

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

**Special/Regular Meeting
6:30 P.M.**

**June 24, 2014
Council Chambers**

5:30 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH REAL ESTATE NEGOTIATORS** pursuant to California Government Code section 54956.8; Fulton Shipyard Lease (APN 065-010-010-0); Agency Negotiator – City Manager and City Attorney ; Parties – Drill Tech Drilling and Shoring, Inc.; Under negotiation: price and terms of payment.
- 2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8; Property – 1811 “C” Street (Bedford Center); Agency Negotiator –City Manager and City Attorney; Parties – Rehabilitation Services of Northern California; Under negotiation: price and terms of payment
- 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code section 54956.8; Delta 2000 Lease; Property-301 W. 10th Street; Agency Negotiator—City Manager and City Attorney; Parties– Delta 2000; Under negotiation: price and terms of payment
- 4. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation** pursuant to California Government Code §54956.9 (d)(1); City of Antioch v. John Majidi, Shahpur Rahimi et al., Contra Costa Superior Court Case No. C14-00485 (Humphrey’s Restaurant)

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH REAL ESTATE NEGOTIATORS**, Direction given to Real Estate Negotiator, **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, Direction given to Real Estate Negotiator, **#3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, Direction given to Real Estate Negotiator, and; **#4 CONFERENCE WITH LEGAL COUNSEL**, No action was taken.

Mayor Harper called the meeting to order at 6:31 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Rocha, Tiscareno and Mayor Harper
Absent: Council Member Agopian

PLEDGE OF ALLEGIANCE

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

SPECIAL MEETING

1. LONG RANGE PROPERTY MANAGEMENT PLAN GUIDING FORMER REDEVELOPMENT AGENCY REAL PROPERTY ASSETS

City Manager Duran introduced the consulting team of Don Fraser, Isabel Domeyko and Allen Walken to make the presentation.

Don Fraser, Fraser & Associates, presented the staff report dated June 24, 2014 recommending the City as Successor Agency adopt a resolution approving the Long Range Management Plan for disposition of the former Redevelopment Agency's real property assets and authorize the Successor Agency Chair to execute the resolution.

Isabel Domeyko gave a power point presentation of the Long Range Property Management Plan.

Fred Hoskins, Antioch resident, expressed concern the City had a history of not implementing long range property plans for downtown and questioned how they planned to spend the grant for the downtown priority development area. He suggested the City actively seek out businesses interested in bringing economic development to Antioch.

SA RESOLUTION NO. 2014/13

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the City Council unanimously adopted a resolution approving the Long Range Management Plan.

Mayor Harper adjourned the Special meeting at 6:48 P.M.

Mayor Harper called the meeting to order at 7:03 P.M., and City Clerk Simonsen called the roll.

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

Absent: Council Member Agopian

PLEDGE OF ALLEGIANCE

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

The Council acknowledged Councilmember Agopian's absence and stated they would keep him in their thoughts and prayers.

2. PROCLAMATIONS

In Honor of Linda Johnson

In Honor of Pastor Paul Taylor

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

Mayor Harper presented the proclamation to Linda Johnson who thanked the City Council for the proclamation. She introduced Tish Wezel who would be managing the business and co-op photographer, Rick Felix.

Mayor Harper announced the proclamation for Pastor and Mrs. Paul Taylor would be presented to them on June 29, 2014.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Wayne Harrison and members of the Celebrate Antioch Committee announced the 4th of July parade would be begin at 11:00 A.M. in downtown Antioch and would be followed by a day of festivities at the Antioch Fair Grounds. Contact information was given.

Mayor Harper encouraged the community to attend and support the 4th of July event.

Angel Luevano, and members of East County Democrats for Action of Contra Costa County, stated they were honoring Councilmember Agopian with a Humanitarian and Peace award for his dedication to the community.

Mayor Harper stated it was an honor for Councilmember Agopian to be a recipient of the award.

Diane Gibson-Gray, representing the Arts and Cultural Foundation of Antioch, announced the free summer concert series would be held from 6:00 – 8:00 P.M. every Saturday in July and August, at Waldie Plaza.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the application deadline ended for the Economic Development Commission, Planning Commission and Parks and Recreation Commission and applications received were sent to Mayor Harper and City staff.

PUBLIC COMMENTS

Glen Courtney, Antioch resident, expressed concern regarding unsafe driving conditions caused by construction diverting commute traffic onto Gentrytown Drive. He requested assistance from the Council to improve safety in the area.

Mayor Harper urged residents to be patient and courteous while Somersville Road was under construction.

Fred Hoskins, Antioch resident, requested the City Council to make the restoration of the Hard House, a priority.

Chris Valenta, Antioch resident, announced the Antioch sign was on display at the museum. He suggested City owned properties display a sign identifying ownership. He stated the cat ordinance had been successful. He discussed noise impacts and suggested the City consider if homes were built too close to the area designated for acrobatic airplane use. He also requested the City research if they could be designated as a safety corridor which would require trains to slow down 35 MPH.

COUNCIL SUBCOMMITTEE REPORTS - None

MAYOR'S COMMENTS

Mayor Harper reported Tri-Delta Transit would be receiving the American Public Transportation Association Prestigious Award for being the best small transit system in America.

3. **COUNCIL CONSENT CALENDAR for City /City as Successor Agency to the Antioch Development Agency**
 - A. **APPROVAL OF COUNCIL MINUTES FOR JUNE 10, 2014**
 - B. **APPROVAL OF COUNCIL WARRANTS**
 - C. **ORDINANCE 2087-C-S AUTHORITY TO ENFORCE PARKING REGULATIONS**
 - D. **ORDINANCE 2088-C-S CANDIDATE FILING FEE**
 - E. **ORDINANCE 2089-C-S AND ORDINANCE 2090-C-S ADOPTION OF ORDINANCES AMENDING THE ZONING ORDINANCE AND MAP TO IMPLEMENT THE 2007 – 2014 HOUSING ELEMENT PROGRAM. ORDINANCES INTRODUCED ON JUNE 10, 2014.**
 - F. **RESOLUTION NO. 2014/55 REQUESTING CONSOLIDATION OF ELECTION; LIMITING THE CANDIDATE STATEMENT WORD COUNT; AND CLARIFYING COSTS FOR THE NOVEMBER 4, 2014 GENERAL ELECTION**
 - G. **RESPONSE TO GRAND JURY REPORT: "PLANNING FOR TECHNOLOGY" (REPORT 1404)**
 - H. **RESOLUTION NO. 2014/56 APPROVING COMPREHENSIVE CLASSIFICATION PLAN UPDATES FOR THE OPERATING ENGINEERS LOCAL 3 BARGAINING UNIT AND ASSIGNING SALARY RANGES AS APPROPRIATE (NO SALARY INCREASES)**
 - I. **RESOLUTION NO. 2014/57 APPROVING CLASSIFICATION PLAN UPDATES FOR ACCOUNTING TECHNICIAN, ADMINISTRATIVE ANALYST AND ADMINISTRATIVE ASSISTANT IN THE CONFIDENTIAL BARGAINING UNIT, AND REMOVING POLICE RECORDS TECHNCIAN FROM THE UNIT**

- J. RESOLUTION APPROVING THE CLASS SPECIFICATION OF LEAD WAREHOUSE WORKER IN THE LOCAL 1 BARGAINING UNIT AND ESTABLISHING A SALARY RANGE
- K. RESOLUTION NO. 2014/58 REMOVING REGISTERED VETERINARY TECHNICIAN AND SECRETARY I/II WEB SITE ASSISTANT FROM THE CLASSIFICATION PLAN
- L. CONSIDERATION OF BIDS FOR THE FISHING PIER PAVILION (P.W. 99-A5)
- M. CONSIDERATION OF BIDS FOR SANITARY SEWER MAIN REPLACEMENT AT VARIOUS LOCATIONS (P.W. 632-2)
- N. CONSIDERATION OF BIDS FOR THE CURB, GUTTER, AND SIDEWALK REPAIR, INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS AT MISCELLANEOUS LOCATIONS (2014-2015) (P.W. 507-15)
- O. WATER TREATMENT PLANT LITIGATION: SETTLEMENT AGREEMENT AND RELEASES
- P. RESOLUTION NO. 2014/59 ACCEPTING COMPLETED IMPROVEMENTS AND AUTHORIZING A FY14 PARK-IN-LIEU BUDGET AMENDMENT TO FUND FINAL PAYMENT FOR NELSON RANCH PARK IN NELSON RANCH SUBDIVISION 6893 (STANDARD PACIFIC HOMES) (PW 547-P)
- Q. RESOLUTION NO. 2014/60 AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT GRANT DEED OVER A PORTION OF CITY PROPERTY LOCATED EAST OF STATE ROUTE 4 BELOW THE LAUREL ROAD OVERPASS TO PACIFIC GAS & ELECTRIC COMPANY
- R. APPROVAL OF LEASE OF CITY-OWNED PROPERTY WITH MESA OUTDOOR (APN 074-080-029)

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

S. APPROVAL OF SUCCESSOR AGENCY WARRANTS

City Attorney Nerland announced the Council had received a supplemental staff report for Consent Calendar item O and copies were available in Council Chambers and on the City's website.

On motion by Councilmember Wilson, seconded by Councilmember Rocha, the City Council unanimously approved the Council Consent Calendar with the exception of items I and J, which were removed for further discussion.

Item I – Administrative Services Director Fitzer reported the City had been meeting with the bargaining unit and they had agreed to the classifications as presented in the staff report.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha the Council unanimously approved item I.

Item J - Michael Davis and Todd Northum representing Local 1, stated they were in favor of the reclassification and requested an amendment of the resolution to keep the lead worker in the same salary range as other bargaining units.

Following discussion, Administrative Services Director Fitzer stated staff would support continuing the item to determine if the job title and pay range were appropriate.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson the Council unanimously continued Item J.

COUNCIL REGULAR AGENDA

4. BUSINESS LICENSE TAX BALLOT MEASURE

City Manager Duran and City Attorney Nerland presented the staff report dated June 18, 2014 and the supplemental staff report dated June 24, 2014 recommending the City Council approve the Resolution: “Resolution of the City Council of the City of Antioch Calling for and Noticing a Municipal Election on November 4, 2014 to present to voters a measure to Update the Existing Business License Tax Ordinance to Include a Residential Landlord Business License Tax and to Confirm the Existing Business License Tax, with an increase in the Minimum Tax.”

City Attorney Nerland reported the City had received letters from Pahl & McCay on behalf of the California Apartment Association dated June 18, 2014 and June 24, 2014, which were available on the City’s website, with copies attached to a Supplemental Staff Report on the dais and in Council Chambers for the public.

Michael Davis, Local 1, suggested the City redefine their public safety strategy and focus on effectively managing the City’s revenue streams.

Marrus Thomson, FPI Management Inc., for the Twin Creek Apartments stated increasing property operating expenses would increase rental rates, making it more difficult to finance renovations to apartment buildings. He noted the tax burden should apply to all Antioch residents.

Amanda Thomson, FPI Management Inc., speaking on behalf of the owner of a senior community, voiced her opposition to the proposed residential rental business license tax. She stated she was not against paying a temporary tax levied on all property owners that expires as overall city revenues recovered.

Clifford Gatewood, Property Manager of the Riverstone Apartments, spoke in opposition to the proposed residential rental business license tax and urged the Council to not place the item on November ballot.

Mark Jordan, Antioch resident, stated he was the owner of rental property and supported the City placing the proposed residential rental business license tax on the November ballot. He believed it was important to let the voters decide this issue.

Theresa Karr, California Apartment Association, spoke in opposition to the proposed residential rental business license tax and requested the City Council vote no to placing the resolution on the November ballot. She gave a history of their efforts to work with the stakeholders.

Joshua Howard, Senior Vice President of Government Affairs for the California Apartment Association, reviewed the letters sent to the City Council in opposition to the proposed resolution. He urged the City Council to oppose the resolution and offered to reopen the dialog in an attempt to find a compromise.

Terry Ramus, Antioch resident, spoke in support of the proposed residential rental business license tax and stated if approved, he would urge the Council to be fair and equitable in distribution of the revenue generated.

Fred Hoskins, Antioch resident, spoke in support of the proposed residential rental business license tax. He urged Council to lower the minimum tax for businesses subject to the gross receipts tax formula and increase the home occupation business fee.

John Canning spoke in opposition to the proposed residential rental business license tax and urged the City Council to oppose the resolution.

In response to Council, City Manager Duran reported attempts over the past year to reach a reasonable compromise with representatives from the California Apartment Association had been unsuccessful. He provided information about the likely percentage of gross receipts that this proposed business license tax represents. For large complexes, on average, the tax represents approximately one percent (1%) of their gross receipts. As an example, a complex with 300 units, earning an average of \$1250 in monthly rental income is grossing \$4.5 million annually. The same complex will pay \$45,000 in the proposed business license tax. He also indicated that it can be easier from a staffing standpoint to administer a per unit tax formula as opposed to verifying gross revenues.

City Attorney Nerland stated the existing business license ordinance exempted all non-profit from paying the tax. Speaking to the letters from Pahl & McCay, she explained that the U.S. Constitution did not prohibit a City from charging a per unit business license tax on residential rentals or prevent the City from having a tax formula that taxes different businesses in different ways. In fact, many jurisdictions use a mix of "flat or per unit" tax formulas with a gross receipts formula and some jurisdictions have a tax formula generally based on the number of employees at the business with some "flat" or "per unit" formulas.

She clarified that the concept of apportionment was to ensure someone was not paying a business license if they were not doing business in that jurisdiction. Clearly property owners and residents in the City of Antioch benefit from services provided by the City of Antioch. She stated if directed by Council, she would bring forward a separate ordinance to further clarify the apportionment issue for the Council to consider at their next meeting and since it would apply to procedures for the entire business license tax, it would not require voter approval.

Following discussion, Council expressed concern that the California Apartment Association had not come forward with a reasonable compromise for the City to consider or provided information as to what members of the Apartment Association were paying for business license taxes in other jurisdictions. They voiced their support for placing the item on the November ballot.

City Attorney Nerland clarified if the resolution were approved, it would include that ballot arguments for or against need to be submitted by 5:00 P.M. on August 20, 2014.

RESOLUTION NO. 2014/61

On motion by Councilmember Wilson, seconded by Councilmember Rocha the Council unanimously approved the Resolution: "Resolution of the City Council of the City of Antioch Calling for and Noticing a Municipal Election on November 4, 2014 to present to voters a measure to Update the Existing Business License Tax Ordinance to Include a Residential Landlord Business License Tax and to Confirm the Existing Business License Tax, with an increase in the Minimum Tax."

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno the Council unanimously directed City Attorney Nerland to bring back an ordinance clarifying the apportionment issue in the business license tax ordinance for the July 22, 2014, City Council meeting.

Mayor Harper declared a recess at 8:42 P.M. The meeting reconvened at 8:56 P.M. with all Councilmembers present.

5. ONE PARTIAL-TERM APPOINTMENT FOR ONE VACANCY ON THE ECONOMIC DEVELOPMENT COMMISSION (EDC)

Mayor Harper recommended Joseph Adebayo to fill the one partial-term vacancy on the Economic Development Commission.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson the Council unanimously appointed Joseph Adebayo to one partial-term appointment on the Economic Development Commission.

6. PG&E GAS PIPELINE PATHWAYS PROJECT

Tom Guerino introduced the item and Alicia gave an overhead presentation of the Pipeline Pathways Program.

In response to Councilmember Tiscareno, Mr. Guerino explained PG&E would reimburse the City for staff time for the tree-by-tree analysis.

Councilmember Wilson thanked Mr. Guerino for considering each city separately.

Councilmember Rocha stated she was pleased Mr. Guerino had indicated their desire to retain as many trees as possible and thanked him for offering to reimburse the City for staff time.

Mr. Guerino stated he fully supports staff's recommendation as outlined in the staff report.

Mayor Harper thanked Mr. Guerino for the presentation.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno the Council unanimously 1) Received the presentation from Pacific Gas & Electric ("PG&E") regarding its Gas Pipeline Pathways Project and the staff report; 2) Authorized the City Manager to enter into a written agreement or otherwise obtain written assurances of the verbal commitments made by PG&E representatives not to remove or trim trees or contact private property owners until further discussions are held with City staff and other stakeholders and a resolution has been agreed upon; and 3) Provide other direction, particularly as to PG&E's replacement of removed trees and compliance with mitigation and other requirements under Antioch's Tree Preservation and Regulation Ordinance for "Protected Trees" (established indigenous trees, street trees, mature and landmark trees). With the expectation that PG&E would uphold the Antioch's Tree Preservation and Regulation Ordinance for "Protected Trees" and reimburse the City for the costs associated for the tree by tree analysis.

7. REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR THE DEVELOPMENT OF CITY OWNED PARCELS IN DOWNTOWN ANTIOCH

City Manager Duran presented the staff report dated June 24, 2014 recommending the City Council approve the Request for Qualifications and Proposals to initiate the solicitation process for a development team to develop a residential transit oriented/infill project on sites owned by the City of Antioch. The sites are located on the east end of Antioch's Historic downtown and the development proposal is to include the construction of a new 10,000 square foot Senior Center on a City owned site to be determined.

Fred Hoskins, Antioch resident, stated he felt the City did not need to replace the Senior Center and noted there was a previous plan for townhouses on the property which had been denied by the City. He suggested building the infrastructure and marketing the property to determine who was interested in developing the parcel.

Kerry Motts, Antioch resident, stated public input should be considered prior to the Request for Qualifications and Proposals for the development of the parcels. He stated the property was unique and should be developed as a waterfront park.

Joette Bright, Antioch resident, discussed past plans for the property and the General Plan emphasis on access and views of river from the waterfront. She spoke in support of developing the parcel as a waterfront park.

Richard Stadtlander, Antioch resident, stated the proposal before Council was problematic and the parcel should be developed as waterfront park or memorial.

Joy Motts, Antioch resident, expressed concern regarding the proposal for high density housing. She stated the Rivertown Preservation Society met with City staff and were assured they would be part of the planning process, however they had not reached out to the community. She commented that the view of the Delta should be protected for the entire community and suggested a waterfront park be developed on the parcel. She urged Council not to support the development of the parcels until there had been outreach with the community members.

Mayor Harper reported he had received written comment from Antioch residents, Katie Cook and Connie Komar who indicated they were opposed to high density housing on the parcel.

Chris Valenta, Antioch resident, spoke in opposition to developing the property as residential and stated it should be developed as a waterfront park. He suggested building the residential project near the new Antioch marina.

John Reynolds, Antioch resident, spoke in opposition to development of the property and stated he would also support the project near the new Marina.

City Manager Duran explained General Plan zoning for the parcel was residential and it had gone through the CEQA process as well as the community input process for the ARCADIS plan. He recommended the Council move forward aggressively in order to take advantage of favorable market conditions and noted they would receive input from the entire community when the development of the property was considered.

Council Rocha expressed interest in including an open space area within the development.

Mayor Harper discussed the importance of developing and maintaining the character of the downtown area. He encouraged the community remain flexible and stated he would support continued community outreach as the project moved forward.

On motion by Councilmember Wilson, seconded by Councilmember Rocha the Council unanimously approved the Request for Qualifications and Proposals, with direction that community input should be sought in the development process.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the Relay for Life event.

COUNCIL COMMUNICATIONS

Councilmember Tiscareno reported on his attendance at the Relay for Life event and thanked everyone who participated in the event.

Councilmember Rocha stated the City of Richmond may be increasing their train schedule and suggested the City review the impact of that schedule on Antioch's crossings.

Mayor Harper reported on his attendance at the Relay for Life event and announced its founder Judy Trapanese had passed away, however her legacy lived on. He stated his mother was a cancer survivor and he voiced his appreciation to those who were attempting to find a cure. He thanked everyone for their patience this evening and announced the next City Council meeting would be held on July 22, 2014.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:07 P.M. to the next regular Council meeting on July 22, 2014.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk