

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

June 13, 2017
Council Chambers

6:15 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(1): Contra Costa Flood Control and Water Conservation District v. Gary A. Eames, Contra Costa Superior Court Case No. C15-02052.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Direction given to City Attorney.

Mayor Wright called the meeting to order at 7:00 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

PLEDGE OF ALLEGIANCE

Councilmember Tiscareno led the Council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Marcus Jefferson, representing Kangazoom, announced that they were interested in hosting events at their facility in conjunction with the July 4th Celebration and he was attempting to contact the Celebrate Antioch Foundation to coordinate that effort. He stated they were also available to host private events and they were considering switching their name back to Golf and Games. He invited the community to attend the Chamber of Commerce Miniature Golf Tournament on June 23, 2017.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- *Board of Administrative Appeals: One (1) alternate vacancy; deadline date is June 30, 2017*

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

Charles Patchin, representing The Anchor Program, Lightship Relief and John Hastings, gave an overview of their program and expressed interest in berthing rights at the pier and possible use of the former Humphrey's Restaurant building for their programs.

Harry Thurston, Antioch resident, read portions and presented Council with the *#ClimateMayors Letter to President Trump on Roll Back of US Climate Actions*. He requested Mayor Wright sign the letter in support.

Loretta Sweatt, Antioch resident, supported the City's careful consideration of their marijuana regulations. She suggested the Economic Development Commission utilize their time soliciting developers and offering incentives for bringing business to Antioch. She suggested dividing tenant space in the former Humphrey's Restaurant and bringing in various businesses to the area. She requested Antioch focus on their identity.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Housing Community and Economic Development Policy Committee meeting with City Clerk Simonsen and the Sycamore Corridor Adhoc Committee meeting with Mayor Wright.

Councilmember Thorpe reported on his attendance at the East County Water Management Association Governing Board meeting and Mayor's Conference.

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

Mayor Wright reported on his attendance at the Sycamore Corridor Adhoc Committee meeting and the Grand Opening of Prosserville Park. He thanked staff and Council for attending the Prosserville Park Grand Opening. He also reported on his attendance at the TRANSPLAN meeting.

MAYOR'S COMMENTS

Mayor Wright announced the State of the City would be held at 7:00 P.M. on June 14, 2017 at the Antioch Community Center. He acknowledged the passing of former City Treasurer Jane Parsons, Dr. Howard Friesen, Clark Gelhaus and a 15 year old Antioch resident. He led the audience in a moment of silence.

Councilmember Ogorchock announced Food Truck Thursdays would be held from 5:00 P.M. – 9:00 P.M. through the month of September at the Antioch Community Center.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR MAY 23, 2017

B. APPROVAL OF COUNCIL WARRANTS

- C. **RESOLUTION NO. 2017/71 ADOPTING THE MEASURE J GROWTH MANAGEMENT PROGRAM COMPLIANCE CHECKLIST FOR REPORTING CALENDAR YEARS 2014 AND 2015 FOR THE SALES TAX/TRANSPORTATION INITIATIVE**
- D. **RESOLUTION NO. 2017/72 SECOND AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH JN ENGINEERING FOR ON-CALL INSPECTION SERVICES**
- E. **RESOLUTION NO. 2017/73 TO INCREASE THE CONTRACT WITH ANCHOR CONCRETE CONSTRUCTION, INC. FOR THE CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS AT MISCELLANEOUS LOCATIONS PROJECT (P.W. 507-15)**
- F. **RESOLUTION NO. 2017/74 DESIGNATING ORDINANCE NO. 2114-C-S (SHOPPING CART ORDINANCE) AS ENACTING CHAPTER 5-22 OF THE ANTIOCH MUNICIPAL CODE FOR PURPOSES OF CODIFICATION**
- G. **LEAGUE OF CALIFORNIA CITIES POLICY COMMITTEE MEETINGS HELD ON JUNE 8 – 9, 2017 IN SACRAMENTO, CALIFORNIA**

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

PUBLIC HEARING

- 2. **PUBLIC HEARING TO CONFIRM ASSESSMENTS FOR THE LANDSCAPE MAINTENANCE DISTRICTS 1, 2A, 4, 5, 9, AND 10 FOR FISCAL YEAR 2017/2018 (PW 500)**

City Manager Bernal introduced Public Hearing Item #2.

Assistant City Engineer Filson presented the staff report dated June 13, 2017 recommending the City Council adopt the resolution ordering improvements and levying annual assessments for Landscape Maintenance Districts 1, 2A, 4, 5, 9, and 10 for Fiscal Year 2017/2018.

Mayor Wright opened and closed the public hearing with no members of the public requesting to speak.

In response to Councilmember Thorpe, Administrative Analyst Hoffmeister reported the City collected \$2.1M; however, the total estimated costs for landscape maintenance was \$4.6M and the difference was made up with carryover and General Fund contributions.

Councilmember Ogorchock thanked staff for sending her the reports.

RESOLUTION NO. 2017/75

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council unanimously adopted the resolution ordering improvements and levying annual assessments for Landscape Maintenance Districts 1, 2A, 4, 5, 9, and 10 for Fiscal Year 2017/2018.

COUNCIL REGULAR AGENDA

3. DESIGNATION OF A VOTING DELEGATE AND ALTERNATE DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND AUTHORIZATION FOR ASSOCIATED CONFERENCE EXPENSES NOT TO EXCEED \$1,400

City Manager Bernal introduced Agenda Item #3.

Administrative Services Director Mastay presented the staff report dated June 13, 2017 recommending the City Council appoint a Voting Delegate and Alternate Delegate for the 2017 League of California Cities Annual Conference. It is further recommended that the City Council authorize the associated conference expenses for one participant in an amount not to exceed \$1,400.

Mayor Wright stated Councilmember Ogorchock had been the Voting Delegate for the League of California Cities Annual Conference.

Councilmembers Wilson and Thorpe volunteered to serve as first and second alternate Voting Delegate.

In response to Councilmember Ogorchock, Interim City Attorney Cole suggested expenses for a future conference be brought back as a Consent Calendar item.

On motion by Councilmember Tiscareno, seconded by Councilmember Thorpe, Council unanimously 1) Appointed Councilmember Ogorchock as Voting Delegate, Councilmember Wilson as 1st Alternative and Councilmember Thorpe as 2nd Alternate and, 2) Authorized the associated conference expenses for one participant in an amount not to exceed \$1,400.

4. RECEIVE A REPORT AND PROVIDE DIRECTION TO STAFF REGARDING CREATION OF SENIOR MOBILE HOME HOUSING OVERLAY ZONING DISTRICT

City Manager Bernal introduced Agenda Item #4.

Interim City Attorney Cole presented the staff report dated June 13, 2017 recommending the City Council: 1) Receive a report from the City Attorney regarding senior mobile home housing overlay zoning districts; and 2) Provide direction to Staff regarding whether the Council wishes to consider the creation of such a zoning district within City limits.

City Clerk Simonsen announced an email was received this afternoon from Deborah McKinney Director of Operations Sierra Corporate Management and copies were distributed to Council, staff and available in Council Chambers.

Mayor Wright read an email from Deborah McKinney, Director of Operations Sierra Corporate Management.

Lola Buck, President Vista Diablo Mobile Homeowners Association, submitted a letter and petition to Council requesting support in preventing the Diablo Vista Mobile Home Park from being converted to an all age facility. Several members of the audience raised their hands indicating they were residents of Vista Diablo Mobile Home Estates. She urged Council to support the creation of the senior mobile home housing overlay zoning ordinance.

Al Ives, Vista Diablo Homeowners Association Board of Directors and Action Committee member, expressed concern for the possibility of the park being converted to an all age development. He recognized former Council for the prior agreement that allowed them to retain the senior park status. He requested Council enact an ordinance developing a senior mobile home housing overlay zoning district.

Jerry Coffel, Antioch resident, spoke in support of Council approving an ordinance developing a senior mobile home housing overlay zoning district. He expressed concern regarding the park owners business practices which he felt had resulted in deterioration of the facility.

Karilee Shames, Golden State Manufactured Home Owners League, Inc. (GSMOL), offered to assist the City in developing a senior mobile home housing overlay zoning district. She reported relocating mobile homes was not a viable option and requested Council's help in protecting their investments.

Gil Davis, Antioch resident, discussed the negative impact of rent increases for tenants at Vista Diablo Estates.

Vivian Espinosa, Secretary/Treasurer GSMOL #1461, Antioch resident, thanked Council for their consideration of the senior park overlay district ordinance. She discussed the negative impacts of family parks. She reported the owners of Vista Diablo Estates had engaged in questionable business practices. She urged Council to protect senior homeowners.

Larry Espinoza, Vice President GSMOL #1461, thanked Council for the opportunity to speak and reported the owners of the park had engaged in questionable business practices.

Stephne Macintosh, Vista Diablo Estates, Board of Directors GSMOL #1461, discussed the benefits of living in a senior community and the negative impacts should the park be converted to a family park. She requested Council enact a senior overlay zoning ordinance.

Jim Rumerhart, Vista Diablo Estates, reported the current management had threatened them, failed to maintain the common areas and brought in obsolete mobile homes, which was against their own regulations.

Rosemarie Mareno, Vista Diablo Estates, reported she had two serious incidents with minors who lived in the park and requested Council help them keep their park a senior community.

L. Emmet Corrigan, Vista Diablo Estates, stated they lived in a community of trust and protection. He stated most tenants were on fixed incomes and vulnerable. He requested Council consider maintaining their park as a senior community.

Kip Stephens, Antioch resident, spoke in support of the seniors and Council enacting an ordinance to protect them and their investments.

Councilmember Thorpe spoke in support of the senior mobile home overlay zoning district and a rent control ordinance.

Councilmember Tiscareno spoke in support of protecting the seniors and stated he would be willing to move forward with the senior mobile home overlay zoning district.

Councilmember Ogorchock reported since inception, Vista Diablo Estates had been a senior park. She stated the City was currently lacking in senior housing and relocating these residents was not a viable option. Due to time constraints, she suggested Council adopt an urgency ordinance and consider a rent control. She expressed concern that the facility had not been maintained and residents currently living in the park were under 55 years old.

Councilmember Wilson thanked residents for being present this evening. She expressed concern regarding the condition of the park and suggested HUD be contacted to assure regulations were being followed. She stated she wanted seniors protected and spoke in support of an urgency ordinance creating the senior mobile home housing overlay zoning district.

City Attorney Cole stated an urgency ordinance would need to be drafted and brought back to Council and if approved, it would be effective immediately. He noted that action would provide staff additional time to study the issue and give immediate relief to residents of the mobile home park. He further noted the City could then draft permanent regulations which could include a rent control. He suggested bringing an urgency ordinance back for Council consideration in July.

Mayor Wright agreed with moving forward with the urgency ordinance for the senior mobile home housing overlay districts and rent control. He recognized former Mayor Freitas for his support of the original agreement with the owners of Vista Diablo Estates.

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the Council unanimously received and filed the report.

5. REVIEW AND DISCUSS CITY COUNCIL APPOINTMENT TO THE EASTERN CONTRA COSTA TRANSIT AUTHORITY (TRI DELTA) BOARD OF DIRECTORS

City Manager Bernal presented the staff report dated June 13, 2017 recommending the City Council review and approve Mayor Wright's appointment to the Eastern Contra Costa Transit Authority (Tri Delta) Board of Directors.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, Council approved Mayor Wright's appointment of Councilmember Thorpe to the Eastern Contra Costa Transit Authority (Tri Delta) Board of Directors.

6. SECOND READING – COMMUNITY CHOICE AGGREGATION PROGRAM (*Introduced on 05/23/17*)

City Manager Bernal introduced Agenda Item #6.

City Clerk Simonsen reported staff had received letters from Supervisor Glover and Burgis and 8 cards submitted signed by 5 people representing the Sierra Club, CCA/Clean Energy.

Environmental Resource Coordinator Haas-Wajdowicz presented the staff report dated June 13, 2017 recommending the City Council consider the proceeding information and either: A) Approve the second reading of the Ordinance, thereby authorizing the Implementation of a Community Choice Aggregation Program (CCA) and Approving the MCE Joint Powers Agreement; or B) Take no action, thereby making no change to the current electrical provider arrangement.

Harry Thurston, Antioch resident, spoke in support of Antioch joining MCE Joint Power Authority and urged Council to approve the ordinance.

Dawn Weise, CEO of MCE, reported the City of San Ramon had voted this evening to join MCE and she gave an overview of the benefits of joining MCE.

Councilmember Tiscareno stated he did not question the value of the program; however, he remained concern for the process of opting out of MCE.

Ms. Weise explained the community outreach and opting out process.

In response to Councilmember Tiscareno, Environmental Resource Coordinator Haas-Wajdowicz compared PG&E and MCE's renewable energy programs and noted the City's goal was to reduce greenhouse gas emissions 25 percent by 2020 and 80 percent by 2050.

Councilmember Ogorchock stated she did not feel the response to the survey was an accurate representation of the community and it also indicated that residents were unaware of the program. She noted that she would not support the City opting in to MCE on behalf of the residents. She commented that the fiscal impacts were unknown and job creation and cost savings would be minimal.

In response to Mayor Wright, Ms. Weise discussed opportunities along the northern waterfront for solar and energy storage. She explained that their energy efficiency program would create jobs. She stated that economics would drive roof or ground mounted solar and she was not proposing solar in areas that were feasible for other higher uses.

Mayor Wright expressed concern for utilizing industrial land along the waterfront for short term gain.

Ms. Weise reiterated that economics would drive utilization of the land. She explained that they would be deciding whether to offer cities who delayed joining an opportunity to participate in the future. She noted the Board would like to accommodate those who did not join; however, it may be a while and there may be extra costs.

Councilmember Tiscareno stated he supported the program; however, he felt it would be beneficial to see the impacts on communities who joined, prior to Antioch moving forward.

Allen Payton, Antioch resident, spoke in support of the program noting it provided the ability for residents to opt out and helped the City achieve state goals for greenhouse gas emission reduction.

Linda Soleven, Antioch resident, spoke in support of renewable energy and urged Council to join MCE. She expressed concern for the lack of public outreach.

Ms. Weise reported that if their solar customers generated more energy than what was used, they would pay the user the retail rate plus \$.01 per kilowatt hour for the extra.

Environmental Resource Coordinator Haas-Wajdowicz reported the City currently had 20 megawatts of solar production and if they chose to join MCE, there would be financial incentive to increase solar production above residential needs.

No action was taken; Agenda Item #6 was Tabled.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS – None

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting in memory of former City Treasurer Jane Parsons, Dr. Howard Friesen, and Clark Gelhaus at 9:29 P.M. to the next regular Council meeting on June 27, 2017.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk