

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

February 25, 2003
Council Chambers

6:00 P.M.– CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR** – Agency negotiator: Holly Brock-Cohn. Employee organization: Management employees. This closed session is authorized by Government Code §54957.6.
- 2. CONFERENCE WITH LEGAL COUNSEL; EXISTING LITIGATION.** City of Antioch v. Ulico Standard of America Casualty Company, et al., Contra Costa Superior Court No. C-00-03637. This closed session is authorized by Government Code §54956.9.
- 3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.** Area known as "Tommy's Harbor", northerly of the railroad right-of-way, westerly of Roger's Point, APN 066-031-001. City Negotiators: City Attorney and Director of Public Works; Owners: Zocchi Family and John Chism. This closed session is authorized by Government Code §54956.8.

Mayor Freitas called the meeting to order at 7:01 P.M., and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Conley, and Mayor Freitas

Councilmembers Davis and Simonsen arrived at 7:02 P.M.

City Attorney Galstan reported on item #2 of the closed session, stating there was a tentative settlement regarding the litigation, when finalized he would issue a press release to the public.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Elvin Scott encouraged the community to read an article in the Friday addition of the Daily Ledger regarding his upcoming Seminar on pension funds and he thanked everyone for their support.

Sandy Henry, representing the Antioch Chamber of Commerce, discussed the importance of Economic Development in Antioch and urged the City Council to take action to fund and hire a full-time Economic Development Director.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 11, 2003 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT – January 2003 #401-02**
- D. REJECTION OF CLAIMS #704-07**
1. Claim of Golden Eagle Insurance Company/Highland Rock City, #02/03-1373
 2. Claim of Antioch Automotive, #02/03-1339
- E. ORDINANCE NO. 1003-C-S AMENDING SECTION 9-5.601 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH HEIGHT LIMITS IN COMMERCIAL ZONES (Introduced 2/11/03) #701-05**
- F. LEGISLATION AND ADVOCACY #701-04**
- G. RETAINING A PROFESSIONAL RECRUITER FOR CITY MANAGER POSITION #502-01**
- H. RESOLUTION NO. 2003/25 REVISING THE CLASS SPECIFICATION FOR ADMINISTRATIVE ANALYST I, II, AND III, ESTABLISHING SALARY, AND AMENDING THE 2002-2003 BUDGET BY ADDING ONE POSITION TO THE PERSONNEL DEPARTMENT #502-02**
- I. RESOLUTION NO. 2003/26 AUTHORIZING AN AGREEMENT FOR A GARAGE SALES OFFICE CONVERSION WITH WEST COAST HOME BUILDERS, INC., IN MEADOW CREEK VILLAGES, UNIT 4, TRACT 7971, LOT 281 (PW 569-4) #802-02**
- J. RESOLUTION NO. 2003/27 DIRECTING ENGINEER OF WORK TO PREPARE CONSOLIDATED REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR LANDSCAPING DISTRICTS 1, 2A, 4, 5, 9 and 10 (FY 2003/04) #806-03**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Consent Calendar with the exceptions of items G, H, and I, which were removed for further discussion.

Item G – Councilmember Davis suggested this item be brought back to closed session for further discussion noting he was not ready to vote on the item that evening. He voiced his support of the selected recruitment firm, however, the current Acting City Manager had not applied for the position. He noted it is his opinion that the \$30,000 spent on the process could be utilized elsewhere in the city budget and he would like to give the opportunity to

the Acting City Manager to apply first. He stated he had additional information he would like to discuss further in closed session.

Mayor Freitas stated in June 2002 he had recommended the City go out immediately and perform an executive search. He further stated had the Council followed that course of action, the City Council would have hired a permanent City Manager and Economic Development Director. He noted the City Council, by majority vote, decided not to start the recruitment until after the November election. The intent of Council's chosen course of action was to avoid politicizing the process. Furthermore, Council took action in November to retain the recruiter for the position of City Manager. He emphasized the vote had been 5-0. He further stated he felt the Council owed it to themselves and the citizens of Antioch to perform an honest legitimate recruitment. He stated the Acting City Manager had been encouraged to apply for the position, allowing the City to compare her with other candidates. He noted he would not support a motion to bring the item back to closed session.

Councilmember Davis stated the Acting City Manager was well qualified and should be given the opportunity to interview for the position first, after which the City could recruit if necessary. He expressed concern the Acting City Manager's interview would be based on her performance and yet she was informed she could not hire an Economic Development Director. Should the City Council choose to continue with the recruitment process, he would like to have a full time permanent Economic Development Director hired immediately.

In response to Councilmember Kalinowski, City Attorney Galstan clarified he did not feel the criteria could be met to discuss the hiring of the Economic Development Director that evening and the City Council could direct staff to put it on the March 11, 2003 agenda. Mayor Freitas requested discussion regarding the Economic Development Director recruitment be placed on the March 11, 2003 agenda.

Councilmember Kalinowski stated he felt the City Council should handle the issue professionally. He noted he supported recruitment following the election to provide for a consensus of the five individuals who would be sitting on the City Council. He voiced his support for hiring a full time Economic Development Director and continuation of the recruitment for the City Manager position.

A motion by Councilmember Davis, seconded by Councilmember Simonsen to delay the retention of a professional recruiter for the City Manager Position and reconvene in closed session for further discussion of information Councilmember Davis had to provide to the City Council, failed by the following vote:

Ayes: Davis, Simonsen

Noes: Kalinowski, Conley, Freitas

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

Ayes: Kalinowski, Conley, Freitas

Noes: Davis, Simonsen

Jim Kyle suggested the City Council modify the search for recruiting a City Manager to search simultaneously for an Economic Development Director and provide a list of candidates to the appointed City Manager to expedite the process.

Mayor Freitas stated Mr. Kyle's suggestion would be discussed further on March 11, 2003.

Item H – Councilmember Conley suggested continuing the item until after the budget session. Acting City Manager Pappas Diaz reminded the Council that over the next two years the position would be funded out of the police and water budgets noting, should there be any charge to the general fund it would be minimal. She stated they were hoping to get the position on as soon as possible to reduce the general fund costs for workers' compensation. In response to Mayor Freitas, Community Development Director Brandt clarified the water maintenance workers were charged to the water fund. Phil Harrington added this would be charged to the water enterprise fund accounts.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council approved Item H with the clarification the funds for the position would come from the water enterprise fund and police grant funds. The motion carried by following vote:

Ayes: Kalinowski, Davis, Simonsen

Noes: Conley, Freitas

Item I – Community Development Director Brandt stated an incorrect resolution was inadvertently attached to the staff report. He advised Council a corrected resolution and staff report had been placed on the dais for each Councilmember.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved Item I.

COUNCIL REGULAR AGENDA

2. OPENING DAY COLLECTION OF VOLUMES FOR PROPOSED PREWETT LIBRARY #1406-01

Assistant to the City Manager Gegg presented the staff report dated February 10, 2003 recommending the City Council, in the event of successful grant application to the California Office of Library Construction, request from the Community Facilities District 89-1 either \$1.5 million or \$2.25 million for the purchase of approximately 60,000 volumes or 90,000 volumes, respectively, for use at the proposed Prewett Library.

3. OPERATING AGREEMENT BETWEEN CITY OF ANTIOCH AND CONTRA COSTA COUNTY AUTHORIZING CONTRA COSTA COUNTY TO OPERATE PROPOSED PREWETT LIBRARY #1406-01

Assistant to the City Manager Gegg presented the staff report dated February 18, 2003 recommending the City Council approve the resolution authorizing the Mayor to sign an agreement with Contra Costa County to provide public library direct service to Prewett Library

4. JOINT VENTURE COOPERATIVE AGREEMENT BETWEEN THE ANTIOCH UNIFIED SCHOOL DISTRICT, CONTRA COSTA COUNTY AND THE CITY OF ANTIOCH FOR THE JOINT PROVISION OF LIBRARY SERVICES AT PROPOSED PREWETT LIBRARY #1406-01

Assistant to the City Manager Gegg presented the staff report dated February 18, 2003 recommending the City Council approve the resolution authorizing the City Manager or designee to sign a joint venture cooperative agreement between the City of Antioch, Contra Costa County and the Antioch Unified School District for the joint provision of library services at the proposed Prewett Library. He stated there was an error in assembling the staff report and requested the City Council eliminate the last two pages.

In response to Councilmember Conley, Ann Cain stated should the City commits to the \$2.25 million, they could establish a size for the opening day collection and spend the remainder over a couple years. She expressed concern that \$1.5 million/60,000 volumes was a smaller collection than what was at the existing library. She suggested that City commit to the \$2.25 million, adding they could consider community fundraising to lessen the financial impact and it would strengthen their application.

Mayor Freitas clarified the funding would come from the community facilities district.

In response to Councilmember Simonsen, Assistant to the City Manager Gegg clarified the request for funds from the community facilities district would be triggered by Antioch receiving the grant.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved to request from the Community Facilities District 89-1, \$2.25 million for the purchase of approximately 90,000 volumes for use at the proposed Prewett Library.

Councilmember Simonsen expressed concern regarding the City of Antioch giving out a sole source contract without going out for bid. He stated he could support the following motion with the ability of the City to give 180 day notice for cancellation.

Councilmember Davis suggested working with the City Recreation Department regarding scheduling the community room as a shared use facility.

RESOLUTION NO. 2003/28

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the resolution authorizing the Mayor to sign an agreement with Contra Costa County to provide public library direct service to the Prewett Library.

Councilmember Conley suggested the existing library have a joint venture agreement with Antioch Unified School District to provide additional hours and service for the children in that area.

Ann Cain stated at this time they are focused on the Prewett library application and if this project moves forward they would consider options for strengthening the program at the existing library and consider a joint venture agreement.

RESOLUTION NO. 2003/29

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the resolution authorizing the City Manager or Designee to sign a joint venture cooperative agreement between the City of Antioch, Contra Costa County, and the Antioch Unified School District for the joint provision of library services at the proposed Prewett library.

5. CONSIDERATION OF WATER BILL PAYMENT FOR ANTIOCH HISTORICAL MUSEUM #1407-01

Acting City Manager Pappas Diaz presented the staff report dated February 19, 2003 recommending the City Council approve payment of the water bill for the Antioch Historical Museum from Civic Arts Fund portion of the Transient Occupation Tax.

Elizabeth Rimbault, representing the Antioch Historical Society, stated they felt they should qualify for support from the transient occupation tax. She noted they were good stewards of the water and have replaced water lines throughout the property. She further stated it was a free facility and provided a variety of services for the community.

On motion by Councilmember Davis, seconded by Councilmember Conley, the Council unanimously approved payment of the Antioch Historical Museum water bill through the transient occupation tax.

6. RESOLUTION SUPPORTING EAST COUNTY COLLABORATIVE EFFORT FOR THE REVIEW AND STUDY OF THE FEASIBILITY OF A REGIONAL MINOR LEAGUE BASEBALL SPORTS FACILITY #1402-01

Councilmember Kalinowski presented the staff report dated February 25, 2003 recommending the City Council support the review and study of a regional minor league baseball sports facility, designate the Delta 6 to be the lead agency, creating a subcommittee comprised of two council members from each East County city, and endorse the use of up to \$100,000 from the contribution for community benefit from the Calpine Corporation for the payment of the feasibility study.

Councilmember Conley voiced his support for the regional minor league baseball sports facility.

Jean Kuberra voiced her support for a minor league baseball sports facility and team with major league affiliation in Antioch. She stated she does not support using the Calpine funds for a regional project not focused on Antioch.

Councilmember Kalinowski stated he felt going through Delta 6 would provide access to additional funding. He noted regional teams are typically the most successful. He further noted as soon as the Delta 6 group provided a concept, he envisioned going to a non-profit sports organization to run the team and possibly the facility, ultimately culminating in the formation of a community group.

Jean Kuberra voiced her concern for the use of Antioch's money on a regional basis without the focus on Antioch and suggested the money be held to develop a business plan. She stated she felt the regional impact would be positive if the facility were located in Antioch.

Mayor Freitas stated they were viewing this as a regional project, but if not successful it could be a City of Antioch project. He noted the \$100,000 was fronted by the City of Antioch and it would possibly be a reimbursable cost. He suggested if the community benefitted from the Calpine Corporation, if successful should be included in the motion.

Councilmember Kalinowski clarified the feasibility study would be in the amount of \$25,000 for phase one; and phase two would be to develop the business plan. He noted the Calpine contribution would secure the funding and his suggestion to Delta 6 would be that each appropriate jurisdiction bring the equal value based on population in in-kind services or cash to move this project forward.

Councilmember Simonsen commended Councilmember Kalinowski on the proposal and voiced his support of the facility being built in Antioch. He suggested consideration of revenue sharing on a regional basis.

Councilmember Conley voiced his support of a regional approach and building trust among the various jurisdictions. He noted with the impact of the Calpine power plant on the region, it was appropriate the funds be spent on a regional project.

Mayor Freitas stated if the project could move forward successfully with a regional approach it could be the catalyst for other regional projects. He suggested should the venture prove successful and generate revenue, its profits could be divided among the jurisdictions for youth activity programs. He commended Councilmember Kalinowski for addressing the youth programs in the Eastern Contra Costa County and commended him on behalf of Antioch and Eastern Contra Costa County for bringing the project forward.

RESOLUTION NO. 2003/30

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously adopted the resolution.

PUBLIC COMMENTS

Walter Ruelig announced there would be a fundraiser event for the building fund of St. Ignatius Church on March 8, 2003 at 12:00 P.M. He stated Martin Yan and NFL alumni would be participating in an Iron Chef competition and provided a contact number for anyone wishing to receive additional information.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Freitas announced Dr. Tom Dozier, an extraordinary individual served as the Antioch's doctor for many years, passed away on February 4, 2003. He stated a memorial service was held on February 20, 2003. Mayor Freitas stated he would be adjourning the City Council meeting in honor of Dr. Tom Dozier.

Councilmember Davis reported the Heart to Heart Ball fundraiser for the Elderly Wish Foundation had been very successful and thanked Dr. Malfatano and Martha Henry for the successful organization of this event.

Councilmember Conley reported in the February 17, 2003 edition of Time Magazine there was an article pertaining to social services in Contra Costa County. He noted Barbara Funderberg of Antioch was featured for opening her home to a family in need. He thanked the Funderburg and Cruz family and wished them success. He noted anyone wishing to receive additional information could locate it in the Time Magazine or call Contra Costa Social Services.

STAFF COMMUNICATIONS

Acting City Manager Pappas Diaz reported Personnel Director Holly Brock-Cohn's mother passed away February 22, 2003 and requested Council and staff join her with prayers and thoughts for Ms. Brock-Cohn's family.

With no further business, Mayor Freitas adjourned the meeting at 8:30 P.M., in honor and recognition of Dr. Thomas J. Dozier, to the next regular scheduled meeting on March 11, 2003.

Respectfully Submitted:

L. JOLENE MARTIN, City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN, City Clerk