

**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.

**April 28, 2015
Council Chambers**

5:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City’s Labor Negotiators is authorized by California Government Code section 54957.6; City designated representatives: Michelle Fitzer, Denise Haskett and Glenn Berkheimer; Employee organizations: Operating Engineers Local Union No. 3 (OE3) and Public Employees Union Local 1.
2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – This Closed Session is authorized by California Government Code §54957 – City Manager
3. **CONFERENCE WITH LEGAL COUNSEL REGARDING LIABILITY CLAIMS** – pursuant to Government Code §54956.95 against the City of Antioch; claimant: Beverly Usman.
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – This Closed Session is authorized by California Government Code §54957 – City Attorney

Mayor Harper called the meeting to order at 6:03 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.

STUDY SESSION – SPECIAL MEETING

1. **2015-17 BUDGET DEVELOPMENT FOR SPECIAL REVENUE, DEBT SERVICE, ANTIOCH PUBLIC FINANCING AUTHORITY AND SUCCESSOR AGENCY FUNDS**

Finance Director Merchant presented the staff report dated April 28, 2015 recommending the City Council provide feedback and direction regarding the budget development information provided for fiscal years 2015-17.

Finance Director Merchant explained that the balance was below the recommended level for the Child Care fund so staff proposed keeping the same level of funding for the Arts and Cultural Foundation by using General Fund money. She noted this item could be reevaluated at midyear budget review.

In response to Mayor Harper, Finance Director Merchant provided a history of the Transit Occupancy Tax (TOT).

Finance Director Merchant announced the next Budget Study Session was scheduled for May 12, 2015 and the final budget document would be brought back for consideration on June 23, 2015.

In response to Councilmember Rocha, City Engineer/Director of Public Works Bernal stated there was money budgeted for the Contra Loma Park improvements.

Mayor Harper voiced his support for making the improvements at Contra Loma Park a priority.

Mark Jordan, Antioch resident, provided the City Council with a document comparing General Law and Charter cities. He suggested the City convert to a Charter City with all revenue gained allocated to paying the City's unfunded retirement obligations. He also suggested the City overhaul their retirement system.

Mayor Harper closed the Study Session at 6:23 P.M.

Mayor Harper called the meeting to order at 7:00 P.M.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, Direction given to Labor Negotiators, **#2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, Evaluation proceeding, **#3 CONFERENCE WITH LEGAL COUNSEL REGARDING LIABILITY CLAIMS**, Direction given to Legal Counsel, and; **#4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, Evaluation occurred.

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.

PROCLAMATIONS

Be Kind to Animals Week, May 3 – 9, 2015

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

Councilmember Wilson presented the proclamation for *Be Kind to Animal Week* to Animal Shelter Supervisor Helgemo along with staff and volunteers representing the Antioch Animal Shelter. She thanked the City Council for the proclamation and announced that by working together, they had been able to reduce euthanasia by 25(%) percent.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Councilmember Rocha announced a Bocce Ball Tournament would be held at 8:30 A.M. on May 16, 2015 and she invited the City Council to participate. She noted flyers for the event were available in Council Chambers.

Barbara Sobalvarro, representing Friends of Animal Services, announced in honor of *Be Kind to Animals Week*, they were hosting an adoption promotion from May 3 – May 9, 2015 and a celebration from 11:00 A.M. – 2:00 P.M. on May 9, 2015 at the Antioch Animal Shelter. Contact information was provided. She stated Friends of Animal Services was dedicated to the animals at the shelter and she recognized Shirley Perry for her contributions.

Park and Recreation Director Kaiser announced the Water Park would open on May 23, 2015 and season passes as well as class registrations were available online. She reported they had concluded the hiring process for seasonal staff.

Miriam Griffith, Antioch resident, announced in honor of RED (Renew Energize and Donate) Day 2015 they were hosting a bowling tournament at 12:00 P.M. on May 14, 2015 to raise funds to benefit the Antioch Senior Center. She stated they were looking for sponsors and donations for the event. Contact information was provided.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- *Economic Development Commission: Four (4) vacancies; deadline date is May 29, 2015*

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

PUBLIC COMMENTS

Thomas Dempsey, Antioch resident, reported his children attended Kids' Club preschool in Antioch and spoke to the value of early childhood education. He requested the City Council assist in the efforts to find a suitable location for the new Kids Club campus.

Tonya Dean, representing Kids' Club, requested the community assist in finding a location to relocate their facility. She stated they provided a preschool program for low income residents and discussed the value of early childhood education.

Cheryl Miller, representing Kids' Club, presented the City Council with their Articles of Incorporation and requested they be reviewed. She discussed the value of early childhood education and requested the City Council support and assist in their efforts to find a suitable location to relocate their facility.

Mark Mokski, Kids' Club Executive Director, requested the City Council assist in finding a property to place the building they were gifted and suggested a meeting be scheduled, as soon as possible, to expedite the process.

Julie Young, Antioch resident, reported the City of Brentwood would be considering zoning for their emergency homeless shelter in the Empire Avenue and Lone Tree Way area. She suggested the City of Brentwood be required to offset any costs, for any police services, should the Antioch Police Department be responsible for patrolling the area. She questioned if the Antioch City Council was aware of the proposal.

Mayor Harper responded that discussion could not occur regarding this matter since it was not on the agenda; however, he had forwarded her email regarding this issue to City Manager Duran and Chief Cantando. In regards to the Kids' Club item, he stated he had an appointment to meet with Mr. Mokski and he had pledged his support of the program.

Hans Ho, Antioch resident, reported the Antioch Animal Shelter staff had treated him with compassion after the recent passing of his dog. He expressed his appreciation and pledged to support the Antioch Animal Shelter in the future.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Mello Roos subcommittee meeting.

Councilmember Rocha announced Tri Delta Transit summer youth passes were available beginning May 18, 2015.

MAYOR'S COMMENTS

Mayor Harper reported Supervisor Glover handed out Tri Delta Transit summer youth passes at the Youth Summit every year. He reported on his attendance at the Tri Delta Transit and ABAG meetings, NAACP banquet, Keep Antioch Beautiful event and noted he also taught a leadership seminar at the Lone Tree Golf Course.

PRESENTATION

Janet Costa, representing East County Regional Group, Tonya Love representing Healthy & Active Before 5, Rhea Elina Laughlin representing First Five Contra Costa and Fredy León representing East County Regional Group gave a power point presentation of the Antioch Parks Assessment Report. They requested the City work with them to develop solutions including; starting an asset account for each play structure and making crime prevention at Contra Loma and Prosserville Parks a high priority.

Mayor Harper reported Council had discussed improvements for Contra Loma Park during the budget study session.

Councilmember Tiscareno thanked East County Regional Group, First 5 Contra Costa Children and Families Commission and Health & Active Before 5 for the presentation.

Director of Public Works/City Engineer Bernal discussed park maintenance and funding available for improvements. He noted some modification requested were cost prohibitive; however, they were looking into grant opportunities.

Councilmember Rocha suggested using the energy of those involved in this process to help clean up the parks.

Mayor Harper thanked East County Regional Group, First 5 Contra Costa Children and Families Commission and Health & Active Before 5 for the presentation

John Jones, Contra Costa Child Care Council, voiced his support for of making park safety a priority and offered to assist on working with the stakeholders on these efforts.

3. **COUNCIL CONSENT CALENDAR *for City /City as Successor Agency/Housing Successor to the Antioch Development Agency***
- A. **APPROVAL OF COUNCIL MINUTES FOR APRIL 14, 2015**
- B. **APPROVAL OF COUNCIL WARRANTS**
- C. **APPROVAL OF TREASURER'S REPORT FOR MARCH 2015**
- D. **EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) 2015**
- E. **CONSIDERATION OF BIDS FOR THE ANTIOCH MARINA BOAT LAUNCH FACILITY THIRD BOARDING FLOAT (P.W. 523-16B)**

- F. **RESOLUTION NO. 2015/19 APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500)**
- G. **RESOLUTION NO. 2015/20 OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2015/16 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PROGRAM**
- H. **AGREEMENT WITH COTA COLE LLP FOR INTERIM CITY ATTORNEY SERVICES**
- I. **APPROVAL OF A CONSULTING SERVICES AGREEMENT WITH PECKHAM AND MCKENNEY FOR THE CITY ATTORNEY RECRUITMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

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

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

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

COUNCIL REGULAR AGENDA

4. **POLICE CRIME PREVENTION COMMISSION APPOINTMENTS FOR TWO PARTIAL-TERM VACANCIES: ONE EXPIRING JUNE 2015 AND ONE EXPIRING JUNE 2016**

Mayor Harper nominated Harry Thurston for one partial term vacancy expiring June 2015 and Daniel Solorio for one partial term vacancy expiring June 2016.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson the City Council unanimously appointed Harry Thurston to the Police Crime Prevention Commission term expiring June 2015 and Daniel Solorio to the term expiring June 2016.

Mayor Harper recognized Mr. Thurston and Mr. Solario.

5. HERITAGE BAPTIST CHURCH DEFERRED IMPROVEMENT AGREEMENT

Public Works Director/City Engineer Bernal presented the staff report dated April 28, 2015 recommending the City Council authorize the City Manager or his designee to determine the obligation has been satisfied and terminate the October 25, 1994 Deferred Improvement Agreement between Heritage Baptist Church and the City upon the Church's payment of \$500,000 to the City by executing and recording the Termination of Deferred Improvement Agreement.

Pastor Jim Oesterwind, thanked Mayor Harper and the City Council for their support. He also thanked the developer for offering the fulfillment of the differed improvement agreement. He recognized Director of Public Works/City Engineer Bernal for his professionalism and credited the Lord for providing what they needed.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock the City Council unanimously authorized the City Manager or his designee to determine the obligation has been satisfied and terminate the October 25, 1994 Deferred Improvement Agreement between Heritage Baptist Church and the City upon the Church's payment of \$500,000 to the City by executing and recording the Termination of Deferred Improvement Agreement.

6. CONTRA LOMA ESTATES HOME OWNER'S ASSOCIATION GATE AND STREET PRIVATIZATION REQUEST

City Attorney Nerland announced the applicant had requested a continuance of this item.

Mayor Harper requested when this item comes back the applicant address queuing areas, surveillance and security.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha the City Council unanimously continued this item.

Mayor Harper declared a recess at 8:05 P.M. The meeting reconvened at 8:12 P.M. with all Councilmembers present.

7. DROUGHT/WATER CONSERVATION

A. WATER CONSERVATION POLICY DISCUSSION

Director of Public Works/City Engineer Bernal presented the staff report dated April 28, 2015 recommending the City Council provide direction and make a motion to set a public hearing for May 12, 2015 to consider adopting mandatory water conservation measures due to ongoing drought conditions.

B. DROUGHT ORDINANCE UPDATE

City Attorney Nerland presented the staff report dated April 28, 2015 recommending the City Council 1) Approve by motion the reading of the ordinance by title only; and 2) Introduce the Ordinance amending sections of the Antioch Municipal Code to update drought procedures in Chapter 10 of Title 6, "Drought Management Regulations and Water Conservation." She noted there was an error in the ordinance § 6-10.02 (page 2) and it should be revised to indicate "CCWD" instead of "CCCWD".

Taunyaua Baker-Sanchez questioned how the ordinance would affect her as an urban farmer and organic gardener who conserved much more water than the average household. She suggested the Contra Costa Water District credit residents for transforming backyards and the City provide an education component and incentives for residents.

Bob Martin, Antioch resident thanked everyone who attended the Historical Society Crab Feed. He commended staff on the comprehensive reports. He requested the City consider incentives beyond what CCWD offered and suggested the ordinance include a minimum level allowed to address residents who had already conserved.

Donna Ball, Antioch resident, explained that the amount of family members living in her home had increased from the previous year and her concern what that they be allowed enough water to drink, cook and for hygiene. She noted they had already eliminated outdoor irrigation and made efforts to conserve. She suggested a self reporting component be added to all residents to inform the City of family size changes.

Debra Vinson, Antioch resident, questioned if the City had created an exemption list and asked how these conservation measures would impact schools.

In response to Council, Director of Public Works/City Engineer Bernal reported the City had worked with the School District to reduce service charges and he would continue to meet with them to discuss additional water conservation measures. He noted there were no exemptions from the requirements and it was not recommended because the goal was to make sure everyone was doing their part. He stated the City was focused on outreach to residents who were not conserving. He noted additional costs associated with the proposed two tiered rate would be an additional incentive to reduce water usage. He further noted they would be looking into water conservation programs and he would contact CCWD to determine if they would be willing to place low flow shower heads and toilets back on the incentives list.

Councilmember Tiscareno requested Director of Public Works/City Engineer Bernal bring back information on how the City would monitor and police the community.

Following discussion, Director of Public Works/City Engineer Bernal stated he would research grant funding opportunities and incentive programs.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha the City Council unanimously provided direction and motioned to set a public hearing for May 12, 2015 to consider adopting mandatory water conservation measures due to ongoing drought conditions.

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock the City Council unanimously 1) Approved by motion the reading of the ordinance by title only; and 2) Introduced the Ordinance amending sections of the Antioch Municipal Code to update drought procedures in Chapter 10 of Title 6, "Drought Management Regulations and Water Conservation." With the following amendment to the ordinance: § 6-10.02 (page 2) changing "CCCWD" to "CCWD".

8. UPDATE PROCEDURES IN SEWER SYSTEM ORDINANCE AND WATER SYSTEM ORDINANCE

City Attorney Nerland presented the staff report dated April 28, 2015 recommending the City Council: 1) Approve by motion the reading of the ordinance by title only; and 2) Introduce the Ordinance amending sections of the Antioch Municipal Code to update procedures regarding water and sewer service charges in Chapter 4 of Title 6, "Sewer System" and Chapter 5 of Title 6, "Water System." This action does not approve any rate increases.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock the City Council unanimously 1) Approved by motion the reading of the ordinance by title only; and 2) Introduced the Ordinance amending sections of the Antioch Municipal Code to update procedures regarding water and sewer service charges in Chapter 4 of Title 6, "Sewer System" and Chapter 5 of Title 6, "Water System." This action does not approve any rate increases.

9. POLICE SERVICES RELATED TO UNRULY GATHERINGS AND NUISANCES INCLUDING WHEN MINORS POSSESS ALCOHOL OR ILLEGAL DRUGS

City Attorney Nerland presented the staff report dated April 28, 2015 recommending the City Council: 1) Approve by motion the reading of the ordinance by title only; and 2) Introduce the Ordinance amending Chapter 13 of Title 5 of the Antioch Municipal Code providing for the recovery of police response costs to a loud or unruly gathering including when minors possess alcohol or illegal drugs.

Mayor Harper stated he opposed language in § 5-13-03 (B), of the ordinance, that stated that the provision in the ordinance did not apply to a gathering where each minor consuming alcohol was supervised by his or her parent or guardian.

City Attorney Nerland explained that the wording was included to provide a very limited exception to address when alcohol was part of religious or cultural traditions. She noted that each child's parents would have to be present and agreeing to their child consuming alcohol to be exempt. She clarified the violation would be similar to a Code Enforcement; whereas, the violation applied to the tenant and property owner.

Mayor Harper stated he felt the ordinance should indicate there was a religious and/or cultural exemption.

Captain Brooks explained the exemption proposed did not rise to a level that required a police response.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha the City Council unanimously 1) Approved by motion the reading of the ordinance by title only; and 2) Introduced the Ordinance amending Chapter 13 of Title 5 of the Antioch Municipal Code providing for the recovery of police response costs to a loud or unruly gathering including when minors possess alcohol or illegal drugs.

Councilmember Rocha thanked City Attorney Nerland for bringing the ordinance forward for Council consideration.

PUBLIC COMMENTS – None

Taunyana Baker-Sanchez spoke in support of the City's eco events and suggested more advertising of these events throughout the community. She questioned if there was a way to recover more costs for selling recycled water to hazardous waste and Dow.

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the East Bay Leadership Council - Economic Development Task Force meeting and announced he would be attending the League of California Cities Legislative Action Day and a Land-Secured Financing Seminar.

COUNCIL COMMUNICATIONS

Councilmember Rocha requested an update with regards to the costs associated with the sewer lateral scoping repair and replacement.

City Attorney Nerland stated she would research whether this issue was tabled by the Council and then procedurally discuss how the issue could be brought back for discussion.

Councilmember Tiscareno reported on his attendance at the Keep Antioch Beautiful Day event and reiterated his request for formalizing the Graffiti Abatement committee.

Councilmember Ogorchock requested the City Council review committee assignments to determine their viability.

Councilmember Wilson reported on her attendance at a Bully Prevention program at Carmen Dragon Elementary. She requested staff agendaize an ordinance regarding donation bins and a discussion regarding illegal dumping.

Mayor Harper announced the School District, Police Department and other agencies were participating in the Every 15 minute program. He discussed the importance of making the community safer for youth. He stated during this season, he encouraged all youth to have fun, be responsible and not drink or drink and drive.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:10 P.M. to the next regular Council meeting on May 12, 2015.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk