

## ANTIOCH CITY COUNCIL

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

**April 10, 2012**  
**Council Chambers**

### **5:45 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. This Closed Session is authorized pursuant to California Government Code §54957.6.
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** —Onita Tuggles v. City of Antioch et al, Ninth Circuit Court of Appeals, Case No. 10-17181; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA. This Closed Session is authorized by California Government Code §54956.9. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case).
- 3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9: Letter from James H. Colopy of Farella Braun + Martel on behalf of Discovery Builders dated March 13, 2012.
- 4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of Litigation pursuant to subdivision (c) of §54956.9 (1 case)
- 5. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 City Manager.
- 6. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 – City Attorney.

Mayor Davis called the meeting to order at 7:17 P.M., and City Clerk Skaggs 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.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATOR**, direction was given to the Labor Negotiator, **#3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, direction was given to staff, **#4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, by a 4/0 vote the City Council had authorized disclosure of the fact that they had agreed to not file an unlawful detainer action against Humphrey's Restaurant on the Delta before May 12, 2012. She announced the City Council would go back into Closed Session and the end of the Public Session to hear the remaining Closed Session items.

**A**

**04/24/12**

## **PROCLAMATIONS**

Bay Area Hunger Walk, April 28 – 29, 2012

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council unanimously approved the proclamation.

Mayor Davis presented the proclamation proclaiming April 28 – 29, 2012, to Brian and Vicki McCoy, who thanked the City for the recognition.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Mike Pollard announced the Mayor's Prayer Breakfast would be held on May 3, 2012, at the Lone Tree Golf Course and Event Center. Contact information was provided.

Mayor Davis thanked Mr. Pollard for coordinating the program.

Martha Parsons and members of the *Keep Antioch Beautiful Day* Committee announced the *Keep Antioch Beautiful Day* event would be held from 8:30 -11:00 A.M. on April 21, 2012. Contact information was provided.

Mayor Davis thanked Ms. Parsons for organizing the event.

Julie Haas-Wajdowicz, as a participant in the Air District's Spare the Air Resource Team, announced the Transit to Trails Program would be holding a Transit to Trails Workshop on May 19, 2012, at the Concord Library. Contact information was provided. She reminded the public that May 10, 2012 was Bike-to-Work Day.

Mayor Davis thanked Ms. Haas-Wajdowicz for her enthusiasm.

**PUBLIC COMMENTS** - None

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Rocha reported on her attendance at the Fresh and Easy ribbon cutting ceremony, the Mello Roos Board subcommittee meeting, and the Antioch Unified School District/City subcommittee meeting.

Councilmember Harper reported on his attendance at the Antioch Unified School District/City Council subcommittee meeting.

## **MAYOR'S COMMENTS**

Honor for Alissa Friedman as "11th Assembly District Woman of the Year"

Mayor Davis announced Ms. Friedman was unable to attend this evening therefore this item would be continued to April 24, 2012.

Mayor Davis welcomed Boy Scout Troop #28 in attendance this evening.

**1. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR MARCH 27, 2012**

**B. APPROVAL OF COUNCIL WARRANTS**

**C. ORDINANCE AMENDING §9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) PROGRAM**

City Attorney Nerland announced it was staff's recommendation the Council continued Item C to April 24, 2012.

On motion by Councilmember Rocha, seconded by Councilmember Kalinowski, the Council unanimously approved the Council Consent Calendar including staff's recommendation to continue item 1C to April 24, 2012.

**PUBLIC HEARING**

**2. Z-12-02: PREZONING OF AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA – THE PREZONING IS APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO BY THE CITY AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE. THE PROPOSED PREZONING CONSISTS OF PRIMARILY M-2 (HEAVY INDUSTRIAL) ZONING, WITH M-1 (LIGHT INDUSTRIAL) PROPOSED FOR THE UNINCORPORATED AREA SOUTH OF WILBUR AVENUE, AND OS (OPEN SPACE) PROPOSED FOR THE EXISTING ENDANGERED SPECIES PRESERVE LOCATED ON THE NORTH SIDE OF WILBUR AVENUE. A PREVIOUSLY PREPARED MITIGATED NEGATIVE DECLARATION WILL BE UTILIZED TO ADDRESS ANY ENVIRONMENTAL IMPACTS OF THE PROPOSED PREZONING. ON MARCH 7, 2012, THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE TO PREZONE THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA**

Staff recommended the City Council continue this item to April 24, 2012.

City Attorney Nerland reported on the dais was a letter the City received right before 5:00 P.M. this evening authored by Kristina Lawson, representing West Coast Homebuilders and Albert Seeno, regarding this matter. She noted, in the letter, Ms. Lawson asked that they be provided with staff reports prior to the Council and public receiving them. She stated she was not aware of what

legal authority there would be for Ms. Lawson as the Attorney for Mr. Seeno to receive staff reports before this City Council or the public. She further noted staff reports would be made publicly available, in due course, before the April 24, 2012 City Council meeting.

On motion by Councilmember Kalinowski, seconded by Councilmember Agopian, the Council unanimously continued Z-12-02 to April 24, 2012.

**3. EXTENSION OF THE INTERIM URGENCY ZONING ORDINANCE PROHIBITING THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR CONSTRUCTION, ESTABLISHMENT OR OPERATION OF COMPUTER GAMING AND INTERNET ACCESS BUSINESSES WITHIN THE CITY ON AN INTERIM BASIS**

Community Development Director Wehrmeister presented the staff report dated April 5, 2012 recommending the City Council 1) Motion to read the ordinance by title only; and, 2) Motion to adopt the ordinance extending interim urgency zoning ordinance.

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

**ORDINANCE 2056-C-S**

On motion by Councilmember Harper, seconded by Councilmember Agopian, the Council unanimously 1) Read the ordinance by title only; and, 2) Adopted the ordinance extending interim urgency zoning ordinance.

**COUNCIL REGULAR AGENDA**

**4. HOUSING ELEMENT IMPLEMENTATION ISSUES AND OPTIONS REPORT**

Community Development Director Wehrmeister and Consultant Vivian Kahn, FAICP, Dyett & Bhatia, presented the staff report dated March 26, 2012, recommending the City Council provide direction to staff.

Following discussion, Council consensus agreed with the Planning Commission recommendations, as contained within the staff report and presented this evening.

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Manager Jakel announced the Oversight Board appointments for the Redevelopment Successor Agencies had been completed and they were in the process of scheduling the initial meeting. He reported a tentative date for the State of the City Luncheon was June 4, 2012, and the next Council meeting on April 24, 2012, would include a Budget Study Session. He stated he would be contacting District Attorney Mark Peterson to determine if it would be more appropriate for the City Council or Antioch Unified School District to host his presentation. He reminded the City Council it would be going back into Closed Session to address the remaining items.

## COUNCIL COMMUNICATIONS

Councilmember Harper indicated he would like to agendize the renaming of “L” and “A” Streets for a future meeting. There was Council concurrence to place this item on a future agenda.

Councilmember Agopian indicated he would like to agendize restricting serving times and hours of operations in bars, for a future meeting. There was Council concurrence to place this item on a future agenda.

Mayor Davis adjourned to closed session at 8:25 P.M.

### CLOSED SESSION – *Continued*

**2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** —Onita Tuggles v. City of Antioch et al, Ninth Circuit Court of Appeals, Case No. 10-17181; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA. This Closed Session is authorized by California Government Code §54956.9. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case).

**5. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 City Manager.

**6. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 – City Attorney.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, no action to report out, **#5 PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS**, no action to report out, and **#6 PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS**, no action to report out.

### ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 9:52 P.M. to the next regular Council meeting on April 24, 2012.

Respectfully submitted:

---

DENISE SKAGGS, City Clerk