

**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.**

**July 28, 2015  
Council Chambers**

**6:30 P.M. - CLOSED SESSION**

- 1. PUBLIC EMPLOYMENT APPOINTMENT: City Attorney** – This Closed Session is authorized by California Government Code section 54957. Agency Designated Representative: City Manager, Administrative Services Director, and Phil McKenney of Peckham & McKenney regarding the recruitment and appointment of a City Attorney.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 PUBLIC EMPLOYMENT APPOINTMENT: City Attorney**, Direction was given to City's appointed representatives.

Mayor Harper announced Agenda item **#8 PURCHASE CONTRA LOMA ESTATES PARK PLAYGROUND EQUIPMENT** would be heard prior to Agenda item #2.

Mayor Harper called the meeting to order at 7:05 P.M., and City Clerk Simonsen called the roll.

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

**PLEDGE OF ALLEGIANCE**

Claryssa Wilson led the Council and audience in the Pledge of Allegiance.

**IN MEMORY OF FORMER COUNCIL MEMBER GARY AGOPIAN**

Mayor Harper announced the meeting was dedicated in memory of former Councilmember Gary Agopian in recognition of the one-year anniversary of his passing. He acknowledged Gary's personal and professional accomplishments.

Robin, Corey, and Jason Agopian thanked the City Council for honoring Gary and Robin read a speech and facebook message authored by him.

The Council stated it was an honor to have known Gary and thanked the Agopian family for attending the evening.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

John Frederickson, Antioch Senior Citizen's Center and Senior Club invited the City Council to their Sizzling Summer Night Fundraiser to be held from 6:00 - 8:00 P.M. on August 14, 2015 at the Antioch Senior Center.

Betty Smith and Velma Wilson, Antioch Rivertown Jamboree, announced they were hosting the 2015 Delta Thunder V - Gary Agopian Memorial Boat Race on October 17-18, 2015. They stated they were accepting sponsorships and vendor space was available.

Pamela Arauz, Sierra Club Delta Group, announced a Northern Waterfront Economic Development Initiative meeting would be held from 10:00 A.M. - 1:00 P.M. on August 15, 2015 at the Nick Rodriguez Community Center.

Claryssa Wilson thanked the community for their support and reported on representing the City of Antioch as the 2015 People to People Leadership Ambassador in Washington D.C. She announced the following events:

- Stuff the Bus School Supply Retention Program - August 1, 2015 from 10:30 A.M. – 2:00 P.M. at the Law Offices of Ivancich, Martin & Costis
- African American Health Empowerment Expo 10:00 A.M. – 2:30 P.M. on September 26, 2015 at Pittsburg High School

Councilmember Rocha announced a community Baby Shower would be held from 9:00 A.M. – 12:00 P.M. on August 1, 2015 at the Stewart Memorial Methodist Church in Pittsburg.

## **PUBLIC COMMENTS**

Battalion Chief Keith Comier, Contra Costa County Fire Protection District, announced the Fire District had obtained the County ambulance contract which would be effective January 1, 2016.

Mayor Harper thanked Battalion Chief Comier for providing the City Council with timely notifications.

Mark Jordan, Antioch resident, reviewed information he had presented to Council regarding tiered water rates and transfers out of the water/sewer funds into the General Fund for police services. He questioned the legality of both items and announced he would be turning the matter over to legal counsel and filing a complaint with Chief Cantando.

Frank Sterling, Antioch resident, questioned why the community was not informed that someone had died in police custody and discussed encounters with Antioch Police Officers in which he felt excessive force had been used. He questioned what action would be taken to resolve this issue.

Fred Rouse, Antioch resident, read written comment presented to Council suggesting the City impose higher fines for illegal dumping and requesting a safety plan be developed to address the future eBART station. He discussed First Quarter 2015 Crime Statistics and requested Council instruct the Antioch Police Department to report on the number of arrests that had resulted in convictions.

Mayor Harper explained Council was prohibited by law to discuss matters not on the agenda and assured residents their concerns had been heard.

Karl Dietzel, Antioch resident, discussed the cost of employment for several Antioch employees and provided the website for anyone wishing to research the information.

Wayne Steffen, Antioch resident, stated he felt the procedure utilized by the City to calculate water usage was flawed and suggested the City consider basing water usage on gallons per day.

Wayne Harrison, Celebrate Antioch Foundation, thanked the Council for changing the downtown specific plan to allow for the possibility of developing an event center on the Beede Lumber Yard parcel. He announced they had a detailed proposal for Council consideration and requested the item be placed on the August agenda.

Joe Carera, Wayne Burgess, Todd Northam, Manual Hicks, Jonathan Cordaway and Michael Davis representing Local 1, discussed the impacts of staff reductions and employee furloughs. They stated their employees should be provided economic equality and requested Council direct staff to make meaningful proposals for equal access to healthcare and wages.

Mayor Harper expressed his appreciation to the employees of Local 1 and their contributions to the City. He thanked them for bringing their concerns forward and suggested they continue to keep communication open.

Willie Mims, representing the East County NAACP, Pittsburg Black Political Association, suggested the City address the concerns of Local 1 and consider introducing the use of body cameras for Antioch Police Officers.

Mayor Harper declared a recess at 8:10 P.M. The meeting reconvened at 8:20 P.M. with all Councilmembers present with the exception of Councilmember Wilson who was absent.

### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Tiscareno reported on his attendance at the Lone Tree Golf Course subcommittee meeting.

Councilmember Ogorchock reported on her attendance at the Mello Roos subcommittee meeting, League of California Cities Conference and Mayor's Conference.

Mayor Harper reported on his attendance at the Mayor's Conference, Delta Diablo Sanitation meeting, Tri Delta Transit, Mayor's Healthy Cook-off Challenge, 150th Anniversary of the Masonic Lodge and the League of California Cities - City Council training session.

## **MAYOR'S COMMENTS**

Mayor Harper read letters he received from youth in the community.

## **PRESENTATION**

BART Director Joel Keller provided an overhead presentation of current and planned BART projects and funding potential from a possible future Measure J re-authorization.

Mayor Harper thanked Mr. Keller for the presentation. He stated the funding priorities should include the future ferry terminal and improved access to downtown.

In response to Councilmember Ogorchock, BART Director Keller explained the security plan approved by Chief Cantando was developed to assure there were adequate police services for the station.

Councilmember Ogorchock requested funding priorities include an escalator and a pedestrian bridge across the eastbound lanes. She suggested a workshop be held for the community.

Following discussion the Council agreed that escalators for the Hillcrest station should be considered as soon as possible.

In response to Council, BART Director Keller stated he would be happy to work with City Manager Duran to schedule a workshop for the community. He also noted he would make an effort to accelerate the date for the installation of escalators.

Mayor Harper suggested adequate parking also be considered.

Randy Iwasaki representing Contra Costa County Transportation Authority (CCTA) provided an overhead presentation of CCTA, State Route 4 and Countywide Transportation plan. He stated Susan Miller Director of Projects, Peter Engle Program Manager and Lindsay Willis Director of External Affairs were available to answer questions this evening.

In response to Councilmember Rocha, Mr. Iwasaki clarified Antioch was part of Water Emergency Transportation Authority (WETA) and ferry service was an element of a transportation expenditure plan for the future.

Councilmember Ogorchock thanked Mr. Iwasaki for including the multimodal link from Highway 4 near Brentwood to I-205 west of Tracy.

In response to Councilmember Tiscareno, Mr. Iwasaki stated they would continue to work with the City to find ways to accomplish their transportation goals.

Mayor Harper thanked Mr. Iwasaki for the presentation.

1. **COUNCIL CONSENT CALENDAR *for City /City as Successor Agency/Housing Successor to the Antioch Development Agency***
- A. **APPROVAL OF COUNCIL SPECIAL MEETING STUDY SESSION MINUTES FOR JUNE 2, 2015**
- B. **APPROVAL OF COUNCIL SPECIAL MEETING STUDY SESSION MINUTES FOR JUNE 17, 2015**
- C. **APPROVAL OF COUNCIL MINUTES FOR JUNE 23, 2015**
- D. **APPROVAL OF COUNCIL WARRANTS**
- E. **REJECTION OF CLAIM**
  1. **Michelle Mayers**
- F. **APPROVAL OF TREASURER'S REPORT FOR JUNE 2015**
- G. **RESOLUTION NO. 2015/46 APPROVING UPDATED CLASS SPECIFICATIONS FOR POLICE DISPATCHER AND LEAD POLICE DISPATCHER, WITHOUT ANY SALARY CHANGE**
- H. **RESOLUTION NO. 2015/47 APPROVING A RENEWABLE LICENSE AGREEMENT FOR USE OF UNITED STATES BUREAU OF RECLAMATION RIGHT-OF-WAY ON THE CONTRA COSTA CANAL AT MILE POSTS 7.54 AND 7.56 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT (PD 34.2 / PW 553-2 / PW 553-2B)**
- I. **RESOLUTION NO. 2015/48 ACCEPTING COMPLETED IMPROVEMENTS FOR VIERA RANCH UNIT 2 PHASE 3 (KB HOMES), TRACT NO. 7220 (PW 553-2C)**
- J. **RESOLUTION NO. 2015/49 WILLIAMSON RANCH PLAZA WATER MAIN REPLACEMENT (PW 650-W)**
- K. **ORDINANCE AMENDING SECTIONS 4-5.1501.4 AND 4-5.1501.5 OF THE ANTIOCH MUNICIPAL CODE AND CHANGING THE PRIMA FACIE SPEED LIMIT ON BUCHANAN ROAD, CANADA VALLEY ROAD, AND SOMERSVILLE ROAD/AUTO CENTER DRIVE (PW 282-3A)**
- L. **RESOLUTION NO. 2015/50 AMENDMENT TO THE 2015/2016 MASTER FEE SCHEDULE**

**M. APPROVAL OF SUCCESSOR AGENCY WARRANTS**

**N. APPROVAL OF HOUSING SUCCESSOR WARRANTS**

Mayor Harper announced item K had a supplemental report which was provided to Council.

A motion made by Councilmember Tiscareno and seconded by Councilmember Rocha to approve the Consent Calendar with the exception of Item K. The motion was pulled for further discussion.

Councilmember Ogorchock requested Item "L" also be pulled from the Consent Calendar.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council unanimously approved the Council Consent Calendar with the exception of items K and L which were removed for further discussion.

**Item K** – Assistant City Engineer Filson presented the supplemental staff report "Attachment A".

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock the City Council unanimously approved Item K.

**Item L** – In response to Councilmember Ogorchock, Director of Public Works/City Engineer Bernal presented the staff report dated July 28, 2015 recommending the City Council adopt the resolution.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously approved item L.

**COUNCIL REGULAR AGENDA**

**8. PURCHASE CONTRA LOMA ESTATES PARK PLAYGROUND EQUIPMENT**

Public Works Director Bernal presented the staff report dated July 28, 2015 recommending the City Council adopt a resolution authorizing the purchase of Contra Loma Estates Park Playground Equipment from Miracle Play Systems Inc., under the California Multiple Award Schedule (CMAS) contract #4-99-78-0006A for \$127,681 and authorize the Director of Finance to amend the 2015-2016 General Fund Park Maintenance budget by \$77,681 with funds carried forward from the fiscal year 2014-2015 budget that were designated for this project. The balance of the purchase will be paid with funds already budgeted in the current fiscal year in the Delta Fair Property Fund.

Pricilla Nzessi, Janet Costa, Deborah Polk and Rhea Laughlin representing, East County Regional Group, thanked the City Council and staff for their response to the findings in their Park Assessment Report. They spoke in support of the City funding the playground equipment for Contra Loma Estates Park and stated they looked forward to working with them on future park improvement projects.

In response to Council, Director of Public Works/City Engineer Bernal stated staff would come back to the City Council with a list of park improvements to prioritize for next year's budget.

Mayor Harper thanked First 5 for providing the City with the Park Assessment Report.

**RESOLUTION NO. 2015/52**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno the City Council unanimously adopted a resolution authorizing the purchase of Contra Loma Estates Park Playground Equipment from Miracle Play Systems Inc., under the California Multiple Award Schedule (CMAS) contract #4-99-78-0006A for \$127,681 and authorized the Director of Finance to amend the 2015-2016 General Fund Park Maintenance budget by \$77,681 with funds carried forward from the fiscal year 2014-2015 budget that were designated for this project. The balance of the purchase will be paid with funds already budgeted in the current fiscal year in the Delta Fair Property Fund.

**2. ECONOMIC DEVELOPMENT COMMISSION APPOINTMENTS FOR FOUR FULL-TERM VACANCIES EXPIRING JUNE 2019**

Mayor Harper nominated Keith Archuleta, Lamar Thorpe, Sean Wright and Joshua Young for appointment to the Economic Development Commission. He stated these nominations were reappointments as all the applicants were currently serving on the Commission. He thanked Commissioners for participating in the strategic planning process and joint planning meetings.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock the City Council unanimously appointed Keith Archuleta, Lamar Thorpe, Sean Wright and Joshua Young to the Economic Development Commission.

**3. DIRECTION ON GENERAL PLAN LAND USE ELEMENT & ZONING UPDATE**

Project Manager Oshinsky and Dick Loewke gave an overhead presentation and presented the staff report dated July 28, 2015 recommending the City Council: 1) Review General Plan Land Use Element & Zoning Update work products; and 2) Direct staff and consultant to proceed with analysis and recommendations for comprehensively updating the Land Use Element and Zoning Ordinance, and each of the 19 Focus Areas as identified in the three categories outlined in this report.

In response to Mayor Harper, Mr. Loewke explained Antioch was a niche market for certain commercial and industrial uses and the Eastern Waterfront Employment area may be the best location. He stated they would look at policies to encourage that to occur and set up a streamlined process.

Juan Pablo Galvan Land Use Planner for Save Mount Diablo, stated they had sent a letter dated June 22, 2015 to the City on the land use zoning update. Speaking in regards to the Ginochio

property, he explained the City of Brentwood had not completed the necessary steps to terminate their agreement with Antioch. He noted the property was also outside of Antioch and Brentwood's sphere of influence. He emphasized the need for a comprehensive specific plan process for the Sand Creek area and noted essential to that plan would be a wide corridor around Sand Creek for a regional park opportunity.

Lucia Albers, Antioch resident, suggested the City consider clustering homes and leaving more open space in executive communities.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha the City Council unanimously 1) Reviewed the General Plan Land Use Element & Zoning Update work products; and 2) Directed staff and consultant to proceed with analysis and recommendations for comprehensively updating the Land Use Element and Zoning Ordinance, and each of the 19 Focus Areas as identified in the three categories outlined in this report.

#### **4. AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE CONTRACTS WITH THREE POTENTIAL ADDITIONAL PLANNING CONSULTANTS**

Director of Community Development Ebbs presented the staff report dated July 28, 2015 recommending the City Council authorize the City Manager to execute contracts with three new potential Planning consultants, Dudek, Rincon and M-Group, each in an amount not to exceed \$100,000 for a term of three (3) years.

In response to Councilmember Ogorchock, Director of Community Development Ebbs explained the workload at this time was inconsistent; therefore, the occasional peak would best be offset with consulting services. He noted expenses incurred were 100% reimbursed by the Developer benefiting from the service.

City Manager Duran added the City Council could reconsider adding this staff position during mid-year budget review.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha the City Council unanimously authorized the City Manager to execute contracts with three new potential Planning consultants, Dudek, Rincon and M-Group, each in an amount not to exceed \$100,000 for a term of three (3) years.

#### **5. STATE MANDATES**

Finance Director Merchant presented the staff report dated July 28, 2015 recommending the City Council provide direction on use of prior unfunded State mandates received by the City and adopt a resolution amending the fiscal year 2014-15 revenue budget in the amount of \$793,767.

Mayor Harper suggested utilizing the funds for ongoing savings with a solar project.



Councilmember Tiscareno agreed solar project would be advantageous. He also suggested compensating City employees.

Councilmember Rocha voiced her support for holding the money in the General Fund reserves pending the outcome of litigation filed by the Successor Agency. She noted she could also support it being applied to the City's unfunded liability.

Councilmember Ogorchock suggested the money be utilized to pay down the city's unfunded liability.

Willie Mims, East County NAACP and Black Political Association, questioned how staff developed the options outlined in the staff report. He suggested the money be moved into a reserve or restricted account and designated for Youth programs.

Finance Director Merchant explained suggestions outlined in the staff report were not meant to be exclusive.

Following discussion, the City Council supported adopting the resolution and bringing direction on the use of the funds back following Director of Public Works/City Engineer Bernal's presentation on solar programs.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Rocha to adopt the resolution and direct funds be held in the General Fund Reserves until the item was brought back on August 25, 2015. Following discussion, the motion was amended as follows:

**RESOLUTION NO. 2015/51**

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha the City Council unanimously adopted the resolution amending the fiscal year 2014-15 revenue budget in the amount of \$793,767 and directed staff to bring the item back following Director of Public Works/City Engineer Bernal report out on solar agreements.

**6. BABE RUTH LOAN AGREEMENT**

Finance Director Merchant presented the staff report dated July 28, 2015 recommending the City Council provide direction regarding the request by Antioch Babe Ruth for annual loan forgiveness.

In response to Councilmember Ogorchock, Interim City Attorney Cole stated he assumed the copy of the promissory note provided to Finance was not the final copy of the agreement.

Following discussion the City Council supported continuing the item and directing staff to follow up with representatives of Antioch Babe Ruth regarding their compliance with the loan agreement.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno the City Council unanimously continued this item and directed City Manager Duran to speak with representatives from Antioch Babe Ruth regarding the loan agreement.

**7. MEASURE O UPDATE**

Finance Director Merchant presented the staff report dated July 28, 2015 recommending the City Council receive and file report.

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

**9. COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN ROADWAY PAVEMENT REHABILITATION (PW 678-6)**

Public Works Director/City Engineer Bernal presented the staff report dated July 28, 2015 recommending the City Council: 1).Authorize the Director of Finance to amend the 2014-2015 Capital Improvement Budget to increase Gas Tax funding for the Downtown Roadway Pavement Rehabilitation project in the amount of \$50,000 and increase the existing contract with MCK Services, Inc. for this project in the amount of \$73,389.50 for a total of \$684,514.50. 2) Adopt the resolution accepting work, authorizing the Public Works Director/City Engineer to File a Notice of Completion and authorizing the Director of Finance to make a final payment of \$42,890.11 plus retention of \$34,225.73 to be paid 35 days after recordation of the Notice of Completion pending approval of the Community Development Block Grant Coordinator. He stated there was a correction to the staff report as the contract was actually awarded to MCK Services, Inc. on February 10, 2015.

The Council discussed the positive feedback they received regarding the road improvements and thanked Director of Public Works/City Engineer Bernal for his due diligence.

In response to Councilmember Tiscareno, Director of Public Works/City Engineer Bernal stated staff retained an ongoing list of requests and they communicate with those individuals and copied the City Council. He acknowledged the City Council for committing funding that had allowed them to take advantage of good oil prices and add to the projects that were completed.

**RESOLUTION NO. 2015/53**

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno the City Council unanimously 1).Authorized the Director of Finance to amend the 2014-2015 Capital Improvement Budget to increase Gas Tax funding for the Downtown Roadway Pavement Rehabilitation project in the amount of \$50,000 and increase the existing contract with MCK Services, Inc. for this project in the amount of \$73,389.50 for a total of \$684,514.50. 2) Adopted the resolution accepting work, authorizing the Public Works Director/City Engineer to File a Notice of Completion and authorizing the Director of Finance to make a final payment of \$42,890.11 plus retention of

\$34,225.73 to be paid 35 days after recordation of the Notice of Completion pending approval of the Community Development Block Grant Coordinator.

**10. NINTH STREET ROADWAY IMPROVEMENTS (PW 687)**

Public Works Director/City Engineer Bernal presented the staff report dated July 28, 2015 recommending the City Council adopt a resolution authorizing an increase to the existing contract with MCK Services, Inc. for the Ninth Street Roadway Improvements project in the amount of \$135,902.82, accepting the work performed by MCK Services Inc., authorizing the Public Works Director/City Engineer to File a Notice of Completion, and authorizing the Director of Finance to make a final payment of \$98,236.24 plus retention of \$39,061.64 to be paid 35 days after recordation of the Notice of Completion.

In response to Council, Director of Public Works/City Engineer Bernal stated he would do his best to minimize costs and explained there was a built in contingency of approximately 10% to keep projects moving forward and reduce costs.

**RESOLUTION NO. 2015/54**

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha the City Council unanimously adopted a resolution authorizing an increase to the existing contract with MCK Services, Inc. for the Ninth Street Roadway Improvements project in the amount of \$135,902.82, accepting the work performed by MCK Services Inc., authorizing the Public Works Director/City Engineer to File a Notice of Completion, and authorizing the Director of Finance to make a final payment of \$98,236.24 plus retention of \$39,061.64 to be paid 35 days after recordation of the Notice of Completion.

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Manager Duran announced he and Director of Public Works/City Engineer Bernal had met with Senator Glaser and discussed transportation and water issues. He stated staff would be bringing back a discussion on transportation priorities for the next City Council meeting.

**COUNCIL COMMUNICATIONS**

Councilmember Ogorchock requested the following items be agendized;

- Update from Code Enforcement from Deputy Director of Community Development Graham
- Discussion on name changes for "A" and "L" Streets

She reported on her attendance at a Math Intensive Program sponsored by Parents Connected and the League of California Cities Executive Forum.

Councilmember Rocha reported on her attendance at the League of California Cities Conference and provided Council with notes from the event. She reminded the community that August 4, 2015 was National Night Out (NNO). She stated she would be participating in her neighborhoods first NNO event. She also reported on her attendance at the Tri-Delta Transit Conference and the Senior Center.

Mayor Harper reported there was a Resource Guide available to give the community information on programs and services. He thanked everyone for their patience this evening.

**ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 11:04 P.M. to the next regular Council meeting on August 11, 2015.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk