

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

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

**February 23, 2009  
Council Chambers**

Mayor Davis called the meeting to order at 7:05 P.M., and City Clerk Martin called the Council/Agency roll.

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

**PLEDGE OF ALLEGIANCE**

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

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None**

**PUBLIC COMMENTS**

Victoria Pickett, mother of homicide victim, Louis Straten, discussed his unsolved murder. She expressed concern, stating the flyers she had posted in the community were removed by employees of the Regal Theater, and noted management of the theater had been unresponsive to her concerns. She requested assistance from the Antioch Police Department.

Fred Hoskins, on behalf of the Pittsburg Arts Collaborative (PACO), invited the community to attend an art reception to be held on February 27, 2010 at 6:00 P.M. at Pittsburg City Hall.

Gary Agopian and Walter Ruelig invited the community to attend the Gateway Centers for Learning Community Center sneak peek at 10:00 A.M. on March 13, 2010 at Prewett Park.

Walter Ruelig, on behalf of Diane Gibson-Gray, announced the *Arts for Schools* exhibit would be on display from March 3 - April 22, 2010 at the Lynn House Gallery. Contact information was given. He also announced the Antioch Music Foundation would be sponsoring *East County Idol* on April 18, 2010 at the El Campanil Theater; auditions would be held February 27 and 28, 2010 at Somersville Towne Center.

**PRESENTATION**

Cheryl Evans, 1st place winner, Contra Costa ~~%~~ Poetry Out Loud+  
Jenni Lopez, 2nd place winner, Contra Costa ~~%~~ Poetry Out Loud+

Cheryl Evans and Jenni Lopez gave a brief description of the Poetry Out Loud program and Councilmember Rocha presented them with awards acknowledging their accomplishments.

Mayor Davis on behalf of the City Council congratulated Ms. Evans and Ms. Lopez.

**PROCLAMATIONS**

Black History Month, February 2010

American Red Cross Month, March 2010

On motion by Councilmember Moore seconded by Councilmember Rocha the Council unanimously approved the proclamations.

Mayor Davis read the proclamation for Black History Month and announced the item would be held over to the next meeting.

Councilmember Moore presented the proclamation proclaiming March 2010 as American Red Cross Month to Roger Hancock who accepted the proclamation and thanked the City Council for their support.

#### **COUNCIL RESPONSE TO PUBLIC COMMENTS - None**

#### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Moore reported Tri-Delta subcommittee met and there is no reportable action.

Councilmember Rocha presented a report regarding the progress of the Community Development Block Grant (CDBG) subcommittee.

#### **MAYOR'S COMMENTS**

##### **1. PRESENTATION by "Relay for Life" Committee**

Amanda Roa, Event Co-Chair for the *Relay for Life*, announced the event would be held on June 26 and 27, 2010. The 24 hour event would start Saturday, June 26 at 9:00 A.M. and end at 9:00 A.M., Sunday, June 27, 2010.

Judy Dawson invited the City Council to participate in the Relay for Life event and urged them to attend the kick-off on March 3, 2010, to be held at Humphreys on the Delta. Contact information was provided.

Bob Hunter, CP3S Chair announced this area had been chosen to be a cancer prevention study site. He discussed the requirements for participants, noting anyone wishing to volunteer could sign up at the event June 26, 2010 from 10:00 A.M. . 2:00 P.M.

Mayor Davis discussed the success of the Relay for Life event and expressed his gratitude to the committee for organizing the event.

##### **2. PRESENTATION by Patty Deutsche, Dow Chemical Company**

Patty Deutsche, Senior Manager Public Affairs Dow Chemical Company, gave a brief overhead presentation of the Dow Chemical Pittsburg Operations Overview and their involvement in the community. She invited the community to attend 6K Run/Walk for Water event on April 18, 2010 from 12:00 P.M. . 5:00 P.M. Contact information was given.

**COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 9, 2010**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2010**
- D. FIRST AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH CONSTRUCTION TESTING SERVICES, INC. FOR VARIOUS PROJECTS IN THE CITY OF ANTIOCH**
- E. RESOLUTION NO. 2010/11 DIRECTING ENGINEER OF WORK TO PREPARE CONSOLIDATED REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR LANDSCAPING DISTRICTS FY 2010/2011**
- F. RESOLUTION NO. 2010/12 and RESOLUTION NO. 2010/13 APPROVING APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS FOR CITY PARK AND MEMORIAL PARK**

On motion by Councilmember Rocha seconded by Councilmember Kalinowski, the Council unanimously approved the Council Consent Calendar with the exception of item ~~A~~ which was removed for further discussion.

**Item A** – Councilmember Parsons amended the minutes of February 9, 2010, page 2, Council Subcommittee Reports, first paragraph to add the Mello Roos Board thanked previous president Reginald Moore for his service to the Board.

Councilmember Moore stated he could not support the minutes as he continually had concerns the intent or purpose of critical comments from the City Council and Public were not captured while other unnecessary items were recorded.

Mayor Davis clarified the minutes were intended to be a synopsis of meetings, rather than a dialog verbatim.

City Clerk Martin stated recordings of meetings are kept on file indefinitely.

Mayor Davis offered to discuss this issue in the future, offline.

On a motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council approved the minutes as amended. The motion carried the following vote:

Ayes: Davis, Kalinowski, Parsons, Rocha

Noes: Moore

## STUDY SESSION/COUNCIL REGULAR AGENDA

### 4. PLANNED EXTENSION OF PROPOSED HILLCREST E-BART SERVICE

Victor Carniglia gave a brief overhead presentation of the Hillcrest eBART station. Council provided direction to staff regarding Council's preferred method of presentation by BART, i.e. hear comments from the public, and provide direction to City staff regarding the options the City Council could support regarding the Hillcrest eBART Station.

Joel Keller, long standing member of the BART Board of Directors, gave a brief history of the eBART project and stated he endorses city staff's concept of finding a way to continue planning moving further east.

Ellen Smith, representing BART, gave a brief overhead presentation of the eBART project and timeline for moving forward.

In response to Councilmember Moore, Ms. Smith clarified 23% of the eBART project costs were eligible for NEPA federal funds.

Joel Keller reported BART was working with the City and regional partners to locate all money available to make sure the road improvements and BART were fully funded.

In response to Councilmember Moore, Mr. Keller reviewed how funding was allocated in the region and noted they were confident funding numbers were realistic and achievable; however, nothing was ever secure in a big funding package.

Douglas Tokes, Antioch resident, stated the residents of Antioch had paid for BART service and he felt the BART Board should reallocate funding from projects of less importance or were no longer being considered to pay for a full BART at the City's preferred station location. He questioned whether or not Livermore and Santa Clara County were receiving eBART or traditional BART extensions.

Fred Hoskins, Antioch resident, expressed concern BART was not complying with the provisions as outlined in the ballot measure approved by the citizens of Antioch. He questioned when planning for a BART station in this region began. He suggested eliminating the transfer station and instead of two lines going all the way, provide one line of traditional BART service.

Chris Schildt, Community Planner TransForm, stated they were a long term supporter of eBART and discussed the benefits of the project. She congratulated the City Council on maximizing the plan for the project area. She stated they were less impressed by BART for not maximizing the potential particularly with access to the Hillcrest BART station. She reported funding from the Transportation for Livable Communities Program for East Contra Costa County had been defunded and without those funds it would be difficult to provide the access improvements needed.

Armonda Cardona and Miguel Sanchez, representing Contra Costa Interfaith Supporting Community Organization (CCISCO), requested the City Council adopt a resolution in support a local hire program for the eBART project.

Gary Agopian, Antioch resident, thanked the City Council for their position on the project and stated he was looking forward to the project's completion. He expressed concern regarding the lack of interest from the public on the design of the project and discussed the importance of a transit oriented development, pedestrian access to the station and the commercial connection. He stated he felt it was worth waiting for additional funding to build the station in the City's preferred location and any bid savings should be used for that purpose.

Richard Mossman, Antioch resident, expressed concern many residents had a lack of accurate knowledge on the project and noted questions submitted to BART had fallen on deaf ears and gone unanswered. He questioned whether the BART extension would be needed once additional lanes were constructed on Highway 4.

Michael (last name unknown), consultant for the city gave a brief history of the project. He stated he felt the east median station should remain an option and access improvements should move forward in terms of cost savings with bids and the possibility of a second stimulus. He noted money follows planning in transit and it was important to keep momentum going for continuing the project further east.

Charles Wall, Brosamer & Wall, commended Mr. Carniglia for his vision on the project. He spoke in support of BART, working with CCTA to get Phillips Lane approved. He discussed the importance of going over the UP right-of-way and stated he would like BART to look at the modified access maintenance tunnel that does not preclude revenue service should the opportunity become available.

Mr. Keller responded BART was committed to working on the access issue with the committee members and City staff for the best multi-model access possible. He voiced his support for a local hiring provision in future planning of this project. He noted if the BART preferred median station was built, they were not precluding a future revenue tunnel to try to connect to the MOCCOCO line. He further supported working with the City to find a way to continue planning further east.

Rick Rattray, eBART Engineering Project Manager, gave a brief description of the revenue tunnel and noted should they proceed with the environmental and secure the right of way, the maintenance tunnel could be retrofitted. He stated the station's design specifications were such that it could be easily reconstructed to accommodate a two-way pedestrian overcrossing across the freeway.

In response to Councilmember Parsons, Mr. Rattray clarified there was no funding or time to build the east median station.

Councilmember Parsons voiced her support for planning of the Laurel station and alleviating Hillcrest congestion with south side access to the station. She requested a programmatic and

project feasibility study that would be NEPA cleared all the way to the interchange to enhance mobility and access to the station.

Mr. Rattray stated alleviating congestion from Hillcrest by going to Laurel has significant advantages.

Mr. Hurl discussed the NEPA process and noted alternatives could be considered provided they were not changing what had been previously been cleared.

Councilmember Moore voiced his support for a local hiring preference and requested the resolution provided by CCISCO this evening be placed on the agenda for the March 9, 2010 City Council meeting for consideration. He expressed his disappointment the east median station was no longer an option and suggested sending a directive to the funding partners and other agencies, stating the east median station presents the best opportunity for Antioch.

Councilmember Rocha agreed, emphasizing the inclusion of the local hire preference was critical for Antioch.

Mr. Keller thanked Councilmember Kalinowski for his leadership on TransPlan and supporting the continuing effort regarding the road construction and eBART.

Mr. Rattray discussed the coordination efforts with CALTRANS to build the structural concrete in the project area in conjunction with the widening of Highway 4.

Susan Miller, representing Director of Projects Contra Costa Transit Authority, stated 35% of the plans regarding the segment of the freeway between Hillcrest Avenue and the Highway 4 bypass had been submitted to Caltrans. She further stated they have been working closely with BART to integrate the profiles and it would be approximately 2 years before they would be ready to advertise for bids. She reported they had opened bids on the Loveridge project and the costs were 30% below the engineer's estimate. She noted the estimated 3 year construction project should begin construction in May.

In response to Mayor Davis, Ms. Miller clarified any federal and bridge toll money saved on low bids, would remain in the corridor. However, they will have to argue with state entities that those funds be kept in the corridor and any measure money go back to Transplan for reallocation.

Mayor Davis declared a recess at 9:24 PM. The meeting reconvened at 9:43 PM with all Councilmembers present.

Victor Carniglia summarized the direction from Council as follows:

- " That the maintenance tunnel will be designed by BART in a way to minimize throw away costs when/if the tunnel were changed to a slow speed revenue service tunnel
- " That BART place a high priority that any bid savings be used for access improvements

- “ That BART become a partner in terms of supporting the process of moving the Phillips Lane interchange forward
- “ That BART move forward on planning for the next station as soon as possible
- “ To work language into the resolution, as mentioned, in terms of a local hire policy.

Councilmember Kalinowski requested strong language be included to indicate the city's expectation is that the tunnel is designed in such a way to be able to be converted to a revenue service tunnel. He discussed the concept of addressing the local hire issue by providing a facility for a satellite apprenticeship program in East County.

Councilmember Parsons thanked Councilmember Kalinowski for suggestion for providing a facility for the apprenticeship programs.

Mayor Davis requested this item return to the City Council on March 23, 2010, so that a full Council could consider this item.

## **PUBLIC HEARINGS**

### **5. AMENDMENT TO THE AGREEMENT FOR COLLECTION SERVICES WITH ALLIED WASTE SERVICES FOR RESIDENTIAL SERVICE, NEW ANNUAL RATE INCREASE METHODOLOGY, AND EXPANDED RESIDENTIAL, COMMERCIAL AND CITY SERVICES**

Assistant City Manager Mornick presented the staff report dated February 10, 2010 and gave a brief overhead presentation recommending the City Council motion to adopt the resolution agreeing to business terms for a 10-year extension to the Agreement for Collection Services and authorizing the City Manager to negotiate and execute an amendment to the Agreement pursuant to City Council direction.

Tim Argenti, General Manager for Allied Waste, gave a brief overview of the history of Allied Waste and their proposal for expanding existing services as well as the concept for changing annual rates.

In response to Councilmember Rocha, Mr. Argenti stated he would do an audit and determine adequate frequency for refuse removal on walkways adjacent to parks and increase the on-call pickup for one bulky item to two times per calendar year.

In response to Mayor Davis, Mr. Argenti explained the 10 year extension will give them a chance to amortize costs.

Mayor Davis expressed his appreciation to Allied Waste for their partnership with the city.

## **OPPONENT**

Arne Simonsen expressed concern regarding procedure as he feels Mr. Argenti was not recognized as the proponent when he spoke. Speaking on behalf of the Contra Costa

Taxpayers Association and the Howard Jarvis Taxpayers Association, he stated they have had insufficient time to analyze the agreement and stated they have several legal, ethical and moral concerns they would like addressed. He urged the City Council to go out to bid prior to approving the agreement and recommended this item be continued to allow them sufficient time to review the details of the proposal.

## **GENERAL**

Joseph Ramus, Antioch resident, suggested the community impact payment be annual payments to the city, in smaller amounts and at the same percent as the rate increase to citizens. .

Terry Ramus, Antioch resident, suggested all refuse cans be emptied every week regardless of payment status and that Allied provide an 800 phone number for residents to report illegal dumping to allow Allied to have it removed so within a reasonable time frame.

Mr. Argenti stated he received Mr. Ramus's suggestions to help eliminate blight and he was willing to memorialize them with staff.

Councilmember Kalinowski stated he felt this proposal is an opportunity for rate payers to benefit from the additional services being offered.

Mayor Davis closed the public hearing.

In response to Councilmember Parsons, Mr. Argenti discussed the services and sponsorships they provide to the City and non-profits in the community.

Councilmember Moore spoke in support of the agreement and requested the community benefit money have a narrowly scoped use such as public safety, maintaining water service or recreational opportunities.

In response to Mayor Davis, City Attorney Nerland clarified the existing agreement is through 2015 and the city is not required by law to go through a bid process. She noted the decision is if the City Council feels the franchise agreement extension is in the best interest of the city. She announced this item was properly noticed in the newspaper as a Public Hearing. She noted there is nothing that prohibits the City Council to set maximum rates to encourage recycling which is a statewide mandate.

Mayor Davis, commended Mr. Argenti for providing enhanced services and suggested information be published in the newspaper.

Mr. Argenti responded that he would conduct outreach in the community and inform them of how they can participate in the programs.



Councilmember Parsons thanked Mr. Argenti for agreeing to provide an 800 number for residents to report illegal dumping.

Mayor Davis stated he was unable to support the following motion due to the 10-year extension in the agreement.

#### **RESOLUTION NO. 2010/14**

On motion by Councilmember Rocha, seconded by Councilmember Parsons the City Council adopted the resolution. The motion carried the following vote:

Ayes: Rocha, Kalinowski, Parsons, Moore

Noes: Davis

### **6. AGENCY REGULAR AGENDA**

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

On motion by Agency member Rocha, seconded by Agency member Moore the Antioch Development Agency unanimously approved the Agency Warrants.

### **PUBLIC COMMENTS**

Mayor Davis read written comment from an individual stating she works for the city of Antioch after school program at Turner Elementary and she had formed a club to honor police officers. She expressed concern several voice mails she had left at the Police Department have gone unanswered.

Mayor Davis stated he would personally follow up on this issue.

### **STAFF COMMUNICATIONS**

City Manager Jakel announced a Mortgage Clinic will be held on March 13, 2010 from 10:00 A.M. to 5:00 PM. at Antioch High School. He noted City Council meetings will be held on March 9 and 23, 2010 and confirmed that Mayor Davis would be unable to attend the March 9, 2010 meeting. ..

### **COUNCIL COMMUNICATIONS**

Councilmember Parsons reported on the *Keep Antioch Beautiful* event to be held on April 17, 2010.

Councilmember Kalinowski reported he had attended the grand opening of the new Casino building on February 19, 2010 and he felt it was a positive success for downtown Antioch.

Mayor Davis reported former Mayor Pete Lopez had passed away and spoke to his service in Antioch. .

Councilmembers Moore and Rocha acknowledged Mr. Lopez's service in the community.

**ADJOURNMENT**

With no further business, Mayor Davis adjourned the meeting in memory of Pete Lopez at 10:59 P.M. to the next regular Council meeting on March 9, 2010.

Respectfully submitted:

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L. JOLENE MARTIN, CMC  
City Clerk

Approved:

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JAMES D. DAVIS, Mayor

Attest:

\_\_\_\_\_  
L. JOLENE MARTIN, CMC  
City Clerk