

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**November 18, 2008
Council Chambers**

6:15 P.M. – CLOSED SESSIONS

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – This Closed Session is authorized by California Government Code §54956.9(a): Evangelho v. City of Antioch; William G. McCullough Co., Contra Costa Superior Court, Case 07-02205; City of Antioch v. Evangelho et al., Contra Costa Superior Court, Case Nos. C06-02345, C06-02391, C06-02392

- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board – Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. re: Markley Creek; SPPI-Somersville, Inc. et al. v. TRC et al. (USDC N.D. Cal Case No C04-2648 SI); SPPI-Somersville, Inc. et al. v. Chevron (USDC N.D. Cal. Case No. C07-05824 SI). This Closed Session is authorized pursuant to Government Code §54956.9 (a)

Mayor Freitas called the meeting to order at 7:02 P.M., and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

Mayor Freitas reported the City Council had been in Closed Session and there was no reportable action

PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

Mayor Freitas congratulated the candidates who ran in the election and announced the Swearing-In Ceremony would take place on December 9, 2008 at 6:00 P.M. in the Council Chambers. He recognized those elected officials who were in the audience. He requested the City Council add an agenda item pertaining to a proclamation for the Holiday De-Lites event.

On motion by Councilmember Moore, seconded by Councilmember Davis, the City Council unanimously added the *Holiday De-Lites Babes In Toyland* Proclamation to the agenda.

PROCLAMATIONS

Steven Sachs, Retiring CDBG Representative

Holiday De-Lites Babes in Toyland Celebration on December 6, 2008

Following a motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council unanimously approved the proclamations.

Councilmember Davis presented the proclamation proclaiming December 6, 2008 as *Holiday De-Lites "Babes In Toyland"* celebration to Lori Chalifoux and members of the Holiday De-Lites committee who thanked the City Council and announced the event would begin at 1:00 P.M. on December 6, 2008. Contact information was given. Ashton and Cassidy Cook, members of Dancers Elite, performed for the audience.

PRESENTATION

Nunn / Wilson Fundraising Program

Councilmember Kalinowski thanked the community and staff who had participated in the Nunn/Wilson Memorial fundraiser.

Recreation Department Deputy Director Sanderson reported the event was very successful and thanked all of the sponsors and volunteers. He presented Oakley Councilmember Elect Jim Frasier with a check for \$8000.00, for monies raised.

Volunteers and sponsors of the event were presented with proclamations in recognition of their participation.

Oakley City Councilmember Elect Frasier thanked the City of Antioch, on behalf of the Nunn/Wilson Children, and the City of Oakley.

Councilmember Kalinowski stated this would be an annual fundraising event to be held on the first Saturday of September after Prewett Park was closed to the public.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, Antioch Chamber of Commerce, announced the Chamber was accepting nominations for Citizen, Business and Youth of the year. She noted the Gala Event recognizing those selected would be held on January 23, 2009 at the Lone Tree Event Center. Contact information was given. On behalf of the Hapgood Theatre Company and the Chambers' Board of Directors, she announced *Tuesday's With Morrie* would be their next performance.

PUBLIC COMMENTS

Ken Lee, Antioch resident, expressed concern regarding the lack of directional signage from the Highway 4 Bypass to 160. He reiterated his concerns related to the Antioch Auto Dealership and questioned the warrant paid to the Antioch Auto Dealership.

Chip Stein, Antioch resident, congratulated Mayor Elect Jim Davis and spoke in support of Councilmember Simonsen being appointed to the vacant City Council seat. He reported the Antioch Auto Dealership had dimmed their lights at night.

Ralph Garrow, Antioch resident, encouraged the City Council to appoint Councilmember Simonsen to the vacant seat on the City Council. He expressed concern regarding a loud noise he heard in the area of PG&E in Southeast Antioch.

Jim Conley, Antioch resident, on behalf of his family, thanked Mayor Freitas for his accomplishments while serving as the Mayor of Antioch.

Marty Fernandez, Antioch resident, urged the City Council to appoint Councilmember Simonsen to the vacant seat on the City Council. He thanked Mayor Freitas for his service on the City Council.

Gary Agopian, Antioch resident, congratulated those elected into their Council seats and expressed appreciation to Mayor Freitas for his service. He clarified he was not interested in serving on the Antioch City Council and spoke in support of Councilmember Simonsen filling the vacant Council seat.

Sandy Henry, Antioch resident, thanked Mayor Freitas for his service to the City of Antioch and spoke in support of Councilmember Simonsen being appointment to the vacant City Council seat.

Kay Power, Antioch resident, thanked Mayor Freitas for his service, congratulated those who won the election and spoke in support of Councilmember Simonsen being appointed to the vacant City Council seat.

Mayor Freitas read written comment from Antioch resident, Pat Miller who thanked Mayor Freitas and Councilmember Simonsen for their service to the city of Antioch.

Jim Boccio, Antioch resident, thanked Mayor Freitas for his service, congratulated Councilmember Kalinowski and spoke in support of Council Simonsen being appointed to the City Council.

Barbara Sobalvarro, Antioch resident, congratulated Mayor Elect Davis and Councilmember Elect Kalinowski. She expressed her appreciation to Mayor Freitas for his service to the community and on behalf of the animals of the Antioch Animal Shelter thanked him for his support.

Priscilla Friemering, Antioch resident, thanked Mayor Freitas for his service to the City of Antioch.

Devi Lanphere, Antioch Chamber of Commerce, thanked those who won their respective offices and Mayor Freitas for his service. She urged the appointment of Councilmember Simonsen to the vacant City Council position.

Donna Wilson thanked the City Council for appointing her to the Crime Prevention Commission. She spoke in support of Councilmember Simonsen being appointed to the vacant City Council position.

Chief Hyde thanked the City Council and the committee for their support of the Police Activities League Golf Tournament.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Freitas thanked the public speakers who spoke in his support.

Councilmember Simonsen thanked those public speakers who spoke in his support. He then thanked Mayor Freitas for the accomplishments that had taken place during his terms on the Council, both as a Councilmember and Mayor.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 14, 2008

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIMS

1. Lynn Confetti-Ledbetter 08/09-1835 (personal injury).
2. Karla Manahan 08/09-1846 (property damage)

D. LEGISLATION AND ADVOCACY

E. AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE PREWETT PARK COMMUNITY FACILITIES PROJECT (ANTIOCH COMMUNITY CENTER) 4703 LONE TREE WAY (PW PROJECT - 567-C)

F. APPROVAL OF CONTRACT FOR DESIGN AND ENGINEERING SERVICES BY RHAA FOR THE REDESIGN OF THE EASTERN PARKING LOT AND CENTER MEDIAN AT PREWETT PARK

G. APPROVE AWARD OF ANNUAL CONTRACT TO PURCHASE ASPHALT AND STREET MATERIALS, BID NO. 745-1001-09F

H. CANCELLATION OF CONTRACT TO ACQUIRE PROPERTY AT 1323 W. 4 TH STREET (APN 066-121-009) (ARATA)

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar.

PUBLIC HEARING

2. SUBSTANTIAL AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN FOR FISCAL YEAR 2008-09 TO INCLUDE THE NEIGHBORHOOD STABILIZATION PROGRAM

Housing Coordinator Kennedy presented the staff report dated November 18, 2008, recommending the City Council adopt the substantial amendments to the Community Development Block Grant (CDBG) Action Plan for Fiscal Year 2008-09, which would entitle the City of Antioch to receive \$4,049,228 from the HUD Neighborhood Stabilization Program

Councilmember Simonsen requested staff meet with some or all of the following members of the Board of Realtors; Ralph Garrow, Scott MacIntyre, Aaron Meadows, Angela Johns, Denise Stuart and Darnella Barnes to develop a plan to expedite the process.

City Council requested a report be prepared for Council following staff's meeting with the members of the Board of Realtors.

Councilmember Kalinowski suggested meeting with the individual responsible in the region for the Freddie Mac and Fannie Mae programs.

Councilmember Moore requested the Mayor be involved in meetings with other agencies receiving funds from the state.

In response to Councilmember Moore, City Attorney Nerland stated she would report back to the City Council regarding the Excessive Force clause.

Councilmember Kalinowski stated he supported focusing the program on rehabilitation and partnerships.

Mayor Freitas opened the public hearing.

Ralph Garrow, Delta Association of Realtors, volunteered the expertise of some of their members to assist the City in implementing the program.

Ken Lee, Antioch resident, spoke to several ways to maintain foreclosed properties.

Ms. Watts, Antioch resident, urged the City to work with individuals and use the funds to assist those interested in purchasing foreclosed homes.

John Howard, Antioch resident, questioned if the City had considered the FHA 203k rehab loans in the process for rehabilitating the properties.

Mayor Freitas closed the public hearing.

Ms. Kennedy responded she would discuss the possibility of the FHA 203k loan program with Mr. Howard and she would provide Ms. Watts with information regarding the first time homebuyer program.

RESOLUTION NO. 2008/103

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council unanimously adopted the resolution.

COUNCIL REGULAR AGENDA

3. CITY OF ANTIOCH CELEBRATION AND CONTEST EVENT IN HONOR OF DR. MARTIN LUTHER KING

Assistant City Manager Mornick presented the staff report dated November 10, 2008 recommending the City Council approve the first annual City of Antioch contest and celebration in honor of Dr. Martin Luther King and appropriate \$6000 for the event.

Councilmember Moore thanked staff, in collaboration with two Antioch Unified School District teachers for designing this event, and encouraged the City Council to support the event.

Kay Trail congratulated Mayor Elect Davis and voiced her appreciation to Mayor Freitas for serving the City of Antioch. She stated she was looking forward to celebrating Dr. Martin Luther King's birthday in Antioch and suggested the City expand outreach to non public school participation. Following discussion, the City Council consensus agreed to expand outreach to non-public school children.

Councilmember Simonsen encouraged staff to seek sponsorship to cover the costs and reduce the net impact on the City's General Fund.

On motion by Councilmember Moore, seconded by Councilmember Davis, the City Council unanimously approved the first annual City of Antioch contest and celebration in honor of Dr. Martin Luther King and appropriated up to \$10,000 for the event inclusive of advertising and outreach.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency members present

AGENCY REGULAR AGENDA

A. APPROVAL OF AGENCY WARRANTS

On motion by Agency member Moore, seconded by Agency member Davis, the Antioch Development Agency unanimously approved Agency Warrants.

B. CONSIDERATION AND APPROVAL OF THE REALLOCATION OF ANTIOCH DEVELOPMENT AGENCY LOW INCOME HOUSING FUNDS FROM FISCAL YEAR 2007-08 TO THE FIRST TIME HOMEBUYER PROGRAM FOR FISCAL YEAR 2008-09

RESOLUTION NO. ADA-431

On motion by Agency member Kalinowski, seconded by Agency member Simonsen, the Antioch Development Agency unanimously approved the reallocation of funds from Fiscal Year 2007-08 to Fiscal Year 2008-09 in the amount of \$201,510 for continuation of the First Time Homebuyer program.

Agency Chairperson Freitas adjourned to the Antioch City Council with all Councilmembers present.

PUBLIC COMMENTS

Bill Worrell, Antioch resident, reminded the City Council that November 21, 2008 was the last day to submit questions for the Franks Tract project EIR. He discussed the negative impacts of the project and urged the City Council to oppose the canal. He spoke in support of Councilmember Simonsen being appointed to the vacant City Council seat.

Mayor Freitas read written comment from Don Williams, thanking everyone responsible for the Veteran's Day parade.

STAFF COMMUNICATIONS

City Manager Jakel announced the Swearing-In ceremony would be held on December 9, 2008 at 6:00 P.M., and a regular meeting would be scheduled for December 16, 2008.

COUNCIL COMMUNICATIONS

Councilmember Moore congratulated Councilmember Elect Kalinowski and Mayor Elect Davis. He noted the City had suffered a great loss, losing Mayor Freitas and Councilmember Simonsen following this election. He stated he looked forward to serving with Councilmember Elect Rocha and thanked the City Council for approving the Martin Luther King celebration

Councilmember Simonsen thanked Councilmember Davis for organizing the Veteran's Day parade. He reported his attendance of the 80th Birthday Gala for the El Campanil Theatre and congratulated Rick Carraher and the El Campanil Foundation on the outstanding event. He announced on November 20, 2008. at the Delta Protection Commission meeting, Senator Torlakson would be receiving a national recognition award for his involvement in improving the Delta.

Councilmember Davis thanked City Staff for assisting at the Veterans Day Parade and all Councilmembers for attending the event. He noted it was a wonderful recognition for Veteran's and would now be held annually. He reported he attended a Concord City Council meeting in which the Concord Naval Weapons Station re-use plan was discussed. He discussed the negative impact of the project and voiced his support for regional meetings to be held to provide input. He requested City Manager Jakel contact Mr. Reed and be proactive in scheduling meetings.

With no further business, Mayor Freitas adjourned the meeting at 8:35 P.M.

Respectfully Submitted,

L. JOLENE MARTIN
Antioch City Clerk