

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

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

**May 25, 2010  
Council Chambers**

**6:00 P.M. - CLOSED SESSIONS**

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** . . Onita Tuggles v. City of Antioch et al, Northern District Court Case No. C 08-01914 JCS; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA; and Riaz Patras, Maryam Patras and Mark Patras v. City of Antioch et al., Northern District Court Case No. CV-09-1891. This Closed Session is authorized by California Government Code §54956.9.
- 2. CONFERENCE WITH LABOR NEGOTIATOR** – Employee organizations: Public EmployeesqUnion Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officersq Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employeesq Association. This Closed Session is authorized by California Government Code §54957.6.
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 . City Attorney

Mayor Davis called the meeting to order at 7:10 P.M., and City Clerk Martin called the roll.

Present: Council Members Parsons, Moore, Kalinowski, Rocha 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. Direction was given to staff. No reportable action was taken.

**PRESENTATION**

Code Enforcement Manager Ryan Graham gave a brief presentation and update on the *Graffiti Abatement Program*. He acknowledged all the volunteers working in the program, those in attendance introduced themselves.

A resident discussed the positive impacts of the Graffiti Abatement Program and encouraged residents to volunteer.

Code Enforcement Manager Graham announced applications for volunteers would be available on the City's website in mid June.

Mayor Davis thanked Mr. and Mrs. Fernandez for removing the graffiti on the wall along Buchanan Road/Somersville Road. .

Code Enforcement Officer Graham reported Mr. and Mrs. Fernandez painted the entire wall and contacted the manager of Orchard Supply Hardware who donated the paint and materials.

On behalf of the City Council and community, Mayor Davis thanked the volunteers and Code Enforcement Manager Graham for their efforts.

Councilmember Parsons thanked Code Enforcement Manager Graham, Tim Forester, Cliff Rezendes, Mike Bechtholdt and Mayor Davis.

## **PROCLAMATIONS**

### *Public Works Week, May 23 – 29, 2010*

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

Mayor Davis presented the proclamation proclaiming May 23 . 29, 2010 as *Public Works Week* to Assistant City Engineer Bernal who introduced employees of the Public Works Department. Assistant City Engineer Bernal stated it was a privilege to work with dedicated employees and thanked the City Council for recognizing the Public Works Department.

Councilmember Moore acknowledged the importance of the Public Works Department and thanked the employees for being dedicated to the community.

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

James Bundgaard gave a brief history of a Bomber Group out of England and invited the community to attend the Memorial Day service on May 31, 2010 at Oakview Park Cemetery from 9:00 A.M. . 12:00 P.M.

Mayor Davis acknowledged Mr. Bundgaard for organizing the Memorial Day program.

Betty Smith reported the Antioch Rivertown Jamboree hosted the Harlem Ambassadors on May 16, 2010 at Los Medanos College, and noted it was a very successful event. She thanked Antioch Councilmember Rocha and Pittsburg Councilmember Parent for participating as well as the sponsors and volunteers. She thanked the community and City Council for their support.

Councilmember Rocha thanked Ms. Smith for organizing the event.

## **PUBLIC COMMENTS**

Megan Joseph, representing the Center for Human Development and Policy Coordinator for the East County Alcohol Policy Coalition announced they would be assessing the Contra

Costa County Fair, Brentwood CornFest and Pittsburg Seafood Festival for policy relating to youth access to alcohol. Additionally, they would be holding responsible beverage service training for merchants.

John Taylor, volunteer for the East County Alcohol Policy Coalition, discussed the need to be accountable and responsible to eliminate youth access to alcohol.

Ms. Joseph invited the City Council to attend the monthly East County Alcohol Coalition Policy meetings.

Mayor Davis requested the time and location of the meetings be sent via email.

Nancy Fernandez, Antioch resident, expressed concern the City Council had not worked effectively to solve the budget issues. She suggested the Historical Society and Golf Course be self-supporting and the Animal Shelter live within their income. She stated she felt the Police Department and infrastructure of the City needed to be the priority.

Martin Fernandez, Antioch resident, stated he did not feel there was a comparative value for Animal Shelter and the Recreation Department and the initiative creating Animal Control states it should be self-supporting. He stated he felt Animal Control could be run on \$1k per day. He urged the City Council to work together and make the tough decisions to balance the budget and cautioned them not to depend on a parcel tax succeeding.

Jame Wong, Antioch resident, stated she could support higher fees for recreational programming; however reducing programming will have a negative impact on the youth. She suggested asking large retailers in Antioch to donate to recreation programming.

Leslie Campbell, Antioch resident, expressed concern regarding the City's budget crisis and discussed the value of the Recreation Department to her family. She stated she was willing to pay more for Recreation Program services, however, she hoped the City Council would help the Recreation Department reach a place where it could become self-funding in the future.

Councilmember Kalinowski stated should the City contract Animal Services through the County, the cost would be \$549k per year, stating there were areas in need of modification in order to adhere to their General Fund subsidies. He stated he recognized the issues related to Recreation Programs however he felt the City should stop running programs that did not have full participation or were not self sufficient.

Councilmember Moore clarified the City Council had acted as all past City Councils have with regards to the development and adoption of the budget.

**COUNCIL SUBCOMMITTEE REPORTS** - None

**MAYOR'S COMMENTS** - None

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR MAY 11, 2010
- B. APPROVAL OF COUNCIL WARRANTS
- C. APPROVAL OF TREASURER'S REPORT FOR APRIL 2010
- D. REJECTION OF CLAIM
  - 1. Precious LaCap 09/10-1942 (personal injury)
- E. ORDINANCE NO. 2040-C-S AMENDING SECTIONS 3-5.302 AND 3-5.312 REGARDING THE TRANSIENT OCCUPANCY TAX (Introduced 5/11/10)
- F. RESOLUTION NO. 2010/34 ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE 2010-2011 FISCAL YEAR
- G. AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH ANN B. SPAULDING
- H. CONSIDERATION OF BIDS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE 4 (P.W. 678-4)
- I. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) 2010
- J. RESOLUTION NO. 2010/35 AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSERVATION MEASURE AGREEMENTS AND PERMITS WITH THE APPROPRIATE REGULATORY AGENCIES IN CONJUNCTION WITH THE ANTIOCH MARINA BOAT LAUNCH FACILITY PROJECT (P.W. 523-16)

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

**Item H** . In response to Councilmember Parsons, Director of Capital Improvements/Water Rights Harrington stated there had been issues in the past with Bay Cities Paving and Grading Inc. performance; however the City had put protective measures in the contract documents.

City Attorney Nerland clarified the revisions to the Public Works documents and procedures were applicable to all contractors. She noted the City was mandated by State law to take the lowest responsible and responsive bidder. She further noted due process was in place to deem a bidder as non responsible should staff believe it necessary.

On motion by Councilmember Parsons, seconded by Councilmember Rocha, the City Council unanimously approved Item H.

**Item I** . In response to Council's question, Captain Cantando clarified there was an error in the staff report and the amount of the allocation, less the management fee, would be \$78,163 after the 10% fee from the County.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council unanimously approved Item I.

## **PUBLIC HEARINGS**

### **2. RESOLUTION ADOPTING THE DRAFT FY 2010-2015 CONSOLIDATED PLAN AND THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (Continued from 4/27 and 5/11/10)**

Associate Planner Gentry presented the staff report dated May 18, 2010 recommending the City Council adopt the resolution.

Mayor Davis opened and closed the public hearing with no speakers requesting to speak.

#### **RESOLUTION NO. 2010/36**

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council unanimously adopted the resolution.

## **COUNCIL REGULAR AGENDA**

### **3. CONSIDER A PROPOSAL FROM THE NON-PROFIT GROUP, FRIENDS OF ROSWELL BUTLER HARD HOUSE, FOR THE RESTORATION AND PRESERVATION OF THE ROSWELL BUTLER HARD HOUSE**

Acting Assistant City Manager Mornick presented the staff report dated May 11, 2010 recommending the City Council provide direction.

David Brink, Antioch resident, representing Friends of Roswell Butler Hard House, stated there was some concern the group would not be able to raise the funds necessary to restore and preserve the house as the job would be more costly, if the City retained ownership of the property. He stated the group had a proven track record and people/workers were in place to complete a successful project. He noted they would not be willing to move forward on the job if the City maintained ownership of the property. He reported their initial proposal was to take ownership of the property, with the caveat, should they fail to meet specific milestones the project would revert back to the City. He stated the initial phase would be to secure the building, install an alarm and clear the grounds.

Councilmember Kalinowski stated he could not support turning the building over with no option in place for the property to revert back to the City. He stated he was willing to support staff's recommendation with the scope of work identified, final vision for the fully renovated project and some negotiated components for phases 1 and 2 being completed before turning over the building.

In response to Acting Assistant City Manager Mornick, Mr. Brink stated they had insurance in place in the amount of \$1M for the building.

Councilmember Moore stated he was in favor of transferring the property immediately to the Friends with assurances the City would not get the property back and the City would have no further responsibilities.

Councilmember Kalinowski suggested the Mayor create a two person subcommittee with Acting Assistant City Manager Mornick and City Attorney Nerland to review the outstanding issues and provide a recommendation to the City Council.

Mr. Brink stated they were willing to carry a \$5M insurance policy.

Councilmember Parsons voiced her support for the formation of a subcommittee.

City Manager Jakel cautioned the City Council, as the subcommittee process would need to be expedited due to budget issues limiting staff support.

Councilmember Rocha voiced her support for the project moving forward.

Community Development Director Wehrmeister stated the demolition of a historic structure was a significant unavoidable impact under CEQA and before the City could issue a demolition permit, they would need to prepare the appropriate documentation and have it certified.

On motion by Councilmember Parsons, and seconded by Councilmember Rocha, to transfer ownership of the Hard House immediately to the Friends, with the stipulation the City not accept reversion of ownership should the non-profit disband in the future.

Councilmember Kalinowski stated he could not support the motion due to the fact should it be determined the building need to be demolished, and the non-profit be unable to pay for it, the property would then become the City's responsibility. He further expressed his concern as to whether or not the Council should be turning over a City asset without a specific plan in place, as the City would have no protection from liability. He stated he felt there should be a clear methodical approach to the transfer.

City Attorney Nerland stated, should the motion pass, she would prepare a resolution and a deed with the appropriate findings to be brought back on the City Council Consent Calendar at a later date.

In response to Mayor Davis, Mr. Brink stated should the motion fail; he would be willing to meet with a subcommittee to address the outstanding issues for the property transfer.

The motion failed by the following vote:

Ayes: Rocha

Noes: Davis, Kalinowski, Parsons, Moore

Councilmembers Parsons and Rocha agreed to serve on the subcommittee to resolve the outstanding issues including the following;

- “ At what point would the City Council want the property to revert if certain milestones were not met
- “ Suggest Friends research the expense of an insurance policy that would include the City of Antioch as an additional insured during the period of reversion up to a \$5M level
- “ Suggest City Attorney Nerland query list serve regarding the liability portion

#### **4. AGENCY CONSENT CALENDAR**

##### **A. APPROVAL OF AGENCY WARRANTS**

On motion by Agency Member Kalinowski, seconded by Agency Member Rocha, the Antioch Development Agency unanimously approved the Agency Warrants.

**PUBLIC COMMENTS** - None

#### **STAFF COMMUNICATIONS**

City Manager Jakel announced the following City Council meeting schedule;

- “ June 1, 2010 6:30 PM, Budget Study Session at the Maintenance Service Center . Closed Session at 6:00 PM.
- “ June 8, 2010 Regular City Council meeting
- “ June 22, 2010 Regular City Council meeting

Councilmember Kalinowski stated he would not be able to attend the June 8, 2010 City Council meeting.

#### **COUNCIL COMMUNICATIONS**

Councilmember Rocha announced the VEPA Happening at Antioch High School has been rescheduled for June 3, 2010 from 8:30 A.M. . 1:20 P.M.

With no further business, Mayor Davis adjourned the meeting at 9:08 P.M. to the upcoming Study Session on June 1, 2010.

Respectfully submitted:

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L. JOLENE MARTIN, CMC