SPECIAL MEETING OF THE
CONCORD CITY COUNCIL
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
THURSDAY, FEBRUARY 11, 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 Thursday, February 11, 2016, with Mayor Hoffmeister presiding. The pledge of allegiance was led by Councilmember Birsan. 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, Laura Hoffmeister
COUNCILMEMBERS ABSENT:	Ron Leone
STAFF PRESENT:	Valerie Barone, City Manager; Brian Libow, Interim City Attorney; Tim McGallian, City Treasurer; Joelle Fockler, City Clerk; Jovan Grogan, Deputy City Manager; Victoria Walker, Director of Community and Economic Development; Steve Voorhies, Director of Parks and Recreation; Leslye Asera, Community Relations Manager
MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL:	Steve Weir, Concord; Polly Boissevain, Concord; Tim Carr, Concord; Nancy Sasser, Concord; Ray Sloan, Martinez; Katherine Dano-Luttjohann, Concord; Paul Poston, Concord

PUBLIC COMMENT PERIOD – none

PRESENTATIONS – none

CITY COUNCIL
MATTERS

RELEASE OF THE JENKINS & HOGIN, LLP INVESTIGATIVE REPORT

City Manager Valerie Barone presented a report, stating that Council was meeting to discuss considering waiving attorney client privilege and releasing to the public an independent investigative report prepared in response to a letter received from Catellus Development Corporation that asserted that Five Point Communities Lennar violated the terms of their agreement to negotiate with the City by lobbying and further raised questions about the City Manager's removal of a recommendation from a final staff report prepared for the September 29, 2015, City Council meeting. The investigative report was prepared on behalf of the City Council by an independent attorney, Michael Jenkins of Jenkins & Hogin, LLP, who has no connection with Catellus or Lennar, nor has he conducted any other business with the City of Concord.

Ms. Barone explained that with Council's leadership, staff has guided a multi-year process to identify a master developer for Phase 1 of the Concord Naval Weapons Station Project where Council and staff worked hard to conduct an open and transparent process which resulted in two of the best development firms in the nation competing to be selected and a

community that was engaged and supportive of the process. This current controversy has cast a shadow on the process and needs to be addressed. She explained that by their nature independent investigative reports rarely contain flattery for an organization and are, however, almost always useful in clarifying where problems are occurring in the process and then laying out a road map how to improve and move forward. Ms. Barone recommended Council continue to support its goals of transparency and public involvement for the process.

Following comments by the Council in support of City Manager Barone and releasing the report, Mayor Hoffmeister opened a public comment period.

Steve Weir, Concord, spoke in favor of releasing the investigative report and applauded the council for having a no lobbying clause in the negotiating agreements with the developers.

Polly Boissevain, Concord, spoke in favor of releasing the investigative report.

Tim Carr, Concord, spoke to concerns of litigation upon release of the report.

Nancy Sasser, CNWS Neighborhood Alliance, spoke in favor of releasing the investigative report to the community.

Ray Sloan, Martinez, spoke to the report and documents he received from a reporter.

Katherine Dano-Luttjohann, Concord, spoke in support of releasing the investigative report.

Paul Poston, Concord, spoke in support of releasing the investigative report.

Mayor Hoffmeister closed the public comment period.

Motion was made by Helix and seconded by Grayson to waive attorney-client privileges and release Investigative Report and attachments prepared by Michael Jenkins; and direct staff to return on February 23, 2016, with recommended actions regarding the Investigative Report's findings. Motion passed by the following vote of the Council:

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

Councilmember Leone was not present at the meeting because he recused himself due to his residence being within 500 feet of the proposed project.

By order of the Mayor, the meeting was adjourned at 6:11 p.m.

Laura M. Hoffmeister

LAURA M. HOFFMEISTER
MAYOR

Joelle Fockler

JOELLE FOCKLER, MMC
CITY CLERK