

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**May 26, 2009
Council Chambers**

6:00 P.M- CLOSED SESSIONS

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Evangelho v. City of Antioch; William G. McCullough Co., Contra Costa Superior Court, Case 07-02205; City of Antioch v. Evangelho et al., Contra Costa Superior Court, Case Nos. C06-02345, C06-02391, C06-02392. This Closed Session is authorized by California Government Code §54956.9(a)

2. **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).

3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Pursuant to Government Code §54956.8: Property: Delta Fair Blvd (APN# 074-080-034), Negotiator: Guy Bjerke, Negotiating Parties: Bay Area Rescue Mission, under negotiation: availability, price and terms of payment.

Mayor Pro Tem Rocha called the meeting to order at 7:07 P.M and announced the passing of Mayor Davis's mother Rosa Lee Davis. City Clerk Martin called the Council/Agency roll.

Present: Council Members Kalinowski, Moore, Parsons and Mayor Pro Tem Rocha

Excused: Mayor Davis

City Attorney Nerland reported the City Council had been in Closed Session and provided the following report: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Evangelho v. City of Antioch; William G. McCullough Co. and CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Administrative Civil Liability , no reportable action, and: CONFERENCE WITH REAL PROPERTY NEGOTIATOR, direction was given to staff.

PLEDGE OF ALLEGIANCE

Boy Scout Troop #247 led the Council and audience in the Pledge of Allegiance.

PRESENTATION

Gina Lombardi-Gravert, representing the Antioch Recreation Department and Youth Council, introduced Lonnie Karste, Scott Bergerhouse, Deer Valley High School Co-Principal, Kathy Green, Teacher/Librarian, Captain Cantando, Police Activities League and Kathy Middleton,

Contra Costa County Library. Ms. Lombardi-Gravert gave a brief history of how the *Deer Valley High School After Hours Library Program* was established.

Kathy Green read letters from students in support of the Deer Valley After Hours Library Program. She gave a summary of programming and the services offered to students.

Scott Bergerhouse, Vice Principal, discussed the number of students participating and the success of the program.

Ms. Green introduced a student produced video

Gina Lombardi-Gravert discussed their efforts to seek out grant opportunities and other funding for the program. She noted their goal was to expand the program to Antioch High School and the Middle Schools.

PROCLAMATION — *Youth Intervention Network*

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

Mayor Pro Tem Rocha presented the proclamation recognizing the Youth Intervention Network to Iris Archuleta, who accepted the proclamation on behalf of the Youth Intervention Network and in memory of Joyce Seelinger. Individual members came forward to thank the City Council for the proclamation and spoke to the benefits of the program. Keith Archuleta thanked the City for the support and announced a fundraiser, *A Taste of Antioch*, would be held on Sept 26, 2009 from 7:00 P.M – 10:00 P.M at Roddy Ranch Golf Club.

Councilmember Moore thanked everyone participating in the Youth Intervention Network for making the program a success.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Councilmember Parsons announced the Contra Costa County Fair would be held May 28-31, 2009.

Captain Jackie Smith, representing the Antioch Salvation Army, thanked the City Council for supporting the Salvation Army and announced the Antioch Salvation Army was accepting registrations for an affordable summer day camp for children in kindergarten through seventh grade. The camp, which will run eight hours a day Monday through Friday from June 22 until Aug. 14, 2009. She requested anyone wishing to make a donation or sponsor a child for Day Camp contact them.

Mayor Pro Tem Rocha offered to sponsor a child for Day Camp.

Chief Hyde announced the First Saturday Neighborhood Cleanup would be held on June 6, 2009 from 9:00-11:00 A.M. Volunteers should report to the Auto Zone parking lot at 1623 "A" Street.

PUBLIC COMMENTS

Russell McClintock, Antioch resident, discussed the negative impacts of the homeless on the residents and businesses in downtown Antioch. He felt the City Council did not take previous comments from another speaker regarding these concerns seriously.

Martin Fernandez, Antioch resident, thanked the Public Works Department for the Open House held May 21, 2009, which he noted was an excellent event. He urged the City Council to consider all options prior to laying off additional City employees.

Gil Murillo, Antioch resident, thanked the Public Works Department for the Open House. He spoke in support of maintaining City staff and the quality of work they currently offer. He discussed economy of scale and being creative with shared services for the Animal Shelter and School District. He requested information regarding the process for traffic assessment in his neighborhood.

City Manager Jakel requested Mr. Murillo provide his contact information, which he noted he would be giving to the City Engineer.

Elizabeth Rimbault, Women's Club of Antioch, announced they would be sponsoring a Free Immunization Clinic, August 5, 2009 from 8:00 A.M. – 5:00 P.M. She requested the City Council announce the event at the Mayor's conference.

Doris (D.D.) Carson, representing the Child Care Council, thanked the City Council for their support and considering staff's recommendation for CDBG-R funding.

Mayor Pro Tem Rocha read a letter from Bill Worrell, Antioch resident, reporting on the California Department of Water Resources and The Delta Protection Commission meetings held on May 21, 2009.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Moore stated he was concerned with the negative impacts of the homeless and stated the issue needed to be addressed, with a meaningful action plan that was consistent with the County and State.

Councilmember Parsons discussed the City's efforts to improve the downtown.

MAYOR'S COMMENTS

Mayor Pro Tem Rocha announced there were vacancies on the Investment Advisory Committee and anyone wishing to apply could obtain an application from the City Clerk's Office or the City of Antioch website. The closing date for applications was June 12, 2009.

Mayor Pro Tem announced a request has been made to add an urgency item: 6A - RESOLUTION FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA to the agenda.

On motion by Councilmember Moore, seconded by Councilmember Parsons, the City Council members present added item 6A to the agenda.

1. PRESENTATION BY DELTA SCIENCE CENTER

Nancy Chinn, Executive Director of Delta Science Center, presented calendars to City Council. She then introduced Board Member Paul Adler, and gave a brief update of the Delta Science Center located at Big Break Park in Oakley. She announced a Groundbreaking Open House would be held on June 17, 2009 at 3:00 P.M

2. PRESENTATION BY BART BOARD MEMBER JOEL KELLER REGARDING E-BART

Joel Keller, BART Board Member gave a brief update on their efforts to work with MTC and CCTA to deliver the eBART station at Hillcrest Avenue and find funding for the dual bid. He reported they have been successful in identifying funding for a study on the feasibility of BART's preferred alternative and the eastern station locations. He stated due to the current state of the economy, sales tax revenues were below expected; therefore the project was no longer fully funded. He also noted the Board was looking at options to address the funding shortfall.

Councilmember Kalinowski stated if there were meetings he should attend, he would make himself available.

3. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR MAY 12, 2009 (*Continued*)

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR APRIL 2009

D. ORDINANCE 2026 C-S ESTABLISHING DROUGHT MANAGEMENT REGULATIONS AND WATER CONSERVATION GOALS AND IMPOSING MEASURES TO CONTROL THE EXCESSIVE USE OF WATER (Introduced 5/12/09)

E. ORDINANCE 2027 C-S AMENDING SECTIONS 4-5.1501.4, 4-5.1501.5 AND 4-5.1501.6 OF THE ANTIOCH MUNICIPAL CODE IN ORDER TO CHANGE THE PRIMA FACIE SPEED LIMIT ON CERTAIN STREETS (JAMES DONLON BLVD AND CANADA VALLEY ROAD)(PW 282-17) (*Introduced 5/12/09*)

F. ORDINANCE 2028 C-S AMENDING CHAPTER 19, "MASSAGE REGULATIONS" OF TITLE 5 OF THE ANTIOCH MUNICIPAL CODE TO ADDRESS NEW STATE LAWS (MASSAGE ESTABLISHMENTS AND MASSAGE THERAPY TECHNICIANS) (*Introduced 5/12/09*)

G. RESOLUTION NO. 2009/40 ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE 2009-10 FISCAL YEAR

- H. **ADOPTION OF AN ORDINANCE TO ADD SECTION 9-5.3308 TO THE ANTIOCH MUNICIPAL CODE TO REFERENCE THE HILLCREST STATION AREA SPECIFIC PLAN**
- I. **APPROVAL OF A ONE-YEAR TIME EXTENSION OF THE JANITORIAL SERVICES CONTRACT**
- J. **AUTHORIZATION TO ENTER INTO A CONTRACT WITH CIRCLEPOINT TO PREPARE THE CEQA DOCUMENT FOR THE TARGET STORE PROJECT LOCATED ON LONE TREE WAY ON THE VACANT PORTION OF THE IN-SHAPE PROPERTY (APN 072-500-002 THROUGH -007)**

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

Item D – Ruth Hauschildt, Antioch resident, spoke in opposition to the ordinance penalty system and requested the City send water conservation information to the residents.

Capital Improvements/Water Rights Director Harrington stated he did not believe the City would be penalized as long as the City does its best to conserve water.

Councilmember Kalinowski stated he was in full agreement with the water conservation issues; however, he felt if the goals were not met, and CCWD charged the City, the fees should be recovered from the individual users responsible for the overages.

A motion made by Councilmember Parsons, seconded by Mayor Pro Tem Rocha, to approve item D failed by the following vote:

Ayes: Parsons, Rocha Noes: Moore Absent: Davis Abstain: Kalinowski

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons the City Council voted to: 1) Adopted the ordinance as written; and, 2) Directed to staff to bring back further information regarding promulgating rules to surcharge rate payers who are not meeting the voluntary reduction.

The motion carried by the following vote:

Ayes: Kalinowski, Rocha, Parsons Noes: Moore Absent: Davis

Mayor Pro Tem Rocha declared a recess at 8:49 P.M. The meeting reconvened at 9:00 P.M with all Councilmembers present, with the exception of Mayor Pro Tem Rocha who had noted prior to the recess, a conflict of interest regarding agenda Item #4 and had recused herself.

PUBLIC HEARINGS

4. RESOLUTION APPROVING SECOND SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR (FY) 2008-2009 ACTION PLAN INCLUDING THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING (CDBG-R), AND AMENDING THE FISCAL YEAR 2008-09 CITY BUDGET ACCORDINGLY

CDBG Coordinator Cohen presented the staff report dated May 26, 2009 recommending the City Council adopt the resolution. Ms. Cohen provided the Council with a revised Attachment B.

Councilmember Kalinowski opened the public hearing.

Alissa Friedman, Executive Director of Opportunity Junction, gave a brief overview of their program and thanked the City Council for their support. She noted if there was any way to allocate any of Antioch's CDBG-R funding to their project, they would be grateful and honored.

Elizabeth Rimbault, representing the Antioch Historical Society, stated they were grateful for the original recommendation for an allocation of \$18,960 and noted regardless of the City Council's decision, they would achieve the needed repairs. She expressed her appreciation to the City Council for their consideration of funding for their project.

Councilmember Kalinowski closed the public hearing.

Lavonna Martin, County Homeless Programs, gave a brief overview of their services and application requesting \$50,000 for Synergy House. She noted the recommended funding level would go a long way to jump start the project. She provided contact information for the outreach team who could be called to assist the homeless in finding stable housing.

Councilmember Kalinowski requested staff agendaize the homeless issue for a future Council meeting or Quality of Life forum.

CDBG Coordinator Cohen suggested the City could consider not funding Senior Outreach Services through CDBG-R and recommended they apply for Energy Efficiency Grants.

Following discussion, the City Council agreed to allocate additional funding to the Antioch Historical Society and Opportunity Junction from the Downtown Roadway Rehab and Ramp Installation phase II and Senior Outreach Services.

RESOLUTION NO. 2009/41

On motion by Councilmember Moore, seconded by Councilmember Parsons, the City Council members present unanimously approved Attachment B with the following changes:

Antioch Historical Society - \$20,000

City of Antioch – Downtown Roadway Rehabilitation & Ramp Installation, Phase II - \$121,775

Opportunity Junction - \$10,000

Senior Outreach Services – 0

Mayor Pro Tem Rocha returned to the dais.

COUNCIL REGULAR AGENDA

5. PREWETT EASTERN PARKING LOT LANDSCAPE RE-DESIGN, DESIGN OF THE CENTER MEDIAN AND THE PLACEMENT OF PUBLIC ART PIECE

Prewett Park Project Manager Karste presented the staff report dated May 18, 2009 recommending the City Council: 1) review and select a conceptual re-design for the eastern parking lot and a design for the center median of the park; and 2) approve the location for the new public art piece within the center median of the driveway entry to the park.

Aditya Advani, Project Architect, gave a brief overhead presentation of the east parking lot improvements and the landscape redesign.

Councilmember Parsons requested the lantana plants be replaced with the lilac verbena

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council members present approved the Parks and Recreation recommendation with a plant option for lilac verbena.

In response to Gordon Gravelle, Mr. Advani stated he would work on the issue of Heritage Rock being maintained at its current location.

6. EAST BAY REGIONAL PARK DISTRICT "MEASURE WW" BOND PROJECT FUNDING

Project Manager Karste presented the staff report dated May 18, 2009, recommending the City Council: 1) review project listing, 2) prioritize those projects for funding with the \$4.5M available and, 3) direct staff to begin the application process for each of the projects selected.

In response to Councilmember Parsons, City Engineer Bernal stated staff could look into extending the hours of the restrooms at the Amtrak station and installing a sign at the fishing pier restrooms informing the public of the alternative restroom location with directions to the train station.

Scott Willerford discussed the benefits of the surveillance camera project in Pittsburg. He reported they had looked at grant funding to start the basic infrastructure and initial phase for the cameras.

Councilmember Kalinowski reported the Sheriff Department was looking at the same model for camera monitoring and discussed the benefits of the project. He suggested the City Council take a field trip to look at the facility within the Pittsburg Police Department.

Following discussion, the City Council consensus supported the recommended project list in concept while looking at alternative funding opportunities to defer, reduce or replace the west bank of the marina project. Additionally, they supported adding placeholders for video

surveillance at the Marina and Knoll Park, and the Prewett Park eastern parking lot reconstruction.

Gordon Gravelle discussed the feasibility and benefits of the Driving Range at the Lone Tree Golf Course project.

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council members present unanimously approved: 1) The recommended project list; 2) Placeholders for surveillance cameras at the Marina and Prewett Park parking lot reconstruction, and; 3) Direction for staff to return prior to December applications.

6A. RESOLUTION FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

City Manager Jakel presented the staff report dated May 26, 2009 recommending the City Council adopt the resolution.

RESOLUTION NO. 2009/42

On motion by Councilmember Moore, seconded by Councilmember Parsons, the City Council members present unanimously approved the resolution.

Councilmember Kalinowski reported the subcommittee would be meeting to develop recommendations to address the budget shortfall.

Mayor Pro Tem Rocha adjourned to the Antioch Development Agency, City Clerk Martin called the roll, with all Agencymembers present with the exception of Chair Davis who was previously noted as excused.

7. AGENCY REGULAR AGENDA

A. APPROVAL OF AGENCY WARRANTS

On motion by Agencymember Kalinowski, seconded by Agencymember Parsons, the Agencymembers present unanimously approved the Agency Warrants.

B. DOWNTOWN MARKETING CONSULTANT SELECTION AND PROGRAM IMPLEMENTATION

On motion by Agencymember Moore, seconded by Agencymember Parsons, the Antioch Development Agencymembers present unanimously approved item B.

Mayor Pro Tem Rocha adjourned to the City Council, City Clerk Martin called the roll with all Councilmembers present with the exception of Mayor Davis who was previously noted as excused.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel stated he would be attending a meeting with MTC on May 27, 2009 to discuss the dual bid process. He announced the City Council would be in session for regular meetings on June 9 and 23, 2009, in addition to a scheduled Budget subcommittee meeting.

City Attorney Nerland clarified the City Clerk conducts the roll call simultaneously for both the City Council and Antioch Development Agency at the beginning of the meeting

COUNCIL COMMUNICATIONS

Councilmember Kalinowski announced an Award and Recognition Ceremony for the Police Department had been held. He was unable to attend due to work obligations, but wanted to voice his appreciation of the Police Department for recognizing the Pittsburg Police Officers who saved an Antioch Police Officer's life. He apologized for not being able to attend and suggested discussing venue options in the future.

Mayor Pro Tem Rocha announced the Recognition Ceremony was very well attended.

Councilmember Parsons reported on her attendance at various celebrations within the City. She thanked the Purchasing Department on the 10% concession from Lee's Janitorial Service along with the \$25,000 in reductions staff found.

Mayor Pro Tem Rocha requested the community keep Mayor Davis and his family in their thoughts.

With no further business, Mayor Pro Tem Rocha adjourned the meeting in memory of Rosa Lee Davis at 10:52 P.M to the next regular Council meeting on June 9, 2009.

Respectfully Submitted

L. Jolene Martin, CMC

L. JOLENE MARTIN, CMC
Antioch City Clerk