

## ANTIOCH CITY COUNCIL

Regular Meeting  
7:00 P.M.

April 13, 2010  
Council Chambers

### 6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Initiation of litigation pursuant to subdivision (c) of California Government Code § 54956.9 (1 case).
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Pursuant to Government Code §54956.8: Property: 901 “L” St., Antioch (APN: 066-217-008), Negotiator: Brian Nunnally; Negotiating Parties: City of Antioch and property owner, under negotiation: availability, price and terms of payment of sale by City.
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – Pursuant to Government Code §54957 – City Manager and City Attorney.
4. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of California Government Code §54956.9 (1 case).

Mayor Davis called the meeting to order at 7:11 P.M., and City Clerk Martin called the 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. Direction was given to staff. No reportable action was taken.

### PRESENTATION

#### *Award to Prewett Park*

Recreation Specialists Lori Chalifoux and Russ Burror, announced the Prewett Family Water Park was recognized by Jeff Ellis and Associates for excelling in operational safety standards and aquatic risk management in the *National Pool and Water Park Lifeguard* program. They thanked the Water Park staff for doing a wonderful job and presented Mayor Davis with plaques.

Mayor Davis thanked the staff of the Water Park for their level of professionalism.

### PROCLAMATIONS

*KEEP ANTIOCH BEAUTIFUL DAY, April 17, 2010*

*SILVER STAR SERVICE BANNER DAY, May 1, 2010*

On motion by Councilmember Rocha, seconded by Councilmember Kalinowski, the Council unanimously approved the proclamations.

Mayor Davis and Councilmember Parsons presented the proclamation proclaiming April 17, 2010 as *Keep Antioch Beautiful Day* to committee members. Councilmember Parsons reported approximately 1,000 residents had volunteered for the event and thanked everyone who is participating.

Councilmember Rocha thanked the volunteers and appealed to homeowners in cul-de-sacs to conduct weed abatement in those areas. She thanked Councilmember Parsons for organizing the event.

Mayor Davis stated he was proud of the committee and volunteers in their efforts to beautify the City.

Councilmember Parsons stated the committee would report back on the event at the April 27, 2010 City Council meeting and present awards to the winners of the poster contest.

Mayor Davis read the *Silver Star Service Banner Day* Proclamation and announced it would be sent to the appropriate agency.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Donna Wilson announced ***Keep Antioch Beautiful Day*** would be held on April 17, 2010 and provided contact information for anyone wishing to participate. She noted volunteers with wristbands will be treated to a complimentary BBQ lunch at Contra Loma Reservoir after the event.

Allen Cantando gave a brief overhead presentation of Antioch Police Activities League (PAL) events. He thanked Councilmembers Parsons and Kalinowski for sponsoring the PAL Charity Golf Tournament. Contact information was given.

Iris Archuleta, representing the Youth Intervention Network, introduced two ladies in attendance who apologized to Chief Hyde, Officer Bloxsom and the City Council for their recent behavior.

Chief Hyde complimented the speakers for their courage to apologize for their actions and commended those who facilitated in the process.

Ms. Archuleta recognized the parents for encouraging their children to do the right thing.

Mayor Davis thanked the speakers for the public apology and their parents for the support.

## **PUBLIC COMMENTS**

Martin Fernandez expressed concern for the lack of sufficient police services budgeted for the City and urged the City Council to hold public budget study session for the community. He

voiced his support for a police parcel tax and urged the City Council to encourage volunteerism in all departments throughout the city.

In response to Mr. Fernandez, Mayor Davis announced budget discussions would begin at the next City Council meeting, at which time the public would have the opportunity to provide input.

Susie Dove, Child Abuse Prevention Council of Contra Costa County, announced April is *Child Abuse Prevention Month and Sexual Assault Awareness Month*. She reported an open forum would be held on April 29, 2010 at 6:00 P.M. at the Rivertown Resource Center.

Councilmember Parsons thanked Ms. Dove for being a wonderful advocate for children.

Carole Harrison, Antioch resident, representing United Citizen for Better Neighborhoods, expressed concern regarding public safety. She urged the City Council to open dialog with the citizens regarding the pending budget shortfall and schedule a Quality of Life Forum.

Betty Smith, Antioch Rivertown Jamboree, invited the community to attend the Harlem Ambassadors playing against the River Jamborees on May 16, 2010 at 5:00 P.M. at the Los Medanos College Gymnasium. She reported a portion of the proceeds will go to Save a Life Sister, People Helping People and the Rivertown Jamboree. Contact information was given.

Mayor Davis read written comment from Antioch resident Marie Livingston, requesting the City Council schedule a town meeting to update the residents on the state of the City's budget.

Lisa Finnie, representing Meals and Wheels and Senior Outreach Services, invited residents 60+ to a luncheon in celebration of Older Americans Month on May 20, 2010 at the Antioch Senior Center.

Councilmember Rocha thanked Ms. Finnie for the event held on April 10, 2010 at the Grace Temple Church of God and Christ and assisting residents in filling out their census forms.

Devi Lanphere announced April 23, 2010 is the Antioch Chambers Inaugural Gala. She announced the nominees for Citizen of the Year Lifetime Achievement, Citizen of the Year Most Impact, Youth of the Year and the Large and Small Business of the Year. Contact Information was provided.

Mayor Davis noted he met with Councilmember Moore and they are putting together an agenda for a Quality of Life Forum, date to be determined.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Parsons reported she attended the ECCRFFA meeting on behalf of Councilmember Kalinowski, who would be reporting on the event.

Councilmember Moore thanked Mayor Davis for reporting out on the Quality of Life Forum subcommittee.

Councilmember Kalinowski thanked Councilmember Parsons for attending the East Contra County Fee and Finance, Highway 4 Bypass and reported on the City of Pittsburg's desire to pull from the East County Fee and Finance Authority. He noted staff is working on addressing the budget at their level so information provided to the City Council is accurate. He stated they were not withholding information from the public and he would be happy to have conversations with individuals who have concerns related to the budget. He announced several budget study session would be held and the public will have the opportunity to provide input.

Councilmember Rocha reported she and Councilmember Parsons attended Patty Chan's retirement party. Additionally, she attended a breakfast with Congressman Garamendi.

Mayor Davis voiced his appreciation to Congressman Garamendi's for his efforts to move forward on the additional \$40M funding for Highway 4.

## **MAYOR'S COMMENTS**

### **1. PRESENTATION BY CONTRA COSTA TRANSIT AUTHORITY (CCTA) REPRESENTATIVE SUSAN MILLER REGARDING STATE ROUTE 4 WIDENING**

Susan Miller, Director of Projects, gave a brief overhead presentation of the State Route 4 Widening project from Loveridge Road to State Route 160.

In response to Mayor Davis, Ms. Miller stated she would follow up regarding weed abatement in the area of Somersville Road.

Mayor Davis thanked Ms. Miller for allowing the City Council, Design Review Board and Planning Commission the opportunity to provide input on the design of the soundwall.

Devi Lanphere, representing the Antioch Chamber of Commerce, voiced their support for the expansion of Highway 4 and expressed concern the Economic Development Commission and/or Chamber of Commerce have not been involved in planning for mitigation of the negative impacts of construction on local businesses. She requested the Antioch Chamber, Economic Development Commission, and representation from the cities of Oakley and Brentwood be involved in planning in the efforts to sustain businesses through the construction phase.

Ms. Miller clarified outreach was project specific and would begin in Antioch once the contractor's plans are submitted for staging. She noted they fully intend to engage the Antioch Chamber of Commerce in the process.

### **1. COUNCIL CONSENT CALENDAR**

#### **A. APPROVAL OF COUNCIL MINUTES FOR MARCH 23, 2010**

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

#### **C. REJECTION OF CLAIMS**

1. Jeannette Thomas 10/11-1947A, 10/11-1947B, 10/11-1947C (wrongful arrest, property damage)
2. Brian Barley 10/11-1945 (property damage)
3. Thary Ou 10/11-1948 (property damage)
4. George Brayton 10/11-1957 (property damage)

**D. CITY MANAGER AND CITY ATTORNEY EMPLOYMENT AGREEMENTS**

**E. RESOLUTION NO. 2010/24 OPPOSING ASSEMBLY BILL 2336 REGARDING THE STRIPED BASS FISHERY**

**F. REQUEST TO APPROVE THE FOURTH AMENDMENT TO THE RENTAL AGREEMENT WITH DELTA 2000 TO EXTEND THE TERM**

**G. LONG TERM BACKUP AND COMPUTER DATA RETENTION**

**H. RESOLUTION NO. 2010/25 APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500)**

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

**Item D** – Councilmember Kalinowski acknowledged the concessions of City Manager Jakel and City Attorney Nerland. He requested the item be agendaized for the April 27, 2010 meeting, regarding the City Council's continued reduction in compensation.

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council unanimously approved item D.

**PUBLIC HEARINGS**

**3. RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN FOR ALMONDRIDGE EAST – PHILLIPS LANE – EAST EIGHTEENTH STREET IMPROVEMENTS (Mexi-Cal Inc) (Con't from 3/9/10)**

City Attorney Nerland presented the staff report dated April 1, 2010 recommending the City Council entertain a motion to adopt the resolution of necessity (4/5ths vote required) for property at APN 051-200-005 owned by Mexi-Cal Inc

Mayor Davis re-opened the Public Hearing from March 9, 2010. With no requests to speak, Mayor Davis closed the public hearing.

**RESOLUTION NO. 2010/26**

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council adopted the resolution of necessity (4/5ths vote required) for property at APN 051-200-005 owned by Mexi-Cal Inc. The motion carried by the following vote:

Ayes; Davis, Rocha, Kalinowski, Moore

Abstain: Rocha

**4. ORDINANCE ADOPTING THE 2007 CALIFORNIA FIRE CODE WITH AMENDMENTS TO CHAPTER 3, ADOPTED BY THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT**

Code Enforcement Manager Graham presented the staff report dated March 24, 2010 recommending the City Council: 1) Read the Ordinance by title only; and 2) Introduced an Ordinance amending Section 8-15.01 and adding Section 8-15.02 to the Antioch Municipal Code, to adopt the 2007 California Fire Code (based on the 2006 International Fire Code) with amendments to Chapter 3 adopted by the Contra Costa County Fire Protection District pursuant to its Ordinance No. 2007-47.

Mayor Davis opened and closed the public hearing with no speakers requesting to speak.

On motion by Councilmember Moore, seconded by Councilmember Parsons, the City Council unanimously: 1) Read the Ordinance by title only; and, 2) Introduced an Ordinance amending Section 8-15.01 and adding Section 8-15.02 to the Antioch Municipal Code, to adopt the 2007 California Fire Code with amendments to Chapter 3 adopted by the Contra Costa County Fire Protection District pursuant to its Ordinance No. 2007-47.

**COUNCIL REGULAR AGENDA**

**5. APPOINTMENT TO PARKS & RECREATION COMMISSION – 1 VACANCY**  
(Con't from 3/23/10)

Mayor Davis nominated Manuel Flores to serve on the Parks and Recreation Commission.

On motion by Councilmember Moore, seconded by Councilmember Rocha the City Council unanimously appointed Manuel Flores to the Parks and Recreation Commission.

Mayor Davis thanked everyone who applied to the Parks and Recreation Commission and encouraged those not appointed to continue to remain involved their City government.

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Manager Jakel announced Delta 6 would be meeting at Lone Tree Event Center on April 15, 2010.

## COUNCIL COMMUNICATIONS

Mayor Davis voiced his appreciation to City staff for their dedication and professionalism.

Councilmember Parsons thanked staff for their service and announced it is her 21st wedding anniversary. She thanked her husband for his support.

Councilmember Moore announced he had celebrated his 20th Anniversary on April 7, 2010. He thanked Councilmember Parsons, the City Council and the committee for organizing the *Keep Antioch Beautiful Day*. He regretfully announced, due to a prior commitment, would not be unable to attend the event.

Councilmember Rocha announced she would be celebrating her 53rd Wedding Anniversary on April 20, 2010. She further invited the community to attend the Contra Costa County Re-entry Initiative on April 28, 2010 from 9:00 -12:00 P.M. at the New Birth Church in Pittsburg.

Councilmember Kalinowski announced he was representing the Sheriff's office on the steering committee for the Contra Costa Re-entry Initiative and the Antioch and Pittsburg Police Departments were sending representatives.

Mayor Davis announced he would celebrate his 31st Wedding Anniversary on April 28, 2010. He thanked Councilmember Parsons and the steering committee for coordinating the *Keep Antioch Beautiful* event.

With no further business, Mayor Davis adjourned the meeting at 8:36 P.M. to the next regular Council meeting on April 23, 2010.

Respectfully Submitted:

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L. JOLENE MARTIN, CMC  
City Clerk