

## CITY COUNCIL MEETING

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

**June 12, 2018**  
**Council Chambers**

### **3:30 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.
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.

### **SPECIAL MEETING/WORKSHOP**

Mayor Wright called the meeting to order at 4:32 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.

### **1. USER FEE STUDY WORK SESSION**

City Manager Bernal introduced the User Fee Study Work Session.

Director of Finance Merchant presented the staff report dated June 12, 2018 recommending the City Council discuss and provide direction on the User Fee Study.

Eric Johnson, Revenue & Cost Specialist, LLC, reviewed the Cost of Services Study - Appendix A - Summary of Current Fees and Proposed Fees #S-001 - #S-067 and #S-077 – #S-098.

Following discussion, Council requested the recommended fees be amended as follows:

- REF#: S-001 – Minor Admin Use Permit – Add a non-profit rate of 50 percent of the full fee and clarify Service Recipient
- REF#: S-012 – Remove fee

- REF#: S-017 – Reference Planning Commission or Appeal Section of Municipal Code
- REF#: S-055 – Eliminate application fee and retain refundable deposit for barricades
- REF#: S-056 – Amend description of service to read: “Review of private special event or party on private property open to the public or assembly on public property for compliance with City codes and standards”.
- REF#: S-057 – Strike public assembly from fee
- REF#: S-096 – Staff to report back on cost of thumb drive device for document copies

Council consensus supported holding a Study Session to review Parks and Recreation fees - REF#: S-068 - #076 at 5:30 P.M. on June 26, 2018. They also agreed to bring the updated Fee Study document as well as all other fees back to the City Council for consideration at the July 24, 2018 City Council meeting.

Mayor Wright adjourned the Special Meeting/Workshop at 6:37 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 – EXISTING LITIGATION**, no reportable action, **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, direction given to Labor Negotiator; and, **#3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, direction given to Labor Negotiator.

Mayor Wright called the meeting to order at 7:00 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.

## **2. PROCLAMATIONS**

*Elder and Dependent Adult Abuse Awareness Month, June 2018*

*2018 Relay for Life of the Delta*

*Human Trafficking Prevention and Awareness Week, June 4 – 10, 2018*

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

On motion by Councilmember Thorpe, seconded by Councilmember Wilson, the City Council suspended the rules and moved Regular Agenda Item #10 as the next order of business.

Mayor Wright and Councilmember Ogorchock presented *Elder and Dependent Adult Abuse Awareness Month* proclamation to a representative from Adult Protective Services for Contra Costa County who discussed abuse awareness and thanked the City Council for the recognition.

Mayor Wright reported at the last Council meeting, the City Council had invested \$130,000 into improvements for the Antioch Senior Center.

The City Council presented the *2018 Relay for Life of the Delta* proclamation to representatives from Relay for Life who thanked the City Council for the recognition and discussed the impacts of cancer. They invited everyone to participate in the fundraiser event beginning at 10:00 A.M. on June 23, 2018 at Los Medanos College. Contact information was provided.

Mayor Wright recognized former Councilmember Agopian who, while serving the City, lost his life to cancer.

Mayor Wright and Councilmember Wilson presented the *Human Trafficking Prevention and Awareness Week* proclamation to representatives from the Soroptomist International of Antioch Club who thanked the City Council for the recognition and discussed the importance of community awareness.

Mayor Wright thanked the Soroptomist International Club for their efforts and stated the City Council supported the Red Sand Project. He thanked Councilmember Wilson for her leadership with human trafficking awareness and prevention.

### **COUNCIL REGULAR AGENDA**

#### **10. RESOLUTION APPROVING THE FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH ROWLAND BERNAL JR. FOR CITY MANAGER SERVICES AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT**

Interim City Attorney Cole presented the staff report dated June 12, 2018 recommending the City Council adopt a resolution approving the First Amendment to the Employment Agreement with Rowland Bernal Jr. (hereinafter "Bernal") for City Manager Services and authorizing the Mayor to sign the Agreement.

Marty Fernandez, Antioch resident, spoke in opposition to increasing the City Manager's salary.

Councilmember Thorpe requested the City Council consider sending this agenda item back to closed session because he believed some elements were missing.

Speaking to the following motion and in response to Councilmember Tiscareno, Interim City Attorney Cole explained that Council could discuss this item now or in a Closed Session with the recognition that whatever was decided had to come back into a public setting.

Mayor Wright stated that he was prepared to vote "No" on the resolution as he believed a 9 percent raise was too high. He noted that City Manager Bernal was doing a phenomenal job and he was happy with his job performance.

Councilmember Thorpe clarified that he believed some elements tied to incentives and the salary schedule were missing and those could be addressed during Closed Session.

Interim City Attorney Cole stated there was no time issue that would require Council to act on this item this evening.

On motion by Councilmember Thorpe, seconded by Councilmember Wilson, the City Council unanimously directed that a Labor Negotiation for this item be scheduled for Closed Session on June 26, 2018.

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

Director of Parks and Recreation Kaiser encouraged the community to take advantage of recreational opportunities available through the Parks and Recreation Department. She announced the following 2018 "Concerts by the River" schedule to take place from 6:00 P.M. – 8:00 P.M. at Waldie Plaza:

- July 14, 2018           Fast Times, 80's New Wave, Motown, R&B
- July 21, 2018           Toree McGee, Country
- July 28, 2018           The Playthings, Funk & Rock
- August 4, 2018          Acereko Orchestra, Salsa, Latin
- August 11, 2018        Dave Crimmen Band, 50's, 60's, Rock & Roll
- August 18, 2018        Long Time, Boston Tribute

Shannon Skinners, Somersville Towne Center, announced the following event schedule taking place at the mall:

- June 16, 2018           Antioch Family Fair from 10:00 A.M.– 4:00 P.M.
- June 16, 2018           Kids Club – Musical Story Time from 2:00 P.M. – 3:00 P.M.
- June 29, 2018           Gathering for Garments Fundraiser from 6:00 P.M. – 9:00 P.M.
- July 14, 2018           Import Vs Muscle Car Show at 10:00 A.M.

She encouraged anyone seeking additional information on events to follow them on Facebook at Somersville Towne Center.

Mike Pollard announced Prayer for Our Leaders would be held at 7:30 A.M. on June 23, 2018 at Antioch City Park. He presented invitations to the City Council and City Manager Bernal. He announced he was officially a cancer survivor as of June 1, 2018.

J.R. Wilson, representing the Delta Veterans Group, thanked the sponsors and teams that participated in the Delta Softball Tournament of Heroes. He presented Mayor Wright with a certificate of appreciation and Council with Delta Softball Tournament of Heroes T-shirts. He announced the next event would be held on Memorial Day Weekend 2019 and applications for memorial banners were available in Council Chambers this evening.

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

City Clerk Simonsen announced the following Board and Commission openings:

- *Sales Tax Citizens' Oversight Committee: Seven (7) vacancies; deadline date is July 6, 2017*

He reported applications would be available online at the City's website and at the City Clerk's and Deputy City Clerks offices.

## **PUBLIC COMMENTS**

Jeanne Solnordal, Piedmont resident, Amber Cummings, Antioch resident, and Marco Gutierrez, Discovery Bay resident, requested the City Council consider supporting Sheriff Livingston and opting out of California "Sanctuary State" Bill (SB 54). They requested this item be agendaized for discussion.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Wilson reported on her attendance at the Tri Delta Transit committee meeting and announced \$25.00 youth bus passes were available for Antioch residents 17 and under at Antioch Community Park and City Hall.

Councilmember Thorpe reported on his attendance at the Tri Delta Transit committee meeting.

Councilmember Ogorchock reported on her attendance at the East Bay Division of the League of California Cities meeting and Policy Committee meetings.

Mayor Wright reported on his attendance at the Mayor's Conference and announced he was appointed to the East Bay EDA Executive Committee for regional efforts for Economic Development.

## **MAYOR'S COMMENTS**

Mayor Wright announced Antioch had received the Best of the Delta 2018 awards in the categories Best Public Launch Ramp, Best Trail and Best Bird Watching in the Dow Wetlands and Lone Tree Golf Course and Event Center as the runner-up for Best Brunch. He encouraged the community to remain positive and sign up the City Manager's weekly report.

### **3. CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR MAY 8, 2018**
- B. APPROVAL OF COUNCIL MINUTES FOR MAY 22, 2018**
- C. APPROVAL OF COUNCIL WARRANTS**

- D. **ORDINANCE NO. 2142-C-S SECOND READING – OAKLEY KNOLLS PROJECT ORDINANCE (Introduced on 04/10/18)**
- E. **RESOLUTION NO. 2018/64 AMENDED AND RESTATED CELL SITE LEASE WITH THE UNITED STATES DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION**
- F. **RESOLUTION NO. 2018/65 APPROVING A 36-MONTH COPIER LEASE WITH RAY MORGAN COMPANY AND A MUNICIPAL LEASE PURCHASE AGREEMENT WITH LEASESOURCE FINANCIAL SERVICES, INC.**
- G. **RESOLUTION NO. 2018/66 EXTENSION OF THE CONTRACT WITH ANCHOR CONCRETE CONSTRUCTION, INC. FOR THE CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS AT MISCELLANEOUS LOCATIONS PROJECT (P.W. 507-16)**
- H. **RESOLUTION NO. 2018/67 PREWETT PARK CONCRETE IMPROVEMENTS (P.W. 567-6)**
- I. **RESOLUTION NO. 2018/68 AUTHORIZE A RESOLUTION SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018**
- J. **LEAGUE OF CALIFORNIA CITIES POLICY COMMITTEE MEETINGS ON JUNE 7 – 8, 2018 AND THE MASTER MUNICIPAL CLERKS ACADEMY ON AUGUST 22 – 24, 2018**
- K. **RESOLUTION NO. 2018/69 CONSIDERATION OF AGREEMENT EXTENSION FOR HVAC SERVICES WITH SOLE SOURCE/BRAND JUSTIFICATION REQUEST**
- L. **RESOLUTION NO. 2018/70 AUTHORIZATION TO AMEND THE FISCAL YEAR 17/18 BUDGET TO INCLUDE AN INCREASE OF \$17,580 FOR THE CRW - PERMIT TRACKING SOFTWARE UPGRADE TO ADD A GIS MODULE**

On motion by Councilmember Thorpe, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar with the exception of Items D and I, which were removed for further discussion.

**Item D** – City Manager Bernal introduced Consent Calendar Item D.

In response to Councilmember Wilson, Interim City Attorney Cole reported that there was a signed agreement with Discovery Builders and litigation would be dismissed by the end of the week.

On motion by Councilmember Thorpe, seconded by Councilmember Tiscareno, the City Council unanimously approved item D.

**Item I** – City Manager Bernal introduced Consent Calendar Item I.

Chief Brooks presented the staff report dated June 12, 2018 recommending the City Council approve the resolution.

Councilmember Wilson stated she was pleased this legislation would impose harsher penalties for human traffickers and she hoped laws would be put into place to protect the victims.

Councilmember Ogorchock reported that Governor Brown refused to meet with the California Police Chiefs and discuss the Keeping California Safe Act of 2018. She urged residents to contact their public officials to voice their support for those discussions to take place.

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously approved Item I.

## **PUBLIC HEARING**

### **4. RESOLUTION ACCEPTING AND ADOPTING THE PROPOSED FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM 2018-2023 (P.W. 150-18)**

City Manager Bernal introduced Public Hearing Item #4.

Assistant City Engineer II Filson presented the staff report dated June 12, 2018 recommending the City Council conduct a Public Hearing to adopt the resolution approving the City's Five-Year Capital Improvement Program 2018-2023 and amending the FY2017-18 and FY2018-19 Operating Budgets.

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

Councilmember Tiscareno thanked Assistant City Engineer Filson for the report and for the projects that had been completed. He stated he looked forward to seeing the remaining list of projects completed.

### **RESOLUTION NO. 2018/71**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously adopted the resolution approving the City's Five-Year Capital Improvement Program 2018-2023 and amending the FY2017-18 and FY2018-19 Operating Budgets.

## **COUNCIL REGULAR AGENDA**

### **5. APPROVE A CIVIC ENHANCEMENT GRANT PROGRAM TO SUPPORT COMMUNITY EVENTS AND IMPROVEMENT PROJECTS; APPROVE GRANT IN AMOUNT OF \$20,000**

City Manager Bernal introduced Regular Agenda Item #5.

Director of Parks and Recreation Kaiser presented the staff report dated June 12, 2018 recommending the City Council approve the following actions: 1) Approve a Civic Enhancement Grant Program to support community events and improvement projects that originate with nonprofit organizations; and 2) Approve grant funding in the amount of \$20,000 to Celebrate Antioch Foundation to support two events in 2018: July 4th and Holiday DeLites.

Councilmember Wilson announced she would recuse herself from the second part of the action this evening as she sat on the board of Celebrate Antioch Foundation. Additionally, she noted that Celebrate Antioch Foundation was a fiscal agent of an organization that she supported.

Interim City Attorney Cole agreed with Councilmember Wilson.

Following discussion, Council supported the Park and Recreation Commission reviewing and making a recommendation on the award of grants to the City Council for ratification and approval.

Interim City Attorney Cole stated that this item could be sent to the Parks and Recreation Commission as it was a legislative body subject to the Brown Act.

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously approved a Civic Enhancement Grant Program to support community events and improvement projects that originate with nonprofit organizations to be approved through the Park and Recreation Commission, with final approval of the City Council.

Councilmember Wilson recused herself and left the dais.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously approved grant funding in the amount of \$20,000 to Celebrate Antioch Foundation to support two events in 2018: July 4th and Holiday DeLites.

Councilmember Wilson returned to the dais.

Director of Parks and Recreation Kaiser announced the unused funds from this fiscal year would be carried over into the next fiscal year.

## **6. BRACKISH WATER DESALINATION PLANT – LABOR STABILITY STUDY**

City Manager Bernal introduced Jon Blank as the newly hired Public Works Director/City Engineer.

Director of Public Works Blank stated it was a privilege to service the City of Antioch. He presented the staff report dated June 12, 2018 recommending the City Council adopt a resolution accepting the Brackish Water Desalination Plant - Labor Stability Study and authorizing the City Manager or his designee to negotiate with the trade unions to execute a Project Stability Agreement.



Michael Vlaming, Esq., Vlaming & Associates, APC, presented the Labor Stability Study for the Brackish Water Desalination Project.

Joseph Lubas, Hercules resident, opposed the Project Stability Agreement noting they were not financially feasible. He urged Council to reject the Project Labor Agreement.

Bill Whitney, Contra Costa Building Trades C.E.O., Angel Luevano, Todos Unidos, speaking on behalf of himself and Argentina Davila-Luevano, California LULAC Institute, Chuck Leonard, United Association Local #342, Robert Nash, United Association Local #342, Greg Feere, CCBTC, Bob Sewell, U.A. Local #159 and Tom Hanson, IBEW #302, discussed the social and economic benefits of a Project Stability Agreement. They spoke in support of Council adopting the resolution and negotiating an agreement with the trade unions.

Nicole Goehing, Associated Buildings and Contractors Northern California, explained that every time a Project Stability Agreement was discussed it resulted in a Project Labor Agreement and low numbers of local hire. She reported State and Federally approved apprentices were excluded from working on these projects. She questioned why the City was rushing the Project Labor Agreement when the project was not fully funded.

George Kikes, Plumbers & Steamfitters #342, Anthony Solak, IBEW Local #302 and Jason Lindsey, Antioch resident, discussed the social and economic benefits of a Project Stability Agreement. They spoke in support of Council adopting the resolution and negotiating an agreement with the trade unions.

Eric Christian, Coalition of Fair Employment in Construction, stated the Project Labor Agreement were discriminatory and exclusionary documents. He encouraged the Council to delay action on this item and form an Adhoc committee to discuss Project Labor Agreements.

Mary Rocha, Antioch resident, encouraged the City Council to adopt the resolution and negotiate an agreement with the trade unions.

Debra Vinson spoke in support of Council adopting the resolution and negotiating an agreement with the trade unions.

Councilmember Tiscareno stated he supported local labor and Project Labor Agreements. He noted they were not discriminatory because all contractors would have the ability to bid.

Councilmember Ogorchock stated she viewed the Project Stability Agreement as an opportunity for everyone to bid on jobs.

In response to Councilmember Ogorchock, Mr. Vlaming explained that obligations within the agreement applied to all contractors and subcontractors that signed the agreement.

Councilmember Wilson thanked Mr. Vlaming and those who spoke on this item.

Councilmember Thorpe voiced his support for the Project Stability Agreement to insure people are paid a fair wage. He thanked Labor for partnering with Antioch and stated he would be voting in favor of the resolution.

In response to Mayor Wright, Mr. Vlaming explained that project labor and Project Stability Agreement were appropriate for large complex long term multi-craft construction projects. He clarified that he had been retained to do labor stability studies for projects that meet the threshold definition of a project to be considered for Project Stability Agreement or Project Labor Agreement. He noted the study contained the City's individual objectives and organic data. He further noted the one way to assure the most opportunity to successfully accomplish the City's objectives was through an overarching agreement that controlled all of the contractors/workers on the site.

The Council majority voiced their support for adding an objective for the trades to work with Antioch schools and academies for outreach and education for career paths.

**RESOLUTION NO. 2018/72**

On motion by Councilmember Tiscareno, seconded by Councilmember Thorpe, the City Council unanimously adopted a resolution accepting the Brackish Water Desalination Plant - Labor Stability Study and authorizing the City Manager or his designee to negotiate with the trade unions to execute a Project Stability Agreement.

**7. DESIGNATION OF A VOTING DELEGATE AND ALTERNATE DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE, AND AUTHORIZATION FOR ASSOCIATED CONFERENCE EXPENSES NOT TO EXCEED \$1,450**

City Manager Bernal introduced Regular Agenda Item #7.

Administrative Services Director Mastay presented the staff report dated June 12, 2018 recommending the City Council appoint a Voting Delegate and Alternate Delegate for the 2018 League of California Cities Annual Conference. It is further recommended that the Council authorize the associated conference expenses for one participant in an amount not to exceed \$1,450.

City Clerk Simonsen stated he would be attending the City Clerk's Association Business meeting the day prior and the League Conference as well and would be available to serve as an alternate if there was an issue.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the City Council unanimously appointed Councilmember Ogorchock as a Voting Delegate and Councilmember Wilson as Alternate Delegate and Councilmember Thorpe as Second Alternate Delegate for the 2018 League of California Cities Annual Conference.

**8. THE MAYOR APPOINT A CITY ATTORNEY AD HOC RECRUITMENT COMMITTEE TO INTERVIEW RECRUITING FIRMS FOR THE PURPOSE OF SELECTING THE NEXT CITY ATTORNEY**

Administrative Services Director Mastay presented the staff report dated June 12, 2018 recommending the Mayor nominate and Council appoint a two (2) member City Attorney Ad Hoc Recruitment Committee to interview recruitment firms for the process of selecting the next City Attorney.

On motion by Mayor Wright, seconded Councilmember Wilson, the City Council appointed Councilmember Ogorchock and Councilmember Tiscareno to the City Attorney Ad Hoc Recruitment Committee to interview recruitment firms for the process of selecting the next City Attorney. The motion carried the following vote:

*Ayes: Wilson, Tiscareno, Ogorchock, Wright*

*Noes: Thorpe*

**9. EXTEND EXPIRATION OF QUALITY OF LIFE AD HOC COMMITTEE**

Administrative Services Director Mastay presented the staff report dated June 12, 2018 recommending that the City Council retain the existing members and discuss and extend the expiration of the Quality of Life Ad Hoc Committee from June 30, 2018 to December 31, 2018.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council retained the existing members and extended the expiration of the Quality of Life Ad Hoc Committee from June 30, 2018 to December 31, 2018

**10. RESOLUTION APPROVING THE FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH ROWLAND BERNAL JR. FOR CITY MANAGER SERVICES AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT**

By previous action of the Council, this item was moved to the beginning of the Agenda after Proclamations.

**PUBLIC COMMENTS** – None

**STAFF COMMUNICATIONS**

City Manager Bernal announced the City's new Economic Development Director Kwame Reed would be beginning work on July 2, 2018.

**COUNCIL COMMUNICATIONS**

Councilmember Ogorchock requested staff agendize discussions on City policy regarding how water service is turned on for residences and an 8/80 discussion for seniors and youth.

Councilmember Tiscareno requested staff agendize a discussion on a citywide Project Labor Agreement.

**ADJOURNMENT**

With no further business, Mayor Wright adjourned the meeting at 9:29 P.M. to the next regular Council meeting on June 26, 2018.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk