

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**September 23, 2008
Council Chambers**

5:45 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)

Mayor Freitas called the meeting to order at 7:00 P.M., and City Clerk Martin called the roll.

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

Mayor Freitas announced Council Member Simonsen was representing the City of Antioch at the League of California Cities Conference.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION to Rod Ullman, Maintenance Service Center

Mike Bechtholdt, Street Maintenance Superintendent, on behalf of the Public Works Department recognized Mr. Ullman for creating a tool used for the removal of shoes and kites from electrical wires which reduces staff time and costs associated with those activities

Mr. Ullman thanked the City for the recognition and stated it was an honor working for the City of Antioch.

Mayor Freitas thanked Mr. Ullman for the positive impact he has had on the community.

PROCLAMATIONS

Domestic Violence Awareness Month, October 2008
Driftwood Yacht Club Day and Make-A-Wish Day, October 4, 2008

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council members present unanimously approved the proclamations.

Councilmember Moore presented the proclamation proclaiming October 4, 2008 as *Driftwood Yacht Club Day and Make-A-Wish Day* to Angelic Hedrick, Donna McClain and Abby McClain, who accepted the proclamation and provided contact information for anyone wishing to participate or donate to the event.

Mayor Freitas announced the *Domestic Violence Awareness Month* proclamation would be sent to the appropriate party.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Police Captain Cantando and Devi Lanphere, Chamber of Commerce, representing the Police Activities League (PAL) invited the community to participate in the 1st annual PAL Golf Tournament on October 17, 2008 at the Lone Tree Golf Course. Contact information was given.

Tim Forrester, Antioch Unified School District, announced they were looking for people to participate in the Citizens Oversight Committee. Contact information was given.

Walter Ruehlig, Knights of Columbus of St. Ignasias, invited the public to attend the Police and Fire Officers of the Year awards on Oct 5, 2008 at Tao San Jin. Contact information was given.

Devi Lanphere and Sean Wright, Antioch Chamber of Commerce, announced the following events would be held; Pride and Power of East County Economic Summit on September 26, 2008 and Clear Vision 20/20 Key on Water Issues on October 9, 2008. Contact information was given.

PUBLIC COMMENTS

Jason Ross and Ben Deniston, representing the LaRouche Political Action Committee, discussed economic issues and requested the City of Antioch join a coalition of cities in support of the Bank Protection Act.

Douglas Tokes, Antioch resident, suggested the City Council request Caltrans participate in cost sharing for lighting on the Antioch Bridge.

Mayor Freitas requested City Manager Jakel revisit the issue and update information.

Ken Lee, Antioch resident, discussed conduct during City Council meetings and his endorsement of a write-in candidate for Mayor.

Chip Stein, Antioch resident, questioned if Mayor Freitas was a member who was terminated from the Veterans of Foreign Wars. Additionally, he questioned if the San Ramon City Council denied Councilmember Kalinowski a position as Chief of Police.

Leroy Lui, Antioch resident, representing the Lake Alhambra Property Owners Association (LAPOA), expressed concern for a property being commercially used and negatively impacting

the quality of life in the neighborhood. He provided a satellite view of the lot, photographs and a letter submitted to Code Enforcement regarding those issues. He gave a brief history of the LAPOA dealing with those issues with City staff and requested the City Council take immediate action.

Mayor Freitas announced he had received speaker cards from the following residents who support the views of Mr. Lui.

Mayor Freitas requested staff provide the City Council with a report of the history of the area for the October 14, 2008 agenda. He noted the property may include police, code enforcement and a violation of the clean water act.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Freitas commented Mr. Stein's allegations were incorrect.

Mr. Freitas announced the Prewett Family Park fund raiser for the Nunn / Wilson children was an outstanding event. He read an email from Marty and Nancy Fernandez commending everyone involved in the planning and execution of the End of Summer Splash.

Councilmember Kalinowski stated the total of funds raised at the event was being tabulated and he commended staff for their cooperation in bringing the event to fruition.

Councilmember Davis discussed the ballot designation controversy and stated he felt Mayor Freitas' involvement was unethical, illegal and abuse of power. He expressed concern the \$2,500 retainer for the legal opinion could exceed \$10k and since it directly benefited Mayor Freitas' campaign he demanded he personally pay it back to the city.

Councilmembers Kalinowski and Moore left the dais.

Mayor Freitas stated Councilmember Davis' allegations were untrue and requested proof.

Councilmember Davis stated he had confirmation from the City Attorney that Mayor Freitas called her on the day prior to the filing deadline which was in direct violation of the election code.

Mayor Freitas clarified City Clerk Martin had informed him Councilmember Davis had turned in his election papers that morning and she questioned the ballot designation.

Councilmember Kalinowski and Moore left Council Chambers.

Councilmember Davis stated the City Clerk was sworn to uphold the confidentiality of the City Council and Mayor Freitas' bullying tactics would stop with this election. He requested the issue be agendized for the next City Council meeting.

Mayor Freitas stated he would not agendize the issue due to the fact he does not feel the Chamber or Council meeting was the proper place for political hatchery.

Councilmember Davis pointed out the issue was brought up at the last meeting by Mayor Freitas.

Mayor Freitas declared a recess at 7:38 p.m. The meeting reconvened at 7:40 p.m. with all Councilmembers present with the exception of Councilmember Simonsen who was excused.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 9, 2008 (#301-02)**
 - B. **APPROVAL OF COUNCIL WARRANTS (#401-01)**
 - C. **APPROVAL OF TREASURER S REPORT FOR AUGUST 2008 (#**
 - D. **RESOLUTION NO. 2008/89 STATEMENT OF INVESTMENT POLICY (#**
 - E. **LEGISLATION AND ADVOCACY (#701-04)**
 - F. **REJECTION OF CLAIMS (#7**
 1. **Mojgan Ahad & Tahira Ahad 08/09-1822 (property damage)**
 2. **Krysta Manahan 08/09-1834 (vehicle damage)**
 3. **Lee Ann Morris 08/09-1830 (towed vehicle)**
 4. **LaVeida Roberts 08/09-1824 (property damage)**
 5. **Kiran Chand 08/09-1832 (property damage)**
 6. **Nicholas Brown 08/09-1829 (vehicle damage)**
 - G. **APPROVAL OF CONTRACT EXTENSION WITH TOWNSEND PUBLIC AFFAIRS, INC. TO PROVIDE STATE GOVERNMENT RELATIONS RELATED TO WATER AND INFRASTRUCTURE**
 - H. **CONSIDERATION OF BIDS FOR GATEWAY ENTRY SIGNS, P.W. 679**
 - I. **RESOLUTION NO. 2008/90 APPROVING THE APPROPRIATION OF EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING AS OF JUNE 30, 2008 TO THE 2008/09 FISCAL YEAR BUDGET**
 - J. **RESOLUTION NO. 2008/91 DECLARING ITS CONCURRENCE WITH THE ANTIOCH DEVELOPMENT AGENCY ACTION TO ADOPT THE RESOLUTIONS AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE THE LOCAL MATCH FINANCING, AUTHORIZED REPRESENTATIVE AND FINANCIAL AGREEMENT FOR THE STATE WATER RESOURCES CONTROL BOARD STATE REVOLVING FUND FINANCING PROGRAM**

On motion by Councilmember Moore, seconded by Councilmember Kalinowski, the Council Members present unanimously approved the Council Consent Calendar with the exception of item B, which was removed for further discussion.

Item B – Mayor Freitas requested clarification with regards to warrant #112058.

Councilmember Davis clarified the money was pledged to a reward fund which was dissolved, therefore the money was being returned.

Captain Cantando added at the time the reward fund was established, it was the intent to return the funds if unused or if the program was discontinued.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council members present unanimously approved item B.

PUBLIC HEARINGS

- 2. CITY GATE/ THE EQUUS GROUP REQUESTS APPROVAL OF A REZONE FROM PLANNED BUSINESS CENTER (PBC) TO PLANNED DEVELOPMENT (PD) AND APPROVAL OF FINAL DEVELOPMENT PLAN LOCATED AT THE INTERSECTION OF HOLUB LANE AND EAST EIGHTEENTH STREET (APN S: 051-200-025, -26 AND -036) FILE: Z-08-02, PD-08-06 (Con t from 9/9/08)**

Staff recommended the item be continued to October 14, 2008.

On motion by Councilmember Moore, seconded by Councilmember Davis, the City Council members present unanimously continued item #2 to October 14 2008.

- 3. BARNES/HOWARD BEATTIE REQUESTS APPROVAL TO RESCIND RESOLUTION NO. 3468-A ADOPTED ON APRIL 24, 1973 ACCEPTING A COVENANT TO MAINTAIN REAL PROPERTY AS A ONE INSEPARABLE UNIT; AND REZONE 1803 EVERGREEN AVENUE, 1807 EVERGREEN AVENUE, AND HELMUTH LANE FROM PROFESSIONAL OFFICE (C-O) TO SINGLE FAMILY RESIDENTIAL (R-6). (APN 068-017-010; 068-017-013; 068-041-002; AND 068-041-026) FILE: Z-07-03/V-08-04**

Community Development Technician Stahl presented the staff report dated September 18, 2008 recommending the City Council: A) introduce the Ordinance by title only; B) introduce the Ordinance rezoning the southern portion of 1803 Evergreen Avenue, 1807 Evergreen Avenue, and 2 Helmuth Lane from Professional Office (C-O) to Single Family Residential (R-6); and C) adopt the resolution rescinding Resolution 3468-A. (This resolution would not be effective until the close of escrow for the Lot Line Adjustment and the Ordinance rezoning the parcels was effective.)

Brain Swisher, Brentwood resident, gave a brief history of the parcels involved in the rezoning.

RESOLUTION NO. 2008/92

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the City Council members present unanimously A) introduce the Ordinance by title only; B) introduce the Ordinance rezoning the southern portion of 1803 Evergreen Avenue, 1807 Evergreen Avenue, and 2 Helmuth Lane from Professional Office (C-O) to Single Family Residential (R-

6); and C) adopt the resolution rescinding Resolution 3468-A. (This resolution would not be effective until the close of escrow for the Lot Line Adjustment and the Ordinance rezoning the parcels is effective.)

The City Council convened as the City Council / Antioch Development Agency with all Council / Agency members present with the exception of Council / Agency Member Simonsen who was excused.

COUNCIL/AGENCY REGULAR AGENDA

4. PRESENTATION ON THE RIVERTOWN PARKING STUDY

Economic Development Director Bjerke presented the staff report dated September 15, 2008 recommending the City Council receive and file the report.

Jim West, Vice President of Kimley-Horn and Associates Inc., gave a brief overview presentation of the Rivertown Parking Study.

Mayor Freitas expressed concern for parking spaces in front of residential property being used for an extended period of time and felt it was unrealistic to assume the spaces blocks away would be available to the commuter. Additionally, he noted it would be a detriment to the patrons of the El Campanil and Nick Rodriguez Theatre to have a two hour parking restriction.

Mr. West clarified, at the direction of staff, the report considered parking conditions on weekdays, and therefore the conflict with theater parking did not enter into the report. He noted with the current available inventory and with some management, people would not have to utilize parking further away.

Mayor Freitas stated he felt if Ferry Services was located in the downtown area the City should study and try to finance a parking garage facility to assist future downtown and existing development. He stated metering was a counter-intuitive suggestion.

Councilmember Davis suggested one way traffic with diagonal parking and public safety related to the parking garage be considered.

Ken Lee, Antioch resident, suggested the following: controlled traffic flow, paved parking lot lifts, diagonal parking, striping, shuttles and carpool spaces.

Devi Lanphere, Antioch Chamber of Commerce and Economic Development Commission, thanked the City for working on the study and stated she did not feel it was sufficient to have only conducted the study for two days in February. She requested a full copy of the report and discussed safety issues related to merchants parking away from their businesses. She suggested further study of the two hour time restriction, metering and parking issues. She encouraged the City to discuss funding for parking with MTC and/or grants funding for parking.

Mayor Freitas requested in the future, the issue be brought back for a Study Session discussion.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the City Council Members present unanimously received and filed the report.

Mayor Freitas adjourned from the Antioch Development Agency and continued as the City Council.

COUNCIL REGULAR AGENDA

5. PRESENTATION FOR ANTIOCH GATEWAY CENTERS FOR LEARNING FUNDRAISING PROJECT

Project Manager Karste presented the staff report dated September 12, 2008, recommending the City Council receive and file the report.

Elliot Levin, President, The Partnership Resources Group (PRG), gave a brief overhead presentation of Antioch's Gateway Centers for Learning: Readyng a Capital Funding Program.

Councilmember Moore thanked Mr. Levin and Project Manager Karste for the comprehensive report.

Mayor Freitas thanked everyone involved in development of the project.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council Members present unanimously received and filed the report.

Mayor Freitas declared a recess at 8:48 p.m. The meeting reconvened at 8:57 p.m. with all Council Members present, with the exception of Councilmember Simonsen who was excused.

6. PROJECT UPDATE FOR RECYCLED WATER PURVEYORSHIP BETWEEN THE CITY OF ANTIOCH AND DELTA DIABLO SANITATION DISTRICT

Administrative Analyst Rios presented the staff report dated September 17, 2008 recommending the City Council receive and file the report and provide direction to staff regarding the plan and proposal.

Dean Eckerson, Delta Diablo Sanitation District, gave a brief introduction to the Recycled Water Project.

Dana Hunt gave a brief overview of the details of the Recycled Water Project.

Mayor Freitas stated it was an exciting project and he welcomed the use of recycled water in the future to protect parks and golf courses during droughts.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council Members present unanimously received and filed the report.

- 7. CASINO BUILDING/ JOE MARTINEZ IS APPEALING THE DESIGN REVIEW BOARDS DECISION TO DENY THE ARCHITECTURE AND SIGNAGE FOR THE CASINO BUILDING, LOCATED AT 101 H STREET. JOE MARTINEZ IS ALSO REQUESTING A LOT LINE ADJUSTMENT AND SALE OF CITY PROPERTY TO CORRECT THE EXISTING ISSUE OF THE BUILDING BEING CONSTRUCTED OVER THE LOT LINE AS WELL AS REQUESTING AN EASEMENT ON THE CITY OWNED PARKING LOT TO THE EAST OF THE SUBJECT SITE. (APN: 066-071-007) FILE: AR-07-13**

At the request of staff the item was continued to October 14, 2008.

- 8. REQUEST TO EXPLORE ALTERNATIVES FOR FUNDING PUBLIC SAFETY SERVICES**

Councilmember Moore presented the staff report dated September 15, 2008 recommending the City Council provide direction as to whether or not to begin research into alternative funding methods for Public Safety services.

City Manager Jakel stated if directed, he would tap the California League of Cities comprehensive list of techniques with existing staff and provide a report to City Council.

Councilmember Davis stated Proposition 6 was designated to take less than 1% of the State budget and dedicate it for police and safety services throughout the state of California. He voiced his support to study the issue further.

Councilmember Moore added if additional funding became available it would free up General Fund money for preventative measures to deter criminal activity.

Councilmember Kalinowski stated the City needed to be cautious and methodical in their approach and provide an open public process for determination of the capacity for a tax. He suggested consideration of a "911 user tax", a "P" district overlay for new residences and the formulation of a community oversight committee, should a new tax be implemented.

James Kyle, Antioch resident, thanked Councilmember Moore for agendizing the issue. He suggested the City hire a consultant to study a Police Services District Parcel Tax for homeowners and businesses to completely fund police services.

Councilmember Moore thanked Mr. Kyle for his input on the issue.

Following discussion, City Council directed staff to research and provide a comprehensive view on a periodic basis for a dedicated source of revenue for public safety.

City Manager Jakel stated he would bring an initial report back in the November / December timeframe.

Councilmember Kalinowski requested the report include the 911 user tax.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present, with the exception of Agency member Simonsen who was excused.

9. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS (#401-01)

B. RESOLUTION NO. ADA-427 APPROVING THE APPROPRIATION OF EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING AS OF JUNE 30, 2008 TO THE 2008/09 FISCAL YEAR BUDGET

C. RESOLUTIONS NO. ADA-428, ADA-429, ADA-430 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE THE LOCAL MATCH FINANCING, AUTHORIZED REPRESENTATIVE, AND FINANCIAL AGREEMENT FOR THE STATE WATER RESOURCES CONTROL BOARD STATE REVOLVING FUND FINANCING PROGRAM TO OBTAIN A LOAN FOR THE MARKLEY CREEK REMEDIATION PROJECT

On motion by Agency Member Moore, seconded by Agency Member Kalinowski, the Antioch Development Agency Members present unanimously approved the Agency Consent Calendar.

PUBLIC COMMENTS

Robert Kalafate, Antioch resident, provided handouts to the City Council and discussed the Statement of Investment Policy (Consent Calendar 1D). He stated his intent was to recommend the Council postpone action on the item and extend the bond portfolio beyond 1.5 years. .

Chip Stein, Antioch resident, clarified his previous Public Comment was a question not an accusation.

Nancy Jones, Public Financial Management, clarified the cash flow of the City of Antioch have not allowed the portfolio to go out 5 years.

Ken Lee, Antioch resident, questioned what would be done to indicate homes were sold at auction.

STAFF COMMUNICATIONS

City Manager Jakel announced the upcoming City Council regular meeting schedule was October 14 and 28, and November 18, 2008.

COUNCIL COMMUNICATIONS - None

With no further business, Mayor Freitas adjourned the meeting at 9:49 p.m. to the next regular Council meeting on October 14, 2008.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN, CMC, City Clerk