

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

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

**September 8, 2015
Council Chambers**

6:00 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 Fitzner, Denise Haskett and Glenn Berkheimer; Employee organizations: Operating Engineers Local Union No. 3 (OE3) and Public Employees Union Local 1.

2. **PUBLIC EMPLOYMENT APPOINTMENT:** City Attorney– This Closed Session is authorized by California Government Code section 54957. Agency Designated Representative: City Manager, Administrative Services Director, and Phil McKenney of Peckham & McKenney regarding the recruitment and appointment of a City Attorney.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, Direction was given to the Labor Negotiators, and; **#2 PUBLIC EMPLOYMENT APPOINTMENT**, Direction was given to the negotiator.

Mayor Harper called the meeting to order at 7:02 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.

PROCLAMATION

Fall Prevention Awareness Week, September 21 – 27, 2015

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

Councilmember Wilson presented the proclamation to Alayne Balke, Fall Prevention Program Manager for Meals on Wheels and Senior Outreach Services, who thanked the City Council for the proclamation and gave an overview of their services. She invited the City Council to attend a pancake breakfast fundraiser September 13, 2015 at the Pleasant Hill Senior Center.

Mayor Harper thanked Ms. Balke for advocating on behalf of Senior Citizens.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Julie Haas Wadjowicz announced the following events:

- National Roller Derby Blood Drive on September 12, 2015 at Evolve Studio on Auto Center Drive
- Coastal Cleanup from 9:00 A.M. – 2:00 P.M. on September 19, 2015 at the Antioch Marina, Fulton Shipyard Road, and Prewett Water Park
- Coastal Cleanup kayak event September 18, 2015

Director of Park and Recreation Kaiser announced the Small Business Expo hosted by Congressman McNerney and Assemblyman Frasier would be held from 8:00 A.M. – 10:30 A.M. on September 22, 2015 at the Antioch Community Center.

Ron Parish and Tom LaMotha, Mayor's Golf Tournament Committee announced the event was successful and they raised \$15,672.90. Mayor Harper presented checks to representatives from the following beneficiaries:

- Lone Tree Youth Golf Scholarship
- The First Tee of Contra Costa
- Antioch Sports Legends Hall of Fame
- Antioch PAL Program
- Antioch Senior Citizen's Club

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- *Sales Tax Oversight Committee: One (1) vacancy; deadline date is September 10, 2015*
- *Planning Commission: Two (2) vacancies; deadline date is October 9, 2015*

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

Mayor Harper explained Council was prohibited from discussing matters not on the agenda and assured residents their comments would be heard.

Kathryn Fitzpatrick, Antioch resident, expressed concern for the City moving forward with a developer for the Beede Lumber Yard Parcel prior to Council considering the proposal for a park and event center on the property. She stated she felt the Council deciding this issue in closed session was inappropriate.

Chris Valenta, Antioch resident, expressed concern for residents who continued to feed feral cats and reported he had been cleaning up after them. He suggested the City reconsider their position on the Beede Lumber Yards parcel and consider a safety or quiet zone for the railroad downtown.

COUNCIL SUBCOMMITTEE REPORTS - None

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the Mayor's Conference. He announced Antioch won first place in the Mayor's Healthy Cook-off Challenge and the trophy would be housed at the Antioch Golf Course.

PRESENTATION

East County Family Justice Center Discussion Update

Devorah Levine, J.D. and Susun Kim, Executive Director of the Family Justice Alliance, gave an overhead presentation of the Family Justice Alliance.

The City Council thanked Ms. Levine and Ms. Kim for the presentation.

Julie Haas-Wajdowicz, Environmental Resource Coordinator, introduced Darren Kumar to give an overview of the California Youth Energy Services program.

Darren Kumar, Rising Sun Regional Site Manager for California Youth Energy Services (CYES), gave an overview of their program and results for 2015.

Nicole Garcia, CYES employee, discussed how her work experience with Rising Sun had prepared her for future employment opportunities.

Mayor Harper thanked everyone who participated in the program.

- 2. COUNCIL CONSENT CALENDAR for City /City as Successor Agency to the Antioch Development Agency**
- A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 11, 2015**
- B. APPROVAL OF COUNCIL MINUTES FOR AUGUST 25, 2015**
- C. APPROVAL OF COUNCIL WARRANTS**
- D. REJECTION OF CLAIMS**
 - 1. Tanya Ward – Claim received on July 10, 2015**
 - 2. Tameka S. Flood – Claim received on August 11, 2015**

- E. APPROVE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND MONIES
- F. THIRD AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH WALTER BISHOP CONSULTING

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

- G. **SA RESOLUTION NO. 2015/19 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (15-16B) FOR THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH**

On motion by Councilmember Wilson, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar.

PUBLIC HEARING

- 3. **AVIANO PROJECT – GP-15-02, PD-14-01, PW-676, UP-14-05 (*Continued from 08/25/15*)**

Community Development Director Ebbs and Interim City Attorney Cole presented the staff report and memorandum dated September 8, 2015 recommending the City Council take the following actions: 1) Adopt the Resolution adopting the Addendum to the Environmental Impact Report for the Aviano Adult Community Project. 2) Introduce the Ordinance approving a Development Agreement between the City of Antioch and Aviano Farms LLC. 3) Adopt the Resolution approving a General Plan Amendment for purposes of amending the Sand Creek Focus Area text to allow small-lot single family residential uses on-site (GP-15-02). 4) Introduce the Ordinance approving a rezone to modify the current Aviano Adult Community Planned Development zone standards (PD-14-01). 5) Adopt the Resolution approving a Vesting Tentative Map/Final Development Plan and Use Permit for Phase 1 consisting of 127 units (UP-14-15).

Interim City Attorney Cole announced Council would be opening up a comment period for this item however; the public hearing had been closed and there was no further opportunity to challenge or to speak at a formal public hearing on this item.

Terry Ramus, Antioch resident, discussed the importance of future development covering the costs of infrastructure to adequately mitigate for their impacts and suggested Council confirm this project fully mitigated their impacts.

In response to Councilmember Tiscareno, Interim City Attorney Cole explained the developer had agreed to the police services provisions in the form of a Community Facilities District. He noted it may be challenged in the future, however; all development must show compliance with the General Plan which required them to be cost neutral and mitigate for their impacts.

In response to Councilmember Wilson, Director of Community Development Ebbs explained there was an opportunity through the General Plan Land Use Element Update to provide more guidance for policy in specific development areas.

Councilmember Ogorchock voiced her support for the project and requested staff work diligently with the developer to complete the project.

Director of Community Development Ebbs clarified provisions 2.11.1, 2.11.2 and 2.11.3 should have been stricken from the draft Development Agreement.

Interim City Attorney Cole recommended any motion adopt the revised language for paragraphs 6.1 and 6.2 as presented in the memorandum provided to City Council this evening.

Mayor Harper voiced his support for the project and recognized Aviano Farms for working cooperatively with the Antioch Unified School District.

RESOLUTION NO. 2015/66
RESOLUTION NO. 2015/67
RESOLUTION NO. 2015/68

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously approved:

- Adopted the Resolution adopting the Addendum to the Environmental Impact Report for the Aviano Adult Community Project
- Introduced the Ordinance approving a Development Agreement between the City of Antioch and Aviano Farms LLC., striking sections 2.11.1, 2.11.2 and 2.11.3 and adding sections 6.1 and 6.2 from the memorandum dated September 8, 2015
- Adopted the Resolution approving a General Plan Amendment for purposes of amending the Sand Creek Focus Area text to allow small-lot single family residential uses on-site (GP-15-02)
- Introduced the Ordinance approving a rezone to modify the current Aviano Adult Community Planned Development zone standards (PD-14-01).
- Adopted the Resolution approving a Vesting Tentative Map/Final Development Plan and Use Permit for Phase 1 consisting of 127 units (UP-14-15).

COUNCIL REGULAR AGENDA

4. FINAL ACCEPTANCE OF CAVALLO ROAD/COUNTRY HILLS DRIVE PAVEMENT REHABILITATION (P.W. 392-29)

Director of Public Works/City Engineer Bernal presented the staff report dated September 8, 2015 recommending the City Council adopt a resolution authorizing the Director of Finance to increase the existing contract with MCK Services, Inc. for this project in the amount of \$216,480.39 for a

total of \$1,653,410.39, accepting work and authorizing the Public Works Director/City Engineer to File a Notice of Completion.

RESOLUTION NO. 2015/69

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, adopted a resolution authorizing the Director of Finance to increase the existing contract with MCK Services, Inc. for this project in the amount of \$216,480.39 for a total of \$1,653,410.39, accepting work and authorizing the Public Works Director/City Engineer to File a Notice of Completion.

5. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTION PACKET

City Manager Duran presented the staff report dated September 8, 2015 recommending the City Council review and discuss the League of California Cities annual conference resolution packet and provide direction to the voting delegate (Mayor Pro Tem Ogorchock).

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the City Council unanimously supported the resolutions.

PUBLIC COMMENTS

Stephanie Sterling, Antioch resident, reported a resident was harassing and terrorizing her and the feral cats in the Riverview Lodge parking lot. She announced he was not allowed on the property and she would be filing a restraining order. She stated if he came within reach, she would taser him.

Mayor Harper stated if Ms. Sterling felt she was the victim of a crime, he encouraged her to file a police report.

Steve Huddleston, Antioch resident, expressed concern for the unsanitary and unsafe conditions occurring from the homeless living on Delta Fair Blvd. He requested guidance from the City on how to address this issue.

Mayor Harper reported Chief Cantando was present and could direct his staff to address this issue.

Lori Cook, Antioch resident, spoke in support of Ms. Sterling and Mr. Huddleston noting they were citizens who had given their time to clean up the City. She recognized the City for attempting to address the homeless issue and noted she was also concerned they had moved into the Delta Fair Blvd. area.

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS

In response to Councilmember Rocha, City Manager Duran stated he would be bringing forward a grocery cart ordinance and a recommendation for additional Code Enforcement staff to address blight. He stated staff would be working on the preliminary concept plan for "L" Street, which would be coming back to Council for input.

Councilmember Rocha announced Stand Down on the Delta would be occurring at the Contra Costa County Fairgrounds September 11 -13, 2015.

Mayor Harper requested staff agendaize a discussion regarding the feeding of feral cats.

Councilmember Tiscareno reported on his attendance at the Neighborhood Cleanup event and acknowledged residents concerned for the homeless issue.

Councilmember Ogorchock reported on her attendance at the Chamber of Commerce Community Champions award presentation to Prime Vintage Realty.

Councilmember Wilson reported on her attendance at the Chamber of Commerce presentation of the Community Champions award to Prime Vintage Realty, the promotional ceremony at the Antioch Police Department, the Citizen's Academy graduation and the Neighborhood Cleanup event.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 8:29 P.M. to the next regular Council meeting on September 22, 2015.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk