

## CITY COUNCIL MEETING

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

**January 23, 2018**  
**Council Chambers**

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

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

### **PLEDGE OF ALLEGIANCE**

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

### **1. PROCLAMATION**

*Black History Month and Special Exhibit, February 2018*

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

The City Council presented the proclamation to Dr. Carrie Frazier who thanked Council for their support and invited the community to visit the Black History Month Art & Artifacts Exhibit opening February 3, 2018 at the Nick Rodriguez Community Center. She spoke to the success of past events.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS** – None

**PUBLIC COMMENTS** – None

### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Wilson announced she would be attending the Tri Delta Transit meeting on January 24, 2018 and reported on her attendance at the League of California Cities - Housing, Community and Economic Development Policy Committee meeting.

Councilmember Thorpe announced he would be attending the Tri Delta Transit on January 24, 2018 and reported on his attendance at Martin Luther King Jr. events in Pittsburg and Antioch. He thanked Dr. Frazier for presenting the Black History Month Art & Artifacts Exhibit. He spoke to the accomplishments of African Americans in Antioch and the diversity existing in East County.

Councilmember Ogorchock reported on her attendance at the League of California Cities - Public Safety and Governance, Transparency, Labor and Relations committee meetings.

Mayor Wright reported on his attendance at the Delta Diablo and TRANSPLAN meetings.

### **MAYOR'S COMMENTS**

Mayor Wright led the audience in a moment of silence for Camila and Lenexy Cardoza. In their honor, he encouraged residents to hug and kiss a loved one this week.

## PRESENTATION

*Contra Costa County 3rd District Supervisor Diane Burgis*

Supervisor Burgis stated it was a privilege to serve Contra Costa County District 3 and she was proud of the employees she worked with and their expertise. She provided an update on constituent outreach services as well as policy and legislative priorities. She encouraged the community to become involved and provided contact information. She presented Pastor Kelly with a certificate of recognition for his community outreach services.

Pastor Kelly thanked Council and reported Supervisor Burgis's office had assisted them in filling a short fall for their Thanksgiving turkey drive give-away so they were able to complete their list of those who were in need. He thanked the City for allowing them to minister in Antioch.

Supervisor Burgis thanked Pastor Kelly for the opportunity to participate in the turkey drive and recognized her Chief of Staff Mark Goodwin for assisting in the efforts.

The Council thanked Supervisor Burgis for the report and representing the citizens of Antioch.

Councilmember Wilson stated she would provide Supervisor Burgis with information regarding labor trafficking as it pertained to agricultural activities.

## 2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 9, 2018

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIMS: CAROL BUCK; GREG BANKS

D. APPROVAL OF TREASURER'S REPORT FOR NOVEMBER 2017

E. RESOLUTION NO. 2018/09 REJECT ALL BIDS – PETERBILT 10 WHEEL DUMP TRUCK PURCHASE

F. RESOLUTION NO. 2018/10 TERMINATING LANDSCAPE MAINTENANCE AGREEMENTS WITH PACIFIC COAST LANDSCAPE MANAGEMENT, INC.

G. RESOLUTION NO. 2018/11 TRANSPORTATION DEVELOPMENT ACT (TDA) GRANT APPLICATION (P.W. 124-1)

H. **RESOLUTION NO. 2018/12 FIFTH AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH WALTER BISHOP CONSULTING**

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

**PUBLIC HEARING**

3. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH OUTLINING ITS INTENTION TO TRANSITION FROM AT-LARGE ELECTIONS FOR THE CITY COUNCIL TO DISTRICT-BASED ELECTIONS FOR THE CITY COUNCIL PURSUANT TO ELECTIONS CODE SECTION 10010**

City Manager Bernal introduced Public Hearing Item #3.

Interim City Attorney Cole presented the staff report dated January 23, 2018 recommending the City Council adopt the Resolution Outlining its Intention to Transition from At-Large Elections for the City Council to District-Based Elections for the City Council Pursuant to Elections Code Section 10010.

Mayor Wright opened the Public Hearing.

Scott Rafferty, Bay Area Voting Rights Initiative, congratulated the Council on beginning the process and stated that he felt the staff report was a good presentation. He noted the process was disruptive but should be respectful of the incumbents. He urged the Council to create a collaborative model and commented that their expectation was not litigation. He stated this issue was a civic rights matter and it was important to remedy it as soon as possible. He reported the Registrar was without authority when he indicated that he would not change to district-based elections this year. He clarified that they filed this a year prior to the election and the presumption would be that there would be a remedy in 2018; however, after gathering input from the public, there may be justification for moving it to the 2020 election. He stated he hoped to attend many of the public hearings and he would be available for Council and the public.

Tim McCall, Antioch resident, stated the previous and current diversity of the City Council showed that the allegations brought forth by Mr. Rafferty were untrue. He commented that he knew Council personally and they would not neglect any group. He noted changing to a district-based structure would be a setback and divisive. He further noted that it would also harm long-term goals of the City as each Councilmember would be focused on their own district. He urged Council to study all of their options.

Martha Goralka, California League of Women Voters of Diablo Valley, stated it appeared to be financially prudent to move to district-based elections and it would benefit neighborhoods that did not have representation on Council. She noted that they supported measures that protected citizen's right to vote, an independent special commission as the districting body and specific

timelines for steps leading up to the adoption of the plan. She further noted the process should include equal populations and not allow for a goal of protecting incumbents.

Mayor Wright closed the Public Hearing.

Councilmember Thorpe stated his vote to move forward would not be based on the threat of a lawsuit because district-based elections were one of his priorities when he ran for office. He noted he did not believe that Antioch was represented proportionally, geographically. He stated that he hoped in the future, the City would also discuss campaign finance reform and improving access for citizens to their elected officials. He noted in his experience, district-based elections were more personal and had not resulted in Councilmembers caring less about the common interest of the City.

Councilmember Tiscareno stated there were certain areas of the City that seemed as though they were not being represented so districting may be something to consider in that respect; however Council had been diverse for years so he did not agree with the data that indicated otherwise. He expressed concern that if the City were divided, it would be from an economic standpoint. He stated if the trend was leaning toward district-based elections with other cities, he may support it; however, if based on the threat of a frivolous lawsuit, he would be opposed. He noted that he felt district-based elections would prevent Latinos, as well as other races living throughout the City, from having the opportunity to vote for a candidate in another district.

Councilmember Ogorchock stated everyone had a right to feel that their vote was being heard; however, the City should not have been threatened with litigation. She noted that she would have more information after the public hearings and she hoped there would be a lot of public input. She further noted that she believed the City and Council were diverse. She commented that if district-based elections were implemented; she hoped each Councilmember elected would represent the entire community.

Councilmember Wilson discussed the importance of community engagement efforts and agreed there was no representation on Council for northern Antioch; however, current Council listened to all constituents. She noted the City needed to control this issue and receive public input on this matter. She suggested Council hold a public hearing on a weekend so everyone would have the opportunity to participate.

City Clerk Simonsen, as the City's Election Officer, expressed concern regarding the districting process and spoke to the challenges it would have for the County Elections Office. He asked Council to also consider impacts the process would have on the City Clerk's office.

Mayor Wright stated he believed district-based elections would cause a division in the City and noted that currently all Councilmembers represented and benefited the entirety of the City. He stated the City had a history of a diverse voting block and minority voters had been heard. He discussed the risks of districting and noted the process benefited the Attorney threatening litigation and commented that if the City did not approve it, there would be a significant financial impact. He stated he would vote to approve moving forward to allow the City an additional 90

days and he would also consider how the City could be districted as to not divide Antioch. He requested City Attorney Cole determine if there was a basis to fight this action.

Councilmember Ogorchock supported Councilmember Wilson's suggestion to schedule a Public Hearing on a weekend.

Councilmember Tiscareno stated as a Latino, he had witnessed diversity in the City for many years and he believed it would remain that way. He noted he was willing to support the public hearing process; however, his no vote this evening was symbolic as he believed the City was well represented racially.

**RESOLUTION NO. 2018/13**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council adopted the resolution outlining its intention to transition from At-Large Elections for the City Council to District-Based Elections for the City Council pursuant to Elections Code Section 10010. The motion carried the following vote:

*Ayes: Wright, Thorpe, Wilson, Ogorchock*

*Noes: Tiscareno*

Following discussion, Council agreed to hold Public Hearings on February 13th and 15th, and March 13th and 27th. Interim City Attorney Cole stated staff would work with Council to schedule the remaining Public Hearing date for a Saturday.

**COUNCIL REGULAR AGENDA**

**4. ADOPTION OF THE GENERAL PLAN LAND USE ELEMENT UPDATE (*Con't from 12/12/17*)**

City Manager Bernal introduced Regular Agenda Item #4.

Director of Community Development Ebbs presented a PowerPoint presentation and staff report dated January 23, 2018 recommending the City Council take the following actions: 1) Adopt the Resolution approving the Addendum to the 2003 General Plan EIR; and 2) Adopt the Resolution amending the Land Use Element of the General Plan.

Brent Aasen, voiced his support of the staff recommendation for changing the current designation for the parcels located on the south side of E. 18th St adjacent to the southwest corner of SR 160 area, from light industrial/low density residential to high density residential.

Following discussion, Mayor Wright proposed extending the commercial strip along 18th Street as a mixed use designation to provide options and allow for the current high density residential designation to remain.

In response to Councilmember Ogorchock, Director of Community Development Ebbs explained that if the area along 18th Street was designated mixed use, a project could come forward as a high density residential or commercial project.

Councilmember Thorpe stated that he supported the mixed use designation for the property.

**RESOLUTION NO. 2018/14**

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously adopted the resolution approving the Addendum to the 2003 General Plan EIR.

In response to Councilmember Ogorchock, Director of Community Development Ebbs clarified that no application had come forward for the East 18th Street parcel and a high density residential project could be built in a mixed use designation.

**RESOLUTION NO. 2018/15**

On motion by Mayor Wright, seconded by Councilmember Thorpe, the City Council unanimously adopted the resolution amending the Land Use Element of the General Plan and changing the frontage parcel on East 18th Street to High Density Residential.

**5. ADOPTION OF THE DOWNTOWN SPECIFIC PLAN (*Con't from 12/12/17*)**

City Manager Bernal introduced Regular Agenda Item #5.

Director of Community Development Ebbs presented the staff report dated January 23, 2018 recommending the City Council 1) Adopt the Resolution approving the Addendum to the 2003 General Plan EIR; and 2) Introduce the Ordinance adopting the Downtown Specific Plan.

Interim City Attorney Cole added his prepared response to the letters received from attorney Kristina Lawson on behalf of West Coast Builders was provided to Council. He announced Council and the City Clerk received additional letters today which was the third time the City received a letters from the same company two hours prior to a Council meeting. He explained that the letter received this afternoon raised many of the same issues and noted that the writer did not have the benefit of the response from his office and they were not present this evening. Additionally, he reported that the law firm representing this party had made a public records request in late December to which the Community Development Department responded on January 2, 2018, requesting additional time. He noted the standards for additional time were valid and were communicated to the requesting party who was informed that information requested would be made available no later than January 15, 2018. He reported that he had reviewed the documents requested on January 9, 2018, excluded some due to attorney-client privilege, and returned them to the Community Development where they were available for inspection by January 10, 2018. He commented that the writer believed it was the City's mandate to contact her and inform her of the availability of the documents. For the record, he stated that neither he nor

the Director of Community Development received any request for status from her or her office until January 22, 2018.

**RESOLUTION NO. 2018/16**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adopted the Resolution approving the Addendum to the 2003 General Plan EIR.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously introduced the Ordinance adopting the Downtown Specific Plan.

**6. UPDATE TO THE CITY COUNCIL REGARDING DEVELOPMENT OF PERMANENT COMMERCIAL MARIJUANA ORDINANCE**

City Manager Bernal introduced Regular Agenda Item #6.

Interim City Attorney Cole presented the staff report dated January 23, 2018 recommending the City Council receive an update regarding development of a permanent commercial marijuana ordinance.

Councilmember Tiscareno suggested staff gather information from other jurisdictions who had taken action to determine the impacts.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously received an update regarding development of permanent commercial marijuana ordinance.

**PUBLIC COMMENTS**

Tim McCall, Economic Development Commissioner announced the next Economic Development Commission meeting would be held at 6:00 P.M. on February 6, 2018 and would include a discussion on Prop 64. He encouraged the public to participate.

Dr. Jeffrey Klingler, Antioch resident, expressed his appreciation to Council for doing their due diligence and allowing for public input with regards to at large elections versus districting. He stated it was his opinion that the City was well represented at large.

**STAFF COMMUNICATIONS**

City Manager Bernal thanked Council and public for participating in the Strategic Planning Session and reported it would be coming back to Council in early March for more discussion.

**COUNCIL COMMUNICATIONS**

Councilmember Thorpe thanked staff for their participation in the Strategic Planning Session. He requested staff agendize a discussion on options for the Lone Tree Golf Course.

Councilmember Ogorchock stated she appreciated the work of staff during the Strategic Planning Session and thanked Director of Community Development Ebbs for his hard work in bringing the General Plan and Downtown Specific Plan updates forward.

**ADJOURNMENT**

With no further business, Mayor Wright adjourned the meeting in honor of Camila and Lenexy Cardoza at 9:29 P.M. to the next regular Council meeting on February 13, 2018.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk