

## CITY COUNCIL MEETING

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

**March 14, 2017**  
**Council Chambers**

### **4:00 P.M. - CLOSED SESSION**

Mayor Pro Tem Thorpe called Closed Session to order at 4:01 P.M., and Acting Deputy City Clerk Eiden called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock, and Mayor Wright (arrived at 4:03 P.M.)

### **PLEDGE OF ALLEGIANCE**

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

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8: City owned Assessors Parcel Numbers (APN No.'s): 066110009; 066101001. City and Agency Negotiator, City Manager Steve Duran; Parties – Orton/Libitzky.
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8: City owned Assessors Parcel Number (APN No.'s): 066010020; 066055001; 066041004; 066051012; 066092001; 066107010; 066107011; 066107001; 066610010; 66051001; 066051002; 066101001. City and Agency Negotiator, City Manager Steve Duran; Parties – City Ventures.
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8; Property – Humphrey's Restaurant: Agency Negotiator – City Manager; Parties – Dorothy Everett and John Jernegan.
4. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City's Labor Negotiators is authorized by California Government Code § 54957.6; City designated representatives: Nickie Mastay, Denise Haskett and Glenn Berkheimer; Employee organization: Public Employees' Union Local 1.
5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** City Manager. This closed session is authorized pursuant to Government Code section 54957.
6. **PUBLIC EMPLOYEE APPOINTMENT:** Recruitment of City Manager. This closed session is authorized pursuant to Government Code section 54957.
7. **PUBLIC EMPLOYEE DISMISSAL.** This closed session is authorized pursuant to Government Code section 54957.

- 8. CONFERENCE WITH LABOR NEGOTIATORS.** This closed session is authorized pursuant to Government Code section 54957.6. City designated representatives: Nickie Mastay, Michael Vigilia, Cepideh Roufougar. Employee Organization: Unrepresented Employee – City Manager.

### **PUBLIC COMMENT**

Nancy Fernandez, Antioch resident, spoke regarding closed session agenda items related to CONFERENCE WITH REAL PROPERTY NEGOTIATORS requesting Council end and postpone negotiations for these properties. With regards to #7 PUBLIC EMPLOYEE DISMISSAL on the closed session agenda, she voiced her support for the dismissal of City Manager Duran.

Jim Conley, Antioch resident, spoke regarding #5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION, and, #7 PUBLIC EMPLOYEE DISMISSAL on the closed session agenda suggesting Council consider all options for the retirement or dismissal of City Manager Duran.

Mr. Resident, Antioch resident, spoke regarding items #5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION, #6 PUBLIC EMPLOYEE APPOINTMENT; and, #7 PUBLIC EMPLOYEE DISMISSAL on the closed session agenda suggesting Mayor Wright recuse himself from the considerations of these items. He announced that there may be a referral to the Grand Jury regarding Closed Session items that were discussed.

Mayor Wright read written comment from Joe Lamont, Susan Welch, Joette Bright, Donald Bright, Jennifer Hughes and Katie Cook, Antioch residents, in support of the dismissal of City Manager Duran.

Ralph Hernandez, Susan Martinez, Richard Pagano representing the Antioch Chamber of Commerce, Terry Ramus, Norma Hernandez, Dr. Jeffery Klingler, Mark Jordan, Lee Ballesteros, John Ballesteros, Rick Stadtlander, Sal Sbranti, Joy Motts and Brian Bellante spoke regarding items #5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION, #6 PUBLIC EMPLOYEE APPOINTMENT; and, #7 PUBLIC EMPLOYEE DISMISSAL on the closed session agenda requesting Council dismiss City Manager Duran.

Gordon Gravelle spoke regarding items #5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION, #6 PUBLIC EMPLOYEE APPOINTMENT; and, #7 PUBLIC EMPLOYEE DISMISSAL on the closed session agenda suggesting Council consider all the facts and risks associated with possible litigation should they vote to dismiss City Manager Duran.

John Reynolds, speaking on behalf of Chloe Reynolds, stated she was in support of a park for the Beede Lumber Yard parcel.

Tom Lamothe, Antioch resident and business owner, and Holly Cuzic spoke in support of Council and expressed concern regarding the risks associated with possible litigation for dismissing City Manager Duran.

City Attorney Vigilia announced two items of correction for the Closed Session Agenda; with respect to item **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS** the parcel number 066-610-010 was corrected to 066-061-010 and parcel numbers 066-061-009 and 066-010-020 were added. With respect to item **#8 CONFERENCE WITH LABOR NEGOTIATORS** he reported Interim City Manager/Public Works Director/City Engineer Bernal and Michael Christian were added as the City designated representatives.

Mayor Wright adjourned to Closed Session at 4:56 P.M.

City Attorney Vigilia reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, Continued to March 28, 2017, **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, Continued to March 28, 2017, **#3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, Continued to March 28, 2017, **#4 CONFERENCE WITH LABOR NEGOTIATORS**, Continued to March 28, 2017, **#5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, No action taken, **#6 PUBLIC EMPLOYEE APPOINTMENT**, No action taken (this was later corrected by City Attorney Vigilia to Direction given to staff), **#7 PUBLIC EMPLOYEE DISMISSAL**, Council by a 3/2 vote terminated City Manager's Employment Agreement, Councilmembers Ogorchock and Tiscareno voting no; and, **#8 CONFERENCE WITH LABOR NEGOTIATORS**, No reportable action.

Mayor Wright called the meeting to order at 8:00 P.M., and Acting Deputy City Clerk Eiden called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock, and Mayor Wright

### **PLEDGE OF ALLEGIANCE**

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

### **PROCLAMATIONS**

#### *American Red Cross Month, March 2017*

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

Mayor Wright presented the proclamation to Breanna Taylor, representing the American Red Cross, who thanked the City Council for the proclamation and discussed services they provide the community.

#### *Prescription Drug Abuse Awareness Month, March 2017*

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

Mayor Wright presented the proclamation to Alanna Everhart, Center of Human Development, who thanked the City Council for the proclamation and invited the community to participate in the Dose of Awareness 5K Walk and Health Expo from 1:00 P.M. – 3:30 P.M. on March 26, 2017 at Ygnacio Valley Park in Concord.

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

Dr. Stacey Duckett and the Antioch Rotary Club announced the Annual Bunny Hop 5K would be held on April 15, 2017. They thanked Sutter Delta and Randy Fischback representing Dow Chemical, for sponsoring the event. She announced proceeds would benefit local school programs and bib pickup would be held from 4:00 P.M. – 7:00 P.M. on April 14, 2017 at the Somersville Towne Center.

Councilmember Ogorchock announced a Canned Food Drive sponsored by DAV Chapter #154 and Antioch VFW Post #6435 would be held at 10:00 A.M. on April 1, 2017. She noted items collected would be distributed to local homeless Veterans.

Mayor Wright thanked Councilmember Ogorchock for her participation in the event.

## **PUBLIC COMMENTS**

Nancy Fernandez, Antioch resident, thanked Councilmembers who voted for terminating the City Manager's employment contract.

Randy Fischback, Government and Public Affairs Dow Chemical, thanked the Rotary Club for the recognition and reviewed programs they provide in the community. Contact information was given. He announced the merger of Dow Chemical and Dupont was on track.

Juan Pablo Galvan, Save Mount Diablo, reported the forum held on the Sand Creek Focus Area was very successful. He provided Council with comment cards from those who attended the event and suggested the City conduct further outreach.

Joe Bosman, owner of 701 Wilbur Avenue, reported he had twenty-five (25) people living on his property who would become homeless due to recent Code Enforcement action. He stated his parcel was consistent with the City's consolidated plan and he was willing to work through all outstanding issues with the City.

Mayor Wright encouraged Mr. Bosman to work with staff.

Frank Sterling, Antioch resident, thanked those who voted to terminate the City Manager's employee agreement. He spoke in support of maintaining the City's open space and suggested all police statistics be included in the City Manager's reports.

Karen Whitestone, East Bay California Native Plant Society, reported she participated in the public forum for the Sand Creek Focus Area. She spoke in support of more acreage designated

as open space with increased buffers along Sand Creek. She suggested surveys be floristic and offered to provide a list of plants that would likely to be found in the Sand Creek focus Area.

Ken Turnage II, Antioch resident, expressed his disapproval of the audience for applauding the termination of a City employee.

Willie Mims, East County NAACP, agreed with Mr. Turnage. He suggested an announcement be made when Council meetings were delayed. He announced Black Emancipation Day would be held on April 17, 2017.

### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Thorpe reported on his attendance at the committee meeting for the Recruitment of the City Manager.

Councilmember Wilson reported on her attendance at the Chamber of Commerce Government Affairs committee meeting.

Mayor Wright reported on his attendance at Delta Diablo and Transplan committee meetings.

### **MAYOR'S COMMENTS**

Mayor Wright stated he looked forward to working as a team with staff to move forward and take Antioch in a positive direction. Speaking to comments in the press, he stated he was unable to remark; however, many allegations were in response to Council's action this evening. He acknowledged the public for their patience and volunteerism.

### **PRESENTATION**

*Public Engagement, presented by Rolando A. Bonilla, Chief Strategy Officer*

Rolando A. Bonilla, Chief Strategy Officer, Voler Strategic Advisors, gave a Communications and Public Relations Support for City of Antioch presentation.

In response to Council, Mr. Bonilla discussed community engagement and his interest in working with the City of Antioch. He spoke to their involvement with the City of San Pablo.

- 1. COUNCIL CONSENT CALENDAR**
  - A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 28, 2017**
  - B. APPROVAL OF COUNCIL WARRANTS**
  - C. REJECTION OF CLAIM: TONY HENDRIX**
  - D. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2017**

- E. **RESOLUTION NO. 2017/25 FIRST AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH MUNICIPAL RESOURCE GROUP LLC FOR ECONOMIC DEVELOPMENT AND PROPERTY DEVELOPMENT PROJECTS**
- F. **CITY CLERKS ASSOCIATION OF CALIFORNIA ANNUAL CONFERENCE AND ADVANCED ACADEMY**

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

## **PUBLIC HEARING**

### **3. STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM**

Interim City Manager/Public Works Director/City Engineer Bernal presented the staff report dated March 14, 2017 recommending the City Council adopt a resolution authorizing the City to join the Statewide Community Infrastructure Program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct special assessment proceedings and levy assessments within the territory of the City of Antioch; approving form of acquisition agreement for use when applicable; and authorizing related actions.

Finance Director Merchant introduced Bob Williams who explained the Statewide Community Infrastructure Program (SCIP).

In response to Councilmember Thorpe, City Attorney Vigilia explained Mello Roos and Community Facilities Districts were the same thing.

In response to Councilmember Wilson, Mr. Williams explained that if Council passed the resolution, the developer would submit an application and the City would have the option on whether to approve it or not.

Mayor Wright opened the public hearing.

Tim McCall stated he felt this program was a mechanism for developers to pass hidden costs to homeowners.

Walter Schlueter, Antioch resident, questioned if the assessment would qualify as a deduction for income taxes.

Mr. Williams responded that interest would be tax deductible.

Mayor Wright closed the public hearing.

Mayor Wright and Councilmembers Ogorchock and Tiscareno voiced their support for the Statewide Community Infrastructure Program (SCIP) program.

**RESOLUTION NO. 2017/26**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the Council adopted a resolution authorizing the City to join the Statewide Community Infrastructure Program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct special assessment proceedings and levy assessments within the territory of the City of Antioch; approving form of acquisition agreement for use when applicable; and authorizing related actions.

*Ayes: Wilson, Tiscareno, Ogorchock, Wright*

*Noes: Thorpe*

- 4. APPEAL OF UP-16-10, AR-16-06, V-16-04 – A ST. MINI-MART – AMANDEEP SINGH, APPELLANT AND APPLICANT, HAS APPEALED THE FEBRUARY 15, 2017 PLANNING COMMISSION DENIAL OF A USE PERMIT, DESIGN REVIEW, AND VARIANCE APPLICATION TO OPERATE AN APPROXIMATELY 1,200 SQUARE FOOT CONVENIENCE STORE, INCLUDING THE RENOVATION OF THE EXISTING BUILDING ON SITE. THE PROJECT SITE IS LOCATED AT 2302 A STREET (APN 067-275-023).**

Director of Community Development Ebbs presented the staff report dated March 14, 2017 recommending the City Council postpone the item indefinitely. A new public hearing notice will be mailed if and when the item is rescheduled.

Mayor Wright opened and closed the public hearing with no members of the public requesting to speak.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council unanimously postponed the item indefinitely.

**COUNCIL REGULAR AGENDA**

- 5. RESOLUTION APPROVING THE SERVICES AGREEMENT WITH ARTS AND CULTURAL FOUNDATION OF ANTIOCH; PROVIDE DIRECTION TO STAFF FOR FISCAL YEAR 2017-2019 BUDGET**

Director of Parks and Recreation Kaiser presented the staff report dated March 14, 2017 recommending the City Council adopt the resolution approving the services agreement with the Arts and Cultural Foundation of Antioch, and provide direction to staff for funding in the Fiscal Year 2017-2019 budget.

Diane Gibson-Gray, Executive Director of the Arts and Cultural Foundation of Antioch, reported she currently worked three days per week which matched funding. She thanked the City for their financial support and reported they had two years of funding remaining.

Councilmember Ogorchock requested Council consider additional funding for the Arts and Cultural Foundation during budget review.

Councilmember Wilson requested staff provide Council with a presentation on the Transit Occupancy Tax.

Councilmember Tiscareno supported consideration of additional funding for the Arts and Cultural Foundation.

**RESOLUTION NO. 2017/27**

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council unanimously adopted the resolution approving the services agreement with the Arts and Cultural Foundation of Antioch, and provided direction to staff for funding in the Fiscal Year 2017-2019 budget.

**6. UPDATE ON THE STATUS OF DISC GOLF RECREATION**

Director of Parks and Recreation Kaiser presented the staff report dated March 14, 2017 recommending the City Council receive the report on disc golf in Antioch and direct staff.

Bob Liles, Antioch resident, stated they were prepared to move forward with installation of the facility as soon as the biologist report was submitted and agreement was drafted by City Attorney Vigilia.

Councilmember Tiscareno stated he supported the project and the City finalizing the agreement as soon as possible.

In response to Councilmember Thorpe, Director of Parks and Recreation Kaiser reported the disc golf group had raised all of the funds and arranged for the Antioch Youth Sports group to serve as a host agency to be their administrative and fiscal agent. She noted they had not submitted an application as the City was treating it as a partnership agreement.

Councilmember Thorpe stated he supported more recreational opportunities for the community; however, he was concerned other community members proposing a park downtown were treated differently.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council unanimously received the report and directed staff to move forward to finalize the agreement.

**7. SECOND AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR INITIAL PLANNING AND FUNDING ASSISTANCE FOR THE BRACKISH WATER DESALINATION PROJECT (P.W. 694)**

Interim City Manager/Public Works Director/City Engineer Bernal presented the staff report dated March 14, 2017 recommending the City Council adopt a resolution authorizing the City Manager to execute the Second Amendment to the Consultant Service Agreement with Carollo Engineers, Inc. for Phase III of Initial Planning and Funding Assistance for the Brackish Water Desalination Project in the amount of \$797,555 for a total contract amount of \$1,099,071.

Councilmember Wilson stated this project may qualify for funds from Prop 39 as well as other propositions.

In response to Mayor Wright, Interim City Manager/Public Works Director/City Engineer Bernal explained they would not be proposing any water or sewer rate increases this year. He stated he could have the consultant make a presentation on the project, to Council, with the draft CIP.

Councilmember Ogorchock stated she supported Mayor Wright and Councilmember Thorpe having a conversation regarding this project; however, she noted she did not want to lose momentum going forward.

Mayor Wright and Councilmember Thorpe stated that while they supported a desalinization project, they did not feel knowledgeable enough at this time to approve the expenditure.

**RESOLUTION NO. 2017/28**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the Council adopted a resolution authorizing the City Manager to execute the Second Amendment to the Consultant Service Agreement with Carollo Engineers, Inc. for Phase III of Initial Planning and Funding Assistance for the Brackish Water Desalination Project in the amount of \$797,555 for a total contract amount of \$1,099,071. The motion carried the following vote:

*Ayes: Wilson, Tiscareno, Ogorchock*

*Noes: Thorpe, Wright*

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Attorney Vigilia corrected his report out of Closed Session as follows: **#6 PUBLIC EMPLOYEE APPOINTMENT**, Direction was given to staff.

**COUNCIL COMMUNICATIONS**

Councilmember Ogorchock thanked Public Works for repairing the retaining walls on Contra Loma and James Donlon Boulevards. She requested staff look into repairing the wooden boxes around the utilities. She announced she had filed a Brown Act violation and possible Serial meeting.

Councilmember Thorpe reported he was hosting listening forums on the Sand Creek Focus Area at 7:00 P.M. on March 16, 2017 and 10:00 A.M. on March 18, 2017 at Lone Tree Elementary School.

Councilmember Tiscareno congratulated the new Antioch Police Officer Ryan Duff. He announced Gotta Eatta Pita held their grand opening and he encouraged residents to patronize the business.

Councilmember Ogorchock requested Brown Act Violations be agendized as soon as possible.

**ADJOURNMENT**

With no further business, Mayor Wright adjourned the meeting at 10:05 P.M. to the next regular Council meeting on March 28, 2017.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk