

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

April 9, 2013
Council Chambers

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 44956.9(d)(1): In re Eva Quesada Romero and Gilbert Raymond Romero [Humphrey's Restaurant], Case No. 12-44668, U.S. Bankruptcy Court, Northern District of California; **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: APN066-010-018; Agency Negotiator: City Manager, City Attorney; Negotiating Parties: Wells Fargo Bank, John Majidi, Bay Area Employment Development Company; Under negotiation: price, terms of payment
2. **CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 1 potential case
3. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision
4. **CONFERENCE INVOLVING A JOINT POWERS AGENCY** pursuant to California Government Code section 54956.96-- East Contra Costa Regional Fee and Financing Authority

Discussion will concern: CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to California Government Code sections 54956.9(d)(2)

Name of local agency representative on joint powers agency board: Mayor Harper

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, No action was taken; **#2 CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, No action was taken; **#3 CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**, No action was taken; and **#4 CONFERENCE INVOLVING A JOINT POWERS AGENCY**, No action was taken.

Mayor Harper called the meeting to order at 7:02 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Child Abuse Prevention Month, April 2013
National Service Recognition Day, April 9, 2013

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

Mayor Harper announced he would be receiving the proclamation for *National Service Recognition Day*.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Barbara Herendeen, Antioch Women's Club, represented Chief Cantando with a donation in the amount of \$510.00 for the Antioch Police Department Canine Program.

Chief Cantando, on behalf of the Antioch Police Department, thanked the Women's Club for their donation.

Mayor Harper thanked the Women's Club for the donation and recognizing the value of the canine program.

Martha Parsons, Keep Antioch Beautiful, presented Council with a t-shirt and invited them to participate in the "Keep Antioch Beautiful Day" event from 8:30 A.M. – 11:00 A.M. on April 20, 2013, with a free lunch for volunteers, immediately following, at Contra Loma Reservoir Regional Park. She recognized the sponsors of the event and provided contact information for anyone wishing to participate.

Mayor Harper thanked Ms. Parsons for organizing the event.

Ms. Parsons thanked Mayor Harper for recognizing the event as the City's Day of Service and his co-chairing the event.

Peggy Dillon and Suzette Rosario, representing the Bedford Center, gave a brief overview of the services they provided the community and invited the Council to attend a Mix and Mingle event from 3:00 P.M. – 5:30 P.M. on May 2, 2013.

Sean Wright, representing the Antioch Chamber of Commerce, invited the Council and community to attend EC2 - The Collaborative Workforce Pipeline of the Future from 10:00 A.M. – 12:00 P.M. on April 12, 2013, at Los Medanos College. He announced Showcase of the Schools, would be held from 11:30 A.M. – 1:30 P.M. on April 23, 2013. Contact information was provided.

Mayor Harper thanked Mr. Wright for promoting Economic Development and showcasing Antioch schools.

PUBLIC COMMENTS

Shelia White, Antioch resident, announced the Antioch High School Marching Band and Guard had been invited to perform at the Oakland Athletics game on April 15, 2013. She noted t-shirts would be sold to benefit the Antioch High School Marching Band and Guard.

Councilmember Rocha stated it was a honor for the Antioch High School Marching Band and Guard to be selected to perform at the Oakland Athletics Game.

Jacquelyn Higgins, Antioch resident, expressed concern regarding recent criminal activity that had occurred in her neighborhood and she questioned if it was possible for the Antioch Police Department to implement a community notification system.

Mayor Harper requested Chief Cantando make a presentation on the technology available for a community notification system.

Gary Reiman, business owner at 107 "G" Street, Antioch, discussed recent comments he had made regarding blight and criminal activity that had occurred in the City-Owned parking lot behind his business. He reported he had not received an adequate response to address these problems and the activity had continued. He stated he had notified his landlord that he would be vacating the property when his lease was up in June and requested the City Council address his concerns.

Marsha Burgess, business owner at 105 "G" Street Antioch, agreed with Mr. Reiman's comments and noted the activity that occurred in the parking lot was negatively impacting her business. She suggested the parking lot or street be closed or gated to restrict access.

Following discussion, Mayor Harper discussed the need for more Police Officers and stated he would visit the business and determine if crime prevention could occur through environmental design. He noted if this item needed to be brought back to the Council for action, they would do so.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Mello Roos subcommittee and announced the League of California Cities Casino Night fundraiser would be held on May 23, 2013, in Orinda.

Councilmember Agopian reported on his attendance at the Mello Roos subcommittee meeting and proposed within the next 60-90 days, the Council agendize how to utilize the remainder of the Mello Roos monies.

City Manager Jakel responded that he would agendize the issue within the next 60 days.

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the Tri Delta Transit meeting on March 27, 2013 and the League of California Cities conference on April 4, 2013. He announced Delta Diablo Sanitation District won the California Water Environmental Association Plant of the Year Award for 2012.

PRESENTATION

Contra Costa County Library's 100th Birthday Celebration, Barbara Flynn

Barbara Flynn reported on activities and programs at the Antioch Library. She thanked the sponsors and volunteers for making Library programming possible. She invited the Council and community to attend the 100th Birthday Celebration at Pleasant Hill Park from 12:00 P.M. – 5:00 P.M. on July 21, 2013. She reported the Strategic Plan would be updated after they receive community input from throughout the County. She thanked the City Council and citizens of Antioch for all that they do to keep the Antioch Library in business.

Mayor Harper thanked Ms. Flynn for the presentation and congratulated the Contra Costa County Library on its 100th Birthday.

Winner of the Northern California Regional Science Fair, Lauren Rojas

Councilmember Rocha stated she had known Ms. Rojas since she was very young and she was very proud of her accomplishment.

A video presentation of Lauren Rojas science fair project "Hello Kitty in Space" was played for the Council and audience.

Lauren Rojas, Cornerstone Christian Center School 7th grader, discussed how she made her winning Science Fair project.

The Council congratulated Ms. Rojas and stated they were very proud of the project.

Mayor Harper stated he would be attending Cornerstone Christian Center and presenting Ms. Rojas with a proclamation recognizing her accomplishments.

Ms. Rojas introduced her family in attendance this evening.

Mayor Harper requested the City Council consider adding an Urgency Item to the agenda this evening - **URGENCY ITEM - SUPPORT FOR AB935 TO EXPAND THE WETA WATER EMERGENCY TRANSPORTATION BOARD MEMBERS FROM FIVE (5) TO SEVEN (7) TO INCLUDE A MEMBER FROM CONTRA COSTA COUNTY.** He noted the request was made due to the issue coming up after the agenda was published.

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously added agenda item #4 **URGENCY ITEM - SUPPORT FOR AB935 TO EXPAND THE WETA WATER EMERGENCY TRANSPORTATION BOARD MEMBERS FROM FIVE (5) TO SEVEN (7) TO INCLUDE A MEMBER FROM CONTRA COSTA COUNTY**, that came forward since the time the agenda was published.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR MARCH 26, 2013**
 - B. **APPROVAL OF COUNCIL WARRANTS**
 - C. **LONE TREE GOLF COURSE - CONTINUED DEFERMENT OF THE TWO OUTSTANDING CONSTRUCTION LOANS TO THE CITY OF ANTIOCH**
 - D. **GAS PIPELINE FRANCHISE**
 - E. **CONSIDERATION OF BIDS FOR THE LONE TREE WAY INTERSECTION IMPROVEMENTS, DEER VALLEY ROAD TO HILLCREST AVENUE, INCLUDING DEER VALLEY ROAD/LONE TREE WAY INTERSECTION AND THE TURN POCKET EXTENSION AT LONE TREE WAY/PREWETT PARK, ASSESSMENT DISTRICT NO. 27/31R, LONE TREE WAY CORRIDOR (P.W. 555-12C)**

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar with the exception of Item E which was removed for further discussion.

Item E – Councilmember Agopian suggested staff use methodology when replacing the landscaping.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously approved Item E.

COUNCIL REGULAR AGENDA

2. **RESOLUTION APPROVING PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) CONTRACT AMENDMENT TO EXCLUDE ELECTED OFFICIALS FROM PERS**

Director of Human Resources/Economic Development Direction Fitzer presented the staff report dated April 3, 2013 recommending the City Council, 1) Motion to adopt a Resolution of Intention to approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch to provide for the exclusion of Elected Officials on and after the effective date of this Amendment to Contract. 2) Motion to introduce the Ordinance by title only. 3) Motion to introduce the Ordinance authorizing

an Amendment to Contract between the Board of Administration California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch.

RESOLUTION NO. 2013/16

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously 1) Adopted a Resolution of Intention to approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch to provide for the exclusion of Elected Officials on and after the effective date of this Amendment to Contract. 2) Introduced the Ordinance by title only. 3) Introduced the Ordinance authorizing an Amendment to Contract between the Board of Administration California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch.

3. UPDATE ON ANTIOCH'S WATER ISSUES AND ON-GOING DELTA ACTIVITIES

Public Works Director/City Engineer Bernal presented the staff report dated April 9, 2013 recommending the City Council receive and file the staff report regarding the current Bay Delta Conservation Plan (BDCP), Delta Stewardship Council's (DSC) Delta Plan and the State Water Resources Control Board (SWRCB) Water Quality Control Plan and Delta flow criteria.

Matt Emrick, outside legal counsel for the City, gave a brief overhead presentation of the Antioch Water Rights, State and Federal Export Projects, Bay Delta Conservation Plan (BDCP), State Water Resources Control Board (SWRCB) – Bay Delta Plan and Flow Criteria and the Delta Stewardship Council - Delta Plan.

Mayor Harper thanked Mr. Emrick for the presentation and reiterated the importance of understanding and protecting Antioch's water rights.

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously received and filed the report.

Mayor Harper declared a recess at 8:53 P.M. The meeting reconvened at 8:59 P.M. with all Councilmembers present.

URGENCY ITEM

4. URGENCY ITEM - SUPPORT FOR AB935 TO EXPAND THE (WETA) WATER EMERGENCY TRANSPORTATION BOARD MEMBERS FROM FIVE (5) TO SEVEN (7) TO INCLUDE A MEMBER FROM CONTRA COSTA COUNTY

City Manager Jakel announced that Assembly Bill 935 introduced by Assemblyman Frazier had been scheduled for a hearing on April 10, 2013. He noted he had provided a letter of support for

the AB935, however if Council wanted to attend the hearing, staff would need to change the hours of the Governance Training/Workshop scheduled for that day.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously supported AB935 expanding the WETA Board members from five (5) to seven (7) to include a member from Contra Costa County.

Following discussion, Mayor Harper and Councilmembers Agopian and Rocha stated they would attend the hearing. Council agreed to reschedule the Governance Training/Workshop from 9:00 A.M. – 12:30 P.M., and 6:00 P.M. – 11:00 P.M. on April 9, 2013. The Training would continue on April 11, 2013, from 5:00 P.M. – 9:00 P.M.

City Attorney Nerland recommended a quorum of the Council not commute together to the hearing. She noted they could speak publicly on the matter however they should not be discussing this or other matters while they are there.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the Antioch City Council meeting would be held on April 23, 2013 and it would begin at 6:00 P.M. with a Budget Study Session.

COUNCIL COMMUNICATIONS

Councilmember Wilson reported on her attendance at the opening day for Antioch Babe Ruth Baseball.

Councilmember Rocha reported that she and Councilmember Tiscareno had discussed youth employment with Barbara Herendeen. She also noted activities were being discussed for the waterfront. She stated in the future, she would like to report back on both of those efforts. She reported on her attendance at County Clerk/Recorder Steve Weir's retirement party and the Cesar Chavez event. She announced the Antioch High School Foundation would host an event at 5:00 P.M. on April 12, 2013, at the Yacht Club.

Councilmember Tiscareno reported on his attendance at opening day for Antioch Babe Ruth Baseball and the Los Medanos College Cesar Chavez event.

Councilmember Agopian reported on his attendance at the Budget subcommittee meeting.

Mayor Harper announced the Workforce Development meeting would be held on April 25, 2013 at Dallas Ranch Middle School and there would be discussion regarding a youth component at that meeting. He reported the City of Antioch hires 235 youth every summer for recreational programming and there was a grant program for low income families. He reported they had reviewed the bylaws for the Antioch Community Foundation and sometime next year youth

programs and community events would be funded. He stated they would discuss how to better communicate with the public at the governance training and he looked forward to representing the City of Antioch in Sacramento, in support of AB935.

Councilmember Rocha announced the Mayor's Golf Tournament would be held on June 1, 2013.

In response to Councilmember Rocha, City Manager Jakel stated he would bring back information regarding the City funds recreational programming for low income families on April 23, 2013. He noted during the budget process, Council may want to reiterate their commitment to the philosophy that people who want to avail themselves of recreation programs, should not be denied because of an inability to pay.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:26 P.M. to the next regular Council meeting on April 23, 2013.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk