

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

June 12, 2012
Council Chambers

6:15 P.M. - CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION – Initiation of litigation pursuant to subdivision (c) of California Government Code section 54956.9: 1 case: related to United States Bankruptcy Court, Northern District of California Case No. 12-44668 (Chapter 11 Bankruptcy of Eva Quesada Romero and Gilbert Raymond Romero related to Humphrey's on the Delta Restaurant)

Mayor Davis called the meeting to order at 7:02 P.M., and City Clerk Skaggs called the roll.

Present: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor Davis

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**, no action was taken.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

PUBLIC COMMENTS

Carolyn Taylor spoke on behalf of the tenants of Hudson Town House Apartments, reported for health reasons, the residents were in need of air conditioning for their apartment units. She noted the units provided by management, to some people, had increased humidity levels which had made it more difficult to breathe. She thanked the City for their help and requested the Council visit her apartment to witness the impacts for themselves. She requested the City assist in getting this issue rectified and stated she would appreciate Mr. Arthur speaking to the tenants to give them an opportunity to express their concerns.

Mayor Davis and Councilmember Rocha agreed to meet with the tenants on June 14, 2012, at 4:00 P.M.

Nancy Kelly, graffiti cleanup volunteer, expressed concern for ongoing vandalism occurring at the Skate Park and noted there was a sign posted that if vandalism occurred, the park would be closed. She questioned why the Park remained open. She further noted the lot on the corner of Marie Avenue and East 18th Street was in need of weed abatement and she had been unable to determine ownership of the property.

Judy Dawson, representing the American Cancer Society, invited the public to attend the *Relay for Life* Event on June 23 and 24, 2012, at Los Medanos College. She announced Chili's Restaurants was hosting a *Relay for Life* Fundraiser on June 18, 2012.

Douglas Tokes, Antioch resident, urged residents to work together to put trash cans away so criminals were not alerted to residents who were not at home. He reported the races at the Fairgrounds had been heard after 10:30 P.M. and trash from the Fairgrounds had negatively impacted the surrounding neighborhoods. He requested City staff find out why Cornerstone Christian Center had trimmed the trees lessening their effectiveness. He questioned if staff had requested agenda item #3 be continued due to lack of notification to landowners.

Mayor Davis clarified the Fairgrounds were State Property which were run by the County and urged Mr. Tokes to approach them with his concerns.

Walter Ruelig, Joy Motts, and Susan Davis, representing the 4th of July committee, updated the Council and community on fundraising efforts and event details. Contact information was given for anyone wishing to participate in the parade.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the Mayor Golf Tournament, Antioch High School graduations, EDGE Grand Opening and a tour of Animal Services.

Councilmember Rocha announced the final vote count for the bond issue for Antioch High School should be available on June 15, 2012. She reported on her attendance at the State of the City luncheon and announced the Police Department had promoted Diane Aguinaga to Lieutenant on June 12, 2012.

Councilmember Harper reported on his attendance at the State of the City luncheon.

Councilmember Kalinowski reported on his attendance at the Tri Delta Transit meeting.

MAYOR'S COMMENTS

Mayor Davis reported on his attendance at the Mayors Golf Tournament and Antioch High School graduations. He announced the Mayor's team for the *Relay for Life* event was still seeking participants. He reported the General Manager for Delta Diablo Sanitation District was unable to attend this evening and he hoped to have him available in the near future to discuss concerns related to the street sweeping program.

PRESENTATION - ANTIOCH POLICE DEPARTMENT TIP SOFT PROGRAM

Chief Cantando thanked Channel 2 news for its balanced reporting of issues related to Antioch. He gave a brief overhead presentation of the Tip Soft Program implementation for the Antioch Police Department.

Councilmember Kalinowski recognized Lt. Aguinaga for seeing the benefit of the program and bringing it to the attention of the Antioch Police Department. He also thanked the Police Department's Executive team for its implementation.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR MAY 22, 2012**
 - B. **APPROVAL OF COUNCIL WARRANTS**
 - C. **REJECTION OF CLAIMS**
 1. **John Guzman 12/13-2059 (personal injury)**
 2. **Michael Bailey 12/13-2061 (personal injury)**
 - D. **ANIMAL SERVICES – RESPONSE TO GRAND JURY REPORT**
 - E. **AUTHORIZE THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE WILBUR AVENUE OVERHEAD WIDENING PROJECT (P.W. 259-B)**
 - F. **WATER TREATMENT PLANT SOLIDS MANAGEMENT EQUIPMENT RENTAL CONTRACT AMENDMENT**
 - G. **WATER TREATMENT CHEMICALS PURCHASE FOR FISCAL YEAR 2012/2013**
 - H. **AUTHORIZATION TO INCREASE CONTRACT TO KARSTE CONSULTING INC., FOR THE PROJECT MANAGEMENT SERVICES OF THE ANTIOCH COMMUNITY PARK SYNTHETIC TURF FIELDS AND PREWETT PARK AQUATICS RENOVATION PROJECTS AND MEASURE WW GRANT FUNDING ADMINISTRATION**
 - I. **RESOLUTION NO. 2012/39 APPROVING LETTER OF UNDERSTANDING FOR THE ANTIOCH POLICE SWORN MANAGEMENT ASSOCIATION**

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council unanimously approved the Council Consent Calendar with the exception of Item D, which was removed for further discussion.

Item D

Barbara Sobalvarro, representing the Friends of Animal Services, stated they were honored to have the Contra Costa Grand Jury come and tour the shelter and noted she was pleased with their recommendations. She requested a list of the non-profits who were partnering with the Antioch Animal Shelter. She advocated for Council to receive quarterly reports on the volunteers program until fully staffed and the formation of an Animal Services Commission.

Karen Kops, President of HARP and SNIP, commended the Shelter staff for their hard work and dedication to the animals. She questioned what efforts had been made to lower spay and neuter costs and noted she felt the City could decrease expenditures for euthanizing dogs and cats. She urged the City to engage the stakeholders and make the necessary changes.

Skip Swanlund, Antioch resident, stated the Grand Jury report was welcomed. He noted their findings do not reflect negatively on Shelter staff; however the City had failed to provide them with resources needed to do their jobs. He suggested low-cost spay and neuters be included in negotiated veterinary services. He expressed concern that with the Shelter being opened only 4 days per week, it delayed the decision on the disposition of the animals. He requested the City explore ways for the Shelter to be open more hours and consider the formation of an Advisory Council.

Richard Stirret, Delta Animals Safe Haven, spoke to the benefit of volunteer programs for the Animal Shelter. He suggested the City hold monthly volunteer orientations, revisit the volunteer ratio per animal and expedite the volunteer processing time by eliminating the NCIC check and fingerprinting. He suggested contracting with a different Veterinarian for lower cost services. He stated they had formed to open an adoption center to augment the shelter and they would like to meet with the City to discuss lease opportunities.

Mayor Davis read written comment from Dairne Ryan, representing Fix Our Ferals, and requested the letter be part of the record for public review.

Chief Cantando stated they would provide quarterly updates on the volunteer program and noted they would continue to perform background checks and fingerprinting of volunteers to protect the shelter animals and employees. He stated when they go out for RFP for Veterinary Services, they would consider all options. He commented it was the Council's decision on where funds were expended and shelter staff was doing a great job with the available resources.

Councilmember Kalinowski clarified with the County model when expenses go up, those costs are passed on to all jurisdictions participating in their program. He stated that while there were areas the City could improve, they do not have the ability to generate substantial money for Animal Services, when due to budget constraints, the Antioch Police Department is down 20-30 officers.

Mayor Davis commented the City had 401 employees authorized, however, they were still down 157 employees.

Councilmember Agopian stated he felt Shelter staff had done an excellent job considering the resources available and noted until the City's property tax base increased, the City had to be creative, vigilant, and frugal in providing services. He encouraged someone to volunteer to be the volunteer coordinator. He felt the City should hold discussions with regards to a low-cost spay and neuter program. He thanked the Antioch Police Department, Animal Services, and the volunteers for their dedication to the shelter animals.

Councilmember Rocha thanked the non-profits for their interest in the shelter animals.

Following discussion, Council directed staff to provide quarterly reports on the volunteer program and follow-up with the non-profits on their suggestions to improve the Animal Shelter programs.

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

PUBLIC HEARING

2. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ORDERING IMPROVEMENTS AND LEVYING ANNUAL ASSESSMENTS FOR LANDSCAPE MAINTENANCE DISTRICTS FOR THE 2012/2013 FISCAL YEAR (PW 500)

Administrative Analyst Hoffmeister presented the staff report dated June 6, 2012, recommending the City Council adopt the resolution.

Mayor Davis closed the public hearing.

RESOLUTION NO. 2012/40

On motion by Councilmember Harper, seconded by Councilmember Agopian, the City Council unanimously adopted the resolution.

COUNCIL REGULAR AGENDA

3. Z-12-02: PREZONING OF AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA – THE PREZONING IS APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO BY THE CITY AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE. THE PROPOSED PREZONING CONSISTS OF PRIMARILY M-2 (HEAVY INDUSTRIAL) ZONING, WITH M-1 (LIGHT INDUSTRIAL) PROPOSED FOR THE UNINCORPORATED AREA SOUTH OF WILBUR AVENUE, AND OS (OPEN SPACE) PROPOSED FOR THE EXISTING ENDANGERED SPECIES PRESERVE LOCATED ON THE NORTH SIDE OF WILBUR AVENUE. A PREVIOUSLY PREPARED MITIGATED NEGATIVE DECLARATION WILL BE UTILIZED TO ADDRESS ANY ENVIRONMENTAL IMPACTS OF THE PROPOSED PREZONING. ON MARCH 7, 2012, THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE TO PREZONE THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA (*Introduced on 04/24/12 and Continued on 05/08/12*)

City Consultant Carniglia presented the staff report dated June 7, 2012, recommending the City Council continue this item. The item will be re-noticed at a future date.

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council unanimously continued this item.

City Attorney Nerland, for the record, reported the City had received another letter from Kristina Lawson representing Albert Seeno, which was on the dais this evening and would be added to the record.

4. **DETERMINATION AS TO THE APPROPRIATE COURSE OF ACTION IN RESPONSE TO A LETTER RECEIVED FROM THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) REQUESTING THAT THE CITY INITIATE THE ANNEXATION OF SUBAREAS 2A AND 2B OF THE NORTHEAST ANTIOCH AREA. SUBAREA 2A CONSISTS OF APPROXIMATELY 94 ACRES LOCATED NORTH OF WILBUR AVENUE AND WEST OF SR 160, AND IS PRIMARILY OCCUPIED BY MARINA USES. SUBAREA 2B CONSISTS OF APPROXIMATELY 103 ACRES LOCATED GENERALLY NORTH OF EAST 18TH STREET AND SOUTH OF WILBUR AVENUE IN AND AROUND VIERA AVE, BROWN LN, WALNUT AVE, SANTA FE AVE, STEWART LN, WYMORE WAY, SAINT CLAIRE DR, MIKE YORBA WAY, AND TREMBATH LN. AREA 2B IS PRIMARILY OCCUPIED BY RESIDENTIAL USES.**

City Consultant Carniglia presented the staff report dated June 3, 2012, recommending the City Council direct City staff to submit annexation applications to LAFCO for Areas 2A and 2B of the Northeast Antioch Area.

Councilmember Rocha reported she had served on the Northeast Antioch Annexation subcommittee with Councilmember Agopian and she felt the project was important for the future of the City. She voiced her support for the residents to be involved in the process.

In response to Councilmember Kalinowski, City Consultant Carniglia reviewed the results of the fiscal analysis and infrastructure needs in area 2B.

Councilmember Agopian gave a brief background of the subcommittee process and discussed the advantages of annexation. He spoke in support of due process with residents of the area and alternative #3 as outlined in the staff report.

Don Wilson, representing the Sportsman's Yacht Club, reinforced the opinion stated previously, that they were not in support of being annexed into Antioch noting that infrastructure changes necessary, would put them out of business. He stated it was their opinion that area 2A was not an island. He urged the City Council to be an advocate for them with LAFCO.

Bill Worrell, representing the Sportsman's Yacht Club, stated he felt the City needed to get the industrial area in northeast Antioch annexed. He stated the Council had previously promised not to pursue annexation of area 2A and he requested that they advocate on their behalf with LAFCO.

Darlene Dawson, representing the Sportsman's Yacht Club, stated Council had previously assured the 2A area they would not be annexed into the City and she read a letter signed by 25 members of the Yacht Club thanking the Council from excluding them from annexation.

Councilmember Kalinowski expressed concern the City was being asked to take on the burden for infrastructure improvement for areas 2A and 2B when there was extensive land within the City

limits that did not meet the City Standards and Codes. He stated if LAFCO wanted the City to take the land for incorporation, the City's share of infrastructure costs should be offset. He voiced his support for alternative #3.

In response to Councilmember Harper, City Consultant Carniglia clarified area 2A would not automatically fall into the category of island annexation due to the smaller percentage of land surrounded by the City and the fact it was bordered by the river and another City. He noted due to those circumstances, if there were 12 or more registered voters in the area, they could approve or deny annexation.

Councilmember Harper stated he supported the voters being able to decide on annexation and thanked Councilmembers Rocha and Agopian for serving on the subcommittee. He stated he would support alternative #3.

Councilmember Agopian stated there was a high degree of certainty the area would get to vote on annexation and their voices would be heard.

Councilmember Kalinowski encouraged residents in the area to register to vote so that they could control the outcome of the annexation.

RESOLUTION NO. 2012/41

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously approved alternative #3 as presented in the staff report.

5. 2014 – 2022 REGIONAL HOUSING NEEDS ALLOCATION

Community Development Director Wehrmeister presented the staff report dated June 7, 2012, recommending the City Council provide direction to staff.

Councilmember Kalinowski recognized former Councilmember Conley for bringing this issue forward.

Councilmember Agopian thanked staff for the report and briefly described the income categories. He stated he disagreed with the concept of housing allocation and noted what was missing in the Bay Area was allocating resources to connect jobs to housing density.

City Manager Jakel reported the City of Brentwood had asked the Cities of Antioch, Oakley, and Pittsburg meet with them next week to discuss their comments for the Housing Needs Allocation.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel summarized his State of the City address.

Mayor Davis thanked City Manager Jakel and Chief Cantando for participating in the State of the City luncheon and the Chamber of Commerce for hosting the event.

Following discussion, the Council agreed to cancel the second meeting in August. The only scheduled meeting in August would be held on the 14th.

Councilmember Kalinowski reported he would be in training for work the week of August 12, 2012, therefore, he would be unable to attend the August 14th Council Meeting.

City Manager Jakel announced the City had received County Grand Jury reports related to pensions and financial transparency, and copies would be provided to Council. He stated he would be scheduling an Emergency Operations Training with Mr. Karste in the near future.

COUNCIL COMMUNICATIONS

Mayor Davis welcomed City Attorney Nerland back from her vacation.

In response to Councilmember Rocha, City Attorney Nerland reported there was not a quorum of members present at the Parks and Recreation Commission meeting to make an official recommendation to the City Council on the disposition of the Fulton Shipyard boat ramp. She noted, they would be meeting again in the near future to hear the item and following that meeting, an official recommendation would be made to the City Council.

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 9:05 P.M. to the next regular Council meeting on June 26, 2012.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk