

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

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

**February 22, 2011  
Council Chambers**

**5:45 P.M. - CLOSED SESSION**

- 1. CONFERENCE WITH LABOR NEGOTIATOR** . Employee organizations: Public Employeesq Union Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officersq Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employeesq Association. Agency designated representatives: Jim Jakel, City Manager; Deborah McHenry, Human Resources Director and Glenn Berkheimer, IEDA. This Closed Session is authorized by California Government Code §54957.6.
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** . Claim of Debra Burkholder pursuant to California Government Code section 54956(b)/section 54956.95(a).
- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** . . Onita Tuggles v. City of Antioch et al, Northern District Court Case No. C 08-01914 JCS; 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.
- 4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Initiation of Litigation Pursuant to California Government Code §54956.9(c): 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.

Mayor Davis called the meeting to order at 7:10 P.M., and Minutes Clerk Eiden called the Council/Agency roll.

Present: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor Davis

City Attorney Nerland reported the City Council had been in Closed Session on February 15, 2011 and provided the following report for the Closed Sessions: Item #1 - Direction was given to staff; Item #2 and #3 - no reportable action. With report of Closed Sessions held earlier: Item #2 - Agreement to proposed settlement of the personal injury claim of Debra Burkholder in the amount of \$24,750 regarding property owned by the Antioch Development Agency; Item #3 - No reportable action.

**PLEDGE OF ALLEGIANCE**

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

## **PUBLIC COMMENTS**

Brittney Gougeon, representing Take Back Antioch, thanked the City Council for attending their Quality of Community meeting and presented the City Council with handouts outlining issues at Dallas Ranch Park. She announced they would be formally adopting the park and implementing a restoration plan.

Karen Kops, representing Homeless Animal Response Program (HARP) and Spay Neuter Impact Program (SNIP), encouraged the City Council to include Animal Services in the list of departments that would accept volunteers for the Quality of Life Forum. She discussed the increase in surrendered animals due to the foreclosure crisis. She reiterated her request for the City to provide her with the Animal Shelter statistics for 2010.

In response to Councilmember Agopian, City Attorney Nerland reported the City department heads were invited to participate in the Quality of Life Forum.

## **PUBLIC AND CIVIC ANNOUNCEMENTS**

Acting Chief of Police Cantando, on behalf of the Antioch Police Department and Special Olympics thanked everyone who participated in the Tip-A-Cop event on Feb 17, 2011, which was successful in raising \$1686.00 for the charity

Mayor Davis thanked the Antioch Police Department for hosting an event to raise money for the Special Olympics.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Agopian, on behalf of himself and Councilmember Rocha reported on their attendance at the Northeast Antioch Annexation subcommittee meeting.

Councilmember Kalinowski reported he attended a TRANSPLAN special meeting in which action was taken to direct the City of Pittsburg to rejoin ECCRAFA and should they fail to do so, the County Council representative had been authorized to initiate litigation.

## **MAYOR'S COMMENTS**

Mayor Davis reported on his attendance at the Delta Diablo Sanitation District meeting.

### **1. COUNCIL CONSENT CALENDAR**

#### **A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 8, 2011**

#### **B. APPROVAL OF COUNCIL WARRANTS**

#### **C. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2011**

- D. AUTHORIZATION TO ENTER INTO A CONTRACT WITH DYETT & BHATIA FOR THE PREPARATION OF THE ZONING AND GENERAL PLAN AMENDMENTS AND ASSOCIATED ENVIRONMENTAL DOCUMENT REQUIRED FOR IMPLEMENTATION OF THE CERTIFIED HOUSING ELEMENT**
- E. REQUEST TO AUTHORIZE USE OF CITY LOGO FOR CESAR CHAVEZ DAY**
- F. CITY MANAGER AND CITY ATTORNEY EMPLOYMENT AGREEMENTS**
- G. AWARD OF CONTRACT FOR VACUUM POWERED CLEANING TRUCK**
- H. RESOLUTION NO. 2011/12 APPROVING THE TRANSFER OF CERTAIN REAL PROPERTIES AND EASEMENTS BETWEEN THE CITY AND THE STATE ROUTE 4 BYPASS AUTHORITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO GRANT OR QUITCLAIM ANY INTEREST IN CERTAIN REAL PROPERTIES AND EASEMENTS TO THE SR4 BYPASS AUTHORITY FOR SEGMENT 1 OF THE SR4 BYPASS AND TO ACCEPT THE TRANSFER OF OTHER INTERESTS FROM THE AUTHORITY**

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

Item F . Councilmember Kalinowski highlighted the agreements made between the City Council and the City Manager and City Attorney regarding their employment agreements and thanked them for making those concessions.

On motion by Councilmember Kalinowski, seconded by Councilmember Agopian the City Council unanimously approved item F.

Item G . Director of Public Works Bernal gave a brief overview of the equipment replacement fund and the recommendation for replacing the vacuum powered cleaning truck. He noted they intend to auction or trade in the old equipment, whichever would result in a higher value.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously approved item G.

## **COUNCIL REGULAR AGENDA**

### **2. DELTA DIABLO SANITATION DISTRICT WIND TURBINE PROJECT AT THEIR FACILITY LOCATED AT 2500 PITTSBURG-ANTIOCH HIGHWAY**

Community Development Director Wehrmeister presented the staff report dated February 17, 2011 recommending the City Council receive the report and provide preliminary feedback on the proposed project.

Irene O'Sullivan, Associate Engineer representing Delta Diablo Sanitation District (DDSD), provided a power point presentation on the proposed Wind Energy Generation project. She

introduced Gary Darling, General Manager; Dean Eckerson, Principal Engineer; Angela Lowrey, Public Information Manager, and Bob Lewis, Vice President of Foundation Windpower.

General Manager Darling thanked the City Council for allowing them to make the presentation this evening, discussed the advantages of the Wind Turbine Project and requested the City Council's consideration and feedback on the project.

Community Development Director Wehrmeister clarified she was working with the City Attorney to determine if Antioch was the agency that should be processing the land use permits and if so, they would be the lead agency on the CEQA document.

Councilmember Kalinowski expressed interest in seeing what other agreements looked like and required to insure the project met industry standards.

In response to Councilmember Rocha, Mr. Darling indicated the project was green on green and would only involve one wind turbine. He noted the City as a consumer of recycled water, would realize a cost benefit.

Councilmember Harper discussed the importance of having more community feedback on the project due to esthetics.

Councilmember Agopian expressed concern for the location of the wind turbine and its visual impacts. He noted solar, with a much lower profile, may be more appropriate for the area.

Bob Lewis, Vice President of Foundation Windpower, clarified there would be minimal noise impacts and significant local job creation from the project.

In response to Mayor Davis, he reported typically wind turbine of the type kills approximately two birds per year.

### **3. AGENCY CONSENT CALENDAR**

#### **A. APPROVAL OF AGENCY WARRANTS**

On motion by Agency Member Rocha, seconded by Agency Member Harper, the City Council approved the warrants. The motion carried by the following vote:

Ayes: Harper, Rocha, Agopian and Davis

Absent: Kalinowski

Councilmember Kalinowski had left the building prior to the vote being taken on the Warrants.

**PUBLIC COMMENTS** - None

#### **STAFF COMMUNICATIONS**

City Manager Jakel announced the following events:

“ Quality of Life forum would be held on February 26, 2011 at Deer Valley High School from 9:00 . Noon

- “ Public workshop for Contra Loma Reservoir Recreation Resource Management Plan/Mayor’s Conference on March 3, 2011 at Prewett Park Community Center
- “ Bill Gegg’s Retirement Party on March 3, 2011 at Prewett Park Community Center.

### **COUNCIL COMMUNICATIONS**

Mayor Davis recognized Information System Manager Bill Gegg for all he had done for the City and community during his employment with the City of Antioch.

Bill Gegg announced he was retiring after 23 years of employment with the City and he encouraged the City Council to scale back City functions, focus on a few priorities and find ways to provide services cost effectively by investing more in technology. He thanked the City of Antioch for providing a job for him so that he can provide for his family.

Councilmember Rocha expressed concern for the employees retiring, however she knows they are leaving behind employees who can lead the City through the economic crisis. She thanked Mr. Gegg for his dedication to the City.

Councilmember Kalinowski stated he appreciated Mr. Gegg’s candor and flexibility while maintaining a sense of humor.

Mr. Gegg listed the following job titles he had held during his employment with the City of Antioch; Temporary Building Inspector, Building Inspector, Project Management Analyst, Zoning Administrator, Firearms Hearing Administrator, Acting City Manager, Acting Public Works Director, Project Manager in Information Systems, Director of Information Systems, Chief Building Official, Assistant to the City Manager and Community Development Block Grant Coordinator.

Mayor Davis stated Mr. Gegg will leave Antioch better than he found it.

With no further business Mayor Davis adjourned the meeting at 8:11 P.M. to Closed Session immediately following the dismissal of the regular session.

With regards to Closed Sessions held immediately following this evening’s regular meeting, City Attorney Nerland reported the following: Item #1 - Direction given to staff; Item #4 - Direction provided to staff; Item #5 - No reportable action, and; Item #6 - No reportable action.

Respectfully Submitted:

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L. JOLENE MARTIN, CMC  
Antioch City Clerk