

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

October 9, 2012
Council Chambers

6:00 P.M. - CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Gov't. Code § 54956.9(a); 54956.96]: Transplan Committee and East Contra Costa Regional Fee and Financing Authority v. City of Pittsburg, et al., Contra Costa County Superior Court Case No. MSN11-0395

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION [Gov't. Code § 54956.9(a)]: Rickey McNeal v. City of Antioch et al., United States District Court (Northern District) Case C11-04497

3. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION – Initiation of litigation pursuant to subdivision (c) of California Government Code section 54956.9: 1 case

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, No action was taken, **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Direction was given to staff, and **#3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Direction was given to staff.

Mayor Pro Tem Harper called the meeting to order at 7:05 P.M., and City Clerk Skaggs called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Freedom from Workplace Bullies Week, October 14 – 20, 2012

Food Day, October 24, 2012

Help People with Intellectual Disabilities Days, October 19 – 21, 2012

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council present unanimously approved the Proclamations.

Mayor Davis arrived at 7:12 P.M.

Mayor Davis presented the Proclamation proclaiming October 19 – 21, 2012 as *Help People with Intellectual Disabilities Day* to Mike Filograsso, representing the Knights of Columbus, who

thanked the Council for the recognition and announced their annual statewide *Fund Raising Drive* to benefit people with Intellectual Disabilities would be held on October 19 – 21, 2012 at local grocery stores.

Mayor Pro Tem Harper turned the gavel over to Mayor Davis.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Ken Turnage, II announced The Haunted Warehouse fundraiser for the reconstruction of Antioch City Park would be held from 5:00 P.M. – 10:00 P.M. on October 25 – 27, 2012 at 2101 W. 10th Street. He requested that the City consider approving the use of the Volunteers In Police Services (VIPS) for security and he encouraged the Council to participate in the event. Contact information was provided.

Mayor Davis volunteered to participate and stated staff would respond to the organizers of the event regarding the use of VIPS for security. He thanked the organizers for hosting the event.

Barbara Sobalvarro, representing the Friends of Animal Services, announced the Black Cat Ball benefiting the animals at the Antioch Animal Shelter would be held at 6:30 P.M. on October 20, 2012, at the Lone Tree Golf Course and Event Center. Contact information was provided.

PUBLIC COMMENTS

Gary Reiman, Antioch resident and Business Owner, located at 107 “G” Street, expressed concern regarding loitering, illegal activity, refuse, and feral cats in the City-Owned parking lot directly behind his business. He noted the Antioch Police Department had not responded to his calls for service and requested the City investigate these issues, as they had negatively impacted his business.

Mayor Davis responded that staff would address the issues.

Julie Haas-Wajdowicz, representing the City of Antioch, announced the following events:

- Reuse Roundup - 8:00 A.M. – 1:00 P.M., October 13, 2012 at the Somersville Towne Center
- Costume Exchange - 6:00 – 9:00 P.M., October 16, 2012 at Prewett Family Park

Contact information was provided.

Julie Young, Antioch resident, gave a brief history of her attempts to contact the City with regards to the negative impact Nelson Ranch Park had on her family’s quality of life. She invited the Council to view the retaining wall from her property and requested their assistance in mitigating her concerns.

Mayor Davis offered to meet Ms. Young at her residence and requested a member of staff and Council accompany him. Councilmember Harper volunteered to attend the meeting with Mayor Davis.

Greg Enholm, Bay Point resident, discussed his candidacy as College Board Ward 5 Trustee, for the November 6, 2012 Election.

Cherice Gilliam, representing Grace Bible Fellowship, spoke to the denial of their permit for the closure of Sunset Drive for the Holy Eve Community Carnival. She questioned what the process would be to have Council reconsider their proposal.

Councilmember Harper reported he had discussed this issue with Pastor Smith who had requested the Item be placed on the Agenda this evening as an Emergency Item to be considered by the Council.

City Attorney Nerland clarified an Urgency Item required a 4/5 vote to place it on the Agenda with a determination that the Item had come up after the Agenda was posted and there was a need for immediate action.

Councilmember Harper suggested the Council consider adding Urgency Item '2' to the Regular Agenda because the appeal of the City's Engineer's denial of the street closure permit was filed after the Agenda was prepared and distributed and there was an urgency for resolution because the event is scheduled for October 31, 2012.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council unanimously added Urgency Item #2 to the Regular Agenda - ***APPEAL OF CITY ENGINEER'S DENIAL OF PERMIT FOR STREET CLOSURE ON SUNSET DRIVE FOR THE HOLY EVE EVENT (October 31, 2012) REQUESTED BY GRACE BIBLE FELLOWSHIP CHURCH.***

Walter Ruehlig, Antioch resident, thanked various organizations that sponsored debates for the November Election and announced the following events:

- Political Speed Dating Event, 6:00 – 8:00 P.M., October 11, 2012, Humphrey's on the Delta
- Rivertown Preservation Society and Neighborhood "C" Watch Group Candidate Forum, 7:00 P.M., October 18, 2012, Solar Swim and Gym
- Take Back Antioch Forum Candidate Forum, 9:00 A.M., October 27, 2012, El Campanil Theatre

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the Water Emergency Transit Authority meeting noting Senator DeSaulier had been advocating on behalf of Antioch.

Councilmember Rocha reported the Mello Roos subcommittee meeting would be held on October 22, 2012. She stated she had attended a meeting with Supervisor Glover and Metropolitan Transportation Commissioner Amy Worth who had committed to advocating on behalf of Antioch, with WETA.

City Manager Jakel introduced Michelle Fitzer as the City's new Human Resources/Economic Development Director.

Michelle Fitzer gave a brief personal and professional history and stated she looked forward to working in the community.

The Council welcomed Ms. Fitzer to City staff and stated they look forward to working with her.

MAYOR'S COMMENTS - None

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 25, 2012

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIMS

1. Richard Lopez, Sr. 12/13-2082A (wrongful death)
2. Kathy Harvey 12/13-2082B (wrongful death)

D. RESOLUTION NO. 2012/62 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF ANTIOCH PERTAINING TO THE WEST ANTIOCH CREEK CHANNEL IMPROVEMENT PROJECT (P.W. 201-6)

E. RESOLUTION NO. 2012/63 AUTHORIZING THE CITY MANAGER TO ACCEPT AN OFFER OF DEDICATION FOR A STORM DRAIN EASEMENT THROUGH FORMER PARACHINI PROPERTY FOR THE PROPOSED EAST CONTRA COSTA BART EXTENSION PROJECT PARKING LOT AND MAINTENANCE FACILITY AT HILLCREST AVENUE

F. APPROVAL TO AMEND THE OPERATING BUDGET TO INCLUDE \$500,000 IN SEWER FUND EXPENDITURES FOR WILBUR AVENUE SEWER

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

2. URGENCY ITEM: APPEAL OF CITY ENGINEER'S DENIAL OF PERMIT FOR STREET CLOSURE ON SUNSET DRIVE FOR THE HOLY EVE EVENT (October 31, 2012) REQUESTED BY GRACE BIBLE FELLOWSHIP CHURCH

Cherice Gilliam, representing Grace Bible Fellowship, requested the Council approve their appeal of the City Engineer's denial of the permit for street closure on Sunset Drive for the Holy Eve Event on October 31, 2012. She stated they had analyzed street traffic and Sunset Drive was not heavily utilized weekdays from 4:00 – 7:00 P.M. She gave a brief history of the event and reported surrounding businesses had been in support of the road closure. She noted they had already made commitments with vendors to have the event at the Sunset Drive location and relocating at this time, would not be feasible.

Director of Community Development Wehrmeister reported this event required an Administrative Use Permit, subject to the approval of the Zoning Administrator, and a street closure, subject to the approval of the City Engineer and noted the application was received in mid-September.

Director of Public Works/City Engineer Bernal presented the staff report dated October 9, 2012 and reviewed the request for a closure of a portion of Sunset Drive for the timeframe of 3:00 P.M. – 12:00 A.M. In response to Council, he noted it would be more acceptable to have Sunset Drive completely closed; however, the church would need the agreement of all businesses and residences located on the street.

Captain McConnell, representing the Antioch Police Department, reported the area of closure was not conducive to public or traffic safety. In addition, he noted a lay person performing traffic control and security exposes the City of Antioch to significant liability.

In response to Mayor Davis, Captain McConnell stated there would not be capacity to park 2,500 vehicles in the Sunset Drive area.

Mayor Davis questioned if the appellant would be supportive of relocating the event to the new boat ramp area, if the Council approved it and waived the fees for cleanup.

Ms. Gilliam discussed the challenges in redirecting attendees to a new location. She reviewed the security and traffic plan for the event. She reported all businesses affected from the closure had provided agreements.

Director of Public Works/City Engineer Bernal clarified the appellant received permission for the closure from the businesses located from Ace Hardware to the Jehovah's Witness Facility. He expressed concern for cars entering the street, unaware of the closure and needing to be turned around.

Captain McConnell reported there was a significant amount of traffic on Sunset Drive and Hillcrest Avenue and it was his opinion that a closure at Aladino's would not be practical or safe. He reiterated an approval of the street closure would create a significant liability for the City.

Councilmember Agopian stated he supported the event; however, he was concerned there was not adequate time to address all the issues at the proposed location. He also noted that this Urgency Item had not allowed all interested and affected parties to be notified or speak on the issue. He stated he felt there were other superior locations.

Ms. Gilliam reported many volunteers had been working for over a year to organize the event.

Councilmember Rocha suggested approving the closure of Sunset Drive from Aladino's to Cavallo Road pending approval of all impacted businesses and with signage installed indicating the future closure. She stated she would prefer the event be moved to the boat ramp location; however, she understood the appellant's challenges in changing locations at the last minute.

Captain McConnell stated from a public and traffic safety perspective, the Antioch Police Department would not support the closure of Sunset Drive and noted he was unaware if permission was given from the BART Park and Ride to use their lot for shuttle service.

Mayor Davis expressed concern for pedestrian and shuttle traffic crossing Hillcrest Avenue and stated he could not support the closure without the Police Department's endorsement.

Ms. Gilliam stated they had provided shuttle service from the BART park and ride in the past and they could do so safely.

In response to Councilmember Harper, City Manager Jakel stated if staff were directed to arrange for the use of the Marina Parking Lot Venue, they would begin that process, however, the use would be subject to the approval of the Administrative Use Permit. Additionally, he offered to contact the Somersville Towne Center to determine if that location would be available.

A motion was made by Councilmember Rocha, and seconded by Councilmember Harper, to approve the closure of Sunset Drive beginning from Aladino's Parking lot to Cavallo Road with the conditions that 1) All Businesses/Owners on Sunset Drive from Aladino's Parking lot to Cavallo Road provide written documentation of approval to street closure, and 2) Subject to the approval of the Administrative Use Permit. The motion failed by the following vote:

Ayes: Rocha and Harper

Noes: Davis and Agopian

On motion by Mayor Davis, seconded by Councilmember Harper, the Council unanimously directed staff to work with the Church to relocate the Holy Eve Event to the Marina Boat Ramp and waive up to \$500.00 in City costs, subject to approval of the Administrative Use Permit.

Mayor Davis reiterated Council's support of the event.

Ms. Gilliam thanked the Council for considering the appeal this evening.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reported the State, through the redevelopment process, had sent a letter to the City indicating they may be disallowing payments the City had made to pay off the Marina debt and if that were the case, the reserves in the Marina fund would be depleted.

COUNCIL COMMUNICATIONS

Mayor Davis reported on his attendance at the groundbreaking for the Hillcrest Interchange and EBART station on October 5, 2012.

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 8:51 P.M. to the next regular Council meeting on October 23, 2012.

Respectfully submitted:

DENISE SKAGGS, City Clerk