



# ANNOTATED AGENDA

**REGULAR JOINT MEETING  
OF THE  
CONCORD CITY COUNCIL/  
REDEVELOPMENT AGENCY**

**Tuesday, January 24, 2012  
6:30 p.m. – Regular Joint Meeting  
City Council Chamber  
1950 Parkside Drive, Concord, CA**

**CLOSED SESSION  
CONCORD CITY COUNCIL  
5:30 p.m. – City Council Conference Room**

- I. ROLL CALL** – Grayson absent
- II. PUBLIC ANNOUNCEMENT (Open Session)**
- III. PUBLIC COMMENT (Open Session)** - None
- IV. CLOSED SESSION:**
  - a. Personnel matter pursuant to Government Code Section 54957.  
Public Employee Appointment – Acting City Manager
  - b. Conference with Legal Counsel to discuss anticipated litigation pursuant to Government Code Section 54956.9(a):  
  
Wendy Schwartzenberger v. City of Concord Police Department, et al.  
Contra Costa County Superior Court Case No. C 11-00709  
  
**ACTION: Closed session held.**
- V. ADJOURNMENT** – at 6:15 p.m. to reconvene in the Council Chambers.

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**REGULAR JOINT MEETING  
6:30 p.m. – City Council Chamber**

**ROLL CALL** – Councilmember Grayson absent

**PLEDGE TO THE FLAG** – Councilmember Helix

**PUBLIC COMMENT PERIOD**

Rose Lobrino, Walnut Creek, representative of the American Cancer Society, spoke of her support for the California Cancer Research Act ballot measure proposed for the June 5, 2012 ballot, which if approved would place a \$1 per pack sales tax on cigarettes.

Roylen Stack, Concord, thanked the Concord Police Department for their quick response to a recent complaint.

1. **ANNOUNCEMENTS**

Mayor Leone announced that the recruitment period for applicants to the Appeals Board and the Personnel Board has been extended and that applications will be accepted through Friday, February 24, 2012, at 5:00 p.m.

Mayor Leone announced that City Manager Dan Keen had submitted his official resignation to the City Council today, effective February 22, 2012. He also announced that the City Council voted unanimously (4-0-1) in Closed Session to have Assistant City Manager Valerie Barone serve as the City's Interim City Manager. He shared that Ms. Barone would find an Interim Assistant City Manager to assist her in her new duties. The Mayor concluded his comments by thanking Mr. Keen for his service to the City of Concord.

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**CITY COUNCIL  
MATTERS**

**2. CITY COUNCIL STUDY SESSION**

- a. **Study Session** – Reviewing the annual CAFER Audit. Report by Margaret Lefebvre, Director of Finance.

**ACTION: Director of Finance Peggy Lefebvre, provided a brief summary and then introduced the City’s consultant Mr. Cory A. Biggs, a CPA from Maze & Associates, who provided a presentation on the City’s Annual Financial Report and Audit Results.**

**3. CITY COUNCIL CONSENT ITEMS:**

- a. **Approving** – the acceptance of Fiscal Year 2011-12 grant funding in the amount of \$27,135.50 from the State of California Office of Traffic Safety; and appropriating it for use in the City’s Driving Under the Influence (DUI) awareness and enforcement program. (Grant Funds) Resolution No. 12-3 for adoption. Recommended by Chief of Police.

**ACTION: Resolution No. 12-3 adopted. (4-0-1; Grayson absent)**

- b. **Accepting** – the Comprehensive Annual Financial Report (CAFR) with the Independent Auditors’ Report for the Fiscal Year ended June 30, 2011. (No Fiscal Impact) Recommended by Director of Finance.

**ACTION: The Comprehensive Annual Financial Report with the Independent Auditors’ Report for the Fiscal Year ended June 30, 2011 was accepted.**

- c. **Accepting** – the Improvements for Project 2146 (Replace Irrigation Main Line, Valves and Controller) at the City’s Sun Terrace Park, Constructed by Green Valley Group dba Green Valley Landscape of Livermore; and direct the City Clerk to file a Notice of Completion (Funded by Measure WW and Parkland funds) Recommended by City Engineer.

**ACTION: Improvements accepted; City Clerk directed to file a Notice of Completion.**

- d. **Approving** – an award of a construction contract in the amount of \$483,120 for the base bid and bid alternate, to NEMA Construction of Albany; and approve a related budget transfer in the amount of \$40,000 for Project No. 2200 (Athletic Lights) at the City’s Willow Pass Park; and authorize the City Manager to execute the agreement (Funded by Measure WW and Building Maintenance funds). Recommended by City Engineer.

**ACTION: Contract awarded; budget transfer approved; and City Manager authorized to execute the agreement.**

#### 4. CITY COUNCIL PUBLIC HEARING ITEMS

- a. **Consideration** – of three resolutions: a) Resolution 12-4823.1 adopting the addendum to the certified Final EIR for the Concord Reuse Project Area Plan and re-affirming findings of significance, mitigations and overriding considerations; b) Resolution 12-4823.2 amending the Concord 2030 Urban Area General Plan to achieve consistency between the General Plan and Concord Reuse Project Area Plan and adopt the Concord Reuse Project Area Plan as part of the General Plan and to re-designate the 2030 Urban Area General Plan as the 2030 General Plan; and c) Resolution 12-4823.3 approving options for the provision of additional affordable housing as part of the Concord Reuse Project Area Plan to be incorporated into the City’s Housing Element Update for 2013. Report by Reuse Project Director.

**ACTION: Report introduced and delivered in two parts with public testimony taken after each part. Mayor Leone recused himself from participating in discussions on Area A and left the Council Chambers to avoid an appearance of conflict.**

**Following the conclusion of discussions on Area A, Mayor Leone rejoined the meeting, and the presentation continued on Area B. Public testimony was taken and Resolution Nos. 12-4823.1, 12-4823.2 and 12-4823.3 were adopted. (4-0-1; Grayson absent.)**

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**JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY  
MATTERS**

**5. CITY COUNCIL/REDEVELOPMENT AGENCY CONSIDERATION ITEM**

- a. **Consideration** – of a) adopting City Council Resolution 12-5 determining the City will serve as the successor agency to the Redevelopment Agency of the City of Concord; and electing to retain the housing assets and functions previously held and performed by the Agency; and b) adopting Redevelopment Agency Resolution No. 12-772 amending the enforceable obligation payment schedule. Report by Redevelopment and Housing Manager.

**ACTION: Report presented, public testimony was taken and City Council Resolution No. 12-5 and Redevelopment Agency Resolution No. 12-772 were adopted. (4-0-1; Grayson absent)**

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**6. CORRESPONDENCE** - City Council correspondence not selectively included in the following list is available for inspection during normal business hours by contacting the City Clerk at 671-3495.

- a. January 17, 2012 letter from Mayor Leone to Governor Brown in Support of Senate Bill 659 (Padilla) – Temporary Postponement of Dissolution of Redevelopment Agencies.
- b. Letter dated January 24, 2012 from Albert D. Seeno, Jr, Albert D. Seeno Construction Company, regarding the Concord Reuse Area Project Plan; reference Item No. 4.a.
- c. Memorandum dated January 24, 2012 from City Clerk providing revisions to the attachments for this report with the Enforceable Obligation Payment Schedule for FY 2011-2012 and the Recognized Obligation Payment Schedule for FY 2011-2012; reference Item No. 5a.

- d. Proposed May-December 2012 Special Events Program; reference Item No. 5a.
- e. Downtown Concord's S.O.S. Campaign publication; reference Item No. 5a.
- f. List submitted by Mayor Ron Leone of the events he had attended over the period 1/11/12 through 1/24/12.
- g. Copy of power point presentation on the Annual Financial Report and Audit Results made by Cory A. Biggs, CPA for Maze & Associates, reference Item No. 2a.
- h. Copy of power point presentation on the Concord Reuse Project Area Plan provided by Reuse Project Director Michael Wright.

#### 7. **CLOSED SESSION REPORTS**

Mayor Leone announced that the City Council met in Closed Session prior to the Regular Joint Meeting and voted unanimously (4-0-1; Grayson absent) to have Assistant City Manager, Valerie Barone serve as the City's Interim City Manager. He advised that she was provided the authority to hire an Interim Assistant City Manager.

#### 8. **COUNCIL AND STAFF REPORTS**

Councilmember Helix indicated he attended a tour of affordable housing that demonstrated affordable housing can be designed attractively. He also indicated that he had visited the Windsor Manor in Concord, which has a Rehabilitation Program for veterans and he was very impressed with their program.

Councilmember Shinn indicated he also attended the same tour of affordable housing

Councilmember Hoffmeister indicated she attended the tour of affordable housing on her own to view recent projects in surrounding communities with newer development styles.

Mayor Leone reported on several of the 23 events he had attended in the past few weeks. He also advised that he had met with Assemblywoman Susan Bonilla regarding the demise of redevelopment, and shared that he proposed a Mayor's Club to fellow Mayors within the County.

#### 9. **ADJOURNMENT** – at 9:50 p.m.

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**NOTICE**

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting (Policy and Procedure No. 2, Section 4.24). For information on the next regular or special City Council meeting, please call (925) 671-3495.

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**NEXT REGULAR CITY COUNCIL MEETING: 6:30 p.m.; Tuesday, February 7, 2012**

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**MEETING RECORDS**

DVDs of most City Council meetings are available for listening or viewing in the City Clerk's office and at the Concord Public Library. Copies of the videotapes may be purchased. Contact the Community Relations Manager at (925) 671-3272 for further information.