

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

May 8, 2018
Council Chambers

5:00 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 LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code §54956.9 (d)(1): Discovery Builders/CEQA case v. City of Antioch
3. **CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code §54956.9 (d)(2): One case.
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Manager.** This closed session is authorized pursuant to Government Code section 54957.

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 action taken, **#2 CONFERENCE WITH LEGAL COUNSEL**, no reportable action taken, **#3 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, no reportable action taken, and; **#4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Manager**, evaluation given, no reportable action taken.

Mayor Wright called the meeting to order at 7:01 P.M., and Minutes Clerk Eiden called the roll.

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

PLEDGE OF ALLEGIANCE

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

1. PROCLAMATION

Community Resilience Challenge East Bay, May 2018

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

Mayor Wright presented the proclamation to James Weir who thanked City Council for the recognition.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Lieutenant Bittner announced the Antioch Police Department was introducing a free, private and secure security camera registration program. He noted information on the program would be sent

out via social media and a link to register cameras would be available on the Antioch Police Departments webpage.

Barbara Sobalvarro, representing Friends of Animal Services, announced a “Be Kind To Animals” event would be held from 1:00 P.M. – 4:00 P.M. on May 12, 2018 at Antioch Animal Shelter. She announced they would be sponsoring all adoptions May 6-12, 2018. She recognized those who donated to their organization and thanked the City Council for their support.

Director of Parks and Recreation Kaiser announced the following events:

- Kindness Rock Painting Project, 4:00 P.M. – 6:00 P.M. on May 11, 2018 at the Antioch Community Center
- Recreation and Health Expo, 10:00 A.M. – 4:00 P.M. on May 12, 2018 at the Antioch Community Center
- Splash and Spray Saturday, 12:30 P.M. – 4:00 P.M. on May 12, 2018 at the Antioch Community Center

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

Mayor Wright announced the following Board and Commission openings:

- Sales Tax Citizens’ Oversight Committee: Seven (7) vacancies; deadline date is June 1, 2018
- Board of Administrative Appeals: One (1) vacancy deadline; deadline date is May 25, 2018

PUBLIC COMMENTS

Martha Goralka, Antioch resident, apologized to Attorney Scott Rafferty for comments she made in January during districting discussions and stated she would be mailing him a copy of her apology.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Tri Delta Transit committee meeting and Quality of Life Adhoc committee meeting. She encouraged the community to participate in the “Join the Conversation” survey available on the City’s website.

Councilmember Thorpe reported on his attendance at the Tri Delta Transit committee meeting and Quality of Life Adhoc committee meeting.

Councilmember Ogorchock reported on her attendance at the League of California Cities Policy Committee meeting and requested the City adopt a resolution addressing violent felonies.

Mayor Wright reported on his attendance at the East Bay Economic Development Alliance (East Bay EDA) and Mayor’s Conference. He announced the East Contra Costa Family Justice Center would be located in Antioch.

MAYOR'S COMMENTS

Mayor Wright reported the APD had participated in the Every 15 Minute program at Antioch High School. He stated that he had a child who would be graduating High School this year and urged residents to celebrate those events in a safe manner. He thanked the Antioch Police Department for their participation in the program.

2. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 10, 2018
- B. APPROVAL OF COUNCIL SPECIAL MEETING/WORKSHOP MINUTES FOR APRIL 14, 2018
- C. APPROVAL OF COUNCIL MINUTES FOR APRIL 24, 2018
- D. APPROVAL OF COUNCIL SPECIAL MEETING/WORKSHOP MINUTES FOR MAY 5, 2018
- E. APPROVAL OF COUNCIL WARRANTS
- F. RESOLUTION NO. 2018/51 CONSIDERATION OF BIDS FOR THE FAWN HILL WAY WATER MAIN REPLACEMENT (P.W. 503-17)
- G. RESOLUTION NO. 2018/52 APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500)
- H. RESOLUTION NO. 2018/53 FIRST AMENDED AND RESTATED LEASE AGREEMENT OF CITY-OWNED PROPERTY (APN 074-080-029) WITH MESA ANTIOCH, LLC

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

PUBLIC HEARING

- 3. SECOND READING – ORDINANCE 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 (*Introduced on 04/10/18*)

City Manager Bernal introduced Public Hearing Item #3.

Interim City Attorney Cole announced a Spanish speaking interpreter was present and translation services were available. The interpreter announced in Spanish that translation services were available.

Interim City Attorney Cole presented the staff report dated May 8, 2018 recommending the City Council take the following actions: 1) Enactment and waiver of second reading of an ordinance adopting a district-based system of electing Antioch City Council members and establishing the dates for the implementation of district-based City Council elections; and 2) Adoption of a Resolution Approving the Districts Map for Antioch City Council Elections.

Mayor Wright opened the public hearing.

Marty Fernandez, Antioch resident, questioned the financial impact report noting that it had indicated that it would cost \$50,000 annually for 10 years.

Interim City Attorney Cole clarified that the cost was \$50,000 each redistricting cycle.

Mr. Fernandez requested that the financial information be clarified in the staff report.

Mayor Wright read written comment from Tony Nguyen in favor of Working Draft Map 1.

Brenden O'Laskey, representing East County Regional Group, spoke in support for Working Draft Map 1 and creating one district north of Highway 4. Additionally, he suggested the Council assign the four year districts cycles to the more underprivileged districts.

Dr. Jeffery Klingler stated he was not in support of district-based elections; however, berating should be for representatives in Sacramento who forced the process. He urged Council to support the Draft Quadrant C Map.

Scott Rafferty expressed his appreciation to Martha Gorakla for issuing an apology. He stated the issue was brought forth because Antioch was a big City that was still at-large and it would address the racial impacts. He noted the community north of highway 4 had not been represented for a long time. He spoke in support of placing the minority/low turnout districts on the presidential cycle. Additionally, he made an appeal for Working Draft Map 1. He congratulated Council on working through the process for a more inclusive community.

Justice Woods, Belem Ramirez, Sara Torres, Christine Clark, Fredy Leon and Deborah Polk representing East County Regional Group, spoke in support for Working Draft Map 1 and creating one district north of Highway 4.

Mayor Wright closed the public hearing.

Councilmember Ogorchock speaking to the following motion requested a stay until 2020 due to the financial hardship that it would create and for the fact that the City would have to repeat the process after the 2020 census data became available. Additionally, she noted districts would also be changing for the Assembly, Congress and Board of Supervisors at that time.

Councilmember Tiscareno commented that he could not support a stay at this time as he felt the City should move forward with the process.

On motion by Councilmember Thorpe, seconded by Councilmember Wilson, the Council enactment and waived second reading of an ordinance adopting a district-based system of electing Antioch City Council members and establishing the dates for the implementation of district-based City Council elections. The motion carried the following vote:

Ayes: Wilson, Tiscareno, Thorpe, Wright

Noes: Ogorchock

Interim City Attorney Cole commented that districts #1 and #4 would have two-year terms initially and districts #2 and #3 would have four-year terms. He suggested that when someone made a motion to enact a map that they designate which number would be assigned to the letters.

In response to Councilmember Thorpe, Interim City Attorney Cole stated that Working Draft Map 1 guaranteed representation for the community of interest north of highway 4. He noted it was the most optimal in terms of the California Voting Rights Act and Federal Standards; however, both maps were constitutionally valid and met all legal requirements.

City Manager Bernal added that survey results confirmed that people in north Antioch had a completely different opinion than those in southeast Antioch in terms of how their government responded and how services were being divided by the City. He noted Working Draft Map 1 more closely represented the way the polling was divided.

Councilmember Thorpe stated Working Draft Map 1 had a representative for every region of the City. He clarified that both maps being considered tonight would have a district in which two current Councilmembers resided and the voters would decide the outcome; however, Council had worked hard to keep that issue out of the process.

Councilmember Wilson thanked everyone for participating in the process and being respectful. She stated that she wanted equal representation which she believed would occur with Working Draft Map 1. She noted that she supported the districting process; however, she felt it would have been better if it had been done organically.

Karan McDonald explained that future changes in the mapping would depend on what Council preferred to do because they could either adjust current maps or draw new maps.

Councilmember Ogorchock stated she appreciated everyone's participation in the process. She noted the feedback she had received was equal with regards to their support of Working Draft Map 1 and Quadrant Map C. She expressed concern that dividing the City by the freeway would be divisive. She stated she felt it was advantageous to have two representatives in downtown Antioch and spoke in support of Quadrant C Map.

In response to Councilmember Thorpe, Interim City Attorney Cole clarified feedback received regarding this item were in support of both map concepts; however a majority of the comments received online were in support of Working Draft 1 Map.

Mayor Wright thanked everyone who participated in the process and noted it was difficult to base a decision in a City of 114,000, when so few residents had voiced their opinions. He further noted this issue had taken a lot of staff time and it was important to move forward so they could focus on issues that would benefit the community. He explained that the City was not districting down to a small enough level that would guarantee a candidate would live in a particular neighborhood and understand their issues. He noted Quadrant Map C would create less division in the community and give southeast and north Antioch two representatives.

Mayor Wright suggested adopting a map then assigning the numbers to the districts.

Councilmember Tiscareno stated neither map would accomplish equal districts and he feared the process would affect Council representing the entire City. He stated he was trying to assure the Latino population was inclusive in the process. He noted the following motion was being made knowing it would be a temporary district map until accurate census data would be available in 2022. He recognized the speakers for being persistent and commented that he shared concerns regarding the lack of public input on this item.

On motion by Councilmember Tiscareno, seconded by Councilmember Thorpe, the City Council adopted a resolution approving the Districts Map for Antioch City Council Election with Working Draft 1. The motion carried the following vote:

Ayes: Wilson, Tiscareno, Thorpe

Noes: Ogorchock, Wright

Interim City Attorney Cole stated the final motion to make would be to assign numbers, replacing the letters on the map with numbers. He reiterated that districts #1 and #4 would have 2-year terms in 2020 initially and in 2022 they would resume having 4-year terms and districts #2 and #3 would have 4-year terms initially and going forward. So effectively, as of 2022 and beyond there would be staggered elections.

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously labeled Working Draft Map 1 – District B as District 1; District C as District 2, District D as District 3 and District A as District 4.

COUNCIL REGULAR AGENDA

4. RESOLUTION APPROVING THE AGREEMENT WITH ANTIOCH PUBLIC GOLF, INC. FOR THE OPERATION AND MANAGEMENT OF LONE TREE GOLF COURSE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT EFFECTIVE JULY 1, 2018 FOR A PERIOD OF FIFTEEN YEARS

City Manager Bernal introduced Regular Agenda Item #4.

Director of Parks and Recreation Kaiser presented the staff report dated May 8, 2018 recommending the City Council adopt a resolution approving the Agreement with Antioch Public Golf, Inc. for the operation and management of Lone Tree Golf Course and authorize the City Manager to execute the Agreement effective July 1, 2018 for a period of fifteen years.

Ron Parrish, Lone Tree Golf and Event Center, stated the golf course was looking toward the future and it was a collaborative effort. He commented that the solar project as well as improvements to the golf course and relief from their loans would help them to be able to invest money back into the facility and grow the event and banquet center as well as the golf course business. He noted they were excited about the opportunity as a business and they had committed employees that were passionate about the business going forward.

Mayor Wright stated working on the committee had been a positive experience and they were seeking a solution to give the Golf Course the best opportunity to be successful. He noted if in subsequent years the City had to subsidize the golf course, this agreement would allow for those discussions to take place. He further noted his hope was that the Golf Course and Event Center would survive and thrive on their own.

Councilmember Tiscareno stated with this agreement the City was allowing for the Golf Course to move forward and be successful. He thanked the Board for being transparent through the subcommittee process.

Following discussion, the Council voiced their support for the agreement. Councilmembers Wilson and Thorpe challenged the Board to be creative in building the business in the future.

In response to Councilmember Ogorchock, Mr. Parrish stated they would continue to meet with the golf course subcommittee on a regular basis and part of those meetings would be the financial reporting of the business.

Councilmember Thorpe commented that this was a Municipal Golf Course and he viewed the agreement as an investment to assure the golf course was working for the public.

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adopted a resolution approving the Agreement with Antioch Public Golf, Inc. for the operation and management of Lone Tree Golf Course and authorized the City Manager to execute the Agreement effective July 1, 2018 for a period of fifteen years.

5. REPORT REGARDING EFFECT OF VOTES TAKEN AT THE APRIL 24, 2018 CITY COUNCIL MEETING REGARDING THE CONSIDERATION OF THE OAKLEY KNOLLS PROJECT ORDINANCE

City Manager Bernal introduced Regular Agenda Item #5.

Interim City Attorney Cole presented the staff report dated May 8, 2018 recommending the City Council decide whether to schedule at a future meeting the further consideration of the waiver of the second reading and enactment of the Oakley Knolls Project Ordinance.

Mayor Wright directed staff to bring this item back at the first available meeting that which proper public hearing notice could be given.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS

Councilmember Ogorchock stated she had participated in Keep Antioch Beautiful Day and a majority of the garbage she picked up was cigarette butts, so she requested staff bring back an ordinance to prohibit smoking on City properties. Additionally, she requested a policy to discount recreational activities for City staff.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 9:23 P.M. to the next regular Council meeting on May 22, 2018.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk