

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**July 22, 2008
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. 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).

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – (California Government Code §54956.9) – Onita Tuggles v. City of Antioch et al, Northern District Court Case No. C 08-01914; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-2301BZ.

Mayor Freitas called the meeting to order at 7:05 P.M., and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

Mayor Freitas reported the City Council had been in Closed Session and there was no reportable action

PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

PRESENTATION - to City Employees for Commendable Actions While on Duty

Pat Scott, Public Works Director and Bill Walker, representing the Contra Costa County Fire District (CCFD) commended City employees Tony Ezidro, Steve Bowman, Ron Colefield and Jim Warburton who were instrumental in early notification to the CCFD, controlling fires and reducing property damage.

Councilmembers Kalinowski, Davis, Simonsen and Moore presented Certificates of Recognition to Tony Ezidro, Steve Bowman, Ron Colefield and Jim Warburton who thanked the City Council for the recognition.

On behalf of the City Council and community, Mayor Freitas thanked the employees for going beyond the call of duty to serve the citizens of Antioch.

PROCLAMATIONS — NATIONAL NIGHT OUT 2008, August 5, 2008

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

Councilmember Davis presented the proclamation proclaiming August 5, 2008 as *National Night Out* to Chief Hyde, Police Crime Prevention Commission Chair Hans Ho, members of the Police Crime Prevention Commission and Neighborhood Watch Block Captains. Chief Hyde thanked the City Council for the recognition, spoke to the benefits of the Neighborhood Watch Program and announced the *Coffee with the Cops Workshop* would be held on July 26, 2008 at the Nick Rodriguez from 9:00 a.m. to 11:00 a.m.

Mayor Freitas, on behalf of the community thanked the Crime Prevention Commission, Block Captains and volunteers for participating in the National Night Out event.

Police Crime Prevention Commissioner Hans Ho discussed the increased significance and importance of showing solidarity with the Antioch Police Department.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Bob Oliver, Antioch resident, stated he would like to leave the City with a new fountain, lake, dance floor, winter ice rink and botanical gardens.

Walter Ruelig County Library Commissioner thanked the City Council for the reappointment as Antioch's representative to the County Library Association. He discussed the Assembly Education Committee action regarding AB1816 and its potential to have a positive impact for the City. He noted the County Library System had a 12.9% increase in circulation for approximately 6 million.

COUNCIL REGULAR AGENDA

3. PRESENTATION ON POLICE ACTIVITIES LEAGUE (PAL)

Police Captain Cantando gave a brief overhead presentation of the Police Activities League (PAL) programs and the Youth Police Academy. He thanked everyone involved for making those programs a success and introduced participating members of the programs.

Councilmember Moore thanked Captain Cantando for his leadership and spoke to the benefits of the Jr. Giants Program.

PUBLIC COMMENTS

Ken Lee, Antioch resident, spoke to the history of Chinese in Antioch and suggested the City Council participate in Diversity Training.

Chip Stein, Antioch resident, questioned why inappropriate language was allowed during a recent City Council meeting.

Chris Valenta, Antioch resident, spoke to his qualifications for serving as Mayor of Antioch.

Councilmember Simonsen, at the request of Mr. Valenta read a letter from his Commanding Officer outlining his achievements while serving in the military.

Devi Lanphere, Antioch Chamber of Commerce, announced the Joint Chambers Breakfast - *Access To Capital* would be held on August 13, 2008 from 8:30 a.m. to 12:00 p.m. Contact information was given for anyone wishing to participate in the event. She thanked the City Council for the proclamation in celebration of the *Chamber's 70- year Anniversary* and the Antioch Historical Society/East County Times for their donation and organization of historical photographs.

Michael Lillard, Antioch resident, stated he would be installing surveillance cameras at his residence to document illegal activity for the Antioch Police Department.

Mayor Freitas read written comment from Antioch resident, Dick Straub who requested clarification with regards to the provisions of the RV Ordinance parking permits.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Freitas requested staff respond directly to Mr. Straub.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JUNE 24, 2008 (#301-03)

B. APPROVAL OF COUNCIL WARRANTS (# 401-02)

C. APPROVAL OF TREASURER'S REPORT FOR JUNE 2008) #401-02)

D. LEGISLATION AND ADVOCACY (#701-04)

1. Stolen Recycled Materials Legislation (continued)

E. APPROVAL OF CONTRACT WITH FEDERAL ADVOCATES, INC. TO PROVIDE LOBBYING SERVICES FOR TEA-21 FUNDING FOR HIGHWAY 4 IMPROVEMENTS (#1102-03)

F. RESOLUTION NO. 2008/68 AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY AND CITYGATE ASSOCIATES, LLC TO PERFORM A FEASIBILITY STUDY, BUSINESS PLAN DEVELOPMENT, AND NON-PROFIT INCORPORATION FOR ANIMAL SERVICES; AND AUTHORIZING THE APPROPRIATION OF \$53,250 FROM THE ANIMAL SERVICES FUND FOR FY2008-09 (#1302-01)

G. YEAR END REPORT UPDATING CITY OF ANTIOCH'S CONCRETE IMPROVEMENT/REPLACEMENT PROJECT, P.W. 507-11 (#1102-04)

H. RESOLUTION NO. 2008/69 APPROVING AMENDMENT NO. 2 TO THE JOINT POWERS AGREEMENT (RECYCLED WATER PURVEYORSHIP) BETWEEN THE CITY OF ANTIOCH AND THE DELTA DIABLO SANITATION DISTRICT (#1205-02)

- I. **RESOLUTION NO. 2008/70, RESOLUTION NO. 2008/71 CLOSE OUT OF HILLCREST ASSESSMENT DISTRICT NO. 26 FOR WORK FUNDED BY BONDS AND DISPOSITION OF SURPLUS FUNDS (#806-02)**
- J. **CONSIDERATION OF BIDS FOR THE POLICE FACILITY REPAIRS (P.W. 590-4) (#1301-01)**
- K. **CROWN CASTLE CELL SITE LEASE FOR CITY-OWNED PROPERTY AT 75 WALTON LANE (LONE TREE WATER TANK) (#1001-05)**
- L. **RESOLUTION NO. 2008/72 AUTHORIZING AN ADJUSTMENT TO THE POLICE CHIEF'S SALARY (#509-02)**

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of items D and F which were removed for further discussion.

Item D – Councilmember Simonsen stated he supported the concept of AB844, however he does not feel it addressed all concerns. He requested the item be reviewed by staff prior to a vote to authorize a letter sent under the Mayor's signature.

Mayor Freitas requested Chief Hyde, Staff and Councilmember Simonsen review outstanding issues related to the item and it return to the City Council at the next meeting.

Councilmember Kalinowski voiced his support for AB844.

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council members present continued approval of the letter. The motion carried by the following vote:

Ayes: Freitas, Davis, Moore, Simonsen

Noes: Kalinowski

Item F – Councilmember Moore spoke in support of item F and requested it be pulled from the Consent Calendar for public input.

Karen Kops, President of HARP and Barbara Sobalvarro, speaking on behalf of the Friends of Animal Services spoke in support of item F and urged the City Council to adopt the resolution.

Councilmember Kalinowski stated he had professional involvement with Mr. Ross and therefore, he felt it was appropriate to abstain from voting on the item.

On motion by Councilmember Moore, seconded by Councilmember Simonsen, the City Council approved item F. The motion carried by the following vote:

Ayes: Freitas, Davis, Simonsen, Moore

Abstain: Kalinowski

PUBLIC HEARINGS

2. ALMONDRIDGE HOME SIZE MODIFICATIONS / KB HOMES SOUTH BAY, INC. REQUESTS APPROVAL OF MODIFICATIONS TO THE SINGLE FAMILY HOME PRODUCTS AT THE 81 UNIT ALMONDRIDGE DEVELOPMENT LOCATED ON THE EAST SIDE OF PHILLIPS LANE, APPROXIMATELY 700 FEET SOUTH OF EAST EIGHTEENTH STREET (APN: 051-200-015 AND 051-200-053) UP-04-30 (#202-10)

Associate Planner Gentry presented the staff report dated July 17, 2008 recommending the City Council adopt the resolution upholding the Planning Commission's recommendation and deny the home size and unit mix modification amendment to the Use Permit.

Mayor Freitas opened the public hearing.

PROPONANT

Ray Panek, representing KB Homes Southbay, gave a brief overview of the proposed revision to the unit mix.

GENERAL

Ken Lee, Antioch resident, questioned if any of those homes were designed to be handicapped accessible and meet ADA specifications. He spoke to the need to provide in-law quarters to address market demand.

Chris Valenta, Antioch resident, suggested increasing the percentage of lots providing RV access and parking.

Mayor Freitas closed the public hearing.

REBUTTAL

Mr. Panek stated the Fair Housing Act required the builders accommodate reasonable requests for handicapped accessible homes and those provisions were made for the purchasers.

Councilmember Simonsen voiced his support for the applicant's request to adapt to market conditions.

RESOLUTION NO. 2008/73

On motion by Councilmember Moore, seconded by Councilmember Simonsen, the City Council adopted the resolution denying the Planning Commission's recommendation. The motion carried by the following vote:

Ayes: Davis, Simonsen, Moore

Noes: Freitas

Abstain: Kalinowski

Mayor Freitas declared a recess at 8:15 p.m. The meeting reconvened at 8:29 p.m. with all Councilmembers present.

COUNCIL REGULAR AGENDA - Continued

4. PRESENTATION ON STATE OF THE STREETS (#1102-04)

Pat Scott gave a brief overhead presentation of the Street Maintenance Program.

Mike Bechtholdt, Street Superintendent, gave a brief overhead presentation of various road treatments used and the benefits of preservation of the road system.

Margo Yap, Nichols Consulting Engineers, gave a brief overview of construction costs, funding sources and recommendations for moving forward with the street maintenance program.

Mayor Freitas discussed current funding sources available for road rehabilitation and suggested the City Council tour to observe the process.

Following a poll of the City Council, they supported the recommendations of the consultant.

Hans Ho, Antioch resident, agreed with the staff report and recommendations. He urged the City Council to support the concept of pavement preservation and continue funding of the program to the highest level possible. He offered his professional assistance at no cost to the City.

Chris Valenta, Antioch resident, suggested the City use the best available material and questioned if the road maintenance was coordinated with infrastructure improvements.

Ken Lee, Antioch resident, questioned the slurry seal process. He suggested restricting commute traffic through residential neighborhoods as well as increasing taxes on school bus and garbage trucks. He questioned how outside traffic would be taxed for their use of Antioch streets.

Mike Bechtholdt, Street Superintendent stated the Slurry Seal was consistent throughout Antioch, all markers were replaced and the process cured in six hours. Additionally, he noted commute traffic was regulated and roadway work was coordinated through the divisions.

Mayor Freitas thanked staff and the consultants for the presentation.

5. PREWETT PARK COMMUNITY FACILITIES PROJECT – FACILITY NAMING (#1102-03)

Project Manager Karste presented the staff report dated July 1, 2008 recommending the City Council select a name for the new Community Center and Police Service Center Facility.

Chris Valenta, Antioch resident, suggested the City Hall be relocated at Prewett Park and naming the Community Facilities Project, Unity Community Center.

Mayor Freitas recommended the City Council consider honoring Thelma Fontana with a dedication at the library facility.

Following discussion, Council consensus supported naming of the Community Facilities Project, *Antioch Community Center* and in the future, naming specific components of the facility for individuals and/or naming rights to generate revenues.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved naming of the Community Facilities Project as *Antioch Community Center*.

6. PARTICIPATION IN PLANS FOR A FUND RAISING EVENT FOR THE NUNN AND WILSON FAMILIES TO BE HELD AT PREWETT PARK IN SEPTEMBER 2008 (#101-04)

City Manager Jakel presented the staff report dated July 1, 2008 recommending the City Council direct staff to proceed with plans for a fund raising event for the Nunn and Wilson children to be held at Prewett Park in September, 2008.

Following discussion, consensus of the City Council was to move forward with the event for September 20, 2008.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present.

7. AGENCY REGULAR AGENDA

A. APPROVAL OF AGENCY WARRANTS (#401-02)

On motion by Agency Member Moore, seconded by Agency Member Davis, the Antioch Development Agency unanimously approved the Agency Warrants.

Mayor Freitas adjourned to the Antioch City Council with all Council Members present.

Mayor Freitas reminded the public there would be a Quality of Life Forum on August 9, 2008 from 9:00 a.m. - 12:00 p.m. at Deer Valley High School.

PUBLIC COMMENTS

Chris Valenta, Antioch resident, reiterated his concerns related to the Grandfather Clause of the RV Ordinance.

STAFF COMMUNICATIONS

City Manager Jakel reminded the City Council the next meeting would be August 12, 2008 and would be the only regularly scheduled meeting for August.

COUNCIL COMMUNICATIONS

Councilmember Moore reported on his attendance at the American Public Transportation Association Annual Board of Directors meeting.

Councilmember Simonsen thanked City Manager Jakel and Public Works Director Scott for assistance in the Maintenance Facility Conference Room availability for the Delta Protection Commission meeting. He reported on his attendance in Sacramento regarding various Delta issues and urged the City Council to review the reports and pending legislation. He requested staff review the issue of required disclosure of Antioch's RV ordinance for retailers.

Mayor Freitas requested the City Attorney provide information on the feasibility of a disclosure ordinance on the Consent Calendar for August 12, 2008.

City Manager Jakel stated staff was preparing a presentation on Water Rights Issues and they could add presentations from the appropriate agencies.

With no further business, Mayor Freitas adjourned the meeting at 9:44 p.m. to the next regular Council meeting on August 12, 2008.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk