

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY
ANTIOCH PUBLIC FINANCING AUTHORITY**

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

**January 26, 2010
Council Chambers**

6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to subdivision (c) of Section 54956.9 -- 1 potential case

Mayor Davis called the meeting to order at 7:07 P.M., and City Clerk Martin called the Council/Agency roll.

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

City Attorney Nerland reported the City Council, sitting as the Antioch Development Agency, had been in Closed Session and direction was given to staff.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Rocha led the Council and audience in the Pledge of Allegiance.

Jeremiah Whitfield Pierson, 1st Place Winner at the Martin Luther King Celebration, sang the National Anthem.

MAYOR'S COMMENTS

Mayor Davis announced the passing of William Henry Hall Jr. on January 19, 2010, read his eulogy and introduced his widow Betty Hall.

Mrs. Hall thanked Mayor Davis for honoring her husband.

Mayor Davis led a moment of silence to honor Mr. Hall.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Ryan Graham, speaking on behalf of the Contra Costa Fire Protection Pool Safety Council, announced a pool safety event, *April Pools Day* which would be held at Prewett Water Park from 12:00 – 4:00 P.M., on April 3, 2010.

PUBLIC COMMENTS

Martin Fernandez, Antioch resident, thanked the Antioch Police Department and the Antioch Public Works Department for their hard work and effort in providing a safe and enjoyable environment for the community.

Mayor Davis read a written comment from Antioch resident Shirley Diethelm, indicating she was opposed to the formation of a Police Oversight Committee and requested if the Quality of Life forum was not conducted in its original format, that it be postponed to a better time.

Dick Augusta, Antioch resident, reiterated his opposition to the formation of the Police Oversight Committee and spoke to a personal experience with uncooperative neighbors. He commended the Antioch Police Department for serving the community well.

Hans Ho, Antioch resident, spoke in opposition to the formation of a Police Oversight Committee.

Ralph Hernandez, Antioch resident, urged the City Council to not bring back Chief Hyde and suggested Captain Cantando be given the opportunity to run the Police Department. He spoke in support of an Antioch Police Oversight Committee. He stated he felt the City Attorney provided incorrect information regarding the placement of the item on the agenda and urged the City Council to agendaize the issue for discussion.

Charles Coan, Antioch resident, stated he had made donations for the restoration of murals and he had not received an update on the donated funds. He noted his appreciation of the Antioch Police Force.

Mayor Davis stated staff would provide Mr. Coan with an explanation.

Frank Sterling spoke in support of the Police Oversight Committee and urged the City to conduct an open discussion on the issue.

Terry Ramus, Antioch resident, spoke in opposition to the formation of a Police Oversight Commission noting it would be inefficient and cost prohibitive. He recommended each Council member publicly inform the citizens of their position on the issue.

Maryjane Carsten, Antioch resident, spoke in opposition to the formation of a Police Oversight Committee and voiced her support for the Antioch Police Department.

City Attorney Nerland reported the City Council had not agendaize a discussion of the Police Oversight Committee issue. She gave a brief description of lawsuits filed against the City, the function of Public Comment and the Brown Act as it related to items that have not been placed on the City Council agenda.

COUNCIL SUBCOMMITTEE REPORTS - None

1. PRESENTATION BY BART BOARD MEMBER JOEL KELLER REGARDING e-BART UPDATE

Joel Keller, BART Board of Directors gave a brief update on the eBART extension project location, funding and timeline.

Councilmember Moore stated he felt the people of Antioch deserved the opportunity to find funding partners to bring a true TOD community and the specific plan to fruition.

Mr. Keller reported he would be meeting with TRANSFORM to insure the highest quality TOD was developed in the area. He added there was nothing to preclude a revenue tunnel in the future, should funding become available.

Councilmember Parsons felt the revenue tunnel was important and the Antioch citizens should receive the benefit.

Rich Rattray, Project Manager for eBART, discussed the differences in a maintenance access tunnel and a revenue service tunnel. He reported they were working with CALTRANS on the design for the maintenance access tunnel, which would be constructed in conjunction with segment 3b of Highway 4.

In response to Councilmember Kalinowski, Mr. Rattray stated their intention was to maintain the current timeline with the goal of having revenue service in 2015. He offered to return to the City Council to review the detailed schedule, and stated they would be working closely with CALTRANS on public notifications for the traffic management plan.

Mr. Keller responded to written public comment from Mr. Fernandez requesting clarification on costs for the project.

Following discussion, Mayor Davis requested the item be agendaized for a February council meeting to allow for public comments.

Mr. Keller stated he would be present with the necessary staff for the future meeting.

City Manager Jakel stated he would schedule a Study Session on the issue for February 23, 2010.

Mayor Davis declared a recess at 8:09 P.M. The meeting reconvened at 8:21 P.M. with all Councilmembers present.

Charles Wall, speaking on behalf of Brosamer and Wall / FKP, stated he felt BART needed to look at the entire opportunity as it currently existed and stressed the importance of constructing a full service revenue tunnel.

Donald Parachini, property owner of the eBART parking lot parcel, expressed his concern the remainder of his property would be undevelopable as quality TOD, as a result of the current western station and parking lot plan,

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 12, 2010

- B. APPROVAL OF COUNCIL WARRANTS
- C. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2009
- D. REJECTION OF CLAIM
 - 1. LK Wallace 09/10-1941 (property damage)
- E. AUTHORIZATION FOR MAYOR TO TRAVEL TO WASHINGTON DC
- F. ORDINANCE NO. 2036 C-S ADDING CHAPTER 8 TO TITLE 7 OF THE ANTIOCH MUNICIPAL CODE REGARDING SIDEWALK MAINTENANCE AND REPAIR (Introduced 1/12/10)
- G. RESOLUTION NO. 2010/04 APPROVING THE SECOND AMENDMENT TO THE STORMWATER UTILITY AGREEMENT BETWEEN CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF ANTIOCH FOR COMMERCIAL/INDUSTRIAL STORMWATER INSPECTION SERVICES
- H. RESOLUTION NO. 2010/05 CDBG-R – FUNDING SHIFT REQUEST FOR THE ANTIOCH HISTORICAL SOCIETY
- I. RESOLUTION NO. 2010/06 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE LANDSCAPE IMPROVEMENTS AT VARIOUS LOCATIONS, (P.W. 225-L)
- J. APPROVAL OF PROFESSIONAL AUDIT SERVICES FOR FISCAL YEARS ENDING JUNE 30, 2010, 2011, AND 2012
- K. CITY OF ANTIOCH – COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2009
- L. SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2009
- M. CONSIDERATION OF NEW CITY-SPONSORED EVENT
- N. MARKLEY CREEK REMEDIATION PROJECT: COVENANT AND ENVIRONMENTAL RESTRICTIONS ON PROPERTY

PUBLIC FINANCING AUTHORITY

- 8. ANTIOCH PUBLIC FINANCING AUTHORITY – INDEPENDENT AUDITOR'S REPORT, MANAGEMENT'S DISCUSSION AND ANALYSIS, BASIC FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION FOR THE FISCAL YEAR ENDED JUNE 30, 2009
- 9. AGENCY REGULAR AGENDA

A. APPROVAL OF AGENCY WARRANTS**B. ANTIOCH DEVELOPMENT AGENCY – INDEPENDENT AUDITOR’S REPORT, MANagements DISCUSSION AND ANALYSIS, BASIC FINANCIAL STATEMENTS AND REQUIRED SUPPLEMENTAL INFORMATION FOR THE FISCAL YEAR ENDED JUNE 30, 2009**

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council/Antioch Redevelopment Agency/Public Financing Authority unanimously approved the Council Consent Calendar (Item 2), Public Financing Authority Agenda (Item 8) and Antioch Redevelopment Agency Agenda (Items 9A and 9B), with the exception of items 2B, 2E, 2H, 2L and 2M which were removed for further discussion.

Item B – In response to Councilmember Moore, City Manager Jakel stated he would look into and report back to Councilmember Moore regarding the duplicate cost for expenditures items #912054 and #912060.

On motion by Councilmember Moore, seconded by Councilmember Kalinowski, the City Council unanimously approved item B.

Item E – In response to Councilmember Moore, Mayor Davis clarified the travel request was for a trip to Washington D.C. to lobby along with federal advocates for the reauthorization of transportation funds.

City Manager Jakel added should the application from the RAAMP Academy materialize he would equip Mayor Davis with the appropriate talking points.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously approved Item E.

Item H – Martin Fernandez stated he felt the monies appropriated for the historical society sewer system should be placed back into a fund to provide the opportunity for all interested parties to submit applications.

Associate Planner Gentry reported the CDBG subcommittee met and reviewed the request and there was consensus it was not considered a substantial amendment in the citizen participation plan or action plan for CDBG-R funds.

Councilmember Rocha reported she serves on the subcommittee and approved the recommendation because it met the need to protect historical data.

On motion by Councilmember Rocha, seconded by Councilmember Moore, the City Council unanimously approved Item H.

Item L – Councilmember Parsons reported there were no deficiencies in the Finance Department and commended staff for doing an exemplary job.

On motion by Councilmember Parsons, seconded by Councilmember Moore, the City Council unanimously approved Item L.

Item M – Diane Gibson Gray gave a brief overview of the “Keep Antioch Beautiful” Day event, thanked the sponsors and provided contact information for anyone wishing to volunteer or sponsor the event.

Councilmember Parsons thanked PG&E and Allied Waste for sponsoring the event.

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council unanimously approved Item M.

COUNCIL REGULAR AGENDA

3. APPOINTMENT OF ONE UNEXPIRED TERM TO THE INVESTMENT ADVISORY COMMITTEE

Mayor Davis nominated Tejbir Grewal to be appointed to the Investment Advisory Committee for a 4-year term.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council appointed Tejbir Grewal to the Investment Advisory Committee for a 4-year term. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Rocha, Parsons

Abstain: Moore

4. OAKLEY ENTRY MONUMENT

City Attorney Nerland presented the staff report dated January 19, 2010 recommending the City Council: adopt the resolution authorizing the execution of the Entry Monument Agreement with the City of Oakley and expressing support for the City of Oakley’s Gateway Monument Project at the easterly ramps of the SR 160 and SR 4 Interchange.

Councilmember Kalinowski suggested a city limit line adjustment to allow Oakley to be the governing body of the jurisdiction in which the proposed project was located.

City Attorney Nerland stated she would discuss this issue with staff.

RESOLUTION NO. 2010/07

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council unanimously adopted the resolution authorizing the execution of the Entry Monument Agreement with the City of Oakley and expressing support for the City of Oakley’s Gateway Monument Project at the easterly ramps of the SR 160 and SR 4 Interchange

5. RESOLUTION APPROVING THE REQUEST BY THE CONTRA LOMA ESTATES HOMEOWNERS ASSOCIATION TO INSTALL SPEED TABLES ON PEPPERTREE WAY AND LEMONTREE WAY5.

Assistant City Engineer Bernal presented the staff report dated January 6, 2010 recommending the City Council adopt the resolution.

Gene Bicksler, Manager, reported trash picked up was from the alleys and there is no conflict with street sweeping.

Assistant City Engineer Bernal clarified there was signage in the development indicating the street sweeping date and parking restrictions.

Councilmember Rocha commended the homeowners for improving the safety in their neighborhood.

RESOLUTION NO. 2010/08

On motion by Councilmember Rocha, seconded by Councilmember Moore, the City Council unanimously adopted the resolution.

6. RESIDENTIAL DEVELOPMENT ALLOCATION ORDINANCE

Senior Planner Morris presented the staff report dated January 21, 2010 recommending the City Council provide direction to staff.

Terry Ramus, Antioch resident, cautioned the City to make sure the ordinance was not tied to outside agencies. He suggested the ordinance provide benefits justified by the community it creates and leaving in flexibility in the event the future was different than expected.

Following discussion, Council consensus supported Councilmember Kalinowski and Mayor Davis being appointed to the RDA subcommittee.

Councilmember Moore stated his concern was the public had input on the development of the ordinance.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously moved the revised RDA ordinance should focus on growth metering only.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously moved growth metering should be tied to the City's Regional Housing Allocation (RHNA) numbers.

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council unanimously moved standing RDA subcommittee comprised of two Councilmembers and two Planning Commissioners.

7. DISCUSSION AND DIRECTION OF QUALITY OF LIFE FORUM/COMMUNITY MEETING FORMAT AND AGENDA

City Manager Jakel presented the staff report dated January 20, 2010 recommending the City Council provide direction to staff.

Following discussion, the City Council agreed to cancel the February 27, 2010 Quality of Life forum and form an adhoc subcommittee of Mayor Davis and Councilmember Moore to discuss the format for the Quality of Life Forums, with a recommendation to come back to the City Council for approval. Suggested topics of interest for Quality of Life Forums/Workshops/Study Sessions included the following:

- Foreclosure issues
- Budget
- Public Safety
- Environment
- Delta Water
- Emergency Preparedness

Councilmember Parsons requested the public email topics of interest to the City Council.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced a City Council meeting on March 9, 2010, eBART would be agendized for the February 23, 2010 meeting and there would be a sneak preview at the Gateway Centers for learning on March 13, 2010. He gave a brief update on the Roddy Ranch foreclosure sale.

COUNCIL COMMUNICATIONS

Councilmember Moore thanked Assistant City Manager Mornick and staff for organizing the Martin Luther King Jr. event and noted it was outstanding.

Councilmember Parsons agreed the Martin Luther King Jr. event brought out a wonderful quality in the youth. She reported on her attendance at the Water Forum held at the League of Woman's Voters.

Mayor Davis requested a report back from City Attorney Nerland regarding whether imminent domain could apply to an abandon home that had become a health and safety issue.

Councilmember Rocha appealed to the public to be vigilant in dealing with abandon home issues.

Councilmember Parsons reported abandon homes were discussed at the Crime Prevention Commission.

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting in memory of William Henry Hall Jr. at 9:34 P.M. to the next regular Council meeting on February 9, 2010.

Respectfully submitted:

L. JOLENE MARTIN, City Clerk

Approved:

JAMES D. DAVIS, Mayor

Attest:

L. JOLENE MARTIN, City Clerk