

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

**Regular Meeting  
7:00 P.M.**

**July 13, 2010  
Council Chambers**

**6:00 P.M. - CLOSED SESSION**

**1. CONFERENCE WITH LABOR NEGOTIATOR** – Employee organizations: Public Employees' Union Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officers' Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employees' Association. This Closed Session is authorized by California Government Code §54957.6.

**2. CONFERENCE WITH LEGAL COUNSEL** – Pursuant to California Government Code section 54956.96 (b) regarding the East Contra Costa Regional Fee and Financing Authority: 1. Anticipated Litigation pursuant to California Government Code section 54956.9(b) – Significant exposure to litigation – 1 case; and 2. Anticipated Litigation pursuant to California Government Code section 54956.9(c) – Initiation of litigation – 1 case.

Mayor Davis called the meeting to order at 7:08 P.M. and City Clerk Martin called the roll.

Present: Council Members Parsons, Moore, Kalinowski, Rocha and Mayor Davis

City Attorney Nerland reported the City Council had been in Closed Session and with regards to Conference with Labor Negotiator, direction was given, Conference with Legal Council, no reportable action.

**PLEDGE OF ALLEGIANCE**

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

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Julie Haas-Wajdowicz, announced there would be a city-wide garage sale October 9-10, 2010, and a Re-use Drop Off event on October 16, 2010. Volunteers and Non-Profits were encouraged to participate. Contact information was given.

Walter Ruelig, Antioch resident, requested the City Council consider his reappointment to the Contra Costa County Library Commission.

Mary Rocha encouraged the community to support funding for the Antioch High School track by voting online at [refresheverything.com](http://refresheverything.com).

**PRESENTATION**

BART Board Member Joel Keller announced a program initiated by BART to benefit military members on leave while servicing in Iraqi Freedom or Enduring Freedom. Flyers were made available in Council Chambers.

Councilmember Moore thanked Mr. Keller and announced Tri-Delta Transit has a similar program for military members on leave.

## **PUBLIC COMMENTS**

Mayor Davis read written comment from a speaker "Theresa" who indicated she is opposed to the city laying off any Community Service Officers and questioned what concessions the City Council has made in an effort to help balance the budget.

Michelle Upton, Antioch resident, speaking on behalf of the Garrow Estates Community expressed concern for the violation of residential traffic laws in their neighborhood. She requested the city work with them to install traffic control measures to regulate traffic.

James Jones, representing Public Employee Union Local #1 voiced support for the resolution of the parcel transaction tax for the November ballot.

Nancy Fernandez requested the City Council reconsider and increase police department funding for staffing the Community Service Officers.

Wendee Williamson invited the City Council to the Grand Opening of the Sutter Delta Hospital Advanced Wound Care Center on August 25, 2010, from 6:00 – 8:00 PM.

The following individuals submitted speakers cards in support of the Antioch Police Officers Association and deferred their speaking time to Tom Fuhrmann; Matt Koch, Chris Ming, Taria Nissen, Nicole Gackowski, Scott Gillespie, Steve Aiello, Jennifer Lee, Nicki Impastato, Stacey Malsom, Cliff Rezendes, and James McMurry.

Larry Doweidt, Antioch resident and member of the Garrow Estates Community Watch spoke to several traffic violations occurring in his neighborhood. He noted he feels the residents would be willing to share the costs to place a two stop signs midway on 13th Street. He suggested a sign and enforcement of no through traffic in their neighborhood.

Willie Mims representing the Black Political Association, stated he is present this evening to hear the peoples comments and the Council's reaction to those comments. He urged the City Council to make decisions in the best interest of the total population.

Tom Furhman, representing the Antioch Police Officers Association, discussed current and future staffing levels at the Antioch Police Department and the negative impacts of the city laying off the Community Service Officers (CSO). He listed CSO job duties and their value within the police department as well as the effects of the layoffs on public safety. He voiced their support for a tax with transparency provided everything possible is done to close the budget gap to no avail. He urged the City Council to address the issue of community service and officer layoffs noting public safety should be the priority of the city.

Wade Harper, Antioch resident, voiced his support for properly staffing the Antioch Police Department noting public safety is paramount.

Ralph Hernandez, representing Citizens for Democracy, stated he opposed garbage and water rate increases. He urged the City Council to take an aggressive role and force the employee unions to give back to the city. He suggested imposing a contract upon the employees who are overpaid and over benefited.

Allen Payton, Antioch resident, stated the staffing levels at the Antioch Police Department are unacceptable and urged the Council to fill the vacancies and retain Chris Ming's position as a CSO. He reported the landscaping on Hillcrest Avenue needs to be addressed and suggested closing Prewett Park to help balance the budget.

### **COUNCIL SUBCOMMITTEE REPORTS**

City Manager Jakel gave a brief overview of employee layoffs, concessions made in an effort to balance the city's budget. He stated he would request the City Engineer look at the traffic situation at Jacobson and Hillcrest.

Councilmember Parsons thanked the Garrow Estates group for discussing their concerns this evening and offered to assist them receive their stop signs. She stated she understands the concerns of the APOA.

Councilmember Moore stated he advocated for a community safety policing district for the ballot two years ago and could not garner any support to move the measure to the people for action. He noted there will be opportunity to approve a measure for the ballot this evening.

Councilmember Parsons discussed concessions made the City Council and noted she does not allow the city to pay for any travel taken on behalf of city.

Fred Hoskins, Antioch resident, challenged the community to present ideas to the City Council for consideration. He provided the City Council with a list of recommendations to increase revenues.

### **MAYOR'S COMMENTS**

#### **1. PRESENTATION BY LONE TREE GOLF COURSE REPRESENTATIVES**

A representative gave a brief overview of the Lone Tree Golf & Event Center operational and financial results for actual and projected years 2007- 2011, as well as the community benefits offered by the facility.

Following discussion, Councilmember Kalinowski requested staff bring back the municipal water supply issue and parking lot paving reimbursement for Council discussion by September 2010.

Councilmember Moore expressed concern for the city subsidizing the Golf Course.

Ralph Hernandez, Chair Citizens for Democracy, suggested the City Council consider formation of a subcommittee to analyze the Golf Course books and having someone take over the facility for a profit basis. He stated he is opposed to the city forgiving the water bill for the golf course.

**2. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR JUNE 22, 2010**

**B. APPROVAL OF COUNCIL WARRANTS**

**C. REJECTION OF CLAIM**

1. Jessica Lopez 10/11-1969 (vehicle damage)

**D. RESOLUTION NO. 2010/48 ANNOUNCING INTENTION TO SUMMARILY VACATE A SURPLUS PORTION OF JAMES DONLON BOULEVARD (OLD PASO CORTO ROAD) RIGHT-OF-WAY TO ALBERT D. SEENO CONSTRUCTION COMPANY (PW 365-11)**

**E. RESOLUTION NO. 2010/49 APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA TRANSPORTATION AUTHORITY REGARDING THE STATE ROUTE 4 WIDENING PROJECT – SOMERSVILLE ROAD TO STATE ROUTE 160 (PROJECT 1407/3001)**

**F. EXTENSION OF KAMPS PROPANE APPEAL OF THE PLANNING COMMISSION'S DECISION (UP-09-13)**

**G. RESOLUTION NO. 2010/50 APPROVING THE CONTRA COSTA CLEAN WATER PROGRAM AGREEMENT (2010)**

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the Council unanimously approved the Council Consent Calendar

Mayor Davis declared a recess at 8:18 PM. The meeting reconvened at 8:37 PM with all Councilmembers present.

**COUNCIL REGULAR AGENDA**

**3. APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION TO FILL THE VACANCY OF ONE PARTIAL-TERM EXPIRING JUNE 2011**

Mayor Davis appointed Alan Moore to the Economic Development Commission.

On motion by Councilmember Rocha, seconded by Councilmember Moore the City Council unanimously appointed Alan Moore to the Economic Development Commission.

**4. "ORDINANCE IMPOSING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION" WHICH WILL ADD ARTICLE 4 OF CHAPTER 5 TO TITLE 3 OF THE ANTIOCH MUNICIPAL CODE ENACTING A ONE-HALF (1/2) CENT TRANSACTIONS AND USE (SALES) TAX FOR MAINTENANCE OF VITAL CITY SERVICES UPON APPROVAL BY THE VOTERS AT THE NOVEMBER 2, 2010, ELECTION**

City Manager Jakel presented the staff report dated July 8, 2010, recommending the City Council: 1) Motion to read the "Ordinance Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization" by title only; and 2) Motion to introduce the "Ordinance Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization."

Marty Fernandez, Antioch resident, spoke in opposition to the sales tax increase and urged the City Council to consider a parcel tax to fund public safety.

Rosa Sandoval – Jaureque, E-Board member AFSCME (American Federation of State County and Municipal Employees) spoke to the importance of tax revenues staying within Antioch and the need for an oversight committee. She suggested conducting public outreach requesting residents give back to the community.

Gil Murillo, Antioch resident, expressed concern for the impact of an increase in sales tax on those with fixed incomes. He stated he supports the increase provided there is transparency in where the funds will be allocated. He suggested sharing revenues and consolidation of services with the School District as well as increasing the telecom tax. He offered to review details of the city's budget.

Devi Lanphere, Antioch Chamber of Commerce expressed concern for the speed and lack of participation from the business community and Economic Development Commission on the sales tax increase. She voiced their opposition to the ordinance noting they feel it could destroy local business and create a purchase leakage to other communities. She further noted provisions in the ordinance are not sufficient and she expressed concern for the cost to businesses for upgrading sales software. She noted public safety should be the priority and suggested the city look at alternatives to increase revenues to fund public safety. She reported she received an email indicating that three Councilmembers had already made up their minds to approve this proposal.

In response to Ms. Lanphere, Councilmembers Parsons and Rocha stated they had not discussed the issue with any Councilmembers.

Greg Feere, Antioch resident, stated he supports a sales tax increase or parcel tax provided health and safety items are the priority. He provided the City Council with the code enforcement program for Richmond and an LEP program that emphasizes local jobs for local workers and businesses. He noted law enforcement is a top priority and it needs to be funded 100 percent.

Tom Lamothe speaking on behalf of himself and the Chamber of Commerce stated they are opposed to an increase of ½ cent sales tax. He stated it could cause small businesses to close, leakage of sales into other communities, and discourage businesses from coming to Antioch. He urged the City Council to oppose this item.

Allen Payton, Antioch resident, spoke in opposition to increasing the sales tax noting it will make the city less competitive toward business. He suggested contracting out plan check in an effort to be more business friendly.

Mayor Davis read written comment from Bernie Cabrera, Antioch resident, who expressed concern regarding the increase in sales tax.

Tom Fuhrman representing APOA spoke to the importance of funding the appropriate staffing levels for the Antioch Police Department and providing the city with vital police services. He stated he has given suggestions on other areas within the city that can be cut and positions within the city that can be eliminated to fund Community Service Officers. He stated they are neutral on any tax initiatives at this time and encouraged the community to support whichever tax initiative that moves forward.

Joseph Ramos, Antioch resident, emphasized the benefits and pension for public employees are more generous than private industry and he feels the city should look at making cuts to those benefits and pensions. He noted the sales tax proposal lacks in transparency and he feels it is disconcerting that the Council has dismissed the idea of a parcel tax.

Ron Adhya, Antioch resident, voiced his opposition to a sales tax increase and stated he supports consideration of a parcel tax.

Jim Kyle, Antioch resident, stated a sales tax increase will not solve the budget problems and he voiced his support for a parcel tax or police services district.

Terry Ramos, Antioch resident, reported the City Council had a poll conducted and they based their decision for a sales tax as a result. He noted with a 50 percent mechanism for approval the funds cannot be limited to public safety. He voiced his support for the parcel tax proposal dedicated to public safety.

Barbara Sobalvarro, Antioch resident, requested Animal Services be included to benefit from the sales tax, if it moves forward to the ballot.

Fred Hoskins, Antioch resident, voiced his support for the ½ cent sales tax increase provided there is transparency in the process and a time limit is put in place. He suggested, in the future, the Council solicit input on the city's website from the public on decisions being made.

Sue Pederson, Antioch resident, expressed concern regarding the cost business would incur for software if there is a change in sales tax and noted she feels the increase would not be business friendly. She volunteered to review the budget to determine if any more cuts would be possible.

Ralph Hernandez, Antioch resident, representing Citizens for Democracy stated he is opposed to increasing the sales tax and suggested the city consider cutting spending and reduce funding to certain employee groups.

Jim Lanter, Antioch resident, stated an increase in sales tax will affect every job and consumer in the city. He suggested the City Council take time to partner with local businesses and the Police Department. He voiced his support for a parcel tax.

Mayor Davis suggested a recess to allow the Council to review the Citizens Public Safety Initiative brought forward this evening.

Mayor Davis declared a recess at 9:37 PM. The meeting reconvened at 9:48 PM with all Councilmembers present with the exception of Councilmembers Moore and Parsons. Councilmember Moore arrived at 9:49 PM. Councilmember Parsons arrived at 9:51 PM

Councilmember Moore discussed the budget process and concessions made by city staff. He stated he supports asking the people of Antioch if they would be willing to tax themselves to enhance the quality of life in the community. He clarified he has had no conversations with other Councilmembers prior to this meeting regarding this agenda item and he feels the City Council has been responsible stewards of the people's money.

Councilmember Kalinowski stated this proposal was drafted after a poll was conducted asking voters about their willingness to support any revenue enhancement in Antioch. He noted the only thing that had willingness from the voters was the sales tax proposal with the information and safeguards in place within the ordinance. He reported he only had an email exchanges with Mary Jane Carsten and Terry Ramos and staff regarding this item. He questioned what the Chambers position is on the cities of Concord and Vallejo's budget solutions. He noted a parcel tax never passes in Antioch and he feels the burden should be spread among all residents in Antioch and therefore he will support the ½ cent sales tax.

Councilmember Parsons stated the sales tax would be less of a burden on Senior Citizens and she agrees with Councilmember Kalinowski's position on this item. She reiterated she has not spoken with any Councilmembers regarding her position on this agenda item.

Mayor Davis stated he was surprised by the results of the poll and however, he believes that information garnered was very accurate. He stated it is incumbent upon the City Council to provide public safety and be fiscally responsible. He noted if this tax is not supported, he believes the city will be filing bankruptcy.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha the City Council unanimously 1) Motion to read the "Ordinance Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization" by title only; and 2) Motion to introduce the "Ordinance Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization." With the following changes to the ordinance Section 3-5.402 adding "Or July 1, 2011, if allowed by the State Board of Equalization."

## **PUBLIC COMMENTS**

Mayor Davis read written comment from Lynne Price urging the City Council to hold workshop meetings to allow the community to interact on items covered by the General Fund.

Allen Payton requested the city make public who conducted the poll and what questions were asked of the voters.

## **STAFF COMMUNICATIONS**

City Manager Jakel announced the next regular Council meeting is July 27 and the Delta 6 meeting has been cancelled until October.

## **COUNCIL COMMUNICATIONS**

Councilmember Rocha invited the City Council to attend the Hercules Dinner meeting on July 15, 2010, at 6:30 regarding the ballot measure pertaining to the state raiding of local government transportation funds.

With no further business, Mayor Davis adjourned the meeting at 10:25 p.m. to the next regular Council meeting on July 27, 2010.

Respectfully Submitted:

*L. Jolene Martin*

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L. JOLENE MARTIN, CMC  
City Clerk