

CITY COUNCIL MEETING

Special Meeting
6:00 P.M.

December 4, 2012
Council Chambers

Mayor Davis called the meeting to order at 6:02 P.M., and City Clerk Skaggs called the roll.

Present: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor Davis

PLEDGE OF ALLEGIANCE

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

Deer Valley Choir sang and Pastor Paul Taylor led audience in the innovation.

1. RESOLUTION CONFIRMING CANVASS BY THE COUNTY CLERK OF CONTRA COSTA OF BALLOTS CAST AT THE GENERAL ELECTION HELD ON NOVEMBER 6, 2012

RESOLUTION NO. 2012/69

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council unanimously approved the canvass of the ballots cast at the General Election of November 6, 2012.

Diane Gibson Gray and Superintendent Don Gill, on behalf of the Antioch Unified School District, congratulated the newly elected Councilmembers and recognized Councilmember Agopian, Mayor Davis, and Councilmember Kalinowski. They stated they look forward to working with Councilmember Elect Wilson and thanked the entire Council for their leadership.

Allen Payton, Antioch resident, thanked Mayor Davis for his leadership and congratulated Mayor Elect Harper and Mayor Pro Tem Elect Rocha. He stated he would miss Councilmember Kalinowski's leadership in the regional transportation meetings and during his Council service.

2. PRESENTATION to outgoing Mayor James D. Davis and Council Member Brian Kalinowski

Satinder Malhi, on behalf of Senator DeSaulnier and Assemblyman Frazier, thanked Mayor Davis and Councilmember Kalinowski for their service and congratulated Councilmember Rocha, Councilmember Elect Wilson, and Mayor Elect Harper. He stated he look forward to continuing to build upon their partnership with the City.

Councilmember Harper thanked Mayor Davis for his years of service and presented him with a gavel.

Councilmember Kalinowski thanked everyone who gave him the opportunity to serve the City and stated it was an honor to serve with the current and past Councils.

Mayor Davis stated it had been a privilege and honor to serve the City. He discussed accomplishments during his terms on the City Council and thanked his supporters. He thanked staff for their dedication and his family for their support. He spoke of his love for the City and noted it had been a privilege to be the Mayor.

City Manager Jakel and City Attorney Nerland presented Mayor Davis and Councilmember Kalinowski with certificates and their photographs.

Councilmember Rocha thanked Mayor Davis for his service.

Councilmember Agopian thanked Mayor Davis and Councilmember Kalinowski and recognized their wives for supporting their service to the community. He encouraged them to remain engaged.

3. OATHS OF OFFICE:

The Oaths of Office for the newly elected City Officials were administered as follows:

Wade Harper, Mayor – Administered by Dr. Don Gill
Mary Helen Rocha, Council Member – Administered by Jessica Fernandez
Monica Wilson, Council Member – Administered by Terrance Wilson
Donna Conley, Treasurer – Administered by Jim Conley
Arne Simonsen, City Clerk – Absent

4. COMMENTS by Mayor and City Council Members

The new officials gave introductory statements in the following order:

Mayor Harper
Councilmember Rocha
Councilmember Wilson
City Treasurer, Donna Conley

ROLL CALL - *New Council*

Acting City Clerk Skaggs called the roll.

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

Supervisor Federal Glover recognized former Mayor Davis and former Councilmember Kalinowski for their years of service. He congratulated Councilmembers Rocha, Wilson, and Mayor Harper and wished Councilmember Agopian continued success.

Assemblyman Frazier acknowledged former Mayor Davis and former Councilmember Kalinowski for their service. He congratulated Mayor Harper and Councilmembers Rocha and Wilson. He stated that he look forward to working with the Council.

Mayor Harper acknowledged Pittsburg Mayor Parent and Councilmember Evola in attendance this evening.

5. MAYOR PRO TEM APPOINTMENT

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the City Council unanimously appointed Councilmember Rocha as Mayor Pro Tem.

PUBLIC COMMENT

Angel Luevano, National League of Latin American Citizens (NLLAC), thanked former Mayor Davis and former Councilmember Kalinowski for their years of service. He congratulated the victors of the election, thanked everyone for their service, and offered their full support.

George Van Hasselt, representing East County Democrats for Action, congratulated the victors of the election and thanked the Council for serving the community. He acknowledged former Mayor Davis and former Councilmember Kalinowski for their years of service.

Willie Mims, representing the Black Political Association and East County NAACP, recognized former Mayor Davis and former Councilmember Kalinowski for their service in the community. He congratulated the victors of the election and thanked the Council for their service.

Councilmember Agopian thanked the speakers for their kind words. He congratulated Mayor Harper, Councilmember Rocha, and Councilmember Wilson and stated he looked forward to working with them to build a better City for the citizens of Antioch

Mayor Harper announced his mother Barbara Tellis, a cancer survivor, had pinned the Mayor's pin on him this evening. He recognized former Councilmember Moore and former Mayor Freitas in attendance this evening.

6. FILLING A CITY COUNCIL VACANCY

City Attorney Nerland presented the staff report dated November 27, 2012 recommending the City Council 1) Motion to adopt a resolution appointing a person to fill the City Council vacancy; or 2) Motion to adopt a resolution inviting applications for appointment to fill the City Council vacancy and establishing dates and rules for the application process; or 3) Motion to adopt a resolution calling for a special election for the position of City Council Member on June 4, 2013.

Willie Mims, representing the Black Political Association and East County NAACP, recommended the City Council appoint a person to complete the remaining two year term on the City Council.

Fred Hoskins recommended the City Council invite applications for the appointment to fill the City Council vacancy.

Reggie Moore recommended the City Council invite applications for the appointment to fill the City Council vacancy. He congratulated the newly elected Councilmembers and stated it was a

pleasure to serve with former Councilmember Kalinowski and Mayor Davis. He suggested the community consider taxing themselves for a better community.

Mayor Harper voiced his support for inviting applications for the appointment to fill the Council vacancy.

Councilmember Agopian stated Calling for a Special Election was cost prohibitive, therefore he would support former Mayor Davis be appointed to serve for the remaining two years of the vacant term since he received the next highest vote count.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council adopted the resolution inviting applications for the appointment to the City Council to fill the unexpired term of Wade Harper. The motion carried the following vote:

Ayes: Harper, Rocha, Wilson

Noes: Agopian

RESOLUTION NO. 2012/70

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council amended the resolution to include the following:

- No later than 4:30 P.M. on December 13, 2012, persons interested in being considered for appointment to the remaining term shall submit to the City Clerk's Office
- On December 18, 2012 at 6:00 p.m., each applicant may make an oral statement to the City Council not to exceed three (3) minutes summarizing their Candidate's Statement
- Amended to read: "It is the intention of the City Council to make an appointment on December 18, 2012, or to Call a Special Election for the purpose of filling the vacancy

Mayor Harper declared a recess at 7:50 P.M. The meeting reconvened at 8:12 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

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

Human Resources/Economic Development Director Fitzer presented the staff report dated November 29, 2012 and the supplemental staff report dated December 4, 2012 recommending the Council discuss and consider taking the following actions: 1) Motion to adopt a Resolution of Intention to approve 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. 2) Motion to introduce the ordinance by title only. 3) Motion to introduce 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.

In response to Councilmember Agopian, Human Resources/Economic Development Director Fitzer stated she would provide information regarding any previous public employment for the 21 impacted employees.

In response to Mayor Harper, Human Resources/Economic Development Director Fitzer clarified by policy and as part of the cost containment measures, Council could limit the amount of lateral hires per recruitment period.

In response to Councilmember Agopian, Finance Director Merchant clarified the budget had not included rate decreases for negotiating new tiers.

In response to Mayor Harper, Chief Cantando stated his preference would be that 30-50% of the vacancies be filled with lateral Officers.

Fred Hoskins, Antioch resident, stated he felt the Council should not be discussing this matter and Public Employees' Retirement System (PERS) contract amendments should be negotiations with the Union.

Rowland Katz, representing Public Employees Union Local One, clarified limiting the amount of lateral hires would be done through the recruitment process and he voiced his support for amending the contract for all employees.

Marty Fernandez, Antioch resident, voiced his support for improving the amendments to the PERS contract.

David Yuds, Antioch resident, stated he did not support amending the PERS contract and noted the focus should be to hire more officers rather than incurring more debt.

Mayor Harper stated there would be a salary savings in hiring a lateral officer and the City needed the tools to hire experienced officers to provide a balance of employees.

City Manager Jakel emphasized the Council had control of the budget and at a future date, they could decide when and where to cap the amount of lateral officers.

Councilmember Agopian spoke to value of hiring lateral officers for cost savings through the hiring processes and in gaining experienced individuals. He stated he supported this item going forward for consideration at the end of December.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously 1) Adopted a Resolution of Intention to approve 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. 2) Introduce the ordinance by title only.

RESOLUTION NO. 2012/71

In response to Council, City Manager Jakel stated when this item comes back for Council consideration of the adoption of the Urgency Ordinance on December 27, 2012; staff would provide the following information:

- Cost savings - single employee
- Percentage of Non-General Fund that could be expensed for the Miscellaneous Employees
- How many of the 21 employees were deemed legacy employees
- Clarification on the unfunded liability over a 20 year period and the annual cost
- Basis on which the budget was built upon at the 3% at 50 rates

Council consensus agreed to hold a Special Meeting to consider the adoption of the Urgency Ordinance on December 27, 2012 at 6:00 P.M. Closed Session to review the status of pending and existing litigation would also be scheduled for that meeting.

PUBLIC COMMENTS - None

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:15 P.M. to the next regular Council meeting on December 11, 2012.

Respectfully submitted:

DENISE SKAGGS, Acting City Clerk