

**CITY COUNCIL MEETING
INCLUDING THE ANTIOCH CITY COUNCIL
ACTING AS SUCCESSOR AGENCY
TO THE ANTIOCH DEVELOPMENT AGENCY**

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

**November 26, 2013
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Government Code section 54957 and **LABOR NEGOTIATIONS** with prospective employee pursuant to Government Code section 54957.6: Title: City Manager; Negotiators: Mayor Harper, Councilmember Wilson, City Manager, City Attorney and Recruiter Phil McKenney.
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(1): Janelle Walker v. Officer James Colley, United States District Northern California, Court Case 3:13-cv-010999-JCS
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(2): United States ex rel. John Hendrix et al v. J-M Manufacturing Co., Inc. d/b/a JM Eagle and Formosa Plastics Corp. USA, United States District Court, Central District of California Case No. ED CV 06-00055 (GW); State of Nevada et al v. J-M Manufacturing Company, Inc. et al., Superior Court, County of Los Angeles (Case No. BC459943)

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 PUBLIC EMPLOYEE APPOINTMENT AND LABOR NEGOTIATIONS**, Direction was given to the Labor Negotiators; **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Council voted 5/0 to settle the matter; and, **#3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, No action was taken.

Mayor Harper called the meeting to order at 7:06 P.M., and Minutes Clerk Eiden 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.

Mayor Harper opened the meeting in the memory of former Mayor Barney Parsons and thanked him for his service. In honor of Mr. Parsons, he led the Council and audience in a moment of silence.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None

ANNOUNCEMENTS OF BOARDS AND COMMISSION OPENINGS

1B.01

01/14/14

Mayor Harper announced the following Commission opening:

- Parks and Recreation Commission – Four (4) full terms – Deadline for applications is 5:00 P.M. on January 30, 2013

PUBLIC COMMENTS

Ileana Bello, Dozier Libbey Medical High School student, discussed the negative impact of bullying and requested the City Council consider adopting an anti-bullying resolution.

Imani Clark, Dozier Libbey Medical High School student, discussed the importance of having a full-time counselor on campus to provide services to students.

Ed Williams, Dozier Libbey Medical High School student, stated he was a victim of bullying and now he was working to assist other victims. He announced he had created a program called FAITH that helps children become active in the community and expressed interest in attending other schools to conduct peer to peer seminars on bullying. He requested the assistance of the community with donations and advice on how to build their program.

Mayor Harper thanked the students who spoke and suggested they consider making a presentation to the Antioch Unified School Board.

In response to Mayor Harper, City Manager Jakel stated he would ask staff to research past action regarding a bullying resolution.

Councilmember Rocha requested this item be discussed at the City Council/School District subcommittee meeting and noted there are opportunities for the students to connect with other programs.

Councilmember Tiscareno reported the students had contacted him and he had suggested they contact the School Board. He thanked the students for coming forward to discuss the issue.

Mayor Harper reported Superintendent Gill was looking at the issue of bullying and formed a committee with the Youth Intervention Network. He commended the students for coming before the Council to discuss the issues and for starting the organization.

Sofia Bello discussed the negative impact of bullying and stated she wanted to be the voice of the victims who were afraid to speak.

Mayor Harper thanked Sofia for having the courage to speak and stated Council cares about the youth in the community.

Edgar Osorio, Dozier Libbey Medical High School PTSA President, commended the students for speaking this evening and discussed their efforts to prevent bullying. He stated that their school was a good example and should be emulated in the community.

Robin Agopian thanked the students for speaking this evening. She recognized and thanked everyone who participated in the benefit barbeque held on November 21, 2013. She stated the love and generosity from the community was extraordinary.

Douglas Dunn, Contra Costa County Assisted Outpatient Treatment Workgroup and the Contra Costa Chapter of the National Alliance on Mental Illness, discussed the benefits of the County implementing Laura's Law, an assisted outpatient treatment program for the seriously mentally ill. He invited the Council to attend a Laura's Law presentation at 7:00 P.M. on December 19, 2013 at John Muir Medical Center, in Concord.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the League of California Cities.

Councilmember Tiscareno reported on his attendance at the Lone Tree Golf Course subcommittee meeting. He stated the Board would be coming to the City Council to give a full report.

Councilmember Agopian thanked the community for their love and support. He stated Antioch was a great community and the benefit event should be the beginning of the community pulling together to change lives.

MAYOR'S COMMENTS

Mayor Harper thanked the City Council and staff for working as a team and representing the City in a positive way. He thanked City Manager Jakel for his leadership. He stated he wanted to continue to listen and become a better Mayor, father and husband. He thanked the community for their support of Measure C, and reiterated that Council would make certain the funds were utilized and monitored correctly.

PRESENTATION

Police Statistics Third Quarter 2013, presented by Chief Allan Cantando

Chief Cantando gave a presentation of the 3rd Quarter 2013 crime statistics including the following information:

- Part 1 Crime Statistics
- Bureau of Support Services
- Bureau of Field Services
- Current Staffing Levels
- New Developments

He thanked the Council for supporting the Antioch Police Department and City Manager Jakel for hiring him to be the Chief of Police.

In response to Mayor Harper, Chief Cantando explained that traffic citations are not a money maker for the Police Department and noted that they see more money from municipal code citations; however, those fines are much lower.

Mayor Harper thanked Chief Cantando for the report and the information on new hires. He suggested Chief Cantando continue to demonstrate his plan for adding more Police Officers.

In response to Councilmember Rocha, Chief Cantando discussed the challenges of dealing with panhandlers.

Councilmember Wilson thanked Chief Cantando for the report.

Councilmember Tiscareno thanked Chief Cantando for the report and congratulated him on the clearance rate.

Councilmember Agopian thanked Chief Cantando for the report and spoke to the value of focused policing to eradicate panhandling. He stated the City was in a good position to begin reducing low level criminal activity.

Councilmember Rocha suggested the City form a committee to begin focusing on the homeless issue.

Mayor Harper stated the City wants to address the panhandling and homeless issues with compassion by providing individuals with contact information for the resources available in the community.

COUNCIL CONSENT CALENDAR

- A. COUNCIL MINUTES FOR NOVEMBER 12, 2013 *Motioned to continue to December 10, 2013***
- B. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR NOVEMBER 15 AND NOVEMBER 19, 2013**
- C. APPROVAL OF COUNCIL WARRANTS**
- D. APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2013**
- E. RESOLUTION NO. 2013/66 OF THE CITY COUNCIL OF THE CITY OF ANTIOCH CONFIRMING CANVASS BY THE COUNTY CLERK OF CONTRA COSTA OF BALLOTS CAST AT THE CONSOLIDATED ELECTION HELD ON NOVEMBER 5, 2013**
- F. WATER TREATMENT PLANT – RIVER PUMP AND MOTOR REBUILD PURCHASE ORDER: P140272**

- G. **ORDINANCE NO. 2073-C-S and ORDINANCE NO. 2074-C-S** ADOPTION OF THE 2013 CALIFORNIA BUILDING STANDARDS CODES AND AMENDMENTS TO THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING ORDINANCE
- H. **ORDINANCE NO. 2075-C-S and ORDINANCE NO. 2076-C-S** ADOPTION OF AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR COMPUTER GAMING AND INTERNET ACCESS BUSINESSES

City of Antioch Acting as Successor Agency to the Antioch Development Agency

I. APPROVAL OF SUCCESSOR AGENCY WARRANTS

On motion by Councilmember Wilson, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar.

COUNCIL REGULAR AGENDA

2. **NORTHEAST AREA ANNEXATION: ADOPT THE RESOLUTIONS APPROVING THE FOLLOWING AGREEMENTS WITH CONTRA COSTA COUNTY 1) AN UPDATED TAX EXCHANGE AGREEMENT, AND 2) AN UPDATED JOINT EXERCISE OF POWERS AGREEMENT FOR FUNDING INFRASTRUCTURE, PLANNING, AND BUILDING INSPECTION. THESE AGREEMENTS ARE APPLICABLE TO THE CITY'S ANNEXATION APPLICATIONS FOR AREAS 1, 2A, AND 2B, WHICH MAKE UP THE NORTHEAST ANTIOCH ANNEXATION. AREA 1 CONSISTS OF 470 ACRES AND IS GENERALLY LOCATED NORTH OF WILBUR AVENUE, SOUTH OF THE SAN JOAQUIN RIVER, AND WEST OF THE EXISTING PG&E GATEWAY POWER PLANT; AREA 2A CONSISTS OF APPROXIMATELY 94 ACRES AND IS LOCATED NORTH OF WILBUR AVENUE, SOUTH OF THE SAN JOAQUIN RIVER, AND WEST OF STATE HWY 160; AREA 2B CONSISTS OF 102 ACRES AND IS LOCATED NORTH OF EAST 18TH STREET, SOUTH OF WILBUR AVENUE, AND INCLUDES THE RESIDENTIAL NEIGHBORHOODS GENERALLY LOCATED IN CLOSE PROXIMITY TO VIERA AVENUE, ST. CLAIR DRIVE, AND TREMBATH LANE. A MITIGATED NEGATIVE DECLARATION WAS PREVIOUSLY PREPARED FOR THE PROPOSED ANNEXATIONS AND RELATED AGREEMENTS.**

City Manager Jakel presented the staff report dated November 20, 2013 recommending the City Council: 1) Motion to adopt the resolution approving the updated Tax Exchange Agreement, and 2) Motion to adopt the resolution approving the updated Joint Exercise of Powers Agreement for Funding Infrastructure, and Planning and Building Inspection Services.

Mayor Harper recognized the efforts of Councilmember Agopian and Councilmember Rocha for working on the agreements with the stakeholders.

Councilmember Agopian stated it was a pleasure serving on the committee with Councilmember Rocha. He spoke to the benefits of the Southeast Antioch Annexation and endorsed the funding agreement. He thanked staff for their hard work and the Board of Supervisors for their support.

Mayor Harper recognized the efforts of staff in bringing the annexation to fruition. He requested the City hold one vacant position on the Planning Commission open until the annexation was recorded, to give new residents from the annexation area the opportunity to apply for the position.

With Council consensus, City Attorney Nerland stated staff would report back with regards to the status of the Planning Commission vacancies.

Councilmember Wilson acknowledged Councilmember Agopian and Rocha as well as staff's and the consultant's hard work.

RESOLUTION NO. 2013/67
RESOLUTION NO. 2013/68

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously 1) Adopted the resolution approving the updated Tax Exchange Agreement, and 2) Adopted the resolution approving the updated Joint Exercise of Powers Agreement for Funding Infrastructure, and Planning and Building Inspection Services.

PUBLIC HEARING

3. ADOPTION OF AN ORDINANCE AMENDING THE ZONING CODE TO ALLOW FORTUNE-TELLERS TO BE PERMITTED BY RIGHT IN CERTAIN COMMERCIAL ZONING DISTRICTS. THE PLANNING COMMISSION RECOMMENDED ADOPTION OF THIS ORDINANCE ON OCTOBER 16, 2013 BY A 5-0 VOTE WITH ONE COMMISSIONER ABSENT. THE PROJECT IS EXEMPT FROM CEQA.

Senior Planner Gentry presented the staff report dated November 21, 2013 recommending the City Council: 1) Motion to read the ordinance by title only; and 2) Motion to adopt the ordinance amending the Zoning Code to allow fortune-tellers to be permitted by right in certain commercial zoning districts.

Mayor Harper opened and closed the Public Hearing with no speakers requesting to speak. In response to Councilmember Agopian, Director of Community Development Wehrmeister clarified assembly use of any kind requires a use permit anywhere within the City.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council 1) Read the ordinance by title only; and 2) Adopted the ordinance amending the Zoning Code to allow fortune-tellers to be permitted by right in certain commercial zoning districts. The motion carried the following vote:

Ayes: Harper, Rocha, Wilson, Tiscareno

Noes: Agopian

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Attorney Nerland announced the Mayor's conference would be held on December 5, 2013 in Pittsburg and the next City Council meeting would be held on December 10, 2013. She noted, with Council consensus, the December 24, 2013 Council meeting would be cancelled and announced City offices would be closed the remainder of that week. On behalf of the City Manager and staff, she wished everyone a Happy Thanksgiving.

COUNCIL COMMUNICATIONS

Councilmember Rocha questioned if the Christmas tree lighting would be held at City Hall and announced the Antioch Lighted Boat Parade would be held on December 7, 2013.

In response to Councilmember Rocha, City Attorney Nerland stated staff would report back to Council on the issue of an elected official continuing to receive their stipend when they are on an extended vacation.

Councilmember Tiscareno reported on his attendance at Boy Scout Troop #153 promotion to Eagle Scout and congratulated Michael Correra, Ryley Palmer, Jarrod Aghily and Kevin Cudney.

Councilmember Agopian thanked Councilmember Tiscareno for representing the Council at the Eagle Scout promotion ceremony and wished everyone a Happy Thanksgiving.

In response to Mayor Harper, City Manager Jakel stated he would report back to Council on the feasibility of the City undertaking a General Plan update.

Councilmember Rocha suggested the possibility of adding safety and health issues to a General Plan update.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 8:26 P.M. to the next regular Council meeting on December 10, 2013.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk