

**CITY COUNCIL MEETING  
INCLUDING THE ANTIOCH CITY COUNCIL  
ACTING AS SUCCESSOR AGENCY/HOUSING SUCCESSOR  
TO THE ANTIOCH DEVELOPMENT AGENCY**

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

**July 24, 2012  
Council Chambers**

**6:15 P.M. - CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** Pursuant to subdivision (a) of Section 54956.9: City of Brentwood, et al. v. Campbell (Chevron Property Tax Assessment Refund Dispute), Contra Costa Superior Court Case No. N11-1029

Mayor Davis called the meeting to order at 7:03 P.M., and City Clerk Skaggs called the roll.

Present: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor Davis

**PLEDGE OF ALLEGIANCE**

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

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, direction was given to staff.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None**

**PUBLIC COMMENTS**

Marty Fernandez, Antioch resident, spoke to the inability of Delta Diablo Sanitation District Street to perform adequate street sweeping services due to the large quantity of vehicles parked on the street. He requested the City enforce the removal of inoperable vehicles and campaign for residents to move their vehicles on designated sweeping days. He urged the City to consider a no parking ordinance on sweeping days.

Markus Machado, Antioch resident, spoke in opposition of the City approving the licensing of additional gambling establishments in Antioch.

Greg Enholm, Bay Point resident, read a letter presented to Council requesting that they consider requesting a presentation by the College District to discuss how to increase the number of high school students attending Los Medanos and to provide information on the proposed College District parcel tax.

Mayor Davis requested Council members Rocha and Harper bring this issue to the attention of the Council/School District subcommittee.

Allen and Brandon Payton, Antioch residents, requested the Council oppose the approval and extension of the permit for Kelly's Card Room.

Ralph Hernandez Chairperson of Citizens for Democracy, stated he felt the Contra Costa Fire Chief had misused taxpayers dollars and suggested public entities address the public in ways not involving the expenditure of taxpayer's money.

Kirk Sawczuk, spoke in opposition to the approval and extension of Kelly's Card Room license.

### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Rocha reported Antioch resident and United States Marine veteran Lance Cpl Brian Vargas and his wife Monica, through donated labor and materials, had received a newly landscaped backyard. She thanked everyone involved for supporting Veterans.

Councilmember Harper reported he and Councilmember Rocha had attended an event in which United States Marine veteran Sgt. Brandon Del Fiorentino was given a home donated by Bank of America.

Councilmember Kalinowski reported he had been informed that the purchase of Kelly's Card Room had not occurred.

### **MAYOR'S COMMENTS**

Mayor Davis welcomed the visiting delegation from Chichibu Japan.

Mr. Ikada representing the Sister City delegates stated they look forward to experiencing American life and studying Antioch. He thanked the City of Antioch for their support during the recent earthquake and nuclear radiation accident and stated they would welcome the delegation from Antioch next summer.

Sean Wright representing the Antioch Chamber of Commerce/Sister City Delegation reported Antioch had held a fundraiser to assist victims of the Tsunami. He announced a welcome dinner would be held on July 26, 2012 and a tree planting ceremony would be held at 12:00 P.M. on July 30, 2012. He encouraged the community to participate in the program and provided contact information.

Mayor Davis spoke to the value of those participating in the Sister City program. He announced he had received notification that Former Mayor of Chichibu, Mr. Zen-ichi Uchida had passed away and he offered his condolences to the delegates.

Shinichi Maeno, Superintendent of the Chichibu State Board of Education, thanked the City for welcoming them to Antioch.

Mr. Wright introduced the delegation members in attendance.

Mayor Davis thanked the host families for opening their homes to the delegates.

## **PRESENTATION**

### **CONTRA COSTA FIRE DISTRICT**

Contra Costa County Fire Chief Daryl Louder gave a brief overhead presentation of the Contra Costa Fire District including:

- Services and Programs
- Community Risks and Threats
- Financial Outlook
- Industry Standards and Best Practices
- Potential Tax Measure
- Impacts to Services if a Tax Measure Fails

In summary, Fire Chief Louder reiterated if there were a drawdown of 7-10 fire stations and 30% less personnel in the field, he did not believe he could adequately protect the community.

The Council thanked Chief Louder for the presentation.

In response to Councilmember Harper, Chief Louder discussed the insurance services organization ratings impact on insurance ratepayers.

Following discussion, Councilmember Kalinowski stated he hoped the recommendation to the Board of Supervisors would be relief for taxpayers, if the Fire District reached an established trigger, necessary to maintain critical services to operate.

Councilmember Agopian thanked Chief Louder for the presentation and agreed with Councilmember Kalinowski that if values improved, the amount of the tax should diminish.

### **ANTIOCH POLICE DEPARTMENT**

Chief of Police Allan Cantando gave a brief overhead presentation of Police Stats Mid-Year 2012 including the following:

- Part 1 Crime Statistics
- Support Services – Volunteer Program, Animal Services, Internal Affairs, General Investigations Division and Specialized Units
- Bureau of Field Services - Calls For Service, Priority 1 Response Times, Arrests and Citations and Traffic Collisions
- New Developments – Tip Soft, COPS Grant, Promotions, New Officers, Reserve Police Officers, K-9 Program, Donations

He thanked Deputy Director of Community Development/Recreation Graham and Code Enforcement Officer Aquirre for their hard work dealing with squatter issues. He stated serving as

Chief had been wonderful experience and he looks forward to fostering relationships to benefit the community.

In response to Councilmember Agopian, Chief Cantando discussed the impacts of Assembly Bill 109 (AB109), which released forced state prisons to release non-serious/non-violent offenders back into the community. He reported there was an effort to establish a one-stop shop for services for these individuals and he had been active in advocating for state funding to address this issue.

Councilmember Agopian stated it was critical, for the future of Antioch, to improve staffing levels at the Police Department.

Councilmember Rocha stated it was critical to provide appropriate services for AB 109 releases.

Councilmember Kalinowski stated the failure of the sales tax measure two years ago had delivered the results today. He suggested staff be directed to come back at the first meeting in September with an action plan to bring back the CSO classification and funding a position to liaison with Human Resources for processing hires into the Police Department. He requested City Manager Jakel bring back a concept for consideration that would allow the hiring of temporary employees, into the academy, on a salary only basis. He further noted he feels it is a disservice not to fund the vacant Lieutenant position, within the Police Department.

Chief Cantando discussed his preference for hiring local residents and encouraged those interested, to apply. Contact information was provided.

Councilmember Harper stated the City was lucky to have Chief Cantando serving in Antioch and commended him for the transparency of the Police Department. He spoke to the need of enhancing staffing levels at the Police Department and reinstating the traffic unit. He reported he had met with District Attorney Peterson and made a recommendation for the establishment of a website for registering foreclosed properties.

Chief Cantando reported realtors had been working with the City to restrict water service to properties that had not been sold and he urged the public report all criminal activity.

Mayor Davis discussed the negative impacts of AB109 and thanked Chief Cantando for his advocacy on behalf of Antioch. He reminded the public that District Attorney funding was controlled by the Board of Supervisors.

In response to Councilmember Kalinowski, Chief Cantando stated a one stop agency would be housed in an existing County building or at the Police Department.

Councilmember Kalinowski stated the scope of services for a one stop agency should be clearly defined.

Ralph Hernandez Chairperson of Citizens for Democracy speaking in response to Fire Chief Louder, proposed contracting out and consolidating some services as well as creating a police safety agency as alternatives to the parcel tax.

**COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR JUNE 26, 2012 AND JULY 10, 2012**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORT FOR JUNE 2012**
- D. REJECTION OF CLAIM**
  - 1. Visal Thong 12/13-2072 (lost property)**
- E. RESOLUTION NO. 2012/52 – ORDINANCE 2058 C-S APPROVING PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) CONTRACT AMENDMENT FOR LOCAL SAFETY MEMBERS**
- F. RESOLUTION NO. 2012/53 FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTION TO PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)**
- G. CITY RETIREMENT PLANS – RESPONSE TO GRAND JURY REPORT**
- H. FINANCIAL TRANSPARENCY – RESPONSE TO GRAND JURY REPORT**
- I. CONSIDERATION OF BIDS FOR THE HAMLIN COURT SEWER IMPROVEMENTS (P.W. 249-13S)**
- J. CONSIDERATION OF BIDS FOR THE TRAFFIC SIGNALS IMPROVEMENT PROJECT: DELTA FAIR BOULEVARD AT BELLE DRIVE, AUTO CENTER DRIVE AT COSTCO WAY/WEST EIGHTEENTH STREET AND DELTA FAIR BOULEVARD AT SCHOOL STREET (P.W. 636-7)**
- K. RESOLUTION NO. 2012/54 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, 2010-2011 (P.W. 507-13)**
- L. AUTHORIZATION TO ENTER INTO A RIGHT OF WAY USE AGREEMENT WITH NEXTG NETWORKS OF CALIFORNIA**

On motion by Councilmember Harper, seconded by Councilmember Rocha, the City Council unanimously approved the Council Consent Calendar.

## **COUNCIL REGULAR AGENDA**

### **2. BOARD AND COMMISSION APPOINTMENTS**

Mayor Davis nominated Michael Gadams and Dick Augusta to serve on the Crime Prevention Commission.

On motion by Councilmember Harper, seconded by Councilmember Agopian the Council unanimously appointed Michael Gadams and Dick Augusta to the Crime Prevention Commission.

Mayor Davis nominated Maurice Jennings and Diana Busenbarrick to serve on the Board of Administrative Appeals.

On motion by Councilmember Kalinowski, seconded by Councilmember Harper the Council unanimously appointed Maurice Jennings and Diana Busenbarrick to the Board of Administrative Appeals.

Mayor Davis nominated Kerry Motts to the full term (2015) and Virginia Sanderson to the unexpired term (2013) for the Planning Commission.

On motion by Councilmember Rocha, seconded by Councilmember Harper the Council unanimously appointed Kerry Motts to the four year term (2015) and Virginia Sanderson the fill the unexpired term (2013) on the Planning Commission.

Mayor Davis nominated Roy Immekus, Rodney McClelland and Brent Thibeaux to the Parks and Recreation Commission.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously appointed Roy Immekus, Rodney McClelland and Brent Thibeaux to the Parks and Recreation Commission.

Mayor Davis thanked the applicants for their interest and staff for assisting in the interview process.

### **3. PRESENTATION OF INVESTMENT REPORT BY PFM (PUBLIC FINANCE MANAGEMENT)**

City Treasurer Conley introduced Sarah Meacham who presented the report.

Director of Senior Managing Consultant PFM Asset Management LLC., gave a brief overhead presentation of the second quarter 2012 review of portfolio recommending the Council receive and file the report.

Motion by Councilmember Kalinowski to accept investment report.

Inadvertently the Council did not complete the motion to accept the Investment Report, until after the meeting was adjourned for the first time. At that point, the omission was noted, the City Council went back into open session with all five members present at 9:46 P.M., and the motion was seconded by Councilmember Harper and the Council unanimously accepted the report.

**CITY COUNCIL AND CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY**

**4. AGREEMENT FOR PURCHASE AND SALE OF HARD HOUSE PARCEL**

City Attorney Nerland presented the staff report dated July 18, 2012 and supplemental staff report dated July 23, 2012 recommending the City Council and governing board of the City of Antioch as Successor Agency to the Antioch Development Agency adopt the resolutions approving and authorizing the City Manager to execute the Agreement for the Purchase and Sale of the Hard House Parcel with Escrow Instructions that provides for the transfer of the Hard House parcel to the nonprofit Friends of the Roswell Butler Hard House for no monetary consideration but subject to conditions on the rehabilitation of the Hard House and use of the property as a Local Public History Museum Home for educational and cultural programs, including no cost to the City for use.

Elizabeth Rimbault representing the Friends of the Roswell Butler Hard House gave a brief history of the property. She stated if the if the City were to take the property back after 7 years, they should be required to pay fair market value minus any government underwritten loans or grants. After 7 years, if the Friends of the Roswell Butler Hard House failed, the property should revert back to the City at no cost or they could be directed to transfer it to another non-profit entity. She stated they are prepared to go forward and urged the Council to approve the resolutions.

Mayor Davis thanked the Friends of the Roswell Butler Hard House for their dedication to the project.

**RESOLUTION NO. 2012/55**  
**RESOLUTION NO. 2012/56**

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha the Council unanimously approved the resolutions with the following changes to the agreement:

- The Friends of the Roswell Butler Hard House will place a deposit for the lot line adjustment/lot split of \$1500.00
- The city retains the right of first refusal during the first 7 year period or until it the building is operational. After that 7 year period expires and the Hard House is operational the city no longer has the right of first refusal

**5. CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY**

**A. APPROVAL OF SUCCESSOR AGENCY WARRANTS**

On motion by Councilmember Harper, seconded by Councilmember Rocha the Council unanimously approved the Successor Agency Warrants.

**6. CITY OF ANTIOCH AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY**

**A. APPROVAL OF HOUSING SUCCESSOR WARRANTS**

On motion by Councilmember Rocha, seconded by Councilmember Harper the Council unanimously approved the Housing Successor Warrants.

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Manager Jakel reminded Council there would be a single meeting in August on the 14<sup>th</sup> and the next meeting following would be held on September 11, 2012. He reported GenOn is engaging in a stock swap transaction with the NRG Energy Company and the transition should be seamless.

**COUNCIL COMMUNICATIONS**

Councilmember Kalinowski clarified his earlier comments regarding the tax measure were in reference specifically to Measure P.

**ADJOURNMENT**

With no further business, Mayor Davis adjourned the meeting in memory of the former Mayor of Chichibu Japan, Antioch's sister city at 9:45 P.M. to the next regular Council meeting on August 14, 2012.

The meeting reconvened at 9:46 P.M. to complete the motion for item #3 PRESENTATION OF INVESTMENT REPORT BY PFM (PUBLIC FINANCE MANAGEMENT). City Clerk Skaggs called the roll with all Councilmembers present.

**3. PRESENTATION OF INVESTMENT REPORT BY PFM (PUBLIC FINANCE MANAGEMENT)**

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

In response to Councilmember Rocha, City Manager Jakel stated he would be reporting out on the squatter issue at a future Council meeting.

With no further business, Mayor Davis adjourned the meeting at 9:48 P.M. to August 14, 2012.

Respectively submitted,

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Denise Skaggs, City Clerk