

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

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

**May 13, 2014
Council Chambers**

5:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL** – Pending Litigation pursuant to California Government Code §54956.9 (d)(1): City of Antioch vs. Black & Veatch Corporation, F.D. Deskins Company, Inc., TW Associates dba MISCOWater, Contra Costa Superior Court Case No.C13-00227; The Cincinnati Specialty Underwriters Insurance Company v. F.D. Deskins Company Inc. and City of Antioch, Hamilton Circuit Court, Indiana, Case No. 29C01 1306 CT511

2. **CONFERENCE WITH LEGAL COUNSEL** – Anticipated Litigation pursuant to California Government Code §54956.9 (d) (2): one case

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, Direction given to the City Attorney; and **#2 CONFERENCE WITH LEGAL COUNSEL**, No action was taken.

Mayor Harper called the meeting to order at 6:10 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.

STUDY SESSION – SPECIAL MEETING

1. **PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR SPECIAL REVENUE, CAPITAL PROJECTS, ENTERPRISE AND INTERNAL SERVICE FUNDS FOR FISCAL YEAR 2014-15, AND 2014-2019 5-YEAR CAPITAL IMPROVEMENT PROGRAM**

City Manager Duran introduced the Budget Study Session.

Finance Director Merchant presented the staff report dated April 28, 2014 recommending the City Council provide direction and feedback.

The Council expressed their desire to resolve the employee furlough issue, as soon as possible.

A motion made by Councilmember Tiscareno and seconded by Councilmember Agopian, to reject the staffing proposals incorporated into the Water and Sewer Fund budgets. Following discussion, the motion and the second were withdrawn to allow Council to take separate action on each position.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously approved filling one Customer Service Rep. funded 50% (Water Fund) and 50% (Sewer Fund).

On motion by Councilmember Tiscareno, seconded by Mayor Harper, the Council rejected creating and funding one Technician (Water Fund). The motion carried the following vote:

Ayes: Harper, Wilson, Tiscareno, Agopian

Noes: Rocha

A motion made by Councilmember Rocha to approve creating and funding one Technician (Sewer Fund) failed for the lack of a second.

On motion by Councilmember Tiscareno, seconded by Councilmember Agopian, the Council rejected creating and funding one Technician (Sewer Fund). The motion carried the following vote:

Ayes: Harper, Wilson, Tiscareno, Agopian

Noes: Rocha

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council approved one Equipment Operator (Sewer Fund). The motion carried the following vote:

Ayes: Rocha, Wilson, Agopian

Noes: Harper, Tiscareno

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously approved one Lead Collections System Worker (Sewer Fund).

Chief Cantando gave an update on the East Bay Regional Communication System (EBRCS).

Following discussion, Council agreed not to utilize Measure C monies for the EBRCS system, however they supported allocating Measure C monies for the vehicle replacement fund pending purchases.

Ralph Garrow Jr., Antioch resident, stated he felt it was inappropriate to divert Measure C funds for the EBRCS system or vehicle replacement.

City Engineer/Public Works Director Bernal presented the 5-Year Capital Improvement Program for 2014-2019.

Mayor Harper thanked City Engineer/Public Works Director Bernal for the report.

2. PROCLAMATIONS

Community Resilience Challenge East Bay, May 2014

National Water Safety Month, May 2014

National Public Works Week, May 18 - 24, 2014

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

Mayor Harper declared a recess at 7:17 P.M. The meeting reconvened at 7:26 P.M. with all Councilmembers present.

Councilmember Tiscareno presented the *Community Resilience Challenge East Bay* proclamation to Environmental Resource Coordinator Haas Wadjowicz and Tina King Neuhausel President and Co-Founder of Sustainable Contra Costa, who thanked the City for their support and discussed programs available to Antioch residents.

The proclamation for *National Water Safety Month* will be sent to the appropriate agency.

Councilmember Agopian presented the *National Public Works Week* proclamation to Director Public Works Bernal who thanked the Council for their support and employees for their dedication.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Sean Wright, Chamber of Commerce, announced the Showcase of the Schools event would be held from 11:30 A.M. – 1:30 P.M. on May 21, 2014 at the Antioch Community Center and the State of the City luncheon would be held on May 30, 2014. Contact information was provided for anyone wishing to attend the events.

Teri House, invited the community to participate in the community needs survey for the FY 2015-2020 Consolidated Plan. She announced surveys were available in Council Chambers and on the County's website.

Ron Parrish, General Manager and Director of Golf of Lone Tree Golf Course and Event Center, invited the community to attend the Mayor's Cup Golf Tournament beginning at 11:00 A.M. on June 1, 2014. He announced money raised from the event would benefit five (5) community charities.

Councilmember Rocha invited the community to *Day of the Children* presented by One Day at a Time at Antioch Middle School on May 17, 2014.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Commission opening.

- *Parks and Recreation Commission: One (1) vacancy; deadline date is June 12, 2014*

He noted applications were available in Council Chambers, on the City's website, and at the City Clerk and Deputy City Clerk's office.

PUBLIC COMMENTS

Mike Anderson, Antioch resident, expressed concern regarding street racing that had occurred in his neighborhood. He stated it was unsafe for children in the area and requested the Antioch Police Department conduct enforcement on the street.

Mark Jordan, Antioch resident, requested the Economic Development Department provide monthly or quarterly reports of the City's efforts to bring Economic Development to Antioch.

Ayore Riaunda, suggested the City consider adopting a resolution requesting the County display where the (1) one percent in property tax dollars were going on the County Auditor-Controller's website.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Mello Roos Committee and the Sycamore Taskforce meetings.

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at award ceremonies at Antioch and Deer Valley High Schools.

3. **COUNCIL CONSENT CALENDAR *for City /City as Successor Agency/Housing Successor to the Antioch Development Agency***
 - A. **APPROVAL OF COUNCIL MINUTES FOR APRIL 22, 2014**
 - B. **APPROVAL OF COUNCIL WARRANTS**
 - C. **CONTRA COSTA COUNTY LIBRARY COMMISSION APPOINTMENT TO FILL ONE (1) VACANCY (ANTIOCH RESIDENT REPRESENTATIVE) EXPIRING JUNE 2016**

- D. ONE PARTIAL-TERM APPOINTMENT FOR ONE VACANCY ON THE ECONOMIC DEVELOPMENT COMMISSION (EDC)
- E. REACH CONTRACT
- F. RESOLUTION NO. 2014/37 ESTABLISHING A SALARY RANGE FOR CRIME ANALYST
- G. RESOLUTION NO. 2014/38 DESIGNATING THE CITY OF ANTIOCH REPRESENTATIVES TO THE MUNICIPAL POOLING AUTHORITY BOARD
- H. APPROVE AWARD OF BID FOR THE CONTRACT TO PURCHASE ASPHALT AND STREET MATERIALS
- I. RESOLUTION NO. 2014/39 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE WATER MAIN REPLACEMENT AT VARIOUS LOCATIONS (P.W. 503-14)
- J. BRENTWOOD GENERAL PLAN COMMENT LETTER
- K. AUTHORIZATION TO AMEND CONSULTING CONTRACTS WITH PLANNING FIRMS TO PROVIDE CONTRACT PLANNING SERVICES
- L. RESOLUTION NO. 2014/40 TO SUMMARILY VACATE A SURPLUS PORTION OF SOMERSVILLE ROAD RIGHT-OF-WAY TO SEECON BUILT HOMES, INC. AND SPPI-SOMERSVILLE, INC. (P.W. 512-1)
- M. RESOLUTION NO. 2014/41 APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN DOCUMENTS TO GRANT RIGHT-OF-WAY TO THE CITY FROM A PORTION OF CITY OWNED LAND FOR THE RECONSTRUCTION OF SOMERSVILLE ROAD
- N. RESOLUTION NO. 2014/42 PG&E GAS PIPELINE PATHWAYS PROJECT

On motion by Councilmember Wilson, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar with the exception of Items D and M, which were removed for further discussion.

Item D – Mayor Harper announced staff would be directed to re-advertise for the vacancy on the Economic Development Commission with the application deadline of June 12, 2014.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously approved Item D.

Item M – On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved Item M.

PUBLIC HEARING

4. FISCAL YEAR 2014-15 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN

CDBG Consultant House presented the staff report dated May 1, 2014 recommending the City Council approve funding recommendations and adopt the resolution.

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

Councilmember Rocha discussed the possibility of Delta 2000 banking a grant for \$10,000, so that it could be utilized by several smaller groups.

The City Council thanked Ms. House for the report and her stewardship of the CDBG program.

RESOLUTION NO. 2014/43

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the Council unanimously approved the funding recommendations and adopted the resolution.

5. PROPOSED MASTER FEE SCHEDULE EFFECTIVE JULY 1, 2014 (FISCAL YEAR 2014-2015)

Finance Director Merchant presented the staff report recommending the City Council adopt the resolution with the following on page 6: Minimum Fee - Plumbing Fee, Mechanical Fee, Electrical Fee and Insulation Fee increase from \$76.61 to \$78.84.

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

RESOLUTION NO. 2014/44

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously adopted the resolution with the following change to the Master Fee Schedule Page 6: "Minimum Fee – Plumbing fee, Mechanical fee, Electrical fee, and Insulation fee" increase from \$76.61 to \$78.84

COUNCIL REGULAR AGENDA

6. THE ANNEXATION OF AREA 2A, WHICH CONSISTS OF APPROXIMATELY 94 ACRES LOCATED IN THE NORTHEAST ANTIOCH ANNEXATION AREA

Consultant for the City of Antioch Carniglia presented the staff report dated May 1, 2014 recommending the City Council motion to receive report, consider options, and direct staff regarding the annexation of Area 2A.

City Attorney Nerland reported there was a letter on the dais from New Bridge Marina, Inc. regarding this matter.

Don Wilson, speaking on behalf of the Sportsman Yacht Club, stated they were opposed to the annexation of area 2A.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously supported Options #2 – “Split Area 2A geographically”, and #4 – “Request LAFCO delay taking action on annexation until underlying issues facing Area 2A are addressed”

7. RESIDENTIAL RENTAL BUSINESS LICENSE TAX

City Manager Duran presented the staff report dated May 7, 2014 recommending the City Council motion to receive report on a proposed residential rental business license tax, consider alternatives to the Business License Tax formula and direct staff.

Mayor Harper thanked the citizens for bringing the citizen’s initiative forward for consideration.

Donald Freitas, Antioch resident, thanked City staff for working with the stakeholders on this issue. He stated the Residential Rental Business License Tax would help increase revenues while providing a steady source of income that was fair and equitable. He urged Council to direct staff to follow the recommendations outlined in the staff report.

Larry Harrison, Antioch resident, stated his support for the business license tax initiative and urged all citizens to help support the citizens’ group and sign the petition to put it on the ballot.

Marty Fernandez, Antioch resident, suggested the Council call the presentation this evening the first reading of the residential landlord fee.

Marie Livingston and Shirley Diethelm, Antioch resident, spoke in support of the landlord business license fee for owners of residential rental units and requested Council place the initiative on the November ballot.

Mark Jordan, Antioch resident, spoke in support of the landlord business license tax. He expressed concern that attempts to negotiate with the California Apartment Association had been unsuccessful. He urged the Council to fulfill their promise to put the measure on the November ballot.

Mayor Harper read written comment from Antioch resident, Hans Ho who indicated he was in support of putting the Residential Landlord Business License on the ballot.

George Briggs, Antioch resident, explained that the Internal Revenue Service defined rental properties as a business and therefore they should be taxed. He suggested the City also consider other revenue sources to address the budget deficit.

Clay Baskin and William Chapman, Antioch resident, voiced their support of the landlord business license tax for the owners of residential properties and urged the Council to place the item on the November ballot.

Terry Ramus, Antioch resident, voiced his support of the landlord business license tax and spoke to the value of the City and community working together to bring the item forward for the November ballot. He reported they had attempted to come to an agreement on the tax with the California Apartment Association; however there had been no movement on their part.

City Manager Duran reported the Antioch Chamber of Commerce had not been supportive of staff's proposal to raise the minimum business license tax and he would be meeting with the Business Government Affairs committee on May 15, 2015, to discuss the issue.

Following discussion, Council supported moving forward with a business license tax initiative. They directed staff to bring the matter back with a recommendation at the May 27, 2014 City Council Meeting, following discussions with the stakeholder groups.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously received the report.

Mayor Harper thanked the community for being involved in the process.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the Mayor's Conference and Public Manager's Association meeting. He announced he would be attending a meeting with the City Managers from East County.

COUNCIL COMMUNICATIONS

Councilmember Agopian and Councilmember Tiscareno stated it was good to be back to business after a three (3) week break.

At the request of Councilmember Rocha, Council agreed to place the following item on the May 27, 2014 Council Agenda – “Letter of support for Primary Care Clinic”.

Councilmember Wilson reported on her attendance at the Contra Costa Youth Summit, Youth Intervention Network luncheon, and the Police Activities League (PAL) bowling event.

Mayor Harper reported on his attendance at a meeting with Supervisors Glover and Piepho, the Mayor’s conference, and a retirement celebration for Councilmember Rocha. He thanked Council for their diligence and faithfulness.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:23 P.M. to the next regular Council meeting on May 27, 2014.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk