

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**March 24, 2009
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Pursuant to Government Code §54956.8: Property: Delta Fair Blvd (APN# 074-080-034), Negotiator: Guy Bjerke, Negotiating Parties: Bay Area Rescue Mission, under negotiation: availability, price and terms of payment.
2. **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.
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Title: City Manager. This Closed Session is authorized by Government Code §54957.
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Title: City Attorney. This Closed Session is authorized by Government Code §54957

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

Present: Council Members Parsons, Moore, Kalinowski, Rocha and Mayor Davis

City Attorney Nerland reported the City Council had been in Closed Session; staff received direction regarding items #1 and #2. There was no reportable action regarding items #3 or #4.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Wanda Remmers, Housing Rights, Inc., thanked the City for their support and announced they had leased the Rivertown Resource Center to expand their services in the community.

PROCLAMATIONS

CESAR CHAVEZ DAY, March 31, 2009

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

Councilmember Rocha presented the proclamation proclaiming March 31, 2009 as Cesar Chavez Day. Councilmember Rocha announced in celebration of Cesar Chavez day, an event would be held on March 27, 2009 at Los Medanos College and March 30, 2009 at Pittsburg High School Creative Art Building.

PUBLIC COMMENTS

Douglas Tokes, Antioch resident, requested the City explore their options regarding issuing traffic tickets under the City's municipal code to allow the City to retain the revenue.

Martin Fernandez, Antioch resident, requested an update on the status of the Casino building and the Bases Loaded Restaurant. He questioned why labor negotiations are conducted in Closed Session and expressed concern regarding city employee layoffs.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Director of Community Development Brandt reported a permit has been issued to stucco the walls of the Casino building and the project is moving forward.

City Manager Jakel reported *Bases Loaded* was on the verge of opening.

City Attorney Nerland clarified items of a sensitive nature such as labor negotiations, are permitted by the Brown Act to be handled in Closed Session.

City Councilmember Moore stated it was the desire of the entire council to preserve jobs, however the economy has deteriorated and layoffs have unexpectedly become necessary.

MAYOR'S COMMENTS

- 1. COUNCIL CONSENT CALENDAR**
 - A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 24, 2009**
 - B. APPROVAL OF COUNCIL WARRANTS**
 - C. APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2009**
 - D. REJECTION OF CLAIM**
 - 1. Troy Yoakum and Evelyn Carpenter 09/10-1860 (vehicle damage).**
 - E. APPROVAL FOR TRAINING FOR COUNCILMEMBER PARSONS IN THE AMOUNT OF \$1,250**
 - F. RESOLUTION NO. 2009/21 APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA TRANSPORTATION AUTHORITY REGARDING**

THE STATE ROUTE 4 WIDENING PROJECT – LOVERIDGE ROAD TO SOMERSVILLE ROAD (PROJECT 1406)

- G. **RESOLUTION NO. 2009/22 ADOPTING ADDENDUM NUMBER 1 AND ADDENDUM NUMBER 2 TO THE MITIGATED NEGATIVE DECLARATION FOR THE ANTIOCH/DELTA DIABLO SANITATION DISTRICT RECYCLED WATER PROJECT**
- H. **RESOLUTION NO. 2009/23 DIRECTING ENGINEER OF WORK TO PREPARE CONSOLIDATED REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR LANDSCAPING DISTRICTS**
- I. **AWARD REQUEST FOR QUOTATION NO. 690-0130-09F FOR THE PRE-PURCHASE OF THE STANDBY GENERATOR FOR THE CANAL PUMP STATION FOR THE WATER TREATMENT PLANT TO THE LOWEST RESPONSIBLE BIDDER, ENERGY SYSTEMS, FOR THE TOTAL AMOUNT OF \$98,505.34, INCLUDING SALES TAX**

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the Council unanimously approved the Council Consent Calendar with the exception of items A, B and E which were removed for further discussion.

Item A – Councilmember Parsons amended the Minutes of February 24, 2009, page 6, paragraph 1 to include the name of Joseph Adebayo as President of the NAACP.

On motion by Councilmember Parsons, seconded by Councilmember Rocha the City Council unanimously approved the minutes of February 24, 2009 as amended.

Item B – In response to Councilmember Moore, staff gave a brief description of warrants #115508, #115585, and #115599.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council unanimously approved item B.

Item E – Councilmember Parsons stated time constraints would not allow her to fully participate in the Youth Intervention Network Training; therefore she requested the City Council take no action on item E.

At the request of Councilmember Parsons, the City Council took no action on item E

PUBLIC HEARINGS

- 2. **THE CITY OF ANTIOCH WILL CONSIDER ENTERING INTO AN ENERGY SERVICE CONTRACT WITH HONEYWELL INCORPORATED FOR ENERGY SERVICES AND EQUIPMENT FOR CITY FACILITIES AND STREET LIGHTING AND CONSIDER ENTERING INTO A MUNICIPAL LEASE AGREEMENT AS THE FUNDING VEHICLE FOR CAPITAL IMPROVEMENTS**

Public Works Director Bernal presented the staff report dated February 18, 2009 recommending the City Council take the following action: Motion to conduct a Public Hearing and Authorize the City Manager to sign a Letter of Intent (LOI) with Honeywell Incorporated to proceed with a demonstration project and continued development of a final proposal, and contract for a budget neutral self-funded lighting retrofit project of City owned streetlights and facilities.

In response to Councilmember Kalinowski, Director of Public Works Bernal reported Mr. Karste was researching opportunities for grant funding to offset the initial investment

Councilmember Parsons discussed the possibility of the City saving money by putting the project go out to bid.

Public Works Director Bernal stated he could not recommend the RFP process, due to the timeframe involved. He noted Honeywell would take the project turnkey, stating the City's current staffing levels would inhibit staff's ability to follow the project through the process. Additionally, he noted, it was a prevailing wage job and Honeywell has agreed to bid the project through their contractors, to local contractors.

A representative of Honeywell discussed their efforts to reduce light pollution.

Mayor Davis opened the Public Hearing.

Bob Oliver, Antioch resident, spoke against proceeding with the project and suggested the City buy the equipment with City employees providing the labor.

Mayor Davis closed the Public Hearing.

Councilmember Kalinowski stated he would like a discussion regarding the possibilities of possible grant writing opportunities for this project as it moves past the demonstration project.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council authorized the City Manager to sign a Letter of Intent (LOI) with Honeywell Incorporated to proceed with a demonstration project and continued development of a final proposal and contract for a budget neutral self-funded lighting retrofit project of City owned streetlights and facilities. The motion carried the following vote:

Ayes: Kalinowski, Rocha, Moore, Davis,

Noes: Parsons

3. WATER SHORTAGE EMERGENCY AND DIRECT STAFF TO PREPARE A DROUGHT EMERGENCY PROGRAM ORDINANCE

Capital Improvements/Water Rights Director Harrington presented the staff report dated march 11, 2009 recommending the City Council: 1) Motion to conduct a public hearing on the City's intent to declare a Water Shortage Emergency and direct staff to prepare a Drought Emergency Program Ordinance; 2) Motion to receive and consider any testimony presented; 3) Motion to adopt the Resolution Declaring a Water Shortage Emergency in the City of Antioch and directing staff to prepare a Drought Emergency Program Ordinance to include water use

reduction goals and other elements deemed necessary by Council to sufficiently conserve available water supply; and 4) Motion to authorize the distribution of public notices addressing the details of the Drought Emergency Program Ordinance and notifying property owners of the public hearing on this issue.

In response to Council, Director of Capital Improvements/Water Rights Harrington explained the 25% reduction and the tiered rate programs.

Mayor Davis opened the Public Hearing.

Jim Conley, Antioch resident, stated he felt with the current foreclosures rate should have canceled out the Los Vaqueros emergency water supply. He further stated he felt the shortage was being declared to gain support for the peripheral canal, and urged Council to oppose the mandates.

Janelle Mota, Antioch resident, reported she was currently conserving as much as possible and expressed concern regarding swimming pools which would no longer be maintained should the mandate be approved.

Roger Burton, Antioch resident, suggested the City consider the East Bay Municipal Utilities District program and provide each customer with a water reduction goal and tiers for penalties. He noted historically, flow restrictors and water shut off was implemented for those who, over a period of time, failed to comply.

Councilmember Moore stated it would be his desire to implement a voluntary program initially, however, since this item would come back for a final decision in May, he was in support of staff's recommendation as presented.

In response to Councilmember Kalinowski, Capital Improvements/Water Rights Director Harrington clarified declaration of the water shortage emergency was part of the process and the City Council could reconsider the issue when this item returns on May 12, 2009.

Mayor Davis stated he would not support the following motion and would reconsider this issue when after Council has had the opportunity to study all know information.

RESOLUTION NO. 2009/24

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council approved: 1) Motion to adopt the Resolution Declaring a Water Shortage Emergency in the City of Antioch and directing staff to prepare a Drought Emergency Program Ordinance to include water use reduction goals and other elements deemed necessary by Council to sufficiently conserve available water supply, and; 2) Motion to authorize the distribution of public notices addressing the details of the Drought Emergency Program Ordinance and notifying property owners of the public hearing on May 12 2009. The motion carried the following vote:

Ayes: Moore, Rocha, Parsons

Noes: Kalinowski, Davis

Mayor Davis declared a recess at 8:39 P.M. The meeting reconvened at 8:51 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

4. ENERGY SAVING / PRODUCTION OPPORTUNITIES

Project Manager Lonnie Karste presented the staff report dated March 15, 2009 recommending the City Council: 1) Motion to provide direction to city staff on solar energy study for the City of Antioch, 2) Motion to authorize the city manager to enter into an agreement with a selected solar energy consultant to prepare a report to the City Council on solar program options.

In response to Councilmember Moore, City Manager Jakel stated the city could include trying to recover any RDA funds through a grant process.

Councilmember Kalinowski suggested there may be potential for in-kind work to look at alternative energy technologies.

Councilmember Kalinowski requested that prior to execution of the agreement, with the consultant; the city has a conversation regarding in-kind work to review alternative energy technologies. He stated he supports moving forward with this small investment to provide opportunities for the community.

A motion was made by Councilmember Rocha and seconded by Councilmember Parsons to approve staff's recommendations. At the request of Councilmember Parsons, the motion was amended to include that staff will attempt recovery of RDA funds through the grant process.

On motion by Councilmember Rocha, seconded by Councilmember Parsons the City Council unanimously 1) Motion to provide direction to city staff on solar energy study for the City of Antioch, 2) Motion to authorize the city manager to enter into an agreement with a selected solar energy consultant to prepare a report to the City Council on solar program options. 3) Staff will attempt to recover any RDA funds through the grant process.

The City Council adjourned to the Antioch Development Agency with all Agency members present.

5. AGENCY REGULAR AGENDA

A. APPROVAL OF COUNCIL WARRANTS

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

The Antioch Development Agency adjourned to the Antioch City Council with all Councilmembers present.

STUDY SESSION

6. STUDY SESSION ON THE PROPOSED HILLCREST STATION AREA SPECIFIC PLAN BEING PREPARED FOR THE HILLCREST E-BART STATION AREA, CONSISTING OF APPROXIMATELY 375 ACRES LOCATED IN THE AREA BOUNDED BY HILLCREST ON THE WEST, HIGHWAY 4 ON THE SOUTH, HIGHWAY 160 ON THE EAST, AND OAKLEY ROAD ON THE NORTH.

Economic Development Deputy Director Carniglia presented the staff report dated March 19, 2008 recommending the City Council: Motion to hold the Study Session and provide comments and direction to staff as appropriate.

Leslie Gould, representing Dyett Bhatia Consulting Firm, gave a brief overhead presentation of the Draft Preferred Plan for the Hillcrest eBART Station Area.

Councilmember Parsons stated Antioch had paid taxes for BART, and deserved to receive the east station as planned. She requested an addendum be included in the bid. Additionally, she requested the transition between the BART station and parking area be redesigned for easier access.

Ellen Smith, representing eBART Project Manager, stated the change order concept, regarding the unfunded portion of the plan would allow a more competitive bid process and provide an additional year for the City to find resources to cover the costs of the station relocation.

Councilmember Kalinowski expressed concern the City of Antioch had only one year to secure \$30M for the second station change order.

Councilmember Moore stated the residents of Antioch, and East County had paid for BART for four decades; therefore he felt they deserved to have the additional \$1M spent to create the documents for the dual bid.

Ms. Smith clarified the proposed project would provide good service and was fully funded.

Councilmember Kalinowski commented should an add on or change order arise, the money for the east median station documents would have to be spent; therefore, he could not support BART's position for the proposed station without the second bid document for the eastern station. He added the specific plan he wanted to adopt would only show the eastern median station or furthest east of median station.

Mayor Davis stated he supports a dual proposal for the BART proposed and eastern median stations. .

Chris Schildt, Trans Form, congratulated the City Council for their leadership and support of the east median and the potential for Transit Oriented Development. She thanked staff and the City Council for being so participatory in working through the plan.

Jaime Silahua, President of Contra Costa Interfaith Supporting Community Organization (CCISCO), spoke to local job opportunities for the community, voicing their support for the local

hire strategy requirement in the eBART station area. He encouraged the City to continue working with them on the local hire strategy and urged inclusion of an apprenticeship program, as well as a requirement stating 20% of the workers must be local residents.

Berenice Ramos, CCISCO, spoke in support of the Transit Oriented Development and urged the City to take action to assure they were affordable for all families.

Victor Urbina, CCISCO, thanked the City Council for working to bring eBART, and jobs to Antioch. He invited the City Council to a community meeting on March 31, 2009 at 7:00 P.M. at Holy Rosary Church.

Edna Carreos, Antioch resident, spoke in support of more affordable senior housing developments in Antioch.

Camille Guiriba, Trans Form, urged the City Council to consider the need for more senior housing and eBART, being a great opportunity for seniors. She commended the City Council for their vision.

Charles Wall discussed the importance of the tunnel being built to accommodate full BART and working with neighboring cities to maintain the possibility of future service. He stated he felt building an out of median maintenance facility was a waste of land.

Donald Parachini reviewed a letter he submitted to the City Council regarding the Hillcrest Transit Oriented Development Specific Plan, as it relates to his property.

Councilmember Moore stated he felt the plan should include senior and affordable housing components as well as an enforceable local hiring component.

Councilmember Rocha stated she felt a childcare center, housing for families and a local hiring component should be part of the specific plan.

Councilmember Kalinowski reiterated his concern regarding the dual bid process.

Councilmember Parsons requested the BART board assist Antioch in making this the best project possible for the community.

Economic Development Deputy Director Carniglia reviewed the schedule for the project.

PUBLIC COMMENTS

Bob Oliver, Antioch resident, questioned whether the City Council would receive and include email as part of the public comment record during meetings. He requested the City reconsider his request for reverse osmosis for water. He also asked if would have access to City Council meeting recordings.

Mayor Davis requested City Attorney Nerland research and report back to the City Council on the issue of email being received and read into the record.

City Clerk Martin clarified the minutes were a permanent record and at the request of the public copies would be provided for copy fee.

Bill Gegg clarified meetings are recorded by Comcast and a camera crew in Council Chambers for the internet. Additionally, there is an audio recording stored in the City Clerk's office, copies of which could be obtained by the public for a nominal fee.

Bill Worrell, Antioch resident, reported on his attendance at the Scoping Meeting for the Bay and Delta Conservation Plan. He commended Phil Harrington, and Devi Lanphere for their presentations. He expressed his disappointment at the lack of participation from elected officials and encouraged them to get involved in opposing the peripheral canal.

STAFF COMMUNICATIONS

City Manager Jakel announced the Quality of Life Forum would be held at the El Campanil Theater on April 4, 2009 at 8:30 A.M., a City Council meeting on April 14, and a Bus Tour being hosted by the Green Belt Alliance on March 28, 2009.

COUNCIL COMMUNICATIONS

Councilmember Parsons reported representatives from Senator DeSaunier and Assembly-member Torlakson had attended the scoping meeting for the Bay and Delta Conservation Plan. She announced Oakley Councilmember Connelly was organizing a million boats event and she had a Facebook "Stop the Peripheral Canal 2".

Councilmember Rocha announced Antioch had won the Bocce tournament for the League of Cities and will be taking the trophy from Pittsburg.

Councilmember Moore reported he attended the groundbreaking ceremony for Prewett Park Community Center and he is looking forward to the completion of the project.

Mayor Davis requested thoughts and prayers from the community for the severely injured Antioch Police Department Officer and announced donations are being accepted at the Antioch employee's Credit Union.

With no further business, Mayor Davis adjourned the meeting at 10:45 P.M. to the next regular Council meeting on January 8, 2008, in memory of the four Oakland Police Officers who were slain in the line of duty.

Respectfully Submitted

L. Jolene Martin, CMC

L. JOLENE MARTIN, CMC
Antioch City Clerk