

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**August 11, 2009
Council Chambers**

5:30 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).
- 2. 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)
- 3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** . Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One potential case.
- 4. 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.
- 5. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION** . Significant exposure to litigation pursuant to subdivision (c) of Government Code Section 54956.9: One potential case.

Mayor Davis called the meeting to order at 7:00 P.M., and Minutes Clerk Eiden called the roll.

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

Absent: Council Member Kalinowski

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

City Attorney Nerland stated the City Council had been in Closed Session and provided the following report. *CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Administrative Civil Liability Complaint No. R5-2006-0512*, direction was given to staff; *CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION . Evangelho v. City of Antioch*, direction was given to staff; *CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION*, direction was given to staff; *CONFERENCE WITH LABOR*

NEGOTIATOR – Employee organizations, item was on the Council Consent Calendar for action, and; *CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION*, direction was given to staff.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Nancy Fernandez announced the grand opening of Bases Loaded Restaurant and Sports Bar in downtown Antioch.

PUBLIC COMMENTS

Douglas Tokes, Antioch resident, requested an update regarding his suggestion that Antioch Police Officers write moving violations under the municipal code to allow the City to retain revenue. He thanked the City for completing the East 18th median landscaping. He questioned the 72-hour limit in municipal parking lots, and suggested parking over 24-hours require a permit and/or be subject to fees.

Martin Fernandez, Antioch resident, expressed concern BART had indicated the fully funded project for Antioch no longer had adequate funding and suggested the Council contact BART representatives to request they attend the next regular Council meeting to explain changes in the plans.

Wendee Williamson, representing the Contra Costa County Fairgrounds, announced the *Fall Festival* would be held on November 14 and 15, 2009. She informed the community the fairgrounds were available for events and had an affordable Recreational Vehicle Park.

Robert Kalafate, Antioch resident, spoke to vacated blighted homes in Antioch neighborhoods due to foreclosures and requested the City Council take the appropriate action through an urgency ordinance to require banks to green up properties going into foreclosure.

Mayor Davis read written comment from Roger Ashton requesting staff reconsider the recent layoff of the Building Technician Position.

A speaker also requested the City Council reconsider the recent layoff of the Building Technician Position.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Davis requested the following items be placed on the next City Council agenda; Municipal Code dealing with vehicle violations and municipal parking lot policies. Additionally, he requested staff invite Mr. Keller to attend the next City Council meeting to provide an update on the eBART project.

Councilmember Rocha clarified the issue with blighted properties was a lack of staffing available for Code Enforcement.

City Attorney Nerland added the City Council had adopted the ordinance to implement legislation regarding blighted properties.

MAYOR'S COMMENTS

Mayor Davis voiced his appreciation to the Antioch Police Department and the Crime Prevention Commission in helping to organize the National Night Out event. He thanked Council members Rocha and Parsons for participating.

1 COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JULY 28, 2009

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR JUNE 2009

D. RESOLUTION NO. 2009/72 SALARY AND AUTOMOBILE ALLOWANCE DECREASE FOR ELECTED OFFICIALS DUE TO FINANCIAL CHALLENGES FACING THE CITY

E. CITY MANAGER AND CITY ATTORNEY EMPLOYMENT AGREEMENTS: FOURTH AMENDMENTS TO MEMORIALIZE A CONTINUED 10% SALARY DECREASE AND CONTINUED DEFERRAL OF THE DEFERRED COMPENSATION CONTRIBUTION DUE TO THE FINANCIAL CHALLENGES FACING THE CITY

F. RESOLUTION NO. 2009/73 ANNOUNCING INTENTION TO SUMMARILY VACATE A SURPLUS PORTION OF FOURTH AND 'G' STREET RIGHT-OF-WAY TO THE PROPERTY OWNER OF BASES LOADED (PW 371-RA-41)

G. RESOLUTION NO. 2009/74 ACCEPTING COMPLETED IMPROVEMENTS FOR A SEGMENT OF SAKURAI STREET AND THE WIDENING AND EXTENSION OF DRIVE-IN WAY (PW 528-SP1)

H. RESOLUTION 2009/75 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE II (P.W. 678-2)

I. RESOLUTION NO. 2009/76 APPROVING LETTER OF UNDERSTANDING FOR ANTIOCH POLICE SWORN MANAGEMENT ASSOCIATION

J. RESOLUTION NO. 2009/77 APPROVING LETTER OF UNDERSTANDING FOR ANTIOCH POLICE OFFICERS' ASSOCIATION

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the Council members present unanimously approved the Council Consent Calendar.

COUNCIL REGULAR AGENDA

2. ISSUANCE AND SALE OF THE ANTIOCH DEVELOPMENT AGENCY, PROJECT AREA NO. 1, TAX ALLOCATION BOND (STATE REVOLVING LOAN FUND PROJECT), SERIES 2009

Finance Director Merchant presented the staff report dated August 3, 2009 recommending the City Council adopt the resolutions.

AGENCY REGULAR AGENDA

4. ISSUANCE AND SALE OF THE ANTIOCH DEVELOPMENT AGENCY, PROJECT AREA NO. 1, TAX ALLOCATION BOND (STATE REVOLVING LOAN FUND PROJECT), SERIES 2009

RESOLUTION NO. 2009/78
RESOLUTION NO. ADA-435

On motion by Council Member/Agency Member Rocha, seconded by Council Member /Agency Member Parsons, the City Council/Antioch Development Agency Members present unanimously adopted the resolutions.

COUNCIL REGULAR AGENDA

3. ORDINANCE TO ADD ARTICLE 3 TO CHAPTER 5 OF TITLE 5, "STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE" TO THE ANTIOCH MUNICIPAL CODE TO ESTABLISH FRANCHISE AND PEG FEES, AUDIT RIGHTS AND CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICES

Director of Information Systems Gegg presented the staff report dated July 10, 2009 recommending the City Council 1) read the Ordinance by title only, 2) introduce the Ordinance to add Article 3 to Chapter 5 of Title 5 of the Antioch Municipal Code; and 3) adopt the Ordinance to Article 3 to Chapter 5 of Title 5 as an Urgency Ordinance for the immediate preservation of the public peace, health or safety.

ORDINANCE 2033-C-S

On motion by Councilmember Parsons, seconded by Councilmember Rocha, the City Council members present unanimously 1) read the Ordinance by title only, 2) introduced the Ordinance to add Article 3 to Chapter 5 of Title 5 of the Antioch Municipal Code; and 3) adopted the Ordinance to Article 3 to Chapter 5 of Title 5 as an Urgency Ordinance for the immediate preservation of the public peace, health or safety.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reminded the City Council the second meeting in August would not be held and therefore the next meetings would be on September 8 and 22, 2009. He announced

Councilmember Moore would be the Graduation speaker for Opportunity Junction on August 20, 2009.

COUNCIL COMMUNICATIONS

Councilmember Rocha reported she attended the Youth Employment event on August 7, 2009 and thanked the City Council for supporting the program.

Councilmember Parsons thanked the Antioch Women's Club for hosting the free immunization clinic.

With no further business, Mayor Davis adjourned the meeting at 7:40 p.m. to the next regular Council meeting on September 8, 2009.

Respectfully submitted:

L. JOLENE MARTIN, City Clerk