

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M

April 22 2008
Council Chambers

5:45 P.M - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** -- Significant exposure to litigation pursuant to subdivision (b) of §54956.9: Claim of Lidia Borges
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** . This Closed Session is authorized by California Government Code §54956.9(a): Whiteside Construction Corporation v. J.K. Merz Construction, Inc., Antioch Public Golf Corporation and the City of Antioch, et al.; Davidson Plastering, Inc. v. J.K. Merz Construction, Inc., Contra Costa Superior Court, Case No. Consolidated C06-00730, City of Antioch, Travelers Casualty and Surety Company of America, et al.; J.K. Merz Construction, Inc., v. First Republic Bank, et al., San Francisco Superior Court, Case No. CGC06-454761
3. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION** Claims of Scott, Payne, Williams, Sameer, Coleman presented by Bay Area Legal Aid and Claims of Houseley presented by Attorney Jivaka Candappa and threat of litigation from Public Advocates related to the Community Action Team and the Contra Costa Housing Authority§ Section 8 program pursuant to California Government Code §54956.9(C).

Mayor Freitas called the meeting to order at 7:07 P.M, and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Davis, Moore and Mayor Freitas
Excused: Council Member Simonsen

PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

Mayor Freitas stated the City Council had been in Closed Session. He reported Council's actions as follows: Item #1 - Council provided direction to staff to resolve the issue. Mayor Freitas noted Councilmember Davis was not present at the time of this action; therefore the direction was given by Councilmembers Kalinowski, Moore, and Mayor Freitas. Item #2: - following discussion, it was agreed formal action would be taken during open session as agendaed, and; Item #3 - no reportable action.

RECOGNITION FROM ANTIOCH POLICE DEPARTMENT TO: Renee Souza

Chief Hyde presented Code Enforcement Officer Renee Souza with a Citizen Service Citation in recognition of her participation in assisting the Antioch Police Department with the apprehension of individuals suspected of involvement in a shooting that occurred at Bank of America on March 11, 2008.

Ms. Souza stated it had been an honor to back up the Antioch Police Department.

Mayor Freitas, on behalf of the community, thanked Ms. Souza.

PROCLAMATIONS

Fair Housing Month, April 2008
Arbor Day, April 25, 2008
Children's Memorial Day, April 25, 2008
National Volunteer Week, April 27 . May 3, 2008
Be Kind to Animals Week, May 4 . 10, 2008

On motion by Councilmember Moore, seconded by Councilmember Davis, the Council unanimously approved the proclamations.

As there was not a representative present to accept the proclamation, Mayor Freitas stated the Fair Housing Month Proclamation would be forwarded to the appropriate recipient.

Councilmember Davis presented the proclamation proclaiming April 25, 2008 as *Arbor Day* to representatives of the Riverview Garden Club.

Janice Coggiola, Antioch Riverview Garden Club President, invited the public to attend the Arbor Day Ceremony at 3:30 P.M on April 25, 2008 at Chichibu Park and presented the City Council with native buckeye trees. She updated the City Council and the community on their efforts to beautify Antioch through landscaping.

Mayor Freitas thanked the Riverview Garden Club for all of their efforts.

Councilmember Moore presented the proclamation proclaiming April 25, 2008 as *Children's Memorial Day* to Antioch Youth Council Members Brett Brown, Jacob Stanley and Sabrina Zuniga who accepted and thanked the City Council for the proclamation. Councilmember Davis thanked those students who served on the Antioch Youth Council for their interest and dedication to serving their community.

Brett Brown announced *Youth Day* would be held at Freedom High School on April 26, 2008 beginning at 9:00 A.M.

Councilmember Moore voiced his appreciation to those serving on the Youth Council.

Councilmember Kalinowski presented the proclamation proclaiming April 27 . May 3, 2008 as *National Volunteer Week* to Chief Hyde who thanked the City for recognizing the volunteers.

Barbara Sobalvarro, President of Friends of Animal Services announced the following events:

- *Be Kind To Animals Week Celebration* on May 3, 2008 from 11:00 A.M - 2:00 P.M at the Antioch Animal Shelter
- *Adoption Promotion* May 2 . May 10 at the Antioch Animal Shelter
- *Adopt-a-thon* on May 2 -4 from 10:00 . 2:00 at the Pittsburg Petsmart on Lone Tree Way

Karen Kops representing HARP, members of Friends of Animal Services and volunteers at the Antioch Animal Shelter introduced themselves.

Councilmember Davis presented the proclamation proclaiming May 4 through May 10, 2008 as *Be Kind to Animals Week* to Barbara Sobalvarro and individuals present in support the Antioch Animal Shelter.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Matt Pfeifer and Gina Lombardi-Gravert announced the Mayor's Golf Tournament would be held at the Lone Tree Golf Course with all proceeds to benefit many local non-profit organizations. Contact information was given for anyone wishing to participate or help sponsor the event.

Devi Lanphere, representing the Antioch Chamber of Commerce, announced the *State of the City Luncheon* would be held on May 14, 2008 at 11:30 A.M. at the Lone Tree Event Center and a June Luncheon would be held on June 11, 2008. Contact information was given for anyone wishing to receive additional information on these events.

Karen Kops, President of HARP, announced they were the recipients of a Grant from the Keller Canyon Mitigation Fund, which would be used for outreach to the Spanish speaking community, promoting spay and neuter surgeries as well as immunizations for all dogs and cats. Contact information was provided.

Chief Hyde announced the Antioch Police Department would be hosting the first in a series of clean up days through the Neighborhood Sweep Program. Litter pickup in Antioch had been scheduled for the first Saturday of each month from 8:30 A.M. to 11:30 A.M. Contact information was provided for those wishing to receive additional information.

COUNCIL REGULAR AGENDA

4. PRESENTATION BY THE CONTRA COSTA CRISIS CENTER REGARDING "211" NON EMERGENCY TELEPHONE PROGRAM (#-----)

John Batson, representing the Contra Costa Crisis Center, provided the City Council with a packet of information regarding the 211 Non Emergency Telephone Program and gave a brief overview of the program as well as city and county funding of the 211 program. He stated it was his hope Antioch puts 211 funding in their fiscal year 2008-2009 budget.

Mayor Freitas suggested there be a concerted effort by the providers of the 211 . 911 providers to collectively advertise to the public.

PUBLIC COMMENTS

Josy Miller, representing the Hapgood Theatre Company, thanked the City and community for their support and invited everyone to attend a performance of *Lovely Day* from May 7 . 24,

2008. She discussed the importance of expanding their audience base and welcomed the City's advice on tactics they could take to serve all of East County.

Jim Boccio expressed concern regarding an article printed in the San Francisco Chronicle on March 26 2008 negatively portrayed Antioch. He urged the community to boycott the newspaper and/or send a letter expressing their displeasure.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Freitas reported he had read the Chronicle article and agreed subscribers could take actions outlined by Mr. Boccio with written clarification as to why their subscriptions were being cancelled.

Councilmember Davis suggested residents could contact advertisers to voice their displeasure and also boycott those businesses.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR MARCH 25, 2008 (#301-03)**
 - B. **APPROVAL OF COUNCIL WARRANTS (#401-02)**
 - C. **APPROVAL OF TREASURER'S REPORT FOR MARCH 2008 (#401-02)**
 - D. **LEGISLATION AND ADVOCACY (#701-04)**
 - E. **GRAFFITI SUBCOMMITTEE (#302-01)**
 - F. **LONE TREE GOLF COURSE CLUBHOUSE LITIGATION: SETTLEMENT AGREEMENTS (#1402-01)**
 - G. **REQUEST FOR OVERNIGHT TRAVEL (THREE NIGHTS) LEAGUE OF CALIFORNIA CITIES (#301-01)**
 - H. **RESOLUTION NO. 2008/40 ESTABLISHING CLASS SPECIFICATION AND SALARY FOR THE POSITION OF NEIGHBORHOOD IMPROVEMENT MANAGER AND TO ELIMINATE ONE NEIGHBORHOOD IMPROVEMENT COORDINATOR POSITION (#502-02)**
 - I. **RESOLUTION NO. 2008/41 REQUESTING AUTHORIZATION FROM THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2008/09 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN AND BICYCLE PROJECT FUNDING (#1402-02)**

J. RESOLUTION NO. 2008/42 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE RENOVATION OF CITY PARK (P.W. 205-F) (#1402-03)

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council unanimously approved the Council Consent Calendar with the exception of items E and J which were removed for further discussion.

Item E . Mayor Freitas stated he would be nominating members of the City Council for the Council to consider appointing to the subcommittee.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the City Council members present unanimously approved item J.

Mayor Freitas nominated Councilmembers Davis and Simonsen to the subcommittee.

On motion by Councilmember Moore, seconded by Councilmember Kalinowski, the City Council members present unanimously appointed Councilmembers Davis and Simonsen to the graffiti subcommittee.

Item J . Mayor Freitas directed staff to bring back to the City Council for consideration in 15-30 days, an estimate for additional seating and trash receptacles at City Park as well as an ordinance prohibiting dogs at the facility.

On motion by Councilmember Davis, seconded by Councilmember Moore, the City Council members present unanimously approved item J.

PUBLIC HEARINGS

2. RESOLUTIONS APPROVING FISCAL YEAR 2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND RESOLUTION APPROVING CURRENT FISCAL YEAR 2007-08 CDBG FUNDING INCREASE FOR SENIOR CENTER DOOR REPLACEMENT PROJECT AND AMENDING THE FISCAL YEAR 2007-08 ANNUAL ACTION PLAN (#709-01)

Sharon Cohen, CDBG Coordinator, and Janet Kennedy thanked Councilmember Moore and Kalinowski for their assistance during the process and presented the staff report dated April 22, 2008 recommending the City Council 1.) Adopt the CDBG funding recommendations of the CDBG Subcommittee and adopt the Fiscal Year 2008 . 2009 Action Plan. 2.) Increase its Fiscal Year 2007 . 08 CDBG allocation to the Senior Center Door Replacement project from \$9700 to \$18,890, adopt the resolution, and amend the Fiscal Year 2007-08 Annual Action Plan.

Councilmember Moore stated it was a difficult process and all applicants well deserved.

Mayor Freitas opened the Public Hearing.

Candida Duperrois, representing the Contra Costa Child Care Council, Laine Lawrence, representing Contra Costa Senior Legal Services, Irit Vmani, representing STAND Against Domestic Violence, Alvita White, representing Housing Rights, Blanca Campos, representing Cambridge Community Center and Maria Benjamin, Homeownership Equity Preservation Alliance / Community Housing Development Corporation, thanked the City Council for their support and the recommendation for 2008-2009 CDBG funding.

Mayor Freitas read into the record written comment from Jeffery Hall, representing the Workforce Development Board of Contra Costa County thanking the City Council for their support and the recommendation for 2008-2009 CDBG funding.

Brianna Burkman, representing Opportunity Junction, thanked the City for their support and invited everyone to attend their 25th graduation ceremony on April 24, 2008 at 6:00 P.M

Susan Passero voiced her support for Positive Edge who provided her with a business wardrobe to go through the employment process.

Myrna Johnson and Willa Parsons, representing WW Ministries / The Positive Edge, thanked the City for their support in the past and requested reconsideration of the recommendation to not fund their program this year.

Sandra Schere, representing the Monument Crisis Center, discussed their program and history of serving Antioch residents. She reported there was not a recommendation from the subcommittee to fund their program this year and requested they reconsider funding them in the future.

Mayor Freitas closed the public hearing.

Councilmember Kalinowski stated the process was difficult and his focus for public services funding was for the youth, seniors and victims of violent crime, while considering HUD's suggestion to fund in amounts of no less than \$5000.00.

Following discussion, there was concurrence of the City Council that ADA accessibility at the Senior Citizen Center, Police Community Center and Public Works Department would come out of the 07-08 allocations.

Elaine Brooks-Cox, representing Pacific Community Services, explained their services and noted the highest numbers of families they serve are from Antioch.

Councilmember Davis stated due to the duplication of services he would support Pacific Community Services funds to be redistributed to Housing Rights Inc. and Shelter Inc.

Larry Glassner and Maria Aguerrero, representing Family Stress Center / Proud Fathers, explained their program and noted the program would continue without CDBG funding from Antioch, however funding would allow them to add two sessions in Antioch.

Councilmember Kalinowski stated if funds were allocated to the Proud Fathers Program he suggested an update be provided to the City Council after the first year.

In response to Councilmember Kalinowski, Mr. Archletta, representing Opportunity Junction stated they would support subcontracting with WW Ministries for their services.

Mayor Freitas declared a recess at 9:06 P.M. The meeting reconvened at 9:12 P.M with all Councilmembers present with the exception of Councilmember Simonsen who was previously noted as excused.

Eleanor Madriga, representing Bay Area Legal Aid stated they are partnering with Pacific Community Services, and urged the City Council to preserve funding to their program.

RESOLUTION NO. 2008/43

RESOLUTION NO. 2008/44

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council members present unanimously approved: 1.) Adopt the CDBG funding recommendations of the CDBG Subcommittee and adopt the Fiscal Year 2008 . 2009 Action Plan. 2.) Increase its Fiscal Year 2007 . 08 CDBG allocation to the Senior Center Door Replacement project from \$9700 to \$18,890, adopt the resolution, and amend the Fiscal Year 2007-08 Annual Action Plan.

With the following changes:

- " Increase Housing Rights Inc. to \$25,000
- " Increase Shelter Inc. to \$12,000
- " Increase Contra Costa Homeless Program to \$18,000
- " Delete \$10,000 funding to Pacific Community Services Inc. (Duplication in services with Housing Rights)
- " Use existing funds for the Police Community Room Doors and Public Works Facility doors taken out of 07-08.
- " Program Administration - City of Antioch . reduce to \$133,934
- " CD . 8 . Opportunity Junction (formally OPTIC) . Job Training Placement . increase to \$130,000 with the understanding they will subcontract to WW Ministries for the amount of \$10,000

Mayor Freitas adorned to the Antioch Development Agency with all Agency Members present with the exception of Agency Member Simonsen who was previously noted as excused.

3. AGENCY REGULAR AGENDA

A. RESOLUTION APPROVING FISCAL YEAR 2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND ANTIOCH DEVELOPMENT AGENCY (ADA) FUNDING AND RESOLUTION APPROVING CURRENT FISCAL YEAR 2007-08 CDBG FUNDING INCREASE FOR SENIOR CENTER DOOR REPLACEMENT PROJECT AND AMENDING THE FISCAL YEAR 2007-08 ANNUAL ACTION PLAN

RESOLUTION NO. ADA-425

On motion by Agency Member Kalinowski, seconded by Agency Member Moore, the Antioch Development Agency members present unanimously adopted the resolution.

B. APPROVAL OF AGENCY WARRANTS

On motion by Agency Member Moore, seconded by Agency Member Davis, the Antioch Development Agency members present unanimously approved the warrants.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the City Council would be adjoining this meeting to a City Council Meeting on April 29, 2008 at 6:00 P.M at the Maintenance Services Facility.

COUNCIL COMMUNICATIONS

Councilmember Moore reported he attended the NAACP Annual Dinner, which was a wonderful event.

Councilmember Kalinowski reported he would be out of town on work related business and unable to attend the May 13, 2008 City Council meeting.

Mayor Freitas announced the City Council would be meeting on May 13, 20 and 27, 2008.

With no further business, Mayor Freitas adjourned the meeting at 9:23 P.M to the next regular Council meeting on April 29, 2008.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk