

**CITY COUNCIL MEETING
INCLUDING THE ANTIOCH CITY COUNCIL
ACTING AS SUCCESSOR AGENCY/HOUSING SUCCESSOR
TO THE ANTIOCH DEVELOPMENT AGENCY**

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

**March 27, 2012
Council Chambers**

5:45 P.M. - CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION —Onita Tuggles v. City of Antioch et al, Ninth Circuit Court of Appeals, Case No. 10-17181; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA. This Closed Session is authorized by California Government Code §54956.9. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case).

2. CONFERENCE WITH LABOR NEGOTIATOR – City designated representatives: Deborah McHenry and Glenn Berkheimer; Employee organizations: Public Employees' Union Local No. 1. This Closed Session is authorized pursuant to California Government Code §54957.6.

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9: Letter from James H. Colopy of Farella Braun + Martel on behalf of Discovery Builders dated March 13, 2012.

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS – This Closed Session is authorized by California Government Code §54957 City Manager.

5. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS – This Closed Session is authorized by California Government Code §54957 – City Attorney.

Mayor Davis called the meeting to order at 7:34 P.M., and Minutes Clerk Eiden called the roll for the City Council including the Antioch City Council acting as Successor Agency/Housing Successor to the Antioch Development Agency.

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

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION AND CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Direction was given to staff, **#2. CONFERENCE WITH LABOR NEGOTIATOR** – Direction was given to staff. City Attorney Nerland announced Council would go back into Closed Session at the end of the Public Session to hear Items #3-5.

PLEDGE OF ALLEGIANCE

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

A

04/10/12

PROCLAMATION – *Child Abuse Prevention Month, April 2012*

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council unanimously approved the proclamation.

Mayor Davis announced the proclamation would be sent to the appropriate party.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Darlene Dawson, Fleet Captain representing the Sportsman's Yacht Club, invited the City Council to Sportsman's Opening Day on April 13, 2012.

Councilmember Rocha announced the following events: Cesar Chavez Day on April 1, 2012 and an event in recognition of individuals who had made contributions in the community, 6:00 P.M at Los Medanos College.

PUBLIC COMMENTS

Martin Fernandez, Antioch resident, apologized to anyone he had offended at the "town hall" meeting. He spoke to his frustration with the County Housing Authority's oversight of the Section 8 program and suggested federal officials attend the next meeting to answer residents' concerns. He also suggested the person responsible for the Nelson Ranch Park design, pay for the relocation of the playground equipment.

Fred Hoskins, Antioch resident, reported the Henry F. Beede Trust had made a donation to the Hard House. He presented the City Council with a picture and requested the City Council approve the posting of a banner on the fence at the Hard House, soliciting funds for the project.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at a special meeting of the Antioch Unified School District at Antioch High School, with Councilmember Rocha.

Councilmember Rocha reported on her attendance at the California League of Cities meeting. She announced she participated in a Comcast taping with Mayor Davis, honoring Hometown Heroes.

Councilmember Harper reported on his attendance with Councilmember Rocha at the Community Development Block Grant (CDBG) meetings and he discussed volunteer opportunities in the community.

MAYOR'S COMMENTS

Mayor Davis thanked Mayor Pro Tem Harper for filling in for him at the March 13, 2012 Council meeting and reported on his attendance at various meetings in Washington DC., advocating on behalf of Delta Diablo Sanitation District and the City of Antioch. He noted the town hall meeting was successful and thanked city staff who organized and participated in the event.

Mayor Davis requested the City Council consider hearing Item #3 as the next item of business, to accommodate the seniors in attendance.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the City Council unanimously approved moving Item #3 up to the next item of business.

COUNCIL REGULAR AGENDA

3. SENIOR BUS PROGRAM

Community Development Director Wehrmeister presented the staff report dated March 22, 2012 recommending the City Council discuss Tri Delta Transit's decision to not enter into an agreement with the City of Antioch for pass-through funding of the Senior Bus Program beyond August 31, 2012 and provide direction to staff.

Councilmember Kalinowski thanked staff for working with him to address issues related to the Senior Bus Program and spoke in support of Option #2, as outlined in the staff report.

On motion by Councilmember Kalinowski, seconded by Councilmember Harper, the Council unanimously approved Option #2 – Allowed the Senior Bus Program to be incorporated into the existing dial-a-ride service provided by Tri Delta, contingent on the Tri Delta Board of Director's approving the transition plan. Implementation will formally occur on September 1, 2012.

Councilmember Harper thanked staff for the report and for assisting the seniors.

Mayor Davis thanked Councilmember Kalinowski for his hard work and being involved in the process of developing the transition plan with Tri Delta Transit.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR MARCH 13, 2012

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2012

D. ORDINANCE AMENDING §9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) PROGRAM

- E. **APPOINTMENTS BY THE MAYOR TO THE OVERSIGHT BOARD FOR THE CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY**
- F. **RESOLUTION NO. 2012/20 APPROVING THE ALLOCATION OF PROPOSITION 1B BOND FUNDING FOR THE DEER VALLEY ROAD AND DAVISON DRIVE PAVEMENT REHABILITATION PROJECT (P.W. 392-28)**
- G. **SHOPPING CARTS RECOVERY – Motion to approve the revised abandoned shopping carts letter to businesses**
- H. **RESOLUTION NO. 2012/21 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CONTRA COSTA TRANSPORTATION AUTHORITY REGARDING RELEASE OF A DEFERRED IMPROVEMENT AGREEMENT (SKYLAND PROPERTIES) FOR FREEWAY WIDENING PURPOSES**
- I. **CONSULTING SERVICES AGREEMENT WITH MUNICIPAL RESOURCE GROUP LLC**

City Attorney Nerland clarified the City Council had received revisions for Consent Calendar Items A (Minutes) and G (revised shopping cart letter) which were under consideration. She noted Item D would be continued until after Closed Session following the public session this evening.

On motion by Councilmember Harper, seconded by Councilmember Kalinowski, the Council unanimously approved the Council Consent Calendar with the exception of Item D which was continued until after the Closed Session following the public session this evening.

PUBLIC HEARING

- 2. **Z-12-02: PREZONING OF AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA – THE PREZONING IS APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO BY THE CITY AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE. THE PROPOSED PREZONING CONSISTS OF PRIMARILY M-2 (HEAVY INDUSTRIAL) ZONING, WITH M-1 (LIGHT INDUSTRIAL) PROPOSED FOR THE UNINCORPORATED AREA SOUTH OF WILBUR AVENUE, AND OS (OPEN SPACE) PROPOSED FOR THE EXISTING ENDANGERED SPECIES PRESERVE LOCATED ON THE NORTH SIDE OF WILBUR AVENUE. A PREVIOUSLY PREPARED MITIGATED NEGATIVE DECLARATION WILL BE UTILIZED TO ADDRESS ANY ENVIRONMENTAL IMPACTS OF THE PROPOSED PREZONING. ON MARCH 7, 2012, THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE TO PREZONE THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA**

Planning Consultant Carniglia presented the staff report dated March 15, 2012. He reported since the publication of the staff report, the City had received a letter from West Coast Builders that afternoon, which asserted the environmental document for the pre-zoning was inadequate. He spoke to the relevance and accuracy of the letter and suggested the City Council open the public hearing and continue to April 10, 2012, to allow staff time to prepare a written response.

City Attorney Nerland clarified that the letter before Council was authored by Kristina Lawson of Manatt, Phelps and Phillips LLP, on behalf of West Coast Builders and Albert Seeno. She noted Mr. Seeno had no interest or ownership interest in the property subject to the pre-zoning or in the surrounding vicinity. She further noted taking two weeks to respond fully in writing would not affect the timing of the project and would give the City the opportunity to create a record.

Mayor Davis opened the Public Hearing.

The following individuals provided oral and written comment indicating the consensus of the Sportsman's Yacht Club membership opposed the annexation of their property into the City of Antioch: Don Wilson, Bill Worrell, Casey Curry, Kay Power and Darlene Dawson.

On motion by Councilmember Kalinowski, seconded by Councilmember Agopian, the Council unanimously continued the public hearing to April 10, 2012.

Planning Consultant Carniglia reported the Sportsman's Yacht Club property was not in the annexation area subject to the rezoning.

COUNCIL REGULAR AGENDA – *Continued*

4. BILLBOARD PROPOSAL ON CITY-OWNED PROPERTY - DELTA FAIR AND CENTURY BOULEVARDS (APN 074-080-029)

Economic Development Analyst Nunnally presented the staff report dated March 21, 2012 recommending the City Council provide direction to Staff on the proposal by Mesa Outdoor to erect and maintain a billboard on City-owned property.

Mike McCoy briefly described design details and location for the proposed monument sign and stated they looked forward to entering into a new market in Antioch.

Councilmember Kalinowski stated he cannot support moving forward with this project due to the potential for having too many digital display billboards in one area.

In response to Councilmember Kalinowski, City Manager Jakel stated he believed the project would be subject to Design Review approval.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council directed staff to move forward with the proposal to erect and maintain the billboard on City-owned property and authorized the City Manager to execute an agreement consistent with the terms as outlined in the staff report. The motion carried the following vote:

Ayes: Harper, Rocha, Agopian and Davis

Noes: Kalinowski

**5. AUTHORIZATION TO CAST BALLOTS FOR CITY-OWNED PROPERTIES REGARDING
2012 COMMUNITY CLEAN WATER INITIATIVE**

Administrative Analyst Hoffmeister presented the staff report dated March 14, 2012 recommending the City Council motion to adopt the resolution authorizing the City Manager to cast ballots for City-Owned Properties.

John Bliss, SCI Consulting Group, described the philosophy and perspective regarding a property-owner balloting.

Tom Dalziel, Program Manager for the Contra Costa Clean Water Program, discussed costs associated with the Clean Water initiative.

Administrative Analyst Hoffmeister described the process used to fund the initiative.

City Manager Jakel added that he would provide the City Council with information on how the Clean Water program operates.

Councilmember Agopian stated that while he sees the need to fund the state mandates, he does not support the methodology used for the initiative and he felt the public's expectation was that this issue go to election through the County Registrar of Voters.

Councilmember Rocha stated she understood Councilmember Agopian's concerns and voiced her support for a future discussion regarding the details of the Clean Water Program. She noted she views the initiative as prevention insurance, should there be a disaster.

Mr. Dalziel stated it was his responsibility to ensure the City was in full compliance with the Federal State Storm Water Rules and discussed potential impacts, should the Clean Water Initiative fail.

Councilmember Kalinowski expressed concern that government employees sat on the management committee without an oversight committee for the funds collected. Additionally, he noted there was no public vetting for how the program operates.

Mr. Dalziel explained the proposed 2012 community clean water fee had an independent oversight committee and would be required to go before the Board of Supervisors each year for

implementation. He noted the members of the oversight committee would be selected by the Board of Supervisors, required to be property owners that live in Contra Costa County, and their duties would include a review of the audits each year to insure revenues generated were spent on compliance.

Administrative Analyst Hoffmeister clarified the existing Storm Water Utilities Assessment was for activities, done on a regional scale and the proposed fee would be 100 percent return to source and cover specific local provisions and regulations with which the City was required to be in compliance. He also noted the proposed fee contained a minimal administration fee.

Mr. Dalziel reported Agendas and Minutes for the Clean Water Board were available online at www.cccleanwater.org.

Councilmember Rocha stated she would support adopting the resolution, understanding the financial impact to the City, if there were to be a problem.

Councilmember Harper stated with the understanding the funds would be coming back locally to be used for individual activities and address the unfunded mandate, he would support approval of the resolution.

A motion was made by Councilmember Rocha to adopt the resolution authorizing the City Manager to cast the ballot for City-owned properties. The motion was seconded by Councilmember Harper. The following vote resulted in no action.

The City Manager was not authorized to cast ballots.

Ayes: Harper, Rocha

Noes: Agopian, Davis

Abstain: Kalinowski

6. CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF SUCCESSOR AGENCY WARRANTS

On motion by Councilmember Agopian, seconded by Councilmember Kalinowski, the Council unanimously approved the Successor Agency Warrants.

7. CITY OF ANTIOCH AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF HOUSING SUCCESSOR WARRANTS

On motion by Councilmember Agopian, seconded by Councilmember Harper, the Council unanimously approved the Housing Successor Warrants.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the following events:

- April 7, 2012 – Antioch Boat Ramp Ribbon Cutting and Jet Ski Competition
- April 10, 2012 – City Council Meeting

He indicated he had authorized an emergency procurement of approximately \$50,000 in services to deal with power and utility problems at the Water Treatment Plant forcing the use of the generator at the cost of approximately \$3,000 per day and further emergency procurements for this problem were not expected.

City Attorney Nerland clarified the City Council would go back into Closed Session to address the remaining items. She noted following Closed Session, the Council would go back into open session to take action regarding Consent Calendar Item 1D.

COUNCIL COMMUNICATIONS - None

ADJOURNMENT

Mayor Davis adjourned to Closed Session at 9:19 P.M.

The City Council reconvened at 9:52 P.M. Minutes Clerk Eiden called the roll.

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

City Attorney Nerland reported the City Council had been in Closed Session and provided the following report: **#3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Direction given to staff, **#4. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – There was nothing to report out, **#5. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – There was nothing to report out.

1. D. ORDINANCE AMENDING §9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) PROGRAM

On motion by Councilmember Kalinowski, seconded by Councilmember Agopian, the Council continued item 1-D to April 10, 2012.

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 9:55 P.M. to the next regular Council meeting on April 10, 2012.

Respectfully submitted:

DENISE SKAGGS, CITY CLERK