

**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 23, 2016  
Council Chambers**

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

- 1. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Potential Litigation pursuant to California Government Code §54956.9 (d)(4): Water Rights BDCP/WaterFix (Bay Delta Conservation Plan/WaterFix)
- 2. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code §54956.9 (d)(2): Letter received from California Cannabis Law Group
- 3. 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 of a City Attorney.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction was given to the Representatives; and **#2 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction was given to Interim City Attorney; and, **#3 PUBLIC EMPLOYMENT APPOINTMENT**, Direction was given to Negotiators.

Mayor Harper called the meeting to order at 7:01 P.M., and City Clerk Simonsen called the roll.

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

**PLEDGE OF ALLEGIANCE**

Mayor Harper led the Council and audience in the Pledge of Allegiance.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Director of Park and Recreation Kaiser announced the Antioch Water Park would begin offering their Health, Education and Teaching Programs February 27, 2016.

Geneva Moss, Youth Services Librarian at the Antioch Library, announced the Kids Read! Program would begin February 29, 2016 and run through March 26, 2016 with the following events:

- Make Your Own Birdfeeder – March 9, 2016 at 3:00 P.M.
- Kids Read! Storytime for all ages – March 12, 2016 at 2:00 P.M.
- “B is for Butterfly” March 16, 2016 at 3:00 P.M.
- Start Your Own Garden – One Plant at a Time – March 23, 2016 at 3:00 P.M.
- Kids Read! Storytime for all ages – March 26, 2016 at 2:00 P.M.

She recognized the sponsors of the event and stated they would be distributing books at various locations in Antioch.

Julie Haas Wajdowicz, representing the Undead Roller Derby, announced their season opening would be held on March 5, 2016. Contact information was provided for anyone wishing to purchase tickets. She stated they would also be hosting a soup fundraiser from 2:00 P.M. – 5:00 P.M. on February 27, 2016 at the Evolve Aikido and Movement Center.

Dr. Sean Wright, Antioch Chamber of Commerce, announced the Antioch Chamber of Commerce Inaugural Gala and Awards Dinner would be held at 6:00 P.M. on March 11, 2016 at the Lone Tree Golf and Event Center. He stated awards would be given to Jane Parsons, Citizen of the Year–Lifetime Achievement, Ken Turnage, Citizen of the Year–Most Impact, Sutter Health Medical Center, Large Business of the Year, M.A.L.U. Fitness, Small Business of the Year, and the Antioch Rotary Club, Nonprofit of the Year. Contact information was given for anyone wishing to purchase tickets to the event.

Councilmember Rocha announced the following events:

- Thomas Gaines recognition event at 11:00 A.M. on February 27, 2016 at the Hickmott Canary Site
- Congressman DeSaulnier - Concussion Prevention discussion at 1:00 P.M. on March 4, 2016 at Antioch High School
- Read Across America the first week of March 2016

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

City Clerk Simonsen announced the following Board and Commission openings:

- Sales Tax Citizens’ Oversight Committee: Three (3) vacancies; deadline date is February 26, 2016
- Contra Costa County Mosquito & Vector Control District Board: One (1) vacancy; deadline date is March 11, 2016
- Board of Administrative Appeals: One (1) Alternate vacancy; deadline date is March 11, 2016

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

## **PUBLIC COMMENTS**

Ken Rickner, Shower House Ministries, thanked the City for allowing him to operate in the overflow parking lot at Humphrey's Restaurant. He reported some of the homeless had expressed interest in cleaning up the area and questioned if there was a location they could dispose of the garbage they had collected.

Loretta Sweatt, Antioch resident, encouraged the City Council to contact developers to build a hotel on the Beede Lumber Yard site. She spoke in support of the Antioch Police Department and urged Council to provide them with the resources needed to keep them safe.

Debbie Blaisure, owner of Oddly Unique and Oddly Unique Too, provided Council with a copy of the initiative and discussed their efforts to develop the Beede Lumber site as a park or event center. She announced they would begin to gather signatures to place this item on the November ballot. She suggested Council adopt the ordinance or move the initiative to the June ballot and agendize it for discussion.

Fred Hoskins, Antioch resident, suggested citizens wait to view the City's proposal for the Beede Lumber Yard prior to moving forward with an initiative.

Willie Mims, representing the East County NAACP and Pittsburg's Black Political Association, reported on his attendance at the Community March Against Violence, African American Art Exhibit, and Legos and the Law events. He also commended the Antioch Police Department for their participation in Legos and the Law event. He questioned if the City had made a decision with regards to the use of body cameras and urged Council to invest in the technology for the Antioch Police Department.

Mayor Harper encouraged Mr. Mims to discuss the status of body cameras with Chief Cantando.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Wilson announced she had attended the TRANSPLAN and State Route 4 Bypass meetings, on behalf of Councilmember Tiscareno.

## **MAYOR'S COMMENTS**

Mayor Harper announced he would be attending the Tri Delta Transit meeting and the East Bay Innovation Awards on behalf of Delta Diablo.

1. **COUNCIL CONSENT CALENDAR *for City /City as Successor Agency/Housing Successor to the Antioch Development Agency***
- A. **APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR FEBRUARY 8, 2016**

- 
- B. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 9, 2016
- C. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR FEBRUARY 19, 2016
- D. APPROVAL OF COUNCIL WARRANTS
- E. ORDINANCE NO. 2112-C-S AND ORDINANCE NO. 2113-C-S VINEYARDS AT SAND CREEK – SECOND READING OF ORDINANCES (GP-14-01, PD-14-03, SUBDIVISION 9390) (*Introduced on 02/09/16*)
- 1) Adopt the Ordinance approving a Development Agreement between the City of Antioch and GBN Partners, LLC.
  - 2) Adopt the Ordinance approving a Rezone of the project site to Planned Development, approving a Master Development Plan, Final Development Plan, and Planned Development and Design Standards (PD-14-03).
- F. ORDINANCE NO. 2114-C-S SECOND READING OF ORDINANCE REGULATING SHOPPING CARTS (*Introduced on 02/09/16*)
- G. REJECTION OF CLAIMS: RICK COSTELLO AND ALLSTATE INSURANCE
- 1) Rick Costello – Claim was received on October 12, 2015, and amended on November 3, 2015.
  - 2) Allstate Insurance Company – Claim was received on November 4, 2015.
- H. RESOLUTION NO. 2016/15 APPROVING THE REVISION OF THE SALARY RANGE FOR THE CLASS SPECIFICATION OF OFFICE ASSISTANT
- I. APPROVAL OF TREASURER’S REPORT FOR JANUARY 2016

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

- J. APPROVAL OF SUCCESSOR AGENCY WARRANTS
- K. APPROVAL OF HOUSING SUCCESSOR WARRANTS

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar.

## COUNCIL REGULAR AGENDA

### **2. TENTATIVE AGREEMENT BETWEEN THE CITY OF ANTIOCH AND PUBLIC EMPLOYEES' UNION LOCAL 1 FOR THE PERIOD OF APRIL 1, 2015 – MARCH 31, 2017**

Administrative Services Director Mastay presented the staff report dated February 23, 2016 recommending the City Council adopt a resolution: 1) Approving the Tentative Agreement between the City of Antioch and Public Employees' Union Local 1; and 2) Authorizing the Finance Director to make any necessary adjustments to the FY 2015/16 Budget to implement the provisions of the Tentative Agreement.

#### **RESOLUTION NO. 2016/16**

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously adopted a resolution: 1) Approving the Tentative Agreement between the City of Antioch and Public Employees' Union Local 1; and 2) Authorizing the Finance Director to make any necessary adjustments to the FY 2015/16 Budget to implement the provisions of the Tentative Agreement.

### **3. TENTATIVE AGREEMENT SIDE LETTER BETWEEN THE CITY OF ANTIOCH AND PUBLIC EMPLOYEES' UNION LOCAL 1**

Administrative Services Director Mastay presented the staff report dated February 23, 2016 recommending the City Council adopt a resolution approving the Tentative Agreement Side Letter between the City of Antioch and Public Employees' Union Local 1.

#### **RESOLUTION NO. 2016/17**

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council unanimously adopted a resolution approving the Tentative Agreement Side Letter between the City of Antioch and Public Employees' Union Local 1.

Mayor Harper thanked City employees for their diligence and working hard to keep the community safe.

### **4. LEASE OPTION AGREEMENT BETWEEN THE CITY OF ANTIOCH AND NRG FOR THE RES-BCT SOLAR ENERGY PROJECT**

Director of Public Works/City Engineer Bernal presented the staff report dated February 23, 2016 recommending the City Council adopt the resolution authorizing the City Manager to enter into a Lease Option Agreement with NRG.

#### **RESOLUTION NO. 2016/18**

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock, the City Council unanimously adopted the resolution authorizing the City Manager to enter into a Lease Option Agreement with NRG.

## **5. CARD ROOM BALLOT INITIATIVE – BALLOT ARGUMENT**

Interim City Attorney Cole presented the staff report dated February 23, 2016 recommending the City Council: 1) Adopt the Resolution Specifying Matters for the June 7, 2016 Special Measure Election; 2) Determine whether the City Council wishes to submit a ballot argument against the initiative ordinance limiting card rooms within the City.

City Clerk Simonsen announced the City had received a letter from “Stand Up For California!” in support of the “Citizens Initiative Against Gambling Expansion”. He noted copies were made available to the City Council, staff and in Council Chambers this evening.

Alma Carney, Antioch resident, expressed concern regarding the cost of putting this item on the ballot and suggested the City utilize the funds to address public safety.

Loretta Sweatt, Antioch resident, stated she opposed current initiatives and felt they were unnecessary expenditures. She urged the City Council to make the most economically feasible decision.

Michael Payton, Antioch resident, spoke in support of the Card Room Initiative.

Wally Hesseltine, representing the owners of Kelly’s Restaurant and Card Room, reported his clients were attempting to sell the business and the initiative had affected their ability to do so. He urged the City Council delay action to give them the opportunity to present alternatives. He noted if it were impossible to delay, they preferred the initiative process.

Fred Hoskins, Antioch resident, suggested the City develop an alternative that would mitigate for the impacts of the card rooms rather than denying future applications.

Willie Mims, representing the East County NAACP and Pittsburg’s Black Political Association, suggested Council make a decision on this issue rather than expending the funds to place the item on the ballot.

Councilmember Tiscareno requested the recommended actions be considered separately by the City Council. He expressed concern that this item was brought forward by a business from outside of Antioch that wanted to dictate how City business should be conducted and monopolize gaming in the area. He explained that Council had approved a strong ordinance last year that required State approval for Card Room licenses. He stated he felt it was appropriate to let the citizen’s speak by allowing them to vote on the initiative.

Councilmember Wilson clarified that she had signed the petition and had done so because she felt the public deserved a voice on this issue. She stated she voted to send the item to the ballot as there had been a significant amount of signatures collected.

Councilmember Rocha stated the current ordinance restricted Card Room businesses to two sites in Antioch and she expressed concern that a business from outside of Antioch had organized this strategy. She stated she supported the item going to a vote of the residents as Council had already approved the existing ordinance.

Councilmember Ogorchock stated the current ordinance was strong and issues that had been brought forward had already been addressed. She noted for that reason she supported the initiative being voted on by the citizens of Antioch.

Mayor Harper stated he agreed with the comments from fellow Councilmembers.

A motion made by Councilmember Ogorchock, seconded by Councilmember Tiscareno, to adopt the Resolution Specifying Matters for the June 7, 2016 Special Measure Election was amended as follows:

**RESOLUTION NO. 2016/19**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously adopted the Resolution Specifying Matters for the June 7, 2016 Special Measure Election and amended the resolution #4 to replace "March 4, 2016" with "March 11, 2016".

Speaking to the City submitting a ballot argument against the initiative ordinance, Councilmember Wilson stated she would be abstaining as she wanted to hear the voice of the voters.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council determined they wished to submit a ballot argument against the initiative ordinance limiting card rooms within the City.

The motion carried the following vote:

*Ayes: Ogorchock, Tiscareno, Rocha and Harper*

*Abstain: Wilson*

**6. BALLOT MEASURE TO CHANGE THE CITY TREASURER FROM ELECTED TO APPOINTED**

Interim City Attorney Cole presented the staff report dated February 23, 2016 recommending the City Council: 1) Determine whether the City Council wishes to submit a ballot in favor of changing the City Treasurer from Elected to Appointed. 2) Adopt the Resolution Specifying Matters for the June 7, 2016 Primary Election Ballot Measure.

Donna Conley, City Treasurer, spoke in support of placing this measure on the June ballot.

The City Council recognized City Treasurer Conley for bringing this item forward.

**RESOLUTION NO. 2016/20**

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously 1) Determined the City Council wished to submit a ballot in favor of changing the City Treasurer from Elected to Appointed. 2) Adopted the Resolution Specifying Matters for the June 7, 2016 Primary Election Ballot Measure.

**7. COUNCIL MEMBER WILSON ALTERNATES FOR CITY COUNCIL SERVICE**

Mayor Harper introduced the item and noted staff recommended that the City Council receive Councilmember Wilson's notice that she is removing Lamar Thorpe and Patrice Guillory as Alternates to serve in her place on the City Council if she is unable to fulfill her duty as a City Council Member in times of declared emergencies.

Fred Hoskins, Antioch resident, stated he felt this issue should have been handled in private. He noted an individual should not be admonished for doing what they felt was right.

Willie Mims, representing the NAACP and Pittsburg's Black Political Association, agreed with Mr. Hoskins and noted he felt the newspapers had targeted Lamar Thorpe and Patrice Guillory. He opposed the recommendation to remove them as Alternates.

Interim City Attorney Cole clarified it was his office that had advised City Administration and the Clerk's office to agendize this matter. He explained City Code required any appointments and removals be ratified by the City Council.

Councilmember Wilson reiterated she had signed the petition willingly because she felt it had a significant amount of support by residents. She stated she supported her third Alternate, Don Freitas, serving as her sole Alternate.

Councilmember Rocha stated she supported the recommended action.

Mayor Harper stated he also supported the recommendation and suggested Councilmember Wilson consider two replacement Alternates.

Councilmember Tiscareno spoke in support of the process and Councilmember Wilson recommendation.

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock, the City Council unanimously received Councilmember Wilson's notice that she was removing Lamar Thorpe and



Patrice Guillory as Alternatives to serve in her place on the City Council if she is unable to fulfill her duty as a City Council Member in times of declared emergencies.

## **8. REMOVAL OF ECONOMIC DEVELOPMENT COMMISSION MEMBER**

Interim City Attorney Cole presented the staff report dated February 23, 2016 recommending the City Council ratify Mayor Harper's desire to remove Lamar Thorpe from the Antioch Economic Development Commission effective immediately.

Karl Dietzel and Loretta Sweatt, Antioch residents, spoke in support of removing Lamar Thorpe as an Economic Development Commissioner.

Lamar Thorpe, Antioch resident, stated he was disappointed and felt the fact he had disagreed with Council was being used to retaliate against him by removing him from the Economic Development Commission. He stated he would continue to work for Antioch and prioritize safety, economic growth, and accountability.

Fred Hoskins, Antioch resident, stated he felt this issue should have been dealt with at the Commission level and suggested retaining Mr. Thorpe as an Economic Development Commissioner.

Willie Mims, representing the NAACP and Pittsburg's Black Political Association, spoke in opposition to removing Mr. Thorpe from the Economic Development Commission. He stated he was concerned the Interim City Attorney had decided to agendize this item without consultation of the Council. He noted he felt Mr. Thorpe was a victim of political pressure by the newspaper and suggested Council listen to his side of the story.

Mayor Harper clarified he had requested this item be agendized. He explained that he had wanted to remove Mr. Thorpe from the Commission by letter; however, the Interim City Attorney advised the process was required to be agendized for the City Council to vote on.

Councilmember Rocha reported there was an incident where Mr. Thorpe had made disparaging remarks about the City of Antioch at a meeting of Elected Officials and Stakeholders. She discussed the importance of Commissioners having respect for the City they serve.

Mayor Harper stated Commissioners represented the City of Antioch. He noted to prevent any further conflict of interest; he did not feel Mr. Thorpe should serve on the Economic Development Commission especially after he had advocated on behalf of the Casino. He further noted he was concerned regarding a letter to the editor authored by Mr. Thorpe that had criticized the City Council.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously ratified Mayor Harper's desire to remove Lamar Thorpe from the Antioch Economic Development Commission effective immediately.

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Manager Duran reported on his attendance at the Contra Costa County Public Management Association meeting and the Employee Service Awards.

**COUNCIL COMMUNICATIONS**

Councilmember Wilson reported on her attendance at Pizza with Police, Legos and the Law, Cease Fire Peace Walk, and Trivia Night at Lone Tree Golf Course. She invited the City Council to attend the Earn and Learn Breakfast on March 4, 2016 sponsored by the Workforce Development Board.

Councilmember Ogorchock reported on her attendance at Pizza with Police, Legos and the Law, Cease Fire Peace Walk, and Trivia Night at Lone Tree Golf Course. She thanked Ken Turnage for donating toys for the Legos and the Law event.

Councilmember Tiscareno reported on his attendance at Pizza with Police, Legos and the Law, Cease Fire Peace Walk, Trivia Night at Lone Tree Golf Course, and the Employee Service Awards. He thanked Councilmember Ogorchock for donating toys for the Legos and the Law event.

Councilmember Rocha reported on her attendance at a lunch at the Antioch Senior Center and the grand-opening of the Antioch Health Center.

Mayor Harper reported on his attendance at the grand-opening of the Antioch Health Center and announced a Promotional Ceremony would be held at the Antioch Police Department at 3:00 P.M. on February 24, 2016. He announced Tri Delta Transit would be meeting on February 24, 2016 and Delta Diablo was a candidate for the East Bay Innovation Awards Catalyst Award.

City Clerk Simonsen stated as a result of Council action on item #8, he would announce the vacancy on the Economic Development Commission.

Mayor Harper thanked the City Council for their diligence this evening.

**ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 8:33 P.M. to the next regular Council meeting on March 8, 2016.

Respectfully submitted:

Kitty Eiden  
KITTY EIDEN, Minutes Clerk