

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

Special/Regular Meeting
7:00 P.M.

April 25, 2017
Council Chambers

Mayor Wright called the special meeting to order at 5:03 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

SPECIAL MEETING/CLOSED SESSION ON APRIL 20, 2017

1. **PUBLIC EMPLOYMENT** – Appointment of Interim City Attorney. This closed session is authorized pursuant to Government Code section 54957.
2. **PUBLIC EMPLOYMENT** – Recruitment of City Attorney. This closed session is authorized pursuant to Government Code section 54957.
3. **CONFERENCE WITH LABOR NEGOTIATORS.** This closed session is authorized pursuant to Government Code section 54957.6. City designated representatives: Nickie Mastay, Michael Vigilia. Employee Organization: Unrepresented Employee – City Manager.

City Attorney Vigilia reported the City Council had been in Closed Session on April 20, 2017 and gave the following report: **#1 PUBLIC EMPLOYMENT**, Direction given to staff to negotiate with an agreement for Interim City Attorney services with Cota Cole LLP by a vote of 5/0, **#2 PUBLIC EMPLOYMENT**, Direction given to staff; and, **#3 CONFERENCE WITH LABOR NEGOTIATORS**, Direction given to the Labor Negotiators.

CLOSED SESSION ON APRIL 25, 2017

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Government Code section 54956.9(d)(1), Baldwin, et. al. v. City of Antioch, et. al., United States District Court case no. C15-02762 KAW.
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: Nickie Mastay and Glenn Berkheimer; Employee organization: Antioch Public Works Employees' Association.
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8; Property – Humphrey's Restaurant: Agency Negotiator – City Manager; Parties – Dorothy Everett and John Jernegan.

City Attorney Vigilia reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Direction given to Legal Counsel, **#2 CONFERENCE WITH LABOR NEGOTIATORS**, Direction given to Labor Negotiators; and, **#3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, Direction given to staff.

PLEDGE OF ALLEGIANCE

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

1. CONTINUATION OF APRIL 11, 2017 BUDGET SESSION AND BUDGET DEVELOPMENT 2017-19

City Manager Bernal introduced Study Session Item #1.

Finance Director Merchant presented the staff report dated April 25, 2017 recommending the City Council provide feedback and direction regarding the budget development information provided for fiscal years 2017-19.

Alison McKee, Contra Costa County Library, presented Council with copies and reviewed the 2016 Annual Report and Facilities Costs and Hours for Contra Costa County Libraries.

In response to Councilmember Tiscareno, Ms. McKee stated she would provide Council with usage statistics for the Antioch library.

Mayor Wright stated he would be in favor of funding additional hours if it benefited afterschool activities for youth from 3:00 P.M. – 6:00 P.M.

Liz Fuller, Antioch Library, reviewed programs and services offered at the library.

Ms. McKee discussed costs associated with maintaining the Antioch facility.

Council supported increasing after school hours at the Antioch Library.

Mayor Wright discussed the difficulty in prioritizing funding without more detailed information on the line item budget.

Finance Director Merchant stated if Council wanted to budget library hours, she would suggest doing so for FY17-18 and revisiting it to determine if they wanted to continue funding. She noted if Council postponed the decision for a presentation from the library on the hours as requested, the City would know the salary savings for non-police in August of which 50 percent could be utilized for one-time projects such as additional library hours.

City Manager Bernal explained that staff had taken the baseline budget and cut 5 percent out of supplies and materials for each department and then presented a few additional items to this year's budget. He noted if Council so directed, they could start with the baseline budget to begin with a larger fund balance.

Mayor Wright stated he felt the process needed to be changed so that Council would have the ability to fund their priorities.

In response to Councilmember Ogorchock, Finance Director Merchant explained the CSO position remained vacant so they proposed eliminating that position to fund a Sergeant.

In response to Councilmember Ogorchock, Interim Chief Brooks stated that the CSO and Sergeant were both needed; however, if given a choice of funding only one position, he would request the Sergeant. He explained that they had been given direction to eliminate proactive details as they were performed on an overtime basis and since staffing was reaching 102, there was no longer funding available through salary savings.

In response to Council, Interim Chief Brooks stated he would provide Council with a detailed list of the costs associated with proactive enforcement details.

Following discussion, Council requested each department provide a line item budget for a Special Closed Session / Study Session meeting beginning at 2:00 P.M. on May 9, 2017.

Joy Motts, Celebrate Antioch Foundation, provided Council and reviewed the 2014 - 2016 4th of July / Holiday Delites Events Report.

Mayor Wright stated Council would consider funding for the Celebrate Antioch Foundation during future budget discussions.

2. PRESENTATION OF THE 5-YEAR DRAFT CAPITAL IMPROVEMENT PROGRAM 2017-2022

City Manager Bernal introduced Study Session Item #2.

Assistant City Engineer Filson, Deputy Public Works Director Bechtholdt, and Project Manager Buenting gave an overhead presentation and presented the staff report dated April 25, 2017 recommending the City Council provide direction and feedback to staff regarding the proposed 5-Year Draft Capital Improvement Program presented at this meeting.

Following discussion, Council majority supported the following park facilities upgrades:

- Contra Loma Estates Basketball Court – Convert existing tennis courts
- Playground Replacement – Marchetti Park

Councilmember Ogorchock stated she did not support the tennis court conversion project as she felt if left unsupervised, it would increase altercations. She spoke in support of upgrading Chichibu, Jacobsen, and Marchetti Parks for the children in those neighborhoods.

Councilmember Thorpe voiced his support for the playground replacement at Jacobson Park. He suggested renaming "L" Street with improvements occurring in the area.

Councilmember Wilson requested Loma Lane be considered for future funding opportunities.

Councilmember Tiscareno stated he supported the "L" Street corridor improvements and the Brackish Water Desalinization project.

Councilmember Ogorchock spoke in support of the "L" Street corridor improvements and stated she looked forward to receiving more information on the Brackish Water Desalinization project.

Mayor Wright thanked staff for the presentation and declared a recess at 6:56 P.M. Council reconvened at 7:12 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

PLEDGE OF ALLEGIANCE

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

3. PROCLAMATIONS

Municipal Clerks Week, May 7 – 13, 2017

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

Be Kind to Animals Month, May 2017

On motion by Councilmember Wilson, seconded by Councilmember Thorpe, the Council unanimously approved the Proclamations.

Mayor Wright and Councilmember Tiscareno presented the *Municipal Clerks Week* proclamation to City Clerk Simonsen and Deputy City Clerk Garcia, who thanked the City for the recognition and discussed services performed. Deputy City Clerk Garcia dedicated her proclamation in memory of her mother.

Mayor Wright presented the *Be Kind to Animals Month* proclamation to Barbara Sobalvarro representing Friends of Animal Services and volunteers, who accepted and thanked Council for the recognition on behalf of the animals at the Antioch Animal Shelter. Ms. Sobalvarro announced

a *Be Kind to Animals* celebration would be held from 1:00 P.M. – 4:00 P.M. on May 13, 2017 and an adoption promotion would be held throughout the month of May at the Animal Shelter.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser announced the ribbon-cutting and dedication of Cattail Harbor would be held from 12:30 P.M. – 4:30 P.M. on May 13, 2017 at Prewett Water Park. She stated registration was opened for Coyote Hills Summer Day Camp and youth scholarships for qualified families were available for recreation programs.

Debbie Blaisure and Erlene Lanter, owners of Rivertown Treasure Chest, announced their grand opening would be held on May 2, 2017 and the Rivertown Wine Walk would be held from 11:00 A.M. – 5:00 P.M. on May 13, 2017.

Councilmember Ogorchock announced Tip-A-Cop would begin at 5:00 P.M. on April 26, 2017 at Chili's on Lone Tree. She noted proceeds from the fundraiser benefited Special Olympics.

PUBLIC COMMENTS

John Goodson, Antioch resident, spoke in support of the SeeClickFix program. He stated that he sympathized with the homeless; however, he felt organizations that provided services downtown negatively impacted economic development. He encouraged outreach services to pick up the homeless and take them back to their facilities to better serve them and the community.

Battalion Chief Bob Atlas, Contra Costa County Fire Protection District, gave a brief update on calls for service, promotions and equipment purchases for the District.

Mayor Wright thanked the Contra Costa Fire District personnel for their service.

Jim Lanter, Antioch Business Owner, thanked City Manager Bernal and staff for attending the meeting of Rivertown Merchants. He announced that they had formed a partnership with the City to make improvements downtown and he looked forward to continuing with that relationship. He thanked Director of Parks and Recreation Kaiser for her efforts to assist them with providing portable restroom facilities for those attending the Wine Walk event.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported she would be attending the Tri Delta Transit meeting on April 26, 2017.

Councilmember Thorpe reported the East County Water Management Association and Joint Managers meeting would be held on May 25, 2017.

Councilmember Tiscareno reported that he and Councilmember Ogorchock had conducted interviews for the Community Development Block Grant (CDBG) applicants.

Mayor Wright reported on his attendance at the Delta Diablo meeting.

MAYOR'S COMMENTS

Mayor Wright clarified that the City was not filing for bankruptcy and other than the unfunded liability, Antioch had no debt. He noted that because of decisions made by former Council, the City had a reserve of \$25M at the end of this fiscal year.

PRESENTATION

City Manager Bernal introduced the Presentation.

GIS Coordinator Peters and Deputy Public Works Director Bechtholdt presented the "SeeClickFix" Program presentation.

Councilmember Thorpe suggested staff improve communication with residents reporting Code Enforcement related items.

Councilmember Wilson suggested staff reach out via email to residents with Code Enforcement issues.

The City Council thanked GIS Coordinator Peters and Deputy Public Works Director Bechtholdt for the presentation.

- 4. COUNCIL CONSENT CALENDAR *for City /City as Successor Agency/Housing Successor to the Antioch Development Agency***
- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 11, 2017**
- B. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR APRIL 20, 2017**
- C. APPROVAL OF COUNCIL WARRANTS**
- D. APPROVAL OF TREASURER'S REPORT FOR MARCH 2017**
- E. RESOLUTION NO. 2017/48 VARIOUS ASPHALT REPAIRS – SERVICE CUTS BID AWARD**
- F. RESOLUTION NO. 2017/49 AND RESOLUTION NO. 2017/50 L STREET PATHWAY TO TRANSIT – PEDESTRIAN AND BIKE IMPROVEMENT PROJECT (P.W. 234-15)**

- G. **RESOLUTION NO. 2017/51 FINAL ACCEPTANCE OF THE RETAINING WALLS REPLACEMENT PROJECT (P.W. 368-5R)**
- H. **RESOLUTION NO. 2017/52 HABITAT CONSERVATION PLAN – ACCEPTANCE OF GRANT**
- I. **RESOLUTION NO. 2017/53 RESOLUTION APPROVING A NEW CLASS SPECIFICATION OF DOCTOR OF VETERINARY MEDICINE, ASSIGNING A SALARY RANGE AND HAVING THIS SALARY RANGE PLACED ON THE HOURLY CLASSIFICATIONS SALARY SCHEDULE**

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

- J. **SA RESOLUTION NO. 2017/26 CONSULTANT SERVICE AGREEMENT WITH MUNICIPAL RESOURCE GROUP LLC FOR CONSULTING SERVICES RELATED TO THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY DISSOLUTION PROCESS**
- K. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**
- L. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously approved the Council Consent Calendar.

PUBLIC HEARING

- 5. **APPEAL OF PLANNING COMMISSION DENIAL OF ‘A’ STREET MINI-MART (UP-16-10, AR-16-06, V-16-04)**

City Manager Bernal introduced Public Hearing Item #5.

Director of Community Development Ebbs and Associate Planner Scudero presented the staff report dated April 25, 2017 recommending the City Council uphold the Planning Commission’s decision and adopt the resolution denying the project.

Mayor Wright reported the applicant’s attorney was his former attorney and he had discussed this issue with City Attorney Vigilia. He stated there were no financial issues and he could be objective when considering this agenda item.

City Clerk Simonsen announced that his office had received five letters from public regarding this agenda item and provided copies to Council, staff and the public.

Mayor Wright opened the public hearing.

PROPONANT

Dave Larson, representing Mr. Singh, stated the appellant requested the opportunity to prove that he could build a successful project and noted he was willing to abide by stringent conditions and accept, if there were problems, that revocation of the Use Permit would follow. He reported they had attempted to reach out to the opposition. He provided Council with a letter and petition indicating Mr. Singh's was successful at his Oakland location. He noted that they were willing to address concerns related to loitering and parking through the conditions of approval. He explained that alcohol sales were not mentioned in the resolution; therefore, it lacked findings. Additionally, he noted findings regarding parking were speculative and Council could make findings for a parking variance.

In response to Councilmember Ogorchock, Mr. Larson explained that the seller had indicated Mr. Singh would not need a use permit for the mini-mart and he had not asked the Planning Department what the requirements were for the property. He stated they would agree to postpone this item to allow them another opportunity to address the residents' concerns. He offered to restrict alcohol sales to beer and wine.

Councilmember Ogorchock expressed concern for the lack of parking in the area and alcohol sales in an area that was over saturated.

In response to Councilmember Tiscareno, Mr. Larson stated they would welcome the opportunity to present more details of the application. He stated they could address the impacts and conduct outreach if the item was postponed.

Councilmember Wilson expressed concern that the applicant had not done his due diligence by discussing his plans for the property with the City and considering the over saturation of liquor stores in the area.

Councilmember Ogorchock stated the City needed smart growth. She reported the Planning Commission and Antioch Police Department were both opposed to the project.

Mr. Larson clarified that the project was not a liquor store. He reiterated that there was a petition submitted indicating that the applicant's current neighborhood store was successful and the use permit could easily be revoked by the City for non-compliance.

Councilmember Thorpe stated he felt there was an over saturation of convenience stores and development at the exits and entrances to the City.

OPPONANTS

David Kundert, Antioch resident, gave a history of the property and noted his concern was for the negative impacts of the project in the neighborhood.

Marsha Razo, Antioch resident, expressed similar concerns regarding the property and noted the site was not large enough for a mini-mart or drive-through establishment. She further noted she would support a business with reasonable hours that would not attract the homeless or impact traffic in the area. She urged the Council to deny the appeal.

REBUTTAL

Mr. Larson clarified that the project was an acceptable use under the General Plan and the City could impose conditions that would mitigate the adverse impacts. He noted over saturation was a State issue and secondary effects were a local issue.

Mayor Wright closed the public hearing.

Councilmember Tiscareno stated with circumstances in the area, he did not feel a mini mart would be a productive use of the site.

In response to Mayor Wright, Director of Community Development Ebbs stated that the site could potentially be utilized to expand the neighboring gas station or developed as an office with hours complimentary to a neighborhood use.

RESOLUTION NO. 2017/54

On motion by Councilmember Thorpe, seconded by Councilmember Wilson, Council unanimously adopted the resolution upholding the decision of the Planning Commission to deny a use permit and variance for a convenience store at 2302 "A" Street.

COUNCIL REGULAR AGENDA

6. ANNUAL REPORT AND UPDATE ON THE ANTIOCH COMMUNITY FOUNDATION

City Manager Bernal introduced Regular Agenda Item #6.

Director of Parks and Recreation Kaiser presented the staff report dated April 25, 2017 recommending the City Council receive the 2016 Annual Report from the Antioch Community Foundation.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, Council unanimously received the 2016 Annual Report from the Antioch Community Foundation.

7. BROWN ACT TRAINING

City Manager Bernal introduced Regular Agenda Item #7.

City Attorney Vigilia presented the staff report dated April 25, 2017 recommending the City Council adopt a resolution establishing a Brown Act Training Policy for Elected Officials, Members of Appointed Boards and Commissions, and Administrative Staff of the City of Antioch.

RESOLUTION NO. 2017/55

On motion by Councilmember Wilson, seconded by Councilmember Thorpe, Council unanimously adopted a resolution establishing a Brown Act Training Policy for Elected Officials, Members of Appointed Boards and Commissions, and Administrative Staff of the City of Antioch.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Bernal announced the Closed Session would begin at 2:00 P.M. followed by a Budget Study Session at 3:00 P.M. on May 9, 2017. He reported the City would be filing a claim with the Department of Water Resources regarding the 1968 Agreement. He announced the Antioch Police Department Volunteer Appreciation Brunch would be held on April 29, 2017.

COUNCIL COMMUNICATIONS

Councilmember Ogorchock suggested staff research the possibility of housing the library on City owned property.

In response to Councilmember Tiscareno, City Clerk Simonsen stated he would extend another invitation to Battalion Chief Atlas with regards to agendizing quarterly reports from Contra Costa County Fire Protection District.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 9:14 P.M. to the next Special/Regular Council Meeting on May 9, 2017.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk