

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**September 14, 2010
Council Chambers**

5:30 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR** . Employee organizations: Public Employeesq Union Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officersq Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employeesq Association. This Closed Session is authorized by California Government Code §54957.6.
- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** . Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One potential case.
- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** . . Onita Tuggles v. City of Antioch et al, Northern District Court Case No. C 08-01914 JCS; 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. C08-02301 SBA; and Riaz Patras, Maryam Patras and Mark Patras v. City of Antioch et al., Northern District Court Case No. CV-09-1891. This Closed Session is authorized by California Government Code §54956.9.

Mayor Davis called the meeting to order at 7:12 P.M.

City Attorney Nerland reported the City Council had been in Closed Session. She reported with regards to agenda items #1: CONFERENCE WITH LABOR NEGOTIATOR . Employee organizations, and; #2 CONFERENCE WITH LEGAL COUNSEL . ANTICIPATED LITIGATION, direction given to staff with no action taken. Regarding item #2, CONFERENCE WITH LEGAL COUNSEL . ANTICIPATED LITIGATION was due to facts and circumstances regarding the Council's action on the Walmart Expansion which could lead to significant exposure to litigation. Regarding item #3, CONFERENCE WITH LEGAL COUNSEL . EXISTING LITIGATION, no action was taken.

City Clerk Martin called the 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

Barbara Sobalvarro, Antioch resident, President and Founder of Friends of Animal Services, invited the City Council, staff and community to attend the Black Cat Ball fundraiser at 6:00

P.M. on October 23, 2010 at the Lone Tree Golf and Event Center. All proceeds benefit animals at the Antioch Animal Shelter. Contact information was given.

Police Captain Cantando announced the Police Activities League Charity Golf Tournament would be held on September 17, 2010 at the Lone Tree Golf Course. Contact information was given.

Paul Adler, representing Supervisor Federal Glover announced the 2010 Gang Summit would be held from 8:00 A.M. to 4:00 P.M. on October 9, 2010 at Deer Valley High School. He thanked everyone for their support and requested event information be added to the City's website.

PUBLIC COMMENTS

Nancy Fernandez, Antioch resident, reported her dog was killed by another dog in her yard and the owners of the dog responsible for the death of her pet were still allowing their animals to run unrestrained in the neighborhood. She thanked the Antioch Police Department, Antioch Animal Control and Antioch Veterinary Hospital for their help in the matter and announced they had begun circulation of a petition to revise the City's ordinance applying to vicious dogs and their owners. Contact information was given for anyone wishing to help circulate the petition.

Garry Holman, Antioch resident and Licensed Professional Engineer, spoke to safety issues related to the erosion of the aging infrastructure throughout the City. He recommended the City Council obtain maps of natural gas transmission lines and make the information available to the public. Additionally, he suggested the City instruct residents to notify PG&E and the City immediately if they smell the presences of natural gas, keep detailed records of these calls and inform neighbors of their concerns. He further recommended the City also maintain records of the information. He offered his personal services to the City.

Mayor Davis requested staff agendaize the issue of the City's infrastructure, as well as emergency services operations within the City for an October meeting.

Rick Allen and members of the Society of American Magicians invited the community to attend the Rock and Roll Magic Show being held at 7:00 P.M. on October 2, 2010 at the El Campanil Theatre. Contact information was provided.

Wade Harper, representing the Antioch Unified School District presented the City Council with passes to school events.

Walter Ruehlig reported on school uniforms and Academic Performance Index test scores for the Antioch School District. He thanked Mayor and Sue Davis, Councilmember Parsons and Senator DeSaulnier for committing to attend the Annual Police, Fire and California Highway Patrol Officer of the Year Awards Dinner on September 18, 2010 at the Lone Tree Event Center. He announced the International Day of Peace would be held from 6:15 P.M. . 8:30 P.M. on September 18, 2010 and from 1:15 . 5:00 P.M. on September 19, 2010 at Saint Ignatius Church.

Councilmember Moore thanked Mr. Holman for bringing up the aging infrastructure issue and Mayor Davis for agendizing the issue for October.

PROCLAMATIONS

Antioch Youth Intervention Network
Falls Prevention Awareness Week, September 19 . 25, 2010
California Coastal Cleanup Day, September 25, 2010

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

Iris Archeletta on behalf of the Youth Intervention Network (YIN) team recognized and honored Chief Hyde for his vision, support and commitment to the youth in the City.

Chief Hyde gave a brief update on the successes of the YIN program.

Mayor Davis on behalf of the City and City Council recognized the contribution YIN had made to the community.

Senator DeSaulnier, on behalf of himself and Assembly Member Torlakson, acknowledge the celebration of the great work from the YIN program and presented Chief Hyde and Iris Archeletta with a plaque in recognition.

Mayor Davis presented the proclamation acknowledging Antioch Youth Intervention Network (YIN) as a finalist for the 2010 Awards for Municipal Excellence.

Councilmember Rocha presented the proclamation proclaiming September 19 . 25, 2010 as Falls Prevention Awareness Week to a representative of Bay Alarm Medical who accepted the proclamation on behalf of the Falls Prevention Program of Contra Costa County and the Fall Prevention Coalition. She thanked the City Council for acknowledging the need for fall prevention and invited the community to attend the Walk for Fall Prevention on Sept 25, 2010 from 10:00 . 12:00 P.M. in Pleasant Hill. She distributed information to the City for their website.

Councilmember Moore presented the proclamation proclaiming September 25, 2010 as California Coastal Cleanup Day to Julie Haas-Wajdowicz and representatives of the committee. She invited the community to participate in Coastal Cleanup Day on September 25, 2010 from 9:00 A.M. . 12:00 P.M. Contact information was given.

Mayor Davis thanked the committee for organizing a wonderful event.

Councilmember Parsons reported the Kiwanis Key Club would be participating in the event.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Parsons reported the *Shop for Antioch* subcommittee met and the program was moving forward.

Councilmember Moore reported the Animal Services subcommittee met and there would be a public meeting at the Antioch Police Department community room at 7:00 P.M. on September 29, 2010 to seek input on the formation of an Animal Services Commission.

Mayor Davis added the meeting was scheduled from 7:00 . 9:00 P.M. and the public was invited to attend. He noted a recommendation from that meeting would be coming before the City Council for final adoption. He further noted the commission would be advisory and known as Commission of Animal Rescue and Education (CARE).

Councilmember Rocha reported the East Bay Community Foundation was looking at downtown Antioch to support new ideas focused on small businesses. She noted a business incubator and general kitchen have been discussed.

MAYOR'S COMMENTS - None

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 10, 2010

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR JULY 2010

D. REJECTION OF CLAIMS

1. Janet Michelson 10/11-1978 (personal injury)
2. Rich Hoppe 10/11-1971 (property damage)
3. Julio Gonzalez 10/11-1975 (property damage)
4. Vicki Stringer 10/11-1967 (lost property)
5. Progressive Insurance for Sonja A. Marchiorletti 10/11-1985 (property damage)

E. ORDINANCE NO. 2042-C-S TO REZONE APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT (PD-10-01) (Mike's Auto Body/Brennan Rose) (Introduced 8/10/10)

F. RESOLUTION NO. 2010/59 LEGISLATION AND ADVOCACY

1. Proposition 19: The Regulate, Control and Tax Cannabis Act of 2010

G. RESOLUTION NO. 2010/60 UPDATE OF THE CITY OF ANTIOCH CONFLICT OF INTEREST CODE

H. FOURTH AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH FLOW SCIENCE INCORPORATED

- I. **CONSIDERATION OF BIDS FOR THE CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE HANDICAPPED ACCESSIBLE RAMPS AT MISCELLANEOUS LOCATIONS 2010-2011 (P.W. 507-13)**
- J. **RESOLUTION NO. 2010/61 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE III (P.W. 678-3)**
- K. **RESOLUTION NO. 2010/62 CONTRACT AMENDMENT WITH ARTS & CULTURAL FOUNDATION OF ANTIOCH**
- L. **APPROVE AWARD OF BID FOR WESTERN PARKING LOT OVERLAY PROJECT – PREWETT PARK (P.W. 567–C3)**
- M. **RESOLUTION NO. 2010/63 APPROPRIATION OF EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING AS OF JUNE 30, 2010, TO THE 2010-11 FISCAL YEAR BUDGET**
- N. **WAIVER OF THE IRRIGATION WATER BILL AT THE LONE TREE GOLF COURSE**
- O. **PURCHASE OF POLICE PATROL VEHICLES**

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

Item F . Kat Murti, Antioch resident, requested the City Council endorse or remain neutral on Proposition 19 - The Regulate, Control and Tax Cannabis Act of 2010, which she felt would keep children safe, bring in tax revenue and create jobs.

Councilmember Moore referenced an email he received this afternoon which requested the item be tabled to September 28, 2010 due to the fact the ballot arguments had not been considered by the City Council.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously approved item F.

COUNCIL REGULAR AGENDA

2. **PRESENTATION ON ANTIOCH FERRY TERMINAL BY WATER EMERGENCY TRANSPORTATION AUTHORITY**

Consultant Carniglia presented the staff report dated September 8, 2010 recommending the City Council receive the presentation by the Water Emergency Transportation Authority

(WETA) on the proposed Antioch Ferry Terminal and the City Council provide comments and direction to WETA staff as appropriate

John Sindzinski, representing the Water Emergency Transportation Authority (WETA), and Gary Oates and Reema Mahamood, representing ESA, gave a brief overhead presentation of the Antioch Ferry Terminal Project Reinitiation.

Councilmember Parsons thanked Senator DeSaulnier for freeing up the money to get the WETA project and Ferry Service EIR back on track. She voiced her support for the %+ Street terminal location.

Mayor Davis thanked John Sindzinski, Gary Oates and Reema Mahamood for the presentation as well as Consultant Carniglia for his participation.

Councilmember Parsons also thanked Consultant Carniglia.

3. EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY (EBRCSA)

Councilmember Kalinowski reported on the advice of City Attorney Nerland, he would recuse himself from the item, due to the potential conflict of interest based on his employment as a County Sheriff. He left the dais.

Chief of Police Hyde presented the staff report dated September 8, 2010 recommending the City Council direct staff as to Council's desired course of action regarding the City's participation in the East Bay Regional Communications System Authority.

Mayor Davis discussed the importance of intercommunication among the various agencies and noted he supported participation in the East Bay Regional Communications System Authority.

On motion by Councilmember Parsons, seconded by Councilmember Rocha, the City Council agreed to continue to participate in East Bay Regional Communication System Authority (EBRCSA). The motion carried by the following vote:

Ayes: Davis, Rocha, Parsons, Moore

Councilmember Kalinowski returned to the dais.

4. AGENCY REGULAR AGENDA

A. ANTIOCH DEVELOPMENT AGENCY - APPROPRIATION OF EXPENDITURES FOR PROJECT BUDGETS OUTSTANDING AS OF JUNE 30, 2010, TO THE 2010-11 FISCAL YEAR BUDGET

RESOLUTION NO. ADA-440

On motion by Agency Member Rocha, seconded by Agency Member Moore, the Antioch Development Agency unanimously adopted the resolution.

5. COUNCIL / AGENCY CONSENT CALENDAR

A. UPDATE OF THE ANTIOCH DEVELOPMENT AGENCY CONFLICT OF INTEREST CODE

RESOLUTION NO. ADA-441
RESOLUTION NO. 2010/64

On motion by Agency/Council Member Kalinowski, seconded by Agency/Council Member Parsons, the Antioch City Council/Development Agency unanimously: 1) Agency approve the resolution adopting the updated Conflict of Interest Code for the Agency; and 2) City, as the Code-reviewing body, approve the resolution approving the updated Conflict of Interest Code for the Agency

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the Walmart item was scheduled to come back to the City Council for consideration on Sept 28, 2010. He reported the Homeless Connect project would be held on September 16, 2010 at the Contra Costa County Fairgrounds.

COUNCIL COMMUNICATIONS

Councilmember Rocha asked for reconsideration of the Walmart issue regarding the Aug 17, 2010 vote Resolution #B, which she understood was not possible due to the fact she was not part of the prevailing party on the motion. She clarified she wanted the item to come back to the City Council for discussion due to Roberts Rules.

City Attorney Nerland clarified Roberts Rules do not trump the Brown Act and the Walmart item was coming back to the City Council on the September 28, 2010 agenda. She reiterated what she had stated in closed session, she anticipated the staff report would provide a recommendation and spectrum of options from which Council could take final action on the item.

Councilmember Moore reported he had received communication from Antioch Chambers of Commerce requesting certain information under the Public Records Act and Freedom of Information Act. He noted the request indicated they were asking for the information due to the fact he had received a communication allowance from the City of Antioch. He clarified he does not, nor had he received said communication allowance for over two years. He stated he paid for all his email and cell phone communications out of his personal funds.

With no further business, Mayor Davis adjourned the meeting at 8:47 P.M. to the next regular Council meeting on September 28, 2010.

Respectfully Submitted:

L. JOLENE MARTIN, City Clerk