

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

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

**July 30, 2013
Public Works Building Training Room**

6:00 P.M. - CLOSED SESSIONS

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Initiation of Litigation pursuant to California Government Code section 54956.9 (d)(4): 1 potential case
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –** Pursuant to Government Code section 54956.9(d)(1): 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 Co. Inc. et al, Superior Court County of Los Angeles, Case No. BC459943.
3. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION –** Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision

City Attorney Nerland reported the City Council had been in Closed Sessions and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Direction given to Legal Counsel **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Direction given to Legal Counsel: and **#3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, No action was taken.

Mayor Harper called the meeting to order at 7:00 P.M., and City Clerk Simonsen 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 announced the Adjourned Regular Meeting would be recorded and replayed on Channel 24 on August 1, 3, and 6, 2013.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Jim Boccio invited the community to attend the Fulton Shipyard Boat Ramp Benefit Barbecue at 4:00 P.M. on August 18, 2013, at The Red Caboose.

PUBLIC COMMENTS

Jim Boccio urged the City to address the Homeless situation in the Fulton Shipyard area and expressed concern for fires that had occurred in the area.

Mayor Harper stated staff would be in contact with Mr. Boccio to discuss the issue.

Councilmember Rocha announced the County and City would be doing a sweep of the Fulton Shipyard area, in August.

Fred Hoskins, Antioch resident, stated he felt the feral cat situation at the Roswell Butler Hard House was a violation of the City's Health and Safety Code. He requested the City clean up the property.

Ralph Burns, Antioch resident, expressed concern for vehicles excessively speeding and using residential streets as thoroughfares, in his neighborhood. He voiced his appreciation to the Antioch Police Department for placing the speed trailer in the area and suggested the City consider traffic calming measures to address his concerns.

Mary Lopez, Antioch resident, thanked Chief Cantando and the Antioch Police Department for conducting a successful sting operation and responding quickly to any concerns residents had at her apartment complex. She discussed a problem property in her neighborhood and suggested the City address the situation.

Teri Lynn Lowerly, on behalf of the Center of Human Development (CHD), announced she was the Mobilization Youth Alcohol Prevention Coordinator for Antioch. She discussed their efforts to reduce underage drinking and limit the availability of alcohol to teens. She announced in September, they would offer free responsible beverage service training for Antioch merchants and noted they would also be partnering with the Crime Prevention Commission to train Neighborhood Watch Block Captains to assist the Antioch Police Department in alcohol related enforcement.

Mayor Harper thanked Ms. Lowerly for her efforts and conducting outreach to the youth.

Chris Valenta, Antioch resident, suggested the Council post a list of projects, by priority, in the Council Chambers. He expressed concern for the feral cat issue in his neighborhood and urged the City to reconsider the grandfather clause in the RV ordinance.

Karl Dietzel, Antioch resident, expressed concern for Orchard Supply Hardware employees who lost their jobs when the store closed.

Mayor Harper responded Workforce Development had been in contact with Orchard Supply Hardware regarding the issue.

Nancy Norhthrop, stated she was homeless and lived in the Fulton Shipyard area. She reported they were concerned about the fires in the area and noted they were not caused by the homeless population.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Mello Roos subcommittee meeting.

Councilmember Rocha reported on her attendance at the Alcohol Coalition meeting.

Councilmember Agopian reported on his attendance at the Mello Roos subcommittee meeting and Northeast Antioch Annexation subcommittee meeting.

MAYOR'S COMMENTS

Mayor Harper reported several Councilmembers had the opportunity to go on video to thank Staff Sergeant Ty Carter who would receive the Medal of Honor on August 26, 2013. He announced the City would be honoring and welcoming him home in the near future.

PRESENTATIONS

Police Statistics Second Quarter 2013, presented by Chief Allan Cantando

Chief Cantando gave a presentation of Mid-Year 2013 Crime Statistics including the following information:

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

In response to Councilmember Agopian, Chief Cantando reported at least three (3) Sergeants and one (1) Police Officer would be retiring this year.

Councilmember Agopian thanked Chief Cantando for the presentation and discussed the need for the Antioch Police Department becoming a more proactive police force. He noted the opportunity to improve staffing was available if the community voted to approve the Sales Tax Measure.

Councilmember Rocha reported she had recently witnessed police action and commended their actions.

Mayor Harper explained staffing levels presented had not captured vacation, sick leave, and officers under subpoena.

Chief Cantando encouraged the audience to subscribe to the Antioch Police Department facebook page.

AB109 Program Update, presented by Iris Archuleta

Iris Archuleta, representing Emerald HPC International, LLC, gave a brief professional background and power point presentation of AB109 which included the following information:

- Key provisions of AB-109
- Realignment of the Criminal Justice System – Courts, Prisons, and Supervision
- Funding
- Demographics
- Planning Process

The City Council thanked Ms. Archuleta for the presentation and discussed the value of the strategic planning process to reduce recidivism.

COUNCIL CONSENT CALENDAR

- A. **APPROVAL OF COUNCIL MINUTES FOR JUNE 25, 2013 AND JULY 9, 2013**
- B. **APPROVAL OF COUNCIL WARRANTS**
- C. **APPROVAL OF TREASURER’S REPORT FOR JUNE 2013**
- D. **RESOLUTION NO. 2013/39 STATEMENT OF INVESTMENT POLICY**
- E. **MEASURE WW PARK AND RECREATION SECURITY CAMERA PROGRAM – AWARDING OF CONTRACT**
- F. **RESOLUTION NO. 2013/40 APPROVING AN UPDATED CLASS SPECIFICATION FOR CHIEF BUILDING OFFICIAL, WITHOUT ANY SALARY CHANGE**
- G. **RESOLUTION NO. 2013/41 APPROVING UPDATED CLASS SPECIFICATIONS FOR ADMINISTRATIVE ANALYST I/II/III IN THE CONFIDENTIAL BARGAINING UNIT, WITHOUT ANY SALARY CHANGES**

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

- H. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**

I. APPROVAL OF HOUSING SUCCESSOR WARRANTS

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar with the exception of Items B and C, which were removed for further discussion.

Item B - In response to George Briggs, City Manager Jakel stated he would contact him and provide the financial information requested.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously approved Item B.

Item C - In response to George Briggs, City Manager Jakel stated he would contact him and provide the financial information requested.

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

PUBLIC HEARING

2. **Z-13-03 - THE CITY OF ANTIOCH IS REQUESTING APPROVAL OF THE PREZONING FOR THE NORTHEAST ANTIOCH AREA. THERE ARE THREE SUBAREAS CONSIDERED FOR PREZONING, WHICH ARE ALL LOCATED WITHIN UNINCORPORATED CONTRA COSTA COUNTY, CONSISTING OF APPROXIMATELY 678 ACRES. THE ZONING FOR AREA 1 (470 ACRES) IS BEING PROPOSED AS HEAVY INDUSTRIAL AND OPEN SPACE, AREA 2A AS URBAN WATERFRONT (94 ACRES), AND AREA 2B (103 ACRES) AS A STUDY ZONE. THE THREE SUBAREAS ARE LOCATED GENERALLY SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH. A MITIGATED NEGATIVE DECLARATION IS ALSO BEING CONSIDERED FOR ADOPTION. THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE PREZONING AND MITIGATED NEGATIVE DECLARATION BY A 6-0 VOTE WITH ONE MEMBER ABSENT. THE CITY COUNCIL WILL ALSO CONSIDER WAIVING ANNEXATION FEES, WITH EXCEPTIONS**
(Continued from 07/09/13).

Senior Planner Gentry gave a brief overhead presentation and presented the staff report dated July 25, 2013 recommending the City Council: 1) Motion to approve the resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan; 2) Motion to introduce the ordinance by title only; 3) Motion to introduce the ordinance Prezoning the Northeast Antioch Area; and 4) Motion to adopt the resolution waiving, with exceptions, the City's annexation fee for Areas 1, 2a, and 2b.

Mayor Harper thanked Senior Planner Gentry for the presentation and the Northeast Antioch Annexation committee for their work on this Item.

Mayor Harper opened the public hearing.

City Attorney Nerland reviewed the speaker rules for the public hearing.

Nancy Monford, thanked the Council for the opportunity to speak and identified herself as a resident who lived in Area 2B. She expressed concern regarding deterioration of the well water and health hazards stating nothing was done to address the situation. She acknowledged City Consultant Carniglia and Senior Planner Gentry for addressing the resident's concerns. She voiced her support for Annexation and suggested Council consider eliminating the connection fee for residents and grandfathering current uses of the properties.

Richard T. Hiebert, speaking on behalf of his parents and himself, stated they were not in support of the Annexation. He suggested Council postpone a vote for Annexation until the study period was completed and zoning for the area was determined. He stated if they were forced to annex, he felt all homeowners should be compensated the same, their street should remain closed to through traffic, and the area should be zoned agricultural. He suggested residents be informed when the City would be taking over services and that they be allowed to provide input during the study period.

Carey Mitosinka thanked the City for allowing him to provide input this evening and concurred with the comments made by Mr. Hiebert this evening. He expressed concern that when the area was divided into three sections, it circumvented a Law which allowed a vote of the property owners for the Annexation.

John Mitosinka questioned if staff had received a letter dated July 19, 2013. He stated if Annexation were approved, he would request a legal document be given to the property owners indicating that imminent domain would not be invoked. For the record, he reported there was a statement from State Attorney General Kamala Harris dated June 1, 2012, that indicated the Local Agency Formation Commission may not split up an unincorporated island that exceeds 150 acres into smaller segments in order to utilize streamlined island annexation procedure set forth in government code, thereby avoiding land owner voter protest proceedings that would otherwise be required.

Ken Wentworth, questioned the motivation behind the City and County initiating Annexation. He reported Annexation had been voted down in the past and if the City decided not to honor arbitrarily boundaries set by LAFCO, Area 2B would not be an island, and they would be able to vote on Annexation. He expressed concern regarding the cost of Annexation and the change in zoning for the area. He requested the City postpone a vote on Annexation until their questions were answered and an agreement had been made with the property owners.

Fred Hoskins, Antioch resident, expressed concern for financial impacts to residents forced into Annexation of their properties. He stated he supported Annexation on the commercial property and discussed its benefits. He stated if residents had wells and septic systems that were passing standards, they should not be forced into accepting City services. He urged the City to continue meeting with citizens to address their concerns.

Don Wilson, representing the Sportsman's Yacht Club located in Area 2A, stated for the record, they have 200 members, most Antioch residents, who were opposed to Annexation of the area. He noted if they were drawn into Annexation, residents in Area 2A, should have the opportunity to vote and the City should consider them for the same concessions as Area 2B. He requested clarification on the City's position with regards to Annexation of Area 2A.

Bill Worrell, representing the Sportsman's Yacht Club, stated they had a commitment from the Council that they would not be considered for Annexation and he felt they were being forced into it. He requested the Council support property owners in Area 2A in their plight with LAFCO, against Annexation.

Mayor Harper closed the public hearing.

In response to Councilmember Tiscareno, City Consultant Carniglia stated once the sewer system was in, every resident would be within 300 feet, however the City would not mandate hookups and they would only be triggered by County Health in relation to a major repair needed to the septic system.

In response to Councilmember Rocha, Mr. Carniglia explained based on their discussions with LAFCO, they did not consider Area 2A to be an island therefore they would have the ability to vote on the Annexation. He added they already had City water and they do not have a problem with their septic fields. He stated if Area 2A votes to be Annexed, they could approach the City to explore the possibility of creating funding to cover the cost of the sewer connection fee.

In response to Councilmember Agopian, Mr. Carniglia explained that if a septic system fails, residents would have to make major repairs or replace it with a new system. He added County Health had indicated on a case by case basis, they would likely continue to issue variances, if a septic system needed minor repairs.

In response to Councilmember Agopian, Senior Planner Gentry commented during the 2-year study period they would be studying what currently exists in the area in terms of land uses, structures, and businesses and determining what the most appropriate fit for zoning. Additionally, during that period, they would work to alleviate the concerns of the residents.

Councilmember Agopian reported that it had been the goal of the subcommittee to actively pursue maintaining the character of the area while allowing for planning enhancements that could be phased and done by choice at little or no cost to the residents of the area. He added that the City had been informed by LAFCO, that the application for Annexation had to include Areas 2A and

2B. He stated he agreed with the Attorney General who supported the rights of the residents to vote on Annexation and suggested residents attend the LAFCO meeting to voice their concerns. With regards to the roads, he noted if agreements could not be made, private roads should remain private. He spoke to the value of Annexation for Area 1 to the economic viability for Antioch. He stated issues needed to be addressed and hopefully residents would support Annexation, and if not, they need to be allowed to exercise their rights. He suggested planning for the area happen as quickly as possible.

City Consultant Carniglia described outreach made to the community in this effort.

Mayor Harper stated he would support an agreement that allows the residents in the area to maintain the character of their neighborhood. He voiced his support for Council to direct staff that the goals as outlined in the staff report (exhibit 2, page E17) be implemented in the zoning for the area.

Councilmember Tiscareno discussed the possibility of finding a mechanism to assist residents who were forced to repair or replace septic systems.

RESOLUTION NO. 2013/42

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously 1) Approved the resolution adopting the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and 2) Introduced the ordinance by title only; and 3) Introduced the ordinance rezoning Areas 1, 2a, and 2b, consisting of approximately 678 acres of unincorporated land, located generally south of the Sacramento County line along the San Joaquin River in the vicinity of Wilbur Avenue, west of the City of Oakley, north and east of the boundaries of the City of Antioch, as depicted in Attachment "B" with Exhibit 1 to the ordinance depicting the zoning districts and Exhibit 2 to the ordinance reaffirming the Zoning Goals for Area 2B including to maintain the rural character of the Study Area; not having an automatic trigger for sewer connections solely based on distance to a new sewer system but related to County Environmental Health's determination; and 4) Adopted the resolution waiving, with exceptions, the City's Annexation fee for Areas 1, 2a and 2b; and 5) Directed staff to propose final zoning for the Study District as soon as possible.

RESOLUTION NO. 2013/43

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously directed staff to work with NRG, County, and other parties to develop a program to defray cost of the water and sewer connection fees for Areas 2A and 2B.

COUNCIL REGULAR AGENDA

**3. DISCUSSION OF ANNEXATION AND TAX REVENUE ALLOCATION AGREEMENT BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA COUNTY FOR THE NORTHEAST ANTIOCH ANNEXATION AND AGREEMENT BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA COUNTY FOR THE FUNDING AND CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS SERVING ANNEXATION AREA 2B
(Continued from 07/09/13)**

City Consultant Carniglia gave a brief overhead presentation and presented the staff report dated July 25, 2015 recommending the City Council motion to receive public comment and provide direction to staff regarding the agreements.

Bob Monford stated he felt the County needed to contribute more financially for connection fees. He acknowledged the benefits of having the City providing services for residents of the area.

Councilmember Agopian stated the City would need to be more aggressive with regards to other funding mechanisms to defray the cost of connection fees and agreed that they needed to advocate for the County to participate in an equal share of those costs. He stated he felt that the agreement, as written, would be a catalyst for economic development, in the area.

The Council supported the Northeast Antioch Annexation Tax Allocation Agreement and Northeast Antioch Annexation Infrastructure Funding Agreement, as presented.

4. ONE FULL-TERM APPOINTMENT FOR ONE VACANCY ON THE ECONOMIC DEVELOPMENT COMMISSION (EDC)

Economic Development/Human Resources Director Fitzer presented the staff report dated July 25, 2013 recommending the City Council receive and file the applications, the Mayor appoint, and Council approve the appointment of one commissioner.

Mayor Harper thanked all residents who had applied to the vacant position and encouraged them to attend meetings for the positions they wish to serve on. He appointed Richard Asadoorian to the Economic Development Commission term expiring June 2017.

On motion by Councilmember Agopian, seconded by Councilmember Wilson the Council unanimously approved the appointment of Richard Asadoorian to the Economic Development Commission term expiring June 2017.

Richard Asadoorian thanked the City Council for the appointment to the Economic Development Commission.

PUBLIC COMMENTS

Fred Hoskins, Antioch resident, expressed concern that the Antioch Police Statistics did not include crimes that were not reported and spoke in support for citizen input to the Antioch Police Department.

STAFF COMMUNICATIONS

City Manager Jakel announced August 6, 2013 was National Night Out and the next Regular Council Meeting would be held on August 13, 2013.

COUNCIL COMMUNICATIONS

Councilmember Tiscareno reported on his attendance at the ribbon cutting ceremony for California Real Estate and Capital Lending.

Councilmember Rocha suggested the City Council recognize Antioch native and Sharnado Director, Anthony Ferrante.

Councilmember Wilson reported on her attendance at Ramadan Celebration at the East County Islamic Center.

Mayor Harper thanked City Consultant Carniglia and Senior Planner Gentry for their hard work on the Northeast Antioch Annexation.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:47 P.M. to the next Regular Council Meeting on August 13, 2013.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk