

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
TUESDAY, JUNE 4, 2013

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, June 4, 2013, with Vice Mayor Grayson presiding. Mayor Helix was absent and the pledge of allegiance was led by Vice Mayor Grayson. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Edi Birsan, Laura Hoffmeister, Ron Leone, Tim Grayson

COUNCILMEMBERS ABSENT: Dan Helix

STAFF PRESENT: Valerie Barone, City Manager; Mark Coon, City Attorney; Mary Rae Lehman, City Clerk; Victoria Walker, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Jon Crawford, Interim City Engineer; David Boatwright, Senior Administrative Analyst

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Pat Lechuga, Concord; Jack Carter, Concord; Sandra Frost, Concord; Rick Cole, Concord; Mark Seman, Concord; Paul Poston, Concord

PUBLIC COMMENT PERIOD

Jack Carter, Concord, requested assistance with Child Protective Services and was directed to legal services.

Pat Lechuga, Concord, expressed concerns over the conditions at a neighborhood residence.

PRESENTATION – Concord Art Association

Vice Mayor Grayson made a presentation to Carol Husslein, President of the Concord Art Association, proclaiming June 4, 2013 as *Concord Art Association Day* in the City of Concord in celebration of the Association's 50<sup>th</sup> anniversary.

ANNOUNCEMENT - None

CITY COUNCIL  
MATTERSAPPROVAL OF MINUTES

Motion was made by Hoffmeister and seconded by Leone to approve the minutes for the meeting of May 14, 2013. Motion passed by the following vote of the Council:

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

CONFIRMING CONTINUATION OF EMERGENCY – Camp Concord

Motion was made by Hoffmeister and seconded by Leone to confirm the continuation of the emergency status for Project No. 2256 (Camp Concord Bathhouse Restoration) pursuant to Section 22050 of the Public Contract Code. Motion passed by the following vote of the Council:

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

AWARD OF CONTRACT TO ADVANCED VOICE AND DATA – Project No. 2257, Data Cabling Services

Bids received under an informal bidding process were opened by the Information Technology staff on Wednesday, April 3, 2013.

Motion was made by Hoffmeister and seconded by Leone to award a contract to Advanced Voice and Data, as the lowest responsive proposal in the amount of \$225,000 for 3 years with two optional 1 year extensions for up to \$75,000 per year for RFP #2257 for Data Cabling Services; and to authorize the City Manager to execute the contract. Motion passed by the following vote of the Council:

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

MODIFICATIONS TO POLICY AND PROCEDURE NO. 89 – Council Appointments to Boards and Commissions

This item was pulled from the consent calendar by Paul Poston, Concord, who questioned the removal of the requirement for semi-annual review of attendance.

City Clerk Lehman explained that the proposed removal of the requirement reduced the impact on staff time, and stated that the policy provides for dismissal from the Board or Commission if a member has three unexcused absences.

Motion was made by Birsan to enhance the language in Section 3.3 of Policy and Procedure No. 89 by stating that two or three times the number of needed applicants would be deemed an adequate pool of applicants and close a recruitment, even if it occurred prior to the published deadline for applications. The motion died for lack of a second.

Motion was made by Hoffmeister and seconded by Leone to approve the recommendations of the Council Subcommittee on Policy Development and Internal Operations to modify the language in Policy and Procedure No. 89 to more clearly define staff's ability to extend a recruitment period; to remove Section 5.3, the requirement for staff to semi-annually provide a report to Council on the attendance of all members of the City's Boards and Commissions; and to conduct general administrative clean-up. Motion passed by the following vote of the Council:

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

INTRODUCTION OF ORDINANCE NO. 13-4 – MUNICIPAL CODE AMENDMENT INCREASING SEWER SERVICE FEES

Notice of the Public Hearing was published twice in the Contra Costa Times, on Tuesday, May 21 and May 28, 2013, and posted in the Civic Center posting cabinet. All affected residences in the cities of Concord and Clayton were notified as required by Proposition 218, and 46 letters/notices of protest were received. City Clerk Lehman confirmed that a majority protest had not been received.

Interim City Engineer Jon Crawford presented a report, referring to his memorandum dated June 4, 2013, advising that the Council Committee on Infrastructure and Franchise had reviewed and recommended the proposed \$39 increase which was necessary to offset the increased costs to the City imposed by Central Contra Costa Sanitary District to treat the waste water and dispose of the sewage. He advised that the City's existing sewer infrastructure was deteriorating due to age and cautioned that the proposed two-year fee increase was falling short of the actual costs required for system maintenance and treatment of the effluent.

Vice Mayor Grayson opened the public hearing.

Mark Seman, Concord, expressed his objection to the fee increase stating that it, along with increases imposed on gas, groceries, and other services, was overly impacting businesses and residences.

Rick Cole, Concord, shared his opinion that the proposed increase was too low to ensure the maintenance of the city's system. He advised that the City should be rehabilitating about 2 miles of the aged system every year to avoid higher costs at the treatment plant, and stated that by lowering the staff recommended fee of \$50 per household simply deferred local maintenance to the infrastructure.

Sandra Frost, Concord, stated that as a senior citizen on a fixed income, she was unalterably opposed to the increase and stated that in her opinion that the city was incurring unnecessary expenses.

Vice Mayor closed the public hearing and took comments from the Councilmembers.

Motion was made by Hoffmeister and seconded by Leone, to introduce Ordinance No. 13-4 by reading of the title and waiving further reading, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 110, (UTILITIES), ARTICLE II (SEWER SYSTEM), SUBSECTION 110-32(C) (ANNUAL SEWER SERVICE CHARGES), EXHIBIT A, BY INCREASING THE MINIMUM ANNUAL SEWER SERVICE CHARGES AND OTHER CORRESPONDING CHANGES" increasing the minimum annual Sewer Service Charges by up to \$39 per year for Fiscal Years 2013/14 and 2014/15 thereby raising the minimum rates from \$363 to \$402. City Attorney Mark Coon read the title of the ordinance. Motion passed by the following vote of the Council:

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

CORRESPONDENCE

- a. Letter to Assemblymember S. Bonilla opposing Assembly Bill 1147 (Gomez), Massage Therapy, as it is currently written.
- b. Thirty-three letters of protest to the proposed increase in Sewer Service charges.
- c. Thirteen letters of protest to the proposed increase in Sewer Service charges.
- d. Letter submitted by Mark Irby dated June 4, 2013 objecting to the proposed increase in Sewer Service charges.
- e. List of events attended May 29 through June 3, 2013, submitted by Councilmember Leone.
- f. List of events attended by Councilmember Birsan during the month of May, 2013.

CLOSED SESSION REPORTS - None

COUNCIL AND STAFF REPORTS

Councilmembers shared information on several events and activities in which they had recently participated.

By order of the Mayor, the meeting was adjourned at 7:55 p.m.

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TIMOTHY S. GRAYSON  
VICE MAYOR

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MARY RAE LEHMAN, CMC  
CITY CLERK