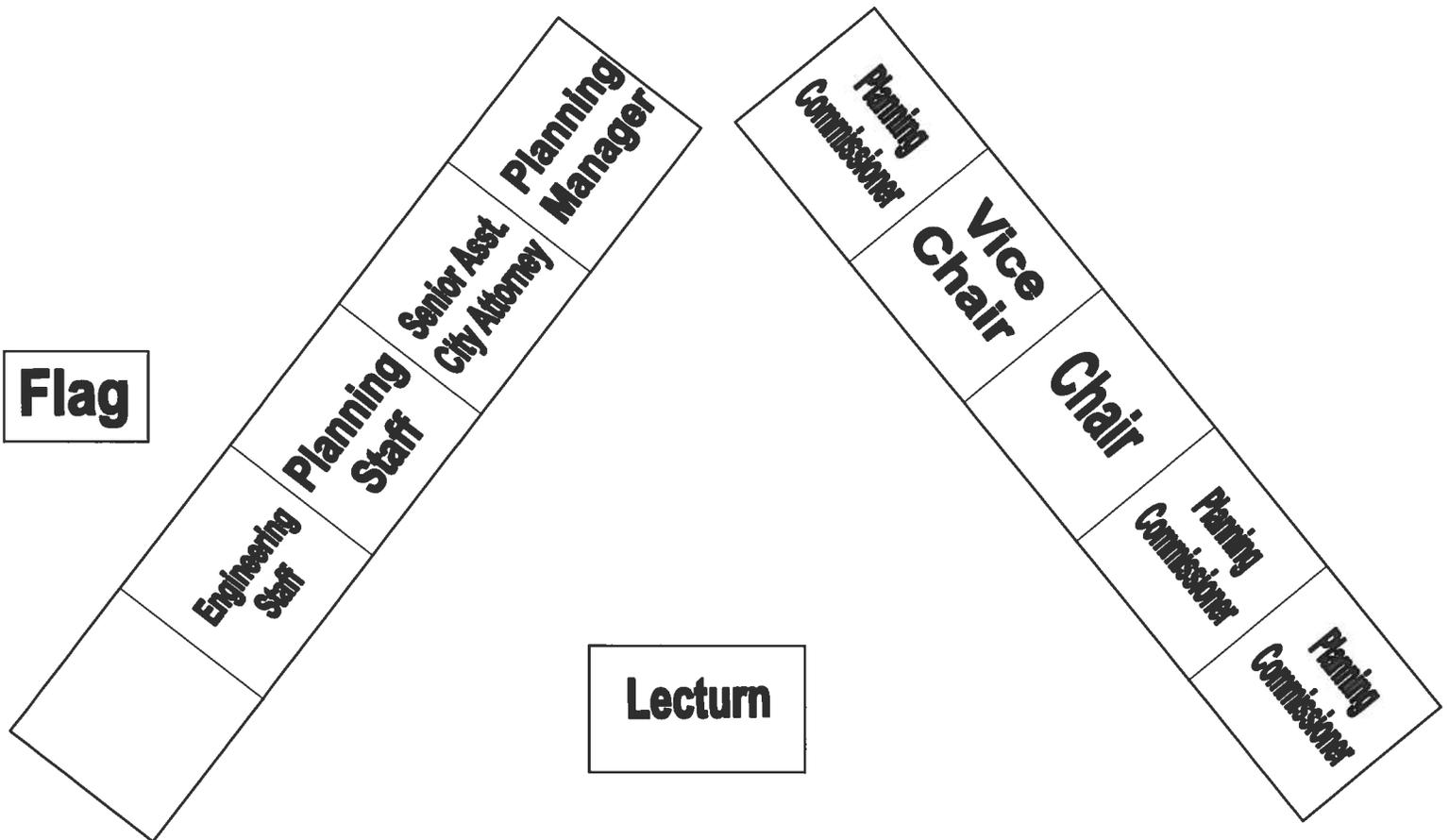
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