

**CITY COUNCIL MEETING
INCLUDING THE ANTIOCH CITY COUNCIL
ACTING AS SUCCESSOR AGENCY/HOUSING SUCCESSOR
TO THE ANTIOCH DEVELOPMENT AGENCY
ANTIOCH PUBLIC FINANCING AUTHORITY**

Special/Regular Meeting
5:30 P.M.

May 14, 2013
Council Chambers

Mayor Harper called the meeting to order at 5:33 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.

STUDY SESSION – SPECIAL MEETING

1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, DEBT SERVICE FUNDS, ANTIOCH PUBLIC FINANCING AUTHORITY AND CITY OF ANTIOCH ACTING AS SUCCESSOR AGENCY/HOUSING SUCCESSOR FOR FISCAL YEARS 2013-14

Finance Director Merchant presented the staff report dated May 8, 2013, recommending the City Council provide direction and feedback.

Following review of the General Fund, Recreation, Prewett and Animal Services Funds, the City Council provided the following direction to staff:

- Page 17 – General Fund Non-departmental (100-1250) – Staff to provide real costs for the maintenance of the library facility
- Council acknowledged their goal to eliminate employee furloughs
- Page 19 - Public Works – Staff to provide details on the transfers and expenditures

Following review of the Special Revenue, Capital Projects, and Debt Service Funds, the City Council provided the following direction to staff:

- Page 5 – Civic Arts Fund (215) – Include \$25,000 in funding to the Arts & Cultural Foundation
- Page 6 – Parks in Lieu (Fund 216) – Staff to determine if funds could be used for security cameras in City parks

Councilmember Agopian suggested the Economic Development Department actively look to attract hotels to the area. He also suggested in the future, the City explore a more equitable way of funding street light and landscape maintenance districts.

Finance Director Merchant announced the next Budget Study Session would be held on May 28, 2013.

Mayor Harper thanked Finance Director Merchant and City Manager Jakel for presenting the revised General Fund Budget and increasing the fund balance as directed.

CLOSED SESSIONS – Council announced **CLOSED SESSION: Item #1 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 2 potential cases, was moved to the end of the public session and **Item #2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code section 54956.9(d)(2): Letters dated April 17 and April 23, 2013 from the ACLU (American Civil Liberties Union), was moved and discussed after Public Comments.

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

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

PROCLAMATIONS

Older Americans Month, May 2013

National Military Appreciation Month, May 2013

National Police Week, May 12-18, 2013

East Bay Sustainability Challenge, May 18 & 19, 2013

National Public Works Week, May 19 – 25, 2013

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously approved the Proclamations.

Councilmember Tiscareno presented the proclamation proclaiming May 2013 as *National Military Appreciation Month* to Josie Monahan, representing East County Military Families, who accepted the proclamation and thanked the City for recognizing Veterans. She introduced Veteran's and their families, in attendance this evening. She announced *Walk for a Warrior* would be held from 9:00 A.M. – 11:00 A.M. on May 18, 2013.

Mayor Harper thanked the Veterans for serving and their families for their support.

Councilmember Rocha acknowledged women who had served in the Military.

Councilmember Agopian presented the proclamation proclaiming May 12 – 18, 2013 as *National Police Week* to Captain McConnell who accepted the proclamation on behalf of the men and women of the Antioch Police Department.

Councilmember Rocha presented the proclamation proclaiming May 19 - 25, 2013 as *National Public Works Week* to Deputy Director of Public Works Bechtholdt and Acting Collections Lead Worker Cleveland Porter who accepted the proclamation and thanked the City Council for the recognition.

Councilmember Wilson presented the proclamation proclaiming May 18-19, 2013 as *East Bay Sustainability Challenge* to Julie Haas-Wajdowicz. Julie announced a free composting workshop would be held at 9:00 A.M. on May 18, 2013 at the Antioch Community Center and the City of Pleasant Hill would be holding a City-Wide garage sale May 18 and 19, 2013. Contact information was given.

Mayor Harper presented the proclamation proclaiming May 2013 as *Older Americans Month* to City Clerk Simonsen who accepted the proclamation.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Fred Hoskins, on behalf of the Antioch Historical Society, announced Family Fun Nights at the Museum, would be held from 1:00 P.M. – 9:00 P.M. on May 15, June 19, July 17, and August 21, 2013.

Lonnie Karste announced the Mayor's Cup Golf Tournament would be held June 2, 2013. Contact information was provided.

Jalani Killings, Threshing Floor Tabernacle, invited the Council and community to the *Power of Agreement Community Outreach Event* would be held from 12:00 P.M. – 6:00 P.M. on May 18, 2013 at the Antioch Fair Grounds.

PUBLIC COMMENTS

Fred Hoskins, Antioch resident, requested the City disclose who was responsible for initiating items placed on the agenda.

Rick Robison, Antioch resident, stated he felt the design of the new boat ramp was flawed and suggested the City contact the contractor for repairs. He also suggested the City install warning signs indicating that the docks were dangerous in high wind situations.

Mayor Harper reported he had asked City Engineer Bernal to look into the new boat ramp issues and requested staff to provide a report back to Council on this and the abandoned house located on the river.

Mr. Robinson offered to show Council the waterfront and the prospect of developing the area.

Joseph Zamora, Antioch resident, recommended the residents of Antioch vote “No” on the one-half cent sales tax ballot measure. He discussed his efforts to give back to the community.

Mayor Harper adjourned to **Closed Session Item #2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code section 54956.9(d)(2): Letters dated April 17 and April 23, 2013 from the ACLU (American Civil Liberties Union) at 7:34 P.M. The meeting reconvened at 7:49 P.M. with all Councilmembers present.

City Attorney Nerland announced the City Council had been in Closed Session and provided the following report: **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Councilmember Rocha did not participate in the Closed Session given that she had previously recused herself from this Item; no action was taken. **#1 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, this Item would be heard at the end of the public session.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the League of California Cities meeting and announced the League of California Cities Casino Night Fundraiser would be held on May 25, 2013.

Councilmember Rocha reported on her attendance at the Arbor Day Tree City U.S.A. celebration on April 26, 2013 at Mira Vista Park.

Councilmember Agopian reported on his attendance at the Chamber of Commerce Economic Development Government Affairs subcommittee meeting.

MAYOR’S COMMENTS

Mayor Harper reported on his attendance at the Bullying Prevention event, Antioch High School and Deer Valley High School award ceremonies for students with 4.0 Grade Point averages, and the TRANSPLAN, East Contra Costa Regional Fee and Financing Authority, and Highway 4 meetings.

PRESENTATION

eBart Next Segment Study and Construction Update, Ellen Smith - This item was continued to a future date.

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR APRIL 23, 2013

- B. APPROVAL OF COUNCIL WARRANTS
- C. 2013-2015 FORENSIC SERVICES AGREEMENT AND FEE SCHEDULE
- D. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) 2013
- E. ORDINANCE 2065 C-S AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF ANTIOCH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (*Introduced on 04/09/13*)
- F. RESOLUTION NO. 2013/21 ADOPTING THE GROWTH MANAGEMENT COMPLIANCE CHECKLIST FOR REPORTING CALENDAR YEARS 2010 AND 2011 FOR THE SALES TAX/TRANSPORTATION INITIATIVE (MEASURE "J")
- G. APPROVE AWARD OF PROPOSAL FOR OUTSOURCING OF PRINTING AND MAILING WATER BILLS
- H. CONSIDERATION OF BIDS FOR THE TOT LOT PLAYGROUND REPLACEMENT AT CITY PARK (P.W. 205-G)
- I. ORDINANCE 2066 C-S COMMUNITY SUPERVISION PROGRAMS
- J. RESOLUTION NO. 2013/22 (RECINDING RESOLUTION NO. 2013/19) APPROVING THE REVISED CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500)
- K. RESOLUTION NO. 2013/23 TO SUPPORT REGIONAL ECONOMIC DEVELOPMENT

City Attorney Nerland announced there was a supplemental staff report for Item J on the dais this evening.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar with the exception of Item I which was removed for further discussion.

Item I – Councilmember Rocha recused herself from this Item and did not vote due to potential conflict of interest related to her employer being involved with the services to be provided to AB 109 formerly incarcerated individuals.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council approved Item I. The motion carried the following vote:

AYES: Harper, Wilson, Tiscareno, Agopian

RECUSED: Rocha

COUNCIL REGULAR AGENDA

3. REVENUE BALLOT MEASURE

City Manager Jakel presented the staff report and Ruth Bernstein gave a brief overhead presentation of the community survey recommending the City Council motion to receive and file the community survey (Attachment A) and provide direction to staff regarding a revenue ballot measure. Based on the community survey, it is staff's recommendation to place a one-half cent sales tax measure on the November 2013 ballot with a 10-year sunset subject to annual independent audit and a Citizens' Oversight Committee. Staff has made some suggestions regarding the composition of the Citizens' Oversight Committee as discussed later in the report and seeks direction.

In response to Council, Ms. Bernstein clarified the margin of error for the survey was 4.9. She cautioned that their experience had been, when there are multiple measures attempting to accomplish the same goal; it added a level of confusion and difficulty.

Councilmember Agopian stated he was disappointed the survey had not explored the business license tax.

Mayor Harper reported Hans Ho had submitted a ballot measure to the City. He thanked Mr. Ho and those who assisted, for their submission and concern for the community.

Terry Ramos, Antioch resident, spoke in support of a ballot measure proposal for a fee on landlords to address public safety.

Fred Hoskins, Antioch resident, stated he felt the cost of the survey was frivolous and hiring more police officers would not improve public safety. He suggested the Police Department establish a system to test citizens to allow them to protect themselves with small arms. He requested the City Council commit their stipends to cover the cost of the ballot measures.

Gil Murillo, Antioch resident, cautioned that with the potential for a transportation tax measure on the ballot, there could potentially be three competing ballot measures. He spoke in support of a business license tax for rentals and suggested the City focus on being creative in developing revenue streams for the City.

Hans Ho, Antioch resident, spoke in support of the sales tax measure and a companion business tax measure for owners of rental properties, to increase public safety.

Mayor Harper read written comment from Donna Wilson, Antioch resident, who expressed concern a survey of only 400 residents, did not fairly represent the registered voters in Antioch. She also noted she was opposed to a ballot measure to increase sales tax.

Robert Munton, Antioch resident, spoke in support of a ballot measure for a business tax on owners of rental properties.

Joseph Zamora, Antioch resident, spoke in opposition to a ballot measure for a business tax on owners of rental properties.

Donald Freitas, Antioch resident, spoke in support of a landlord rental fee as a means of providing a stable dedicated funding source and a companion sales tax measure to address public safety.

George Briggs, Antioch resident, reviewed his written requests for further details on sales tax and business tax revenues. He stated he felt the survey had not tested a sufficient number of registered voters.

Bill Cook, Antioch resident, stated based on his contact with a large sector of the community; he disagreed with the results of the survey. He noted residents had strongly suggested that they would not support a sales tax measure, unless there was a companion business tax measure for the landlords of rental properties.

City Manager Jakel provided the projected revenue for a sales tax measure and clarified there had been no discussion regarding the reauthorization of the transportation tax.

Ms. Bernstein clarified that 400 interviews was a reasonable and normal sample size for a population similar to Antioch.

Following discussion, the City Council consensus voiced their support for a one-half cent sales tax measure and a complimentary business tax measure for landlords on residential units. They discussed the importance of making the landlord rental fee ballot measure as clear and concise, as possible.

Councilmember Tiscareno stated that he supported both measures; however, he remained concern that if both were on the ballot, it would cause confusion for voters.

Further discussion regarding the revenue ballot measure resulted in Council consensus support for: a citizen oversight committee comprised of seven (7) Antioch residents; annual audit; and the budget reflecting the revenues generated.

Councilmember Agopian suggested the oversight committee include a member of the business community, labor representative, and a member of the Police Crime Prevention Commission.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously directed staff to bring back an ordinance for: (½) one-half cent sales tax over ten (10) years with a seven (7) member oversight board; annual audit; and line item in the City's annual budget shall reflect all revenues generated.

Councilmember Agopian suggested language in the business license tax measure include a freeze on other business licenses for five (5) years and a simple formula to address a reasonable cap on apartment complexes. He suggested, in the future, the City consider an ordinance to address problem businesses in Antioch.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously directed staff to work with the citizens regarding a business tax on residential landlords.

4. FULTON SHIPYARD BOAT RAMP

Director of Public Works Bernal presented the staff report dated May 9, 2013 recommending the City Council motion to determine if the Fulton Shipyard Boat Ramp was to be closed as recommended by the Antioch Parks and Recreation Commission.

Councilmember Rocha suggested the Fulton Shipyard Boat Ramp be placed in the Capital Improvement Projects (CIP) and Tidelands and WW funds be considered for future improvements.

In response to Councilmember Tiscareno, Director of Public Works Bernal stated he would explore whether the Water staff could be responsible for opening and closing a gate at the Ramp.

Councilmember Agopian thanked staff for the presentation. He proposed a gate, with a pass reader, to be installed to allow annual pass holders access to the secondary launch ramp facility. He suggested looking at the Capital Improvement Program (CIP) to enhance and secure the property. He also supported installing security cameras and stickers being placed on the boat trailers of the annual pass holders.

Director of Public Works Bernal reported a gate, with reader card system, would cost \$50,000 - \$60,000.

Rick Robison and Sheila White, Antioch residents, spoke in support of keeping the Fulton Shipyard Boat Ramp opened and securing it with fencing to prevent criminal activity in the area.

Marty Fernandez, Antioch resident, spoke in support of keeping Fulton Shipyard Boat Ramp opened. He urged the City Council to improve the area and noted that if it were utilized more, criminal activity would decrease.

Mayor Harper stated the boat ramp should be placed on the list of Capital Improvement Projects (CIP) and prioritized for the next fiscal year. He suggested the City determine if Tideland Funds could be utilized for improvements and work with the Antioch Police Department on crime prevention through environmental design.

Councilmember Tiscareno discussed the importance of the Antioch Police Department patrolling the area and keeping it active as a way to deter criminal activity.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously directed staff to leave the boat ramp open; install a gate, with acceptable reader, with main gate lock; and seek funding options.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the next City Council meeting would be held on May 28, 2013 and the Council would be adjourning to Closed Session immediately following this meeting. He announced NRG had a community improvement day and had made several improvements at the Skate Park, Water Park, and Community Center.

COUNCIL COMMUNICATIONS

Councilmember Agopian reported on his attendance at the Antioch Prayer Breakfast and the Recognition ceremony for the Antioch Police Department.

Councilmember Tiscareno reported on his attendance at the Youth Intervention Network luncheon and Red Day event. He announced Allied Waste was working with the Antioch Police Department and training employees to report criminal activities, in the community. He noted they were looking to expand the program to other businesses in the City.

Councilmember Rocha announced Jr. Giants sign-ups would begin on May 20, 2013 and the Los Medanos Community Health Care District rooftop reception would be held from 5:00 P.M. – 7:00 P.M. on May 29, 2013.

Councilmember Wilson reported on her attendance at the Women's Club luncheon and the Harlem Ambassadors Charity Basketball game.

Following discussion, City Manager Jakel stated there may be a possibility of rescheduling the July 23, 2013 meeting to accommodate Mayor Harper and Councilmember Rocha being out of town at the Transportation Conference. He stated they intended to follow up with the citizens group immediately to determine how to proceed with the business tax measure.

ADJOURNMENT

Mayor Harper adjourned the meeting at 10:22 P.M. to Closed Session.

CLOSED SESSION

- 1. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 2 potential cases

City Council returned to open session from closed session at 10:50 P.M.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** - On the first potential case, direction was given to staff, The second potential case related to the Antioch Development Agency's 2008 loan to the Bases Loaded Restaurant. The Council sitting as Successor Agency to the Antioch Development Agency determined on a unanimous vote that Bases Loaded Restaurant had substantially complied with the Agency's 2008 Loan Agreement and no litigation would be initiated.

With no further business, Mayor Harper adjourned the meeting at 10:51 P.M. to the next regular Council meeting on May 28, 2013.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk