

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

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

**January 10, 2017
Council Chambers**

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to Government Code section 54956.9(d)(1): C.R. v. City of Antioch, et. al., U.S. District Court case no. 3:16-cv-03742 EDL; Kennedy v. Bedgood, et. al., U.S. District Court Case no. C-15-01404 EMC.
- 2. CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to Government Code section 54956.9(d)(1): Brown v. City of Antioch, et. al., U.S. District Court case no. 3:16-cv-5102 LB.
- 3. PUBLIC EMPLOYMENT** – This Closed Session is authorized by California Government Code section 54957 – City Manager.

City Attorney Vigilia reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, No reportable action and **#2 CONFERENCE WITH LEGAL COUNSEL**, No reportable action; and, **#3 PUBLIC EMPLOYMENT**, Direction given to staff.

Mayor Wright called the meeting to order at 7:03 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Velma Wilson announced the following events:

- NAACP Dr. Martin Luther King Prayer Breakfast January 16, 2017 at 8:00 A.M. at Solomon Temple International Ministries in Pittsburg
- City of Antioch and Antioch Unified School District “United by the Dream” Reverend Dr. Martin Luther King Jr. Community Celebration at on January 16, 2017 at 1:00 P.M. at Antioch High School
- Antioch Family Night with the Warriors February 1, 2017

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- *Police Crime Prevention Commission: One (1) partial vacancy; deadline date is January 27, 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. He noted the application period for the Planning Commission closed and applications had been distributed to Council and Staff.

PUBLIC COMMENTS

Marty Fernandez, Antioch resident, thanked Councilmember Thorpe for his support of Karl Dietzel and his family.

Ralph Hernandez, Chair Citizens for Democracy, congratulated newly elected City officials and reported he had been contacted regarding the potential recall of a Councilmember. He urged Council to work on behalf of the public when conducting City business.

Richard Panfili, Antioch resident, requested the City consider grandfathering his racecar trailer, allowing him to park on his property.

City Manager Duran stated he would respond to Mr. Panfilli regarding his request.

Ken Rickner, Shower House Ministries, thanked the City Council for allowing him to operate at the train station; however, he expressed concern that he had been unable to serve many of the homeless at this location. He requested that they be allowed to relocate their facilities to a more suitable site. He questioned if the City had considered his previous request for parking concessions for individuals working in the downtown area.

Gil Murillo, Antioch resident, congratulated newly elected Councilmembers. He suggested Council consider the need for sufficient infrastructure to support future development in Southeast Antioch.

Councilmember Ogorchock thanked Marty Fernandez and Councilmember Thorpe for their support of Karl Dietzel and his family. She requested a moment of silence in his memory and for Council to hold the meeting in his honor.

Mayor Wright thanked Councilmember Thorpe for his support of the Dietzel family and led the Council and audience in a moment of silence in memory of Karl Dietzel. He announced the remainder of meeting would be held in Mr. Dietzel's honor.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Tri Delta Transit meeting.

Councilmember Thorpe announced he would be attending the Mayor's conference and Association of Bay Area Governments (ABAG) Special General Assembly meeting.

Councilmember Tiscareno and Ogorchock reported on their attendance at the Community Development Block Grant (CDBG) subcommittee meeting.

Mayor Wright reported on his attendance at the Delta Diablo meeting.

MAYOR'S COMMENTS

Mayor Wright stated he hoped everyone had a wonderful holiday. He acknowledged Karl Dietzel for his dedication to the City.

PRESENTATION

Jeff Carman, Fire Chief Contra Costa County Fire Protection District, thanked the Council for inviting them to make a presentation this evening and introduced Lewis Broschard, Deputy Fire Chief, who gave an overhead presentation "ConFire Emergency Services in Antioch".

The City Council thanked Fire Chief Carman and Deputy Fire Chief Broschard for the presentation.

Ralph Hernandez, Chair Citizens for Democracy, questioned what monies the Fire District received as a result of pass-through funds and how that revenue was being expended.

Fire Chief Carman responded that the Fire District increased service levels to the community when there was an increase in revenue. He stated they did not plan to request a tax measure within the district; however, as the City proceeded with development, additional funding would be needed to maintain public safety.

- 1. COUNCIL CONSENT CALENDAR *for City /City as Successor Agency/Housing Successor to the Antioch Development Agency***
 - A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 22, 2016**
 - B. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR DECEMBER 8, 2016**
 - C. APPROVAL OF COUNCIL MINUTES FOR DECEMBER 13, 2016**
 - D. APPROVAL OF COUNCIL WARRANTS**

- E. REJECTION OF CLAIM: FIRST TRANSIT/EASTERN CONTRA COSTA TRANSIT AUTHORITY, AND JAMON WILKINS
- F. APPROVAL OF TREASURER'S REPORT FOR NOVEMBER 2016
- G. ORDINANCE 2121 C-S SECOND READING – RESIDENTIAL UNITS ORDINANCE AMENDMENT (Z-16-01) (Introduced on 12/13/16)
- H. ORDINANCE 2122 C-S AND ORDINANCE 2123 C-S SECOND READING – ADOPTION OF THE 2016 CALIFORNIA BUILDING STANDARDS CODES AND LOCAL AMENDMENTS (Introduced on 12/13/16)
- I. RESOLUTION NO. 2017/01 APPROVING THE CLASS SPECIFICATION UPDATES FOR THE MANAGEMENT BARGAINING UNIT WITH NO SALARY CHANGES
- J. RESOLUTION NO. 2017/02, RESOLUTION NO. 2017/03, RESOLUTION NO. 2017/04, RESOLUTION NO. 2017/05 AND RESOLUTION NO. 2017/06 APPROVING THE MEMORANDUMS OF UNDERSTANDINGS (MOU'S) BETWEEN THE CITY OF ANTIOCH AND PUBLIC EMPLOYEES' REPRESENTATIVES AND ACKNOWLEDGE THE CITY MANAGER AND PUBLIC EMPLOYEES' REPRESENTATIVES EXECUTION OF THE MOU(S)

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

- K. SA RESOLUTION NO. 2017/25 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (17-18) FOR THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously approved the Council Consent Calendar with the exception of item J which was removed for further discussion.

Item J – Marty Fernandez, Antioch resident, and Ralph Hernandez, Citizen's for Democracy, spoke against approval of the Memorandums of Understandings (MOU'S) between the City and Public Employees' Representatives.

Councilmembers Tiscareno and Ogorchock commented that the City had negotiated in good faith with the bargaining units and they were in support of the process.

Councilmember Thorpe stated he was not on Council during the negotiations and he had concerns; therefore, he would be abstaining from the vote on this item.

Mayor Wright clarified legal counsel had informed him that the binding contract had occurred when Council approved the tentative agreement. He expressed concern regarding the financial

impacts of the MOUs and stated he had not participated in the negotiation process; therefore, he would be abstaining from the vote on this item.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the City Council approved item J. The motion carried the following motion:

Ayes: Tiscareno, Wilson, Ogorhock

Abstain: Thorpe, Wright

COUNCIL REGULAR AGENDA

2. ADDITIONAL SERGEANT POSITION

Chief Cantando presented the staff report dated January 10, 2017 recommending the City Council adopt a resolution: 1) Authorizing an additional Sergeant position, increasing the number of Sergeants from 9 (nine) to 10 (ten), and reducing the number of officers by one position to keep the total approved number of sworn personnel at 102; and 2) Authorizing the Finance Director to adjust the budget to accommodate this change.

In response to Council, Chief Cantando explained the Sergeant would initially supervise seven employees and would provide for a reduction in liability exposure while keeping officers and the community safer.

A motion by Councilmember Tiscareno to adopt the resolution died for the lack of a second.

City Attorney Vigilia clarified with no second on the motion, no further action could be taken; however, it could be brought back by staff in the future.

3. COST ALLOCATION PLAN

Finance Director Merchant presented the staff report dated January 10, 2017 recommending the City Council receive this report and direct staff regarding the use of the City's Cost Allocation Plan for distribution of internal services costs to General Fund departments and/or enterprises in the 2017 – 19 budget process.

In response to Councilmember Thorpe, Finance Director Merchant and City Manager Duran explained the cost allocation plan.

In response to Councilmember Wilson, Finance Director Merchant stated the City could do a request for proposal to determine the cost of updating the cost allocation plan.

Sal Sbranti, Antioch resident, reported the Measure C Citizens' Oversight Committee had concerns as to whether all Measure C monies were being properly utilized to meet the objectives. He noted the voters had not approved Measure C funds to be expended on citywide administration costs.

Councilmember Ogorchock thanked Finance Director Merchant for all her time working on this item.

Following discussion, Finance Director Merchant stated she would provide a chart showing the existing formula and one removing the citywide administration costs from Measure C, for the budget study sessions. She noted Council could then determine how they wanted to proceed prior to final budget adoption.

On motion by Mayor Wright, seconded by Councilmember Thorpe, the City Council directed staff to bring back a budget option to eliminate the cost allocation plan from Measure C.

Mayor Wright declared a recess at 9:09 P.M. The meeting reconvened at 9:20 P.M. with all Councilmembers present.

4. DRAFT TRANSPORTATION IMPACT FEE STUDY UPDATE (PW 644-A)

Assistant City Manager Bernal/Public Works Director/City Engineer Bernal and Teifion Rice-Evans presented the staff report dated January 10, 2017 and Overview of Antioch Transportation Impact Fee Study and Options recommending the City Council receive an update on the Draft Transportation Impact Fee Study and direct staff regarding the Draft Transportation Impact Fee being studied.

Julie Morgan, Fehr & Peers, explained that roadways included in the fee program extended throughout the area and several were important for supporting future development in southeast Antioch. She noted as time progressed there may be slightly different conclusions about the infrastructure needed.

In response to Councilmember Tiscareno, Mr. Rice-Evans stated there was an advantage with an impact fee program; however, in unique circumstances it may be beneficial for the City to negotiate fees during the Development Agreement process. He noted the estimated fees were comparable within the Eastern Contra Costa County market.

Julie Morgan stated they had accounted for the East Contra Costa Regional Fee and Finance Authority (ECCRFFA) funds for two of the projects on the City's list.

Mayor Wright thanked Assistant City Manager/Public Works Director/City Engineer Bernal and Mr. Rice-Evans for the report.

With consensus of Council, staff was directed to bring back options for Council to consider.

5. CONSIDERATION OF BIDS FOR THE ZONE 1 TRANSMISSION PIPELINE REHABILITATION AT HIGHWAY 4 (P.W. 701)

Assistant City Manager Bernal/Public Works Director/City Engineer Bernal presented the staff report dated January 10, 2017 recommending the City Council adopt a resolution awarding the Zone 1 Transmission Pipeline Rehabilitation at Highway 4 contract to the lowest responsive and responsible bidder, R.J. Gordon Construction, Inc. and authorize the City Manager to execute an agreement in the amount of \$402,300.

RESOLUTION NO. 2017/07

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adopted a resolution awarding the Zone 1 Transmission Pipeline Rehabilitation at Highway 4 contract to the lowest responsive and responsible bidder, R.J. Gordon Construction, Inc. and authorized the City Manager to execute an agreement in the amount of \$402,300.

6. UPDATE ON SOCIAL MEDIA

Economic Development Program Manager Zepeda presented the staff report dated January 10, 2017 recommending the City Council receive the report on social media.

In response to Councilmember Tiscareno, Economic Development Program Manager Zepeda suggested Council check-in to the City's facebook page to improve viewership and send her information on events to post.

In response to Councilmember Thorpe, City Manager Duran stated the intent was to use facebook as a marketing tool to distribute information to the public. He noted utilizing it for discussion may lead to negative responses and the City did not have staff to monitor it fulltime.

Councilmember Ogorchock suggested content be added to the City's facebook page such as a calendar of events, links to various City departments and photos.

Councilmember Tiscareno expressed concern that if more Councilmembers were involved in discussions on facebook, it could lead to Brown Act violations.

Councilmember Wilson suggested the City consider hiring a Public Information Officer to oversee social media.

Councilmember Thorpe agreed with Councilmember Wilson and emphasized the importance of engaging people in social media.

Mayor Wright thanked Economic Development Program Manager Zepeda for her hard work.

City Clerk Simonsen suggested Council attend the League of California Cities session on social media.

7. PROPOSED SALES TAX SHARING AGREEMENT WITH ONESOURCE SUPPLY SOLUTIONS

City Manager Duran presented the staff report dated January 10, 2017 recommending the City Council receive this report and reject the proposed Sales Tax Sharing Agreement with OneSource Supply Solutions.

Following discussion, the Council agreed to rescind the resolution approving the tax sharing agreement.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the City Council unanimously rescinded (Attachment A) **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A TAX SHARING AGREEMENT WITH ONE SOURCE SUPPLY SOLUTIONS**, dated September 27, 2016. (Resolution No. 2016/105).

8. CHARTER CITY DISCUSSION AND DIRECTION

City Manager Duran presented the staff report dated January 10, 2017 recommending the City Council receive a report regarding the potential of the City of Antioch becoming a Charter City, discuss the issue and provide direction to staff in this regard.

City Clerk Simonsen added the earliest the City could include a ballot Measure pertaining to a Charter City was in 2018.

Ralph Hernandez, Citizens for Democracy, and William LeRoy, Antioch resident, spoke against Antioch becoming a Charter City. Mr. LeRoy requested water bills be reduced on the tiered system.

Councilmember Thorpe stated he supported the strong Mayor form of government and suggested the City continue exploring a Charter City through a subcommittee.

Councilmember Ogorchock stated she was not in support of Antioch becoming a Charter City.

Councilmember Wilson stated she supported some aspects of a Charter City and suggested revisiting this item in 1-3 years.

Councilmember Tiscareno stated he believed that revenue and population did not support Antioch becoming a Charter City at this time.

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

9. DEPARTMENTAL PRIORITIES

City Manager Duran presented the staff report dated January 10, 2017 recommending the City Council discuss the report, Top Project and Program Priorities by Department, and direct staff.

Councilmember Thorpe stated he and Mayor Wright were interested in an update regarding the development agreement with City Ventures. He stated he would prefer that to happen prior to the item coming to Council.

Councilmember Ogorchock requested prioritizing additional community cameras at East 18th Street and Cavallo Road.

Councilmember Tiscareno requested an update on the Park and Recreation Department.

Chief Cantando stated East 18th Street and Cavallo Road would be one of the higher priority areas; however, he would like to review calls for service at specific intersections to determine if that location should be the next one.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously directed staff to prioritize community cameras at East 18th Street and Cavallo Road.

City Clerk Simonsen reported he had signed a contract with next request for the automated processing software for public records requests.

10. CITY COUNCIL AGENDA FOLLOW-UP LIST

City Manager Duran presented the staff report dated January 10, 2017 recommending the City Council review and acknowledge the items on the City Council Agenda Follow-Up List.

Councilmember Ogorchock requested adding the Save the Yard presentation to the discussion on the Beede lumber yard parcel.

11. STANDBY CITY COUNCIL MEMBERS

City Clerk Simonsen announced copies of the Standby Council Members were made available in Council Chambers this evening.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved the following Standby City Council Member's lists:

- Mayor Wright: Clifton Mbanugo, Matthew Hart, Lamont Francoise
- Mayor Pro Tem Thorpe: Mark Jordan, Joy Motts, Josh Young
- Council Member Wilson: Don Freitas, Jennifer Victor, Terrance Wilson
- Council Member Tiscareno: Diane Gibson-Gray, Argentina Luevano, Greg Feere
- Council Member Ogorchock: Mary Rocha, Ken Turnage II, William Chapman

City Clerk Simonsen stated he would need contact information within a week for all Standby Council Members.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS - None

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 10:44 P.M. to the next regular Council meeting on January 24, 2017.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk