

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**January 25, 2011
Council Chambers**

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR** . Employee organizations: Public Employeesq Union 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.
- 2. CONFERENCE WITH LEGAL COUNSEL** . Anticipated litigation . Chevron Assessment Appeals Property Tax Refund and Chevron USA v. County of Contra Costa (Contra Costa Superior Court, Case No. C10-01390) Initiation of 1 potential case pursuant to California Government Code section 54956.9.
- 3. CONFERENCE WITH LEGAL COUNSEL** . PENDING LITIGATION . U.S. ex. rel. Hendrix v. J-M Manufacturing, Inc. d/b/a JM Eagle (USDC C.D. Cal. Case No. ED-CV06-0055 GW)

Mayor Davis called the meeting to order at 7:07 P.M.

City Attorney Nerland reported the City Council had been in Closed Session, and gave the following report: #1: The City Attorney reported staff had been given direction regarding labor negotiations with no reportable action; #2: The City Attorney reported the City Council had unanimously agreed to join with other Contra Costa cities in challenging the County Auditor-Controllers decision to make all taxing entities in the County pay the \$17.8 million property tax refund due to the Chevron refinery in Richmond, and; #3: The City Attorney reported the City Council had unanimously agreed to file a state court action against J-M Manufacturing, in addition to the federal qui tam lawsuit, as a related party, regarding warranty and other issues related to PVC pipe supplied by J-M Manufacturing.

City Clerk Martin called the Council/Agency 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.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Becky Nielson, representing the Antioch Public Library, invited the community to attend the opening of the Express Library facility at Prewett Park on January 29, 2011 at 11:15 A.M.

Interim Police Chief Cantando, representing the Police Activities League (PAL), announced they would be hosting a Cosmic Bowl event for children 10-14 years old at Delta Bowl on

March 18, 2011. He provided contact information for children who wish to preregister for the event.

PUBLIC COMMENTS

Brittney Gougeon, *Take Back Antioch*, invited the City Council to attend a Quality Community meeting at the Antioch Police Community Center on February 4, 2010 at 7:00 P.M. She reported on their efforts to work with Antioch Police Department and partner with Graffiti Abatement Program (GAP). She presented the City Council with images submitted by members concerning some blighted areas in Antioch.

Councilmember Rocha encouraged Take Back Antioch to consider partnering with the Alcohol Policy for Teens to reduce underage drinking.

Martin Fernandez, Antioch resident, expressed concern regarding the new street lights installed by Honeywell, stating they were insufficient at illuminating the streets.

Councilmember Agopian requested a report back to Council on the streetlight issue.

Mayor Davis suggested inviting Honeywell back to respond to the concerns.

Douglas Tokes, Antioch resident, restated his suggestion of having non-profits pay for City services. He questioned if the City was aware of the value and amount of property owned by non-profits. Additionally, he urged the City to plan 10-15 out for the real estate values to recover.

Interim Police Chief Cantando acknowledged Luiz Queiroz for attending the Police Crime Prevention Commission meeting and reporting suspicious behavior resulting in four arrests for drug cultivation.

Luiz Queiroz acknowledged the hard work of the Antioch Police Department and spoke to the importance of retaining the current employment level of officers.

Mayor Davis, on behalf of the Antioch City Council, thanked Mr. Queiroz for his involvement in this case.

Gregory Osario and Willie Moffett, on behalf of Souljahs, invited the community to attend a *Live in Peace, not Rest in Peace* March and Rally at Contra Loma Estates Park on January 29, 2011 beginning at 3:30 P.M. Mr. Osario read a letter from Terry Bostick, whose son, Gregory Levy, was a homicide victim in Antioch in 2010, in which implored the City Council to support Souljahs and the event. He presented the City Council with a DVD of residents from the area that had lost their lives. Mr. Moffett requested the City's permission to walk the sidewalks of the Sycamore area and rally in the park.

Mayor Davis urged City staff to work cooperatively with Souljahs.

City Attorney Nerland stated contact information would be given to the department heads for follow up.

Rollie Katz, Public Employees Local 1, reported they were continuing to have discussions with staff on the City's financial challenges. He reminded the City Council and public of the concessions that had been made by the employee groups. He emphasized the importance of all the services provided by the City and urged concessions made be fair and equitable.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Rocha reported on her attendance at the Community Services Policy Committee meeting, East County Gang Force meeting and Alcohol Policy meeting. She requested the City Council agendaize the item with a resolution for action regarding redevelopment takeaways.

Councilmember Harper acknowledged Souljahs for their efforts to curb violence in the community.

Councilmember Kalinowski reported on his attendance at the TRANSPLAN meeting and gave a timeline for the Regional Transportation Planning/Sustainable Communities strategy. He stated he would be out of town for the February 4, 2011 Quality Community meeting and unable to attend. He spoke to the value of community volunteers participating in helping to keep the community safe.

In response to Councilmember Rocha, City Attorney Nerland stated she would provide Council with information regarding the issues raised when considering business license taxes for rental properties. She reported in the past staff had brought lawsuits against the property owners of drug houses; unfortunately, staffing levels at this time prohibited the process. She noted she would determine if there were other strategies to make homeowners accountable for those issues.

Mayor Davis reported on his attendance at the League of California Cities Public Safety Policy Committee meeting on January 25, 2010. He reported he was on the committee for the Statewide Task Force and he had scheduled a meeting with the Stockton Police Department to discuss the details of their Peace Keepers group. He announced he informed Governor Brown the City of Antioch was unhappy with the takeaway of redevelopment money.

City Attorney Nerland stated staff would be bringing back the resolution regarding redevelopment takeaways based on the League of California City's model.

MAYOR'S COMMENTS - None

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR DECEMBER 14, 2010, AND JANUARY 11, 2011

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORTS FOR OCTOBER and NOVEMBER 2010

D. REJECTION OF CLAIMS

1. Lewis Randall Decker 10/11-1989A (personal injury)
2. Laura Sheehan 10/11-1989B (stress-related injury)

E. ANTIOCH COMMUNITY CENTER – CONTRA COSTA COUNTY LIBRARY LEASE

F. RESOLUTION NO. 2011/04 TO AUTHORIZE FILING AN APPLICATION WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS' BAY AREA-WIDE TRASH CAPTURE DEMONSTRATION PROJECT

G. AUTHORIZATION FOR THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BLACK AND VEATCH FOR DESIGN/CONSTRUCTION SERVICES FOR A NEW SOLIDS HANDLING FACILITY (P.W. 551-5)

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

Item E . In response to Councilmember Kalinowski, Project Manager Karste reported the lease agreement was in the drafting phase by the real estate division of Contra Costa County. He stated they felt it met the needs going forward. He stated when the template came back; he would work with City Manager Jakel to fill in the details. He stated the lease agreement was specific to the Antioch Community Center and the downtown library lease arraignment would be a standalone that would need to be negotiated.

Councilmember Kalinowski requested the term of the lease agreement be no longer than two years.

On motion by Councilmember Kalinowski, seconded by Councilmember Harper, the City Council unanimously approved item E for a term no longer than an initial 2 year term with the flexibility of the City Manager for one year.

Item G . In response to Martin Fernandez, Capital Improvement Director Harrington reported the City negotiated and purchased the solid handling system that had not functioned accordingly to the design standards and currently the City was looking at legal action against the vendor for the return of their funds spent to purchase the system. He clarified the system was purchased with Water Enterprise Funds. .

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously approved item G.

2. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS

On motion by Agency Member Harper, seconded by Agency Member Agopian, the Antioch Development Agency unanimously approved the Agency Warrants.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

Acting City Manager Gegg announced a joint City Council/Antioch Unified School District Quality of Life Forum would be held on February 26, 2011 at Deer Valley High School beginning at 9:00 A.M.

Martin Fernandez suggested a representative of the County Section 8 program be available for the Quality of Life Forum.

Mayor Davis stated he attended the Delta 6 meeting and he thanked Mr. Gegg who attended on behalf of staff.

City Attorney Nerland announced the next City Council meetings would be held on February 8 and 22, 2011 and a special closed session was scheduled for February 15, 2011.

COUNCIL COMMUNICATIONS

Councilmember Harper reported the Martin Luther King Jr. celebration was a wonderful, well attended event. He thanked former Councilmember Moore for spearheading the event.

Councilmember Kalinowski thanked Councilmember Harper for participating as a keynote speaker at the Martin Luther King Jr. event.

Councilmember Rocha congratulated Mike McGill for being elected as a LAFCO representative. She announced the retirement event for Chief Hyde would be held at 11:30 A.M. on February 5, 2011 at Lone Tree Event Center.

Councilmember Agopian announced the Graffiti Abatement Program (GAP) had addressed one of the issues brought forward this evening by *Take Back Antioch*, as an area of concern and noted the other areas would be addressed soon. He acknowledged the ground swell of involvement in the community and presented a donation to the graffiti abatement program for the amount of \$400.00. He encouraged residents to consider volunteering one day per month. He agreed that the Martin Luther King Jr. event was spectacular and acknowledged Councilmember Harper as a keynote speaker.

Mayor Davis thanked the members from Take Back Antioch, who had volunteered their time to improve the community and suggested volunteerism in the community be a topic discussed at the Quality of Life forum.

With no further business, Mayor Davis adjourned the meeting at 8:08 P.M. to the next regular Council meeting on February 8, 2011.

Respectfully Submitted:

L. JOLENE MARTIN, CMC
City Clerk