

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, JANUARY 9, 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 9, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Councilmember Leone. 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; Guy Swanger, Chief of Police; Justin Ezell, Director of Public Works; Karan Reid, Director of Finance; Steve Voorhies, Director of Parks and Recreation; Jasmin Loi, Director of Human Resources; Robert Ovadia, City Engineer; Donna Lee, Budget Officer; Laura Simpson, Planning and Housing Manager; Suzanne McDonald, Financial Operations Manager; Christopher Rhoades, Budget Analyst; Mario Camorongon, Senior Civil Engineer; Michael Cass, Principal Planner; Bernard Enrile, Associate Engineer; Mark Migliore, Associate Engineer; Jessica Gonzalez, Assistant Engineer; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Rocci Barsotti, Concord; George Fulmore, Concord; Lamar Anderson, Concord; Michelle Ashanti-Phillips, Concord; Sheila Fields, Concord; Kenji Yamada, Concord; Robin Kuslits, Concord; Micah Pearce, Concord; Ady Olvera, Concord; John Haberkorn, Concord; Greg Colley, Concord; Tim Carr, Concord; Jeff Koertzen, Concord; Harmesh Kumar, Concord; Natalie; Sheila Hill, Concord

PUBLIC COMMENT PERIOD

Rocci Barsotti, Kiwanis Club of Concord, announced the 2017 Police Officer of the Year, Officer Rey Valeros; and the event to honor him scheduled for Friday, January 26, 2018, at noon, at the Old Spaghetti Factory.

George Fulmore, Concord, invited the Council, staff, and public to go to Ellis Lake Park and look at the playground and the condition of the nearby hill.

Lamar Anderson, Concord, Contra Costa AC5, announced their 20<sup>th</sup> Year Anniversary Dinner and Art Recognition awards on Sunday, January 15.

Michelle Ashanti-Phillips, Martinez, spoke of feeding the homeless at Baldwin Park and asked why it was not allowed.

Sheila Fields, Concord, spoke of installing a structured tent city and would like to bring Loaves and Fishes back to Concord.

Kenji Yamada, Concord, asked if staff gave their best effort in requesting the County Registrar to hold district elections in 2018.

Robin Kuslits, Concord, requested that the City of Concord make every effort to hold district elections in 2018 utilizing existing voter precincts.

Micah Pearce, Concord, spoke in support of holding district elections in 2018 and asked for clarification from staff on legal reasoning why the City Council believes delaying implementation until 2020 does not expose the City to a legal risk.

Ady Olvera, Concord, spoke in support of holding district elections in 2018.

John Haberkorn, Concord, asked when a lawsuit can happen after the 90 day window if the City does not implement districts in 2018.

Greg Colley, Concord Communities Alliance, requested that the district elections process involve forming districts only and all other matters be determined by the voters.

Tim Carr, Concord, spoke of creating a position of Mayor with a responsibility of bringing businesses to Concord.

Jeff Koertzen, Concord, congratulated Lt. Ken Carlson on his retirement and thanked staff for their work on the district elections.

Harmesh Kumar, Concord, spoke of being honest, in support of district elections, and representation of all Concord citizens.

Natalie, spoke of Senate Bill 827 and how it takes away local decisions for local development.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – October 11, 17, and 24 and November 28, 2017

Motion was made by Hoffmeister and seconded by Leone to adopt the benched minutes from the meetings of October 11, 17, and 24 and November 28, 2017. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Ellis Lake Pathway Repairs, Project No. 2349A

Motion was made by Hoffmeister and seconded by Leone to accept the improvements for Ellis Lake Pathway Repairs, Project No. 2349A; and direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Meadow Homes Park Playground Installation, Project No. 2352

Motion was made by Hoffmeister and seconded by Leone to accept improvements for Meadow Homes Park Playground Installation, Project No. 2352; and direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

ACCEPTANCE OF IMPROVEMENTS – Ellis Lake Park Playground Improvements, Project No. 2349

Motion was made by Hoffmeister and seconded by Leone to accept improvements for Ellis Lake Park Playground Improvements, Project No. 2349; and direct the City Clerk to file a Notice of Completion. Motion passed by unanimous vote of the Council.

AWARD OF PURCHASE – 2018 Telescopic Aerial Truck

Motion was made by Hoffmeister and seconded by Leone to award purchase of a 2018 telescopic aerial truck in the amount of \$157,211 to Altec Industries. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-2 – Application for FY 2018-19 Transportation Development Act (TDA) Article 3 Grant Funds

Motion was made by Hoffmeister and seconded by Leone to adopt Resolution No. 18-2 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 2018-19." Motion passed by unanimous vote of the Council.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

This item was pulled from the Consent Calendar by Vice Mayor Obringer who referenced the Economic Outlook and Major Initiatives section of the report that states, "The economy of the City and its major initiatives for the coming year are discussed in detail in the accompanying Transmittal Letter," and asked where they were addressed. Financial Operations Manager Suzanne McDonald responded that the CAFR transmittal letter looks back at accomplishments, not forward. City Manager Barone noted the document could be changed.

Motion was made by Obringer and seconded by Hoffmeister to accept the Comprehensive Annual Financial Report with Independent Auditors' Report and Required Communications Letter for the Fiscal Year Ending June 30, 2017 with noted changes. Motion passed by unanimous vote of the Council.

PRESENTATIONSUPDATE ON THE CITY'S UNFUNDED LIABILITIES – Including Infrastructure and other Needs, for use in the Long Range Financial Forecasting Model

Director of Finance Karan Reid introduced Budget Officer Donna Lee then reviewed the agenda for the presentation including: Introduction, Background, and Personnel Liabilities; Roadway Maintenance Needs; Parks, Facilities, and Signs; and Equipment Replacement Needs.

Ms. Reid presented on Introduction, Background, and Personnel Liabilities. She provided an overview of the forecast and what has not previously been included in long range forecasting models. Director Reid started by explaining the four post-employment benefit liabilities - CalPERS Pensions, retiree medical benefits, City of Concord Retirement Systems, and compensated absences; what steps had been taken to reduce those liabilities; and what would be needed to cover the liabilities.

Vice Mayor Obringer asked about the actuarial model for the Concord Retirement System and if it took into account that the floor could go lower and would like to see additional modeling to ensure that the City was looking at this conservatively.

Councilmember Leone asked about what was in reserves and did not want to scare the public into thinking the City was not balancing the budget and had no reserves, but wanted the public to know that the City was preparing for the future.

Councilmember Hoffmeister noted a slight difference between the staff report and the PowerPoint presentation. She asked about the information in the report regarding CalPERS growth in the future and asked if the number for all funds and the number for the General Fund should be added for a total. Ms. Reid explained no, the \$3.2 million expected growth for the General Fund was included in the \$3.6 million for all funds. Ms. Hoffmeister suggested some of the narrative from the report be put into chart form to better explain the information. Councilmember Hoffmeister asked about the vacancy factor used and Director Reid explained how it was determined. Ms. Hoffmeister also asked if CCRS increased over time, like CalPERS. Ms. Reid explained it was a closed plan and changed differently from CalPERS.

Councilmember McGallian asked about the actual rate of return for CalPERS, and Ms. Reid explained what CalPERS was doing to invest money.

City Engineer Robert Ovardia presented on the existing roadway system and on-going funding; recently completed projects; substantially completed projects; impact of funding levels; and roadways summary.

Councilmember Hoffmeister asked if the disasters in California would impact the project costs in Concord. Mr. Ovardia responded that the construction in those areas had not started yet.

Vice Mayor Obringer and Councilmembers McGallian and Hoffmeister requested an analysis on the cost of maintaining streets at a 65 Pavement Condition Index (PCI).

Councilmember Leone asked if the gas tax would be stable or increase over time. Mr. Ovardia responded he understood SB-1 had a built in inflation factor.

Councilmember Hoffmeister asked if there was a way to leverage SB1 funds with Tax Revenue Anticipated Notes (TRANS) or bonds. Director Reid said she would look into if that was a guaranteed revenue stream.

Mayor Birsan suggested Bike Concord doing more outreach and the City plant more trees as preventative maintenance against the cars and UV rays that damage the roads.

Director of Public Works Justin Ezell presented a sampling of funded maintenance projects (does not include CIP projects managed by Engineering); the future maintenance needs for the next 10 years; the additional need to fully fund facilities, signs, and reduce parks/medians backlog; and the annual maintenance need summary.

Councilmember Hoffmeister inquired about the funding to maintain the Tree City USA designation, and Director Ezell noted it was fully funded on a five year pruning cycle. Councilmember Hoffmeister asked about the category of funding for street lights and signal lights. Director Ezell noted for maintenance they were fully funded; however, for enhancements they would be part of the CIP projects

Vice Mayor Obringer inquired if Public Works projects are posted online and requested that it be done in the future if it is not currently done. She asked if the Horsemen's Association building was included as a project. Mr. Ezell said it was included in the facility needs.

Mayor Birsan inquired about Concord Connect and if it was helping to cut down on expenses and staff time. Director Ezell said it was working well and staff was getting reports timely with the information needed.

Budget Officer Donna Lee presented on the City's equipment needs including equipment types, past practice, furniture and equipment replacement needs, and public safety equipment.

Councilmember Leone asked if body cameras and paperless packets were included in the unfunded equipment needs. City Manager Barone noted the body cameras did not exist at this point, and when that program came to the Council, replacement would be part of that purchase; and she noted that paperless packets is an active project.

Councilmember Hoffmeister asked about the replacement of computers, servers and hardware. Director Reid noted there is an IT replacement fund and staff is assessing that fund. Councilmember Hoffmeister asked about needed radio upgrades. Director Reid said staff was assessing the impact of the new radio requirements.

Vice Mayor Obringer inquired about the funding of replacement of Public Works equipment. Public Works Director Ezell noted that there is a replacement fund for vehicles and small equipment is adequately funded from the operations budget.

Budget Officer Lee reviewed the next steps and key dates, including the Fiscal Trend Model on February 6, the Budget Stabilization Workshop on February 24, and adoption of the Fiscal Stabilization Plan in March or April.

Councilmember Hoffmeister asked how much Measure Q provided annually to the General Fund. Director Reid said the Measure Q budget this year was roughly \$14 million, of that \$7.5 million was allocated to support General Fund operations, \$2.5 million is used for bond payments, a small amount is used for Economic Development, and the balance was to support infrastructure.

Mayor Birsan opened a public comment period.

George Fulmore, Concord, spoke of the road conditions of Monument Boulevard from Detroit to Oak Grove, suggested getting rid of the Zipper, and getting rid of retirement benefits for employees.

Kenji Yamada, Concord, requested clarification on the vacancy factor.

Harmesh Kumar, Concord, inquired about earned vacation carryover and compensated time off.

Natalie, requested a focus on police bike patrols and spoke of citizens donating time and resources to park projects.

Mayor Birsan closed the public comment period.

Mayor Birsan called a recess at 9:15 p.m. The meeting resumed at 9:25 p.m.

Councilmember Hoffmeister thanked staff for the presentation and commented on the process and cost of getting out of CalPERS, accrued vacation, and compensated time off for government employees.

Vice Mayor Obringer commented on the helpfulness of the presentation and remarked that the numbers emphasize the need to look at how to bolster economic development and not just look at cuts.

Councilmember Leone spoke of the importance of economic development and emphasized that this presentation was not talking about this year but was about looking into the future.

Councilmember McGallian thanked staff for the presentation and appreciated the approach of showing a better idea of what needed to be addressed today and what can be built out over 10 years. He appreciated the conservative approach staff and past Councils have taken to create budgets that allow the City to not have to play catch up later.

Mayor Birsan applauded staff for their presentation.

ANNOUNCEMENTS – none.

CITY COUNCIL CONSIDERATION ITEM

DEVELOPMENT OF A LOCAL BAN ON THE USE OF POLYSTYRENE CONTAINERS

Assistant Planner Jessica Gonzalez presented a report that defined polystyrene, gave a background on polystyrene, listed other jurisdictions who have an existing ban, relayed the potential next steps, and conveyed the support of the Policy, Development and Internal Operations. She stated that it would take approximately four months to develop regulations, not including roll-out measures or community outreach. Ms. Gonzalez noted that if approved, staff intended to resume work on this task in late 2018/early 2019 and she went over the policy issues that require direction and further research. Planner Gonzalez requested Council provide direction on whether or not to develop a ban on polystyrene containers and clarify for staff if the ban should only include to-go containers.

Vice Mayor Obringer asked for clarification about the need for the item to return to Committee and stated her support for the ban and review by the Committee.

Councilmember Leone stated his concern for the environment and the impact on commercial uses. He stated support for the ban and review by the Committee.

Councilmember McGallian inquired about outreach and education of the suppliers.

Mayor Birsan opened a public comment period.

Jeff Koertzen, Concord, spoke in support of the ban and provided examples of how other jurisdictions have implemented a ban.

Sheila Hill, Concord, spoke in support of a polystyrene ban ordinance.

Natalie, stated that there should not be exemptions to the ban.

Kenji Yamada, Concord, stated support of the ban.

Mayor Birsan closed the public comment period.

Mayor Birsan stated support for the ban with no exemptions.

Councilmember McGallian stated support for the ban with no exemptions.

Vice Mayor Obringer stated support for the ban with no exemptions, acknowledged that she brought up this topic outside of the Council priority and goal setting process, and felt that the work to get the ordinance developed should not take an excessive amount of time.

Councilmember Hoffmeister spoke in support of the ban and agreed the Committee could flesh out the policy questions and bring an ordinance back to the Council.

Councilmember Leone reiterated his support of the ban with no exemptions and stated that he would like to see the ordinance be developed sooner rather than later.

Mayor Birsan stated that he would like to see the ordinance developed sooner rather than later.

CORRESPONDENCE

- a. Proclamation - December 28, 2017 - Lt. Ken Carlson Retirement
- b. Proclamation - December 28, 2017 - Officer Steve Harn Retirement
- c. Proclamation - December 28, 2017 - Sgt. Steve White Retirement
- d. 2017 Officer of the Year Flyer
- e. Benched Agenda Item No. 5.a
- f. Emails submitted by Robin Kuslits
- g. Comments submitted by Tim Carr
- h. Update on the City's Unfunded Liabilities PowerPoint Presentation
- i. Potential Polystyrene Ban PowerPoint Presentation

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 10:30 p.m.



EDI E. BIRSAN  
MAYOR



JOELLE FOCKLER, MMC  
CITY CLERK