

REGULAR MEETING OF THE
CONCORD CITY COUNCIL
CONCORD SENIOR CENTER
2727 PARKSIDE CIRCLE
CONCORD, CALIFORNIA
TUESDAY, JULY 26, 2016

The Concord City Council met in a regular meeting in the Concord Senior Center Dianda Room located at 2727 Parkside Circle at 5:30 p.m. on Tuesday, July 26, 2016, with Mayor Hoffmeister presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session to 1) confer with labor negotiators pursuant to Government Code Section 54957.6. City Negotiators: Valerie Barone, City Manager, Jovan Grogan, Deputy City Manager, and Jonathan Holtzman, Esq. 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 2) confer with Legal Counsel – Existing Litigation. Government Code Sections 54956.9(a), (d)(1). Four cases: a) Name of Case: Julie Flowers v. City of Concord (WCAB No. ADJ7444755); b) Name of Case: Tiffany Leftwich-Barraco v. City of Concord (WCAB No. ADJ8925771; c) Name of Case: Matthew Rose v. City of Concord (WCAB No. ADJ97708233); and d) Name of Case: Cindy Stoddard v. City of Concord (WCAB Nos. ADJ8676633 and ADJ8676635.)

The meeting recessed at 7:05 p.m. to reconvene in regular session in the Concord Senior Center Wisteria Hall.

The Concord City Council met in a regular meeting in the Concord Senior Center Wisteria Hall located at 2727 Parkside Circle at 7:10 p.m. on Tuesday, July 26, 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, Ron Leone, Laura Hoffmeister

COUNCILMEMBERS ABSENT: Dan Helix

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Joelle Fockler, City Clerk; Jovan Grogan, Deputy City Manager; Victoria Walker, Community and Economic Development Director; Guy Swanger, Chief of Police; Justin Ezell, Director of Public Works; Karan Reid, Director of Finance; John Montagh, Economic Development and Housing Manager; Laura Simpson, Planning Manager; Marsha Moore, Deputy City Clerk

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Paul Poston, Concord; Dr. Harmesh Kumar, Concord; Jason Francis, Concord; Linda Golden, Berkeley; Father Ismael Gutierrez, Concord; Rex Mattson; Alicia Sandoval, Concord; Larry Ribarich, Lafayette; John Nunes, Concord; George Fulmore, Concord; Janet Marshall Wilson, Concord; Colleen Garrity, Concord; Maurice Heley, Concord; Dennis Gremer, Concord;

Theresa Brophy, Concord; Brian Brophy, Oakland; Margaret Hanlon-Gradie, Contra Costa AFL-CIO; Arthur Weil, Piedmont; Judy Weil, Danville; Greg Colley, Concord; Janet Kinney, Pittsburg; Eduardo Torres, Tenants Together; Bill Cotton, Concord; Daryl Bergman, Concord; Theresa Karr, California Apartment Association; Christos Movlis, Concord; Isabel Lara, Concord; Greg Brumley, Concord; Carlos Espinoza, Concord; Jovana Fajardo, Joe Lawton, San Ramon; Mohammad Mahyari, Concord; Sreenivas Ramireddy, Broadmoor Properties; Olga Chan, Concord; Reed Robertson, Concord; Corina Lopez, Concord; Rony Joseph, Walnut Creek; James Dye, Concord; John DeSousa, Danville; Guy Golingtly, Concord; Kathy Wells, Concord; Mariana Moore, Ensuring Opportunity Campaign; Glen Zamanian, Lafayette; Jeff Koertzen, Concord; Ralph Ache, Concord; Bob Lane, Pleasanton; Maria Vasquez, Concord

PUBLIC COMMENT PERIOD

Paul Poston, Concord, asked about the timing of development for three cluster village areas proposed for the Naval Weapons Station Project.

Dr. Harmesh Kumar, Concord, spoke of fairness and equality in the election process at the local level.

Jason Francis, Concord, spoke of the Bicycle and Pedestrian Plan, and requested sidewalk on Parkside Drive between Concord Boulevard and Willow Pass Road and a crosswalk and 4-way stop at Euclid Avenue and Parkside.

PRESENTATIONS – None

ANNOUNCEMENTS

Mayor Hoffmeister announced a recruitment for applicants to the new Community Advisory Committee for the Local Reuse Authority; and set Friday, September 23, 2016, at 5 p.m. as the deadline for receipt of applications by the City Clerk.

AWARD OF CONSTRUCTION CONTRACT AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – W. Bradley Electric, Inc. and S&C Engineers

Motion was made by Grayson and seconded by Leone to award a construction contract in the amount of \$1,724,241 to W. Bradley Electric, Inc. for installation of traffic signals at three intersections and modification to existing traffic signal systems at 10 other signalized intersections; a Professional Services Agreement with S&C Engineers in the amount of \$164,691 for construction management and inspection and \$20,977 for material testing services for a \$185,668 total agreement amount; and authorize the City Manager to execute the contract and agreement. Motion passed by the following vote of the Council:

AYES: Birsan, Grayson, Leone, Hoffmeister

NOES: None

ABSENT: Helix

PROFESSIONAL SERVICES AGREEMENT – Public Financial Management Asset Management LLC

Motion was made by Grayson and seconded by Leone to approve a three-year Professional Services Agreement with Public Financial Management Asset Management LLC for the management of the City of Concord's investments; and authorize the City Manager to execute the agreement. Motion passed by the following vote of the Council:

AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix

AWARD OF SITE CONSTRUCTION CONTRACT – Ellis Lake Park Restroom Building, Project No. 2351

Motion was made by Grayson and seconded by Leone to award a site construction contract to Pleasanton Engineering Contractors, Inc. in the amount of \$112,600 for Ellis Lake Park Restroom Building, Project No. 2351; authorize staff to utilize the available project contingency for contract change orders up to 10 percent of the amount of site construction contract; and authorize the City Manager to execute the contract in a form acceptable to the City Attorney; and approve related budget transfer. Motion passed by the following vote of the Council:

AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix

AWARD OF CONSTRUCTION CONTRACT – Measure Q Pavement Project 3 – Walters Way and Detroit Ave/Monument Blvd Intersection, Project No. 2362

Motion was made by Grayson and seconded by Leone to award a construction contract to Granite Rock Company in the amount of \$623,333 for the Measure Q Pavement Project 3 – Walters Way and Detroit Avenue/Monument Boulevard Intersection, Project No. 2362; and authorize the Mayor to execute the contract; authorize staff to utilize the available project contingency for contract change orders up to 10 percent of the contract amount; and accept and appropriate into the project budget CalRecycle grant funding of approximately \$7,000. Motion passed by the following vote of the Council:

AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix

DESIGNATION OF VOTING DELEGATE AND ALTERNATE – League of California Cities Annual Business Meeting

Motion was made by Grayson and seconded by Leone to appoint Councilmember Birsan as the City of Concord's voting delegate and Councilmember Grayson as alternate to the League of California Cities Annual Business Meeting scheduled for Friday, October 7, at noon, during the League of California Cities Annual Conference to be held October 5-7, 2016. Motion passed by the following vote of the Council:

AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix

RESOLUTION NO. 16-55 – Permit Parking on Red Oak Drive

Motion was made by Grayson and seconded by Leone to adopt Resolution No. 16-55 entitled, "A RESOLUTION AUTHORIZING PERMIT PARKING ON RED OAK DRIVE IN THE CITY OF CONCORD." Motion passed by the following vote of the Council:

AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix

CITY OF CONCORD RENTAL HOUSING WORKSHOP

John Montag, Economic Development and Housing Manager, provided a brief overview of Concord's housing market followed by an overview of Concord's programs and policies supporting affordable housing in the City. After clarifying questions from the Council, he introduced Kenneth Baar who provided information on background issues with rent regulations.

Following questions by the Council, Mr. Montag introduced Leah Simon-Weisberg, Legal Director, Tenants Together, who provided an overview on rent control and just cause protection policies.

Following questions by the Council, Mr. Montag then introduced Joshua Howard, Senior Vice President, Local Public Affairs, California Apartment Association, who provided an overview on balanced solutions for today's rental market.

Mayor Hoffmeister called a five minute recess. Following questions by the Council, Mayor Hoffmeister opened a public comment period.

Linda Golden, Berkeley, spoke of declining rents and her inability to meet expenses as an owner/landlord.

Father Ismael Gutierrez, Concord, read into the record a letter signed by 2,500 members of the Catholic community urging Council to implement housing policies in Concord to end unjust evictions.

Rex Mattson, owner of 2180 Galindo Street, spoke of loving each other.

Alicia Sandoval, Concord, spoke of harassment, intimidation, and lack of repairs/maintenance by landlords, but consistent rent increases. She spoke in support of rent control.

Larry Ribarich, Lafayette, spoke of a 4 percent increase in costs per year as a landlord. He spoke in opposition to rent control.

John Nunes, Concord, spoke in opposition to rent control.

George Fulmore, Concord, spoke in support of rent control.

Janet Marshall Wilson, Concord, spoke of poor conditions in rentals and in support of rent control.

Colleen Garrity, Concord, spoke in support of rent control.

Maurice Heley, Concord, spoke in opposition to rent control.

Dennis Gremer, Concord, spoke of alternatives to rent control.

Theresa Brophy, Concord, spoke in support of rent control.

Brian Brophy, Oakland, spoke in support of rent control.

Margaret Hanlon-Gradie, Contra Costa AFL-CIO, spoke in support of rent control.

Arthur Weil, Piedmont, spoke in opposition to rent control.

Judy Weil, Danville, spoke of a fixed percentage if rent control is adopted.

Greg Colley, Concord, spoke in favor of rent control and just cause ordinance.

Janet Kinney, Pittsburg, spoke in favor of rent control.

Eduardo Torres, Tenants Together, spoke in favor of rent control and just cause ordinance.

Bill Cotton, Concord, spoke in opposition to rent control.

Daryl Bergman, Concord, spoke of low income housing in the Monument corridor and need of code enforcement.

Theresa Karr, California Apartment Association, spoke in opposition to rent control and urged the Council to consider all options.

Christos Movlis, Concord, spoke in opposition to rent control.

Isabel Lara, Concord, spoke of compassion and support for people in need.

Greg Brumley, Concord, spoke in opposition to rent control.

Carlos Espinoza, Concord, spoke in support of rent control.

Jovana Fajardo, spoke in favor of rent control.

Joe Lawton, San Ramon, spoke of mediation and other options to rent control.

Mohammad Mahyari, Concord, spoke in opposition to rent control and additional inspections.

Sreenivas Ramireddy, Broadmoor Properties, spoke of other options to rent control.

Olga Chan, Concord, urged Council to come up with solutions to help renters.

Reed Robertson, Concord, spoke of lack of housing in Concord.

Corina Lopez, Concord, spoke of several rent increases in the past three years and how her landlord retaliated against her.

Rony Joseph, Walnut Creek, spoke in opposition to rent control.

James Dye, Concord, spoke in opposition to rent control.

John DeSousa, Danville, owner of Carlton Drive Apartments, spoke in opposition to rent control.

Guy Golingty, Concord, spoke in opposition to rent control.

Kathy Wells, Concord, spoke in support of rent control.

Mariana Moore, Ensuring Opportunity Campaign, spoke of structured public policy.

Glen Zamanian, Lafayette, spoke in opposition to rent control.

Jeff Koertzen, Concord, spoke in support of rent control.

Ralph Ache, Concord, spoke of the difficulties being a landlord and the already established laws addressing tenants and landlords.

Bob Lane, Pleasanton, Faith Alliance for a Moral Economy, spoke in favor of rent control with a just cause provision.

Maria Vasquez, Concord, spoke in opposition to rent control.

Mayor Hoffmeister closed the public comment period.

Council provided comments and requested staff to research enhancing the multi-family inspection program, educating the public, increasing/enhancing communication, rent comparison with other Contra Costa cities, a regional approach to the issue, who are the bad apple apartment owners, and hypothetical rent control program model.

A motion was made by Birsan and seconded by Leone to return the item to the Committee on Housing and Economic Development for further consideration.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Susanne Brown stated that the City Council did not complete its business at the July 26, 2016 closed session, so at the pleasure of Council staff requested that Closed Session Agenda Item No. 3.a, Conference with labor negotiators pursuant to Government Code Section 54957.6 be continued to Wednesday, July 27, 2016, at 3:30 p.m. in the City Council Conference Room, 1950 Parkside Drive. The motion passed by the following vote of the Council:

AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix

Motion was made by Birsan and seconded by Leone to continue Closed Session Agenda Item No. 3.a, Conference with labor negotiators pursuant to Government Code Section 54957.6 be continued to Wednesday, July 27, 2016, at 3:30 p.m. in the City Council Conference Room, 1950 Parkside Drive. Motion passed by the following vote of the Council:

AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix

CORRESPONDENCE

- a. Rental Housing Workshop PowerPoint Presentation dated July 26, 2016
- b. Power Point Presentation entitled, "Current Situation"
- c. Power Point Presentation entitled, "Rent Control and Just Cause Protection Policies Work"
- d. Power Point Presentation entitled, "Balanced Solutions for Today's Rental Market"
- e. Benched correspondence received for Item No. 10.a – Rental Housing Workshop
- f. Letter signed by over 2,500 representatives of Catholics United for Justice
- g. Comments submitted by Gabriele Monroe

CLOSED SESSION REPORTS

City Attorney Susanne Brown stated that the City Council did not complete its business at the July 26, 2016 closed session, so at the pleasure of Council staff requested that Closed Session Agenda Item No. 3.a, Conference with labor negotiators pursuant to Government Code Section 54957.6 be continued to Wednesday, July 27, 2016, at 3:30 p.m. in the City Council Conference Room, 1950 Parkside Drive. The motion passed by the following vote of the Council:


AYES: Birsan, Grayson, Leone, Hoffmeister NOES: None ABSENT: Helix

COUNCIL AND STAFF REPORTS – None

By order of the Mayor, the meeting was adjourned at 1:02 a.m.



LAURA M. HOFFMEISTER
MAYOR



JOELLE FOCKLER, MMC
CITY CLERK

