

CITY COUNCIL MEETING

Special Meeting
6:00 P.M.

December 27, 2012
Council Chambers

Mayor Harper called the meeting to order at 6:00 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS

Kay Power, Antioch resident, reported on her attendance at the Department of Water Resources Forum which discussed regional water issues and the Bay Delta Conservation Plan (BDCP). She urged the City Council to appoint a Councilmember and City Staff to represent Antioch's interests, at future forums. Website information was provided for anyone wishing to receive additional information.

In response, Mayor Harper reported the City Council had extended the contract of Ann Spaulding to represent Antioch on water issues.

Greg Enholm, Ward 5 Trustee for the Contra Costa Community College District, congratulated the newly elected Antioch Officials. He provided a brief summary of written comments presented to the City Council and requested they consider supporting his efforts to reduce Community College student loan debt. He also discussed his advocacy on behalf of Antioch and far East County for starting a full 110-acre Community College.

1. COUNCIL CONSENT CALENDAR

A. REQUEST FOR TRAINING AND TRAVEL – LEAGUE OF CALIFORNIA CITIES CONFERENCE – NEW COUNCIL MEMBERS ACADEMY

B. REJECTION OF CLAIMS

1. Donald Dahl 12/13-2068 (property damage)
2. Deepal Karunaratne 12/13-2073 (vehicle tow)
3. Patrick Chen 12/13-2089 (property damage)
4. Beverly McClinton 12/13-2087 (personal injury)

C. AGREEMENT WITH PACIFIC GAS AND ELECTRIC

Mayor Harper reported the City Council had received a supplemental staff report with a revised agreement for Item C.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the City Council unanimously approved the Council Consent Calendar.

COUNCIL REGULAR AGENDA

2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) CONTRACT AMENDMENT FOR LOCAL SAFETY AND MISCELLANEOUS MEMBERS

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE SIDE LETTERS OF AGREEMENTS WITH IMPACTED BARGAINING UNITS

DIRECTION TO STAFF REGARDING IMPLEMENTATION OF A LATERAL POLICE OFFICER HIRING POLICY FOR THE PERIOD OF JANUARY 1, 2013 – JUNE 30, 2014

Human Resources/Economic Development Director Fitzer presented the staff report dated December 17, 2012 recommending the City Council discuss and consider taking the following action: 1) Motion to adopt the ordinance authorizing an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch to provide Section 21363.2 (3% @ 50 Full Formula) to local Safety members, and Section 21354.5 (2.7% @ 55 Full Formula) to local Miscellaneous members employed on or after the effective date of the amendment to contract, with such ordinance being an urgency ordinance effective immediately for the immediate preservation of the public peace, health or safety. 2) Motion to adopt a resolution authorizing the City Manager to execute Side Letters of Agreement with impacted Recognized Bargaining Units to implement the PERS Contract Amendment. 3) Motion to adopt a resolution providing direction to staff regarding implementation of a lateral Police Officer hiring policy.

Chief Cantando reported on the status of new hires for the Antioch Police Department and noted the request to amend the agreement was similar to other agencies and to aid in the City's recruitment of lateral Police Officers. He noted in addition to current staffing positions that needed to be filled, they were anticipating 10-16 retirements in the next year.

In response to Council, Human Resources/Economic Development Director Fitzer clarified if the ordinance were adopted, the Council could establish a policy with regards to how long the hiring policy would remain in effect and how many lateral employees would be hired.

In response to Councilmember Agopian, Chief Cantando stated he would like to hire a blend of laterals and entry level officers with up to (50) fifty percent being his preferred mix. Human Resources/Economic Development Director Fitzer clarified that since 2007, (40) forty percent of the hires were laterals without additional recruitment efforts.

In response to Councilmember Tiscareno, Chief Cantando clarified the cost was approximately \$60,000 per entry level officer and there was a washout rate. He noted once the entry level officer was ready for street patrols, they would be in an FTO program for 3-4 months.

Mayor Harper reiterated that if approved, the Council would maintain control over the process and the City would only be responsible for the portion of retirement for which the employee worked for Antioch.

Councilmember Rocha clarified the City could not require an officer to stay with the agency for a set time period or require that they live in Antioch.

Wayne Harrison, Antioch resident, stated he supported the City of Antioch and Antioch Police Department. He spoke against making any adjustments to the current City PERS contract.

Fred Hoskins, Antioch resident, presented the City Council with a page from the staff report outlining the changes in the initial employer contribution rate and spoke against making any adjustments to the current PERS contract.

City Manager Jakel reminded Council the urgency ordinance would require a 4/5 vote. He also recognized concessions the employees had made and stated he felt this amendment would only be a minor step back. He clarified this PERS option amounts to less cost savings and would not exist after December 31, 2012. He noted this was the third time there had been public discussion of the item.

Chief Cantando recommended lateral hires be capped at (5) five, and when they reach that number, they would bring the item back to Council for further consideration.

ORDINANCE NO. 2059-C-S

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council adopted the ordinance authorizing an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch to provide Section 21363.2 (3% @ 50 Full Formula) to local Safety members, and Section 21354.5 (2.7% @ 55 Full Formula) to local Miscellaneous members employed on or after the effective date of the amendment to contract, with such ordinance being an urgency ordinance effective immediately for the immediate preservation of the public peace, health or safety and moved to read the ordinance by title only. The motion carried the following vote:

Ayes: Harper, Wilson, Rocha, Tiscareno

Noes: Agopian

RESOLUTION NO. 2012/76

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council adopted the resolution authorizing the City Manager to execute Side Letters of Agreement with impacted Recognized Bargaining Units to implement the PERS Contract Amendment

Ayes: Harper, Wilson, Rocha, Tiscareno

Noes: Agopian

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously adopted a resolution providing direction to staff regarding implementation of a lateral Police Officer hiring policy filling in the blanks with five (5) Police Officer lateral hires.

RESOLUTION NO. 2012/77

Council requested staff provide hiring information in the Police Department quarterly reports to Council.

3. USE AGREEMENT WITH OFFICE OF CONGRESSMAN MCNERNEY FOR OFFICE SPACE AT THE ANTIOCH COMMUNITY CENTER

City Manager Jakel presented the staff report dated December 20, 2012 recommending the City Council approve or deny the Use Agreement with Congressman McNerney's Office for office space at the Antioch Community Center.

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously authorized the City Manager to enter into a Use Agreement.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the following meeting schedule:

- Regular Council Meeting - January 8, 2013
- Regular Council Meeting - January 22, 2013

He noted Councilmember Tiscareno and Wilson would also be attending training in January at the League of California Cities.

COUNCIL COMMUNICATIONS

Councilmember Wilson wished everyone a Happy Holiday.

Councilmember Rocha acknowledged *Take Back Antioch* for successfully raising the funds to cover the City's deductible for rebuilding the lot at City Park. She recognized Brittany Gougeon for leading the fundraising efforts.

Brittany Gougeon thanked everyone who attended the event and those who contributed funds to cover the deductible.

The Council thanked Ms. Gougeon and encouraged her to continue her volunteer work in the community. She recognized everyone who contributed to the fundraising efforts.

Mayor Harper adjourned to Closed Session at 6:54 P.M.

ADJOURNMENT to Closed Session

CLOSED SESSIONS:

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to California Government Code §54956.9 (a):

1. Santeeya Williams; Mary Scott; Alyce Payne; Karen Coleman, Priscilla Bunton v. City of Antioch, U.S. District Court (Northern District) Case No. C08-02301
2. California Healthy Communities Network v. City of Antioch (Walmart Stores as real party in interest) Contra Costa Superior Court Case No. MSN10-1804
3. Shanie Hansen v. John B. McDonald et al., Contra Costa Superior Court Case No. C11-00986; Anthony Soldano Jr. v. John Bryan McDonald et al., Contra Costa Superior Court Case No. C11-01176
4. Sean and Kelley O'Toole et al v. City of Antioch et al., U.S. District Court (Northern District) Case No. CV11-1502
5. Discovery Builders, Inc. v. City of Antioch et al., Contra Costa Superior Court Case No. CIV MSN 11-0539
6. Virgile Cunningham v. City of Antioch, Antioch Police Department, Contra Costa Superior Court Case No. MSC1102190 and Contra Costa Superior Court Case No. MSC12-00174
7. Barry White, Jr. and Demitrius Anderson v. City of Antioch et al., U.S. District Court (Northern District) Case No. C 11-04221
8. Edrick Harvey et al. v. City of Antioch; City of Pittsburg U.S. District Court (Northern District) Case No. C11-04986
9. Chaderick Ingram v. City of Antioch et al., U.S. District Court (Northern District) Case No. C-12-00647
10. Jacob Wray v. City of Antioch; Lorraine and William Bowlen; Kenneth Gove, Contra Costa Superior Court Case No. CIVMSC 11-02532
11. Melvin DeVan Daniel, U.S. District Court (Northern District) Case No. C 12-3008
12. Ricky McNeal v. City of Antioch et al., U.S. District Court (Northern District) Case No. C11-04497
13. Novena Tucker v. Don Gill, Marsha Brown, Robin Schmitt, Officer Martin Hynes, Officer Nicholas Ward, U.S. District Court (Northern District) Case C12-02678

14. McKnelly, Dutro et al. v. City of Antioch, et al., U.S. District Court (Northern District) Case No. CV12-2972
15. Luis Alvarez-Orellana v. City of Antioch, et al., U.S. District Court (Northern District) Case No. C 12-4693
16. Eddie Tillman v. Officers Bostick and Harger, U.S. District Court (Northern District) Case C12-2807
17. Forrest Blocker v. Contra Costa County et al., U.S. District Court (Northern District) Case CV 12-05597
18. City of Antioch v. Mex-Cal, Inc. et al., Contra Costa Superior Court Case No. C10-01601
19. U.S. ex rel. Hendrix et al. v. J-M Manufacturing
U.S. District Court (Central District) Case NO. EDCV 06-0055
Los Angeles County Superior Court Case No. BC 459943
20. City of Brentwood et al. v. Robert Campbell, Auditor-Controller
Contra Costa Superior Court Case No. N11-1029
21. In re Municipal Derivatives Antitrust Litigation, United States District Court (Southern District of NY) Case MDL No. 1950 (East Bay Delta Housing Finance Agency/Bay Area HomeBuyer Agency)
22. In re Eva Romero and Gilbert Romero, U.S. Bankruptcy Court (Northern District) Case No. 12-44668 (Humphrey's Restaurant)

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
pursuant to California Government Code section 54956.9(a) and 54956.96 and ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to California Government Code §54956.9 (b):

1. Transplan Committee and East Contra Costa Regional Fee and Financing Authority v. City of Pittsburg et al., Contra Costa County Superior Court Case No. MSN11-0395

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION –
Significant exposure to litigation pursuant to California Government Code §54956.9 (b):

1. Claim filed on October 29, 2012 by David Lanferman representing Discovery Builders and Albert D. Seeno Construction regarding water storage fees
2. Multiple letters in 2012 from Kristina Lawson representing Albert Seeno/West Coast Home Builders related to the Northeast Antioch Annexation

3. Letter dated November 13, 2012 from the Law Office of Jack Silver and entitled "Notice of Violations and Intent to file suit under the Clean Water Act."
4. Letters dated July 21, 2012 and October 24, 2012 from Paul B. Justi representing Kelly's Cardroom
5. Construction claims related to the Marina Boat Launch Facility
6. Lake Alhambra Property Owners' Association regarding dredging of the Lake

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION – Initiation of Litigation pursuant to California Government Code §54956.9 (c):

1. Water Treatment Plant Upgrade Deficiencies
2. Claim against Contra Costa County for overcharge of Property Tax Administration Fee

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL LIABILITY CLAIMS – pursuant to California Government Code §54961): 5 claims

CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION – pursuant to California Government Code §54957: City Attorney

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:50 P.M. to the next regular Council meeting on January 8, 2013.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk