

**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.**

**October 22, 2013
Council Chambers**

5:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Section is authorized by California Government Code Section 54957.6. City designated representatives: Denise Haskett, and Glenn Berkheimer; Employee organizations: Management and Confidential Units
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of Litigation pursuant to California Government Code Section 54956.9(d)(4): 1 potential case
3. **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Government Code section 54957: Title: City Manager

City Attorney Nerland announced that an item had come to her attention since the posting of the agenda regarding the lawsuit that the City filed regarding filters for the water treatment plant. Specifically, insurance carrier Cincinnati Specialty Underwriters Insurance Company filed a lawsuit in Indiana against F.D. Deskins Company and the City of Antioch regarding insurance coverage, and there is newly discovered existence of an additional insurance carrier that Deskins had not disclosed. She reported the City needed to decide how to handle this new information before the next Council meeting because of court deadlines and litigation strategy. Therefore, pursuant to Government Code section 54954.2(b)(2) requiring a 2/3 vote, the City Council added the following item to the closed session agenda as an urgency item:

4. **URGENCY ITEM: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION—**
Pursuant to Government Code section 54956.9(d)(1): City of Antioch vs. Black & Veatch Corporation, F.D. Deskins Company, Inc., TW Associates dba MISCOWater, Contra Costa Superior Court Case No. 00227; The Cincinnati Specialty Underwriters Insurance Company v. F.D. Deskins Company Inc. and City of Antioch, Hamilton Circuit Court, Indiana, Cause No. 29C01 1306 CT511.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, Labor Negotiator was absent, no action was taken; **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Direction given to the City Attorney, **#3 PUBLIC EMPLOYEE APPOINTMENT**, No reportable action; and, **#4 URGENCY ITEM: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** Direction was given to the City Attorney.

Mayor Harper called the meeting to order at 7:03 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.

PROCLAMATIONS

- *45th Anniversary of Eden Housing*
- *Domestic Violence Awareness Month, October 2013*
- *Freedom from Workplace Bullies Week, October 20 – 26, 2013*
- *Extra Mile Day, November 1, 2013*
- *National Animal Shelter (and Rescue) Appreciation Week, Nov. 3 – 9, 2013*

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously approved the Proclamations.

Councilmember Wilson presented the proclamation recognizing the *45th Anniversary of Eden Housing* to Woody Karp, Senior Project Developer for Eden Housing, who thanked the City Council for the proclamation and presented the Council with invitations to their event.

Councilmember Rocha presented the proclamation proclaiming November 3-9, 2013 as *National Animal Shelter (and Rescue) Appreciation Week*, to Animal Shelter Supervisor Monika Helgamo, who thanked the City Council for the proclamation and invited the community to attend the Howl-O-Weenie Mutt Strut from 11:00 A.M. to – 2:00 P.M. on October 26, 2013 at the Antioch Animal Shelter. She introduced Animal Services staff and the volunteers in attendance.

Mayor Harper announced the proclamations for *Domestic Violence Awareness Month, October 2013*, *Freedom from Workplace Bullies Week, October 20 – 26, 2013* and *Extra Mile Day, November 1, 2013*, would be sent to the appropriate organizations.

Mayor Harper reported on his attendance at the Black Cat Ball.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Richard Lamb thanked the City Council and Martha Parsons for assisting in raising funds for the Veteran's Day parade, He expressed concern that the Antioch Police Department wanted the Huey helicopter to land near the police department and for maximum exposure he suggested the City Council request to have the location changed back to the Marina parking lot.

Mayor Harper stated they would continue to work with the Antioch Police Department to address their concerns.

Gil Murillo announced a Deer Valley soccer team fundraiser would be held from 12:00 P.M. – 4:00 P.M. on November 9, 2013, at Bases Loaded.

Jeffery Bell, Antioch resident, announced his daughter, representing the Deer Valley Junior Varsity Cheerleading, recently won the State Championship and the team may be moving on to the National Championships.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- Board of Administrative Appeals – One (1) partial term expiring March 2016 and one (1) alternate for a two (2) year term, Deadline for applications 5:00 P.M. on November 21, 2013.
- Planning Commission – One (1) four-year term, Deadline for applications 5:00 P.M. on October 31, 2013.

He stated applications were available in Council Chambers, at the Clerk's Office and on the City's website.

PUBLIC COMMENTS

Noel Pinto, Antioch resident, requested the City consider adopting an ordinance that would require business permit applicants to reserve a certain percentage of jobs for local residents.

Patricia Britton, Antioch resident, expressed concern regarding speeding traffic on Delta Fair Blvd and requested the City consider a reduced speed limit to Belle Drive and restricting parking at the intersection of Desrys Blvd.

Mayor Harper referred Ms. Britton to Acting Captain Kelly.

Dotty Graham, Antioch resident, questioned if a landlord business fee were still being considered. She noted as a landlord, she was happy to pay the fee and felt it would be money well spent.

Mayor Harper responded that the citizen groups were continuing to meet with staff and the Apartment Associations to discuss this issue.

Amy Fisher, Human Solution Medical Marijuana group, reported a medical marijuana evaluation clinic in Antioch had been raided by the Federal Government and their licenses were not valid, however they continued to operate. She noted they had been attempting to stop them from operating.

Mayor Harper recommended suspected criminal activity be reported directly to the Antioch Police Department.

Councilmember Agopian thanked Ms. Fisher for bringing the information forward and stated he trusts staff would follow up on her concerns.

COUNCIL SUBCOMMITTEE REPORTS

Councilmembers Agopian and Wilson reported on their attendance at the Mello Roos subcommittee meeting.

MAYOR'S COMMENTS

Mayor Harper reported he would be attending a Tri-Delta Transit meeting on October 23, 2013.

PRESENTATION

Mayor Harper thanked District Attorney Peterson for placing a representative from his office in Pittsburg to assist in the filing of cases.

Mark Peterson, Contra Costa County District Attorney gave a brief overhead presentation of his professional background and the programs and services provided by the District Attorney's Office.

In response to Mayor Harper, District Attorney Mark Peterson stated he was open to discuss rotating the Pittsburg office location to Antioch.

In response to Councilmember Rocha, District Attorney Mark Peterson stated his office would contact the Antioch School District to discuss a partnership to address truancy.

Councilmember Agopian thanked District Attorney Peterson for the presentation and spoke to the importance of partnering with the District Attorney's office to combat crime.

District Attorney Mark Peterson stated he looked forward to a partnership with Antioch working on truancy and gang activity. He suggested Antioch officials encourage a representative from Central or East Contra Costa County be appointed to the Community Corrections Partnership.

Councilmember Tiscareno thanked District Attorney Peterson for the presentation and suggested the District Attorney's office hold a joint meeting with the Police Chiefs and School Districts to determine how best to reduce crime.

Mayor Harper thanked District Attorney Mark Peterson for the presentation and his efforts to reduce crime in Antioch. He stated the City was committed to reducing crime and becoming one of the safest Cities in Contra Costa County.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 8, 2013

- B. APPROVAL OF COUNCIL WARRANTS
- C. APPROVAL OF TREASURER'S REPORT FOR SEPTEMBER 2013
- D. ORDINANCE NO. 2072 C-S EXCLUSIVE PARKING DISTRICT
- E. AMENDMENT TO THE WATER TREATMENT PLANT SOLIDS MANAGEMENT EQUIPMENT RENTAL AGREEMENT WITH KARL NEEDHAM ENTERPRISES

City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency
- F. APPROVAL OF SUCCESSOR AGENCY WARRANTS
- G. APPROVAL OF HOUSING SUCCESSOR WARRANTS

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

REGULAR COUNCIL / CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY AGENDA

- 2. **DEMAND FROM STATE DEPARTMENT OF FINANCE: REMITTANCE OF BALANCE OF OTHER FUNDS AND ACCOUNTS FROM DUE DILIGENCE REVIEW FOR CITY AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY**

Finance Director Merchant presented the staff report dated October 14, 2013 recommending the City Council authorize the Finance Director to send a letter to the State Department of Finance's (DOF) October 9, 2013 letter ordering the remittance of funds and authorize the following balances be remitted under protest to the Contra Costa County Auditor-Controller's office.

Following discussion, the City Council encouraged Finance Director Merchant to continue to protest and look into how Pittsburg and El Cerrito were able to get their amounts reduced.

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously authorized the Finance Director to send a letter to the State Department of Finance's (DOF) October 9, 2013 letter ordering the remittance of funds and authorize the following balances be remitted under protest to the Contra Costa County Auditor-Controller's office.

COUNCIL REGULAR AGENDA

- 3. **APPOINTMENTS TO THE ANTIOCH POLICE CRIME PREVENTION COMMISSION – THREE FULL-TERM VACANCIES**

Mayor Harper recommended appointment of James Davis, Audrey Taylor, and Karen Williams to the Police Crime Prevention Commission – Three Full-Term Vacancies.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously approved the appointments of James Davis, Audrey Taylor, and Karen Williams to the Police Crime Prevention Commission – Three Full-Term Vacancies.

Karen Williams and Audrey Taylor thanked the City Council for the appointment to the Police Crime Prevention Commission and stated they looked forward to serving the community.

Hans Ho, Coordinator for the Police Crime Prevention Commission, thanked the City Council and Acting Captain Kelley for filling the vacancies on the Commission and welcomed the new Commissioners.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the next Special City Council meeting would be held on November 4, 2013 to begin the City Manager interview process and the next regular Council meeting would be held on November 12, 2013. He reminded residents that Election Day was November 5, 2013.

COUNCIL COMMUNICATIONS

Councilmember Wilson reported on her attendance at the Black Cat Ball.

Councilmember Rocha reported the next neighborhood cleanup day would be held on November 2, 2013 in the Gentrytown area.

Councilmember Tiscareno reminded the community that the Senior Scam Stopper Seminar would be held at 10:00 A.M. on October 23, 2013, at the Antioch Senior Center.

Mayor Harper reiterated that November 5, 2013 was Election Day. He adjourned the meeting in honor of Marine Corporal, Gregory Jerome Rocha. He announced services would be held at 10:30 A.M. on October, 29, 2013 at St. Ignatius Catholic Church.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 8:26 P.M. to the next regular Council meeting on November 12, 2013.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk