

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**September 12, 2006
Council Chambers**

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR** – Employee Organization: APOA (Antioch Police Officers Association) and WATER TREATMENT PLANT OPERATORS (WTPO) This Closed Session is authorized by Government Code §54957.6

- 2. CONFERENCE WITH LEGAL COUNSEL** – ANTICIPATED LITIGATION. PG&E (Pacific Gas and Electric) Significant exposure to litigation, one case. This closed session is authorized by Government Code §54956.9(b)(1).

- 3. AGENCY/COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS** – Negotiations with the City Manager/Executive Director and Economic Development Director concerning a Master Disposition and Development Agreement with Arcadis/Rivertown Development LLC regarding the terms of any conveyance of City and/or Agency property in the downtown area and along the Antioch waterfront (Redevelopment Agency Project Area No. 1 plus some adjoining areas). This Closed Session is authorized by Government Code §54956.8

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

Present: Council Members Davis, Kalinowski, Conley, Simonsen and Mayor Freitas

Mayor Freitas reported at the end of the agenda the City Council would be going back into Closed Session. With regards to the Conference with Labor Negotiator and Agency/Council Conference with Real Property Negotiators there was no reportable action.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Wayne Steffen, representing the City Park Playground Committee, gave a brief update on the project and invited the community to attend design day on October 10, 2006 at Beede Auditorium. Contact information was given for anyone wishing to participate.

PROCLAMATIONS:

**NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH,
September 2006**
NATIONAL PREPAREDNESS MONTH, September 2006
CONSTITUTION WEEK, September 17 - 23, 2006
**COASTWEEKS, September 16 - October 8, 2006 and CALIFORNIA CLEANUP
DAY, September 16, 2006**
FAMILY DAY, September 25, 2006

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the proclamations.

Councilmember Kalinowski presented the proclamation proclaiming September 2006 as *National Preparedness Month* to Lieutenant Marchoke who accepted the proclamation and thanked the City Council and community for their support.

Councilmember Conley presented the proclamation proclaiming September 2006 as *National Alcohol and Drug Addiction Recovery Month* to Mickie Marchetti, who thanked the City Council for the recognition and invited the community to attend a Recovery Walk on September 30, 2006 at 8:30 A.M. at Mt. Diablo Medical Center. He acknowledged the correlation with the recovering community and the efforts of the City through the Quality of Life forums.

Councilmember Simonsen presented the proclamation proclaiming September 16 - October 8, 2006 as *Coastweeks and California Cleanup Day*, September 16, 2006 to Frank Palmeri who accepted the proclamation and gave a brief overhead presentation. He noted the 3-hour Cleanup Day event would begin at the foot of "L" Street at 9:00 A.M. Contact information was given for anyone with further questions.

PUBLIC COMMENTS

Emil Stein, Antioch resident, announced there would be a memorial service for Elvin Scott on September 23, 2006 at 11:00 A.M. in Pittsburg. Contact information was given for those wishing to make a donation for his burial. He requested the City Council adjourn the meeting this evening in his honor.

Mayor Freitas announced Nello Bianco, who was a representative of East Contra Costa, had also passed away.

Ken Lee, Antioch resident, discussed action taken by the Council to mitigate the resident's concerns, his credibility, the history of Chinese Americans and information previously provided the City Council.

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

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1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR AUGUST 8, 2006** #301-02
 - B. **APPROVAL OF COUNCIL WARRANTS** #401-01
 - C. **REJECTION OF CLAIMS** #704-07
 1. Ken and Debra O’Neal, #05/06-1654 (property damage)
 2. Nadia Ahmadzai, #06/07-1655 (vehicle damage)
 - D. **LEGISLATION AND ADVOCACY** #701-04
 - E. **ORDINANCE NO.1076 C-S AMENDING SECTION 2-1.206 OF THE ANTIOCH MUNICIPAL CODE, INCREASING THE SALARIES OF THE CITY COUNCIL**
#301-01
 - F. **ORDINANCE AMENDING §2-1.202 OF THE ANTIOCH MUNICIPAL CODE, REGARDING THE POPULATION OF THE CITY (to 9/26/06 for adoption)#701-05**
 - G. **APPROVAL OF CONTRACT CHANGE ORDER TO TENNYSON ELECTRIC FOR ELECTRICAL WORK ON JAMES DONLON BOULEVARD (PW 368-3 AND PW 636-4)** #1102-04
 - H. **RESOLUTION NO.2006/96 ESTABLISHING CLASS SPECIFICATION AND SALARY FOR THE POSITION OF PROJECT MANAGER** #502-02
 - I. **RESOLUTION NO.2006/97 ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) FOR THE CITY OF ANTIOCH** #1304-01

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved the Council Consent Calendar with the exception of items E, F and H, which were removed for further discussion.

Item E – Councilmember Conley recused himself due to a conflict of interest.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council approved item E. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Simonsen, Freitas

Recused: Conley

Item F – On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously introduced the ordinance amending the provision.

Item H – On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously approved item H.

PUBLIC HEARINGS

2. EXTENSION OF URGENCY ORDINANCE NO. 1075-C-S DECLARING AN INTERIM STUDY PERIOD (“MORATORIUM”) REGARDING MASSAGE PARLORS AND SIMILAR ESTABLISHMENTS ENGAGED IN PROVIDING MASSAGE SERVICES #701-05

City Attorney Nerland presented the staff report dated September 5, 2006 recommending the City Council: A) Approve the urgency ordinance by title only; and, B) Extend the urgency ordinance declaring an interim study period and prohibiting approval of massage parlors or similar establishments that are engaged in providing massage services in all zoning districts.

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

Councilmember Simonsen thanked staff for working with the business community.

Council directed staff to seek input from the statewide organizations and review minutes of hearings on the assembly bill pertaining to this issue.

ORDINANCE 1077 C-S

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously: A) Approved the urgency ordinance by title only; and B) Extended the urgency ordinance declaring an interim study period and prohibiting approval of massage parlors or similar establishments that are engaged in providing massage services in all zoning districts.

3. THE CITY OF ANTIOCH PROPOSES TO RESCIND AND REENACT TITLE 9, CHAPTER 5, ARTICLE 3803 OF THE CITY OF ANTIOCH MUNICIPAL CODE, DEALING WITH TABLE OF LAND USE REGULATIONS #202-06

4. THE CITY OF ANTIOCH PROPOSES TO RESCIND AND REENACT TITLE 9, CHAPTER 5, ARTICLE 3831 OF THE CITY OF ANTIOCH MUNICIPAL CODE, DEALING WITH LIQUOR ESTABLISHMENTS, DELETING SUBSECTION (C) #202-06

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously continued #3 and 4 to September 26, 2006.

COUNCIL REGULAR AGENDA

5. PREPARATIONS FOR QUALITY OF LIFE FORUM #2, SEPTEMBER 16, 2006 #301-01

City Manager Jakel presented the staff report dated September 6, 2006 recommending the City Council receive and file the report.

Councilmember Conley stated he was looking forward to this forum and the possibility of finding new solutions for problem housing.

Councilmember Simonsen reported he had to attend a function in Elk Grove and would be departing from the forum at 10:00 A.M., noting he would be reviewing the remainder of the meeting through videotape.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present.

AGENCY CONSENT CALENDAR

6. PRESENTATION AND UPDATE ON THE ANTIOCH RIVERTOWN WATERFRONT DEVELOPMENT INITIAL STUDY #902-06

Economic Development Director Bjerke presented the staff report dated September 7, 2006 recommending the City Council receive the study and provide direction to staff.

Dan Ryan, Antioch resident, stated he felt the study had provided important information to the City. He suggested the City Council consider using eminent domain for the Mococo line railroad tracks along the waterfront. He noted he felt the right of way for the Santa Fe line was sufficient to service all rail activity through Antioch.

Devi Lanphere, Antioch Chamber of Commerce and Economic Development Commissioner, stated there was a vision, projects were going forward and both the Chamber and the EDC were in support of keeping the improvement of downtown in the forefront.

Sue Olvera, Antioch resident, discussed the potential for downtown Antioch and encouraged the City to seek input from neighboring cities that have been successful in developing their downtowns.

Following discussion the Agency agreed with staff's recommendations as outlined in the staff report. In addition, they felt it was important to provide the community with the information and develop an aggressive program for moving forward.

On motion by Agency Member Kalinowski, seconded by Agency Member Davis the Agency unanimously directed the following:

- Convene community forum be held within 45-60 days
- Invite all Board and Commission members, Rivertown Preservation Society, Antioch Downtown Business Association, individuals who responded to the RFQ
- Forum to be held at the El Campanil Theater and advertised in local newspaper

- Discussion to include Mococo line usability, ferry terminal
- Subcommittee of Mayor Freitas and Councilmember Davis to work with staff on details of forum

Chairperson Freitas adjourned to the Antioch City Council.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reported Arlene Hildebrand would be joining city staff as the Assistant City manager and Lonnie Karste would be moving from the Police Department to serve as project manager for Civic/Community Center project.

COUNCIL COMMUNICATIONS

Councilmember Davis thanked the Blue Star moms and Antioch VIPS for organizing the freedom march commemorating Sept 11, 2006.

Councilmember Conley expressed concern regarding traffic merging onto the Pittsburg/Antioch Highway from Verne Roberts Circle during commute hours and requested staff determine the feasibility of a no left turn sign at this location.

Community Development Director/City Engineer Brandt stated he would bring back this information for Council consideration.

Councilmember Conley reported he had attended the Blue Mass, which had been a very emotional event. He thanked all firefighters and police officers for their dedication and service.

Councilmember Simonsen reported on the League of California Cities annual conference he attended, noting it was both informative and well attended, and encouraged the other City Councilmembers to participate in the Policy Committees. He announced Marie Alegria had been elected President of the League of California Cities, and thanked Mayor Freitas for recognizing the passing of Nello Bianco.

Councilmember Kalinowski requested the Rivertown Jamboree financial information be agendized as soon as possible.

Mayor Freitas requested the costs for underwriting all community events, as well as the accounting of all funds used at the Antioch golf course clubhouse, be provided to the City Council within 30 days.

Mayor Freitas acknowledged Nello Bianco who was an advocate for Eastern Contra Costa County and Elvin Scott who was an advocate for those who served in the military.

He reiterated there would be a memorial service for Mr. Scott on September 23, 2006 at 11:00 A.M. at the American Legion Hall in Pittsburg.

Mayor Freitas announced the City Council would be going back into closed session.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting in memory of Elvin Scott at 8:36 P.M. to the next regular Council meeting on September 26, 2006.

Respectfully submitted:

L. JOLENE MARTIN
City Clerk, CMC