

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

July 12, 2011
Council Chambers

Mayor Davis called the meeting to order at 7:02 P.M. and City Clerk Martin called the 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 - None

CITY COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the Independence Day Parade, Swearing-In for Police Chief Cantando and Junior Giants Opening Day. He announced the Water Emergency Transportation Authority (WETA) was moving forward with transportation studies and hovercraft service was being considered.

Councilmember Rocha reported a future presentation would be forthcoming regarding the feasibility study for declaring the San Joaquin Delta a National Heritage Area.

Councilmember Harper reported on his attendance at the Mello Roos subcommittee meeting.

Councilmember Kalinowski reported the status of the remaining Highway 4 Bypass projects.

Mayor Davis reported Delta Diablo Sanitation District would begin discussions on the feasibility of using recycled water at the Historical Society Museum and Babe Ruth Fields.

MAYOR'S COMMENTS

Walter Ruehlig thanked those who participated in the 4th of July Parade and announced a meeting would be held at 7:00 P.M. on July 20, 2011, at Bases Loaded to begin planning for next year's event. He presented trophies to the Knights of Columbus for Best Patriotic Organization Club California State Legislature and the Marine Corp League for Best Patriotic Organization. He announced Melody Dancers and the 4H Club would also be receiving trophies.

PUBLIC COMMENTS

Sheila White, Antioch resident and owner of the Red Caboose Restaurant and Lounge, reiterated her concerns regarding illegal and unsanitary conditions on McElheny Road, which she noted was negatively impacting her business. She provided the City Council with photos and requested a meeting with staff and the City Council to discuss restricting access to the area.

Mayor Davis stated he had visited the area and it would be cleaned up. Additionally, he noted the unsanitary conditions in the "G" Street Parking lot would also be addressed.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR JUNE 14, 2011 (#301-03)**
 - B. **APPROVAL OF COUNCIL WARRANTS (#401-02)**
 - C. **APPROVAL OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) 2011 (#1301-01)**
 - D. **ORDINANCE NO. 2049-C-S TO INCREASE INFORMAL BID THRESHOLD FOR PUBLIC PROJECTS (*Introduced 06/28/11*) (#701-05)**
 - E. **RESOLUTION NO. 2011/51 SALARY DECREASE FOR ELECTED OFFICIALS DUE TO FINANCIAL CHALLENGES FACING THE CITY (#301-01)**
 - F. **CONSIDERATION OF BIDS FOR THE LONE TREE GOLF COURSE DRIVING RANGE LIGHTING (P.W. 176-13) (#1402-01)**
 - G. **REPLACEMENT OF DISPATCH VOICE RECORDER SYSTEM (#1301-01)**

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

Item C – Police Chief Cantando clarified, at this time, the Volunteer Coordinator position would be filled by a Police Lieutenant paid partially out of the Justice Assistance Grant.

On motion by Councilmember Rocha, seconded by Councilmember Harper, the City Council unanimously approved item C.

Item F – Councilmember Kalinowski requested a separate vote on the item.

On motion by Councilmember Rocha, seconded by Mayor Davis, the City Council approved item F. The motion carried by the following vote:

Ayes: Harper, Davis, Rocha, Agopian

Noes: Kalinowski

COUNCIL REGULAR AGENDA

2. **REQUESTED CONVEYANCE OF HARD HOUSE TO FRIENDS OF ROSWELL BUTLER HARD HOUSE (#1407-01)**

Economic Development Analyst Nunnally presented the staff report dated June 30, 2011, recommending the City Council provide direction to staff regarding the Friends of Roswell Butler Hard House request.

City Manager Jakel reported the State of California's action to eliminate redevelopment agencies would deem the previous action of the City Council to transfer properties from the redevelopment agency to the City invalid, resulting in the State owning those assets. He stated staff would be bringing forward an ordinance for Council consideration permitting the City to participate in a payment to the State which would then deem the transfer of those properties valid.

David Brink, President of Friends of Roswell Butler Hard House, gave a brief history of the property and stated the Friends organization was in agreement with the staff report. He clarified ownership of the property would allow them to secure insurance, release the City from liability, meet timelines, and keep the project affordable. He noted they had the resources available to fund and renovate the project. He urged the City Council to support option #2: transferring ownership of the property to the Friends of Roswell Butler Hard House.

Elizabeth Rimbault, representing the Friends of Roswell Butler Hard House, stated that once the City Council approved the project and was no longer involved in the renovation, they were confident they would begin receiving private donations and grants for the project. She discussed IRS Guidelines for non-profits noting if they dissolve, they were obligated to contribute all funds and assets to another non-profit with a similar mission. She gave a brief history of her success in fundraising for projects within the City and stated she believed it was a positive project that would become an asset for the community. She requested the City Council support option #2: transferring ownership of the property to the Friends of Roswell Butler Hard House.

In response to Councilmember Kalinowski, Ms Rimbault estimated the cost to renovate and furnish the property was less than \$500k. She noted continued ownership on the part of the City would impede fundraising and government regulations would delay the project.

Councilmember Kalinowski expressed concern the City was being requested to gift the property and had no control over the timeline or its development.

Ms. Rimbault clarified there was no value in the building, and redevelopment law specifically spoke to the fact the City Council was permitted to gift or transfer the property at a nominal fee under the promise of redevelopment. Additionally, those laws allowed for a retaking of the property, without liability to the City for anything that occurred during the non-profits ownership, if the goals were not met.

Councilmember Kalinowski questioned if the Friends of Roswell Butler Hard House would be agreeable to establishing a goal or process to be met, prior to the transfer of the property.

Ms. Rimbault reiterated that lack of ownership limits the resources they were able to seek for funding and if they did not own the building, they could not obtain the specific insurance needed. She noted provisions attached to the project were under the non-profit requirements of the IRS and the City's building inspectors. She stated within two months of conveyance of the property, it

would be cleaned up and the City would lose the liability of maintaining ownership and gain an asset for downtown.

In response to Councilmember Agopian, Ms. Rimbault clarified private trusts and contributors as well as labor groups could not participate in projects that have governmental ownership. She reported she had submitted a subsequent letter in the last negotiations requesting a seven year timeline for the project. Additionally, she noted they would be able to control costs with ownership.

Councilmember Agopian stated he supported the restoration of the property and he thanked Ms. Rimbault for her involvement.

Councilmember Rocha discussed the benefits of the property being owned by a non-profit.

Councilmember Harper acknowledged Ms. Rimbault in representing the Friends of Roswell Butler Hard House and stated he believed there would be immediate value in restoring the property.

Bob Martin, President of the Antioch Historical Society, clarified the Historical Society funded the start up of the 501c3 for the Roswell Butler Hard House Committee which was now an independent organization. He stated they supported their efforts to restore the building and urged the City Council to approve option #2 as submitted.

Mayor Davis read a written comment from Kerry Motts, representing the Rivertown Preservation Society, voicing their support for the conveyance of property to the Friends of Butler Roswell Hard House.

Fred Hoskins, Antioch resident, spoke in support of transferring ownership of the property to the Friends of Rowell Butler Hard House and presented the City Council with copies of the plaque from the Roswell Butler Hard House.

Marty Fernandez, Antioch resident, stated he did not feel \$500k would be sufficient to renovate the building and restore the property. He noted due to the current financial crisis, he suggested if the property was renovated by the non-profit, they should owe the City for the value of the property.

City Attorney Nerland stated if the City Council were to approve the transfer of the property to the Friends, staff would need to address the findings regarding the gift of public funds.

A motion was made by Councilmember Rocha, seconded by Councilmember Agopian, to support option #2. It was then amended to include terms of the loan or deed restriction. The motion was pulled following discussion.

Following further discussion, the City Council agreed with the concept of conveyance of the property to the Roswell Butler Hard House with direction to staff to work with Ms. Rimbault and a subcommittee of Council Members Rocha and Kalinowski to address the following items:

- Budget
- Goals and Objectives
- Timeline
- Public Benefit
- Value of property if goals are not met
- Deed restrictions and/or loan agreement

City Manager Jakel stated the redevelopment assessment and process would take place in July and August assuming the City had the legal authority to convey the property. He noted the City would address the issue and process a lot split with the understanding it was the intention of the City Council to convey the property with some conditions.

Councilmember Rocha and Agopian withdrew the previous motion to allow the discussion to stand as direction to staff.

Mayor Davis thanked Ms. Rimbault and the Friends for the presentation.

3. APPOINTMENTS TO ECONOMIC DEVELOPMENT COMMISSION (EDC) TO FILL FOUR VACANCIES EXPIRING JUNE 2015

In response to Councilmember Kalinowski, City Attorney Nerland stated she would research the issue of reserving applicants not appointed but deemed appropriate to fill positions should vacancies become available in the near future.

Mayor Davis reappointed Monica Wilson to the Economic Development Commission.

On motion by Councilmember Rocha, seconded by Councilmember Harper, the City Council unanimously appointed Monica Wilson to the Economic Development Commission.

Mayor Davis appointed Keith Archuleta to the Economic Development Commission.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the City Council unanimously appointed Keith Archuleta to the Economic Development Commission.

Mayor Davis appointed Martha Parsons to the Economic Development Commission.

On motion by Councilmember Rocha, seconded by Councilmember Harper, the City Council unanimously appointed Martha Parsons to the Economic Development Commission.

Mayor Davis thanked Frank Lozano for applying and reported his goal was for the Economic Development Commission to meet every other month with the ultimate goal of meeting monthly. He reported he had asked Crime Prevention Commissioner Ho to remain on the Commission until year end due to the high volume of vacancies on the Commission. He announced he would be requesting a second Council Member to serve on the Golf Course subcommittee at the next City Council meeting.

PUBLIC COMMENTS

Karen Bagarosso requested the City Council consider expanding hours at the Police Department Front Office to 9-5, seven days per week.

STAFF COMMUNICATIONS

City Manager Jakel announced the following meeting schedule:

- Goal Setting Session 6:00 – 9:00 PM, July 18, 2011, at Maintenance Services
- Northeast Antioch Annexation meeting on July 25, 2011
- Regular City Council meeting on July 26, 2011

COUNCIL COMMUNICATIONS

Councilmember Rocha reported she was having knee surgery and would be unable to attend the North East Annexation meeting and the July 26, 2011, City Council meeting.

Council Members Rocha, Agopian, and Mayor Davis reported on their attendance at the Board of Supervisors Redistricting meeting and announced the next meeting would be held on July 26, 2011, at 1:00 P.M. at the Supervisors Office. They encouraged the public to attend the next meeting to show their support for keeping Antioch in one supervisorial district.

Councilmember Kalinowski reported with the funding for the Buchanan Road Bypass being taken off the books and the potential for \$83M in bypass expenditures covered by other funds. He suggested consideration of reducing costs of fees associated with commercial and office properties as an incentive to those projects within the City.

Councilmember Agopian thanked Councilmember Kalinowski for bringing the issue forward.

Mayor Davis adjourned the meeting at 9:07 P.M. to Closed Sessions immediately following.

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9: Shanie Hansen v. John Brian McDonald; County Contra Costa; City of Antioch; City of Brentwood; City of Oakley (Contra Costa Superior Court, Case C11-00986).
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION/LIABILITY CLAIMS** pursuant to California Government Code sections 54956.9 and 54961: Claim of Anthony Soldano, Jr. against the City of Antioch and late claim of Lura Lee Harrold, Gail Lee Downing and Greg Eugene Harrold against the City of Antioch.

Upon adjournment of Closed Session at 9:30 P.M., City Attorney Nerland reported Closed Session #1 and #2 – No action to report. The Council Meeting adjourned at 9:30 P.M.

Respectfully Submitted:

L. Jolene Martin, CMC

L. JOLENE MARTIN
City Clerk