

**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.**

**February 24, 2015  
Council Chambers**

**6:30 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 organizations: Operating Engineers Local Union No. 3 (OE3) and Public Employees Union Local 1.

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 7:05 P.M., and City Clerk Simonsen called the roll.

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

**PLEDGE OF ALLEGIANCE**

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

**1. PROCLAMATION**

*International Women’s Day, March 8, 2015*

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

Mayor Harper presented the proclamation to Father Thomas Bonacci and local sponsors representing the Interfaith Peace Project and Interfaith Coalition of Contra Costa County, who thanked the City Council for their support.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Geneva Moss, representing Antioch and Prewett Libraries, announced and invited the City Council to participate in the following Kid’s Read events; Fossil Extravaganza at 3:00 P.M. on March 11, 2015 at the Antioch Library; Build Your Own Dinosaur at 3:00 P.M. at the Antioch Library; and Share Your Story all month long at the Antioch and Prewett Libraries.

Director of Parks and Recreation Kaiser, announced the City of Antioch, in conjunction with the Contra Costa Office of Education, were hosting a Youth Resume Writing and Interview Skills Workshop from 5:00 P.M. – 7:00 P.M. on March 26, 2015, at the Nick Rodriguez Community Center.

Allen Payton, Antioch Herald, announced ballots were available in their February and March editions as well as their website for anyone wishing to vote for the People's Choice Awards program.

Velma Wilson, on behalf of Dr. Carrie Frazier, announced the Black History Scholarship Banquet would be held at 6:00 P.M. on March 28, 2015, at the Nick Rodriguez Community Center. Contact information was provided for those wishing to attend.

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

City Clerk Simonsen announced the following Board and Commission openings:

- *Economic Development Commission: One (1) vacancy; deadline date is March 13, 2015*
- *Police Crime Prevention Commission: One (1) vacancy; deadline date is March 20, 2015*

He reported applications would be available online at the City's website and at the City Clerk's and Deputy City Clerk's offices.

### **PUBLIC COMMENTS**

Dick Augusta, Antioch resident and former Police Crime Prevention Commissioner, spoke in support of the City installing speed bumps to improve safety in neighborhoods and near schools.

Mayor Harper thanked Mr. Augusta for his comments and his dedicated service to the City.

Tom Trost, Antioch resident, presented the City Council with a framed magazine article that discussed Antioch's first African-American resident Thomas Gaines. He provided the City with copies of newspaper articles and historic documents regarding the Hickmott Canary property and requested a meeting with Mayor Harper and City Manager Duran to discuss issues related to his ownership of the property.

Mayor Harper thanked Mr. Trost for the presentation and recognizing Thomas Gaines.

### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Rocha announced mentors were being provided for those released from prison as a result of the passing of AB109.

Councilmember Tiscareno reported on his attendance at the East Contra Costa County Regional Fee and Finance Authority (ECCCRFFA), State Route 4 Bypass Authority committee, Lone Tree

Golf Course subcommittee and Police Crime Prevention Commission meetings. He announced the Mayor's Cup would be held on June 7, 2015. He thanked Bill Cook for his service as Chair of the Police Crime Prevention and recognized Mike Gadams as the newly appointed Chair.

## **MAYOR'S COMMENTS**

Mayor Harper reported on his attendance at the Lone Tree Golf Course subcommittee meeting. He announced the City was in the process of hiring a consultant to conduct a Team Building Workshop. He stated a delegation from Antioch Turkey had visited the City and expressed interest in a Sister City relationship. He encouraged residents to support the 4<sup>th</sup> of July event and he pledged to donate \$100 to the fundraising efforts.

## **PRESENTATIONS**

### *Highway 4 Widening Landscape, presented by CCTA and Caltrans*

Susan Miller, Director of Projects with Contra Costa Transportation Authority, introduced Jeanne Gorham to give the presentation.

Jeanne Gorham, Caltrans Chief for Landscape Architecture, gave a power point presentation of the State Route 4 landscape replacement project.

Mayor Harper thanked Ms. Gorham for the presentation.

### *Code Enforcement Update, presented by Ryan Graham*

Deputy Director of Community Development Graham gave an overhead presentation of Code Enforcement procedures which included; staffing, enforcement, outreach to the homeless, cost recovery and the appeals process.

The Council thanked Deputy Director of Community Development Graham for the presentation.

Councilmember Tiscareno suggested Code Enforcement flyers be sent out with the water bill.

Councilmember Rocha announced a Suburban Poverty Task Force meeting would be held from 8:30 P.M. – 9:30 P.M. on February 25, 2015 at the Chamber of Commerce building.

Mayor Harper announced Kimball Elementary School had expressed interest in initiating a cleanup event and painting a mural for the alleyway adjacent to the school. He noted staff was checking on their proposal and he, along with Councilmember Ogorchock, would be meeting with the students.

2. ***COUNCIL CONSENT CALENDAR for City /City as Successor Agency/Housing Successor to the Antioch Development Agency***
- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 10, 2015
- B. APPROVAL OF COUNCIL WARRANTS
- C. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2015
- D. REJECTION OF CLAIM
- E. **ORDINANCE NO. 2096-C-S ESTABLISHING ZONING REGULATIONS FOR TOBACCO AND PARAPHERNALIA RETAILERS (*Introduced on 02/10/15*)**
- F. **ORDINANCE NO. 2097-C-S AND ORDINANCE NO. 2098-C-S TO ADDRESS BINGO OPERATIONS AND ZONING (*Introduced on 02/10/15*)**
- G. **RESOLUTION NO. 2015/07 STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT ENGINEER'S REPORT FOR FY 2015/2016**

**City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency**

- H. SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY DISSOLUTION PROCESS: CONSULTING SERVICES AGREEMENT
- I. APPROVAL OF SUCCESSOR AGENCY WARRANTS
- J. APPROVAL OF HOUSING SUCCESSOR WARRANTS

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

City Clerk Simonsen stated a letter submitted by Francine McMahon and a response to the letter from City Attorney Nerland regarding Consent Calendar Item F, were on the dais and copies were available in Council Chambers.

**Item F** – Francine McMahon, Hot Shots Bingo Inc. and Daub4Kids, reviewed the letter she had submitted and requested the City Council consider allowing at least 3-4 Bingo sessions per week.

Jeff Hendricks, representing East County Hot Shots Bingo, disputed the validity of Ms. McMahon conducting business as Hot Shots Bingo and gave a history of their non-profit organization.

Terry Eslinger, Board of Directors with Hot Shots Bingo Inc., provided a copy of their non-profit package from the State of California validating their name and gave a history of their organization.

Following discussion, Council directed City Attorney Nerland to provide them with an update on the Hot Shot Bingo Inc. application.

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

**Item H** – Fred Hoskins, Antioch resident, suggested the City tie performance milestones into the contract.

In response to Mayor Harper, City Attorney Nerland clarified the amount of the contract would not exceed \$50,000 and there were a number of tasks associated beyond the long range property management plan.

City Manager Duran added an RFQ was being prepared for security at the City's redevelopment properties, which would be paid for from redevelopment funds.

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

City Manager Duran introduced Interim Community Development Director Mitch Oshinsky.

Mayor Harper declared a recess at 8:44 P.M. The meeting reconvened at 8:54 P.M. with all Councilmembers present.

## **PUBLIC HEARING**

### **3. UP-14-13 – INK'D UP TATTOO STUDIO APPEAL**

Acting Senior Planner Morris presented the staff report dated February 24, 2015 recommending the City Council adopt a resolution approving Use Permit 14-13, which would permit the operation of a tattoo studio at 1614 A Street, subject to the conditions in the resolution. She explained that there had been an error in the resolution mistakenly referring to the Planning Commission instead of the City Council, so if the Resolution were adopted, staff would correct that error.

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

City Clerk Simonsen stated he received an email from Robert Davis dated February 24, 2015 and copies were on the dais and available in Council Chambers.

Mayor Harper opened the public hearing.

**PROPONENT**

Juanito Valentine, Ink'd Up Tattoos, stated he lived near the proposed location and he was from the neighborhood having gone to school and church in the area. He stated he was passionate about his work, had conducted community outreach, and his goal was to be an asset to the community. He stated he understood the neighbors concerns and he could support adjusting the hours of operation.

**OPPONENTS**

Sandra Kelly, speaking on behalf of the "C" Street Neighborhood Watch groups, expressed concern for criminal behavior occurring in the neighborhood and felt the business should not stay opened until 10:00 P.M. She stated the proposed use was not beneficial to local residents or family friendly and would not attract residents to Rivertown. Additionally, she felt there were too many tattoo parlors in Antioch, at this time.

Lorraine Black, Antioch resident, spoke in opposition to the proposed tattoo parlor in her neighborhood.

Lori Cook, Antioch resident, stated she felt the area was inundated with tattoo/piercing businesses and it would be better served with a restaurant or coffee house to attract visitors to Antioch. She suggested an alternative location may be more appropriate for this business.

Ronald Nicols, Antioch resident, expressed concern regarding the "A" Street corridor and suggested the City consider businesses that could elevate the area so the City has the opportunity to attract family-oriented businesses.

John Rexroth, Antioch resident, stated he lived across the street from the proposed location and felt the business was not appropriate for children who live in the area.

Jean Nicols, Antioch resident, spoke in opposition to the saturation of similar type businesses within a one mile radius. She noted when placed in an area already rundown, it would not help to perpetuate a positive environment. She suggested the business be located in another area of the City.

**PROPONENTS**

Fred Hoskins, Antioch resident, spoke in support of business and encouraged the City Council to remain business friendly.

Ken Turnage, Antioch resident and business owner, spoke in support of the applicant and encouraged the City Council to remain business friendly and support businesses in locations where they are zoned.

**REBUTTAL**

Juanito Valentine, reiterated that he lived in the neighborhood, understood the resident's concerns and agreed to close the business earlier, if necessary. He stated he had invested a considerable amount of time and money into his business and paid rent for months without being unable to open.

In response to Councilmember Rocha, Mr. Valentine stated typically there would be one client for each of the three artists.

Captain Orman stated research indicated there were no incidents tied to the tattoo businesses in Antioch and they had been good citizens, calling in suspicious activities observed around their business.

Mayor Harper closed the public hearing.

Interim Community Development Director Mitch Oshinsky provided business hours for tattoo businesses in Antioch.

Councilmember Rocha stated she supported the applicant and business; however, she was concerned for the hours and felt they should be reduced.

Councilmember Tiscareno stated he supported the applicant and felt the hours of operation were consistent with other businesses. He suggested the applicant consider reducing the hours initially to address the neighbors concerns.

Councilmember Ogorchock spoke in support of the applicant and his community outreach efforts. She stated she had a slight concern about the business being opened until 10:00 P.M.; however, it could be useful for Neighborhood Watch activities.

Councilmember Wilson spoke in support of the business; however, she felt there was an over saturation of similar businesses in the area and encouraged the applicant consider an alternative location.

Mayor Harper stated the principals had been met and he cautioned Council about putting restrictions on a business when it was not a restricted use. He noted with the resident's concerns, the applicant may consider reducing the hours and becoming involved in the community and the Neighborhood Watch program.

In response to City Clerk Simonsen, City Attorney Nerland stated if approved, staff would change the "I HEREBY CERTIFY" clause in the resolution, striking "Planning Commission" and replacing it with "City Council".

**RESOLUTION 2015/08**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council adopted a resolution approving Use Permit 14-13, which would permit the operation of a tattoo studio at 1614 A Street, subject to the conditions in the resolution. The motion carried the following vote:

*Ayes: Ogorchock, Tiscareno and Harper*

*Noes: Wilson, Rocha*

Mayor Harper encouraged Mr. Valentine to be a good neighbor.

## **COUNCIL REGULAR AGENDA**

### **4. REVIEW OF TABORA GARDENS SENIOR HOUSING PROJECT AND REQUEST FOR ADDITIONAL SUPPORT**

CDBG/Housing Consultant House presented the staff report dated February 24, 2015 recommending the City Council review the 85 unit "Tabora Gardens" Senior Housing project proposed by Satellite Affordable Housing Associates, and indicate by motion its commitment to further support the project with \$1 million in Housing Successor Agency, Neighborhood Stabilization Program (NSP-1), and Community Development Block Grant (CDBG) funds.

Jonathan Astmann, Project Manager with Satellite Affordable Housing Associates, gave a power point presentation of their other projects and the site plan, elevations, landscape plan and funding for the Tabora Gardens project.

The Council thanked CDBG Consultant House and Mr. Astmann for the presentation and spoke in support of the senior housing project.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously indicated its commitment to further support the project with \$1 million in Housing Successor Agency, Neighborhood Stabilization Program (NSP-1), and Community Development Block Grant (CDBG) funds.

### **5. BUSINESS LICENSE DISCOVERY/RECOVERY CONTRACT**

Finance Director Merchant presented the staff report dated February 24, 2015 recommending the City Council approve entering into a contract for business license discovery/recovery services with MuniServices for a two-year term, with the option to renew for an additional two years. The fee is on a contingency basis and will be 32.5% of new revenues generated directly by MuniServices. The fee will apply to revenues for the current tax year, all eligible prior period revenues and any applicable penalties, interest and late charges.

Mary Flynn, representing MuniServices, stated the 32.5% fee was on the lower end of what they offered to other cities, which was typically 45% – 47%. She stated the rate of recovery varied



from City to City; however, conservatively they expected to generate at least \$200,000 over a three-year period.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council unanimously approved entering into a contract for business license discovery/recovery services with MuniServices for a two-year term, with the option to renew for an additional two years. The fee is on a contingency basis and will be 32.5% of new revenues generated directly by MuniServices. The fee will apply to revenues for the current tax year, all eligible prior period revenues, and any applicable penalties, interest, and late charges.

## **6. VEHICLE REPLACEMENT PURCHASE**

Public Works Director/City Engineer Bernal presented the staff report dated February 24, 2015 recommending the City Council authorize the issuance of a purchase order for eleven (11) Public Works service vehicles to State of California contract #1-14-23-20A low bidder, Downtown Ford Sales, Sacramento, CA in the amount not to exceed \$311,462.55 and an additional \$20,000 for dealer installed auxiliary equipment.

Deputy Director of Public Works Bechtholdt clarified because of the economy, the City had extended the life of the vehicles as much as possible. He noted the new vehicles would be equipped to improve the safety.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the City Council unanimously authorized the issuance of a purchase order for eleven (11) Public Works service vehicles to State of California contract #1-14-23-20A low bidder, Downtown Ford Sales, Sacramento, CA in the amount not to exceed \$311,462.55 and an additional \$20,000 for dealer installed auxiliary equipment.

## **7. SIDEWALK AND PEDESTRIAN IMPROVEMENTS (P.W. 409-3)**

Public Works Director/City Engineer Bernal presented the staff report dated February 24, 2015 recommending the City Council award the Sidewalk and Pedestrian Improvements project to the low bidder, J.J.R. Construction, Inc., in the amount of \$594,841 and authorize the Director of Finance to amend the 2014-2015 Capital Improvement Budget to increase the project budget by \$150,000 to \$650,000.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously awarded the Sidewalk and Pedestrian Improvements project to the low bidder, J.J.R. Construction, Inc., in the amount of \$594,841 and authorize the Director of Finance to amend the 2014-2015 Capital Improvement Budget to increase the project budget by \$150,000 to \$650,000.

**8. ORDINANCE AMENDING ARTICLE 15 OF CHAPTER 5 OF TITLE 4 OF THE ANTIOCH MUNICIPAL CODE AND CHANGING THE PRIMA FACIE SPEED LIMIT ON VARIOUS ROADWAYS (PW 282-3A)**

Assistant City Engineer Filson presented the staff report dated February 24, 2015 recommending the City Council introduce, by title only, an Ordinance amending Article 15 of Chapter 5 of Title 4 of the Antioch Municipal Code "Special Speed Zones" in order to change the prima facie speed limit on certain streets.

Bill Wallace, Antioch resident, presented petitions signed by Antioch residents who requested a speed limit reduction and the addition of traffic calming measures for their neighborhood.

In response to Mr. Wallace, Assistant City Engineer Filson stated Noia Avenue, Winsler Drive, and Roelling Lane were very narrow streets and the City Council could direct them to be included in the ordinance.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously introduced, by title only, an Ordinance amending Article 15 of Chapter 5 of Title 4 of the Antioch Municipal Code "Special Speed Zones" in order to change the prima facie speed limit on certain streets with direction to add Noia Avenue, Winsler Drive, and Roelling Lane (between Winsler Drive and Noia Avenue), to § 4-5.1501.1 of the resolution.

**9. GUIDELINES FOR TABULATING PROTESTS WITH RATE HEARINGS**

City Attorney Nerland presented the staff report dated February 24, 2015 recommending the City Council approve the Resolution adopting guidelines for noticing and the submission and tabulation of protests for rate hearings conducted pursuant to Article XIID of the California Constitution (Proposition 218). This action does not approve any rate increases, but merely approves the noticing and protest procedures for conducting a public hearing in the future.

**RESOLUTION 2015/09**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously approved the Resolution adopting guidelines for noticing and the submission and tabulation of protests for rate hearings conducted pursuant to Article XIID of the California Constitution (Proposition 218). This action does not approve any rate increases, but merely approves the noticing and protest procedures for conducting a public hearing in the future.

**10. MUNICIPAL CODE AMENDMENTS RELATED TO CODE ENFORCEMENT AND APPEALS**

City Attorney Nerland presented the staff report dated February 24, 2015 recommending the City Council: 1) Approve by motion the reading of the ordinance by title only; and 2) Introduce the Ordinance amending Sections 1-4.01, 1-5.06, 5-1.301, 5-1.302 and 5-1.314 regarding appeals of

staff decisions of planning, zoning or subdivision matters; increasing the fines for administrative citations for violations of the Municipal Code; and clarifying the process for the abatement of public nuisances.

In response to Councilmember Ogorchock, Deputy Director of Community Development Graham explained citation fees were set to encourage compliance and it may be more advantageous to increase the reinspection fee through the Master Fee Schedule.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously 1) Approved by motion the reading of the ordinance by title only; and 2) Introduced the Ordinance amending Sections 1-4.01, 1-5.06, 5-1.301, 5-1.302 and 5-1.314 regarding appeals of staff decisions of planning, zoning or subdivision matters; increasing the fines for administrative citations for violations of the Municipal Code; and clarifying the process for the abatement of public nuisances.

#### **11. DISCUSSION OF COUNCIL MEETING SCHEDULE**

City Manager Duran presented the staff report dated February 24, 2015 recommending the City Council discuss the July, August, and December 2015, City Council meeting schedule and provide direction to staff by motion.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously directed staff to cancel the July 14, 2015 City Council meeting.

#### **PUBLIC COMMENTS – None**

Ed Judkins, Antioch resident and Treasurer of the Friends of the Antioch Library, requested the City Council consider re-establishing some funding to the library.

#### **STAFF COMMUNICATIONS - None**

#### **COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS**

Councilmember Wilson reported on her attendance at the Opportunity Junction anniversary celebration.

In response to Councilmember Wilson, City Manager Duran stated library funding would be a topic addressed during budget discussions.

Councilmember Rocha reminded City Council of the EC2 Economic Development Summit to be held from 9:00 A.M. – 2:00 P.M. on February 27, 2015.

Councilmember Ogorchock added Councilmembers planning on attending the Summit, needed to RSVP for the event.

Mayor Harper thanked the City Council, staff and audience for their participation this evening.

**ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 11:11 P.M. to the next regular Council meeting on March 10, 2015.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk