

## CITY COUNCIL MEETING

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

**November 10, 2015**  
**Council Chambers**

### **6:15 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.

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.

Mayor Harper called the meeting to order at 7:08 P.M., and 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.

Mayor Harper announced the City Council was wearing purple in recognition of Alzheimer's Awareness Month.

### **1. PROCLAMATION**

*50th Anniversary of the First Baptist Head Start Program, November 19, 2015*

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

Councilmember Rocha presented the *First Baptist Head Start Program* proclamation to Ken Grey who invited the community to the 50th Anniversary Celebration of First Baptist Head Start from 5:30 P.M. to 7:30 P.M. on November 19, 2015, at the First Baptist Head Start Administrative Offices in Pittsburg.

### **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

William Dee, representing Antioch Police Officer Association (APOA), announced in cooperation with the Antioch Police Department, they were hosting a Holiday Food Drive for families in need. Contact information was provided for anyone wishing to make a monetary donation.

Nancy Kaiser announced the Antioch Recreation Department had organized a series of workshops and seminars at the Antioch Senior Center throughout November 2015 about

Alzheimer's awareness. She stated the next workshop would be held November 12, 2015 and the entire schedule was available on the City's website. In cooperation with Janet Costa and the East Bay Regional Group, they announced the Contra Loma Estates Park ribbon-cutting event would take place from 10:00 A.M. – 12:00 P.M. on November 21, 2015. Ms. Costa thanked staff for participating in the park improvements and encouraged residents to join their efforts to continue to improve the area.

Tim Becker, Antioch resident and volunteer on the Contra Costa County Council of Homelessness, announced the Landlord Engagement Access and Placement Program (LEAP) helped landlords house homeless Veterans and he requested the City Council support their efforts to provide the public with information on the program.

Mayor Harper thanked Mr. Becker for providing outreach to homeless Veterans.

Martha Parsons and Joy Motts announced the Veteran's Day ceremonies and parade would begin at 9:30 A.M. on November 11, 2015 at the Antioch Marina. They recognized sponsors and thanked staff for their assistance in coordinating the event.

Mayor Harper thanked Martha Parsons and Joy Motts for organizing the Veteran's Day event. He announced the Antioch High School Panther's undefeated football team would be participating in the parade.

Councilmember Ogorchock invited the community to a presentation by BART Director Joel Keller at 7:00 P.M. on Dec 1, 2015 at the Antioch Community Center.

Mayor Harper stated Councilmember Tiscareno represented the City on various transportation committees and he could be contacted regarding transportation questions.

Councilmember Rocha announced Golden Hills Church was hosting a free Thanksgiving dinner from 10:30 A.M. – 2:00 P.M. on November 26, 2015 at the Veterans Memorial Hall.

## **PUBLIC COMMENTS**

Bob Brown, Antioch resident, stated his company provided fire protection services to many public entities and informed Council his costs for services were increasing as much as 30% due to the current prevailing wage structure. He expressed concern that some school districts would not be able to afford to make necessary upgrades and requested Council be the voice of small business regarding how the current pay grade was affecting safety in the community.

## **ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS**

City Clerk Simonsen announced the following Board and Commission openings:

- *Economic Development Commission: One (1) vacancy*
- *Planning Commission: Two (2) vacancies*

He noted those who applied in the past would need to reapply. 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.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Ogorchock reported on her attendance at the East County Water Management Association meeting.

Councilmember Tiscareno announced the ECCRFFA and State Route 4 meeting would be held on November 12, 2015.

Councilmember Rocha reported on her attendance at the Tri-Delta Transit meeting and announced the Pittsburg BART station ribbon-cutting ceremony would be held at 2:30 P.M. on November 12, 2015.

## **MAYOR'S COMMENTS**

Mayor Harper invited the community to attend the Veteran's Day event and announced the next Antioch High School Panthers football game would be on November 20, 2015 at Antioch High School.

## **2. COUNCIL CONSENT CALENDAR**

### **A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 27, 2015**

### **B. APPROVAL OF COUNCIL WARRANTS**

### **C. REJECTION OF CLAIM**

#### **1. Robert Vaughn**

### **D. APPROVAL OF TREASURER'S REPORT FOR SEPTEMBER 2015**

### **E. APPROVAL OF AN AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH PECKHAM AND MCKENNEY FOR THE CITY ATTORNEY RECRUITMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT**

### **F. RESOLUTION NO. 2015/83 FINAL ACCEPTANCE OF 2015 PAVEMENT MAINTENANCE, RUBBERIZED CAPE SEAL PROJECT (P.W. 328-8)**

### **G. CONSULTANT SERVICE AGREEMENT FOR THE CATHODIC PROTECTION ASSESSMENT (P.W. 321-1)**

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

## **PUBLIC HEARING**

### **3. BLACK DIAMOND RANCH UNIT 4 – PRELIMINARY DEVELOPMENT PLAN**

Director of Community Development Ebbs introduced the item and Project Planner Paul Junker presented the staff report dated November 10, 2015 recommending the City Council provide feedback to the applicant, Discovery Builders, and staff regarding the proposal for Black Diamond Ranch Unit 4 and provide direction to the applicant for the Final Development Plan submittal.

In response to Council, Director of Community Development Ebbs stated as conditioned this project was close to meeting the City's hillside development guidelines and it would offer a minor precedents; however, this situation could not be replicated elsewhere in the City.

Mayor Harper opened the public hearing.

Louis Parsons, representing Discovery Builders, thanked staff for the thorough report. He gave an overview of the site plan and explained the access proposed for the hillside development offered the least amount of grading. He stated the lots on the knoll would be consistent with the guidelines as far as customizing them to be sensitive to the topography. He noted they were in agreement with the staff report recommendations and were looking for an opportunity to move forward with a formal application. He stated he would appreciate the City Council's consideration of their preliminary development plan.

In response to Council, Mr. Parsons stated they had disclosed the potential for hilltop development to residents in the adjacent residential development. He noted they had conducted a community meeting on this proposal and based on Council's direction, would do so again through the final development process.

In response to Mayor Harper, Director of Community Development Ebbs clarified when the subdivision was approved it required the hillside be dedicated to the City as open space; however, in 2005, Council approved the property owner's request for relief from that requirement and as a result, it opened the door for potential applications.

Darcy Johnson, speaking on behalf of the residents of Torgensen Court, provided photos of the area to the City Council. She stated they were opposed to accessing hilltop homes from Torgensen Court noting available space for a private road insufficient. She informed Council she had purchased premium lot, in a cul-de-sac and not on a through street. She stated she could support 1-2 houses at the end of the cul-de-sac and the infill development on Countryside Road. She stated she did not believe the plan, as presented, was a viable option.

City Clerk Simonsen announced on the dais and in Council Chambers were copies of an email with an attachment received from Mark Gallagher.

Juan Pablo Galvan, representing Save Mount Diablo, stated he opposed this project as it was intended to be dedicated open space. He believed there was a City resolution stating that it should revert to open space should the first development proposal for this site, be denied by the

City. He stated there were potential houses in south Antioch that would have a precedent set for them depending on decisions to support this project. He encouraged the City to adhere to hillside development ordinance and stated if anything were built on the land, there should be a specific public benefit component in place prior to the residential portion of the project being built.

Mark Gallagher, Antioch resident, stated he had presented his comments in writing and gave a brief overview of his concerns regarding the preliminary development plan. He reported he was not on the distribution list for notification regarding this project and suggested residents of Torgensen Court be kept informed.

Keith Johnson, Antioch resident, stated when he purchased his home, he was informed of the potential for development on the hill; however, he was told there would be a wide buffer. He noted hillside access through the cul-de-sac would produce a considerable increase in the impacts to his neighborhood. He stated he hoped the hillside was developed with a reasonable approach and suggested possible access through the City of Pittsburg.

In response to Councilmember Tiscareno, Mr. Parsons stated from an access and engineering standpoint, it would be possible to bring a roadway in from Pittsburg; however, the matter of providing utilities to the area would need to be discussed with engineering staff. He concurred with the residents regarding the limitation of space for the access road and explained feasibility would be worked out with the final development plan. He mentioned pedestrian access to the private drive could be considered; however, it would be challenging due to the steepness of the hill.

Mayor Harper closed the public hearing.

Councilmember Ogorchock stated she was opposed to grading and houses on the hillside. She emphasized residents purchased homes on premium lots in the cul-de-sac; therefore, no homes should be placed behind them. She mentioned she had received several emails expressing concerns regarding the preliminary development plan and she did not believe adequate community outreach had been conducted.

In response to Councilmember Wilson, Director of Community Development Ebbs stated he would research whether this property was required to revert back to open space when the initial proposal was denied.

Councilmember Rocha stated she was not opposed to housing along the perimeter; however, she could not support the hillside development.

Councilmember Tiscareno stated he would be willing to listen to a proposal that addressed the residents' concerns.

Mayor Harper thanked the community for coming forward and the developer for the proposal. He suggested, in the future, developers present projects that conformed to the City's General Plan. He stated he did not support converting the cul-de-sac into a through street; however, he could

support 1-2 homes on Torgensen Court. He suggested the developer approach the City of Pittsburg regarding access to the hillside.

Mayor Harper declared a recess at 8:39 P.M. The meeting reconvened at 8:48 P.M. with all Councilmembers present.

## COUNCIL REGULAR AGENDA

### 4. APPROVAL OF A TRAP NEUTER RETURN (TNR) PROGRAM FOR DOWNTOWN ANTIOCH

City Manager Duran presented the staff report dated November 10, 2015 recommending the City Council adopt a resolution approving the Rivertown Community Cats Managed Colony Program Agreement (Agreement) with the Homeless Animal Response Program (HARP) for the purpose of implementing a Trap Neuter Return (TNR) Program for Downtown Antioch.

Susan Smith and Karen Kops, representing HARP, thanked staff for working with them to develop the TNR program and urged the City Council to adopt the resolution approving the agreement.

Chief Cantando stated the appeal process was at the discretion of the City Council.

Following discussion, Councilmember Tiscareno suggested striking the appeal process and the stipulation that HARP would not be responsible for abandoned cats, from the agreement.

Mayor Harper commented Antioch was the only City in the County with an Animal Shelter dedicated to helping the animals. He thanked HARP for partnering with the City and for the services they provided in the community.

Holly Cuciz, reported she participated in meetings with City Manager Duran and spoke in support of approving the TNR agreement.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Rocha, to adopt the resolution with the following change: Amending the last sentence on page 2, paragraph 7 to read: "If no group is recruited, HARP will continue to manage the colonies during the appeal period." Following discussion, the maker of the motion and second amended the motion as follows:

#### **RESOLUTION NO. 2015/84**

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously adopted a resolution approving the Rivertown Community Cats Managed Colony Program Agreement (Agreement) with the Homeless Animal Response Program (HARP) for the purpose of implementing a Trap Neuter Return (TNR) Program for Downtown Antioch with the following revisions:

- Striking from the agreement page 1, paragraph 5 - ~~"HARP will not be responsible for abandoned cats in Rivertown unless resources are available."~~

- Striking from the agreement page 2, paragraph 7 Compliance - ~~“This cancellation can be appealed with a neutral party as determined by the city. During this appeal the city will recruit another rescue group. If not group is recruited, HARP will continue to manage the colonies during the appeal period.”~~

## **5. STRATEGIC PLAN UPDATE AND STATUS REPORT**

City Manager Duran presented the staff report dated November 10, 2015, recommending the City Council review the Draft Strategic Plan Update and Status Report, discuss the Draft, and provide staff with a check list of possible changes to be brought back to the City Council for consideration.

Following discussion, the Council agreed that it would be beneficial to bring this item back in a Study Session/Workshop format.

City Manager Duran suggested Council members with input for possible changes provide that information to him via email so that it could be included as part of the discussion.

Councilmember Rocha explained the importance of the public providing input into transportation priorities particularly with regards to ferry service for East County.

Council continued this item to the next City Council meeting, to be brought back as a workshop item.

## **6. POLICY DISCUSSION ON USE OF ONE-TIME REVENUES AND ANNUAL SALARY SAVINGS**

City Manager Duran presented the staff report dated November 10, 2015, recommending the City Council discuss and direct staff regarding the use of “one-time” revenues and annual salary savings.

Ralph Hernandez, Antioch resident, supported the City Council utilizing one-time funds to pay down the City’s unfunded liabilities. He suggested part of those funds be used to hire additional sworn police officers and background investigators.

Councilmember Wilson suggested a portion of one-time funds be placed into an interest bearing account.

Finance Director Merchant provided an overview of the City’s unfunded liabilities.

Following discussion, the City Council supported a policy directing a minimum 50% of one-time revenues going toward the City’s unfunded liabilities and maintaining the General Fund Reserve at a minimum of 15%.

Mayor Harper commented Council supported aggressive recruitment efforts for the Antioch Police Department and the City budgeted for those positions.

A motion was made by Councilmember Rocha, seconded by Councilmember Tiscareno, to approve a policy whereby a minimum of 50% of “one-time” revenues and annual salary savings be allocated to pay the City’s unfunded liability. Following discussion, the motion was amended as follows:

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously approved a policy whereby a minimum of 50% of “one-time” revenues and annual salary savings be allocated to pay the City’s unfunded liability with the priority being police supplementary retirement plan.

**PUBLIC COMMENTS**

Ralph Hernandez, Antioch resident, expressed concern for the crime rate in Antioch and the shortage of Antioch Police Department personnel.

**STAFF COMMUNICATIONS**

City Manager Duran reported on his attendance at the Mayor’s Conference.

**COUNCIL COMMUNICATIONS**

Councilmember Tiscareno reported on his attendance at a Golf Disc presentation in Walnut Creek and suggested Antioch could consider installing a course in the future.

Councilmember Ogorchock reported on her attendance at the Eagle Scout Court of Honor, Mayor’s Conference, Town Hall meeting with Congressman DeSaulnier and Alzheimer’s event. She recognized Gina Gravert and Director of Park and Recreation Kaiser for organizing the Alzheimer’s events at the Senior Center.

Councilmember Wilson reported on her attendance at the Youth Ecology Corps Regional Meeting, Kimball Elementary Pumpkin Run, Dallas Ranch Middle School Haunted House, Veteran’s Event at Holy Rosary, Neighborhood Cleanup, and the Health Wealth Initiative Stakeholder Meeting.

Mayor Harper reported on his attendance at the Mayor’s conference. He commented the Council cared about the safety of the community and was aggressively hiring police officers. He encouraged everyone to participate in honoring Veteran’s on Veteran’s Day.

**ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 9:56 P.M. to the next regular Council meeting on November 24, 2015.

Respectfully submitted:

Kitty Eiden  
KITTY EIDEN, Minutes Clerk