

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

June 11, 2019
Council Chambers

5:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation Pursuant to California Government Code sec. 54956.9(d)(1) – Zeka Ranch One, LLC et al. v. City of Antioch et al., Contra Costa Superior Court Case Nos. N18-0228, N18-0229, N18-0231, and N18-0232.
2. **CONFERENCE WITH LABOR NEGOTIATORS** – Agency designated representatives: Mayor Sean Wright and City Attorney Thomas Lloyd Smith. Unrepresented employee: City Manager Ron Bernal.

City Attorney Smith reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, no reportable action; and, **#2 CONFERENCE WITH LABOR NEGOTIATORS**, no reportable action.

Mayor Wright called the meeting to order at 7:00 P.M., and 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.

Councilmember Thorpe moved to suspend the rules and move Agenda Item #8 after the Proclamations. The motion was seconded by Councilmember Wilson.

Councilmember Ogorchock made a substitute motion to move Agenda Item #8 after Agenda Item #3. The motion was seconded by Councilmember Motts. The motion failed (required 4/5th vote) by the following vote:

Ayes: Wright, Ogorchock, Motts

Noes: Wilson, Thorpe

Council voted on the original motion to move Agenda Item #8 after the Proclamations. The motion passed by the following vote:

Ayes: Wilson, Motts, Wright, Thorpe

Noes: Ogorchock

1. PROCLAMATIONS

Relay for Life of the Delta – 2019

Recognizing June as LGBTQ Pride Month in the City of Antioch

Ralph Hernandez, Antioch resident, spoke in support of the proclamation and questioned why background information was not provided to inform the public on who proposed the item.

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

Mayor Wright presented the *Relay for Life of the Delta – 2019* proclamation to who thanked the Council and the City for their support. She encouraged residents to decorate in purple to support the event.

Mayor Wright presented the *June as LGBTQ Pride Month in the City of Antioch* to Jack Rednour-Bruckman and Dodi Zotigh, representing the Rainbow Community Center of Contra Costa County, who thanked the City Council for the recognition.

By previous action of Council, Regular Agenda Item #8 was moved to the next order of business.

8. RESOLUTION DIRECTING STAFF TO FLY THE RAINBOW PRIDE FLAG AT ANTIOCH CITY HALL THROUGHOUT THE MONTH OF JUNE IN RECOGNITION OF JUNE 2019 AS LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUESTIONING COMMUNITY PRIDE MONTH

City Attorney Smith presented the staff report dated June 11, 2019 recommending the City Council adopt the resolution directing staff to fly the Rainbow Pride Flag at City Hall throughout the month of June 2019 in recognition of Lesbian, Gay, Bisexual, Transgender, Questioning Community Pride Month in the City of Antioch. He stated that if the resolution was approved, the display of the LGBTQ Pride flag on the City's flag pole would be a government speech communication and it would represent the City of Antioch's official sentiments regarding this issue. He explained that the City's flag poles were not a public forum and so similar to the City's website, the City could choose what it wanted to publish and endorse on the flag pole provided that it was secular.

Due to the amount of speaker request forms received, by consensus of Council, speaker time was limited to two (2) minutes.

Jack Rednour-Bruckman, Executive Director of the Rainbow Community Center of Contra Costa County, encouraged Council to vote in support of raising the flag in celebration of LGBTQ Pride month.

Jana Rifkin Suafilo, Concord resident, encouraged Council to vote in support of raising the flag for LGBTQ Pride month.

Reverend Will McGarvey representing East County Shared Ministry, Community Presbyterian of Pittsburg and First Congregational Church of Antioch, encouraged the City to raise the flag in support of raising the flag for LGBTQ Pride month.

Francis Gibbons, Lathrop resident, spoke in opposition of raising the flag for LGBTQ Pride month.

Mayor Wright read written comment from William D. Gray and Kristy L. Gray, Steve Miner, David Clift, Ryan Gibbons, Eric Wunderly and Shawn Bentley, who indicated that they were opposed to the raising of the LGBTQ Pride flag on City property.

Dr. Jeffery Klingler, Antioch resident, stated he was concerned regarding the language in the resolution governing which symbols would be displayed and suggested Council send the resolution back to staff for more precise wording. He noted that he felt the real solution would be to use proclamations to honor groups and not display non-governmental symbols on flagpoles at City buildings.

Dodi Zotigh, Board President for Rainbow Community Center, encouraged Council to vote in support of raising the flag for LGBTQ Pride month.

Eli Contreras, Brentwood resident, spoke in opposition to raising the flag for LGBTQ Pride month.

Moises C. Marquez, Antioch resident, spoke in opposition to raising the flag for LGBTQ Pride month.

Glenne McElhinney, encouraged Council to vote in support of the resolution to raise the flag for LGBTQ Pride month.

Mayor Wright read written comment from Judith Moore, Antioch resident, encouraging Council to vote in support of raising the flag for LGBTQ Pride month.

Ralph Hernandez, Antioch resident, spoke in opposition to raising the flag for LGBTQ Pride month noting laws prohibited the City from displaying the flag on City assets/property. He stated he was considering filing with organizations that the City was violating the law by advocating for a movement, political position and organization.

Jaime Cader, Concord resident, spoke in support of raising the flag for LGBTQ Pride month.

Tricia Campbell, Antioch resident, encouraged Council to vote in support of raising the flag for LGBTQ Pride month.

Deb Hubbard, Vacaville resident, encouraged Council to vote in support of raising the flag for LGBTQ Pride month.

Anastasia Rojek, Antioch resident, encouraged Council to vote in support of raising the flag for LGBTQ Pride month.

Robrielle Beverly, Antioch resident, spoke in opposition of raising the flag for LGBTQ Pride month.

Michael Streffery, Antioch resident, encouraged Council to vote in support of raising the flag for LGBTQ Pride month.

Ellie Householder, Antioch Unified School District Trustee and Antioch resident, encouraged Council to vote in support the resolution to raise the flag for LGBTQ Pride month.

Daniel Patton spoke in opposition to the resolution to raise the flag for LGBTQ Pride month and encouraged the City to develop a flag policy.

Diana Patton, Antioch resident, spoke in opposition of raising the flag for LGBTQ Pride month and encouraged the City to develop a flag policy. She questioned if the City could be sued for discrimination if they raised the Pride flag and denied other flag, and if so, would the City be able to handle lawsuits.

Lauren Posada spoke in opposition of raising the flag for LGBTQ Pride month.

Ms. Joey D. Smith, LAMBDA Democratic Club of Contra Costa County, encouraged Council to vote in support of raising the flag for LGBTQ Pride month.

Gary Walker-Rober, Antioch resident, encouraged Council to vote in support of raising the flag for LGBTQ Pride month.

Ken Rickner, Antioch resident, spoke in opposition of raising the flag for LGBTQ Pride month.

Deb Vickery, Antioch resident, spoke in opposition of raising the flag for LGBTQ Pride month.

Sharlene Rednour, Antioch resident, encouraged Council to vote in support of raising the flag for LGBTQ Pride month.

Vicki Proctor, Antioch resident, spoke in opposition of raising the flag for LGBTQ Pride month.

Councilmember Motts thanked all the speakers this evening and City Attorney Smith for drafting the resolution that expressed the difference between government speech and first amendment speech. She clarified that the resolution did not open the door to any organization secular or not, that wished to promote its cause. To the contrary, it allowed Council to consider requests of support, such as the display of a flag that supported a historic civil rights movement that strived for equal rights, and equal protections under the laws of our Country. She stated that she believed in our democracy and it was incumbent upon government and all to fight for dignity, and equity for all, especially the most vulnerable and marginalized among us. She asked if not government, then who? She voiced her support for the resolution.

Councilmember Thorpe thanked Councilmember Motts for her comments and stated he agreed. He noted it was more personal for him being that his biological mother was gay. He stated that he was reminded by a resident that Antioch was finally catching up to their constituents.

A motion was made by Councilmember Thorpe, seconded by Councilmember Wilson to adopt the resolution directing staff to fly the Rainbow Pride Flag at City Hall throughout the month of June 2019 in recognition of Lesbian, Gay, Bisexual, Transgender, Questioning Community Pride Month.

Councilmember Ogorchock stated that religion for her could not come into this issue because of the position that she was in and noted that it came down to what was fair within the City. She noted that in researching the issue it stated that the American flag had to go first and be the largest; however, it did not say which flags could or could not go below. She stated looking at the City as a whole, she was in agreement.

Councilmember Wilson thanked Council and the speakers who spoke on this issue. She stated that she was glad Antioch was inclusive and noted the resolution allowed the City to consider other flags for groups that were inclusive. She stated she would be voting yes and she was proud that her fellow Councilmembers supported the resolution.

Councilmember Ogorchock stated that the City needed a flag policy so that there would be no discrimination regarding who wanted to raise a flag.

Mayor Wright thanked everyone who came to speak on this issue. He stated he had been thinking about this item since it came to Council last year and the City Attorney said that the City could not fly the flag because they needed a flag policy. He noted his goal with the proclamation was to let the LGBTQ friends know that they were loved and respected. He stated he supported a policy discussion regarding whether the City should raise flags because he did not believe that should be the role of government; however, he did not want the binary on that to be that they were not loved and respected. He stated what was before Council this evening was not a policy on whether the City should raise flags because if that were the case his vote would be no. He explained that he wanted to show that he loved and respected his LGBTQ friends, so he would be voting yes this evening.

RESOLUTION NO. 2019/103

The vote taken on the previous motion to adopt the resolution, unanimously passed.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser, announced that summer youth bus passes were available and the following event schedule:

- Friday Family Movies Nights - at 7:00 P.M. at Prewett Park
- Concerts by the River Series - beginning July 13, 2019 in Waldie Plaza

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- Economic Development Commission: Three (3) vacancies; deadline date is July 12, 2019
- Police Crime Prevention Commission: One (1) vacancy: deadline date is July 12, 2019

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

PUBLIC COMMENTS

Jimmy Gordon, Antioch resident, thanked Councilmembers Motts and Thorpe as well as City Manager Bernal for hosting the Homeless Ad Hoc Committee meeting. He urged the City to respect the homeless and consider those at risk of becoming homeless. He stated he was a three-year resident of 701 Wilbur Avenue, which had allowed them live with respect in Antioch.

Ralph Hernandez, Antioch resident, asked the City to remind residents to be watchful of the pet population during the hot weather and support organizations who were providing services to feral cats in Antioch.

Nicole Gardner, Director of Facing Homelessness, requested Council designate a safe place for the homeless to reside, end the disbandment of homeless encampments and provide a safe location for homeless to park their vehicles. She recognized Councilmembers Motts and Thorpe for their compassion and holding the Homeless Encampment Task Force meetings as well as City Manager Bernal for participating. She thanked Mayor Wright for apologizing for remarks made regarding the homeless and encouraged him to apologize on social media.

Ashley Mahan, Urban Upreach, requested Council consider permit parking for people experiencing homelessness and end the disbandment of homeless encampments.

COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS

Councilmember Wilson reported on June 17, 2019 Tri Delta Transit was launching a pilot program "Tri MyRide", similar to Uber and Lyft for bus services. She encouraged residents to utilize the bus transit system.

Councilmember Motts reported on her attendance at the Association of Bay Area Government (ABAG) General Assembly meeting and Homeless Encampment Task Force committee meeting.

Councilmember Thorpe reported that he echoed comments from Councilmember Wilson and Councilmember Motts as they served on the same committees.

Councilmember Ogorchock reported on her attendance at the Senior Ad Hoc committee meeting.

Mayor Wright reported on his attendance at the Economic Development meeting.

MAYOR'S COMMENTS

Mayor Wright thanked everyone for their patience and apologized to those who have had to wait through the meeting for their item.

PRESENTATION

Director of Parks and Recreation Kaiser and Recreation Specialist Troy Faulk recognized the following Lifeguards and Water Education Team for their heroic efforts in rescuing and reviving a child who had drowned at the Antioch Water Park.

- Sophie McCormack
- Cameron Marcus
- Francisco Barajas
- Jodie Brittner
- Josh Ebert

Mayor Wright, on behalf of Council and the community, thanked the Water Park staff for their dedication to their profession.

2. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR MAY 14, 2019
- B. APPROVAL OF COUNCIL MINUTES FOR MAY 28, 2019
- C. APPROVAL OF COUNCIL WARRANTS
- D. ORDINANCE NO. 2167-C-S SECOND READING - ACORN BUSINESS PARK (PD-18-02, UP-18-09, AR-18-09, PW-357-301-19) (Introduced on 05/28/19)
- E. RESOLUTION NO. 2019/89 ANNEXING ASSESSOR'S PARCEL NUMBER 056-130-012 (QUAIL COVE) INTO CFD NO. 2018-02 (POLICE PROTECTION)
- F. RESOLUTION NO. 2019/90 ANNEXING ASSESSOR'S PARCEL NUMBER 056-130-012 (QUAIL COVE) INTO CFD NO. 2018-01 (PUBLIC SERVICES)
- G. RESOLUTION NO. 2019/91 APPROVING ANNEXATION OF OAKLEY KNOLLS SUBDIVISION 8501 INTO ALMONDRIDGE STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT 5, ZONE 1 (P.W. 647)
- H. RESOLUTION NO. 2019/92 ANNEXING ASSESSOR'S PARCEL NUMBERS 051-430-001 THROUGH 051-430-016 (OAKLEY KNOLLS) INTO CFD NO. 2018-02 (POLICE PROTECTION)

- I. **RESOLUTION NO. 2019/93 CONTRACT EXTENSION 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)**
- J. **RESOLUTION NO. 2019/94 AWARD OF CONTRACT FOR PAVEMENT PLUGS AND LEVELING COURSES AT VARIOUS LOCATIONS (P.W. 709)**
- K. **RESOLUTION NO. 2019/95 AWARD OF CONTRACT FOR INSTALLATION OF CURB RAMPS AT VARIOUS LOCATIONS (P.W. 409-6)**
- L. **RESOLUTION NO. 2019/96 SECOND AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH JDH CORROSION CONSULTANTS, INC. FOR THE CATHODIC PROTECTION ASSESSMENT (P.W. 321-1)**
- M. **RESOLUTION NO. 2019/97 NOTICE OF COMPLETION FOR THE CURB RAMPS, BIKE LANE AND PEDESTRIAN IMPROVEMENTS AT VARIOUS LOCATIONS PROJECT (P.W. 409-5)**
- N. **RESOLUTION NO. 2019/98 CITY MOBILE STAGE PURCHASE**

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously approved the Council Consent Calendar with the exception of item I, which was removed for further discussion.

Item I – City Manager Bernal introduced Consent Calendar Item I. Director of Public Works/City Engineer Blank explained that this was an on-call contract. He discussed how projects were prioritized and funded.

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

PUBLIC HEARING

3. ORDINANCE PROHIBITING THE CONVERSION OF SENIOR MOBILEHOME PARKS TO ALL-AGES MOBILEHOME PARKS

City Manager Bernal introduced Public Hearing Item #3.

City Attorney Smith presented the staff report recommending the City Council accept the Planning Commission's recommendation and introduce an ordinance prohibiting the conversion of Senior Mobilehome Parks to All-Ages Mobilehome Parks, which will be added as Article 42 of Chapter 5 of Title 9 of the Antioch Municipal Code.

Mayor Wright opened the public hearing.

Lola Buck, Vista Diablo Estates, Antioch resident, requested members of the audience in support of the Ordinance to raise their hands, to which many individuals responded. She encouraged the City Council to support the Ordinance as a permanent resolution to preserve the mobile home park as a senior park. She thanked the City Council for their support.

Jerry Coffel, GSMOL Chapter #1451 and resident of Vista Diablo Mobile Estates, gave a brief history of their efforts to prevent their part from being converted to an all-ages Mobile Home park. He recognized the City in their support for resident's efforts. He gave a brief history of the previous owner's business tactics and noted since the City became involved they now had a stable manager with a maintenance budget. He noted the City had allowed them to remain in their homes and maintain their independence. He further noted the senior overlay was improving the City of Antioch and Vista Diablo Mobile Home Estates Park and he thanked Council for their consideration of this item.

Gil Davis, Vista Diablo Mobile Estates. expressed their gratitude to Council for the senior citizens overlay noting that by passing the ordinance, seniors in their park would be very relieved.

Mayor Wright closed the public hearing.

Councilmember Thorpe clarified that this ordinance did not address the issue of rent control and he hoped that issue would be brought back to Council in the future for consideration.

A motion was made by Councilmember Thorpe, seconded by Councilmember Ogorchock to introduce an ordinance prohibiting the conversion of Senior Mobilehome Parks to All-Ages Mobilehome Parks, which will be added as Article 42 of Chapter 5 of Title 9 of the Antioch Municipal Code.

Councilmember Ogorchock clarified that the City had not discussed rent control; the issue was rents for seniors in mobile homes parks.

Councilmember Wilson thanked the representatives from the senior mobile home park for their patience this evening and keeping this issue in the forefront.

Councilmember Motts stated that she was honored to be able to support this item this evening.

Mayor Wright stated that he had met with the owner of the park and informed him that he would be supporting the resident. He congratulated the residents.

The vote taken on the previous motion to introduce the ordinance, unanimously passed.

4. CONSIDERATION OF TWO ORDINANCES AND A RESOLUTION REGULATING WIRELESS COMMUNICATIONS FACILITIES ON PRIVATE AND PUBLIC PROPERTY

City Manager Bernal introduced Public Hearing Item #4.

Associate Planner Merideth corrected an error within the staff report that the Planning Commission meeting took place on May 15, 2019. Associate Planner Merideth and Michael Johnson, Telecom Law Firm, presented the staff report and PowerPoint presentation dated June 11, 2019 recommending the City Council take the following actions: 1) Introduce the ordinance amending Chapter 5 of Title 9 of the Antioch Municipal Code establishing regulations for wireless communications facilities (Z-18-07). 2) Introduce the ordinance amending Antioch Municipal Code section 7-3.06. 3) Adopt the resolution approving the City Council Policy for Wireless Communications Facilities.

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

Councilmember Ogorchock questioned if the City adopted the Ordinance, what would happen if SB649 were approved.

Mr. Johnson responded that the City would likely still be able to apply its preferred esthetic volumetric limitations on future deployments.

Councilmember Ogorchock stated she liked the design in the fact that you could not tell it was a small cell tower.

Mr. Johnson stated that the facilities were essentially permanent so it was good to apply the esthetic requirements upfront so they can adapt to development as it occurred over time.

Councilmember Ogorchock thanked Mr. Johnson for the presentation.

In response to Councilmember Thorpe, City Manager Bernal clarified that the City had entered into a license agreement with mobility with standards that resulted in this installation.

Mr. Johnson stated the policy exempted that agreement from these regulations because they were already esthetically regulated through the City's proprietary authority as the pole owner.

RESOLUTION NO. 2019/99

On motion by Councilmember Ogorchock, seconded by Councilmember Motts the City Council unanimously 1) Introduced the ordinance amending Chapter 5 of Title 9 of the Antioch Municipal Code establishing regulations for wireless communications facilities (Z-18-07). 2) Introduced the ordinance amending Antioch Municipal Code section 7-3.06. 3) Adopted the resolution approving the City Council Policy for Wireless Communications Facilities.

COUNCIL REGULAR AGENDA

5. BOARD OF ADMINISTRATIVE APPEALS APPOINTMENTS FOR ONE (1) FULL MEMBER AND ONE (1) ALTERNATE MEMBER, PARTIAL-TERM VACANCIES

Mayor Wright nominated Antwon R. Webster to fill (1) one partial-term vacancy on the Board of Administrative Appeals expiring March 2020.

RESOLUTION NO. 2019/100

On motion by Councilmember Ogorchock, seconded by Councilmember Motts the City Council unanimously appointed by resolution Antwon R. Webster to fill (1) one partial-term vacancy on the Board of Administrative Appeals, expiring March 2020.

City Clerk Simonsen administered the Oath of Office to Antwon R. Webster.

6. CONTRA COSTA COUNTY LIBRARY COMMISSION APPOINTMENT FOR ONE FULL-TERM VACANCY EXPIRING NOVEMBER 2022

Mayor Wright nominated Dr. John Huh to fill one (1) full-term vacancy to the Contra Costa Library Commission expiring November 2022.

RESOLUTION NO. 2019/101

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously appointed by resolution Dr. John Huh to fill one (1) full-term vacancy to the Contra Costa Library Commission, expiring November 2022.

City Clerk Simonsen administered the Oath of Office to Dr. John Huh.

7. PROPOSITION 68 - STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS

City Manager Bernal introduced Regular Agenda Item #7.

Director of Parks and Recreation Kaiser presented the staff report dated June 11, 2019 recommending the City Council adopt the Resolution of Local Support and authorize the filing of a grant application to the State of California Department of Parks and Recreation requesting grant funding for the renovation of Contra Loma Estates Park; expanding recreational opportunities for youth and families to explore healthy activities, enjoy family and neighborhood gatherings, and strengthen neighborhood connections.

In response to Councilmember Motts, Director of Parks and Recreation Kaiser reported that the park design must come from the community and staff would provide them with a list of eligible items.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Motts to adopt the resolution of Local Support and authorized the filing of a grant application to the State of California Department of Parks and Recreation requesting grant funding for the renovation of Contra Loma Estates Park.

Mayor Wright questioned how Council could support this project.

Director of Parks and Recreation Kaiser responded that Council could encourage the community to participate in the planning process. She commented that the State project officers were excited that Antioch had submitted a grant application and noted that the project met the thresholds with high numbers. She further noted that staff had submitted the required documentation for the per capita program.

In response to Councilmember Thorpe, Director of Parks and Recreation Kaiser clarified that a separate parks resolution was not required.

RESOLUTION NO. 2019/102

The vote taken on the previous motion to adopt the resolution, unanimously passed.

8. RESOLUTION DIRECTING STAFF TO FLY THE RAINBOW PRIDE FLAG AT ANTIOCH CITY HALL THROUGHOUT THE MONTH OF JUNE IN RECOGNITION OF JUNE 2019 AS LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUESTIONING COMMUNITY PRIDE MONTH

By previous action of the Council, this item was moved to the beginning of the Agenda after Item #1 Proclamations.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS – None

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 9:33 P.M. to the next regular Council meeting on June 25, 2019.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk