

**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.

July 22, 2014
Council Chambers

6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Section is authorized by California Government Code Section 54957.6. City designated representatives: Michelle Fitzer, Denise Haskett, and Glenn Berkheimer; Employee organizations: Management Unit
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8; Property Owner: Charles and Donna Scotto; Property Address – 415 O Street, Antioch CA; Agency Negotiators – City Manager, Public Works Director/City Engineer and City Attorney

City Attorney Nerland 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 Negotiator and **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, and; Direction was given to Real Property Negotiators.

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

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

In Honor of the 4th of July Committee

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

The City Council thanked the committee members for bringing a successful event to the community.

The committee members encouraged the community to become involved and thanked everyone who participated and sponsored the event.

The City Council presented the proclamation to the 4th of July Committee.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Candy Duperroir, Victory Outreach Church of Antioch, invited the community to participate in a Stop the Violence March at 9:00 A.M. on July 26, 2014 beginning at "A" and 10th Streets.

Mayor Harper stated he had met with the pastor at Victory Outreach and they were planning another event at Contra Loma Park, in September.

Councilmember Rocha urged those participating in the march to temper the sound for residents in the area. She announced a Save the Delta Rally would be held in Sacramento at 11:30 A.M. on July 29, 2014, and bus transportation was available. She announced a community baby shower would be held from 9:00 A.M. – 3:00 P.M. on August 2, 2014 at Grace Bible Fellowship.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen reported there had been a resignation from the Park and Recreation Commission and he was awaiting direction from Mayor Harper to announce the opening. He announced November 4, 2014 was the General Election and two City Council seats were up for election. He noted nomination papers could be taken out from July 14, 2014 to August 8, 2014 at 5:00 P.M., however, if one of the two incumbents did not apply for re-election, the filing deadline would be extended to August 13, 2014 at 5:00 P.M. Contact information was provided.

PRESENTATION

Captain Orman reported Chief Cantando was recovering from surgery and regretted not being present to make the presentation this evening. He stated the Chief was concerned over the perception of Antioch in the media and the facts presented this evening would be a clear picture of what was occurring in the community. He gave a presentation of the Police Statistics for Year 2013 including the following information:

- Part 1 Crime Statistics
- Bureau of Support Services
- Bureau of Field Services
- Current Staffing Levels
- New Developments

The Council thanked Captain Orman for the presentation and thanked the Antioch Police for protecting citizens of the City. They stated they were pleased the City increased their commitment with other agencies.

City Manager Duran reported he had authorized overtime for the Police Department and noted adjustments could be made to the budget through salary savings until the City netted new officers.

Captain Orman urged residents to report suspicious behavior and utilize the tip soft program.

Councilmember Rocha suggested the City work with the School District on grant funding for recreational activities in the Sycamore neighborhood.

Roberta Hayms, Antioch resident, stated she respected the Antioch Police; however she was confused with the numbers being reported. She thanked the City Council for dedicating Measure C funds for public safety and spoke to the need for increasing the staffing levels at the Police Department.

Will Leroy, Antioch resident, stated the crime issue was a result of the City building so many low income communities. He questioned what the City owed in police pensions.

PUBLIC COMMENTS

Mayor Harper announced that since there were a large number of speaker cards submitted for Public Comment, the speakers would be given a two (2) minute time limit.

Marcie Arnold, Antioch resident, reported she owned the property at 211 19th Street and they were attempting to resolve the problems resulting from the homeless encampment in the area.

Ken Turnage, Antioch resident, stated he respected the Police Department. He reported criminal behavior occurred regularly on East 18th Street and he expressed concern that innocent people would become victims.

Martha Goracka, Antioch resident, stated she was disappointed in the Request for Qualifications and Proposals for the development of City owned parcels in downtown Antioch. She spoke to the importance of community input and offered to provide an experienced volunteer moderator to listen to the community.

Joette Bright, Antioch resident, urged the City Council to consider community input prior to approving the Request for Qualifications and Proposals for the development of City owned parcels in downtown Antioch.

Joy Motts, Antioch resident, expressed concern for the action of the Council regarding the Request for Qualifications and Proposals for the development of City owned parcels in downtown Antioch. She urged Council to delay the process and follow through with their commitment to the community for a transparent and inclusive process. She presented petitions signed by individuals requesting the City reconsider the proposal until a Public Hearing was held and a complete plan is developed.

Dick Augusta, Antioch resident, requested the City Council oppose building a condominium project on the City owned parcels in downtown Antioch and suggested a park be developed on the parcels. Additionally, he suggested the Council consider maintaining the theater, if they proceed with the demolition of the Nick Rodriguez Center.

Lee Ballesteros, The Drama Factory, stated the performance art center could play an integral part in the development of downtown and coupled with a park, would revitalize downtown businesses more effectively than a residential development. She requested the City Council allow public input in the process.

Susan Myers, The Drama Factory, read and submitted a letter from Antioch resident John Ballesteros, regarding development of downtown Antioch.

William Dee, APOA President, discussed crime statistics and staffing levels for the Antioch Police Department. He stated additional staffing was paramount to have a long term effect in reducing violent crime in the City.

Connie Komar, Antioch resident, stated her property would be directly impacted by the development on the City-owned parcels in Rivertown. She requested they City involve her in the planning process and consider their opinions.

Susan Welch, Antioch resident, expressed concerned citizens had not been consulted with regards to the Request for Qualifications and Proposals for the development of City owned parcels in downtown Antioch. She requested the citizens be allowed to give input throughout the entire process for the development of the property.

Frank Sterling, Antioch resident, suggested the City-owned parcels be developed as a recreational space for the entire community and suggested the City allow for community input prior to development of the parcels. He suggested if the Senior Center were demolished, theater replacement be included in the plans.

Stephanie Sterling, stated she was in agreement with previous comments regarding the City-owned properties in downtown. Speaking on behalf of the Riverview Lodge, she questioned why public restrooms were not opened and maintained in downtown Antioch. She stated if she, the restaurant, was expected to provide restroom facilities for the public, they felt they should not have to pay the City for spaces that overlook the river.

Roger Burton, Antioch resident, stated he had attempted to contact the City's Assistant Finance Director who had failed to return his calls. He questioned why the City eliminated the number of days and gallons per day columns, on water bills.

Mayor Harper requested Mr. Burton leave his contact information with City Manager Duran.

Katie Cook, Antioch resident, spoke in support of developing the City-owned parcels in rivertown for recreational use and urged Council to consult residents with regards to what they would like to be developed in the area.

Danny Hicks, Bay Point resident, read a letter from an individual who was in support of maintaining the Performance Arts Center in downtown Antioch.

Laura Dreisbach stated she was opposed to the possible demolition of the Nick Rodriguez Theater and urged the Council to consider input from residents for alternative plans for redevelopment of the downtown Antioch area.

Claryssa Wilson and Abiola Onadele, representing the East County NAACP Youth Council, requested Council and community support for their Knowledge is Power candlelight vigil and rally.

Mayor Harper stated he had received written comment from Maxine Smith expressing concerns for a homeless encampment on West 5th Street.

Cheyenne Young, Antioch resident, spoke in opposition to the demolition of the Nick Rodriguez Center.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Mello Roos committee meeting.

MAYOR'S COMMENTS

Mayor Harper stated the downtown item was not on the agenda this evening; therefore Council could not discuss the item. He stated he would be asking Council to agendize the communication plan for the development of downtown.

Councilmember Rocha stated it was important to communicate the phases of development and noted the Council would listen to input from the residents.

Mayor Harper declared a recess at 8:34 P.M. The meeting reconvened at 8:46 P.M. with all Councilmembers present with the exception of Councilmember Agopian who was absent.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JUNE 24, 2014

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR MAY 2014

D. REJECTION OF CLAIM

- 1. Christian LeBaron 14/15-2178 (personal injury)**

E. AWARD OF AGREEMENT FOR RENTAL OF CHRISTMAS TREE LOT LOCATED AT DELTA FAIR AND CENTURY BOULEVARDS

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- F. **RESPONSE TO GRAND JURY LETTER: "TRAINING PERSONNEL IN REPORTING CHILD ABUSE" (REPORT 1403)**
 - G. **RESPONSE TO GRAND JURY LETTER: "PUBLIC RECORDS REQUEST ACT" (REPORT 1405)**
 - H. **RESOLUTION NO. 2014/62 APPROVING COMPREHENSIVE CLASSIFICATION PLAN UPDATES FOR THE ANTIOCH POLICE OFFICERS' ASSOCIATION (APOA) BARGAINING UNIT**
 - I. **RESOLUTION NO. 2014/63 APPROVING THE POLICE TRAINEE CLASS SPECIFICATION**
 - J. **BAY DELTA CONSERVATION PLAN (BDCP) DRAFT ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) AND BDCP DRAFT IMPLEMENTING AGREEMENT COMMENT LETTERS**
 - K. **CONSIDERATION OF BIDS FOR THE COUNTRY HILLS DRIVE SANITARY SEWER MAIN REHABILITATION (P.W. 545-1)**
 - L. **CONSIDERATION OF BIDS FOR THE MAINTENANCE SERVICE CENTER FUELING SYSTEM IMPROVEMENTS (P.W. 143-Q)**
 - M. **RESOLUTION NO. 2014/64 AND RESOLUTION NO. 2014/65 AUTHORIZING THE FILING OF A GRANT APPLICATION TO MTC REQUESTING AN ALLOCATION OF THE ACTIVE TRANSPORTATION PROGRAM (ATP) CYCLE 1 PROJECT FUNDS FOR THE INSTALLATION OF CURB RAMPS IN THE DELTA ESTATES AREA AROUND TURNER SCHOOL**
 - N. **RESOLUTION NO. 2014/66 AND RESOLUTION NO. 2014/67 OF LOCAL SUPPORT AND RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION TO MTC REQUESTING AN ALLOCATION OF THE ACTIVE TRANSPORTATION PROGRAM (ATP) CYCLE 1 PROJECT FUNDS FOR THE INSTALLATION OF THE TRAFFIC SIGNAL AT WILD HORSE ROAD AND FOLSOM DRIVE**
 - O. **RESOLUTION NO. 2014/68 AND RESOLUTION NO. 2014/69 OF LOCAL SUPPORT AND RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION TO MTC REQUESTING AN ALLOCATION OF THE ACTIVE TRANSPORTATION PROGRAM (ATP) CYCLE 1 PROJECT FUNDS FOR THE INSTALLATION OF THE TRAFFIC SIGNAL AT CONTRA LOMA BOULEVARD AND LONGVIEW ROAD**
 - P. **RESOLUTION NO. 2014/70 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE CAMBRIDGE BOOSTER PUMPING STATION UPGRADES (P.W. 365-T3)**

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

Q. APPROVAL OF SUCCESSOR AGENCY WARRANTS

R. APPROVAL OF HOUSING SUCCESSOR WARRANTS

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar with the exception of Item J, which was removed for further discussion.

Item J – Public Works Director/City Engineer Bernal presented the staff report dated July 15, 2015 recommending the City Council receive and file the report.

Will Leroy, Antioch resident, discussed the potential impacts from the Bay Delta Conservation Plan and stated due to the importance of the issue, he would suggest future discussions be placed on the regular agenda.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously approved Item J.

PUBLIC HEARING

- 3. PDP-14-02 – RIALTO PLACE PRELIMINARY DEVELOPMENT PLAN – SPPI-SOMERSVILLE REQUESTS THE REVIEW OF A PRELIMINARY DEVELOPMENT PLAN, WHICH IS NOT AN ENTITLEMENT, FOR THE DEVELOPMENT OF 93 SINGLE FAMILY HOMES AND A SELF STORAGE COMPLEX ON APPROXIMATELY 21.29 ACRES. THE PLANNING COMMISSION PROVIDED DIRECTION AND FEEDBACK AT A PUBLIC HEARING ON JUNE 18, 2014. THE PROJECT SITE IS LOCATED ON SOMERSVILLE ROAD APPROXIMATELY 1,200 FEET NORTH OF THE INTERSECTION OF SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD. (APNS 076-010-030, -031, -032, AND -034)**

Senior Planner Gentry presented the staff report dated July 17, 2014 recommending the City Council provide feedback to the applicant and staff regarding the proposal and provide direction to the applicant for the Final Development Plan submittal.

Mayor Harper opened the public hearing.

Louis Parsons, representing A.D. Seeno Construction Company, stated he read the staff report and looked forward to any feedback from the City Council on their proposal. He stated they would explore dual use for the water retention areas. He noted they were aware of studies that needed to be completed based on the projects proximity to the landfill.

Kerry Motts, Antioch Planning Commissioner, suggested the City Council consider expanding the sidewalk on the west side of Somersville Road, into a class one trail.

Nancy Fernandez stated she was opposed to the preliminary development plans for the Rialto and Sorrento Village Subdivisions based on the projects close proximity to the former landfill. Additionally, she was opposed to any extension of Sequoia Drive into the development area.

Mayor Harper closed the public hearing.

Mayor Harper requested the monitoring wells be included in the environmental studies for the project and suggested the applicant consider extending the trail along Somerville Road.

Councilmember Wilson expressed concern for building a residential project in an area where there was soil contamination and questioned if the applicant would disclose the issue to potential buyers.

Councilmember Rocha expressed concern regarding the contamination of the soil and stated she was opposed to a self storage facility in such a visible area.

Councilmember Tiscareno voiced his concern for the contamination of the soil and stated if the contamination could be properly mitigated, he would consider the proposal.

4. PDP-14-01 – SORRENTO VILLAGE PRELIMINARY DEVELOPMENT PLAN – ALBERT D. SEENO CONSTRUCTION COMPANY REQUESTS THE REVIEW OF A PRELIMINARY DEVELOPMENT PLAN, WHICH IS NOT AN ENTITLEMENT, FOR THE DEVELOPMENT OF 93 SINGLE FAMILY HOMES ON APPROXIMATELY 20.24 ACRES. THE PLANNING COMMISSION PROVIDED DIRECTION AND FEEDBACK AT A PUBLIC HEARING ON JUNE 18, 2014. THE PROJECT SITE IS LOCATED AT THE INTERSECTION OF JAMES DONLON BOULEVARD AND PINTAIL DRIVE ON THE NORTH SIDE OF JAMES DONLON BOULEVARD. (APNS 076-021-010, -011, AND -013)

Senior Planner Gentry presented the staff report dated July 17, 2014 recommending the City Council provide feedback to the applicant and staff regarding the proposal and provide direction to the applicant for the Final Development Plan submittal.

Mayor Harper opened the Public Hearing.

Louis Parsons, representing A.D. Seeno Construction Company, reported the purpose of changing the land use designation was to make it consistent with development in the area. He stated they understood the concerns of the Council with regards to possible contamination related to the former landfill site. He stated houses would be in the 2400-2500 square foot range, with the single story slightly less due to buildable area.

Mayor Harper closed the Public Hearing.

Councilmember Rocha requested staff research whether there was a buffer designated for the former landfill property.

The Council agreed concerns for the Sorrento Village project were the same as concerns stated for the Rialto Place project.

COUNCIL REGULAR AGENDA

5. FIRST AMENDMENT TO THE OUT OF AGENCY SERVICES AND PROJECT AGREEMENT BETWEEN THE CITY OF ANTIOCH AND NRG FOR THE MARSH LANDING GENERATING STATION (MLGS)

City Manager Duran presented the staff report dated July 15, 2014 recommending the City Council adopt the resolution approving the First Amendment to the Out of Agency Service and Project Agreement between the City of Antioch and NRG for the Marsh Landing Generating Station (MLGS) and authorize the City Manager to execute the First Amendment with language substantially similar to the proposed language.

RESOLUTION NO. 2014/71

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously adopted the resolution approving the First Amendment to the Out of Agency Service and Project Agreement between the City of Antioch and NRG for the Marsh Landing Generating Station (MLGS) and authorized the City Manager to execute the First Amendment with language substantially similar to the proposed language.

6. BINGO HALLS AND BINGO OPERATIONS URGENCY ZONING ORDINANCE

Senior Planner Gentry presented the staff report dated July 7, 2014 recommending the City Council adopt an interim urgency zoning ordinance prohibiting the issuance of permits, licenses or approvals for construction, establishment or operation of any new bingo halls or bingo operations, or the expansion of current bingo operations, within the City of Antioch on an interim basis pending consideration of amendments to Title 5, Chapter 15 and Title 9 of the Antioch Municipal Code for a period of forty-five days and declaring the urgency thereof (four-fifths (4/5th) vote required).

Barbara Davis, Oakland resident, speaking with regards to their application, listed the donations they had made from revenue generated through Bingo operations and noted all funds received were given back to the City through non-profit organizations.

Leona Greenlow-Turner, representing It Takes A Village Development Center, discussed the positive aspects of the Bingo hall. She noted they would provide their own security and would contribute to the community through funds raised by Bingo.

Al Davis, representing It Takes A Village Development Center, stated Bingo was a lifeline of help and support to underserved communities. He stated they would employ five (5) professional armed guards and have surveillance cameras throughout the facility. He urged the Council to reconsider their proposal.

Eugene Ross, representing It Takes A Village Development Center and property management, discussed the need for businesses in the East 18th Street area and spoke in support of the development application for the Bingo hall operation. He urged the City to consider excluding current applications from the urgency ordinance.

Bob Gibson, Planet Bingo representing It Takes A Village Development Center, informed the Council that Bingo hall business were highly regulated. He noted the applicant was a 501c(3) and profits would be directly passed on to charity. He urged the Council to approve the proposal under the City's current regulations.

In response to Councilmember Rocha, Mr. Davis clarified the Executive Director, accountants, and consultants would be business expenses and the managers, callers, and security personnel would receive salaries.

In response to Mayor Harper, Mr. Davis stated he chose Antioch as the location for his business to provide alternative funding sources for the City.

Councilmember Rocha expressed concern the Bingo hall would be a profit business and would be similar to a casino.

Senior Planner Gentry read from the state penal code which indicted those operating bingo halls, shall not receive a profit, wage or salary from any Bingo game.

Captain Orman stated once the Bingo hall was opened, it would be difficult to close the business and the Antioch Police Department did not have the resources to monitor the business.

Councilmember Tiscareno spoke in support of the urgency ordinance to allow the City time to address the potential issues.

Mayor Harper expressed concern the applicant had chosen Antioch as a depressed area and questioned how the business would improve Antioch.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously adopted an interim urgency zoning ordinance prohibiting the issuance of permits, licenses or approvals for construction, establishment or operation of any new bingo halls or bingo operations, or the expansion of current bingo operations, within the City of Antioch on an interim basis pending consideration of amendments to Title 5, Chapter 15 and Title 9 of the Antioch Municipal Code for a period of forty-five days and declaring the urgency thereof.

7. BUSINESS LICENSE ORDINANCE AMENDMENTS

City Attorney Nerland presented the staff report dated July 16, 2014 recommending the City Council approve a: 1) Motion to read the ordinance by title only; and 2) Motion to introduce an ordinance amending Sections 3-1.108 and 3-1.209; adding Sections 3-1.129, 3-1.130, 3-1.131 and 3-1.132; and renumbering Sections 3-1.231 and 3-1.232 to Chapter 1, "Business Licensing," of Title 3 of the Antioch Municipal Code to address apportionment and other administrative and enforcement provisions under the business license ordinance.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously 1) Motioned to read the ordinance by title only; and 2) Motioned to introduce an ordinance amending Sections 3-1.108 and 3-1.209; adding Sections 3-1.129, 3-1.130, 3-1.131 and 3-1.132; and renumbering Sections 3-1.231 and 3-1.232 to Chapter 1, "Business Licensing," of Title 3 of the Antioch Municipal Code to address apportionment and other administrative and enforcement provisions under the business license ordinance.

PUBLIC COMMENTS

Mayor Harper announced he had received four (4) written comments in consideration of the RFP of the Nick Rodriguez Community Center & Theatre. He noted the letters received would be entered into the public record.

STAFF COMMUNICATIONS

City Manager Duran commended City Engineer Bernal and Administrative Services Director Fitzer for alternating as Acting City Manager, in his absence.

COUNCIL COMMUNICATIONS

Councilmember Wilson requested the City Manager reach out to organizations that have drop off donation areas and urge them to maintain those areas.

Councilmember Rocha requested City Manager Duran develop a team to address dumping on the main entry points in Antioch. She thanked code enforcement for addressing the homeless encampment by the train station.

Councilmember Tiscareno acknowledged volunteers who helped to clean up Antioch. He encouraged residents to participate in Neighborhood Watch and volunteer. He reported on his attendance at the Police Activity League (PAL) Junior Giants program.

At the request of Mayor Harper and with concurrence of Council, City Manager Duran stated he would agendize the communication plan for the RFP and RFQ process.

Mayor Harper announced National Night Out was on August 5, 2014 from 6:00 P.M. – 9:00 P.M. He noted the Council was concerned for crime occurring in Antioch and the Council was committed to addressing the issues.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:01 P.M. to the next regular Council meeting on August 12, 2014.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk