

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

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

**August 26, 2014  
Council Chambers**

**6:00 P.M. - CLOSED SESSION**

1. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session is authorized by California Government Code section 54957.6. City designated representatives; Michelle Fitzer, Denise Haskett and Glenn Berkheimer; Employee organizations: Management Unit, Operating Engineers Local Union No. 3, and Treatment Plant Employees' Association (TPEA)
  
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 1 potential case

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, Direction given to Labor Negotiators, and; **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, No action was taken.

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

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

**PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS**

*In Memory of Thomas M. Pegnim*

*In Honor of Mike Chiffoleau*

*C. Colombo Lodge #1315 Order Sons of Italy in America (OSIA) 90th Anniversary Celebration*

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

Mayor Harper presented the proclamation *In Memory of Thomas M. Pegnim* to Mrs. Pegnim who accepted the proclamation on behalf of her family and thanked the City Council for the recognition.

Fire Captain Sanders read the nomination letter and on behalf of the Contra Costa County Fire Department he presented Mr. Chiffolleau with an award in recognition of his heroic lifesaving actions.

Mayor Harper presented proclamation to Mike Chiffolleau who stated that he was happy he was able to give the victim a second chance at life.

Mayor Harper presented the proclamation recognizing *C. Colombo Lodge #1315 Order Sons of Italy in America (OSIA) 90th Anniversary Celebration* to the members of the Lodge who thanked the City Council for the recognition.

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

Candy Duperoir, Victory Outreach of Antioch, announced a Peace in the Streets event would begin at 10:00 A.M. on September 20, 2014, at Contra Loma Park.

Michael Pollard announced a coalition of churches would be participating in a prayer walk.

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

City Clerk Simonsen announced the following Board and Commission openings:

- *Parks and Recreation Commission: Two (2) partial-term vacancies; deadline date is September 18, 2014*
- *Economic Development Commission: Two (2) parcel-term vacancies; deadline date is September 18, 2014*
- *Planning Commission: One (1) partial-term vacancy; deadline date is September 18, 2014*

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

Chief Bob Atlas gave an update on the Fire District's recruitment efforts and Antioch's calls for service for July.

Mayor Harper thanked Chief Atlas for the update.

### **PUBLIC COMMENTS**

Kenneth Clark, Antioch resident, stated he picked up trash in Marchetti Park and requested the City fund replacement of the fence and trimming of the shrubbery to prevent criminal activity in the area.

Lisa Kirk discussed Susan Smith's efforts to manage the feral cat population and suggested the Council recognize her volunteerism. She reported a citizen was cited for feeding cats and

requested a Councilmember meet with staff and the rescue groups to clarify the 6-month stay on the ban to feed feral cats. She provided contact information for anyone interested in adopting a community cat.

Ray Zeeb, Antioch resident, reported he volunteered at the Antioch Animal Shelter and he had been working with rescue groups to develop a Trap, Neuter and Release (TNR) program in downtown Antioch. He expressed concern that he had received a citation for feeding feral cats at a feeding station.

Karen Kops, President of Homeless Animal Respond Program (HARP) reported a cat they had rescued was severely burned and had to be euthanized. She stated they were offering a reward for information regarding how the cat was injured. She announced TNR groups had completed 3-months of the 6-month trial period to manage cat colonies in downtown Antioch. She stated they were disappointed Mr. Zeeb had been cited for feeding the cats. She stated they hoped the communication would resume between the TNR groups and staff to allow them to continue with their trial period.

Dan Caron, Antioch resident, thanked Renee Souza and Code Enforcement staff for quickly addressing a public health concern in his neighborhood.

Beverly Knight, Antioch resident, expressed concern SB270 was defeated in the Assembly and requested the City of Antioch consider a ban for single use plastic bags.

Sam Kashabi, Walnut Creek resident, stated he owned property at West 6<sup>th</sup> Street which had become a location for illegal activity. He reported attempts to secure the property had been unsuccessful and he requested the City allow him to place a 24-hour caretaker or security onsite.

City Manager Duran offered to meet and discuss the issue with Mr. Kashabi.

Susan Smith, Antioch resident, representing HARP/Rivertown Cats, reported on their efforts to develop a TNR program for downtown Antioch. She stated they would like to continue to help and work with the City to resolve the feral cat issues in a humane manner.

Victoria Barber, Antioch resident, reported that the management of the cat colony in downtown Antioch had been very successful and she felt banning the feeding of feral cats violated City codes. She reported the volunteers had improved the quality of life of the feral cats and residents and the City had violated their agreement by citing a volunteer. She requested Council seek the resignation of the Animal Services Supervisor who issued the citation.

Julie Lindford, Martinez resident, expressed condolences for the passing of Councilmember Agopian. She reported a lot of progress had been made to address the feral cat population and the City needed to continue to work with the rescue organizations to address the over population of cats. She encouraged the City Council to send a representative to the next meeting.

Lee Ballesteros, Antioch resident, expressed concern that a member of the City Council had left the dais while she was speaking at the podium during a previous Council meeting.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Rocha explained that there are times when it becomes necessary to leave the dais and it was not meant to be disrespectful.

## **MAYOR'S COMMENTS**

Mayor Harper stated that there are times when Council was in session for hours without breaks and it may be necessary to take more frequent breaks in the future.

### **2. COUNCIL CONSENT CALENDAR**

#### **A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 12, 2014**

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

#### **C. APPROVAL OF TREASURER'S REPORT FOR JUNE 2014**

#### **D. REJECTION OF CLAIM**

##### **1. Joshua Broussard 14/15-2180 (personal injury)**

#### **E. RESOLUTION NO. 2014/74 CONFLICT OF INTEREST CODES FOR THE CITY OF ANTIOCH AND CITY AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY**

#### **F. CLOTHING DONATION BOXES**

#### **G. BUDGET AMENDMENT TO INCREASE EXPENDITURES IN THE FEDERAL ASSET FORFEITURE FUND IN FISCAL YEAR 2014/15**

#### **H. RESOLUTION NO. 2014/75 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE 2014 PAVEMENT MAINTENANCE, RUBBERIZED CAPE SEAL PROJECT (P.W. 328-7)**

#### **I. RESOLUTION NO. 2014/76 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE WILBUR AVENUE OVERHEAD WIDENING PROJECT, BRIDGE #28C-0054 (P.W. 259-B)**

- J. **RESOLUTION NO. 2014/77 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE LONE TREE WAY INTERSECTION IMPROVEMENTS, DEER VALLEY ROAD TO HILLCREST AVENUE (P.W. 555-12C)**
  - K. **RESOLUTION NO. 2014/78 APPROVING THE PROGRAM SUPPLEMENT AGREEMENT NO. 013-N TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 04-5038R FOR FEDERAL AID PROJECTS FOR THE NINTH STREET ROADWAY IMPROVEMENTS (P.W. 687)**
  - L. **FINAL PREWETT PARK PROJECT(S) DEVELOPMENT**
  - M. **PURCHASE TWO (2) POLICE PATROL VEHICLES**
  - N. **APPROVE AWARD OF BID FOR THE PARK MAINTENANCE CONTRACT**
  - O. **PURCHASE MIRA VISTA PARK PLAYGROUND EQUIPMENT**
  - P. **REQUEST FOR TRAVEL AND TRAINING – LEAGUE OF CALIFORNIA CITIES 2014 ANNUAL CONFERENCE & EXPO**
- City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency**
- Q. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**
  - R. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**

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

**Item F** – Lori Cook, Antioch resident, and members of her facebook page group *Cleaning Up Antioch One Home at a Time*, thanked the City Council for agendizing this issue. She provided photos of a donation box that had been repeatedly vandalized and discussed their attempts to clean up the areas surrounding these sites. She clarified the recipients of the donations are not local charities and they are taking jobs away from local citizens. She urged the Council to remove donation boxes and offered to work with the City to identify their locations.

The City Council thanked Lori Cook and the volunteers for their efforts to improve the quality of life for Antioch residents.

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

**Item P** – Councilmember Rocha pulled this item noting that she would be attending the League of California Cities Conference on behalf of the City and therefore she would be abstaining from the vote. She reported in an effort to save the City money; she was housing with someone else and would be traveling by car.

On motion by Councilmember Wilson, seconded by Councilmember Tiscareno, the Council approved Item P. The motion carried the following vote:

*Ayes: Wilson, Tiscareno, Harper*

*Abstain: Rocha*

## **PUBLIC HEARING**

### **3. BINGO HALLS AND BINGO OPERATIONS EXTENSION OF AN URGENCY ZONING ORDINANCE**

Senior Planner Gentry presented the staff report dated August 21, 2014 recommending the City Council adopt the urgency zoning ordinance extending a temporary moratorium prohibiting the issuance of permits, licenses or approvals for construction, establishment or operation of any new bingo halls or bingo operations, or the expansion of current bingo operations, within the City of Antioch on an interim basis pending consideration of amendments to Title 5, Chapter 15 and Title 9 of the Antioch Municipal Code for a period of 10 months and 15 days and declaring the urgency thereof (four-fifths (4/5th) vote required).

Mayor Harper opened the public hearing.

Alaster McCloskey, Attorney at Law, stated they were opposed to the extension of the urgency ordinance and urged the Council to table the item to September 25, 2014. He stated they were not apprised of meeting until last week and the request to postpone the item was to allow for them to have their concerns adequately addressed. He noted if Council took action on the item this evening, it would cause It Takes A Village Development Center irreparable harm.

Jeffery Windham, Vice President of It Takes a Village, presented the Council and read his letter describing their organization and detailing their concerns. Additionally, he provided Council with a print out from the Secretary of State regarding their non-profit status. He requested Council postpone the item until September 9, 2014 or until such time as may be appropriate to address the allegations made against their organization.

Barbara Davis, Oakland resident, requested the Council continue this item to allow them to respond to allegations in the staff report made against It Takes A Village.

Mayor Harper closed the public hearing.

City Attorney Nerland clarified the item before Council was not the use permit for It Takes A Village and explained the matter before Council was a legislative action as to whether to extend

the moratorium on expanded Bingo Hall use, not traditional ancillary bingo games. She noted staff was asking for the extension of the moratorium to allow sufficient time to address public safety and land use issues. She further noted if the moratorium was not extended, it would lapse and staff could not bring the item back therefore they were concerned for a two week continuance.

Captain Orman stated it appeared It Takes a Village had an application on file with the Secretary of State which had not been approved at the time he researched.

In response to Councilmember Tiscareno, Senior Planner Gentry explained that the regulations would be targeted toward sole use as Bingo Halls and not organizations that use bingo as a fundraiser.

Director of Community Development Wehrmeister explained the Secretary of State information showed It Takes a Village as a business and the Department of Justice website indicated that they were not currently registered as a non-profit.

**ORDINANCE NO. 2093-C-S**

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously adopted the urgency zoning ordinance extending a temporary moratorium prohibiting the issuance of permits, licenses or approvals for construction, establishment or operation of any new bingo halls or bingo operations, or the expansion of current bingo operations, within the City of Antioch on an interim basis pending consideration of amendments to Title 5, Chapter 15 and Title 9 of the Antioch Municipal Code for a period of 10 months and 15 days and declaring the urgency thereof.

**4. RESTRICTED WATER USE – STATEWIDE DROUGHT EMERGENCY**

Public Works Director/City Engineer Bernal presented the staff report dated August 18, 2014 recommending the City Council adopt the resolution updating the City's Drought Management Plan adopted under Resolution No. 2014/31 to impose mandatory restrictions on potable water practices, in addition to the 15% voluntary use reduction.

Councilmember Rocha requested the City notify organizations that hold carwash fundraisers that they need an automatic shut off nozzle.

Mayor Harper mentioned that Pinky's Klassy Kar Wash utilized water conservation methods and provided opportunities for fundraisers.

Mayor Harper opened and closed the public hearing with no requests to speak.

**RESOLUTION NO. 2014/79**

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the Council unanimously adopted the resolution updating the City's Drought Management Plan adopted under Resolution No. 2014/31 to impose mandatory restrictions on potable water practices, in addition to the 15% voluntary use reduction.

City Attorney Nerland announced the drought hotline was 925-779-6140.

## **COUNCIL REGULAR AGENDA**

### **5. CONSIDERATION OF THE PROPOSED LEAGUE OF CALIFORNIA CITIES RESOLUTION REGARDING CONVENING A SUMMIT ON THE IMPACTS OF ILLEGAL MARIJUANA GROWS AND DETERMINATION OF A CITY POSITION FOR THE VOTING DELEGATE**

City Manager Duran presented the staff report dated July 24, 2014 recommending the City Council motion to consider the proposed League of California Cities resolution regarding convening a summit on the impacts of illegal marijuana grows, and determine a City position for its voting delegate to the League conference.

On motion by Councilmember Wilson, seconded by Councilmember Rocha, the Council unanimously approved the California League of Cities resolution regarding convening a summit.

**PUBLIC COMMENTS** - None

## **STAFF COMMUNICATIONS**

City Manager Duran reported on his attendance at a joint planning meeting with the Antioch Unified School District and a meeting with the Fire Chief who would be making a presentation to Council on October 14, 2014, on medical emergency response.

## **COUNCIL COMMUNICATIONS**

Councilmember Wilson reported on her attendance at the Antioch Historical Society barbeque.

Councilmember Rocha announced the Association of Bay Area Governments (ABAG) would be holding an event to study water issues at the Antioch Community Center from 9:00 A.M. – 12:00 P.M. on September 24, 2014.

In response to Councilmember Rocha, City Attorney Nerland stated the City Manager was currently developing an informational item regarding Measure O. City Manager Duran added that they would prepare a staff report regarding Measure O funding options, for the next meeting. He reported staff was in the process of finalizing the community meeting schedule for the proposed Antioch downtown east residential development project.



Councilmember Tiscareno discussed the importance of earthquake preparedness and stated information was available on his facebook page. He asked if there was an emergency plan of action for Antioch.

Mayor Harper suggested the Antioch Police Department place emergency preparedness information on their website and the City Council consider reinstating earthquake insurance.

City Manager Duran reported the City held periodic drills at the emergency operation center and they had been discussing a joint exercise with Contra Costa Fire. He suggested the City send a water bill insert to remind the community to be prepared in the event of an emergency.

With consensus of the City Council, City Manager Duran stated he would report back with regards to security measures for the Deer Valley Plaza Shopping Center.

Mayor Harper commended the Antioch Police Department for patrolling the Deer Valley Plaza Shopping Center and for their proactive enforcement efforts.

#### **ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 8:47 P.M. to the next regular Council meeting on September 9, 2014.

Respectfully submitted:

*Kitty Eiden*  
KITTY EIDEN, Minutes Clerk