

## CITY COUNCIL MEETING

**Special Meeting/Workshop**  
**Regular Meeting**  
**5:30 P.M.**

**April 10, 2018**  
**Council Chambers**

### **4:45 P.M. - CLOSED SESSION**

- 1. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Potential Litigation pursuant to Election Code 14025: California Voter Rights Act Demand Letter.
- 2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8: Orton/Libitzky owned Assessor's Parcel Numbers (APN No.'s): 066-110-009; 074-040-035; 066-101-001. City and Agency Negotiator, City Manager Ron Bernal; Parties – Orton/Libitzky, Antioch Marina LLC.
- 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8: City and Agency Negotiator, City Manager Ron Bernal; Parties – City Ventures.
- 4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Manager.** This closed session is authorized pursuant to Government Code section 54957.

Mayor Wright called the special meeting/workshop to order at 5:36 P.M., and City Clerk Simonsen called the roll.

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

### **PLEDGE OF ALLEGIANCE**

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

### **SPECIAL MEETING/WORKSHOP**

- 1. RECEIPT OF PUBLIC INPUT REGARDING THE DRAFTING OF A PROPOSED MAP OR MAPS FOR A DISTRICT-BASED SYSTEM OF ELECTING ANTIOCH CITY COUNCIL MEMBERS**

City Manager Bernal introduced the Special Meeting/Workshop item.

Interim City Attorney Cole presented the staff report dated April 10, 2018 recommending the City Council receive public input regarding the drafting of a proposed map or maps for a district-based system of electing Antioch City Council members.

In speaking to Quadrant Map B, Councilmember Tiscareno stated in the interest of residents who had contacted him, he was requesting Council consider moving the Delta Fair community of interest into district A, following the congressional district line for that area.

Jaime Clark noted that the change would mean larger deviations in districts A and D. She further noted other boundaries could be adjusted to even the districts.

In response to Council, Interim City Attorney Cole clarified that Working Draft Quadrant A addressed the issue of racially polarized voting; however, from a policy standpoint it did not follow standard procedure in respecting communities of interest.

Mayor Wright, also referencing Quadrant Map B, suggested designating Putnum Street the boundary between districts A and D to decrease the deviation.

Jaime Clark responded that the change would balance the districts and explained that the only communities of interest they had received before the deadline that would be split, would be the area above highway 4 and the Contra Loma/Delta Fair area.

Interim City Attorney Cole stated if Council considered the changes as previously discussed, he would suggest labeling it Quadrants C.

Mayor Wright suggested extending area D down Lone Tree Way to Deer Valley Road to follow the major thoroughfares.

Ms. Clark responded that the change requested would keep both areas in balance.

Marty Fernandez, Antioch resident, spoke in support of the Quadrants C map. He questioned how the process would affect Viera Lane residents and requested the City provide residents with costs associated for the district-based election process.

Interim City Attorney Cole announced an interpreter was present this evening to assist the public with translation services.

Garry Holman, Antioch resident, stated he opposed district-based elections because it was divisive; however, if the City moved forward, he would support the Quadrant Map that identified two Councilmembers for downtown.

Ralph Hernandez, Antioch resident, presented and reviewed a letter he submitted to the City opposing district-based elections.

Norma Hernandez, Antioch resident, stated she opposed district-based elections noting that they would disenfranchise voters and segregate residents of Antioch.

Allen Payton, Antioch resident, questioned if moving residents from the panhandle of area C into area B would balance districts.

Ms. Clark responded that the deviation would increase with the changes requested.

Dr. Jeffrey Klingler, Antioch resident, stated he was opposed to district-based elections. He sympathized with Council for having to make the decision and noted if the City moved forward, his preference would be the Quadrants C map.

Interim City Attorney Cole summarized the process and noted if Council approved the first reading and introduced the ordinance this evening; it would be brought back on May 8, 2018 for final approval. He requested Council provide direction on whether they wanted to advance one map or two maps to choose from, for final adoption on May 8, 2018.

Following discussion, the City Council directed staff to move forward with Work Draft Map 1 and Quadrants Map C. They encouraged residents to provide input into which map they preferred.

Interim City Attorney Cole stated it was his interpretation that Working Draft 1 or Quadrants Map C would meet the legal requirements of the California Voting Rights Act.

Mayor Wright adjourned the special meeting/workshop at 6:56 P.M.

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**, no reportable action, **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, direction given to City Manager, **#3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, direction given to City Manager; **and, #4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Manager**, no reportable action

Mayor Wright called the meeting to order at 7:14 P.M., and stated he would be opening and closing the meeting in honor of Tique Lee Caul., and City Clerk Simonsen called the roll.

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

### **PLEDGE OF ALLEGIANCE**

Boy Scouts led the Council and audience in the Pledge of Allegiance.

Mayor Wright thanked the Boy Scout Troop #247 for attending the meeting and leading the Pledge of Allegiance.

### **PROCLAMATIONS**

*Keep Antioch Beautiful Day, April 21, 2018*  
*Arbor Day, April 27, 2018*

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

Martha Parsons and members of the Keep Antioch Beautiful Committee thanked the City Council for the *Keep Antioch Beautiful Day* proclamation and invited the community to participate in the event from 8:30 A.M. – 11:00 P.M. on April 21, 2018.

Olga Schultz and members of the Antioch Garden Club thanked the City Council for the *Arbor Day* proclamation and announced that they would be joined by City staff and Boy Scout Troup #247 in a tree planting and picnic at 3:00 P.M. on April 27, 2018 at Mira Vista Park. They presented Council with geraniums.

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

Chief Brooks introduced George Harding IV as the new Animal Services Manager of Antioch Animal Services and gave a professional history.

George Harding IV stated he was happy to be in Antioch and he looked forward to serving the residents and pets in the community.

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

City Clerk Simonsen announced the following Board and Commission openings:

- Contra Costa Transportation Authority - Citizens Advisory Committee: One (1) vacancy; deadline date is April 20, 2018
- Sales Tax Citizens' Oversight Committee: Seven (7) vacancies; deadline date is April 20, 2018
- Board of Administrative Appeals Alternate: One (1) vacancy; deadline date is April 20, 2018
- Police Crime Prevention Commission: One (1) vacancy; deadline date is April 13, 2018

He reported applications would be available in Council Chambers, online at the City's website and at the City Clerk's office.

**PUBLIC COMMENTS** - None

### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Wilson reported on her attendance at the Tri Delta Transit subcommittee meeting.

Councilmember Tiscareno reported on his attendance at the Golf Course subcommittee meeting.

Mayor Wright reported that he had also attended the Golf Course subcommittee meeting.

### **MAYOR'S COMMENTS**

Mayor Wright stated that he had been on vacation in Utah hiking with his family and he encouraged everybody take time to enjoy their families. He announced a Strategic Planning and

Visioning Special Meeting/Workshop would be held at 9:00 A.M. on April 14, 2018 at the Nick Rodriguez Community Center.

## PRESENTATION

Debbie Toth, President and Chief Executive Officer of Choice in Aging, gave an Age Friendly Community PowerPoint presentation. She invited the City Council to participate in the Learning Lab for Policy Makers from 9:00 A.M. – 3:30 P.M. on May 30, 2018 at the Center for Community Arts in Walnut Creek.

Councilmembers Ogorchock and Tiscareno responded that they would be attending the event.

## PUBLIC COMMENTS - Continued

Mike Pollard announced the Antioch Prayer Breakfast would be held on May 3, 2018 at the Lone Tree Golf and Event Center. He presented tickets for the event to the City Council and City Manager Bernal. He commended the City Council and Chief Brooks for their professionalism.

Norma and Ralph Hernandez, Antioch residents, clarified that they, along with various other former Councilmembers, had not received any developer money during their campaigns.

### 1. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL SPECIAL MEETING/WORKSHOP MINUTES FOR MARCH 24, 2018
- B. APPROVAL OF COUNCIL MINUTES FOR MARCH 27, 2018
- C. APPROVAL OF COUNCIL WARRANTS
- D. **RESOLUTION NO. 2018/44 RESCINDING RESOLUTION NO. 2018/21 AMENDING THE FY17/18 MASTER FEE SCHEDULE REGARDING RECORDATION AND RELEASE OF LIENS**
- E. **RESOLUTION NO. 2018/45 ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2018/19 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PROGRAM**
- F. **RESOLUTION NO. 2018/46 SECOND AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH KAPSCH TRAFFICOM USA, INC. FOR SUPPORT SERVICES RELATED TO THE WATER TREATMENT PLANT DISINFECTION IMPROVEMENTS (P.W. 246-29)**

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

## **PUBLIC HEARINGS**

### **4. INTRODUCTION AND WAIVER OF FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ENACTING SECTION 2-1.303 OF TITLE 2 OF THE ANTIOCH MUNICIPAL CODE ADOPTING A BY-DISTRICT SYSTEM FOR ELECTING MEMBERS OF THE CITY COUNCIL**

City Manager Bernal introduced Public Hearing Item #4.

Interim City Attorney Cole presented the staff report dated April 10, 2018 recommending the City Council introduce and waive the First Reading of an Ordinance of the City Council of the City of Antioch Enacting Section 2-1.303 of Title 2 of the Antioch Municipal Code Adopting a By-District System for Electing Members of the City Council.

Yerenia Zarate, Janet Costa, Christine Clark, Brenden O'Laskey, representing East County Regional Group, spoke in support for Working Draft Map 1 and creating one district north of Highway 4.

Dr. Jeffrey Klingler, Antioch resident, stated he did not support district-based election system and the fact that it was the product of a threat of a lawsuit. He recognized the Council's openness to public input and urged them to remain positive moving forward with the process.

Shagoofa Khan, representing the Student Advisory Committee (S.A.C.), spoke in support of Working Draft Map 1 and keeping the community north of Highway 4 in one district.

Mayor Wright read written comment from Jeunel Driggers-McFarland, Hollie McFarland, Tatiana Boynton, Steven Fuentes Macedo, Marco Dominguez, Natalyia Johnson and Rigoberto Ramon Lemus, representing SAC indicating their support of Working Draft Map 1.

Scott Rafferty stated he was the Attorney who initiated the process and noted that he had granted two extensions to the City which helped with the compressed timeframe. He further noted the California Voting Rights Act was a good law and a good idea for a city the size of Antioch. He commended the City Council for the relationship they had with residents. He recommended implementation in 2020 and syncing Antioch's election with the presidential cycle.

Susana Williams, Antioch resident, spoke in support of Working Draft Map 1 and keeping the community north of Highway 4 in one district. She suggested Council consider economics and voter turnout when they discuss phasing in the process.

Fredy Leon, Deborah Polk, Berlen Leon, representing East County Regional Group, spoke in support for Working Draft Map 1 and keeping the community north of Highway 4 in one district.

Ellie Householder and Samson Knight, Antioch residents, provided written comment in support of Working Draft Map 1 and keeping the community north of Highway 4 in one district.

Mayor Wright read written comment from Martha Parsons, Antioch resident, indicating she did not support district-based elections; however, if the City moved forward she would support Quadrant Map C and implementation in 2020 or 2022.

Warren Lutz, Antioch resident, stated he did not support Quadrant maps and urged Council to support Working Draft Map 1.

Ralph Hernandez, Antioch resident, stated he did not support district-based elections and expressed concern that the process had created division within the community. He noted that district representation could be achieved by creating a Citizens' Advisory Committee.

Norma Hernandez, Antioch resident, stated if the City moved forward with district-based elections, she would suggest Council remain at large and the Boards and Commissions be elected by districts.

Sylvia Ramirez, Antioch resident, requested an extension on a decision to allow for additional public outreach on this issue.

Tim McCall, Antioch resident, questioned how districts would benefit from having only one person representing them on the City Council.

Interim City Attorney Cole recommended the City Council adopt the ordinance with option #1 or #2.

Mayor Wright discussed the City's public outreach process and stated he felt it was not in the best interest of the City to fight a lawsuit that they would lose. He stated he would support implementation of district-based elections in 2020.

Councilmember Tiscareno stated he was not opposed district-based elections; however, he did not support them at this time because the City was being forced to do so under the threat of litigation and they were using population data from the 2010 census. He stated if the City moved forward he would support implementation in 2020.

Councilmember Thorpe stated he could support either option for implementation.

Councilmember Wilson stated she was also concerned that this process was moving forward under the threat of litigation.

Councilmember Ogorchock stated she would support implementation in 2020 and suggested Council consider delaying the process until the City had accurate census data in 2022. She expressed concern that the process had been divisive.

Councilmember Thorpe questioned if the maps could be placed on the ballot for voter approval.

In response, Interim City Attorney Cole requested Council complete this process first so the City would no longer have the California Voting Rights Act liability and noted that if they wanted to call an election in the future they could do so.

City Clerk Simonsen added that the map needed to be adopted at the same time as the ordinance.

Interim City Attorney Cole cautioned Council that if they delayed implementation until 2022, the City would not be free of a lawsuit that attempted to address the interim. He noted future action could also include the creation of an independent Commission so that after the election cycle and 2020 census a citizen body would begin the districting process. He requested Council introduce the ordinance and adopt a map as part of this process, and in the future, if there was ratification from the voters, they could be presented with two map options.

City Clerk Simonsen reviewed the estimated costs associated with district-based elections and adding a ballot measure. He stated he could provide more accurate information at a future Council meeting.

Mayor Wright suggested the City agendaize a discussion on a potential ballot measure.

In response to Councilmember Ogorchock, Councilmember Thorpe explained that the Council would assign each district their numbers when they approved the final map.

**RESOLUTION NO. 2018/47**  
**RESOLUTION NO. 2018/48**

On motion by Councilmember Thorpe, seconded by Councilmember Tiscareno, the City Council unanimously introduced and waived the First Reading of an Ordinance of the City Council of the City of Antioch Enacting Section 2-1.303 of Title 2 of the Antioch Municipal Code Adopting a By-District System for Electing Members of the City Council with option #2 and correcting the reference to government code #34878 to #34873 in paragraph E of option #2.

Mayor Wright declared a recess at 9:43 P.M. The meeting reconvened at 9:58 P.M. with all Councilmembers present.

**5. OAKLEY KNOLLS (PD-15-01): DISCOVERY BUILDERS REQUESTS APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP, FINAL DEVELOPMENT PLAN, AND PLANNED DEVELOPMENT REZONE TO PERMIT THE DEVELOPMENT OF A 28-UNIT RESIDENTIAL SUBDIVISION**

City Manager Bernal introduced Public Hearing Item #5.



Director of Community Development Ebbs presented the staff report dated April 10, 2018 recommending the City Council take the following actions: 1) Adopt the Resolution adopting the Oakley Knolls Initial Study and Mitigated Negative Declaration; and 2) Introduce the Ordinance for a zoning map amendment from Planned Development District (PD) to Planned Development District (PD-15-01); and 3) Adopt the Resolution approving a Vesting Tentative Map/Final Development Plan subject to conditions of approval. He noted additional information the Council received today included minutes from the Planning Commission meeting, summary and a letter addressing the environmental review process.

Kevin English, Director of Advanced Planning for Discovery Builders, stated they had been working with staff on this project for approximately two years and they agreed with all the conditions of approval. He noted he looked forward to Council's support of the project and he was available to answer any questions.

In response to Councilmember Thorpe, Mr. English stated he was unable to answer anything specific related to the correspondence received this evening.

Interim City Attorney Cole stated that he believed Council's concern was how a developer, who had filed a lawsuit against the City, entered into an agreement to briefly toll another lawsuit and challenged another developer's project could then ask the City for entitlements when they made arguments that were inconsistent with seeking that relief. He commented that he understood Council's frustration; however, their action this evening should be based on the application and the merits of the project.

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

Director of Community Development Ebbs reported that the Initial study and Mitigated Negative Declaration were the appropriate documents for a project of this size and at this location.

Councilmember Tiscareno expressed concern regarding the small rear yard setbacks.

In response to Councilmember Tiscareno, Director of Community Development Ebbs explained that lot size, setbacks and scale for this project, was comparable to the Vineyards project.

Councilmember Tiscareno questioned why staff, in the past, recommended a continuance when they received letters at the last minute from developers; however, they had had not done so for this application.

Director of Community Development Ebbs explained that when the criticism was against the City, they chose a conservative approach; however, when it was against another applicant they left the decision up to that developer. He noted same question was posed to the current applicant who directed the City to proceed with an action this evening.

In response to Council, Mr. English explained that they used a variety of labor including union and sourced the maximum amount of labor locally. He also explained that 10-foot was the minimum standard for the rear setbacks; however, there were several instances where rear yards were in excess of that. He noted it was not a gated development; however, they were building a small park area that would be fenced, maintained by the HOA and have restricted access for homeowners.

Councilmember Ogorchock spoke in support of increasing the rear yard setbacks to a minimum of 15-feet, maintaining the RV parking requirement and utilizing deep rooted trees throughout the project. She discussed the importance of the Homeowners Association understanding that they were responsible for maintaining the masonry walls. She requested each residence be provided a parking spot in the center of the cul-de-sac and spoke in support of local hire. She clarified that as real estate developer, she could not sell these homes.

Interim City Attorney Cole concurred that initially Councilmember Ogorchock would not be able to sell these units and there was no conflict of interest.

Mr. English reported that the mechanical, plumbing and electric would all be union on this project and agreed to add a condition of approval indicating so. He noted they could increase the rear yard setbacks based on the site plan and agreed to plant deep rooted trees.

Mayor Wright commented that he did not have any concerns on the project; however, he was concerned with the constant threat of a lawsuit from the developer.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Tiscareno to: 1) Adopt the Resolution adopting the Oakley Knolls Initial Study and Mitigated Negative Declaration; and 2) Introduce the Ordinance for a zoning map amendment from Planned Development District (PD) to Planned Development District (PD-15-01); and 3) Adopt the Resolution approving a Vesting Tentative Map/Final Development Plan subject to conditions of approval.

Following discussion the motion was amended as follows:

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council 1) Adopted the Resolution adopting the Oakley Knolls Initial Study and Mitigated Negative Declaration; and 2) Introduced the Ordinance for a zoning map amendment from Planned Development District (PD) to Planned Development District (PD-15-01); and 3) Adopted the Resolution approving a Vesting Tentative Map/Final Development Plan subject to conditions of approval with the following amendments:

- Increasing rear yard setbacks to 15-foot minimums
- There shall be one on street parking per lot as required by the city code and as approved by the City Engineer.
- That the mechanical, plumbing and electric for this project would all be union labor
- RV parking would be deferred to the developer

The motion carried the following vote:

Ayes: Tiscareno, Ogorchock, Wright

Noes: Wilson, Thorpe

## **COUNCIL REGULAR AGENDA**

At 10:55 P.M., Council consensus was to hear agenda item #6 this evening and continue agenda items #7, #8 and #9 to a future meeting.

### **6. UPDATE OF THE WATER AND SEWER RATE FEE STUDY (P.W. 362-8)**

City Manager Bernal introduced Regular Agenda Item #6.

Project Manager Buenting, Water Treatment Plant Superintendent Coley and Consultant Tom Pavletic, Municipal and Financial Services (FNS) presented the staff report and PowerPoint presentation dated April 10, 2018 recommending the City Council provide direction to staff regarding the recommended water and sewer rates, fees and charges.

Terry Ramus, Antioch resident, voiced his support for maintaining the infrastructure and brackish water desalination plant. He noted tiered water rates were anti-business and de incentivized users from buying the product.

Mayor Wright stated tiered rates discouraged users who used more water; and a single rate system would allow higher rate users to use more which would slow rate increases. He spoke in support of switching back to a uniformed rate system.

Mr. Pavletic clarified the reduction in use was mainly due to water conservation that resulted because of executive action and marketing by the State. He noted water use was rebounding despite tiered rates.

Water Treatment Plant Superintendent Coley explained uniformed and tiered rates were revenue neutral; however, the tiered rate model showed that it benefited a majority of the population who were using less water. He noted the amount of water people were using would continue to decrease.

Mr. Pavletic commented that tiered rates were created because there was a nexus with an additional cost for higher levels of peak water use.

Project Manager Buenting explained that the current rate structure adopted in 2015 would implement rates that would take effect July 1, 2018. He noted the current rate structure was sustaining the water and sewer enterprise funds.

City Manager Bernal added that the current rate structure also included funding for the brackish water system.

Councilmember Ogorchock commented that senior residents were having difficulty with tiered rates.

Following discussion, Council directed staff to bring back information on converting the City to a uniformed water rate structure and Prop 218 protest vote method. They noted sewer rates could also be considered at that time.

City Clerk Simonsen stated if Council moved forward with a uniformed rate structure, he would request they make budget adjustments for the mailing costs and Prop 218 vote.

Councilmember Thorpe directed staff to provide the yearly overall average water use for tiered and uniformed rates.

**7. INFORMATION ON SECTION 115 TRUST FOR PENSIONS**

**8. CONSIDERATION OF PROJECTS UNDER THE ONE-TIME REVENUE POLICY**

**9. APPROVE A CIVIC ENHANCEMENT GRANT PROGRAM TO SUPPORT COMMUNITY EVENTS AND IMPROVEMENT PROJECTS**

As previously discussed, agenda items #7, #8 and #9 were continued to a future meeting.

**PUBLIC COMMENTS** – None

**STAFF COMMUNICATIONS**

City Manager Bernal announced the City Council would be holding a Strategic Planning and Visioning Special Meeting/Workshop at 9:00 A.M. on April 14, 2018 at the Nick Rodriguez Community Center.

**COUNCIL COMMUNICATIONS** – None

**ADJOURNMENT**

Mayor Wright adjourned the meeting at 12:01 A.M.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk