

## ANTIOCH CITY COUNCIL

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

**October 13, 2009**  
**Council Chambers**

### **6:00 P.M. - CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** . . Onita Tuggles v. City of Antioch et al, Northern District Court Case No. C 08-01914 JCS; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA; Riaz Patras, Maryam Patras and Mark Patras v. City of Antioch et al., Northern District Court Case No. CV-09-1891. Dearmand E., a minor, by and through Dearmand Ellis Jr., his father /legal guardian et al v. City of Antioch et al., Northern District Court Case No. C08-01709 SI. This Closed Session is authorized by California Government Code §54956.9.

Mayor Davis called the meeting to order at 7:09 P.M., and City Clerk Martin called the 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 LEGAL COUNSEL – EXISTING LITIGATION*, no action was taken and direction was given to staff.

### **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Julie Haas-Wajdowicz, Environmental Resource Co-ordinator, reported Coastal Cleanup was a successful event and thanked the staff members and public who participated. She announced Black Diamond Middle School's Earth Club was holding a Creek Cleanup on October 24, 2009 at Prewett Water Park and a Halloween costume exchange would be held on October 14, 2009 from 6:30 . 8:00 P.M. at Prewett Water Park.

Megan Joseph introduced herself as the Policy Coordinator for the East County Alcohol Policy Coalition and gave a brief overview of their program.

Councilmember Parsons announced an eBART forum would be held from 7:00 . 9:00 P.M. on October 22, 2009 at Black Diamond Middle School.

Mayor Davis announced the Veteran's Day Parade would be held on November 11, 2009 at 11:00 A.M. beginning on Second Street. Contact information was given for anyone wishing to participate.

### **PROCLAMATION**

Family History Month, October 2009

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

Councilmember Rocha presented the proclamation proclaiming October 2009 as *Family History Month* to Lester LaFalette, representing the Church of Jesus Christ of Latter-day Saints (LDS) who accepted the proclamation and thanked the City Council for the recognition. He presented the City Council with a brochure on researching family history and announced a Family History Seminar would be held October 17, 2009 at LDS Church in Concord.

## **PUBLIC COMMENTS**

Douglas Tokes, Antioch resident, suggested the City shut off unnecessary water sprinklers and check the timing for the traffic signal at Wilbur Avenue/Fullerton Shipyard Road. He requested updates on issuing citations under the City's Municipal Code and the landscaping issue at Cornerstone Christian School. He expressed concern the Mirant donation to extend Library hours had not been used in the most effective manner.

Bob Oliver, Antioch resident, discussed the plight of the homeless in Antioch and suggested should the City receive grant money for homeless services, it be used to provide restroom facilities. He provided a copy of outreach services available from the Northern Ohio Coalition for the Homeless and requested it become part of the public record.

Councilmember Rocha discussed homeless services currently available in the City of Antioch.

In response to Councilmember Moore, City Manager Jakel stated he would work with County staff and provide the City Council with an update regarding the possibility of providing restroom facilities for the homeless.

Gil Murillo spoke to the advantages of a business incubator program and questioned how the City was addressing the issue. He expressed concern for the lack of a downtown Farmers Market to allow businesses exposure of their products. He further suggested the City track issues raised at City Council meetings during public comment, as well as any action taken in response.

Mayor Davis noted comments expressed by the public were included in the public record and followed up by the appropriate resource. He encouraged Mr. Murillo to apply for the Economic Development Commission when positions become available.

## **COUNCIL RESPONSE TO PUBLIC COMMENTS**

In response to Councilmember Rocha, City Attorney Nerland reported the City does not have a provision regarding how early election signage could be installed; however, there was a provision specifying the timeline for removal of the signage, adding staff would be directed to follow up on this matter.

Councilmember Parsons commented the Chamber of Commerce had access to the lease rates for downtown and there was a business at 2nd and G streets that was compartmentalizing his storefront.

City Manager Jakel reported the HUD grant was a consortium application and the City had not received any information regarding the application.

Mayor Davis stated the City was currently looking into the issue of issuing citations under the City's Municipal Code; adding, he had not received a response from Cornerstone Christian Center, but would follow up with them and report back to Council.

### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Parsons reported on her attendance at the Mello Roos Board meeting. She further stated there was a vacant position on the Board and provided contact information for those wishing to apply.

Councilmember Moore reported on the East County Water Management Association, Tri-Delta Transit and APTA conference.

Councilmember Rocha reported on foster care issues, the need for food donations and homeless services in the community. She provided contact information for anyone wishing to participate as committee members for the League of California Cities.

Mayor Davis reported on his attendance at the Mayor's conference and Delta Diablo Sanitation District meeting.

### **MAYOR'S COMMENTS**

#### **1. PRESENTATION BY BART BOARD MEMBER JOEL KELLER REGARDING e-BART UPDATE**

Joel Keller, BART Board Member gave a brief presentation on the status of e-BART funding, project timeline and a future study to compare the station location alternatives.

Councilmember Parsons thanked all those involved in securing full funding for e-BART and reported on the Urban Land Institute support of the east median station.

#### **2. COUNCIL CONSENT CALENDAR**

##### **A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 22, 2009**

##### **B. APPROVAL OF COUNCIL WARRANTS**

##### **C. REJECTION OF CLAIMS**

1. Discovery Builders 09/10-1924 (property damage)
2. James Rivera 09/10-1914 (property damage)

3. Lesa Toø (Farmers Insurance) 09/10-1906 (property damage)
4. Elizabeth Tinsley 09/10-1912 (property damage)

- D. **AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH ANN B. SPAULDING**
- E. **CONSIDERATION OF BIDS FOR THE CANAL WEST PUMP STATION UPGRADES, (P.W. 246-23)**
- F. **RESOLUTION NO. 2009/93 PROPOSITION 1A SECURITIZATION PROGRAM**
- G. **RESOLUTION NO. 2009/94 AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT FOR A GARAGE SALES OFFICE CONVERSION WITH STANDARD PACIFIC HOUSING IN NELSON RANCH SUBDIVISION, TRACT 6893, LOT 3 (PW 547-1)**
- H. **RESOLUTION NO. 2009/95 AUTHORIZING AN AGREEMENT FOR A GARAGE SALES OFFICE CONVERSION WITH KB HOMES SOUTH BAY, IN THE RENAISSANCE AT BLUEROCK, TRACT 8884, LOT 81 (PW 671)**
- I. **RESOLUTION NO. 2009/96 ADOPTING THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) HEALTH PROGRAM FOR POLICE TRAINEES**

On motion by Councilmember Rocha, seconded by Councilmember Moore, the Council unanimously approved the Council Consent Calendar with the exception of items A, G and H and I which were removed for further discussion.

**Item A** . Councilmember Moore stated he could not support the minutes as he felt they did not capture critical comments throughout the meeting and specifically related to the Honeywell project.

On motion by Councilmember Rocha, seconded by Councilmember Kalinowski, the City Council approved the minutes. The motion carried by the following vote:

Ayes: Davis, Rocha, Kalinowski, Parsons

Noes: Moore

**Items G and H** . In response to Councilmember Parsons, City Manager Jakel stated staff would look into streamlining the process for approving garage sales office conversions.

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council unanimously approved items G and H.

**Item I** . Bob Oliver, Antioch resident urged the City Council to not adopt the resolution to establish a separate category for Police Trainees to enter into the Public Employee Retirement Systems Health Program, until the time such a program was needed.

City Manager Jakel clarified the City Council was being asked to approve the resolution because it was required by PERS.

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

### **COUNCIL REGULAR AGENDA**

#### **3. JOINT TRANSPLAN COMMENTS ON THE CONCORD COMMUNITY REUSE PROJECT (NAVAL WEAPONS STATION)**

Community Development Director Wehrmeister presented the staff report dated October 8, 2009 recommending the City Council: 1) authorize the Mayor to sign the letter substantially in the form provided; and, 2) authorize the City's TRANSPLAN representative to approve any additional changes that were in the best interest of the City and Eastern Contra Costa County.

John Cunningham, TRANSPLAN staff, gave a brief overview of the Draft Environmental Impact Report (DEIR) for the Concord Community Reuse Project (Naval Weapons Station) and the TRANSPLAN comment letter regarding the DEIR.

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council unanimously: 1) Authorized the Mayor to sign the letter substantially in the form provided; and 2) Authorized the City's TRANSPLAN representative to approve any additional changes that are in the best interest of the City and Eastern Contra Costa County

**PUBLIC COMMENTS** - None

### **STAFF COMMUNICATIONS**

City Manager Jakel announced the next City Council meeting was October 27, 2009 and requested the City Council members notify him if they had a conflict for the November 24, 2009 due to the Thanksgiving holiday. He recognized the Public Works Department and Antioch Police Department for the storm response today.

Mayor Davis announced the Employee Appreciation Luncheon would be held on October 14, 2009 and on behalf of the City Council he thanked the employees for their dedication to the City.

City Manager Jakel reported the Employee Luncheon was being hosted and paid for by the employees.

City Attorney Nerland announced staff would be developing a policy for the Council to consider regarding the sponsorship of events and she reported they would inform people taking the City's logo off the website to use for various publications was not appropriate and they will be asking for those situations to stop.

### **COUNCIL COMMUNICATIONS**

Councilmember Parsons reported on her attendance at the Keller Canyon opening, Hunger Walk, Neighborhood Cleanup, Rivertown Preservation Society Cleanup, Chamber and the Economic Development and Governmental Affairs Committee meeting.

Councilmember Moore announced the birth of his fourth grandchild on October 7, 2009.

Councilmember Rocha reported on her attendance at the 20th Anniversary Celebration for the Delta Learning Center.

With no further business, Mayor Davis adjourned the meeting at 8:27 P.M. to the next regular Council meeting on October 27, 2009.

Respectfully submitted:

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L. JOLENE MARTIN  
City Clerk

Approved:

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JAMES D. DAVIS, Mayor

Attest:

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L. JOLENE MARTIN  
City Clerk