

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

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

**February 10, 2015  
Council Chambers**

**5:30 P.M. - CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): City as Successor Agency to the Antioch Development Agency: 1 matter.
2. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City's Labor Negotiators is authorized by California Government Code section 54957.6; City designated representatives: Michelle Fitzer, Denise Haskett and Glenn Berkheimer; Employee organizations: Operating Engineers Local Union No. 3 (OE3) and Public Employees Union Local 1.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Direction was given to City Attorney Nerland to file a lawsuit by a vote of 4/1-O, and; 2) **CONFERENCE WITH LABOR NEGOTIATORS**, Direction was given to the Labor Negotiators.

Mayor Harper called the meeting to order at 7:07 P.M., in memory of former Councilmember Reggie Moore and City Clerk Simonsen called the roll.

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

**PLEDGE OF ALLEGIANCE**

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

**1. PROCLAMATION**

*In appreciation to Pacific Gas & Electric Company for their support – “Holiday Tree Lighting Event”*

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock, the Council unanimously approved the Proclamation.

Mayor Harper presented the proclamation to Vic Baker who, on behalf of PG&E, thanked the City for the recognition.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Director of Parks and Recreation Kaiser announced the spring recreation guide was distributed this week and copies were available in Council Chambers.

## **ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS**

City Clerk Simonsen announced the following Board and Commission openings:

- *Planning Commission: One (1) vacancy; deadline date is February 20, 2015*

He reported applications would be available in Council Chambers, online at the City's website and at the City Clerk's office.

## **PUBLIC COMMENTS**

Cochise Potts, Antioch resident and business owner, speaking to the recall of Mayor Harper stated that increased crime was not a government issue and spoke to the importance of the community engaging with the Police to resolve the issue. He suggested the City collaborate with the Office of Neighborhood Safety and Chief Magnus, in Richmond.

Fred Hoskins, Antioch resident, requested each City Council member provide the public with reports detailing their accomplishments and plans to improve Antioch.

Joy Motts, representing the Celebrate Antioch Foundation, Nick Rodriguez Theatre, Rivertown Preservation Group, and Rivertown residents, requested the City Council honor their constituents by responding to their request to agendize the formation of a subcommittee and discussion of their proposal for the development of an event center at the foot of 2<sup>nd</sup> and "E" streets.

Nickole Bouslog and Adam Eliassen, Futures Explored - Alive, expressed concern for pedestrian safety along Wilbur Avenue, from "A" Street to Fulton Shipyard Road/Cavallo Road. They requested the City consider installing sidewalks, curb cuts, crosswalks and street lights in the area.

Mayor Harper thanked Ms. Bouslog and Mr. Eliassen for bringing this issue to the attention of the City. He stated he would provide City Manager Duran with their contact information for follow-up to their concerns.

Allen Payton, Antioch Herald, announced ballots were available in their February and March issues and on their website for anyone wishing to vote for their People's Choice Awards program. He presented the City Council with "I heart Antioch" bumper stickers and stated they were also available for the public.

## **COUNCIL SUBCOMMITTEE REPORTS - None**

**MAYOR'S COMMENTS**

Mayor Harper reported on his attendance at the Mayor's conference, Planning Commission and Contra Costa Transportation Authority interviews, leadership seminar, RUAH Black History Month event and the Smart Growth Conference. He voiced his support for the formation of a Youth Commission. He announced Director of Community Development Wehrmeister was leaving the City of Antioch to work in the private sector and he recognized her personal and professional accomplishments. He wished her well and stated she would be greatly missed.

The City Council expressed their appreciation to Director of Community Development Wehrmeister for her dedication to the City and wished her much success in her future endeavors.

Director of Community Development Wehrmeister thanked Mayor Harper for the recognition and stated serving the City was a rewarding experience and she would miss everyone.

**COUNCIL CONSENT CALENDAR for City /City as Successor Agency to the Antioch Development Agency**

- A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 13 AND JANUARY 27, 2015
- B. APPROVAL OF COUNCIL WARRANTS
- C. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2014
- D. CONSIDERATION OF BIDS FOR THE 2015 PAVEMENT MAINTENANCE, RUBBERIZED CAPE SEAL (P.W. 328-8)
- E. RESOLUTION NO. 2015/05 COUNTRY HILLS DRIVE SANITARY SEWER MAIN REHABILITATION (P.W. 545-1)
- F. COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN ROADWAY PAVEMENT REHABILITATION (P.W. 678-6)
- G. NINTH STREET ROADWAY IMPROVEMENTS (P.W. 687)
- H. RAW WATER PIPELINE INSPECTION AND ASSESSMENT (P.W. 689)
- I. ORDINANCE NO. 2095-C-S CARD ROOM (*Introduced on 01/13/15*)

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

- J. SA RESOLUTION 2015/16 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (15-16A) FOR THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH

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

**Item E** – George Briggs expressed concern for the condition of Country Hills Drive from Deer Valley Road to Hillcrest Avenue.

Public Works Director/City Engineer Bernal gave an overview of the project and explained the repaving of Country Hills Drive was going out to bid and would be completed in May or June of 2015. He stated the street crew would check the condition of the road tomorrow to determine if there were hazards in the area and make repairs, if deemed necessary.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council unanimously approved Item E.

## **PUBLIC HEARING**

### **3. ORDINANCE DEFINING AND ESTABLISHING ZONING REGULATIONS FOR TOBACCO AND PARAPHERNALIA RETAILERS**

Director of Community Development Wehrmeister presented the staff report dated February 10, 2015 recommending the City Council take the following actions: 1) Approve by motion the reading of the ordinance by title only; and 2) Introduce the Ordinance defining and establishing zoning regulations for Tobacco and Paraphernalia retailers. The Planning Commission recommended approval of this ordinance on February 4, 2015 by a vote of 4-0 with one Commissioner absent and two vacant positions.

Mayor Harper opened and closed the public hearing with no members of the public requesting to speak.

Councilmember Rocha suggested staff check with the Tobacco Prevention Coalition regarding options and risks associated with the City prohibiting legally existing non-conforming businesses located within the buffer zone and whether the City could control advertising toward the youth.

Following discussion, the City Council agreed to support the ordinance as presented and direct the City Attorney to bring back another ordinance creating a cap on tobacco and paraphernalia retailers.

On motion by Councilmember Wilson, seconded by Councilmember Rocha, the City Council unanimously 1) Approved by motion the reading of the ordinance by title only and 2) Introduced the Ordinance defining and establishing zoning regulations for Tobacco and Paraphernalia retailers as presented. ; and 3) Directed the City Attorney to bring back an additional ordinance placing a cap on tobacco and paraphernalia retailers and reducing the cap as businesses close.

#### **4. ORDINANCES TO ADDRESS BINGO OPERATIONS AND ZONING**

City Attorney Nerland presented the staff report dated February 10, 2015 recommending the City Council hold a public hearing and take the following actions before the moratorium expires: 1) Approve by motion the reading of the ordinances by title only; 2) Introduce the Ordinance amending Chapter 15 to Title 5 of the Antioch Municipal Code in its entirety to establish regulations for the operation of bingo games; and 3) Introduce the Ordinance adding Section 9-5.3838 to the Antioch Municipal Code to establish zoning regulations for the operation of bingo games. The Planning Commission recommended approval of this ordinance on February 4, 2015 by a vote of 4-0 with one Commissioner absent and two vacant positions.

Mayor Harper opened and closed the public hearing with no members of the public requesting to speak.

Following discussion, the City Council supported the ordinance as written with direction to the City Attorney to bring back an additional ordinance with an administrative process to allow for additional games per week.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously 1) Approved by motion the reading of the ordinances by title only; 2) Introduced the Ordinance amending Chapter 15 to Title 5 of the Antioch Municipal Code in its entirety to establish regulations for the operation of bingo games as presented; and 3) Introduced the Ordinance adding Section 9-5.3838 to the Antioch Municipal Code to establish zoning regulations for the operation of bingo games as presented; and 4) Directed City Attorney to bring back an additional ordinance with an administrative process to allow additional uses within a week.

#### **COUNCIL REGULAR AGENDA**

#### **5. PLANNING COMMISSION APPOINTMENT FOR ONE PARTIAL-TERM VACANCY EXPIRING OCTOBER 2017**

Mayor Harper recommended Martha Parsons be appointed to the Planning Commission.

Fred Hoskins, Antioch resident, stated he believed the Planning Commission application process was still opened.

City Manager Duran explained that the application period for this vacancy was opened and closed, however there was another vacancy that had occurred and applications for that position were due by February 20, 2015.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the City Council unanimously appointed Martha Parsons to the Planning Commission, term expiring October 2017.

**6. CONTRA COSTA TRANSPORTATION AUTHORITY (CCTA) – CITIZENS ADVISORY COMMITTEE (CAC) VACANCY FOR ONE PARTIAL-TERM APPOINTMENT EXPIRING AUGUST 2017**

Mayor Harper nominated Millard Larkin, II, to be appointed to the Contra Costa Transportation Authority – Citizens Advisory Committee to represent the City of Antioch.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously appointed Millard Larkin, II, to the Contra Costa Transportation Authority – Citizens Advisory Committee to represent the City of Antioch, term expiring August 2017.

**7. FISHING PIER PAVILION (P.W. 99-A5)**

City Engineer/Public Works Bernal presented the staff report dated February 10, 2015 recommending that the City Council take the following actions: 1) Authorize the Director of Finance to amend the 2014-2015 Capital Improvement Budget for the Fishing Pier Pavilion to \$108,000 and increase the contract with S.R.P. Company to \$96,766.93; and 2) Adopt the resolution accepting work, authorizing the Public Works Director/City Engineer to File a Notice of Completion and authorizing the Director of Finance to make a final payment of \$47,258.63 to S.R.P. Company, plus retention of \$4,838.35 to be paid 35 days after recordation of the Notice of Completion.

**RESOLUTION NO. 2015/06**

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the City Council unanimously 1) Authorized the Director of Finance to amend the 2014-2015 Capital Improvement Budget for the Fishing Pier Pavilion to \$108,000 and increase the contract with S.R.P. Company to \$96,766.93; and 2) Adopted the resolution accepting work, authorizing the Public Works Director/City Engineer to File a Notice of Completion and authorizing the Director of Finance to make a final payment of \$47,258.63 to S.R.P. Company, plus retention of \$4,838.35 to be paid 35 days after recordation of the Notice of Completion.

**8. UPDATES TO THE CITY COUNCIL AGENDA TEMPLATE**

City Manager Duran presented the staff report dated February 10, 2015 recommending the City Council approve staff's recommended updates to the City Council Agenda template or direct staff as to other changes to the City Council Agenda.

City Clerk Simonsen stated the City had received fifteen (15) emails regarding this matter which would become part of the record. He added copies were on the dais and available in Council Chambers.

Marian Harrison, Antioch resident, voiced her support for each Councilmember being able to place an item on the agenda and requested the City Council table the change to the agenda.

George Briggs, Antioch resident, suggested letting voters determine how items should be placed on the agenda.

Fred Hoskins, Antioch resident, suggested the City Council reserve a place on the agenda specifically for discussing and voting on future agenda items.

Don Bright, Antioch resident, stated each Councilmember was responsible to represent the citizens of Antioch and should have the ability to place an item on the agenda.

Allen Payton, Antioch resident, stated historically any Councilmember could place any item on the agenda and he urged Council to keep past practice and table the issue.

Julie Young, Antioch resident, suggested the City Council consider alternatives to requiring a majority vote of the Council to place items on future agendas.

Gil Murillo, Antioch resident, spoke in support of placing a "Moment of Silence for Prayer or Meditation", on the agenda and allowing any Councilmember to request an item be placed on future agendas.

Following discussion, the City Council consensus supported each member of Council having the ability to place an item on the agenda without requiring consensus or a vote of a majority of the City Council.

Councilmember Rocha apologized to Councilmember Ogorchock if she thought discussion at a previous meeting was an effort to prohibit her from placing an item on the agenda. She explained that the item requested would be part of the budget discussions, in the near future.

Mayor Harper, speaking to the same issue, apologized to Councilmember Ogorchock and stated it was not his intent to make her feel like he did not want her to be heard.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously directed staff to make the following change to the agenda, "COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS – Council Members report out various activities and any Council Member may place an item for discussion and direction on a future Council Agenda. Timing shall be determined by the Mayor and City Manager and shall be no later than six (6) months."

Councilmember Wilson stated that while she personally supported adding a Moment of Silence to the agenda as she was concerned that it could result in offending a group, religion, or faith based organization.

Councilmember Ogorchock suggested not placing the Moment of Silence for Prayer or Medication on the agenda and utilizing it only as a gesture of respect for those who had died or a historical event.

Mayor Harper spoke in support of adding “Moment of Silence for Prayer or Meditation” to the agenda.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council provided the following direction to staff: “MOMENT OF SILENCE FOR PRAYER OR MEDITATION” not to be placed on the agenda. The motion carried the following vote:

*Ayes: Wilson, Ogorchock, Tiscareno and Rocha*

*Noes: Harper*

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously directed staff to make the following change to the agenda, “PUBLIC COMMENTS – Members of the public may comment only on unagendized items. The public may comment on agendized items when they come up on this agenda.”

A motion by Councilmember Ogorchock to make the following change to the agenda failed for the lack of a second, “CONSENT CALENDAR – Members of the public may comment on Consent Calendar items prior to the City Council considering the entire Consent Calendar. A Member of the Council, staff or the public may pull an item off the Consent Calendar.”

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously provided the following direction to staff: CONSENT CALENDAR – no added language to the agenda; keep information in “Speaker Rules” listed behind agenda cover.

**PUBLIC COMMENTS – None**

Karl Dietzel, Antioch resident, spoke in support of Council’s action on the previous agenda item and suggested City Manager Duran be promoted to Economic Development Director.

**STAFF COMMUNICATIONS**

City Manager Duran announced Administrative Services Director Fitzer attended the Mayor’s conference, in his place, so that he could attend the Sales Tax Citizens’ Oversight Committee meeting.

**COUNCIL COMMUNICATIONS**

Following discussion, Councilmember Rocha requested the City Council agendize a discussion regarding the requirements for the rivertown resident’s proposal for the event center at 2<sup>nd</sup> and E Streets.

Councilmember Ogorchock requested the City Council agendize a discussion regarding the hiring of three (3) Community Service Officers.

Mayor Harper stated this item would be discussed with the budget at the last meeting in March or first meeting in April.



Councilmember Wilson reported on her attendance at the Smart Growth Conference, Economic Development Commission meeting, Solar Power grand-opening at Dallas Ranch Middle School, art exhibit at Umpqua Bank and farewell party for Director of Community Development Wehrmeister. She noted she had also gone on the Delta Discovery Voyage with family members and it was very informative. She requested the City Council agendaize the discussion of the formation of a Youth Council and the implementation of a solar power program for the City.

Mayor Harper thanked the Council for the discussion this evening and stated he looked forward to continuing to work together to represent the City. He stated he would be asking the following items be agendaized in the future; a discussion regarding the house on the barge, in the river at the foot of "A" Street, and improving and changing the name of "L" Street to Marina Blvd.

Councilmember Rocha invited the public to view the Black History Month display at the Nick Rodriguez Center, Monday, Wednesday, and Saturday from 9:00 A.M. – 4:00 P.M.

Councilmember Ogorchok added that reports would be read at an event on February 28, 2015 and scholarships would be awarded. She encouraged everyone to attend.

**ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 9:46 P.M. to the next regular Council meeting on February 24, 2015.

Respectfully submitted:

*Kitty Eiden*  
KITTY EIDEN, Minutes Clerk