

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

**Study Session/Regular Meeting
7:00 P.M.**

**April 8, 2014
Council Chambers**

6:30 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL** – Pending Litigation pursuant to California Government Code §54956.9 (d)(1): City of Antioch vs. Black & Veatch Corporation, F.D. Deskins Company, Inc., TW Associates dba MISCOWater, Contra Costa Superior Court Case No. C13-00227; The Cincinnati Specialty Underwriters Insurance Company v. F.D. Deskins Company Inc. and City of Antioch, Hamilton Circuit Court, Indiana, Case No. 29C01 1306 CT511

- 2. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION –**
 - a. Pending litigation pursuant to California Government Code §54956.9 (d)(1): Demand for arbitration filed on April 10, 2013 by George B. Speir, Miller Starr Regalia, representing Discovery Builders, Albert D. Seeno Construction Co., West Coast Home Builders, Inc., Black Diamond Land Investors LLC regarding water storage fees for the Mira Vista Hills project and 1994 Mutual Settlement Agreement;

 - b. Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): Failure of Discovery Builders to pay all Markley Creek Culvert Crossing costs

- 3. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Initiation of Litigation pursuant to California Government Code §54956.9 (d)(4): one case

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, No action taken, **#2 CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION**, No action taken, related item on the Consent Calendar; and **#3 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction was given to the City Attorney.

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, Agopian and Mayor Harper

PLEDGE OF ALLEGIANCE

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

PRESENTATION

East Bay Broadband Consortium, presented by Linda Best

Linda Best gave a presentation on Transforming the East Bay with a 21st Century Broadband Infrastructure.

Councilmember Rocha suggested Ms. Best provide the information to the Antioch Unified School District.

Mayor Harper thanked Ms. Best for the presentation.

STUDY SESSION

1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR THE GENERAL FUND, RECREATION FUND, PREWETT WATER PARK FUND AND ANIMAL SERVICES FUND FOR THE 2014-15 FISCAL YEAR

City Manager Duran introduced the budget discussion item.

Finance Director Merchant presented the staff report dated April 1, 2014 and gave a PowerPoint presentation recommending the City Council provide direction and feedback.

Mayor Harper thanked Finance Director Merchant for the presentation.

Hans Ho, Antioch resident, stated Measure C funding was meant for hiring twenty (20) officers on in addition to the fiscal year 2013-2014 funded positions. He requested Council direct staff rework the Police Department budget or explain why the number of funded sworn officer positions was changed from one-hundred (102) to eighty-two (82).

Mark Jordan, Antioch resident, expressed concern for the methodology used by the City regarding deficit spending and stated he did not support the budget as presented. He discussed the importance of providing jobs and increasing revenue.

Terry Ramos, Antioch resident, stated he was in agreement with comments made by Mr. Ho regarding Measure C and he urged the City be honest with the public. In comparing revenues and expenditures for the Police Department, he questioned what the cause was for the discrepancy in expenses.

Marty Fernandez, Antioch resident, questioned why \$80M in unfunded pension and medical costs had not been mentioned in budget discussions.

Finance Director Merchant explained there were approximately eighty-five (85) sworn officer positions paid for in the General Fund and at the time Measure C passed, there were eighty-two (82). She clarified the one-hundred two (102) allocated positions were not all cash funded and the

vacancy savings had been used to help bring down the deficit in the General Fund and fund Community Service Officers.

City Manager Duran clarified the increase in the police budget was partially due to increased costs for salary and benefits. He reviewed the staffing proposals and noted the Golf Course subcommittee would be meeting to discuss their budget subsidies.

Councilmember Rocha suggested the City discuss the feasibility of eliminating or outsourcing some non-essential City services.

Councilmember Agopian stated he did not support increasing the non-public safety budget or hiring a business license representative. He noted public safety officers should be hired as Measure C money is collected, with a goal of one-hundred four (104) sworn officers. He stated the Recreation and Water Park budgets needed to be balanced and the City should consider closing trails and paths. He discussed the importance increasing property taxes through a detailed development plan. He stressed the importance of the City providing clear and concise information with regards to the Measure C revenues and expenditures.

Mayor Harper stated after reviewing all documentation the message for Measure C was that the City would hire, as close to twenty-two (22) additional officers, as possible, with the funding available. He stated he felt spending all Measure C funds on police and code enforcement was a promise kept to the public.

Councilmember Tiscareno requested staff provide the Council with a cost benefit analysis for earthquake insurance.

Following discussion, Council consensus provided the following direction:

- Earthquake Insurance – no support
- Library Maintenance – no support
- Staffing structure – support
- Increase in salary for staffing structure – no support
- Golf course – direction to the subcommittee to meet and discuss reducing subsidies

City Manager Duran stated in the future he would be seeking Council approval to provide additional information on the privatization or sale of the golf course and reviewing the City's fee structure.

Councilmember Agopian suggested that the City work diligently on getting to as close to one-hundred four (104) sworn officers within eighteen (18) months after Measure C funding starts coming in and that the status of those efforts be reported to the public every six (6) months. .

Mayor Harper stated she City Council remained committed to an open and honest process with regards to Measure C.

2. PROCLAMATION

In Honor of Tom Coward

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

The proclamation was accepted on behalf of Tom Coward.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Julie Haas Wadjowicz, representing the Keep Antioch Beautiful Day committee, stated the Citywide Cleanup event would take place from 8:30 A.M. – 11:00 A.M., April 26, 2014. Contact information was provided for anyone wishing to participate.

Lon Goetsch, Battalion Chief Contra Costa Fire Protection District, provided an overview of station locations, staffing, and services provided in Contra Costa County.

Gil Murillo, Antioch resident, requested the City consider developing a plan to bring in companies willing to do business in Antioch.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Commission opening.

- *Economic Development Commission: One (1) vacancy; deadline date is April 10, 2014*
- *Planning Commission: One (1) vacancy; deadline date is April 24, 2014*

He noted applications were available in Council Chambers, on the City's website and at the City Clerk and Deputy City Clerk's offices.

PUBLIC COMMENTS

Richard Asadoorian, Antioch resident, gave an update on the citizens group attempting to clean up Deer Valley Plaza shopping center.

Mary Lopez, Antioch resident, expressed concern for street vendor's illegally selling food in direct competition with retail establishments in the City. She thanked the Antioch Police Department for their service.

Mayor Harper declared a recess at 8:53 P.M. The meeting reconvened at 9:06 P.M. with all Council members present.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Tiscareno and Councilmember Wilson reported on their attendance at the Community Development Block Grant (CDBG) subcommittee meeting.

MAYOR'S COMMENTS - None

3. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR MARCH 25, 2014

B. APPROVAL OF COUNCIL WARRANTS

C. ORDINANCE NO. 2083 ADOPTION OF A REVISED ORDINANCE TITLE 6, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE REGARDING ANIMALS (*Introduced on 03/25/14*)

D. ORDINANCE NO. 2084 PD-13-03 – WILLIAMSON RANCH PLAZA PLANNED DEVELOPMENT AMENDMENT (*Introduced on 03/25/14*)

E. ORDINANCE NO. 2085 AUTOZONE (GP-13-01, SP-13-01, Z-13-01, PD-13-02, V-13-01, UP-13-04, AR-13-04). (*Introduced on 3/25/14*)

F. RECREATION DEPARTMENT CONCESSIONS FOOD & SUPPLIES BID AWARD (BID NO. 962-0311-14F)

G. RESOLUTION NO. 2014/28 APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500)

H. RESOLUTION NO. 2014/29 ESTABLISHING THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2014-15

I. BLACK DIAMOND RANCH PROJECT: CONSTRUCTION OF MARKLEY CREEK CULVERT CROSSING PROJECT AND SOMERSVILLE ROAD WIDENING PROJECT

J. RESOLUTION NO. 2014/30 APPROVAL OF AN AGREEMENT BETWEEN CONTRA COSTA COUNTY AND THE CITY OF ANTIOCH RELATING TO THE WIDENING AND MAINTENANCE OF SOMERSVILLE ROAD (PW 512-1)

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

Items I and J - City Attorney Nerland announced there were supplemental staff reports on the dais for Items I and J and parties to those agreements had indicated they were in concurrence with the revisions.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously approved Items I and J.

City Attorney Nerland reviewed the speaker protocols for Consent Calendar items.

Mayor Harper stated there were approximately thirty (30) speakers and each person would receive two (2) minutes for public comment.

Item C

Michelle Coren and Daniel Wallis, speaking as members of Homeless Animals Response Program (HARP) voiced their opposition to the ordinance revision pertaining to feeding feral cats and discussed the value of a Trap Neuter and Return (TNR) program.

Jennie and Candace Olsen, Community Concern for Cats (CC4C), proposed a two step plan to address the City's stray and feral cat colonies. They announced they would contribute \$10,000 and requested the City Council modify the ordinance to remove the feeding ban while the TNR process takes effect.

Julie Linford, Outcast Cat Help, urged the City Council to remove the feeding ban clause from the ordinance to allow the City to establish a TNR program. She presented Council with written comment from Elizabeth Holtz.

Lois and Kirk Conkel, Antioch residents, discussed health and safety issues related to the feral cat colonies and stated they were also detrimental to wildlife. They supported for the ordinance as it pertained to banning the feeding of feral cats on public property.

Bill Coaker, representing HARP, requested the City Council overturn the ordinance and announced he had matched CC4C's charitable donation to assist with a TNR program. He stated the Council should make a public declaration that animals should be treated with compassion and their objective should be to eliminate euthanasia from the City's shelter within five (5) years.

Nancy Fernandez, Antioch resident, urged the City Council to pass the ordinance as presented.

Traci Danforth representing HARP, Mike Huckathorn, Antioch business owner and Stephanie Sterling, urged the City Council to oppose the ordinance revision pertaining to the public feeding of feral cats.

Barbara Sobalvarro, President of Friends of Animal Services, urged the Council to oppose the ordinance provisions related to cat limits and the banning the public feeding of feral cats.

Fred Sterling urged the Council to work with the organizations to develop a successful TNR program for Antioch.

Tracy Farrington, representing the Mount Diablo Audubon Society, urged the City Council to adopt the ordinance prohibiting the feeding of feral cats on public property. He supported the rescue organizations efforts to develop a plan to provide services to the cats on an enclosed private property.

George Guevera, My Angels Rescue, stated he supports a ban on rouge feeding. He offered to pay for feeding stations at strategic locations in the City.

Paul and Nancy Schorr, Antioch residents, urged the Council to adopt the revised animal ordinance and noted they were concerned for the toxoplasmosis health risks associated with feral cat colonies.

Elizabeth Leyvas, Mount Diablo Audubon Society and Lindsay Wildlife Museum spoke in support of the ordinance banning the feeding of feral cats on public property.

Nancy Wenninger, Mount Diablo Audubon Society, suggested the City consider educating cat owners and enacting legislation prohibiting the abandonment of cats. She recommended feral cats be removed from public areas and taken to the shelter. She stated she would support a fully enclosed stray and feral cat sanctuary on private property. She urged Council to adopt the amended ordnance, as proposed.

Mayor Harper announced Council had received written comment from Clarice Nunnally, Steve White and Mark Wilson

Victoria Barber, Antioch resident, questioned how the feeding ban would be a solution to the feral cat problem and how colonies would be managed without a TNR program. She questioned how the City would pay for enforcement if a ban were approved.

Jessie Wilson, Antioch resident, stated he was opposed to the ordinance and urged staff to work with the rescue organizations to develop a plan to humanely address the feral cat population.

Sherry Starks, Antioch resident, spoke in opposition to the ordinance as it pertained to the limit for animals and the ban for feeding feral cats on public property. She urged the Council to take the

\$20k in donations and work with the rescue organizations to develop a plan to address the feral cat colonies.

Lisa Kirk, Bethel Island resident, spoke in support of the City working with the rescues groups for a period of six (6) months to develop a TNR program for Antioch. She stated if Council approved the ban, the City should collect the feral cats and euthanize them.

Councilmember Tiscareno thanked the public speakers and rescue organizations for offering to help address the feral cat issues. He suggested the City continue to work with the rescue organizations for six (6) months to develop a plan and if a program cannot be accomplished, he would support the ban.

City Manager Duran reported he had a meeting scheduled with two of the rescue groups on April 30, 2014 and staff would continue to work with groups who were willing to work within the context of a ban.

Councilmember Agopian thanked the public for being respectful this evening. He stated Antioch wanted to be a compassionate community that was well-managed, clean and safe.

Mayor Harper thanked the children for speaking on this issue this evening. He suggested they tell their teachers that they received an "A" for their participation in the discussion.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council adopted the ordinance amending in its entirety Title 6, Chapter 1, Animals, of the Antioch Municipal Code with further direction to staff to work with community groups on a 6-month program to control feral cats which may include allowing feeding in some limited areas for a limited duration. The motion carried the following vote:

Ayes: Harper, Rocha, Agopian, Wilson

Noes: Tiscareno

Mayor Harper declared a recess at 10:12 P.M. The meeting reconvened at 10:22 P.M. with all Council members present.

PUBLIC HEARING

4. PRELIMINARY DEVELOPMENT PLAN FOR THE HEIDORN VILLAGE SUBDIVISION (PDP-13-01)

Senior Planner Gentry presented the staff report dated March 20, 2014 recommending the City Council provide feedback to the applicant and staff regarding the proposal and provide direction to the applicant for the Final Development Plan submittal.

Mayor Harper opened the public hearing.

Douglas Krah, Applicant, stated the proposed land use was consistent with the General Plan and zoning designations. He noted private streets and the Home Owners Association (HOA) would take the economic burden off the City. He further noted the project was designed to target people who wanted smaller yards and a simpler life.

John Williams, Deacon at Heritage Baptist Church, stated they want to see the project succeed however they wanted clarification with regards to their part of the road development.

Mr. Krah explained that the church had a deferred improvement agreement that obligated them to improve the west half of Heidorn Ranch Road, for the length of their property. He stated the churches share would be \$500 – \$700k and they would continue to meet with them to work through a solution on how to pay for the improvements.

City Manager Duran added that staff would work with the developer and church to help mediate a resolution to the church's financial concerns.

Councilmember Agopian stated there was a market for this type of product. He expressed concern for allowing parking on only one side of the street. He suggested if RVs, boats and jet skis were not allowed in the development, that that information be called out in the Covenants, conditions and restrictions (CCRs) or by the HOA. He questioned if the trail access was located in the proper location.

Councilmember Wilson stated she lived in a similar development and she sees the project as an asset for the community.

Councilmember Tiscareno suggested focusing on how to eliminate street congestion.

Mayor Harper encouraged the applicant to incorporate a small community area for residents to gather and requested they provide a detailed parking plan.

Following discussion, the Council stated they were concerned for the financial impact of the road improvements on the church and suggested the applicant work with them on a financing solution that allows the church to remain sustainable.

Mayor Harper closed the public hearing.

5. FIFTEEN PERCENT (15%) VOLUNTARY DROUGHT MANAGEMENT PLAN

Public Works Director/City Engineer Bernal presented the staff report dated March 25, 2014 recommending the City Council adopt the resolution establishing a fifteen percent (15%) Voluntary Drought Management Program necessary to sufficiently conserve available water supply.

Councilmember Tiscareno encouraged staff to market the city's drought management measures.

Mayor Harper opened the public hearing.

Don Williams, Antioch resident, stated he had already taken significant measures to conserve as much water as possible and cautioned that some people may be unable to make further reductions.

Mayor Harper closed the public hearing.

Public Works Director/City Engineer Bernal stated the program was strictly voluntary and for those who are already conserving as much as possible, they are asked to remain vigilant.

RESOLUTION NO. 2014/31

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno the Council unanimously adopted the resolution establishing a fifteen percent (15%) Voluntary Drought Management Program necessary to sufficiently conserve available water supply.

COUNCIL REGULAR AGENDA

6. RESOLUTION SUPPORTING CONTINUING REGIONAL COLLABORATION EFFORTS ON THE NORTHERN WATERFRONT ECONOMIC DEVELOPMENT INITIATIVE

Human Resources/Economic Development Director Fitzer presented the staff report dated March 25, 2014 recommending the City Council adopt the resolution.

Rich Seithel, Contra Costa County, thanked the City, Mayor Harper and the staff for hosting and participating in the Northern Waterfront Development Initiative Work Group.

RESOLUTION NO. 2014/32

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

7. UPDATE ON THE STATUS OF THE NORTHEAST ANTIOCH ANNEXATION, INCLUDING ANNEXATION AREA 2A, AND ADOPTION OF THE CITY'S "GOALS" FOR ANNEXATION AREA 2A

Consultant for the City of Antioch, Victor Carniglia presented the staff report dated April 2, 2014 recommending the City Council take the following actions: 1) Motion to receive and comment on an update on the status of the Northeast Antioch Annexation, with a focus on Annexation Area 2A, and 2) Motion to adopt the resolution approving "Goals" for Annexation Area 2A.

Paul White, Real Estate Director for Keiwit Construction, gave a history of his business and reported their current land use was governed by Contra Costa County zoning and was heavy

industrial. He stated they do not support the annexation primarily because they do not come into the City with the heavy industrial zoning category and therefore their property may not accommodate their operations. He noted a secondary concern was the city's new sales tax impacting their operation costs.

Mayor Harper read written comment from Lori and David Dial who requested the City reconsider the annexation of the San Joaquin Yacht Harbor.

Jim Dawson, representing the Sportsmen Yacht Club, reported the pipeline from Kmart to the San Joaquin River was flawed. He noted the County had repaired the first eight hundred (800) feet from the river going south in 2005. He presented Council with photos depicting sinkholes and reported that one thousand, seven hundred and thirty-five (1735) feet of the remaining pipeline needed to be repaired.

Blaise Fettig, President of Vortex Marine Construction, reported that they had closed on their property in the area at the end of 2013 and they were moving their company to this location. He stated they opposed annexation and to be supportive he would like achieved agreements that the zoning would remain the same and laterals should they become necessary, would be compensated.

Don Wilson, representing the Sportsmen Yacht Club, agreed the goals were well intended however he felt they were vague. He expressed concern that some of the registered voters no longer live in the area, which meant renters and temporary residents would determine the outcome of the annexation process. He reported the consensus from landowners in the area was that they were opposed to the annexation. He urged the city to oppose the annexation and allow them to exist within the County.

Amy Dawson, Sportsmen Yacht Club, spoke in opposition to the annexation.

In response to Council, Consultant Carniglia stated that LAFCO had determined the number of registered voters in area 2A was thirteen (13), which meant the annexation was "inhabited" and would be decided by registered voters. He stated that if the City were to drop annexation for area 2A, it would not void the tax exchange agreement; however it would go against the request of LAFCO to the City. He clarified the damaged storm drain pipeline was a potential liability the City would be taking reasonability for, if the area were annexed.

Councilmember Rocha stated the cost of road repair would be a reason to not annex.

Kay Power, Sportsmen Yacht Club, stated it would serve no purpose for the City of Antioch to annex area 2A. She stated the failing pipeline and roadway repairs would be cost prohibitive. She urged the Council to not pursue annexation of the area.

Following discussion, Council directed staff to request LAFCO postpone taking action on the item to allow the staff to bring back additional information on the roadway/pipeline issues and an option to not pursue annexation of the area.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS - None

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 11:39 P.M. to the next regular Council meeting on April 22, 2014.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk