

## CITY COUNCIL MEETING

Regular Meeting  
7:00 P.M.

August 13, 2013  
Council Chambers

### 6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session is authorized by California Government Code section 54957.6. City designated representatives; Michelle Fitzer, Denise Haskett, and Glenn Berkheimer; Employee organizations: Management and Confidential Units
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Initiation of Litigation pursuant to California Government Code section 54956.9 (d)(4): 1 potential case
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Pursuant to Government Code section 54956.9(d)(1): United States ex rel. John Hendrix, et al. v. J-M Manufacturing Co. Inc. d/b/a JM Eagle and Formosa Plastics Corp. USA; United States District Court, Central District of California Case No. ED CV-06-00055 (GW); State of Nevada et al v. J-M Manufacturing Co. Inc. et al, Superior Court County of Los Angeles, Case No. BC459943
4. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, No action was taken; **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Direction was given to the City Attorney; **#3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, No action was taken; and **#4 CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**, No action was taken.

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

Present: Council Members Wilson, Tiscareno, Agopian and Mayor Harper  
Absent: Council Member Rocha

### PLEDGE OF ALLEGIANCE

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

### ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- Police Crime Prevention Commission – 2 vacancies, deadline for applications September 19, 2013
- Planning Commission – 3 vacancies, deadline for applications August 28, 2013

He announced August 16, 2013 was the deadline for ballot arguments for the November election and he would be available at City Hall to accept submissions until 5:00 P.M. on Friday.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Deanna Rabago Leckman, Antioch and Prewett Libraries, invited the City Council to a Town Hall Meeting at 6:30 P.M. on August 20, 2013 at the Antioch Water Park multipurpose room.

## **PRESENTATION**

### *2013 Mayor's Cup Recap and Check Presentation, presented by Ron Parish*

Ron Parish, General Manager Director of Golf at Lone Tree Golf Course and Event Center, reported the Antioch's Mayors Cup Golf Tournament was a success and he recognized everyone who had volunteered, sponsored and participated in the event. He announced over \$15,000 was raised.

Mayor Harper presented checks to the Antioch Senior Center, Antioch Police Activities League, Antioch Sports Legends, Contra Costa First Tee, and the Lone Tree Youth Scholarship recipients.

Kay Power presented a plaque to Mayor Harper in recognition of his participation in the event.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – Continued**

Sean Wright and members of the Antioch Chichibu City Organization, reported on their visit to Chichibu, Japan. He announced on behalf of the City of Antioch, he had presented Mayor Kuki with a book of Mt. Diablo and on behalf of Chichibu Mayor Kuki, he presented Mayor Harper with a gift. He announced anyone who wanted to participate in the organization could contact him for information.

## **PUBLIC COMMENTS**

Fred Hoskins, Antioch resident, reiterated concerns regarding feral cats on the Hard House property. He suggested signage be posted prohibiting the public from feeding the cats and urged the Council to financially support the Antioch Animal Shelter in their efforts to purchase more traps.

Ahmed C. Burden, Antioch resident, asked if there were organizations or leadership programs within the High Schools with a need for motivational speakers or mentors. He gave a brief personal history and discussed his desire to help children in the community.

Mayor Harper thanked Mr. Burden for his service and encouraged him to give his contact information to the Antioch Unified School District.

Karl Dietzel, Antioch resident, reviewed Councilmembers compensation and requested that they disclose where money, beyond standard pay, was expended. He suggested the Council cut their salary by 50% to fund an additional Code Enforcement Officer.

Mayor Harper reported the information Mr. Dietzel had requested could be provided through the City Manager's office.

Ralph Burns, Antioch resident, acknowledged Chief Cantando for assisting him to address concerns related to speeding traffic in his neighborhood. He provided Council with a map of his neighborhood and requested they consider traffic calming measures for the area. He reported he had rescued and spayed several feral cats and suggested the public do their part to address the situation.

Kay Power, Antioch resident, expressed concern regarding rate increases for Delta Diablo Sanitation and Water and Sewer fees.

#### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Tiscareno reported on his attendance at the Lone Tree Golf Course subcommittee meeting.

#### **MAYOR'S COMMENTS – None**

#### **COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF SPECIAL MEETING/WORKSHOP MINUTES FOR JULY 26, 2013**
- B. APPROVAL OF ADJOURNED REGULAR COUNCIL MEETING MINUTES FOR JULY 30, 2013**
- C. APPROVAL OF COUNCIL WARRANTS**
- D. ORDINANCE NO. 2071-C-S Z-13-03 - SECOND READING OF THE PREZONING FOR THE NORTHEAST ANTIOCH AREA. THERE ARE THREE SUBAREAS CONSIDERED FOR PREZONING, WHICH ARE ALL LOCATED WITHIN UNINCORPORATED CONTRA COSTA COUNTY, CONSISTING OF APPROXIMATELY 678 ACRES. THE ZONING FOR AREA 1 (470 ACRES) IS BEING PROPOSED AS HEAVY INDUSTRIAL AND OPEN SPACE, AREA 2A AS URBAN WATERFRONT (94 ACRES), AND AREA 2B (103 ACRES) AS A STUDY ZONE. THE THREE SUBAREAS ARE LOCATED GENERALLY SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH. A MITIGATED NEGATIVE DECLARATION WAS PREVIOUSLY ADOPTED. (*Introduced on 07/30/13*)**

- E. APPROVAL OF PURCHASE ORDER WITH OFFICE MAX FOR PURCHASE OF OFFICE SUPPLY PRODUCTS FOR FISCAL YEAR 2013/14
- F. RESOLUTION NO. 2013/44 AMENDING THE LATERAL POLICE OFFICER HIRING POLICY FOR THE PERIOD OF JANUARY 1, 2013 – JUNE 30, 2014
- G. AMENDMENT TO THE FISCAL YEAR 2014 CIVIC ARTS BUDGET
- H. REQUEST TO WAIVE RENTAL FEES FOR THE ANNUAL BLACK HISTORY ART AND ARTIFACTS EXHIBIT IN 2014
- I. ANNUAL PURCHASE ORDER FOR ELECTRICAL SUPPLIES
- J. ANNUAL PURCHASE ORDER FOR GENERAL PARTS, SUPPLIES AND MATERIALS
- K. CONSIDERATION OF BIDS FOR THE DEER VALLEY ROAD/DAVISON DRIVE/SUNSET LANE PAVEMENT REHABILITATION PROJECT (P.W. 392-28)
- L. RESOLUTION NO. 2013/45 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE 2013 PAVEMENT MAINTENANCE, RUBBERIZED CAPE SEAL PROJECT (P.W. 328-6)

On motion by Councilmember Wilson, seconded by Councilmember Agopian, the City Council unanimously approved the Council Consent Calendar with the exception of Items D and F, which were removed for further discussion.

**Item D** – Kay Power, Antioch resident, expressed concern the industrial area would not be paying their fair share for the annexation of Northeast Antioch. She encouraged the City to engage the industrial properties to assist the residents in the area with their fees.

City Consultant Carniglia reported staff would be participating in discussions with Kiewit regarding this matter. He reported Council direction to staff at the July 30, 2013 Council meeting was to work with the property owners in Area 1, to determine how they could assist in defraying costs for connection and annexation fees.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously approved Item D.

**Item F** – Fred Hoskins, Antioch resident, stated he felt the City should focus on hiring rookie police officers and reducing criminal activity by developing activities in neighborhoods.

Captain Orman stated amending the Lateral Police Officer Hiring Policy would assist in recruitment efforts and noted the lowest percentage of successful hires were academy recruits.

Human Resources/Economic Development Director Fitzer reported there are more vacancies now than ten months ago; therefore there was significant salary savings to cover the costs of five additional lateral officers.

Captain Orman clarified it can take an entry-level trainee a year of academy training before working by themselves, while a lateral hire can be on the street by themselves within four to six weeks. Additionally, he noted there was a cost savings with lateral hires due to less training involved. He further noted there was a (50) fifty percent success rate for officers making it through the Academy.

Human Resources/Economic Development Director Fitzer reported there were two Lateral Officers in background and three Laterals Officers were scheduled for interviews.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously approved Item F.

## **COUNCIL REGULAR AGENDA**

### **2. PRESENTATION OF INVESTMENT REPORT BY PFM (PUBLIC FINANCE MANAGEMENT)**

Finance Director Conley introduced Nancy Jones, Managing Director, and Sara Meacham, Senior Managing Consultant of PFM Asset Management LLC, who gave a brief overhead presentation of the Second Quarter 2013 Review of Portfolio.

On motion by Councilmember Tiscareno, seconded by Councilmember Agopian, the Council unanimously received and filed the report.

### **3. CONTRA COSTA TRANSPORTATION AUTHORITY (CCTA) – CITIZENS ADVISORY COMMITTEE (CAC)**

Mayor Harper appointed Jeff Belle to the Committee Member to the Contra Costa Transportation Authority – Citizens Advisory Committee (CAC).

On motion by Councilmember Wilson, seconded by Councilmember Tiscareno, the Council unanimously approved the appointment of Jeff Belle to serve for one, four-year term on the Contra Costa Transportation Authority – Citizens Advisory Committee (CAC).

Mr. Belle thanked the City Council for appointing him to the Citizens Advisory Committee.

### **4. 2013 LEAGUE OF CALIFORNIA CITIES' ANNUAL CONFERENCE RESOLUTIONS**

City Manager Jakel presented the staff report dated August 7, 2013 recommending the City Council motion to support both Resolutions when Antioch's voting member casts their vote.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the Council unanimously supported both Resolutions.

**5. AUTHORIZE THE CITY MANAGER TO EXECUTE THE TAX ALLOCATION AGREEMENT BETWEEN THE CITY AND THE COUNTY, AND THE INFRASTRUCTURE FUNDING AGREEMENT BETWEEN THE CITY AND THE COUNTY, FOR THE NORTHEAST ANTIOCH ANNEXATION CONSISTING OF THREE SEPARATE ANNEXATION APPLICATIONS FOR AREAS 1, 2A, AND 2B TOTALING 678 ACRES LOCATED IN THE NORTHEAST ANTIOCH AREA**

City Consultant Carniglia presented the staff report dated August 7, 2013 recommending the City Council adopt the resolutions.

Councilmember Agopian thanked Mr. Carniglia for his due diligence in dealing with the issues related to the agreements.

Following discussion regarding any potential changes to the agreements, City Attorney Nerland suggested adding the following language to both resolutions, **NOW THEREFORE BE IT RESOLVED** .....“following consultation with the Northeast Annexation subcommittee regarding any changes to the agreement”.

**RESOLUTION NO. 2013/46**  
**RESOLUTION NO. 2013/47**

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously approved the Annexation Tax Revenue Allocation Agreement and the Infrastructure Funding Agreement with both resolutions revised adding the following language:

- **NOW THEREFORE BE IT RESOLVED** .....“following consultation with the Northeast Annexation subcommittee regarding any changes to the agreement”

**PUBLIC COMMENTS** – None

**STAFF COMMUNICATIONS**

City Manager Jakel announced this was the final meeting until September 10, 2013. He reported Contra Costa County’s Community Early Warning System would be conducting a drill of the telephone notification system on August 28, 2013 from 5:30 P.M. – 8:00 P.M. in the Antioch/Pittsburg area.

**COUNCIL COMMUNICATIONS**

Councilmember Wilson reported on her attendance at the Strategic Planning AB-109 meeting and her participation in the National Night Out event. She thanked Director of Public Works/City Engineer Bernal for taking her on a tour of the City.

Councilmember Tiscareno reported on his participation in the National Night Out event and noted he had participated in a tour of downtown with Assemblyman Frasier and the Chamber of Commerce.

Councilmember Agopian reported on his participation in the National Night Out event.

Mayor Harper reported on his attendance at the Strategic Planning AB109 meeting, Lone Tree Golf Course subcommittee meeting, and his participation in the National Night Out event. He thanked everyone who participated in the Council meeting this evening.

**ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 8:46 P.M. to the next regular Council meeting on September 10, 2013.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk