

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

August 22, 2006
Council Chambers

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board - Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. and SPPI-Somersville, Inc. et al. v. TRC Companies, Inc. et al, Case No. C04-2648 SI, United States District Court, Northern District of California. This Closed Session is authorized by Government Code §54956.9(a)

Mayor Freitas called the meeting to order at 7:04 P.M., and City Clerk Martin called the roll.

Present: Council Members Davis, Kalinowski, Conley, Simonsen, and Mayor Freitas

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, representing Antioch Service Clubs Unite and the Chamber of Commerce, announced a Benefit Dinner would be held at 6:00 P.M. on September 9, 2006 at the VFW Hall for the Vesper Clinic at Sutter Delta Hospital and The Pride and Power of East County Economic Conference would be held on September 29, 2006. Contact information was given for both events.

PUBLIC COMMENTS

Brian Slaughter voiced concerns regarding a vacant house in his neighborhood with several nuisance ordinance violations and questioned what action he could take to resolve these issues.

In response to Mayor Freitas, Community Development Director/City Engineer Brandt stated Neighborhood Improvement Coordinator Skaggs would contact Mr. Slaughter regarding his concerns.

Lonnie Karste, representing the Antioch Historical Society and Sports Legends Hall of Fame, will be hosting an invitation only golf tournament on October 15, 2006 at Lone Tree Golf Course. Contact information was provided.

Mayor Freitas requested "Public Comments - Council Response Optional" be added to the agenda.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR JULY 22 and 25, 2006 (#301-02)**
 - B. **APPROVAL OF COUNCIL WARRANTS (#401-01)**
 - C. **APPROVAL OF TREASURER'S REPORT FOR JULY 2006 (#401-01)**
 - D. **REJECTION OF CLAIMS (#704-07)**
 1. Sharon McCall, #06/07-1662 (vehicle damage)
 2. Tim and Sharla Donahue, #06/07-1661 (vehicle damage)
 - E. **LEGISLATION AND ADVOCACY (#701-04)**
 - F. **ANTIOCH RECYCLED WATER PROJECTS DEVELOPMENT – COST REIMBURSEMENT AGREEMENT (#1205-02)**
 - G. **RESOLUTION NO. 2006/89 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE ANTIOCH LANDFILL LANDSCAPING MITIGATION (PW 637) (#1402-03)**
 - H. **"L" STREET WIDENING PROGRESS REPORT (PW 234-9) (#1102-04)**
 - I. **RESOLUTION NO. 2006/90 ACCEPTING IMPROVEMENTS FOR SAND CREEK RANCH SUBDIVISION, UNIT 1, TRACT NO. 8114 (McBAIL HOMES), PW 639 (#802-02)**
 - J. **RESOLUTION NO. 2006/91 ACCEPTING IMPROVEMENTS FOR SAND CREEK RANCH SUBDIVISION, UNIT 2, TRACT NO. 8598 (McBAIL HOMES), PW 639-2 (#802-02)**
 - K. **RESOLUTION NO. 2006/92 ACCEPTING IMPROVEMENTS FOR SAND CREEK RANCH SUBDIVISION, UNIT 4, TRACT NO. 8640 (McBAIL HOMES), PW 639-4 (#802-02)**
 - L. **APPROVAL OF ADDITIONAL FEES FOR ENVIRONMENTAL WORK TO TRANS SYSTEMS, CONCEPT MARINE ASSOCIATES, INC. FOR THE ANTIOCH MARINA LAUNCH RAMP PROJECT (PW. 523-16) #1402-03**
 - M. **PARK-IN-LIEU SPECIAL REVENUE FUND BUDGET AMENDMENT (#410-01)**

- N. **FISCAL YEAR 2006-2007 BUDGET AMENDMENT - CITY MEMBERSHIP IN THE NATIONAL LEAGUE OF CITIES (#102-03)**
- O. **APPROVE AWARD OF PROPOSAL NO. 946-0315-06F FOR BANKING SERVICES (#401-01)**
- P. **AMEND THE FY2005-2006 COMMUNITY DEVELOPMENT BUDGET BY TRANSFERRING FUNDS IN THE AMOUNT OF \$11,640 FROM THE OVERTIME BUDGET (61030) TO THE PART-TIME HELP (61020) BUDGET (#410-02)**
- Q. **AWARD OF CONTRACT FOR ENGINEERING SERVICES IN FY 2006-2007 FOR HILLCREST ASSESSMENT DISTRICT NO. 26 TO MMS DESIGN ASSOCIATES, INC. IN THE AMOUNT OF \$200,000 (#806-02)**

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved the Council Consent Calendar with the exception of items G and O, which were removed for further discussion.

Item G – Mayor Freitas requested staff clarify what occurred to increase the landscape mitigation by approximately \$60,000. Community Development Director/City Engineer Brandt stated he would provide that information to Council, but did confirm any unused mitigation money would be returned to the family.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved item G.

Item O – In response to Councilmember Conley, Finance Director Brookshire stated staff would be bringing back the lockbox for consideration for the next calendar year. She noted the annual cost is estimated at \$60,000 – \$80,000 per year, which will be offset with internal savings.

Councilmember Davis recused himself due to his employment with Bank of the West.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the City Council approved item O. The motion carried by the following vote:

Ayes: Kalinowski, Conley, Simonsen, Freitas

Recused: Davis

COUNCIL REGULAR AGENDA

- 2. **REGIONAL HOUSING NEEDS ALLOCATION PROCESS AND METHODOLOGY (#705-04)**

Community Development Deputy Director Wehrmeister presented the staff report dated August 17, 2006 recommending the City Council receive and file the report and direct the Mayor to sign the draft letter to the Association of Bay Area Governments regarding equitable distribution of the housing allocation numbers

Ken Kirkey, representing the Association of Bay Area Governments, gave a brief overview of the Regional Housing Needs Allocation process. He explained, should Council approve the letter as proposed, it would be forwarded to the HNC and executive board for consideration. Mr. Kirkey encouraged Council to designate a staff member to attend the HNC meeting and voice their concerns.

Councilmember Conley stated he felt transportation and job/housing ratio should factor into the housing needs allocation process. He volunteered to attend the Housing Methodology Committee (HMC) meeting in September and speak at the Mayor's conference.

Councilmember Simonsen requested a copy of the letter be sent to the City Manager seeking members for the HMC. He agreed jobs/housing balance and transportation are missing from the current methodology. He added he felt the Bay Area Council report ranking cities for meeting their housing requirements should be taken under consideration. He stated the Director of HCD had indicated Antioch could bank years they were in excess of their housing requirements. In addition, he requested ABAG take under consideration mitigation fees.

Councilmember Kalinowski expressed great concern regarding the lack of balanced representation on the Housing Methodology Committee for Contra Costa County.

Mayor Freitas suggested decisions of the committee be termed as a "tentative recommendation" to allow all jurisdictions be allowed to review and comment prior to the final vote. He noted then the committee should reconvene to review feedback prior to a final recommendation to the executive board. He noted when there are voter approved initiatives or proposition that limit growth they need to be considered in the final allocation numbers. He further noted the methodology appears silent on the ability of infrastructure to support the housing.

Mr. Kirkey responded they were in the process of trying to incorporate city-specific factors, however state housing law policies were extremely constrained.

Mayor Freitas stated he felt the items discussed during the current Council meeting should help drive the public policy debate and methodology.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously received and filed the report and directed the Mayor to sign the draft letter to the Association of Bay Area Governments regarding equitable distribution of the housing allocation numbers

3. RESOLUTION ADOPTING THE STATEMENT OF INVESTMENT POLICY (#101-04)

City Treasurer Conley presented the staff report dated August 17, 2006 recommending the City Council adopt the resolution.

Nancy Jones, Public Finance Management, the City's investment advisor, gave a brief overhead presentation of the Impact of Lengthening Maturity Profile of the Investment Portfolio.

Following discussion the City Council consensus was to support approval of the policy with the revisions as presented this evening. It was requested Ms. Jones and staff review the target average maturity of the portfolio and the cash demands of the C.I.P. Council consensus felt moderate risk was acceptable, noting, within certain constraints the average return is important.

Ms. Jones stated she would review the C.I.P. with staff and test the portfolio.

RESOLUTION NO. 2006/93

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

4. RESOLUTION ESTABLISHING A RESERVE POLICY FOR DESIGNATED AND UNDESIGNATED GENERAL FUND RESERVES (#410-02)

Finance Director Brookshire presented the staff report dated August 15, 2006 recommending the City Council adopt the resolution.

RESOLUTION NO. 2006/94

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

5. RESOLUTION APPROVING FY 2006-2007 BUDGET UPDATES AND REVISING THE FY 2005-2006 BUDGET (#410-02)

Finance Director Brookshire presented the staff report dated August 15, 2006 recommending the City Council adopt the resolution.

In response to Mayor Freitas, Finance Director Brookshire stated she would verify transfers from Antioch Development Agency Area 1 as specified.

RESOLUTION NO. 2006/95

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

6. ORDINANCE AMENDING SECTION 2-1.206 OF THE ANTIOCH MUNICIPAL CODE, INCREASING THE SALARIES OF THE CITY COUNCIL (#301-01)

Councilmember Conley stated, as the City Treasurer's salary was tied to that of the City Council and his wife, Donna Conley, was the current City Treasurer, he would recuse himself.

City Attorney Nerland presented the staff report dated August 11, 2006 recommending the City Council: 1) Introduce the ordinance by title only, and; 2) Introduce the ordinance amending section 2-1.206 of the AMC to increase the salaries for the City Council Members.

Councilmember Simonsen requested staff bring back an ordinance amending 2-1.205 to reflect the tie between the population of the city and the government code, as well as a policy regarding the cash payments in-lieu of waived health benefits. In addition, he requested a memo outlining options available for the Mayor's position.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski the City Council approved the ordinance. The motion carried the following vote:

Ayes: Davis, Kalinowski, Simonsen, Freitas,

Recused: Conley

7. TAX EXCHANGE AGREEMENT BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA COUNTY FOR THE RODDY RANCH ANNEXATION (#202-02)

Community Development Deputy Director Carniglia presented the staff report dated August 15, 2006 recommending the City Council approve the agreement.

Steve Garrett, Castle Companies, thanked Community Development Deputy Director Carniglia for the work that had gone into the agreement, stating he believed it was consistent with negotiations in Brentwood and Concord. He urged the City Council to approve the agreement.

Councilmember Simonsen stated he could not support the agreement as it exceeded what was necessary. If approved, the City would be responsible for providing services.

Mayor Freitas agreed with Councilmember Simonsen, however, he did not anticipate the County would negotiate a better agreement and the project was too critical to not move forward at this time.

Councilmember Simonsen stated he felt the staff report should have listed property transfer tax agreements with all annexations for the last ten years.

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

Ayes: Davis, Kalinowski, Conley, Freitas,

Noes: Simonsen

PUBLIC COMMENTS

Nancy Kelly expressed concern regarding graffiti occurring in her neighborhood and suggested the City work with High School art students for a community project of painting a mural in the alley near her home.

City Manager Jakel stated he would discuss this issue with staff. Mayor Freitas suggested staff contact Liz Rimbault who had a similar project several years ago and worked with the High Schools.

Mike Bailey expressed concern regarding the condition of his neighborhood and urged the City to review Pittsburg's shopping cart ordinance.

Mayor Freitas requested City Attorney Nerland meet with Mr. Bailey and report back to the City Council with the information.

STAFF COMMUNICATIONS

City Manager Jakel reported due to Highway 4 Bypass construction there would be lane closures along Lone Tree Way from August 28 – September 1, 2006 at night. He reminded Council and the community the Quality of Life Forum would be held on September 16, 2006 at the El Campanil Theatre. He noted he would be meeting with the facilitator along with Councilmembers Conley and Kalinowski. Topics for the forum would include responses to the first forum, rental properties, teen activities and how to engage the community.

Mayor Freitas suggested advertising the forum in the newspapers and through Comcast.

City Manager Jakel announced Comcast would be taping the forum.

COUNCIL COMMUNICATIONS

Councilmember Conley volunteered to attend the HCD meeting on September 15, 2006 and noted he would appreciate a staff member attending with him. Community Development Director/City Engineer Brandt stated Ms. Wehrmeister had been attending

the meetings and would be there. He further noted they would make arrangements for transportation.

Mayor Freitas wished everyone a happy Labor Day.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 8:56 P.M. to the next regular Council meeting on September 12, 2006.

Respectfully Submitted:

L. JOLENE MARTIN, CMC, City Clerk