

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 24, 2017

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 24, 2017, with Mayor Hoffmeister 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: Edi Birsan, Ron Leone, Carlyn Obringer, Laura Hoffmeister

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Tim McGallian, City Treasurer; Joelle Fockler, City Clerk; Chief of Police Guy Swanger; Victoria Walker, Director of Community and Economic Development; Steve Voorhies, Director of Parks and Recreation; Justin Ezell, Director of Public Works; Karan Reid, Director of Finance; Guy Bjerke, Director of Reuse Planning; Laura Simpson, Planning Manager; Bob Hardie, Facilities, Manager; Deborah Yamamoto, Senior Financial Analyst; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC
WHO ADDRESSED THE COUNCIL: Mahsheed Shariati, Concord; Natalie; Hope Johnson, Concord; Suzanne Delbou, Concord; Kenji Yamada, Concord; Taylor Griffith, Concord; Al Moore; Steve Gonsalves, Concord

PUBLIC COMMENT PERIOD

Mahsheed Shariati, Concord, spoke of her concern over radiation from having nine cell towers in her neighborhood.

PRESENTATIONS

WORLD RACQUETBALL TOUR'S WEST COAST CHAMPIONSHIP DAYS

Mayor Hoffmeister presented a proclamation to Pablo Fajre, CEO/Founder, Laura McCormick, Communications Director, and Jake Bredenbeck, Pro Racquetball Player, World Racquetball Tour, declaring January 26-29, 2017 as "World Racquetball Tour's West Coast Championship Days" in the City of Concord.

ANNOUNCEMENTS – none.

TREASURER'S REPORT – October 1 – December 31, 2016

City Treasurer Tim McGallian presented the Quarterly Treasurer's Report for the period October 1 – December 31, 2016. Motion was made by Leone and seconded by Obringer to accept the Quarterly Treasurer's Report for the period October 1 – December 31, 2016. Motion passed by unanimous vote of the Council.

AWARD OF CONTRACT – Replacement of the Newhall Park pump system as Phase 2 of Project No. 2242

Motion was made by Leone and seconded by Obringer to award a contract in the amount of \$85,250 to Kvilhaug Drilling and Pump for the replacement of the Newhall Park pump system as Phase 2 of Project No. 2242 – components at 4 park locations; and authorize the City Manager to execute the contract in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 17-1 – Accept Funding under the California Beverage Container Recycling and Litter Abatement City/County Payment Program

Motion was made by Leone and seconded by Obringer to adopt Resolution No. 17-1 entitled, "A RESOLUTION TO ACCEPT FUNDING UNDER CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER ABATEMENT CITY/COUNTY PAYMENT PROGRAM AND ALLOCATE THE FUNDS TO BEVERAGE CONTAINER RECYCLING AND LITTER ABATEMENT ACTIVITIES WITHIN THE CITY OF CONCORD." Motion passed by unanimous vote of the Council.

RESOLUTION NO. 17-4735.1 – Side Letter Agreement between the City of Concord and the Concord Police Managers' Representation Unit

Motion was made by Leone and seconded by Obringer to adopt Resolution No. 17-4735.1 entitled, "A RESOLUTION APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF CONCORD AND THE CONCORD POLICE MANAGERS' REPRESENTATION UNIT, ELIMINATING THE \$2,000 EMPLOYER CONTRIBUTION TO THE FLEXIBLE SPENDING ACCOUNT AND PROVIDING IN LIEU A \$2,000 (FLAT DOLLAR) ANNUAL EMPLOYER CONTRIBUTION TO THE 401K DEFERRED COMPENSATION PLAN." Motion passed by unanimous vote of the Council.

APPROVAL OF A DISPOSITION PROCESS CHANGE FOR THE TOWN II CENTER SITE

This item was pulled from the consent calendar.

Mayor Hoffmeister opened a public comment period.

Natalie stated he would like to see open space on the site.

Mayor Hoffmeister closed the public comment period.

Motion was made by Obringer and seconded by Birsan to approve a disposition process change for the Town Center II Site (bounded by Galindo Street, Concord Boulevard, Clayton Road and Mira Vista) held by the City for future development as recommended by the City Council Committee on Policy Development and Internal Operations. Motion passed by unanimous vote of the Council.

LOCAL REUSE AUTHORITY RESOLUTION NO. 17-15 – Adding Daniel C. Helix as an Emeritus Voting Member of the Concord Naval Weapons Station Reuse Project Community Advisory Committee (CAC)

This item was pulled from the consent calendar.

Mayor Hoffmeister opened a public comment period.

Hope Johnson, Concord, stated her opposition to allowing Daniel C. Helix as an emeritus voting member of the CAC and her concern with having an even amount of members on the committee.

Susanne Delbou, Concord, stated her opposition to allowing Daniel C. Helix as an emeritus voting member of the CAC.

Kenji Yamata, Concord, thanked Hope Johnson for bringing this matter to the attention of the public.

Mayor Hoffmeister closed the public comment period.

It was the consensus of the Council to bring back to Council at a future meeting the consideration of a 13th member of the CAC.

Motion was made by Birsan and seconded by Leone to adopt Local Reuse Authority Resolution No. 17-15 entitled, "A RESOLUTION AMENDING LOCAL REUSE AUTHORITY RESOLUTION NO. 16-14 ESTABLISHING A COMMUNITY ADVISORY COMMITTEE IN ORDER TO RATIFY ADDITION OF DANIEL C. HELIX AS AN EMERITUS VOTING MEMBER OF THE CONCORD NAVAL WEAPONS STATION REUSE PROJECT COMMUNITY ADVISORY COMMITTEE (CAC). Motion passed by unanimous vote of the Council.

SELECTION OF CANDIDATES TO INTERVIEW FOR CITY COUNCIL VACANCY

City Clerk Joelle Fockler presented a report stating that the Council was being requested to establish a list of candidates to interview for the vacant City Council seat created by the resignation of Councilmember Grayson. Ms. Fockler reported that on December 13, 2016, the Council initiated, by Resolution, an application and interview process to appoint a qualified applicant to fill the vacant office. The application period closed Friday, January 13, 2017, at 5 p.m., and a total of 33 completed applications were received. Five applicants, Ronald Bennett, Sulastri Carr, Daniel Mahoney, David Molstad, and Anthony Vierra, withdrew their applications. Two applicants, Colleen Geraghty and Lisa Nelson, did not complete a conflict of interest Form 700 as required for eligibility, and their applications were removed from consideration.

City Clerk Joelle Fockler noted that at its January 10, 2017 meeting, the City Council approved a process of declaring, in public session, a list of three applicants each to interview for the vacant City Council seat. She reported that at this meeting Council will determine the interview pool and number of interviews to be conducted, and that interviews for the vacant seat will be held at a Special City Council meeting on Tuesday, January 31, 2017.

Ms. Fockler conveyed that the City Attorney prepared a brief analysis memo which evaluates potential conflicts. The memo determines that none of the applicants are ineligible to serve on the City Council, and that to the extent any potential conflicts exist, those would be treated in the same manner as conflicts of former or existing Councilmembers.

The qualified applicants were as follows: Sherill Borg, Eric Castillo, John Chapman, Andrew Dodd, Robert Fletcher, Michael Forsyth, Norman Freitas, Taylor Griffith, Jay Hann, Hope Johnson, David Jump, Ajit Kaushal, Terry Kremin, Harmesh Kumar, Robyn Kuslits, Kandi

Lancaster, Timothy McGallian, Justin Meisinger, Cora Mitchell, Richard Petrow, Justin Stein, Susan Swift, James Thomas, John Ward, and Kenji Yamata, 25 total.

Ms. Fockler stated that she placed a list of eligible applicants at the dais for Council's use in choosing applicants to interview.

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

Susanne Delbou, Concord, stated that only people that ran in the November 2016 election should be considered for the appointment and that she supports applicant Hope Johnson.

Taylor Griffith, Concord, introduced himself as one of the applicants, and gave a brief summary of his qualifications.

Hope Johnson, Concord, stated that she took offense to the City Attorney's memorandum.

Mayor Hoffmeister closed the public comment period.

The Council each chose three applicants to be considered for interviews as follows:

Vice Mayor Birsan – Terry E. Kremin, Harmesh Kumar, Timothy A. McGallian

Councilmember Leone – Ajit Kaushal, Harmesh Kumar, Timothy A. McGallian

Councilmember Obringer – Hope A. Johnson, Ajit K. Kaushal, Harmesh Kumar

Mayor Hoffmeister – Andrew J. Dodd, Timothy A. McGallian, Susan T. Swift

The slate of applicants to be considered for interviews is as follows: Andrew J. Dodd, Hope A. Johnson, Ajit K. Kaushal, Terry E. Kremin, Harmesh Kumar, Timothy A. McGallian, and Susan T. Swift.

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

Motion was made by Leone and seconded by Birsan to interview Andrew J. Dodd, Hope A. Johnson, Ajit K. Kaushal, Terry E. Kremin, Harmesh Kumar, Timothy A. McGallian, and Susan T. Swift at a Special City Council Meeting to be held on January 31, 2017 at 6:30 p.m. in the City Council Chamber, 1950 Parkside Drive, Concord, California. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 17-5 AND INTRODUCTION OF ORDINANCE NO. 17-425.1 – Conco Commercial

Contract Senior Planner Jerry Hittleman presented a report on the Conco Commercial change of zoning and Development Code Text Amendment. He reported that the owners of five adjacent parcels located west of Port Chicago Highway and north of Bates Avenue approached the City to modify the existing zoning of their parcels from Office Business Park (OBP) to Industrial Business Park (IBP). He noted that one of the property owners, Dennis Baca, 5135 Port Chicago Highway, did not submit an application. Mr. Hittleman stated that on September 27, 2017, the City Council initiated the change of zoning request for all six properties.

Mr. Hittleman reported that at its November 15, 2016 meeting, the Planning Commission recommended that the City Council adopt an Addendum to the 2012 General Plan Supplemental Environmental Impact Report, the amendment to Development Code Section 18.50.010, and change of zoning. He recommended that the Council adopt Resolution No. 17-5 approving the Addendum to the 2012 Supplemental Environmental Impact Report (SEIR) and introduce Ordinance No. 17-425.1 amending Concord Municipal Code, Title 18, Development Code, Chapter 18.50.010 to change the land use and zoning map designation from Office Business Park (OBP) to Industrial Business Park (IBP) for six parcels located west of Port Chicago Highway and north of Bates Avenue by reading of the title only and waiving further reading.

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

Al Moore, spoke of his support for the project.

Steve Gonsalves, Concord, project applicant, spoke of his support for the project.

Mayor Hoffmeister closed the public comment period.

Following comments by the City Council, a motion was made by Obringer and seconded by Leone to adopt Resolution No. 17-5 entitled, "A RESOLUTION CONSIDERING AND APPROVING THE ADDENDUM TO THE 2012 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR), ADOPTING THE CONCO COMMERCIAL AMENDMENT TO SECTION 18.50.010(B) OF THE DEVELOPMENT CODE AND CHANGE OF ZONING DESIGNATION AND ZONING MAP FROM OFFICE BUSINESS PARK (OBP) TO INDUSTRIAL BUSINESS PARK (IBP) FOR SIX PARCELS (APNS 159-040-021-2, 159-040-024-6, 159-040-037-8, 159-040-038-6, 159-040-039-4, 159-040-095-6) LOCATED ON THE WEST SIDE OF PORT CHICAGO HIGHWAY NORTH OF BATES AVENUE (PL16278-RZ.)" The motion passed by unanimous vote of the Council.

A motion was made by Leone and seconded by Birsan to introduce Ordinance No. 17-425.1 entitled, "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE, CHAPTER 18.50.010(B) (PURPOSE – IBP – BUSINESS PARK) TO CHANGE THE LAND USE AND ZONING MAP DESIGNATION FROM OFFICE BUSINESS PARK (OBP) TO INDUSTRIAL BUSINESS PARK (IBP) FOR SIX PARCELS (APNS 159-040-021-2, 159-040-024-6, 159-040-037-8, 159-040-038-6, 159-040-039-4, 159-040-095-6) LOCATED WEST OF PORT CHICAGO HIGHWAY AND NORTH OF BATES AVENUE" by reading of the title only and waiving further reading. The motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Proclamation – Kiwanis Officer of the Year Summer Galer
- b. List of applicants for City Council vacancy qualified to be considered for interviews
- c. Letter dated January 23, 2017 from Rich Eber
- d. Memorandum dated January 24, 2017 written by City Attorney Susanne Brown
- e. Correspondence submitted by Edi Birsan – answers to questions to City Council applicants
- f. Memorandum dated January 24, 2017 submitted by members of the Raise the Roof Coalition
- g. Conco Commercial change of zoning and Development Code Text Amendment PowerPoint Presentation
- h. Report on League of Cities Committee on Governance-Transparency-Labor Relations dated January 19, 2017 submitted by Edi Birsan

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 8:15 p.m.


LAURA M. HOFFMEISTER
MAYOR


JOELLE FOCKLER, MMC
CITY CLERK