

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

**Special/Regular Meeting
5:30 P.M.**

**May 28, 2013
Council Chambers**

Mayor Harper called the meeting to order at 5:32 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Rocha, Tiscareno and Mayor Harper
Absent: Council Member Agopian (arrived at 5:34 P.M)

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Rocha led the Council and audience in the Pledge of Allegiance.

STUDY SESSION – SPECIAL MEETING

1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, INTERNAL SERVICE FUNDS AND ENTERPRISE FUNDS FOR FISCAL YEARS 2013-14 AND THE 5-YEAR CAPITAL IMPROVEMENT PROGRAM

City Manager Jakel introduced the Budget Study Session.

Councilmember Agopian arrived at 5:34 P.M.

City Engineer/Director of Public Works Bernal gave a brief overhead presentation of the City of Antioch 5-Year Capital Improvement Program 2013 – 2018.

Alan Barton, Director of Information Systems, gave a brief update on phase #1 and #2 security camera systems. He reported that after the turf field and phase #2, the City would need to expand storage and the server. He noted they were considering the feasibility of future phases having self-contained units.

In response to Councilmember Rocha, City Engineer/Director of Public Works Bernal stated the Fulton Shipyard improvements would include an automated gate and repairs to the board, float, and boat ramp.

Councilmember Agopian suggested the “L” Street study be expansive and plan for a high quality access point to the Marina and Downtown.

City Engineer/Director of Public Works Bernal stated once the Capital Improvement Program (CIP) was adopted, he would begin the process of bringing the “L” Street study to Council.

Finance Director Merchant presented the staff report dated May 20, 2013, recommending City Council provide direction and feedback.

- Page 4 – Traffic Signal Funds (Fund 220) - City Engineer/Director of Public Works Bernal stated he would look at Longview Road and Contra Loma Boulevard to determine if a traffic signal was warranted.
- Page 9 – Energy & Conservation (311-2435) – Following discussion, City Manager Jakel stated he would provide City Council with the analysis from Chevron regarding the feasibility of solar projects for the City. Councilmember Agopian suggested in the future, the City begin planning for solar projects in the Capital Improvement Program (CIP).
- Page 10 – Prewett CIP (Fund 312) - Council directed staff to bring the programming of the Mello Roos monies to a future Council meeting for consideration.
- Page 25 – Marina Fund (631) – Council directed staff, for a future Council meeting, to provide a competitive analysis for the Antioch Marina.
- Page 29 – Vehicle Replacement Fund (Fund 569) – Mayor Harper encouraged staff to shop locally whenever possible.

Finance Director Merchant stated she would bring the budget to the City Council for adoption, on June 25, 2013.

City Manager Jakel concluded staff would incorporate changes the City Council had suggested, prior to bringing the budget back for adoption. He acknowledged concessions that had been made and challenges going forward, to build a revenue base.

CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 44956.9(d)(1): *In re Eva Quesada Romero and Gilbert Raymond Romero* [Humphrey's Restaurant], Case No. 12-44668, U.S. Bankruptcy Court, Northern District of California; **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: APN066-010-018; Agency Negotiator: City Manager, City Attorney; Negotiating Parties: Wells Fargo Bank, John Majidi, Bay Area Employment Development Company; Under negotiation: price, terms of payment
2. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision

3. **CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 1 potential case

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, No action was taken; **#2 CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**, and **#3 CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, were moved to the end of the public session.

PLEDGE OF ALLEGIENCE

Mayor Harper called the meeting to order at 7:08 P.M., and City Clerk Simonsen called the roll.

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

City Attorney Nerland announced the applicant for Item #4 had requested that it be continued. She suggested Council hear this Item, as the next Item of business.

PUBLIC HEARING

4. **PW-652 - SCOTT BRODER IS REQUESTING AN AMENDMENT TO THE CONDITIONS OF APPROVAL ON THE TENTATIVE MAP FOR THE GOLDEN BOW ESTATES. THE AMENDMENT WOULD REMOVE THE ONE-STORY RESTRICTION AND ALLOW THE CONSTRUCTION OF A TWO-STORY HOUSE ON LOT 4 OF THE SUBDIVISION. THE PLANNING COMMISSION RECOMMENDED DENIAL OF THE AMENDMENT TO THE CITY COUNCIL BY A 7-0 VOTE. THE PROJECT IS LOCATED AT 3501 RAM COURT (APN: 076-680-004).**

At the request of the applicant, staff recommended this Item be continued to June 11, 2013.

Mayor Harper opened the public hearing and will leave open to continue to June 11, 2013.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously continued the Public Hearing to June 11, 2013.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Deanna Rabago Lechman, Contra Costa Library, announced the Summer Reading Festival would be taking place from June 8, 2013 - August 17, 2013 and an Ice Cream Party with a Twist, would be held at the Antioch Library on June 5, 2013 at 3:00 P.M.

Judy Dawson, American Cancer Society, invited the community to participate in the Relay for Life event, June 22 – 23, 2013 at Deer Valley High School. She thanked the Antioch School District for hosting the event. She provided a handout to Council on future events and contact information for anyone wishing to participate.

Mayor Harper thanked Ms. Dawson and members of the Relay for Life committee for their dedication to the event.

Walter Ruehlig, invited the community to attend the Baccalaureate Ceremony at Church of the Latter Day Saints in Brentwood at 5:00 P.M. on June 2, 2013.

Joy Motts and members of the 4th of July Committee gave a brief update on their fundraising efforts and announced a fundraiser event would be held from 5:00 P.M. – 9:00 P.M. on June 13, 2013 at Bases Loaded. Contact information was provided.

PUBLIC COMMENTS

Chief Cantando introduced new Antioch Police Officers, Joshua Evans and Alma Tinajero.

Officer Tinajero stated she was proud to be a member of the Antioch Police Department.

Officer Evans stated he was grateful for the opportunity to be working in the community where he was raised.

The City Council welcomed Officers Tinajero and Evans to the City of Antioch Police Department.

Fred Hoskins, Antioch resident, suggested the City focus on ideas to offset criminality in the community.

Judy Dawson suggested the City place a speed trailer on James Donlon Blvd, as a traffic calming measure for the area.

Dee Vieira, speaking on behalf of the Burrowing Owl Conservation Network, presented their 2013 campaign for the Antioch Community Center Burrowing Owl Diorama Project. She thanked those who had contributed funds for the project.

Noel Pinto and J.R. Wilson, Delta Veterans Group (DVG), discussed their efforts to provide outreach services to those who had served in the Armed Services. They announced, with the City Council's support, they would be hosting a Stand Down in September 2015 in Antioch. They also announced a Benefit Seminar would be held on June 29, 2013 and a Job Fair would be held on September 21, 2013, at VFW Post #6435 in Antioch. They noted in the future they would be hosting a Meet-a-Cop and Thank-a-Vet event, to raise funds to support the Stand Down event.

Mayor Harper commended Mr. Pinto and Mr. Wilson for their support of Veterans and encouraged them to continue their efforts. He noted the City of Antioch supports Veterans.

COUNCIL SUBCOMMITTEE REPORTS - None

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at Tri-Delta Transit meeting and Memorial Day event.

PRESENTATION

Police Canine and Donor Recognition (Lieutenant John VanderKlugt)

Lieutenant VanderKlugt gave a brief overview of the Antioch Police Department K9 Unit and recognized the Community Groups, Corporate Sponsors, Foundations and Individual Contributors who had participated in helping fund the unit. He recognized the K9 Unit Members and introduced Officer Harger and "Donna" and Officer Valliere and "Erin".

Mayor Harper welcomed the new K9 teams and thanked community members who supported the program.

Keep Antioch Beautiful Day School Participation Winners (Julie Haas-Wajdowicz)

Julie Haas – Wajdowicz, Martha Parsons, and Mayor Harper recognized the sponsors, school participation winners, and committee members for participating in the Keep Antioch Beautiful Day event.

Councilmember Rocha thanked Ms. Parsons for spearheading the event.

Ms. Parson thanked Mayor Harper for co-chairing the event.

2. COUNCIL CONSENT CALENDAR

City of Antioch

- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 23, 2013 AND MAY 14, 2013**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORT FOR APRIL 2013**
- D. RESOLUTION NO. 2013/24 ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE 2013-14 FISCAL YEAR PURSUANT TO CALIFORNIA CONSTITUTION ARTICLE XIII B**

- E. **RESOLUTION NO. 2013/25 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE JAMES DONLON AND LARKSPUR WATER STORAGE RESERVOIR REHABILITATION (P.W. 246-24)**
- F. **RESOLUTION NO. 2013/26 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR TRAFFIC SIGNALS IMPROVEMENT PROJECT: DELTA FAIR BOULEVARD AT BELLE DRIVE, AUTO CENTER DRIVE AT COSTCO WAY/WEST EIGHTEENTH STREET AND DELTA FAIR BOULEVARD AT SCHOOL STREET (P.W. 636-7)**
- G. **REQUEST FOR TRAVEL AND TRAINING – LEAGUE OF CALIFORNIA CITIES 2013 ANNUAL CONFERENCE**
- City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency**
- H. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**
- I. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the City Council unanimously approved the Council Consent Calendar.

PUBLIC HEARING

3. **PROPOSED MASTER FEE SCHEDULE EFFECTIVE JULY 1, 2013 (FISCAL YEAR 2013-2014)**

Finance Director Merchant presented the staff report dated May 8, 2013 recommending the City Council adopt the resolution.

Following discussion, City Manager Jakel responded that the bicycle registration fee was required by the Municipal Code and the code would need to be modified to eliminate it.

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

Councilmember Agopian stated he supports bringing back an ordinance and fee structure for City Council consideration that addressed multiple calls for service to single family residences.

RESOLUTION NO. 2013/27

On motion by Councilmember Wilson, seconded by Councilmember Agopian, the City Council unanimously adopted the resolution.

City Attorney Nerland reported that at the request of the applicant, **Item #4** regarding the Golden Bow Estates had been continued by Council to June 11, 2013.

COUNCIL REGULAR AGENDA

5. **ADOPTION OF AN URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW TOBACCO AND PARAPHERNALIA RETAILERS**

Community Development Director Wehrmeister presented the staff report dated May 23, 2013 recommending the City Council motion to adopt the urgency ordinance establishing a temporary moratorium on the establishment and operation of new Tobacco and Paraphernalia Retailers to become effective immediately.

Councilmember Rocha requested staff consider the same saturation policy as businesses that sell alcohol.

Heishan Kamal, owner of a smoke shop in Antioch, reported that after an inspection by the City, he was being forced to build a separate room for the sale of paraphernalia. He expressed concern for his safety, if he were forced to be locked inside a separate room with a customer.

Mayor Harper reported neighboring businesses were concerned regarding the type of clientele smoke shops attracted. He expressed concern that when he had witnessed children smoking cigarettes outside of one of these businesses located near a high school, he was told by security that they instructed children to smoke behind the building.

Councilmember Wilson stated she did not see the benefit of these types of businesses when they purposely set up near schools and promoted unhealthy behavior.

On motion by Councilmember Wilson, seconded by Councilmember Agopian, the Council unanimously adopted the urgency ordinance establishing a temporary moratorium on the establishment and operation of new Tobacco and Paraphernalia Retailers to become effective immediately.

ORDINANCE NO. 2067-C-S

6. REVENUE BALLOT MEASURES

City Manager Jakel presented the staff report dated May 21, 2013 recommending the City Council 1) Motion to read by title only and introduce the "Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization" (two-thirds vote) and, 2) Motion to provide direction to staff on business license tax options.

Hans Ho, Antioch resident, spoke in support of the sales tax measure and a companion business tax measure for owners of rental properties to increase public safety.

Marty Fernandez, Antioch resident, spoke in support of the landlord rental business fee, to increase public safety and improve property values.

Fred Hoskins, Antioch resident, spoke in support of the business tax measure and against a sales tax measure.

Marie Livingston, Antioch resident, spoke in support of the business license tax measure for non-owner occupied rental properties, to increase public safety.

City Attorney Nerland reported on dais this evening and available in Council Chambers, was a survey of neighboring communities regarding their business license tax for rental units.

Theresa Karr, representing the California Apartment Association in Contra Costa, thanked the City Council for the opportunity to speak this evening. She voiced their support for the sales tax ballot measure. She stated, as presented in the staff report, they could not support the citizen's initiative or the Council ballot measure. She offered to work with City staff and the citizen's committee to develop a more comprehensive and equitable solution. She presented the City Council with a letter stating the City should consider stepping back to look at other options that are fair and equitable for all businesses within the City.

Terry Ramos, Antioch resident, requested the City Council direct staff to move forward with drafting the ballot measure. He stated he hoped the City and Community could move forward together in a positive way. He offered to work with the landlord groups after the ballot measure was passed.

Sean Wright, Antioch Chamber of Commerce, stated they would be willing to support a sales tax measure for seven (7) years. He noted if the Council chose to go longer, they would not oppose it, they would remain neutral.

Karl Dietzel spoke in support of the business tax for rental owners.

George Briggs, Antioch resident, spoke in support of a business tax for rental owners.

Robert Munton, Antioch resident, spoke in support of the business license tax for rental properties.

Mayor Harper speaking to the following motion discussed the importance of keeping the ballot measure simple and unifying the community.

A motion was made by Councilmember Agopian to approve reading the ordinance by title only and introduce the Ordinance of the City of Antioch Imposing a Transaction and Use Tax to be Administered by the State Board of Equalization” changing it to a 10 year horizon with 7 years at one-half ($\frac{1}{2}$) and 3 years for one-quarter ($\frac{1}{4}$) cent. The motion died for the lack of a second.

On motion by Councilmember Wilson, seconded by Councilmember Rocha, the Council unanimously read by title only and introduced the “Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization” changing it to one-half ($\frac{1}{2}$) cent for (7) years.

Mayor Harper thanked those responsible for bringing forward the citizen’s initiative and working with staff to incorporate Council’s direction. He expressed concern that the California Apartment Association was given the ballot measure and encouraged to provide input and they had chosen not to, prior to this evening’s meeting.

Following discussion, Council consensus supported the #2 Council Ballot Measure for \$240.00 business license tax on residential as outlined in the staff report. They noted that the Citizens’ group had indicated they were willing to meet with the California Apartment Association to discuss their outstanding issues.

Councilmember Agopian spoke in support of reinstating the Rental Inspection Program, at a later date.

City Attorney Nerland reported the letter from the California Apartment Association references a legal challenge therefore it may be appropriate to schedule a Closed Session before the June 11, 2013 Open Session.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously directed staff to draft a ballot measure and ordinance following action #2 of the staff report for business license tax on residential landlords based on graduated formula starting at \$240.00 per unit.

7. THREE FULL-TERM APPOINTMENTS FOR THREE VACANCIES ON THE ECONOMIC DEVELOPMENT COMMISSION (EDC)

Director Human Resources/Economic Development Director Fitzer presented the staff report dated May 23, 2013 recommending the City Council receive and file the applications, and the

Mayor appoint and Council approve the appointment of two commissioners and repost for the one existing vacancy.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved the appointment of Peter Donisanu and Rhoda Parhams to two (2) full-term appointments on the Economic Development Commission.

PUBLIC COMMENTS – None

Jeff Belle Hall thanked the City Council for their support of the urgency ordinance establishing a temporary moratorium on the establishment and operation of new tobacco and paraphernalia retailers. He discussed the negative impact of tobacco on youth.

STAFF COMMUNICATIONS

City Manager Jakel announced the Mayor's Golf Tournament would be held on June 2, 2013 at Lone Tree Golf Course. He noted the next City Council meetings would held on June 11 and June 25, 2013.

COUNCIL COMMUNICATIONS

Councilmember Agopian thanked Mayor Harper for hosting the Memorial Day event.

Councilmember Tiscareno reported on his attendance at the Ford Car Show, the grand openings of the Holy Angels Cemetery and Fallas, Police Crime Prevention meeting, State of the City and the Memorial Day event.

Councilmember Rocha invited the City Council to attend the Senior Picnic on May 31, 2013 from 10:00 A.M. – 1:00 P.M. at the Senior Center. She reported on her attendance at the Contra Costa Interfaith Supporting Community Organization (CCISCO) event and she requested Council place a letter of support for AB4 Trust Act on the next agenda for Council consideration.

Mayor Harper requested the support letter for AB4 be placed on the Consent Calendar for Council consideration.

Councilmember Wilson reported on her attendance at the Ford Car Show, Memorial Day event and the State of the City luncheon.

ADJOURNMENT

Mayor Harper adjourned the meeting at 9:30 P.M. to Closed Session.

CLOSED SESSION

2. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision

3. **CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 1 potential case

City Council returned to open session from closed session at 10:25 P.M.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#2 CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**, Direction was given to staff, and, **#3 CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction was given to staff.

With no further business, Mayor Harper adjourned the meeting at 10:26 P.M. to the next regular Council meeting on June 11, 2013.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk