

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

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

**September 23, 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 (OE3), and Treatment Plant Employees' Association (TPEA).

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, Direction was given to Labor Negotiators.

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

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Betty Smith and the Antioch Rivertown Jamboree Committee announced the Delta Thunder V - Gary Agopian Memorial Boat Race would be held October 4-5, 2014 at the Antioch Marina.

Gloria Crim Commodore and Frank Banducci Vice Commodore of the Delta Boat Racing Association, stated they met Gary Agopian while touring the new marina and he had requested the Association consider holding a boat race in Antioch. They discussed his outstanding service to the community and announced the race would be dedicated to his memory.

Mayor Harper stated he looked forward to attending the event and thanked the Delta Boat Racing Association for honoring Gary Agopian.

Councilmember Tiscareno thanked the Delta Boat Racing Association for bringing the event to Antioch.

Councilmember Rocha announced the Association of Bay Area Government (ABAG) was hosting the Bay Delta Water Better Together event from 9:00 A.M. – 12:45 P.M. on September 24, 2014 at the Prewett Park Community Center and the Inspire Learning Institute Annual Gala would be held on October 4, 2014 at the Lone Tree Golf and Event Center.

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## **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 October 16, 2014*
- *Economic Development Commission: Two (2) partial-term vacancies; deadline date is October 16, 2014*
- *Planning Commission: One (1) partial-term vacancy; deadline date is October 16, 2014*

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

## **PUBLIC COMMENTS**

Rich Buongiorno, Antioch resident, expressed concern for increased crime occurring in Antioch and what he considered to be a lack of response from Mayor Harper. Additionally, he noted he had not received a response from his emails to the City Council, regarding these issues. He reported he received numerous responses to a letter he had posted on facebook, from residents who were also concerned. He read from the election code and gave notice that they were proponents of a recall petition for Mayor Harper.

Beverly Knight , Antioch resident, reported on her participation at the Coastal Cleanup event. She expressed concern McElheny Road had remained opened following City Council approval of extending the temporary closure. She urged the City to close the roadway and fence the area, as soon as possible.

Ken Turnage, Antioch resident, expressed concern regarding crime and violence occurring in Antioch. He stated he felt Mayor Harper had not represented the community to address these issues and encouraged him to step down.

Peggy Mckee, Antioch resident, expressed concern regarding juveniles fighting at Dallas Ranch Middle School and suggested those involved be required to spend time together. She stated she felt youth issues at Deer Valley Plaza were a result of angry children and suggested the City investigate why children felt this way.

Battalion Chief Atlas, Contra Costa Fire District, gave an update on Antioch calls for service for August and noted they would be participating in the Request For Proposal (RFP) for emergency medical services. He reviewed current staffing levels and their recruitment efforts.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Tiscareno reported on his attendance at the Coastal Cleanup event and stated he had informed staff that McElheny Road had not been closed.

## **MAYOR'S COMMENTS**

Mayor Harper reported on his attendance at the resource fair planning meetings and an emergency meeting to discuss how to address violence at Deer Valley High School. He announced he would be meeting with the management of Deer Valley Plaza to address violence occurring in the area. He noted he had also met with a concerned parent at the School District offices and a citizen who was in the final stages of cancer. He stated he was proud to serve the community and was dedicated to doing the best job he could on behalf of Antioch residents. He thanked the community for the feedback and expressing their opinion.

## **PRESENTATION**

*Legislative Update, presented by State Senator Mark DeSaulnier*

State Senator DeSaulnier gave a budget and legislative update. He offered to assist the City with their legislative and administrative needs.

### **1. COUNCIL CONSENT CALENDAR**

#### **A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 9, 2014**

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

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

#### **D. APPROVE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND MONIES**

#### **E. CONSIDERATION OF BIDS FOR THE FULTON SHIPYARD ROAD TRANSFER STATION TRASH ENCLOSURE (P.W. 261-12)**

#### **F. CONSIDERATION OF BIDS FOR THE PIPING RECONFIGURATION OF CANAL PUMPS 2 AND 4 AND PUMP 2 REPLACEMENT (P.W. 246-26)**

#### **G. LEASE AGREEMENT FOR 415 O STREET**

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

#### **H. APPROVAL OF SUCCESSOR AGENCY WARRANTS**

On motion by Councilmember Wilson, seconded by Councilmember Rocha, the City Council unanimously approved the Council Consent Calendar with the exception of Item F which was removed for further discussion.

City Attorney Nerland stated there was a supplemental report to Item F which had been placed on the City's website.

**Item F** – Director of Public Works/City Engineer Bernal presented the supplemental report dated September 23, 2014 recommending the City Council reject the bid submitted by JMB Construction Inc., and award the project to Con-Quest Contracting Inc.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously rejected the bid submitted by JMB Construction Inc. and awarded the project to the lowest responsive bidder Con-Quest Contracting Inc.

City Attorney Nerland reviewed the Public Hearing process.

## **PUBLIC HEARING**

- 2. UP-13-12 – MISSION-HOPE DAY PROGRAM – THE RESIDENTS OF THE LAKE ALHAMBRA HOMEOWNERS ASSOCIATION ARE APPEALING THE PLANNING COMMISSION'S DECISION TO APPROVE AN ADULT DAY PROGRAM THAT PROVIDES SERVICES FOR 45 DEVELOPMENTALLY DISABLED ADULTS. THE PROJECT IS LOCATED AT 10 SOUTH LAKE DRIVE (APN: 065-235-019).**

Senior Planner Gentry presented the staff report dated September 18, 2014 recommending the City Council uphold the Planning Commission's decision to approve a use permit for an adult day program and deny the appeal.

Mayor Harper opened the public hearing.

Guy Houston, representing Mission Hope, gave a history of their business and stated they were pleased with the results of the traffic report. He reviewed their transportation plan and noted the employee break area would be located behind the building. He stated they would work with the surrounding neighborhood regarding use of the parking facility for community events. He requested the City Council support the Planning Commission and staff recommendation to approve their application.

In response to Council, Mr. Houston clarified that at no time would the entire population of the company be onsite, at the same time. He agreed to not occupy the building until an auxiliary parking site was secured and to prohibit parking at the curb in front of the business. He stated he would work with staff to determine if shifting the exit driveway closer to Alhambra Drive, would improve safety.

Martha Parsons, on behalf of the Lake Alhambra Homeowners Association, stated they felt the traffic study was flawed and believed traffic to and from the business would cause a safety issue for bicyclists and pedestrians in the area.

In response to Mayor Harper, Ms. Parsons stated she could support the project if the applicant secured offsite parking for employees and their vans were required to be parked onsite.

Andre de Cordova, Antioch resident, stated he used the bicycle path in front of the business daily and he believed the street was too narrow to safely accommodate an increase in traffic.

Nancy Fernandez, Antioch resident, expressed concern for increased traffic in an area and stated this business would cause a safety issue.

John Connelly, Antioch resident, stated he operated a business from the building and traffic as well as deliveries to the business, were concerns.

Kenneth Clark, expressed concern that restriping the parking to 60 degree parking spaces would reduce the amount of parking spots available for employees.

Mayor Harper read written comment from Gil Murillo, Antioch resident, stating the traffic study should have incorporated the new law requiring a 3-foot buffer for bicyclist.

Director of Community Development Wehrmeister stated the traffic study predated the law, however, if a vehicle was unable to pass a bicyclist and leave 3-foot buffer, the driver would be required to wait.

Willie Mims, representing the NAACP and the Pittsburg Black Political Association, stated the traffic study was not accurate if it took place at a time when children were not attending school and asked if stop signs could be installed to address the safety concerns. He spoke to the value of the program in servicing the needs of developmentally and mentally challenged citizens.

## **REBUTTAL**

Guy Houston offered to mandate that they only use smaller vans and restrict parking on the street during business hours.

## **REBUTTAL**

Martha Parsons, Antioch resident, stated parking spaces would be reduced when they were restriped to 60 degree angle parking stalls and they would need more vans, if they went to a smaller size. She stated she felt the traffic report should have included all trips generated, per day.

In response to Councilmember Rocha, Ms. Parsons stated if parking were restricted on the roadway in front of the business, she would suggest hours be adjusted in such a way as to allow for residents to park there to attend activities at the park during the day.

Mayor Harper closed the public hearing.

Councilmember Rocha stated she supported the use of smaller vans, restricting parking at the curb and offsite parking for employees.

Director of Community Development Wehrmeister clarified the traffic analysis indicated there were less than 40 trips during the peak hour.

Mayor Harper declared a recess at 8:50 P.M. The meeting reconvened at 9:08 P.M. with all Councilmembers present.

Following discussion, the Council agreed that allowing the residents to park in the restricted area during business hours would be counter to the safety concerns brought forward by the appellants.

**RESOLUTION NO. 2014/83**

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously upheld Planning Commission's decision and denied appeal with the following additional conditions: 1) The applicant shall pay for the installation of "no parking" signage restricting parking in front of the building on South Lake Drive between the hours of 7:00 A.M. to 4:00 P.M. Monday – Friday. 2) The applicant shall secure and maintain for the life of the business an off-site parking area for Mission Hope employees with the number of spaces to be determined by the Community Development Director following submittal of the re-striping plan. Operations shall be suspended during any period that the off-site parking is not available or the lease is lost. 3) Company vans shall be no wider than seven (7) feet and no longer than twenty (20) feet.

3. **PDP-14-04 – OAKLEY KNOLLS PRELIMINARY DEVELOPMENT PLAN – DISCOVERY BUILDERS REQUESTS THE REVIEW OF A PRELIMINARY DEVELOPMENT PLAN, WHICH IS NOT AN ENTITLEMENT, FOR THE DEVELOPMENT OF 31 SINGLE FAMILY HOMES ON APPROXIMATELY 5.56 ACRES. THE PROJECT SITE IS LOCATED ON THE NORTH SIDE OF OAKLEY ROAD APPROXIMATELY 875 FEET EAST OF WILLOW AVENUE (APNS 051-430-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, AND -016).**

Associate Planner Morris presented the staff report dated September 18, 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.

**PROPONENT**

Louis Parsons, representing Discovery Builders, stated this project was more consistent with development to the north while keeping the same street pattern that was on the previous map. He noted they believed they could comply with R-6 development standards and C-3 stormwater regulations. He stated they would discuss with staff the possibility of using the C-3 treatment areas for public open space and water treatment. He stated they may have an issue with being able to comply with a 20-foot rear setback for the single story product and suggested the City not require RV parking for this project. He affirmed the project increased density from the prior plan and remained consistent with the General Plan.

In response to Councilmember Wilson, Mr. Parsons stated they could insure the properties were owner occupied. He noted if they were required to comply with the 20-foot rear yard setback and provide 25 percent single story product, there would be density reduction.

## OPPONENTS

Duane Shoemake, Antioch resident, presented a petition requesting the Oakley Knolls project retain the same density and lot size of the original approval. He gave a history of the subdivision and expressed concern the current developer had not involved him in the preliminary plan process. He noted the development would negatively impact the ranch style houses in the area and suggested an upscale project for the area to blend with the existing development. He questioned if the sewer line had sufficient capacity and expressed concern for drainage from the area onto his property. He informed the City they had failed to maintain the trail along his property.

Steve Lucchesi, Antioch resident, agreed with Mr. Shoemake and stated increasing the number of homes by over 100 percent, would be difficult to mitigate for and would set precedent.

Mayor Harper closed the public hearing.

Director of Public Works/City Engineer Bernal stated the sewer line had sufficient capacity for at least 31 houses.

In response to Mayor Harper, Director of Community Development Wehrmeister stated the project was properly noticed.

Following discussion, the Council requested the project include the following:

- Traffic study
  - Project Labor Agreement, local hires and the Helmets to Hardhats Program
  - Confirmation the sewer pipe can accommodate the proposed 31 units
  - Community Facilities District for Police Services
  - Owner occupied requirement for the standard duration
  - Some setbacks to accommodate boat or RV parking
4. **PDP-12-01 – QUAIL COVE PRELIMINARY DEVELOPMENT PLAN – WEST COAST HOME BUILDERS REQUESTS THE REVIEW OF A PRELIMINARY DEVELOPMENT PLAN, WHICH IS NOT AN ENTITLEMENT, FOR THE DEVELOPMENT OF 31 SINGLE FAMILY HOMES ON APPROXIMATELY 5.59 ACRES. THE PROJECT SITE IS LOCATED ON THE WEST SIDE OF HEIDORN RANCH ROAD, AT THE EASTERN TERMINUS OF PREWETT RANCH DRIVE (APNS 056-130-012).**

Associate Planner Morris presented the staff report dated September 18, 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.

### **PROPONENT**

Louis Parsons, representing West Coast Home Builders, stated their project was consistent with the projects to the north and south. He stated they were proposing interim improvements for the sewer line and stated they would explore the feasibility of dual use of the drainage basin.

### **OPPONENT**

Richard Johnson, Antioch resident, expressed concern for the project's density and small lot sizes. He stated he did not want Colchico Drive on his property. He suggested the developer be financially responsible for a soundwall for Prewett Ranch Road and the road improvements. He suggested turf be replaced with drought tolerant plants in the front yard landscaping plans.

Director of Community Development Wehrmeister responded the project would meet or exceed State Requirements to reduce the use of water in their landscaping. Regarding the soundwall, she stated there needed to be a nexus for the City to place that requirement on the project and absent that, Mr. Johnson could work with the developer to address his concerns. She clarified Colchico Drive was completely on the project site and the extension of Prewett Ranch Drive would require some dedication of Mr. Johnson's property. She noted that typically the developer constructed the road and there would be a reimbursement agreement if and when Mr. Johnson's property developed. She stated the distance between homes was in compliance with the California Building Code.

In response to Mayor Harper, Director of Community Development Wehrmeister clarified the cost of extending the sewer lines would be proportional to the project and the first developer may have a large investment, however future projects that connect to it, would reimburse their fair share of the improvement.

### **REBUTTAL**

Mr. Johnson reiterated his request for a soundwall on Prewett Ranch Road.

Following discussion, the Council requested the project include the following:

- Community Facilities District for Police Services
- Owner occupied requirement for the standard duration
- Some setbacks to accommodate boat or RV parking
- Project Labor Agreement, including local hires and the Helmets to Hardhats Program

Council also requested the developer work with Mr. Johnson to determine if a soundwall could be installed along Prewett Ranch Road.

Mayor Harper closed the public hearing.

**COUNCIL REGULAR AGENDA**

**5. ADOPTION OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORT PROGRAM AND SELECTION OF DESIGN PARAMETERS FOR THE WEST ANTIOCH CREEK CHANNEL IMPROVEMENTS PROJECT (P.W. 201-6)**

Director of Public Works/City Engineer Bernal presented the staff report dated September 10, 2014 recommending the City Council: 1) Motion to adopt the resolution approving and adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the West Antioch Creek Channel Improvements project. 2) Motion to authorize the Director of Public Works/City Engineer to utilize Conveyance Alternative #3A as the basis for final project design. 3) Motion to authorize the Director of Public Works/City Engineer to temporarily close West 10th Street between 'L' Street and Auto Center Drive during the construction of the new culvert structure.

Mike Madson, representing RMC, gave a PowerPoint presentation of the West Antioch Creek Channel Improvements Project. He also provided a timeline for the project.

Director of Public Works/City Engineer Bernal stated they would attempt to work the closure around other construction projects and he reviewed the communication plan.

In response to Council, City Manager Duran explained that the action before Council was adoption of the environmental document and the project would be coming back to Council when it was funded.

Willie Mims, representing the NAACP and Black Political Association, spoke in support of the City implementing a 50-year flood protection plan. He requested clarification with regards to the projects impacts on the environment and mitigation measures.

Mayor Harper responded that the staff report indicated the impacts could be mitigated to a less significant level.

Senior Planner Gentry reported that in the initial study for the mitigated negative declaration for this project, they were able to mitigate all impacts to a less than significant level.

Director of Public Works/City Engineer Bernal added that the City was only financially feasible for the City to build the 25-year level of flood projection.

**RESOLUTION NO. 2014/84**

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously 1) Motioned to adopt the resolution approving and adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the West Antioch Creek Channel Improvements project. 2) Motioned to authorize the Director of Public

Works/City Engineer to utilize Conveyance Alternative #3A as the basis for final project design. 3) Motion to authorize the Director of Public Works/City Engineer to temporarily close West 10th Street between 'L' Street and Auto Center Drive during the construction of the new culvert structure.

## **6. ANNUAL HOUSING ELEMENT PROGRESS REPORT**

Director of Community Development Wehrmeister presented the staff report dated September 18, 2014 recommending the City Council receive, allow public comment, and file the Annual Housing Element Progress Report.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the Council unanimously received and filed the report.

## **7. CITY OF ANTIOCH SOCIAL MEDIA PRESENCE**

City Manager Duran presented the staff report dated September 23, 2014 recommending the City Council receive report and direct staff regarding developing and enhancing the City of Antioch's presence on Social Media outlets.

Councilmember Rocha suggested the City look into finding an organization to develop a communication plan and make an effort to reach Spanish speaking residents.

Councilmember Tiscareno suggested starting with Facebook while continuing to explore other options in the event Facebook was not effective.

Councilmember Wilson supported moving forward with Facebook and encouraged the City to consider using interns from the local school to supplement staff time.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the Council unanimously received and filed the report.

## **8. POTENTIAL MID-YEAR BUDGET PRIORITIES**

City Manager Duran presented the staff report dated September 23, 2014 recommending the City Council receive report and direct staff regarding budget priorities for mid-year budget adjustments if the Business License Tax Measure O, passes on November 4, 2014.

Following discussion, the City Council concurred with the recommendations set forth in the staff report.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously concurred with the recommendations regarding budget priorities for mid-year budget adjustments as outlined in the staff report, if the Business License Tax Measure "Measure O", passes on November 4, 2014.

## **PUBLIC COMMENTS**

Jimmy Dorsey, Pittsburg resident, acknowledged the diversity on the Antioch City Council and questioned why the Antioch Police Department does not reflect diversity.

Mayor Harper responded that the Antioch Police Department constantly recruited officers and the current force included men and women of various races. He stated Chief Cantando visited predominantly African American churches attempting to recruit for the Antioch Police Department and he had also held Hispanic Coffee with the Cops events. He thanked the Antioch Police Department for serving the community.

## **STAFF COMMUNICATIONS**

City Manager Duran announced he was on vacation this week attending a family wedding.

Councilmember Tiscareno stated he had been active representing the City at various events.

At the request of Councilmember Tiscareno and with concurrence of the Council, City Manager Duran stated he would agendize the cardroom ordinance for discussion for the October 28, 2014 meeting.

At the request of Councilmember Rocha and with concurrence of the Council, City Manager Duran stated he would report back to the Council on Code Enforcement staffing following the November 4, 2014 election. Additionally, he stated he would provide an item on the Consent Calendar regarding flyers that had been placed on garage doors.

Councilmember Wilson reported on her attendance at the Coastal Cleanup event, Golf Dinner Fundraiser with Special Haven, and an Awards' Dinner.

## **COUNCIL COMMUNICATIONS**

Mayor Harper reported on a meeting he attended at the School District Office regarding violence occurring at Deer Valley High School and noted he would be contacting the Manager of Deer Valley Plaza Shopping Center to discuss security in the area. He further noted fighting and those encouraging fighting would not be tolerated. He stated the community needed to come together to address these issues.

Councilmember Rocha suggested the school send the photos of children engaged in fighting to their parents and have them respond to the school. She stated the owner of Deer Valley Plaza Shopping Center needed to address security in the area.

Mayor Harper commented that the City may need to pass an ordinance requiring security cameras

Councilmember Tiscareno stated dialog needed to continue with all parties and businesses to make sure they have a structured safety program.

**ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 11:36 P.M. to the next regular Council meeting on October 14, 2014.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk