

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, MARCH 22, 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, March 22, 2016, with Mayor Hoffmeister presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session to a) confer with legal counsel – existing litigation (paragraph (1) of subdivision (d) of Section 54956.9) Name of case: (Genessis Figueroa v. Mario Barajas, et. al., Contra Costa County Superior Court Case No. 13-01035) and b) 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.

The meeting recessed at 7:25 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, March 22, 2016, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Vice Mayor Leone. 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; Victoria Walker, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Steve Voorhies, Director of Parks and Recreation; Robert Ovadia, City Engineer; Laura Simpson, Planning Manager; Joan Ryan, Senior Planner; Bob Hardie, Facilities Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Wesley Brinkman, Concord; John Gregg, Concord; Sonnie Tandberg, Concord; George Fulmore, Concord; Dr. Harmesh Kumar, Concord; Joe Partansky, Concord; Alan Fong, Concord; Ron Turner, Assemblymember Bonilla's Office

#### PUBLIC COMMENT PERIOD

Wesley Brinkman, Church of Jesus Christ of Latter-day Saints, invited Council to attend an event entitled "Feeding Children Everywhere" on April 30, 2016, at the 1590 Dekinger Road site, to put together meals for children to be given to the Contra Costa Food Bank.

John Gregg and Sonnie Tandberg, Convoy of Hope Concord, spoke of a community event scheduled at Meadow Homes Park on April 23, 2016, where there will be groceries, hot lunch, shoes, health services, kids zone, nutrition education, family portraits, community services, veterans services, haircuts, and breast health services available to the community.

George Fulmore, Concord, spoke of rent increases in Concord.

Dr. Harmesh Kumar, Concord, spoke of the importance of preventive mental health care.

Joe Partansky, Concord, spoke of an orientation on mental health services at the Family Justice Center every other Wednesday at 7 p.m.

Alan Fong, Concord, requested something be done to stop kids from hanging out behind the Dana Plaza Shopping Center behind a concrete wall meant to hold garbage containers.

PRESENTATIONS

Mayor Hoffmeister presented a proclamation to Joe Surges declaring March 22, 2016, as Joseph Surges Day in the City of Concord.

Ron Turner, representing Assemblymember Bonilla, presented Mr. Surges with a proclamation from Assemblymember Bonilla.

ANNOUNCEMENTS

Mayor Hoffmeister announced a recruitment to fill five positions on the Commission on Aging, one to fill an unscheduled vacancy with a term ending June 30, 2017, one additional position with a term ending June 30, 2017, and three positions with terms ending June 30, 2019, and set Friday April 22, 2016, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

Mayor Hoffmeister announced a recruitment to fill one position on the Concord Pleasant Hill Health Care District Grant Committee to serve a one-year term ending June 30, 2017; and set Friday, April 22, 2016 at 5 p.m. as the deadline for receipt of applications by the City Clerk.

CITY COUNCIL  
MATTERS

ADOPT ORDINANCE 16-1

Motion was made by Helix and seconded by Grayson to adopt Ordinance No. 16-1 Entitled, "AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE, CHAPTER 18.170 (WATER EFFICIENT LANDSCAPING.)" Motion passed by unanimous vote of the Council.

ADOPT ORDINANCE 16-425.1

Motion was made by Helix and seconded by Grayson to adopt Ordinance No. 16-425.1 Entitled, "AN ORDINANCE AMENDING THE ZONING MAP AS FOLLOWS: AUTUMN BROOK RESIDENTIAL SUBDIVISION REZONING (PL140280-RZ) OF PARCEL 147-350-003 FROM RS-7 (SINGLE FAMILY RESIDENTIAL; 7,000 SQUARE FOOT MINIMUM LOT SIZE) TO RL (RESIDENTIAL LOW DENSITY.)" Motion passed by unanimous vote of the Council.

APPROVE CONTRACT WITH ALH URBAN & REGIONAL ECONOMICS IN THE AMOUNT OF \$47,000 – Veranda Shopping Center

Motion was made by Helix and seconded by Grayson to approve a contract in an amount up to \$47,000 for ALH Urban & Regional Economics to prepare an Economic Impact Analysis for the proposed Veranda Shopping Center located at 2001-2003 Diamond Boulevard. Motion passed by unanimous vote of the Council.

ACCEPT IMPROVEMENTS – Project No. 2329, FY 14-15 Pavement Maintenance Project

Motion was made by Helix and seconded by Grayson to accept Improvements for FY14-15 Pavement Maintenance Project, Project No. 2329, constructed by Intermountain Slurry Seal, Inc. accepted; City Clerk directed to file a Notice of Completion; and Professional Services Agreement Amendment with Swinerton Management and Consulting in the amount of \$3,400 for construction management services approved. Motion passed by unanimous vote of the Council.

ADOPT RESOLUTION NO. 16-17 – Tesoro Foundation Grant

Motion was made by Helix and seconded by Grayson to adopt Resolution No. 16-17 and accept and appropriate funds for a grant in the amount of \$10,000 received by the Concord Police Department from the Tesoro Foundation to be used for CERT training. Motion passed by unanimous vote of the Council.

ADOPT RESOLUTION 16-1 – National Pollutant Discharge Elimination System Program

Motion was made by Helix and seconded by Grayson to adopt Resolution No. 16-1 and authorize the Contra Costa County Flood Control & Water Conservation District to maintain the already established annual parcel assessment of \$35 per single family residence a year for Fiscal Year 2016-17 for drainage maintenance and implementation of the National Pollutant Discharge Elimination System Program. Motion passed by unanimous vote of the Council.

AWARD CONTRACT TO MATRIXHG INC IN THE AMOUNT OF \$80,000 – Police Department hot water tank and boilers

Motion was made by Helix and seconded by Grayson to award a contract to MatrixHG, Inc. in the amount of \$80,000 for emergency replacement of the hot water tank and boilers at the City of Concord Police Department. Motion passed by unanimous vote of the Council.

CONFIRM APPOINTMENT TO THE CONTRA COSTA COUNTY ADVISORY COUNCIL ON AGING

This item was pulled from the Consent Calendar by resident Joe Partansky. Mr. Partansky felt appointees should be introduced at the meeting.

Motion was made by Grayson and second by Birsan to appoint City of Concord Commission on Aging member Cathy McCaughey to serve on the Contra Costa County Advisory Council on Aging and direct the City Clerk to pass the information to the County Board of Supervisors for further action. Motion passed by unanimous vote of the Council.

CONFIRMATION TO THE CONTRA COSTA COUNTY AVIATION ADVISORY COMMITTEE

This item was pulled from the Consent Calendar by resident Joe Partansky. Mr. Partansky felt appointees should be introduced at the meeting.

Motion was made by Grayson and seconded by Birsan to reappoint Keith McMahon to continue to serve as the City of Concord's representative on the Contra Costa County Aviation Advisory Committee for a two-year term ending March 1, 2018.

ADOPT RESOLUTION NO. 16-19 – All-Hazards Emergency Operations Plan

This item was pulled from the Consent Calendar by resident Joe Partansky. Mr. Partansky asked that brief highlights of the plan be presented.

Margaret Romitti, Program Manager, Police Department, presented highlights from the updated All-Hazards Emergency Operations Plan. Councilmembers asked questions and shared their thoughts regarding the plan and opportunity was given for public comment.

Motion was made by Leone and seconded by Grayson to adopt the All-Hazards Emergency Operations Plan and Resolution No. 16-19.

ADOPT RESOLUTION NO. 16-6 – Beverage Container Recycling

This item was pulled from the agenda and will be added to a future meeting.

APPOINTMENT OF APPLICANT TO SERVE ON THE MEASURE Q OVERSIGHT COMMITTEE

Report made by Joelle Fockler, City Clerk and opportunity for public comment was given.

Motion was made by Hoffmeister and seconded by Leone to appoint Brandy Leidgen to the Measure Q Oversight Committee for a term ending December 31, 2017.

INTRODUCE ORDINANCE NO. 16-2 AND ADOPT RESOLUTION NO. 16-3 – Secondary Living Units

Senior Planner, Joan Ryan, presented a report referring to the staff report date March 22, 2016, reported that staff requested the Council introduce Ordinance No. 16-2 to remove barriers to the construction of small secondary living units, adopt Resolution No. 16-3, and adopt revisions to the Master Fees and Charges Schedule. Ms. Ryan noted secondary units were addressed City's Housing Element Plan and this was a tool staff believes will encourage more affordable housing.

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

Motion was made by Grayson and seconded by Birsan, introducing Ordinance No. 16-2 entitled "TEXT AMENDMENT TO THE DEVELOPMENT CODE (PL16024-DC), SECTION 18.200.180, SECONDARY LIVING UNITS, TO ESTABLISH A TWO-YEAR PILOT PROGRAM TO REMOVE BARRIERS TO THE CONSTRUCTION OF SMALL SECONDARY LIVING UNITS" by title only and waiving further reading; adopting Resolution No. 16-3 entitled " A RESOLUTION ADOPTING A DEVELOPMENT CODE AMENDMENT (PL16024-DC) TO SECTION 18.200.180 TO ESTABLISH A TWO-YEAR PILOT PROGRAM TO REMOVE BARRIERS TO THE CONSTRUCTION OF SMALL SECONDARY LIVING UNITS, ADOPT REVISIONS TO THE MASTER FEE SCHEDULE; AND DIRECT STAFF TO DEVELOP AND IMPLEMENT A MARKETING AND/OR PUBLICITY CAMPAIGN FOR THE SECONDARY UNIT PILOT PROGRAM." Motion carried by unanimous vote of the Council.

CORRESPONDENCE

- a. Convoy of Hope Concord Flyer
- b. Emergency Preparedness efforts for People with Disabilities, Elderly & Children Flyer
- c. Two-Year Pilot Program for Secondary Living Units PowerPoint Presentation
- d. Benched Item No. 12.a – Secondary Living Units

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 9:25 p.m.

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LAURA M. HOFFMEISTER  
MAYOR

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JOELLE FOCKLER, MMC  
CITY CLERK

SPECIAL MEETING OF THE  
CONCORD CITY COUNCIL SITTING  
AS THE LOCAL REUSE AUTHORITY  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
MONDAY, MARCH 28, 2016

The Concord City Council sitting as the Local Reuse Authority met in a special meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Monday, March 28, 2016, with Mayor Hoffmeister presiding. Councilmember Grayson and Vice Mayor Leone recused themselves from Agenda Item No. 3.a and were not in attendance. The pledge of allegiance was led by Councilmember Birsan. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

AUTHORITY MEMBERS PRESENT: Edi Birsan, Dan Helix, Laura Hoffmeister

AUTHORITY MEMBERS 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 Community Reuse Planning; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC

WHO ADDRESSED THE AUTHORITY: George Fulmore, Concord; Tim Lynch, Walnut Creek; Dennis Costanza, Pittsburg; Greg Sanborn, Concord; Phyllis Gordon, Pittsburg; Louise McGuire, Concord; Dr. Harmesh Kuman, Concord; Ralph Oliver, Concord; Hope Johnson, Concord; Paul Poston, Concord; Rich Eber, Concord

PUBLIC COMMENT PERIOD

George Fulmore, Concord, spoke of rent control.

LOCAL REUSE AUTHORITY  
MATTERS

CONSIDERATION OF THE REJECTION OF REQUEST FOR CHANGES TO AGREEMENT TO NEGOTIATE – Catellus Development Corporation

Guy Bjerke, Director of Community Reuse Planning, presented a report, referring to the staff report dated March 28, 2016, and outlining a request by Catellus Development Corporation for changes in its Agreement to Negotiate and Term Sheet, refund of Catellus' Initial Good Faith Deposit of \$250,000 in exchange for Catellus' voluntary withdrawal from the Master Developer selection process, and waiver and release of any and all claims it may have against the City.

Mr. Bjerke reported that staff recommended the LRA reject Catellus' request for changes to its Agreement to Negotiate and Term Sheet and authorize the refunding of Catellus' Initial Good Faith Deposit of \$250,000 in exchange for Catellus' voluntary withdrawal from the Master Developer selection process and wavier and release of any and all claims it may have against the City, subject to a mutually agreeable settlement agreement, and authorize the City Manager to execute a settlement agreement on behalf of the LRA and City.

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

Tim Lynch, Walnut Creek, spoke in favor of Catellus' withdrawal from the Master Developer selection process.

Dennis Costanza, Pittsburg, spoke in favor of staff's recommendation to reject Catellus' request to change its Agreement to Negotiate and Term Sheet, refund Catellus' initial good faith deposit in exchange for Catellus' voluntary withdrawal from the Master Developer selection process, and release them of any and all claims they may have against the City.

Greg Sanborn, Concord, spoke in favor of granting Catellus' request to change its Agreement to Negotiate and Term Sheet.

Phyllis Gordon, Pittsburg, spoke in favor of staff's recommendation to reject Catellus' request to change its Agreement to Negotiate and Term Sheet.

Louise McGuire, Concord, spoke of having a second option if Catellus removed itself and suggested having SunCal back in the running.

Dr. Harmesh Kumar, Concord, spoke of the need to be thorough and not to rush to judgment at this time.

Ralph Oliver, Concord, spoke in favor of granting Catellus' request to change its Agreement to Negotiate and Term Sheet.

Hope Johnson, Concord, spoke against staff's recommendation and suggested the City work with Cattellus.

Paul Poston, Concord, spoke in support of Cattellus' Term Sheet and allowing both developers to make changes to their term sheets.

Richard Eber, Concord, spoke in support of doing everything possible to keep Cattellus in the process.

Mayor Hoffmeister closed the public comment period.

Following questions and comments by the City Council, a motion was made by Birsan and seconded by Hoffmeister to direct staff to complete the refund of fees and withdrawal of Cattellus as per their letter

AYES: Birsan, Hoffmeister

NOES: Helix

ABSENT: Grayson, Leone

CORRESPONDENCE

- a. Email received from Concord resident Tim Carr
- b. Article entitled, "Catellus has had Enough and Appears to want out from Concord Naval Weapons Station Project, written by Richard Eber

By order of the Mayor, the meeting was adjourned at 8:53 p.m.

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LAURA M. HOFFMEISTER  
MAYOR

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JOELLE FOCKLER, MMC  
CITY CLERK