

## CITY COUNCIL MEETING

Regular Meeting  
7:00 P.M.

December 11, 2012  
Council Chambers

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

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** [Gov't Code section 54956.9(a); 54956.96] and **ANTICIPATED LITIGATION** [Gov't Code section 54956.9(b) – significant exposure to litigation]: 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 section 54956.9(a)]; In re Eva Quesada Romero and Gilbert Romero, United States Bankruptcy Court Northern District Case No. 12-44668.
3. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION** Gov't Code section 54956.9(b) – significant exposure to litigation]: Letter dated November 13, 2012 from the Law Office of Jack Silver and entitled, "Notice of Violations and Intent to File Suit under the Clean Water Act.
4. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION** Gov't Code section 54956.9(b) – significant exposure to litigation]: Letters dated July 21, 2012 and October 24, 2012 from Paul B. Justi representing Kelly's Cardroom

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 taken, **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, No action taken, **#3 CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**, No action taken, **#4 CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**, Direction given to staff.

Mayor Harper called the meeting to order at 7:13 P.M., and City Clerk Skaggs called the roll.

Present: Council Members Wilson, Rocha, Agopian and Mayor Harper

### PLEDGE OF ALLEGIANCE

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

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS** - None

### PUBLIC COMMENTS

James Holland, Pittsburg resident, spoke in regards to his father's death at Kaiser Hospital in Antioch and requested the City Council direct the Antioch Police Department to conduct an investigation.

Mayor Harper reported he had discussed this issue with Mr. Holland and the Antioch Police Department had looked into the matter. He advised Mr. Holland to consider filing an appeal and seek the advice of an Attorney.

April Phillips, Antioch resident, reported her son had been robbed at gunpoint and stated she felt the skate park and the conduct of some of the police officers were a liability to the City. She asked how the City would be addressing crime issues within the City.

Mayor Harper responded Chief Cantando was present this evening, would provide contact information, and review her complaint.

Mayor Harper read written comment from Jake Mouton, Antioch resident, indicating he had been the victim of a robbery and urged the Council to address crime in the community.

Libby Willis, Antioch resident, requested City Council change the way Council vacancies are filled. She suggested if the next highest vote is within a certain percentage, that person should automatically fill the vacancy.

Scott Lenhart, Antioch resident and Neighborhood Watch Block Captain, reported residents in their neighborhood had been the victims of burglaries due to access being gained from the trail behind their properties. He questioned what could be done to eliminate access from the area and make the neighborhood safe.

Mayor Harper discussed the importance of promoting the Neighborhood Watch Program and encouraged Mr. Lenhart to remain involved in forums to reduce crimes.

Daniel Loey, Antioch resident, representing Neighborhood Watch for Traskmore/ARDARA, voiced his support for taxing rental property owners to generate revenue for the Antioch Police Department. He requested the City consider to eliminate access to their properties from the trail system.

Julie Young and Brittney Gougeon, Antioch residents, spoke in support of filling the vacated Council seat with the person who received the third highest vote. Ms. Young stated she had a petition signed by 20-30 people who agreed with her on this matter.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Agopian thanked everyone who spoke regarding crime in Antioch. He stated the Council would be looking at ways to improve and enhance the Police Department to reduce crime and make Antioch safe. He reported on his attendance at the Water Emergency Transportation Authority (WETA) meeting.

Councilmember Rocha announced *Future Build* pre-apprenticeship training application deadline was December 21, 2012.

## **MAYOR'S COMMENTS**

Mayor Harper reported on his attendance at the Water Emergency Transportation Authority (WETA) meeting.

## **PRESENTATION**

City Attorney Nerland, on behalf of staff and the City Council, thanked City Clerk Denise Skaggs and presented her with flowers and a certificate in recognition of her service.

- 1. COUNCIL CONSENT CALENDAR**
  - A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 13, 2012 AND NOVEMBER 27, 2012**
  - B. APPROVAL OF COUNCIL WARRANTS**
  - C. APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2012**
  - D. CONSIDERATION OF BIDS FOR THE COUNCIL CHAMBERS AUDIO AND VISUAL SYSTEM RENOVATION (P.W. 247-0)**
  - E. RESOLUTION NO. 2012/72 APPROVING AMENDMENTS TO THE CLASSIFICATION AND COMPENSATION PLANS TO IMPLEMENT THE PUBLIC WORKS DEPARTMENT REORGANIZATION AS ADOPTED BY THE CITY COUNCIL JUNE 26, 2012**
  - F. RESOLUTION NO. 2012/73 ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE HAMLIN COURT SEWER IMPROVEMENTS (P.W. 249-13S)**

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

## **COUNCIL REGULAR AGENDA**

- 2. ACTIONS RELATING TO THE NORTHEAST ANTIOCH ANNEXATION CONCERNING 1) A CORRECTED RESOLUTION INITIATING ANNEXATION APPLICATIONS FOR AREA 2A AND 2B, 2) REQUEST FOR WAIVER OF LAFCO'S INDEMNITY REQUIREMENT, AND 3) DIRECTION TO PROCEED ON AN AGREEMENT WITH THE COUNTY FOR CITY SERVICES AND INFRASTRUCTURE TO ANNEXATION AREA 2B**

Consultant of the City of Antioch, Victor Carniglia, presented the staff report dated December 5, 2012, recommending the City Council: 1) Adopt the updated resolution directing City staff to

submit reorganization applications to LAFCO for Subareas 2a and 2b of the Northeast Antioch Area. 2) Request that LAFCO not impose its indemnity requirement on the City in the event that LAFCO makes the decision to waive the protest proceedings, as provided for under Government Code Section 56375.3, for Northeast Antioch Annexation Area 2b. 3) Request that LAFCO direct City and the County staffs to resume working together on an agreement to form a JPA or similar administrative mechanism, as agreed upon by both parties, for the purpose of providing Northeast Antioch Annexation Area 2b with City services and key infrastructure (water and sewer based on available funding) in the event LAFCO makes the decision not to waive the protest proceedings for Area 2b, and as a result of such protest proceedings Area 2b voters decide to remain in the County.

**RESOLUTION NO. 2012/74**

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously adopted the updated resolution directing City staff to submit reorganization applications to LAFCO for Subareas 2a and 2b of the Northeast Antioch Area.

Councilmember Agopian gave a brief history of the Northeast Antioch Annexation and the subcommittee process.

Mayor Harper spoke in support of the annexation and discussed its importance to economic development in Antioch.

Consultant, Victor Carniglia, clarified the request to LAFCO on an agreement to form a JPA would also apply to area 2A, depending on the results of the votes.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously 1) Requested that LAFCO not impose its indemnity requirement on the City in the event that LAFCO makes the decision to waive the protest proceedings, as provided for under Government Code Section 56375.3, for Northeast Antioch Annexation Area 2b. 2) Requested that LAFCO direct City and the County staffs to resume working together on an agreement to form a JPA or similar administrative mechanism, as agreed upon by both parties, for the purpose of providing Northeast Antioch Annexation Area 2b with City services and key infrastructure (water and sewer based on available funding) in the event LAFCO makes the decision not to waive the protest proceedings for Area 2b, and as a result of such protest proceedings Area 2b voters decide to remain in the County.

**3. CITY COUNCIL APPOINTMENTS TO COMMITTEES AND BOARDS**

City Attorney Nerland presented the supplemental staff report dated December 10, 2012.

Mayor Harper made the following appointments to committees and boards:

- ABAG - Mayor Harper/Councilmember Rocha
- AUSD/City Council Subcommittee – Councilmember Agopian/ Councilmember Wilson
- BUDGET - Reserved

- CDBG – Councilmember Wilson/Reserved
- Chamber of Commerce – Councilmember Agopian
- Committee on Aging – Councilmember Rocha
- Community Advisory Board – S.F. Bay Water Transit Authority – Mayor Harper
- Community Facilities District – Councilmember Agopian/Councilmember Wilson
- Delta Diablo Sanitation District – Mayor Harper/Councilmember Rocha
- East Bay Division (League of California Cities) – Councilmember Wilson
- East Contra Costa Regional Fee and Financing Authority – Mayor Harper/Councilmember Agopian
- East County Regional Library Board - Reserved
- East County Water Management Association – Councilmember Agopian
- Eastern Contra Costa Transit Authority (Tri Delta) – Mayor Harper/Councilmember Rocha
- Graffiti Subcommittee - Reserved
- Historic Preservation – Councilmember Rocha
- ICLEI (International Council for Local Environmental Initiatives) - Reserved
- Lone Tree Golf Course - Reserved
- Mayors' Conference – Mayor Harper/Councilmember Rocha
- Northeast Antioch Annexation – Councilmember Agopian/Councilmember Rocha
- Public Art Subcommittee for Lone Tree/Hillcrest Assessments Districts – Councilmember Wilson
- Quality of Life Forum Subcommittee – Councilmember Agopian
- State Route 4 By-Pass Authority – Mayor Harper/Councilmember Agopian
- Sycamore Subcommittee (*New*) - Reserved
- TRANSPLAN – Mayor Harper/Councilmember Agopian

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously approved the appointments for Mayor Harper.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously approved the appointments for Councilmember Rocha.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously approved the appointments for Councilmember Agopian.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously approved the appointments for Councilmember Wilson.

The conclusion of the remaining appointments to the Committees and Boards would occur after appointing a person to fill the City Council vacancy at a Special Meeting on December 18, 2012.

Mayor Harper requested adding a Sycamore subcommittee.

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Manager Jakel announced the following meeting schedule:

- December 18, 2012 at 6:00 P.M. – City Council meeting to fulfill the vacancy with limited agenda items
- December 27, 2012 at 6:00 P.M. – City Council meeting to consider urgency matter related to PERS

He announced City Hall would be closed on December 24 and 25, 2012, and January 1, 2013. He noted they would also be closed at 12:00 P.M. on December 31, 2012.

**COUNCIL COMMUNICATIONS** - None

### **ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 8:07 P.M. to the next Council Special Meeting on December 18, 2012.

Respectfully submitted:

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DENISE SKAGGS, City Clerk