

CITY COUNCIL MEETING

Special/Regular Meeting
7:00 P.M.

February 5, 2019
Council Chambers

4:30 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation Pursuant to California Government Code §54956.9(d)(1): Antioch Police Officers Association v. City of Antioch et al., Contra Costa Superior Court Case No. 19-0170.

Mayor Wright called the meeting to order at 5:00 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

Mayor Wright led the Council and audience in the Pledge of Allegiance.

STUDY SESSION

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

City Manager Bernal introduced Study Session Agenda Item #1.

Director of Public Works/City Engineer Blank and Thomas Pavletic, Consultant, presented the staff report and PowerPoint presentation dated February 5, 2019 recommending the City Council provide direction to staff regarding the water rate methodology, and approved increases in the water and sewer rates for FY2019/2020.

Mayor Wright explained that medium to heavy users were currently paying more to subsidize lower end users, who then stopped maintaining their landscaping. He noted that uniformed rates would incentivize water usage and help defray costs; which was why he supported a uniformed rate system.

In response to Council, Mr. Pavletic explained that the City had adopted rates for 19/20 and after that, they would be conducting a rate study and 218 vote. However, if Council wanted to adopt new rates now, they would need to begin the rate study process immediately. He discussed the methodology used to set up the two-tiered rate structure.

Councilmember Thorpe explained that some residents in tier two paid more because they looked at certain things that required additional water usage, as a luxury.

In response to Councilmember Motts, Mr. Pavletic stated that in comparing Antioch's rates with other cities in the bay area, they were at the extreme low end. He noted that the next rate study would anticipate water use decreasing.

Mayor Wright commented that a rate study and 218 vote would occur next year, so moving toward a uniformed rate now, would just expedite the process.

Councilmember Ogorchock stated as a high end user, she did not believe it was fair to pass her costs onto a user that was conserving.

Mayor Wright reiterated his support for the rate study to move toward uniformed water rates.

Following discussion, the Council majority supported the City maintaining the current water rate structure.

Mayor Wright declared a recess at 5:48 P.M. The meeting reconvened at 6:01 P.M. with all Councilmembers present.

2. UNFUNDED LIABILITIES

City Manager Bernal introduced Study Session Agenda Item #2.

Finance Director Merchant presented the staff report dated February 5, 2019 recommending the City Council discuss and direct staff regarding a policy for paying down unfunded pension and other post-employment benefit (OPEB) liabilities.

Dane Hutchings, Legislative Representative League of California Cities, gave a "Why cities are on the frontline of pension reform" PowerPoint presentation.

In response to Council, Mr. Hutchings explained the 115 Trust and the advantages of prepaying the minimum contribution.

Councilmember Thorpe stated that he was not committed; however, he was interested in the 115 Trust.

Councilmember Ogorchock thanked Mr. Hutchings for the presentation and spoke in support of the City establishing a 115 Trust.

Mr. Hutchings reported that he had informed CalPERS that it was a struggle for cities to make the minimum contributions. He noted the next step would be working with the stakeholders on some remedies that would help provide relief for cities.

Mayor Wright thanked Mr. Hutchings for the presentation and noted that Council would continue to look at this issue as they go through the budget.

Mayor Wright declared a recess at 6:58 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**, no reportable action.

Mayor Wright called the meeting to order at 7:07 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

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

3. PROCLAMATION

In Honor of Barbara Sobalvarro, President – Friends of Animal Services

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

Mayor Wright presented the proclamation to Barbara Sobalvarro who thanked the City for the recognition. She read a card from former Mayor Pro Tem, Frank Stone, who spoke to the success of the Antioch Animal Shelter. She announced that they had produced a new brochure for the Friends of Animal Services.

On behalf of Friends of Animals Services, shelter volunteers, and staff, Ms. Sobalvarro was presented with flowers and a photo collage.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Shirley Evans and Bridget Woodcoff, representing the Antioch Senior Center, invited the community to attend a Spaghetti Dinner fundraiser at the Antioch Senior Center at 5:00 P.M. on February 14, 2019. She invited the Council to visit the Antioch Senior Center.

Director of Parks and Recreation Kaiser announced a Youth Employment Fair would be held from 10:00 A.M. – 2:00 P.M. on February 23, 2019, at the Nick Rodriguez Community Center. She also announced that they were hiring at the Antioch Water Park.

Dan Torres, Business Agent Sprinkler Fitters Local 483, announced they were accepting applications for their apprenticeship program.

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 February 15, 2019

He reported applications would be available online at the City's website and at the City Clerk's and Deputy City Clerk's offices. He noted that there was a recent resignation from the Police Crime Prevention Commission and that vacancy would be announced in the near future.

PUBLIC COMMENTS

Frank Runninghorse, Oscar Grant Committee, Frank Sterling and West Nickelson, spoke in support of SB1421 and urged the Antioch Police Department to comply with the law.

Tim McCall, Antioch resident, thanked Council for their service. He stated he was unable to attend the Visioning and Strategic Plan Study Session and expressed concern that Council had not listed the Somersville corridor as a priority during their discussions. He requested Council support this item becoming a priority.

Jonathan Bean, Safe Return Project, announced a Cease Fire Retreat would be held from 9:00 P.M. – 12:00 P.M. on February 8, 2019 at the Antioch Community Center. He requested City support of this effort.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Tri Delta Transit and Contra Costa Transportation Authority meetings.

Councilmember Thorpe reported he had also attended the Tri Delta Transit meeting. He noted that he had toured Sierra School and met some of their special education students. He encouraged Council to visit their program. He noted he would be attending the Water Education for Latino Leaders (WELL) in Fresno this weekend.

Councilmember Ogorchock reported on her attendance at the East Bay Division meeting.

Mayor Wright reported on his attendance at the EC2 and Delta 6 meetings.

MAYOR'S COMMENTS

Mayor Wright invited everyone to participate in the African American History Exhibit at the Nick Rodriguez Community Center.

PRESENTATIONS

Public Finance Management (PFM) Investment Report

City Manager Bernal introduced the Presentation.

Izac O. Chyou, Senior Managing Consultant, Public Finance Management (PFM) gave a Portfolio Review PowerPoint presentation.

City Branding update by Evviva Brands, LLC

Economic Development Director Reed introduced David Kippen, Evviva Brands, LLC, who gave a City Branding Updated PowerPoint presentation. He requested Council choose a logo in which to brand the City and launch with a marketing campaign.

Following discussion, Council selected option #2 as the new City logo. They suggested Mr. Kippen look into modifying the orange color to a lighter yellow tone more reflective of the sun. Interim City Attorney Cole stated that this was a presentation and Mr. Kippen could move forward with the direction given this evening.

4. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 8, 2019**
- B. APPROVAL OF COUNCIL MINUTES FOR JANUARY 22, 2019**
- C. APPROVAL OF SPECIAL MEETING/STUDY SESSION MINUTES FOR FEBRUARY 2, 2019**
- D. APPROVAL OF COUNCIL WARRANTS**
- E. RESOLUTION NO. 2019/18 NINTH AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH EXPONENT, INC.**
- F. RESOLUTION NO. 2019/19 INITIATE PREPARATION OF THE STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT CITY ENGINEER'S REPORT FOR FY 2019/2020**
- G. RESOLUTION NO. 2019/20 THIRD AMENDMENT TO THE DESIGN SERVICES AGREEMENT WITH SWATT MIERS ARCHITECTS FOR THE CITY HALL COUNCIL CHAMBERS INTERIOR REMODEL (P.W. 247-P)**
- H. RESOLUTION NO. 2019/21 PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS FOR THE FULTON SHIPYARD ROAD SEWER PUMP STATION**
- I. RESOLUTION NO. 2019/22 TERMINATING MAINTENANCE AGREEMENT WITH PACIFIC COAST LANDSCAPE MANAGEMENT, INC.**
- J. RESOLUTION NO. 2019/23 APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION TO OBTAIN A TRANSPORTATION DEVELOPMENT ACT GRANT FOR THE MOKELUMNE TRAIL BICYCLE PATH IMPROVEMENTS (P.W. 404-11)**

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

On motion by Councilmember Thorpe, seconded by Mayor Wright, the City Council unanimously moved to suspend the rules.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously moved Regular Agenda Item #10 to after the Consent Calendar and Agenda Item #9 after Agenda Item #10.

COUNCIL REGULAR AGENDA

10. NEW CITY ATTORNEY APPOINTMENT

City Manager Bernal introduced Regular Agenda Item #10.

Administrative Services Director Mastay presented the staff report dated February 5, 2019 recommending the City Council adopt a motion appointing Thomas Smith as City Attorney; approving the Agreement with Thomas Smith for City Attorney Services and authorizing the Mayor to sign the Agreement and amendment.

Councilmember Thorpe welcomed Thomas Smith to Antioch.

Mayor Wright stated there was an extensive interview process and Mr. Smith's professional experience made this an exciting appointment.

Councilmember Motts thanked City staff for their assistance and input into the interview process. She stated they were honored to have him serve as City Attorney.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously appointed Thomas Smith as City Attorney; approved the Agreement with Thomas Smith for City Attorney Services and authorized the Mayor to sign the Agreement and amendment.

Thomas Smith introduced himself and his wife Danielle. He stated he looked forward to working in Antioch and was honored to serve the community.

Mayor Wright welcomed Thomas and Danielle.

9. BRACKISH WATER DESALINATION PLANT – PROJECT STABILIZATION AGREEMENT (P.W. 694)

City Manager Bernal introduced Regular Agenda Item #9.

Public Works Director/City Engineer Blank and Mike Vlamming, presented the staff report dated February 5, 2019 recommending the City Council adopt a resolution authorizing the City Manager or his designee to execute a Project Stabilization Agreement and direct staff to include the agreement in the bid documents for the construction of the Brackish Water Desalination Plant.

Tom Hansen IBEW 302, Dan Torres, Sprinkler Fitters Local 483, Bill Whitney, Contra Costa Building Trades, Anthony Solak, President of IBEW 302, Glen Loveall, IBEW 378, spoke in support of the Project Stabilization Agreement (PSA) for the Brackish Water Desalination Plant. Several members of the audience stood in support of the PSA.

Tony Tiscareno, Antioch resident, welcomed Mr. Smith as the new City Attorney and he recognized Interim City Attorney Cole for his service. He spoke in support of the PSA.

Councilmember Motts spoke in support of the PSA.

Mayor Wright requested the assistance of the business trades to get through the CEQA process and obtaining funding to build the desalination plant project.

Councilmember Ogorchock spoke in support of the PSA.

RESOLUTION NO. 2019/27

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adopted a resolution authorizing the City Manager or his designee to execute a Project Stabilization Agreement and direct staff to include the agreement in the bid documents for the construction of the Brackish Water Desalination Plant.

PUBLIC HEARING

5. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH REPEALING AND REENACTING CHAPTER 14 OF TITLE 4 OF THE ANTIOCH MUNICIPAL CODE AND AMENDMENT TO THE CITY OF ANTIOCH'S MASTER FEE SCHEDULE CONCERNING ALARM SYSTEMS

City Manager Bernal introduced Public Hearing Item #5.

Acting Captain Bittner presented the staff report dated February 5, 2019 recommending the City Council take the following actions: 1) Waive the first reading and consider the introduction of an Ordinance of the City Council of the City of Antioch Repealing and Reenacting Chapter 14 of Title 4 of the Antioch Municipal Code Concerning Alarm Systems, and 2) Adopt a Resolution amending the Master Fee Schedule to assign new Alarm System Fees with corresponding values. He reported that there was a change to the ordinance section 4-14.19 Section 5 inserting "days" after (15).

Mayor Wright opened the public hearing.

Michael Salk, East Bay Alarm Association (EBAA) and California Alarm Association, voiced his support for the ordinance; however, he noted that they were concerned the alarm ordinance included a verified response which they recommended only for chronic abusers. He thanked the Antioch Police Department for their willingness to include the alarm industry in the writing of the ordinance. He offered to assist the Antioch Police Department in eliminating false alarms.

Jeffery Klingler, Antioch resident, voiced his support for the ordinance; however, he felt the City should eliminate the annual renewal fee for residents with no alarm calls.

Mayor Wright closed the public hearing.

In response to Council, Acting Captain Bittner explained the verification process. He reported that the average over 2016-2018 was approximately 8,000 alarm calls, 1,000 which were cancelled and 115 which were valid alarms. He stated that the annual registration renewal fee was consistent with the existing fee in the Master Fee Schedule. He noted this ordinance provided clear direction to the alarm companies and users. He further noted that the fee associated with annual registration also served as an incentive for the alarm user to provide updated contact information.

Chief Brooks added that the appeal process was similar to the appeal process for parking citations. In speaking to the annual registration fee, he felt it was important in order to keep updated information. He suggested after the program progresses, they could consider a lesser fee for people who did not have false alarms or changes to their registration forms.

Councilmember Thorpe stated he believed the appeal process should be administered by the Board of Administrative Appeals.

Councilmember Ogorchock stated that she felt the annual registration fee was appropriate to recover the costs of administering the program. She thanked Acting Captain Bittner for the report.

The Council consensus supported the Ordinance and bringing back a discussion after the program was established to review the feasibility of lowering registration fees for residents with no false alarms or changes to registration forms.

A motion was made by Councilmember Ogorchock and seconded by Councilmember Thorpe, to 1) Waive the first reading and consider the introduction of an Ordinance of the City Council of the City of Antioch Repealing and Reenacting Chapter 14 of Title 4 of the Antioch Municipal Code Concerning Alarm Systems, and 2) Adopt a Resolution amending the Master Fee Schedule to assign new Alarm System Fees with corresponding values.

Following discussion, the motion was amended as follows:

RESOLUTION NO. 2019/24

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously 1) Waived the first reading and considered the introduction of an Ordinance of the City Council of the City of Antioch Repealing and Reenacting Chapter 14 of Title 4 of the Antioch Municipal Code Concerning Alarm Systems, and 2) Adopted a Resolution amending the Master Fee Schedule to assign new Alarm System Fees with corresponding values. With the following change to the ordinance:

- §4-14.19 Section 4. Effective Date of Publication – second sentence - inserting “days” after (15).

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 01/08/19)

City Manager Bernal introduced Public Hearing Item #6.

Interim City Attorney Cole presented the staff report dated February 5, 2019 recommending the City Council withdraw this proposed action at this time.

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

This item was withdrawn by Interim City Attorney Cole.

COUNCIL REGULAR AGENDA – Continued

7. PARKS AND RECREATION COMMISSION APPOINTMENTS FOR TWO (2) PARTIAL-TERM VACANCIES EXPIRING MARCH 2020 AND APRIL 2022

Mayor Wright nominated Marie Arce to the Parks and Recreation Commission for a partial-term vacancy expiring March 2020; and Mitchell Belche to the Parks and Recreation Commission for a partial-term vacancy expiring April 2022.

RESOLUTION NO. 2019/25

On motion by Councilmember Ogorchock, seconded by Councilmember Motts, the City Council unanimously appointed by resolution: 1) Marie Arce to the Parks and Recreation Commission for a partial-term vacancy expiring March 2020; and 2) Mitchell Belche to the Parks and Recreation Commission for a partial-term vacancy expiring April 2022.

8. FEE AND PRICING POLICY FOR PARKS AND RECREATION SERVICES

City Manager Bernal introduced Regular Agenda Item #8.

Director of Parks and Recreation Kaiser presented the staff report dated February 5, 2019 recommending the City Council adopt a resolution approving a Fee and Pricing Policy for Parks and Recreation Services.

Following discussion, Mayor Wright suggested in the future Council consider decreasing the fees associated with room rentals at the community center.

Discussion ensued regarding the importance of expanding the market to ensure that all families have equitable access to recreational programming with Council agreeing to support the

resolution, and eliminate the potential for a five (5) percent price increase. Council thanked Director of Parks and Recreation Kaiser for the report.

RESOLUTION NO. 2019/26

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously adopted a resolution approving a Fee and Pricing Policy for Parks and Recreation Services eliminating the five (5) percent price increase.

11. 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

City Manager Bernal left Council Chambers.

Interim City Attorney Cole presented the staff report dated February 5, 2019 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.

RESOLUTION NO. 2019/28

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously adopted 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.

City Manager Bernal returned to Council Chambers.

12. CITY COUNCIL TRAVEL

City Manager Bernal introduced Regular Agenda Item #12.

Administrative Services Director Mastay presented the staff report dated February 5, 2019 recommending the City Council discuss and appoint two (2) Council Members for travel to Sacramento, CA from April 10 – 11, 2019 for the California Cannabis Control (CCC) Regulations, Codes, and Enforcement Summit. It is further recommended that the City Council authorize the associated conference expenses for one participant in an amount not to exceed \$1,945.

Councilmember Thorpe stated he and Councilmember Wilson had requested this item be placed on the agenda noting that they felt it was in the best interest of the City to attend the conference to be updated on legislation and policy.

On motion by Councilmember Ogorchock, seconded by Councilmember Motts, the City Council unanimously appointed Councilmember Wilson and Councilmember Thorpe for travel to Sacramento, CA from April 10 – 11, 2019 for the California Cannabis Control (CCC) Regulations,

Codes, and Enforcement Summit and authorized the associated conference expenses for two participants in an amount not to exceed \$3,890.

13. RESOLUTION TO FORM COMMITTEES

City Manager Bernal introduced Regular Agenda Item #13.

Administrative Services Director Mastay presented the staff report dated February 5, 2019 recommending the City Council take the following actions: 1) Adopted resolutions to form the following committees as Ad Hoc Committees for a period of six (6) months and, 2) Confirmed the appointments of the two (2) members for each of the Ad Hoc Committees.

RESOLUTION NO. 2019/29
RESOLUTION NO. 2019/30
RESOLUTION NO. 2019/31
RESOLUTION NO. 2019/32
RESOLUTION NO. 2019/33
RESOLUTION NO. 2019/34

On motion by Councilmember Motts, seconded by Councilmember Ogorchock, the City Council unanimously 1) Adopted resolutions to form the following committees as Ad Hoc Committees for a period of six (6) months and, 2) Confirmed the appointments of the two (2) members for each of the Ad Hoc Committees.

- Waterfront Committee - Appointing Mayor Pro Tem Motts and Councilmember Wilson
- City/School Committee – Appointing Mayor Pro Tem Motts and Councilmember Ogorchock
- Youth Services Task Force Committee – Appointing Mayor Wright and Councilmember Thorpe
- Civic/Municipal Center Committee – Appointing Councilmember Wilson and Councilmember Thorpe
- Human Trafficking Committee – Appointing Mayor Pro Tem Motts and Councilmember Wilson
- Sesquicentennial Committee – Appointing Mayor Wright and Mayor Pro Tem Motts

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Manager Bernal announced that the next City Council meeting would be held on February 26, 2019.

COUNCIL COMMUNICATIONS – None

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 10:15 P.M. to the next regular Council meeting on February 26, 2019.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk