

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**February 24, 2009
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Evangelho v. City of Antioch; William G. McCullough Co., Contra Costa Superior Court, Case 07-02205; City of Antioch v. Evangelho et al., Contra Costa Superior Court, Case Nos. C06-02345, C06-02391, C06-02392. This Closed Session is authorized by California Government Code §54956.9(a)
2. **CONFERENCE WITH LABOR NEGOTIATOR** – Employee organizations: Public Employees' Union Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officers' Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employees' Association. This Closed Session is authorized by California Government Code §54957.6.
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** — Onita Tuggles v. City of Antioch et al, Northern District Court Case No. C 08-01914; 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. C08-2301BZ. This Closed Session is authorized by California Government Code §54956.9.
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Title: City Manager. This Closed Session is authorized by Government Code §54957.
5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Title: City Attorney. This Closed Session is authorized by Government Code §54957.

Mayor Davis called the meeting to order at 7:20 P.M., and City Clerk Martin called the Council/Agency roll.

Present: Council Members Parsons, Moore, Kalinowski, Rocha and Mayor Davis

PLEDGE OF ALLEGIANCE

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

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Lonnie Karste announced a Community Hour of Prayer will be held on March 5, 2009 from 6:30 - 7:30 A.M. and the Antioch Community Center Ground Breaking Ceremony will be held on March 21, 2009 at 10:00 A.M at Prewett Park. Contact information was given.

PUBLIC COMMENTS

Victoria Pickett discussed the murder of her son Louis Straiten, and requested anyone with information regarding the crime to please come forward. She asked the City Council to request Antioch Police Department republish the information in the news media.

John Anderson, Director of Bay Area Rescue Mission, invited the City Council and staff to a neighborhood meeting presenting the Bridge of Hope project on March 5, 2009 at 7:00 P.M. at the Los Medanos College Library.

Nancy Fernandez, Antioch resident, voiced her appreciation to all City staff for their professionalism.

Mayor Davis read written comment from Kim Bui, Owner of Johnny B's, requesting the City Council consider approval of her card dealer permit.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Moore requested Chief Hyde respond back to the City Council with options available regarding Ms. Bui's request and look into the request for coverage of Louis Straitens' homicide.

MAYOR'S COMMENTS

Mayor Davis reported staff had requested the City Council's consideration of adding the Sports Complex Temporary Certificate of Occupancy to the agenda this evening.

On motion by Councilmember Rocha, seconded by Councilmember Moore, the City Council unanimously added Antioch Indoor Sports Complex Temporary Certificate of Occupancy on the agenda as item 3A and determined the need for immediate action and that such a need came to the attention of the City after the agenda for the Council meeting was posted.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 27, 2009

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2009

D. REJECTION OF CLAIM

- 1. Albert J. Solis 09/10-1858 (property loss, civil rights violation)**

- E. **RESOLUTION NO. 2009/13 AUTHORIZING THE CITY MANAGER TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR CERTAIN IMPROVEMENTS WITHIN HIDDEN GLEN UNIT 1, SUBDIVISION 6909 (ARCADIA DEVELOPMENT COMPANY), PW 557-1**
- F. **RESOLUTION NO. 2009/14 ACCEPTING COMPLETED IMPROVEMENTS FOR HIDDEN GLEN, UNIT 2 (ARCADIA DEVELOPMENT COMPANY), TRACT NO. 7505 (PW 557-2), AND AUTHORIZING THE CITY MANAGER TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR CERTAIN IMPROVEMENTS WITHIN THE SUBDIVISION**
- G. **RESOLUTION NO. 2009/15 ACCEPTING COMPLETED IMPROVEMENTS FOR HIDDEN GLEN, UNIT 3 (ARCADIA DEVELOPMENT COMPANY), TRACT NO. 8387 (PW 557-3), AND AUTHORIZING THE CITY MANAGER TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR CERTAIN IMPROVEMENTS WITHIN THE SUBDIVISION**
- H. **RESOLUTION NO. 2009/16 ACCEPTING COMPLETED IMPROVEMENTS FOR HIDDEN GLEN, UNIT 4 (ARCADIA DEVELOPMENT COMPANY), TRACT NO. 8388 (PW 557-4), AND AUTHORIZING THE CITY MANAGER TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR CERTAIN IMPROVEMENTS WITHIN THE SUBDIVISION**
- I. **APPROVAL OF CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES TO CRITICAL SOLUTIONS, INC. FOR THE ANTIOCH COMMUNITY CENTER, THE NEXT PHASE OF THE PREWETT PARK COMMUNITY FACILITIES PROJECT**
- J. **RESOLUTION NO. 2009/17 FOR LOCAL SUPPORT, AUTHORIZING AN APPLICATION FOR FEDERAL FUNDING FOR THE HILLCREST AVENUE PAVEMENT REHABILITATION PROJECT UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, (P.W. 276-10)**
- K. **43RD ANNUAL INTERNATIONAL CHILDREN'S GAMES**

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the Council unanimously approved the Council Consent Calendar with the exception of item A which was removed for further discussion.

Item A – Following discussion, Councilmember Moore stated there were no amendments to the minutes of January 27, 2008.

On motion by Councilmember Moore, seconded by Councilmember Parsons, the City Council unanimously approved the minutes of January 27, 2009 as written.

PUBLIC HEARING

2. GURNAM RASILA/BG MARKET, INC. REQUESTS APPROVAL OF A USE PERMIT FOR THE OPERATION OF A 4,393 SQUARE FOOT CONVENIENCE STORE IN THE LONE TREE LANDING RETAIL CENTER LOCATED AT 5005 LONE TREE WAY (APN 056-470-001) AND THE CITY OF ANTIOCH IS PROPOSING TO RESCIND AND RE-ENACT ARTICLE 31 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE §9-5.3831 LIQUOR ESTABLISHMENTS TO SPECIFY HOW THE 500 FOOT RADIUS IS MEASURED. File: UP-08-09, Z-08-04 (Continued from 12/16/08, 1/27/09 and 2/10/09)

Community Development Brandt Director presented the staff report dated February 19, 2009 recommending the City Council continue to date uncertain.

City Attorney Nerland clarified the use permit was not agendaized; the item agendaized for the meeting was limited to consideration of to whether or not to continue the item.

Santino Derosé, requested the City Council allow him time to give a brief overview of the project. He stated the Planning Department had indicated they would be allowed to make comments this evening.

City Attorney Nerland explained the community did not receive notice that the substance of the request would be discussed this evening therefore if the Public Hearing is opened and the applicant speaks at that time, in the future they would not have the ability to comment or respond to public comment.

Community Development Director Brandt added City policy stated applicants were required to be current in their fees prior to the Public Hearing being opened.

On motion by Councilmember Kalinowski, seconded by Mayor Davis, the City Council tabled Item 2. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Parsons

Noes: Rocha, Moore

Councilmember Rocha expressed concern regarding the City's approach to business, noting she felt the City should be lenient in the process.

Councilmember Kalinowski discussed the importance of City policy being administered objectively and abiding by Robert's Rules of Order regarding the posting of items on the agenda.

In response to Councilmember Parsons, Community Development Director Brandt offered to meet with her to help provide clarification.

Councilmember Moore stated these were extraordinary economic times and he felt the City should remain flexibility while maintaining consistency.

COUNCIL REGULAR AGENDA

3. AFTER SCHOOL LIBRARY HOURS FUNDING – DEER VALLEY HIGH SCHOOL

Prewett Park Project Manager Karste presented the staff report dated February 18, 2009, recommending the City Council provide direction to staff.

Councilmember Kalinowski requested the item be re-agendized, noting he voted in the affirmative prior to all information pertaining to the School Districts' Library Program coming forward

Councilmember Parsons questioned the School District's ability to give cards to the middle school children for Deer Valley High School.

Christine Hiroshima thanked the Council for their support of the program and noted it was a separate issue from the cuts being taken at the elementary school level.

Mr. Bergerhouse, clarified the program was funded through DVHS allocated categorical funding and was a great opportunity for Deer Valley High School students.

Councilmember Kalinowski stated he appreciated the comments this evening, however without base line programs being in place, he was concerned for funding a new program. He noted he was willing to let the previous vote stand although he would have voted differently.

3a. ANTIOCH INDOOR SPORTS COMPLEX TEMPORARY CERTIFICATE OF OCCUPANCY

Community Development Director Brandt presented the staff report dated February 24, 2009.

On motion by Councilmember Rocha, seconded by Councilmember Kalinowski, the City Council unanimously: a) Authorized the Community Development Director to issue a Temporary Certificate of Occupancy (TCO) for a single event on Saturday, February 28, 2009 and Sunday, March 1, 2009, contingent on City receipt of Contra Costa Fire District's satisfaction with the construction, and; b) Before seeking any other occupancy permits, direct the applicant to comply with the project's conditions of approval or to file an application to amend the project's conditions of approval.

4. AGENCY REGULAR AGENDA

A. APPROVAL OF AGENCY WARRANTS #401-01

On motion by Agency Member Moore, seconded by Agency Member Kalinowski, the Agency unanimously approved the Warrants.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Manager Jakel announced the City Council meetings were scheduled for March 17, and 24, 2009; a Quality of Life Forum was scheduled for April 4, 2009 from 9:00 A.M. to 12:00 P.M.

COUNCIL COMMUNICATIONS

Councilmember Moore introduced the New President of the NAACP Joseph Adebayo, who announced there would be a celebration of the 100 year anniversary of the NAACP and thanked the City of Antioch for their support.

Councilmember Moore requested staff provide a resolution for Council consideration commemorating the 100th Anniversary of the NAACP.

Councilmember Kalinowski requested written communication from Chief Hyde regarding the recent School District issue.

With no further business, Mayor Davis adjourned the meeting at 8:16 P.M. to the next regular Council meeting on March 17, 2009.

Respectfully Submitted

L. JOLENE MARTIN
City Clerk