

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**December 13, 2011
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR – City designated representatives: Deborah McHenry, Human Resources Director, and Glenn Berkheimer, IEDA; Employee organizations: Public Employees’ Union Local No. 1; Antioch Police Officers’ Association. This Closed Session is authorized by California Government Code §54957.6.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to subdivision (A) of Government Code Section 54956.9: California Healthy Communities Network, an unincorporated association, v. City of Antioch; Real Party in interest WAL-MART Stores, Inc., Case No. N10-1804; Contra Costa Superior Court.

Mayor Pro Tem Harper called the meeting to order at 7:18 P.M., and City Clerk Skaggs called the roll.

Present: Council/Agency Members Kalinowski, Rocha, Agopian and Mayor Pro Tem Harper

Excused: Mayor/Chair Davis

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

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: #1: Conference with Legal Negotiator, direction was given to staff; #2: Conference with Legal Counsel – Existing Litigation, no action was taken.

PROCLAMATION — *to Retired City Clerk L. Jolene Martin*

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the City Council members present unanimously approved the proclamation.

The City Council members present presented the proclamation recognizing L. Jolene Martin for her dedication and support to the City of Antioch and presented her with a framed photograph.

Retired City Clerk Jolene Martin accepted the proclamation and introduced her family in attendance. She stated it was an honor to have served the City of Antioch.

The City Council thanked Ms. Martin for her service and wished her the best in her retirement.

PRESENTATION

Mary Nejedly Piepho, District 3 Supervisor, Contra Costa County Board of Supervisors, congratulated Ms. Martin on her retirement. She gave a brief overhead presentation of her

actions on the Contra Costa Board of Supervisors and through various committee assignments. She presented the redistricting map and voiced her support for the joint city/county economic development strategy for the northeast Antioch annexation. She wished the audience a Happy Holiday and encouraged anyone needing assistance to contact her office.

Councilmember Rocha stated she was honored to have Supervisor Piepho in attendance and thanked her for her advocacy on behalf of the City of Antioch.

Councilmember Kalinowski thanked Supervisor Piepho for the presentation and urged her to maintain focus on the annexation plan.

Councilmember Agopian thanked Supervisor Piepho for the presentation and requested her continued support during the northeast Antioch annexation process. He stated he looked forward to working with her in her efforts to stand up for the rights of East County.

Mayor Pro Tem Harper thanked Supervisor Piepho for the presentation.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Allen Payton, representing the July 4, 2012 Fireworks and Celebration committee, thanked Martha Parsons, Joy Motts, and Councilmember Rocha for their fundraising efforts for the 4th of July fireworks display. The committee presented the City Council with shirts carrying their logo and thanked those who had committed funds to the event and the City Council for supporting their efforts.

Mayor Pro Tem Harper thanked the committee for fundraising for the event.

PUBLIC COMMENTS

Marty Fernandez requested the City Council invite BART Board Member Joel Keller to attend a City Council meeting to explain why San Jose was receiving BART and East County was receiving eBART.

Councilmember Kalinowski requested an update on the eBART project.

Bob Martin, Antioch resident and President of the Antioch Historical Society, invited the public to view the museum holiday decorations and attend the 1st Annual Crab Feed on March 3, 2012, at 5:00 P.M.

Mayor Pro Tem Harper announced a Dr. Martin Luther King Jr., celebration would be held on January 16, 2012, at 1:00 P.M. at Antioch High School, Beede Auditorium.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the Blight / Shop Antioch subcommittee meeting.

Councilmember Rocha reported on her attendance at the presentation given to Dozier-Libbey Medical High School and event honoring State Superintendent of Public Instruction Tom Torlakson. She also reported on her attendance at a meeting of the Youth Intervention Network.

1) REPORT ON SENIOR CENTER BUS PROGRAM

Councilmember Kalinowski reported on the Senior Bus Program and the possibility of Tri-Delta Transit raising fees for senior residents, which he felt was unacceptable. He reported he had worked with staff to problem solve the issue. He stated he would be providing the City Council with an update in the future and would be pushing to negotiate the issue forward.

Councilmember Agopian thanked Councilmember Kalinowski for the report on the Senior Bus Program and spoke to the need for senior residents to have access to the services offered at the Senior Center. He voiced his support and assistance to Councilmember Kalinowski on the issue.

MAYOR'S COMMENTS — None

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 25 AND NOVEMBER 8, 2011

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2011

D. REJECTION OF CLAIMS

1. Rosetta Jones 11/12-2025 (personal injury)
2. Lynda Urbina 11/12-2032 (personal injury)
3. Mayrdawna Davis 11/12-2042 (personal injury)

E. LEASES FOR OFFICE SPACE AT THE ANTIOCH MARINA

F. SECOND AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH CONSTRUCTION TESTING SERVICES, INC., FOR VARIOUS PROJECTS IN THE CITY OF ANTIOCH (P.W. 392-26 AND OTHERS)

G. RESOLUTION NO. 2011/80 APPROVE RIGHT-OF-WAY PURCHASE AGREEMENT FOR THE WILBUR AVENUE OVERCROSSING PROJECT (P.W. 259-B)

H. AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH ANN B. SPAULDING

I. REQUEST FOR TRAINING AND TRAVEL – LEAGUE OF CALIFORNIA CITIES CONFERENCE

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

COUNCIL REGULAR AGENDA

2. REVIEW OF CONCEPTUAL PLAN FOR TWO SYNTHETIC TURF SOCCER/MULTI-USE FIELDS TO BE LOCATED AT ANTIOCH COMMUNITY PARK

Project Consultant Karste presented the staff report dated December 5, 2011, recommending the City Council review and approve the conceptual project design and timeline.

Jay Beals, representing Beals Alliance, gave a brief overhead presentation of the conceptual plan and details of the design for two synthetic turf soccer / multi-use fields located at Antioch Community Park.

Project Consultant Karste discussed capital replacement and the operation and maintenance costs associated with the project as well as a variety of potential funding sources. He cautioned the City Council that the National Environmental Policy Act requirements could potentially impact the project timeline.

Councilmember Agopian suggested extending the fencing to follow the natural grass line and felt it would be a great facility in an ideal location. He suggested setting policy with regards to user fees as well as the funds that would have been used to maintain natural grass, deposited into a designated reserve fund.

Mayor Pro Tem Harper stated he was pleased to see the project coming to fruition.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council members present approved the conceptual project design and project timeline.

3. RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR SIERRA VISTA SUBDIVISION 7722 (SUNCREST HOMES 26, LLC) AND ALL RELATED DOCUMENTS (PW 584)

City Attorney Nerland presented the staff report dated November 21, 2011, and supplemental staff report dated December 12, 2011, recommending the City Council adopt the resolution.

Gordon Gravelle, President of Suncrest Homes 26, LLC., gave a brief history of the project and requested the City Council authorize the City Manager to sign the deferred improvement with the following changes:

- Increase the Deferred Improvement Agreement from 5 to 7 years

- Amend item #3c – to read: “unless such transferee agrees in writing in a form acceptable to the City to assume the obligations of owner under this agreement.”

Following discussion, the City Council consensus supported approving the deferred improvement agreement for a period of 7 years with the following language deleted from the agreement item 3c, “including but not limited to a devise, bequest inheritance.”

RESOLUTION NO. 2011/81

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the City Council adopted the resolution with the following changes:

- Deferred Improvement Agreement for 7 years from the date of execution of the agreement
- Deferred Improvement Agreement amendment to Item #3c to read, “Owner transfers or sells the Property or any portion of the Property or change in the controlling interest of Suncrest Homes 26, LLC.”

4. AGENCY REGULAR AGENDA

A. APPROVAL OF AGENCY WARRANTS

On motion by Agency Member Rocha, seconded by Agency Member Kalinowski, the Antioch Development Agency members present unanimously approved the Agency Warrants.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Attorney Nerland reminded the City Council there would not be a City Council meeting on December 27, 2011, and City Offices would be closed December 23 – January 2, 2012. On behalf of staff, she wished the City Council and residents a Happy Holiday.

COUNCIL COMMUNICATIONS

Councilmember Kalinowski requested a discussion on the eBART extension beyond Hillcrest Avenue be agendized for City Council direction. He stated he does not feel it would be advantageous to have a station at Laurel Road.

Councilmember Agopian agreed with Councilmember Kalinowski with regards to a Laurel Road station. He stated he cherished the work he does on behalf of the residents of Antioch and wished everyone a Merry Christmas.

Councilmember Rocha wished everyone a Merry Christmas.

Councilmember Harper requested staff agendaize an update on the new Community Center and the use of the remaining Mello Roos funds. He wished everyone a safe holiday season.

With no further business, Mayor Pro Tem Harper adjourned the meeting at 9:28 P.M. to the next regular Council meeting on January 10, 2012.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk