

CITY COUNCIL MEETING

Special/Regular Meeting
7:00 P.M.

May 9, 2017
Council Chambers

2:00 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: Nickie Mastay and Glenn Berkheimer; Employee organization: Antioch Public Works Employees' Association.

Mayor Wright called the meeting to order at 3:02 P.M., and Minutes Clerk Eiden 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.

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.

STUDY SESSION

- 1. CONTINUATION OF GENERAL FUND BUDGET FROM THE APRIL 25, 2017 SPECIAL MEETING**

City Manager Bernal introduced the Study Session Agenda item #1.

Finance Director Merchant gave a PowerPoint presentation and presented the staff report dated May 9, 2017 recommending the City Council provide feedback and direction regarding the budget development information provided for fiscal years 2017-19.

Finance Director Merchant gave an overview of the City Council – Fund 100-1110.

In response to Councilmember Ogorchock, City Attorney Vigilia clarified Council made the funding decision for the Community Service Officer (CSO); however, there was an administrative decision to freeze the position and discontinue proactive details.

Finance Director Merchant added that the CSO and proactive details could be incorporated into the FY 17/18 – 18/19 Budget, at the direction of Council. She explained City Administration determined which positions were needed to carry out the mission of their department and the previous administration made the decision that the Sergeant position was needed over the vacant Community Service Officer (CSO).

City Attorney Vigilia gave an overview of the City Attorney – Fund 100-1120.

In response to Mayor Wright, Finance Director Merchant explained that computer operations support, telephone software maintenance, and equipment rental maintenance were determined by the 2005 cost allocation plan. She noted that equipment and vehicle rental costs included replacement funds.

City Manager Bernal gave an overview of the City Manager – Fund 100-1130.

In response to Councilmember Thorpe, Finance Director Merchant explained some costs may not reflect the current status of the departments and a cost allocation plan update was included in the budget requests to address that issue.

Administrative Services Director Mastay gave an overview of the City Clerk – Fund 100-1140.

In response to Councilmember Ogorchock, Finance Director Merchant stated no amount was budgeted for miscellaneous revenue because the City did not know how many campaign filing fees or late fees would be received.

Administrative Services Director Mastay explained that City Clerk Simonsen had decided not to include funding for the League of California Cities Policy Committee meetings and it was her understanding that he would not be coming forward in the future to request funding for this item.

Finance Director Merchant gave an overview of the City Treasurer – Fund 100-1150.

Administrative Services Director Mastay gave an overview of the Human Resources – Fund 100-1160.

Economic Development Program Manager Zepeda gave an overview of the Economic Development Fund – 100-1180.

In response to Councilmember Ogorchock, Economic Development Program Manager Zepeda stated if additional marketing was desired by Council, there would need to be an increase in that line item.

City Manager Bernal stated following the budget process, he would come back to Council with an Economic Development update.

Finance Director Merchant gave an overview of the Finance Department - Funds 100-1210, 100-1220 and 100-1230.

In response to Councilmember Thorpe, Finance Director Merchant explained the equipment rental maintenance increase was part of the Information Services allocation and included an equipment replacement fund. She noted Community Facilities District fees would be in their own fund and the City would determine how to address accounting for them.

Finance Director Merchant gave an overview of Nondepartmental Budget – Fund 100-1250.

In response to Councilmember Ogorchock, Finance Director Merchant explained the revenue from rent pertained to cell towers and revenue from other agencies was the homeowner's property tax relief from the County.

In response to Councilmember Tiscareno, Finance Director Merchant explained the Special Revenue Funds received the rent for the billboard display in the Delta Fair Blvd. area.

Deputy Director of Public Works Bechtholdt gave an overview of the Public Works - Funds 100-2140, 100-2150, 100-2160, 100-2170, 100-2180, 100-2190, 100-2195, 100-2196, 100-2198 and 100-2620.

In response to Mayor Wright, Deputy Director of Public Works Bechtholdt stated staff would attempt to address the issue of inconsistent paint colors.

In response to Councilmember Ogorchock, Deputy Director of Public Works Bechtholdt explained vehicle rental included maintenance and replacement. He stated the \$50,000 reduction in the Contracts Professional - Fund 2095 was attributed to the 5 percent budget reduction request by staff.

City Manager Bernal added that in order to balance the budget, 5 percent cuts were implemented citywide for services and supplies in the General Fund accounts.

In response to Mayor Wright, Deputy Director of Public Works Bechtholdt reported an additional crew for the April – June timeframe would cost approximately \$60,000.

Assistant City Engineer Filson gave an overview of the Public Works Engineering Land Development - Funds 100-5150, 100-5170 and 100-5180.

Deputy Director of Public Works Bechtholdt and James (Marina Property Manager/Lead Worker) gave an overview of the Marina - Funds 631-2410, 631-2420, 631-2425 and 631-2510.

Councilmember Ogorchock commended staff for the management and maintenance of the Marina facility. She recognized Sandra Kelly for assisting the City with the grant application and beautifying the area. She reported an Antioch resident would be running the kayak business and she discussed the importance of bringing a restaurant to the area.

In response to Councilmember Thorpe, Finance Director Merchant explained debt service was due annually on the loans the City had with the Department of Boating and Waterways for the construction of the Marina.

Councilmember Thorpe thanked staff for the presentation.

Director of Community Development Ebbs gave an overview of the Community Development – Funds 100-5110, 100-5130, 100-5140 and 100-5160.

In response to Councilmember Thorpe, Director of Community Development Ebbs explained the two contracted Code Enforcement Officers would be committed to proactive work in high visibility / high impact areas.

In response to Councilmember Ogorchock, Director of Community Development Ebbs explained that a majority of the information disseminated at the counter was available online; however, some residents preferred personal service or they did not have access to a computer.

Councilmember Ogorchock spoke in support of implementing the SeeClickFix program for Code Enforcement issues.

Director of Community Development Ebbs explained with the Assistant/Associate Planner and Development Services/Engineering Technician positions were filled, it would free up the Planning Manager and Building Inspectors to manage larger projects. He stated with the two additional positions, counter hours could be expanded into the afternoon.

Mayor Wright declared a recess at 5:08 p.m. The meeting reconvened at 5:16 p.m. with all Councilmembers present.

Interim Chief Brooks gave an overview of Police Department - Funds 100-3110, 100-3120, 100-3130, 100-3150, 100-3160, 100-3170, 100-3175, 100-3180, 100-3185, 100-3195 and 100-3200.

In response to Councilmember Ogorchock, Finance Director Merchant stated she could work with Antioch Police Department to refine revenues for the next two fiscal years.

In response to Councilmember Tiscareno, Finance Director Merchant explained the savings from overtime costs funded the additional sworn officer position and the increased personnel costs from PERS. She noted overtime costs would need to be increased \$250,000 if proactive details were reinstated.

Interim Chief Brooks clarified the savings from the schedule change, overtime costs and proactive detail was approximately \$700,000. He stated he would prefer both the Sergeant and CSO positions be filled.

Councilmember Wilson stated after observing dispatch, she understood the importance of filling the Sergeant position.

Interim Chief Brooks reported that an update in the dispatch system needed to occur within the next 12-18 months and when they received the costs estimates from the vendors; he would be bringing it to Council for funding.

In response to Mayor Wright, Interim Chief Brooks stated he did not believe funding a District Attorney would show an increase in prosecution or conviction rate.

In response to Councilmember Ogorchock, Finance Director Merchant explained tiered retirement rates for the Antioch Police Department.

In response to Councilmember Tiscareno, Interim Chief Brooks stated that sustaining 103 sworn officers was possible if the City continued aggressively hiring and noted within the next 12 months there would be at least 4 retirements.

Councilmember Tiscareno questioned if salary savings could be utilized to fund proactive enforcements and the CSO position until the City reached 103 sworn officers.

Interim Chief Brooks stated forecasting the salary savings would take additional work by staff as he did not believe it would take place for the entire year.

Interim Chief Brooks gave an overview of Animal Control - Funds 214.-3320 and 214-3325.

Director of Parks and Recreation Kaiser gave an overview of Recreation Services - Funds 219-4410, 219-4420, 219-4450 and 219-4495 & Prewett Park - Fund 641-4630.

In response to Councilmember Ogorchock, Director of Parks and Recreation Kaiser explained the replacement set-aside was funded from revenues and utilized for significant repairs.

Councilmember Tiscareno thanked the Recreation Department and Animal Services for running on a bare minimum budget and their creative ideas to sustain their functions.

Mayor Wright suggested reducing the projected pay increases for Antioch Police Department to 3.5 percent and increasing property tax revenue to 6 percent, for additional revenue of approximately \$970,000.

Finance Director Merchant stated 6 percent property tax revenue was consistent with what had occurred last year and could be reevaluated if the market changed. She suggested that given the City's hiring practices, Council could consider adding the 104th sworn officer to the FY18/19 budget.

Mayor Wright responded that he felt if the City budgeted for 104 sworn officers, they were more likely to fill 102 positions.

Finance Director Merchant added that Antioch Police Department knew of upcoming retirements and kept a recruitment list of eligible hires.

Following discussion, Council requested staff bring back a budget reflecting funding for the following items utilizing revenue from adjusting the Antioch Police Department pay increases and increasing property tax revenue:

- Proactive Detail - \$250,000
- Community Service Office - \$130,000
- Library – \$150,000
- Community Development Planner and Building Technician Positions - \$270,000
- 4th of July - \$20,000
- Landscaping Surge - \$60,000

- Public Relations/Marketing - \$100,000
- Cost Allocation Study – \$75,000
- Arts and Cultural Foundation - \$13,000 - \$32,000 for FY18-19
- Part-Time Business License Position - \$18,600
- 104th Sworn Police Officer for FY 18-19 - \$160,000

Finance Director Merchant stated she believed some revenues could be reevaluated to balance the additional costs associated with the above items.

Councilmember Ogorchock suggested revisiting launch ramp fees for the Fulton Shipyard Boat Ramp.

Finance Director Merchant stated she would attempt to include a General Fund summary table including the previously discussed items for the May 23, 2017 meeting and if not, staff would schedule another brief Study Session to review the items.

Mayor Wright thanked staff for the detailed report. He adjourned the Budget Study Session at 6:35 P.M.

Mayor Wright called the meeting to order at 7:05 P.M., and Minutes Clerk Eiden called the roll.

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

PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS

National Water Safety and Drowning Prevention Month, May 2017
Community Resilience Challenge East Bay, May 2017

Mayor Wright announced the proclamation would be sent to the appropriate agencies.

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

Director of Parks and Recreation Kaiser thanked the Council for the *National Water Safety and Drowning Prevention Month* proclamation and introduced members of the Water Park Team. She announced the annual Open House and Splash and Spray Ground Ribbon-Cutting and Dedication would be held on May 13, 2017. She presented Council with complimentary water bottles from the Antioch Water Park.

Councilmember Tiscareno thanked water park staff and stated he looked forward to attending the ribbon-cutting ceremony for the spray ground.

Mayor Wright thanked the lifeguard staff at the Water Park for keeping the community safe.

Anastasia Nicole thanked the Council for the *Community Resilience Challenge East Bay* proclamation and encouraged everyone to participate in the challenge.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser announced the Antioch Rocks event would be held from 4:00 P.M. – 6:00 P.M. on May 12, 2017 at the Antioch Community Center. She presented Council with flyers for the event and decorated rocks.

Environmental Resource Coordinator Haas-Wajdowicz announced Bike to Work Day would be held on May 10, 2017 with energizer stations opened from 6:00 A.M. – 8:30 A.M. and 5:00 P.M. – 7:00 P.M. at Sutter Delta Medical Center and Prewett Community Park. She invited members of the community to participate in the team bike challenge at youcanbikethere.com.

PUBLIC COMMENTS

Major Cheryl Clark, representing the Salvation Army, announced May 8-14, 2017 was National Salvation Army Week and recognized the volunteers who gave their time and talents to the Salvation Army. She encouraged Council to participate in a day at the red kettle at Christmas.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Tri Delta Transit and Sycamore Corridor Ad Hoc Committee meetings.

Councilmember Ogorchock reported on her attendance at the League of California Cities Bocce Ball Tournament and announced Antioch received 2nd Place.

Mayor Wright reported on his attendance at the Mayor's Conference and Sycamore Corridor Ad Hoc Committee meeting. He announced the County Director of Libraries would be making a presentation to Council at the May 23, 2017 meeting.

MAYOR'S COMMENTS

Mayor Wright thanked Pittsburg Councilmember Jelani Killings for attending the meeting this evening. He reported on his attendance at the Volunteer Appreciation Breakfast and thanked all the volunteers in the community.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR APRIL 20, 2017

B. APPROVAL OF COUNCIL MINUTES FOR APRIL 25, 2017

- C. APPROVAL OF COUNCIL WARRANTS
- D. REJECTION OF CLAIM: DONALD RAY ELLIS
- E. **RESOLUTION NO. 2017/56 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) 2017-APPROVAL AND ALLOCATION OF GRANT FUNDS**

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

COUNCIL REGULAR AGENDA

4. SALES TAX CITIZENS' OVERSIGHT COMMITTEE APPOINTMENT

Mayor Wright nominated Elizabeth Householder to fill the Sales Tax Citizens' Oversight Committee partial term vacancy expiring March 2018.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, Council unanimously appointed Elizabeth Householder to the Sales Tax Citizens' Oversight Committee for a partial term vacancy expiring March 2018.

5. APPROVING THE AGREEMENT WITH ROWLAND BERNAL JR. FOR CITY MANAGER SERVICES AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

City Manager Bernal introduced Regular Agenda item #5.

Administrative Services Director Mastay presented the staff report dated May 9, 2017 recommending the City Council approve the Agreement with Rowland Bernal Jr. for City Manager Services and authorizing the Mayor to sign the Agreement.

Councilmember Thorpe thanked City Manager Bernal for his hard work and stated he was proud to have him working in the capacity of City Manager.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, Council unanimously approved the Agreement with Rowland Bernal Jr. for City Manager Services and authorizing the Mayor to sign the Agreement.

The City Council congratulated City Manager Bernal and acknowledged his efforts to reach out to the community and noted it was a pleasure to work with him.

6. AGREEMENT WITH COTA COLE AND HUBER LLP FOR INTERIM CITY ATTORNEY SERVICES

City Manager Bernal introduced Regular Agenda item #6.

Administrative Services Director Mastay presented the staff report dated May 9, 2017 recommending the City Council adopt a resolution approving the Agreement with Cota Cole and Huber LLP to provide Interim City Attorney Services up to \$300,000 and authorize the Mayor to sign the Agreement.

Councilmember Thorpe thanked City Attorney Vigilia for his service and wished him luck in his new position.

RESOLUTION NO. 2017/57

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, Council unanimously adopted a resolution approving the Agreement with Cota Cole and Huber LLP to provide Interim City Attorney Services up to \$300,000 and authorize the Mayor to sign the Agreement.

The Council thanked Mr. Vigilia for his service and wished him luck in his new position.

Mayor Wright apologized for any issues that he may have caused and wished City Attorney Vigilia well.

7. AD HOC COMMITTEE FOR 2018 QUALITY OF LIFE BALLOT MEASURES

City Manager Bernal introduced Regular Agenda item #7.

City Manager Bernal presented the staff report dated May 9, 2017 recommending the City Council discuss and recommend the need for the Mayor to nominate and Council appoint a two (2) member Ad Hoc Committee for 2018 Quality of Life Ballot Measures.

Councilmember Thorpe stated this action would be the creation of an Ad Hoc Committee to present recommendations on local ballot measures to the City Council for approval.

Councilmembers Thorpe and Wilson volunteered to serve on the Ad Hoc committee.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, Council unanimously appointed Councilmembers Thorpe and Wilson to serve on a two (2) member Ad Hoc Committee for 2018 Quality of Life Ballot Measures.

8. COMMERCIAL NON-MEDICAL MARIJUANA USES WITHIN THE CITY OF ANTIOCH

City Manager Bernal introduced Regular Agenda item #8.

City Attorney Vigilia gave a PowerPoint presentation and presented the staff report dated May 9, 2017 recommending the City Council provide direction regarding commercial non-medical marijuana uses within the City of Antioch.

Councilmember Thorpe stated that he recognized a majority of Antioch residents voted to legalize marijuana and he felt it was incumbent on Council to do their due diligence and produce something that made sense for residents. He stated he would support looking at advisory opinions on the matter.

Councilmember Tiscareno stated he would be willing to consider how commercial non-medical marijuana uses could affect Antioch and bring potential revenue; provided that it could be done so in a safe manner.

Mayor Wright suggested the Economic Development Commission explore this issue and bring back recommendations to the City Council.

City Attorney Vigilia stated this matter was within the purview of the Economic Development Department.

Councilmember Ogorchock stated she was willing to listen to all the recommendations; however, she was opposed to commercial non-medical marijuana uses within the City due to the potential adverse impacts. She added that marijuana remained a federally banned controlled substance.

City Attorney Vigilia added that the current administration's position on the issue was unknown at this time.

Councilmember Wilson stated she supported the issue being vetted by the Economic Development Commission and giving the residents the opportunity to provide input.

Councilmember Ogorchock supported working with other cities in the area on a regional approach.

Councilmember Thorpe agreed with Councilmember Wilson and reported the City of Pittsburg had approved a 10 percent sales tax on marijuana.

Councilmember Tiscareno stated he was willing to listen to the community and make a policy decision after they provided input.

Mayor Wright stated that he would support either an Ad Hoc committee of the Council working in conjunction with the Economic Development Commission or the Economic Development Commission considering and receiving public input on this issue.

Jelani Killings, Pittsburg resident, Henry Killings, Antioch resident and William Posada, Brentwood resident, stated they were opposed to any commercial cultivation and/or sales of marijuana due to the adverse impacts of such establishments in the community. They urged Council to support a full prohibition on commercial marijuana activities in Antioch.

City Attorney Vigilia stated the Interim City Attorney would bring an item forward within 45 days of the ban expiring. He clarified with Council's direction this evening, staff would work with the

Economic Development Commission and Ad Hoc Committee if one was formed, to consider this item and seek public input.

Councilmember Thorpe stated the Advisory Ad Hoc Committee would consider this item when they began meeting.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Bernal announced it was City Attorney Vigilia's last Council meeting and thanked Mike for his service and wished him well in his future endeavors.

City Attorney Vigilia thanked Council for the opportunity to serve and stated it had been a positive experience. He stated he was thankful to have served with City Manager Bernal and he felt he was the right person to lead the City in a positive direction.

COUNCIL COMMUNICATIONS

Councilmember Wilson reported Interim Chief Brooks was in attendance at the Sycamore Corridor Ad Hoc Committee meeting.

Councilmember Thorpe requested Council revisit tiered water rates given that the drought was officially over.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 8:31 P.M. to the next regular Council meeting on May 23, 2017.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk