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REGULAR MEETING OF THE
CONCORD CITY COUNCIL
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, JANUARY 12, 2016

The Concord City Council met in a regular meeting in the City Council Conference Room located in Wing A at 1950 Parkside Drive at 5:30 p.m. on Tuesday, January 12, 2016, with Mayor Hoffmeister presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session to a) confer with labor negotiators pursuant to Government Code Section 54957.6. City Negotiators: Valerie Barone, City Manager; Kay Winer, Interim Director of Human Resources - Negotiations; Charles Sakai, Esq. and Don Turko of Renne, Sloan, Holtzman & Sakai. 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 Units: Executive, Management & Confidential Employees; and b) confer with Legal Counsel – Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: (*Samuel Bogut v. City of Concord, et al*, United States District Court Case No. 15-CV-04572.)

The meeting recessed at 6:50 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 6:55 p.m. on Tuesday, January 12, 2016, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Councilmember Grayson. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Tim Grayson, Dan Helix, Ron Leone, Laura Hoffmeister

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 Swanger, Chief of Police; Steve Voorhies, Director of Parks and Recreation; Victoria Walker, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Karan Reid, Director of Finance; Guy Bjerke, Director of Community Reuse Planning; Laura Simpson, Planning Manager; Robert Ovadia, City Engineer; Kevin Marstall, Senior Civil Engineer; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Howard Herrold, Concord; Lynn Noon, Concord Library; Diane Sprouse, Concord; Nancy Pratt, Concord; Audrey Albrecht, Concord; Sheila Hill, Concord; Carol Week, Walnut Creek; George Fulmore, Concord; Paul Poston, Concord

PUBLIC COMMENT PERIOD

Howard Herrold, Concord, spoke of problems with the height of limbs of a fruitless mulberry tree growing in his neighbor’s yard on Hope Avenue.

Lynn Noon, Concord Library, invited the Council and the public to attend a Quinceanera Celebration at the Concord Library scheduled for Saturday, January 23, 2016, at 2 p.m.

PRESENTATIONS

CALIFORNIA ASSOCIATION OF CODE ENFORCEMENT OFFICERS (CACEO) OFFICER OF THE YEAR – City of Concord Employee Curt Michael

Darrell Revier, Region 2 Representative, California Association of Code Enforcement Officers (CACEO), presented City of Concord employee Curt Michael with the 2015 CACEO Officer of the Year Award.

UPDATE ON THE CONCORD PAVILION

Concord Pavilion General Manager Aaron Hawkins provided an update on the 2015 concert season.

PROPOSED COUNTY-WIDE COMMUNITY CHOICE AGGREGATION PROGRAM

Jason Crapo, Contra Costa County, presented a proposed County-wide Community Choice Aggregation Program.

ANNOUNCEMENTS – None

CITY COUNCIL
MATTERS

RESOLUTION NO. 16 -7 AUTHORIZING CONTRA COSTA COUNTY TO COLLECT ELECTRICAL USAGE DATA ON BEHALF OF THE CITY OF CONCORD – Community Choice Aggregation Technical Study

Planning Manager Laura Simpson presented a report, referring to the staff report dated January 12, 2016, and outlining Community Choice Aggregation (CCA), which is a local energy model that allows cities to pool the electricity load of their residents and businesses with the goal of offering consumer choice, local control, and cleaner energy. Ms. Simpson explained that two initial steps in the research process include the County collecting electrical demand data for each city and the unincorporated areas from the current electrical supplier, Pacific Gas & Electric (PG&E), and for the County to perform a study to analyze electrical demand and estimate electrical rates that might be charged under CCA. She noted that the City must provide authorization in order for the County to collect demand data for Concord from PG&E, and that Contra Costa County is requesting that interested cities indicate their willingness to contribute funds to support the cost of the study. Planning Manager Simpson reported that the proposed Resolution, Resolution No. 16-7, would allow the County to collect electrical data usage for Concord and authorize the City Manager to approve an expenditure of up to \$25,000 toward the technical study.

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

Diane Sprouse, Concord, spoke in favor of the City participating in the Community Choice Aggregation Technical Study.

Nancy Pratt, Concord, spoke in favor of the City participating in the Community Choice Aggregation Technical Study.

Audrey Albrecht, Concord, spoke in favor of the City participating in the Community Choice Aggregation Technical Study.

Sheila Hill, Concord, spoke in favor of the City participating in the Community Choice Aggregation Technical Study.

Carol Week, Walnut Creek, speaking for Contra Costa Clean Energy Alliance, spoke in favor of the City participating in the Community Choice Aggregation Technical Study.

Mayor Hoffmeister closed the public comment period.

Following comments by the Council, a motion was made by Helix and seconded by Birsan to adopt Resolution No. 16-7 entitled, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO AUTHORIZE THE COUNTY TO COLLECT ELECTRICAL USAGE DATA ON BEHALF OF THE CITY AND TO CONTRIBUTE CITY FUNDING FOR A COMMUNITY CHOICE AGGREGATION TECHNICAL STUDY BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA." Motion passed by unanimous vote of the Council.

MATTER TO BE SET FOR PUBLIC HEARING

Motion was made by Leone and seconded by Birsan to set Tuesday, February 2, 2016, at 6:30 p.m. (or as soon thereafter as the matter can be heard) in the Council Chamber to consider an ordinance to rezone a parcel from RS-7 (Single Family Residential, 7,000 sq. ft. minimum lot size) to RL (Residential, Low Density) for a Tentative Subdivision Map, Design Review, Minor Exception, and Tree Removal for eight single-family homes at 1890 Risdon Road, APN 147-350-003.

Pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, an Initial Study was completed and a Mitigated Negative Declaration (MND) was prepared and distributed for public review. The 20-day comment period began October 6, 2015, and ended October 26, 2015, pursuant to the requirements of CEQA. The draft MND determined that, although the proposed project could have potentially significant impacts for Biological and Cultural Resources and Geology and Soils, mitigation measures incorporated as part of the project's design or as conditions of approval would reduce the potential impacts to less-than-significant levels. A Mitigation Monitoring and Reporting Program (MMRP) was also prepared to ensure compliance with the mitigation measures identified in the MND. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 16-5 – Accepting Public Improvements for Tract 9162, Copperleaf Subdivision

Motion was made by Leone and seconded by Birsan to adopt Resolution No. 16-5 entitled, "A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 9162, COPPERLEAF SUBDIVISION," and releasing the obligation of the bonds posted with the Subdivision Agreement. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 16-4 – Application for Transportation Development Act (TDA) Grant Funds to Support a Bicycle and Pedestrian Safety Program

This item was pulled from the Consent Calendar by Councilmember Birsan.

Motion was made by Birsan and seconded by Leone to adopt Resolution No. 16-4 entitled, "A RESOLUTION APPROVING THE REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION BY THE CITY OF CONCORD FOR AN ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN AND BICYCLE PROJECT FUNDING FOR FISCAL YEAR 2015-16." Motion passed by unanimous vote of the Council.

ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDING JUNE 30, 2015

Financial Operations Manager Suzanne McDonald presented a report, referring to the staff report dated January 12, 2016, and noting that the Comprehensive Annual Financial Report (CAFR) with the independent auditors' report for the year ending June 30, 2015 and the Required Communications Letter have been completed and that the auditors expressed an opinion that the City's financial statements for Fiscal Year 2014-2015 are fairly stated in conformity with accounting principles generally accepted in the United States with the most favorable conclusion, commonly known as an "unqualified" or "clean" opinion. She requested that the City Council accept the report as presented.

Following questions from the Council, Mayor Hoffmeister opened a public comment period, and upon receiving no comments, closed the public comment period.

Motion was made by Grayson and seconded by Leone to accept the Comprehensive Annual Financial Report with Independent Auditors' Report for the fiscal year ending June 30, 2015 along with the Required Communications Letter for fiscal year ending June 30, 2015. Motion passed by unanimous vote of the Council.

APPOINT OR PUBLISH FORMAL RECRUITMENT – City of Concord Planning Commission

City Clerk Joelle Fockler presented a report, referring to the staff report dated January 12, 2016, and reporting an unscheduled vacancy on the City of Concord Planning Commission due to the resignation of Planning Commissioner Robert Hoag. City Clerk Fockler explained that the City Council had the option of filling the vacancy by commencing a formal recruitment or by appointing from a pre-existing list of applicants, and noted that regardless of the approach decided upon by Council for filling the unscheduled vacancy, the Council could elect to consider all existing applications for the position, whether from the existing list or those received since the Notice of Unscheduled Vacancy was posted on December 22, 2015. She requested direction on the desired approach to fill the unscheduled vacancy and noted that if Council desired to fill the position from the existing list, including applications received since December 22, 2015, ballots were available to Council for voting at the meeting.

City Clerk Fockler also noted that if Council desired to open a recruitment to fill the unscheduled vacancy on the Planning Commission, staff recommended the Council set Friday, February 12, 2016, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

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

Following discussion by the Council, a motion was made by Birsan and seconded by Grayson to fill the unscheduled vacancy on the City of Concord Planning Commission by ballot vote. The motion carried by the following vote of the Council:

AYES: Birsan, Grayson, Helix, Leone

NOES: Hoffmeister

ABSTAIN: None

Following Councilmembers ballot vote, a motion was made by Grayson and seconded by Birsan to appoint LaMar Anderson to the City of Concord Planning Commission for a term ending February 28, 2017. Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Flyers about the Quinceanera Celebration at the Concord Library.
- b. Concord Pavilion 2015 Recap.
- c. Community Choice Energy (CCE) in Contra Costa County PowerPoint.
- d. Community Choice Aggregation PowerPoint.
- e. Speaking notes submitted by Concord resident Audrey Albrecht.

PUBLIC COMMENTS ON PRESENTATION ITEMS

George Fulmore, Concord, commented on the Concord Pavilion presentation and noted that he would like to see jazz concerts at the Pavilion, ticket prices are too high, and requested an audit of Pavilion records by the City.

Paul Poston, Concord, commended Code Enforcement Officer of the Year Curt Michael on receiving a well-deserved award.

CLOSED SESSION REPORTS – None

COUNCIL AND STAFF 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 9:10 p.m.

LAURA M. HOFFMEISTER
MAYOR

JOELLE FOCKLER, CMC
CITY CLERK