

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**October 27, 2009
Council Chambers**

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

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Shelter-In-Place Education Day, November 4, 2009

On motion by Councilmember Moore, seconded by Councilmember Parsons, the Council unanimously approved the proclamation.

Councilmember Rocha presented the proclamation proclaiming November 4, 2009 as Shelter-In-Place Education Day to Lieutenant Marchoke, representing the Antioch Police Department who thanked the City for the recognition and encouraged everyone to participate in emergency preparedness programs.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Nancy Fernandez, Antioch resident, spoke in support of the Community Halloween Party however; she expressed her concern regarding the appearance of impropriety with the use of the Antioch logo on the announcements, coupled with the City's liability during the event. She questioned whether or not the City had received confirmation from Pastor Smith regarding the liability policy which would hold the City harmless.

Nicholas Welzenbach, Oak View Memorial Park, announced a Tree Lighting and Candlelight Memorial Service to be held at 6:30 P.M. on November 18, 2009 at Oak View Memorial Park. Contact information was provided.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Moore stated he was not personally responsible for the use of the City's logo for the Holy Eve Carnival and clarified he did not authorize or encourage its use. Additionally, he noted it was the City Attorney's responsibility to send out notices for all organizations to cease and desist the use of the logo without authorization.

Councilmember Rocha invited the community to participate in the Holy Eve Carnival on October 31, 2009 at the Contra Costa County Fairgrounds.

Councilmembers Moore and Kalinowski spoke in support of the Holy Eve Carnival event and encouraged the community to participate.

Lawrence A. Rasheed announced the RAAMP Charter Academy was hosting an Open House at 7:00 P.M. on October 29, 2009 at Antioch Church Family.

City Attorney Nerland reported staff would be bringing to the City Council a City Event Sponsorship Policy which would identify and propose some protocols as to the various levels of the City involvement in community events.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Parsons reported on her attendance at the Contra Costa Council Water Forum, Deer Valley High School Law Academy reception and Appeals Trial, eBART meeting and Prewett Park construction tour.

Councilmember Moore reported on his attendance at the eBART forum and announced an Animal Services subcommittee meeting would be held on October 28, 2009.

Councilmember Rocha reported on her attendance at the Association of Bay Area Government (ABAG) meeting and the League of Cities meeting.

Councilmember Kalinowski thanked Councilmembers Parsons and Moore for attending the eBART forum.

MAYOR'S COMMENTS

Mayor Davis reported on his attendance at the Delta 6 meeting and Deer Valley High School Law Academy reception.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 13, 2009

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIMS

- 1. Chad Otero 09/10-1869 (unjust towing)**
- 2. Shirley Hamby 09/10-1927 (vehicle damage)**
- 3. Robert Hawkins 09/10-1922 (vehicle damage)**
- 4. Kelly Lieber 09/10-1921 (vehicle damage)**

D. APPROVE AWARD OF PROPOSAL FOR WATER TREATMENT REMOVAL/INSTALLATION OF GRANULAR ACTIVATED CARBON, PROPOSAL NO. 968-0916-10F

E. MARKLEY CREEK REMEDIATION PROJECT

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the Council unanimously approved the Council Consent Calendar with the exception of items which were removed for further discussion.

Item A – Councilmember Moore amended the minutes of October 13, 2009, page 3, paragraph 5, striking AFTA and replacing it with American Public Transportation Association (APTA).

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council unanimously approved item A as revised.

PUBLIC HEARING

2. AMENDMENTS TO TITLE 9, CHAPTER 5 OF THE ANTIOCH MUNICIPAL CODE TO ADOPT CITYWIDE DESIGN GUIDELINES (Z-09-01)

Senior Planner Morris presented the staff report dated October 22, 2009 recommending the City Council: 1) Introduce the ordinance by title only; and, 2) Introduce the ordinance revising Section 9-5.2609, of the Antioch Municipal Code to adopt Citywide Design Guidelines.

Mayor Davis opened and closed the Public Hearing with no speakers requesting to speak.

Councilmember Moore requested additional language be inserted into the ordinance under Section (C) (a) to read; *“That because of special circumstances applicable to the subject property, including but not limited to, size, shape, topography, location or surroundings, the strict application of the design guidelines is not feasible; or,”* He expressed concern with moving forward on the ordinance given the concerns expressed by Discovery Builders as outlined in the letter dated October 27, 2009.

Senior Planner Morris discussed the process for making revisions to the Design Guidelines.

City Attorney Nerland stated the ordinance would be effective with or without the additional language as requested by Councilmember Moore this evening. She requested the ordinance be revised renumbering/lettering section (C) (a), (b) (c) to section (C) (1) (2) (3).

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council unanimously: 1) Introduced the ordinance by title only; and, 2) Introduced the ordinance revising Section 9-5.2609, of the Antioch Municipal Code to adopt Citywide Design Guidelines with the following changes to the ordinance:

- Renumbering/lettering from section (C) (a), (b) (c) to section (C) (1) (2) (3)
- Amending (C) (1) to read, *“ That because of special circumstances applicable to the subject property, including but not limited to, size, shape, topography, location or surroundings, the strict application of the design guidelines is not feasible; or,.... ”*

COUNCIL REGULAR AGENDA

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

Director of Capital Improvements/Water Rights Harrington presented the staff report dated October 15, 2009 and Matt Embertt gave a brief power point presentation of the City of Antioch - Water Issues Update Part II, dated October 27, 2009, recommending the City Council: receive and file the staff report regarding Antioch's existing Water Rights Bay Delta Conservation Plan and proposed State Legislation (Senate Bill No. 68), and provide direction to staff as appropriate.

On behalf of the community and City Council, Mayor Davis thanked Mr. Harrington for the presentation and for representing the City of Antioch's Water Rights. He encouraged the community to ask congressional representatives what their commitments were regarding this issue.

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

4. AGENCY CONSENT AGENDA

A. APPROVAL OF AGENCY WARRANTS

In response to Councilmember Moore, City Manager Jakel stated he would provide further information regarding warrant #118845 Antioch Unified School District.

On motion by Councilmember Moore, seconded by Councilmember Parsons, the City Council unanimously approved the Agency Warrants.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced there would be a presentation from Contra Costa County Homeless Services at the City Council meeting on December 8, 2009. He noted the next City Council meeting would be on November 10, 2009 and depending on agenda size it would be determined if it was necessary to hold the November 24, 2009 meeting.

COUNCIL COMMUNICATIONS

Councilmember Parsons reported on her attendance at the Employee Appreciation Luncheon, Deer Valley High School After School Library Program, CCISCO Forum, Antioch Historical Society Dinner, Black Cat Ball and Earth Day Cleanup Committee Meeting.

With no further business, Mayor Davis adjourned the meeting at 8:31 P.M. to the next regular Council meeting on November 10, 2009.

Respectfully submitted:

L. Jolene Martin

L. JOLENE MARTIN, City Clerk