

SPECIAL MEETING OF THE
CONCORD CITY COUNCIL/
CITY COUNCIL SITTING AS
THE LOCAL REUSE AUTHORITY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, NOVEMBER 29, 2016

The Concord City Council met in a special meeting in the Council Chamber located at 1950 Parkside Drive at 5:30 p.m. on Tuesday, November 29, 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; Susanne Brown, City Attorney; Tim McGallian, City Treasurer; Joelle Fockler, City Clerk; Guy Bjerke, Director, Reuse Planning; Victoria Walker, Director of Community and Economic Development; Steve Voorhies, Director of Parks and Recreation; Karan Reid, Director of Finance; John Montagh, Economic Development and Housing Manager; Laura Simpson, Planning Manager; Robert Ovadia, City Engineer; Mark Migliore, Associate Civil Engineer; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC
WHO ADDRESSED THE CITY COUNCIL:

Robyn Kuslits, Concord; Ryan Doronila, Concord; Dea Smith, Concord; Hope Johnson, Concord; Dr. Harmesh Kumar, Concord; Colleen Geraghty, Concord; Nancy Sansom, Concord; Brad Vaughan; Cindy Molander, Concord; Joe Lawton, California Apartment Association; Gwen Watson, Lafayette; Jeff Weil, Alamo; Nati Flores, Concord; Rev. Dr. Barbara Barkley, Concord; Bambi Marien, Concord; Delores Loague, Concord; Zuleika Godinez; Janet Kinney, Pittsburg; Amy Scott-Slovic, Martinez; Jima Monson, Concord; Evangelina Mimila, Concord; Peruinka Kabaivanova; Martha Potts, Concord; Rhea Laughlin, First 5 Contra Costa; David Kreutzinger, Concord; Avelina Brown-Nunez, Concord; David Brazil, Oakland; Bob Lane, Pleasanton; Eduardo Torres, Bay Point; Greg Colley, Concord; Larry Sly, Concord; Theresa Carr; Natalie; Mariana Moore, Richmond; Ajit Kaushal, Concord; Betty Gabadon, Concord; Justin McRoberts, Concord; Marta Gonzales, Concord; Jovana Fajardo, Bay Point; John DeSousa, Concord; Kathy Wells, Concord; Mike Van Hofwegen, Concord; Hugo Rameriz, Concord; Yolanda Negrete, Concord; Dan

Reynolds, Martinez; Brian Brophy, Oakland; Brenton, Concord; Jeff Hawkins, Concord; John Sullivan, Concord; Julian Rogers; Sreenivas Ramiredy, Concord; Jean Claude Malhem, Jr., Danville; Elena Liberman, Concord; John Walton, Concord; Stephan Mann, Concord; Chuck Bowen; Teresa Brophy, Concord; Bob Tesh, Concord; Melanie Howe Weintraub, Lafayette

PUBLIC COMMENT PERIOD

Robyn Kuslits, Concord, thanked the Council for recognizing Transgender Day held on November 20 in Concord.

Ryan Doronila, Concord, The Green Holistic Wellness Center, spoke of amending ordinances for marijuana.

Dea Smith, Concord, thanked the Council for traffic mitigation in the Canterbury Village area.

Hope Johnson, Concord, complimented City staff on the election process and followed up on comments she made concerning conduct of public deliberation on the financial status of Lennar and how it applies to the Concord Naval Weapons Station.

Dr. Harmesh Kumar, Concord, thanked staff for their assistance during the election period, and thanked the candidates for running a fair campaign.

PRESENTATIONS

2016 HOLIDAY PIN

Mayor Hoffmeister introduced Economic Development and Housing Manager John Montagh who commended Addie and Maggie Mannion, students at Highland Elementary, for their winning designs used on the 2016 Holiday Pin. Mr. Montagh announced the annual Mayor's Sing-Along and Official Tree Lighting at Todos Santos Plaza in downtown Concord on December 3.

STATUS OF COMMUNITY REUSE PROJECT

Mayor Hoffmeister introduced Community Reuse Planning Director Guy Bjerke who gave an update on the Community Reuse Project.

APPOINTMENTS TO THE CONCORD NAVAL WEAPONS STATION REUSE PROJECT COMMUNITY ADVISORY COMMITTEE (CAC)

Guy Bjerke, Director of Community Reuse Planning, reported that the Council, sitting as the Local Reuse Authority, was being requested to appoint by ballot vote eleven (11) members and three (3) alternates to the Concord Naval Weapons Station Reuse Project Community Advisory Committee for terms ending December 31, 2018. He advised that following the balloting, staff recommended that the Council confirm the full slate of members for appointment to the Committee by majority vote.

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

Hope Johnson, Concord, spoke of the lack of diversity and representation in the applicants chosen to be considered for the Community Advisory Committee.

Colleen Geraghty, Concord, spoke of her concerns that out of five applicants from the Dana Estates neighborhood, not one was chosen to interview.

Mayor Hoffmeister closed the public comment period.

A motion was made by Grayson and seconded by Birsan to appoint Dan Helix as an emeritus member with voting rights of the Concord Naval Weapons Station Reuse Project Community Advisory Committee. The motion passed by the following vote of the Council:

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

The Council held the first round of voting, voting for five applicants. After the first round, Susan Guest and Ajit Kaushal were chosen to serve.

The second round of voting was held, and Paul Sinz and Darrin Walters were chosen to serve.

The third round of voting was held, and Niko Anagnostopoulos, Jerome Hudson, and Rosanne Nieto were chosen to serve.

The fourth round of voting was held, and Jeff Allen, Russel Case, and Claudia Hein were chosen to serve.

On the fifth round of voting, the Council voted for four applicants. Philip Arnold and Randall Horton tied, a roll call vote was held, and Philip Arnold appointed as the eleventh member of the CAC.

A motion was made by Grayson and seconded by Helix to appoint Randall Horton first alternate, Charles Hoffman second alternate, and Stuart Posselt third alternate to the CAC. The motion passed by unanimous vote of the Council.

APPROVAL OF MINUTES

Motion was made by Grayson and seconded by Helix to approve the minutes from the meetings of June 28, July 5 and 12, and November 1 and 19, 2016. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 16-84 – Resources for Community Development

Motion was made by Grayson and seconded by Helix to adopt Resolution No. 16-84 entitled, " A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A LOAN AGREEMENT WITH RESOURCES FOR COMMUNITY DEVELOPMENT FOR THE REFINANCING AND REHABILITATION OF RILEY COURT AND CAMARA CIRCLE APARTMENTS." Motion passed by unanimous vote of the Council.

REAPPOINTMENT OF COUNCILMEMBER BIRSAN TO SERVE ON THE JOHN MUIR/MT. DIABLO COMMUNITY HEALTH FUND BOARD OF DIRECTORS

Motion was made by Grayson and seconded by Helix to reappoint Edi Birsan to serve on the John Muir/Mt. Diablo Community Health Fund Board of Directors for a term ending December 31, 2019. Motion passed by unanimous vote of the Council.

AWARD OF CONSTRUCTION CONTRACT – Ellis Lake Park Playground and Park Improvements, Project No. 2349

Motion was made by Grayson and seconded by Helix to award a construction contract in the amount of \$337,351 to McNabb Construction of Lafayette for Ellis Lake Park Playground and Park Improvements, Project No. 2349; approve a related budget transfer; and authorize staff to utilize the available project contingency for contract change orders up to 10% of the contract amount. Motion passed by unanimous vote of the Council.

RENT STABILIZATION AND TENANT PROTECTION

Economic Development and Housing Manager John Montag introduced Project Planner Barry Miller who presented a PowerPoint on the outcomes of several workshops held on rent stabilization and tenant protection. He reported that the Committee on Housing and Economic Development (HED) recommended that the Council consider creating a rental housing telephone and web site "hotline" and implementation of a non-binding mediation program for tenants and landlords. The HED also recommended that the Council discuss a 45-day moratorium (urgency ordinance) on rent increases over three percent. Mr. Miller recommended that the Council discuss the HED Committee recommendations, accept public comment, and provide staff with input and direction on next steps.

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

Nancy Sansom, Concord, spoke in support of a rent moratorium.

Brad Vaughan spoke in opposition to rent control.

Cindy Molander, Concord, spoke in support of a rent moratorium.

Joe Lawton, California Apartment Association, spoke in opposition to rent control.

Gwen Watson, Lafayette, spoke in support of a rent moratorium.

Jeff Weil, Alamo, spoke in opposition to rent control.

Nati Flores, Concord, spoke of apartments on Robin Lane and the inequality of rent increases in the apartments on Robin Lane.

Rev. Dr. Barbara Barkley, Concord, spoke in favor of a rent moratorium.

Bambi Marien, Concord, spoke in favor of a rent moratorium.

Delores Loague, Concord, spoke in favor of a rent moratorium.

Zuleika Godinez spoke on behalf of Monica Lazo, who was in favor of a rent moratorium.

Janet Kinney, Pittsburg, spoke in favor of a rent moratorium.

Amy Scott-Slovic, Martinez, spoke in favor of a rent moratorium.

Jima Monson, Concord, spoke in favor of a rent moratorium.

Evangelina Mimila, Concord, spoke in favor of a rent moratorium.

Peruinka Kabaivanova spoke in favor of a rent moratorium.

Martha Potts, Concord, spoke in favor of a rent moratorium.

Rhea Laughlin, First 5 Contra Costa, spoke in favor of a rent moratorium.

David Kreuzinger, Concord, spoke in opposition to rent control.

Avelina Brown-Nunez, Concord, spoke in favor of a rent moratorium.

David Brazil, Oakland, spoke in favor of a rent moratorium.

Bob Lane, Pleasanton, Faith Alliance for a Moral Economy, spoke in favor of a rent moratorium

Eduardo Torres, Bay Point, Tenants Together, spoke in favor of a rent moratorium.

Greg Colley, Concord, spoke in favor of a rent moratorium.

Larry Sly, Concord, asked the Council to consider the people the Food Bank of Contra Costa & Solano serves when making a decision.

Theresa Carr, spoke in support of a hot line and mediation and opposition of a rent moratorium.

Mayor Hoffmeister called a recess at 8:50 p.m. The meeting resumed at 9:07 p.m.

Motion was made by Helix and seconded by Grayson to hold the agendized public hearings after 10 p.m. Motion passed by unanimous vote of the Council.

Natalie spoke in support of a rent moratorium.

Mariana Moore, Richmond, Ensuring Opportunity Campaign, encouraged the Council to have no exemptions and no loop holes if a moratorium is adopted.

Ajit Kaushal, Concord, stated that he could see both sides of the issue.

Betty Gabadon, Concord, spoke in support of a rent moratorium.

Justin McRoberts, Concord, spoke in support of a rent moratorium.

Marta Gonzales, Concord, spoke in support of a rent moratorium.

Jovana Fajardo, Bay Point, spoke of not being able to afford to live in Concord and in support of a rent moratorium.

John DeSousa, Concord, spoke in opposition of a rent moratorium.

Kathy Wells, Concord, spoke in support of a rent moratorium.

Mike Van Hofwegen, Concord, Monument Impact, spoke in support of a rent moratorium.

Hugo Rameriz, Concord, spoke in support of a rent moratorium.

Yolanda Negrete, Concord, spoke in support of a rent moratorium.

Dan Reynolds, Martinez, spoke in support of a rent moratorium.

Brian Brophy, Oakland, spoke in support of a rent moratorium.

Brenton, Concord, spoke in opposition of rent control and a rent moratorium.

Jeff Hawkins, Concord, spoke in support of a rent moratorium.

John Sullivan, Concord, spoke in opposition of rent control.

Julian Rogers spoke in opposition of rent control.

Sreenivas Ramireddy, Concord, spoke in opposition of rent control.

Jean Claude Malhem, Jr., Danville, spoke in opposition of rent control.

Elena Liberman, CCRM, Concord, spoke in opposition of rent control.

John Walton, Concord, spoke in support of a rent moratorium.

Stephan Mann, Concord, spoke in support of a rent moratorium.

Chuck Bowen spoke in opposition of rent control.

Teresa Brophy, Concord, stated that a rent increase of 10 percent per year is too high and in support of a rent moratorium.

Bob Tesh, Concord, spoke in opposition of rent control.

Mayor Hoffmeister closed the public comment period.

A motion was made by Birsan and seconded by Helix to adopt as an Urgency Measure a moratorium of 45 days with no greater increase in rent than 3 percent. The motion failed by the following vote of the Council:

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

A motion was made by Helix and seconded by Leone to create a confidential rental housing telephone and website "hotline" for both tenants and landlords in both English and Spanish for the City's information only for units greater than 12. The motion passed by unanimous vote of the Council.

A motion was made by Leone and seconded by Helix to bring the implementation of a non-binding mediation program for tenants and landlords back to the Committee on Housing and Economic Development for consideration. The motion passed by the following vote of the Council:

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

A motion was made by Birsan to have staff explore a registry program and bring to the City Council for consideration. Motion failed for lack of a second.

A motion was made by Birsan and seconded by Leone to have staff explore a registry program and have the Committee on Housing and Economic Development Committee for consideration. The motion failed by the following vote of the Council:

AYES: Birsan, Leone NOES: Grayson, Hoffmeister ABSTAIN: Helix

A motion was made by Birsan to direct staff to come back to the Council for action soonest, an ordinance that states that all initial renters must be given the opportunity for a one year lease by the landlord. At the expiration of the one year lease, unless notice is received otherwise, the lease shall be extended by one year increments, applicable for all rental units that are greater than 28 in single management as they exist as of November 29, 2016. Motion failed for lack of a second.

A motion was made by Birsan to direct staff to come back to the Council for action soonest that all rental complexes that are managed by a same management company/owner where there is a default on a code enforcement or a housing inspection order for repair may not raise rents on units in that complex, to apply to all rental units that are greater than 28 in single management as they exist as of November 29, 2016. Motion failed for lack of a second.

A motion was made by Birsan to direct staff to come back to Council for action soonest an ordinance that calls for just cause eviction only, to apply to all rental units that are greater than 28 in single management as they exist as of November 29, 2016. Motion failed for lack of a second.

A motion was made by Birsan to direct staff to come back to the Council for action soonest a limit of one raise of rent for a 12 month period from the last rental increase and not more than 10 percent of the then current rental rate for units greater than 28 in single management as they exist as of November 29, 2016. Motion failed for lack of a second.

REVISIONS TO POLICY AND PROCEDURE NO. 2, CITY COUNCIL MEETING PROCEDURES

Vice Mayor Leone removed his support of a two-year Vice Mayor, stating that he no longer requested the revision to Policy and Procedure No. 2. However, other changes were proposed to Policy and Procedure No. 2, so the item still needed consideration. Due to the late hour, Council determined it was best to continue the item to the December 13, 2016 meeting.

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

A motion was made by Birsan and seconded by Hoffmeister to continue the balance of the revisions of Policy and Procedure No. 2 to the December 13, 2016 City Council meeting. Motion passed by unanimous vote of the Council.

Mayor Hoffmeister called a recess at 11:40 p.m. The meeting resumed at 11:50 p.m.

MULTI-FAMILY INSPECTION PROGRAM

Chief Building Official Robert Woods presented a report on proposed Multi-Family Inspection Program Changes, including changing the rate for inspections, providing improvements to program services, staffing and program administration changes to manage the new inspection rates, and changes to the program fees and billing cycles. He noted that the Committee on Housing and Economic Development recommended the proposed changes to the City Council for adoption.

Mr. Woods reported that the Committee on Housing and Economic Development recommend that the Council introduce Ordinance No. 16-8 amending Concord Municipal Code Title 15, Chapter 15.20 Multi-Family Housing Inspection Program by reading of the title only and waiving further reading, adopt Resolution No. 16-6042.7 approving amendments to Table 3b, Multi-Family Rental Inspection Program Fee Schedule of Master Fees and Charges, and adopt Resolution No. 16-3493.5 approving and authorizing new staffing positions and approving Policy and Procedure No. 172 entitled "Multi-Family Rental Dwelling Inspection and Maintenance Program."

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

John Sullivan, Concord, requested two items – reward good landlords and keep the self-certification program to three years.

Theresa Carr, California Apartment Owners Association, requested the data that shows that three-year self-certification is not working and requested that they be given the opportunity to work with staff before Council makes a decision on changing the Program.

Melanie Howe Weintraub, Lafayette, Multi-Faith Action Coalition, spoke in favor of amending the Multi-Family Housing Inspection Program.

John DeSousa, Danville, spoke in favor of amending the Multi-Family Housing Inspection Program.

Chuck Bowen, spoke of apartment building owners having other inspections in addition to the inspections by the City.

Sreenivas Ramireddy, Concord, spoke of adding flexibility to the Program.

Mayor Hoffmeister closed the public comment period.

Motion was made by Helix and seconded by Birsan to introduce Ordinance No. 16-8, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 16 (BUILDINGS AND BUILDING REGULATIONS), CHAPTER 15.20 (MULTIPLE FAMILY RENTAL DWELLING UNIT INSPECTION AND MAINTENANCE CODE), SECTIONS 15.50.010 THROUGH 15.50.180" by reading of the title only and waiving further reading, adopt Resolution No. 16-6042.7 entitled, "A RESOLUTION APPROVING AND ADOPTING AN AMENDMENT TO EXHIBIT A TO RESOLUTION NO. 78-6042 (FEES AND CHARGES FOR VARIOUS MUNICIPAL SERVICES) RE: TABLE 3B (MULTI-FAMILY RENTAL INSPECTION PROGRAM FEE SCHEDULE), adopt Resolution No. 16-3493.5 entitled "A RESOLUTION APPROVING AND AUTHORIZING NEW STAFFING POSITIONS AND ADOPTION OF POLICY AND PROCEDURE NO. 172, MULTI-FAMILY RENTAL DWELLING INSPECTION AND MAINTENANCE PROGRAM."

Motion passed by unanimous vote of the Council.

AFFORDABLE HOUSING ORDINANCE

Senior Planner Joan Ryan presented a report on the consideration of the Introduction of Ordinance No. 16-3 amending the Concord Municipal Code by adopting a text amendment to the Development Code to Sections 18.185.020 and 18.185.040 to reduce the minimum applicable project size, subject to the Affordable Housing Ordinance, from five units to two units, consideration of adoption of Resolution No. 16-6042.4 amending the City's Fees and Charges Resolution to increase in-lieu fees for ownership units within the City's Inclusionary Housing program, effective January 1, 2017, and consideration of adoption of Resolution No. 16-6042.5 amending the City's Fees and Charges Resolution to adopt Affordable Housing Impact Fees for development of rental units within the City's Affordable Housing Program, effective July 1, 2018.

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

Motion by Helix to Introduce Ordinance No. 16-3, revising the Ordinance to keep the minimum applicable project size to five units. The motion failed due to lack of a second.

Motion by Helix and seconded by Birsan to adopt Resolution No. 16-6042.4 entitled, "A RESOLUTION TO AMEND EXHIBIT A TO RESOLUTION NO. 78-6042 ESTABLISHING FEES AND CHARGES FOR VARIOUS MUNICIPAL SERVICES IN THE CITY OF CONCORD TO INCREASE IN-LIEU FEES FOR OWNERSHIP UNITS WITHIN THE CITY'S INCLUSIONARY HOUSING PROGRAM EFFECTIVE JULY 1, 2018" and adopt Resolution No. 16-6042.5 entitled, "A RESOLUTION TO AMEND EXHIBIT A TO RESOLUTION NO. 78-6042 ESTABLISHING FEES AND CHARGES FOR VARIOUS MUNICIPAL SERVICES IN THE CITY OF CONCORD TO ADOPT AFFORDABLE HOUSING IMPACT FEES FOR DEVELOPMENT OF RENTAL UNITS WITHIN THE CITY'S AFFORDABLE HOUSING PROGRAM, EFFECTIVE JULY 1, 2018." Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Draft Concord Reuse Project Implementation Schedule
- b. Rental Housing in Concord PowerPoint Presentation
- c. Correspondence Received on Rent Stabilization Item
- d. Flyer from Food Bank of Contra Costa & Solano
- e. Article on the High Cost of Rent Control
- f. Letter submitted by the Multi-faith Action Coalition
- g. Remarks submitted by John DeSousa
- h. Remarks submitted by Cindy Molander
- i. Remarks submitted by Joel Devalcourt
- j. Proposed motions for Rent Stabilization submitted by Councilmember Birsan
- k. Proposed Multi-Family Inspection Program Changes PowerPoint Presentation
- l. Affordable Housing PowerPoint Presentation

CLOSED SESSION REPORTS – none.

COUNCIL AND STAFF REPORTS

Councilmember Birsan shared information on events and activities that he participated in since the last meeting and requested a public meeting with Lennar.

By order of the Mayor, the meeting was adjourned at 1:30 a.m.


LAURA M. HOFFMEISTER
MAYOR


JOELLE FOCKLER, MMC
CITY CLERK

