

ANTIOCH CITY COUNCIL

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

**November 9, 2010
Council Chambers**

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

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

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS

Barbara Sobalvarro, representing Friends of Animal Services, reported on the success of the *15th Annual Black Cat Ball* and *October Adopt a Dog Month* event. She announced Friends of Animal Services had received a resolution from the Joint California Legislature.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Barbara Sobalvarro, representing Friends of Animal Services, announced the week of November 7, 2010 was *National Animal Shelter Appreciation Week* and on November 13, 2010 the Friends of Animal Services would be setting up a hospitality table at the Antioch Animal Shelter from 11:00 AM . 2:00 P.M. She questioned if the Antioch Animal Shelter would be open the Saturday after Thanksgiving.

Mayor Davis stated he would have a response to Ms. Sobalvarro the next day.

Gerald Lieder announced the Antioch Veterans Day Parade would be held on November 11, 2010 at 11:00 A.M, on Second Street. He encouraged everyone to attend and Veterans to participate. He presented pins in commemoration of the event to each Councilmember.

Juan Chen-Olsen, representing Pinky's Classic Carwash, announced in honor of Veterans Day they would be offering a complimentary full service carwash to all Veterans.

Mayor Davis announced he was proud to have the colors of the 483rd Transportation Battalion for the Army Reserve on display in the Council Chambers this evening. He encouraged everyone to attend the Veterans Day parade and thanked Councilmember Parsons for serving on the parade committee.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Kalinowski announced the dates of the Transportation meetings for the month, with the exception of the Bypass Authority, had been cancelled due to Veterans Day holiday. He stated he would not be attending the Bypass Authority meeting on November 11, 2010 and there were no items of real substance on the agenda.

In response to Councilmember Parsons, Mayor Davis stated he would Co-Chair the *Keep Antioch Beautiful* program for next year.

MAYOR'S COMMENTS

Mayor Davis announced Project Manager Lonnie Karste was retiring and this was his last official meeting as a member of staff. He recognized Mr. Karste's hard work and dedication to the City. He reported he received a letter from Antioch resident, Elizabeth Rimbault regarding the history of the naming of Rodger's Point. He noted there was some interest in having the name changed back to Smith's Point and he supported a discussion on the matter agendaized for early 2011.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 26, 2010

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIMS

1. Carol A. Heinrich 10/11-1982 (property damage)
2. Janet Alaniz 10/11-1991 (property damage)

D. ORDINANCE NO. 2044 C-S AMENDING THE ANTIOCH MUNICIPAL CODE BY REPEALING AND RE-ENACTING CHAPTER 4 OF TITLE 3, "PURCHASING AND CONTRACTS," AND REPEALING CHAPTER 7 OF TITLE 7 TO ESTABLISH PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND TO PROVIDE FOR THE AUTHORITY TO ENTER INTO CONTRACTS (Introduced 10/26/10)

E. RESOLUTION NO. 2010/76 AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT GRANT DEED OVER A PORTION OF PARCEL A (MS 1-81, 104 PM 41-42) TO PACIFIC GAS & ELECTRIC COMPANY

F. RESOLUTION NO. 2010/77 AUTHORIZING TRANSFER OF FUNDS FROM THE HILLCREST AVENUE OVERCROSSING BRIDGE BENEFIT DISTRICT FUND TO THE CONTRA COSTA TRANSPORTATION AUTHORITY FOR RELOCATION OF RAMPS EAST OF HILLCREST AVENUE INTERCHANGE (PW 550-2)

G. RESOLUTION NO. 2010/78 ACCEPTING COMPLETED IMPROVEMENTS FOR THE RENAISSANCE AT BLUEROCK, (KB HOME SOUTH BAY), TRACT NO. 8884 (PW 671)

H. RESOLUTION NO. 2010/79 ESTABLISHING SALARY DIFFERENTIAL FOR THE POSITIONS OF WATER TREATMENT PLANT SUPERINTENDENT, WATER TREATMENT PLANT SUPERVISOR AND WATER QUALITY ANALYST

I. RESOLUTION NO. 2010/80 ECONOMIC DEVELOPMENT COMMISSION RECOMMENDATION RELATED TO OUTDOOR DINING (*Amended*)

J. ADOPTION OF THE 2010 CALIFORNIA BUILDING STANDARDS CODES (to 12/30/10 for adoption)

K. PURCHASE OF SOLARBEE RESERVOIR WATER CIRCULATOR

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

COUNCIL REGULAR AGENDA

2. ORAL PRESENTATION BY EAST COUNTY ALCOHOL POLICY COALITION

Megan Joseph, Policy Coordinator and Erin Johnson, Community Coordinator for the East County Alcohol Policy Coalition gave a brief overhead presentation on their program and services. They announced RBS Training would be held on November 30, 2010 at the Pittsburg City Hall, City Council Chambers from 9:00 A.M. until 1:00 P.M. They thanked the City Council for allowing them to make the presentation and requested the Council's support in moving forward.

In response to Councilmember Parsons, Ms. Joseph stated she would send copies of the Special Assessment Report to the City Council.

Mayor Davis thanked Ms. Joseph and Mr. Johnson for the presentation and demonstrating the need for the program in the community.

3. THE POINTE PROJECT: DISCOVERY BUILDERS' APPEAL OF STAFF'S DETERMINATION THAT AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED FOR DEVELOPMENT OF UP TO 60 SINGLE FAMILY HOMES ON APPROXIMATELY 21 ACRES LOCATED WEST OF THE INTERSECTION OF SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD (APN 089-160-009)

Community Development Director Wehrmeister presented the staff report dated November 3, 2010 recommending the following possible actions: 1) Receive the report and file, instructing the appeal would be heard by the Board of Administrative Appeals unless withdrawn by Discovery Builders; or 2) If Discovery Builders indicated it wanted to proceed with the appeal and if the Mayor or Mayor Pro Tem had filed or indicated an intention to file a notice to have the appeal heard directly by the City Council instead of the Board of Administrative Appeals, then set a hearing date to consider the matter. She noted the applicant was requesting the Council approve the second option without setting a date certain for the appeal in order to allow the new information to be reviewed by staff and the CEQA consultant.

Sal Evola, representing Discovery Builders, stated they were working cooperatively with staff and requested the opportunity to preserve the right for an appeal to come forward until staff had the time to finish processing the revised application. He thanked staff for their patience in working through the outstanding issues.

Mayor Davis stated he was encouraged that staff had worked with the applicant and he was willing to schedule the item to come back to the City Council for discussion to a date uncertain.

Councilmember Kalinowski stated that due to the consultant's opinion, and based on the constraints of City staff, he would support the appeal going forward to the Board of Administrative Appeals as soon as possible.

Mr. Evola stated he understood Councilmember Kalinowski's concerns, however they were patient and he felt a mutually agreeable solution could be achieved with staff and the consultant. He requested they be allowed to preserve the right and the Mayor or Vice Mayor move the appeal up directly for consideration by the City Council, to a date uncertain.

In response to Councilmember Rocha, Mr. Evola stated they would be willing to do whatever they could to compensate for staff time.

Councilmember Kalinowski clarified his judgment and position regarding projects hinged on getting through the City's professional staff.

Mr. Evola clarified for the record, the conditions of approval for the project would include an indemnification clause, so there was no impact to the City's General Fund if there were any outside groups that would bring legal challenges to the project, in the future.

Councilmember Kalinowski stated he believed historically the Board of Administrative Appeals would hear the item, however he had no problem holding the project until staff had notified the Council on the status of the project.

City Manager Jakel discussed the importance of moving the project forward with the most cooperation from the applicant to reduce impact to City staff.

City Attorney Nerland gave a brief history of the project and description of the procedure for moving forward, should there be an appeal.

Mayor Davis requested an appeal of the project be brought to the City Council directly and continued it to a date uncertain while the amended application was considered.

Councilmember Kalinowski requested the City Attorney bring back to Council after the first of the year, a timeframe for a moratorium on future residential applications, based on the negative impacts they had on existing home sales and the drain it has on the General Fund. He felt the work done by the Community Development Department should bring in revenue to the community. He clarified the issue was not directed at the previous discussed application.

Councilmember Rocha stated the City Council should also discuss a fee attachment for development applications.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the Community Center dedication would be held at 10:00 A.M. on November 14, 2010 at Prewett Park. He gave an update on the construction process occurring on Hillcrest Avenue.

Following discussion the City Council agreed to hold a special meeting in the Council Chambers at 6:00 P.M. on November 30, 2010 to discuss the impacts to the City from the budget crisis and possibly the certification of the election results. The meeting would be taped and broadcasted as soon as possible.

Mayor Davis suggested establishing a volunteer program in the community to assist staff during the budget crisis.

COUNCIL COMMUNICATIONS

Councilmember Kalinowski announced his email address was available through the City's website for anyone who had questions regarding the budget process they want answered on November 30, 2010.

City Attorney Nerland announced an extensive Closed Session regarding labor negotiations and litigation would need to be scheduled.

PUBLIC COMMENTS - None

Allen Payton, Antioch resident, requested staff provide the public with a list of budget cuts discussion items prior to the November 30, 2010 meeting. He suggested the December 7, 2010 City Council meeting be scheduled as the transition of the Council to the newly elected members and the December 14, 2010 meeting be action on budget considerations.

Mayor Davis congratulated presumptive Councilmember Elected Wade Harper and Gary Agopian.

Councilmember Rocha stated she would miss Councilmembers Moore and Parsons and she thanked them for serving the community.

With no further business, Mayor Davis adjourned the meeting at 8:22 P.M. to a Study Session at 6:00 P.M. on November 30, 2010.

Respectfully submitted,

L. JOLENE MARTIN, City Clerk