

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

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

**June 22, 2010
Council Chambers**

6:00 P.M. - 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.

2. EXISTING LITIGATION -- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION . Gloria Vaughn, Yvonne White and George Louie for themselves and on behalf of all other similarly situated v. City of Antioch et al., Contra Costa Superior Court, Case No. C07-00045.

Mayor Davis called the meeting to order at 7:05 P.M., and City Clerk Martin called the Council/Public Financing Authority/Agency Members roll.

Present: Council Members Parsons, Moore, Rocha and Mayor Davis
Absent: Council Member Kalinowski

PLEDGE OF ALLEGIANCE

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

City Attorney Nerland reported the City Council had been in Closed Session and there was no reportable action

PROCLAMATIONS

Relay For Life, June 26-27, 2010
Parks and Recreation Month, July 2010

On motion by Councilmember Moore, seconded by Councilmember Parsons, the Council Members present unanimously approved the proclamations.

Councilmember Rocha presented the proclamation proclaiming *June 26 – 27, 2010 as Relay For Life Week* to Monica Olsen, Judy Dawson and Amanda Roa who accepted the proclamation and invited the community to participate in the event. Mayor Davis thanked the organizers of the Relay for Life event.

Councilmember Moore presented the proclamation proclaiming *July 2010 as Parks and Recreation Month* to Park and Recreation Commissioners Lynn Simmons, Gene Davis, Manuel Flores, Robert Scoble and Frank Robertson who thanked the City Council for the

proclamation and recognized the Parks and Recreation staff for their hard work in the community.

PUBLIC COMMENTS

Douglas Tokes, Antioch resident, expressed concern the Cornerstone Christian Center had not abided by their agreement with the City to plant trees in an effort to mitigate light and sound from their property. He felt the cost estimates for the bathrooms at the Antioch pier were excessive and expressed concern the Antioch Police Department does not issue citations for illegal fireworks.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Chief Hyde acknowledged the American Shaolin Kempo Karate for raising money for the Antioch Police Department Canine Program. In response to Mr. Tokes, he reported the Antioch Police Department had issued several citations for illegal fireworks.

PUBLIC COMMENTS - *Continued*

Linda Locke, Antioch resident, urged the City Council to follow Measure A and protect the animals at the Antioch Animal Shelter.

James Jones, Business Representative for Public Employees Local #1, stated they would work with the City to negotiate fairly for an equitable solution to the budget crisis facing the City.

Devi Lanphere, Antioch Chamber of Commerce, announced a Town Hall meeting with Senator Mark DeSaulnier would be held at 7:00 PM on June 23, 2010 in the Council Chambers. Discussion topics would include the widening of Highway 4 and eBART. She reminded residents of Antioch to continue shopping locally during construction of the projects.

Nancy Fernandez, Antioch resident, responded to a *Letter to the editor* in the Antioch news regarding the Antioch Animal Shelter noting the letter failed to state, Measure A indicated the Animal Shelter should be self-supporting.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Parsons announced the 4th of July parade and concert would be held at the Somersville Towne Center at 1:00 PM. Contact information was given and she thanked the sponsors of the event. She reported she attended the canine fundraiser at the American Shaolin Kempo Studios and the Senior Luncheon.

Councilmember Rocha reported she attended the League of Cities and in the future she would be bringing back to the Council consideration of a letter of support for eliminating drivers licenses for people who have more than 5 DUI citations.

MAYOR'S COMMENTS

Mayor Davis reported he attended the League of California Cities Policy Committee meeting on Public Safety June 18, 2010. He stated he would bring details of that meeting to the next City Council meeting.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR JUNE 1 and 8, 2010**
 - B. **APPROVAL OF COUNCIL WARRANTS**
 - C. **APPROVAL OF TREASURER'S REPORT FOR MAY 2010**
 - D. **REJECTION OF CLAIMS**
 1. **Ronald Hubbard 10/11-1962 (property damage)**
 2. **Stan Wong 10/11-1956 (property damage)**
 - E. **RESOLUTION NO. 2010/40 AUTHORIZING INVESTMENT OF CITY MONIES IN LOCAL AGENCY INVESTMENT FUND (LAIF) (CHANGING SIGNATORIES) AND AUTHORIZING SIGNATORIES ON ALL BANK ACCOUNTS OF THE CITY**
 - F. **CONSIDERATION OF BIDS FOR THE MARINA BOAT LAUNCH FACILITY (P.W. 523-16)**
 - G. **RESOLUTION NO. 2010/41 OF INTENTION TO INITIATE MUNICIPAL CODE AMENDMENTS TO AMEND THE DESIGN REVIEW PROCESS**
 - H. **RESOLUTION NO. 2010/42 ACCEPTING COMPLETED IMPROVEMENTS FOR GOLDEN BOW ESTATES SUBDIVISION 8538 (DHYANYOGA CENTERS, INC.) AND AUTHORIZING THE CITY MANAGER TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR CERTAIN IMPROVEMENTS WITHIN THE SUBDIVISION (PW 652)**
 - I. **RESOLUTION NO. 2010/43 AUTHORIZING APPLICATIONS FOR ALL USED OIL PROGRAM PAYMENTS**
 - J. **EXTENSION OF JANITORIAL SERVICES CONTRACT**
 - K. **JOHN DEERE LANDSCAPES (ANTIOCH) OPEN PURCHASE ORDER**

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the Council unanimously approved the Council Consent Calendar with the exception of item A and G which were removed for further discussion.

Item A . Mayor Davis pulled the minutes for a separate vote as he was not in attendance at the June 8, 2010 Council meeting.

On motion by Councilmember Moore, seconded by Councilmember Parsons, the City Council Members present unanimously approved the minutes of June 1, 2010.

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council approved the minutes of June 8, 2010. The motion carried by the following vote:

Ayes: Moore, Rocha, Parsons

Absent: Kalinowski

Abstain: Davis

Item G . Director of Community Development Wehrmeister gave a brief explanation of the ordinance before the City Council this evening and noted the appeal process would remain the same.

On motion by Councilmember Moore, seconded by Councilmember Parsons, the City Council members present unanimously approved item G.

PUBLIC HEARINGS

2. PROPOSED WATER AND SEWER RATE INCREASES FOR FISCAL YEARS (2010/11-2014/15) AND ADOPT RESOLUTION APPROVING AN AMENDMENT TO THE MASTER FEE RESOLUTION INCREASING THE AMOUNTS OF THE CITY'S WATER QUANTITY AND WATER AND SEWER SERVICE CHARGES FOR FISCAL YEAR 2010/11

Director of Capital Improvements/Water Rights Harrington presented the staff report dated June 10, 2010 recommending the City Council: 1) Conduct the public hearing, 2) Adopt the resolution approving an amendment to the Master Fee Resolution increasing the amounts of the City's Water Quantity and Water Service Charges for Fiscal Year 2010/11; and 3) Adopt the resolution approving an Amendment to the Master Fee Resolution increasing the amounts of the City's Sewer Service Charges for Fiscal Year 2010/2011.

Ann Bowie, Black and Veatch gave a brief overhead presentation of the update to the 2007 Utility Rate Study.

Mayor Davis opened the Public Hearing.

Ronald Knapp, Antioch resident, thanked the City Council for managing the City during tough times. He recommended the City consider a tiered rate structure as an incentive to users for conservation and as a way to mitigate the rate increase. He questioned if reclassification had taken place with regards to justification of the water rate increases. He suggested the City provide a breakdown of capital and operational expenditures related to the rate increases.

Allen Payton, Antioch resident, questioned if the City increased water and sewer rates in 2008. He urged the City Council to not approve the rate increases and rework the budget with regards to services and supplies and transfers out.

Manny Soliz Jr. Antioch resident urged the City Council to not implement the rate increases at this time due to the status of the economy and the negative effects the increases would have on property values.

Martin Fernandez, Antioch resident, spoke in opposition to increasing the water and sewer rates in Antioch.

Mayor Davis closed the Public Hearing.

In response to Councilmember Moore, Ms. Bowie gave a brief explanation of a tiered rate structure.

Mr. Harrington added to meet the mandates by 2020; the City would be studying a tiered rate structure. He stated he would provide detailed water and waste water utility reports to the public.

Councilmember Moore discussed the importance of maintaining a water system that protects public health. He stated he supported a 2-year rate increase with a review of the item in the third year.

Mr. Harrington clarified there was a provision in the resolution to revisit the health of both programs and bring it back to the City Council for reapproval in fiscal year 2012-2013. He noted the increases proposed were the bare minimum the City needed to have to operate both systems to meet all public, local, state and federal standards.

A motion was made by Councilmember Moore to adopt the resolutions approving the water quality and water service, and sewer service charges for a period of two fiscal years. The motion died for lack of a second.

Mayor Davis spoke to the importance of a two year review of the rate structures. He stated he felt it was the worst time for a rate increase, however, he felt the need to maintain clean and safe utilities were greater.

Councilmember Moore stated he was not willing to support approving the rate increases for a period of five years noting he felt it was inconsistent with best management practices.

City Manager Jakel clarified the Council would be authorizing rate increases up to five years, with a guarantee to revisit the issue in 2 years. He noted Council would have the discretion at that time to change the rate structure if they deem it appropriate. He noted the five year planning horizon was prudent for the condition the system, capital improvements, programming and planning, however; if the Council chose to approve it for two years, staff will renote the public.

RESOLUTION NO. 2010/44
RESOLUTION NO. 2010/45

On motion by Councilmember Rocha, seconded by Councilmember Parsons the City Council:
1) adopted the resolution approving an amendment to the Master Fee Resolution increasing the amounts of the City's Water Quantity and Water Service Charges for Fiscal Year 2010/11; and 2) adopted the resolution approving an Amendment to the Master Fee Resolution increasing the amounts of the City's Sewer Service Charges for Fiscal Year 2010/2011 with a two year review. The motion carried by the following vote:

Ayes: Davis, Rocha, Parsons

Noes: Moore

Absent: Kalinowski

Mayor Davis declared a recess at 8:23 PM. The meeting reconvened at 8:37 PM. with all Council members present with the exception of Councilmember Kalinowski, who was previously noted as absent.

COUNCIL REGULAR AGENDA

3. RESOLUTION APPROVING AND ADOPTING AN OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2010-11, THE 2010-15 CAPITAL IMPROVEMENT PROGRAM, APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN, AND REVISING THE FISCAL YEAR 2009-10 OPERATING BUDGET

City Manager Jakel introduced the budget item and discussed the challenges facing the City and concessions made by City staff in an effort to address the budget issues.

Finance Director Merchant presented the staff report dated June 7, 2010 along with an overhead presentation recommending the City Council adopt the resolution.

Karen Kops, President of Homeless Animals Response Program (HARP), stated she understood the challenges facing the City and noted program cuts would directly impact the survival rate of the shelter animals. She requested if the City Council accepted the budget, that they institute an Animal Commission to review shelter operations and provide feedback to the City Council.

Alan Lloyd, Akeia Lloyd, John Francis and Paolo Ramos representing Stand Together Youth Association, discussed the importance of the Community Center being open to provide programming and recreational opportunities for youth in the community.

Manny Soliz Jr., Antioch resident, urged the City to fast track projects, avoid implementing parcel taxes and implement a regional economic development plan with surrounding communities. He suggested rotating furlough days to allow City departments to run 5 days per week.

Barbara Sobalvarro, Friends of Animal Services, stated the Animal Shelter belonged to the people of Antioch by voter mandate. She clarified as far as Measure A was concerned the Shelter had never intended to be completely self-supporting. She expressed concern for

closing the shelter 3 days a week and eliminating staff which she felt would reduce adoptions and impact the quality of care for the animals.

Skip Swanlund, Antioch resident, expressed concern for the proposed cuts to Animal Services which, he felt, was an undue burden and would result in less services, less opportunity to retrieve or adopt animals, longer holding periods as well as increased overcrowding, disease and euthanasia.

Erika Jordan, Antioch resident, stated she felt the funds allocated for the entry way signs and 4th of July parade would be more appropriately utilized by the Antioch Animal Shelter. She urged the City Council to keep the Animal Shelter open and suggested having animals available from the shelter for adoption at the Farmers Market and the 4th of July parade.

Mayor Davis clarified entryway signs were paid for from dedicated funds from developers and there are no City dollars being utilized for the parade.

Richard Stirrat, Antioch resident, voiced his opposition to cutting the Animal Shelter Volunteer Coordinator position and encouraged the Council to look for opportunities to leverage volunteer activities in other areas of the City. He expressed concern the volunteer applications were onerous and suggested streamlining the process.

Mayor Davis read written comment from Susan Kruegar, and Susan Winkelbauer representing Homeless Animals Response Program (H.A.R.P.) indicating their opposition to budget cuts for the Antioch Animal Shelter.

Allen Payton, Antioch resident, requested information related to the water fund and interfund charges. He stated public safety was the priority for the community. He questioned how many sworn officers were employed by the City of Antioch and urged the City Council to reprioritize the budget to provide more police officers suggesting eliminating overtime and shutting down Prewett Park to provide the funding. He clarified the entry sign monuments were paid for at the discretion of the City Council.

Finance Director Merchant reported there are 126 authorized sworn positions and 49.5 non sworn for the Antioch Police Department. For the supplies and services decrease for the current fiscal year due to the extreme wet weather and conservation not as much raw water was purchased and that number had been increased for the next fiscal year for purchases of raw water. She noted the interfund charges were for the cost allocation plan and the transfers were for debt service and capital projects.

Councilmember Parsons stated she was committed to working hard with the Animal Shelter to raise funds to keep it open longer to facilitate adoptions.

Councilmember Moore spoke to the importance of having an Animal Services Department that was viable and could effectively serve the community. He proposed restoring funding to the Police Animal Control Support Unit to the 2009-2010 level of \$521,127. He stated this was

part of the public health/public safety component the community was demanding and the Council had an obligation to meet that request.

Mayor Davis stated he understood Councilmember Moore's position however, considering the totality of the budget impacts; he does not support restoring funding to the animal shelter.

A motion was made by Councilmember Moore to restore the 09/10 budget to Police Animal Control Support from \$426, 081 to \$521,127. The motion died for the lack of a second.

Mayor Davis suggested pursuing the option for an Animal Commission to oversee the operations of the Animal Shelter. He noted his intention was the budget reduction for Animal Services was temporary.

In response to Councilmember Moore, Finance Director Merchant stated the Community Center was scheduled to open later this year with reduced hours as reflected in the FY10/11 budget.

Councilmember Rocha discussed Council's responsibility to have a balanced budget and apologized for not being able to support increasing the Animal Shelter budget at this time.

Councilmember Parsons reiterated she would try to restore the \$104,000 to the Animal Shelter and discussed the Council's responsibility to insure the City functions effectively. She promised not to let the Animal Shelter down.

RESOLUTION NO. 2010/46

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council members present unanimously adopted the resolution.

PUBLIC FINANCING AUTHORITY AGENDA

4. RESOLUTION OF THE CITY OF ANTIOCH PUBLIC FINANCING AUTHORITY ADOPTING THE 2010-11 BUDGET AND REVISING THE 2009-10 BUDGET

RESOLUTION NO. 2010/47

On motion by Public Financing Authority Member Rocha, seconded by Public Financing Authority Parsons, the Public Financing Authority members present unanimously approved the resolution.

5. AGENCY CONSENT AGENDA

A. APPROVAL OF AGENCY WARRANTS

B. RESOLUTION OF THE ANTIOCH DEVELOPMENT AGENCY ADOPTING THE 2010-11 BUDGET AND REVISING THE 2009-10 ANNUAL BUDGET

RESOLUTION NO. ADA-439

On motion by Councilmember Moore, seconded by Councilmember Parsons, the Antioch Development Agency members present unanimously approved the Agency Consent Agenda.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the next City Council meeting would be held on July 13, 2010 and a Town Hall meeting would be held on June 23, 2010 at 7:00 PM in the Council Chambers.

COUNCIL COMMUNICATIONS

In response to Councilmember Moore, City Manager Jakel requested Council provide him with a list of available Saturday dates between July 13 . August 10, 2010 to schedule a Quality of Life forum.

Councilmember Parsons reported on the K-to-College Program and noted she had been informed the City of Antioch would be receiving 4500 kits of school and dental supplies for Antioch students in the fall.

Councilmember Rocha announced dental screenings would be held from 11:00Am . 2:00PM on June 26, 2010 at the Ambrose Center in Bay Point.

Mayor Davis thanked City Manager Jakel for doing a professional job for the City. .

Councilmember Moore thanked Ms. Mornick for her dedication to the City.

With no further business, Mayor Davis adjourned the meeting at 9:42 PM. to the next regular Council meeting on July 13, 2010.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk