

ANTIOCH CITY COUNCIL

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

**January 8, 2008
Council Chambers**

5:30 P.M. - CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR Pursuant to Government Code §54956.8: Property: 1323 W. 4th Street, Negotiator: Guy Bjerke, Negotiating Parties: Daniel G & Janice J Arata, under negotiation: price and terms of payment.

2. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): Kleinfelder, Inc. v. Antioch Diversified Development Associates, Samson Development Company, Michael Minder, the City of Antioch, the Antioch Development Agency and related cross-actions, Contra Costa Superior Court, Case No. C95-03211.

3. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION: Gloria Vaughn, Yvonne White and George Louie for themselves and on behalf of all others similarly situated v. City of Antioch et al., Contra Costa County Superior Court, Case No. C07-00045. This Closed Session is authorized by Government Code §54956.9(a).

4. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION This Closed Session is authorized by California Government Code §54956.9(a): Whiteside Construction Corporation v. J.K. Merz Construction, Inc., Antioch Public Golf Corporation and the City of Antioch, et al.; Davidson Plastering, Inc. v. J.K. Merz Construction, Inc., Contra Costa Superior Court, Case No. Consolidated C06-00730, City of Antioch, Travelers Casualty and Surety Company of America, et al.; J.K. Merz Construction, Inc., v. First Republic Bank, et al., San Francisco Superior Court, Case No. CGC06-454761.

5. CONFERENCE WITH LABOR NEGOTIATOR Agency Designated Representative: Human Resources Director. Employee Organization: APSMA (Antioch Police Sworn Management Association). This Closed Session is authorized by Government Code §54957.6.

6. CONFERENCE WITH LABOR NEGOTIATOR Agency Designated Representative: Human Resources Director. Employee Organization: Public Employees Union, Local #1. This Closed Session is authorized by Government Code §54957.6.

7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Title: City Manager. This Closed Session is authorized by Government Code §54957.

Mayor Freitas called the meeting to order at 7:04 P.M., and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

Mayor Freitas reported the City Council had been in Closed Session; there was no reportable action for items #1-6. He further noted Council would return to Closed Session following this evening's meeting to hear item #7 as well as an Urgency Item which was unanimously added by Council (4-0-1 Freitas absent) the following item as an urgency item pursuant to California Government Code section 54954.2(b)(2) as a meeting regarding the topic on January 19, 2008

8. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION – Claims of Scott, Payne, Williams, Sameer, Coleman presented by Bay Area Legal Aid and Claims of Houseley presented by Attorney Jivaka Candappa and threat of litigation from Public Advocates related to the Community Action Team and the Contra Costa Housing Authority's Section 8 program pursuant to California Government Code section 54956.9(C).

Mayor Freitas announced Item #3 Street Lighting And Landscaping Maintenance District – Contract Maintenance Proposal was being delayed and would be brought back to City Council on January 22, 2008.

PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PRESENTATION

Community Support Contribution to Hapgood Theatre Company

Councilmember Kalinowski stated he attended and viewed the play and the performance was unique and a wonderful community event.

Jackie Seeno agreed with Councilmember Kalinowski and spoke to the theater being an asset to the community.

Jackie Seeno, representing Discovery Builders presented Josie Miller representing the Hapgood Theater Company and Ralph Garrow Jr. President of the Hapgood Theater Company Board of Directors, with a community support contribution. Ms. Miller thanked Ms. Seeno and the City Council for the contribution. Mr. Garrow thanked Discovery Builders, the City of Antioch and everyone who has supported the Theater.

Councilmember Kalinowski reported the Leshner Foundation provided a grant that required similar contributions which were provided by the City of Antioch and Discovery Builders.

PUBLIC COMMENTS

Sandra Golightly, Antioch resident, expressed concern regarding an article in the Contra Costa Times pertaining to starter homes in the east bay and discussed the adverse affect smaller, inexpensive homes would have on the community. She urged City staff and the Council to adhere to the development agreements as approved and thanked Neighborhood Improvement Coordinator Skaggs for working to restore the quality of life in her neighborhood.

Emil Stein, Antioch resident, spoke to his request for handicapped ramps in his neighborhood.

Mayor Freitas reported the City had provided Mr. Stein with a staff report of the agendaized Council item containing the information he had requested for handicapped ramps.

Ken Lee, Antioch resident, suggested the Antioch Auto Dealership store their garbage cans out of the view of the public. He questioned if a Super Walmart would be coming before the City Council in 2008.

Mary Dodson, Antioch resident wished everyone a Happy New Year. She complimented the Women's Club of Antioch for hosting the Historical Homes Tour and announced she attended the play *Humbug*, which was an excellent event. She expressed her appreciation for the Christmas tree being lit on Christmas Eve and Christmas Night and reported some of the lights were left on Christmas Day.

William LeRoy, Antioch resident, stated he had attended the Mello Roos meeting on January 7, 2008 and he supported the action taken. He requested the City Council identify the phasing plan and benefits of the Prewett Park project.

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

Mayor Freitas requested an item be placed on the Council Consent Calendar regarding a request for overnight travel for the League of California Cities.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously placed Request for Overnight Travel (Two Nights) League of California Cities on the agenda.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 27, 2007 #301-02

B. APPROVAL OF COUNCIL WARRANTS #401-01

C. APPROVAL OF TREASURER S REPORT FOR NOVEMBER 2007 #401-02

D. ORDINANCE NO. 2008-C-S ANTIOCH SURGICAL CENTER MS WALKER & ASSOCIATES APPROVAL OF A NEW PLANNED DEVELOPMENT, FINAL DEVELOPMENT PLAN, AND USE PERMIT APPLICATIONS TO BUILD AN OUTPATIENT SURGERY CENTER LOCATED AT 3500 HILLCREST AVENUE (APN 052-370-010) FILE: (PD-04-09; UP-04-11) #202-03

E. RESOLUTION NO. 2008/01 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE JAMES DONLON BOULEVARD ROADWAY REHABILITATION, PHASE II (P.W. 368-4) #1102-04

F. RESOLUTION NO. 2008/02 IN SUPPORT FOR METROPOLITAN TRANSPORTATION COMMISSION (MTC) TO PROVIDE CONTINUED AND EXPANDED FUNDING TO LOCAL JURISDICTIONS FOR THE MAINTENANCE AND IMPROVEMENTS OF STREETS AND ROADS #1102-04

G. RESOLUTION NO. 2008/03 ACCEPTING COMPLETED IMPROVEMENTS FOR BERMUDA WAY SUBDIVISION, TRACT 8848 (JANIN ASSOCIATES, INC.) PW 669 (#802-02)

H. RESOLUTION NO. 2008/04 AUTHORIZING EXPENDITURE OF MATCHING FUNDS (UP TO \$6000) FOR THE ANTIOCH UNIFIED SCHOOL DISTRICT S CHALLENGE DAY PROGRAM #1401-02

I. OVERNIGHT TRAVEL (TWO NIGHTS) LEAGUE OF CALIFORNIA CITIES

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

Item A – Councilmember Moore amended the minutes of November 27, 2007, page 7, item 6 to include: “Councilmember Moore stated he would personally be looking at, and maybe the Council should be, looking at, each requests for incentives on a case by case basis.”

On motion by Councilmember Moore, seconded by Councilmember Davis the City Council unanimously approved the Minutes of November 27, 2007 as amended.

Item E – In response to Antioch resident, Marty Fernandez, Mr. Harrington clarified the section of roadway where DiMaggio intersects with James Donlon was incomplete as the City must wait for PG&E to complete the vault drop on the corner. He further reported the City would be completing the work within 45 days.

On motion by Councilmember Moore, seconded by Councilmember Simonsen, the City Council unanimously approved item E.

Item H – Mayor Freitas requested the City Council delay this item to a future date.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council unanimously delayed Item H to a future date.

COUNCIL REGULAR AGENDA

2. ORDINANCE AMENDING SECTION 2-5.10 AND ADDING SECTION 2-5.108 OF THE ANTIOCH MUNICIPAL CODE TO CREATE THE BUILDING BOARD OF APPEALS TO HEAR BUILDING RELATED APPEALS #302-12

City Attorney Nerland presented the staff report dated December 28, 2007 recommending the City Council: 1) Motion to approve the reading of the ordinance by title only; 2) Motion to introduce the Ordinance regarding creation of the Building Board of Appeals; and, 3) Motion to direct staff to announce opening for the Building Board of Appeals.

Councilmember Simonsen requested the staff report reflect “The Building Official” as “The Chief Building Official”.

Mayor Freitas stated the Board should be independent and suggested establishing a list of up to three additional alternate members.

Will LeRoy expressed concern the City's rental inspection program was an invasion of the residents and homeowners privacy.

City Attorney Nerland clarified this agenda item was not related to the rental inspection program; furthermore, creation of the Building Board of Appeals was consistent with the State of California code.

On a motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously approved: 1) the reading of the ordinance by title only; 2) to introduce the Ordinance regarding creation of the Building Board of Appeals; and 3) to direct staff to announce the opening for the Building Board of Appeals, with these changes: A) Change "The Building Official" to "Chief Building Official"; B) Section 2-5.108 (A) "The Building Board of Appeals shall consist of three regular members and up to three alternate members."

3. STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT CONTRACT MAINTENANCE PROPOSAL #1402-03

This item was continued to January 22, 2008.

PUBLIC COMMENTS

Victoria Overing, Richardo Lopez and Scott Gardner representing the LaRouche Political Action Committee discussed the state budget deficit and financial crisis occurring due to sub-prime mortgages. They suggested the City Council consider supporting, through a resolution, the Homeowners and Bank Protection Act.

In response to Mayor Freitas, Mr. Gardner stated the Homeowners and Bank Protection Act had not been endorsed by any cities in Contra Costa County.

William LeRoy, Antioch resident, stated he felt for full disclosure to occur, assessments should be included in the price of the house.

STAFF COMMUNICATIONS

City Manager Jakel announced the report from Animal Services was postponed to January 23, 2008; therefore, the January 15, 2008 City Council meeting had been canceled.

COUNCIL COMMUNICATIONS

Councilmember Simonsen thanked both Public Works and Water Department noting their preparation and response to recent storm issues were excellent. He gave a brief update on ABAG Legislative and Government Affairs Policy Committee. He further announced he and Councilmember Davis had been reappointed to their committees. Additionally, he noted he was the Chairperson of the California Delta Project Commission.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 8:00 P.M. to the following Closed Sessions.

7. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: City Manager.** This Closed Session is authorized by Government Code §54957.

8. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION** – Claims of Scott, Payne, Williams, Sameer, Coleman presented by Bay Area Legal Aid and Claims of Houseley presented by Attorney Jivaka Candappa and threat of litigation from Public Advocates related to the Community Action Team and the Contra Costa Housing Authority's Section 8 program pursuant to California Government Code section 54956.9(C).

The regular Council Agenda was declared adjourned at 8:00 P.M., allowing the Anil representatives to return to unfinished closed session heard prior to the Regular Public Session. Council adjourned to the regular meeting from 9:00 P.M. to 9:05 P.M. to announce no reportable action had been taken, after which, the meeting was immediately adjourned.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk