

CITY COUNCIL MEETING

Special/Adjourned Regular Meeting
7:00 P.M.

December 16, 2014
Council Chambers

6:30 P.M. - CLOSED SESSION

- 1. 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 Fitzner, 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 LABOR NEGOTIATORS**, No action was taken.

Mayor Harper called the meeting to order at 7:09 P.M., 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.

City Attorney Nerland announced there was an urgency item that came to the attention of the staff after the posting of the agenda and that item had been posted in Council Chambers and on the City's Website. She presented the staff report dated December 15, 2014, recommending City Council approve a motion to include: **URGENCY ITEM REGARDING PAYROLL SPECIALIST POSITION**, on the regular session agenda.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously placed **URGENCY ITEM REGARDING PAYROLL SPECIALIST POSITION** on the regular session agenda.

1. PROCLAMATION

Mike's Auto Body

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

Mayor Harper encouraged the community to support Mike's Auto Body and attend the 14th Annual Benevolence Presentation on December 17, 2014.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Julie Hass-Wadjowicz, representing the City of Antioch, announced Christmas trees could be recycled in yard waste carts or dropping them off at the Marina parking lot or Prewett Water Park from 8:00 A.M. – 5:00 P.M. on December 27-28, 2014 and January 3-4, 2015. She noted Boy Scouts were also offering to pick up trees for a donation. Contact information was provided. She stated flocked trees should be disposed of in the garbage carts or by using a large item pick up.

Mark Jordan, Antioch resident, wished everyone a Merry Christmas and welcomed Councilmember Ogorchock to the Antioch City Council. He requested an update from staff regarding the City's process for hiring a firm to administer the business license tax and the re-implementation of the rental inspection program.

Claryssa Wilson, announced an East County NAACP Prayer Breakfast honoring Dr. Martin Luther King Jr. would be held from 8:00 A.M. – 10:00 A.M. on January 19, 2015, at St. Mark Bethel Baptist Church in Pittsburg and a Dr. Martin Luther King Jr. birthday celebration would be held on January 19, 2015, at Antioch High School Beede Auditorium.

Lawrence Rasheed, representing Greatness Rediscovered In Our Time (G.R.I.O.T.), invited the community to hear the concerns of local youths at 10:30 A.M. at the Delta Bay Church of Christ in Antioch.

Joy Motts, representing the Celebrate Antioch Foundation, CRAWDAD, and rivertown residents, requested the City agendaize a discussion of the RFP/RFQ results for the parcel at the foot of "A" Street as well as their request for the formation of a subcommittee.

Park and Recreation Director Kaiser invited the community to an open house at Mira Vista Park at 3:30 P.M. on January 5, 2015.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- *Planning Commission: One (1) vacancy; deadline date is January 16, 2015*
- *Contra Costa Transit Authority-Citizen Advisory Committee: One (1) vacancy; deadline date is January 16, 2015*

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

PUBLIC COMMENTS

Bonnie J. Williams, Precious Little Ones, reported on May 16, 2014 her great-grandson drowned in their swimming pool. She acknowledged Councilmember Rocha, Fire Department, staff at Kaiser Hospital, and the Antioch Police Department for their kindness and professionalism during

their time of sorrow. She announced her organization Precious Little Ones would be offering a free swim program for infants.

Mayor Harper thanked Ms. Williams for offering the swim program and stated he was sorry for her loss.

David Trebotich, Antioch resident, wished everyone a Merry Christmas and presented the City Council with copies of his request seeking assistance in addressing criminal activity occurring in his neighborhood. Also included was a request from neighbors to install additional street lights in the area.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Tiscareno reported on his attendance at the Police Crime Prevention Commission meeting and thanked Deputy Director of Community Development Graham for his presentation on Neighborhood Improvement Services/Code Enforcement. He suggested a similar presentation be made at a City Council meeting.

Councilmember Ogorchock reported on her attendance at the Women's Club Christmas Open House.

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the TRANSPLAN, ECCRFFA, and Highway 4 Bypass meeting. He noted he had requested an official report regarding the delay for BART service to the Hillcrest Station.

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 25, 2014 AND DECEMBER 9, 2014

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIM

1. Agustin R. Colchado 14/15-2202 (property damage)

D. RESOLUTION NO. 2014/98 APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT AND DEFERRED IMPROVEMENT AGREEMENT WITH BUCHANAN CROSSINGS, LLC, AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS GENERALLY IN THE FORM ATTACHED AND AS ACCEPTABLE TO THE CITY MANAGER AND CITY ATTORNEY; AND VACATING A SURPLUS SLOPE AND DRAINAGE EASEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY ADDITIONAL DOCUMENTS THAT MAY BE NECESSARY TO VACATE THE EASEMENT AND QUITCLAIM ANY INTEREST TO THE UNDERLYING FEE OWNER

(BUCHANAN CROSSINGS, LLC) FOR THE BUCHANAN CROSSINGS SHOPPING CENTER (PW 357-302-08)

- E. **RESOLUTION NO. 2014/99** OF LOCAL SUPPORT AND AUTHORIZING THE FILING OF A GRANT APPLICATION TO MTC REQUESTING AN ALLOCATION OF THE TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDS FOR NEW CURB RAMPS AT VARIOUS LOCATIONS (PW 409-4)
- F. **RESOLUTION NO. 2014/100 AND RESOLUTION NO. 2014/101** TO SUMMARILY VACATE AN EASEMENT RESERVED WITH THE ABANDONMENT OF OLD LONE TREE WAY AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY ADDITIONAL DOCUMENTS TO VACATE ANY INTEREST TO BLUEROCK PARTNERS II, LLC AND AUTHORIZE THE CITY MANAGER TO ACCEPT AN EASEMENT FOR RELOCATED AND EXISTING RAW WATER MAIN (PW 357-301-09)

City Clerk Simonsen stated there were letters on dais from Seecon Built Homes Inc., regarding agenda Item D and copies were available in Council Chambers.

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

COUNCIL REGULAR AGENDA

14. URGENCY ITEM REGARDING PAYROLL SPECIALIST POSITION

Finance Director Merchant presented the staff report dated December 15, 2014, recommending the City Council approve the resolution.

RESOLUTION NO. 2014/102

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

3. REVIEW, DISCUSS, SELECT AND PRIORITIZE POTENTIAL DEVELOPMENT PROJECTS FOR THE FINAL PHASE OF PREWETT COMMUNITY PARK; DIRECT STAFF TO INITIATE THE DESIGN PROCESS.

Project Manager Karste presented the staff report recommending the City Council review, discuss, select, and prioritize the potential development projects for the final phase of Prewett Community Park and direct staff to initiate the design process.

Bob Lyles and Josh Johnson, Antioch residents, recommended the City Council support a disc golf course as a project for Prewett Community Park.

Mayor Harper thanked Mr. Karste for the comprehensive staff report.

Following discussion, the Council expressed interest in exploring the feasibility of a marquee/digital sign for the community center. Each Councilmember provided a list of their top five (5) project priorities.

Councilmember Rocha stated her project priorities were as follows:

- All access playground
- All abilities zero depth pool play area
- Lighted sports court
- Group picnic areas/shade
- Security Cameras

Mayor Harper stated his project priorities were as follows:

- All access playground
- All abilities zero depth pool play area
- Lighted sports court
- Group picnic areas/shade
- Security Cameras

Councilmember Tiscareno stated his project priorities were as follows:

- All access playground
- All abilities zero depth pool play area
- Security Cameras
- Lighted sports court
- Group picnic areas/shade

Councilmember Wilson stated her project priorities were as follows:

- All abilities zero depth pool play area
- All access playground
- Lighted sports court
- Security Cameras
- Facility Storage

Councilmember Ogorchock stated her project priorities were as follows:

- All access playground
- All abilities zero depth pool play area
- Security Cameras
- Lighted sports court/disc golf course
- Shade Structures

Project Manager Karste stated they would initiate the design process based on Council direction.

4. ECONOMIC DEVELOPMENT COMMISSION APPOINTMENTS FOR TWO PARTIAL-TERM VACANCIES BOTH EXPIRING JUNE 2017

Mayor Harper nominated Ken Turnage and Loretta Sweatt to fill the two partial-term vacancies on the Economic Development Commission.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council unanimously appointed Ken Turnage and Loretta Sweatt to the two partial-term vacancies on the Economic Development Commission.

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

Mayor Harper nominated Janet Zacharatos to fill the one partial-term vacancy on the Economic Development Commission.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the City Council unanimously appointed Janet Zacharatos to the one partial-term vacancy on the Planning Commission.

6. PROPERTY ASSESSED CLEAN ENERGY PROGRAM (PACE)

Environmental Resource Coordinator Hass-Wadjowicz clarified there was an error in the staff report and the California Hero program had commercial opportunities. She presented the staff report dated December 11, 2014 recommending the City Council adopt the resolutions allowing participation for properties with within the City's jurisdiction in Property Assessed Clean Energy (PACE) financing for property improvements including renewable energy sources, energy and water efficiency improvements, and electric vehicle charging infrastructure and approving an amendment to a certain joint powers agreement related thereto.

Gil Murrillo, Antioch resident, voiced his support of the Property Assessed Clean Energy Program (PACE). He suggested the City consider utilizing solar energy at Prewett Water Park.

RESOLUTION NO. 2014/103
RESOLUTION NO. 2014/104
RESOLUTION NO. 2014/105
RESOLUTION NO. 2014/106

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

Jonathan Kevles, Senior Director PACE, thanked the City Council for their support of the Property Assessed Clean Energy Program (PACE).

7. RESOLUTION APPROVING THREE (3) CODE ENFORCEMENT OFFICER POSITIONS IN THE FY 2014/15 BUDGET AND AUTHORIZING THE APPROPRIATE BUDGET ADJUSTMENT

Administrative Service Director Fitzer and Director of Community Development Wehrmeister presented the staff report dated December 2, 2014 recommending the City Council adopt the resolution.

Bill Cook, Antioch resident, voiced his support for the City converting the contract Code Enforcement Officers to City employees.

Mark Jordan, Antioch resident, stated there should be one (1) code enforcement officer for every ten (10) police officers and stated all citizens were entitled to equal enforcement of the code within the City of Antioch.

RESOLUTION NO. 2014/107

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously adopted the resolution.

Mayor Harper declared a recess at 9:22 P.M. The meeting reconvened at 9:31 P.M. with all Council members present.

8. SEWER LATERAL INSPECTION AND REPLACEMENT PROGRAM

City Attorney Nerland presented the staff report dated December 10, 2014. In accordance with the Settlement Agreement with Northern California River Watch, a private sewer lateral inspection and replacement program was presented which requires the following actions: 1) Motion to read the Ordinance by title only; and 2) Motion to introduce an Ordinance adding Sections 6-4.301 to 6-4.310 to the Antioch Municipal Code regarding a Sewer Lateral Inspection and Replacement program, which included a requirement that all sewer laterals have proper cleanouts and that sewer laterals be inspected, cleaned and replaced if necessary when there have been two or more sewer overflows in the same private sewer lateral within two years and prior to the following events, unless the sewer lateral was installed within the past 10 years or inspected within the past 20 years and not found defective:

- a) The sale or transfer of property,
- b) The issuance of a building permit for a significant remodel, or
- c) A more intensive use.

The Ordinance would also amend section 5-1.314 of the Antioch Municipal Code to make minor corrections and provided that the City Manager may designate someone to make a determination regarding the use of summary abatement of a public nuisance.

Mark Jordan, Antioch resident, suggested the ordinance require mandatory if there was not a current lateral inspection within three (3) years of the point of sale.

In response to Council, Deputy Director of Public Works Bechtholdt reviewed the inspection process and associated costs. He noted the City provided a "one shot" for residents that did not have a cleanout in an attempt to remove the blockage, which also served as a warning to install a sewer clean out.

Councilmember Ogorchock stated cost could be prohibitive for anyone selling or buying a home and she urged the Council to reject the program.

City Attorney Nerland clarified the City was required under the terms of the settlement agreement to present the ordinance to the City Council for consideration. She noted as there continued to be sewer overflows and leakages, the City remained liable for violations of federal clean water and state regulations.

Mayor Harper stated he would not support the ordinance until homeowners were informed and provided feedback regarding the impacts of the program.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the Council tabled the item. The motion carried the following vote:

Ayes: Ogorchock, Wilson, Harper

Noes: Tiscareno, Rocha

9. APPROVE AMENDMENT TO FY 14/15 CAPITAL IMPROVEMENT BUDGET FOR THE PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM (P.W. 328-8)

Director of Public Works/City Engineer Bernal presented the staff report dated December 2, 2014 recommending the City Council authorize the Director of Finance to amend the 2014-2015 Capital Improvement Budget to increase Gas Tax funding to the Pavement Preventative Maintenance Program to \$3,840,000.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously authorized the Director of Finance to amend the 2014-2015 Capital Improvement Budget to increase Gas Tax funding to the Pavement Preventative Maintenance Program to \$3,840,000.

10. FIRST AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH RMC WATER AND ENVIRONMENT FOR ENGINEERING DESIGN, ENVIRONMENTAL PERMITTING AND CONSTRUCTION SUPPORT SERVICES FOR THE WEST ANTIOCH CREEK CHANNEL IMPROVEMENTS PROJECT (P.W. 201-6)

Director of Public Works/City Engineer Bernal presented the staff report dated December 2, 2014 recommending the City Council approve the First Amendment to the Consultant Service Agreement with RMC Water and Environment for engineering design, permitting and construction support services for the West Antioch Creek Channel Improvement Project.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council unanimously approved the First Amendment to the Consultant Service Agreement with RMC

Water and Environment for engineering design, permitting and construction support services for the West Antioch Creek Channel Improvement Project.

11. APPROVAL OF PROPOSAL AND AUTHORIZATION FOR THE CITY MANAGER TO SIGN AN AGREEMENT WITH ECONOMIC AND PLANNING SYSTEMS, INC. (EPS) TO CONDUCT A TRANSPORTATION IMPACT FEE STUDY (P.W. 644-A)

Director of Public Works/City Engineer Bernal presented the staff report dated December 2, 2014 recommending the City Council approve the proposal and authorize the City Manager to sign an agreement with Economic and Planning Systems, Inc. (EPS) to conduct a Transportation Impact Fee Study in the amount of \$129,500.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the Council unanimously approved the proposal and authorized the City Manager to sign an agreement with Economic and Planning Systems, Inc. (EPS) to conduct a Transportation Impact Fee Study in the amount of \$129,500.

12. AMENDMENTS TO THE MASSAGE REGULATIONS TO COMPLY WITH NEW ASSEMBLY BILL 1147

City Attorney Nerland presented the staff report dated December 9, 2014 recommending the City Council: 1) Approve by motion the reading of the ordinance by title only; and 2) Introduce the Ordinance amending Sections 5-19.01, 5-19.04, 5-19.22 and 5-19.23 of the Antioch Municipal Code to address new State Laws regarding Massage Establishments and Massage Therapists.

Lieutenant Morefield stated when the Antioch Police Department was alerted to an issue with a massage parlor, they conducted undercover operations to substantiate the validity of the observation which were followed up with enforcement actions, if warranted.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the Council unanimously 1) Approved by motion the reading of the ordinance by title only; and 2) Introduced the Ordinance amending Sections 5-19.01, 5-19.04, 5-19.22 and 5-19.23 of the Antioch Municipal Code to address new State Laws regarding Massage Establishments and Massage Therapists.

13. CITY COUNCIL APPOINTMENTS TO COUNCIL COMMITTEES AND OTHER ENTITIES

City Attorney Nerland presented the staff report dated December 10, 2014 recommending the Mayor Harper make appointments for City Council approval by majority vote.

Mayor Harper recused himself and turned the gavel over to Mayor Pro Tem Ogorchock and left the dais.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council appointed Mayor Harper to the following committees and other entities:

- ABAG (Association of Bay Area Governments)

- Delta Diablo Sanitation District
- East Contra Costa Transit Authority (Tri Delta) (Board of Directors)
- Mayor's Conference
- Budget Committee
- Lone Tree Golf Course Committee
- Northeast Antioch Annexation
- Quality of Life Forum

The motion carried the following vote:

Ayes: Wilson, Ogorchock, Tiscareno, Rocha

Mayor Harper returned to the dais and Mayor Pro Tem Ogorchock recused herself.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council appointed Councilmember Ogorchock to the following committees and other entities:

- Community Facilities District (Mello Roos)
- City/School Relations Committee
- East Bay Division (League of California Cities)
- East County Water Management Association
- Sycamore Corridor Committee
- ICLEI (International Council for Local Environmental Initiatives)
- ABAG (Alternate)
- Mayor's Conference (Alternate)

The motion carried the following vote:

Ayes: Wilson, Tiscareno, Rocha, Harper

Mayor Pro Tem Ogorchock returned to the dais. Councilmember Tiscareno recused himself.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council appointed Councilmember Tiscareno to the following committees and other entities:

- Community Advisory Board – S.F. Bay Water Transit Authority
- Graffiti Committee
- State Route 4 By-Pass Authority
- TRANSPLAN
- East Contra Costa Regional Fee and Financing Authority
- Budget Committee
- Lone Tree Golf Course Committee

The motion carried the following vote:

Ayes: Wilson, Ogorchock, Rocha, Harper

Councilmember Tiscareno returned to the dais. Councilmember Rocha recused herself.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the Council appointed Councilmember Rocha to the following committees and entities:

- East Contra Costa Transit Authority (Tri Delta) (Board of Directors)
- CDBG Committee
- Committee on Aging
- Northeast Antioch Annexation
- Delta Diablo Sanitation District (alternate)
- Historic Preservation Committee

The motion carried the following vote:

Ayes: Wilson, Ogorchock, Tiscareno, Harper

Councilmember Rocha returned to the dais. Councilmember Wilson recused herself.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council appointed Councilmember Wilson to the following committees and entities:

- Chamber of Commerce Liaison
- Community Facilities District (Mello Roos)
- City/School Relations Committee
- CDBG
- Sycamore Corridor Committee
- State Route 4 By-Pass Authority (alternate)
- TRANSPLAN (alternate)
- East Contra Costa Regional Fee and Financing Authority (alternate)

The motion carried the following vote:

Ayes: Ogorchock, Tiscareno, Rocha, Harper

Councilmember Wilson returned to the dais.

PUBLIC COMMENTS

Mayor Harper received written comment from Paul Narducci requesting the City update the Code Enforcement flyer and distribute it in the water bill.

Contra Costa Fire Protection District Battalion Chief Ed Gonzalez introduced himself and stated he was available to answer any questions.

STAFF COMMUNICATIONS

City Manager Duran announced he had met with representatives from Senator DeSaulnier and Assemblymember Frazier's offices regarding the Department of Finance issues on the redevelopment dissolution.

COUNCIL COMMUNICATIONS

Councilmember Wilson wished everyone a happy holiday.

Councilmember Rocha wished everyone a Feliz Navidad.

Mayor Harper requested staff agendaize the recent appointments of Park and Recreation Commissioners for determination of their length of terms. He requested City Manager Duran update the public on the RFP/RFQ process in his weekly or monthly report. He wished everyone a happy and safe holiday.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:32 P.M. to the next regular Council meeting on January 13, 2015.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk