

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**September 22, 2009
Council Chambers**

6:15 P.M. - CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR – Employee organizations: Public Employees' Union Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officers' Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employees' Association. This Closed Session is authorized by California Government Code §54957.6.

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).

Mayor Davis called the meeting to order at 7:00 P.M., and City Clerk Martin called the Council/Agency 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.

City Attorney Nerland reported the City Council had been in Closed Session and provided the following report: CONFERENCE WITH LABOR NEGOTIATOR – Employee organizations, no action was taken, this item was on the Consent Calendar, and: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Administrative Civil Liability Complaint No. R5-2006-0512, City Council approved unanimously settlement with both Seeno and Chevron entities.

Mayor Davis announced Item 5. - SUPPORT FOR A K-12 STUDENT UNIFORM POLICY AT ANTIOCH UNIFIED SCHOOL DISTRICT had been pulled from the agenda.

PROCLAMATIONS

*Domestic Violence Awareness Month, October 2009
Driftwood Yacht Club Day and Make-A-Wish Day, October 3, 2009
22nd Annual East County Hunger Walk, October 3, 2009*

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

Councilmember Rocha presented the proclamation proclaiming October 2009 as *Domestic Violence Awareness Month* to Tim Truesdale, representing STAND! Against Domestic Violence who discussed services they offer to the community and announced a fundraiser Rebuilding Lives, he noted the luncheon would be held at 12:00 pm on October 22, 2009 at the Concord Hilton. Contact information was given.

Councilmember Kalinowski presented the proclamation proclaiming October 3, 2009 as the *22nd Annual East County Hunger Walk* to Susie Dove, who invited the community to participate in the Hunger Walk.

Councilmember Moore presented the proclamation proclaiming October 3, 2009 as *Driftwood Yacht Club Day and Make-A-Wish Day* to representatives from the Driftwood Yacht Club who thanked the City Council and invited the community to participate in the Delta Cruise on October 3, 2009.

Councilmember Rocha encouraged the community to donate canned goods for the Hunger Walk event.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Walter Ruelig and Frank Palermo, representing the Knights of Columbus thanked everyone who attended the event honoring Police Officer of the Year, Detective Mike Malone and Firefighters of the Year, Captain Randy Cram. He presented the City Council with a copy of the event program.

Mayor Davis thanked the Knights of Columbus and Saint Ignatius Church for organizing the event.

Richard Mossman invited the community to attend an eBART forum sponsored by the Antioch Democratic Club to be held from 6:00 – 10:00 pm on October 22, 2009 at the Black Diamond Middle School Theatre. Contact information was given.

Steve Hoagland invited the community to attend Advance Camp/Boy Scouts of America 100th Anniversary Celebration on September 25-29, 2009 at the Contra Costa County Fairgrounds.

PRESENTATION BY ANTIOCH POLICE DEPARTMENT REGARDING POLICE ACTIVITIES LEAGUE GOLF TOURNAMENT

Chief Hyde thanked Council Members Parsons and Kalinowski for participating in the Police Activities League (PAL) Golf Tournament fundraiser. He gave a brief overhead presentation of the PAL program and thanked all of their sponsors. He announced the Antioch Police Department would be hosting a Safety and Health Fair from 10:00 AM. to 2:00 PM on September 26, 2009 at the Bluerock Center and the Youth Intervention Network would be having a fundraising dinner on September 26, 2009 at the Roddy Ranch Golf Course.

PUBLIC COMMENTS

Martin Fernandez, Antioch resident, reported he attended the End of Summer Splash event at Prewett Water Park, which was a wonderful event. He thanked the Recreation Department staff and sponsors of the event.

Roger Burton, Antioch resident, expressed concern regarding political signage that had not been removed and requested the City consider fining the campaigns of the individuals who were responsible.

City Attorney Nerland stated she would bring the item to the attention of the Code Enforcement Manager.

Douglas Tokes, Antioch resident, expressed concern the Cornerstone Christian Center was operating in violation of the conditions and restrictions placed on the project regarding landscaping maintenance and parking lot activities. He requested Mayor Davis look into the issue.

Walter Ruelig, Antioch Unified School District, gave a brief update on School Board activities and announced there would be a School Board meeting on September 23, 2009 which would include a discussion on dress code and a Special meeting would be held on September 24, 2009 to discuss the criteria for selecting a new Superintendent. He thanked the Antioch Police Department for the apprehension of the alleged off-campus shooter at Deer Valley High School and the Antioch School District for their conduct during the event.

Dee Viera stated she felt the joint City Council and School Board meeting was very productive and spoke in support of mandating school uniforms district-wide. She urged the City and School District to work together to successfully attain funding for turf fields.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Parsons thanked Councilmember Kalinowski for organizing the *End of Summer Splash* and offered her regrets for not being able to attend.

Councilmember Kalinowski stated he would be reporting the total dollars raised at the *End of Summer Splash* in October and noted it was a very successful event. He stated he would be contacting a previous speaker regarding eBART informational meetings.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Rocha reported on her attendance at the League of California Cities Annual Conference in San Jose.

Councilmember Kalinowski reported on his attendance at the TRANSPLAN committee meeting.

MAYOR'S COMMENTS

Mayor Davis reported on his attendance at the Delta Diablo Sanitation District meeting and announced the dedication and ribbon cutting ceremony was held for the new Delta Household Hazardous Waste Collection Facility.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 8, 2009**
 - B. **APPROVAL OF COUNCIL WARRANTS**
 - C. **APPROVAL OF TREASURER'S REPORT FOR AUGUST 2009**
 - D. **RESOLUTION NO. 2009/89 STATEMENT OF INVESTMENT POLICY**
 - E. **RESOLUTION NO. 2009/90 APPROVING LETTER OF UNDERSTANDING FOR PUBLIC EMPLOYEES' UNION LOCAL NO. 1**
 - F. **TERMINATION OF CONTRACT WITH A-1 SEPTIC CONSTRUCTION FOR THE REPLACEMENT AND PAVEMENT OVERLAY ON WEST LAKE DRIVE (P.W. 503-11)**

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

Item F – Council Member Parsons recused herself from the item noting she lived in the area of the project and left the dais.

On motion by Council Member Rocha, seconded by Council Member Kalinowski, the City Council Members present unanimously approved item F.

Council Member Parsons returned to the dais.

PUBLIC HEARING

2. **STREET LIGHT AND BUILDING ENERGY RETROFIT PROGRAM WITH HONEYWELL INCORPORATED (*Continued from 6/9, 7/14, 7/28 and 9/8/09*)**

Director of Public Works Bernal presented the staff report dated September 16, 2009 recommending the City Council: adopt the resolution authorizing the City Manager to sign a Master Implementation Agreement with Honeywell Building Solutions and a Tax-Exempt Master Equipment Lease/Purchase Agreement with Bank of America Public for a budget neutral self-funded lighting retrofit project of City owned streetlights and facilities.

Councilmember Rocha reported the lights on Contra Loma from James Donlon to Putnam were not working and Councilmember Moore requested the issue be addressed tomorrow.

Mayor Davis opened and closed the Public Hearing with no speakers requesting to speak.

Brett Lichtenthaler, representing Director of Honeywell Energy Services, stated approximately 10-15% of the costs could be related to wages and benefits and noted they were committed to domestic procurement wherever possible. .

Doug Oglesby, Consultant, clarified the goal was to insure as much equipment was purchased locally or domestically and if equipment had to be purchased overseas, there were strict procedures within the American Recovery and Reinvestment Act.

RESOLUTION NO. 2009/91

On motion by Council Member Rocha, seconded by Council Member Kalinowski, the City Council unanimously adopted the resolution authorizing the City Manager to sign a Master Implementation Agreement with Honeywell Building Solutions and a Tax-Exempt Master Equipment Lease/Purchase Agreement with Bank of America Public for a budget neutral self-funded lighting retrofit project of City owned streetlights and facilities.

COUNCIL REGULAR AGENDA

3. DIRECTION ON FINANCIAL SUPPORT FOR CITY SERVICES AFFILIATED WITH THE COMMUNITY EVENT HOLIDAY DE LITES

Deputy Director of Recreation Sanderson presented the staff report dated September 14, 2009 recommending the City Council provide direction to staff.

In response to Council, Diane Gibson Gray, Chairperson of the Holiday De-Lites committee, stated they had approximately \$4,200 in fund balance, which was already committed.

Following discussion, Police Chief Hyde stated he would look at staffing for the event to ascertain if a cost savings could be achieved with the use of Volunteers in Police Services (VIPS).

On motion by Council Member Rocha, seconded by Council Member Parsons, the City Council unanimously approved funding the Holiday De-Lites event utilizing Residential Development Allocation funds.

4. MID YEAR ADJUSTMENTS TO THE FISCAL YEAR 2008-2010 BUDGET

Finance Director Merchant and Assistant City Manager Mornick presented the staff report dated September 13, 2009 recommending the City Council adopt the resolution approving the updated revenues and appropriations for the Fiscal Year 2008-10 Budget.

Ralph Hernandez urged the City to stop borrowing money and offered suggestions for addressing the budget shortfall.

Following discussion, the City Council consensus agreed to amend attachment B to maintain \$6000 from Residential Development Allocation funds for Delta 2000.

RESOLUTION NO. 2009/92

On motion by Council Member Kalinowski, seconded by Council Member Rocha, the City Council unanimously adopted the resolution approving the updated revenues and appropriations for the Fiscal Year 2008-10 Budget.

5. SUPPORT FOR A K-12 STUDENT UNIFORM POLICY AT ANTIOCH UNIFIED SCHOOL DISTRICT

Mayor Davis reminded the City Council and public in attendance that item #5 had been pulled from the agenda.

6. AGENCY CONSENT CALENDER

A. APPROVAL OF AGENCY WARRANTS

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

AGENCY REGULAR AGENDA

7. MID YEAR ADJUSTMENTS TO THE FISCAL YEAR 2008-2010 ANTIOCH DEVELOPMENT AGENCY BUDGET

RESOLUTION NO. ADA-436

On motion by Agency Member Moore, seconded by Agency Member Kalinowski, the Agency Members unanimously adopted the resolution approving the updated revenues and appropriations for the Antioch Development Agency Fiscal Year 2008-10 Budget.

PUBLIC COMMENTS

April Johnson, Antioch resident, provided a petition from her neighbors expressing health and safety concerns related to feral cats in their neighborhood, which they felt had been exasperated by a neighbor feeding the felines. She requested assistance from the City to address the situation.

Mayor Davis stated staff would follow-up with Ms. Johnson regarding her concerns.

City Attorney Nerland clarified the City of Antioch does not have a law prohibiting the feeding of feral cats however there are laws regarding the creation nuisances.

STAFF COMMUNICATIONS

City Manager Jakel announced the next City Council meeting was scheduled for October 13, 2009 and the City's entry signs were being installed.

COUNCIL COMMUNICATIONS - None

With no further business, Mayor Davis adjourned the meeting at 9:04 P.M. to the next regular Council meeting on October 13, 2009.

Respectfully Submitted,

L. JOLENE MARTIN, City Clerk