

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

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

**November 27, 2012
Council Chambers**

6:15 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR** – City designated representatives: Michelle Fitzer, Human Resources Director; Employee organizations: Public Employees' Union Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officers' Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employees' Association. This Closed Session is authorized by California Government Code §54957.6.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATOR**, No action taken.

Mayor Davis called the meeting to order at 7:15 P.M., and City Clerk Skaggs called the 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

Allen Payton and members of the July 4th 2012 Celebration Committee thanked the City Council for supporting the 2012 July 4th celebration. They requested City Council and staff consider support for the committee in the planning process for the 2013 July 4th celebration. They announced the first meeting of the committee would be held at 5:30 P.M. on December 17, 2012, at Rick's On Second. Contact information was given. They suggested staff designate a person as a point of contact for the committee and requested the event be placed on the City's event calendar and reconsideration of its placement on the City's official list of events, to the highest priority possible.

The Council consensus indicated they were in support of the event.

PUBLIC COMMENTS

Michael D'Augelli, Antioch resident, introduced himself as a public transit advocate and alternate on the Tri-Delta Transit Board. He spoke to the benefit of Antioch being a transit rich community.

Fred Hoskins, Antioch resident, expressed concern for the negativity of the Council as it related to non-profits and the business community. He urged the Council to change their position.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Rocha reported on her attendance at the ribbon cutting to celebrate the opening of Waypoint's first regional Resident Services Center in Antioch.

Councilmember Harper reported on his attendance at the Wells Fargo City Lift program and noted they would be holding a workshop on December 7-8, 2012, at the Oakland Convention Center. Contact information was given.

MAYOR'S COMMENTS

Mayor Davis announced the dedication of the Hudson Townhouse Manor Apartments would be held on November 29, 2012.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 13, 2012

B. APPROVAL OF COUNCIL WARRANTS

C. RESOLUTION NO. 2012/68 CONTRA COSTA COUNTY HAZARD MITIGATION PLAN UPDATE

D. APPROVAL OF PROPOSAL AND AUTHORIZATION FOR THE CITY MANAGER TO SIGN AN AGREEMENT WITH RMC WATER AND ENVIRONMENT FOR ENGINEERING DESIGN, ENVIRONMENTAL PERMITTING AND CONSTRUCTION SUPPORT SERVICES FOR THE WEST ANTIOCH CREEK CHANNEL IMPROVEMENTS PROJECT (P.W. 201-6)

E. APPROVAL OF PROPOSAL AND AUTHORIZATION FOR THE CITY MANAGER TO SIGN AN AGREEMENT WITH ECORP CONSULTING, INC., FOR PREPARING AN ENVIRONMENTAL DOCUMENT IN COMPLIANCE WITH CEQA FOR THE WEST ANTIOCH CREEK CHANNEL IMPROVEMENTS PROJECT (P.W. 201-6)

F. REQUEST TO AUTHORIZE USE OF CITY LOGO FOR CESAR CHAVEZ DAY

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

COUNCIL REGULAR AGENDA

2. UPDATE ON NON-PROFIT ORGANIZATION WATER

Director of Public Works Bernal presented the staff report dated November 20, 2012 recommending the City Council provide direction to staff on whether to grant Antioch Historical Society and Sports Legends, Antioch Babe Ruth, and Antioch Youth Sports Complex an additional six-month extension for these organizations to pursue funding or capital improvement alternatives for water sources to wean these organizations from the current City water subsidy.

Councilmember Kalinowski stated in an effort to be fair to the incoming Council, he was prepared to make a motion to grant the extension for this item, to allow sufficient time for staff to consider the options and work with stakeholders.

Fred Hoskins, Antioch resident, recommended this item go before a vote of the citizens of Antioch to determine if they support subsidized water for the non-profits.

Bob Liles, President of the Antioch Youth Sports Complex, gave a history of the agreement signed between the City of Antioch and the Sports Complex. He expressed concern that if they were required to pay for switching to well water, it would deplete their reserve account. He reported they were open in seeking grant opportunities; however, it could not be done by the date staff recommended the subsidy be discontinued. He stated they would support the City paying for the modifications or continued subsidies however, if necessary, they would support the well option.

Bob Martin, President of Antioch Historical Society, questioned what the process would be moving forward, if this item were continued. He requested the opportunity to meet with staff prior to the budget discussion of this issue.

Director of Public Works Bernal stated staff was willing to work with the non-profits regarding the grant funding opportunities.

City Attorney Nerland explained the potential legal challenges regarding the subsidies for water to non-profits as it related to Proposition 218.

Ed Daviess, Antioch Babe Ruth, stated their budget had been set for a 6-month term which would present a problem for funding the improvements. He reported they had resolved the issues with their non-profit status however their reserves were depleted. He noted with grant funding being a year out, they would need more time to obtain funding. He suggested including the Babe Ruth fields in with City Parks to eliminate Proposition 218 issues.

With regards to include facilities at City Parks for purposes of Proposition 218, City Attorney Nerland stated she would need to research the details of changing the legal relationship as well as how Proposition 218 and General Laws regarding water rates would treat rate payers paying for City water facilities.

Councilmember Agopian stated he was willing to continue this item for six months to make sure there was enough time to conclude discussions between the City and the non-profits regarding the most viable option.

Council directed staff to provide Council with regular written updates.

On motion by Councilmember Kalinowski, seconded by Councilmember Harper, the Council unanimously continued this item to July 1, 2013.

Mayor Davis declared a recess at 8:06 P.M. The meeting reconvened at 8:14 P.M with all Councilmembers present.

3. PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) CONTRACT AMENDMENT FOR LOCAL SAFETY AND MISCELLANEOUS MEMBERS

City Manager Jakel, Chief Cantando, and Human Resources/Economic Development Director Fitzer gave a brief overview of the options before Council and presented the staff report dated November 19, 2012, recommending the City Council discuss and consider following actions: 1) Adopt a Resolution of Intention to approve an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch to provide Section 21363.2 (3% @ 50 Full Formula) to local Safety members, and Section 21354.5 (2.7% @ 55 Full Formula) to local Miscellaneous members hired after the effective date of the Amendment to Contract. 2) Introduce the ordinance by title only. 3) Introduce the ordinance authorizing an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch. Human Resources/Economic Development Director Fitzer noted if Council would like staff to move forward with this item, she would bring it back with the necessary documents on December 4, 2012, for consideration.

In response to Council, Human Resources/Economic Development Director Fitzer and Chief Cantando described the City's current recruitment efforts.

Councilmember Agopian suggested advertising for recruitment outside of California.

Tom Fuhrmann, Antioch Police Officer's Association (APOA), gave a brief history of the City action to amend the contract with PERS and discussed the importance of having a mixture of mature officers with new recruits. He stated the APOA would support the City implementing the 3% at 50 formula, to assist with the recruitment process.

Councilmember Kalinowski voiced his support for amending the contract to 3% at 50. He agreed there needed to be a blend of employees that were in the organization. He reminded Council that they would control how the City recruits and who would be hired. He noted if the actuarial study was not financially feasible, it would result in the City considering other incentives.

Council directed staff to provide actuarial data for all employee groups and recruitment options for the Police Department.

On motion by Councilmember Harper, seconded by Councilmember Agopian, the Council unanimously approved continuing this item to December 4, 2012.

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

A. APPROVAL OF SUCCESSOR AGENCY WARRANTS

On motion by Councilmember Kalinowski, seconded by Councilmember Harper, the Council unanimously approved the warrants.

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

A. APPROVAL OF HOUSING SUCCESSOR WARRANTS

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

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the following meeting schedule:

- New Council Swearing-In Ceremony/Special Meeting – December 4, 2012
- Regular City Council meeting – December 11, 2012
- Closed Session – Status of Pending and Existing Litigation Review – December 18, 2012
- Regular City Council meeting only if the Council proceeds with the PERS item on December 4, 2012 - December 26 or 27, 2012

COUNCIL COMMUNICATIONS

Mayor Davis wished Deputy Director of Community Development/Recreation Graham a happy birthday.

Councilmember Kalinowski stated this was his last meeting as a Councilmember and it had been an honor. He thanked staff and the community for their support

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 8:50 P.M. to the next Special Council Meeting on December 4, 2012.

Respectfully submitted:

DENISE SKAGGS, City Clerk