

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

Regular Meeting
7:00 P.M.

June 27, 2006
Council Chambers

6:00 P.M.- CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation, one case. This closed session is authorized by Government Code Sec. §54956.9(b)(1).
- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.** In the matter of the application of Pacific Gas & Electric for an electrical substation, pending before the California Public Utilities Commission. This closed session is authorized by Government Code §54956.9.
- 3. CONFERENCE WITH LABOR NEGOTIATOR - Employee Organization: APOA (Antioch Police Officers Association).** This Closed Session is authorized by Government Code §54957.6

Mayor Freitas called the meeting to order at 7:12 P.M., and City Clerk Martin called the roll.

Present: Council Members Davis, Kalinowski, Conley, Simonsen and Mayor Freitas

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

PLEDGE OF ALLEGIANCE

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

Mayor Freitas announced the American Cancer Society Relay for Life was held on June 24-25, 2006. He reported the event was a great success, all proceeds would go to cancer research. He thanked everyone who participated and Nancy Brandt for organizing the Mayor's team. A hat was auctioned off to benefit the American Cancer Society with a stipulation the Mayor Freitas wear it for a short time at a City Council meeting. The Mayor fulfilled his obligation and wore the hat for a portion of the meeting.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Bob Oliver, Antioch resident, questioned if the wheelchair bound residents would be able to participate in the 4th of July parade.

Councilmember Davis welcomed Mr. Oliver and his group to participate in the parade.

Mr. Oliver invited all wheelchair and scooter users to participate in the 4th of July parade.

PUBLIC COMMENTS

Douglas Tokes urged the City to landscape the medians along East 18th Street and have zero tolerance for illegal fireworks this year.

Chief Moczulski, speaking to the possession and use of illegal fireworks, noted the Antioch Police Department would be enforcing the law.

Walt Bartlett expressed concern regarding the recent fires occurring in his neighborhood and stated he felt they were a result of Empire Mine Road remaining open.

In response to Mayor Freitas, Community Development Director/City Engineer Brandt stated he would work with maintenance services to determine what action could be taken to close the road immediately while the design of the road closure was being discussed.

Mr. Bartlett, Antioch resident thanked Special Council Galstan for assisting him in resolving his issues with animal services. He expressed concern Deer Valley was not wide enough or adequately maintained to accommodate truck traffic safely.

Salvatore Listek stated he felt there was no respect or fear of breaking the City's ordinances and discussed several businesses with violations. He requested the City add additional code enforcement officers to address non-compliant businesses and residences.

Ken Lee suggested diversity be added as a topic for the quality of life forums and reiterated concerns relating to the Nokes Auto Dealership. He questioned if the WalMart expansion and Sams Club project would be moving forward.

Louis Parsons, on behalf of Discovery Builders, submitted a letter regarding item E of the Council Consent Calendar, in referenced the RDA ordinance. He requested the City Council review the letter and consider their request at a future meeting.

Roger Henry Jr., on behalf of the East County NAACP, stated he felt the issues related to Section 8 Housing should be refocused on landlord and tenant responsibilities. He spoke in support of enacting a business license fee for all landlords with the funds generated to finance additional code enforcement officers.

Councilmember Kalinowski agreed with Mr. Henry and reported staff was bringing back several items specific to these issues on July 11, 2006.

Mayor Freitas reported there were several staffing additions proposed for budget consideration this evening to address issues related to crime and code enforcement. He stated the City was, indeed, sensitive to the issues raised by Mr. Henry.

Mr. Henry offered to work with the City to assist with outreach efforts in the community.

Michael Hayes, Vanessa Beals, Michael Robinson, Kerrionne Phillips, Victoria Adams, Cameron Turner, Aris Smith and Lorraine McGanee, representing the East County NAACP Youth Council, discussed the lack of activities for the youth, noting their belief it was directly related to crime occurring in Antioch. They urged the City Council to consider building a community center and providing youth programs.

Mayor Freitas reported there was approximately \$26.5 of Mello Roos funds for the physical construction of a community center, which was the first objective for the City Manager to process for construction. He noted the challenge would be in financing the operation and maintenance. He urged the NAACP Youth Council to identify 3-5 top priority items they would like to see implemented and would support by participating.

Ms. Adams offered her services in dealing with the Section 8 issues.

Willy Mims, member of the NAACP and representing the Black Political Association, challenged the City Council to represent the total community when dealing with Section 8 issues. He urged the City Council to keep the ban on taser use by the Antioch Police Department and expressed concern the new Antioch Police Chief was coming from a City that had had issues dealing with the public.

Darnell Turner congratulated the City Council on their efforts in directing staff to research Section 8 issues and suggested the following items be considered by the City:

- A city-wide pilot program offering a reward for information on properties not in compliance with city codes; fees to be placed on the violators
- Improve communication with the Contra Costa Housing Authority by establishing quarterly meetings with staff to discuss ongoing issues in Antioch
- Verify with county staff the orientation process used to inform new and current landlords of City codes and the enforcement of same
- Consult with County Supervisors to seek the appointment of Antioch residents to the Housing Commission
- Increase staff levels in Code Enforcement
- Establish new City ordinance establishing new business license for landlords or property owners with 2 or more properties

Mr. Turner offered to assist the City in dealing with these issues.

Romano Marchetti, Antioch resident, urged the City Council to enforce existing codes, put the responsibility of non-conforming properties on the landlords and expand the city's code enforcement department to address landlord/tenant issues.

Mayor Freitas announced the City Council had attempted to address these issues for some time and new positions for this budget as well as new programs would help address many of the concerns raised this evening. He urged the public to participate in the discussions and offer their support for the programs to address these issues.

1. COUNCIL CONSENT CALENDAR

**A. APPROVAL OF COUNCIL MINUTES FOR May 16, 30 and JUNE 6, 2006
#301-02 (Con't to 7/11/06)**

B. APPROVAL OF COUNCIL WARRANTS #401-02

C. APPROVAL OF TREASURER'S REPORT FOR MAY, 2006 #401-02

D. LEGISLATION AND ADVOCACY #701-04

E. ORDINANCE NO. 1072 C-S RESCINDING AND RE ENACTING ARTICLE 40 OF CHAPTER 5 OF THE ANTIOCH MUNICIPAL CODE REGARDING THE CITY'S RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) ORDINANCE #204-01

F. ORDINANCE NO. 1073 C-S ADDING SECTION 1-3.15 TO THE ANTIOCH MUNICIPAL CODE REGARDING CONSISTENCY OF ANY USE, ENTITLEMENT, AUTHORIZATION, LICENSE OR PERMIT WITH APPLICABLE STATE AND FEDERAL LAW REGARDING MEDICAL MARIJUANA DISPENSARIES #701-05

G. ORDINANCE AMENDING SECTIONS 5-4.01 AND 5-4.11 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH CARD ROOM EMPLOYEES #701-05 (to 7/11/06 for adoption)

H. RESOLUTION NO. 2006/68 ACCEPTING WORK AND DIRECTING CITY ENGINEER TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL PAYMENT TO BAY CITIES PAVING & GRADING, INC. FOR THE BUCHANAN ROAD PAVEMENT REHABILITATION (PW 392-22) #1102-04

I. RESOLUTION NO. 2006/69 AUTHORIZING THE MAYOR TO SIGN A DISTRIBUTION SERVICE AND EXTENSION AGREEMENT AND AN AGREEMENT TO PERFORM TARIFF SCHEDULE RELATED WORK WITH PACIFIC GAS AND ELECTRIC COMPANY FOR THE UNDERGROUND UTILITY DISTRICT NO. 19 ON "L" STREET BETWEEN WEST FOURTH STREET AND WEST TENTH STREET AND WEST FOURTH STREET FROM "J" STREET TO "L" STREET (PW 234-9) #1201-07

J. RESOLUTION NO. 2006/70 AUTHORIZING THE MAYOR TO SIGN THE LEASE AGREEMENT WITH TWIN RIVERS MARINE INSURANCE (#7 MARINA PLAZA) AND DOUGLAS RADER (#3 MARINA PLAZA) #1402-06

K. FUNDING FOR CONSULTING SERVICES TO ASSIST IN DEVELOPMENT OF DESIGN GUIDELINES #302-09

L. RESOLUTION NO. 2006/71 APPROVING MODIFICATION TO MEDICAL-AFTER-RETIREMENT BENEFIT FOR NEW POLICE CHIEF #509-02

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

Item E – Mayor Freitas reported the Council had received a letter dated June 27, 2006 from Discovery Builders Incorporated.

Councilmember Kalinowski requested City Attorney Nerland clarify the outstanding issue regarding processing and the legal interpretations of Measure K at a future Council meeting.

City Attorney Nerland stated staff would respond with a definition for the tentative approval for Residential Development Allocations.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved item E.

Item J – Councilmember Simonsen moved approval of the resolution in Attachment “A” striking the words referring to Douglas Rader (#3 Marina Plaza) and approval of attachment “B” Lease Agreement with Twin Rivers Marine Insurance. The motion died for lack of a second.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council unanimously approved the substitute resolution presented by staff this evening with attachment “B” of the staff report.

Item L – Roger Henry Jr., representing the East County NAACP, indicated they had concerns regarding the alleged racial profiling in the city of Davis and would like an opportunity to meet with incoming Chief Hyde to voice their concerns and establish lines of communication with the Antioch Police Department.

Mayor Freitas clarified the appointment of the Chief of Police was a City Manager action. He noted Council felt the process was vigorous and were in support of the City Manager’s appointment. He stated he would be meeting with Mr. Hyde this week and would relay the message from the NAACP.

Bob Oliver expressed his concern regarding the City's process of appointing a new Chief of Police, noting he felt the City Council should have been involved in the process. He stated he did not support the resolution approving modification to Medical after Retirement benefit for the new Police Chief.

Councilmember Kalinowski stated the incoming Chief has made an offer to meet with Councilmembers. He noted by all indication Mr. Hyde was very qualified and he felt this resolution was a fair offer.

Councilmember Simonsen stated he could not support the resolution, noting he felt it would set a precedent for other departments in the City.

Councilmember Conley voiced his support of the process, appointment and request for a modification to the Medical after Retirement Benefit.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council approved the resolution. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley, Freitas,

Noes: Simonsen

Mayor Freitas declared a recess at 8:37 P.M. The meeting reconvened at 8:52 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

2. RESOLUTION ESTABLISHING CONSOLIDATION OF GENERAL MUNICIPAL ELECTION WITH OTHER ELECTIONS TO BE HELD ON THE NOVEMBER 2, 2004 REGULAR ELECTION DATE AND RESOLUTION ESTABLISHING POLICIES FOR CANDIDATE'S STATEMENT #702-02

City Clerk Martin presented the staff report dated June 14, 2006 recommending the City Council adopt the resolutions.

RESOLUTION NO. 2006/72

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously approved the resolution.

RESOLUTION NO. 2006/73

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously approved the resolution amending items #1, 2 and 3 as follows:

#1 Eliminate 200 -

#2 Eliminate 200 -

#3 Clarify that all individuals filing shall pay a \$25.00 filing fee.

3. ZEKA PROPERTY SITE TOUR #301-01

Deputy Director of Community Development Deputy Director Carniglia presented the staff report dated June 22, 2006 recommending Council direct staff as to Council's desired course of action.

Following discussion, the City Council agreed Councilmembers wishing to participate in a site tour would contact staff.

4. DESIGNATION OF VOTING DELEGATE FOR 2006 LEAGUE ANNUAL CONFERENCE #102-03

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the City Council appointed Councilmember Simonsen as voting delegate for the 2006 League Annual Conference.

5. RESOLUTION APPROVING AND ADOPTING AN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2006-07 AND THE 2006-11 CAPITAL IMPROVEMENT PROGRAM AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN AND REVISING THE 2005-06 OPERATING BUDGET #410-02

Finance Director Brookshire gave a brief overhead presentation of the FY 2006-2007 Operating Budgets and presented the staff report dated June 22, 2006 recommending the City Council adopt the resolution.

Following discussion, the City Council requested the Finance Department and City Manager come back to the City Council to create and implement a policy for line item overages and oversight of extra funds.

Antioch Public Financing Authority

- Page 6 of the overview - remove "Honeywell Project 2" from APFA 1996 Water Revenue Bonds

Message from City Manager

- Council provide minor spelling and grammar changes throughout the budget document to staff
- IV – Reconcile sales tax between the narrative on IV versus page 23.

Community Profile

- Page 4 - Indicate there is currently no BART line to Oakland airport

- Page 5 – Education – amend the last sentence to indicate “portions” of the surrounding communities of Oakley and Pittsburg.
- Page 5 – Income Distribution – add the language on median income between the two zip codes

Staffing Overview

- Page 14 – Add Code Enforcement Officer in narrative
- Page 21 - Reflect sworn, non sworn and CSOs in total FTE's

Financial Summaries

- Page 42 - Measure C expires March 30, 2009 and Measure J takes effect April 1, 2009
- Page 43 – Solid Waste Reduction - Reflect the city is above 50% in recycling efforts

City Manager

- 2006-2007 Objective - Resolution to the other annexation applications

Leisure and Community Services (Recreation Programs)

- Mid-year review of teen coordinator position
- Page 89 – 2006-2007 Objectives - reword Maintain 100% weekend cap at Worth Shaw Complex to indicate seasonal
- Page 100 – Prewett Park – Skate Park - detail information with regards to security costs for the Skate Park and Water Park operations

Councilmember Conley suggested consideration of holding events at the skate park to offset expenditures.

Capital Improvement Fund

- Page 138 - Show Mello Roos money as source of revenue for community center/library
- Page 139 - Footnote - the City is seeking repayment from cooperating jurisdictions
- Page 139 – review and provide detailed accounting for RDA monies originally allocated to the baseball stadium project
- Page 142 – Correct title to “Lone Diamond Assessment District #27/31 Construction Fund (376)
- Page 144 – Provide City Council with a map showing boundaries of the district

Antioch Development Agency

- Clarify if there are any obligations for ERAF

Antioch Police Department

Chief Moczulski reviewed the recruitment incentive programs, Brentwood Dispatch program and REACH Project Inc funding.

Following review the City Council provided the following direction:

- Incentive Program - Revise recommendation #3 - credit 40 hours of vacation
- Incentive Program - Revise recommendation #4 - \$7500.00 signing bonus to \$10,000 over 5 years with the distribution process determined at the discretion of the Chief of Police.
- Incentive Program - Include the costs of lateral police officer and dispatcher recruitment incentives under Police Administrative
- Dispatch - Increase the dispatch fee for the city of Brentwood from 23% to 27%
- REACH - Personnel Expenses additional \$9,750, Program Expansion additional \$12,250

Police Administration

- Page 103 – 2006-2007 – Objective - Rewrite - maintain a vacancy rate of less than 8% - sworn staff to have a fully staffed police department with all vacancies filled
- Articulate policy, training and costs associated with tasers
- Page 109 - Narcotics Bureau - 2006-2007 Objectives – Repeat 2005 – 2006 Objectives

Barbara Sobalvarro, speaking on behalf of Friends of Animal Services, stated in the future they would be looking at additional Animal Control Officers. She expressed concern regarding adoptions at the shelter and upgrading of the facility. She spoke to the need for a spay/neuter clinic. She questioned how the City could fund a spay/neuter clinic. She urged the City Council to place a priority on the clinic and noted the Friends of Animal Services would like to participate. She further noted \$72k had been set aside for expansion of the shelter and requested a written explanation as to what happened to those funds.

Chief Moczulski stated staff was compiling the statistical data to provide to the City Council and Ms. Sobalvarro. He noted they would add a spay/neuter clinic as an objective for next year.

Councilmember Kalinowski discussed the importance of being aggressive in addressing the law enforcement issues in Antioch and requested the City Council support the concept of adjusting the number of police officers added in the 2006/2007 budget to a total of seven.

Councilmember Conley voiced his support for Councilmember Kalinowski request and adjusting the budget accordingly with the goal of the City to have a fully staffed Police Department.

In response to Mayor Freitas, Chief Moczulski verified additional 5 officers would be approximately \$625,000 out of the General Fund. He noted the Antioch Police Department was the lowest per capita staff in Contra Costa County and many Officers were leaving due to the workload.

City Manager Jakel reported if the increase in police staffing was approved they would add a vacancy factor to portray an accurate picture of the budget.

Councilmember Davis voiced his support for Councilmember Kalinowski's request to add a total of 7 officers to the budget noting they were needed and it was incumbent upon the City Council to provide a safer community.

Councilmember Simonsen stated he did not support adding 7 more allocated and unfunded positions.

City Manager Jakel stated staff would incorporate all budget changes discussed this evening into the final budget document.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council approved five (5) additional sworn police officers to the 2006/2007 budget. The motion carried the following vote:

Ayes: Davis, Kalinowski, Conley, Freitas,

Noes: Simonsen

Mayor Freitas adjourned to the Antioch Public Financing Authority with all Authority Members present.

ANTIOCH PUBLIC FINANCING AUTHORITY

6. RESOLUTION ADOPTING THE CITY OF ANTIOCH PUBLIC FINANCING AUTHORITY 2006-2007 ANNUAL BUDGET AND REVISING THE 2005-2006 BUDGET #410-02

RESOLUTION NO. 2006/75

On motion by Councilmember Conley, seconded by Councilmember Simonsen the Public Financing Authority members unanimously adopted the resolution.

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

7. ANTIOCH DEVELOPMENT AGENCY CONSENT

A. APPROVAL OF COUNCIL WARRANTS #401-02

On motion by Agency member Conley, seconded by Agency member Davis the Development Agency members unanimously approved Council Warrants.

ANTIOCH DEVELOPMENT AGENCY

8. RESOLUTION ADOPTING THE ANTIOCH DEVELOPMENT AGENCY BUDGET FOR 2006-2007 AND REVISING THE 2005-2006 BUDGET #410-02

Finance Director Brookshire reminded the Agency Members the numbers from this presentation were the numbers to be adopted.

Agency member Simonsen reiterated he had requested clarification regarding the information on ERAF.

RESOLUTION NO. ADA - 411

On motion by Agency member Conley, seconded by Agency member Kalinowski the Agency unanimously approved the resolution.

Chairperson Freitas adjourned to the Antioch City Council.

5. RESOLUTION APPROVING AND ADOPTING AN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2006-07 AND THE 2006-11 CAPITAL IMPROVEMENT PROGRAM AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN AND REVISING THE 2005-06 OPERATING BUDGET #410-02

Councilmember Kalinowski thanked staff for presenting a budget document that was in a user-friendly format.

Councilmember Simonsen stated with the previous action to add additional police officers putting the budget into a deficit and without projection of the revenues and expenses he can not support approval of the resolution at this time.

In response to Mayor Freitas, Finance Director Brookshire clarified all changes would be brought into the document. She noted when the reserve policy returned she would bring projections to Council, including the current changes.

RESOLUTION NO. 2006/74

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council approved the resolution with all comments and direction as discussed. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley, Freitas

Noes: Simonsen

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the new Police Chief would be arriving on July 10, 2006 with a swearing in occurring at 10:00 A.M. at the Police Facilities and he will be introduced to the public on July 11, 2006.

COUNCIL COMMUNICATIONS

Councilmember Simonsen reported he attended the League of California Policy Committee meeting in Sacramento and a Conference on the Delta Emergency Preparedness in Isleton.

Mayor Freitas requested Councilmember Simonsen provide the City Council with a staff report regarding the Water Transit Authority and the impacts to the City of Antioch.

Mayor Freitas reported he had attended the Senior Citizen's picnic, which was an outstanding program. He commended the Antioch Rotary Club for underwriting the costs of the event. In addition, he noted the Relay for Life was extremely successful. On behalf of the City Council he thanked everyone who participated and Nancy Brandt for organizing the Mayor's team. He announced Antioch School District Superintendent Dennis Goetsch had a great retirement party on June 22, 2006 and there would be a retirement party for Bill Galstan on June 29, 2006. He wished both individuals great health and wonderful retirement days.

Councilmember Davis announced the 4th of July events would begin at 5:00 P.M. with a fireworks display at 9:30 P.M. along the waterfront.

Mayor Freitas announced he would be going to Washington D.C. on behalf of the City on July 18-19, 2006 to meet with individuals of the Transportation Infrastructure Committee.

City Manager Jakel announced the Council would continue to meet as usual during the months of July and August. He noted he anticipates a City Council Study Session for the third Tuesday in September.

ADJOURNMENT

June 27, 2006

With no further business, Mayor Freitas adjourned the meeting at 11:15 P.M. to the next regular Council meeting on July 11, 2006.

L. JOLENE MARTIN, CMC
Antioch City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN, CMC
Antioch City Clerk