

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

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

**August 25, 2015
Council Chambers**

Mayor Harper called the meeting to order at 7:00 P.M

REPORT OUT FROM AUGUST 13, 2015 CLOSED SESSION

Interim City Attorney Cole reported the City Council had been in Closed Session on August 13, 2015 and gave the following report: City Council gave direction to the recruiter for the hiring of a new in-house City Attorney.

REPORT OUT FROM AUGUST 17, 2015 CLOSED SESSION

Interim City Attorney Cole reported the City Council had been in Closed Session on August 17, 2015 and gave the following report: City Council gave direction to the negotiator for the hiring of a new in-house City Attorney.

5:30 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 of Antioch/City of Antioch as Successor Agency to the Antioch Development Agency

- 2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8: City owned Assessors Parcel Number (APN)#s: 066010020; 066055001; 066041004; 066051012 and Successor Agency owned Assessor’s Parcel (APN)#s: 066092001; 066107010; 066107011; 066107001; 066610010; 66051001; 066051002. City and Agency Negotiator, City Manager Steve Duran. Other Parties Negotiators: Seeno Homes, Inc., Albert Seeno Jr.; Lewis Operating Corporation, Doug Mull; City Ventures, Phil Kerr; Celebrate Antioch Foundation, Wayne Harrison. Under negotiation: price and terms of payment.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: #1. **CONFERENCE WITH LABOR NEGOTIATORS**, Direction was given to Labor Negotiator, and; #2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, Direction was given to the City Manager to negotiate exclusively with City Ventures.

City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

Mayor Harper led the Council and audience in the Pledge of Allegiance.

PROCLAMATION

Childhood Cancer Awareness Week, September 20 – 26, 2015

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

Mayor Harper announced the proclamation would be forwarded to the proper representative.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Councilmember Ogorchock announced Out of the Darkness Community Walk for suicide prevention would be held on October 10, 2015 at Cypress Grove Park in Oakley.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- *Sales Tax Citizens' Oversight Committee: One (1) vacancy deadline date is September 10, 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 Clerk's offices.

PUBLIC COMMENTS

Barbara Herendeen reported she had met with a representative from an investment group who expressed interest in the former Humphreys Restaurant and she was hopeful something positive would result.

Clark Strickland, Veteran of World War II and Pittsburg resident, thanked the City Council for allowing him to be a speaker at the City's Veteran ceremonies and volunteered to speak at future events.

Mayor Harper thanked Mr. Strickland for his service.

Cindi Harrington, Antioch resident, discussed efforts to revitalize downtown and suggested landlords offer concessions to bring more tenants into the area. She expressed concern negotiations for the Beede Lumber Yard site occurred during Closed Session.

Ben Foley, Antioch resident, spoke in opposition to housing being built on the Beede Lumber Yard parcel and urged the City Council to reserve the property for a neighborhood park.

Mayor Harper welcomed Mr. Foley to Antioch.

Alejandra Plascencia and Pricilla Nzesso, representing First 5 of Contra Costa - East County Regional Group, announced they were partnering with the Parks and Recreation Department to offer low cost classes for children ages 2-5 from September 21 – October 26, 2015 at Contra Loma Estates Park. Contact information was provided for anyone wishing to sign up for the event.

Mayor Harper thanked the East County Regional Group for providing services for children in the community.

Lee Ballesteros, Antioch resident, speaking to the RFP for the Beede Lumber site reminded Council that at any point, they could halt the PSA or DA process. She discussed their plans for the property and urged the City Council to support their proposal.

Connie Komar, Celebrate Antioch Foundation, stated the view of the river from her home was very important and she supported developing an event center on the Beede Lumber Yard site.

Floria Heravi, Antioch resident, reported overgrown vegetation on Garrow Drive which she felt was a potential fire hazard.

Joy Motts, Celebrate Antioch Foundation, requested clarification with regards to the report out of Closed Session for Item #2. She stated if Council had decided to move forward with another developer for the Beede Lumber Yard parcel without speaking to the Celebrate Antioch Foundation regarding their proposal, they would seek another way to convince them otherwise.

Jesse Wilson, Antioch resident, spoke to the charm of Antioch's waterfront area and asked if the City had followed the Brown Act "sunshine" law with regards to the Beede Lumber yard parcel.

COUNCIL SUBCOMMITTEE REPORTS

Councilmembers Wilson and Ogorchock reported on their attendance at the Sycamore Corridor Committee meeting.

2. ROLL CALL – for Sycamore Corridor Committee

City Clerk Simonsen called the roll.

Present: Council Members Ogorchock and Wilson

A. APPROVAL OF SYCAMORE CORRIDOR COMMITTEE MINUTES FOR AUGUST 18, 2015

On motion by Councilmember/Committee Member Wilson, seconded by Councilmember/Committee Member Ogorchock, the Committee unanimously approved the Minutes of August 18, 2015.

ROLL CALL – REGULAR MEETING – for Council Members/City Council Members acting as Successor Agency to the Antioch Development Agency

City Clerk Simonsen called the roll.

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

MAYOR'S COMMENTS - None

PRESENTATION

California Public Utilities Commission, presented by Roland Esquivias

Mr. Esquivias was not present to make the presentation.

Police Mid-Year 2015 Status Report, presented by Chief Cantando

Chief Cantando gave a presentation of Police Statistics for Mid-Year 2015 which included the following information:

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

The City Council thanked Chief Cantando for the report and his community outreach efforts.

In response to Council, Chief Cantando provided an update on the Antioch Police Department hiring process, Community Service Officer (CSO) staffing, Citizens' Academy and Volunteers in Police Services (VIPS).

Councilmember Ogorchock requested the Antioch Police Department place a decoy vehicle on 18th Street at Save Mart, during school hours.

Councilmember Rocha requested Chief Cantando email a calendar of Police Activities League (PAL) events to the City Council.

City Manager Duran reported Director of Public Works/City Engineer Bernal had temporarily assigned work crews to address blight and an agenda item regarding additional staffing to address this issue would be coming to Council on a future agenda.

3. **COUNCIL CONSENT CALENDAR for City /City as Successor Agency to the Antioch Development Agency**
 - A. **APPROVAL OF COUNCIL SPECIAL MEETING STUDY SESSION MINUTES FOR JUNE 17, 2015**
 - B. **APPROVAL OF COUNCIL MINUTES FOR AUGUST 11, 2015**
 - C. **APPROVAL OF COUNCIL WARRANTS**
 - D. **REJECTION OF CLAIM**
 1. **Juaquin Sanchez, Jr.**
 - E. **APPROVAL OF TREASURER'S REPORT FOR JULY 2015**
 - F. **RESOLUTION NO. 2015/62 APPROVING A FY 2015-16 BUDGET AMENDMENT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STEPHEN GRONER & ASSOCIATES TO ADMINISTER THE CITY'S USED OIL COMPETITIVE GRANT**
 - G. **RESOLUTION NO. 2015/63 CONSIDERATION OF BIDS FOR THE SUNSET BOOSTER PUMP STATION REPLACEMENT (P.W. 355-BP)**
 - H. **RESOLUTION NO. 2015/64 ACCEPTING A GRANT DEED FROM CONTRA COSTA COUNTY FOR APN 074-130-050 IN CONNECTION WITH THE WEST ANTIOCH CREEK CHANNEL IMPROVEMENTS PROJECT (P.W. 201-6)**

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

- I. **SA RESOLUTION NO. 2015/18 SECURITY SERVICES FOR SUCCESSOR AGENCY OWNED PARCELS LOCATED IN DOWNTOWN ANTIOCH**
- J. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**

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

Item F – Councilmember Rocha recognized City staff who applied for and received the CalRecycle Used Oil Competitive Grant.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchok, the City Council unanimously approved Item F.

Item I – Karl Dietzel questioned why the City would hire a security firm to guard undeveloped lots. He suggested the funds be utilized for Code Enforcement and Police Department staffing or for providing security in his neighborhood.

City Manager Duran explained the contract was for the Successor Agency to the Antioch Development Agency and paid for with administrative funds. He stated the request was for a security firm to provide services for all Agency owned properties including the Marina, Hard House, Lynn House and various vacant lots.

In response to Councilmember Ogorchock, City Manager Duran clarified the money could only be used in an area where redevelopment agency properties were located.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously approved Item I.

PUBLIC HEARING

4. ADOPT RESOLUTION REVOKING A LOCAL CARD ROOM LICENSE FOR 408 “O” STREET ISSUED TO ANTHONY KESLINKE AND REVOKING ANCILLARY APPROVALS

City Manager Duran presented the staff report dated August 25, 2015 recommending the City Council adopt the resolution revoking a local card room license for 408 “O” Street issued to Anthony Keslinke and revoking ancillary approvals.

Mayor Harper opened and closed the Public Hearing with no speakers requesting to speak.

RESOLUTION NO. 2015/65

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously adopted the resolution revoking a local card room license for 408 “O” Street issued to Anthony Keslinke and revoking ancillary approvals.

5. AVIANO PROJECT – GP-15-02, PD-14-01, PW-676, UP-14-05

City Manager Duran reported the City had received a letter today from an Attorney representing the applicant. City Clerk Simonsen added, copies of the letter were available in Council Chambers.

Director of Community Development Ebbs introduced the item and Contact Planner Gnos to give the staff report.

Contract Planner Gnos presented the staff report dated August 25, 2015 recommending that the City Council take the following actions: 1) Adopt the Resolution adopting the Addendum to the Environmental Impact Report for the Aviano Adult Community Project. 2) Introduce the Ordinance approving a Development Agreement between the City of Antioch and Aviano Farms LLC. 3) Adopt the Resolution approving a General Plan Amendment for purposes of amending the Sand Creek Focus Area text to allow small-lot single family residential uses on-site (GP-15-02). 4) Introduce the Ordinance approving a rezone to modify the current Aviano Adult Community Planned Development zone standards (PD-14-01). 5) Adopt the Resolution approving a Vesting Tentative Map/Final Development Plan and Use Permit for Phase 1 consisting of 127 units (UP-14-15).

Director of Community Development Ebbs commented staff's recommendation was approval as written; however, if changes put forth in the letter from the applicant were being considered, they would recommend the item be continued to allow for a full legal analysis.

Interim City Attorney Cole concurred with Director of Community Development Ebbs and stated if Council wanted to review the letter in more detail, he was willing to work with the applicant's Attorney on the outstanding issues. He noted given the timing of the letter, it would be difficult to provide an analysis this evening.

Director of Community Development Ebbs reviewed the spreadsheet outlining the methodology used to determine the Police Services Fee.

In response to Councilmember Tiscareno, Interim City Attorney Cole responded the law was unclear regarding the City's ability to set a percentage of owner occupied homes and he would like an opportunity to research the issue prior to Council making a final decision.

In response to Mayor Harper, Director of Community Development Ebbs stated if conditions were the same, the expectation was requirements for a Community Facilities District (CFD) and a percentage of owner occupied homes would apply to future projects.

Interim City Attorney Cole reviewed the public hearing rules of conduct.

Mayor Harper thanked the applicant for their patience and bringing the project forward.

Mayor Harper opened the public hearing.

Michael Evans, DeNova Homes, introduced the Development Team and requested he be allowed time for rebuttal at the end of the public hearing.

Mike Serpa, Aviano Farms, gave a history of the project, an overhead presentation of the Land Plan and discussed their partnership with the Antioch Unified School District for development of

Dozier Libbey-Medical High School. He requested the City Council approve the project and committed to working with staff to resolve the outstanding issues.

Robert Laxner, Antioch resident, spoke in support of the project.

Aram Hodess, Plumbers/Steamfitters 159, spoke in support of the project and encouraged the City Council to work with the developer to address their concerns.

In response to Councilmember Tiscareno, Mr. Hodess stated he believed the project would offer employment opportunities for high school graduates and Veterans.

Kevin Van Buskirk, speaking on behalf of Michael Lee Local 104, encouraged the City Council to approve the project.

Tim Forester, Antioch Unified School District, gave a history of the development of Dozier-Libbey Medical High School and noted the project would provide permanent infrastructure in the area. He requested the Development Agreement (DA) reference the School District's agreement with Aviano Farms.

Allan Payton, Antioch resident, questioned if the CFD would give a specific allocation of police officers to this development. He stated he was in support of this developer and their project.

The following Antioch residents provided speaker cards in support of the project: Jason Hodgson, David Catania, Brian Bushman, Darryl McDonald Jr., Juan Carlos Garcia, Jose A. Mendoza Gonzalez, Daniel Sugarman, Jorge Castellanas, and Daniel Lopez.

Patricia Curtain, Land Use Attorney on behalf of Aviano Farms, apologized for the lateness of her letter. She reviewed their concerns and proposed modifications for the EIR Addendum and the Development Agreement.

Following discussion, the City Council stated they were concerned for the timing of the letter received from the developer's Attorney noting it had not provided staff sufficient time to review and respond. They directed staff to work with the applicant on the EIR Addendum, rental/ownership restrictions, police services fee, and indemnification issues.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously continued the item to September 8, 2015.

Mayor Harper declared a recess at 9:39 P.M. and reconvened at 9:54 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

6. NRG RENEW AND UPDATE ON SOLAR PROJECTS

Director of Public Works/City Engineer Bernal presented the staff report dated August 25, 2015 recommending the City Council approve the non-binding Letter of Intent (LOI) with NRG Renew and authorize the City Manager to execute the document.

Joe Corning, Senior Associate representing NRG Renew LLC, gave an overhead presentation of the Big Break Solar Development (“Attachment E” of the staff report).

In response to Council, Mr. Corning stated he would consider an internship program, local hiring provision and coordinating with the Workforce Development Board.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved the non-binding Letter of Intent (LOI) with NRG Renew and authorized the City Manager to execute the document with the following: 1) Fifty (50) percent local hire provision, and; 2) Internship program and job placement through the Workforce Development Board.

7. VEHICLE REPLACEMENT PURCHASE

Director of Public Works/City Engineer Bernal presented the staff report dated August 25, 2015 recommending the City Council authorize the purchase of five police patrol and three police investigation vehicles under City of Sacramento Contract #B13131311025 and one Public Works Sewer Collections utility truck under State of California contract #1-14-23-20A from Downtown Ford Sales, Sacramento, CA in the amount not to exceed \$274,639.42 and an additional \$20,000 for dealer installed auxiliary equipment.

Deputy Director of Public Works Bechtholdt provided an overview of the vehicles in need of replacement.

In response to Councilmember Ogorchock, City Manager Duran stated that he would research if the City received sales tax revenue from the purchase of the vehicles and look into an amendment to the City’s purchasing policy to address when a local vendor could meet or beat the State bid.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously authorized the purchase of five police patrol and three police investigation vehicles under City of Sacramento Contract #B13131311025 and one Public Works Sewer Collections utility truck under State of California contract #1-14-23-20A from Downtown Ford Sales, Sacramento, CA in the amount not to exceed \$274,639.42 and an additional \$20,000 for dealer installed auxiliary equipment.

8. CONTRACTING EMERGENCY/SPECIALIZED SEWER SERVICES

Director of Public Works/City Engineer Bernal presented the staff report dated August 25, 2015 recommending the City Council approve the proposal and authorize the City Manager to execute

the Emergency/Specialized Sewer Services sole source contract to Nor-Cal Pipeline Services for the amount not to exceed \$350,000 per contract year for a term ending July 1, 2017 with an option to renew an additional two years.

In response to Councilmember Tiscareno, Deputy Director of Public Works Bechtholdt explained this vendor would provide emergency and specialized services.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously approved the proposal and authorized the City Manager to execute the Emergency/Specialized Sewer Services sole source contract to Nor-Cal Pipeline Services for the amount not to exceed \$350,000 per contract year for a term ending July 1, 2017 with an option to renew an additional two years.

PUBLIC COMMENTS

Director of Parks and Recreation Kaiser announced the Fall and Winter Recreation Guide and Antioch Senior Citizen's Club newsletter had been distributed to the community.

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the Sycamore Corridor Community meeting. He announced the City Report would be distributed to the community and thanked City staff who contributed to the document.

COUNCIL COMMUNICATIONS

Councilmember Wilson reported on her attendance at the grand opening of Speed Clean Laundry, and Legos and the Law.

Councilmember Ogorchock stated the League of Cities had requested the City Council show support for transportation funding and a letter had been signed and sent from City Manager Duran. She requested the resolution be placed on the September 8, 2015 City Council agenda.

Councilmember Tiscareno stated he was encouraged with new businesses coming to Antioch and reported on his attendance at the ribbon-cutting for Speed Clean Laundry. He thanked Chief Cantando for providing Volunteers in Police Services (VIPS) for the graffiti abatement program and stated he looked forward to finalizing the committee.

In response to Councilmember Rocha, City Manager Duran stated he would research the City's smoking ordinance and discuss blight related ordinances with the City Attorney. He stated he would email her the update on the collection process for the rental properties.

Councilmember Rocha reported on her attendance at "Derek the Barber's Barber Battles" competition at the Nick Rodriguez Community Center and the California Drought Solution forum.

Interim City Attorney Cole clarified the report out of Closed Session: **#2.CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, Direction was given to the City Manager to negotiate exclusively with City Ventures which was approved by a 4/1 vote, Councilmember Ogorchock voting against.

Mayor Harper thanked Chief Cantando for the Legos and the Law event and his community outreach efforts. He thanked City Manager Duran for his hard work and noted he had received positive feedback from the community.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:29 P.M. to the next regular Council meeting on September 8, 2015.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk