

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

October 13, 2015
Council Chambers

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 Fitzer, Denise Haskett and Glenn Berkheimer; Employee organization: Public Employees Union Local 1.
2. **PUBLIC EMPLOYMENT APPOINTMENT:** City Attorney – This Closed Session is authorized by California Government Code section 54957. Agency Designated Representative: City Manager, Administrative Services Director, and Phil McKenney of Peckham & McKenney regarding the recruitment and appointment of a City Attorney.
3. **CONFERENCE WITH LEGAL COUNSEL** – Anticipated Litigation pursuant to California Government Code section 54956.9 (d) (2): one case

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 the Labor Negotiators and **# 2 PUBLIC EMPLOYMENT APPOINTMENT**, Direction was given to the Recruiter; and, **#3 CONFERENCE WITH LEGAL COUNSEL**, Council received legal advice and update.

Mayor Harper called the meeting to order at 7:02 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Ogorchock, Tiscareno and Mayor Harper
Absent: Councilmember Rocha (*arrived at 7:07 P.M.*)

PLEDGE OF ALLEGIANCE

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

1. PROCLAMATIONS

- *17th Annual Delta Blues Festival, September 19, 2015*
- *Freedom from Workplace Bullies Week, October 18 – 24, 2015*

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

Director of Park and Recreation Kaiser introduced Frank Giovanni to accept the proclamation. Councilmember Tiscareno presented the *17th Annual Delta Blues Festival* proclamation to Mr. Giovanni who recognized members of the volunteer team and sponsors of the event. He thanked

Director of Park and Recreation Kaiser for assisting in organizing the event, Diane Gibson-Gray for her participation and Councilmembers Wilson, Ogorchock, and Rocha for their attendance.

Councilmember Rocha arrived at 7:07 P.M.

Mayor Harper read the *Freedom from Workplace Bullies Week, October 18 – 24, 2015* proclamation and stated with no one present to receive it, it would be filed.

PRESENTATION

California State Senator Steve Glazer introduced himself and discussed their efforts to reach out to local representatives and reported on their participation in community events. He gave an update of legislative action and introduced his senior staff in attendance. He announced Mayor Harper was recently appointed as his part-time Senior Field Representative.

Mayor Harper thanked Senator Glazer for the presentation.

2015 Sister City Trip to Japan and 2016 Delegation Coming to Antioch, presented by Dr. Sean Wright

Dr. Sean Wright, President of Antioch Chichibu Sister City organization, gave a history of the home stay Sister City Program. He stated any resident wishing to host a visiting delegation member could contact him. He announced the next visit to Chichibu would be in 2017 and at that time, they would be celebrating their 50-year anniversary.

Mary Ellen Edmonds, former President of the Sister City organization, read a letter requesting the City Council reinstate the City's support for the Sister City event.

Dr. Wright explained costs were burdensome for the organization and he would appreciate the City's support.

Mayor Harper stated he would discuss how the City could support the event with Mr. Wright.

Councilmember Wilson suggested agendaizing this item for discussion and reported on her participation in the 2015 Sister City event in Chichibu, Japan.

Dr. Wright invited Councilmembers to become members of the delegation.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Velma Wilson, representing the Antioch Rivertown Jamboree, announced the following events:

- Delta Thunder IV "Gary Agopian Memorial Race" on October 17 and 18, 2015 at the Antioch Marina
- Car Show on October 17, 2015 at 2nd and "G" Streets

- Antioch High School Golden State Warriors fundraising events on October 2, and October 25, 2015

Gil Murillo, Antioch resident, recognized the Planning Commission for the position they took on The Ranch project. He requested General Plan updates include public involvement in the process.

Director of Park and Recreation Kaiser announced the Marina and Antioch Recreation Department in partnership with the California Striped Bass Association would host the 28th Annual Kid's Fishing Derby on October 24, 2015 at the Antioch Marina.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS - None

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Tiscareno announced due to lack of a quorum, the TRANSPLAN meeting had been continued to next month.

Councilmember Ogorchock reported on her attendance at the League of California Cities conference.

Councilmember Wilson reported on her attendance at Mello Roos and Aviation Advisory committee meetings.

MAYOR'S COMMENTS - None

PUBLIC COMMENTS

Carol Kuhn, Antioch resident, expressed concern regarding unsanitary conditions caused by the homeless. She stated she was opposed dense condominium development and suggested Council work directly with the citizens of Antioch.

Kathryn Fitzpatrick, Antioch resident, agreed with Ms. Kuhn's comments and reported on unsafe conditions in the "C" and "A" Street neighborhoods. She suggested Antioch's home page have a link to the City's disaster preparedness information and suggested 1-2 people in each Neighborhood Watch group participate in disaster preparedness or CERT training. She spoke in support of the all abilities park at Prewett Park and suggested the City consider building a recreation area downtown.

Adam Eliassen, Antioch resident, discussed the need for sidewalk improvements along Wilbur Avenue and Cavallo Road. He spoke in support of building a park on the Beede Lumber Yard parcel.

Nickole Bouslog, Antioch resident, stated lack of sidewalks in her neighborhood caused her to drive her wheelchair into the street, which was unsafe. She requested the City Council assist her and improve sidewalk access for her wheelchair.

Mayor Harper requested staff look into the request for the sidewalk improvements and thanked the residents for bringing this issue to the attention of the City Council.

PRESENTATION

Code Enforcement and Homeless Update, presented by Ryan Graham and Teri House

Mayor Harper announced there would be a meeting with the Antioch Chamber of Commerce on the homelessness on January 20, 2015.

Deputy Director of Community Development/Code Enforcement Graham provided an update on Code Enforcement and their response to homeless encampments. He announced the new Code Enforcement website had been launched and the link was available through the City of Antioch's homepage.

Doug Stewart, Contra Costa Outreach, provided an update on the Outreach team's efforts to provide services to the homeless population. He reported their local contact Nick Rogers had been informed of the "C" Street concerns discussed earlier this evening and would be responding to the area.

Teri House, Chair of the Executive Board of the Contra Costa Council on Homelessness, gave an update on the homeless counts for Antioch and Contra Costa County. She discussed how they were addressing homelessness and the resources available. She announced Acting Captain Aguinaga would be joining their Executive Board. She reported through tracking, they had determined the homeless issue was moving toward East County.

Mayor Harper requested Code Enforcement focus on addressing panhandling and littering. He questioned if there was a possibility of issuing a temporary restraining order for those who did not comply with laws.

Deputy Director of Community Development/Code Enforcement Graham responded restraining orders associated with criminal behavior could be issued. With regards to panhandling, he noted they routinely cite people in the medians and those with previous citations were taken to the Martinez Detention Facility. He further noted CHP had an officer dedicated to transient issues along the freeways and medians in Contra Costa County. He announced a shopping cart ordinance was being drafted by the City Attorney.

Mayor Harper stated he was in support of a shopping cart ordinance and funding a special detail to address criminal issues related to homelessness.

In response to Councilmember Wilson, Deputy Director of Community Development/Code Enforcement Graham explained staff worked with Burlington Northern and Union Pacific to address homeless encampments along the rail lines.

In response to Councilmember Ogorchock, Deputy Director of Community Development/Code Enforcement Graham stated he would post contact information for Doug Stewart on the Code

Enforcements website. He noted they were educating the business community regarding City's ordinances addressing blight.

The City Council thanked Deputy Director of Community Development/Recreation Graham, Doug Stewart and Teri House for the presentation.

Councilmember Tiscareno encouraged residents report items left discarded by the homeless.

In response to Councilmember Rocha, Doug Stewart stated winter nights for churches typically began around Thanksgiving and the County shelters would have an additional 20 beds starting November 1, 2015.

Mayor Harper thanked Code Enforcement for developing their website and encouraged staff to keep the information current.

Deputy Director of Community Development/Code Enforcement Graham stated the most expedient way to report violations was by phone or through the website.

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 22, 2015

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIM

1. Mesha Crittle & Myles Hamlin

D. CONDUCTED ELECTRICAL WEAPON REPLACEMENT PURCHASE

E. RESOLUTION NO. 2015/73 APPROVING OBTAINING FBI LEVEL FINGERPRINT CLEARANCE FOR EMPLOYMENT APPLICANTS

F. RESOLUTION NO. 2015/74 APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ANTIOCH AND OPERATING ENGINEERS LOCAL 3 FOR THE PERIOD OF OCTOBER 1, 2014 - SEPTEMBER 30, 2016, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MOU, AND AUTHORIZING THE FINANCE DIRECTOR TO ADJUST THE FY 2015/16 BUDGET

G. RESOLUTION NO. 2015/75 FINAL ACCEPTANCE OF THE ANTIOCH MARINA BOAT LAUNCH FACILITY, THIRD BOARDING FLOAT (P.W. 523-16B)

H. RESOLUTION NO. 2015/76 FINAL ACCEPTANCE OF THE PIPING RECONFIGURATION OF CANAL PUMPS 2 AND 4 AND PUMP 2 REPLACEMENT (P.W. 246-26)

- I. **CONSULTANT SERVICE AGREEMENT FOR THE WATER TREATMENT PLANT ELECTRICAL UPGRADES (P.W. 246-25)**
- J. **CONSULTANT SERVICE AGREEMENT FOR THE 2015 URBAN WATER MANAGEMENT PLAN (P.W. 340-12) AND WATERSHED SANITARY SURVEY (P.W. 340-13)**

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

PUBLIC HEARING

3. **APPEAL OF PLANNING COMMISSION APPROVAL OF USE PERMIT 15-09 FOR A PRIVATE SCHOOL AT 1700 AUTO CENTER DRIVE**

Director of Community Development Ebbs presented the staff report dated October 13, 2015 recommending the City Council consider the appeal of the Planning Commission to approve the Use Permit for a private school at 1700 Auto Center Drive and either: (A) Deny the appeal and uphold the Planning Commission approval of a Use Permit for a private school at 1700 Auto Center Drive; or (B) Uphold the appeal, overturn the Planning Commission approval of a Use Permit for a private school at 1700 Auto Center Drive, and deny a Use Permit for a private school at 1700 Auto Center Drive.

City Attorney Cole reviewed the speaker rules for the Public Hearing.

Mayor Harper opened the public hearing.

Tom Nokes, Antioch Auto Center, gave a history of his business and stated his goal was to develop this parcel into car dealerships. He added the City's plan was to develop retail in the area and it was designed for automotive related uses. He noted another dealership would provide the City additional sales tax revenue and high paying jobs.

Stacey Orosco, Contra Costa Medical Career College, gave a history of her business and stated they brought value to the community by providing an educated and high paid workforce who would contribute to economic growth in the community. She also noted their staff was highly paid. She stated the property had been for sale for approximately 1.5 years and questioned why the appellant had not attempted to purchase it. She reported the building was affordable and provided sufficient parking and square footage to expand their curriculum.

In response to Mayor Harper, Mr. Orosco noted the closest medical training program was in Richmond and located in an area similar to Auto Center Drive. She further noted they had looked at many other locations; however, they were either too expensive or they did not provide adequate parking and/or square footage. She stated this property also provided them with visibility in the community.

Mike Luca, Commercial Real Estate Broker representing Tom Nokes, reported in 2011 Council had voted to allow for auto sales on the west side of Auto Center Drive. He requested Council not deviate from allowing automotive sales or complimentary automotive businesses in the area because land zoned for this use was a valuable and a scarce resource.

In response to Council, Ms. Orosco, stated they looked for a new location for approximately 2.5 years and they were now in escrow for this property contingent upon approval of the Use Permit. She clarified there would be no financial impact if the appeal were upheld. She stated she had explored a variety of other properties and she could not afford any that met their parking ratio and square footage needs. She reported other businesses in the area were supportive of her business bringing an influx of people to the area. She noted she was not aware the College was an unauthorized use for the property.

Director of Community Development Ebbs, for the record clarified the General Plan indicated the designation for this property was Business Park and "the primary purpose was to provide for light industrial, research and development and office-based firms seeking an attractive and pleasant working environment and a prestigious location." He added the zoning designation was Planned Business Center, which allowed for light industrial to office uses and there was not a prominent retail component. He clarified the 2011 change allowed for auto sales in a Business Park designation; however, there was not a requirement that businesses be auto related. He stated the area was part of the Somersville Road focus area and policies spoke to sales tax generating auto type uses with the boundary ending at Costco Way. He noted both automotive sales and the College would require a Use Permit for this location so they were on equal ground as far as zoning was concerned.

In response to Councilmember Rocha, Ms. Orosco reiterated they had considered several other locations; however, this property was within their budget and allowed them to keep tuition low for students. She noted they had not found another space within Antioch that would address all their needs.

In response to Councilmember Tiscareno, Mr. Nokes stated he had pursued purchasing the property and believed he was in contract with AAA, however; when he sent the contract back, they indicated they had signed a deal with another party. He confirmed it was a bid process and he was outbid.

Mayor Harper closed the public hearing.

Councilmember Wilson recognized Ms. Orosco's entrepreneurship and Mr. Nokes' for generating business in Antioch. She stated the economic development element of the General Plan directives discussed the fiscal and financial health of the City and focusing on business expansion and attraction; therefore, she leaned towards supporting the appellant.

Director of Community Development Ebbs clarified the economic development element spoke to the City as a whole and the land use element was more specific.

Councilmember Ogorchock stated the City needed to reserve key retail and commercial sites to maximize sales tax revenue to insure the fiscal and financial health of the City. She stated she did not believe a College would generate sales tax revenue and jobs. She commended Ms. Orosco for her entrepreneurship.

Councilmember Tiscareno stated businesses such as the Antioch Auto Dealership were essential to the community; however, the appellant had gone through the process to purchase the building and was outbid by the applicant. He spoke to the need to provide an education component within the City and create a medical workforce in the community. He stated he was prepared to move forward and support the applicant.

Councilmember Rocha complimented Ms. Orosco on the success of her business. She stated when the City planned for auto dealerships along the entire corridor and for that reason she would be supporting the appellant.

Mayor Harper stated this area was Auto Center Drive for the purpose of providing retail sales of automobiles in the area. He stated a school in the area was detrimental to economic development and he encouraged the applicant to continue to look for an alternative location in Antioch.

RESOLUTION NO. 2015/77

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council approved the resolution to uphold the appeal, overturn the Planning Commission approval of a Use Permit for a private school at 1700 Auto Center Drive, and denying a Use Permit for a private school at 1700 Auto Center Drive. The motion carried the following vote:

Ayes: Wilson, Ogorchock, Rocha and Harper

Noes: Tiscareno

In response to Councilmember Ogorchock, City Manager Duran stated he and Economic Development Program Manager Zepeda would work with the College to look for a suitable location for her business.

COUNCIL REGULAR AGENDA

4. UPDATE ON MEASURE C REVENUE FOR FY 2014/15 AND FY 2015/16, AND ADOPTING A RESOLUTION INCREASING MEASURE C REVENUE IN THE FY 2014/15 BUDGET

Finance Director Merchant presented the staff report dated October 13, 2015 recommending the City Council: 1) Adopt a resolution increasing the budgeted Measure C revenue for FY 2014/15 by \$1,093,894, to a total of \$5,583,641; and 2) Receive this report and provide direction to staff regarding FY 2015/16.

Following discussion, Council consensus supported funding all of the expenditures as outlined in the staff report.

Councilmember Ogorchock suggested the Council consider adding the installation of two (2) license plate readers on Cavallo Road and six (6) for the Sycamore corridor.

City Manager Duran responded staff would provide Council with a report on the costs for license plate readers as soon as the information became available.

Lori Cook, Antioch resident, spoke in support of the City funding all four expenditures outlined in the staff report; however, she requested the Community Service Officer positions be increased to three (3) and adding the 6-month vehicle abatement pilot program as permanent positions. She thanked City Manager Duran for meeting with her to listen to her concerns and Mayor Harper for his concerns regarding blight. She requested the City Council approve all items.

Gil Murillo, Antioch resident, cautioned Measure C revenue would only be available short term and suggested the Council consider hiring contractors so that it would be easier to release them when there was a downturn in the economy.

Mayor Harper read written comment from Bill Cook in support of the expenditures outlined in the staff report.

Ken Clark, Antioch resident, urged the City Council to continue addressing homelessness and blight in Antioch. He noted additional Code Enforcement staff would help address these issues.

Councilmember Tiscareno stated he appreciated the public comments and commented permanent City employees would have a vested interest in the community. He discussed the importance of addressing public safety issues immediately.

RESOLUTION NO. 2015/78

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council unanimously 1) Adopted a resolution increasing the budgeted Measure C revenue for FY 2014/15 by \$1,093,894, to a total of \$5,583,641; and 2) Provided the following direction to staff regarding FY 2015/16:

- Increase the number of Community Service Officers (CSO) to three (3) positions
- Add two (2) General Laborer positions to the Code Enforcement budget
- Add an Associate Development Services/Engineering Technician position in Code Enforcement
- Contract for a 6-month vehicle abatement pilot program

5. CONSIDERATION OF THE DELTA BLUES FESTIVAL AS A CITY SPONSORED SPECIAL EVENT

City Manager Duran presented the staff report dated October 13, 2015 recommending the City Council consider including The Delta Blues Festival as a City sponsored Special Event and provide direction to staff.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously included The Delta Blues Festival as a City sponsored Special Event.

6. EAST COUNTY FAMILY JUSTICE CENTER

City Manager Duran presented the staff report dated October 13, 2015 recommending the City Council discuss a proposed "Family Justice Center" for east Contra Costa County and direct staff regarding working with County Supervisors, County staff and other east county cities toward the establishment of a Family Justice Center in east Contra Costa County. This item was requested by Mayor Pro Tem Ogorchock.

Councilmember Wilson stated she was in support of establishing a Family Justice Center in Antioch.

Mayor Harper and Councilmember Tiscareno stated they would like a cost analysis completed for the project.

Councilmember Ogorchock clarified the resolution would direct City staff to work collaboratively with the other entities to bring back to the City Council information regarding the establishment of the Family Justice Center.

Interim City Attorney Cole stated if the following motion passed, a resolution would be drafted by staff and brought back to the City Council for consideration.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously directed staff to prepare a resolution creating a working relationship with Supervisor Peipho's office, County staff, other east county cities and Susan Kim of Family Justice Center to establish a Family Justice Center in Antioch for East Contra Costa County.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the California League of Cities conference. He announced the Downtown Specific Plan and Citywide General Plan Update/Zoning Update was available on the City's webpage.

COUNCIL COMMUNICATIONS

Councilmember Tiscareno reported on his attendance at the Pipeline LaunchPad Program and the Antioch High School 40th High School Reunion.

Councilmember Ogorchock reported on her attendance at the Small Business Expo and Antioch Sports Legends Annual Induction Ceremony. She questioned if there was an ordinance requiring a timeframe for shopping centers owners to address blight on their properties.

Interim City Attorney Cole stated he would look into this item and report back to Councilmember Ogorchock.

Councilmember Ogorchock suggested the City's app include more information such as permits, HR and City Manager Duran's monthly reports.

Councilmember Wilson requested support for the Chichibu Sister City be agendized for Council consideration. She reported on her attendance at the following events: Antioch Chamber Chairman's Circle, multiple mixers and ribbon cuttings, Agricultural Forum, Delta Advocacy dinner, Community College District State of the District event, Girl's Empowerment Panel at Deer Valley High School, and she recognized Director of Park and Recreation Kaiser for organizing the campfire at Prewett Park.

Mayor Harper reported on his attendance at the American Public Transportation Association conference and his visit to China with the China/Silicon Valley group. He stated he attended many events already spoken about. He thanked Councilmember Rocha for attending the Council meeting in spite of feeling ill.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:52 P.M. to the next regular Council meeting on October 27, 2015.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk