

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

June 10, 2008
Council Chambers

At 6:30, prior to the start of the closed session, City Attorney Nerland announced the subject of the Closed Session had changed from potential litigation to existing litigation and read the following announcement into the record:

CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION (California Government Code section 54956.9) – Onita Tuggles v. City of Antioch et al., Northern District Court Case No. C 08-01914; Antioch Section 8 Families for Fair Housing, Santeya Danyell Williams, Mary Ruth Scott, Alyce Denise Payne, Karen Latreece Coleman v. City of Antioch et al, Northern District Court Case No. C08-02301.

6:30 P.M. - CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION (California Government Code section 54956.9) – Onita Tuggles v. City of Antioch et al., Northern District Court Case No. C 08-01914; Antioch Section 8 Families for Fair Housing, Santeya Danyell Williams, Mary Ruth Scott, Alyce Denise Payne, Karen Latreece Coleman v. City of Antioch et al, Northern District Court Case No. C08-02301.

Mayor Freitas called the meeting to order at 7:06 P.M., and City Clerk Martin called the roll.

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

Mayor Freitas announced Councilmember Davis was attending the graduation at Prospect High School on behalf of the City Council and would be attending the City Council meeting later this evening.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Brian Nunnally, Economic Development Administrator announced the *City Park Outdoor Theater Night* featuring *Bee Movie* would be held On June 14, 2008 beginning at 8:30 p.m. Contact information was given for anyone wishing to receive more information on the event.

PROCLAMATIONS

“Buy Fresh Buy Local” Food Month, June 2008
Honoring Pat Cain, 25 Years of Service

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council members present unanimously approved the proclamations.

Mayor Freitas read a letter from Mr. Cain thanking City Councils and City staffs past and present for allowing him the opportunity to serve the residents of the community.

Mayor Freitas presented the proclamation *Honoring Pat Cain for 25 Years of Service as a Golf Professional at the Lone Tree Golf Course* to Pat Cain, who accepted the proclamation. He emphasized the positive impact Mr. Cain has had on the youth and community in Antioch.

Gordon Gravell, on behalf of the Board of Directors at the Lone Tree Golf and Event Center, spoke to the positive impact Mr. Cain has had on the community and wished him success in his future endeavors.

Mr. Cain thanked the City Council, City Staff and community for their support.

Project Manager Karste announced a reception honoring Mr. Cain would be held this evening at the Lone Tree Event Center beginning at 8:00 p.m.

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

PUBLIC COMMENTS

Will Whitney, Antioch resident and Antioch High School Physical Education Teacher and Coach requested the City Council support meeting with all stakeholders to discuss locating an all weather turf field at an Antioch High School. He presented the City Council with letters from concerned citizens regarding the issue.

Mayor Freitas clarified it was his suggestion for the City to consider participating in the funding of an all turf field at Memorial Park and noted the City Council had not taken action to approve the funding. He stated he welcomed continued dialog on the issue and urged the School District representatives to contact staff or himself to schedule a meeting.

Councilmember Kalinowski clarified the City Council had not taken action on the funds due to the fact at this time there was no agreement for equal partnership with the School District.

Following discussion the consensus of the City Council directed City Manager Jakel to contact the Superintendent to schedule a meeting.

Councilmember Simonsen stated he would not support funding for locating the turf field at the High School due to the restrictions on use for the public.

Ken Lee, Antioch resident, expressed concern regarding egress and ingress into the Costco Gas Station and reiterated his past concerns related to the Antioch Auto Dealership and the

City. He questioned when the City would be meeting with the Governor's office regarding the Hickmont property and surrounding areas. He suggested the City consider adopting an ordinance preventing Walmart from purchasing existing buildings in an effort to bypass the public process.

Chip Stein, Antioch resident, requested an accounting of the handicapped ramp fund and reiterated concerns related to the Antioch Auto Dealership.

Mary Dodson, Antioch resident, expressed concern regarding the negative impact of the chronically homeless in downtown Antioch.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Following discussion the City Council directed City Manager Jakel to agendize the following items:

- Chronic homelessness
- Street Vendors
- Individuals soliciting funds at freeway off ramps
- Airplane Training in Southeast Antioch

In response to Council, Capital Improvement Director Harrington stated he would provide Mr. Stein with a report on the locations of curb cuts and the funds expended for the program.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR APRIL 29, MAY 13 and 20, 2008

B. APPROVAL OF COUNCIL WARRANTS

C. LEGISLATION AND ADVOCACY

D. ORDINANCE 2016-C-S AMENDING SECTIONS 2-5.103 AND 3-12.03 TO THE ANTIOCH MUNICIPAL CODE TO CHANGE THE SIZE AND COMPOSITION OF THE ECONOMIC DEVELOPMENT COMMISSION

E. RESOLUTION NO. 2008/56 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE SIERRA CRETE PAVEMENT ROADWAY REPAIRS (P.W. 392-23)

F. CONTRACTS WITH AT&T FOR TELEPHONE SERVICES PROVIDED THROUGH CALNET II

- G. **RESOLUTION NO. 2008/57 ESTABLISHING CLASS SPECIFICATION AND SALARY FOR THE POSITION OF WATER TREATMENT PLANT INSTRUMENT TECHNICIAN I/II AND TO ELIMINATE ONE WATER TREATMENT PLANT MAINTENANCE WORKER I/II POSITION**

- H. **RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY AND JOHNSON & ASSOCIATES LLC TO CONDUCT A CITYWIDE CLASSIFICATION AND COMPENSATION STUDY (Con't to 6/24/08)**

- I. **APPROVE BID AWARD FOR PURCHASE OF ONE (1) ¾-TON PICKUP AND ONE ½-TON PICKUP**

- J. **APPOINTMENT TO CONTRA COSTA COUNTY LIBRARY COMMISSION**

On motion by Councilmember Moore, seconded by Councilmember Simonsen, the Council unanimously approved the Council Consent Calendar with the exception of items A and H which were removed for further discussion.

Item A – Councilmember Simonsen requested the item be pulled for a separate vote.

A motion by Councilmember Kalinowski, seconded by Mayor Freitas to approve the minutes of April 29, 2008 failed by the following vote:

Ayes: Freitas, Kalinowski Abstain: Simonsen, Moore Absent: Davis

Mayor Freitas noted the minutes of April 29, 2008 would be held over until there was a quorum later the evening or until the next regular City Council meeting.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council approved the minutes of May 13, 2008. The motion carried by the following vote:

Ayes: Freitas, Simonsen, Moore Abstain: Kalinowski Absent: Davis

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council members present unanimously approved the minutes of May 20, 2008.

Item H - Councilmember Kalinowski requested Community Services Officers (CSO) and Dispatchers be included in the study.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council members present unanimously continued item H.

COUNCIL REGULAR AGENDA

2. PRESENTATION AND DISCUSSION OF FUNDING FOR COUNTY LIBRARY SERVICES, CHILD CARE FUND AND SIERRA CRETE FUND FOR FISCAL YEARS 2008 – 2010

Finance Director Merchant and Project Manager Karste presented the staff report dated June 4, 2008 recommending the City Council provide direction and feedback.

Anne Cain, County Librarian, requested the City Council approve Option #2 increasing the funding level to approximately \$198,000 and maintaining 52 operating hours per week. She noted in the future they were considering having the City responsible for the library facility.

Mayor Freitas stated philosophically he felt the County should provide Library services and it was ill conceived to expect the City to take over a deteriorating facility. He stated if the City entered into the dialog they should discuss the building being sold with proceeds to be spent on improving library services.

Councilmember Simonsen stated he would not support additional funding for the library and suggested consideration of grant funding from the Keller Canyon Mitigation Fund and Proposition 10 – First 5 funds.

Ms. Cain reported they had received Keller Canyon and First 5 funds that had been spent in Antioch, however, they were not to fund basic Library hours of operation.

Councilmember Kalinowski stated he felt it was incumbent upon the City Council to find the money to fund the Library for the next year and suggested transferring the funds from the Child Care Fund. Additionally, he stated he would like to discuss Option #3 and transferring the current model to a JPA type function outside of the County organization.

Ms. Cain stated there were examples of County Libraries that were run as JPAs. and the issue could be brought up for discussion.

Councilmember Moore stated he was not supportive of cutting Library hours and noted he supports option #2.

Councilmember Davis arrived at 8:17 p.m.

Motions made by Councilmember Moore, seconded by Councilmember Kalinowski, to approved Option 2 – Increasing the funding level to approximately \$198,000 and maintain 52 hours per week while exploring option #3 was amended.

Speaking to the following motion, Councilmember Simonsen stated he did not support the following motion due to the fact he did not feel it was the best use of staff time or fiscally responsible and it was the County's responsibility to provide the service for the City.

Speaking to the following motion, Mayor Freitas stated it was a quality of life issue and it was a small investment for the City to make for the entire community and noted he supported discussions to explore option #3.

On motion by Councilmember Moore, seconded by Councilmember Kalinowski, the City Council adopted Option 2 – Increasing the funding level to approximately \$198,000 for FY 08-09 and maintain 52 hours per week with continued dialog on option #3.

The motion carried by the following vote:

Ayes: Freitas, Davis, Kalinowski, Moore

Noes: Simonsen

CHILD CARE FUND

Mayor Freitas stated the concept of the Child Care Fund was the facility would be an entirely self-funded entity and he felt the City Council should allow the fund to maintain the balance and continue collecting funds for future enhancements or replacement of the facility.

Councilmember Kalinowski stated the revenue generated and interest continued to grow for the fund and he felt holding a large amount of money when there were like services and programs that could benefit was worthy of consideration. He suggested drawing the fund down to \$150k with the difference going toward the Library for this year and the balance to the Prewett Park Equipment replacement fund.

Mayor Freitas stated he did not support the following motion due in that the fund could be retained for Capital replacement.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council approved drawing down the Child Care Fund to \$150k, for Library funding based on the increase previously approved and balance to the Prewett Park Equipment Replacement Fund. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Simonsen

Noes: Freitas, Moore

SIERRA CRETE FUND

Following discussion the City Council supported budgeting Sierra Crete excess funds (\$1,380,000) to be transferred to the General Fund in FY08, and of the amount, \$100,000 to be put into the litigation reserve to replenish it for prior settlement monies used. The Sierra Crete fund would maintain approximately \$400,000 for other projects. At midyear, staff would provide a report on expenditure of the remaining \$400,000 Sierra Crete Fund and the City Council would consider moving it to the General Fund

CONSENT CALENDAR – CONTINUED

Item A – This item previously failed by a vote of 2/2.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the City Council approved the Minutes of April 29, 2008. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Freitas

Abstain: Moore and Simonsen

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

Due to a conflict in scheduling, the City Council rescheduled the Quality of Life Forum for August 9, 2008. Mayor Freitas suggested having the event at Deer Valley High School.

City Manager Jakel announced the Boards and Commissions Dinner would be held on June 30, 2008 and a Budget Study Session would be held on June 17, 2008 at 6:00 p.m. at the Maintenance Service Center.

COUNCIL COMMUNICATIONS

Councilmember Simonsen stated several individuals missed the May 30, 2008 deadline for the RV grandfathering process as the City's website did not list the deadline date. He requested the following agenda item be added to the June 24, 2008 City Council meeting; City Council Consideration of a 60- day Deadline Extension for the RV Registration Procedure for Eligible Residents. He gave a brief update on AB 2954 creating the San Francisco Bay Area Restoration Authority and stated he would bring additional information forward at the June 24, 2008 City Council meeting.

Councilmember Kalinowski requested an update from staff regarding pending legislation pertaining to standards and guidelines for recyclers.

With no further business, Mayor Freitas adjourned the meeting at 8:45 p.m. to the next adjourned regular Council meeting/Study Session on June 17, 2008 at the Maintenance Service Center.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk