

**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 25, 2017
Council Chambers**

6:30 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(1): Contra Costa Flood Control and Water Conservation District v. Gary A. Eames, Contra Costa Superior Court Case No. C15-02052.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, By 3/0 vote (Councilmembers Wilson and Thorpe absent), direction was given to City Attorney to file request for arbitration.

Mayor Wright called the meeting to order at 7:02 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

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

1. PROCLAMATION

Chichibu Sister City 50th Anniversary

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno the Council members present unanimously approved the Proclamation.

Mayor Wright reported he returned from Chichibu, Japan today where he participated in the Signing Ceremony with Sister City Mayor Kuniyasu Kuki in celebration of the 50th Anniversary of the Sister City Program. He displayed gifts presented to the City of Antioch from the delegation in Japan.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Cleona Butler, President of the Antioch Senior Center, announced an Ice Cream Social fundraiser would be held 2:00 P.M. – 3:30 P.M. on July 29, 2017 at the Antioch Senior Center.

Councilmember Ogochock announced an Antioch Family Fair would be held from 10:00 A.M. – 5:00 P.M. on August 26, 2017 at Somersville Towne Center. Additionally, Somersville Towne

Center would be hosting Car Shows on Friday nights from 5:00 P.M. – 9:00 P.M. and this week, they would be displaying the Tesla Model X from 6:00 P.M. to 8:00 P.M.

PUBLIC COMMENTS

Debbie Blaisure, owner of Oddly Unique and Rivertown Treasure Chest, reported their store was broken into and their cash box was taken on July 23, 2017. She commented that a police officer indicated they would increase patrols in the area; however, their security had not observed them patrolling the area. She requested a meeting with the City to discuss increasing security in the area.

COUNCIL SUBCOMMITTEE REPORTS - None

MAYOR'S COMMENTS

Mayor Wright reported he had spent the last two weeks in Antioch's Sister City, Chichibu, Japan, which was a great experience. He noted that residents participating in the program paid their own way.

2. **COUNCIL CONSENT CALENDAR *for City /City as Successor Agency/Housing Successor to the Antioch Development Agency***
- A. **APPROVAL OF COUNCIL MINUTES FOR JUNE 27, 2017**
- B. **APPROVAL OF COUNCIL WARRANTS**
- C. **REJECTION OF CLAIM: REJECTION OF APPLICATION FOR LEAVE TO PRESENT LATE CLAIM OF ELLEN FRANK**
- D. **APPROVAL OF TREASURER'S REPORT FOR JUNE 2017**
- E. **RESOLUTION NO. 2017/85 FINAL ACCEPTANCE OF THE ZONE 1 TRANSMISSION PIPELINE REHABILITATION AT HIGHWAY 4 (P.W. 701)**
- F. **RESOLUTION NO. 2017/86 APPLICATION TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO OBTAIN A WATER DESALINATION GRANT FOR THE BRACKISH WATER DESALINATION PROJECT (P.W. 694)**
- G. **RESOLUTION NO. 2017/87 CONSIDERATION OF BIDS FOR THE CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS AT MISCELLANEOUS LOCATIONS (2017-2018) (P.W. 507-16)**

- H. CITY CLERKS WORKSHOP AND LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE & EXPO
- I. **RESOLUTION NO. 2017/88** APPROVING THE CLASS SPECIFICATION UPDATES WITH NO SALARY CHANGES

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

J. APPROVAL OF HOUSING SUCCESSOR WARRANTS

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

PUBLIC HEARING / HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY

3. URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH IMPOSING A MORATORIUM ON THE CONVERSION OF MOBILE HOME PARKS FROM SENIOR-ONLY TO ALL-AGES HOUSING

Interim City Attorney Cole discussed the manner in which the Public Hearing would be conducted. He announced an urgency ordinance required 4/5 vote of the Council and with only three Council members present, he recommended Council open the Public Hearing, allow speakers and continue the Public Hearing to a specific date.

Mayor Wright opened the public Hearing.

Lola Buck, President of the Vista Diablo Homeowners Association, thanked Council for their support and reported repairs had commenced since the last City Council meeting; however, deferred maintenance items remained. She urged Council to enact the urgency ordinance on August 8, 2017. She discussed an issue in which a resident's lease was to be increased 5 percent; however, after signing, they noticed management had enacted a 10 percent increase. Several members of the audience raised their hands indicating they were residents of Vista Diablo Mobile Home Estates and in support of Ms. Buck's comments.

Jerry Coffel, Vista Diablo resident representing the Golden State Manufactured Homeowners League, thanked staff for the report and voiced his support for the recommended action. He noted the park was created as a planned senior mobile home community and there were no amenities for children. In addition, he noted mobile homes were not built for more intense uses. He expressed concern for the increase demand on City services should the park be converted and encouraged Council to view a newspaper article related to the negative impacts of increased housing costs.

Gilbert Davis, Vista Diablo resident, stated the City did not have a sufficient amount senior housing. He reported that regardless of a moratorium requiring the owners of the Vista Diablo to

maintain it as a senior community, management had allowed families, with children under the age of 18, to move into the park. He noted that the owners should be required to respond to the violation. He spoke in support of maintaining the park as a senior community.

Mayor Wright closed the public hearing

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously continued the Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing to August 8, 2017.

4. CONSIDERATION OF FUNDING RECOMMENDATIONS WHICH COMPRISE THE 2017-18 ACTION PLAN FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOUSING SUCCESSOR AGENCY (AGENCY) FUNDS; DRAFT 2016-20 CONTRA COSTA CONSORTIUM ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AI) AND REVISIONS TO THE CITY'S CITIZEN'S PARTICIPATION PLAN, LANGUAGE ASSISTANCE PLAN, AND RESIDENTIAL ANTI-DISPLACEMENT & RELOCATION ASSISTANCE PLAN

City Manager Bernal introduced Public Hearing Item #4.

CDBG/Housing Consultant House presented the staff report dated July 25, 2017 recommending the City Council 1) Approve the funding recommendations of the CDBG subcommittee and adopt the Resolution approving the draft fiscal year (FY) 2017-18 Action Plan. 2) It is recommended the Housing Successor to the Antioch Development Agency approve the funding recommendations of the CDBG subcommittee and adopt the Resolution approving Housing Successor funding for homeless services outlined in the 2017-18 Action Plan. 3) It is recommended the City Council adopt the Resolution approving the Contra Costa Consortium 2016-2020 Analysis of Impediments to Fair Housing Choice. 4) It is recommended that the City Council adopt the Resolution approving the City's CDBG City's Citizen's Participation Plan, Language Assistance Plan, and Residential Anti-Displacement & Relocation Assistance Plan.

In response to City Clerk Simonsen, CDBG/Housing Consultant House clarified the Analysis of Impediments was over 200 pages so the web link was referenced in the staff report, as she had been instructed.

City Clerk Simonsen requested a copy of the Analysis of Impediments to attach to the resolution.

Mayor Wright opened the public hearing.

Kaushal Sharma, Antioch resident, Carlos Garcia, Antioch resident, Catherine Lyons, Antioch resident, and Analisa Nunez Aviles, Oakley resident representing Biotech Partners, spoke in support of the Workforce Development Program and the positive impact it had on their career

aspirations. They requested the City Council reconsider the recommendation for funding Biotech Partners.

Shanrel Steen, Antioch resident, representing Opportunity Junction, thanked the City Council for their support of their program and discussed the services they provided participants. She announced applications for the next class would begin in August.

Lynda Gayden, San Ramon resident and Executive Director for Bio Tech Partners, thanked the CDBG Committee for reviewing their proposal. She gave an overview of the program and stated they would appreciate if Council would reconsider funding for their program.

CDBG/Housing Consultant House read comments from the following individuals: Ann Wrixon, Executive Director, Court Appointed Special Advocates, Elaine Clark Executive Director, Senior Outreach Services, Nicole Howell, Executive Director, Ombudsman Services of Contra Costa, and Walt Middleton, Contra Costa Crisis Center, who supported the funding recommendations and thanked the City Council for their support.

Mayor Wright closed the public hearing.

Councilmember Ogorchock stated funding recommendations were difficult to make as there were many worthy applicants.

Councilmember Tiscareno stated that it was a privilege to interview the applicants who were all providing great services; however, funding was limited and they were unable to fulfill every request. He commended Biotech and the students on their success.

Mayor Wright thanked Councilmembers Ogorchock and Tiscareno for serving on the CDBG subcommittee and noted he understood how difficult it was to make funding recommendations. He stated he supported the recommendations, thanked Biotech for doing a great job, and committed to support their efforts to seek funding for their program.

RESOLUTION NO. 2017/89

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council members present unanimously approved the funding recommendations of the CDBG subcommittee and adopted the Resolution approving the draft fiscal year (FY) 2017-18 Action Plan.

RESOLUTION NO. 2017/90

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Housing Successor to the Antioch Development Agency unanimously approved the funding recommendations of the CDBG subcommittee and adopted the Resolution approving Housing Successor funding for homeless services outlined in the 2017-18 Action Plan.

RESOLUTION NO. 2017/91

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council members present unanimously adopted the Resolution approving the Contra Costa Consortium 2016-2020 Analysis of Impediments to Fair Housing Choice.

RESOLUTION NO. 2017/92

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council members present unanimously adopted the Resolution approving the City's CDBG City's Citizen's Participation Plan, Language Assistance Plan, and Residential Anti-Displacement & Relocation Assistance Plan.

5. ORDINANCE AMENDING TOBACCO AND PARAPHERNALIA RETAILER REGULATIONS BY REPEALING ANTIOCH CITY CODE SECTIONS 5-16.01 AND 6-8.14, AND REPEALING AND REPLACING SECTIONS 9-5.203 AND 9-5.3843 (FIRST READING) *Continued from 06/27/17*

City Manager Bernal introduced Public Hearing Item #5

City Clerk Simonsen announced the Clerk's office received two letters from American Petroleum and Convenience Store Association (APCA) and a letter from Randy Uang Director of Tobacco Prevention and Control Services. He noted copies were distributed to Council and staff and available for the public in Council Chambers.

Director of Community Development Ebbs presented the staff report dated July 25, 2017 recommending the City Council introduce the Ordinance amending City regulations regarding tobacco and paraphernalia retailers by prohibiting new tobacco and paraphernalia retailer businesses, subject to certain exceptions, and establishing legal non-conforming use procedures for established Tobacco and Paraphernalia Retailer businesses. He reported that there was a minor revision regarding amortization only applying to stores having twenty percent or more of their floor area devoted to the sale or display of tobacco products.

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

City Attorney Cole read into the record the revised language for Section 6, paragraph (D) as outlined in the memorandum stated July 25, 2017.

City Clerk Simonsen suggested Council recess to allow staff time to provide the public and Clerk with copies of the revised language for the ordinance.

Mayor Wright declared a recess at 8:22 P.M. The meeting reconvened at 8:31 P.M. with all Councilmembers present with the exception of Councilmembers Wilson and Thorpe who were

previously noted as absent. He announced copies of the revised language for the ordinance were available for the public.

Councilmember Ogorchock spoke in support of the ordinance with the amended language. She noted the City had done their due diligence in sending out the agendas and if business owners had questions regarding items before Council, they should reach out to the City for a response.

Councilmember Tiscareno stated he agreed with Councilmember Ogorchock's comments and spoke in support of the ordinance. He noted the existing businesses had had sufficient time to reach out to the City regarding their concerns.

In response to Councilmember Tiscareno, Director of Community Development Ebbs reviewed regulations detailed in the draft ordinance.

Interim City Attorney Cole added interfamilial transfers would be protected.

Councilmember Ogorchock stated this ordinance addressed a safety issue for the children and a quality of life issue for the City.

In response to Councilmember Tiscareno, Director of Community Development Ebbs clarified the ordinance as written restricted hookah lounges; however, Council could consider amending the ordinance in the future should it become an issue. Additionally, he noted staff would be pursuing a separate effort related to smoking.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the Councilmembers present unanimously introduced the Ordinance amending City regulations regarding tobacco and paraphernalia retailers by prohibiting new tobacco and paraphernalia retailer businesses, subject to certain exceptions, and establishing legal non-conforming use procedures for established Tobacco and Paraphernalia Retailer businesses including changes to Section 6, "D" regarding non-conforming uses.

6. ALMOND KNOLLS MULTI-FAMILY RESIDENTIAL DEVELOPMENT (GP-16-03, Z-16-02, UP-16-19, V-17-02, AR-16-14)

City Manager Bernal introduced Public Hearing Item #6.

Director of Community Development Ebbs discussed the benefits of infill development.

Contract Planner Valente presented the staff report dated July 25, 2017 recommending the City Council take the following actions: 1) Adopt the Resolution adopting the Almond Knolls Project Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project. 2) Adopt the Resolution approving a General Plan Amendment amending the land use designation for the project site from Neighborhood Commercial and Medium Low Density Residential to High Density Residential. 3) Introduce the Ordinance approving a rezone of the

project site from R-6, R-20, and C-2 to R-20 only. 4) Adopt the Resolution approving a tentative parcel map for condominium purposes to allow the potential future sale of the proposed residential units, a variance to allow a six-foot tall view fence and vehicle gates along Worrell Road, a use permit for multi-family development, and design review, subject to conditions of approval.

Mayor Wright opened the Public Hearing.

City Clerk Simonsen announced the Clerk's office received a letter this afternoon from Antioch resident, Mark Jordan and copies were provided to Council.

Kyle Masters, Grupe Company, thanked staff for their review of the project. He reported a single family project was not economically viable; however, a multifamily use project would work on the site. He noted they had met with staff and Council who had encouraged them to move forward with a full entitlement package. He gave a Power Point presentation of the Almond Knolls site plan and project details.

Rosanna Hoch, Antioch resident, voiced their opposition to the project due to the lack of overflow parking, inadequate drainage and for the fact that it would displace wildlife living in the area. She encouraged Council to view the property prior to making their decision, restrict the project to two stories and designate the project as senior development.

Joseph Zamora, Antioch resident, gave a brief history of his investments in Antioch real estate and stated he was in favor of project.

Jimmy Odom, Jim Odom Estate, speaking on behalf of his father's estate, stated the property had been in the family for an extended amount of time and needed to be developed. He noted that the project was a good opportunity; well thought out and the impacts would be minimal. He encouraged Council to approve the project.

James Patton, Antioch resident, read a letter he submitted regarding his responses to the Planning Commission's consideration of the proposed Almond Knolls apartment project. He noted his letter also offered proposed solutions to his concerns.

Gregory Turk, Antioch resident, stated he was opposed to the project due to the increased traffic, safety issues related to children going to school and privacy concerns. He noted that he was not included in discussions with the applicant regarding this development.

Tim Broderick, Antioch resident, stated he was opposed to high density development noting that it was a nonconforming and incompatible use in the area. He further noted traffic would intensify and he was concerned it would create a target rich environment for criminal activity.

Bob Serb, Antioch resident, expressed concern for the increased traffic congestion and stated he was opposed to multifamily development in this area.

REBUTTALS

Kyle Masters, Grupe Company reported they had held several neighborhood meetings, sent out invitations within a 700-foot radius and he had personally hand delivered flyers to property owners within the same area. He stated approximately 30 people attended the first meetings and they had worked out the issue regarding the property line with residents on Hillside Road. He noted 31 of the 58 units were one bedroom units; therefore, the parking they had provided was more than adequate. Speaking to the height of the buildings, he clarified the development stair-stepped onto Hillside Road; therefore, he believed the structure height would not be significant.

Rosanna Hoch, Antioch resident, reiterated her concern regarding proper drainage on the property. She stated all the existing neighbors were opposed to the project and requested Council consider their requests. She expressed concern that the slope area between the existing fencing and the apartment sound wall would be an attractive nuisance for the homeless.

Mayor Wright closed the public hearing.

In response to Councilmember Tiscareno, Assistant City Engineer Filson reviewed trip generation rates for the project and noted that the project did not require a traffic study; however, the Planning Commission requested one be conducted.

Director of Community Development Ebbs stated the project would not warrant a noise study as residential uses were minimal noise producers. He reviewed parking requirements per the Antioch Municipal Code.

Contract Planner Valente added that the project exceeded parking requirements by one space and included 12 guest spaces. He reported the drainage plan had been addressed, reviewed and approved by staff.

Assistant City Engineer Filson reviewed the drainage plan for the project.

In response to Councilmember Tiscareno, Mr. Masters stated they would secure both ends between the fences and maintenance would address any issues in the area immediately, provided they had permission from the property owners. In addition, he noted if property owners wanted to remove their fence during construction, they would participate in that effort. He further noted with regards to the parking ratio, they believed they were over-parked for the project's target market. He provided a brief history of the company and their marketing strategies.

Councilmember Tiscareno stated he believed the project would eliminate a blighted area and improve home values in the area.

In response to Councilmember Tiscareno, Interim City Attorney Cole clarified that the City's authority was over land use and not business practices. He noted the City had the municipal authority to regulate health, safety and welfare provided it was applicable to all similar

establishments in the City. He further noted there were options to deal with broader concerns, however; it would require extensive analysis by staff.

In response to Councilmember Ogorchock, Mr. Masters stated they would be participating in and paying the fee for, the Community Facilities District. He committed to adding security cameras and noted an onsite management was not financially feasible; however, they would be monitoring the site to assure it was maintained properly. He noted they would post contact information for the management company on site.

Councilmember Ogorchock reported homelessness had been an issue on the property and in the surrounding area. She stated she believed the project would provide an opportunity to increase homes values in the neighborhood.

In response to Councilmember Ogorchock, Mr. Masters stated they would be building the project to condominium specifications so that they could be converted when the market deemed it was appropriate.

Councilmember Ogorchock responded that often the renters purchased the units when a project was converted and she believed more transit-oriented development would occur in conjunction with the BART station opening.

In response to Councilmember Ogorchock, Mr. Masters stated the Covenants, Conditions, and Restrictions (CC&Rs) and Homeowners Association (HOA) would be activated when they processed their condominium plan.

In response to Mayor Wright, James Patton, Antioch resident, offered his proposed solutions to the residents' concerns which included decreasing the amount of dwellings, requiring the developer to maintain a presence and selling owner occupied units at the beginning of the development.

In response to Mayor Wright, Director of Community Development Ebbs explained vacant lots were a magnet for trespassing issues and blight.

In response to Mayor Wright, Mr. Masters stated it was their intention for this property to be part of the company's long term hold strategy. With regards to leasing out the property, he stated if initially they were unsuccessful, they would change how they marketed the development. He explained the parking ratio met the requirements from 10 years ago and this development was geared toward young professionals.

Councilmember Tiscareno spoke in support of the future conversion of the project to a condominium development and noted the City lacked inventory for young professionals. He encouraged the developer to communicate with adjacent neighbors.

RESOLUTION NO. 2017/94
RESOLUTION NO. 2017/95

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock the Council members present unanimously 1) Adopted the Resolution adopting the Almond Knolls Project Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project. 2) Adopted the Resolution approving a General Plan Amendment amending the land use designation for the project site from Neighborhood Commercial and Medium Low Density Residential to High Density Residential. 3) Introduced the Ordinance approving a rezone of the project site from R-6, R-20, and C-2 to R-20 only. 4) Adopted the Resolution approving a tentative parcel map for condominium purposes to allow the potential future sale of the proposed residential units, a variance to allow a six-foot tall view fence and vehicle gates along Worrell Road, a use permit for multi-family development, and design review, subject to conditions of approval.

Mayor Wright declared a recess at 10:11 P.M. The meeting reconvened at 10:21 P.M. with all Councilmembers present with the exception of Councilmembers Wilson and Thorpe who were previously noted as absent.

COUNCIL REGULAR AGENDA

7. BOARD OF ADMINISTRATIVE APPEALS APPOINTMENT FOR ONE (1) ALTERNATE MEMBER VACANCY, 2-YEAR TERM, EXPIRING JULY 2019

City Manager Bernal introduced Regular Agenda Item #7.

Mayor Wright nominated Farideh Faraji for the Alternate Member vacancy expiring July 2019.

RESOLUTION NO. 2017/96

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council members present unanimously appointed Farideh Faraji for the Alternate Member vacancy expiring July 2019.

8. RESOLUTION AMENDING THE 2017 MASTER FEE SCHEDULE TO INCLUDE DISCOUNTED PROMOTIONAL FEES OF A LIMITED DURATION FOR RECREATION AND COMMUNITY SERVICES

City Manager Bernal introduced Regular Agenda Item #8.

Director of Parks and Recreation Kaiser presented the staff report dated July 25, 2017 recommending that the City Council adopt the resolution amending the 2017 Master Fee Schedule to include discounted promotional fees for a limited duration for recreation and community services.

RESOLUTION NO. 2017/97

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the Councilmembers present unanimously adopted the resolution amending the 2017 Master Fee Schedule to include discounted promotional fees for a limited duration for recreation and community services.

9. RESOLUTION FOR AN EXCEPTION TO THE 180-DAY WAIT PERIOD FOR POST-RETIREMENT EMPLOYMENT

City Manager Bernal introduced Regular Agenda Item #9.

Administrative Services Director Mastay presented the staff report dated July 25, 2017 recommending the City Council adopt a resolution for an exception to the 180-day wait period for post-retirement employment regarding the Water Quality Analyst position.

RESOLUTION NO. 2017/98

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the Council members present unanimously adopted a resolution for an exception to the 180-day wait period for post-retirement employment regarding the Water Quality Analyst position.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS - None

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 10:27 P.M. to the next regular Council meeting on August 8, 2017.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk