

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

**Special/Regular Meeting**  
**6:00 P.M.**  
**5:30 P.M. – Closed Session**

**July 14, 2009**  
**Council Chambers**

1. **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.
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board – Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. re: Markley Creek; SPPI-Somersville, Inc. et al. v. TRC et al. (USDC N.D. Cal Case No C04-2648 SI); SPPI-Somersville, Inc. et al. v. Chevron (USDC N.D. Cal. Case No. C07-05824 SI). This Closed Session is authorized pursuant to Government Code §54956.9 (a).

Mayor Davis called the meeting to order at 6:06 P.M., and City Clerk Martin called the roll.

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

**SPECIAL MEETING**

1. **UPDATE ON FINANCIAL STATUS AND PROVIDE DIRECTION TO STAFF ON THE FISCAL YEAR 2008-10 BUDGET**

Finance Director Merchant and Assistant City Manager Mornick presented the staff report dated July 8, 2009 and gave a brief overhead presentation recommending the City Council provide direction to staff on FY 2008-10 budget options.

In response to Mayor Davis, Recreation Deputy Director Sanderson reported invoices had been received from Babe Ruth in the amount of approximately \$28k.

Councilmember Kalinowski stated, for the record, the budget recommendations had come through the subcommittee with a vote to bring them for public comment and for Council consideration. He reported the subcommittee discussed the land purchase issue, however, some properties were not eligible to be repurchased by the redevelopment agency and the reality of the real estate market did not maximize the benefit. He stated discussion regarding economic incentives paid through redevelopment economic incentive programs had ensued, and cautioned the City Council measures had been and/or will be implemented as needed to reduce the deficit for future years.

In response to Councilmember Moore, Finance Director Merchant stated she would not recommend the fund balance drop below \$3.5M – \$4M.

Council consensus was to hear Public Comment prior to Council deliberation on the various budget items.

## **PUBLIC COMMENTS**

Linda Locke, President of the Friends of the Antioch Library, and Neil MacCallister reviewed the benefits of the Antioch Library and requested the City Council fund the hours of operation.

Mayor Davis read written comment from Carol Roscheroski, requesting the City Council support the Senior Citizen Center programs.

Leigh Berg spoke to the importance of the library, cultural arts and the afterschool recreation programs for the children of the community. She urged the City Council to maintain the programs for the youth.

Bob Oliver, provided written comment with suggested budget considerations for the City Council. He questioned if the Budget Subcommittee was entitled to private sessions.

City Attorney Nerland clarified the Budget Subcommittee was an adhoc committee with no quorum and they were able to meet without following the Brown Act requirements.

Elizabeth Rimbault, Antioch Historical Society, gave a history of the ballot measure to increase the transient occupancy tax 3% and suggested historical be attached to the civic arts and the \$100k be divided between them. She noted if the amount was less than \$100k they should share in the decrease.

Mayor Davis called the Regular Council meeting to order at 7:00 P.M., and City Clerk Martin called the 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 reported the City Council had been in Closed Session and there was no reportable action

## **PRESENTATION**

Brian Nunnally, Economic Development Analysis, thanked Michelle Copeland of American Trophies for donating the trophies and he presented trophies to the 4th of July Hometown

Parade winners. He recognized the City employees and volunteers who help to coordinate the event.

The Council commended all those who participated in the 4th of July Celebration and parade.

### **PUBLIC COMMENT BUDGET STUDY SESSION - CONTINUED**

Mary Dodson, Antioch resident spoke in support of retaining the staffing levels of the police force, public works and library.

Janaella Garrett and Ceci Chalasani discussed benefits the Antioch Library provided for the residents of the community and requested the City Council fund the public library.

Walter Ruelig representing the County Library Commission, spoke to the value of the Antioch Public Library for the residents of the community.

Judy Dawson, American Cancer Society Relay for Life, requested budget cuts and reductions not made to the senior center.

Richard Douglas, speaking on behalf of the Antioch Senior Center, requested budget reductions that affect the center have minimal impact on the services they could provide and he invited the City Council to make a reservation and attend dance band Wednesday.

Judy Norseen, President of the Board of Director Senior Center, spoke to the value of Senior Center programs and invited the City Council to attend lunch with the members.

Susie Dove, representing several nonprofit social service agencies provided statistics for social service programs. She offered to return the \$6k RDA funding from Delta 2000 and discussed the importance of the Library and Senior Center programs.

Kenika Fobbs, Stacey Dempsey, Christina Treio, Nick Banks, Maureen Gil, Samantha Tyler, representing Antioch Youth Council, discussed the importance of the Recreation Department and the programs services they offer the youth in the community.

Merle Whitburn, Friends of the Antioch Library invited the Council to become members and expressed concern County library funding was the same for Antioch as other communities that have a lower percentage of low income families and children in need of library services. She requested the City Council continue to fund the library.

Jacque Wandry, speaking on behalf of Janice Hicks, spoke to the importance of Library programs for the community and the need for more resources.

Barbara Sobalvarro, President and Founder of Friends of Animal Services, requested the Council consider they are a voter mandated program and part of the Police Department, public safety and health programs. She voiced her support for the shelter becoming a no kill shelter

and keeping the shelter open for adoption with reasonable fees. She requested no further budget cuts for Animals Services.

Devi Lanphere, Antioch Chamber of Commerce, discussed the need for the community to assist at the state and county level to advocate for a fair share of funds for programming needs in Antioch. She reviewed the services provided by the Small Business Information Center and suggested the City may be able to find funds from the Contra Costa County Small Business Development Center which has stopped providing services in East County.

Diane Gibson-Gray, Executive Director of the Arts and Cultural Foundation (ACFA), suggested the City cut their funds by a percentage, noting without the City's contract they would cease to exist. She provided a list of free summer concerts and encouraged the Council to attend.

Dr. Charles Reed discussed the value of libraries services and programming in the community and requested the Council not reduce the hours of operations.

Gary Reiman, representing the Arts and Cultural Foundation of Antioch, stated without the City funding of the foundation the program would cease to exist which would negatively affect the City's image.

Ralph Hernandez Chair Citizens for Democracy, felt certain employee groups had extravagant salaries and benefits and suggested the Council look into reductions.

Michael Arriola, Antioch resident, spoke in opposition to reducing the staffing levels of the Police force.

Katrina Miller spoke to the importance of library hours and programming for the youth in the community.

Rudy Fernandez, Contra Costa Advisory Council on Aging, spoke to the value of senior programs in the community and requested the Council not cut funding for the Senior Center.

Khadija Ennair Antioch resident spoke to the value of the Senior Citizen Center.

Karen Kops, President of Homeless Animals Response Program (HARP), speaking on behalf of Animal Services, discussed the need for increased services and noted cuts to the program would be very serious.

Lorenzo Roderick and Nicholas Kraber spoke on behalf of the Antioch Library and urged the Council to retain the funding to keep the facility open 52 hours per week.

Mayor Davis read written comments from the following individuals indicating their support for the Recreation Department and requesting funding to be retained for City programs: Kelly Brown, Sarah Trettenero, Griselda Paiarios, Maribel Lemus and Stephen Bundy.

Mayor Davis declared a recess at 8:19 pm. The meeting reconvened at 8:30 pm with all Councilmembers present with the exception of Councilmember Kalinowski who returned at 8:31 p.m.

William Chapman, Delta 2000, Antioch Senior Center and Antioch Youth Sports Complex reported they had been building the sports complex and those bills had been submitted to the Finance department for approximately \$56k.

Director of Recreation Sanderson discussed the potential impacts of budget reductions for the various programs and operations within the Recreation Department.

For the record, Councilmember Parsons stated she does not want any budget cuts to affect the senior center and afterschool programs.

In response to Council, Assistant City Manager Mornick clarified the Transient Occupancy Tax was voted on as a General measure which meant the money could not be dedicated to a specific purpose. However there was an ordinance after the fact that dedicated 30% to the Cultural Foundation.

Following discussion, the City Council provided the following direction regarding budget considerations:

- Direction to staff to provide a report in two weeks on impact analysis for reducing the budgets for the Recreation Department 10-20% and Prewett Park 20%
- Animal Services – reduce by \$47,000 the amount the city would pay the County for services
- Eliminate all General fund support of the Capital Improvement Program.
- Identify all surplus cars and trucks and sell if possible
- Explore the possibility of any savings from leasing vehicles instead of buying
- Staff reorganizations in the form of re-alignments and retirements
- The \$132,000 projected operational costs for Prewett Park removed from the table
- Use CDBG funds for Antioch specific programs as much as possible
- Pursue an “Adopt a Park” program (sponsorship for park maintenance)
- Put in place a sidewalk liability ordinance
- Lock RDA and ADA funding commitments for this year only and reconsider next fiscal year (not including the library hours)
- Library hours – report to Council from Walter Ruelig on per capita funding comparison countywide by jurisdiction, percentage of increase or decrease of Antioch’s support from the county pass through to the Antioch library and how that compared to the population increase, what was the overall increase in library funding countywide from 2000-2009, comparison of facility size analysis by jurisdiction. Reconsider after report is received in September timeframe.
- Transient Occupancy Tax (TOT) contribution to the Arts and Cultural Foundation reduced to \$70k
- Work Alternative Program – bring this item back in the future
- Reduce the park maintenance contract – under staff review

- Update fee study – bring back dollar amount for Council consideration
- Council majority agreed to scale back on the Rivertown advertising program funded out of the ADA for the amount of \$120k
- Change the distribution of the additional 7% garbage franchise fee enacted in 2005
- Contract out Marina operations (City Manager determine if revenue can be generated and the operations to include security, if feasible)
- Eliminate the litigation reserve and reduce the compensated absences reserve to 10%

Devi Lanphere, speaking on behalf of the Economic Development Commission, spoke to marketing and improving the visual appeal of the Rivertown area.

Councilmember Parsons requested staff ask the Antioch Unified School District if it would be feasible they contribute additional funds for the resource officers.

Councilmember Kalinowski reported he received a text message requesting the City parks not be maintained by volunteers and suggesting combining the jobs of the Assistant City Manager and Economic Development Director. He responded the job duties of the Assistant City Manager and Economic Development had been combined. He expressed concern a majority of the budget cuts are one time fixes and there would be further problems impacting the community.

Councilmember Parsons requested the issue of layoffs comeback to the Council in two weeks.

Councilmember Rocha thanked the members of Locals 1 and 3 for cooperating with concessions.

Councilmember Moore expressed concern for how the City would function with additional layoffs and stated he supported waiting two weeks to see if there were additional concessions from the employee groups.

Mayor Davis expressed his disappointment the City Council could not reach a decision this evening regarding employee layoffs. He requested City Attorney Nerland provide the City Council with information on the legal and financial impacts of the City filing bankruptcy.

Councilmember Kalinowski stated he had a conversation with the APOA President which he indicated his expectation would be that there be a package of concessions or the budget cuts would come from a reduction in staffing. He noted his position on the round three layoffs was that the Police Department layoffs be deferred until the City heard preliminarily on the COPS grant and the City moved forward with the layoffs of the general employees.

Following discussion regarding the layoffs for the general City employees, a consensus could not be reached and clear direction was not received.

Mayor Davis stated he hoped to maintain all the Police Officers however there was a need for concessions to be made.

Mayor Davis declared a recess at 10:04 pm. The meeting reconvened at 10:16 pm. with all Councilmembers present, with the exception of Councilmember Kalinowski who returned at 10:21 pm.

City Attorney Nerland reported the City Council had been in Closed Session and provided the following report: CONFERENCE WITH LABOR NEGOTIATOR – Employee organizations – no reportable action, and CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION this item will be heard in Closed Session following the meeting.

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

Elizabeth Rimbault announced the Antioch Women's Club was sponsoring a free immunization clinic on August 5, 2009 from 9:00 am to 4:00 pm. and she thanked those who have donated to fund the event. She reported the murals had been completed and were beautiful.

Mayor Davis, on behalf of the City Council, requested Ms. Rimbault convey their gratitude to the Women's Club for the service they provide the community.

### **PUBLIC COMMENTS**

Administrative Analysis Julie Hass Wajdowicz gave a brief update on drought measures and goals. She displayed and provided a brief description of items available to the public for water conservation. Contact information was given.

**COUNCIL RESPONSE TO PUBLIC COMMENTS** - None

**MAYOR'S COMMENTS** - None

## **2. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR JUNE 23, 2009**

**B. APPROVAL OF COUNCIL WARRANTS**

**C. ORDINANCE NO. 2031 C-S TO REZONE APPROXIMATELY 189 ACRES, COMPRISING THE AVIANO ACTIVE ADULT COMMUNITY PROJECT SITE FROM STUDY ZONE (S) TO PLANNED DEVELOPMENT DISTRICT (PD) (AVIANO/PULTE/DEL WEBB) (MPD-05-01/PD-09-03)**

**D. REJECTION OF CLAIM**

**1) Pacific Gas & Electric Company 09/10-1884 (property damage)**

**E. DESIGNATION OF VOTING DELEGATE FOR 2009 LEAGUE ANNUAL CONFERENCE**

**F. PREWETT PARK PROJECT CONSTRUCTION HOURS MODIFICATION AND AN ORDINANCE TO ADD SECTION 5-17.06 TO THE ANTIOCH MUNICIPAL CODE TO**

**FORMALIZE A PROCESS FOR SEEKING WAIVERS TO ESTABLISHED CONSTRUCTION HOURS (to 7/28/09 for adoption)**

- G. APPROVE AWARD OF PROPOSAL FOR COUNTRY HILLS DRIVE PAVEMENT REHABILITATION PROJECT**
- H. RESOLUTION NO. 2009/58 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE SOMERSVILLE ROAD BRIDGE OVER THE CONTRA COSTA CANAL (P.W. 141-B)**
- I. AMEND THE CONTRACT WITH MCK SERVICES, INC. FOR ADDITIONAL ROADWAY AND CONCRETE REPAIRS IN THE DOWNTOWN AREA (P.W. 678-2)**
- J. RESOLUTION NO. 2009/59 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE CURB, GUTTER AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE HANDICAPPED ACCESSIBLE RAMPS AT MISCELLANEOUS LOCATIONS (P.W. 507-11)**
- K. ENERGY SAVING / PRODUCTION OPPORTUNITIES – SOLAR ENERGY**
- L. RESOLUTION NO. 2009/60 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 items E, F and K which were removed for further discussion.

**Item E** – City Attorney Nerland clarified the item was on the agenda in the event a Councilmember decided to attend the 2009 League Annual Conference.

On motion by Councilmember Moore, seconded by Councilmember Kalinowski, the City Council unanimously approved item E.

**Item F** – Councilmember Parsons stated if the City received complaints regarding construction noise the item be brought back to the City Council for consideration. I

On motion by Councilmember Parsons, seconded by Councilmember Moorec the City Council unanimously approved item F.

**Item K** – In response to Council, Project Manager Karste reported the Consultants could attend a future meeting if the City Council has questions regarding the report.



On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously received and filed the report.

## **PUBLIC HEARINGS**

### **3. STREET LIGHT AND BUILDING ENERGY RETROFIT PROGRAM WITH HONEYWELL INCORPORATED (Continued from 6/9/09)**

On motion by Councilmember Rocha, seconded by Councilmember Moore the City Council unanimously continued item 3 to July 28, 2009

### **4. A.D. SEENO CONSTRUCTION IS APPEALING THE PLANNING COMMISSION'S DECISION TO DENY A VARIANCE FOR THE MIRA VISTA HILLS 13 SUBDIVISION TO REDUCE THE REQUIRED SETBACKS IN THE FRONT AND REAR YARD IN THE SUBDIVISION LOCATED NORTH OF CAMBRIDGE DRIVE FILE: V-09-01**

Community Development Technician Stahl presented the staff report dated July 9, 2009 recommending the City Council adopt the resolution denying the appeal and uphold the Planning Commission's decision. She noted as part of the appeal the applicant has sought to add lot 89 to the variance request. This lot was not included in the City Council's notice of the public hearing and if the City Council was inclined to reverse the Planning Commission's decision, and grant a variance for the other lots then they could discuss how to proceed with the additional variance request.

Mayor Davis opened the public hearing.

Louis Parsons, representing AD Seeno, stated they were in agreement with staff's recommendation of option 3 to incorporate the single story plan within the project. With regards to lot 89, he clarified they were requesting variances due to extraordinary topographical challenges.

Mayor Davis read written comment from Tim Donahue, in opposition to the variance requested.

Mayor Davis closed the public hearing.

City Attorney Nerland stated staff could work with the applicant regarding the additional variance for lot #89 to determine the most appropriate action.

### **RESOLUTION NO. 2009/61**

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council unanimously upheld the appeal and adopted the resolution approving the variance for the reduction in front yard setbacks and the rear yard flat area for V-09-01 and directed staff to work with the applicant on the variance for lot 89 and use the avenue that was the most appropriate.

**5. A.D. SEENO CONSTRUCTION REQUESTS APPROVAL OF THE INTEGRATION OF THE PREVIOUSLY APPROVED SINGLE FAMILY RESIDENTIAL UNITS FOR MIRA VISTA HILLS 13 SUBDIVISION INTO THE MIRA VISTA HILLS 16 SUBDIVISION AND IS APPEALING THE PLANNING COMMISSION'S DECISION TO DENY A VARIANCE TO REDUCE THE REQUIRED FRONT LOCATED OFF OF MALLARD WAY JUST SOUTH OF JAMES DONLON BOULEVARD OFF OF PINTAIL DRIVE FILE: UP-09-02/AR-09-03/V-09-04**

Community Development Technician Stahl presented the staff report dated July 9, 2009 recommending the City Council adopt the resolution approving the unit mix modification and adopt the resolution denying the appeal and uphold the Planning Commission's decision to deny the variance

Mayor Davis opened the public hearing.

Louis Parsons representing AD Seeno described their application for product integration and variance request.

Mayor Davis read written comment from Tim Donahue, in opposition to the variance requested.

Mayor Davis closed the public hearing.

**RESOLUTION NO. 2009/62**

On motion by Councilmember Parsons, seconded by Councilmember Rocha, the City Council unanimously adopted the resolution to approve the homes size and unit mix modification amendment (UP-09-02/AR-09-03).

**RESOLUTION NO. 2009/63**

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council adopted the resolution upholding the appeal and approving a variance for the reduction in front yard setbacks for Mira Vista Hills 16.

The motion carried by the following vote:

Ayes: Davis, Rocha, Moore, Parsons

Abstain: Kalinowski

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Manager Jakel announced the City Council would be meeting only once in August on the 11th and a reception for Leo Fontana will precede the July 28, 2009 City Council meeting.

## **COUNCIL COMMUNICATIONS**

Councilmember Parsons announced she attended and participated in the following events: Relay for Life and Kiwanis Club of the Delta breakfast, 4th of July Celebration and Parade, Hillcrest Specific Plan tour, Community Cleanup at Hillcrest Community Park, Jr. Giant opening day, Police Paralyzed Officers fundraiser and Antioch Indoor Sports Arena ribbon cutting.

Councilmember Rocha announced City Manager Jakel will be speaking at a function on July 23, 2009.

Mayor Davis thanked Councilmember Parsons for attending City functions and her outreach to the community.

With no further business, Mayor Davis adjourned to Closed Session at 10:55 P.M.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board – Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. re: Markley Creek; SPPI-Somersville, Inc. et al. v. TRC et al. (USDC N.D. Cal Case No C04-2648 SI); SPPI-Somersville, Inc. et al. v. Chevron (USDC N.D. Cal. Case No. C07-05824 SI). This Closed Session is authorized pursuant to Government Code §54956.9 (a).

Respectfully Submitted:

*L. Jolene Martin, CMC*

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L Jolene Martin, CMC  
Antioch City Clerk