

## ANTIOCH CITY COUNCIL

Adjourned Regular Meeting  
7:00 P.M.

December 18, 2007  
Council Chambers

### 6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Gloria Vaughn, Yvonne White and George Louie for themselves and on behalf of all others similarly situated v. City of Antioch et al., Contra Costa County Superior Court, Case No. C07-00045. This Closed Session is authorized by Government Code §54956.9(a).
- 2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR –** Pursuant to Government Code §54956.8: Property: 1323 W. 4th Street, Negotiator: Guy Bjerke, Negotiating Parties: Daniel G & Janice J Arata, Under negotiation: price and terms of payment
- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –** Pursuant to California Government Code Section 54956.9(a): Kleinfelder, Inc. v Antioch Diversified Development Associates, Samson Development Company, Michael Minder, the City of Antioch, the Antioch Development Agency and related cross-actions, Contra Costa Superior Court, Case No. C95-03211.

Mayor Freitas called the meeting to order at 7:00 P.M., and City Clerk Martin called the roll.

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

### PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

### ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, representing the Antioch Chamber of Commerce, announced the Inaugural Gala would be held on January 18, 2008 to honor the Business, Citizen and Youth of the Year as well as presenting a Lifetime Achievement award. Contact information was given for anyone wishing to receive additional information.

### PUBLIC COMMENTS

Elizabeth Voigt, representing Public Advocates, and David Levin, representing Bay Area Legal Aid, provided the City Council with a report on their analysis of information received from the Antioch Police Department and Housing Authority related to complaints of harassment from African American Families by the Community Action Team (CAT). They requested the City Council address the issues raised in the report and consider reforming the CAT program.

Willie Mims, representing the Black Political Association, voiced his support of the findings of Bay Area Legal Aid and Public Advocates pertaining to the CAT. He requested the Antioch Police Department provide information on citations and arrests associated with the Antioch residence reported to have received fifty two (52) calls for service.

Norma Hernandez, Antioch resident, discussed the Contra Costa County Teeter Program and how a significant amount of foreclosures in Antioch could affect its ability for the Mello Roos taxes.

Nancy Fernandez, Antioch resident, thanked Chief Hyde, CAT and the Antioch Police Department for everything they have done to provide a safe community for Antioch citizens.

Emil Stein, Antioch resident, expressed his displeasure as he had not received an update regarding his request for handicapped ramps in downtown Antioch.

Ken Lee, Antioch resident, discussed unresolved issues related to code enforcement issues at the Antioch Auto Dealerships and questioned how the citizens of Antioch benefit from their quarterly tax refund. He inquired if the refurbishing of the San Diego Ferry Boat was Mayor Freitas' project.

Mayor Freitas responded that the Ferry Boat project was not his project.

Ellen Hayes, Antioch resident and Commissioner with the Crime Prevention Commission, spoke in support and commended the Antioch Police Department and Chief Hyde. She stated she felt the report from Public Advocates had distorted the facts and the analysis was untrue.

Mary Dodson, Antioch resident, reported the Women's Club Historical Home Tour was an excellent event.

Devi Lanphere, Antioch resident, stated raw data could be interpreted in many ways to reach a desired outcome. She noted the CAT Team's response to the concerns of the citizens was related to behavior and not racial or economic status. She encouraged Bay Area Legal Aid and Public Advocates to meet with the general and African American leadership in the community.

Gary Gilbert, Founder and Chairperson of United Citizens for Better Neighborhoods (UCBN), stated he had read Public Advocates report regarding the CAT and felt the investigation was biased and prejudicial, based on tainted information. He expressed concern Public Advocates did not contact any residents of Antioch; however, they made themselves available to individuals outside the community. Additionally, he questioned why they did not feel the Contra Costa Housing Authority bears any responsibility.

Mayor Freitas read into the record written comment provided by Antioch resident, Andrew Stannard in support of both the CAT Team and Chief Hyde.

Jim Conley, Antioch resident, suggested the City Council question the credibility of the agencies responsible for the report and send a letter to Regional Director of the Housing and Urban Development (HUD) program requesting a Grand Jury investigation.

Terry Ramus, Antioch resident, spoke in support of the Antioch Police Department, Chief Hyde, CAT, Neighborhood Watch, UCBN, Gary Gilbert and all citizens who have been involved in improving the quality of life in Antioch. He stated the statistics in the report were flawed and based on assumptions. He requested the City Council take a position on the report and seek the position of the local political representatives regarding the expense of public funds to generate the report.

Iris Archeletta, Antioch resident, clarified she offered information to Ms. Voigt proving the letters sent to landlords, which were attributed to CAT, were actually from citizens, however that information was not in the report. She spoke to her personal and professional relationship with Chief Hyde and voiced her support to him and the CAT.

William Leroy, Antioch resident, expressed concern for racial comments being made and he encouraged residents to solve their own neighborhood conflicts.

Kirbie Bell stated she has been the subject of a newspaper articles that were untrue and she was harassed by Chief Hyde and CAT. She voiced her support for Public Advocates, Bay Area Legal Aid, Mr. Mims and Darnell Turner.

Mayor Freitas read written comment from Antioch resident Patricia Miller stating she felt the data in the report was a deliberate attempt to interpret them to portray the City and APD as targeting low income African Americans. She urged the City Council to support the APD as they investigate complaints based on facts.

## **COUNCIL RESPONSE TO PUBLIC COMMENTS**

Councilmember Moore urged everyone to keep the information factual as the City worked through this issue.

Councilmember Kalinowski stated he felt a report based only on statistics was not complete and it was lacking information on arrests and/or convictions. He noted the City of Antioch only responded to enforce legal conduct on behalf of the Contra Costa Housing Authority after the Board of Supervisor failed to recognize the Section 8 program was being mismanaged.

Councilmember Simonsen stated racism would not be tolerated by staff or the City Council. He noted the issues were behavioral and the City Council and CAT had been reactive to provide safe neighborhoods for all the residents in the City. He further noted the statistics had been manipulated to reach the desired results and he voiced his support for continued enforcement of lawful conduct throughout the City.

Councilmember Davis voiced his support of the CAT who acted on behalf of the City Council and agreed the data had been manipulated to serve a purpose for the individuals who wrote the report.

Mayor Freitas discussed many flaws within the report and clarified the CAT was only reactive to complaints. He stated he felt the authors of the report owe the City an apology for making false accusations of racism. On behalf of the City Council, staff and most of the community he led the audience in a standing ovation in support of Chief Hyde, the Antioch Police Department and the CAT team for doing an outstanding job enforcing the law.

Mayor Freitas declared a recess at 8:02 P.M. The meeting reconvened at 8:14 P.M. with all Councilmembers present.

## **1. COUNCIL CONSENT CALENDAR**

### **A Rejection of Claim/Application for Late Claim #704-07**

1. Malik Sameer, 07/08-1789

**B. RESOLUTION NO. 2007/91 TO VACATE A SURPLUS STORM DRAIN EASEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY ADDITIONAL DOCUMENTS THAT MAY BE NECESSARY TO VACATE THE EASEMENT AND QUITCLAIM ANY INTEREST TO THE UNDERLYING FEE OWNER (COSTCO WHOLESALE CORPORATION) FOR THE COSTCO WAREHOUSE AND GAS STATION RELOCATION (UP-07-11) #814-01**

**C. INCREASE CONTRACT FUNDING FOR THE WATER TREATMENT PLANT EXPANSION AND SOLIDS HANDLING FACILITY PROJECT (P.W. 551-4) #1202-01**

**D. LEGISLATION AND ADVOCACY #701-04**

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the Council unanimously approved the Council Consent Calendar with the exception of item C which was removed for further discussion.

**Item C** – In response to William Leroy, Capital Improvement Director Harrington clarified the change orders had a 10% contingency built into them and as a result of staff and the contractor working to reduce costs, this change order is for only 2%. Additionally, he noted this was the first project GSE Construction Company had done for the City.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved item C.

Mayor Freitas adjourned as the City Council and convened as the Antioch Development Agency, with all Agency Members present.

**3. AGENCY REGULAR AGENDA**

**A. APPROVE ADDITIONAL FUNDING IN THE AMOUNT OF \$15,000 FOR ADDITIONAL HOUSING COUNSELING HOURS AND AMEND THE 2007-08 CONTRACT WITH HOUSING RIGHTS INCORPORATED TO REFLECT THE AMENDMENT (#903-01)**

William LeRoy expressed concern regarding the foreclosures occurring in Antioch and expressed his concern the City Council had not officially addressed the issue.

On motion by Agency Member Davis, seconded by Agency Member Kalinowski, the Antioch Development Agency unanimously approved item 3A.

Mayor Freitas adjourned as the Antioch Development Agency and convened as the City Council, with all Councilmembers present.

**PUBLIC HEARINGS**

**2. PREWETT PARK PROJECT – NEXT PHASE DETERMINATION: LIBRARY / POLICE SERVICE CENTER OR COMMUNITY CENTER / POLICE SERVICE CENTER (#1402-03)**

Project Manager Karste presented the staff report dated December 11, 2007 recommending the City Council: 1) Determine the facility type for the first project phase: A) Library with the Police Service Center, or B) Community Center and Police Service Center; 2) Direct staff and the consultants to develop conceptual plans for the selected service option to maintain the project schedule.

Ann Kane, Contra Costa County Librarian, gave a brief overhead presentation of the Prewett Park library plan.

Laura Livingston, Sports Management Consultants gave a brief overhead presentation of the Prewett Park Community Center plan.

Chief Hyde gave a brief overhead presentation of the Prewett Park Police Service Center plan and police services.

Project Manager Karste reviewed the operational cost estimates.

Mayor Freitas read written comments from Antioch residents Curtis Holtzer and Jessica Bickner who indicated their support for the community center project. Mr. Holtzer provided two newspaper articles related to the use of the current library.

Dr. Charles Reed, Friends of Antioch Library (FAL), Ceci Chalasani, Mary Ellen Heredia, Dee Vieira, Dave McCully, Nancy Bachmann and Sylvia Garrett, Antioch residents, and Nicholas Kraber, Oakley resident, voiced their support of the library project and discussed the benefits of having a new library on the educational system. Mr. Reed suggested the City sell land to generate revenue for the project. Ms. Vieira discussed the importance of properly mitigating for the burrowing owls on the Prewett Park property.

Tom Menasco, Kim Biskner, Stacey Dempsey, Joseph Zamora, Manual Flores, Anthony Salazar, Antioch residents, spoke in support of both projects; however, given the choice they supported the community center project noting it would have the largest impact and provide for the recreational needs of the youth and families in Antioch. Mr. Flores requested the City Council be committed to seeking grant funding for the library project.

Ken Lee, Antioch resident, suggested using facility plans from neighboring jurisdictions to reduce costs and improve library services.

Roy Immerus, Parks and Recreation Commissioner, speaking on behalf of himself, spoke in support of the community center project and suggested utilizing the existing library to the fullest extent possible.

William LeRoy and Norma Hernandez expressed concern the agenda was for this evenings' meeting was improperly worded and questioned the impact new facilities would have on the City's' taxpayers and existing services.

Terry Ramus, Antioch resident, suggested the City Council carefully consider what a majority of the City's residents support. He supported the library project and suggested incorporation of a classroom component as well as utilizing the school for teen programming.

Trisha Meikle, Antioch resident, stated due to the downturn of the economy and to unify the community, she was suggesting the City Council delay the entire project and help the Mello Roos Taxpayers pay off the assessments prior to 2017. However given a choice she spoke in support of the library project.

Crystal Stahl, discussed the merits of the library and community center, however she noted her 1<sup>st</sup> priority would be the Police Service Center.

Mayor Freitas complimented the speakers this evening and discussed the need for all of the proposed projects. He suggested the presentations for the library, community center and police substation be made to the Mello Roos Board with a request for them to reconsider their position on the \$12M in excess revenue.

Councilmember Simonsen voiced his support of the library project noting it would provide long term benefits and assist residents in their educational goals. He noted the building of a community center would be redundant and compete with existing facilities and services. Additionally, he stated he would not support going back to the Mello Roos Board for reconsideration.

Councilmember Kalinowski spoke in support of the police service center and a community center with a vision of programming to fill the needs in the community. He requested staff consider setting aside a satellite library area within the Prewett facility and incorporate programming with a library concept. He stated he would support further discussion on alternative funding and revenue generation as well as a policy decision regarding obtaining funding from developers in Future Urban Area #1 (FUA1) for the balance of the project.

Councilmember Moore stated he was committed to the community center project as a strong asset in building important social skills for residents of the City. He noted he was hopeful the Mello Roos Board would reconsider fully funding both projects; however, should they decline, he was committed to working with community support to seek additional funding at the state level for the library.

Councilmember Davis stated many library services could be offered at the community center and he agreed with Chief Hyde in the importance of building a new community center for the residents of Antioch. In addition, he noted revenues generated could help offset costs therefore he fully supported the community center project moving forward.

Councilmember Moore voiced his support of the Antioch Police Department and stated he felt the community center could be an important component for crime prevention.

Mayor Freitas gave a brief history of the City's unsuccessful attempts to do joint projects with the Antioch Unified School District as well as funding requirements of FUA#1. He discussed the need for all projects, recommending the building of the community center and police substation with reconsideration from the Mello Roos Board for the additional funding for the library.

Councilmember Simonsen stated he would not be supporting the following motion however he approves of the satellite library component.

Councilmember Kalinowski stated the key to a successful project was structured educational programming for all ages.

On motion by Councilmember Moore, seconded by Councilmember Davis the City Council determined the facility type for the first phase to be the community center including an option for a satellite library component with the police substation and directed staff and the consultants to develop conceptual plans for that option to maintain the project schedule.

The motion carried by the following motion

Ayes: Freitas, Davis, Kalinowski, Moore

Noes: Simonsen

**PUBLIC COMMENTS - None**

**STAFF COMMUNICATIONS**

City Manager Jakel announced the next City Council meeting would be held on January 8, 2008 and City offices would be closed December 24, 25, 31, 2007 and January 1, 2008.

**COUNCIL COMMUNICATIONS**

Mayor Freitas reported the City Council had been in Closed Session and there was no reportable action

Councilmember Kalinowski expressed his appreciation to the Antioch Police Department and Chief Hyde for their proactive approach to the Sycamore area in the suppression of criminal activity.

Mayor Freitas wished everyone a Merry Christmas and Happy New Year.

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 10:43 P.M. to the next regular Council meeting on January 8, 2008.

Respectfully submitted:

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L. JOLENE MARTIN,  
CMC, City Clerk