

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**January 10, 2012
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 Davis called the meeting to order at 7:05 P.M.

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

City Clerk Skaggs called the roll.

Present: Council/Agency Members Kalinowski, Harper, Rocha, Agopian and Mayor/Chair Davis

PLEDGE OF ALLEGIANCE

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

PRESENTATION

Brain Nunnally introduced the Economic Development Commission.

Economic Development Commissioners Martha Parsons, Monica Wilson, Juan Chen-Olsen, Keith Archuleta and Sean Wright gave a brief overview of the New Business Welcome Concept and requested support for the endeavor. Mr. Wright discussed criteria being considered.

Councilmember Rocha suggested criteria include services provided to the community.

Mayor Davis suggested the Economic Development Commission consider ways in which to retain businesses that have expressed interest in moving to other communities.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Police Chief Cantando announced Lt. Vanderklugt pursued and received a grant from the Ben Roethlisberger Foundation K-9 Grant Program in the amount of \$8,000 to supplement the Antioch Police Department K9 Unit.

Councilmember Agopian and Kalinowski thanked Lt. Vanderklugt for being proactive and applying for the grant.

Becky Nielson discussed new services available at the Antioch and Prewett Park Libraries and announced additional seating had been purchased in the downtown Library by the Friends of the Library in honor of Thelma Fontana.

Councilmember Rocha announced a Black History exhibit would be on display at the Lynn House Gallery from January 21 – February 11, 2012 and the opening reception would be held on January 21, 2012 from 2:00 – 4:00 PM.

Councilmember Harper announced the Martin Luther King Jr. celebration would be held at 1:00 P.M. on January 16, 2012 at Beede Auditorium.

PUBLIC COMMENTS

Patricia Simmons, owner of T's Internet Café stated she was trying to relocate her business to Second and G Street. She expressed concern of the resistance by City staff which had deemed her business an arcade, as she sells internet time and phone cards with sweepstakes promotion.

City Attorney Nerland discussed the process for an appeal of the Director of Community Development's decision.

Councilmember Kalinowski requested staff provide the City Council with the determination regarding the arcade.

Mayor Davis clarified if and until there was an appeal, the applicant needed to follow the direction given by the Director of Community Development, with regards to her business.

Kevin Lom spoke in support of the Internet Café.

Peggy Sanderson thanked Antioch Police Department for serving the community and spoke in support of the Internet Café.

Fred Hoskins read an article he authored and was published in the Contra Costa Times regarding the Roswell Butler Hard House expressing concern the City had not taken action to agendize a decision regarding the transfer of the property to the Friends of the Roswell Butler Hard House.

Pastor Nicolas Alexander, representing Do the Word Ministries announced a Stop the Violence benefit mixer would be held at 3:00 P.M. on January 14, 2012 at 1203 Sycamore Drive. He requested the City's support of their endeavors.

Mayor Davis read written comment from Tina Blankenship, who indicated her support of the Internet Cafes.

Charles Allen, Antioch resident, spoke in support of the Internet Cafe and stated he was an employee of the business. He expressed concern of the decision by staff to not allow the business to open in their new location would result in several individuals becoming unemployed.

Terri Wylie, Antioch resident spoke in support of the Internet Café and the importance of having access to the internet to complete job assignments.

Bethany Braga spoke in support of the Internet Café and assured the City Council they had no tolerance for any illegal activity.

COUNCIL SUBCOMMITTEE REPORTS

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

Councilmember Rocha reported on her attendance at the Mello Roos meeting.

Councilmember Harper announced there was reorganization of the Mello Roos Board and Councilmember Rocha was the Board President and Larry Osorio was the Board Vice President. He requested staff agendaize the expenditure of the remaining \$2M Mello Roos funds.

Councilmember Kalinowski reported on the status of the senior bus service and stated he would be making comments at the EPAC Policy Group regarding the potential of the Laurel Road eBART Station and the City's preference it be moved further down the bypass. He noted the other TRANSPLAN and related ECRAFA issues would be discussed Thursday at 6:30 P.M. at the Tri-Delta Transit building.

Mayor Davis declared a recess at 7:49 P.M. The meeting reconvened at 7:57 P.M. with all Council Members present.

MAYOR'S COMMENTS

Mayor Davis announced the passing of Antioch resident and former City employee, Lawrence Worth Shaw and dedicated the meeting this evening in his honor.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 29 AND DECEMBER 13, 2011

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIMS

- 1. Yvonne Meyer 11/12-2000 (personal injury)**
- 2. Hooshmand Hessari 11/12-2038 (return of property)**
- 3. Tameka Turner 11/12-2035 (property damage)**

- D. **RESOLUTION NO. 2012/01 ELIMINATE EARTHQUAKE INSURANCE FOR CITY HALL AND THE POLICE STATION**
- E. **RESOLUTION NO. 2012/02 TRANSFER OF STATE ROUTE 4 BYPASS: REVISED COOPERATIVE AGREEMENT WITH CALTRANS, THE ROUTE 4 BYPASS AUTHORITY, ANTIOCH, BRENTWOOD, OAKLEY AND CONTRA COSTA COUNTY REGARDING TRANSFER OF ROUTE 4 BYPASS TO CALTRANS**

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

COUNCIL REGULAR AGENDA/ANTIOCH DEVELOPMENT AGENCY REGULAR AGENDA

2. DISSOLUTION OF ANTIOCH DEVELOPMENT AGENCY

Community Development Director Wehrmeister presented the staff report dated January 5, 2012 recommending the City Council/Antioch Development Agency receive and file the report, not decline to become the Successor Agency to the Antioch Development Agency and authorize staff to send a letter of support for SB-659.

Councilmember Agopian stated he supported the Legislature coming back with a successor agency that was more focused, legal and appropriate.

On motion by Council/Agency Member Kalinowski, seconded by Council/Agency Member Harper the City Council/Antioch Development Agency unanimously received and filed the report.

On motion by Council/Agency Member Agopian, seconded by Council/Agency Member Rocha the City Council/Antioch Development Agency unanimously authorized staff to sign a letter of support for Senate Bill 659.

COUNCIL REGULAR AGENDA

3. FULTON SHIPYARD BOAT RAMP CLOSURE

Director of Public Works/City Engineer Bernal presented the staff report dated January 4, 2012 recommending the City Council approve the closure of the Fulton Shipyard Boat Ramp and adjoining property.

Jim Boccio, Antioch resident, owner of the property at the Red Caboose spoke in support of keeping the boat ramp open and suggested leasing the ramp to a non-profit, closing it at night, fencing with gate access for the parking lot, charging for use and providing larger trash containers, portable restrooms and staffing for the facility.

Charles Andrew Waters, Antioch resident, suggested removal of the wall and extending the Fulton Shipyard boat ramp. He stated he did not feel there was excessive criminal activity at the boat ramp and reported citizens had been conducting maintenance of the facility.

Rick Robinson, Antioch resident, stated he did not feel the new boat ramp was safe; however, he supported more and improved access to the Delta. He suggested charging a fee for the old boat ramp which could be used to maintain and improve the site. He reported a local tow company had expressed interest in contracting with the City to tow anyone loitering on the property and currently there were several citizens maintaining the site and suggested the wall at the site be used for advertising to generate funds for ongoing maintenance.

Dale Paris, Antioch resident, spoke in support of keeping the Fulton Shipyard boat ramp open.

Sheila White, Antioch resident, owner of the Red Caboose Restaurant spoke in opposition to the closure of the boat ramp and expressed concern regarding the impact of the action on her business and employees. She suggested the City Council reconsider the closure and reported she had volunteers willing to assist to keep it open.

Mayor Davis, on behalf of the City Council and City thanked Ms. White for hosting a fundraiser event for Take Back Antioch.

Arne Simonsen, Antioch resident, suggested seeking grant opportunities to keep the Fulton Shipyard boat ramp open and discussed the negative impact a closure would have on businesses in the area.

Bill Worrell, Antioch resident, discussed the importance of maintaining public access and noted the facility was well utilized and safe. He suggested staff work with Mr. Robinson to develop a maintenance program that would be of no cost to the City.

Councilmember Rocha requested staff work with the community to develop an operation and maintenance plan to keep the facility open.

Councilmember Agopian thanked everyone for speaking on the issue. He stated he supported keeping the boat ramp open and the City working with the community on a maintenance plan.

Councilmember Harper stated he was supportive of the solutions discussed and suggested an Adopt-A-Park program for the area. He requested staff provide the City Council with a history of improvements and the calls for service for the site. He voiced his support for working with the community and keeping the ramp open.

Councilmember Kalinowski felt there needed to be security fencing installed and suggested the possibility of an entity possessing organizational structure leasing and maintaining the facility. He stated he did not support charging a fee for the facility. He voiced his support for leaving the boat ramp open and limiting access afterhours.

In response to Mayor Davis, City Attorney Nerland stated if the City were looking to lease the property the limit on fees could be part of those terms.

Mayor Davis suggested forming a subcommittee to work with the community and staff to keep the boat ramp open. He offered to sit on the subcommittee. He stated he did not support charging a fee to use the facility.

On motion by Councilmember Kalinowski, seconded by Councilmember Harper, the City Council unanimously directed staff to agendize the formation of a subcommittee to outline the operation and maintenance of the Fulton Shipyard launch ramp area along with the appropriate security measures within the next 60 days.

PUBLIC COMMENTS

Debbie Blausure and Toni Lincks provided written comment in support of T's Internet café.

STAFF COMMUNICATIONS

City Manager Jakel reminded the City Council and community the next City Council meeting was on January 24, 2012.

COUNCIL COMMUNICATIONS

Councilmember Harper reminded the community the Martin Luther King Jr. event would be held at 1:00 P.M. on January 16, 2012 at Beede Auditorium. He requested staff agendize a recycling ordinance to prevent copper thefts.

Councilmember Kalinowski requested staff agendize enforcement and educating the public on panhandling in the City.

Councilmember Kalinowski stated he supported Councilmember Harper and the City taking the lead on the recycling ordinance.

City Manager Jakel reported there was a reassessment of the City's grant application and the State was allocating \$3M to the West Antioch Creek Flood Control project.

Councilmember Rocha thanked Mr. Harrington for assisting in acquiring the grant.

Councilmember Agopian voiced his support for the recycling ordinance and advocating for it countywide.

With no further business, Mayor Davis adjourned the meeting at 8:56 P.M. to the next regular Council meeting on January 24, 2012.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk