

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

**Regular Meeting  
7:00 P.M.**

**April 28, 2009  
Council Chambers**

**5:45 P.M. - CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL** – Claim of Bay Cities Paving & Grading re: Water & Sewer Main Installation and Roadway Rehabilitation Project at Various Locations in the City of Antioch (P.W. 503-10). This closed session is authorized pursuant to California Government Code §54956.9(b).
2. **CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Initiation of litigation pursuant to subdivision (c) of §54956.9: Claim against Contra Costa County regarding property tax administration fee.
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board – Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. re: Markley Creek; SPPI-Somersville, Inc. et al. v. TRC et al. (USDC N.D. Cal Case No C04-2648 SI); SPPI-Somersville, Inc. et al. v. Chevron (USDC N.D. Cal. Case No. C07-05824 SI). This Closed Session is authorized pursuant to Government Code §54956.9 (a).

Mayor Davis called the meeting to order at 7:03 P.M., and City Clerk Martin called the Council/Agency roll.

Present: Council Members Parsons, Moore, Kalinowski, Rocha and Mayor Davis

City Attorney Nerland stated the City Council had been in Closed Session, and provide the following report: CONFERENCE WITH LEGAL COUNSEL and CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, no reportable action, and: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION, direction was given to staff.

**PLEDGE OF ALLEGIANCE**

Boy Scout Troop #151 led the Council and audience in the Pledge of Allegiance.

**PROCLAMATIONS**

Be Kind to Animals Week, May 2 – 9, 2009  
National Police Week, May 10 – 16, 2009  
Wellness City Challenge

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the Council unanimously approved the proclamations.

Councilmember Moore presented the proclamation proclaiming May 2-9, 2009 as *Be Kind to Animals Week* to Barbara Sobalvarro and representatives of Friends of Animal Services as well as representatives of HARP and the Antioch Animal Services' Employees. Ms. Sobalvarro thanked the City Council for the proclamation and invited the community to attend the *Be Kind to Animals Celebration* scheduled for May 2, 2009 at the Antioch Animal Shelter from 10:00 A.M. to 3:00 P.M.

Mayor Davis thanked Barbara Sobalvarro and all the volunteers for their commitment to the animals in the Antioch Animal Shelter.

Councilmember Kalinowski presented the proclamation proclaiming May 10-16, 2009 as *National Police Week* to Chief Hyde. Reserve Officers Ming and Tammy Callahan-Monego, accepted the proclamation on behalf of Chief Hyde, and thanked the City Council for honoring and remembering those officers who have served and those who currently serve. Chief Hyde announced a Candlelight Vigil would be held at 8:30 P.M. on May 7, 2009 at the State Capital in Sacramento. He further announced a Police Memorial Service would be held on May 8, 2009 at 10:30 A.M. Ms. Callahan-Monego acknowledged Maria Giacomelli, who was in attendance and thanked the City on her behalf, for the honor.

Councilmember Rocha presented the proclamation in support of the *Wellness City Challenge* to Cindy Gershen who thanked the City Council and discussed the importance of the Healthy Eating Guidelines, who provided contact information.

Mayor Davis welcomed Emil Stein back to the City Council meeting.

### **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Economic Development Administrative Analyst Nunnally announced the upcoming Second Saturday event, *Rivertown Moonlight Movie* in May featuring "Wally" would be held at 8:00 P.M. on May 9, 2009 in City Park. Contact information was provided.

Mike Schneider announced a charity poker event to benefit local Police Officers with special needs would be held on July 11, 2009 at the Nick Rodriguez Community Center. He thanked City Manager Jakel, Chief Hyde and Recreation Deputy Director Sanderson for helping with the event.

Matt Pfeifer and Gina Lombardi-Gravert announced the 20th Annual Mayor's Golf Tournament would be held on June 7, 2009 at the Lone Tree Golf Course and Event Center, including a pre-social event scheduled for June 6, 2009. Contact information was provided.

Lesia Bell, representing the Youth Intervention Network announced through the Antioch Police Activity League (PAL) grant, they were able to send several youth to the Sacramento Youth Leadership Academy. She thanked everyone involved in making it possible for the youth and several participants shared experiences from the conference.

Police Chief Hyde spoke to the values of the Youth Intervention Network program.

Mayor Davis thanked each participant for making positive changes in their lives.

Allen Payton announced the *Antioch Rotary Club Golf Tournament* fundraiser would be held on May 29, 2009 at the Lone Tree Golf and Event Center. Contact information was given.

Dave Sanderson announced Markstein Beverages grand opening parade and demonstration featuring the Clydesdale horses would be held on May 3, 2009 at 1:00 P.M. beginning at 3<sup>rd</sup> and A Streets.

## **PUBLIC COMMENTS**

Ken Lee, Antioch resident, reiterated his request for solutions to public safety issues related to the Antioch Auto Dealership

Heather Duarte, Antioch resident, reported she had received notification of a hearing to increase the speed limit on Via Dora Drive to 35 M.P.H. She voiced her opposition to the change, noting it was a residential street that was already unsafe for children playing in the area and those on route to school.

Mayor Davis offered to meet with Ms. Duarte after the item was heard on May 12, 2009.

Councilmember Moore stated, given the nature of Via Dora Drive, he also felt an increase to 35 MPH was inappropriate.

Emil Stein, Antioch resident, thanked Mayor Davis for welcoming him back and reiterated his desire for additional handicapped ramps in downtown Antioch. He reported damage to the sidewalk by tractors and discs at West 10th and Crestview.

Mayor Davis requested an urgency item be placed on the agenda following the Council Consent Calendar for discussion related to the Board of Supervisors/District Attorney.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously added an urgency item regarding the Board of Supervisors/District Attorney to the agenda.

## **COUNCIL RESPONSE TO PUBLIC COMMENTS**

Councilmember Parsons requested Mr. Lee provide her with a copy of his concerns.

## **MAYOR'S COMMENTS**

Mayor Davis announced the Antioch Mayor's Prayer Breakfast would be held on May 7, 2009 from 7:00-9:00 A.M., at Humphreys on the Delta. Contact information was given. He reported he was now available on Twitter.

- 1. PRESENTATION ON STATE OF SCOUTING**
- 2. COUNCIL CONSENT CALENDAR**
  - A. APPROVAL OF COUNCIL MINUTES FOR APRIL 14, 2009**

- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORT FOR MARCH 2009**
- D. REJECTION OF CLAIM**
  - 1. Timothy Bragg and Valerie Smith 08/09-1814B (personal injury)**
- E. ORDINANCE NO. 2024 C-S REZONING APPROXIMATELY 375 ACRE HILLCREST STATION SPECIFIC PLAN AREA GENERALLY BOUNDED BY HILLCREST AVENUE ON THE WEST, HIGHWAY 4 ON THE SOUTH, HIGHWAY 160 ON THE EAST AND OAKLEY ROAD ON THE NORTH FROM THE CURRENT ZONING DESIGNATIONS OF PLANNED BUSINESS CENTER (PBC), LIGHT INDUSTRIAL (M-1) AND PLANNED DEVELOPMENT (PD) TO A PLANNED DEVELOPMENT (PD) DESIGNATION FOR HILLCREST E-BART STATION (Introduced 4/14/09)**
- F. RESOLUTION NO. 2009/31 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE LONE TREE WAY INTERSECTION IMPROVEMENTS PROJECT, (P.W.555-12A)**
- G. CONSIDERATION OF BIDS FOR THE COMMUNITY DEVELOPMENT BLOCK DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE II (P.W. 678-2)**
- H. AUTHORIZATION TO ENTER INTO A CONTRACT WITH DOUGLAS HERRING & ASSOCIATES TO PREPARE AN INITIAL STUDY FOR THE POINTE RESIDENTIAL SUBDIVISION**
- I. RESOLUTION NO. 2009/32 ESTABLISHING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2009-2010.**
- J. RESOLUTION NO. 2009/33 ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM PURSUANT TO THE FEDERAL TRADE COMMISSION'S RED FLAG RULES**
- K. RESOLUTION NO. 2009/34 ADOPTING THE SEWER SYSTEM MANAGEMENT PLAN**
- L. RESOLUTION NO. 2009/35 BAIL SCHEDULE INCREASES FOR ANTIOCH MUNICIPAL CODE AND CALIFORNIA VEHICLE CODE PARKING AND EQUIPMENT VIOLATIONS**

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the Council unanimously approved the Council Consent Calendar.

**BOARD OF SUPERVISORS/DISTRICT ATTORNEY**

Jim Conley, Antioch resident, representing United Citizens for Better Neighborhoods (UCBN), discussed the importance of prosecuting misdemeanor crimes and he proposed using Residential Development Allocation (RDA) funds to fund an Assistant District Attorney.

Allen Payton, Antioch resident, thanked Mayor Davis for holding a press conference and making the public aware of the issue. He stated public safety should be the #1 priority and suggested the City urge the County Board of Supervisors to ensure the Sheriff's department and District Attorney are fully funded. He recommended the Sheriff's department and District Attorney become involved in the process.

Hans Ho, Antioch resident, speaking on behalf of himself, urged the City Council to take a stand with the Board of Supervisors and let them know of their concerns regarding decreasing public safety. He commended Mayor Davis for holding a press conference regarding the issue.

Ellen Hayes, Antioch resident, stated she shared the concerns of the previous speakers and urged the District Attorney to reverse the decision not to prosecute misdemeanor crimes.

Nancy Fernandez, Antioch resident, thanked Councilmember Kalinowski for representing the City of Antioch at the Board of Supervisors meeting and urged the City Council to continue to pursue the issue to ensure adequate funding of the District Attorney.

Jennifer Mastrocola, Antioch resident, requested the City Council ensure the safety of the residents and urge the Board of Supervisors to not to cut the budget of the District Attorney and Police Departments.

Gary Agopian, Antioch resident, thanked those who represented the City at the Board of Supervisors meeting and Mayor Davis for holding a press conference regarding the issue. He discussed current funding and prosecution rates for the District Attorney's office, and urged the City Council to pass a resolution supporting adequate funding for the District Attorney's office.

Julie Zmerzliker, Antioch resident, stated she felt inadequate funding of the District Attorney was unacceptable.

Walter Ruelig, Antioch resident and member of the Antioch Unified School Board, stated he felt the proposal by the Board of Supervisors to cut the budget of the District Attorney was unacceptable.

Councilmember Kalinowski reported he had attended the Board of Supervisor meeting and the proposed staffing levels and budget cuts for the District Attorney's office were unacceptable; however; since several employees had left their positions the decision regarding the budget was postponed for 60-90 days. He discussed the importance of Antioch focusing on issues related to public safety and impacts associated to the budget cuts.

Following discussion, the City Council agreed to craft a letter stating their position for proper and adequate funding for public safety under the County umbrella.

Mayor Davis stated he was proud to hold a news conference on behalf of the region to inform the public of the issues and reported the issue had been moved to the Mayor's Conference agenda on May 7, 2009. He thanked Councilmember Kalinowski for representing the City of Antioch at the Board of Supervisors meeting.

In response to Councilmember Rocha, Mayor Davis agreed all Councilmembers should sign the letter to the Board of Supervisors.

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council unanimously directed Mayor Davis to draft a letter, with the City Manager, City Attorney and Chief of Police, addressed to the County Board of Supervisors in support of proper and adequate funding for public safety.

Mayor Davis declared a recess at 8:31 P.M. The meeting reconvened at 8:53 P.M. with all Councilmembers present.

Mayor Davis stated if the public wished to get involved, they could email, write letters and/or call the Board of Supervisors to inform them of their opinions regarding the proposed budget cuts. He announced agenda item #7 had been pulled from the agenda and would be rescheduled to a date uncertain.

## **PUBLIC HEARINGS**

### **3. RESOLUTION APPROVING PROPOSED MASTER FEE SCHEDULE EFFECTIVE JULY 1, 2009 (FISCAL YEAR 2009/10)**

Finance Director Merchant presented the staff report dated April 16, 2009 recommending the City Council adopt the resolution.

Mayor Davis opened the public hearing.

Allen Payton, Antioch resident, encouraged the City to change the Home Occupation Review fee back to a nominal cost to assist those who wish to start a business and who agree to comply with the City's regulation. He questioned if the sewer and water fees required a public vote.

Director of Community Development Brandt clarified the fee for Home Occupation Review covers staff time for the process.

City Manager Jakel reported a protest vote in compliance with State law was taken.

Mayor Davis closed the public hearing.

### **RESOLUTION NO. 2009/36**

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council unanimously adopted the resolution with direction to the Economic Development Commission to explore the feasibility of the Home Occupation Review fee and report back to the City Council.

#### **4. REVISION TO FLOODPLAIN MANAGEMENT ORDINANCE**

Community Development Director Brandt presented the staff report dated April 9, 2009 recommending the City Council: 1) read the ordinance by title only; and, 2) introduce the ordinance revising Article 20 §9-4.2003, 9-4.2004, 9-4.2005 and 9-4.2007 of the Antioch Municipal Code in order to comply with the California Model for Floodplain Management Ordinance.

Mayor Davis opened and closed the public hearing with no speakers requesting to speak.

On motion by Councilmember Rocha, seconded by Councilmember Kalinowski, the City Council unanimously took the following action: 1) read the ordinance by title only; and, 2) introduce the ordinance revising Article 20 §9-4.2003, 9-4.2004, 9-4.2005 and 9-4.2007 of the Antioch Municipal Code in order to comply with the California Model for Floodplain Management Ordinance.

#### **COUNCIL REGULAR AGENDA**

#### **5. YMCA AND BEDFORD CENTER PROJECT PROPOSAL– PREWETT PARK**

Project Manager Karste presented the staff report dated April 20, 2009, recommending the City Council: 1) review and approve the YMCA and Bedford Center Facility conceptual plan and project timeline, and; 2) review and approve the project funding plan; and 3) direct staff to work with stakeholders to memorialize lease and other agreements.

Mike Erwin, representing YMCA, gave a brief overhead presentation of the YMCA/Bedford Center Facility conceptual plan, project timeline and funding plan.

Margo Dutton, representing the Bedford Center, discussed the benefits of partnering with the YMCA in the project.

Mayor Davis commended the Bedford Center for services they offer the elderly in the community.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously approved: 1) review and approve the YMCA and Bedford Center Facility conceptual plan and conceptual project timeline; 2) review and approve the project funding plan; and, 3) direct staff to work with stakeholders to memorialize lease and other agreements

#### **6. SUMMER YOUTH EMPLOYMENT PROGRAM**

Recreation Deputy Director Sanderson presented the staff report dated April 22, 2009 recommending the City Council to develop and implement a pilot program for summer youth employment during the summer of 2009 and appropriate \$42,000 from the Child Care Fund to cover the cost of the program.

Councilmember Moore commended Councilmember Rocha and Recreation Deputy Director Sanderson for their efforts in developing the program.

On a motion by Councilmember Rocha, seconded by Councilmember Moore, the City Council unanimously voted to develop and implement a pilot program for summer youth employment during the summer of 2009 and appropriate \$42,000 from the Child Care Fund to cover the cost of the program.

Councilmember Rocha thanked Deputy Director of Recreation Sanderson for his efforts to assist in the implementation of this program.

## **7. GRACE BIBLE FELLOWSHIP'S HOLY EVE CARNIVAL EVENT**

City Manager Jakel stated the item would be brought back at a later date.

## **COUNCIL REGULAR AGENDA/STUDY SESSION**

## **8. GENERAL PLAN HOUSING ELEMENT UPDATE STUDY SESSION**

Community Development Deputy Director Wehrmeister presented the staff report dated April 22, 2009 recommending the City Council to provide staff with direction and feedback as to Council's desired course of action, regarding the finalization of the draft General Plan Housing Element Update.

Christy Wheeler and Michelle Ku, RBF Consulting, gave a slide presentation of the Housing Element update process, recent legislation affecting the City, and the requirements to be included in the Housing Element.

Joe Bosman, Brentwood resident, submitted a letter to the City Council regarding a parcel he owned on Wilbur Avenue and a previous denial for an affordable housing project on the property. He stated there was water and sewer available and an RDA allocation for 63 units.

Lloyd Harris spoke to the benefits of developing his infill site on Wilbur Avenue, noting the density would assist him in the effort. He stated his desire was to work in cooperation with the City and reduce the density to create a visually appealing and feasible project.

Councilmember Rocha spoke to the need for three bedroom low income homes in Antioch.

Ken Lee, Antioch resident, spoke in support of the Hickmott property for mixed use and provided a brief history of the property.

Tom Trost, owner of the Hickmont Canary site, stated he agreed with the recommendation of mixed use from the Planning Commission for his property and gave a history of the pollution on the site.

Following discussion regarding the Possible Sites for Rezoning (attachment "B"), it was the Council's consensus to support the rezoning of those properties with a minimum 30 acre within category "A", "D" and "H" (620 Tregallas Road 2.5 acres only). Category "A", the parcel adjacent to the existing shelter would have an overlay zoning for emergency shelter, SB-2.



Mayor Davis adjourned to the Antioch Redevelopment Agency with all Agency members present.

## **9. AGENCY CONSENT CALENDER**

### **A. APPROVAL OF AGENCY WARRANTS**

On motion by Agency member Moore, seconded by Agency Member Kalinowski, the City Council unanimously approved the Agency Warrants.

Mayor Davis adjourned to the Antioch City Council with all Councilmembers present.

### **PUBLIC COMMENTS - NONE**

### **STAFF COMMUNICATIONS**

City Manager Jakel reported the BART Board had approved the eBART EIR to be fully funded and east median stations by a vote of 8/1 with a modified resolution specifying the City's consideration. He announced the next City Council meeting would be on May 12, 2009.

### **COUNCIL COMMUNICATIONS**

Councilmember Rocha thanked the City Council for supporting the Youth Employment Program and encouraged the City Council to participate in the parade on May 3, 2009. She announced there would be a Health Fair at the Contra Costa County Fairgrounds from 10:00 A.M. – 2:00 P.M.

Councilmember Parsons invited the community to attend the Markstein grand opening on May 1 and 2, 2009 from 1:00 – 7:00 P.M.

Mayor Davis thanked Councilmember Parsons for representing the City on the eBART issue and thanked Councilmember Kalinowski for representing the City at the Board of Supervisors meeting. He stated he had spoken to the City Manager regarding the City Council updating the emergency personnel designations and announced the Memorial Day event *Antioch Thunder* would be held on May 25, 2009 at 10:00 A.M. at the cemetery.

With no further business, Mayor Davis adjourned the meeting at 10:39 P.M. to the next regular Council meeting on May 12, 2009.

Respectfully Submitted

*L. Jolene Martin, CMC*

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Antioch City Clerk