

## ANTIOCH CITY COUNCIL

**Regular Meeting**  
**7:00 P.M.**

**April 14, 2009**  
**Council Chambers**

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

- 1. CONFERENCE WITH LEGAL COUNSEL** – Claim of Bay Cities Paving & Grading re: Water & Sewer Main Installation and Roadway Rehabilitation Project at Various Locations in the City of Antioch (P.W. 503-10). This closed session is authorized pursuant to California Government Code §54956.9(b).
- 2. CONFERENCE WITH LABOR NEGOTIATOR** – Employee organizations: Public Employees' Union Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officers' Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employees' Association. This Closed Session is authorized by California Government Code §54957.6.

Mayor Davis called the meeting to order at 7:05 P.M., and City Clerk Martin called the Council/Agency Member roll.

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

### **PLEDGE OF ALLEGIANCE**

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

City Attorney Nerland stated the City Council had been in Closed Session, and provided the following report: CONFERENCE WITH LEGAL COUNSEL, direction was given to staff, and; CONFERENCE WITH LABOR NEGOTIATOR, no reportable action.

### **PROCLAMATIONS**

Fair Housing Month, April 2009  
Sexual Assault Awareness Month, April 2009  
National Volunteer Week, April 19 - 25, 2009  
Arbor Day, April 24, 2009  
Nor Cal Citywide Outreach, May 2, 2009

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

Mayor Davis noted the proclamations for *Fair Housing Month*, *Sexual Assault Awareness Month*, *National Volunteer Week* and *Nor Cal Citywide Outreach* would be sent to the appropriate representatives.

Councilmember Rocha presented the proclamation proclaiming April 24, 2009 as *Arbor Day* to the Antioch Riverview Garden Club who accepted the proclamation, presented the City Council with California Buckeye trees and invited the community to attend an Arbor Day ceremony at 3:30 P.M. on April 17, 2009 at City Park.

Mayor Davis acknowledged Former Congressman Jerome Waldie and announced this meeting was being dedicated to his memory.

## **PRESENTATION**

Mayor Davis presented Victor Geislinger with a plaque recognizing his status as Eagle Scout.

Victor Geislinger reported his community project was to assist the impoverished in the Philippines by organizing a collection of school supplies. He spoke to the value of the scouting program.

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

There were no announcements presented.

## **PUBLIC COMMENTS**

Marty Fernandez apologized for comments he had made at the Quality of Life Forum, and stated his comments were a reflection of his frustration regarding the current lay off of City employees. He suggested the City consider selling empty lots, pay cuts and a special assessment for police services to help balance the budget.

Jesse Zuniga, Antioch resident, expressed concern regarding comments made by Councilmember Moore at the Quality of Life Forum and requested he step down from his position of Antioch City Councilmember.

Brittany Shoras requested the City repair and open the bathrooms at the Antioch pier.

Kathy Middleton, representing the Antioch Library, invited the community to attend the Contra Costa County Reading Festival May 3-9, 2009. Contact information was given. She announced they were seeking volunteers for programs at the libraries.

Allen Payton, Antioch resident, thanked the City for cleaning up the creek area at Wilbur Avenue and 8th Streets and requested they investigate the source of the odor in the area. He invited the public to attend a Tea Party being held from 4:00 – 7:00 P.M. at Uno Chicago Grill on April 15, 2009 and the Antioch Rotary Club Golf Tournament fundraiser on May 29, 2009. Contact information was given.

Arne Simonsen, Antioch resident, reported on his attendance at the Antioch Chamber of Commerce Climate Change Conference. He stated he would be emailing the City

Council to seek support of SB 295 which would delay the implementation of AB32 until the California unemployment rate decreased.

### **COUNCIL RESPONSE TO PUBLIC COMMENTS**

Mayor Davis stated he would pass the concerns related to the restrooms at the pier to the Public Works Department.

### **MAYOR'S COMMENTS**

Mayor Davis announced the Mayor's Prayer Breakfast would be held from 7:00 – 9:00 A.M. on May 7, 2009 at Humphreys on the Delta. Contact information was given.

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

##### **A. APPROVAL OF COUNCIL MINUTES FOR MARCH 17, and 24, 2009**

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

##### **C. REJECTION OF APPLICATION FOR A LATE CLAIM AND REJECTION OF CLAIMS**

1. Edjuan Scott, #009/10-1880 (personal injury) (*late claim*)
2. Derrick Desrosiers 09/10-1864 (vehicle damage)
3. Roy Benito Martinez 09/10-1871 (vehicle damage)

##### **D. ORDINANCE NO. 2023 C-S REVISING SECTIONS 2-5.102 AND 9.5-2508, AND ARTICLE 26 OF THE ANTIOCH MUNICIPAL CODE IN ORDER TO ASSIGN DESIGN REVIEW DUTIES TO THE PLANNING COMMISSION (Z-09-01) (*Introduced 3/17/09*)**

##### **E. URGING CONGRESS TO PASS THE FEDERAL EMPLOYEE FREE CHOICE ACT (HR. 1409, S. 560)**

##### **F. 2009 CITY OF ANTIOCH FOURTH OF JULY CELEBRATION CONSIDERATIONS**

##### **G. TEMPORARY SUSPENSION FOR RECRUITMENT BONUS INCENTIVE FOR LATERAL POLICE OFFICERS AND DISPATCHERS (*Continued*)**

##### **H. RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)**

##### **I. RESOLUTION NO. 2009/25 ADOPTING THE GROWTH MANAGEMENT COMPLIANCE CHECKLIST FOR REPORTING CALENDAR YEARS 2006 AND 2007 FOR THE SALES TAX/TRANSPORTATION INITIATIVE (MEASURE "C")**

- J. **APPROVING THE DISADVANTAGE BUSINESS ENTERPRISE (DBE) PROGRAM IMPLEMENTATION AGREEMENT WITH CALTRANS**
- K. **RESOLUTION NO. 2009/26 APPROVING LETTER OF UNDERSTANDING FOR PUBLIC EMPLOYEES' UNION LOCAL NO. 1**
- L. **RESOLUTION NO. 2009/27 APPROVING LETTER OF UNDERSTANDING FOR OPERATING ENGINEERS LOCAL UNION NO. 3**
- M. **CONSIDERATION OF BIDS FOR THE FAIRVIEW DRIVE ROADWAY RECONSTRUCTION, (P.W. 680)**
- N. **AUTHORIZATION FOR THE MAYOR TO SIGN THE EMPLOYER PARTNERSHIP INITIATIVE WITH THE ARMY RESERVE**

On motion by Councilmember Rocha, seconded by Councilmember Moore, the Council unanimously approved the Council Consent Calendar with the exception of items A, E, G and N, which were removed for further discussion.

**Item A** – Councilmember Parsons amended the minutes of March 17, 2009, page 5, paragraph 7, under Council Communications striking “Tri Delta Transit”.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council unanimously approved Item A with the correction as previously stated.

**Item E** – Tony Tiscareno, Pam Aguilar, Nancy Mattingly, Daniel Gutierrez, Mark Gagliardi, Roberto Reyes, Tom Lewis, Jeff Clark, Gary Davis, Verle Craven and Bill Cook spoke in support of the Federal Employee Free Choice Act and urged the City Council to approve the resolution.

Arne Simonsen urged the City Council to table item G and bring it back once the Employee Free Choice Act was rewritten to address the outstanding issues.

Following discussion, the City Council majority voiced their support of the Federal Employee Free Choice Act.

Mayor Davis stated he felt it was premature to support the item and he would reconsider once the outstanding issues were resolved.

On a motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council approved item E. The motion carried by the following vote:

Ayes: Kalinowski, Rocha, Moore, Parsons

Noes: Davis

**Item G** – At the request of staff, the item was held over to April 28, 2009.

**Item N** – Phil Stage, U.S. Army Reserve urged the City Council to authorize Mayor Davis on behalf of the City Council to sign the partnership initiative.

Arne Simonsen, Antioch resident, spoke in support of the initiative and urged the City Council to contact Naval, Marine Corps, Air Force and National Guard Reserves to pursue similar initiatives.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously approved item N.

Mayor Davis declared a recess at 8:17 P.M. The meeting reconvened at 8:36 P.M. with all Councilmembers present.

## **PUBLIC HEARING**

### **2. CERTIFICATION TO THE FINAL ENVIRONMENTAL IMPACT REPORT (FINAL EIR), ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTION OF THE PROJECT'S WATER SUPPLY ASSESSMENT FOR PROPERTY LOCATED ON APPROXIMATELY 375 ACRES BOUNDED BY HILLCREST AVENUE ON THE WEST, HWY 4 ON THE SOUTH, HWY 160 ON THE EAST, AND OAKLEY ROAD ON THE NORTH AND APPROVAL OF HILLCREST E-BART STATION AREA SPECIFIC PLAN, AMENDMENTS TO THE GENERAL PLAN AND ZONING ORDINANCE**

Deputy Director Economic Development Carniglia presented the staff report dated April 9, 2009 recommending the City Council: 1) Adopt the resolution certifying the Final Environmental Impact Report (FEIR) for the Hillcrest Station Area Specific Plan and related actions, including amendments to the City's General Plan and Zoning Designations, and adopting a Statement of Overriding Considerations and approval of the project's Water Supply Assessment; 2) Adopt the resolution approving amendments to the General Plan to ensure consistency with the Hillcrest Station Area Specific Plan, with text and map amendments; 3) Adopt the resolution approving the Hillcrest Station Area Specific Plan; and 4) Read the ordinance by title only; and 5) Introduce an ordinance rezoning approximately 375- acre Hillcrest Station Specific Plan area generally bounded by Hillcrest Avenue on the west, Highway 4 on the south, Highway 160 on the east and Oakley Road on the north from the current zoning designations of Planned Business Center (PBC), Light Industrial (M-1) and Planned Development (PD) to a Planned Development (PD) designation.

Mayor Davis opened the Public Hearing.

Douglas Tokes, Antioch resident, stated he did not support the Hillcrest Avenue eBART station location and urged the parties involved to work together to insure the station was placed at the most eastern location. He provided the City Council with a newspaper article regarding transportation bids reported to be coming in well under the original estimates.

Allen Payton, Antioch resident, speaking on behalf of ETRANS U.S.A., spoke in support of the east median station location and urged the City Council to approve the EIR this evening.

Raul DeAnda and Jaime Silahua, Antioch residents, representing the Contra Costa Interfaith Supporting Community Organization (CCISCO), spoke to the benefits of the eBART project. They commended the City for including the requirements for a local hiring policy strategy and offered their assistance in the development of the strategy.

Bernice Ramos, Antioch resident and Alberto Hernandez representing CCISCO, spoke to the benefits of the eBART project and thanked the City Council for their leadership in creating permanently affordable homes in Antioch.

Gerardo Lopez, Antioch resident, representing CCISCO, thanked the City Council for including community participation into the plan and urged them to make sure future plans would continue the same process.

Armando Cardona, representing CCISCO, thanked the City Council for including a Childcare Center in the project

Chris Schildt, representing Trans Form, spoke in support of the specific plan and thanked the City for their level of engagement with the community. She noted they felt the east station location would create the best opportunity for a quality transit oriented development.

Arne Simonsen, Antioch resident, suggested the City add wording to the plan to insure the City would have jurisdiction regarding the station's location.

James Kyle, Antioch resident, spoke to the importance of the location of the station being placed in the area deemed to provide the most transit village opportunities.

Therese Trivedi, representing Metropolitan Transit Commission (MTC) and Association Bay Area Governments (ABAG), voiced their support of the Hillcrest eBART station specific plan. She volunteered her services to be involved in discussions regarding the station location and implementation of the plan.

An Antioch resident, voiced concerns BART services had not been provided in the past and urged the City to expedite the project.

Joel Keller, BART Director, congratulated the City on their vision in the specific plan and spoke to the benefits of the eBART project. He stated they would continue to work with the City in their efforts to obtain additional funding at the local, state and federal levels. He commented the dual bid option would not be taken off the table as an option, unless he returned to the City Council to inform them why it had occurred.

Mayor Davis closed the Public Hearing.

Councilmember Rocha suggested the City Council include the City's preference for the east median station and continue to pursue the dual site options.

Councilmember Kalinowski stated the lack of the dual bid process sells the community short and the plan did not insure it would happen. He noted, without the east median station, there was not a preferred transit oriented development that met Antioch's vision for the future. He felt the cost of the dual bid process was not offensive to insure the station would be sited in the proper location.

Susan Miller, Director of Projects Contra Costa Transportation Authority, clarified they have been working with BART to assure there was a planned project with a median wide enough to accommodate BART. She further noted there was a commitment of bridge toll funds in the amount of \$125M; she urged the City to endorse the project.

Ellen Smith, eBART Project Manager, reported there was close cooperation between CCTA BART and CALTRANS on the design elements of this portion of the median and maintenance facilities. She stated 56% of the money comes from MTC, and they (MTC) held the decision making rights on those funds, with the second largest source being 35% from Contra Costa County, Measure J funds,

Following discussion the City Council agreed the east station location would create the best opportunity for a quality transit oriented development and strongly encouraged BART to continue looking at the eastern station option through dual bid and other efforts.

Mr. Keller reiterated adopting the EIR did not preclude a dual bid in the future and stated he would return to the City Council and put Council on notice the dual bid process was no longer going to be pursued prior to its occurrence. He noted they would work cooperatively with the City up until that point to achieve the station the City desired. He further noted for the next six months, he would commit to provide at a minimum, monthly, written updates from EPAC to the City Manager and City Council.

Therese Trivedi, representing Metropolitan Transit Commission (MTC) and Association Bay Area Governments (ABAG), reported there was a possibility they may have some technical assistance funding to help with more data to determine the best station location. She stated she understood the east median station was the City's preferred location, adding they were willing to work with the community and staff to get enough information to make the best decision.

Mr. Keller committed his time and BART's assistance and support to go as partners to local, state and federal agencies to continue to look for options to identify resources to make the preferred station location become a reality.

Councilmember Kalinowski stated he would support the motion with the commitment from Mr. Keller to assist the City in the preferred east median station.

RESOLUTION NO. 2009/28  
RESOLUTION NO. 2009/29  
RESOLUTION NO. 2009/30

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council unanimously approved the following: 1) Adopt the resolution certifying the Final Environmental Impact Report (FEIR) for the Hillcrest Station Area Specific Plan and related actions, including amendments to the City's General Plan and Zoning Designations, and adopting a Statement of Overriding Considerations and approval of the project's Water Supply Assessment (revised and dated April 14, 2009); 2) Adopt the resolution approving amendments to the General Plan to ensure consistency with the Hillcrest Station Area Specific Plan, with text and map amendments; 3) Adopt the resolution approving the Hillcrest Station Area Specific Plan; and to include 1-18, 1-25 and the following "Be it resolved the City Council strongly encourages BART to continue looking at the eastern station option through dual bid and other efforts and authorizes the Mayor to send a letter to the BART Board of Directors to this effect;" 4) Read the ordinance by title only; and 5) Introduce an ordinance rezoning approximately 375- acre Hillcrest Station Specific Plan area generally bounded by Hillcrest Avenue on the west, Highway 4 on the south, Highway 160 on the east and Oakley Road on the north from the current zoning designations of Planned Business Center (PBC), Light Industrial (M-1) and Planned Development (PD) to a Planned Development (PD) designation.

Mayor Davis declared a break at 9:56 P.M. The meeting reconvened at 10:01 P.M. with all Councilmembers present.

### **PUBLIC COMMENTS**

Ralph Hernandez stated he felt Councilmember Moore was owed an apology for the criticism he received for his comments made at the Quality of Life Forum.

### **STAFF COMMUNICATIONS**

City Manager Jakel reminded the community and Council the next City Council meeting would be held on April 28, 2009 and announced the State of the City luncheon would be held on May 13, 2009 at the Lone Tree Golf Course Event Center.

### **COUNCIL COMMUNICATIONS**

Councilmember Moore announced the East County branch of NAACP would be hosting their annual dinner on April 18, 2009. Contact information was given.

Councilmember Parsons announced Service Clubs Unite dinner a benefit for the Sutter Delta Clinic would be held on April 18, 2009. Contact information was given.

Mayor Davis thanked the Antioch Police Department Officers in attendance this evening.



With no further business, Mayor Davis adjourned the meeting in honor of Jerome Waldie at 10:07 P.M. to the next regular Council meeting on April 28, 2009.

Respectfully Submitted

*L. Jolene Martin, CMC*

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L. JOLENE MARTIN, CMC  
Antioch City Clerk