

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

December 12, 2017
Council Chambers

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8: City owned Assessor's Parcel Numbers (APN No.'s): 066-110-009; 066-101-001. City and Agency Negotiator, City Manager Ron Bernal; Parties – Orton/Libitzky.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, no reportable action was taken, direction given to City Manager.

Mayor Wright called the meeting to order at 7:00 P.M., and Minutes Clerk Eiden 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

Director of Park and Recreation Kaiser announced Winter Breaks Camp would be held from January 3-5, 2018 at the Antioch Community Center.

Dr. Jeffrey Klingler and Kim Charef announced Community Cat Workshop would be held from 7:00 P.M. – 9:00 P.M. on December 14, 2017 in the Antioch Police Department Community Room.

Councilmember Ogorchock announced that she was co-sponsoring with the Contra Costa Council on Homelessness, a screening of a documentary about homelessness, "Storied Streets" followed by a community discussion on January 11, 2018 at the El Campanil Theater.

PUBLIC COMMENTS

Marty Fernandez, Antioch resident, expressed concern regarding blight, homeless and panhandling issues occurring in his neighborhood. He encouraged the City to enforce City ordinances.

Julie Neward and members of the Somersville Towne Center Management Team announced Steak and Shake signed a lease and would be hiring 60-100 employees. They reported that they had donated to the Antioch Police Department Adopt-A-Family event and foster youth in the community. They provided an update on the exterior and interior improvement. They thanked Antioch Police Department and everyone who supported their events. They announced the Deer

Valley Devine Voices and Show Choir, Antioch Music Masters, Strolling Strings and preschools would be performing at the mall and a Santa Paws event would be taking place. They acknowledged Santa for his hard work. They encouraged the community to follow them on Facebook and Instagram, and wished everyone Merry Christmas and Happy Holidays.

Fred Hoskins, Antioch resident, reported that he had been contacted by City Manager Bernal with regards to the Hard House and he was very pleased with the cleanup efforts.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson announced Tri Delta Transit would be meeting on December 13, 2017.

Councilmember Thorpe reported on his attendance at the Mayor's Conference and announced that he would be attending the Tri Delta Transit Meeting on December 13, 2017.

Councilmember Tiscareno reported on his attendance at the Lone Tree Golf Course Subcommittee Meeting.

Councilmember Ogorchock reported she had ridden on the new BART train.

Mayor Wright reported on his attendance at the Lone Tree Golf Course Subcommittee Meeting and announced he would be attending a Delta Diablo Meeting on December 13, 2017.

MAYOR'S COMMENTS

Mayor Wright thanked everyone and stated it had been a phenomenal year and they were working diligently to continue to make progress. He wished everyone a Merry Christmas.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 14, 2017

B. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 28, 2017

C. APPROVAL OF COUNCIL WARRANTS

D. ORDINANCE NO. 2133-C-S SECOND READING – AMENDING ORDINANCE NO. 801-C-S EXTENDING THE TERM OF THE FRANCHISE AGREEMENT WITH CALIFORNIA RESOURCES PRODUCTION CORPORATION (“CRC”), SUCCESSOR IN INTEREST TO UNION OIL COMPANY OF CALIFORNIA, TO FEBRUARY 7, 2021 (*Introduced on 11/28/17*)

E. ORDINANCE NO. 2134-C-S SECOND READING – AMENDING ORDINANCE NO. 838-C-S EXTENDING THE TERM OF THE FRANCHISE AGREEMENT WITH CHEVRON, U.S.A., INC. TO APRIL 23, 2042 (*Introduced on 11/28/17*)

- F. **RESOLUTION NO. 2017/128 AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT GRANT DEEDS OVER A PORTION OF FORMER SOMERSVILLE-NORTONVILLE ROAD LOCATED SOUTH OF OLD JAMES DONLON ROAD (PASO CORTO) TO THE EAST BAY REGIONAL PARK DISTRICT (EBRPD) AND THE GOOD CHANCE MANAGEMENT TRUST**
- G. **RESOLUTION NO. 2017/129 FIRST AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH JDH CORROSION CONSULTANTS, INC. CONSULTANT SERVICE AGREEMENT FOR THE CATHODIC PROTECTION ASSESSMENT (P.W. 321-1)**
- H. **RESOLUTION NO. 2017/130 SANITARY SEWER MAIN TRENCHLESS REHABILITATION AND FACILITIES INSTALLATION (P.W. 684)**
- I. **AB1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT**
- J. **LEAGUE OF CALIFORNIA CITIES:**
- **POLICY COMMITTEE MEETINGS**
 - **MAYORS AND COUNCIL MEMBERS EXECUTIVE FORUM AND ADVANCED LEADERSHIP WORKSHOP**
 - **ANNUAL CONFERENCE**
- K. **RESOLUTION NO. 2017/131 APPROVING AN EMPLOYEE REFERRAL AND RECRUITMENT SIGNING BONUS/INCENTIVES FOR QUALIFIED LATERAL POLICE OFFICERS**

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

PUBLIC HEARINGS

2. **ADOPTION OF THE GENERAL PLAN LAND USE ELEMENT UPDATE (Con't from 11/28/17)**

City Manager Bernal introduced Public Hearing Item #2.

Director of Community Development Ebbs announced the City had received another letter regarding this item and therefore recommended continuing the public hearing to January 23, 2017.

Interim City Attorney Cole added that the City had received additional letters which raised concerns regarding public hearing items #2-3. He recommended the City Council proceed with public comments for both items this evening, close the public hearings and continue them to a date certain for final action by Council. He noted staff would provide responses to all the comments received. He further noted that the public hearing would be closed and under CEQA any comments received after this evening would not be a basis for a lawsuit.

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

In response to Mayor Wright, Director of Community Development Ebbs stated there were no issues waiting for this item to be heard.

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously continued the Public Hearing to January 23, 2018.

Interim City Attorney Cole stated when this item comes back to Council there would be no public hearing; however, there would be the opportunity for public comment. He explained the public hearing was a specific type of proceeding required by statute which was governed by CEQA as well as Planning and Zoning law. He noted once the public hearing closed, the presentment for potential grounds for litigation was over. He further noted the Brown Act stipulated that every item appearing on an agenda must allow for public comment; however, it would not have the legal significance of exhausting an individual's grounds for filing a lawsuit.

3. ADOPTION OF THE DOWNTOWN SPECIFIC PLAN (Con't from 11/28/17)

City Manager Bernal introduced Public Hearing Item #3.

Director of Community Development Ebbs presented the staff report dated December 12, 2017.

Mayor Wright opened the public hearing.

Lee Ballesteros, Antioch resident, wished everyone a Merry Christmas and Happy Holidays. She referenced her email sent to the City in which she recommended the ordinance not specifically name Waldie Plaza for events put forth by the City and suggesting an amendment to the document reflect the Council's support for the park option for the Beede Lumber Yard parcel.

Joy Motts, Antioch resident, referenced her email regarding the downtown specific plan and stated she was opposed to Waldie Plaza as the event center. She noted the Beede Lumber Yard parcel was more appropriate for the event center designation and requested the Downtown Specific Plan be amended to reflect that direction.

Mayor Wright closed the public hearing.

Interim City Attorney Cole stated his recommendation was to continue the decision on this matter to a future meeting.

Councilmember Thorpe and Mayor Wright agreed with removing the event center designation for Waldie Plaza.

Director of Community Development Ebbs stated he would address this issue and amend the wording prior to it coming back to Council.

On motion by Councilmember Wilson, seconded by Councilmember Thorpe, the Council continued the public hearing to January 23, 2018.

4. RESOLUTION EXTENDING THE TEMPORARY CLOSURE OF EMPIRE MINE ROAD BETWEEN MESA RIDGE DRIVE AND DEER VALLEY ROAD

City Manager Bernal introduced Public Hearing Item #4.

Assistant City Engineer Filson presented the staff report dated December 12, 2017 recommending the City Council conduct a public hearing and approve the resolution extending the temporary closure of Empire Mine Road between Mesa Ridge Drive and Deer Valley Road for an additional period of eighteen (18) months as a continued measure to reduce criminal activity in the area.

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

RESOLUTION NO. 2017/132

On motion Councilmember Ogorchock, seconded by Councilmember Wilson, the Council unanimously approved the resolution extending the temporary closure of Empire Mine Road between Mesa Ridge Drive and Deer Valley Road for an additional period of eighteen (18) months as a continued measure to reduce criminal activity in the area.

5. RESOLUTION EXTENDING THE TEMPORARY CLOSURE OF MCELHENY ROAD BETWEEN EAST 6TH STREET AND FULTON SHIPYARD ROAD

City Manager Bernal introduced Public Hearing Item #5.

Assistant City Engineer Filson presented the staff report dated December 12, 2017 recommending the City Council conduct a public hearing and approve the resolution extending the temporary closure of McElheny Road between East 6th Street and Fulton Shipyard Road for an additional period of eighteen (18) months as a measure to reduce criminal activity in the area.

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

Councilmember Ogorchock requested a permanent road closure for McElheny Road come back to Council, as soon as possible, to reduce blight in the area.

Councilmember Wilson requested when the permanent closure comes back to Council, she would like a plan included to address criminal activity occurring in the area.

RESOLUTION NO. 2017/133

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, Council unanimously approved the resolution extending the temporary closure of McElheny Road between

East 6th Street and Fulton Shipyard Road for an additional period of eighteen (18) months as a measure to reduce criminal activity in the area.

COUNCIL REGULAR AGENDA

6. BOARD OF ADMINISTRATIVE APPEALS APPOINTMENT FOR ONE (1) ALTERNATE MEMBER VACANCY, 2-YEAR TERM, EXPIRING JULY 2019

Mayor Wright nominated Marie Livingston for one (1) Alternate Member vacancy to the Board of Administrative Appeals expiring July 2019.

RESOLUTION NO. 2017/134

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, Council unanimously appointed by resolution, Marie Livingston for one (1) Alternate Member vacancy to the Board of Administrative Appeals expiring July 2019.

Mayor Wright thanked Ms. Livingstone for her willingness to serve.

7. PLANNING COMMISSION APPOINTMENT FOR ONE (1) PARTIAL-TERM VACANCY EXPIRING OCTOBER 2019

Mayor Wright nominated Milanka Schneiderman for one (1) partial-term vacancy to the Planning Commission expiring October 2019.

RESOLUTION NO. 2017/135

On motion by Councilmember Wilson, seconded by Councilmember Thorpe, Council unanimously appointed by resolution, Milanka Schneiderman for one (1) partial-term vacancy to the Planning Commission expiring October 2019.

8. UPDATE ON THE BRACKISH WATER DESALINATION PROJECT (P.W. 694)

City Manager Bernal introduced Regular Agenda Item #8.

Project Manager Buenting and City Consultant Walter Bishop presented the staff report dated December 12, 2017 recommending the City Council receive and file.

Councilmember Tiscareno spoke in support of the Brackish Water Desalination Project and stated he looked forward to further discussions for building the facility.

In response to Mayor Wright, Mr. Bishop discussed potential funding mechanisms and regional partnerships

Mayor Wright discussed the importance of maintaining a positive relationship with the Contra Costa Water District and exploring potential revenue generating opportunities.

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

9. TRAFFIC CALMING POLICY (P.W. 282-19)

City Manager Bernal introduced Regular Agenda Item #9.

Assistant City Engineer Filson presented the staff report dated December 12, 2017 recommending the City Council adopt the resolution creating a Traffic Calming Policy and amend the 2017-19 budget to incorporate funding for Speed Humps/Cushions.

Following discussion, Assistant City Engineer Filson stated she would amend the policy item D-3 to read 25 mph or less and suggested eliminating D1 from the policy. She noted after she received 3-4 applications and studies were completed, she would bring an update back to Council with the projects chosen based on the City's criteria.

Councilmember Ogorchock suggested adding a notation that not all applications may be approved.

Mayor Wright stated if D3 was changed as previously discussed, E1 and E2 would also need to reflect those changes.

William Wallace, representing Noia Neighborhood Watch, stated he received 100% support for speed bumps in their neighborhood; however he was concerned they would not qualify based on the volume of traffic. He suggested criteria be developed that goes beyond numbers.

Mayor Wright suggested the City's requirements not forbid traffic calming measures outright.

City Manager Bernal stated criteria needed to be developed so that decisions were based on the most need.

RESOLUTION NO. 2017/136

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, Council unanimously adopted the resolution creating a Traffic Calming Policy and amended the 2017-19 budget to incorporate funding for Speed Humps/Cushions.

Assistant City Engineer Filson stated she would amend the Traffic Calming Policy as previously discussed.

10. RESOLUTION APPROVING ONE (1) PUBLIC WORKS DIRECTOR/CITY ENGINEER POSITION AND AUTHORIZING THE APPROPRIATE BUDGET ADJUSTMENT

City Manager Bernal introduced Regular Agenda Item #10.

Administrative Services Director Mastay presented the staff report dated December 12, 2017 recommending the City Council adopt a resolution approving one (1) Public Works Director/City Engineer position and authorize the appropriate budget adjustment.

Councilmember Thorpe suggested staff provide the General Fund Fiscal Impact be included when these types of budget adjustments were requested.

In response to Councilmember Tiscareno, Administrative Services Director Mastay stated the cost for the Public Works Director/City Engineer had not been appropriated in budget for this or next fiscal year.

In response to Councilmember Ogorchock, Administrative Services Director Mastay stated position wise in fiscal year 17/18 it would be a wash and in fiscal year 18/19 there would be an additional cost.

RESOLUTION NO. 2017/137

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, Council unanimously adopted a resolution approving one (1) Public Works Director/City Engineer position and authorized the appropriate budget adjustment.

11. AD HOC COMMITTEE FOR SMART GROWTH AND INFILL

City Manager Bernal introduced Regular Agenda Item #11.

Director of Community Development Ebbs presented the staff report dated December 12, 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 Smart Growth and Infill.

Councilmember Thorpe stated this was an opportunity for the City to look at Smart Growth / Infill and engage the community.

In response to Councilmember Wilson, Councilmember Thorpe stated they could request members from the Economic Development and Planning Commissions to participate.

Councilmember Thorpe, Councilmember Ogorchock and Councilmember Wilson volunteered to serve on the committee.

Mayor Wright nominated Councilmember Thorpe and Councilmember Ogorchock to serve on the Ad Hoc Committee for Smart Growth and Infill.

On motion by Councilmember Thorpe, seconded by Councilmember Tiscareno, Council unanimously established an Adhoc committee for Smart Growth and Infill and appointed Councilmember Thorpe and Councilmember Ogorchock to serve on the committee.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Manager Bernal reminded the Council that the next City Council meeting would be on January 9, 2018. He announced Council would be holding a Strategic Plan and Goal Setting Workshop on January 20, 2018. He wished Council and the community a Merry Christmas and Happy New Year.

COUNCIL COMMUNICATIONS

Councilmember Ogorchock wished everyone a Merry Christmas and Happy New Year.

Mayor Wright announced Deputy Director of Public Works Bechtholdt and Sharon Daniels were retiring and he expressed Council's appreciation for their hard work and wished them well.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 9:00 P.M. to the next regular Council meeting on January 9, 2018.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk