

SPECIAL MEETING OF THE
CONCORD CITY COUNCIL
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, JANUARY 16, 2018

The Concord City Council met in a special meeting in the City Council Conference Room located at 1950 Parkside Drive at 5:30 p.m. on Tuesday, January 16, 2018, with Mayor Birsan presiding. All Councilmembers were present. The meeting was recessed and immediately reconvened in a closed session under Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: one potential case.

The meeting recessed at 6:30 p.m. to reconvene in regular session in the Council Chamber.

The Concord City Council met in a special meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Tuesday, January 16, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Councilmember McGallian. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

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

COUNCILMEMBERS ABSENT: Laura Hoffmeister

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Patti Barsotti, Joelle Fockler, City Clerk; Guy Swanger, Chief of Police; Andrea Ouse, Director of Community and Economic Development; Laura Simpson, Planning and Housing Manager; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Rosanne Nieto, Concord; Robyn Kuslits, Concord; Colleen Geraghty, Concord; Chris Arnold, Concord; Greg Colley, Concord Community Alliance; Laura Nakamura, Concord; Julia Zermeno, Central County Regional Group (CCRG); William Colin, CCRG; Hope Johnson, Concord; Alan Desroches; Jeff Koertzen, Concord; Delores Ramos, Concord; Ady Olvera, Concord; Kenji Yamada, Concord; John Haberkorn, Concord; Eduardo Torres, Tenants Together; Bob Lane, Fair Alliance for a Moral Economy; Natalie

PUBLIC HEARING

RECEIVE INPUT FROM THE COMMUNITY REGARDING DISTRICTS TO BE ESTABLISHED FOR DISTRICT-BASED ELECTIONS

Planning and Housing Manager Laura Simpson presented a report on Concord City Council redistricting and outlined the Council action requested - to hold the first public hearing to receive input on the composition and number of voting districts and to request any additional information needed for the public hearing scheduled for January 23. Ms. Simpson reported that

on January 2, 2018, the Council adopted a resolution to transition from at-large to district elections, and she reviewed the established schedule that conforms to the California Voting Rights Act of 2001 and meets the safe harbor timeframe.

Ms. Simpson detailed community outreach for the process, including a District Elections webpage, an email address, flyers mailed in English and Spanish, a press release distributed and posted on NextDoor, information included in the City's eNews, and staff availability to attend community meetings upon request. Manager Simpson demonstrated the Concord Town Hall feature on the webpage to submit responses to specific survey questions regarding district elections.

Planning Manager Simpson introduced Michael Wagaman, Wagaman Strategies, the City's demographer for the districting process, who went into more detail about the district elections process and guidelines, and the mapping software that would be used for the process. Mr. Wagaman covered the criteria and rules that govern the process, the geography and data tools, and the next steps. He addressed the Equal Protection Clause of the 14th Amendment and California Election Code 21601 and how they guide the districting process. He noted that under California Election Code 21601, the factors to consider are contiguity, compactness, topography, and communities of interest. He then went over census geography and electoral geography.

Councilmember Leone asked about the age of the population and if children are counted. Mr. Wagaman said the population included every person that was counted in the 2010 Census, regardless of age.

Vice Mayor Obringer asked about the census block group data and how often it gets updated and requested confirmation that the requirement is to use the Census block data from 2010 and not any other data that had been updated since 2010. Mr. Wagaman confirmed that the other data can be used as a tool to identify communities, but not to determine if the districts were equally populated.

Councilmember McGallian inquired about why the most current data could not be used and why the 2010 census must be used. Mr. Wagaman said the reason to use the 2010 data was because it included every person in the City, versus the more current information being done as a survey with a margin of error.

Mayor Birsan asked how many maps would be developed following the two public hearings. Mr. Wagaman said the typical is three full sets of maps for the first release of maps. Mayor Birsan asked for clarification about what can be done with regard to race and ethnicity. Robin Johanson, Special Elections Council, stated that racial gerrymandering is prohibited, and race cannot be the predominate reason for drawing a specific district.

Mayor Birsan opened a public comment period.

Rosanne Nieto, Concord, spoke in opposition to districts because she likes having five people represent her.

Robyn Kuslits, Concord, spoke in favor of five districts with a rotating mayor.

Colleen Geraghty, Concord, spoke in favor of four districts with an at-large mayor and shared a thought from her neighbor to have seven districts, with three of the councilmembers elected at-large, including the mayor.

Chris Arnold, Concord, urged the Council to take simplicity into consideration with the structure, asked what levels of review would occur; and suggested the Councilmembers go through the exercise themselves by identifying their community.

Greg Colley, Concord Community Alliance, spoke in favor of five districts but not a directly-elected mayor, felt that a directly elected mayor should be voted on by the citizens; and suggested that a community of interest to take into consideration is tenants.

Laura Nakamura, Concord, stated that trust was on the line regarding any involvement by the Council to influence the process and felt that a directly elected mayor should be decided by a ballot measure.

Julia Zermeno, Central County Regional Group (CCRG), spoke in favor of five districts implemented in 2018.

William Colin, CCRG, spoke in favor of five districts.

Hope Johnson, Concord, spoke in favor of at least five districts, a rotating mayor, term limits if an elected mayor is chosen, having the two BART stations in different districts, and no gerrymandering by the City Council.

Alan Desroches, asked who makes the final determination about what was acceptable or not with regard to how to draw the districts.

Jeff Koertzen, Concord, spoke in favor of at least five districts and preferred the districts be drawn by precinct.

Delores Ramos, Concord, spoke in favor of five districts implemented in 2018.

Ady Olvera, Concord Community Alliance, spoke in favor of five districts, thanked staff for its outreach; and requested that materials be distributed in other languages in addition to Spanish and English.

Kenji Yamada, Concord, stated that a directly-elected mayor should not be bundled in with the districting process, was in opposition to incumbents not having to run against each other, and favored implementation in 2018.

John Haberkorn, Concord, spoke in favor of five districts and asked for clarification on what would happen after 90 days if the districts are not implemented in 2018 and about the acceptable variation from the population based on the 2010 Census.

Eduardo Torres, Tenants Together, spoke in favor of five districts implemented in 2018.

Bob Lane, Fair Alliance for a Moral Economy, spoke in favor of tenants having a voice in the process as a community of interest and implementation of district elections in 2018.

Natalie, spoke in favor of a rotating Mayor and of leveling the playing field by publicly funded elections.

Mayor Birsan closed the public comment period.

Councilmember McGallian spoke of the importance of citizen participation and input during this process and asked the citizens to drill down and bring back ideas on how they would like to see districts drawn.

Vice Mayor Obringer thanked the members of the public who shared their concerns. She spoke of the City of Richmond being a Charter City vs. Concord being a general law city and commented on the Council's longstanding engagement with the Monument community and that

she had personally sat on the Monument Impact Board of Directors. Ms. Obringer highlighted the work the Council has done with CCRG and the work done to update the playgrounds at Meadow Homes Park and Ellis Lake Park. In addition, she mentioned the inclusive city resolution and encouraged the public to take a moment and reflect that there has been a history of the Council and public working together with the common goal of one Concord.

Councilmember Leone spoke of concerns of districts and becoming provincial in the future and the importance of the greater Concord and not just looking at a district. He felt that it was a good time to discuss a directly-elected mayor, supported implementation of districts in 2018, and liked the idea of keeping contiguous communities and drawing districts by precincts so the city does not need to pay to hold a separate election.

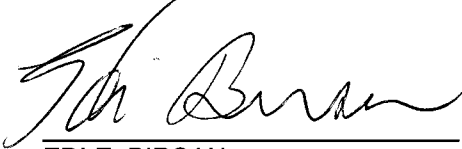
Mayor Birsan spoke in favor of implementation in 2018 and stated that the creation of the districts would determine if implementation in 2018 was possible. He felt the process of choosing a rotating mayor should be done by ordinance.

CORRESPONDENCE

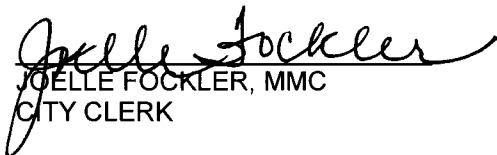
- a. Concord City Council Districting PowerPoint Presentation

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 8:40 p.m.



EDI E. BIRSAN
MAYOR



JOELLE FOCKLER, MMC
CITY CLERK