

**CITY COUNCIL MEETING
PUBLIC FINANCING AUTHORITY
INCLUDING THE ANTIOCH CITY COUNCIL
ACTING AS SUCCESSOR AGENCY/HOUSING SUCCESSOR
TO THE ANTIOCH DEVELOPMENT AGENCY**

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

**January 22, 2013
Council Chambers**

5:45 P.M. – CLOSED SESSION

- 1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – This Closed Session is authorized by California Government Code section 54957 – City Manager.
- 2. CONFERENCE WITH LABOR NEGOTIATOR** – This Closed Session is authorized by California Government Code section 54957.6. Agency Designated Representative: City Attorney; Unrepresented employee: City Manager.
- 3. PUBLIC EMPLOYMENT** – This Closed Session is authorized by California Government Code section 54957 – City Manager.
- 4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – This Closed Session is authorized by California Government Code §54957 – City Attorney.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, No action taken, **#2 CONFERENCE WITH LABOR NEGOTIATOR**, Direction given to labor negotiator, **#3 PUBLIC EMPLOYMENT**, Direction given to staff, **#4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, Direction given to staff.

Mayor Harper called the meeting to order at 7:03 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

Robbie Miller and Boy Scout Troop #151 led the Council and audience in the Pledge of Allegiance.

Mayor Harper thanked the Boy Scouts for leading the Pledge of Allegiance.

PROCLAMATION

In Honor of Carol Marchetti

Mayor Harper read a newspaper article memorializing Carol Marchetti.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved the proclamation.

Mayor Harper presented the proclamation *In Honor of Carol Marchetti* to Romano Marchetti who accepted the proclamation and thanked the City Council.

Councilmember Rocha thanked Kiwanis Club and Martha Parsons for assisting with the proclamation and Mr. Marchetti for supporting his wife's volunteer efforts.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Stacey Dempsey, Antioch Recreation Department, announced the City would be hosting the 2010 and 2013 Giants World Series Trophies from 6:00 P.M. – 8:00 P.M. on January 28, 2013 at the Prewett Park Community Center.

Mayor Harper reported on his attendance at the Dr. Martin Luther King celebration on January 21, 2013.

PUBLIC COMMENTS

Gil Murillo, Antioch resident, suggested the City Council consider taking the following action: advocating for a four year College in the area, creating revenue through business licenses for rental properties, bringing reserve officers back into the Police Department, seeking community service assistance from students and entering into Mutual Aid Agreements with CHP and Sheriff's Department. He presented the Council with a conceptual plan for a business park in Antioch.

Kenneth Clark, Antioch resident, reported the gate at the entrance into Marchetti Park had been damaged and removed. He requested the City replace the gate to eliminate excessive loitering after-hours.

Mayor Harper directed City Engineer Bernal meet with Mr. Clark regarding the issues at Marchetti Park.

Chris Coles-Morales, Antioch resident, requested the City Council place a provision on the agenda for Council to consider closing the bike path between Hillcrest Avenue and Vista Grande Drive. She stated she had a petition signed by twenty-one residents who supported the closure.

Mayor Harper stated he supported looking into the matter further to determine what authority the City Council would have regarding the closure of the trail.

George Briggs, Antioch resident, reported he had been reviewing the City's current budget and needed further clarification on the City's deficit spending and PERS contributions.

City Manager Jakel suggested Mr. Briggs leave his contact information so that Finance Director Merchant could respond to his request.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the Mello-Roos subcommittee meeting.

Councilmember Tiscareno announced the Lone Tree Golf Course subcommittee would be meeting on February 11, 2013 and noted he had met with staff to energize the ICLEI (International Council for Local Environmental Initiatives) subcommittee. He reported on his attendance at the League of California Cities Conference New Council Members Academy.

Councilmember Wilson reported on her attendance at the Mello-Roos subcommittee meeting and the League of California Cities Conference New Council Members Academy.

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the Water Emergency Transit Authority (WETA) meeting and the United States Conference of Mayors and National Day of Service in Washington, D.C.

COUNCIL REGULAR AGENDA

1. PRESENTATION OF INVESTMENT REPORT BY PFM (PUBLIC FINANCE MANAGEMENT)

Finance Director Merchant introduced Sarah Mechem.

Sarah Mechem, representing PFM Asset Management LLC, gave a brief overhead presentation of the Fourth Quarter 2012 Review of Portfolio.

Mayor Harper thanked Ms. Mechem for the presentation.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously received and filed the report.

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR DECEMBER 27, 2012

B. APPROVAL OF COUNCIL WARRANTS

- C. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2012
- D. REJECTION OF CLAIM
 - 1. David Morris & Kathryn Millard 12/13-2086 (wrongful death)
- E. ADOPTION OF AN ORDINANCE 2060-C-S PROHIBITING MEDICAL MARIJUANA FACILITIES (*Introduced on 01/08/13*)
- F. RESOLUTION NO. 2013/01 OF THE CITY COUNCIL OF THE CITY OF ANTIOCH SUPPORTING RENEWAL OF THE CONTRA COSTA RECYCLING MARKET DEVELOPMENT ZONE
- G. RESOLUTION NO. 2013/02 CITY OF ANTIOCH REPRESENTATIVES TO THE MUNICIPAL POOLING AUTHORITY
- H. STANDBY CITY COUNCIL MEMBERS
- I. SETTLEMENT AGREEMENT WITH NORTHERN CALIFORNIA RIVER WATCH AND UPDATED SEWER SYSTEM MANAGEMENT PLAN (SSMP)
- J. CITY OF ANTIOCH – COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2012
- K. CITY OF ANTIOCH – SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2012
- L. CITY OF ANTIOCH – AUDITORS' COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE FOR THE FISCAL YEAR ENDED JUNE 30, 2012
- M. CONSIDERATION OF BIDS FOR THE COMMUNITY PARK SYNTHETIC TURF FIELDS (P.W. 394-7F)
- N. RESOLUTION NO. 2013/03 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE WATER MAIN REPLACEMENT AT VARIOUS LOCATIONS, (P.W. 503-13)
- O. EXTENSION OF CONTRACT WITH BADAWI & ASSOCIATES, CERTIFIED PUBLIC ACCOUNTANTS FOR PROFESSIONAL AUDITING SERVICES FOR FISCAL YEARS ENDING JUNE 30, 2013 AND 2014
- P. AUTHORIZE THE CONTRACT AND PURCHASE FOR THE COMPUTER VIRTUALIZATION UPGRADE PROJECT FOR FISCAL YEAR 2012/2013

On motion by Councilmember Wilson, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar with the exception of Items E and P, which were removed for further discussion.

Item E – Councilmember Tiscareno clarified public safety was a priority and approval of these facilities may not be feasible at this time however, he would like to explore the possible economic benefits.

In response to Councilmember Rocha, City Manager Jakel clarified that if a court ruling modified current law, this item would have to be brought back for Council consideration to comport with the law.

Edward Breslin, United Food Commercial Workers Union Local 5, suggested the Council reevaluate this item and consider the potential economic benefits as well as the scientific benefits of medicinal marijuana. He presented the City Council with a packet of information regarding these issues.

Councilmember Rocha stated she would like to explore the benefits of a medical marijuana facility.

Councilmember Agopian emphasized if approved, the ordinance would be a permanent and stated he was not opposed to medical facilities distributing marijuana to their patients through their own facilities.

Mayor Harper spoke in support of the ordinance and reiterated if case law changes, the Council would have to revisit the item and come in compliance.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council approved Consent Calendar Item E. The motion carried the following vote:

AYES: Wilson, Agopian, Harper

NOES: Rocha, Tiscareno

Item P – Gil Murillo, Antioch resident, questioned if the City had considered other vendors noting he felt the cost estimate was extremely high. He also stated with regards to technology planning, he felt the City should be looking at a long term plan.

Alan Barton, Director of Information Systems, reported the City had worked with the vendor for many years and a three-year service and maintenance plan was more cost-effective. He discussed the financial benefits associated with the contract and noted he did not feel it was overpriced.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved Consent Calendar Item P.

PUBLIC HEARING

3. EXTENSION OF AN INTERIM URGENCY ZONING ORDINANCE PROHIBITING THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR CONSTRUCTION, ESTABLISHMENT OR OPERATION OF ANY COMPUTER GAMING AND INTERNET ACCESS BUSINESS

City Attorney Nerland presented the staff report dated January 10, 2013 and supplemental staff report dated January 22, 2013 recommending the City Council Motion to read the ordinance by title only; and Motion to adopt the attached revised Interim Urgency Zoning Ordinance.

Open and closed the public hearing with no speakers requesting to speak.

ORDINANCE 2061-C-S

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously 1) Read the ordinance by title only; and, 2) Approved the attached revised Interim Urgency Zoning Ordinance.

COUNCIL REGULAR AGENDA - *Continued*

4. UPDATE ON THE STATUS OF ANTIOCH FERRY TERMINAL

Consultant for the City of Antioch Victor Carniglia, presented the staff report dated January 15, 2013 recommending the City Council receive the presentation, and provide comment and direction as appropriate.

Councilmember Rocha thanked Consultant Carniglia, Councilmember Agopian, and Assemblyman Frasier for their advocacy on behalf of the City of Antioch with the Water Emergency Transit Authority (WETA) Staff and Board.

Councilmember Tiscareno thanked everyone involved in the process and stated he looked forward to the projected timeline for completion of the project.

Councilmember Agopian thanked the Council for the recognition and acknowledged Assemblyman Frasier for his assistance.

Mayor Harper reported the City had requested Water Emergency Transit Authority (WETA) conduct regular Citizen Advisory committee meetings to engage the community.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the Council unanimously received and filed the report.

5. THREE PARTIAL-TERM APPOINTMENTS FOR THREE VACANCIES ON THE ECONOMIC DEVELOPMENT COMMISSION (EDC)

Economic Development Analyst Nunnally presented the staff report dated January 16, 2013 recommending the City Council receive and file the applications, and the Mayor appoint and Council approve the appointment of three commissioners.

Mayor Harper thanked all the applicants and nominated Peter Donisanu and Rhoda Parhams to the terms expiring June 2013, and Lamar Thorpe to the term expiring June 2015.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council approved the following Economic Development Commission appointments.

- Peter Donisanu – term expiring June 2013
- Rhoda Parhams – term expiring June 2013
- Lamar Thorpe – term expiring June 2015

The motion carried the following vote:

AYES: Wilson, Tiscareno, Agopian, Harper

NOES: Rocha

In response to Councilmember Rocha, City Manager Jakel stated he would email Council a list of the current Board vacancies, which were also available on the City's website.

Councilmember Agopian suggested the Economic Development Commission give a presentation to the City Council regarding their vision for the community.

Peter Donisanu, Lamar Thorpe, and Rhoda Parhams introduced themselves and thanked the City Council for the appointments.

PUBLIC FINANCING AUTHORITY AGENDA

6. ANTIOCH PUBLIC FINANCING AUTHORITY - BASIC FINANCIAL STATEMENTS AND INDEPENDENT AUDITORS' REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2012

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously received and filed the report.

7. CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF SUCCESSOR AGENCY WARRANTS

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

8. CITY OF ANTIOCH AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF HOUSING SUCCESSOR WARRANTS

On motion by Councilmember Wilson, seconded by Councilmember Rocha, the Council unanimously approved the Warrants.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the following event and meeting schedule:

- Giants World Series Trophy Tour 6:00 P.M. – 8:00 P.M. on January 28, 2013 at the Prewett Park Community Center
- City Council Meeting February 12, 2013 at 7:00 P.M.
- City Council Meeting February 26, 2013 at 7:00 P.M.

COUNCIL COMMUNICATIONS

Councilmember Rocha acknowledged Deputy Director of Community Development/Recreation Graham and the Code Enforcement Department for their hard work in cleaning up the blight on “L” Street.

Councilmember Agopian acknowledged the Code Enforcement Department for reducing blight in the community.

In response to Council, City Manager Jakel stated he would agendize a general discussion on the trail systems in Antioch.

Mayor Harper reported the City had been working to address the community’s concerns regarding the trail system adjacent to their residences.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 8:39 P.M. to the next regular Council meeting on February 12, 2013.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk