

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

**Study Session/Regular  
6:00 P.M.**

**January 27, 2009  
Council Chambers**

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

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – FIRST ASSEMBLY OF GOD CHRISTIAN CENTER V. CITY OF ANTIOCH**, Contra Costa Superior Court, Case No. C-07-02206. This Closed Session is authorized by California Government Code §54956.9(a)

Mayor Davis called the Study Session to order at 6:13 P.M., and City Clerk Martin called the roll.

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

City Attorney Nerland announced the City Council had been in closed session regarding the First Assembly of God Christian Center litigation and would take formal action during the open session agenda.

**STUDY SESSION**

**1. RECEIVE UPDATE ON ANTIOCH'S WATER RIGHTS AND ON-GOING DELTA ACTIVITIES**

Capital Improvements / Water Rights Director Harrington presented the staff report dated January 20, 2009, followed by Water Rights Attorney, Matt Emeritt's slideshow presentation regarding Antioch's existing Water Rights, including updates on current Delta activities. It was recommended the City Council receive and file staff report.

Councilmember Moore voiced his concern regarding the drought situation and the potential for litigation to maintain water rights. He discussed the importance of implementing a water conservation plan.

Capital Improvements / Water Rights Director Harrington discussed water conservation features and the processes of Delta Vision to have a 20% water conservation feature in by 2020.

**PUBLIC COMMENTS**

Devi Lanphere, Antioch Chamber of Commerce, discussed the Clear Vision process on water rights, stating there was an effort to form a group to attend meetings to represent Antioch. She offered their assistance as advocates for the City of Antioch to protect water rights.

Mayor Davis declared a recess at 7:10 P.M.

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Council reconvened at 7:16 P.M., Mayor Davis called the meeting to order and City Clerk Martin called the roll, with all members present.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION**

Recognition was given to Gregory Lenhart, who had performed the flag service and ongoing maintenance of the Vietnam Veterans Memorial located at the marina.

Mr. Lenhart stated he was grateful and felt it was an honor to be able to maintain the flag and memorial.

Mayor Davis thanked Mr. Lenhart for his service in honoring the Veterans, and presented Mr. Lenhart with a certificate of recognition.

## **PROCLAMATION**

*National Blood Donor Month, January 2009*

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

Councilmember Rocha presented the proclamation proclaiming the month of January as *National Blood Donor Month* to Michelle Greathouse who thanked the City Council for the recognition and acknowledged those community organizations who had participated in Blood Drives. Contact information was given.

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

Lonnie Karste announced a *Community Hour of Prayer* would be held February – May on the first Thursday of the month from 6:30 to 7:30 A.M. at the Lone Tree Golf and Event Center. Contact information was given.

## **PUBLIC COMMENTS**

Larry Munn, Senior Building Inspector, spoke to the efforts of the City to address the current economic crisis and provided the City Council with a letter commending Building Inspector Dean Hurney

Devi Lanphere thanked those who attended the Inaugural Gala honoring the *Citizen of the Year, Small and Corporate Business of the Year, Youth of the Year* and the *Lifetime Achievement Award of the Year*. She also thanked those elected officials who had participated.

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Erik Blevins asked who owned the island in the Delta, and questioned whether or not the City participated in a plastic milk container recycling process.

Mayor Davis clarified the City did not own West Island; and confirmed recycling containers were available for milk containers.

Douglas Tokes, Antioch resident, suggested the City contact Caltrans regarding the timing of a signal on Hillcrest Avenue between East 18<sup>th</sup> Street and the freeway onramp. He cautioned the City to be mindful of the budget shortfalls as they could increase dramatically from decreasing residential properties values.

Councilmember Moore agreed the signal was a problem and urged the City staff to engage Caltrans regarding the issue.

Community Development Director Brandt reported discussions with Caltrans regarding the issue had been ongoing.

Councilmember Parsons reported egress onto the Highway 4 Bypass from the same intersection was a problem.

Walter Ruehlig, representing Antioch Unified School District, voiced his support of keeping the Victory Eagle at the County Fairgrounds. He gave a brief update on the School District's budget and invited the public to attend the *Grow Your Own Project* dinner at 5:30 P.M. on January 29, 2009 at Los Medanos College.

In response to Councilmember Moore, Mr. Ruehlig clarified foreclosures and changes in demographics were responsible for some of the enrollment decline in Antioch schools.

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

## **MAYOR'S COMMENTS**

Mayor Davis deferred to Councilmember Moore who reported on the Dr. Martin Luther King program held on January 19, 2009, thanking those who participated.

Councilmember Rocha spoke to Dr. Sims' presentation at the event.

## **1. COUNCIL CONSENT CALENDAR**

### **A. APPROVAL OF COUNCIL MINUTES FOR DECEMBER 16 and 18, 2008**

### **B. APPROVAL OF COUNCIL WARRANTS**

### **C. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2008**

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- D. **ORDINANCE 2021 C-S AMENDING SECTIONS 2-5.103 AND 3-12.03 TO THE ANTIOCH MUNICIPAL CODE TO CHANGE THE SIZE OF THE ECONOMIC DEVELOPMENT COMMISSION**
- E. **DIRECT STAFF TO PREPARE LETTER SUPPORTING BART DISTRICT'S OPPOSITION TO TRANSIT FUNDING CUTS**
- F. **REPORT FROM NATIONAL GOLF FOUNDATION (NGF) CONSULTING REGARDING OPERATIONAL REVIEW FOR LONE TREE GOLF & EVENT CENTER**
- G. **AFTER SCHOOL LIBRARY HOURS FUNDING – DEER VALLEY HIGH SCHOOL**
- H. **UPDATE OF MUNICIPAL CODE PROVISIONS RELATED TO THE BOARD OF ADMINISTRATIVE APPEALS AND PROPERTY MAINTENANCE**
- I. **RESOLUTION NO. 2009/04 APPROVING A SETTLEMENT AGREEMENT AND RELEASE, ACCEPTING A GRANT DEED FOR A SEWER EASEMENT AND APPROVING A DEFERRED IMPROVEMENT AGREEMENT WITH FIRST ASSEMBLY OF GOD CHRISTIAN CHURCH**
- J. **RESOLUTION NO. 2009/05 APPLICATION FOR EAST BAY REGIONAL PARK DISTRICT'S MEASURE WW GRANT**
- K. **RESOLUTION NO. 2009/06 FINDING WILLIAM LYON HOMES, INC. (SAND CREEK RANCH DEVELOPMENT) IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE 2007-2008 FISCAL YEAR**
- L. **AWARD ANNUAL CONTRACT FOR PARK MAINTENANCE TO PACHECO BROTHERS GARDENING**
- M. **AWARD THE PURCHASE OF (3) POLICE PATROL VEHICLES**
- N. **AMENDMENTS TO THE FISCAL YEAR 2008-2010 BUDGET**
- O. **RESOLUTION NO. 2009/07 SALARY DECREASE FOR ELECTED OFFICIALS DUE TO FINANCIAL CHALLENGES FACING THE CITY**
- P. **CITY MANAGER AND CITY ATTORNEY EMPLOYMENT AGREEMENTS**

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the Council unanimously approved the Council Consent Calendar with the exception of Items A, G, L, M and N which were removed for further discussion.

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**Item A** – Councilmember Parsons stated she was not on the City Council at the time the meetings were held for the minutes, therefore she pulled Item A for a separate vote.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council approved Item A. The motion carried by the following vote:

Ayes: Davis, Rocha, Kalinowski, Moore  
Parsons

Abstain:

**Item G** – Councilmember Kalinowski clarified he was in support of the use of RDA funds for this one time allocation; however he was concerned regarding the extension of additional funds to other and new programs in the City at this time.

Councilmember Moore stated he shared Councilmember Kalinowski's concerns and discussed the importance of investing in the future of Antioch.

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

**Item L** – In response to Councilmember Moore, Pat Scott clarified the contract could be broken if Pacheco Brothers were found to be non-performing. Ms. Joseph added, the proposal also included verbiage stating the City could cancel the contract for budgetary reasons.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council approved Item L. The motion carried the following vote:

Ayes: Davis, Rocha, Moore, Parsons  
Kalinowski

Abstain:

**Item M** – In response to Antioch resident, Martin Fernandez, Ms. Joseph clarified the local vendors did not respond to the bid.

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

**Item N** – Councilmember Kalinowski suggested City Manager Jakel brief the City Council on when the City would no longer be deficit spending.

Following a request from Councilmember Parsons to proceed with the Citizens Satisfaction Survey, the City Council consensus was to support a placeholder of funds until April, at which time the City Council could determine how or if to proceed.

Councilmember Kalinowski stated he felt the monies would be better spent addressing other budgetary needs; therefore he could not support postponing the deletion of the citizen's satisfaction survey.

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Mayor Davis stated he was in support of a placeholder and suggested the formation of a Mayor's Blue Ribbon Task Force comprised of five individuals appointed by each Councilmember to do public outreach and report back to the City Council. Additionally, he noted, following the report from the County he felt it was incumbent upon the City Council to staff the City accordingly.

Councilmember Moore discussed the importance of engaging the public regarding their position on revenue enhancements to address the budgetary needs of the City.

On motion by Councilmember Parsons, seconded by Councilmember Rocha, the City Council approved Item N with an amendment to postpone the deletion of the citizen satisfaction survey to a date to be determined. The motion carried the following vote:

Ayes: Davis, Rocha, Moore, Parsons

Noes: Kalinowski

Mayor Davis declared a recess at 8:20 P.M. The meeting reconvened at 8:30 P.M. with all Councilmembers present.

## PUBLIC HEARINGS

- 3. GURNAM RASILA/BG MARKET, INC. REQUESTS APPROVAL OF A USE PERMIT FOR THE OPERATION OF A 4,393 SQUARE FOOT CONVENIENCE STORE IN THE LONE TREE LANDING RETAIL CENTER LOCATED AT 5005 LONE TREE WAY (APN 056-470-001) AND THE CITY OF ANTIOCH IS PROPOSING TO RESCIND AND RE-ENACT ARTICLE 31 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE §9-5.3831 LIQUOR ESTABLISHMENTS TO SPECIFY HOW THE 500 FOOT RADIUS IS MEASURED. File: UP-08-09, Z-08-04 (Continued from 12/16/08)**

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council unanimously continued Item 3 to February 10, 2009.

- 4. RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 21 ON SOMERSVILLE ROAD AT THE CROSSING OF HIGHWAY 4 (P.W. 300-21)**

Capital Improvements Director / Water Rights Harrington recommended the City Council adopt the resolution

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

### **RESOLUTION NO. 2009/08**

On motion by Councilmember Kalinowski seconded by Councilmember Rocha the City Council unanimously approved the resolution.

- 5. RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 22 ON "L" STREET (P.W. 300-22)**

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Director of Capital Improvements / Water Rights Harrington recommended the City Council adopt the resolution

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

## **RESOLUTION NO. 2009/09**

On motion by Councilmember Kalinowski seconded by Councilmember Rocha the City Council unanimously approved the resolution

### **COUNCIL REGULAR AGENDA**

#### **6. APPOINTMENTS TO THE ECONOMIC DEVELOPMENT COMMISSION TO FILL TWO VACANCIES**

Mayor Davis nominated James Kyle and Jim Lanter to fill two vacancies on the Economic Development Commission.

Councilmember Kalinowski motioned to approve James Kyle and Jim Lanter; however at the request of Councilmember Moore he pulled the motion for separate action.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore the City Council appointed James Kyle to the Economic Development Commission. The motion carried the following vote:

Ayes: Davis, Kalinowski, Parsons, Moore

Noes: Rocha

On motion by Councilmember Kalinowski, seconded by Mayor Davis the City Council appointed Jim Lanter to the Economic Development Commission. The motion carried the following vote:

Ayes: Davis, Kalinowski, Parsons  
Moore

Noes: Rocha ,

Councilmembers Rocha and Moore stated they feel the city's Boards and Commissions need to be comprised of a diverse group of individuals who represent the entire community.

Councilmember Kalinowski stated that he supports Mayor Davis's recommendation based on the interview process with the department heads. He noted the most qualified candidates should be appointed to serve.

In response to Councilmember Moore, City Attorney Nerland clarified state law for a general law city states that the Mayor appoints and the City Council approves the Commission and Board positions.

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Councilmember Moore stated with the previous clarification from staff he would drop consideration of modifying the appointment process to allow each Councilmember to appoint one member to the Boards and Commissions.

Mayor Davis clarified he held interviews with staff and nominated according to all interests of the city being considered.

## **7. DESIGN REVIEW PROCESS CHANGES**

Senior Planner Morris presented the staff report dated January 13, 2009 recommending the City Council motion to adopt the Resolution of Intent to initiate an amendment to Chapter 5 of the Antioch Municipal Code to amend the Design Review process

### **RESOLUTION NO. 2009/10**

On motion by Councilmember Rocha, seconded by Councilmember Parsons the City Council unanimously adopted the resolution to initiate a zoning amendment with the Planning Commission to take over responsibilities of Design Review process.

The Antioch Development Agency convened with all Agency Members present.

## **9. AGENCY REGULAR AGENDA**

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

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

The City Council reconvened with all Councilmembers present.

## **8. STUDY SESSION ON HILLCREST e-BART SPECIFIC PLAN**

Deputy Director Advanced Planning Carniglia presented the staff report dated January 20, 2009 recommending the City Council motion to conduct the study session and provide comments and feedback to staff as appropriate.

City Consultant Leslie Gould reviewed contents of specific plan and gave a brief overview of the environmental impact report.

In response to Councilmember Parsons, Deputy Director of Advanced Planning Carniglia stated staff has met with Union Pacific (UP) in terms of their intentions and mitigation. City Manger Jakel reported UP intends to operate the Mococo line if the market conditions improve and it will be a joint process with Brentwood and Oakley to address the concerns. He added UP has indicated they will work with the city on quiet zones and grade work.



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Councilmember Moore voiced his disappointment the out of median alternative was not included and he suggested the City Council direct staff to put the alternative back into the plan.

Deputy Director of Advanced Planning Carniglia stated he feels the BART board would be responsive to what is the most cost effective plan. He noted the out of median station in terms of UP and costs make the plan unfeasible. He further noted he is cautiously optimistic the city can make a case for the benefits of shifting the station further east.

Councilmember Moore stated he feels the BART Board should be reminded that the city has paid into the BART system for many years and deserves their consideration on their desires.

Councilmember Rocha stated she agrees with Councilmember Moore and feels it is important the BART Board understand the city's preference for the out of median station.

Councilmember Kalinowski stated he is willing to support the furthest east in median station and noted if the development team brings another proposal forward, he would give it consideration.

## **PUBLIC COMMENTS**

Douglas Tokes reiterated the need for senior and/or assisted living housing and the appropriateness of placing it in this area.

Chris Schildt representing Trans Form reiterated the need for senior housing and the appropriateness of placing it in this area. She spoke to the project in terms of development potential and how it would benefit the community's needs. She voiced their support for the east median station option.

Linda – Rose Dudley, Antioch resident, spoke to the noise and air emissions impact on residents currently living in the area.

Deputy Director of Advanced Planning Carniglia reported staff in conjunction with the cities of Brentwood and Oakley is working with UP to mitigate for those impacts.

## **STAFF COMMUNICATIONS**

City Manager Jakel reminded the City Council there is a meeting on February 17, 2009 at 6:00 P.M. for a litigation session. He proposed April 4, 2009 as the date for the Quality of Life Forum.

Following discussion the City Council agreed on April 4, 2009 as the date for the Quality of Life Forum.

City Manager Jakel reported city facilities will be closed on February 13, 2009 as a cost savings measure and the employees have been notified.

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## **COUNCIL COMMUNICATIONS**

Mayor Davis discussed the benefits of the Quality of Life Forums and thanked Councilmember Kalinowski for developing the concept. He announced Coffee with the Cops will be held on January 31, 2009 at 9:00 a.m. at the Antioch Police Department.

Councilmember Parsons reported she attended the League of California Cities Initiation for new Councilmembers, and the ribbon cutting for Sweet Angels childcare center on Hillcrest Avenue.

Mayor Davis requested the City Attorney Nerland provide a report to the City Council on a comparison of General Law Cities and Charter Cities. He announced Pat Scott was retiring from the City and Ron Bernal would move into the position.

With no further business, Mayor Davis adjourned the meeting at 9:52 P.M. to the next regular Council meeting on February 10, 2009.

Respectfully submitted:

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L. JOLENE MARTIN, City Clerk