

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

Regular Meeting
6:00 P.M.

June 11, 2002
Council Chambers

Pursuant to Government Code Section §54952.2 the City Council Agenda for June 11, 2002 was posted on the door of the City Council Chambers, 3rd and "H" Streets on June 7, 2002.

Mayor Freitas called the meeting to order at 6:00 P.M., and City Clerk Martin called the roll.

Present: Councilmembers Davis, Kalinowski, Conley, Simonsen, Mayor Freitas

PLEDGE OF ALLEGIANCE

Mayor Freitas announced the Relay For Life Proclamation would be read at 7:00 P.M.

PROCLAMATION - Flag Day, June, 14, 2002
Relay for Life: A Team Event to Fight Cancer

On motion by Councilmember Conley and seconded by Councilmember Simonsen, the Council unanimously approved the Proclamations.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None.

PUBLIC COMMENTS

Deacon Ashley Rhoades, Power for Living Ministries, stated due to the growth of their church over the past two years a larger space was now needed for their church services. He noted he was recently denied space at 1783 and 1785 Vineyard Drive for their church, via a letter of intent submitted on May 31, because the area was designated light industrial, requiring it to be rezoned. Mr. Rhoades requested Council consider this area for use by their church services.

Mayor Freitas responded he would like to meet with Staff and representatives from the Church to further study the issue before any decisions were made.

Jim Zurkel, spoke against the planned developments by Reynolds & Brown, and felt the City Council had completely ignored the concerns raised by nearby residents in a petition. He expressed concern to the Council not questioning the monetary aspects of the agreement, in terms of dollar ramifications to the City. Mr. Zurkel noted only the Mayor had asked questions regarding the financial impacts, and he was the only body on the Council to vote in opposition. He felt this project would impact schools, traffic, as well as putting millions of taxpayer dollars at risk.

Jan Orme, distributed and read a prepared statement to the Council.

 #A
7-23-02

In responding to Mr. Orme comments, Councilmember Kalinowski publicly apologized if his statements regarding this matter had offended any member of the public. In speaking to traffic and school mitigation, he noted that he had responded via e-mail to individuals who had expressed concerns and stated per a statement: "That if during the process it could be shown that there would be a swell of students K through 12 above and beyond what the 110 3-bedroom condominiums would provide, he would consider this, and that the traffic improvements that are proposed by City Staff to address the James Donlon/Lone Tree Way intersection could not be mitigated through the improvements being done, he would also consider it." Councilmember Kalinowski stated both on and off the record, he was satisfied with Staff's presentation and had taken several hours and time off of work to view several projects similar to this, inside and outside of Contra Costa County.

Councilmember Davis requested Mr. Orme provide the Council with a copy of the report regarding student impacts he had mentioned in his statement.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR MAY 14, 2002 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. Rejection of Claims #704-07**
 - 1. Claim of Sherry Dian Vickers, #01/02-1302A**
 - 2. Claim of Khendria Karte'Williams Flucus, Angelique Flucas, Kartier Dai'Jion, Brenda Richardson, #01/02-1302B**
- D. Resolution 2002/84 approving summary vacation of park easement (Barbano Court/Mira Vista Hills) for APN 075-262-019 #1201-07**
- E. Resolution 2002/85 approving a Wireline Crossing Agreement with Union Pacific Railroad Company for the Undergrounding of overhead utility lines on Somersville Road (PW 300-17) #1201-07**
- F. Resolution 2002/86 approving an amendment to the Agreement with Winzler & Kelly to include a Manhole Survey in the Master Plan Study; and approval of a Design Agreement for the first phase of the Rehabilitation of the Downtown Sanitary Sewer Trunk Line (PW 620-1) #1205-01**
- G. Resolution 2002/87 approving plans and specification and authorizing the City Clerk to advertise for bids for the Undergrounding of utilities on Somersville Road from West Tenth Street to State Highway 4 (PW 300-17) #1201-07**

H. Legislation and Advocacy

#701-04

- I. Resolution 2002/88 adjusting compensation for the classification of Finance Director and incorporating the special compensation received by the Executive Secretary to the City Manager and Council into the salary range for the classification** **#502-02**

On motion by Councilmember Conley and seconded by Councilmember Davis the Council approved the Consent Calendar, with the exception of Item B, which was removed at the request of Councilmember Simonsen for further discussion.

B. Approval of Council Warrants
#401-02

Councilmember Simonsen requested further clarification regarding Small Animal Removal. Police Chief Moczulski clarified the funds were designated for animal euthanasia.

Councilmember Simonsen asked if Prewett Water Park was paying their own water bill. Finance Director Tasker replied they did not.

On motion by Councilmember Simonsen and seconded by Councilmember Conley Item B was unanimously approved.

COUNCIL REGULAR AGENDA

- 2. PRESENTATION BY SENATOR TOM TORLAKSON REGARDING THE EAST COUNTY YOUTH CENTER PROPOSAL** **#1403-08**

City Manager Ramsey introduced Senator Tom Torlakson.

Senator Tom Torlakson provided a detailed analysis of the Staff Report, and requested the Council's support.

Councilmember Kalinowski asked if this would be in the form of a Joint Powers Agreement (JPA) or an independent venture. Senator Torlakson presumed it would be similar to a JPA, wherein each participating jurisdiction would have some say in oversight. This could be defined in an Memorandum of Understanding (MOU), wherein an MOU could then be formalized into a JPA, thereby providing a governing structure.

Councilmember Simonsen expressed concern regarding the potential of Proposition 40 funding, but noted he had not fully reviewed it, in terms of a break down of per capita. He also expressed concern of the use of a JPA, wherein it contained a taxing authority. He applauded this proposal, but couldn't see devoting potential funding to this proposal

when the community needed other types of improvements, and cautioned the Council when considering this proposal. Senator Torlakson responded there would be no taxing powers or authorities and a JPA would only have the power given to it, and further there could be other structures to meet the City's needs. In terms of Proposition 40, Senator Torlakson felt there was merit in looking at some regional share of the per cap money, but knew of the community's current needs. In speaking to the needs of Antioch, Senator Torlakson felt Antioch would use approximately 1/3 of the proposed facility and recommended this partnership be explored, define a MOU, and pursue grant monies.

Councilmember Davis voiced his full support of this proposal and invited Senator Torlakson to interact with the Antioch Youth Council.

Councilmember Conley voiced his support of the proposal, and wanted it stipulated it be located on a public transportation route, open on weekends. In speaking to Proposition 40 funding, it be conducted as a collaborative effort between the Cities and County. Councilmember Conley recommended the FUA1 area be explored as a possible site as it is owned by the school district, and commended the Hoffman Trust for their generosity.

Mayor Freitas commented on park improvements needed throughout the community. He felt if the concept of the proposal was a regional facility, and no dollars were being asked from the City at this point, he could not disagree with the proposal due to the current needs of the City. Further, if there were specific monies available from Proposition 40 regional facilities the City could not access, the City should try to join together and access this funding mechanism, to move the proposal forward. Mayor Freitas recommended the City move forward with this endeavor and recommended Councilmember Davis be appointed to work with Senator Torlakson on this issue.

On motion by Councilmember Simonsen and seconded by Councilmember Kalinowski, 5-0, the City Council endorsed this concept and explored financial avenues, as well as appoint Councilmember Davis to represent the Council and designate a City Staff member.

Senator Torlakson further commented on transportation issues as it pertained to Highway 4, the State of California upcoming budget and affordable housing.

Mayor Freitas announced the Proclamation would be read at this time.

Flag Day - June 14, 2002

Relay for Life: American Cancer Society - June 29 & 30, 2002

Vice Mayor Kalinowski presented Joe Marks with the Proclamation for Flag Day - June 14, 2002

Councilmember Davis presented Denise Skaggs with the Proclamation for Relay for Life: American Cancer Society - June 27 & 30, 2002

3. COUNCIL SUBCOMMITTEE TO WORK WITH STAFF AND MACERICH REPRESENTATIVES TO DEVELOP A COOPERATIVE EFFORT FOR ENHANCEMENTS AT COUNTY EAST MALL #901-01

City Manager Ramsey provided an overview of the Staff Report.

Mayor Freitas stated Slatten Ranch had no Council sub-committee and went well with regards to Staff and representatives of Slatten Ranch. He expressed concern appointing a Council sub-committee and felt progress might be hampered due to timing issues with such a large group involved. Mr. Ramsey stated representatives from MaceRich have expressed their desire to work closely with Council to ensure the details of this issue were carried forward.

Councilmember Kalinowski expressed his desire to participate on the sub-committee, due to his concerns relating to aesthetics and future tax potential to the City.

Councilmember Conley stated his approval of cooperative effort, but wanted to ensure that commitments through all parties involved are met.

Councilmember Simonsen favored enhancing the County East Mall with the ultimate goal of creating a larger sales tax base to allow the City to accomplish other goals, in terms of higher staffing levels for the police department. He requested Councilmember Kalinowski and himself be appointed to the sub-committee.

On motion by Councilmember Davis and seconded by Councilmember Simonsen, 3-2, a subcommittee be formed to work with Staff and Macerich representatives to develop a cooperative effort for enhancements at the County East Mall.

Ayes: Davis, Kalinowski, Simonsen

Nays: Freitas, Conley

With regards to the appointment of the County East Mall sub-committee, Mayor Freitas stated Councilmembers Conley and Kalinowski had recently been nominated to the Golf subcommittee and Councilmembers Conley and Kalinowski to the Pool sub-committee, and felt there should be some type of balance to committee assignments.

Mayor Freitas recommended that Councilmembers Davis and Simonsen be nominated to the County East Mall subcommittee. Councilmember Kalinowski noted the Golf subcommittee was no longer an issue and would be brought back before the Council for further discussions as a Council item and debated in a public forum. City Manager Ramsey interjected he had received an e-mail to place this item on a future City Council agenda for discussion. Through discussions, Mayor Freitas again recommended that

Councilmembers Davis and Simonsen be nominated to the County East Mall subcommittee.

On motion by Councilmember Conley, and with no second, the motion failed to appoint Councilmembers Davis and Simonsen to the County East Mall subcommittee.

Discussions ensued, wherein Councilmember Simonsen felt that Councilmember Kalinowski would add a critical element to this subcommittee.

Mayor Freitas again nominated Councilmembers Davis and Simonsen to serve on the County East Mall subcommittee.

On motion by Councilmember Conley and seconded by Councilmember Davis, the motion failed to appoint Councilmembers Davis and Simonsen to the County East Mall subcommittee, due to the lack of a quorum.

Councilmember Kalinowski stated he felt very passionate about the commitment he could lend to the County East Mall, and felt his comments on this issue have always reflected his commitment. Councilmember Simonsen withdrew his nomination, due to the critical elements that Councilmember Kalinowski could bring to this issue.

Mayor Freitas requested the previous motion be withdrawn and requested a motion to appoint Councilmembers Kalinowski and Davis.

On motion by Councilmember Conley and seconded by Councilmember Davis, the Council unanimously appointed Councilmembers Davis and Kalinowski to the County East Mall subcommittee.

A break was taken at 7:30 P.M. and reconvened at 7:45 P.M. with all Councilmembers present.

4. RESOLUTION APPROVING AND ADOPTING AN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2002-03 AND THE 2002-07 CAPITAL IMPROVEMENT PROGRAM AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN AND REVISING THE 2001-02 OPERATING BUDGET. #410-02

City Manager Ramsey provided an overview, as well as a brief synopsis of the information given at the meeting of June 4, 2002.

Mayor Freitas moved the meeting at 8:15 P.M. to Item Nos. 5 and 6 to hear the scheduled Public Hearings.

PUBLIC HEARINGS

5. RESOLUTION ORDERING IMPROVEMENTS AND LEVYING ANNUAL ASSESSMENTS FOR LANDSCAPING MAINTENANCE DISTRICTS FOR 2002/2003 FISCAL YEAR (PW 500) #806-03

Administrative Analyst Hoffmeister gave an overview of the Staff Report.

Councilmember Simonsen requested this item be presented next year, and a map be provided showing the boundaries of the District numbers.

Community Development Director/City Engineer Brandt addressed cost and assessment issues.

The Public Hearing was opened and with no comments heard, the Public Hearing was closed.

RESOLUTION NO. 2002/90

On motion by Councilmember Kalinowski and seconded by Councilmember Simonsen, 5-0, the Council unanimously approved the Resolution.

6. RESOLUTION APPROVING THE CITY OF ANTIOCH'S PROPOSED MASTER FEE SCHEDULE, 2002/2003 FISCAL YEAR #409-01

City Manager Ramsey recommended to the Council to open the Public Hearing and continue the item until the budget was finalized.

The Public Hearing was opened.

The Council then returned to Item No. 4 at 8:20 P.M.

4. RESOLUTION APPROVING AND ADOPTING AN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2002-03 AND THE 2002-07 CAPITAL IMPROVEMENT PROGRAM AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN AND REVISING THE 2001-02 OPERATING BUDGET. #410-02

Councilmember Conley voiced his approval of hiring additional police officers, but due to the uncertainty of the State budget, he recommended should the proposed number of positions be approved, he wanted to ensure no officers were hired until all future impacts to the City were known.

Mayor Freitas recommended police issues be held until the end of this item, due to the overwhelming concerns of the Council.

Councilmember Simonsen requested the Council provide policy direction with regard to contracting to outside agencies to City Staff to explore the options mentioned in Exhibit B, page 4, referencing Animal Services. In terms of Antioch contracting with outside agencies, Police Chief Moczulski a formal written request to the County would be needed to provide the exact costs.

Councilmember Kalinowski felt the costs needed to be identified regarding incoming costs and subsidizing costs, as well as recognize it was out of balance. In terms of contracting, he wanted to review the option of partnerships, wherein another Municipal Agency could possibly form a partnership with the City to share costs, thereby offering services to other cities and reducing the amount of funding the City was subsidizing. This could also improve animal services for the entire region. Councilmember Kalinowski requested from the City Attorney language be provided from 1978 regarding financial impacts, in order that he could further study this issue.

In terms of any type of partnership for Animal Services, City Manager Ramsey stated conversations had taken place with outside agencies/cities and recommended the ARF organization be involved. He further recommended Friends of Animal Services work with City Staff to review all information, recognizing their long-standing commitment has been made towards the caring of animals in the community. He felt in this manner, all areas would be covered and it would be represented in written form to the Council for their consideration.

Councilmember Conley did not have a problem looking at the possibility of a partnership, but did express concern eliminating Animal Services and creating a contract with the County. He felt a partnership with the County, in terms of the County using the Antioch facility as a sub-station could possibly work, as well as the possibility of partnering with a nearby City.

It was the consensus of the Council to direct City Staff to review the possibility of contracting with other agencies for Animal Services, whether private or public or a combination of both, as well as looking at partnerships, public or private or a combination of both.

Councilmember Kalinowski clarified Animal Services provided a valuable service and this was not an attempt to shut down this service. Ultimately, in the future, he envisioned Antioch being the East County hub for Animal Services, due to the high level of activity.

City Manager Ramsey provided an overview of the Reynolds & Brown impact on the General Fund.

Councilmember Simonsen requested additional information from Staff on the Cranmer/Vineyards Impact on ADA Area #4.1, in terms of impact as to what was intended and any ramifications.

Mayor Freitas raised questions pertaining to document storage for the Police Department and questioned other options for additional documents that need to be stored, in terms of safety and legal issues. He directed Staff to provide a plan of action for future discussions.

Pavlicek explained bids had been opened and were being analyzed, and the bid would be awarded after July 1. He further explained the bid process and noted record retention issues would be known by the end of the summer. Mayor Freitas requested when the bid comes before the Council, he requested a full view of vendor costs, as well as City Costs.

Councilmember Simonsen questioned the location of the proposed Bocci ball court within the downtown area, and expressed a concern designating this location without looking at how this would fit within the existing waterfront plan and what other opportunities have been planned in this area. He did not have a concern to place-holding the costs, and felt the costs were estimated too low, as proposed.

Finance Director Tasker, Staff and Council reviewed and discussed a handout pertaining to the General Fund.

Mayor Freitas directed Staff to research the issue of funding sources for the REACH Project, due to earlier comments made by Senator Torlakson.

In regards to police staffing issues, Police Chief Moczulski recommended Council authorize 11 positions for the upcoming fiscal year. From a priority standpoint, he felt it was essential the Council authorize the 11 positions. He urged Council authorize the hiring of 6 Community Service Officer (CSO's) and the lieutenant position immediately to be effective July 1. He felt the workload needed to be balanced through civilianizing the department by putting to use the CSO's to handle the lowest level of priority calls for service, absorbing 100 percent of that level of activity normally handled by a police officer. This relief was necessary to continue the same level of service currently being provided.

City Manager Ramsey stated it was Staff's recommendation to Council to receive authorization for immediately beginning the hiring of the 6 CSO's and the one lieutenant position, and further recommended the Council authorize in the budget the other 4 positions. Further, the recruitment process be withheld until the outcome is known from the Federal government relative to the grant money requested to support these positions. He noted Staff would be returning in October for further action. Mayor Freitas stated there was a consensus amongst the Council to authorize the proposed 11 police staffing positions, and in light of the State budgetary issues and also trying to address the police staffing issues, there was also consensus to hire one lieutenant and six CSO's. City Manager Ramsey added an additional water maintenance position would be recommended for funded through the enterprise account, with no impact to the General Fund.

Councilmember Conley concurred, but reiterated his earlier comments stating the proposed increase to the police force's dedicated funding sources should be identified, possibly with revenue received from Slatten Ranch.

Councilmember Simonsen disagreed with using revenue sources from Slatten Ranch for the police department, and felt this would hamper the function of future City government. He further agreed all 11 police positions be authorized, but only the six CSO's and one lieutenant position be funded, and the remaining four not be authorized to proceed to the hiring process until the outcome of the State budget was known, as well as the status of grant monies.

Councilmember Kalinowski expressed concern with lapse in the hiring process for police services, and wanted to ensure this issue will be followed on a consistent basis. In referring the P.O.S.T. study, he noted from 1995-2002 there was a 36 percent increase in calls dispatched to the officers on the street and expressed concern to the large increase, due to the fact of the existing low staffing levels. Councilmember Kalinowski questioned how the City would perform an adequate level of service if the City continues to force the police department to work with a large number of hours, where there were more service calls than police officers. He further stressed the need for the Council to move on this issue aggressively.

Through Council and Staff discussions regarding road maintenance issues, Mayor Freitas requested an analysis be brought back to the Council for review.

In reference to Exhibit "A", page 2, Mayor Freitas expressed concern Economic Development was mainly focused in the downtown area. He further requested on Exhibit "A", page 1, under "Program Measurements", No. 1, the following wording be deleted: "such as sponsorship of the Silicon Valley Business Journal's Book of Lists". Referencing No. 4, Mayor Freitas expressed concern regarding the Farmers' Market, and felt it was more prudent for the Economic Development Commission, Economic Development Director and consultants, to mainly focus on job creation/retention. Councilmember Kalinowski recommended the Farmers' Market remain, due to the possibility it might come to fruition in the future with some other type of management.

In referencing Attachment "A", page 2, Staff and Council concurred to change verbiage relative to Restaurant Attraction, eliminating the wording "'G' Street East".

City Manager Ramsey clarified for the Council on the opening page of the Budget, per the Organizational Chart, he noted Leisure Services was a stand alone department reporting to the City Manager and a correction would be made to reflect the change.

For the record, Councilmember Kalinowski noted he has had numerous meetings with City Staff and a majority of his concerns had been met through these discussions.

Councilmember Conley led discussions with Staff regarding the Antioch's parks included concerns relative to vandalism and liability issues, funding, and proposed improvements to the play areas. Mayor Freitas recommended a joint tour of parks be conducted between the Park & Recreation Department and City Council to further study their current condition.

Councilmember Simonsen felt the report distributed to the Council, via the handout, contained this information.

Councilmember Simonsen expressed concern the City would not give up a portion of the per capita on the Proposition 40 monies, if it were regional it be a separate issue and would not impact the per capita to the City. He felt the plan proposed within the CIP for the new fiscal year and beyond, should continue to move forward and when additional monies become available, it could be accelerated.

Resolution No. 2002 /89

On motion by Councilmember Simonsen and seconded by Councilmember Conley, the Council unanimously approved the Resolution, with the noted amended changes.

- 6. (Continued) RESOLUTION APPROVING THE CITY OF ANTIOCH'S PROPOSED MASTER FEE SCHEDULE, 2002/2003 FISCAL YEAR #409-01**

Resolution No. 2002 /91

On motion by Councilmember Kalinowski and seconded by Councilmember Simonsen, the Council unanimously approved the Resolution.

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

AGENCY REGULAR AGENDA

- 7. APPROVAL OF AGENCY WARRANTS #401-02**

On motion by Councilmember Conley and seconded by Councilmember Kalinowski, the Agency unanimously approved the Agency Warrants.

- 8. RESOLUTION OF THE ANTIOCH DEVELOPMENT AGENCY ADOPTING THE 2002-03 ANNUAL BUDGET. #410-02**

Resolution No. ADA-381

On motion by Councilmember Kalinowski and seconded by Councilmember Conley, the Council unanimously approved the Resolution.

Mayor Freitas adjourned to the Public Financing Authority with Agency members present.

- 9/ RESOLUTION OF THE CITY OF ANTIOCH PUBLIC FINANCING AUTHORITY ADOPTING THE 2002-03 ANNUAL BUDGET #410-02**

Resolution No.2002/92

On motion by Councilmember Conley and seconded by Councilmember Simonsen, the Council unanimously approved the Resolution.

Mayor Freitas adjourned the Public Financing Authority and reconvened to the City Council meeting with all Councilmembers present.

PUBLIC COMMENTS - None

COUNCIL REPORTS/COMMUNICATIONS

Mayor Freitas reported on Tri-Delta's 25th Anniversary event and the groundbreaking for the first phase of the Kaiser Permanente.

Councilmember Simonsen reported he would be attending a San Francisco Water Transit Authority meeting regarding the rider ship analysis report on June 12.

Councilmember Davis reported on the graduation at Live Oak High School on June 4.

Each Councilmember commended City Manager Ramsey for his time served with the City and wished him well in his future endeavors. City Manager Ramsey stated his appreciation to the Council and public for their past support.

STAFF COMMUNICATIONS - None.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:00 P.M. to the next regularly scheduled meeting of June 25, 2002.

Respectfully Submitted

L. Jolene Martin, City Clerk