

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

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

**November 26, 2019  
Antioch Community Center**

**5:45 P.M. - CLOSED SESSION**

- 1. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code section 54956.9(b): One Case.
- 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 – Property: 066-091-015, 809-815 1st Street, Antioch, CA 94509; City and Agency Negotiator, City Manager Ron Bernal; Parties – Lafayette Studio.

City Attorney Smith reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, no reportable action, **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, direction given to City Manager; and, **#3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, direction given to City Manager.

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**

Boy Scout Troop #153 and Pack #153 led the Council, and audience in the Pledge of Allegiance.

Mayor Wright thanked Troop #153 and Pack #153 for leading the Pledge of Allegiance. He announced that he would be celebrating the court of honor on December 1, 2019 for his sons who reached the rank of Eagle.

**1. PROCLAMATION**

Mayor Wright requested that the Proclamation be moved back in the agenda to allow time for the recipients to arrive.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock the City Council unanimously suspended the rules and moved the Proclamation to the Regular Agenda.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Shannon Skinner, representing Somersville Towne Center, wished everyone a Happy Thanksgiving. She announced that Santa would arrive at the mall on November 29, 2019 and Breakfast with Santa would be held on December 14, 2019. She encouraged everyone to patronize businesses at the mall.

**PUBLIC COMMENTS**

Marty Fernandez, Antioch resident, reported that his friend's wife recently passed away and the County immediately froze their accounts which caused their checks to bounce. He noted that every company they contacted reversed charges except for the City of Antioch.

Mayor Wright asked City Manager Bernal to look into this matter.

Nicole Gardner encouraged the City to utilize vacant City facilities for the homeless during the cold weather.

**COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS**

Councilmember Motts reminded the community that Holiday DeLites events would take place on December 7, 2019, in downtown Antioch.

**MAYOR'S COMMENTS**

Mayor Wright stated that this was a time to be grateful for everything that we had and he noted that he was thankful for opportunity to serve the community with Council. He thanked staff for all their efforts and encouraged everyone to enjoy their families this Thanksgiving.

- 3. CONSENT CALENDAR for City/City Council Members acting as Housing Successor to the Antioch Development Agency**
- A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 12, 2019**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF HOUSING SUCCESSOR WARRANTS**
- D. RESOLUTION NO. 2019/175 SEVENTH AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH WALTER BISHOP CONSULTING**

- E. **RESOLUTION NO. 2019/176 SECOND AMENDMENT TO THE AGREEMENT WITH SABOO, INC. FOR THE CITY HALL COUNCIL CHAMBERS REMODEL (GENERAL CONSTRUCTION) (P.W. 247-P)**
- F. **RESOLUTION NO. 2019/177 THIRD AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH WOODARD & CURRAN FOR THE BRACKISH WATER DESALINATION PROJECT (P.W. 694)**
- G. **RESOLUTION NO. 2019/178 SIXTH AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH BROWN AND CALDWELL, INC. FOR THE HILLCREST BOOSTER PUMP STATION UPGRADES (P.W. 477-BP2)**

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

### **COUNCIL REGULAR AGENDA**

- 3. **RESOLUTION OF INTENTION TO SET A PUBLIC HEARING FOR THE FIRST READING OF AN ORDINANCE GRANTING A FRANCHISE AGREEMENT TO PRAXAIR, INC. TO TRANSPORT OXYGEN AND NITROGEN SUBSTANCES**

City Manager Bernal introduced Regular Agenda Item #3.

Interim Director of Public Works/City Engineer Grewal presented the staff report dated November 26, 2019 recommending the City Council adopt the Resolution of Intent granting Praxair Inc., a California Corporation and Non-Public Utility, a franchise for the distribution of oxygen and nitrogen within certain Public Streets, and set a public hearing for January 14, 2020 to hear all interests and objections and to consider the first reading of the proposed franchise ordinance regarding Praxair, Inc.

Ryan Baron, Best Best & Krieger LLP, reviewed the process for introducing the ordinance for the franchise agreement.

### **RESOLUTION NO. 2019/179**

On motion by Councilmember Ogorchock, seconded by Councilmember Motts the City Council unanimously adopted the Resolution of Intent granting Praxair Inc., a California Corporation and Non-Public Utility, a franchise for the distribution of oxygen and nitrogen within certain Public Streets, and set a public hearing for January 14, 2020 to hear all interests and objections and to consider the first reading of the proposed franchise ordinance regarding Praxair, Inc.

- 4. **RESOLUTIONS TO APPROVE OPERATING AGREEMENTS WITH CANNABIS BUSINESS OPERATORS (ALLUVIUM, INC.; CONTRA COSTA FARMS, LLC; AND DELTA DISPENSARY, LLC)**

City Manager Bernal introduced Regular Agenda Item #4.

City Attorney Smith presented the staff report dated November 26, 2019 recommending the City Council consider adopting each of the following: A) Resolution of Approval for Operating Agreement for Alluvium, Inc. B) Resolution of Approval for Operating Agreement for Contra Costa Farms, LLC. C) Resolution of Approval for Operating Agreement for Delta Dispensary, LLC.

Ruthann Ziegler reviewed the provisions of the operating agreements and Economic Development Director Reed reviewed the local employment incentive.

City Attorney Smith added that the local employment provision assured the jobs would be full-time and provide health care.

Chuck Wesley, Contra Costa Farms, stated it was important for their business that the cannabis experience for Antioch be positive. He thanked Ms. Ziegler and City Attorney Smith for negotiating with them on the details of the operating agreement.

Councilmember Thorpe stated he and Councilmember Wilson were part of the process so he was supportive of the agreements.

A motion was made by Councilmember Thorpe, seconded by Councilmember Wilson to adopt the Resolution of Approval for Operating Agreement for Alluvium, Inc.

In response to Mayor Wright, Director of Economic Development Reed clarified that through the research they determined that the fees were very competitive and inviting.

City Attorney Smith explained that they had added another year before the fees reached the maximum to ensure businesses would be successful. He noted that the negotiation process had been positive and if there was a more challenging environment, they would invite the opportunity to renegotiate the agreements.

Councilmember Wilson thanked the team for negotiating the agreements.

In response to Councilmember Motts, Ms. Ziegler clarified that the City would have discretion on who would conduct the annual review or audit. City Attorney Smith added that the agreement gave the City Manager the flexibility to allocate the resources.

**RESOLUTION NO. 2019/180**

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

**RESOLUTION NO. 2019/181**

On motion by Councilmember Thorpe, seconded by Councilmember Wilson the City Council unanimously approved the Resolution of Approval for Operating Agreement for Contra Costa Farms, LLC.

**RESOLUTION NO. 2019/182**

On motion by Councilmember Thorpe, seconded by Councilmember Wilson the City Council unanimously approved the Resolution of Approval for Operating Agreement for Delta Dispensary, LLC.

By previous action of Council, Agenda Item #1 Proclamation, was moved to the Regular Agenda.

**1. PROCLAMATION**

*National Alzheimer's Disease Awareness, November 2019*

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

Representatives from the Bedford Center, Elderly Wish Foundation, Somersville Towne Center, Antioch Senior Center and Meals on Wheels thanked the City for the recognition.

Mayor Wright commented on his personal experience with a family member diagnosed with Alzheimer's and thanked everyone for their advocacy efforts.

Dawn Morrow and Susannah Meyer representing Supervisor Burgis, Senator Glazer, Congressman McNerney and Assembly Member Frazier, presented representatives from the Bedford Center, Elderly Wish Foundation, Somersville Towne Center, Antioch Senior Center and Meals on Wheels with certificates of recognition and thanked them for their advocacy efforts.

Council presented representatives from the Bedford Center, Elderly Wish Foundation, Somersville Towne Center, Antioch Senior Center and Meals on Wheels with the *National Alzheimer's Disease Awareness* proclamation.

**5. RESOLUTION APPROPRIATING EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING TO THE 2019/20 FISCAL YEAR BUDGET AND APPROVING OTHER AMENDMENTS TO THE 2019/20 AND 2020/21 FISCAL YEAR BUDGETS**

City Manager Bernal introduced Regular Agenda Item #5.

Finance Director Merchant presented the staff report dated November 26, 2019 recommending the City Council adopt the resolution appropriating expenditures for encumbrances and project budgets outstanding to the 2019/20 fiscal year budget and approving other amendments to the 2019/20 and 2020/21 fiscal year budgets.

Lee Ballesteros, Antioch resident, spoke in support of Council funding the technical upgrades for the Nick Rodriguez Community Center (NNRC) Theater for the amount of \$50,000.

**RESOLUTION NO. 2019/183**

On motion by Councilmember Ogorchock, seconded by Councilmember Motts, the City Council unanimously adopted the resolution appropriating expenditures for encumbrances and project budgets outstanding to the 2019/20 fiscal year budget and approving other amendments to the 2019/20 and 2020/21 fiscal year budgets.

Council reviewed and discussed options for use of one-time revenues.

Councilmember Ogorchock requested funding for community cameras and suggested placing the NRCC items in the regular budget.

Chief Brooks discussed the value of the community camera program.

Mayor Wright voiced his support for funding the community cameras with one-time revenues.

Councilmember Motts recommended setting aside one-time revenues in the account to support homeless services.

Councilmember Thorpe commented that he believed funding for the community cameras should go through the regular budget process.

Ms. Ballesteros discussed the condition of the equipment at the NRCC Theater.

Following discussion, with a majority consensus, Council agreed to spend one-time revenues in the amount of \$50,000 at the Nick Rodriguez Community Center Theater for technology upgrades and the remaining balance of \$367,322 to homeless services.

**PUBLIC COMMENTS** – None

**STAFF COMMUNICATIONS**

City Manager Bernal wished everyone a Happy Thanksgiving.

**COUNCIL COMMUNICATIONS**

Councilmember Ogorchock expressed concern regarding rent and utility increases for seniors living in apartments, and mobile homes. She questioned how the City could utilize Senate Bill 2 (SB2) to benefit seniors and suggested Council consider allocating funds to assist those who were at risk of being homeless.

**ADJOURNMENT**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adjourned the meeting at 8:43 P.M.

Respectfully submitted:

*Kitty Eiden*  
KITTY EIDEN, Minutes Clerk