

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

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

**January 28, 2014
Council Chambers**

6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** pursuant to California Government Code section 54956.9(d)(2) and (d)(4) and **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8; Property – 620 Gary Avenue; Agency Negotiator – City Attorney and City Manager; Parties -- Jennifer Findley; Under negotiation – price and terms of payment.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** and **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, Direction was given to the City Attorney.

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

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Velma Wilson announced a Community café meeting would be held at 6:30 P.M. on January 28, 2014 at the Nick Rodriguez Community Center. She recognized the City Council, staff and the facilitator for coordinating the event.

Mayor Harper reported the Martin Luther King Celebration and scholarship program at Deer Valley High School was an excellent event.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen reported the City had received seventeen (17) applications for the Sales Tax Oversight Committee and announced the following Board and Commission openings.

- *Board of Administrative Appeals - One (1) Board Member partial term vacancy and One (1) Alternative Board Member, 2-year term; deadline date to apply was January 30, 2014*

- *Parks and Recreation Commission: Four (4) vacancies; deadline date to apply was January 30, 2014*
- *Contra Costa Mosquito & Vector Control District Board, One (1) Antioch Citizen Representative; deadline date to apply was January 30, 2014*
- *Contra Costa County Library Commission, One (1) Antioch Citizen Representative; deadline date to apply was January 30, 2014*

He noted applications were available on the City's website and at the City Clerk's office.

PUBLIC COMMENTS

Mona Robison, representing Somerset Neighborhood Watch, reported there had been an increase in criminal activity in her neighborhood. She presented the Council with a list of signatures from residents in support of her comments and requested the City Council assist them in working with their management company to improve safety and security in the area.

Mayor Harper suggested Ms. Robinson leave contact information so Council could respond to her request. He also encouraged her to attend the Community Café.

Sonja Meadows, resident of Somerset Senior Apartments, expressed concern regarding security in their complex and discussed the need for increasing safety measures for residents.

Sandra Kelly, C Street Neighborhood Watch, discussed recent criminal activity in her neighborhood. She presented the Council with photos and requested the City address the criminal element as well as the health and safety issues on the Human Resources Center property located on "C" Street.

Mayor Harper encouraged Ms. Kelly to discuss her concerns with the Antioch Police Department.

Lori Cook, announced she was the administrator of the facebook page, *Cleaning Up Antioch, One Home At A Time*, which offered suggestions on how to deal with problem homes and other issues in Antioch. She discussed their volunteer efforts and provided photos of illegal dumping in the City. She suggested the City post "no dumping allowed" signage in areas where regular dumping occurs.

The Council thanked Ms. Cook and her group for being involved in cleanup efforts.

Councilmember Agopian encouraged staff to work with Republic Waste and members of Ms. Cook's group to post "no dumping" signage in locations of concern.

Mayor Harper reminded the community that the entire City was a no dumping area.

Ed Judkins presented the City Council with photos that showed abandoned, homeless encampments on Hillcrest Avenue and requested the City clean up the area.

Kym Kelley announced the grand opening of her store, *Where Did You Get Your Shoes?*, would be held from 12:00 P.M. – 4:00 P.M. on February 8, 2014 at 602 West 2nd Street in Antioch.

Peter Donisanu reported on his attendance at the Community Café meeting.

Karen Kops, Founder and President of Spay Neuter Impact Program (SNIP), gave a brief overview of their program and encouraged the City to work toward a low cost spay and neuter option for Antioch. Contact information was provided.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Rocha reported on her attendance at the League of California Cities committee meeting and announced a Black History Month event would be held at the Nick Rodriguez Community Center.

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the League of California Cities Public Safety Committee meeting.

PRESENTATION

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

Sarah Meacham gave a presentation of the Fourth Quarter 2013 Review of Portfolio.

Mayor Harper thanked Ms. Meacham for the presentation.

Police Statistics for Year 2013, presented by Chief Allan Cantando

Chief Cantando gave a presentation of the Police Statistics for Year 2013 including the following information:

- Part 1 Crime Statistics
- Bureau of Support Services
- Bureau of Field Services
- Current Staffing Levels
- Looking Forward – Proactive Assertive Policing
- New Developments

Mayor Harper thanked Chief Cantando and the Antioch Police Department for protecting the citizens of Antioch. He recognized BART Police Sgt. Thomas Smith, Jr. who lost his life in the line of duty. He commended the Antioch Police force for apprehending a suspect in a kidnapping incident and stated the City Council and community would like to participate in the recognition of the citizen who assisted the Antioch Police department in identifying the suspect in that kidnapping. He recognized the efforts of the Antioch Police Department and City staff in working with County for the removal of trash and homeless encampments along Wilbur Avenue and stated he anticipated that other areas of concern would be addressed in the near future.

Councilmember Tiscareno thanked Chief Cantando for the report.

Councilmember Agopian discussed recent personal contact he had had with an Antioch Police Officer and stated he was very impressed by his professionalism. He commented that the Antioch Police Department had his full support for the resources needed to achieve their goals and be a safe City for everyone. He discussed the value of proactive assertive policing.

Julie Carlson, East County Animal Rescue and Advisory Coalition, stated she had received the Antioch Animal Services kennel report and she provided the Council with a spreadsheet indicating discrepancies within the report. She suggested future updates include Animal Shelter staffing and animal crime statistics.

- 1. COUNCIL CONSENT CALENDAR for City /City as Successor Agency and Housing Successor to the Antioch Development Agency /Antioch Public Financing Authority**
- A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 14, 2014**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2013**
- D. RESOLUTION NO. 2014/04 IMPLEMENTATION OF THE SALES TAX ORDINANCE**
- E. CITY OF ANTIOCH – COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2013**
- F. CITY OF ANTIOCH – SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2013**
- G. APPROVAL OF PROPOSAL AND AUTHORIZATION FOR THE CITY MANAGER TO SIGN AN AGREEMENT WITH MUNICIPAL FINANCIAL SERVICES FOR THE PREPARATION OF AN UPDATE OF THE WATER AND SEWER RATE FEE STUDY, (P.W. 362-7)**

- H. **RESOLUTION NO. 2014/05 AUTHORIZE A FY 2013/14 BUDGET ADJUSTMENT TO FUND ONE (1) ADDITIONAL COMMUNITY SERVICES OFFICER**

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

- I. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**

- J. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**

Antioch Public Financing Authority

- K. **ANTIOCH PUBLIC FINANCING AUTHORITY – BASIC FINANCIAL STATEMENTS AND INDEPENDENT AUDITORS’ REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar with the exception of Item G, which was removed for further discussion.

Item G – In response to Councilmember Rocha, Director of Public Works/City Engineer Bernal stated this item was related to the rate study for water and sewer for the next five years and he felt the proposed contract was a good value for the City.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously approved Item G.

Mayor Harper declared a recess at 8:20 P.M. the meeting reconvened at 8:28 P.M. with all Councilmember present.

PUBLIC HEARING

2. **GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01: THE POINTE – DISCOVERY BUILDERS REQUESTS THE APPROVAL OF A GENERAL PLAN AMENDMENT (GPA) FROM LOW DENSITY RESIDENTIAL TO INCLUSION IN THE SOMERSVILLE ROAD CORRIDOR FOCUS AREA AND TO ADD LANGUAGE TO THE GENERAL PLAN WAIVING THE REQUIREMENTS OF CERTAIN APPLICABLE SECTIONS OF THE GENERAL PLAN RELATED TO HILLSIDE DEVELOPMENT; A REZONE FROM HILLSIDE PLANNED DEVELOPMENT (HPD) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT; AN AMENDMENT TO THE ZONING ORDINANCE TO PROVIDE THE CITY COUNCIL WITH THE DISCRETION TO DETERMINE IF THE HILLSIDE PLANNED DEVELOPMENT POLICIES APPLY TO A PROJECT; A VESTING TENTATIVE MAP; A FINAL PLAN DEVELOPMENT; AND A USE PERMIT IN ORDER TO CREATE 60 LOTS INTENDED FOR SINGLE FAMILY HOMES. THE PROJECT IS GENERALLY LOCATED**

WEST OF THE INTERSECTION OF SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD (APN: 089-160-010). AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION ARE ALSO BEING CONSIDERED FOR ADOPTION. THE PLANNING COMMISSION DID NOT ACT ON THE IS/MND AND BY WAY OF A 5-0 VOTE, WITH ONE VACANCY AND ONE COMMISSIONER ABSENT, RECOMMENDED THE CITY COUNCIL DENY THE GENERAL PLAN AMENDMENT, REZONE, FINAL DEVELOPMENT PLAN, VESTING TENTATIVE MAP, AND USE PERMIT (*Continued from 12/10/13*)

Senior Planner Gentry presented the staff report dated January 23, 2014 recommending the City Council: 1) Motion to adopt the resolution denying the General Plan amendments. 2) Motion to adopt the resolution denying the rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD). 3) Motion to adopt the resolution denying the Final Development Plan, Vesting Tentative Map, and Use Permit for 60 single family units.

She added that since the release of the staff report, two letter were submitted to the City, which had been placed on the dais and were available in Council Chambers. She introduced Doug Herring the City's California Environmental Quality Act (CEQA) consultant and ???? the city's outside Counsel.

City Attorney Nerland gave a history of the project. She announced this item had been renoticed as a Public Hearing for this evening and given that there was additional information, it would be appropriate to allow additional public comments. She reviewed the manner in which the Public Hearing would be conducted.

Mayor Harper opened the Public Hearing.

APPLICANT

Louis Parsons, representing Discovery Builders, reported they had two meetings with the community to explain the project. He reviewed the site plan and discussed the topography of the area and noted to comply with the City's hillside planned development guidelines, the project would contradict the City's development standards. He further noted the General Plan amendment allows for a land plan that would be consistent with approved and existing development. He stated they believed development within the urban limit line should be encouraged and urged the City Council to approve the project.

OPPOSITION

Juan Pablo Galvan, Save Mount Diablo, stated an Environmental Impact Report (EIR) would provide two elements relevant to this project, a cumulative impact analysis and the development of project alternatives. He expressed concern that Council had directed the developer to reach out to the stakeholders and they had not been contacted. Additionally, he noted, the developer

had failed to provide a concept for the project that adhered to the City's laws and regulations. He urged the City Council to deny the project as proposed.

Nancy Fernandez, Antioch resident, urged the City Council to uphold the Planning Commission's recommendation for denial of the project. She stated in the past, Mayor Harper recused himself from a Seeno vote and if that were the case, she believed he should do so again.

Mayor Harper clarified there was no reason for him to recuse himself from this item.

Marlene Stratton Blomburg, Antioch resident, urged the City Council to enforce the City's Hillside Development Ordinance and deny the project as proposed.

Michael Mikel, Antioch resident, expressed concern that the developer had failed to respond to the City Council's request to provide a project that would conform to the City's Hillside Development Policy. He stated his property would be directly impacted by this development and requested the City Council support the citizens of Antioch, enforce the City's Hillside Development Policy and deny the project as proposed.

Samuel Maurice Porter, Antioch resident, stated he believed that further environmental analysis was needed to allow for potential adverse impacts to be studied by the appropriate agencies. He stated they needed to know what the project would look like under the City's current ordinances. He urged the City Council to enforce the City's Hillside Development Policy.

Marty Fernandez, Antioch resident, discussed the negative impact mass grading can have on the weather conditions. He suggested if the City Council approved the project that they include improvements to Somersville Road, prior to construction beginning. He recommended the City Council deny the project as proposed.

Mark Naugle, Antioch resident, urged the City Council to make their decision based on what was in the best interest of the citizens of Antioch and deny the project as proposed.

Keith Johnson, Antioch resident, expressed concern that the developer had not provided a conceptual project design that would substantially comply with the hillside ordinance. He provided the City Council with photos of the hillside and urged them to deny the project and invite the developer to come back with a plan to grade the western slope of the Antioch side of the hill, only as much as needed, to complete the Pittsburg side of the development.

Mayor Harper read written comment from Darcy Johnson and Margaret Vertin, Antioch residents, in opposition to the project.

Allen Payton, Antioch resident, gave a brief history of the project. He noted a previous Council granted a sixty (60) unit allocation and Seeno moved forward based on that direction. He stated if

approved, it should be a gated community to provide an alternative housing stock in Antioch. He noted there were always exceptions for laws and ordinances.

Kurt Woodland, Antioch resident, stated he felt the development should align with the City's laws and ordinances. He noted past practice allowed for only minor exceptions to the policy. He further noted the plan as proposed is substantially different from the existing Black Diamond community and therefore should not be approved.

Mayor Harper closed the Public Hearing.

Senior Planner Gentry clarified Somersville Road improvements were expected to be completed by the end of 2014, attachment D-82 outlines the entitlement process for this project and the discrepancy in grading numbers had to do with the revised grading plan.

Mayor Harper reopened the Public Hearing.

REBUTTAL

Albert Seeno, gave a history of projects they had built in the community. He stated there was very limited land within the Urban Limit Line and he felt it should be used to its fullest. He urged the City Council to approve their project as presented.

Mayor Harper closed the Public Hearing.

In response to Councilmember Tiscareno, Senior Planner Gentry clarified the Mitigated Negative Declaration addressed all the issues and impacts that would be produced by this project. She added that all issues were addressed in the response to comments and no significant impacts were found.

Mayor Harper commented that the Planning Commissioners indicated that an EIR would be appropriate for the project; however, staff had not informed them that the EIR would not yield any additional benefit or information.

Councilmember Rocha stated she was hoping the project would be revised to comply with the City's Hillside Development Policy. She noted as presented, she would vote to deny the project.

Mayor Harper stated the allocation for sixty (60) units was approved by a previous City Council and he would support approving the project as proposed.

At the request of Councilmember Tiscareno and with Council consensus, Mayor Harper reopened the Public Hearing.

Albert Seeno Jr. reported on his attendance at the community meetings held with the stakeholders. He noted potential impacts were discussed as well as the mitigation measures to minimize those impacts. He stated the process was well received and he understood the residents' concerns.

Councilmember Tiscareno stated he was in support of the project due to a previous City Council's approval for sixty (60) units.

In response to Mayor Harper, Mr. Seeno clarified widening of Somersville Road and installation of the signal would be completed by December 2014. He stated they would leave the issue of whether to gate the project, up to the discretion of the City Council.

In response to Councilmember Wilson, Mr. Seeno clarified if this project was not approved, adjacent projects would still be built.

Mayor Harper closed the Public Hearing.

Senior Planner Gentry clarified the sixty (60) units referenced, had not received previous approval. She stated in 2005 when the redesignation occurred, the intent was to build estate housing that would follow the policies and regulations of the City.

Councilmember Agopian recognized Discovery Builders for providing homes for Antioch residents. He stated he had considered all the information and he believed the hill needed to remain open space or the project needed to be redesigned in a way that more accurately accommodated the Hillside Ordinance. He noted he was not willing to approve a rezone for this project and he would support staff's recommendation to uphold the Planning Commission's decision and deny the project.

Mayor Harper reported he had attended meetings with the community and developer and considered all the information presented.

In response to Councilmember Tiscareno, Senior Planner Gentry stated that future development would be considered by an approving body of the City, however if this project were approved as presented,, there was potential to set precedent.

Mayor Harper commented that every project had its own merits and differences.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the City Council: 1) Motioned to adopt the resolution denying the General Plan amendments. 2) Motioned to adopt the resolution denying the rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD). 3) Motioned to adopt the resolution denying the Final Development Plan, Vesting Tentative Map, and Use Permit for 60 single family units. The motion carried the following vote:

Ayes: *Wilson, Rocha, Agopian*

Noes: *Tiscareno, Harper*

RESOLUTION NO. 2014/06
RESOLUTION NO. 2014/07
RESOLUTION NO. 2014/08

Mayor Harper thanked the community for bringing forward their concerns and the developer for bringing forward the project. He encouraged the developer to bring other projects forward that conform to the City's General Plan.

COUNCIL REGULAR AGENDA

3. ANTIOCH WATER PARK INFRASTRUCTURE UPDATE

Community Development & Recreation Deputy Director Graham presented the staff report dated January 23, 2014, recommending the City Council receive and file the report and provide direction to staff.

Following discussion, the City Council supported staff exploring the feasibility of replacing the Tad Pool area with an all abilities splash park feature. They requested staff bring back a report to Council with more details on this item.

Mayor Harper suggested staff contact East Bay Municipal Utility District (EBMUD) to determine if the City could beautify the easement in front of Prewett Park.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously received and filed the report.

PUBLIC COMMENTS

Melvin Chappel, Contra Costa County Fire Protection District, reported former Councilmember Reggie Moore was ill and he expressed his concern and voiced his appreciation for his service. He recognized the Antioch Police Department for their support of the Contra Costa Fire District.

Peggy Napier, Antioch resident, provided written comment requesting the City install a lamppost on the corner of Candlewood and Stagecoach.

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS

Councilmember Agopian wished everyone a Happy New Year.

Mayor Harper thanked City Manager Duran and the Department Heads for providing the City Council and community with a weekly status report.

Councilmember Tiscareno thanked Mr. Chappel for expressing concern for former Councilmember Reggie Moore and stated he would inform Mr. Moore that there were a lot of people that were concerned.

In response to Councilmember Rocha, City Manager Duran explained he had met with Public Works and they anticipate if the drought condition does not change, the City would have to buy water from the Contra Costa Water District. He noted the monies would come out of the water fund and this year there should be sufficient funds to cover those costs.

Councilmember Wilson acknowledged community members who participated in the Community Café meetings and thanked the committee who organized the Martin Luther King Jr. event.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:31 P.M. to the next regular Council meeting on February 11, 2014.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk