

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

September 13, 2011
Council Chambers

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION** pursuant to California Government Code section 54956.9(a) and (b) (3)(C): Shanie Hansen v. John McDonald; County Contra Costa; City of Antioch; City of Brentwood; City of Oakley (Contra Costa Superior Court, Case C11-00986); Anthony J. Soldano Jr. et al. v. John McDonald; Shanie Hansen; County Contra Costa; City of Antioch; City of Brentwood; City of Oakley; State Route 4 Bypass Authority; Caltrans (Contra Costa Superior Court, Case C11-01176); Claim of Lura Lee Harrold, Gail Lee Downing, and Greg Eugene Harrold.

Mayor Pro Tem Harper called the meeting to order at 7:05 P.M.

City Attorney Nerland reported the City Council had been in Closed Session and there was no reportable action.

Minutes Clerk Eiden called the roll.

Present: Council Members Kalinowski, Rocha, Agopian, and Mayor Pro Tem Harper
Excused: Mayor Davis

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

- Eleven Days of Peace Celebration, September 11 – 21, 2011
- Coastal Cleanup, September 17, 2011
- Falls Prevention Awareness Week, September 18 – 24, 2011
- Dine Out for Meals on Wheels, October 4, 2011

On motion by Councilmember Rocha, seconded by Councilmember Kalinowski, the Council Members present unanimously approved the proclamations.

Councilmember Kalinowski presented the proclamation proclaiming September 11 – 21, 2011, as *Eleven Days of Peace Celebration* to Walter Ruehlig, who thanked the City Council for attending the dedication ceremony and invited the public to view the Peace Pole located in the City Hall parking lot. He announced a calendar of events for the week of September 11 – 21, 2011, was available in the Council Chambers.

Councilmember Agopian presented the proclamation proclaiming September 17, 2011, as *Coastal Cleanup* to Administrative Analyst Haas-Wajdowicz and Police Crime Prevention Commissioner Ho who thanked the Coastal Cleanup committee and volunteers. Contact information was given for anyone wishing to participate.

Councilmember Rocha presented the proclamation proclaiming September 18 – 24, 2011, as *Falls Prevention Awareness Week* to a representative of the Fall Prevention Program of Contra Costa County, Meals on Wheels and Senior Outreach Services. They thanked the City for the recognition and provided an overview of their programs. The public was invited to attend a Walk for Fall Prevention at 9:00 A.M. on September 24, 2011. Contact information was provided.

Mayor Pro Tem Harper presented the proclamation proclaiming October 4, 2011, as *Dine-Out for Meals on Wheels* to Sandy Warren who thanked the City for the recognition and provided a list of restaurants participating in the program.

PRESENTATIONS

Police Chief Cantando gave a brief overhead presentation on the Antioch Police Department crime statistics for the first two quarters of 2011. He spoke to the value of residents reporting incidences to the Antioch Police Department and acknowledged the Antioch Police Department and city staff for working cooperatively to maximize resources.

Councilmember Agopian requested Police Chief Cantando express the City Council's appreciation for the Patrol Officers who signed up to participate in crime suppression.

In response to Councilmember Kalinowski, Police Chief Cantando announced the next hiring project was to work with Human Resources to open lateral recruiting for the expected vacancies within the Police Department.

Mayor Pro Tem Harper thanked Police Chief Cantando for the presentation and all employees of the Antioch Police Department for their hard work.

Ron Parish, Director of Golf at the Lone Tree Golf and Event Center, thanked everyone who participated in the Mayor's Cup Golf Tournament and he noted Lonnie Karste was instrumental in making the event a success. He acknowledged the following organizations as beneficiaries: Antioch Senior Center, Antioch Police Activities League, Antioch Sports Legends, Lone Tree Youth Scholarship to Haley Edwards and the Contra Costa First Tee Program.

Mayor Pro Tem Harper thanked Mr. Parish for the presentation.

Antioch Unified School District Superintendent Dr. Donald Gill, Antioch High School Principal Louis Rocha, and Deer Valley High School Principal Ken Gardner provided an update of the opening of the School District at the two comprehensive High Schools and thanked the residents and City Council for their support.

The City Council thanked the Antioch Unified School District for the presentation and recognized the cooperative efforts between the School District and City Council.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Walter Ruehlig, representing the Knights of Columbus, announced the awards luncheon for the Police Officer of the Year would be held on September 17, 2011, at the Lone Tree Golf and Event Center. Contact information was given for anyone wishing to attend. He noted the event would be preceded by a Blue Mass honoring first responders at 9:30 A.M. at St. Ignatius Church in Antioch.

Frank Giovanni, representing the Delta Blues Festival, thanked the City for their assistance in bringing the event to Antioch. He acknowledged the sponsors and invited the public to attend the event from 12:00 – 7:30 P.M. on September 17, 2011, in Waldie Plaza.

PUBLIC COMMENTS

Barbara Sobalvarro, representing the Friends of Animal Services, announced the *16th Annual Black Cat Ball* benefiting the Antioch Animal Shelter would be held on October 1, 2011, beginning at 6:30 P.M. at the Lone Tree Golf and Event Center. Contact information was given for anyone wishing to attend the event.

Ken Lee, Antioch resident, spoke in regards to books he was completing regarding his family's history and the history of the Chinese community in America. Additionally, he spoke to issues regarding his history in dealing with Antioch Code Enforcement and his attendance at past Council meetings.

Angela de Victoria, representing the Golden Follies, requested the City Council's assistance regarding their denied access to perform at the El Campanil and the Nick Rodriguez Community Center in Antioch. She announced they would be performing at the American Legion Hall on November 19, 2011.

Michael P. Sullivan announced he had purchased 204 G Street for his business and he was in the process of cleaning up the property. He requested feedback from the City with regards to opening up a teen center in Antioch.

City Manager Jakel stated Ryan Graham would be able to discuss the details of a teen center with Mr. Sullivan.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the Chamber of Commerce Governmental Affairs subcommittee meeting.

Councilmember Rocha reported on her attendance at the School District subcommittee meeting. She announced there was an effort to have the new local and state representatives meet with the Antioch City Council.

Dr. Gill announced the Antioch Unified School District and City of Antioch would be recognizing State Superintendent Torlakson on December 8, 2011, at Dozier Libbey Medical High School.

Councilmember Kalinowski reported on his attendance at a series of Transportation subcommittee meetings.

Councilmember Agopian thanked Councilmember Kalinowski for representing the City and spoke in support of reducing transportation fees for business and commercial development. He suggested consideration of modifying the timing of fees.

With the consensus of the City Council, Agenda item #7 would be heard as the next item of business.

COUNCIL REGULAR AGENDA

7. 2012 FOURTH OF JULY CELEBRATION EVENT

Economic Development Analyst Nunnally presented the staff report dated September 8, 2011, recommending the City Council provide direction to staff.

Allen Payton and members of the Antioch 4th of July Committee gave a brief overview of their proposal to produce a Fourth of July event in Rivertown. He stated they had a deadline of January 15, 2012, to raise the \$10,000 deposit to secure the fireworks and if they failed to do so, they would eliminate the fireworks portion of the event. He requested the City Council's support of their efforts and the cooperation of staff. He noted all costs associated to the event would be privately funded.

In response to Councilmember Agopian, Economic Development Analyst Nunnally stated he would provide a breakdown of how much staff time was needed for last year's event.

Following discussion, the City Council consensus supported the concept of the 4th of July event provided it was completely self-funded and appropriately staffed.

Mr. Payton provided contact information for anyone wishing to make a tax deductible donation or volunteer for the event.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council members present unanimously supported the 4th of July event as presented with the options and established timelines under the following conditions:

- Monthly fundraising report would be provided by Event volunteers to the City

- Deadline of January 15, 2012, for Event volunteers to have obtained complete funding for fireworks or delete fireworks from the program
- Approval for the use of the City logo for the Event
- Privately funded coverage of all City staff and event costs

MAYOR'S COMMENTS – None

1. UPDATE ON THE CITY OF ANTIOCH AND DELTA DIABLO SANITATION DISTRICT'S RECYCLED WATER PROGRAM ACTIVITIES

Director of Capital Improvements/Water Rights Harrington introduced Gary Darling, Caroline Quinn, and Dean Eckerson, representing Delta Diablo Sanitation District.

Gary Darling, General Manager, gave an update on the solar alternative energy project and introduced Dean Eckerson, Principal Engineer, who gave a power point presentation update on the Delta Diablo Sanitation District recycled water program activities.

In response to Mayor Pro Tem Harper, Director of Capital Improvements/Water Rights Harrington clarified the City and Delta Diablo Sanitation District would partner to seek grant and other funding to support the expansion projects.

Mayor Pro Tem Harper thanked Mr. Eckerson for the presentation.

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JULY 12, 19, AND 26, 2011

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIMS

1. Kenneth Jenkins 11/12-2002 (property damage)
2. Linda Sue Padin 11/12-2003 (property damage)
3. Arthur Carasis 11/12-2016 (civil rights)

D. CONSULTING SERVICES AGREEMENT WITH KARSTE CONSULTING (*Con't from 8/9/11*)

E. RESOLUTION NO. 2011/57 ACCEPTING WORK AND AUTHORIZING THE DIRECTOR OF CAPITAL IMPROVEMENTS TO FILE A NOTICE OF COMPLETION FOR THE CANAL WEST PUMP STATION UPGRADES (P.W. 246-23)

- F. **CONSIDERATION OF BIDS FOR THE WATER MAIN REPLACEMENT ON NORTH LAKE DRIVE AND NORTH LAKE CIRCLE (P.W. 503-12)**
- G. **RESOLUTION NO. 2011/58 CORRECTING THE FY 2011/12 MASTER FEE SCHEDULE FOR METERED WATER SALES**
- H. **RESOLUTION NO. 2011/59 TO VACATE A SURPLUS STORM DRAIN EASEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY ADDITIONAL DOCUMENTS THAT MAY BE NECESSARY TO VACATE THE EASEMENT AND QUITCLAIM ANY INTEREST TO THE UNDERLYING FEE OWNER (MCDONALD'S USA, LLC) FOR THE NEW MCDONALD'S RESTAURANT (AR-10-12, PW 371-RA-46) LOCATED AT 2424 MAHOGANY WAY (APN 074-370-011)**
- I. **APPROVE AWARD OF BIDS AND ANNUAL CONTRACT FOR ELECTRICAL SERVICES**
- J. **RESOLUTION NO. 2011/60 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT BETWEEN CITY OF ANTIOCH AND STANDARD PACIFIC CORPORATION, A DELAWARE CORPORATION, FOR THE CONSTRUCTION OF NELSON RANCH PARK, TRACT NO. 6893 (PW 547-P)**
- K. **RESOLUTION NO. 2011/61 APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENTS IN SUBSTANTIALLY THE SAME FORM AS ATTACHED TO THE RESOLUTION: (1) FREEWAY AGREEMENT; (2) COOPERATIVE AGREEMENT; AND (3) FREEWAY MAINTENANCE AGREEMENT – AND OTHER DOCUMENTS AS NECESSARY TO EFFECTUATE THE TRANSFER OF STATE ROUTE 4 AND THE STATE ROUTE 4 BYPASS**

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the Council Members present unanimously approved the Council Consent Calendar.

With the consensus of the City Council, Agenda item #5 would be heard as the next item of business.

5. APPOINTMENT TO THE ANTIOCH POLICE CRIME PREVENTION COMMISSION – THREE (3) VACANCIES/FOUR (4) - YEAR TERMS

Mayor Pro Tem Harper reported that Mayor Davis had sent an email indicating the desire to appoint Gregory Hayes, Lovece Headd, and William Cook to the Crime Prevention Commission, contingent on City Council approval.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council Members present unanimously approved the following appointments to the Police Crime Prevention Commission: Gregory Hayes, Lovece Headd, and William Cook.

Mayor Pro Tem Harper declared a recess at 9:05 P.M. The meeting reconvened at 9:17 P.M. with all Council Members present with the exception of Mayor Davis who was previously excused.

PUBLIC HEARINGS

3. RESOLUTION MAKING FINDINGS AND ORDERING THE TEMPORARY CLOSURE OF McELHENY ROAD BETWEEN EAST 6TH STREET AND FULTON SHIPYARD ROAD

Director of Public Works/City Engineer Bernal presented the staff report dated August 30, 2011, recommending the City Council adopt the resolution. He thanked Captain McConnell for his assistance in efforts to identify the gate location.

Mayor Pro Tem Harper opened the public hearing.

Sheila White, owner and operator of the Red Caboose, thanked the City for responding to her request for the closure of McElheny Road. She suggested the City reconsider the gate location noting the current location would provide an area for illegal dumping and was unsafe for vehicles that could drive into the spillway when the roadway floods. She suggested closing the road where Fulton Shipyard ended and McElheny began.

Hans Ho, Antioch resident, stated McElheny Road was an area of illegal activity and a safety hazard. He urged the City to close the road from the railroad trestles. He noted the City could be held liable for maintaining an unsafe roadway and urged consideration of a permanent closure of the road.

Ken Lee, Antioch resident, spoke to the unsafe condition of McElheny Road and suggested the City fill in the low lying areas, maintain property owner's access, extend the north gate to the sidewalk and post signage with solar lighting. He questioned how often Allied Waste would be responding to illegal dumping and if there was a dumping ordinance in Antioch.

Tom Trost, owner of the Hickmott Canary on the west side of McElheny Road, stated they were monitoring the wells as required by the State of California Water Quality Board and stated he was in support of closing the road however they would still need to maintain access to the area.

Thomas E Ballard, representing Taber Consultants, stated he had been working with Mr. Trost on cleanup of the Hickmott Canary site which was nearly completed and their concern was access to the property be made available for future redevelopment. He stated they were not opposed to the closure provided there was access to the property. Additionally, he stated closing the road could be a catalyst for the City to take up the drainage issue with Contra Costa County Flood Control District.

Mayor Pro Tem Harper closed the public hearing.

Director of Public Works/City Engineer Bernal stated staff was willing to look at possibly moving the location of the gates if it was more acceptable to the property owners in the area. He noted if

the property owners needed access off the road, the City could provide the opportunity for them to have their own locks to the gate.

Councilmember Agopian voiced his support for working with the property owners on an acceptable placement for the gate. He questioned if there would be signage posted regarding the closure and illegal dumping. He suggested in the future, staff contact the Contra Costa County Flood Control District regarding the flooding of the road.

Director of Public Works/City Engineer Bernal commented there was a State law against illegal dumping.

RESOLUTION NO. 2011/62

On motion by Councilmember Rocha, seconded Councilmember Kalinowski, the City Council members present unanimously approved the resolution with the flexibility for staff to work with the stakeholders regarding the gate location.

4. RESOLUTION MAKING FINDINGS AND ORDERING EXTENSION OF THE TEMPORARY CLOSURE OF EMPIRE MINE ROAD

Mayor Pro Tem Harper opened the public hearing.

Director of Public Works/City Engineer Bernal presented the staff report dated August 29, 2011, recommending the City Council adopt the resolution

Kevin Fitzgerald spoke in support of extending the temporary closure of Empire Mine Road. He thanked the City Council and staff for bringing the item forward.

Mayor Pro Tem Harper closed the public hearing.

RESOLUTION NO. 2011/63

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the City Council Members present unanimously adopted the resolution.

COUNCIL REGULAR AGENDA

6. CONSIDERATION OF 2012-14 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING PRIORITIES

Teri House, Community Development Block Grant (CDBG) Specialist, presented the staff report dated September 8, 2011, recommending the City Council provide direction and feedback to the CDBG and Housing Subcommittee and staff regarding the priorities for funding the next grant cycle.

Alissa Friedman and Linda Best, representing Opportunity Junction, gave a brief overview of programs and services provided to the residents of Antioch. They provided the City Council with a written report regarding the value of job training and placement to economic development in East County. They urged the City Council to set Economic Development among their highest priority.

Rick Kaiser, Chairperson of the Board of Director for Opportunity Junction and local business owner, affirmed the effectiveness of the Opportunity Junction job placement and training program.

Mitchell Hardin, Antioch Community Foundation and Global NX Level Strategies, thanked the City Council for giving them the opportunity to have an impact in business training and discussed the positive impact of their program. He requested the City Council consider their program for funding.

Candy Duperroir, representing the Contra Costa Child Care Council, thanked the City Council for Community Development Block Grant funding and requested the City Council consider continued support of their program.

Myrna Johnson and Willa Parsons, representing Positive Edge Experience, gave a brief overview of the services they provide the community and urged the City Council to continue to support Opportunity Junction with CDBG funding. They thanked the City Council for their past support.

Ms. Friedman stated she valued the partnership Opportunity Junction had with Positive Edge Experience and they hoped a similar arraignment could be made in the future years.

Debbie Toth, Chief Program Officer for Rehabilitation Services of Northern California and the Bedford Center, expressed concern the state had eliminated funding for adult day care and discussed the importance of the services they offered seniors in the community. She thanked the City Council for their support and encouraged them to consider funding their program.

Councilmember Rocha suggested Ms. Toth consider requesting CDBG funding from the City of Pittsburg.

Laine Lawrence, Executive Director of Contra Costa Senior Legal Services, stated that non-profit organizations work together to provide a wide range of services for the community and suggested bundling programs with common interests to write one contract. She encouraged the City Council to develop strategies to continue to fund all non-profits they had supported in the past.

Mayor Pro Tem Harper reported GenOn was establishing a Community Foundation and they would be providing funding to support the community centers and the community needs.

Don McCall, representing the Food Bank of Contra Costa and Solano, thanked the City for their support through CDBG grants. He gave a brief overview of the programs they provide to the residents of Antioch.

Following discussion the City Council provided the following direction and feedback:

- Council majority support for continued funding of public service at approximately 10% of the grant amount - Councilmember Rocha requested staff provide a comparison for funding at a maximum 10 and 15% of the grant amount
- Increase public services grant size to \$10,000
- Consideration of bundling agencies providing similar services
- Priority for Antioch services and locally based non-profit
- Priority for senior and youth services
- Support for Economic Development including Code Enforcement as a priority predominately in low income areas
- High priority for Street and Sidewalk improvements

In response to Mayor Pro Tem Harper, City Manager Jakel stated staff would provide information regarding the future GenOn Community Foundation to the CDBG subcommittee.

Councilmember Agopian spoke to the value of Code Enforcement enhancing the quality of life for the most residents in the lower income areas of Antioch.

In response to Councilmember Rocha, CDBG Specialist House stated she would provide information with regards to the regulation associated with giving direct financial assistance to for-profit businesses.

Councilmember Kalinowski stated all groups were worthy of funding, however with the current budget issues, the City needed to create capacity and develop a balanced approach.

Councilmember Agopian voiced his support for the direction previously given and spoke to the value of prioritizing the remainder in a way that positively affected the most residents.

8. AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE STATE ROUTE 4 BYPASS AUTHORITY

City Attorney Nerland presented the staff reports dated September 8 and 13, 2011, recommending the City Council approve the eighth amendment to the Joint Exercise of Powers Agreement for the State Route 4 Bypass Authority and authorize it's execution in substantially the same form.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council Members present unanimously approved the eighth amendment to the Joint Exercise of Powers Agreement for the State Route 4 Bypass Authority and authorize it's execution in substantially the same form.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the next regular meeting would be held on September 27, 2011, Mayor's Conference would be held on November 3, 2011, at the Antioch Community Center, and Brenda Perry's retirement party would be held at 6:00 P.M. on September 23, 2011.

COUNCIL COMMUNICATIONS

Councilmember Agopian suggested scheduling District Attorney Mark Peterson to make a presentation at the City Council regarding crime prevention strategies.

Following discussion, the City Council supported a presentation by District Attorney Peterson be given at a joint meeting of the City Council and Antioch Unified School District.

Council Member Rocha asked for some clarification regarding the Ballot Measure I in Pittsburg regarding property on the Antioch-Pittsburg border.

Councilmember Kalinowski announced the AB109 Executive Committee would be making a presentation at the Antioch City Council Chambers on September 19, 2011, from 7:00 – 9:00 P.M. regarding law enforcement realignment between the state and local agencies.

With no further business, Mayor Pro Tem Harper adjourned the meeting at 11:00 P.M. to the next regular Council meeting on September 27, 2011.

Respectfully submitted:

Kitty Eiden _____
KITTY EIDEN, Minutes Clerk