

## CITY COUNCIL MEETING

Regular Meeting  
7:00 P.M.

March 12, 2013  
Council Chambers

### 5:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 54956.9 (d)(1): City of Brentwood et al. v. Robert Campbell, Auditor-Controller Contra Costa Superior Court Case No. N11-1029
2. **CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Initiation of Litigation pursuant to California Government Code §54956.9 (d)(4): Claim against Contra Costa County for overcharge of Property Tax Administration Fee
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 94956.9(d)(1): Broughton et al. v. Prewett Family Water Park et al., Northern District of California Case. No. C 13-0531
4. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (d)(2) of California Government Code section 54956.9: Claim of Bay Cities regarding Marina Boat Launch
5. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision

Mayor Pro Tem Rocha called the meeting to order at 7:00 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Tiscareno, Agopian and Mayor Pro Tem Rocha  
Absent: Mayor Harper

### PLEDGE OF ALLEGIANCE

Councilmember Wilson 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 LEGAL COUNSEL**, No action was taken; **#2 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction was given to the City Attorney; **#3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, No action was taken; **#4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, by a 4/0 vote – Council voted to approve the settlement agreement contingent on memorializing the terms of the settlement; and **#5 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Direction was given to the City Attorney.

## **PROCLAMATIONS**

*American Red Cross Month, March 2013*  
*African Children's Choir Day, March 13, 2013*

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the Council unanimously approved the Proclamations.

Mayor Pro Tem Rocha reported the proclamations would be given to the appropriate organizations.

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

Chief Cantando thanked the City Council members who attended the swearing-in for the newly hired Antioch Police Officers.

Officer Shawn Morin, Officer Daniel Fachner, and Officer Zechariah Matis introduced themselves and spoke to their qualifications as newly hired Antioch Police Officers.

Mayor Pro Tem Rocha announced newly hired Community Service Officers were Regina Smith, Brittany Price, and Samantha Peterson.

## **PUBLIC COMMENTS**

Mark Mokski, Kids Club Preschool, thanked the City Council for their service. He discussed planning and preparing for federal sequestering. He requested the City work with them and provide political support to prevent cuts from occurring to their program in Antioch.

Romano Marchetti, Martha Parsons, and Marlene Straten, representing the Delta Kiwanis Club, announced they were hosting the annual Tri-Tip Dinner fundraiser event on March 23, 2013 at the **VFW** Post 6435 beginning at 6:00 P.M.

Debbie Kitts and Martha Parsons, Antioch residents, reported on criminal activity occurring in the Patricia Avenue area. They urged the City Council to address funding for more Antioch Police Officers and suggested they put something into place to hold landlords more accountable for their tenants.

Fred Hoskins, Antioch resident, stated he felt speaker times limited his ability to convey his thoughts to the City Council and suggested that the City Council explore ways to communicate more effectively with their constituency.

Richard Asadoorian, Antioch resident and Neighborhood Watch Block Captain, discussed recent criminal activity that had occurred in his neighborhood. He stated they were not going to succumb and they would remain vigilant. He encouraged more residents to participate in the Neighborhood Watch program and report criminal activity in their neighborhoods.

## COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the Crime Prevention Forum.

Councilmember Tiscareno invited the public to participate in "Earth Hour" and turn off their lights from 8:30 P.M. – 9:30 P.M. on March 23, 2013. He reported on his attendance at the Crime Prevention forum and the Neighborhood Cleanup event.

Mayor Pro Tem Rocha reported on her attendance at an event that welcomed Lance Corporal Kathryn Griswold, back from Afghanistan and the Inaugural Gala for the Chamber of Commerce. She recognized Citizen of the Year, Brittany Gougeon, in attendance this evening.

Brittany Gougeon thanked Mayor Pro Tem Rocha for the recognition.

She reported the 4<sup>th</sup> of July committee, Diane Gibson-Gray, Hans Ho, and Gloria Martin, were also honored at the Inaugural Gala.

## MAYOR'S COMMENTS – None

### 1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 26, 2013 – *Continued to March 26, 2013*
- B. APPROVAL OF COUNCIL WARRANTS
- C. USE AGREEMENT FOR ASSEMBLY MEMBER FRAZIER'S OFFICE SPACE AT THE ANTIOCH COMMUNITY CENTER
- D. EMERGENCY REPAIR WORK AT PREWETT WATER PARK
- E. FIRST AMENDMENT TO THE DESIGN CONSULTANT SERVICES AGREEMENT FOR THE CAMBRIDGE TANK EXPANSION PROJECT WITH BROWN AND CALDWELL (P.W. 365-T3)
- F. AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH FLOW SCIENCE INCORPORATED
- G. RESOLUTION NO. 2013/11 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE MARINA BOAT LAUNCH FACILITY (P.W. 523-16)
- H. THIRD AMENDMENT TO THE DESIGN CONSULTANT SERVICES AGREEMENT FOR THE JAMES DONLON AND LARKSPUR WATER STORAGE RESERVOIR REHABILITATION WITH PAKPOUR CONSULTING GROUP, INC. (P.W. 246-24)

I. **RESOLUTION NO. 2013/12 PREWETT WATER AFTER 4:00 PM AND SENIOR/ACTIVE MILITARY ADMISSION FEE INCREASE**

City Attorney Nerland clarified the Council had a revised staff report for Item 1-G which was under consideration this evening.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar with the exception of Item F, which was removed for further discussion.

**Item F** – In response to Councilmember Agopian, Public Works Director/City Engineer Bernal clarified the consultant was working on behalf of the City with regards to protecting Antioch's water rights and water quality. He noted staff would be bringing an update with regards to the Bay Delta Conservation Plan (BDCP) to the City Council at the first meeting in April. He gave a brief background of the BDCP.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously approved Item F.

**PUBLIC HEARING**

2. **RESOLUTION EXTENDING THE TEMPORARY CLOSURE OF MCELHENY ROAD BETWEEN EAST 6TH STREET AND FULTON SHIPYARD ROAD**

Director of Public Works/City Engineer Bernal presented the staff report dated February 26, 2013 recommending the City Council: Motion to conduct a public hearing and approve the resolution extending the temporary closure of McElheny Road between East 6th Street and Fulton Shipyard Road for an additional period of eighteen (18) months as a measure to reduce criminal activity in the area.

Mayor Pro Tem Rocha opened and closed the public hearing with no speakers requesting to speak.

**RESOLUTION NO. 2013/13**

On motion by Councilmember Tiscareno, seconded by Councilmember Agopian, the Council unanimously approved the resolution.

3. **RESOLUTION EXTENDING THE TEMPORARY CLOSURE OF EMPIRE MINE ROAD BETWEEN MESA RIDGE DRIVE AND DEER VALLEY ROAD**

Director of Public Works/City Engineer Bernal presented the staff report dated February 25, 2013 recommending the City Council: Motion to conduct a public hearing and approve the resolution extending the temporary closure of Empire Mine Road between Mesa Ridge Drive and Deer Valley Road for an additional period of eighteen (18) months as a continued measure to reduce criminal activity in the area.

Mayor Pro Tem Rocha opened and closed the public hearing with no speakers requesting to speak.

**RESOLUTION NO. 2013/14**

On motion by Councilmember Tiscareno, seconded by Councilmember Agopian, the Council unanimously approved the resolution.

**COUNCIL REGULAR AGENDA**

**4. REVENUE BALLOT MEASURE**

City Manager Jakel presented the staff report dated March 7, 2013 recommending the City Council: Provide direction to staff regarding further research and action items related to putting a Revenue Measure on the ballot for the voters to consider.

Fred Hoskins, Antioch resident, suggested the City Council focus on cleaning up blight, promoting recreational activities, and developing pride in the community.

Matt Mason, Public Employees Union Local 1, stated they felt any tax measure should be for general use and restoring all public services.

Hans Ho, Antioch resident, expressed concern that the staffing level of the Antioch Police Department was at a critical level and noted this issue was related to the lack of proactive programs to suppress crime. He stated he would support any means to generate revenue to improve staffing levels and further noted the public would be more likely to support a tax measure if there were safeguards in place with regards to how the money would be spent.

Brittany Gougeon, Antioch resident, stated negligent landlords should be held accountable and a business rental property tax should be the revenue source funding code enforcement. She reported that residents were reluctant to support a property tax and voiced her support for an increase in sales tax similar to the Pittsburg model, which she requested the City Council consider this evening. She voiced her support for a Citizen Oversight Committee.

Gil Murillo, Antioch resident, spoke to the need for increasing the staffing level of the Antioch Police Department. He reported he had sent in his check for his alarm which the City had never cashed and suggested the City begin collecting on their bills.

Lee Battheyny, Antioch resident, discussed the importance in a public relations campaign when requesting residents to consider a tax measure. She voiced her support for a \$200.00 per year fee to fund police services, a business tax for each rental property, and a home business fee for residents who generate revenue from their homes.

Salvatore Evola, Vice Mayor of Pittsburg, stated he was willing to work with the City of Antioch with regards on how to address issues regionally to reduce crime and not promote attractive nuisances. He discussed the importance of keeping a ballot measure for public safety separate from other issues.

Councilmember Tiscareno stated he would support a dedicated tax however, he was concerned that since it would require a 2/3 vote, it may not pass. He stated he would support a business license tax for landlords and spoke against taxing other businesses.

Councilmember Wilson stated she felt it was important to have a tax measure that would be supported by the residents.

Councilmember Agopian voiced his support for a business license tax for all businesses that significantly impact the Antioch Police Department, with calls for service. He noted he could support a permanent \$240.00 per year dedicated business tax specifically for code enforcement. He further noted a one-fourth/one-half ( $\frac{1}{4}$ - $\frac{1}{2}$ ) cent sales tax with oversight and with a sunset provision should be dedicated for police staffing at the 126 officer level.

Following discussion, the City Council consensus directed City Manager Jakel to calculate costs to reinstate a forty (40) hour work week and the structural deficit for the City Council to consider separate from a ballot measure and with the City's budget discussion.

Donald Freitas, Antioch resident, stated the approach the City Council needed to take should be comprehensive, fair, and simple. He voiced his support for a permanent business license fee for landlords in combination with a sales tax that includes a sunset provision.

Following discussion, the City Council consensus supported a dedicated tax on business licenses for landlords and with regards to a sales tax ballot measure; they proposed the Council set firm budget priorities for the general tax revenue. If passed, they suggested quarterly reports, Citizen Oversight Committee, and detailed budget reports.

Lee Batthany, Antioch resident, questioned if a business tax for rental properties would apply to condominiums, motorhomes, and apartment units. She also suggested fast food establishments conduct a green campaign to address blight caused by their waste products. She questioned if the City would consider a one-fourth ( $\frac{1}{4}$ ) cent sales tax for fast food establishments to pay for their impacts. She also questioned if the \$250,000 election cost would cover multiple measures on the ballot.

City Manager Jakel clarified there was a small additional fee for multiple items on the ballot. With regards to a sales tax on fast food establishments, he noted research would need to be done to determine if it would be feasible. He noted single family homes would include condominiums and townhomes however apartment complexes were already operating under a business license. He added that motor homes and mobile homes were taxed through the department of motor vehicles.

Following discussion, the Council majority supported a November ballot measure and authorized the City Manager to engage a consultant to conduct a community survey regarding service levels and financial challenges.

Mayor Pro Tem Rocha declared a recess at 8:37 P.M. The meeting reconvened at 8:49 P.M. with all Councilmembers present with the exception of Mayor Harper who was previously noted as being absent.

## **5. NELSON RANCH PARK INFORMATIONAL UPDATE (PW 547-P)**

Public Works Director/City Engineer Bernal presented the staff report dated March 4, 2013 recommending the City Council receive and file the report and provide direction to staff, if necessary.

Richard Lazzaro, and Sonnara Sen, Antioch residents, spoke in support of Nelson Ranch Park and requested the City Council keep it in its current state with all amenities.

Chris Young, Antioch residents, reiterated their concerns regarding the park re-design. They noted the park amenities were located too close to homes and the fence is too short to mitigate those impacts to their property. He further noted the park had made his property unsellable and requested the shade structures directly behind his home be moved to another location within the park.

Julie Young, Antioch resident, for the record, clarified the following:

- The timeline for when she began contacting the City was August 2011, well before the park was built.
- At the meeting on April 24, when four residents attended, their public comments were about speed signs, street signs, and asked when the park would be opened. No comments were made regarding the changes to the park; the City staff told them about that later.
- The information regarding the calls for service seemed to be missing a few dates including a date when officers came out and were in the park for at least 30 minutes with all their lights shining into their home.

She stated noise and activity from the park had negatively impacted their quality of life. She noted the compromised reached on March 13, 2012 regarding the removal and relocation of the shade structures, BBQ pits and picnic benches, and increasing the height of the wall to eight (8) feet, would be a positive outcome for all stakeholders.

Harold Ott, Antioch resident, thanked the City Council for approving the park for their neighborhood. He requested the Council set a deadline for when this matter would be put to rest. He reported most of the noise in the neighborhood was not coming from the park and with regards to the calls for service, there had not been a single serious incident occurring there. He suggested the City mitigate the problems by raising the wall and creating a screen for the resident.

Following discussion, the Council consensus supported increasing the height of the fence and using landscaping to screen the five (5) affected properties negatively impacted by the park amenities.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously received and filed the report and provided the following direction to staff:

- (8) Eight foot fence from residents' side to be built on all (5) five affected properties;

- June 12, 2013 deadline for all (5) five residents affected to return executed Right to Entry Agreement;
- Offer for fence upgrade to be rescinded if the Right to Entry Agreement was not received by June 12, 2013 from all (5) residents affected
- Staff would look into landscaping options, if requested by residents, to be placed on the parkside if Right to Entry Agreement were received by June 12, 2013 from all (5) five affected residents

### **PUBLIC COMMENTS**

Mr. Lloyd, Antioch resident, discussed his efforts to be a positive influence and develop job training programs for the youth in the community.

Mayor Pro Tem Rocha encouraged Mr. Lloyd to discuss his program with Rubicon.

### **STAFF COMMUNICATIONS**

City Manager Jakel announced the following meeting schedule:

- March 26, 2013 - Regular City Council meeting at 7:00 P.M.
- March 28, 2013 - Community Meeting at 6:00 P.M.

### **COUNCIL COMMUNICATIONS**

In response to Mayor Pro Tem Rocha, Information Services Director Barton reported the security cameras were installed at Knoll Park and the wireless network infrastructure would be completed in the future.

### **ADJOURNMENT**

With no further business, Mayor Pro Tem Rocha adjourned the meeting at 9:31 P.M. to the next regular Council Meeting on March 26, 2013.

Respectfully submitted:

*Kitty Eiden*  
KITTY EIDEN, Minutes Clerk