

**CITY COUNCIL MEETING
INCLUDING THE ANTIOCH CITY COUNCIL
ACTING AS SUCCESSOR AGENCY/HOUSING SUCCESSOR
TO THE ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

February 28, 2012
Council Chambers

6:00 P.M. - CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR – City designated representatives: Deborah McHenry and Glenn Berkheimer; Employee organizations: Public Employees' Union Local No. 1; Antioch Police Officers' Association. This Closed Session is authorized by California Government Code §54957.6.

Mayor Davis called the meeting to order at 7:01 P.M., and City Clerk Skaggs called roll for the City Council including the Antioch City Council acting as Successor Agency/Housing Successor to the Antioch Development Agency.

Present: Council/Agency Members Harper, Rocha, Agopian and Mayor Davis
Absent: Council/Agency Member Kalinowski

PLEDGE OF ALLEGIANCE

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

City Attorney Nerland reported the City Council had been in Closed Session and there was no reportable action.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Chief Cantando announced the results of the Tip-A-Cop event held February 23, 2012, and thanked those who supported the event.

Councilmember Rocha invited the public to attend reading time at Somersville Towne Center in honor of Dr. Seuss's birthday from 10:00 AM – 12:00 PM on March 2, 2012.

PUBLIC COMMENTS

Sheila White, Antioch resident and owner of the Red Caboose Restaurant, reported on her attendance at the February 23, 2012, Parks and Recreation Commission meeting. She requested the city provide direction with regards on how to proceed with their efforts to keep the boat ramp open.

City Attorney Nerland indicated the boat ramp matter was not agendaized and suggested dialog with the Commission continue in the agendaized forums.

Jim Boccio, Antioch resident, requested a meeting with staff to discuss options to keep the boat ramp area safe and opened to the community.

Greg Enholm, County Library Commissioner, read a letter requesting the City Council consider whether the idea to have the Antioch Prewett Library participate in a joint-use coordinated operation, would be appropriate.

Julie Young, Antioch resident, representing the residents of Menona Court and Menona Drive, thanked the City Council for placing the Nelson Ranch Park on the City Council agenda for March 13, 2012, and invited the City Council to visit the park and view it from nearby backyards.

Michelle Hatch, Manager of the Crestview Pines Apartments, spoke to criminal activity that had occurred in Antioch and requested the City provide skills and trade centers for young residents in an effort to reduce criminal activity in the City.

Fred Hoskins, Antioch resident, suggested the City should focus on increasing or enhancing activities for youth in the City. He requested the City Council instruct staff to agendize the Hard House property for March 13, 2012.

Sean Wright, representing the Antioch Chamber of Commerce, announced the Inaugural Gala will be held at 6:00 PM on March 9, 2012. Contact information was given.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Rocha reported on her attendance at the Hard House subcommittee meeting.

Councilmember Harper reported on his attendance at a meeting with *Faith in Action* and invited the community to attend Coffee with the Cops on March 10, 2012.

MAYOR'S COMMENTS

Mayor Davis stated he would work with staff to schedule the Town hall meeting. He reminded the community the recreation guide offers many classes for the youth.

Councilmember Rocha reported the Mayor's Cup Golf Tournament benefits families who could elect to apply for funding of recreation programs.

COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 14, 2012**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2012**

D. REJECTION OF CLAIMS

1. Thomas Moore 11/12-2049 (water bill refund)
2. Donna Humphreys 12/13-2053 (property damage)

E. ADOPTION OF THE 2010 FIRE CODE AND ADOPTING BY REFERENCE ORDINANCE NO. 2010-15 OF THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT WITH LOCAL FINDINGS AND AMENDMENTS

F. FOUR PERSON LANDSCAPE MAINTENANCE CREW BID AWARD

G. CHICHIBU PARK RECYCLED WATER SPECIFIC RETROFIT BID AWARD

H. CITY COUNCIL TO AUTHORIZE “KEEP ANTIOCH BEAUTIFUL” DAY AS CITY SPONSORED EVENT

Mayor Davis reported the City Council had received a revised recommendation for item G, which was under consideration.

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

Item D – Councilmember Harper reminded residents the City had 24-hour Emergency Water and Sewer Service that could be called out at no cost to citizens.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved item D.

Item H – In response to Councilmember Harper, the “Keep Antioch Beautiful” committee reported if the Antioch Police Department would be utilized for the event, they would be funded with outside funds. They gave a brief update on the event. Contact information was provided.

Mayor Davis thanked the committee for organizing the event.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved item H.

COUNCIL REGULAR AGENDA

2. LONE TREE GOLF COURSE CITY COUNCIL SUB-COMMITTEE REPORT

Project Consultant Lonnie Karste presented the staff report dated February 10, 2012, and gave a brief overhead presentation recommending the City Council:

- 1) The Antioch Golf Corporation payment of the 2001/02 ABAG loan shall be the top debt service priority - Review annually
- 2) Defer all other loan payments until after the ABAG loan payments are current - Review annually
- 3) Seek an alternate funding source for the reclaimed water costs for the course (Approx. \$90,000 per year) - Review annually
- 4) A review the golf course operational budget to be done annually by the Ad-hoc Subcommittee, prior to approval, by their Board of Directors
- 5) Review "Summary" section of this report and provide direction

Councilmember Harper recommended a full professional business and marketing plan be developed for the facility.

Councilmember Agopian recommended the Board of Directors cross-promote the event center through email contacts.

Martin Fernandez, Antioch resident, questioned if the City was sponsoring recycled water for the facility.

Mr. Karste clarified the Golf Course is a City-Owned facility which equates to other public facilities and the goal would be to continue to seek alternate funding methods for reclaimed water.

Tim Truesdale spoke in support of the recommendations presented in the staff report.

The City Council consensus spoke in support of the recommendations presented by staff and encouraged the community to patronize the facility.

On motion by Councilmember Agopian, seconded by Councilmember Harper, the Council present unanimously approved: 1) The Antioch Golf Corporation payment of the 2001/02 ABAG loan shall be the top debt service priority. Reviewed annually, 2) Defer all other loan payments until after the ABAG loan payments are current. Review annually, 3) Seek an alternate funding source for the reclaimed water costs for the course (Approx. \$90,000 per year). Review annually, 4) A review the golf course operational budget to be done annually by the Ad-hoc Subcommittee, prior to approval, by their Board of Directors, 5) Review "Summary" section of this report and provide direction.

3. BUDGET DISCUSSION RELATED TO POLICE DEPARTMENT STAFFING

Finance Director Merchant presented the staff report dated February 21, 2012, recommending the City Council motion to provide direction to staff.

Following discussion, the City Council agreed with Councilmember Harper's proposal to hire the three funded Police Officers and up to five per-diem Police Officers for the purpose of freeing up officers for street patrol.

Chief Cantando stated if that were the direction of Council, he would ask that the jailer positions be replaced by retired, per-diem officers and any additional would be used in traditional CSO positions. Additionally, he discussed the possibility of the City receiving the COPS Grant.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved hiring three Police Officers from the funded vacancies and up to five per-diem Police Officers.

Mayor Davis declared a recess at 8:32 P.M. The meeting reconvened at 8:48 P.M. with all Councilmembers present with the exception of Councilmember Kalinowski, who was absent.

4. COMPUTER GAMING AND INTERNET ACCESS BUSINESSES

Community Development Director Wehrmeister presented the staff report dated February 23, 2012, and memorandum dated February 28, 2012, recommending the City Council approve: 1) Motion to read the Interim Zoning Ordinance, Urgency Ordinance, and Regular Ordinance by title only; 2) Motion to adopt the Interim Urgency Zoning Ordinance prohibiting the issuance of permits, approvals or licenses for construction, establishment or operation of any Computer Gaming and Internet Access Business within the City of Antioch; 3) Motion to adopt an Urgency Ordinance amending Title 5 of the Antioch Municipal Code by adding Chapter 11 pertaining to the Licensing Procedures and Regulations for Computer Gaming and Internet Access Businesses and make findings, declaring the urgency thereof; 4) Motion to introduce a Regular Ordinance amending Title 5 of the Antioch Municipal Code by adding Chapter 11 pertaining to the Licensing Procedures and Regulations for Computer Gaming and Internet Access Businesses; 5) Motion to adopt a resolution to initiate an Amendment to the Zoning Ordinance to address Computer Gaming and Internet Access Businesses.

Patricia Simmons, owner of Ts Internet Café and Board Member for Cot on the Web LLC., stated she was in support of the recommendations as outlined in the staff report. She requested the Council allow T's Internet Café to open inside the moratorium and extend the hours of operation until 2:00 A.M.

Fred Hoskins, Antioch resident, disagreed with various statements in the staff report and urged the Council to base their decision on firm statistics.

Captain McConnell reviewed the report detailing the police calls for service.

Al Moore, Land Use Attorney, representing Jim Hayes, owner and operator of Internet Café in Antioch, stated they were in agreement with the staff report and requested the hours of operation be extended to 2:00 A.M. weekends and 1:00 A.M. weeknights.

Kevin Amodia, Antioch resident, spoke in support of T's Internet Café and disagreed with crime statistic associated with this business.

City Attorney Nerland clarified staff also recommended the revisions identified in the memorandum dated February 28, 2012, and noted there was a typo in the section referenced within Section 5-11-12, should be 5-11.20.

**ORDINANCE 2052 C-S
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RESOLUTION NO. 2012/12**

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council present unanimously 1) Read the Interim Zoning Ordinance, Urgency Ordinance, and Regular Ordinance by title only; 2) Adopted the Interim Urgency Zoning Ordinance prohibiting the issuance of permits, approvals or licenses for construction, establishment or operation of any Computer Gaming and Internet Access Business within the City of Antioch; 3) Adopted an Urgency Ordinance amending Title 5 of the Antioch Municipal Code by adding Chapter 11 pertaining to the Licensing Procedures and Regulations for Computer Gaming and Internet Access Businesses and make findings, declaring the urgency thereof; 4) Introduced a Regular Ordinance amending Title 5 of the Antioch Municipal Code by adding Chapter 11 pertaining to the Licensing Procedures and Regulations for Computer Gaming and Internet Access Businesses; 5) Adopted a resolution to initiate an Amendment to the Zoning Ordinance to address Computer Gaming and Internet Access Businesses; 6) Including Amendments as written in the memorandum dated February 28, 2012, and replaced Section 5-11.120, with 5-11.20.

5. BALLOT MEASURE TO MAKE THE OFFICES OF CITY CLERK AND CITY TREASURER APPOINTED

City Attorney Nerland presented the staff report dated February 22, 2012, recommending the City Council take public comment and consider the Action Item: Resolution calling a Special Municipal Election on June 5, 2012, for the submission to the voters of a local ballot measure to make the Offices of City Clerk and City Treasurer appointed and requesting that the Board of Supervisors of Contra Costa County to consolidate a municipal election on a local measure with other elections to be held on the June 5, 2012, Regular Election.

RESOLUTION NO. 2012/13

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved the filing of the argument in support of the ballot measure.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved: 1) Mayor and Mayor Pro Tem authorized to file the ballot measure; 2) Mayor Davis determine the appropriate signatory; and 3) Prohibit Rebuttal Arguments.

6. **BALLOT MEASURE TO ELIMINATE THE DIRECTLY ELECTED MAYOR**

City Attorney Nerland presented the staff report dated February 22, 2012, recommending the Council take public comment and consider the Action Item: Resolution calling a Special Municipal Election on June 5, 2012, for the submission to the voters of a local ballot measure to eliminate the position of a directly elected mayor and request that the Board of Supervisors of Contra Costa County to consolidate a municipal election on a local measure with other elections to be held on the June 5, 2012, Regular Election.

Nancy Fernandez, Antioch resident, spoke in support of eliminating the directly elected Mayor.

Mayor Davis read written comment from Antioch resident, Kay Power, who indicated her support for eliminating the directly elected Mayor.

Mayor Davis read written comment from Antioch resident, Martha Parsons, who indicated she was in support of the ballot measure.

RESOLUTION NO. 2012/14

On motion by Councilmember Harper, seconded by Councilmember Agopian, the Council present unanimously approved the following ballot language "CHANGING THE MAYOR POSITION FROM ELECTED TO APPOINTED. Shall the position of a directly elected mayor be eliminated, so that the Antioch City Council is composed of five members who would choose among themselves, who would serve as the mayor?"

On motion by Councilmember Harper, seconded by Councilmember Agopian, the Council present unanimously: 1) Authorized the filing of the argument in support of the ballot measure; 2) Mayor and Mayor Pro Tem authorized to file the ballot measure; 3) Mayor Davis determine the appropriate signatory; and 4) Prohibit rebuttal arguments.

7. **SHOPPING CARTS RECOVERY**

Economic Development Analyst Nunnally presented the staff report dated February 16, 2012, recommending the Council: Motion to receive and file report from the Commercial Code Enforcement/Shop Antioch subcommittee and provide direction on letter to merchants.

Councilmember Agopian gave a brief history of the subcommittee process. He requested the Council support the letter, in concept, and offered to meet with the Chamber of Commerce and staff to redraft the letter with stronger language.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council present approved the letter in concept to be redrafted and brought back for consideration at a later date.

8. CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF SUCCESSOR AGENCY WARRANTS

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council, as the Successor Agency to the Antioch Development Agency, unanimously approved the Warrants.

9. CITY OF ANTIOCH AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF HOUSING SUCCESSOR WARRANTS

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council, as the Housing Successor to the Antioch Development Agency, unanimously approved the Warrants.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the following meeting schedule:

- March 1, 2012 - Mayors Conference in Pittsburg
- March 10, 2012 - Coffee with the Cops in the Police Department Community Room
- March 13 and 27, 2012 - City Council meetings at Council Chambers
- March 26, 2012 - Joint meeting Antioch Unified School District/City Council at Antioch High School

COUNCIL COMMUNICATIONS

Councilmember Rocha announced she would be attending a subcommittee meeting with Councilmember Harper on March 6, 2012.

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 9:46 P.M. to the next regular Council meeting on March 13, 2012.

Respectfully submitted:

DENISE SKAGGS, CITY CLERK