

REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE LOCAL
REUSE AUTHORITY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, JANUARY 2, 2018

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Tuesday, January 2, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Councilmember Hoffmeister. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Laura Hoffmeister, Ron Leone, Tim McGallian, Carlyn Obringer, Edi Birsan

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Kathleen Tropa, Assistant City Manager; Patti Barsotti, City Treasurer; Joelle Fockler, City Clerk; Justin Ezell, Director of Public Works; Karan Reid, Director of Finance; Andrea Ouse, Director of Community and Economic Development; Michael Cass, Principal Planner; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: George Fulmore, Concord; Dan Torres, Sprinkler Fitters Local 483; Hope Johnson, Concord; Harmesh Kumar, Concord; Natalie; Greg Colley, Concord; Micah Pearce, Concord; Kenji Yamada, Concord; Suzan Requa, League of Women Voters; Rich Eber, Concord; Debra Bernstein, Concord; Nicole Zapata, East Bay Alliance for a Sustainable Economy; Melissa Ferrer, Concord; Jeff Koertzen, Concord; Ajit Kaushal, Concord; Robin Kuslits, Concord

PUBLIC COMMENT PERIOD

George Fulmore, Concord, spoke about the 2017 success stories and 2018 goals of the Monument Democratic Club, saluted the renters in the Monument that have survived increases, and saluted the landlords that have not increased rents.

Dan Torres, Sprinkler Fitters Local 483, announced that their apprenticeship program is open, and the test will be given in June. Applications can be turned in at: 2525 Barrington Court, Hayward, and for more information go to www.sprinklerfitters483.org, call (510) 785-8483 or email dan@sprinklerfitters483.org.

Hope Johnson, Concord, asked about the summary vacation of excess public right-of-way located at 2159 Kirker Pass Road that was approved on the December 12 Council Consent Calendar and felt that the City could not know for sure it will not need the land until more of the Concord Naval Weapons Station plans are done and felt the land bordered the East Bay Regional Park District and could be used.

Harmesh Kumar, Concord, spoke about loopholes with H1B visas.

Natalie, spoke of 18 Winter Spare the Air Days and the importance of clean air and climate change, and suggested implementation of a gradual ban on gas powered cars.

PRESENTATIONS

DANIEL C. HELIX AWARD OF EXCELLENCE – Ron Nelson

Mayor Birsan introduced Justin Ezell, Director of Public Works, who presented Ron Nelson, Tree Lead Worker, the Daniel C. Helix Award of Excellence.

CALIFORNIA YOUTH ENERGY SERVICES PROGRAM – Certificates of Recognition

Michael Cass, Principal Planner, introduced local youth that participated in the California Youth Energy Services Program, and Mayor Birsan presented them with Certificates of Recognition.

ANNOUNCEMENTS – none.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – September 26, October 3, and October 10, 2017

Motion was made by Hoffmeister and seconded by Obringer to adopt the minutes from the meetings of September 26, October 3, and October 10, 2017. Motion passed by unanimous vote of the Council.

LICENSE AGREEMENT WITH MARBLE ROBOTICS – Temporary Storage of up to Four Robots

Motion was made by Hoffmeister and seconded by Obringer to approve a license agreement between the City and Marble Robotics to allow temporary storage of up to four robots within the parking structure located at 2255 Salvio Street at an initial 12-month term for \$25 per month plus reimbursement of electrical costs; and authorize the City Manager to execute the agreement in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 18-3 – Policy and Procedure No. 177, Debt Management Policy for Public Debt Issuances

This item was pulled from the Consent Calendar by Concord resident Hope Johnson, who requested that if debt was issued for the Naval Weapons Station under \$50,000 it be considered by the Council for approval.

City Manager Barone responded that this was not an area of concern and there was no feasible debt the City could attempt to issue under \$50,000 because the fees associated would make it too expensive.

Motion was made by McGallian and seconded by Obringer to adopt Resolution No. 18-3 entitled, "A Resolution Approving a Debt Management Policy for Public Debt Issuances." Motion passed by unanimous vote of the Council.

LOCAL RESUE AUTHORITY CONSIDERATION ITEMASSIGNMENT OF A COUNCIL STANDING OR AD HOC COMMITTEE TO PARTICIPATE IN THE DEVELOPMENT OF A REQUEST FOR PROPOSALS FOR THE CAMPUS DISTRICT CONSULTANT

Kathleen Salguero Trepá, Assistant City Manager, presented a report, explaining that at the November 28, 2017, meeting the Council approved a work plan to retain a consultant and establish a Blue Ribbon Committee of regional stakeholders to evaluate options for the campus district. In addition, at that meeting, staff requested Council to identify a committee to review a proposed Request for Proposal. Ms. Trepá noted staff was requesting Council direction on what standing committee would be assigned to the task or if an ad hoc committee should be formed.

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

There was a consensus of the Council to assign this task to an ad hoc committee.

Mayor Birsan appointed Vice Mayor Obringer and Councilmember Leone to an ad hoc committee with the following tasks and set a term for the ad hoc committee of nine months:

1. Review the staff drafted RFP prior to its release.
2. Review received proposals to provide a recommendation to the full Council on an expert consultant to work with the Blue Ribbon Committee and staff. Council will make the final selection of which consultant to work with on this project.
3. Review staff's recommendations for membership in the Blue Ribbon Committee (by type of member, not specific person) and the draft work program for the Committee. Both will go before the Council for consideration and decision.

CITY COUNCIL CONSIDERATION ITEMADOPTION OF RESOLUTION NO. 18-7 – Intent to Transition from At-Large to District-Based Councilmember Elections

Susanne Brown, City Attorney, presented the staff report, explaining that the City received demand letters asserting that Concord's at-large electoral system violates the California Voting Rights Act (CVRA) because it dilutes the ability of Latinos, a protected class, to elect candidates of their choice or otherwise influence the outcome of Concord's council elections. Ms. Brown noted the Resolution of Intent proposes the City move forward with district elections in 2020, reasons being that it is a Presidential election and the Latino voter turnout would potentially be higher, and the County has indicated they may not be ready to assist the City with a district based election in 2018, which would require the City to conduct the election on its own.

Following questions from the Council, Mayor Birsan opened a public comment period.

Greg Colley, Concord Community Alliance, spoke in favor of the resolution of intent and in favor of implementation in 2018.

Micah Pearce, Concord, spoke in favor of the resolution of intent and in favor of implementation in 2018.

Kenji Yamada, Concord, spoke in favor of the resolution of intent and in favor of implementation in 2018.

Suzan Requa, League of Women Voters, spoke in favor of the resolution of intent and in favor of implementation in 2020.

Hope Johnson, Concord, spoke in favor of the resolution of intent and in favor of implementation in 2018.

Rich Eber, Concord, spoke of putting the issue to the voters via a ballot initiative.

Debra Bernstein, Concord, spoke in favor of the resolution of intent and in favor of implementation in 2018.

Nicole Zapata, East Bay Alliance for a Sustainable Economy, Walnut Creek, spoke in support of district elections.

Melissa Ferrer, Concord, spoke in support of district elections in 2018.

Jeff Koertzen, Concord, spoke in support of Resolution No. 18-7 and implementation in 2018.

Harmesh Kumar, Concord, spoke of local representation and districts, and in support of district elections and implementation in 2018.

Ajit Kaushal, Concord, spoke in support of district elections with seven Councilmembers, two year terms, and a limit of two terms.

George Fulmore, Concord, clarified his understanding that not all five districts would be on the ballot at one time.

Robin Kuslits, Concord, spoke in favor of district elections and in favor of implementing in 2018. He felt that the Council should send a letter to the Registrar of Voters demanding that the County hold the district election in 2018.

Anonymous, spoke of concerns with the districts changing after the 2020 census, the possibility of gerrymandering, in favor of a two consecutive term limit, increasing the Council to seven members, and in favor a directly elected mayor and vice mayor.

Mayor Birsan closed the public comment period.

Councilmember Leone spoke of the difficulty in making this decision and that he makes decisions based on what is best for the entire City. He stated that he is of Mexican descent. He noted his concern of people being provincial and only caring about their district, and, although he is not a big fan of districts, due to the costs to the City, he was leaning toward supporting the resolution. He remarked that due to his concern over people being provincial, he may support a directly elected mayor and proposed four districts, with a directly elected mayor. Councilmember Leone emphasized the integrity of the Council and its ability to make difficult decisions, and announced that he will not be seeking re-election in November 2018. As a compromise for people who wish to implement district in 2018, he proposed four districts and a directly elected mayor, and for the three open seats in the November 2018 election, the top two candidates serve four-year terms, and the third place candidate serve a two-year term. If a directly elected mayor is implemented in 2020, every two years two councilmembers seats are up for election and every fourth year the mayor's seat is added, so every election has two councilmembers seats open vs, three councilmember seats one election and a councilmember seat and mayor seat in the next election. In addition, he supported having an independent committee design the district boundaries.

Vice Mayor Obringer spoke of her pride in serving in an at-large Council role and getting to know all of Concord, many of its constituents, and serving for the best interest of the entire

City. She shared concerns about the districts not being decided by the voters of Concord and the possible parochial mentality that can happen when districts are implemented. She felt that considering a directly elected at-large mayor with four districts would be helpful and emphasized that a directly elected mayor should be compensated at a living wage. In addition, Vice Mayor Obringer supported putting the districts in place in 2020 and, although not available due to time restraints, having an independent committee design the district boundaries.

Councilmember McGallian spoke of following the intent of the law with regard to implementing district elections and his voiced concerns over the financial burden on the City if the City does not go to district elections and also, that if the City goes to district elections in 2018, the cost of City possibly having to hold an independent election. He expressed apprehension over districts pitting one neighborhood vs. another, and would like to see future Councils continuing to work together in the best interest of the entire City. He requested that staff present two proposals, one for four districts with a directly elected mayor, and one for five districts.

Councilmember Hoffmeister requested that Councilmember Leone put his proposal in writing for clarity, spoke of following the intent of the law with regard to implementing district elections, was interested in exploring an at-large directly elected mayor so that citizens have an opportunity to vote for two members of the Council to represent them, emphasized the importance of using experts for the process to ensure compliance with the law, was concerned about the tight schedule to implement districts in 2018 and the County's ability to accommodate an election, and indicated her support for the resolution of intent.

Mayor Birsan spoke of his long term advocacy in support of districts and a directly elected mayor. He emphasized the importance of citizen participation in the process.

Motion was made by Obringer and seconded by McGallian to adopt Resolution No. 18-7 entitled, "A Resolution Declaring the City of Concord's Intent to Transition from At-Large to District-Based Councilmember Elections, Outlining Specific Steps to be Undertaken to Facilitate the Transition, and Estimating a Time Frame for Action Pursuant to Elections Code Section 10010." Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Benched Memo from City Clerk Joelle Fockler - Agenda item No. 5.b
- b. Benched Correspondence - Agenda item No. 6.b
- c. Comments published in California Political News and Views submitted by Richard Eber
- d. Letter from League of Women Voters dated January 2, 2018
- e. Letter from Lambda Democratic Club date January 2, 2018
- f. Sprinkler Fitters Local 483 for Apprenticeship Program flyer

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 in memory of former Orinda Councilmember Gregg Weatland and former Contra Costa County employee Val Alexeeff at 8:50 p.m.



EDI E. BIRSAN
MAYOR


JOELLE FOCKLER, MMC
CITY CLERK