

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

June 26, 2001
Council Chambers

6:00 P.M.—CLOSED SESSIONS

- 1. CONFERENCE WITH LABOR NEGOTIATOR** – City Negotiator: Bill May. Employee Organization: All Negotiating Units. This closed session is authorized by Government Code §54957.6.

- 2. UPDATE TO COUNCIL REGARDING THE APPOINTMENT OF PERSONNEL DIRECTOR** – Public Employee Appointment (Personnel Director). This closed session is authorized pursuant to Government Code §54957.

Mayor Freitas called the meeting to order at 7:00 P.M., and City Clerk Martin called the roll.

Present: Councilmembers Davis, Kalinowski, Conley, Simonsen and Mayor Freitas

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Recreation and Parks Month, July 2001

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

Councilmember Kalinowski presented the proclamation proclaiming July 2001 as Recreation and Parks month to Deputy Director of Leisure Services Wetmore and Park Superintendent Palmeri. On behalf of the City of Antioch Parks and Recreation Department, Frank Palmeri and Dave Wetmore thanked Council for their support.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Rick Carraher introduced members of the 4th of July Celebration Committee: Johnny Ray, Dave Sanderson, Sue Bundy, Thomas West, Gary Reiman, Curtis Holzer, Shayla Va, Bill Heepy and Mary Rogers. He provided a schedule of events and presented Council with shirts for the event. He provided contact numbers for anyone wishing to receive additional information.

Mayor Freitas, on behalf of the Council and community, thanked Public Works Director Brandt for his efforts in completing the "A" Street extension. He recognized the members of the 4th of July Celebration committee for their commitment to the event.

PUBLIC COMMENTS

Carla DiMaggio announced the California Baseball Club's "Say Hey Kids" would be traveling to New York to compete in a National Baseball tournament. She requested Council's assistance in providing financial support for this event.

Mayor Freitas stated Councilmembers would donate \$1,000.00 to the California Baseball Club.

Douglas Tokes stated there was a business in Antioch modifying trucks which was not street legal and expressed concern the trucks were a hazard to the citizens of Antioch. He further noted the business was in violation of the City business license code.

Mayor Freitas referred Mr. Tokes' concerns to City Attorney Galstan and Chief Moczulski and requested they inform the Council on any action taken to correct the matter.

Elvin Scott updated the Council on his organizations efforts to protect pension benefits. He provided his website address for anyone wishing to receive additional information.

COUNCIL REGULAR AGENDA

1. APPOINTMENT TO ANTIOCH CITY PLANNING COMMISSION – ONE 4-YEAR TERM #302-06

Mayor Freitas recommended Council appoint Tom Berglund to the 4-year term on the Planning Commission.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council appointed F. Tom Berglund to the Antioch Planning Commission. The motion carried by the following vote:

Ayes: Kalinowski, Conley and Simonsen and Freitas,

Noes: Davis

2. REPORT ON THE REDUCTION OR ELIMINATION OF ARTERIAL STREETLIGHTS #1201-02

Public Works Director Brandt presented the staff report dated June 17, 2001, recommending the City Council receive and file the report.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously received and filed the report.

**3. REPORT ON THE REDUCTION OR ELIMINATION OF LIGHTING IN CITY PARKS
#1402-03**

Park Superintendent Palmeri presented the staff report dated June 26, 2001 recommending the Council receive and file the report.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council unanimously received and filed the report with no action taken to reduce or eliminate lighting in City parks.

4. ORDINANCE ADDING PARAGRAPH (H) TO SECTION 2-4.103, AND AMENDING SECTIONS 2-4.103(A), 2-4.114 AND 2-4.115 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH THE BOARD OF ADMINISTRATIVE APPEALS #302-12

City Attorney Galstan presented the staff report dated May 23, 2001, recommending Council: A) Introduce the ordinance by title only, and; B) Introduce the ordinance adding paragraph (h) to Section 2-4.103, and amending Sections 2-4.103, 2-4.114 and 2-4.115 of the Antioch Municipal Code, dealing with the Board of Administrative Appeals.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously: A) Motion to introduce the ordinance by title only, and; B) Motion to introduce the ordinance adding paragraph (h) to Section 2-4.103, and amending Sections 2-4.103, 2-4.114 and 2-4.115 of the Antioch Municipal Code, dealing with the Board of Administrative Appeals.

5. RESOLUTION APPROVING FINANCING PROCEEDINGS TO FINANCE AND REFINANCE CAPITAL IMPROVEMENTS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE CITY OF ANTIOCH (LONE TREE GOLF COURSE CONSTRUCTION), APPROVING ISSUANCE OF REVENUE BONDS BY THE ASSOCIATION OF BAY AREA GOVERNMENTS FOR SUCH PURPOSE, AND APPROVING RELATED DOCUMENTS AND OFFICIAL ACTIONS #1402-01

Mayor Freitas announced item #5 would not be heard until July 10, 2001.

6. RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE 2001-2002 FISCAL YEAR #410-01

Financial Services Director Tasker presented the staff report dated May 3, 2001, recommending Council adopt the resolution establishing the appropriations limit for the 2001-02 Fiscal Year pursuant to California Constitution Article XIII B.

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

Mayor Freitas announced item #7 would be held over until after the Public Hearings.

8. LEGISLATION AND ADVOCACY #701-04

Councilmember Simonsen reported Council had taken a position to send a letter to Assemblyman Canciamilla and Senator Torlakson in opposition to AB1050 adding this issue would not resurface until next year. He announced assembly constitution amendment #10 dealt with attempting to restore local property taxes. Mayor Freitas directed staff to review the bill and provide Council with a summary at the next Council meeting.

COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES – June 12, 2001 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT – May 2001 #401-02**
- D. REJECTION OF CLAIMS #704-07**
 - 1. Claim of John Lowden/ICW Group, #01/02-1227**
 - 2. Claim of Jane Ann Smith, #99/00-1229**
- E. RESOLUTION NO. 2001/66 APPROVING CELL SITE LEASE WITH NEXTEL OF CALIFORNIA, INC. AT JAMES DONLON WATER TANK SITE #1001-05**
- F. RESOLUTION NO. 2001/67 APPROVING FINAL MAP AND IMPROVEMENT PLANS AND ANNEXING TO THE LONE TREE LIGHTING AND LANDSCAPING DISTRICT 9 ZONE 2 AND RESOLUTION No. 2001/68 ACCEPTING GRANT DEED FOR ONE-FOOT STRIP FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 22, (RICHMOND AMERICAN HOMES OF CALIFORNIA, INC.), TRACT NO. 8467 (PW 581-22) #802-02**

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved the Consent Calendar with the exception of item A, which was removed for further discussion.

Item A – Councilmember Simonsen requested the minutes of June 12, 2001 page 7 be corrected to reflect the correct vote on the last action taken before adjournment. Councilmember Conley amended the minutes page 6, to reflect the correct count on a failed motion.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, Item A was approved as amended.

14. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS

#401-02

On motion by Agencymember Conley, seconded by Agencymember Kalinowski, the Agency unanimously approved the Agency Consent Calendar.

Mayor Freitas proclaimed a recess at 7:42 P.M. The meeting reconvened at 8:02 P.M. with all Councilmembers present.

PUBLIC HEARINGS

9. CONSIDERATION OF PROPOSED LABOR AGREEMENT BETWEEN THE ANTIOCH POLICE OFFICERS' ASSOCIATION (APOA) AND THE CITY OF ANTIOCH

#509-02

City Manager Ramsey presented the staff report dated June 20, 2001 recommending Council: A) Adopt the resolution approving terms of settlement for the Antioch Police Officer's Association; B) Adopt the resolution of Intention to Approve an Amendment to Contract between the Board of Administration of CalPERS and the City Council of the City of Antioch; C) Introduced the ordinance Authorizing an Amendment to the Contract between the City Council of the City of Antioch and the Board of Administration of the CalPERS by title only, and; D) Introduce the ordinance authorizing an amendment to the contract between the City Council of the City of Antioch and the Board of Administration of CalPERS.

RESOLUTION NO. 2001/61

RESOLUTION NO. 2001/62

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council unanimously approve items A, B, C & D as presented.

10. APPROVAL OF CONSOLIDATED ENGINEER'S REPORT FOR THE CITY OF ANTIOCH STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT NUMBERS 1, 2A, 4, 5 AND 9 AND THE LEVY OF THE ANNUAL ASSESSMENT FOR THE 2001/02 FISCAL YEAR #806-03

Public Works Director Brandt presented the staff report dated June 17, 2001 recommending the Council hold the continued public hearing on the revised Engineer's Report for the Existing Landscape and Maintenance District and levy assessments up to the FY-00-01 landscape maintenance assessment plus a 6.46% inflation factor.

Councilmember Simonsen voiced his support for assessing the maximum base rates.

Councilmember Kalinowski voiced his support for option #3, noting levying the maximum base rates at this time would not be prudent given the outcome of the recent ballot.

Councilmember Conley stated the lighting and landscaping ballot did not notify residents their rates could increase if the assessment district failed and therefore he could not support increasing the assessments at this time. He noted he felt adding the inflation rate would have a minimal impact to the fees pulled out of the General Fund.

A motion by Councilmember Kalinowski, seconded by Councilmember Conley to approve the resolution with option #3 failed with the following vote:

AYES: Kalinowski, Conley

NOES: Davis, Simonsen, Freitas

Mayor Freitas stated lighting and landscaping was important to the community and to attracting economic development. He urged Council to consider option #5, which included the \$20,000 for the rate of inflation.

City Manager Ramsey added the inflation rate could provide for an increase in the level of maintenance and appearance in the community.

RESOLUTION NO. 2001/63

On motion by Councilmember Davis, seconded by Councilmember Conley, the Council approved the resolution with option #5. The motion carried by the following vote:

Ayes: Davis, Conley, Freitas

Noes: Kalinowski, Simonsen

11. RESOLUTION APPROVING THE CITY OF ANTIOCH PROPOSED MASTER FEE SCHEDULE, 2001-2002 FISCAL YEAR #409-01

Financial Services Director Tasker presented the staff report dated June 20, 2001, recommending Council adopt the Resolution approving the City of Antioch Proposed Master Fee Schedule, 2001-2002 Fiscal Year.

Barbara Sobalvarro, speaking on behalf of Friends of Animal Services, stated she had been informed there would be no changes in the budget for Animal Services. She proposed Council consider the new recommendations at the midyear review to allow the new supervisor ample time to review them and provide input.

Financial Services Director Tasker reported the LAFCO fee was \$2500.

Chief of Police Moczulski provided a brief overview of towing costs for cases involving DUI/suspended licenses.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved the recommendations in the master fee schedule with the exception of Energy Increases for Recreation facilities, Animal Services, LAFCO, and Towing.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved Energy Increases for Recreation Facilities.

Mayor Freitas requested the new Animal Services Supervisor review the fees and consider cost recovery as well as competitive rates within 90 days.

Councilmember Simonsen stated he would not support the motion noting he felt it was depriving revenue needed to help offset the amount of General Fund money used to support the Animal Shelter.

RESOLUTION NO. 2001/64

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council approved retaining the fee schedule for Animal Services as currently composed, directing a report be brought back to Council from the new Manager of Animal Services on September 11, 2001 with a fee schedule proposal with concepts discussed regarding cost for service, competitive rates with other Animal Shelters as well as the possibility of cat licensing. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley, Freitas

Noes: Simonsen

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Council unanimously approved increasing the LAFCO fee to \$2500.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council unanimously retained the fees for towing.

12. RESOLUTION DECLARING THE NECESSITY OF ACQUIRING PROPERTY BY EMINENT DOMAIN FOR RIGHT-OF-WAY FOR THE EAST EIGHTEENTH STREET IMPROVEMENT PROJECT (PG&E) #1102-04

City Attorney Galstan presented the staff report dated May 14, 2001, recommending Council adopt the resolution.

Mayor Freitas clarified the reason Council would be taking this action was due to public interest and the necessity to require the proposed project be planned or located in the manner most compatible with the greatest public good and the least private injury. He noted the requirement of Government Code §7267.2a was made known to the owner of record and the City of Antioch had complied with all conditions of statutory requirements necessary to exercise the power of eminent domain to acquire the property.

RESOLUTION NO. 2001/65

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

Mayor Freitas declared a recess at 9:17 P.M. The meeting reconvened at 9:35 P.M. with all Councilmembers present.

7. RESOLUTION APPROVING AND ADOPTING AN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2001-02 AND THE 2001-06 CAPITAL IMPROVEMENT PROGRAM AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN AND REVISING THE 2000-01 OPERATING BUDGET #410-02

Finance Services Director Tasker presented the staff report dated June 20, 2001, recommending the City Council adopt the following: 1) Resolution of the City Council of the City of Antioch approving and adopting an annual operation budget and capital improvement budget for fiscal year 2001-02 and the 2001-2006 capital improvement program and appropriating the funds necessary to meet the expenditures set forth therein and revising the 2000-01 operating budget; 2) Resolution of the Antioch Development Agency adopting the 2001-02 annual budget and revising the 2000-01 annual budget; 3) Resolution of the City of Antioch Public Financing Authority adopting the 2001-02 annual

budget.

In response to Councilmember Simonsen, Finance Services Director Tasker clarified he would add \$260,000 for Community Development Block Grant Funds. Councilmember Simonsen requested additional information on the benefit to the City of participating in Economic Development Alliance for Business.

City Manager Ramsey presented the staff report dated June 21, 2001, recommending staff incorporate the changes requested by Council during the ensuing discussion into the final version of the 2002 Operating Budget, Capital Improvement Budget, Capital Improvement Program, and Master Fee Schedule.

Following discussion, the Council unanimously voiced their support to separate the Finance and Leisure Services Departments, and the creation of an Assistant City Manager position, with the caveat at least $\frac{1}{3}$ of the position's responsibilities would be direct supervision of the Leisure Services Department. Councilmember Kalinowski requested City Manager Ramsey provide Council with a proposal for accomplishing the separation within 90 days.

City Manager Ramsey voiced his appreciation of Council's support of the operations in the Finance Department and City Managers office. He stated if the Council authorized the allocation for the Assistant City Manager's position with responsibility to overseeing Leisure Services, staff would begin the process of deciding how the separation would occur and provide a proposal to Council within 90 days.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved: A) Separation of Leisure Services from the Finance Department; B.) Allocation of the Assistant City Manager position with a report due in 90 days regarding implementation of the Assistant City Manager with responsibilities to include oversight of the Leisure Services Department; C) Administrative support provided to the Assistant City Manager; and D) Immediately beginning the process of filling the position of Assistant City Manager.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council unanimously approved inclusion of a page highlighting Economic Development as amended.

Mayor Freitas requested the issue regarding the Art's and Cultural Foundation of Antioch be held over and requested staff provide a list of all assets.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved the appropriation of \$50,000 to the Art's and Cultural Foundation for a budget not to exceed \$50,000.

Mayor Freitas stated Council would delete \$153,000 for Chamber renovations and if there was a need regarding the public address system it would be considered in the future.

Councilmember Simonsen expressed his concern regarding the City's continuing to supplement the County for Library funding.

RESOLUTION NO. 2001/60

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council unanimously approved the resolution.

Mayor Freitas adjourned to the Antioch Development Agency with all members present.

AGENCY REGULAR AGENDA

**15. RESOLUTION OF THE ANTIOCH DEVELOPMENT AGENCY ADOPTING THE
2001-02 ANNUAL BUDGET AND REVISING THE 2000-01 ANNUAL BUDGET
#410-02**

RESOLUTION NO. ADA-376

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

Chairperson Freitas adjourned to the Public Financing Authority with all members present.

PUBLIC FINANCING AUTHORITY REGULAR AGENDA

**16. RESOLUTION OF THE CITY OF ANTIOCH PUBLIC FINANCING AUTHORITY
ADOPTING THE 2001-02 ANNUAL BUDGET
#410-02**

RESOLUTION NO. 2001/68

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Public Financing Authority unanimously adopted the resolution.

Chairperson Freitas adjourned to the City Council with all members present.

PUBLIC COMMENTS

None

COUNCIL REPORTS/COMMUNICATIONS

Mayor Freitas, on behalf of the community, thanked Chief Building Official Harold Messick, for removing the barge from Rodger's Point.

Councilmember Simonsen reported the City of Antioch hosted the East Bay division of the League of California Cities on June 21, 2001 at Humphrey's on the Delta. He thanked the City for hosting the event.

STAFF COMMUNICATIONS

City Manager Ramsey requested the subcommittee for the General Plan update be moved to September 11, 2001 to allow the plans for the Multi-Cultural presentation on August 14, 2001.

Councilmember Kalinowski stated he would be out of town for the August 14, 2001 Council meeting and requested the Multi-Cultural presentation be scheduled for September 11, 2001.

Roger Henry clarified extensive plans had been made to accommodate the August 14, 2001 meeting, making it difficult to reschedule the event.

Mayor Freitas stated both items would be heard on August 14, 2001.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 11:12 P.M., to the next regular meeting on July 10, 2001.

Respectfully submitted:

Approved:

L. JOLENE MARTIN, City Clerk

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN, City Clerk