

## ANTIOCH CITY COUNCIL

Regular Meeting  
7:00 P.M.

January 12, 2010  
Council Chambers

### 6:15 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** (Subdivision (a) of Section 94956.9): Claim of John Alexander, Claim No. 09/10-1918. This Closed Session is authorized by California Government Code §54956.9.
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – 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

Mayor Davis called the meeting to order at 7:10 P.M., and City Clerk Martin called the roll.

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

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

### PLEDGE OF ALLEGIANCE

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

### PROCLAMATIONS

*National Blood Donor Month, January 2010*

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

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

### ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Allen Cantando, representing the Antioch Police Department, reported on the success of the *Adopt a Family Christmas Program* and thanked the volunteers and sponsors of the event.

Devi Lanphere, Antioch Chamber of Commerce, announced the Future of Antioch would be held on January 20, 2010 from 3:00 – 4:30 P.M. at Dozier Libbey Medical High School. On behalf of the Antioch Rotary, she announced a Blood Drive would be held on January 26, 2010 at the Lone Tree Event Center beginning at 2:00 P.M.. Contact information was given.

### PUBLIC COMMENTS

Frederick Mohammad discussed the negative impacts of lawsuits against the City and the benefits of forming a Police Community Relations Board and Community Watch Program.

Elmy Kader spoke to an incident regarding his sons and the Antioch Police Department, indicating he had not received a satisfactory response. He discussed recent lawsuits against the City and voiced his opposition to appointing Jim Hyde as Chief of Police.

Dick Augusta, Antioch resident, spoke in opposition of the Civilian Police Oversight Committee, questioning the legality of the creation of such a committee. He clarified his concern was based on Antioch's classification as a *General Law City*, and questioned whether the institution of such a committee, could possibly be in violation of the California Government Code. He commended the Antioch Police Department for serving the city well.

Joseph Adebayo, Antioch resident, speaking as resident of Antioch, stated the NAACP had not indicated their position; however as an individual he encouraged the City Council to address the issues and seize this opportunity for dialog regarding the formation of a Police Department Community Oversight Committee.

Angel Luevano, League of United Latin American Citizens (LULAC) National Vice President for the West, presented a letter to Mayor Davis requesting a written response to his previous request of the City Council to consider the Model Ordinance on Civilian Oversight of Police Misconduct. He offered to assist the City on a model ordinance.

Argentina Davila-Luevano, State Director LULAC, requested the City Council adopt the model ordinance on civilian oversight of police misconduct. She expressed concern regarding the lawsuits facing the city and stated she felt settlement monies would be better spent on police training and social programs.

Jan B. Tucker, representing National Commissioner for Civil Rights for LULAC, presented copies of a California Public Records request to the City Council seeking information on a variety of topics including lawsuits pending, disposed of or settled as well as policies, procedures, guidelines and regulations that were currently in effect in the City. He discussed the benefits of adopting a model ordinance on civilian oversight of police misconduct.

Francie Koehler, representing herself and the Investigators Council of LULAC, highly recommended the Civilian Oversight Program and urged the City Council to seek input from the National Association of Civilian Oversight Participants.

Fred Hoskins, Antioch resident, provided the City Council with a handout suggesting the city form a Compliance Commission to investigate and evaluate City Ordinances, State and Federal laws and provide a forum for citizens to voice complaints and concerns. .

Douglas Tokes, Antioch resident, spoke in support of the energy efficient lighting project in Walnut Creek and urged the City Council to consider a similar project in Antioch. He suggested the City repair Hillcrest Avenue between East 18th Street and Highway 4 and install cameras on Wilbur Avenue to prevent illegal dumping. He questioned when Antioch would receive the revenue for traffic citations. He further stated he felt profiling occurs, based on past actions and as a result of human nature.

Devi Lanphere, Antioch Chamber of Commerce, stated criminal activity in Antioch had been reduced due to policing by behavior. She provided facts by the United States Census of the different races within the community of Antioch and expressed her pride in the community.

Cherise Gilliam, Vice President for the National Association for the Advancement of Colored People (NAACP), stated race relations was a problem and she urged the City to begin a dialog to address the issues.

Willie Mims, Black Political Association, discussed the people's right under the U.S. Constitution to petition the government for redress of their grievances. He commended the City Council for affording the public their rights.

Mayor Davis read written comment from Kay Trail, recommending the City Council consider action implementing the formation of a *"police oversight board"* for the city of Antioch. Mayor Davis noted the text of her comments would be added into the public record.

George Van Hasselt, President of the East County Democrats for Action, spoke to lawsuits filed in federal court against the City of Antioch. He stated he felt a vote against the civilian oversight board was a vote to maintain the status quo.

Mayor Davis read written comment from Linda Thompson in opposition to the civilian review board and in support of the Antioch Police Department. He noted the text of her comments would be added to the public record.

Mayor Davis read written comment from Marty Fernandez requesting clarification regarding the figures quoted for BART extensions in an article in the Antioch Press.

Betty Tran-Redmond, Antioch resident, spoke in support of the Antioch Police Department and City Council for responding to the residents' concerns.

Gloria Lewis, East County Democrats for Action Club, spoke in support of the Antioch Police Department, however, she stated she was concerned by the numerous lawsuits filed by ethnic minority groups. She voiced her support for a Civilian Review Board as an opportunity to provide a voice for grievances and develop meaningful dialog with fellow citizens.

George Hughes (speaker card not provided) stated he felt the formation of the Civilian Oversight Board would cripple the City.

## **COUNCIL RESPONSE TO PUBLIC COMMENTS**

Councilmember Moore responded to Mr. Tokes by giving a brief update on the widening of Hillcrest Avenue between East 18th Street and Highway 4 and discussed re-sequencing of the signals.

City Attorney Nerland reported the City Council had not placed the formation of a police commission on the agenda; therefore Council was not in a position to speak on the matter.

## **COUNCIL SUBCOMMITTEE REPORTS - None**

### **MAYOR'S COMMENTS**

Mayor Davis announced Antioch resident Miriam Pool had become a United States Citizen and spoke to democracy within the nation. He congratulated her and presented her with a pin and certificate.

Councilmember Moore invited the community to attend the Dr. Martin Luther King Jr. event which will be held at 1:00 P.M. on January 18, 2010 at Beede Auditorium located on Antioch High School.

In response to Councilmember Parsons, City Attorney Nerland explained the City Council did not agendaize the Police Oversight Committee item. Therefore, the Brown Act prohibits the majority of the City Council from discussing the issue. She noted this item was not agendaized, in part, due to pending litigation filed against the City.

Mayor Davis declared a recess at 8:19 P.M. The meeting reconvened at 8:40 P.M with all Councilmembers present.

### **1. PRESENTATION BY 2010 US CENSUS BUREAU**

Tessie Zaragoza gave a brief overhead presentation of the 2010 United States Census and discussed the importance of everyone to participate in the process. Contact information was provided.

Councilmember Rocha announced the Open House event will be held on January 15, 2010 at 11:00 A.M. – 1:00 P.M. at the Concord Local Census Office.

Councilmember Moore discussed the importance of getting an accurate account of all Americans.

Willie Mims representing the Black Political Association stated he feels historically the census information has not been safe and held confidential. He questioned what the maximum penalty would be for those who choose not to participate in the census.

Ms. Zaragoza clarified the Census Bureau safe guards the information and does not cooperate or interact with any Federal Agency.

Following discussion, Mr. Mims stated, based on the information he was given, the maximum penalties for not participating was \$100.00 total.

### **2. PRESENTATION AND UPDATE BY CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT**

Emily Hopkins, Community Relations Manager Contra Costa County Fire Protection District, gave a brief overhead presentation of the public information programs and community relations. Contact information was provided.

Richard Carpenter, Contra Costa Fire District Fire Marshal, gave a brief update Fire Prevention Bureau Weed Abatement, Code Enforcement and Fire Investigation divisions.

Kevin McCarthy, Battalion Chief, gave a brief overhead presentation of the stations, equipment and personnel within Battalion 8.

Harry Warren, Chief of Operations, stated on behalf of Interim Fire Chief John Ross, the Fire District appreciates the opportunity to serve all nine incorporated cities. He gave a brief overhead presentation of how the Fire District cooperates with other Battalions and agencies to protect and serve the community.

Mayor Davis thanked the Fire District for the service they provide the community and requested the message be conveyed back to the personnel within the department.

#### **COUNCIL CONSENT CALENDAR**

##### **A. APPROVAL OF COUNCIL MINUTES FOR DECEMBER 8, 2009**

##### **B. APPROVAL OF COUNCIL WARRANTS**

##### **C. APPROVAL OF TREASURER'S REPORT FOR NOVEMBER 2009**

##### **D. REJECTION OF CLAIMS**

1. Pacific Gas & Electric Company 09/10-1935 (property damage)
2. Jose Sandoval 09/10-1936A (vehicle damage)
3. Clarence Andrews III 09/10-1868A & 1868B (personal injury)
4. Elena Felix 09/10-1938 (vehicle damage)

##### **E. RESOLUTION NO. 2010/01 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE FAIRVIEW DRIVE ROADWAY RECONSTRUCTION (P.W. 680)**

##### **F. RESOLUTION NO. 2010/02 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE GATEWAY ENTRY SIGNS (P.W. 679)**

##### **G. RESOLUTION NO. 2010/03 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE WATER MAIN REPLACEMENT AND PAVEMENT OVERLAY ON WEST LAKE DRIVE (P.W. 503-11)**

##### **H. DELEGATE AUTHORITY TO THE CITY MANAGER TO APPROVE AND SIGN GARAGE SALES OFFICE CONVERSION AGREEMENTS**

- I. **AUTHORIZATION TO INCREASE THE CONTRACT WITH RBF CONSULTING FOR THE COMPLETION OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND ASSOCIATED ENVIRONMENTAL DOCUMENTS**
- J. **REAPPOINTMENT OF TRUSTEE TO CONTRA COSTA MOSQUITO ABATEMENT AND VECTOR CONTROL DISTRICT (FOUR-YEAR TERM)**

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

#### **COUNCIL REGULAR AGENDA**

#### **4. APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION FOR ANTIOCH CHAMBER REPRESENTATIVE**

Economic Development Analyst Nunnally presented the staff report dated January 5, 2010 recommending the City Council receive and file application, and the Mayor appoint and Council approve the appointment of one Chamber representative

Ralph Garrow Jr., Antioch resident and past Chairman of Antioch Chamber of Commerce, announced the Chamber Board of Directors recommends Devi Lanphere be appointed as the Economic Development Commission Chamber Representative.

Mayor Davis nominated Devi Lanphere for the position on the Economic Development Commission.

Councilmember Moore suggested the City Council move toward a process where applicants reach out to Councilmembers to insure qualifications and goals are consistent with those who confirm the appointments.

Mayor Davis stated applications are included in the staff report to give the Councilmembers the opportunity to reach out to the applicants.

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council approved the appointment of Devi Lanphere to the Economic Development Commission for the Antioch Chamber Representative.

The motion carried the following vote:

Ayes: Davis, Kalinowski, Parsons

Noes: Rocha and Moore

#### **5. ANIMAL SERVICES STRATEGIC PLAN PRESENTATION**

Interim Chief of Police Cantando presented the staff report dated January 6, 2010 recommending the City Council receive and file the report.

Zandra Raphael, Antioch resident, Vice President of Friends of Animal Services, reported they have given over \$62k in 2009 for the animals of the shelter. She reiterated their dedication to the Antioch Animal Shelter.

Bruce Dean, Antioch resident, Secretary of Friends of Animal Services gave a brief overview of the services they provide the animals of the shelter. He thanked Interim Chief Cantando and Shelter Supervisor Monica Helgamo for their dedication to the Animal Shelter.

Barbara Sobalvarro, Antioch resident, requested the city's actions be in tandem with the strategic plan. She expressed concern the shelter was closed during Christmas week and that the contract Veterinarian hours were reduced by 50%. She questioned who would be held accountable for the strategic plan and when the next update would be provided.

Interim Chief Cantando reported the Police Department is responsible to accomplish the goals of the specific plan to the best of their ability. Updates on the plan will be posted on the City's website approximately every 4-6 months until the goals have been accomplished.

Mayor Davis stated the City would hold discussions with regards to keeping the shelter open during Christmas 2010.

Interim Chief Cantando stated he was not aware of any concerns from the community regarding the closure of the shelter and noted it remained open on Saturdays during Christmas break. Additionally, he noted staff was on duty in the shelter to care for the animals during the closure.

Mayor Davis stated ultimately the City Council would be held accountable for the implementation of the strategic plan.

In response to Ms. Sobalvarro, Mayor Davis and Councilmember Moore agreed the ultimate goal of the City was to become a no-kill shelter. They thanked everyone who participated in the committee meetings.

Following discussion, Interim Chief Cantando stated staff would re-evaluate Veterinary service hours based on the comments made this evening.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council unanimously received and filed the report.

## **6. SIDEWALK MAINTENANCE AND REPAIR**

City Attorney Nerland presented the staff report dated January 6, 2010 recommending the City Council: 1) Motion to read the Ordinance by title only; and 2) Motion to introduce an Ordinance adding Chapter 8 to Title 7 of the Antioch Municipal Code to codify existing state law regarding a property owners' responsibility to maintain the abutting public sidewalk and to impose a duty for injuries caused by a property owner's failure to maintain the abutting sidewalk.

Willie Mims, Black Political Association expressed concern the ordinance cited is from 1911 and therefore outdated. He questioned who the sidewalk belongs to and the amount of the fine.

City Attorney Nerland responded to Mr. Mims and explained she referenced state law originated in 1911 to indicate it has been long established that it was the property owners responsibility to maintain and repair abutting public sidewalks. She stated the City was not interested in inflicting fines on homeowners; they were interested in repairs and maintenance to insure public safety.

On motion by Councilmember Parsons, seconded by Councilmember Rocha, the City Council voted unanimously to: 1) Read the Ordinance by title only; and 2) Introduced an Ordinance adding Chapter 8 to Title 7 of the Antioch Municipal Code to codify existing state law regarding a property owners' responsibility to maintain the abutting public sidewalk and to impose a duty for injuries caused by a property owner's failure to maintain the abutting sidewalk.

### **PUBLIC COMMENTS**

Willie Mims, Black Political Association, informed the City Council of an incident, which had occurred in the City Hall parking lot prior to the meeting this evening, in which a man, identified as a city employee, threatened a women. He encouraged the City to investigate the matter.

Councilmember Parsons suggested Mr. Mims discuss issues such as this, with the Chief of Police or City Manager Jakel, when they occur, so they could be immediately addressed, and resolved.

Mr. Mims stated he would provide details of the incident to City Manager Jakel.

### **STAFF COMMUNICATIONS**

City Manager Jakel announced the *Quality of Life Forum* would be held on February 27, 2010 from 9:00 A.M. to 12:00 P.M. at the Lone Tree Event Center; the next Council meeting would be held on January 26, 2010, and; the Martin Luther King Jr. event would be held on January 18, 2010 at 1:00 P.M. at Beede Auditorium. Responding to Mr. Tokes comments referring to reducing electrical costs in Walnut Creek, he noted the project was similar to the Honeywell project being constructed in Antioch.

### **COUNCIL COMMUNICATIONS**

Mayor Davis announced the Quality of Life Forum format would consist of breakout sessions lead by staff or experts and noted the facilitator would be donating his time for the event.

Councilmember Moore suggested in addition to public safety, breakout session topics include water issues, green initiatives and the foreclosure mortgage crisis.

City Manager Jakel stated he would agendize for the January 26, 2010 City Council meeting, the template and details for the Quality of Life Forum.



**ADJOURNMENT**

With no further business, Mayor Davis adjourned the meeting at 10:20 P.M. to the next regular Council meeting on January 26, 2010.

Respectfully Submitted

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L. JOLENE MARTIN, CMC

Approved:

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JAMES D. DAVIS, Mayor

Attest:

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L. JOLENE MARTIN, CMC