

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

November 13, 2007
Council Chambers

Mayor Freitas called the meeting to order at 7:02 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

Mayor Freitas thanked Councilmember Davis and staff, as well as the VFW and American Legion for organizing the Veteran's Day events held on November 11, 2007.

Councilmember Davis announced a Veteran's Day parade for 2008 and provided contact information for anyone interested in participating.

PROCLAMATION

National Family Week, November 18 – 24, 2007

On motion by Councilmember Davis, seconded by Councilmember Moore, the Council unanimously approved the proclamation.

Councilmember Davis presented the proclamation proclaiming November 18–24, 2007 as *National Family Week* to Lester LaFalette, representing the Church of Jesus Christ of Latter Day Saints who accepted the proclamation and offered their support to families.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Pat Scott announced the *Tall Ship Lady Washington* was docked in Antioch through November 20, 2007 and provided contact information for anyone wishing to tour the boat.

ANNOUNCEMENTS OF BOARDS AND COMMISSION OPENINGS - None

PUBLIC COMMENTS

Douglas Tokes, Antioch resident, expressed concern regarding the short duration of yellow lights at many intersections in Antioch and for the unsafe foot traffic attending special events at the Cornerstone Christian Center. He requested the City address those safety issues.

Mayor Freitas requested staff review Mr. Tokes concern and report back to the City Council.

Chris Valenta, Antioch resident, presented Mayor Freitas with gifts and announced he was no longer running for Mayor of Antioch.

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 25, OCTOBER 9 and 16, 2007 (#301-02)**
- B. APPROVAL OF COUNCIL WARRANTS (#401-01)**
- C. LEGISLATION AND ADVOCACY (#701-04)**
- D. REJECTION OF CLAIMS (#704-07) (*denied*)**
 - 1. Santeya Danyell Williams #07/08-1782**
 - 2. Sherry Brown #07/08-1770**
 - 3. DeArmand Ellis #07/08-1771**
 - 4. Nicholas Pree #07/08-1772**
 - 5. Michael Housley #07/08-1773**
 - 6. Angela Ferguson on behalf of Victor Ferguson #07/08-1774**
 - 7. Marquita Arias #06/07- 1705**
- E. ORDINANCE 2003-C-S — PULTE/DEL WEBB REQUESTS AMENDMENTS TO THEIR DEVELOPMENT AGREEMENT TO DEVELOP A SENIOR HOUSING COMMUNITY CONTAINING APPROXIMATELY 530 SINGLE STORY, SINGLE FAMILY HOMES TO THE APPROXIMATELY 204 ACRES LOCATED DIRECTLY SOUTH OF THE EXTENSION OF HILLCREST AVENUE AND EXISTING CHAPARRAL PARK AND THE ALIGNMENT OF SAND CREEK ROAD AGREEMENT (#202-01)**
- F. REVISING THE CITY OF ANTIOCH'S ORDINANCE ADDRESSING CARD ROOM WAGERING LIMITS AS REQUESTED BY THE CALIFORNIA ATTORNEY GENERAL (#701-05)**
- G. 2007-2008 GENERAL FUND OPERATING BUDGET – 1ST QUARTER REPORT (#410-02)**
- H. APPROVAL OF CONTRACT FOR DESIGN AND ENGINEERING SERVICES FOR NOLL & TAM ARCHITECTS FOR THE PREWETT PARK COMMUNITY FACILITIES PROJECT (#1402-03)**
- I. CONSIDERATION OF PROJECT BIDS FOR THE “L” STREET WIDENING AND UTILITIES UNDERGROUNDING FROM FOURTH STREET TO TENTH STREET (PW 234-9) (#1102-04)**
- J. APPROVE AWARD OF BIDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS AND PREWETT WATERPARK POOL CHEMICALS TO THE LOW BIDDERS (#601-02)**
- K. RESOLUTION NO. 2007/82 APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 008-M1 TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 04-5038 FOR FEDERAL AID PROJECTS FOR THE SOMERSVILLE ROAD BRIDGE (PW 141-B) (#1102-04)**

- L. **RESOLUTION NO. 2007/83 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE INSTALLATION OF TRAFFIC SIGNALS AT FOUR (4) LOCATIONS (PW 636-4) (#1104-02)**
- M. **MODIFICATION OF POLICY AND PROCEDURES REGARDING REWARD FUNDS (#1301-01)**
- N. **ADOPTION OF THE 2007 CALIFORNIA BUILDING CODES (#706-01)**

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the City Council unanimously approved the Council Consent Calendar with the exception of items A, G, H and I which were removed for further discussion.

Item A – Councilmember Moore stated he had been unable to able to attend the meeting of October 9, 2007, and therefore must abstain on the item.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved the minutes of September 25, 2007 and October 16, 2007.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council approved the minutes of October 9, 2007 with the following vote:

Ayes: Kalinowski, Davis, Simonsen, Freitas

Abstain: Moore

Item G – Councilmember Simonsen requested future quarterly budget reports show a comparison using the two previous years.

Councilmember Kalinowski reported the City's ending fund balance was estimated to be over \$10M. He then requested an up-to-date list of vacant positions from Human Resources, and urged staff to fill all open positions as quickly as possible.

Mayor Freitas thanked Ms. Merchant for the report and requested subsequent reports include the current year plus the two prior years.

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

Item H – Following discussion, the Council agreed to hold the item until Item #3 on this agenda, entitled "PREWETT PARK COMMUNITY FACILITIES PROJECT" was completed.

Item I – In response to Councilmember Simonsen, Director of Capital Improvements Harrington reported the general contractor was required to perform at least 50% of the work, after which the remaining work could be subcontracted out. Additionally, he gave a brief overview of the bid process.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved Item I.

COUNCIL REGULAR AGENDA

2. APPOINTMENT TO PLANNING COMMISSION – ONE (1) ONE-YEAR TERM (#302-06)

Mayor Freitas nominated Kay Trail for the unexpired term expiring October 2008 on the Planning Commission.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore the City Council appointed Kay Trail to the unexpired term on the Planning Commission.

3. PREWETT PARK COMMUNITY FACILITIES PROJECT (#409-03)

City Manager Jakel presented the staff report dated November 7, 2007 recommending the City Council affirm the Council's previous request of the Mello Roos Board to fund the Prewett Park Community Facilities Project

Councilmember Davis stated the item was agendized to receive Council input and direction prior to the City responding to a request from the Mello Roos Board regarding a request received by the City Council, from the Mello Roos Board, regarding the funding of the Prewett Park Community Facilities Project in the amount of \$25 - \$45M.

In response to questions from Councilmembers Davis and Moore, City Attorney Nerland explained the current makeup of the Mello Roos Board assumed both the School Board Members and City Council Members, while serving as joint members of the Mello Roos Board, would be voting in the interest of both the City Council and Mello Roos Board. Based on this assumption, there would not be any legal prohibition to voting on the matter this evening.

An excerpt of a DVD from the April 10, 2007 meeting, which dealt specifically with the discussion of the Mello Roos Board funding issue, was presented.

Perry Meikle, Antioch resident, requested City Council not to extend Mello Roos, but rather make an appeal to all Antioch citizens to participate in the funding of the Prewett Park Community Facilities Project. He provided the City Council with a petition signed by fifty four (54) residents, living in the Mello Roos assessments district, requesting the proposed extension be denied.

James Morris Sr., Antioch resident, presented the City Council with a petition signed by twenty four (24) Antioch residents opposed to the proposed build out of Prewett Park Community Facilities beyond the \$26M currently found in the Mello Roos funds and requested it be entered into the record.

James Don Williams, Antioch resident, stated he was opposed to extending Mello Roos taxes and suggested taxing all Antioch residents or search for alternative funding sources to be considered.

Jerry Swanson, Antioch resident, reported he had collected signatures from thirty (30) Mello Roos taxpayers opposed to a tax extension. He urged the City Council to seek alternative funding sources for the project.

Christi Moscuza, Antioch resident, thanked Councilmember Davis for attending the Veterans Day ceremony. She spoke in support of the project and in opposition to an extension of Mello Roos to fund the proposed build out. She requested the City Council seek alternative funding sources.

Trisha Meikle, Antioch resident, spoke in opposition to the extension of Mello Roos and urged the City Council to seek alternative funding sources.

Mayor Freitas read into the record written comments from Antioch resident, Terry Ramus, requesting the City Council vote and clarify their positions on asking the Mello-Roos Board to extend the Mello Roos tax.

Dee Vieira, Antioch resident, clarified the Mello Roos Board had requested clarification regarding whether or not the City Council wished to proceed with the extension of the Mello Roos taxes. She stated while she was in support of the project, she did not support funding it from Mello Roos in excess of \$26M.

Councilmember Davis voiced his support for the entire project, including funding the \$26M from Mello Roos and proceeding with the study for the entire build out.

A motion was made by Councilmember Davis, seconded by Councilmember Simonsen, to request the Mello Roos Board expend up to \$26M for public facilities at Prewett Family Park.

The previous motion was amended at the request of Councilmember Simonsen to include direction to staff to actively pursue the hiring of a grant writer to pursue state and federal grant monies.

Councilmember Simonsen discussed the importance of the City actively pursuing bond financing and urged the residents to become actively involved in the process.

Councilmember Kalinowski stated he felt the previous motion was conflicting, noting if the City Council does not believe the role of the Mello Roos Board does not include participation in building a financial model to bring the product to fruition, Mello Roos would also NOT be financially responsible to help fund a grant writer for the purpose of seeking bond financing. He noted he would support a formally query of the Mello Roos taxpayers on their preferred direction and for the Mello Roos Board to discuss the issues and provide options to the City Council regarding funding for the project.

Councilmember Moore agreed with Councilmember Kalinowski regarding the process of engaging the Mello Roos taxpayers to make a determination on how to move forward based on the merits of the project. He stated the City Council had been clear, the full build out of the Library, Community Center and Police Substation was the desire, and the funding authority rested with the Mello Roos Board members.

Mayor Freitas reported Mello Roos was created to ensure new residents would pay for the amenities needed for the population growth and help mitigate the negative impacts of growth. He noted this was a complex issue, which was the reason the City Council requested the Mello Roos Board conduct extensive public outreach. He explained of the existing \$26M, \$4M had been appropriated, however an addition \$12M had already accumulated. He stated he would support using the entire \$38M in available funds to build as much of the proposed facilities as possible, which would not increase or extend Mello Roos taxes. He further noted, once the scope of the project was determined, the City

Council would have to determine how the City would operate and maintain the facility. He clarified it had always been the position of the City Council to seek additional local, regional, state and federal funding for the project.

Councilmember Simonsen wanted it clarified; the hiring of a grant writer would be a City position.

In response to Councilmember Simonsen, Assistant City Manager Mornick gave a brief overview of the PFM report summary of financing results for Mello Roos, which indicated in 2007 there was \$4.9M excess revenue and \$7.2M in state reimbursements. She offered to provide the City Council with a copy of the summary and clarified the remaining bond authorization was \$14.9M

City Manager Jakel stated the financing issues should be debated and discussed by the Mello Roos Board.

Mayor Freitas suggested to the maker of the previous motion that there be flexibility in the request to the Mello Roos Board to allow for the possibility of using the \$12M excess funds.

A vote on the previous motion failed by the following vote:

Ayes: Simonsen, Davis

Noes: Freitas, Kalinowski

Abstain: Moore

A motion by Councilmember Simonsen to request an additional \$19M in Mello Roos funds beyond the \$50M allocated failed for a lack of a second.

In response to Councilmember Kalinowski, Ms. Mornick clarified PFM at the Mello Roos Board meeting saw four different options and in each option the \$12M in excess revenue was considered.

A motion by Councilmember Simonsen, seconded by Mayor Freitas, the City Council requested the Mello Roos Board to appropriate the \$26M previously identified and \$12M in excess revenue for public facilities at Prewett Family Park was amended as follows:

On motion by Councilmember Simonsen, seconded by Mayor Freitas, the City Council would request the Mello Roos Board to appropriate the \$26M that had been identified as well as approximately \$12M (\$7M in state reimbursements and \$4.9M in excess revenue for fiscal year 2007-2008) for a combined total of \$38M for public facilities at Prewett Family Park, based on the stipulation use of these funds would **not** extend the Mello Roos tax.

The motion was unanimously approved by Council.

Item H – At the request of Councilmember Simonsen page #2, attachment C, #1 the last sentence was revised as follows; “Air travel shall be by means other than first class and by economy or coach.”

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council unanimously approved item H.

PUBLIC COMMENTS

Alicia Cerretani and Ben Deniston, representing LaRouche Political Action Committee, provided the City Council with copies of the Homeowners and Bank Protection Act (HBPA) and requested the City Council pass a resolution in support of the HBPA.

Perry Meikle apologized for previously speaking out of order. He requested the City Council and Mello Roos Board provide the Mello Roos taxpayers with timely and accurate information.

James Morris questioned if notification indicating the details of the Mello Roos assessment were available through the City, by a fee, would constitute full disclosure.

City Attorney Nerland responded that prior to the purchase of a home, she felt it was incumbent upon the buyer to learn as much as possible regarding the property and the obligations they would be undertaking.

Mr. Morris stated he did not feel he had received full disclosure regarding Mello Roos and the issue would be going to the Grand Jury.

Dee Vieira questioned who would be conducting the workshops for the Prewett Park project.

Following discussion, the City Council agreed, should the Mello Roos Board decide to conduct public outreach regarding the financial aspects, they could do so; however the project aspects would be addressed by the City.

STAFF COMMUNICATIONS

City Manager Jakel reported the next regular City Council meetings was scheduled for November 27, 2007 and December 11, 2007. If necessary, a Study Session *could* be held on December 18, 2007.

COUNCIL COMMUNICATIONS

Councilmember Simonsen thanked Councilmember Davis and American Legions Post 161 for organizing the Veterans Day ceremonies. He thanked Mayor Freitas, as the City's Representative on the East County Fee and Financing Authority, for voting no on a motion which would have exempt new wineries and tasting rooms from new transportation fees.

Mayor Freitas wished everyone a Happy Thanksgiving.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting in at 9:43 P.M to the next regular Council meeting on November 27, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk