

REGULAR JOINT MEETING OF THE
CONCORD CITY COUNCIL
AND REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
JANUARY 10, 2006

The Concord City Council and Redevelopment Agency met in a closed session meeting on Tuesday, January 10, 2006 to confer with legal counsel to discuss significant exposure to potential arbitration proceedings against the City arising out of public employee discipline pursuant to Government Code Sections 54956.9(b) and 54957 – two potential cases. The meeting convened at 5:30 p.m. in the City Council Conference Room, Mayor Bonilla presiding. All Councilmembers were present and there were no public comments. The meeting recessed at 6:20 p.m. to reconvene in the Council Chamber.

The Concord City Council and Redevelopment Agency reconvened at 6:37 p.m., Mayor/Agencymember Bonilla presiding. The pledge to the flag was led by Councilmember Hoffmeister. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Helen Allen, Laura Hoffmeister, Mark Peterson, Bill Shinn, Susan Bonilla

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: Lydia Du Borg, City Manager; Mary Rae Lehman, City Clerk; Craig Labadie, City Attorney; Mark Deven, Assistant City Manager; David Livingston, Chief of Police; Peggy Lefebvre, Director of Finance; Joan Carrico, Director of Community and Recreation Services; Cherie Rosenquist, Director of Human Resources; Qamar Khan, Director of Public Works-Maintenance Services; Alex Pascual, Director of Public Works-Engineering Services;

MEMBERS OF THE AUDIENCE WHO ADDRESSED COUNCIL: Marianne Lejano, Concord; Carl Brown, Pleasant Hill

PUBLIC COMMENT PERIOD

Marianne Lejano, Concord High School student, invited the City Council and all members of the community to participate in the 3rd Annual Valentine Day Run scheduled for Sunday, February 12 beginning at 8:00 a.m. She advised that the event was a 5K/10K run/walk to begin at the City Park at El Dorado Middle School.

ANNOUNCEMENTS

Mayor Bonilla announced the extension of the recruitment for applicants to the Commission on Aging and advised applications needed to be received by 5:00 p.m. on Friday, February 3, 2006 in the City offices.

CITY COUNCIL MATTERS

CONTRACT AMENDMENT TO OPERATE FIRST 5 CENTER – Monument Community Partnership

Motion was made by Hoffmeister and seconded by Allen to amend the contract with Monument Community Partnership to provide for the use of the Keller House at 1760 Clayton Road, the operation of the First 5 Center, and the administration of the First 5 program for ages 0-5 years and their families at 1736 Clayton Road; and to authorize the City Manager to execute the amendment to the contract. Motion passed by unanimous vote of the Council.

ADOPTION OF RESOLUTION 06-2 – Federal Surface Transportation Program Funding for Project No. 1363.3. Clayton Road Rehabilitation

Motion was made by Hoffmeister and seconded by Allen to adopt Resolution 06-2, entitled, "A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDING FOR PROJECT NO. 1363.3, CLAYTON ROAD REHABILITATION (LATOURE LANE TO WILCREST DRIVE); COMMITTING THE NECESSARY NON-FEDERAL MATCH FOR THE PROJECT; AND STATING THE ASSURANCE OF THE CITY OF CONCORD TO COMPLETE THE PROJECT." Motion passed by unanimous vote of the Council.

INTRODUCTION OF ORDINANCE 06-1 – Massage Establishments, Out-Call Massage Therapy, and Massage Therapy Technicians

The notice of public hearing was published in the Contra Costa Times and posted in the Civic Center posting cabinet on December 30, 2005.

Lt. Gary Norvell presented a report, referring to his memorandum dated January 10, 2006, regarding repealing in its entirety Concord Municipal Code Chapter 18, Article IX, Sections 18-271 through 18-296 entitled "Massage Parlors, Out-Call Massage Services, and Masseurs," and inserting in its place new Chapter 18, Article IX, Sections 18-271 through 18-320 entitled, "Massage Establishments, Out-Call Massage Therapy, and Massage Therapy Technicians" to update provisions and to prohibit illegal activity. He stated that the new ordinance incorporates new industry terms and definitions, and improved permitting and regulatory conditions which will differentiate legitimate massage therapy businesses from illicit operations.

Mayor Bonilla opened the public hearing for public comments.

Carl Brown, Pleasant Hill, stated his opposition to therapist being required to have 300 hours of certified training before practicing, suggesting that legitimate practitioners would use an intake form and provide a disclosure statement for their clients.

Following several questions from the Councilmembers, the public hearing was closed.

Motion was made by Hoffmeister and seconded by Shinn to introduce Ordinance 06-1 by reading of the title only and waiving further reading, entitled, "AN ORDINANCE REPEALING CHAPTER 18, ARTICLE IX IN ITS ENTIRETY AND ADDING CHAPTER 18, ARTICLE IX, SECTIONS 18-271 THROUGH 18-320." The City Attorney read the ordinance title. Motion passed by unanimous vote of the Council.

CITY COUNCIL SITTING AS THE
LOCAL REUSE AUTHORITY

ADOPTION OF LOCAL REUSE AUTHORITY RESOLUTION 06-1 – Rules for the Authority

This item was pulled to allow City Manager Lydia Du Borg to present an overview of the events which have occurred since September 8, 2005 when the Base Realignment and Closure Commission (BRAC Commission) submitted its recommendation to the President of the United States recommending the inland portion of the Concord Naval Weapons Station (CNWS) be closed as recommended by the Secretary of the Navy. She stated that the Concord City Council had been selected by the Office of Economic Adjustment to serve as the Local Redevelopment Authority (LRA) for the CNWS for the purpose of planning the reuse and redevelopment. She further emphasized that the LRA or, Local Reuse Authority as named by the City of Concord, is not a separate legal entity, but is the City of Concord as governed by the City Council. She clarified that for the purposes of historically tracking the future planning and reuse of the CNWS, it is appropriate to separate the actions of the City Council sitting as the Board for the LRA emphasizing that this would also provide a method to simplify the undertaking of any future audits that may be conducted in connection with LRA activities. She concluded by recommending the establishment of the Local Reuse Authority and the adoption of a resolution defining the rules of the Authority.

Motion was made by Allen and seconded by Shinn to adopt Local Reuse Authority Resolution 06-1, entitled "A RESOLUTION ADOPTING THE RULES OF THE AUTHORITY; CONFIRMING THE CHAIR, VICE-CHAIR, EXECUTIVE DIRECTOR, SECRETARY, AND FINANCE OFFICER OF THE AUTHORITY; ESTABLISHING THE TIME AND PLACE OF REGULAR MEETINGS OF THE AUTHORITY; ADOPTING A CONFLICT OF INTEREST CODE; APPOINTING COUNSEL FOR THE AUTHORITY; AND ESTABLISHING FUND 403, NAVAL WEAPONS STATION, AND APPROPRIATING \$220,500 TO SAID FUND." Motion passed by unanimous vote of the Council.

CORRESPONDENCE

- a. Copy of a letter from Patrick J. O'Brien, Director, Office of Economic Adjustment, approving the City's request to be recognized as the Local Redevelopment Authority for the planning and redevelopment of the Naval Weapons Station.
- b. Able Bodyworks – Patient Disclosure Form submitted by Carl Brown.
- c. November 1999 article entitled "International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime" submitted by Carl Brown.
- d. Invitation to the 3rd Annual Valentine's Day Run submitted by Marianne Lejano.

By order of the Chair, the meeting was adjourned at 7:08 p.m.

SUSAN A. BONILLA
MAYOR/AGENCYMEMBER

WILLIAM D. SHINN
COUNCILMEMBER/AGENCY CHAIR

MARY RAE LEHMAN
CITY CLERK/AGENCY SECRETARY