

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

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

**March 26, 2013
Council Chambers**

5:30 P.M. - CLOSED SESSION

- 1. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 1 potential case
- 2. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION –** Initiation of Litigation pursuant to California Government Code §54956.9 (d)(4): Claim against Contra Costa County for overcharge of Property Tax Administration Fee
- 3. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION –** Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision
- 4. CONFERENCE INVOLVING A JOINT POWERS AGENCY** pursuant to California Government Code section 54956.96-- East Contra Costa Regional Fee and Financing Authority

Discussion will concern: CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to California Government Code sections 54956.9(d)(2)

Name of local agency representative on joint powers agency board: Mayor Harper

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report:

#1 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION, Direction was given to Staff; **#2 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction was given to Staff; **#3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Direction was given to staff; and **#4 CONFERENCE INVOLVING A JOINT POWERS AGENCY**, No action was taken.

Mayor Harper called the meeting to order at 7:07 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Rocha, Tiscareno, Agopian and Mayor Harper

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Sunshine Week, March 10 – 16, 2013

Keep Antioch Beautiful Day, April 20, 2013

Mayor Harper announced the proclamation proclaiming March 10-16, 2013 as *Sunshine Week* would be given to the appropriate organization.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved the Proclamations.

Mayor Harper presented the proclamation proclaiming April 20, 2013 as *Keep Antioch Beautiful Day* to Martha Parsons and members of the Keep Antioch Beautiful committee who thanked the City Council for the proclamation and provided locations and signup information for the event.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Michael Pollard announced the Antioch Prayer Breakfast in conjunction with the *National Day of Prayer*, would be held 7:00 A.M. – 9:00 A.M. on May 2, 2013 at the Lone Tree Golf and Event Center.

Susan Vasquez, representing the City of Antioch Recreation Department, announced the following upcoming recreational programming; Art Camp for Kids, Gymnastics Camp, and SAT Prep Class.

PUBLIC COMMENTS

Fred Hoskins, Antioch resident, submitted written comment and briefly described ideas for reducing criminal activity and creating cohesive neighborhoods in Antioch.

Eileen Batthany, Antioch resident, requested clarification with regards to the implementation and status of the City's Rental Inspection Program.

City Manager Jakel stated he would respond to Ms. Batthany's request for information.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the Antioch Unified School District and City subcommittee meeting.

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

Councilmember Wilson reported on her attendance at the Community Development Block Grant (CDBG) subcommittee meeting and the African Child's Choir performance at Antioch Family Church.

Councilmember Rocha reported on her attendance at the Cesar Chavez event. She recognized Assemblyman Frazier's efforts to submit AB935, for consideration.

MAYOR'S COMMENTS

Mayor Harper reported he had attended the American Public Transportation Conference with Tri-Delta Transit, in Washington D.C. He also reported on his attendance at the opening day of baseball, the Contra Costa Transportation Authority meeting, promotion ceremony for the Antioch Police Department, and the Cesar Chavez event. He noted he had attended many meetings with community members who have expressed interest in bringing business into Antioch.

PRESENTATION

Mike Carlson and Carl Roner representing the Contra Costa County Flood Control & Water Conservation District gave a brief overhead presentation of the Upper Sand Creek Basin Restoration project. They introduced Resident Engineer, Bob Joslin.

The Council was presented with plants to identify as their own, to be planted in the basin during the ribbon-cutting ceremony for the project.

Mayor Harper thanked Mr. Carlson and Mr. Roner for the presentation.

1. COUNCIL CONSENT CALENDAR

City of Antioch

A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 26, 2013 AND MARCH 12, 2013

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2013

D. REJECTION OF CLAIMS

- 1. Estate of Denny Gonzales & Andrea Gonzales 12/13-2094A & B (wrongful death)**
- 2. Andrew Eudy 12/13-2090 (personal injury)**
- 3. Gilbert Hernandez 13/14-2093 (personal injury)**

- E. **CONSULTING SERVICES AGREEMENT FOR CITY MANAGER RECRUITMENT**
- F. **CONSIDERATION OF BIDS FOR THE MARINA BOAT LAUNCH FACILITY THIRD BOARDING FLOAT (P.W. 523-16B)**
- G. **CONSIDERATION OF BIDS FOR THE MARINA BOAT LAUNCH RESTROOM FACILITY (P.W. 523-16R)**
- H. **RESOLUTION NO. 2013/15 AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF BOATING AND WATERWAYS FOR THE IMPROVEMENTS OF THE MARINA BOAT LAUNCHING FACILITY, (P.W. 523-16)**
- I. **CONSIDERATION OF BIDS FOR THE 2013 PAVEMENT MAINTENANCE, RUBBERIZED CAPE SEAL PROJECT (P.W. 328-6)**

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

J. APPROVAL OF HOUSING SUCCESSOR WARRANTS

Councilmember Rocha reported Item E was a Consulting Services Agreement for City Manager recruitment.

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

PUBLIC HEARING

2. ADOPTION OF AN INTERIM URGENCY ZONING ORDINANCE PROHIBITING THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR COMMUNITY SUPERVISION PROGRAMS

Councilmember Rocha recused herself from this item due to potential conflict of interest.

Deputy Director of Community Development Wehrmeister presented the staff report dated March 21, 2013 recommending the City Council take the following actions: 1) Motion to adopt the interim urgency zoning ordinance prohibiting the issuance of permits, licenses or approvals for construction, establishment or operation of Community Supervision Programs, as defined in the ordinance, on an interim basis pending consideration of amendments to Title 9 of the Antioch Municipal Code for a period of forty-five (45) days and declaring the urgency thereof (four-fifths vote required), 2) Provide initial feedback to staff on future zoning regulations.

In response to Council, Captain McConnell clarified AB109 applies to those released for non-violent, non-serious, and non-sexual offenders, irrespective of their criminal history. He provided a breakdown per agency for AB109 releases and noted Antioch had the majority of the population.

Mayor Harper opened and closed the public hearing with no speakers requesting to speak.

Councilmember Tiscareno stated he was willing to support the forty-five (45) day moratorium to give staff time to study feasible locations and to amend the Municipal Code to include Community Service Programs.

Mayor Harper spoke to the importance of providing these services in the community and stated he supported restricting Community Service Programs to feasible locations.

Councilmember Agopian expressed concern for the recidivism rate for AB109 releases and stated he felt the help for those individuals needed to be provided when they were incarcerated. He noted that considering the risks, it is prudent to study the issue during the forty-five (45) day moratorium and assure facilities are regulated appropriately.

Following discussion and at the request of Council, Todd Belleci, Contra Costa County Probation Department, came forward to respond to questions. Mayor Harper reopened the public hearing.

Todd Belleci, Contra Costa County Probation Department, reported the bidder's conference for the Requests for Proposals (RFP) begin on March 27, 2013, bids would be due on April 19, 2013, and County staff would then begin to evaluate bids and award the Requests for Proposals. He briefly discussed the categories for services and the recidivism rate for those individuals on probation.

Director of Community Development Wehrmeister reported the County had indicated RFP contracts would be awarded on May 14, 2013.

Mayor Harper closed the public hearing.

City Attorney Nerland clarified the urgency ordinance recommended by City Staff and the option, urgency ordinance were both interim urgency ordinances for forty five (45) days, unless extended by the City Council and both require a 4/5 vote.

Speaking on the following motion, Council directed staff to study feasible areas and identify Community Supervision Programs in the Antioch Municipal Code.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously approved the interim urgency ordinance (attachment B).

Councilmember Rocha returned to the dais.

COUNCIL REGULAR AGENDA

3. REVENUE BALLOT MEASURES

City Manager Jakel presented the staff report dated March 20, 2013 and Finance Director Merchant presented a Power Point Presentation recommending the City Council provide direction to staff regarding further action items related to putting sales tax and business license tax ballot measures on the November 2013 ballot.

In response to Councilmember Agopian, Chief Cantando reported Community Service Officers provided vital services that freed up full-time Police Officers and he discussed the importance of having a blend of sworn and non-sworn officers.

Councilmember Agopian suggested building the organization around what the community would support.

In response to Councilmember Rocha, City Manager Jakel clarified the oversight committee would be included in the survey.

Fred Hoskins, Antioch resident, spoke against imposing additional taxes on the citizens due to criminal activity in the community. In an effort to save the City money, he offered to survey the residents on the tax measures. He questioned what research had been done to alternatives to increasing taxes and presented the City Council with a report from the City of Richmond office on Neighborhood Safety.

Don Freitas, representing the Friday Morning Breakfast Club, applauded the City Council for seeking input from the community. He recommended that in addition to any other measure, a business license ballot measure for landlords of rentals be placed on the ballot. He stated they would be coming forward with a proposal and they would like to see it surveyed and on the ballot at the same time the request is made for any other funding source.

George Briggs, Antioch resident, provided a breakdown of revenue that could be generated from rental units and the fee/tax rate per unit. He questioned why the City had not generated income based on the same unit count, for the Rental Inspection Program.

City Manager Jakel reported the Rental Inspection Program had been suspended and the Code Enforcement Division had been shut down during the budget crisis.

Allen Payton, Antioch resident, questioned why the business license for rental units needed to be voted on by residents.

City Attorney Nerland explained the Residential Rental Inspection Program was a fee for services and a regulatory fee does not require a vote of the people. She noted a Business License Tax is required by State law to go to the voters.

Following discussion, direction was given to staff to survey for one-half ($\frac{1}{2}$) and three-fourth ($\frac{3}{4}$) cent sales tax for ten (10) years and a business license tax for rentals of residential properties.

4. NON-PROFIT ORGANIZATION WATER LOAN PROGRAM

Director of Public Works/City Engineer Bernal presented the staff report dated March 19, 2013 recommending the City Council approve a loan program to provide funding from the Water Fund for alternative non-potable water sources, specifically wells, for Antioch Historical Society and Sports Legends, Antioch Babe Ruth, and Antioch Youth Sports Complex with the City Manager authorized to execute all documents to effectuate the loans.

In response to Mayor Harper, Director of Finance Merchant clarified the Water Fund is a rate supported fund and she was unsure if it would be able to provide a forgiven loan.

In response to Councilmember Rocha, Director of Public Works/City Engineer Bernal stated that he would research grant opportunities through Delta Diablo Sanitation District.

Bob Liles, representing the Antioch Youth Sports Complex, voiced his support for the staff recommendation as outlines in the staff report this evening. He stated they need to know upfront if they would be responsible for repayment of the loan.

Ed Davies, representing Antioch Babe Ruth, stated they would support a loan for 20-30 years with the possibility of it being forgiven. He requested the connection fee for the smaller water line be eliminated.

Fred Hoskins, Antioch resident, questioned if the City had considered the value of the Sports Leagues and Historical Society to the community. He requested the City Council rescind the issue.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council directed staff to draft loan documents with the non-profits for zero percent loan for 20 years with a provision to forgive the amount.

5. 4TH OF JULY EVENT AND CITY EVENT POLICY

City Manager Jakel presented the staff report dated March 19, 2013 recommending the City Council provide direction to staff regarding City support for the 2013 4th of July event; consider amending the City's existing Event Policy as it relates to the 4th of July.

Discussion ensued regarding the value and benefit of the 4th of July event. Council recognized the efforts of the citizen committee and supported revising the Event Policy to include the Independence Day event as a City-Supported Event, with the goal to eventually move them into the City-Sponsored Events category. Additionally, they agreed, in the future, the Veteran's Day and Memorial Day Parades could be moved into City-Supported Events, provided that does not harm those events.

Mayor Harper read written comment from Martha Parsons, Antioch resident, requesting the City Council vote to loan the July 4th committee \$25,000 to be repaid from the NRG Community Benefit monies.

Mayor Harper read written comment from Carole Harrison, Celebrate Antioch Foundation Inc., requesting the City Council support their endeavor to organize the 4th of July event in Antioch.

Wayne Harrison, Celebrate Antioch Foundation Inc., voiced his appreciation to the City Council for their support. He reported they were setting up a non-profit and they had started planning the 4th of July event for this year.

Mayor Harper challenged the Councilmembers to financially support the event.

Allen Payton, Celebrate Antioch Foundation Inc., voiced his appreciation to the City Council for their support of the committee's efforts. He clarified there were two errors in the financial report contained within the staff report and the balance owed was considerably less than indicated. He provided contact information for anyone wishing to make a donation.

Councilmember Agopian challenged each Councilmember to donate \$200.00 to support the event.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously amended the City Event Policy moving 4th of July Event to Level #3 City Supported Events.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously directed staff work with the 4th of July Committee regarding the event.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the following meeting and event schedule:

- Special City Council Meeting – 6:00 P.M. on March 28, 2013 at the Prewett Water Park Community Room
- City Council Meeting – 7:00 P.M. April 9 and 23, 2013 at Council Chambers
- Budget Subcommittee meeting with Mayor Harper and Councilmember Agopian – date to be determined

COUNCIL COMMUNICATIONS

Councilmember Tiscareno reported on his attendance at the Cesar Chavez event and Los Medanos College luncheon. He announced a dinner event honoring Cesar Chavez would be held at 6:00 P.M. on March 29, 2013 at Los Medanos College.

Councilmember Rocha requested City Staff look into an ordinance that would require landlords to be responsible for the garbage fees for their rental units. She reported the entryway into the Lynn House had been vandalized repeatedly by the homeless and suggested a fence be installed to keep the area clean.

City Manager Jakel stated he would discuss the issue with the Antioch Police Department.

In response to Councilmember Rocha, City Manager Jakel stated the Fulton Shipyard Boat Ramp report would be returning to the City Council in April.

Mayor Harper requested City Staff determine what needed to be done to remove the house off of the river at the foot of "A" Street.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:41 P.M. to the next regular Council meeting on April 9, 2013.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk