

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY
ANTIOCH PUBLIC FINANCING AUTHORITY**

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

**June 24, 2008
Council Chambers**

6:30 P.M. - CLOSED SESSION

- 1. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** — Initiation of litigation pursuant to subdivision (c) of §54956.9: Initiation of litigation against Contra Costa County regarding property tax administration fee issue

Mayor Freitas called the meeting to order at 7:00 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.

MOMENT OF SILENCE AND RECOGNITION FOR SGT. JOHN D. ARAGON

Mayor Freitas led the City Council and audience in a Moment of Silence and Recognition for Sergeant John D. Aragon, Antioch resident who died while serving in Iraq.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Bob Oliver, Antioch resident, announced he would be participating in the Fourth of July Parade.

PRESENTATION AND RECOGNITION

Mayor's Cup Golf Tournament

Matt Pfeiffer reported the Antioch Recreation Department and several charities had sponsored the Mayor's Cup Golf Tournament on June 1, 2008. He recognized and thanked the sponsors of the event.

Mayor Freitas thanked those who had participated in the event and presented checks from the proceeds to the participating charities.

Mayor Freitas announced the American Cancer Society Relay for Life was an outstanding event. He thanked the sponsors and everyone who had participated.

PUBLIC COMMENTS

Mary Dodson, Antioch resident, expressed her concern regarding noise and visual pollution caused by the Circus which had been located at 2nd and E Street from June 13-16, 2008.

Chip Stein, Antioch resident, requested the City Clerk provide him with a copy of meeting minutes pertaining to the City Council's approval of the Antioch Auto Dealership project and expressed his concern regarding the unsafe unloading of vehicle transports.

Ken Lee, Antioch resident, spoke to Chinese History in Antioch and reiterated past concerns. He reported the corner of 10th and L Streets was in need of weed abatement and suggested the Circus be cautioned to restrict their hours of operation.

Rick Carsten, Antioch resident, provided a photograph and reported the California State Flag at the Nick Rodriguez Community Center needed to be replaced.

Janelle Mota, Antioch resident, spoke to indecent exposure and illegal activity occurring at the Deer Valley Shopping Center. She also suggested Code Enforcement check on a house located on Burwood Drive.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Moore requested the City Manager take action to correct or cure the issue of the transports unloading on Auto Center Drive or respond back if they were not in violation of the law.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR MAY 27 AND JUNE 3, 2008

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER S REPORT FOR MAY 2008

D. LEGISLATION AND ADVOCACY

1.Support of AB 2094

E. REJECTION OF CLAIM

1.Juan Catalan, Jr. 08/09-1817 (personal injury, civil rights violation)

F. CITY PARK: TELECOMMUNICATIONS SITE LEASE AGREEMENT WITH METRO PCS

G. REVISED CITY OF ANTIOCH TRAVEL AND EXPENSE POLICY FOR CITY EMPLOYEES

- H. **CONSIDERATION TO EXTEND THE CONTRACT FOR CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE HANDICAPPED ACCESSIBLE RAMPS AT MISCELLANEOUS LOCATIONS FOR A PERIOD OF ONE YEAR (P.W. 507-11)**
- I. **AMENDMENT TO CONSULTANT SERVICE AGREEMENT WITH PAKPOUR CONSULTING GROUP TO DESIGN A NEW EMERGENCY GENERATOR FACILITY AND REPLACE THE NUMBER 1 RAW WATER PUMP AT THE CITY S CONTRA COSTA CANAL RAW WATER PUMP STATION**
- J. **RESOLUTION NO. 2008/58 MODIFICATIONS TO AN EXISTING MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ANTIOCH, THE BAY AREA RAPID TRANSIT DISTRICT (BART) AND OTHER EASTERN CONTRA COSTA COUNTY AGENCIES CONCERNING THE EBART EXTENSION**
- K. **REQUEST FOR EXTENSION OF THE THIRD AMENDMENT TO THE RENTAL AGREEMENT WITH DELTA 2000**
- L. **APPROVE AWARD OF BIDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS, BID NO. WTC052008**
- M. **APPROVE CONTRACT EXTENSION TO COMMERCIAL SUPPORT SERVICES FOR WEEKLY LITTER AND WEED REMOVAL SERVICE FOR THE ANNUAL CONTRACT AMOUNT OF \$53,612.00**
- N. **RESOLUTION NO. 2008/59 APPROVING EXTENSION OF SERVICES AGREEMENT AND USE AGREEMENT OF THE LYNN HOUSE GALLERY BETWEEN THE CITY OF ANTIOCH AND THE ARTS & CULTURAL FOUNDATION OF ANTIOCH FOR SERVICES PROVIDED BY THE ARTS & CULTURAL FOUNDATION**

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

Item J . Bob Oliver, Antioch resident, stated he did not support the City Council taking action on the item and suggested the City proceed with eminent domain for the Union Pacific Railroad with the help of the State Congress and Senate.

Mayor Freitas reported the City and County could not use eminent domain against the railroad company.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council unanimously approved Item J.

Item M - Councilmember Moore commended staff for their efforts to employ adults with developmental disabilities,

On a motion by Councilmember Moore, seconded by Councilmember Davis, the City Council unanimously approved Item M.

COUNCIL REGULAR AGENDA

2. RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY AND JOHNSON & ASSOCIATES LLC TO CONDUCT A CITYWIDE CLASSIFICATION AND COMPENSATION STUDY

Human Resources Director McHenry presented the staff report dated June 16, 2008 recommending the City Council adopt the resolution.

Mayor Freitas requested staff provide the City Council with a copy of the Compensation Policy and stated he was hopeful there would be a reduction in job specifications.

Councilmember Simonsen suggested looking outside Contra Costa County and within driving range for compensation.

Councilmember Moore encouraged staff to conduct outreach in an attempt to fully engage employees.

RESOLUTION NO. 2008/60

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously authorized the City Manager to enter into an agreement between the City of Antioch and *Johnson and Associates LLC* to conduct a citywide Classification and Compensation Study, with an amendment to the agreement to include Community Service Officers and Dispatchers.

3. DISCUSSION ABOUT EXTENSION OF PERIOD TO APPLY FOR GRANDFATHERING PROVISIONS OF THE RV ORDINANCE

Councilmember Simonsen requested the City Council consider a 60-day one-time only extension of Grandfathering Provisions of the Recreational Vehicle Ordinance with more effective outreach conducted by City staff.

Mayor Freitas read written comments from Antioch resident, Elizabeth Funcannon, indicating she was opposed to extending the deadline for the RV Ordinance.

Maryjane Carsten, Antioch resident, spoke in opposition of extending the RV Ordinance based on the ample amount of notification, coupled with the numerous notifications sent to the public by the City of Antioch.

Antioch residents, Lori Moore, Steve Siegfried and Janelle Mota spoke in support of extending the deadline for the RV Ordinance.

Neighborhood Improvement Coordinator Graham gave a brief overview of the registration procedure and process for enforcing the RV ordinance. He stated if the City Council were to extend the deadline, he could implement it administratively.

Councilmember Moore stated he would support a 30-day extension of the registration process.

Councilmember Simonsen stated if the City Council supported a one-time only extension, he would request it be shown on the home page of the City's website with a hyperlink to the registration process as well as published in area newspapers.

Councilmember Kalinowski stated he could support a 7-10 day extension for the RV registration procedure.

Richard Robinson, Antioch resident, expressed his concern the boat dealerships were not disclosing Antioch's RV ordinance to potential buyers and questioned the possibility of the City Council requiring disclosure.

Mayor Freitas stated the City Council had been pro-active from the beginning of the transition, starting with the initial buy-in ensuring everyone made a legitimate compromise, provided a 6 month period of time for registering and conducted public outreach. He expressed concern approving an extension would set precedence.

Councilmember Davis stated he would support a one-time extension of the ordinance for 30-days and requested a weekly update from staff.

Councilmember Kalinowski stated he would not support the following motion as he felt it was not a genuine attempt to address the issue.

On a motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council directed staff to: A) Develop a grace period for registering under the RV ordinance effective until July 25, 2008 at 5:00; B) With notification of the extension on the homepage and affected pages of the City's website; and C) Request to the Contra Costa Times and Antioch Press to advertise the extension.

The motion carried by the following vote:

Ayes: Simonsen, Moore, Davis

Noes: Freitas, Kalinowski

4. RESOLUTION REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFICATIONS OF THE ELECTION ORDER FOR THE NOVEMBER 4, 2008 REGULAR ELECTION

RESOLUTION NO. 2008/61

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

Mayor Freitas declared a recess at 8:27 P.M. The meeting reconvened at 8:36 P.M. with all Councilmembers present

5. RESOLUTION APPROVING AND ADOPTING AN OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2008-10, THE 2008-13 CAPITAL IMPROVEMENT PROGRAM, APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN, AND REVISING THE 2007-08 OPERATING BUDGET

City Manager Jakel presented the staff report dated June 16, 2008, recommending the City Council adopt the resolution.

In response to Mayor Freitas, City Attorney Nerland stated the staff report indicated the City Council would hold the public hearing, however, she clarified the item was for the public's consideration.

In response to Councilmember Simonsen, Finance Director Merchant reported Finance would be bringing back a report in October regarding the actions taken by the County Assessor's Office.

Following review of the staff report, Mayor Freitas requested the following changes:

- " Page 7, Program Categories/Project Details . #1 Community Facilities, paragraph 1 . City Council would review the issue at midyear.
- " Page 7, Program Categories/Project Details . #1. Community Facilities, paragraph #2, second sentence to read: %Staff will add this project to the 5-year CIP in FY 08/09.+
- " Page 8 - #6 General Council Directive . Requested staff provide an update on all proposed Operation, Maintenance and Replacement costs by October 2008.

Following review of the Operating Budget and Capital Improvement Budget for FY 08-10 the City Council requested the following changes:

- " Page 23 - Add %lected+for the City Treasurer
- " Add bullet item in Budget Message from City Manager, %Three or Five Year Goals by Department.+

Councilmember Kalinowski commended staff for their professionalism during the development of a 2-year Budget that built a reserve and left the City in a positive position for moving forward. He stated he was comfortable with the document and confident with the direction the City was headed.

Councilmember Moore thanked Senior Management and staff for the excellent job in preparing the 2-year Budget document. He stated he felt the City was subsidizing a County employee by funding a ½ time District Attorney position, however, he was in support of the action, and requested staff report back to the City Council each 6 months, regarding the performance of the individual.

Councilmember Simonsen commended staff on an excellent job performance developing the budget, Mayor Freitas for his leadership and the City Council for their input during the process. Councilmember Davis thanked staff, the directors and Finance Director Merchant for their input during the development of the 2-year budget.

Mayor Freitas felt it had been a difficult year and the City Council has been conservative in their approach. He recognized Councilmember Kalinowski for suggesting a 2-year budget, which would allow the City to focus on revenue generation and providing services. He stated the City had an outstanding staff, which had made the budget a reality and he commended Finance Director Merchant for succeeding.

RESOLUTION NO. 2008/62

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously approved the Resolution of the City of Antioch Approving and Adopting an Operating Budget and Capital Improvement Budget for Fiscal Year 2008-2010, the 2008-2013 Capital Improvement Program, Appropriating the Funds Necessary to Meet the Expenditures set Forth Therein, and Revising the Fiscal Year 2007-08 Operating Budget.

Mayor Freitas adjourned as the City Council and reconvened as the Antioch Public Financing Authority with all Public Financing Authority Members present.

ANTIOCH PUBLIC FINANCING AUTHORITY REGULAR AGENDA

6. RESOLUTION OF THE ANTIOCH PUBLIC FINANCING AUTHORITY ADOPTING THE 2008-10 BUDGET AND REVISING THE 2007-08 BUDGET

RESOLUTION NO. 2008/63

On motion by Public Financing Authority Member Kalinowski, seconded by Public Financing Authority Member Simonsen, the Antioch Public Financing Authority unanimously adopted the resolution.

Mayor Freitas adjourned as the Antioch Public Financing Authority and reconvened as the Antioch Development Agency with all Agency Members present.

AGENCY REGULAR AGENDA

7. RESOLUTION OF THE ANTIOCH DEVELOPMENT AGENCY ADOPTING THE 2008-10 BUDGET AND REVISING THE 2007-08 ANNUAL BUDGET

RESOLUTION ADA-426

On motion by Agency Member Kalinowski, seconded by Agency Member Simonsen, the Antioch Development Agency unanimously adopted the resolution.

8. APPROVAL OF AGENCY WARRANTS

On motion by Agency Member Moore, seconded by Agency Member Davis, the Antioch Development Agency unanimously approved the warrants.

Mayor Freitas adjourned as the Antioch Development Agency and reconvened as the Antioch City Council with all Council Members present.

PUBLIC COMMENTS

Ken Lee, Antioch resident, suggested various ways to advertise the extension of the RV ordinance.

In response to Willie Mims, Mayor Freitas clarified the staff report for the budget indicated public hearing; however, the agenda which was provided to the public did not indicate a public hearing.

STAFF COMMUNICATIONS

City Manager Jakel announced the meeting schedule for summer was: Regular Council meetings on July 8, July 22, and August 12, 2008 with a Quality of Life Forum scheduled for August 9, 2008.

COUNCIL COMMUNICATIONS

Councilmember Simonsen reported on the League of California Cities Mayors and Councilmembers Executive Forum and a Resource Agency Town Hall Meeting.

Mayor Freitas announced Antioch Resident Joe Marks passed away and a Rosary would be held on June 26, 2008 at 7:00 at Higgins Funeral Home, followed with a service on June 27, 2008 at 10:00 A.M. at Holy Rosary Church.

With no further business, Mayor Freitas adjourned the meeting in memory of Joe Marks, expressing his condolences to his family and friends, at 9:16 P.M. to the next regular Council meeting on July 8, 2008.

Respectfully submitted:

L. JOLENE MARTIN, Certified Municipal Clerk