

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

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

**January 26, 2016
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. **PUBLIC EMPLOYMENT APPOINTMENT:** City Attorney – This Closed Session is authorized by California Government Code section 54957. Agency Designated Representative: City Manager, Administrative Services Director, and Phil McKenney of Peckham & McKenney regarding the recruitment of a City Attorney.

2. **CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Potential Litigation pursuant to California Government Code §54956.9 (d)(4): Water Rights BDCP

Interim City Attorney Galstan reported the City Council had been in Closed Session and gave the following report: **#1 PUBLIC EMPLOYMENT APPOINTMENT**, No action taken, direction given to staff; and, **#2 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, No action taken, direction given to staff.

Mayor Harper called the meeting to order at 7:01 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Ogorchock, Tiscareno, Rocha, and Mayor Harper

PLEDGE OF ALLEGIANCE

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

1. PROCLAMATION

Black History Month, February 2016

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved the Proclamation.

Dr. Carrie Frasier thanked the City for the proclamation and recognized Councilmember Rocha and Diane Gibson-Gray for their participation. She announced a Black History Month Art & Artifacts Exhibit reception would be held from 2:00 P.M. – 4:00 P.M. on February 6, 2016 and the exhibit would be on display through February 20, 2016 at the Nick Rodriguez Community Center. She recognized Joyce Smalley and Board Members of Rua'h Community Outreach Ministries in attendance this evening.

Mayor Harper announced a signed proclamation would be presented at the event.

Councilmember Rocha recognized everyone involved in the Reverend Dr. Martin Luther King celebration and the recipients of the scholarship awards.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser thanked the City Council for the *Black History Month* proclamation and stated she looked forward to hosting the exhibit at the Nick Rodriguez Community Center. She announced season passes for the Antioch Water Park were available and a wine tasting fundraiser for the First Tee program would be held at the Lone Tree Golf and Event Center from 5:30 P.M. – 8:30 P.M. on January 30, 2016. She noted they were seeking coaches and volunteers for the First Tee program.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- Parks and Recreation Commission: Three (3) vacancies; deadline date is January 29, 2016
- Board of Administrative Appeals: Five (5) Full-term vacancies and One (1) alternate vacancy; deadline date is January 29, 2016

He reported applications would be available in Council Chambers, online at the City's website and at the City Clerk's and Deputy City Clerks offices.

PUBLIC COMMENTS

Sandra Kelly, Antioch resident, reported the Marina overflow lot was being used by a private organization to provide a mobile shower unit for the benefit of the homeless. She stated loitering and camping in the area was occurring on a permanent basis and she was concerned for the safety of those berthing boats and the general public. She requested City Council make the area a safe and welcoming place for families, visitors and new businesses in the area.

Mitchell Hardin, Antioch resident, announced a free Business Planning Class would be held in Antioch and spoke in support of the City developing a program for business retention.

Beverly Knight, Antioch resident, spoke in support of Sandra Kelly and her efforts to stop the showering of the homeless at the Marina. She suggested Shower House Ministries relocate to private property.

Velma Wilson, Antioch resident, stated her daughter was at home recovering and thanked everyone for their prayers. She reported on the success of the Reverend Dr. Martin Luther King celebration and thanked everyone who participated in the event.

Algerine Clayton, Antioch resident, stated she had submitted an application for use of the Antioch Community Center for a wedding and had recently received a letter requiring a liquor license for

the event. She clarified there would be no alcohol served and requested the City Council's consideration in this matter.

Chloe Reynolds, Antioch resident, spoke in support of a park in downtown Antioch.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Rocha reported on her attendance at the Community Service Policy Committee and announced National Transit Institute would be conducting training in Antioch.

Councilmember Tiscareno reported on his attendance at the TRANSPLAN and ECCRFFA meetings.

Councilmember Ogorchock reported on her attendance at the League of California Cities.

Councilmember Wilson announced the Mello Roos meeting had been cancelled and she reported on her attendance at the League of California Cities.

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the Delta 6 meeting, Reverend Dr. Martin Luther King Celebration, Delta Diablo meeting and Contra Costa Leadership Council conference. He announced Tri Delta Transit would be meeting tomorrow.

Councilmember Tiscareno stated it was nice to see Mrs. Reggie Moore's participate in the Reverend Dr. Martin Luther King Celebration.

PRESENTATION

Investment Report by Public Finance Management (PFM), presented by Sarah Meacham

Sarah Meacham introduced Leslie Murphy to give the presentation. Ms. Murphy gave an overhead presentation of the Fourth Quarter 2015 Review of Portfolio.

Mayor Harper thanked Ms. Murphy for the presentation.

Chief Cantando gave a presentation of the *Police Statistics for Year End 2015* including the following information:

- Part 1 Crime Statistics
- Bureau of Support Services
- Bureau of Field Services
- Current Staffing Levels
- New Developments

The City Council thanked Chief Cantando for the presentation and Antioch Police Officers for the positive report.

2. **COUNCIL CONSENT CALENDAR for City /City as Successor Agency/Housing Successor to the Antioch Development Agency**
 - A. **APPROVAL OF COUNCIL MINUTES FOR JANUARY 12, 2016**
 - B. **APPROVAL OF COUNCIL WARRANTS**
 - C. **REJECTION OF CLAIMS: KIRAN SINGH & LADONNA HARDMAN**
 - 1) Karin Singh – Claim was received on November 16, 2015.
 - 2) LaDonna Hardman – Claim was received on December 10, 2015, and amended on December 28, 2015.
 - D. **APPROVAL OF TREASURER’S REPORT FOR DECEMBER 2015**
 - E. **ORDINANCE NO. 2109-C-S PROHIBITING CULTIVATION OF MARIJUANA (*Introduced on 01/12/16*)**
 - F. **ORDINANCE NO. 2110-C-S, AND ORDINANCE NO. 2111-C-S HEIDORN VILLAGE PROJECT – SECOND READING OF ORDINANCES (PD-14-02, UP-14-08, AR-14-03, PW 695) (*Introduced on 01/12/16*)**
 - 1) Adopt the Ordinance approving a Development Agreement between the City of Antioch and Mission Peak Homes, Inc.
 - 2) Adopt the Ordinance approving a rezone from Planned Development District (PD) to Planned Development District (PD-14-02).

City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency

- G. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**
- H. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**
- I. **SA RESOLUTION NO. 2016/20 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (16-17) FOR THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH**

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

COUNCIL REGULAR AGENDA

3. PLANNING COMMISSION APPOINTMENTS FOR TWO PARTIAL-TERM VACANCIES EXPIRING OCTOBER 2019

Mayor Harper nominated Kerry Motts and Sedar Husary for two partial-term vacancies on the Planning Commission expiring June 2019.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council appointed Kerry Motts and Sedar Husary to two partial-term vacancies on the Planning Commission expiring June 2019.

4. ECONOMIC DEVELOPMENT COMMISSION APPOINTMENT FOR ONE PARTIAL-TERM VACANCY EXPIRING JUNE 2017

Mayor Harper nominated Robert Kilbourne for one partial-term vacancy on the Economic Development Commission expiring June 2017.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council appointed Robert Kilbourne to one partial-term vacancy on the Economic Development Commission expiring June 2017.

5. LETTER OF INTENT FOR A LEASE WITH “EVERETT AND JONES” RESTAURANT AT ONE MARINA PLAZA, ANTIOCH, CALIFORNIA

City Manager Duran presented the staff report dated January 26, 2016 recommending the City Council approve the proposed Letter of Intent for the lease of One Marina Plaza, Antioch, California (also known as “Humphrey’s Restaurant”) to Dorothy Everett and John Jernigan doing business as “Everett and Jones Barbeque,” and authorize the City Manager to execute the LOI.

Economic Development Program Manager Lizeht Zepeda introduced the prospective tenants and explained approval of the LOI would allow Everett and Jones the opportunity to visualize and plan for an East Contra Costa County location. She noted they were an experienced family-owned business with a dedicated clientele and great reputation. She further noted the project would fit into the Downtown Specific Plan and revitalization efforts to build Antioch’s economy.

Dorothy King, representing Everett and Jones, stated it was a pleasure and honor to have an opportunity to accept this offer. She gave a history of their family-owned business from the inception.

Len Turner, representing Turner Group Construction, stated they believed the restaurant location was a diamond in the rough and they appreciated the opportunity to be a part of the community.

Mayor Harper thanked Ms. King and Mr. Turner for considering Antioch for their new restaurant location and being a catalyst for economic development in downtown.

Councilmember Tiscareno stated this business was a positive step for Antioch and he agreed with the language in the Letter of Intent (LOI).

City Manager Duran recognized Mr. Turner for bringing the restaurateur to Antioch.

Councilmember Wilson thanked the applicant for bringing their restaurant to Antioch and wanting to be invested in the community.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved the proposed Letter of Intent for the lease of One Marina Plaza, Antioch, California (also known as "Humphrey's Restaurant") to Dorothy Everett and John Jernigan doing business as "Everett and Jones Barbeque," and authorized the City Manager to execute the LOI.

6. ALTERNATIVE POWER FEASIBILITY STUDY (PW 699)

City Clerk Simonsen announced the Clerk's office received two letters dated January 21, 2016 and January 26, 2016 from OpTerra which had been made available to Council, staff and the public.

City Engineer/Director of Public Works Bernal and Russell Driver, ARC Alternatives, presented the staff report dated January 26, 2016 recommending the City Council receive the Alternative Power Feasibility Study and direct staff to continue negotiations with NRG for potential solar projects utilizing PG&E's bill credit transfer program under a Power Purchase Agreement.

Director of Public Works/City Engineer Bernal stated with concurrence of the City Attorney, they believed points in the letters from OpTerra were unfounded. He explained the City's intent was to conduct an unbiased independent analysis and they had not used NRG or OpTerra's actual information.

Jeff Janssen, Manager of Government Partnerships OpTerra Energy Services, stated they did not have any exceptions to the work ARC did; however, they did not feel it was fair that they compared a NEM project to RES-BCT project when it was not what they had proposed. He noted it was unfair for OpTerra to be associated with it and that was why they were asking to have their name removed from the report.

Director of Public Works/City Engineer Bernal responded that staff understood the analysis was not exactly what OpTerra proposed because it did not include energy efficiency aspects. He explained OpTerra's name was included for the purpose of giving Council a reference point.

Ron Parish, General Manager of the Lone Tree Golf Course and Event Center, stated they were eagerly interested in energy cost savings through solar generation; however, he was unsure if the Golf Course would realize a cost savings from the RES-BCT program.

Director of Public Works/City Engineer Bernal responded that there may be an opportunity for cost savings to be passed on to the Golf Course.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Rocha, to receive the Alternative Power Feasibility Study and directed staff to continue negotiations with NRG for potential solar projects utilizing PG&E's bill credit transfer program under a Power Purchase Agreement and directed staff to remove OpTerra from the proposal.

Interim City Attorney Galstan speaking to the motion, explained it was not possible to edit or delete information from public documents; however, the letters from OpTerra could be included as part of the public record and file.

The motion was amended as follows:

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously received the Alternative Power Feasibility Study and directed staff to continue negotiations with NRG for potential solar projects utilizing PG&E's bill credit transfer program under a Power Purchase Agreement.

7. CONSULTANT SERVICE AGREEMENT FOR THE ZONE I TRANSMISSION PIPELINE REHABILITATION AT HIGHWAY 4 (PW 701)

City Engineer/Director of Public Works Bernal presented the staff report dated January 26, 2016 recommending City Council adopt a resolution amending the fiscal year 2015/2016 budget to include Water Enterprise funding in the amount of \$700,000 for the Zone I Transmission Pipeline Rehabilitation at Highway 4 project and authorize the City Manager to sign an agreement with RMC Water and Environment for design consulting services related to this project in the amount of \$86,312.

RESOLUTION NO. 2016/07

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously adopted a resolution amending the fiscal year 2015/2016 budget to include Water Enterprise funding in the amount of \$700,000 for the Zone I Transmission Pipeline Rehabilitation at Highway 4 project and authorized the City Manager to sign an agreement with RMC Water and Environment for design consulting services related to this project in the amount of \$86,312.

8. RESOLUTION AUTHORIZING THE FILING OF A FINANCIAL ASSISTANCE APPLICATION WITH THE STATE WATER RESOURCES CONTROL BOARD FOR A DRINKING WATER STATE REVOLVING FUND LOAN UP TO \$1,000,000 FOR THE BRACKISH WATER DESALINATION PROJECT (PW 694)

City Engineer/Director of Public Works Bernal presented the staff report dated January 26, 2016 recommending City Council adopt the Resolution and Authorize the City Manager to file a loan application with the State Water Resources Control Board for a Drinking Water State Revolving Fund Loan up to \$1,000,000 for the Brackish Water Desalination Project.

RESOLUTION NO. 2016/08

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the City Council unanimously adopted the Resolution and Authorized the City Manager to file a loan application with the State Water Resources Control Board for a Drinking Water State Revolving Fund Loan up to \$1,000,000 for the Brackish Water Desalination Project.

Mayor Harper thanked staff for their professional work in preparing for the meeting agenda this evening.

9. THIRD AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH EXPONENT, INC.

City Engineer/Director of Public Works Bernal presented the staff report dated January 26, 2016 recommending City Council approve the Third Amendment to the Consultant Service Agreement with Exponent, Inc. to assist in negotiations with the City's Water Rights, provide support, scientific and technical analysis, studies and testimony for the Bay Delta Conservation Plan (BDCP)/California WaterFix in the amount of \$147,500 for a total of \$210,000.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously approved the Third Amendment to the Consultant Service Agreement with Exponent, Inc. to assist in negotiations with the City's Water Rights, provide support, scientific and technical analysis, studies and testimony for the Bay Delta Conservation Plan (BDCP)/California WaterFix in the amount of \$147,500 for a total of \$210,000.

10. PARKING ENFORCEMENT OUTSOURCING

Chief Cantando presented the staff report dated January 26, 2016 recommending the City Council authorize the City Manager to execute a 6 (six) month agreement with SP+ (SP Plus) allowing the City of Antioch to outsource its parking enforcement and vehicle abatement.

In response to Mayor Harper, Chief Cantando explained the cost to provide the service in-house was more expensive and considering revenue projections, they were hopeful it would pay for itself and possibly bring in additional revenues.

Steve Resnick, representing SP+, explained the goal was compliance and by educating the public of the enforcement policy, they believed there would be more compliance. He explained they engaged stakeholders and enforcement efforts were under the direction of the Antioch Police Department. He stated measurements of success would include a decrease in complaints, an increase in citation revenue and meeting goals and objectives set by the Antioch Police Department. He noted they had hired Volunteers In Police Services (VIPS) who had experience in the City and they would be utilizing handheld devices to input information.

In response to Council, Chief Cantando reported the Labor Union was in support of the program. He stated the public would be informed of enforcement and abatement efforts via social media and press releases. Additionally, he noted for a limited time they would issue warning citations.

Interim City Attorney Galstan added administrative citations were also appealable to the Board of Administrative Appeals.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously authorized the City Manager to execute a 6 (six) month agreement with SP+ (SP Plus) allowing the City of Antioch to outsource its parking enforcement and vehicle abatement.

Mayor Harper declared a recess at 9:26 P.M. The meeting reconvened at 9:37 P.M. with all Councilmembers present.

11. WILD ROOSTERS AND HENS

Chief Cantando presented the staff report dated January 26, 2016 recommending the City Council receive the oral report concerning staffs' efforts regarding the wild rooster and hen population in the area of Vine Lane, Viera Avenue, Walnut Avenue, and Bown Lane.

Mayor Harper stated in light of the recent annexation of the area, it would not set precedence for Council to consider funding the eradication of some of the animals.

Councilmember Wilson stated this issue would become cyclical if not all neighbors were willing to participate in the eradication of the animals on their properties.

Chief Cantando explained this issue was the same as wild turkeys and peacocks and with residents unwilling to work with the City, the birds would continue to repopulate. He advised Council costs would far exceed the initial \$7,000. He reported staff had sent out mailers and the residents contacted indicated they wanted the roosters out of the area; but they were unwilling to assist or allow anyone on their property.

Kurt Loomis, Antioch resident, gave a history of issues related to wild roosters and hens in his neighborhood and noted the County and the City have both failed to address their concerns.

Kip Stephens, Lori Cook and Stephanie Sterling, Antioch residents, stated City funds should not fund the trapping of wild animals.

Councilmember Rocha stated she was sympathetic to the issue and understood the concerns; however, she was concerned neighbors were unwilling to work together to address the problem.

Councilmember Tiscareno stated he appreciated Mr. Loomis's concerns; however, based on the lack of cooperation from the neighbors, the problem could not be resolved. He offered to meet with residents in the neighborhood to work toward a successful resolution.

In response to Councilmember Ogorchock, Chief Cantando clarified Animal Control contacted approximately 20 residents in the area. He noted these birds fly throughout the neighborhood; therefore, it was important for residents to work together to resolve the issue and prevent repopulation. He estimated there to be 60-70 birds in the area.

Councilmember Ogorchock stated she would also be willing to meet with the residents in the area.

Councilmember Wilson stated without full cooperation of the community, she believed the problem would remain cyclical.

Mayor Harper stated since the area was recently annexed, he believed it was the City's responsibility to provide leadership and reach out to the community.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously received the report and directed two Council members to attempt to meet with residents in the area.

12. MEMORANDUM OF UNDERSTANDING WITH SUTTER DELTA MEDICAL CENTER

City Manager Duran presented the staff report dated January 26, 2016 recommending the City Council approve a Memorandum of Understanding (MOU) with Sutter Delta Medical Center, which has requested the MOU.

Doris Stephens, Sutter Delta Medical Center, stated in order for them to participate in the 340B program, there was a requirement to have a signature on an MOU, on behalf of a state or local government official. She noted the 340B program required pharmaceutical companies to provide discounted rates on pharmaceuticals for outpatients to help support the care of the patients who are under or uninsured. She further noted there would be no obligation or auditing on the City's part.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously approved a Memorandum of Understanding (MOU) with Sutter Delta Medical Center, which has requested the MOU.

13. RESOLUTION OPPOSING EXTENSION OF TRADE POLICIES

Mayor Harper presented the staff report dated January 26, 2016 recommending the City Council consider adopting a resolution opposing the extension of Trade Policies.

City Clerk Simonsen announced he had received a letter from the Central Labor Council of Contra Costa County AFL-CIO signed by Steve Older and Margaret Hanlon-Gradie, in support of the resolution opposing the extension of Trade Policies.

Linda Doppe United Steelworkers Local 1440, Ben Salazar, Ken Baker United Steelworkers, Joseph Summers Contra Costa AFL-CIO Labor Council, Nadine Peyrucain California Alliance for Retired Americans, spoke in support of the City adopting the resolution opposing the extension of Trade Policies. Ms. Peyrucain also distributed a handout from the California Alliance for Retired Americans to Council and the audience.

Councilmember Ogorchock stated she wanted more information on this item before proceeding and requested the item be tabled.

RESOLUTION NO. 2016/09

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council adopted a resolution opposing the extension of Trade Policies. The motion carried the following vote:

Ayes: Harper, Wilson, Tiscareno, Rocha

Abstain: Ogorchock

14. CITY COUNCIL AGENDA FOLLOW-UP LIST

City Manager Duran presented the staff report dated January 26, 2016 recommending the City Council review and acknowledge the items on the City Council Agenda Follow-Up List.

Mayor Harper thanked City Manager Duran for providing the list to Council and the transparency in which he conducted business.

Councilmember Ogorchock thanked City Manager Duran for the list. She spoke in support of the City adopting an ordinance to limit the number of smoke shops through attrition and a shopping cart ordinance.

City Manager Duran reported the shopping cart ordinance would be before Council in February.

Interim City Attorney Galstan explained the smoke shop issue related to legal non-conforming uses, was a separate and complicated issue.

Lori Cook, Antioch resident, spoke in support of the City adopting a shopping cart ordinance.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously reviewed and acknowledged the items on the City Council Agenda Follow-Up List.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the Delta 6 meeting.

COUNCIL COMMUNICATIONS

Councilmember Wilson reported on her attendance at the Sand Creek Town Hall and Health Wealth Initiative meetings. She requested staff agendaize an update on improvements for Contra Loma Estates and Prosserville Parks.

Councilmember Ogorchock stated she attended many of the events already spoken about and noted the Reverend Dr. Martin Luther King celebration was phenomenal.

Councilmember Tiscareno agreed that the Reverend Dr. Martin Luther King celebration was an excellent event and he was pleased Mrs. Reggie Moore participated.

In response to Councilmember Rocha, City Manager Duran stated that he would schedule a workshop on homeless issues for a Council meeting, in March.

Councilmember Rocha reported she gave Antioch Unified School Board Member Fernando Navarro the Oath of Office.

Mayor Harper recognized staff for preparing the extensive agenda for this evening.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:44 P.M. to the next regular Council meeting on February 9, 2016.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk