

**CITY COUNCIL MEETING  
INCLUDING THE ANTIOCH CITY COUNCIL  
ACTING AS SUCCESSOR AGENCY/HOUSING SUCCESSOR  
TO THE ANTIOCH DEVELOPMENT AGENCY**

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

**February 12, 2013  
Council Chambers**

**5:30 P.M. - CLOSED SESSION**

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – This Closed Session is authorized by California Government Code section 54957 – City Manager.
2. **CONFERENCE WITH LABOR NEGOTIATOR** – This Closed Session is authorized by California Government Code section 54957.6. Agency Designated Representative: City Attorney; Unrepresented employee: City Manager.
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – This Closed Session is authorized by California Government Code section 54957 – City Attorney.
4. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: APN 074-080-029-7; Agency Negotiator: Michelle Fitzer, Brian Nunnally; Negotiating Parties: Mesa Outdoor, LLC; Under negotiation: price, terms of payment
5. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 54956.9 (d)(1): City of Brentwood et al. v. Robert Campbell, Auditor-Controller Contra Costa Superior Court Case No. N11-1029
6. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (d)(2) of California Government Code section 54956.9: 2 cases and Claim of Bay Cities regarding Marina Boat Launch
7. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 54956.9 (d)(1): In re Eva Romero and Gilbert Romero, U.S. Bankruptcy Court (Northern District) Case No. 12-44668 (Humphrey's Restaurant)

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, No action taken, **#2 CONFERENCE WITH LABOR NEGOTIATOR**, Direction was given to the Labor Negotiator, **#3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, This item was moved to the end of the agenda, **#4 CONFERENCE WITH REAL PROPERTY NEGOTIATOR**, Direction given to the Property Negotiator, **#5 CONFERENCE WITH LEGAL COUNSEL**, 5/0 vote to appeal Superior Court Decision subject to conditions, **#6 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, This item was moved to the end of the agenda, **#7 CONFERENCE WITH LEGAL COUNSEL**, Direction was given to staff. She announced the Council would be going back into Closed Session immediately following the meeting to consider Closed Session Items #3 and #6.

Mayor Harper called the meeting to order at 7:06 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Rocha, Tiscareno, Agopian, and Mayor Harper

### **PLEDGE OF ALLEGIANCE**

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

Council consensus agreed to hear the Presentation from Chief Cantando as the next item of business.

### **PRESENTATION**

*Police Statistics for Year 2012, Chief Allan Cantando*

Chief Cantando gave a presentation of 2012 crime statistics including the following information:

- Part 1 Crime Statistics
- Bureau of Support Services – Volunteer Programs, Specialized Units Investigation Call-Outs, Specialized Units Gang Unit
- Bureau of Field Services – Calls for Service, Priority 1 – Response Times, Traffic, Community Outreach, Antioch PAL, Inter-Agency Collaboration
- The State of the Antioch Police Department – Current Staffing Levels, Recruiting Statistics, Recruitments and Hiring
- Looking Forward – Proactive Assertive Policing, 1995 POST Workload Analysis, 1995 POST Recommendations, Specialized Units Past vs. Present
- Envision Antioch Police Department with 144 Authorized Sworn
- A Return to the Status Quo – 125 Authorized

He announced Coffee with the Cops would be held on February 23, 2013

Mayor Harper thanked Chief Cantando for the presentation, recruitment efforts, and community outreach. He stated it was time to discuss how to raise the revenues to pay for those public safety measures. He announced the City Council would be holding a Community Crime Prevention Forum on February 28, 2013.

Councilmember Rocha thanked Chief Cantando for the presentation and commended him on doing a good job in the community despite low staffing levels. She agreed that the community needs to work with the Police Department and go forward with financing efforts.

Councilmember Agopian thanked Chief Cantando for the presentation and his recruitment efforts. He stated for the record, a City with the size and population of Antioch, needed to have 144 sworn police officers. He stated the biggest positive impact that could be made in Antioch was staffing up the Police Department.

Councilmember Tiscareno thanked Chief Cantando for the presentation and for his community outreach efforts. He spoke to the need for increasing the staffing levels in the Police Department.

Councilmember Wilson thanked Chief Cantando for the presentation and stated it was time for the City to achieve more protection for the residents. She questioned what the benefits, impacts, and alternatives were and what needed to be done to increase staffing level. She also questioned if this item would be brought back following the City receiving community input.

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

Barbara Sobalvarro, Friends of Animal Services, announced they had sponsored a very successful Valentine Adoption Promotion for Antioch Animal Services Animals and a Valentine Celebration would be held at the Antioch Animal Shelter from 11:00 A.M. – 2:00 P.M. on February 16, 2013. She stated any effort to help the Antioch Police Department should also include Animal Services.

Geneva Moss, Antioch Library, announced they were holding the first Kids Read Program and they had partnered with several organizations to host a variety of events in the community, for March. She provided a copy of newsletters and the press release for these events.

### **PUBLIC COMMENTS**

Donald Gill, representing the Antioch Unified School District, spoke in support of Chief Cantando's proposal for increasing staffing to provide School Resource Officers. He agreed to work with the Police Department to discuss how those positions may be funded.

Joy Motts, Antioch Unified School District, spoke to the interagency plan to promote school site safety within the Antioch School District. She stated they were willing to support the City's efforts to address funding to improve safety in the community.

Louie Rocha, Antioch High School Principal, discussed proactive measures taken at the school to keep students safe. He discussed the importance of School Resource Officers on school campuses.

Mayor Harper voiced his appreciation to Dr. Gill, Joy Motts, and Louie Rocha for their support and working with the City toward a common goal.

In response to Councilmember Rocha, Dr. Gill stated they would be considering all Federal, State, Legislative resources and grant funding opportunities.

Mayor Harper reported he was in Washington D.C. and Vice President Biden spoke regarding a proposal for a grant for School Resource Officers.

Mary Smith, Antioch resident, reported she had been a victim of a robbery which resulted in identity theft. She expressed concern that after many attempts, she had not received any response from the Antioch Police Department regarding her case. She spoke to the need for being creative in addressing criminal activity and stated she had many ideas to contribute to this effort.

Mayor Harper encouraged Ms. Smith to give her contact information to law enforcement in attendance this evening.

Councilmember Rocha commended Ms. Smith for coming forward. She urged the Women's Club to support Chief Cantando and take interest in finding resources to improve public safety.

Mayor Harper reported additional Police Officers could provide identity theft training for the community.

Steve Huddleston, Antioch resident and Neighborhood Watch Block Captain, reported on a recent property crime in his neighborhood and requested the City Council present a Measure to the voters to fund additional staffing for the Police Department. He invited the Council to attend the Crime Prevention Commission meetings every third Monday of the month.

Kenneth Clark, Antioch resident, reported he had requested the City replace a gate at Marchetti Park and announced it had been installed today. He thanked City Staff for addressing his request promptly and Crime Prevention Commission Members Bill Cook, Dick Augusta, and Councilmember Tiscareno for their encouragement.

Shelley French, Antioch resident and Neighborhood Watch Co-Captain, spoke to criminal activity that had occurred in her neighborhood. She stated she was also concerned about issues in and around Deer Valley High School. She noted something needed to be done to address the escalating criminal activity and further noted she was willing to assist. She thanked the Antioch Police Department for their hard work in the community.

Todd Northam, Local 1 President, representing a majority of the Public Works Department, wished the Council the best in making the City a better place to live and work. He stated as the Council started to form their priorities, they believed the fastest and most effective way to make Antioch better is to return employees back to a 40-hour work week.

Julie Young, Antioch resident, gave a summary of her issues related to a public park located directly behind her residence. She requested an update from the City on the park. She invited Councilmembers Wilson and Tiscareno to visit her home and park to see the impacts for themselves.

Mayor Harper requested the Council agendaize this issue for a future Council meeting.

City Manager Jakel stated staff would contact her directly to notify her when this Item would be on the agenda.

Tom Trost, in recognition of Black History Month, gave a brief history of Thomas Gaines and his residency in Antioch.

Amanda Colunga, Antioch resident, questioned why Antioch accepted more Section 8 Vouchers than surrounding Cities and suggested the City decrease Section 8 and implement stricter restrictions on their recipients. She discussed a recent drug transaction that had occurred in her neighborhood and noted she had attempted to report the information to the Antioch Police Department and they had not been helpful.

Mayor Harper encouraged Ms. Colunda to attend the Community Forum on February 28, 2013, at Beede Auditorium and noted Housing Authority would be present.

Tom Fuhmann, President of the Antioch Police Officers Association, congratulated the Council for addressing the staffing needs of the Antioch Police Department. He empathized with the community in their frustrations with the level of service they received and asked them to be understanding with the situation at hand. He supported the Council's efforts to improve safety in the community and any movement in the community to receive that support. He noted the community needs to come together to resolve these issues and he looked forward to working with them towards a solution.

Marta Aquino, Antioch resident, stated she felt some of the increased criminal activity in Antioch could be attributed to Section 8 Housing Voucher recipients.

**COUNCIL SUBCOMMITTEE REPORTS** – this Item was heard at the end of the agenda during Council Communications.

**MAYOR'S COMMENTS** - this Item was heard at the end of the agenda during Council Communications.

**1. COUNCIL CONSENT CALENDAR**

**City of Antioch**

- A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 8, 2013 AND JANUARY 22, 2013**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. RESOLUTION NO. 2013/04 APPROVING AN UPDATED CLASS SPECIFICATION FOR COLLECTIONS SYSTEM SUPERVISOR, WITHOUT ANY SALARY CHANGE**

- D. **RESOLUTION NO. 2013/05, RESOLUTION NO. 2013/06 SALARY AND BENEFITS FOR ELECTED OFFICIALS**
- E. **CONSIDERATION OF BIDS FOR THE PREWETT FAMILY WATER PARK FILTER REPLACEMENT AND RESURFACING (P.W. 567-5)**
- F. **APPROVAL TO INCREASE FUNDS FOR THE CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE HANDICAP ACCESSIBLE RAMPS AT MISCELLANEOUS LOCATIONS 2012-2013 (P.W. 507-14)**
- G. **RESOLUTION NO. 2013/07 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE MARKLEY CREEK CULVERT REPLACEMENT PROJECT (P.W. 141-9)**
- City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency**
- H. **SA RESOLUTION NO. 2013/06 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE CITY OF ANTIOCH AS SUCCESSOR AGENCY/HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY FOR THE PERIOD OF JULY 2013 – DECEMBER 2013**

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar.

## **PUBLIC HEARING**

2. **CONSIDERATION OF AMENDMENTS TO SECTION 9-5.901 OF THE ANTIOCH MUNICIPAL CODE WHICH REGULATES HOME OCCUPATIONS. THE PROPOSED AMENDMENTS WOULD BE APPLICABLE CITY-WIDE.**

Community Development Director Wehrmeister presented the staff report dated February 7, 2013 recommending the City Council 1) Motion to read the ordinance by title only; and 2) Motion to introduce an ordinance amending Section 9-5.901 of the Antioch Municipal Code.

Mayor Harper opened the public hearing.

Julie Young, Antioch resident, stated she felt limiting the number of students allowed to no more than six in a 24-hour period would limit resident's ability to generate revenue.

Community Development Director Wehrmeister clarified the intention of the Home Occupation Ordinance was to allow a person to run a business from their home while making sure the

neighborhood remains a residential neighborhood. She noted this issue would not conflict with state law regulating child care in the home and noted surrounding Cities have similar regulations.

Mayor Harper closed the public hearing.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously 1) Read the ordinance by title only; and 2) Introduced an ordinance amending Section 9-5.901 of the Antioch Municipal Code.

### **COUNCIL REGULAR AGENDA**

#### **3. PRESENTATION BY WATER EMERGENCY TRANSPORTATION AUTHORITY (WETA) STAFF TO THE CITY COUNCIL CONCERNING SITES FOR AN ANTIOCH FERRY TERMINAL AND DISCUSSION OF NEXT STEPS IN THE FERRY TERMINAL DEVELOPMENT PROCESS**

City Consultant Carniglia presented the staff report dated February 5, 2013 recommending the City Council motion to receive the presentation and provide direction as appropriate.

Chad Mason, Water Emergency Transportation Authority Planner, gave a brief overview of the Feasibility Study and provided information and background on the Contra Costa County Transportation Authority Ferry Subcommittee and reviewed the next steps for the project.

In response to Council, City Consultant Carniglia stated he would be making this presentation to the Economic Development Commission to get their feedback on a preferred location.

Councilmember Tiscareno thanked Assemblyman Frazier for advocating on behalf of the City of Antioch.

Councilmember Agopian suggested the Planning Commission and Economic Development Commission provide input on their preferred locations.

Following discussion, the City Council voiced their support to further study the location alternatives identified in the staff report as pages A-7 and A-12.

Mayor Harper thanked Assemblyman Frazier, Senator DeSaulnier, City Consultant Carniglia, and Councilmember Agopian for representing the City of Antioch with the Water Emergency Transportation Authority. He thanked Mr. Mason for the presentation this evening.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously received the report.

#### 4. PLANNING COMMISSION APPOINTMENTS

Mayor Harper thanked all the applicants and encouraged those who were not appointed to apply in the future. He appointed Kristal Hinojosa and Robert Miller to the Planning Commission.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council appointed Kristal Hinojosa and Robert Miller to the Planning Commission. The motion carried the following vote:

*Ayes: Wilson, Rocha, Tiscareno and Harper*

*Noes: Agopian*

Kristal Hinojosa introduced herself and thanked the City Council for the appointment to the Planning Commission.

#### 5. COMMUNITY CRIME PREVENTION FORUM

Following discussion, the City Council consensus agreed to hold a Community Crime Prevention Forum from 6:00 P.M. – 8:00 P.M. on February 28, 2013, at the Antioch High School Beede Auditorium.

Councilmember Agopian noted he would be out of town on February 28, 2013 and would be unable to attend the forum.

City Manager Jakel stated with a majority of the Council attending the forum, he would post a notice for the meeting and Council could schedule a date for the Strategic Planning Session at the February 26, 2013 Council Meeting.

**PUBLIC COMMENTS** - None

#### STAFF COMMUNICATIONS

City Attorney Nerland clarified the *Section 8 Housing Voucher Program* was operated by the Contra Costa County Housing Authority and was funded by the Federal Government. The City of Antioch does not issue Section 8 Vouchers and was forbidden by law from capping the number of Section 8 residents in Antioch. Comments regarding the Section 8 Program should be directed to County and Federal representatives.

City Manager Jakel announced the next City Council meeting would be held on February 26, 2013 and prior to that Meeting; the Council would be attending Emergency Operation Center Training at 5:00 P.M.



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## COUNCIL COMMUNICATIONS

Councilmember Wilson reported on her attendance at the League of California Cities Meeting, the Antioch Unified School District subcommittee meeting, and the Rivertown Preservation Society meetings. She announced the League of California Cities would be hosting a Casino Night on May 23, 2013, in Orinda.

Councilmember Rocha reported on her attendance at a meeting with the Chamber of Commerce and a tour of the Highway 4/eBART project.

Councilmember Tiscareno reported on his attendance at the International Council for Local Environmental Initiatives (ICLEI) and the Lone Tree Golf Course subcommittee meetings. He noted he had also attended the tour of the Highway 4/eBART project.

Councilmember Agopian reported on his attendance at the Antioch Unified School District subcommittee meeting. He noted he would be attending a meeting with the Chamber of Commerce that same week.

Mayor Harper reported he would be attending a Delta Diablo Sanitation and Tri Delta Transit meeting this week. He noted he had met with GenOn representatives and attended the tour of the Highway 4/eBART project. He noted he would be meeting with City staff and the Chamber of Commerce regarding Economic Development Issues.

Councilmember Rocha reported on her attendance at a County meeting advocating for Antioch to receive the State Health Insurance Exchange Call Center location. She announced the Call Center site would be awarded to Concord or Richmond. She encouraged Antioch representatives attend the meeting on February 26, 2013, and voice their support for the Concord location.

## ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:34 P.M. back to Closed Session.

## CLOSED SESSION – CONTINUED

3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – This Closed Session is authorized by California Government Code section 54957 – City Attorney.
6. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (d)(2) of California Government Code section 54956.9: 2 cases and Claim of Bay Cities regarding Marina Boat Launch

City Attorney Nerland reported the City Council had been in Closed Sessions and gave the following report: **#3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, No action was taken,

**#6 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Direction given to staff on two (2) cases; Claim of Bay Cities to be placed on the February 26, 2013 agenda.

With no further business, Mayor Harper adjourned the meeting at 10:28 P.M. to February 26, 2013.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk