

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**June 14, 2011
Council Chambers**

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION** – Discovery Builders Inc. v. City of Antioch; City Council of the City of Antioch (Contra Costa Superior Court, Case No. N11-0539). This closed session is authorized by California Government Code section 54956.9(a). **ANTICIPATED LITIGATION** – Initiation of litigation pursuant to California Government Code §54956.9(c) regarding Seeno Homes and Discovery Builders: Black Diamond Ranch: Markley Creek Culvert Crossing Project – 1 case.

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

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

Legal Counsel Bill Galstan reported the City Council had been in Closed Session and there was no reportable action.

PLEDGE OF ALLEGIANCE

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

RECOGNITION

Nancy Castro, Principal at Dozier-Libbey Medical High School, discussed the criteria for the Distinguished School Award and reported they also received the Exemplary Career Technical Education Program Award.

Dr. Gill stated he was proud of Dozier-Libbey Medical High School and he was thankful to the City of Antioch for helping to put the school in that location. He reported State Superintendent Torlakson had advised the Antioch Unified School District he would be visiting Dozier-Libbey in the future for a special recognition.

Diane Gibson-Gray discussed the application process and thanked the City Council for their support.

Walter Ruehlig stated he felt Antioch would become a town in which people would desire to live here so their children could attend the schools.

The City Council presented a certificate of recognition to Principal Nancy Castro, Board President Diane Gibson-Gray, Board Member Walter Ruehlig, and Superintendent Donald Gill honoring Dozier-Libbey Medical High School for receiving the Distinguished School Award.

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ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Community Development Wehrmeister announced a Loan Modification Clinic would be held from 9:00 AM – 1:00 PM on June 25, 2011, at Black Diamond Middle School and a Gateway to Homeownership Workshop would be held from 9:00 – 2:00 PM on June 25, 2011, in Council Chambers. Contact information was provided.

Walter Ruehlig, representing the 4th of July Committee, invited the community to attend the 4th of July Parade which would begin at 10:00 AM on Second and E Streets. Contact information was provided.

Diane Gibson-Gray, representing the Arts and Cultural Foundation, announced the Summer Concert Series would be held every Saturday through July and August 2011, at Waldie Plaza. Contact information was given.

PUBLIC COMMENTS

Martin Fernandez, Antioch resident, commended the City Council and City Manager Jakel for working collaboratively with business and bringing in a quality project located at 10th Street and Auto Center Drive.

Nicole James and Alexandra Phillips spoke of the Glass Steagall Act and encouraged the City Council to study and endorse the legislation. A group of individuals sang America.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the Chamber of Commerce Economic Development Committee and Government Affairs Committee.

Councilmember Rocha reported on her attendance at the League of California Cities, Chopping Up, Air Force Band Concert and the City/School Subcommittee meeting.

Councilmember Harper reported on his attendance at the Rotary Club and the City/School Subcommittee meeting. He announced there would be a joint City Council and Antioch Unified School District meeting scheduled in the future.

MAYOR'S COMMENTS

Mayor Davis reported on his attendance at the Employee Goal Setting Workshop, the Mayor's Golf Tournament and the Memorial Day Ceremony. He thanked all those who participated in the events. He announced the Relay for Life would be held on June 25-26, 2011.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR MAY 10, 2011

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIMS

1. **Juanita Patterson 10/11-1995 (personal injury)**
2. **Paula Sparks and John Reisbeck 11/12-2005 (failure to arrest)**
3. **Duke and Heather Duarte 11/12-2008 (property damage)**
4. **Paul H. Schmidt 11/12-2013 (property damage)**
5. **Brandon Lim 11/12-2017 (property damage)**

D. PACHECO BROTHERS GARDENING, INC., PARK MAINTENANCE SERVICES CONTRACT

On motion by Councilmember Harper, seconded by Councilmember Agopian, the Council members present unanimously approved the Council Consent Calendar.

Councilmember Harper recused himself from the following agenda item due to a possible conflict of interest.

2. COUNCIL / AGENCY CONSENT CALENDAR

A. BLACK DIAMOND RANCH PROJECT: CONSTRUCTION OF MARKLEY CREEK CULVERT CROSSING PROJECT AND SOMERSVILLE ROAD WIDENING PROJECT

RESOLUTION NO. 2011/40
RESOLUTION ADA-441

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the City Council/Antioch Development Agency approved the resolution. The motion carried the following vote:

Ayes: Davis, Rocha, Agopian

Absent: Kalinowski

Councilmember/Agencymember Harper returned to the dais.

3. AGENCY CONSENT CALENDAR

A. ANTIOCH DEVELOPMENT AGENCY ANNUAL REPORT

Chairperson Davis noted the staff report was dated incorrectly and it should read 2010 Annual Report on Agency Activities.

RESOLUTION NO. 2011/41

On motion by Agencymember Agopian, seconded by Agencymember Rocha, the Antioch Development Agency members present unanimously received and filed the report.

PUBLIC HEARINGS

4. APPROVAL OF THE 2010 URBAN WATER MANAGEMENT PLAN UPDATE

Director of Capital Improvements/Water Rights, Harrington, presented the staff report dated June 2, 2011, recommending the City Council approve the resolution, adopting the Urban Water Management Plan (Plan), incorporating appropriate comments at the close of the Public Hearing.

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

On motion by Councilmember Rocha, seconded by Councilmember Harper, the City Council members present unanimously approved the resolution.

COUNCIL REGULAR AGENDA

5. PRESENTATION AND DISCUSSION OF THE HILLCREST E-BART STATION DESIGN AND STATION OPERATION

Rick Rattray, eBART Project Manager, gave a brief overhead presentation of the eBART station design and station operation plan.

BART Police Chief Kenton Rainey, gave a brief overhead presentation of the Security Plan for the Hillcrest eBART Station.

Rick Rattray concluded the presentation with a construction update and the next steps in the development of the Hillcrest eBART station.

Councilmember Harper thanked BART staff for answering the concerns of the Antioch City Council regarding the security plan and station design. He commended them on committing to provide a clean and safe eBART station. He stated while he felt the plan was not perfect, it was good.

Mr. Rattray commented they could continue to evolve to make things perfect.

Councilmember Agopian thanked the BART representatives for the presentation. He stated he was pleased BART had listened and responded to the City Council's concerns, with an improved plan. He noted providing a clean and safe environment everyday was important and would improve the possibility the community would utilize the station.

In response to Council, BART Police Chief Rainey and Acting Chief Cantando indicated they have a great working relationship and would work collaboratively along with other public safety agencies, to provide a safe and clean eBART station location.

Councilmember Rocha thanked Mr. Rattray and Joel Keller for responding to the City Council's concerns regarding the project.

City Manager Jakel stated it was staff's recommendation the City Council find the designs for the station and security plan, as presented by BART, to be acceptable.

Richard Mossman, Antioch Democrat Club, stated they opposed the diesel BART programs noting it was a disservice to the citizens of East County and an inappropriate expenditure of funds. He stated if this plan was not 100% for the good of the City of Antioch, he urged the City Council to reject the project. He commended the stakeholders for working cooperatively to adequately address many of the communities' concerns.

On motion by Councilmember Harper, seconded by Councilmember Agopian, the City Council members present received and filed the report.

6. LONE TREE GOLF COURSE AD-HOC SUBCOMMITTEE

Mayor Davis requested the City Council's support for Councilmember Kalinowski and himself to sit on the Ad-Hoc Subcommittee related to the Lone Tree Golf Course and Event Center.

On motion by Councilmember Rocha, seconded by Councilmember Harper, the City Council members unanimously approved the appointments of Mayor Davis and Councilmember Kalinowski to the Lone Tree Golf Course Ad-Hoc Subcommittee.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel stated the City Council priority goal setting session would be held on July 19, 2011, and due to the summer schedule, the City Council would be meeting on August 9 and then not again until September 13, 2011. He announced there was a workshop on the redistricting of the Board of Supervisors in Contra Costa County at 9:30 AM on June 18, 2011, at the Antioch Library.

COUNCIL COMMUNICATIONS

Mayor Davis thanked Bill Galstan for representing the City in legal matters this evening in the absence of City Attorney Nerland.

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 8:08 p.m. to the next regular Council meeting on June 28, 2011.

Respectfully Submitted:

L. JOLENE MARTIN, CMC
City Clerk