

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

**Special/Regular Meeting  
6:00 P.M.**

**May 26, 2020  
Antioch Community Center**

*The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Antioch City Council meetings via Comcast channel 24, AT&T U-verse channel 99, and live stream (at [www.antiochca.gov](http://www.antiochca.gov)). The City Council meeting was conducted utilizing Zoom Audio/Video Technology.*

**5:00 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 6:02 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Motts, Thorpe, Ogorchock and Mayor Wright  
Absent: Council Member Thorpe (arrived at 6:03 P.M.)

**PLEDGE OF ALLEGIANCE**

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

**STUDY SESSION**

- 1. PRESENTATION OF THE DRAFT 5-YEAR CAPITAL IMPROVEMENT PROGRAM 2020-2025 (P.W. 150-20)**

City Manager Bernal introduced Study Session Item 1.

Project Manager Buenting presented the staff report dated May 26, 2020 recommending the City Council review and provide feedback to staff regarding the draft 5-Year Capital Improvement Program (“CIP”) 2020-2025.

In response to Councilmember Thorpe, Project Manager Buenting explained the Pavement Plugs and Leveling Courses projects. He reported Hillcrest Avenue was a separate project funded through a grant program and was included in a project that would be under construction later this year.

In response to Councilmember Motts, Project Manager Buenting explained the completed phase 1 and future phase 2 assessments for the Antioch Lumber Yard site. He also explained the City's policy as it related to the Traffic Calming Program.

Councilmember Thorpe requested the City Council revisit the Traffic Calming Program Policy noting that the program had been implemented years ago but there had not been any traffic calming measures installed.

Project Manager Buenting noted that staff was looking into the areas that had failed to attain the 2/3 approval requirement to determine if a smaller segment of the roadway could qualify.

Councilmember Motts agreed with Councilmember Thorpe.

Councilmember Thorpe suggested Council, or a segment of Council reevaluate the restrictions put into place to determine if revisions should be made to the City's policy.

In response to Councilmember Wilson, Project Manager Buenting explained that currently there was not a dedicated funding source for proactively working on trails maintained by the City; however, they addressed any issues that came forward.

Councilmember Wilson stated that Council should consider proactively addressing trail maintenance.

Councilmember Ogorchock thanked Project Manager Buenting for the report and noted she was impressed with roadway maintenance projects that were being addressed. She requested the following items be considered:

- James Donlon Boulevard added to the list of potential projects for the Hazard Elimination Safety funds
- Utilizing CDGB grant funding for roadway improvements to the north and south sides of Delta Fair Boulevard between Belle Drive and Kendree Street
- Repair signage in front of the Water Park in the Memorial Tree area
- Determine if Bown Street was spelled correctly

In response to Councilmember Ogorchock, Project Manager Buenting stated he would provide her with a copy of the CDBG boundaries.

In response to Councilmember Motts, Project Manager Buenting reviewed the Sidewalk Repair Program.

In response to Councilmember Wilson, Project Manager Buenting stated he would provide her with a map of the Cape Seal projects.

Councilmember Motts spoke in support of continuing the market light program along 2<sup>nd</sup> and “G” Streets and noted downtown businesses had offered to share the costs of that program. She encouraged Council to consider investing into the revitalization of downtown Antioch.

Councilmember Thorpe commented that it was important to be respectful of staff’s capacity limitations.

Mayor Wright commended staff on their accomplishments and specifically mentioned the great work done on the Veteran’s Memorial project and Sycamore Park Basketball Courts. He commented that the Brackish Water Desalination Project was getting closer to fruition. He agreed with Council’s previous comments regarding the Traffic Calming Program and noted that if the City had created a policy that had obstructed it from moving forward, it needed to be revisited.

City Manager Bernal thanked Project Manager Buenting and staff for overseeing the Capital Improvement Program. He noted they were trying hard to balance the smaller and larger projects. He further noted that they would attempt to deliver as much as possible and if not report back to Council on the status of the project. He commented that he understood Council’s direction on the Traffic Calming Program, and staff would come back with a program policy that could be implemented more easily.

**PUBLIC COMMENT - None**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe the City Council unanimously adjourned the Special meeting at 6:51 P.M.

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**

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

City Manager Bernal announced that The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease, had made the Antioch City Council meeting available via Comcast channel 24, AT&T U-verse channel 99, or live stream at [www.antiochca.gov](http://www.antiochca.gov). He stated anyone wishing to make a public comment, may do so any of the following ways: (1) by filling out an online speaker card, located at <https://www.antiochca.gov/government/city-council-meetings/live/>, (2) by emailing the City Clerk prior to or during the meeting at [cityclerk@ci.antioch.ca.us](mailto:cityclerk@ci.antioch.ca.us) or (3) by dialing (925) 776-3057 during the meeting.

City Attorney Smith 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. PROCLAMATION

*National Water Safety and Skin Cancer Awareness Month, May 2020*

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

Director of Parks and Recreation Kaiser thanked the City Council for the *National Water Safety and Skin Cancer Awareness Month* proclamation and discussed the importance of water safety.

Troy Faulk thanked the City Council for the recognition and discussed protocols for opening the Water Park when it was safe to do so. He also discussed recreational programming ideas during the Shelter in Place.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None**

## 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 May 29, 2020
- Sales Tax Citizens' Oversight Committee: Two (2) vacancies: deadline date is May 29, 2020
- Police Crime Prevention Commission: One (1) vacancy: deadline date is May 29, 2020
- Parks and Recreation Commission: Two (2) vacancy; deadline date is May 29, 2020
- Planning Commission: One (1) vacancy: deadline date is June 5, 2020

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

## PUBLIC COMMENTS

The following public comments were read into the record by Administrative Services Director Mastay.

Jovita Mendoza, Brentwood resident, provided written comment requesting the City of Antioch ask for an EIR for the Powerdrive Oil & Gas Wells Land Use Permit LP19-2019. She discussed health risks and environmental impacts associated with drilling and asked for the City's assistance in stopping these projects from moving forward.

Walter Jerome Smith, Antioch resident, expressed concern regarding the health problems associated with smoking and vaping. He urged Council to prohibit their use in outdoor dining areas of restaurants.

Nicole Gardner congratulated Council on taking quick action regarding the removal of Mr. Turnage from the Planning Commission and urged them to address the issue of homelessness in Antioch.

### **COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS**

Councilmember Wilson reported that Tri Delta Transit would be meeting on May 27, 2020.

Councilmember Motts reported on her attendance at the Waterfront Ad Hoc Committee meeting. She reminded the community that the County mandate prohibited the City from abating and moving homeless encampments during the Shelter in Place restrictions.

Councilmember Thorpe reported that Tri Delta Transit would be meeting on May 27, 2020.

Mayor Wright reported on his attendance at the Delta Diablo meeting.

### **MAYOR'S COMMENTS**

Mayor Wright thanked everyone who participated in the Memorial Day tour at the Marina, Fairgrounds, Oak View Memorial Park and the VFW. He gave a special thank you to the Antioch Veteran's Lyon's Club for providing lunches and volunteering for the event.

- 3. CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency**
  - A. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR MAY 1, 2020**
  - B. APPROVAL OF COUNCIL MINUTES FOR MAY 12, 2020**
  - C. APPROVAL OF COUNCIL WARRANTS**
  - D. APPROVAL OF SUCCESSOR AGENCY WARRANTS**
  - E. APPROVAL OF HOUSING SUCCESSOR WARRANTS**
  - F. REJECTION OF CLAIM: ROBERT STOUT**
  - G. ORDINANCE NO. 2184-C-S SECOND READING – AMCAL FAMILY/SENIOR APARTMENTS DEVELOPMENT AGREEMENT (Introduced on 05/12/20)**

- H. **RESOLUTION NO. 2020/79 ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE 2020-21 FISCAL YEAR AND CORRECTING THE APPROPRIATIONS LIMIT FOR THE 2019-20 FISCAL YEAR**
- I. **SINGLE AUDIT REPORTS FOR THE FISCAL YEAR ENDED JUNE 30, 2019**
- J. **RESOLUTION NO. 2020/80 ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE 8 (P.W. 678-8)**
- K. **RESOLUTION NO. 2020/81 ACCEPTANCE OF RELINQUISHED RIGHT OF WAY FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION**
- L. **RESOLUTION NO. 2020/82 HEAVY DUTY VEHICLE PURCHASE FOR PUBLIC WORKS**
- M. **RESOLUTION NO. 2020/83 ELECTRONIC SIGNATURE USE POLICY**

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

#### **PUBLIC HEARINGS**

#### **4. PROPOSED UPDATES TO THE MASTER FEE SCHEDULE EFFECTIVE JULY 1, 2020**

City Manager Bernal introduced Public Hearing Item #4.

Finance Director Merchant presented the staff report dated May 26, 2020 recommending the City Council adopt a resolution approving updates to the Master Fee Schedule effective July 1, 2020.

In response to Councilmember Thorpe, Director of Parks and Recreation Kaiser explained that they had added “or events with a youth focus” to the Facility Use Deposit, Late Fees and Contract Modification fees because private youth events required security since in the past many of those events had become unruly. She added that this policy had been in place for several years; therefore, they found it prudent to include it in the Master Fee Schedule.

Councilmember Thorpe stated he would not support increasing fees during the COVID-19 emergency.

In response to Councilmember Ogorchock, Finance Director Merchant explained that the City’s consultant had updated the hourly rate detail based on current salaries and that was the reason the language “increased by the 3.5% CPI” was struck from the Master Fee Schedule.

In response to Councilmember Motts, Chief Brooks explained that animal adoption fees had not been increased. He noted the new spay and neuter fees were costs associated with providing those new services to the public.

Councilmember Motts stated that she was not in favor of increasing recreation fees during the COVID-19 crisis.

In response to Councilmember Wilson, Director of Parks and Recreation Kaiser explained that after a youth event exceeded ten participants, they required security. She reported that in the past they had experienced adult chaperones and teens supplying alcohol and illegal substances for underage participants, so they relied on security officers to make sure events in City facilities remained safe for everyone.

Councilmember Wilson stated she felt that the event fee needed to be revisited during the pandemic.

Director of Parks and Recreation Kaiser reported most of the facility reservations that were cancelled during Shelter in Place had opted to reschedule their events next year, so deposits were in the trust account and they would be receiving the rental revenue next year. She explained that the Water Park fees went into effect on January 1<sup>st</sup> each year, so they were in place for the next season. Additionally, she noted the youth focused rentals had not increased.

Councilmember Thorpe reiterated that he supported postponing all fees until after the declared local emergency because they were unsure of the economic burden of the COVID-19 crisis.

City Manager Bernal stated that this item could be brought back at a future date noting that current fees were in effect through June 30, 2020. He requested that Council move forward with the spay and neuter rates as those were direct costs associated with the service provided to the community.

Finance Director Merchant added that she would also recommend that Council consider approval of the clarifying language changes throughout the Master Fee Schedule, fees related to new mandated services as well as the fees that were being reduced.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council approved pages #1-5 of the Master Fee Schedule, as presented. The motion carried the following motion.

Ayes: Wilson, Ogorchock, Motts and Wright

Noes: Thorpe

A motion made by Councilmember Thorpe to postpone the remaining Master Fee Schedule until after the local emergency, died for the lack of a second.

Councilmember Motts speaking to the following motion stated that she would support delaying the Community Development, Public Works and Parks and Recreation fees to a later date.

A motion made by Councilmember Ogorchock, seconded by Mayor Wright to accept pages #6-18 of the Master Fee Schedule, failed by the following vote:

Ayes: Ogorchock, Wright

Noes: Thorpe, Wilson, Motts

On motion by Councilmember Motts, seconded by Councilmember Wilson the City Council approved the following changes for pages #6-18.

- Page #18 – Jet Ski Dock Rental
- Clarifying language from allocated to burdened
- Page #6 Striking “increased by 3.5% CIP
- Page #7 Adding \*Accessory Dwelling Units shall be charged a modified rate in accordance with the Antioch Municipal Code Section 9-3.60

The motion carried the following motion:

Ayes: Wilson, Ogorchock, Motts and Wright

Noes: Thorpe

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe the City Council unanimously approved for pages #19-24 with the following changes:

- Clarifying language from allocated to burdened
- Page 23 – Include returned or rejected items charges at \$50.00
- Page 23 – striking “increased by 3.5% CPI”
- Page 24 – adding “Audio/Video/CD/DVD/USB” language only

**RESOLUTION NO. 2020/84**

On motion by Councilmember Ogorchock, seconded by Councilmember Motts the City Council unanimously adopted a resolution approving updates to the Master Fee Schedule effective July 1, 2020, as amended. The motion carried the following vote: The motion carried the following motion:

Ayes: Wilson, Ogorchock, Motts and Wright

Noes: Thorpe

**5. CIELO AT SAND CREEK (UP-20-02, AR-20-03)**

City Manager Bernal introduced Public Hearing Item #5.

Director of Community Development Ebbs introduced Associate Planner Cortez who presented the staff report dated May 26, 2020 recommending the City Council adopt the resolution to



approve the Use Permit and Design Review application for home size modifications and new home architecture.

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

Councilmember Ogorchock requested that the community garden be added back into the project and that all parks be constructed as an all abilities facilities.

Jeff Inabnit, thanked the City Council, Planning Commission and staff for consideration of their project modifications noting that they believed they would make a positive impact on the project. With regards to the community garden, he felt the homes would have adequate spacing for those interested in gardening. He expressed concern that if there was no interest in a community garden it had potential to become an eyesore. He offered to provide a dedicated irrigation line in the event the HOA wanted to build and maintain a garden in the future. In terms of the play structure, he confirmed with the manufacturer that a rubber mat would be installed, and it would be accessible to all.

In response to Councilmember Thorpe, Planning Manager Morris explained that the projects original conditions of approval required that any modifications to the park or recreational amenities return to the Planning Commission for approval. Separate from that the applicant was proposing a change to the home sizes and architecture which, by the Municipal Code, was required to go to the City Council for approval.

Councilmember Motts stated she would support the installation of an irrigation line for a community garden.

Councilmember Wilson supported letting the HOA decide on the viability of a community garden because the residents may not want to maintain the amenity.

A motion to by Councilmember Thorpe to approve the resolution as presented was seconded by Councilmember Wilson. Following discussion, Councilmember Thorpe amended the motion and Councilmember Wilson accepted the amended motion as follows.

**RESOLUTION NO. 2020/85**

On motion by Councilmember Thorpe, seconded by Councilmember Wilson the City Council unanimously adopted the resolution to approve the Use Permit and Design Review application for home size modifications and new home architecture with additional project specific conditions requiring an all abilities play structure and an irrigation line for a potential community garden.

## **COUNCIL REGULAR AGENDA**

### **6. CANNABIS AD HOC COMMITTEE DISSOLUTION OR CREATION OF A STANDING COMMITTEE**

City Manager Bernal introduced Regular Agenda Item #6.

Administrative Services Director Mastay presented the staff report dated May 26, 2020 recommending that the City Council: 1) Receive an update from Committee members of the Cannabis Ad Hoc Committee on their ad hoc committee activities. 2) Determine whether to dissolve the ad hoc committee or create a standing committee.

Councilmember Thorpe and Councilmember Wilson reported on the Cannabis Ad Hoc Committee and requested that it be dissolved to form a Standing Committee.

Following discussion, Mayor Wright announced that consideration of the Cannabis Standing Committee would be placed on a future City Council agenda.

### **PUBLIC COMMENT**

The following public comment was read into the record by Administrative Services Director Mastay.

Velma Wilson invited the public to join the Class of 2020 by watching their Virtual Baccalaureate Service on [youtube.com/AUSCbaccalaureate2020](https://www.youtube.com/AUSCbaccalaureate2020) at 4:00 P.M. on May 31, 2020. She noted it would feature Sheila E and the Escavado Family as well as 2020 American Idol Winner Just Sam.

### **STAFF COMMUNICATIONS**

City Manager Bernal announced that the City was closely monitoring the Governor's direction on opening more businesses and clarified that the City of Antioch was under the Contra Costa County Health Officer's Order.

### **COUNCIL COMMUNICATIONS**

Councilmember Ogorchock requested staff agendize the following:

- The creation of an Ordinance requiring all future parks be constructed as all-abilities playgrounds
- Council consideration for renaming Antioch City Park as Antioch Veteran's Park

Councilmember Thorpe requested staff agendize a discussion on the formation of a Traffic Calming Ad Hoc Committee.

Mayor Wright requested that the Economic Development Commission or Economic Development Director Reed look at bringing back before Council a plan to support small business as they come out of the COVID-19 crisis.

**ADJOURNMENT**

On motion by Councilmember Thorpe, seconded by Councilmember Motts the City Council unanimously adjourned the meeting at 8:28 P.M.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk