

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

**Regular Meeting
7:00 PM**

**December 14, 2010
Council Chambers**

6:00 PM - CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR . Employee organizations: Public Employeesq Union Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officersq Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employeesq Association. This Closed Session is authorized by California Government Code §54957.6.

Mayor Davis called the meeting to order at 7:32 PM

City Attorney Nerland reported the City Council met in closed session on December 13, 2010, pursuant to a special meeting agenda. Addressing item 23 on the December 13, 2010 agenda, regarding the Walmart project and California Healthy Communities Network v. City of Antioch (Walmart Stores as real party in interest), Case N10-1804 (Contra Costa Superior Court) case, the City Council approved a joint defense agreement between the City and Walmart on a 4-0 vote with Council Member Rocha absent. The City Council also gave direction to the City Attorney to initiate litigation in one case. As to the closed session on December 14, 2010 with the Labor Negotiator and the employee organizations listed on the agenda, direction was given to the Labor Negotiator by Council.

City Clerk Martin called the Council/Agency roll.

Present: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor Davis

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Elizabeth Rimbault, representing the Antioch Historical Society, announced they had created a centennial quilt which had been raffled, with the proceeds to benefit the Historical Society. Mayor Davis drew the winning ticket and thanked the Historical Society for organizing the fundraiser as well as those who purchased tickets.

Ms. Rimbault thanked Eleanor O'Donnell, Chair of the committee who donated most of the materials and quilt construction.

PUBLIC COMMENTS

Jim Magena spoke in support of the City retaining law enforcement officers and requested the City Council keep safety as a priority when considering budget cuts.

PRESENTATION

Pat Welch, Antioch Police Department S.W.A.T. unit presented a plaque to Tom Nokes in recognition of his financial contribution for the purchase of vests for the S.W.A.T. team.

Mr. Nokes, Antioch Auto Center, expressed his appreciation to the Antioch Police Department and discussed the importance of a strong police force in the City. He offered to match any donations to the Antioch Police Department, up to the amount of \$100k.

Mayor Davis, on behalf of the City Council and City of Antioch, thanked Mr. Nokes for his generosity.

Dr. Gill, on behalf of the City of Antioch recognized Kasey Graham as "*Teacher of the Year.*" Mayor Davis presented Kasey Graham with a Certificate of Achievement.

Mrs. Graham thanked the City of Antioch for the recognition.

Diane Gibson-Gray, President of the Antioch Unified School Board, thanked the City Council for recognizing Ms. Graham.

Dr. Gill recognized Dozier Libbey Medical High School, John Muir Elementary School, Mno Grant Elementary School and Lone Tree Elementary School for their Academic Scores Achievement. He thanked those in attendance this evening representing the individual schools. Mayor Davis presented Certificates of Recognition.

Dr. Gill thanked the City Council for their support and stated he looked forward to working collaboratively with them in the future.

Mayor Davis reported Justice Cantil Sakauye, California Supreme Court visited the Law Academy at Deer Valley High School on December 13, 2010 and he thanked those responsible for her visit.

Councilmember Harper acknowledged the achievements in the Antioch Unified School District.

Diane Gibson-Gray stated she looked forward to working with the City Council and encouraged the City Council to contact her with any questions or concerns.

PROCLAMATIONS

30TH Anniversary of Delta Chapter 1718 of National Active & Retired Federal Employees Association

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

Mayor Davis presented the proclamation recognizing the 30th Anniversary of Delta Chapter 1718 of National Active & Retired Federal Employees Association to Mel Teigen, who thanked the City Council for the recognition.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Kalinowski stated with regards to the East County Fee and Finance Authority, the City of Pittsburg was no longer participating in the program.

MAYOR'S COMMENTS

Mayor Davis acknowledged Boy Scout Troop #159, who was in attendance. Jason Peacock, representing Boy Scout Troop #159, announced they were in attendance to work on their Citizenship in the Community merit badge.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 30, 2010

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIMS

1. Tacoma J. Anderson 10/11-1968 (personal injury)
2. Marion Columbus Small 10/11-1970 (personal injury)

D. RESOLUTION NO. 2010/83 CITY OF ANTIOCH REPRESENTATIVES TO THE MUNICIPAL POOLING AUTHORITY (MPA)

E. RESOLUTION NO. 2010/84 APPROVING A 25-YEAR LICENSE AGREEMENT WITH THE EAST BAY REGIONAL PARK DISTRICT FOR A PORTION OF THE DELTA DE ANZA REGIONAL TRAIL AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT (PW 553-2C)

F. RESOLUTION NO. 2010/85 ACCEPTING COMPLETED IMPROVEMENTS FOR THE ORCHARD AT SLATTEN RANCH; AUTHORIZING THE CITY MANAGER TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR ROAD WORK (PW 639-SC); AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND SIGN A REIMBURSEMENT AGREEMENT WITH THE CITY OF BRENTWOOD FOR THE UNDERGROUNDING OF THE EXISTING OVERHEAD UTILITIES

G. RESOLUTION NO. 2010/86 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE 4 (P.W. 678-4)

H. WATER TREATMENT PLANT SOLIDS HANDLING EQUIPMENT RENTAL

I. RESOLUTION NO. 2010/87 INCREASING THE BAIL SCHEDULE FOR ANTIOCH MUNICIPAL CODE PARKING VIOLATIONS

J. STANDBY CITY COUNCIL MEMBERS

On motion by Councilmember Kalinowski, seconded by Councilmember Agopian, the Council unanimously approved the Council Consent Calendar.

Councilmember Kalinowski stated that due to his employment with Contra Costa County and their involvement with the East Bay Regional Communication System, he would recue himself from the vote and participation in the next agenda item.

Councilmember Kalinowski left the Council Chambers.

COUNCIL REGULAR AGENDA

2. EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY (EBRCSA)

Lieutenant Willerford and City Attorney Nerland presented the staff report dated December 8, 2010 recommending the City Council entertain a motion to authorize the City Manager to sign the Project Operating Agreement to issue bond debt and continue to participate in East Bay Regional Communications System Authority (EBRCSA).

In response to Council, Lieutenant Willerford stated to make the current system FCC compliant by January 2013; the cost would be approximately \$25k. Additionally, he noted the total yearly cost of the digital system by 2013 was approximately \$1.2M; however, it would drop due to service charges and maintenance on the portable and current system. He discussed the advantages of maintaining radio contact with agencies throughout Contra Costa and Alameda Counties with the digital system

Councilmember Agopian stated that while he saw the value of the system, he was concerned about the additional net cost of approximately \$300k per year for the digital system during the current budget crisis.

Lieutenant Willerford stated if Antioch chose not to join the EBRCSA, the potential impacts would be that Brentwood could accelerate the separation with the Antioch Dispatch Center, and the possibility of a higher buy-in cost if Antioch joined the JPA in a future date. He reported there had been technological issues with the digital system and Motorola was committed to working out those problems.

Councilmember Agopian expressed concern the technological issues with the system had not been resolved, coupled with the fact the Cities on the system had reverted back to their previous systems. He noted for the money involved, he expected a system with an enhanced performance record.

City Manager Jakel summarized the digital system would stabilize the contract with Brentwood for dispatch, allowing participation in the coordination of emergency services throughout Contra Costa and Alameda Counties and the timing suited Antioch with the west to east buildout to allow technical issues to be worked out prior to implementation. Additionally, he noted it fit financial obligations to stage radio purchases and would allow for the opportunity to participate in County financing

Councilmember Harper stated he understood the importance of the interoperability concept, however he felt the City could not afford to participate.

Councilmember Rocha agreed the City should wait to buy in to the system at a later date, should funds become available.

Mayor Davis discussed the importance of intercommunication among agencies to provide mutual aid in the event of a disaster; therefore he was in full support of joining the EBRCSA.

Lieutenant Willerford reported there was currently the capability for interoperability through radio communication boxes in the event of a disaster.

Tom Fuhrmann, representing the Antioch Police Officers Association, stated their position to maintain the current communication system in Antioch, which they believed worked well. He stated he believed the new digital system technology was insufficient and cost prohibitive.

Councilmember Agopian stated he was in support of sacrificing the system in an effort to retain positions in the community, while the City waited for a less expensive system.

A motion was made by Councilmember Agopian, seconded by Councilmember Rocha, to direct staff to *not* enter into the project operating agreement, thus effectively pulling out of the JPA. The motion failed by the following vote:

Ayes: Agopian, Rocha

Noes: Davis, Harper

City Manager Jakel stated if the City Council chose to continue the item, staff would invite representatives from the Communications Authority to make a presentation.

City Attorney Nerland stated she would bring back options available to the City Council.

On motion by Councilmember Rocha, seconded by Councilmember Harper, the City Council continued the item. The motion carried by the following vote:

Ayes: Davis, Rocha, Harper

Noes: Agopian

Mayor Davis declared a recess at 8:44P.M. The meeting reconvened at 8:57P.M. with all Council Members present with the exception of Councilmember Kalinowski who was absent.

Councilmember Harper moved to reconsider item #2; the motion was seconded by Councilmember Agopian. The motion failed by the following vote:

Ayes: Harper, Agopian

Noes: Davis, Rocha

City Attorney Nerland clarified the result of the previous vote was to continue the item and she would bring back all options at a date to be determined

Councilmember Kalinowski returned to the dais at 9:00 P.M.

3. PRESENTATION BY BART ON THE HILLCREST E-BART STATION DESIGN

Consultant Carniglia presented the staff report dated December 7, 2010 recommending the City Council: 1) receive the presentation by BART representatives on the design of the Hillcrest eBART Station; 2) provide direction to BART representatives on the information and designs presented; and 3) determine the need for a follow up meeting and/or presentation by BART on the information and designs presented.

BART Director Keller gave a brief history of the eBART station project and fiscal constraints related to the design of the Hillcrest E-BART station. He announced they had awarded the contract for the transfer station which would begin construction shortly after January 1, 2011. He stated they were committed to working on the outstanding issues with the City of Antioch; however he cautioned the decisions would need to be made to meet the budget as well as meet the timeline to move forward with the construction documents. He committed to return to the City Council with a presentation indicating how they could respond to the City's concerns.

Rick Rattray, Project Manager for eBART, stated he insured a capital investment for the Hillcrest station area but does not preclude the future potential for Antioch to develop their specific plan.

Ron Soaper, Architect for the project gave a brief overhead presentation of the eBART.

In response to the letter from City Manager Jakel, Mr. Rattray clarified the design progressing allowed for a space for a future station agent. He noted the current concept to provide information to the public was a kiosk with a touch screen and intercom public address system to eBART central control.

Mayor Davis expressed concern for security at the station without a station agent on site.

Mr. Keller stated BART had an interest to insure safety at the station,

Councilmember Kalinowski expressed his concern as the bid documents did not include the items for the ultimate build out of the facility to meet the potential needs of the community.

Mr. Keller stated he believed they could be responsive to some of the issues being raised, provided there was consensus. He stated they would go back and look at the cost of expanding the entry house to provide the footprint which would allow for the future installation of the escalator and station attendant booth.

Commander Hartwig, BART Operations Commander, reported BART was the only transit agency in the United States which currently provided restroom facilities at every station in their system. He noted having a restroom facility at a station that was not going to be monitored by staff, would create public safety issues. He reported all stations in the system were staffed and would be his preference, given the funding. He stated he had law enforcement concerns with the station due to its location and noted it would present some challenges for the BART Police Department.

In response to Councilmember Agopian, Mr. Keller clarified the program level EIR for the Livermore extension allowed the region to protect only the corridor; however, there was no Livermore rail extension. He noted it was possible the High Speed Rail Authority could choose the Altamont Pass as a connection into the Bay Area and possibly use BART rail technology into Livermore in the future.

Councilmember Agopian expressed concern the station was not designed and the bid did not include restrooms, escalators and a station agent booth. He stated from a safety standpoint, he objected to the fact the Antioch station was being designed to operate in a manner unlike all other BART stations in the system. He noted he supported planning for a bid that included a station agent booth and a restroom that could be used, if so desired. He stated he could not conceive of having a secure location without agents onsite.

Mr. Keller stated he understood the Council's position and they would make their best effort to accommodate their concerns. He reiterated they were in a fiscally constrained environment.

In response to Councilmember Rocha, Mr. Keller committed to briefing the Antioch Police Department to get their input on the project, prior to the next update.

Councilmember Rocha agreed all items being discussed this evening should go out to bid to determine if it was feasible to move forward with them.

In response to Councilmember Rocha, BART Director Keller stated he would evaluate the City Council's concerns and before they proceed with final documents he would be back with staff to provide a response. He reported he met with CISCO, TRANSFORM and the Central Labor Council and they were moving toward a Project Labor Agreement (PLA) on the project with a local hire component.

Councilmember Harper expressed concern the station was designed without restroom facilities and requested it be reconsidered. He encouraged BART to partner with the Antioch Police Department to address the safety issues.

Councilmember Kalinowski stated his expectation was the bid document had the full product option. He requested a written response from BART staff as to why initially the project was not bid with the station agent kiosk, restrooms and escalators. He noted if those items could not be included in the bid document, when the item returned for consideration, he directed staff to provide Council with the option to request the BART Board not approve the bid to go out. He noted if the project and facility do not meet the needs of the community it was the wrong project for Antioch and should not be built.

Donald Freitas, Antioch resident, stated the concept of eBART was the project be built to classic BART standards and as an interim it would be the eBART standard and to see a design without the basic components of a station was unacceptable. He questioned whether or not the future Pittsburg station would have a station agent, escalators and restrooms. He reported from the inception of the project, the parking lot was always part of the overall package. He suggested the City Council work with Oakley, Brentwood and Discovery Bay to reject the project unless the basic components were in the overall bid.

Martin Fernandez, Antioch resident, stated if the bid documents did not include the escalators, restrooms and station agent kiosk, he did not believe they would be included in the future. He questioned what amenities would be provided at the Railroad Avenue BART extension.

BART Director Keller stated Railroad Avenue station would be paid for by the City of Pittsburg, therefore, he could not comment on what the station would look like. He reiterated the BART Board would do their best to be responsive to the City Council however they were in a fiscally retrained environment.

Councilmember Kalinowski stated BART's staff had a professional responsibility to provide answers as to why decisions were made about operations when nobody knows what potential partnerships were possible. He expressed concern there were internal problems that had not been addressed with regards to public safety at the station.

BART Director Keller stated he had heard the Council's concerns and would respectfully do everything they could to be responsive. He stated they would enter into a partnership with the Antioch Police Department to get input on the station design. Furthermore, BART would evaluate all issues and brief staff as well as the eBART City Council subcommittee prior to returning to the City Council.

Councilmember Kalinowski suggested the project be presented to TRANSPLAN through EPAC.

Mayor Davis declared a recess at 10:20 P.M. The meeting reconvened at 10:27 P.M. with all Councilmembers present.

4. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR THE GENERAL FUND FOR FISCAL YEARS 2011-2012

City Manager Jakel introduced the budget item and acknowledged the concessions made by City employees to date.

Finance Director Merchant presented the staff report dated December 1, 2010 and gave a brief overhead presentation for the General Fund 11/12 recommending the City Council provide direction and feedback.

Community Development Director Wehrmeister and Deputy Director of Community Development & Recreation Graham presented the staff report dated December 9, 2010 and gave a brief overhead presentation of Recreation Services 2011/12 Proposed General Fund subsidies.

Officer Scott Gillespie introduced himself and his wife. He discussed his employment with the Antioch Police Department and the lack of job security due to being the last officer hired. He discussed the negative impacts and severity of cuts to personnel in the Police Department.

Eric McManus, representing the Antioch Police Department, discussed his involvement with the Antioch Police Department and the negative impacts of cuts in personnel in the Police

Department. He urged the City Council to retain the current level of staffing within the department.

Ralph Hernandez, Citizens for Democracy, stated he had previously submitted written communication regarding budget issues with additional information submitted this evening, with emphasis on employee concessions.

Mayor Davis announced Mr. Hernandez's letter dated December 14, 2010 would be entered into the public record.

Leroy Bloxsom, Antioch Police Department, acknowledged the budget constraints of the City and the sacrifice and dedication of the police officers in Antioch. He felt the community could not afford to reduce the staffing levels of the Antioch Police Department.

Tom Fuhrmann, APOA, felt the City Council should pro-actively inform citizens where the budget reductions were being taken. He reported the Department staffing levels as of now was 104 sworn officers, after upcoming retirements and layoffs the sworn officer level will be 86, which is the equal to the 1989 level. He discussed recent violent crimes that had taken place in the community and noted they could not afford to lose any police officers.

Barbara Sobalvarro, Antioch resident, requested the public be informed of how the City would be reducing the budget prior to the City Council taking action. She questioned if the Animal Shelter or Senior Citizens would be impacted as a result of the reductions. She thanked the staff at the Nick Rodriguez Center for their help at a recent event. Additionally, she asked if all the unions were contributing to reducing the budget deficit.

Chymese Shaw, Antioch resident, requested information as to what programs and/or departments were being eliminated or affected as a result of the budget cuts.

City Manager Jakel reported the staff report contained a detailed description of the concessions already made by the departments. He noted during those difficult times, the employees had tried to work together for the City. He stated the City will preserve; however it would be a challenge.

Councilmember Kalinowski reported on the concessions made by all employee groups. He noted agreements expire January 1, 2011 on the deferrals outlined by staff and therefore there was an additional \$737K which had not been budgeted for January 1 . June 30, 2011. He stated it was the responsibility of the City Council to understand the magnitude of the dollar figure that hits on January 1, 2011 and make the modifications to close that number immediately. He proposed directing City Manager Jakel, based on their increase in costs on January 1, those numbers be reduced from each of those city departments. Furthermore, should there be an agreement on or after January 1, 2011 which addresses that number, that those cuts be rescinded or restored. In terms of the assumptions provided by staff, he requested an analysis of the sales tax increase and the minimum level that could be maintained in the vehicle and computer replacement funds without providing a scenario they would be become insolvent without the ability to replace any piece of equipment necessary during this and next fiscal year.

In response to Councilmember Agopian, Finance Director Merchant stated she would bring in the projected rates for PERS for the next budget study session. Additionally, she noted staff was working on the 2012-2013 payroll projections.

Councilmember Agopian clarified he did not relish discussing the details of the budget; however he was compelled to seek out as much information as he could for the public. He discussed the importance of engaging people on their ideas on how the City could save money and increase revenues.

City Manager Jakel stated he would prepare a memo of the one-time money transfers. He stated staff would provide an analysis of the PERS rates as well as the consultant's process for determining the sales tax projections.

Councilmember Harper thanked staff for the report and acknowledged those in attendance as well as the employee groups who had made concessions in the past. He discussed the importance of the employees to continue working with the Council in an effort to save jobs and remain fiscally solvent. He stated the budget numbers were accurate and there was transparency. He encouraged the public to bring forward ideas for consideration.

In response to Councilmember Kalinowski, Finance Director Merchant clarified, as of January 1, 2011 the City was contractually required to reinstate the existing raise deferrals and for January 1, 2011 to June 30, 2011 the net increase in costs to the City of Antioch would be \$737k. Therefore, expenditures made after January 1, 2011, would increase the deficit.

On motion by Councilmember Kalinowski, seconded by Councilmember Harper, the City Council unanimously directed City Manager Jakel to implement staffing reductions in the amount of \$737k, effective the date the concessions expire, unless otherwise provided per MOU agreement, based on the bargaining unit impacts of the five outlined negotiating units. Should there be any change in that number, City Manager Jakel was directed to restore those like numbers back into those bargaining units as soon as those numbers change.

Speaking to the previous motion, Councilmember Agopian reiterated the goal would be to eliminate the reductions, if there were further agreements.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha the City Council unanimously:

1. Moved all items and assumptions listed under the heading June 30, 2012 on item #2
2. Bring back bullet #1 and 2 on page #2 (street impact fund transfer and gas tax back)
3. Concurred with community development impact, agreed with and accepted the presentation as presented
4. Agreed with all assumptions on page 3 and 4, with the understanding staff would return fiscal year 2012 on computers and cars
5. Agreed with proposed additional increase in sales tax projection on page 3 for FY 12.
6. Agreed with the increase in the street impact and gas tax transfers in fiscal year 2011.

5. CITY COUNCIL APPOINTMENTS TO COMMITTEES AND BOARDS

Mayor Davis reported as the Council makes the appointments those nominated would remove themselves from the room as the vote was taken. He listed the appointments to the Committees and Boards for Council consideration.

Councilmember Harper left the dais.

On motion by Councilmember Agopian, seconded by Councilmember Kalinowski, the City Council Members present unanimously approved Councilmember Harper's committee and board appointments.

Councilmember Harper returned to the dais, Councilmember Kalinowski left the dais.

On motion by Councilmember Harper, seconded by Councilmember Agopian, the City Council Members present unanimously approved Councilmember Kalinowski's committee and board appointments.

Councilmember Kalinowski returned to the dais, Councilmember Rocha left the dais.

On motion by Councilmember Kalinowski, seconded by Councilmember Harper, the City Council Members present unanimously approved Councilmember Rocha's committee and board appointments.

Councilmember Rocha returned to the dais, Councilmember Agopian left the dais.

On motion by Councilmember Harper, seconded by Councilmember Kalinowski, the City Council Members present unanimously approved Councilmember Agopian's committee and board appointments.

Councilmember Agopian returned to the dais. Mayor Davis left the dais.

On motion by Councilmember Kalinowski, seconded by Councilmember Agopian, the City Council Members present unanimously approved Mayor Davis's committee and board appointments.

Mayor Davis returned to the dais.

City Manager Jakel stated he would prepare the list and where there were changes; staff would give a briefing on the meetings and subject matter.

6. AGENCY REGULAR AGENDA

A. APPROVAL OF AGENCY WARRANTS

On motion by Agency Member Kalinowski, seconded by Agency Member Harper, the Antioch Development Agency unanimously approved the Agency Warrants.

PUBLIC COMMENTS

Ralph Hernandez, Citizens for Democracy felt due to the pending departure of Chief Hyde, appointment of Captain Allen Cantando as Police Chief was appropriate.

STAFF COMMUNICATIONS

City Manager Jakel announced City Hall would be closed December 22, 2010 . January 3, 2011. He announced the next meeting would be held on January 11, 2011.

COUNCIL COMMUNICATIONS

In response to Councilmember Harper, City Manager Jakel stated he would bring back to Council costs associated with providing computers on the dais for the City Council.

Mayor Davis wished staff and the public a happy holiday.

With no further business, Mayor Davis adjourned the meeting at 12:17 A.M. to the next regular Council meeting on January 11, 2011.

Respectfully Submitted:

L. JOLENE MARTIN, CMC
City Clerk