

**CITY COUNCIL MEETING
INCLUDING THE ANTIOCH CITY COUNCIL
ACTING AS SUCCESSOR AGENCY TO THE
ANTIOCH DEVELOPMENT AGENCY**

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

**August 22, 2017
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** City Manager. This closed session is authorized pursuant to Government Code section 54957.
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** This closed session is authorized pursuant to Government Code Paragraph (1) of subdivision (d) of Section 54956.9. Name of case: In the Matter of the Decision of the Agricultural Commissioner of Contra Costa County, Department of Pesticide Regulation, Administrative Docket No. 210.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, No reportable action; and, **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Council authorized reportable action – Filing of an appeal in Superior Court of the decision of the Department of Pesticide Regulation, Ayes Ogorchock, Tiscareno/ Noes: Thorpe/ Abstain: Wilson.

Mayor Pro Tem Thorpe called the meeting to order at 7:00 P.M., and Minutes Clerk Eiden called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATION

Stand Down on the Delta 2017

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Shannon Skinner, Somersville Towne Center, reported that they had participated in the Stuff the Bus Supply Giveaway and announced the following events:

- Family Fun Fair - 10:00 A.M. – 5:00 P.M. on August 26, 2017
- Model and Talent Search for Teen and Kids - 12:30 P.M. – 3:30 P.M. on August 26, 2017
- Trick or Treating at the Mall – 3:00 P.M. on October 31, 2017
- Senior Mall Walk Event for Alzheimer - 9:00 A.M. – 11:00 A.M. on November 3, 2017.

Additionally, she noted they had two car charging stations at the mall which would be operational within the next couple of weeks.

Director of Parks and Recreation Kaiser announced the following events:

- Last Call for Summer Fun, one-half price admission on September 4, 2017 at Antioch Waterpark
- Friday Night Camp Fire - 6:00 P.M. – 8:00 P.M. on September 15, 2017 at Antioch Community Center
- Delta Blues Festival – 12:00 P.M. – 7:30 P.M. on September 16, 2017 at Downtown Antioch
- Halloween Rocks in the Amphitheater - 4:00 P.M. – 6:00 P.M. on October 13, 2017 at Antioch Community Center

Additionally, she provided Council with postcards listing the fall event schedule.

Nicholas Olivier, Rivertown Businesses, discussed property crimes occurring downtown and requested Council prioritize public safety in the area with the increase of police patrols between the hours of 9:00 P.M. – 6:00 A.M.

Jim Lanter, Rivertown Merchants and Celebrate Antioch, announced the Rivertown Brews & BBQ Cook-off would be held on September 23, 2017. He requested Council assist them with expediting the permit process for the event and he encouraged them to participate in the cook-off.

Stacey Malsom, Antioch Police Department Dispatch Manager, announced the dispatch center would be accepting text messages to 911 from within the City.

Betty J. Smith announced the Antioch Rivertown Jamboree sponsored by Supervisor Glover and Keller Canyon funds would be held on October 7 and 8, 2017.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

Minutes Clerk Eiden announced the following Board and Commission openings:

- *Board of Administrative Appeals: One (1) vacancy; deadline date is August 25, 2017*
- *Economic Development Commission: One (1) vacancy; deadline date is September 01, 2017*
- *Planning Commission: One (1) vacancy; deadline date is September 06, 2017*

She 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

Holly Cuciz thanked Council for supporting Chief Brooks's recommendation to hire an Animal Shelter Manager. She recognized Chief Brooks and Tony La Russa's Animal Rescue Foundation (ARF) for their commitment to improving Animal Services.

Tammy Larson, Almost There Travel, discussed a recent incident involving a homeless encampment on the rooftop of their building and thanked Council for assisting them in addressing criminal activities occurring in the area.

Dr. Jeffery Klingler, thanked Council for voting to approve the Shelter Manager position.

Richard Panfili, expressed concern regarding the conditions in which his neighbor's dogs lived and noted that issues created by those circumstances had negatively impacted their quality of life. He further noted he had reported the issues to the City and County; however, they had not been addressed. He requested the City respond to help the dogs and improve his family's quality of life.

John and Lauren Goodson, Rose Time of Day, announced they had designed "Come Around Rivertown" shirts which were available for purchase at their business.

Angela deVictoria, questioned if there was an ordinance that addressed vagrancy in Antioch.

Tina Rouse read a memorial tribute for her husband Fred Rouse and encouraged everyone in attendance to sign his memory book, available in the back of Council Chambers. She thanked Mayor Pro Tem Thorpe for attending his service.

Mayor Pro Tem Thorpe reported the August 8, 2017 Council meeting was opened and closed in honor of Fred Rouse. He expressed his appreciation for his service to the community and thanked Ms. Rouse for speaking this evening in memory of her husband.

Tina Rouse expressed concern regarding the way in which emergency responders had questioned her after her husband had passed away and urged them to be more compassionate.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Community Block Party in the Sycamore neighborhood and thanked those who attended the event.

Councilmember Ogorchock read an email in support of the newly installed Disc Golf facility at Prewett Park and encouraged residents to enjoy the course.

MAYOR'S COMMENTS

Mayor Pro Tem Thorpe spoke regarding two recent accidents involving Navy vessels and encouraged residents to recognize those serving our Country as members of military.

2. **COUNCIL CONSENT CALENDAR for City /City as Successor Agency to the Antioch Development Agency**
 - A. **APPROVAL OF COUNCIL MINUTES FOR JULY 25, 2017**
 - B. **APPROVAL OF COUNCIL MINUTES FOR AUGUST 8, 2017**
 - C. **APPROVAL OF COUNCIL WARRANTS**
 - D. **APPROVAL OF TREASURER'S REPORT FOR JULY 2017**
 - E. **RESOLUTION NO. 2017/105 ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT BETWEEN MISSION PEAK HOMES, INC., AND MERITAGE HOMES OF CALIFORNIA, INC.**
 - F. **RESOLUTION NO. 2017/106 APPROVING THE MEMORANDUMS OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ANTIOCH AND ANTIOCH PUBLIC WORKS EMPLOYEES' ASSOCIATION (APWEA) AND ACKNOWLEDGE THE CITY MANAGER AND APWEA'S REPRESENTATIVE EXECUTION OF THE MOU**
 - G. **RESOLUTION NO. 2017/107 APPROVING THE CLASS SPECIFICATION UPDATES WITH NO SALARY CHANGES FOR COLLECTIONS SYSTEMS SUPERVISOR**
 - H. **RESOLUTION NO. 2017/108 AMENDED AND RESTATED CELL SITE LEASE WITH AT&T MOBILITY CORPORATION**
 - I. **RESOLUTION NO. 2017/109 AUTHORIZE RESPONSE TO GRAND JURY REPORT: "ANIMAL SHELTER SERVICES IN ANTIOCH AND CONTRA COSTA COUNTY" (REPORT 1708)**

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

- J. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council Members present unanimously approved the Council Consent Calendar with the exception of Item I, which was removed for further discussion.

Item I – Chief Brooks presented the staff report dated August 22, 2017 recommending the City Council approve Item I.

In response to Mayor Pro Tem Thorpe, Chief Brooks explained that if it became necessary, they would seek input from individuals and organizations who were experts in shelter operations, management and medicine.

Karen Kops, President of HARP, thanked Council for implementing improvements at the Animal Shelter. She spoke in support of Council authorizing the selection of an independent community-based animal advisory group and urged them to consider posting photos of all animals on their website within 24-hours of intake.

Dr Jeffrey Klingler, spoke to the importance of increasing the number of active volunteers and stated he felt that the report should reflect that issue. He stated that the Shelter had not implemented collaboration with the rescue groups to maximize rescues and adoptions, and suggested the response to the grand jury report be revised to read that this issue was a work in progress.

Mayor Pro Tem Thorpe read written comment from Kim Charef, Antioch resident, requesting the Grand Jury report reflect a shelter that needed and welcomed volunteers.

Peter Wilson, Pittsburg resident, discussed the Grand Jury process and expressed concern best practices and written protocols for the shelter had not been made public. He also noted that the City should be able to respond in more detail to Recommendations No. 1-4.

Holly Cuciz, stated that it may not be necessary to implement an Advisory Committee with the hiring of the Shelter Manager; however, a temporary committee may be helpful. She suggested the City organize the volunteers and work with the rescue groups.

Chief Brooks responded to the previous speakers clarifying the following:

- An agreement with the rescues was in the final stages of development
- Written policies and procedures had been implemented
- Further analysis was needed to identify whether funding was available to implement Recommendations No. 1-4
- Short-time, one-time funding was secured for a rescue/volunteer/foster coordinator through Tony La Russa's Animal Rescue Foundation (ARF)/Maddies Fund, which would be coming to Council for consideration
- Local shelters similar in size did not have community-based advisory groups
- Staff was working with Tony La Russa's Animal Rescue Foundation (ARF) to create job classifications, training and a schedule for volunteers
- All animals were photographed on intake and a computer had been ordered for the kennel area to assist the Animal Control Attendants in posting photos in a timely manner
- The Animal Shelter Manager would be a central key to moving the shelter forward to implement recommendations currently being considered

Councilmember Wilson spoke in support of the on-boarding process for the volunteers.

Councilmember Ogorchock stated she believed the shelter was moving in a positive direction and the Shelter Manager would address many of the outstanding issues.

In response to Councilmember Ogorchock, Chief Brooks clarified by law the City had 90-days to respond to the Grand Jury report and some responses required further analysis. He noted the follow-up to the rescue summit was an agreement with the rescue groups. Additionally, he noted he was willing to discuss any outstanding issues with members of the community.

Councilmember Tiscareno agreed that the Shelter was moving in a positive direction.

Chief Brooks stated issues identified in all the analysis were being addressed. He noted he felt positive about the partnership with Tony La Russa's Animal Rescue Foundation (ARF) and, their direction and recommendations.

Councilmember Thorpe stated he remained concerned regarding the recommendation to not move forward with an independent community-based animal advisory group.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council Members present unanimously approved Item I.

COUNCIL REGULAR AGENDA

3. MASTER LICENSE AGREEMENT FOR WIRELESS FACILITIES ON POLES IN THE CITY RIGHT OF WAY, MOBILITIE, LLC

City Manager Bernal presented the staff report dated August 22, 2017 recommending the City Council adopt a resolution authorizing the City Manager to execute the Master License Agreement with Mobilitie, LLC.

Councilmember Ogorchock spoke in support of the staff report recommendation.

Councilmember Wilson spoke in support of the staff report recommendation and suggested that they consider adding a community benefit fee to their program comparable to Sacramento.

In response to Councilmember Tiscareno, City Manager Bernal clarified the agreement would establish design guidelines going forward with other companies; however, the City would be subject to the terms of SB649 as it related to the maximum amount of money that could be collected.

Tripp May, Telecom Law Firm, stated the City was establishing design guidelines that would be enforced for other carriers after SB649 went into effect.

Councilmember Thorpe agreed that the City needed to move forward with the agreement.

In response to Councilmember Ogorchock, Mr. May clarified the City could authorize the City Manager to have authority to negotiate for in kind consideration.

Interim City Attorney Cole clarified only the agreement was agendized for this evening.

RESOLUTION NO. 2017/110

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, Council Members present unanimously adopted a resolution authorizing the City Manager to execute the Master License Agreement with Mobilitie, LLC.

4. AUTHORIZATION TO AMEND CODE ENFORCEMENT CONSULTANT CONTRACT WITH TRB & ASSOCIATES TO EXTEND THE EXPIRATION DATE OF THE CONTRACT TO JUNE 30, 2018 AND INCREASE THE NOT TO EXCEED AMOUNT BY \$250,000

City Manager Bernal introduced Regular Agenda Item #4.

Director of Community Development Ebbs presented the staff report dated August 22, 2017 recommending the City Council authorize the City Manager to amend the Code Enforcement Consultant contract with TRB & Associates (TRB) to extend the expiration date of the contract to June 30, 2018 and increase the not to exceed amount by \$250,000. This would bring the total contract amount beginning July 1, 2016 and ending June 30, 2018 to \$450,000.

Councilmember Ogorchock spoke in support of the program and hiring the contractors temporarily; however, she felt the City should agendize the hiring of two permanent employees.

Interim Attorney Cole clarified Council could discuss alternatives; however, if they wanted to move forward with an item different than the recommended action, it would need to come back for consideration at a future meeting.

Councilmember Tiscareno agreed that it was desirable to have permanent long term employees and requested detailed budget information on the costs associated.

Councilmember Wilson spoke in support of moving forward with the agreement and discussing permanent employees during the next budget cycle.

Councilmember Ogorchock clarified that she was in agreement with extending the program and Council considering the hiring of two permanent employees at a future meeting.

Councilmember Thorpe stated these temporary positions were tied to Measure C and with Measure C due to sunset; it was not promising job security. He agreed with the importance of proactive code enforcement detail. He stated he was disappointed the City had not budgeted for Mr. Aguirre's position during the budget cycle.

Tim McCall, Antioch resident, thanked Council for their comments and reminded them that funding was temporary based on Measure C. He suggested Council consider benefits paid to full-time permanent employees.

RESOLUTION NO. 2017/111

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, Council Members present unanimously authorized the City Manager to amend the Code Enforcement Consultant contract with TRB & Associates (TRB) to extend the expiration date of the contract to June 30, 2018 and increase the not to exceed amount by \$250,000.

5. RESOLUTION APPROVING A NEW CLASS SPECIFICATION OF REGISTERED VETERINARY TECHNICIAN, ASSIGNING A SALARY RANGE AND ASSIGNING THE CLASSIFICATION TO THE OPERATING ENGINEERS LOCAL UNION NO. 3 BARGAINING UNIT

City Manager Bernal introduced Regular Agenda Item #5.

Administrative Services Director Mastay presented the staff report dated August 22, 2017 recommending the City Council adopt a resolution: 1) Approving the class specification of Registered Veterinary Technician; and 2) Assigning the Registered Veterinary Technician classification to a salary range and assigning the classification to the Operating Engineers Local Union No. 3 Bargaining Unit.

Dr. Jeffrey Klingler spoke in support of Council adopting the resolution.

RESOLUTION NO. 2017/112

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, Council Members present unanimously adopted a resolution: 1) Approving the class specification of Registered Veterinary Technician; and 2) Assigning the Registered Veterinary Technician classification to a salary range and assigning the classification to the Operating Engineers Local Union No. 3 Bargaining Unit.

PUBLIC COMMENTS

Karen Kops, HARP, discussed the terms and benefits of the Rivertown Cat Agreement. She thanked Council for their support and noted if an advisory board had been implemented, it could have resolved issues between the rescue groups in a timely manner.

STAFF COMMUNICATIONS

City Manager Bernal announced on August 17, 2017, the City filed suit against the California Department of Water Resources challenging the final EIR for the Waterfix project.

COUNCIL COMMUNICATIONS

Mayor Pro Tem Thorpe reminded the community that Food Truck Thursday would take place at Prewett Park and the preschool was accepting registration for September enrollment. He thanked City Manager Bernal for his hard work.

ADJOURNMENT

With no further business, Mayor Pro Tem Thorpe adjourned the meeting at 8:58 P.M. to the next regular Council meeting on September 12, 2017.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk