

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

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

**January 8, 2019
Council Chambers**

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation Pursuant to California Government Code §54956.9(d)(1): Zeka One Ranch, LLC et al. v City of Antioch et al., Contra Costa Superior Court Case Nos. N18-2228, N18-2229, N18-2231 and N18-2232.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, direction given to City Attorney.

SPECIAL MEETING/CLOSED SESSION ON DECEMBER 13, 2018 – Interim City Attorney Cole reported out that direction was given to the Negotiators.

SPECIAL MEETING/CLOSED SESSION ON DECEMBER 27, 2018 – Interim City Attorney Cole reported out that direction was given to the Negotiators. He explained that the agenda specified the location was the third floor conference room; however, the meeting was held at Smith's Landing Restaurant. Secondly, the meeting concluded at Smith's Landing Restaurant and they did not come back to Council Chambers to formally close out Closed Session. He commented that reporting out this evening constituted substantial compliance with the Brown Act; however, it was not technical literal compliance so going forward, he recommended Closed Session convene back to Council Chambers to close out the meeting.

Mayor Wright called the meeting to order at 7:02 P.M., and wished everyone a Happy New Year. City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATION

Human Trafficking Awareness Month, January 2019

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

Mayor Wright and Councilmember Wilson presented the *Human Trafficking Awareness Month* proclamation to Lucia Ray, Anti-Human Trafficking Program Manager with Community Violence

Solutions, who thanked the City Council for the recognition and discussed the services they provided.

Councilmember Wilson thanked Council for the proclamation and Ms. Ray for being present this evening to accept the proclamation. She announced a *Day of Action for Human Trafficking* would be held at 2:00 P.M. on January 9, 2019, in the Antioch Police Department community room.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser stated the Winter/Spring Recreation Guide had been mailed out and classes would begin this week. She announced that in honor of the Martin Luther King Jr. holiday, the following volunteer opportunities were available from 9:00 A.M. – 12:00 P.M. on January 21, 2019:

- Graffiti Removal and Mural Preparation at Sunset Drive and “A” Street (register in advance)
- Dead Tree Removal and Landscape Improvements at the Nick Rodriguez Community Center (register in advance)
- Litter Pick Up at the Antioch Water Park (no registration required)

Lee Ballesteros, Antioch resident, wished everyone a Happy New Year and announced the Drama Factory would be holding auditions for Peter Pan at 7:00 P.M. on January 14 and 15, 2019, at the Nick Rodriguez Community Center. She reported that a Drama Factory radio drama, *The Tell Tale Heart*, aired in the summer and was archived at KPFA.org and available on the Drama Factory YouTube channel.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- Board of Administrative Appeals: One (1) vacancy; deadline date is January 25, 2019
- Police Crime Prevention Commission: One (1) vacancy; deadline date is January 25, 2019

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

Stephanie Lopez, Antioch resident, wished everyone a Happy New Year. She discussed the need for additional Police Officers in Antioch to address criminal activity and assist the mentally ill. She recognized her mom for assisting her with her personal mental health issues.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Thorpe announced that he was selected the 2019 UnTapped Water Policy Academy Fellow by Water Education for Latino Leaders (WELL).

Mayor Wright and Councilmember Ogorchock congratulated Councilmember Thorpe on his appointment.

MAYOR'S COMMENTS

Mayor Wright wished everyone a Happy New Year and reported that he had taught Junior Achievement to second graders at Mission Elementary School this morning.

2. **CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency**
 - A. **APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 27, 2018**
 - B. **APPROVAL OF COUNCIL MINUTES FOR DECEMBER 11, 2018**
 - C. **APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR DECEMBER 13, 2018**
 - D. **APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR DECEMBER 27, 2018**
 - E. **APPROVAL OF COUNCIL WARRANTS**
 - F. **ORDINANCE NO. 2159-C-S SECOND READING – ADOPT THE ORDINANCE AMENDING THE ANTIOCH MUNICIPAL CODE SECTION 1-5.06 TO CHANGE THE CITATION AMOUNTS FOR VIOLATIONS AT COMMERCIAL PROPERTIES PURSUANT TO ASSEMBLY BILL (AB) 2598 (*Introduced on 12/11/18*)**
 - G. **RESOLUTION NO. 2019/01 AUTHORIZATION TO AMEND CONSULTANT CONTRACT WITH LAND USE PLANNING SERVICE, INC. TO MARCH 31, 2019 AND INCREASE THE NOT TO EXCEED AMOUNT BY \$39,000 FOR A TOTAL OF \$116,250**
 - H. **RESOLUTION NO. 2019/02 IMPLEMENTATION OF SALES TAX ORDINANCE (MEASURE W)**
 - I. **RESOLUTION NO. 2019/03 AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX**

- J. **RESOLUTION NO. 2019/04 ANNEXING ASSESSOR'S PARCEL NUMBER 052-140-002 (WILDFLOWER STATION) INTO CFD NO. 2018-02 (POLICE PROTECTION)**
- K. **RESOLUTION NO. 2019/05 APPROVING THE FINAL MAP AND IMPROVEMENT PLANS FOR WILDFLOWER STATION SUBDIVISION 9427 (DENOVA HOMES) AND ANNEXING INTO HILLCREST STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT 1 ZONE 1 (PW 460-4)**
- L. **RESOLUTION NO. 2019/06 CONSIDERATION OF BIDS FOR THE MARINA BOAT LAUNCH FACILITY RESTROOM (P.W. 523-16R)**
- M. **LEAGUE OF CALIFORNIA CITIES:**
- **POLICY COMMITTEE MEETINGS**
 - **MAYORS AND COUNCIL MEMBERS EXECUTIVE FORUM AND ADVANCED LEADERSHIP WORKSHOPS**
 - **ANNUAL CONFERENCE**
- N. **LEAGUE OF CALIFORNIA CITIES:**
- **POLICY COMMITTEE MEETINGS,**
 - **LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**
- CITY CLERKS ASSOCIATION OF CALIFORNIA (CCAC):**
- **CCAC ANNUAL CONFERENCE**
 - **CCAC ADVANCED ACADEMY,**
 - **CCAC ANNUAL MEETING AND CITY CLERKS WORKSHOP**

City Council Members Acting as Housing Successor to the Antioch Development Agency

- O. **SA RESOLUTION NO. 2019/30 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (19-20) FOR THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH**

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

Item A – Councilmember Motts pulled Consent Calendar Item A to abstain from the vote on the Minutes since she was not on Council when the meeting was held.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council approved Item A. The motion carried the following vote:

Ayes: Wilson, Thorpe, Ogorchock, Wright

Abstain: Motts

Item G – Director of Community Development Ebbs presented the staff report dated January 8, 2019 recommending the City Council adopt the resolution.

Following discussion, Councilmember Thorpe requested that staff keep him informed of the public engagement process.

In response to Councilmember Motts, Director of Community Development Ebbs explained that there had not yet been a commitment to renew the grants so this project would be halted until there was sufficient money to complete the process.

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

PUBLIC HEARING

3. PROPOSED FINANCING VILLA MEDANOS APARTMENTS THROUGH THE ISSUANCE OF BONDS BY THE CALIFORNIA PUBLIC FINANCE AUTHORITY (CPFA)

City Manager Bernal introduced Public Hearing Item #3.

Director of Community Development Ebbs presented the staff report dated January 8, 2019 recommending the City Council adopt the Resolution approving the issuance by the California Public Finance Authority (CalPFA) of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$31,000,000 for the purpose of financing or refinancing the acquisition and rehabilitation of Villa Medanos Apartments and certain other matters relating hereto.

Mayor Wright opened the public hearing.

Caitlin Lanctot, CalPFA, explained that the regulatory agreement restricted the Villa Medanos Apartments to an affordable housing project for at least 55 years.

Mayor Wright closed the public hearing.

In response to Council, Jason Snyder, The Reliant Group, commented that a minimum of 10 percent of the units were required to be handicapped accessible and no disabled residents would be displaced. He noted they were looking at other areas throughout the City for affordable and market rate housing opportunities.

The City Council thanked Mr. Snyder for investing in Antioch.

RESOLUTION NO. 2019/07

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously adopted the Resolution approving the issuance by the California Public

Finance Authority (CalPFA) of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$31,000,000 for the purpose of financing or refinancing the acquisition and rehabilitation of Villa Medanos Apartments and certain other matters relating hereto.

4. ARNOLD REZONE (Z-18-08)

City Manager Bernal introduced Public Hearing Item #4.

Associate Planner Scudero presented the staff report dated January 8, 2019 recommending the City Council introduce the Ordinance for a zoning map amendment for the parcels located at 211 and 215 West 19th Street (APN's 067-264-011, 067-264-002) from Single Family Residential (R-6) to Convenience Commercial (C-1).

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

Councilmember Ogorchock spoke in support of rezoning the parcels.

Councilmember Motts commented that West 19th Street was in need of repairs.

On motion by Councilmember Ogorchock, seconded by Councilmember Motts, the City Council unanimously introduced the Ordinance for a zoning map amendment for the parcels located at 211 and 215 West 19th Street (APN's 067-264-011, 067-264-002) from Single Family Residential (R-6) to Convenience Commercial (C-1).

5. ESTABLISHMENT OF FIREARMS RANGE USE FEE

City Manager Bernal introduced Public Hearing Item #5.

Lieutenant Schnitzius presented the staff report dated January 8, 2019 recommending the City Council adopt a resolution amending the Master Fee Schedule to establish a new Firearms Range Use fee.

Mayor Wright opened the public hearing.

Stephanie Lopez, Antioch resident, spoke in support of staff's recommendation.

Mayor Wright closed the public hearing.

RESOLUTION NO. 2019/08

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adopted a resolution amending the Master Fee Schedule to establish a new Firearms Range Use fee.

6. RESOLUTION RECOGNIZING THE AMENDMENTS MADE TO THE GENERAL PLAN IN LIGHT OF THE ADOPTION OF “THE RANCH” AND THE “LET ANTIOCH VOTERS DECIDE” INITIATIVES (Continued from 11/27/18)

City Manager Bernal introduced Public Hearing Item #6.

Interim City Attorney Cole recommended the City Council continue this item to February 5, 2019.

Mayor Wright opened the public hearing.

City Clerk Simonsen announced letters were received from Buchalter dated January 4, 2019 and January 8, 2019, and Manatt, Phelps & Phillips dated January 8, 2019. Copies were made available to Council, staff and to the public.

Mayor Wright closed the public hearing.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously continued Item 6 to February 5, 2019.

COUNCIL REGULAR AGENDA

7. CONSIDERATION OF ONE-TIME REVENUE POLICY

City Manager Bernal introduced Regular Agenda Item #7.

Finance Director Merchant presented the staff report dated January 8, 2019 recommending the City Council either: Affirm the current One-Time Revenue Policy; or Adopt a resolution amending the One-Time Revenue Policy.

Mayor Wright spoke in support of continuing to pay off the Police Supplementary Retirement Plan and allocating the remainder of one-time revenue toward unfunded liabilities within the City.

Councilmember Motts agreed and suggested Council discuss funding for post-retirement benefits during the budget process.

Councilmember Thorpe questioned if a policy related to the post-retirement benefits could be incorporated into the budget process.

Finance Director Merchant responded that Council could allocate a certain amount annually targeted towards paying down the City’s unfunded liabilities. She provided a breakdown of the unfunded liabilities and explained the City’s contribution rates. She explained that the City’s contribution from one-time revenues was in addition to the mandated contributions.

Councilmember Ogorchock suggested Council affirm the current One-Time Revenue Policy. She requested Finance Director Merchant provide her with details of the amortization schedule.

Councilmember Wilson agreed with Councilmember Ogorchock and suggested Council discuss the City's unfunded projects, during Budget Study Sessions.

Mayor Wright explained that the next fund was at \$70M and paying that debt would not show an appreciable difference. Additionally, he noted that when the actuarial changed, there would be no benefit. He reported that due to budget constraints, the City had not funded various projects throughout the community which had resulted in one-time revenues becoming available. He stated that he felt they were missing an opportunity to allocate some of those funds to make improvements that would benefit the entire community.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Wilson, to affirm the current One-Time Revenue Policy.

Mayor Wright explained that he was asking for Council to be able to discuss where to allocate one-time revenues.

Following discussion, Councilmember Thorpe stated that he believed a One-Time Revenue Policy for Post Employee Benefits needed to continue; however, it should be part of the budget process.

The vote taken on the previous motion to affirm the current One-Time Revenue Policy, failed by the following vote:

Ayes: Wilson, Ogorchock

Noes: Motts, Thorpe, Wright

In response to Finance Director Merchant, Interim City Attorney Cole clarified that Council could introduce another motion to adopt the resolution.

A motion was made by Councilmember Thorpe, seconded by Councilmember Motts, to adopt the resolution amending the One-Time Revenue Policy.

In response to Councilmember Ogorchock, Councilmember Thorpe clarified that he supported bringing back a policy for the City's unfunded liabilities, prior to the budget process.

Councilmember Ogorchock stated she would support increasing allocations to pay down the City's unfunded liabilities; however, the resolution did not reflect that direction.

Interim City Attorney Cole stated the motion was a directional item and if approved, staff would bring the policy back for development, prior to the budget.

Following discussion, the maker of the motion and second agreed to the following amended motion.

RESOLUTION NO. 2019/09

On motion by Councilmember Thorpe, seconded by Councilmember Motts, the City Council adopted the resolution amending the One-Time Revenue Policy with direction to staff to bring back for future consideration, a Post Employment Benefit Policy for the budget process. The motion carried the following vote:

Ayes: Wilson, Motts, Thorpe, Wright

Noes: Ogorchock

8. CIVIC ENHANCEMENT GRANTS

City Manager Bernal introduced Regular Agenda Item #8.

Director of Parks and Recreation Kaiser presented the staff report dated January 8, 2019 recommending the City Council adopt a resolution approving the 2018-2019 Civic Enhancement Grants.

In response to Councilmember Ogorchock, Interim City Attorney Cole explained that if Council's position on the committee was volunteer, they would not have a financial interest and therefore would not need to abstain from the vote. He noted as far as perception issues, each Councilmember needed to determine that matter for themselves.

Councilmember Ogorchock reported that her participation with the Delta Veterans Memorial Banners Project and the Rotary Club of the Delta were volunteer positions; however, she would prefer to abstain from a vote on those items.

Mayor Wright explained that Councilmembers serving on these committees were not receiving financial benefits and they were all great projects. He spoke in support of the process of utilizing volunteers on the Parks and Recreation Commission, to recommend funding.

Councilmember Thorpe stated in the future, he would prefer final approval of the Civic Enhancement Grants be a function of the Parks and Recreation Commission.

Director of Parks and Recreation Kaiser assured Council that the Parks and Recreation Commission handled the process in a very professional manner.

Mayor Wright responded that that issue was not before Council this evening and could be brought back to the Council for discussion.

In response to Council, Interim City Attorney Cole reiterated that if a Councilmember's involvement on a committee was not a source of income, they would not need to abstain from voting on the item.

RESOLUTION NO. 2019/10

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council adopted the resolution approving Civic Enhancement Grants to Celebrate Antioch for Fiscal Year 2018-2019. The motion carried the following vote:

Ayes: Wilson, Thorpe, Ogorchock, Wright

Abstain: Motts

RESOLUTION NO. 2019/11

On motion by Councilmember Thorpe, seconded by Councilmember Motts, the City Council adopted the resolution approving Civic Enhancement Grants to the Delta Veterans (Update Veterans Memorial Banners) and Rotary Club of the Delta for Fiscal Year 2018-2019. The motion carried the following vote:

Ayes: Wilson, Motts, Thorpe, Wright

Abstain: Ogorchock

Max Ballesteros thanked the City Council for supporting the Drama Factory.

Councilmember Thorpe questioned if his motion needed to include direction to staff that in the future, the Civic Enhancement Grants be submitted to the Parks and Recreation Commission for final approval.

Interim City Attorney Cole stated that direction to staff was implied.

RESOLUTION NO. 2019/12

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously adopted the resolution approving Civic Enhancement Grants to the Antioch Youth Sports Complex, Antioch Historical Society, Delta Blues Festival, Women's Club of Antioch, El Campanil Theatre, Delta Veteran's Softball Tournament of Heroes, The Drama Factory and Antioch Rotary Club for Fiscal Year 2018-2019.

9. BUILDING INSPECTION SERVICES AUGMENTATION OF \$150,000 FOR ONE BUILDING INSPECTOR I AND CONTRACT SERVICES

City Manager Bernal introduced Regular Agenda Item #9.

Director of Community Development Ebbs presented the staff report dated January 8, 2019 recommending the City Council adopt a resolution approving a budget amendment in the amount of \$150,000 for both revenues and appropriations to augment Building Inspection Services by adding one Building Inspector I and Contract Services.

In response to Council, Director of Community Development Ebbs explained that approximately 90 percent of the cost of services would be paid back with development fees.

RESOLUTION NO. 2019/13

On motion by Councilmember Ogorchock, seconded by Councilmember Motts, the City Council unanimously adopted a resolution approving a budget amendment in the amount of \$150,000 for both revenues and appropriations to augment Building Inspection Services by adding one Building Inspector I and Contract Services.

10. RESOLUTION APPROVING PUBLIC WORKS INSPECTION AUGMENTATION OF \$372,000 FOR ONE (1) PUBLIC WORKS INSPECTOR POSITION AND CONTRACT SERVICES

City Manager Bernal introduced Regular Agenda Item #10.

Director of Public Works/City Engineer Blank presented the staff report dated January 8, 2019 recommending the City Council adopt a resolution approving a budget amendment in the amount of \$372,000 to augment Public Works Inspection Services by adding one Public Works Inspector and Contract Services.

RESOLUTION NO. 2019/14

On motion by Councilmember Ogorchock, seconded by Councilmember Motts, the City Council unanimously adopted a resolution approving a budget amendment in the amount of \$372,000 to augment Public Works Inspection Services by adding one Public Works Inspector and Contract Services.

11. STANDBY CITY COUNCIL MEMBERS

City Manager Bernal introduced Regular Agenda Item #11 and presented the staff report dated January 8, 2019 recommending the City Council appoint Standby City Council Members.

City Clerk Simonsen explained that the appointment of Standby City Council Members was in the event of a declared emergency and a Councilmember was not available or incapacitated. He noted they would be contacted in order of appointment until one was found to be available. He further noted that appointed Standby Councilmembers would be required to take an Oath and provide the FPPC Form 700.

Council nominated the following Standby City Council Members:

- Mayor Wright: Clifton Mbanugo, Matthew Hart, Lamont Francoise
- Council Member Ogorchock: Tony Tiscareno, Mary Rocha, Manual Soliz Jr.
- Council Member Thorpe: Mark Jordan, Ellie Householder, Josh Young
- Council Member Wilson: Donald P. Freitas, Jacquelynn M. Bruckman, Jennifer Victor
- Mayor Pro Tem Motts: Kerry Motts, Keith Archuleta, Robin Agopian

City Clerk Simonsen requested Council provide him with contact information for each nominated Standby City Council Members.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council appointed the following nominated Standby City Council Members:

- Mayor Wright: Clifton Mbanugo, Matthew Hart, Lamont Francoise
- Mayor Pro Tem Motts: Kerry Motts, Keith Archuleta, Robin Agopian
- Council Member Wilson: Donald P. Freitas, Jacquelynn M. Bruckman, Jennifer Victor
- Council Member Thorpe: Mark Jordan, Ellie Householder, Josh Young
- Council Member Ogorchock: Tony Tiscareno, Mary Rocha, Manual Soliz Jr.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Manager Bernal announced that due to the President's Day Holiday, the February 12, 2019 City Council meeting was moved to February 5, 2019.

COUNCIL COMMUNICATIONS – None

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 9:20 P.M. to the next regular Council meeting on January 22, 2019.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk