

**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.**

**December 13, 2016
Council Chambers**

5:30 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City’s Labor Negotiators is authorized by California Government Code § 54957.6; City designated representatives: Nickie Mastay, Denise Haskett and Glenn Berkheimer; Employee organization: Public Employees’ Union Local 1.

- 2. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Significant Exposure to Litigation pursuant to California Government Code section 54956.9(d)(2): Receipt of Supplemental Notice of Potential Claim filed by Sierra Valley Construction.

- 3. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Potential Litigation pursuant to California Government Code §54956.9 (d)(4): Water Rights BDCP/WaterFix (Bay Delta Conservation Plan/WaterFix)

- 4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8; Property – Humphrey’s Restaurant: Agency Negotiator – City Manager; Parties – Dorothy Everett and John Jernegan.

City Attorney Vigilia reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, No reportable action, **#2 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction given to the City Attorney, **#3 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, No reportable action; and, **#4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, No reportable action.

Mayor Wright called the meeting to order at 7:02 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Thorpe led the Council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Lieutenant Mendes, representing the Antioch Police Department and Animal Services, announced pet adoptions would be free to the public from December 17, 2016 – January 14, 2017, with fees subsidized by ARF and supported by a grant from Maddie’s Fund. She noted adopters would also

receive a \$30 gift card courtesy of Pet Food Express. She stated that beginning December 20, 2016, Antioch Animal Services would only be accepting animal surrenders by appointment.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission opening:

- *Planning Commission: One (1) vacancy; deadline date is January 6, 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

Manny Alvarez, Executive Director of the California Commission on Peace Officer Standards and Training (POST), recognized Chief Cantando and presented him with a certificate for completing an 80-hour course for Police Chiefs. He thanked Chief Cantando as well as the men and women of the Antioch Police Department for their service.

Chief Cantando thanked Mr. Alvarez for the recognition and stated it was an honor to serve.

Karl Dietzel, Antioch resident, congratulated Mayor Wright and Councilmembers Thorpe and Wilson on being elected to Council. He reviewed and provided Council with a list of action items he had committed to addressing during his campaign.

Loretta Sweatt, Antioch resident, spoke in support of extending the Measure C Sales Tax. She congratulated Mayor Wright and Councilmembers Thorpe and Wilson on being elected to Council.

Richard Panfili, Antioch resident, requested the City consider permitting or grandfathering in his trailer to allow him to park it on his property.

Barbara Sobalvarro, Friends of Animal Services, congratulated the newly and reelected City officials. She announced the *Home for the Holidays* adoption promotion would be extended through the month of December at the Antioch Animal Shelter. She spoke in support of the shelter staff and wished everyone a Merry Christmas.

Ken Rickner, Antioch resident, expressed concern for a parking ticket he had received while working in the area of 4th and H streets. He provided photos to Council that he believed showed he had no other options. Additionally, he noted a handicapped facility in the area also had to frequently move their vehicles to avoid being ticketed. He requested the City address this issue and wished everyone a Merry Christmas.

Joy Motts, Rick Stantlander and Lee Ballesteros, Antioch residents, congratulated the newly elected officials. They spoke in support of the City agenda items: removal of

exclusive rights for the City to negotiate with City Ventures for the Beede Lumber Yard parcel and a discussion regarding the town square proposal submitted by *Save the Yard*.

COUNCIL SUBCOMMITTEE REPORTS – None

MAYOR'S COMMENTS

Mayor Wright welcomed and wished everybody a Merry Christmas. He stated he was excited for the opportunity to serve and thanked those who attended the Oath of Office meeting.

PRESENTATION

Nancy Kaiser introduced the Antioch Council of Teens (ACT).

Jafar Khalfani-Bey, Lindsey Baur, Vy Nguyen, Siena Villegas, Zachary Sarmiento and Marianna Berntsen-Perez introduced themselves and gave a brief overview of ACT's past and current activities. They announced the recipient of the Teen Friendly Business of the Year award was T4 because they respect and employ teens.

The Council thanked the Antioch Council of Teens for the presentation and stated they were proud of their work in the community.

Councilmember Wilson suggested ACT explore additional promotional opportunities for the program.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 22, 2016

B. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR DECEMBER 8, 2016

C. APPROVAL OF COUNCIL WARRANTS

D. APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2016

E. ORDINANCE 2119-C-S SECOND READING – EMERGENCY SHELTER REZONE (APN 074-080-034) (*Introduced on 11/22/16*)

F. RESOLUTION NO. 2016/143 APPROVING THE FINAL MAP AND IMPROVEMENT PLANS FOR PARK RIDGE UNIT 1 SUBDIVISION 8846 (DAVIDON HOMES) AND ANNEXING TO CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 10 ZONE 1 (PW 674)

- G. **ASSEMBLY BILL 1600 (AB1600) DEVELOPMENT IMPACT FEE ANNUAL REPORT AND STATE UPDATE ON THE BUILDING INSPECTION SERVICES DIVISION**
- H. **REQUEST FOR TRAINING AND TRAVEL – LEAGUE OF CALIFORNIA CITIES CONFERENCE – NEW MAYORS AND COUNCIL MEMBERS ACADEMY**
- I. **RESOLUTION NO. 2016/144 CONSIDERATION OF BIDS FOR THE RETAINING WALLS REPLACEMENT (PW 368-5R)**
- J. **RESOLUTION NO. 2016/145 FINAL ACCEPTANCE FOR THE SUNSET BOOSTER PUMP STATION REPLACEMENT (PW 355-BP)**
- K. **RESOLUTION NO. 2016/146 FINAL ACCEPTANCE OF THE PREWETT PARK SPRAY GROUND (PW 567-C4)**

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

Item C – In response to Councilmember Ogorchock, City Manager Duran explained warrant number 365791 was for annual auditing services and Director of Community Development Ebbs explained warrant number 365949 was a refund due to a denial of the business license.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved Item C.

Item G – In response to Councilmember Ogorchock, Director of Community Development Ebbs explained the City had not expended any funds on a library facility; however, a percentage could be allocated for that use.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously approved Item G.

PUBLIC HEARING

- 2. **EXTENSION OF AN INTERIM URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON NON-MEDICAL MARIJUANA USES WITHIN THE CITY OF ANTIOCH**

City Attorney Vigilia presented the staff report dated December 13, 2016 and a PowerPoint presentation recommending the City Council take the following actions: 1) Accept and approve the report from the City Attorney and Community Development Director and provide direction regarding a permanent ordinance regulating non-medical marijuana uses; and 2) Adopt the

extension of the interim urgency ordinance establishing a temporary moratorium on non-medical marijuana uses. (A 4/5 vote is required for adoption.)

Chief Cantando stated he supported delaying action on permanent regulations to allow time for the City to gather more data and review policies adopted by other cities.

Mayor Wright opened the public hearing.

Mark Jordan, Antioch resident, suggested the City consider establishing a fee for indoor grow houses through the rental registration process and evaluate the potential revenue source.

Brian Elliff, Antioch resident, discussed opportunities for tax revenue and urged Council to uphold the voter's decision to legalize marijuana use in the community.

Mayor Wright closed the public hearing.

Councilmember Wilson acknowledged all precincts had voted to approve proposition 64; however, she felt the City needed to remain strict until policy and procedures were adopted.

Councilmember Ogorchock spoke in support of the moratorium noting the City should consider all impacts prior to consideration of permanent regulations. She expressed concern for the potential decline in the real estate market due to the growth of marijuana.

Councilmember Thorpe agreed with Chief Cantando. He suggested the City seek input from the Economic Development Commission regarding the tax revenue aspect of the ordinance and Parks and Recreation Commission regarding outdoor use.

Mayor Wright stated the Chief of Police had agreed that legalizing marijuana would bring more crime to a City that was struggling to overcome. He stated Council was being asked to accept the report, extend the moratorium and give direction to staff.

Councilmember Tiscareno stated he would like to review and consider all options prior to approval of permanent regulations.

A motion made by Councilmember Ogorchock to 1) Accept and approve the report from the City Attorney and Community Development Director and provide direction regarding a permanent ordinance regulating non-medical marijuana uses; and 2) Adopt the extension of the interim urgency ordinance establishing a temporary moratorium on non-medical marijuana uses. The motion died for the lack of a second.

Councilmember Tiscareno suggested separating the items for action by the Council.

On motion by Councilmember Tiscareno, seconded by Councilmember Thorpe, the City Council unanimously accepted and approved the report from the City Attorney and Community

Development Director and provided direction regarding a permanent ordinance regulating non-medical marijuana uses.

City Attorney Vigilia summarized that with concurrence by a majority of Council, staff would provide additional information regarding options available that would allow for some level of commercial and personal cultivation. He stated he would bring back draft language and broad concepts of regulations for Council consideration.

Councilmember Thorpe suggested staff engage the Economic Development Commission in the process of developing regulations.

ORDINANCE NO. 2120-C-S

On motion by Councilmember Tiscareno, seconded by Councilmember Thorpe, the City Council unanimously adopted the extension of the interim urgency ordinance establishing a temporary moratorium on non-medical marijuana uses.

3. SECOND RESIDENTIAL UNITS ORDINANCE AMENDMENT (Z-16-01)

Planning Manager Morris presented the staff report dated December 13, 2016 recommending the City Council take the following action: 1) Introduce the ordinance making text amendments to Section 9-5.3805-Second Residential Units of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units.

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

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously introduced the ordinance making text amendments to Section 9-5.3805-Second Residential Units of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units.

4. FORMATION OF THE PROPOSED EAST LONE TREE SPECIFIC PLAN BENEFIT DISTRICT

Assistant City Engineer Filson presented the staff report dated December 13, 2016, recommending the City Council adopt the Resolution establishing the East Lone Tree Specific Plan Benefit District and authorizing the levy and collection of benefit district fees. She noted the amended alignment for Slatten Ranch was distributed to Council this evening.

Mayor Wright opened the public hearing.

Steve Abbs, Davidon Homes, thanked Council for approving the Park Ridge final map and requested they support the formation of the benefit district. He thanked staff for their thorough review and being responsive to their time schedule for their project.

Mayor Wright closed the public hearing.

RESOLUTION NO. 2016/147

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously adopted the Resolution establishing the East Lone Tree Specific Plan Benefit District and authorizing the levy and collection of benefit district fees.

Mayor Wright declared a recess at 8:53 P.M. the meeting reconvened at 9:00 P.M. with all Councilmembers present.

COUNCIL REGULAR / CITY OF ANTIOCH ACTING AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY AGENDA

5. FORMATION OF THE PROPOSED CITY OF ANTIOCH COMMUNITY FACILITIES DISTRICT NO. 2016-01 (POLICE PROTECTION)

Assistant City Engineer Filson and City Attorney Vigilia presented the staff report dated December 13, 2016 recommending the City Council adopt the Resolution of Intention of the City Council of the City of Antioch with Respect to Formation of the Proposed City of Antioch Community Facilities District No. 2016-01 (Police Protection).

RESOLUTION NO. 2016/148

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously adopted the Resolution of Intention of the City Council of the City of Antioch with Respect to Formation of the Proposed City of Antioch Community Facilities District No. 2016-01 (Police Protection).

6. 2016-17 ACTION PLAN FUNDING FOR HOMELESS OUTREACH

Director of Community Development Ebbs presented the staff report dated December 13, 2016 recommending the City Council of the City of Antioch, as Housing Successor to the Antioch Development Agency, approve the funding recommendation of the Community Development Block Grant (CDBG) Subcommittee and adopt the resolution amending the FY2016-17 budget to allocate \$17,000 additional Housing Successor funding for homeless outreach services in FY 2016-17.

Councilmember Wilson clarified the CDBG subcommittee approved this funding for homeless outreach services.

RESOLUTION NO. 2016/149

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council of the City of Antioch, as Housing Successor to the Antioch Development Agency, unanimously approved the funding recommendation of the Community Development Block Grant (CDBG) Subcommittee and adopted the resolution amending the FY2016-17 budget to allocate \$17,000 additional Housing Successor funding for homeless outreach services in FY 2016-17.

7. ADOPTION OF THE 2016 CALIFORNIA BUILDING STANDARDS CODES AND LOCAL AMENDMENTS

Director of Community Development Ebbs presented the staff report dated December 13, 2016, recommending the City Council take the following actions: 1) Introduce the ordinance amending and adding specific Local Amendments to chapters of Title 8 of the Antioch Municipal Code, adopting by reference the California Code of Regulations Title 24, 2016 Edition of the California Building Standards Codes and related model codes and amending Chapters 1 through 19 to the Antioch Municipal Code with Appendices and Amendments. 2) Introduce the ordinance amending Section 6-3.2 of the Antioch Municipal Code, dealing with the Diversion Rate and Thresholds for Covered Projects under the Construction and Demolition Debris Recycling Ordinance.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously 1) Introduced the ordinance amending and adding specific Local Amendments to chapters of Title 8 of the Antioch Municipal Code, adopting by reference the California Code of Regulations Title 24, 2016 Edition of the California Building Standards Codes and related model codes and amending Chapters 1 through 19 to the Antioch Municipal Code with Appendices and Amendments. 2) Introduced the ordinance amending Section 6-3.2 of the Antioch Municipal Code, dealing with the Diversion Rate and Thresholds for Covered Projects under the Construction and Demolition Debris Recycling Ordinance.

8. UPDATE ON AMENDMENTS TO TOBACCO RETAILER REGULATIONS

City Attorney Vigilia presented the staff report dated December 13, 2016, recommending the City Council accept the report from the City Attorney and Community Development Director.

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously received and filed the report and directed staff to bring back the ordinance in the first quarter of 2017.

9. AMENDMENT TO THE DEFERRED IMPROVEMENT AGREEMENT WITH SUNCREST HOMES 26, LLC (PW 584)

Assistant City Engineer Filson presented the staff report dated December 13, 2016, recommending the City Council adopt the resolution approving an amendment to the Deferred Improvement Agreement with Suncrest Homes 26, LLC.

RESOLUTION NO. 2016/150

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously adopted the resolution approving an amendment to the Deferred Improvement Agreement with Suncrest Homes 26, LLC.

10. CONSIDERATION OF BIDS FOR THE SANITARY SEWER MAIN TRENCHLESS REHABILITATION AND FACILITIES INSTALLATION (PW 684)

Assistant City Manager/Public Works Director/City Engineer Bernal presented the staff report dated December 13, 2016, recommending the City Council adopt a resolution awarding the Sanitary Sewer Main Trenchless Rehabilitation and Facilities Installation contract to the lowest responsive and responsible bidder, A-S Pipelines, Inc., and authorize the City Manager to execute an agreement in the amount of \$1,890,200.

RESOLUTION NO. 2016/151

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously adopted a resolution awarding the Sanitary Sewer Main Trenchless Rehabilitation and Facilities Installation contract to the lowest responsive and responsible bidder, A-S Pipelines, Inc., and authorized the City Manager to execute an agreement in the amount of \$1,890,200.

11. FOURTH AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH EXPONENT, INC.

Assistant City Manager/Public Works Director/City Engineer Bernal presented the staff report dated December 13, 2016, recommending the City Council approve the Fourth Amendment to the Consultant Service Agreement with Exponent, Inc., to assist in negotiations with the City's Water Rights; provide support; scientific and technical analysis; studies; and testimony for the proposed California WaterFix project in the amount of \$141,500 for a total of \$351,500.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously approved the Fourth Amendment to the Consultant Service Agreement with Exponent, Inc., to assist in negotiations with the City's Water Rights; provide support; scientific and technical analysis; studies; and testimony for the proposed California WaterFix project in the amount of \$141,500 for a total of \$351,500.

12. CITY COUNCIL APPOINTMENTS TO COUNCIL COMMITTEES AND OTHER ENTITIES

Mayor Wright presented the staff report dated December 13, 2016 recommending the City Council review and discussed City Council Committees and Appointments.

Karl Dietzel, Antioch resident, requested the City hold bi-annual Sycamore Corridor Committee Meetings and requested he be informed when those meetings were scheduled. He questioned if there were records of prior meetings.

Mayor Wright recommended appointing Mary Rocha to Tri-Delta for the remainder of her term as Vice Chair and he would recommend a replacement when her term expired in July 2017.

Councilmember Ogorchock requested Mayor Wright reconsider and place Councilmember Tiscareno on the Transportation Subcommittees due to his past experience as the City's Representative.

Mayor Wright responded that he would deny Councilmember Ogorchock's request assuming he had votes to approve the appointments.

Councilmember Tiscareno expressed concern that none of his committee assignments met regularly.

On motion by Councilmember Wilson, seconded by Councilmember Thorpe, the City Council approved all appointments for Mayor Wright. The motion carried the following vote:

Ayes: Wilson, Thorpe, Wright

Noes: Ogorchock, Tiscareno

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved all appointments for Mayor Pro Tem Thorpe.

Councilmember Tiscareno requested that he be removed as the Alternate for the Transportation Committees.

Councilmember Ogorchock, speaking to the following motion, stated she would not support removing Councilmember Tiscareno from the Transportation Committees.

On motion by Councilmember Tiscareno, seconded by Councilmember Thorpe, the City Council approved all appointments for Councilmember Tiscareno with the exception of the Alternate for Eastern Contra Costa Transit Authority (TriDelta) (Board of Directors), TRANSPLAN, and State Route 4 By-Pass Authority (Delta Expressway) Committees. The motion carried the following vote:

Ayes: Wilson, Thorpe, Tiscareno, Wright

Noes: Ogorchock

On motion by Councilmember Wilson, seconded by Councilmember Thorpe, the City Council unanimously approved all appointments for Councilmember Ogorchock.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously approved all appointments for Councilmember Wilson.
Councilmember Wilson volunteered to serve as the Alternate for the Transportation Committees.

Mayor Wright recommended appointing Councilmember Wilson to the Transportation Committees.

On motion by Councilmember Thorpe, seconded by Councilmember Wilson, the City Council unanimously approved Councilmember Wilson's appointment as the Alternate for Eastern Contra Costa Transit Authority (TriDelta) (Board of Directors), TRANSPLAN, and State Route 4 By-Pass Authority (Delta Expressway) Committees.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Manager Duran wished everyone a Merry Christmas.

COUNCIL COMMUNICATIONS

Councilmember Wilson requested staff provide an update on the list of action items requested by Council. She wished everyone a Merry Christmas and Happy Holidays.

In response to Councilmember Thorpe, City Manager Duran stated he would work with Mayor Wright to determine when to agendize Open and Closed Session Items related to the Beede Lumber Yard parcel.

Councilmember Tiscareno requested staff provide an update on the Disc Golf Course project in January 2017.

Councilmember Thorpe requested an update on park facilities fees for non-profits.

Councilmember Ogorchock requested the following items be agendized: an update on the list of action items requested by Council; hiring of a person to assist the City with public relations on social media; an update on revenue available for library maintenance and extended hours of operation; and an update on Measure C and Measure O. She wished everyone a Merry Christmas.

Mayor Wright wished everyone a Merry Christmas and Happy Holidays.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 9:53 P.M. to the next regular Council meeting on January 10, 2017.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk