

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

February 9, 2016
Council Chambers

6:30 P.M. - CLOSED SESSION

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

City Attorney Cole 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 Negotiators.

Mayor Harper reported the City Council had been in Closed Session on February 8, 2016 and gave the following report: Direction was given to the Recruiter.

Mayor Harper called the meeting to order at 7:00 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

Mayor Harper led the Council and audience in the Pledge of Allegiance.

PROCLAMATION

Celebrating Thomas Gaines Day in Antioch, February 9, 2016

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

The City Council presented the proclamation, a key to the Cit, and a framed article to Dr. Carrie Fraser and Donald Freitas who thanked the City Council for honoring Mr. Gaines and announced the Art Exhibit would be on display Tuesday – Saturday, 12:00 P.M. – 5:00 P.M. until February 20, 2016.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser announced Recreation Guides were sent out to residents and she encouraged everyone to participate in recreational programming.

Cindy Harrington, representing the Antioch Lapidary Club Gem and Mineral Society of Antioch, announced a Jewelry, Gem, and Rock Show would be held February 20 and 21, 2016, at the Antioch Fairgrounds.

Sandy Henry, Moderator of First Congregational Church of Antioch, reported Thomas Gaines had attended their church and she shared historical events.

Velma Wilson, Antioch resident, announced the following Black History Month events:

- Movie Screening of Selma and panel discussion at 12:00 P.M. on February 15, 2016 at Black Diamond Middle School
- East County NAACP and Jesus House of Antioch in recognition of Thomas Gaines would be hosting a talk and free brunch; contact information was given

Councilmember Rocha announced a Walk for Peace would be held from 6:00 P.M. – 8:00 P.M. on February 12, 2016 beginning at Holy Rosary Church.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- *Board of Administrative Appeals: Five (5) full term vacancies and One (1) alternate vacancy; deadline date is February 19, 2016*
- *Sales Tax Citizens' Oversight Committee: Three (3) vacancies; deadline date is February 26, 2016*

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. He noted members of Boards and Commissions were required to complete the FPPC Form 700 Statement of Economic Interest and undergo Ethics Training.

PUBLIC COMMENTS

Fred Hoskins, Antioch resident, suggested the City Council make sure new growth paid for its impacts. He spoke against extending Measure "C" unless approved by voters in Antioch.

Tom Trost announced an event honoring Thomas Gaines would be held at 11:00 A.M. on February 27, 2016 at the Hickmott Canary Site and a free brunch would be served afterward at Jesus House of Antioch.

Kiran Singh, Antioch resident, discussed a claim rejected by the City to recover costs for AMR Transport Services.

Mayor Harper stated City Manager Duran would be provided with Ms. Singh's contact information and be in contact with her.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Association of Bay Area Government (ABAG) meeting.

Councilmember Ogorchock reported on her attendance at the League of California Cities meeting. She congratulated Councilmember Rocha for winning the Commission of Women Award and noted she would be up for Woman of the Year.

Councilmember Tiscareno reported on his attendance at the Mayor's Conference and announced a Transportation Committee meeting would be held next week.

Councilmember Rocha reported on her attendance at the Tri Delta Transit meeting.

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the Mayor's Conference.

PRESENTATION

Health and Wealth Initiative Presentation, presented by Keith and Iris Archuleta

Iris Archuleta gave a history of Emerald HPC International LLC, and an overhead presentation of The Antioch Health Wealth Initiative.

Mayor Harper thanked Ms. Archuleta for the presentation.

Councilmember Tiscareno thanked Ms. Archuleta for the presentation.

Keith Archuleta stated they would be partnering with the Trades and Los Medanos College for job training and referrals.

Aram Hodess, representing Plumbers Local #159, complemented Emerald HPC International for advocating for economic development and stated there were opportunities in the unionized building trades to employ local youth and journeymen.

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 12, 2016

B. APPROVAL OF COUNCIL MINUTES FOR JANUARY 26, 2016

C. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR FEBRUARY 8, 2016

D. APPROVAL OF COUNCIL WARRANTS

E. LEAGUE OF CALIFORNIA CITIES

- Policy Committee Meeting
- Mayors and Council Members Executive Forum and Advanced Leadership Workshop
 - 1) Approve participation and authorize associated expenditures for the League of California Cities Policy Committee Meetings held in San Diego April 7 through April 8, 2016 for City Council members.
 - 2) Approve participation and authorize associated expenditures for the League of California Cities Mayors and Council Members Executive forum and Advanced Leadership Workshops held in Monterey June 22 through 24, 2016.

F. AWARD OF CONTRACT FOR PROFESSIONAL AUDITING SERVICES FOR FISCAL YEARS ENDING JUNE 30, 2016, 2017 AND 2018

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

PUBLIC HEARING

3. PROPOSED FINANCING CASA BLANCA APARTMENTS THROUGH THE ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (“CSCDA”)

CDBG Consultant Teri House presented the staff report dated February 9, 2016 recommending the City Council adopt the Resolution approving the issuance of bonds by the California Statewide Communities Development Authority (“CSCDA”) to finance the acquisition and rehabilitation of Casa Blanca Apartments by Levy Affiliated Holdings. Notice of this Public Hearing was published in the Contra Costa Times on January 25, 2016.

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

RESOLUTION NO. 2016/10

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously adopted the Resolution approving the issuance of bonds by the California Statewide Communities Development Authority (“CSCDA”) to finance the acquisition and rehabilitation of Casa Blanca Apartments by Levy Affiliated Holdings.

4. VINEYARDS AT SAND CREEK (GP-14-01, PD-14-03, SUBDIVISION 9390)

Director of Community Development Ebbs presented the staff report dated February 9, 2016 recommending the City Council take the following actions: 1) Adopt the Resolution certifying the Environmental Impact Report for the Vineyards at Sand Creek Project, adopting Findings of Fact, and adopting a Mitigation Monitoring and Reporting Program. 2) Adopt the Resolution approving

a General Plan Amendment of the project site from Business Park, Public/Quasi-Public, and Open Space/Senior Housing designations to Medium Low Density Residential and Open Space as well as amendment to the text of the Sand Creek Focus Area of the General Plan (GP-14-01). 3) Introduce the Ordinance approving a Development Agreement between the City of Antioch and GBN Partners, LLC. 4) Introduce the Ordinance approving a Rezone of the project site to Planned Development, approving a Master Development Plan, Final Development Plan, and Planned Development and Design Standards (PD-14-03). 5) Adopt the Resolution approving a Vesting Tentative Map/Final Development Plan and Resource Management Plan consisting of 641 units (Subdivision 9390).

Mayor Harper opened the public hearing.

Matt Beinke, GBN Partners LLC, applicant for Vineyards at Sand Creek, gave a history of the project and an overhead presentation of the site plan. He noted they would be participating in a Police Services Fee Program and preserving a 400-foot buffer in the Sand Creek corridor.

Lucas Stuart-Chilcote, Antioch resident, stated he was opposed to the project and spoke in support of maintaining the land as natural preserve. He suggested the City focus on improving services prior to approving more development.

Beverly Knight, Antioch resident, stated approving the project would overburden City services and increase commute time. She suggested the City focus on revitalization efforts.

Wendi Aghily, Antioch resident, read from Antioch's General Plan which discussed the City's goals to reduce commute times, congestion, balance jobs, and employment. She noted those goals had not been met and approval of this development would replicate mistakes of the past. She stated State law required zoning and development approvals be consistent with the General Plan and she requested Council oppose the project.

Fred Hoskins, Antioch resident, suggested the City Council consider the impacts of the project and review design elements in more detail, prior to approval of the project.

Mark Day, Dahlin Group Architecture and Planning, thanked staff, on behalf of the design team, for working through the details of the project and stated he was available to answer questions this evening.

Tim Forrester, Antioch Unified School District, gave a history of Dozier-Libbey Medical High School and stated this project would be the first step in bringing utilities and services needed for their school facility, Kaiser Hospital, and future development in the area.

Makesi Freeman, Antioch resident, spoke in support of the project noting it would provide jobs and infrastructure improvements needed in the area.

Jason Johns, Antioch resident, spoke in support of the project noting it would provide local jobs, expand the Sand Creek Trail System and provide funding for Police Services.

Brent Aasen, Brentwood resident, gave a history of the Slatten Ranch project and stated he believed housing in this area was a more appropriate use of the land. He spoke in support of the project and developer. He discussed the importance of improving and extending Sand Creek Road.

Gil Murrillo, Antioch resident, expressed concern for student generation from the project and its impact on Antioch schools. He suggested infrastructure be in place prior to the approval of more development. In addition, he stated he was concerned that the City was being asked to acquire property through eminent domain for a developer.

Sandra Kelly, Antioch resident, stated the net profit from this development was inadequate to cover the project impacts and she felt the lot sizes were too small. She expressed concern for student generation from the project impacting Antioch schools and suggested the City address current infrastructure needs prior to approving more development.

Bob Lilley, representing International Brotherhood of Electrical Workers, spoke in support of the project. He stated due to the realities of the economy the General Plan was no longer accurate. He noted this was a high quality community from a first class developer that would provide many amenities benefiting the community. He requested the City Council support the project.

Aram Hodess, representing Plumbers & Steamfitters Local #159, encouraged the City Council to support the Vineyards at Sand Creek project. He noted it was a quality project and developer, who was committed to hiring local journeyman and apprentices. He further noted the project would pay for itself, generate surplus revenue and provide infrastructure needed in the area.

Juan Pablo Galvan, representing Save Mount Diablo, stated they supported the conservation benefits yielded from this project. He noted if any projects were proposed in the Sand Creek focus area in the future, he would encourage that details of the conditions of approval be provided early in the review process. He discussed the importance of planning for conservation in the area and stated they looked forward to being involved in the comprehensive planning process.

Ralph Garrow, Antioch resident, spoke in support of the project noting it was responsible development that had mitigated for its impacts. He stated the area was better suited for residential development and he recommended the City Council approve the proposal.

Terry Ramos, Antioch resident, stated the City should have been proactive in planning for future development. He suggested the City designate future business park property, plan for Sand Creek Road connecting to highway 4 and address funding for improvements at Prewett Park.

The following Antioch residents submitted written comment indicating their support for the Vineyards at Sand Creek project: Jason Hodgson, Victor Adame Jr., David Catania, Jose Mendoza, Rodney Perry, Jon Kaiser, Merced Gaye, Antonio Sigala, Erick Soto, Daniel Lopez, Chris Stoddard, Jose Machado, Raul Pena, Joe Guadagni, Kevin Fitzgerald, and Jerry Brooks.

The following individuals submitted emails indicating their support for the Vineyards at Sand Creek project: June Ronci, Sunny Vaughn, Douglas Krah, Hollie Dickson, Jean Dickson, and Carol Manning.

Lucia and Monte Albers, Brentwood resident, spoke in support of the project and the infrastructure improvements it would bring to the area.

Martin Fernandez, Antioch resident, spoke in support of project noting the development mitigated for its impacts and would be a high quality upscale development needed in Antioch.

Jack Roddy, Brentwood resident, stated Antioch deserved a high quality project from a first class developer and he urged the City Council to support the project.

Matt Beinke thanked staff for working through the details of the project and everyone who spoke this evening. He clarified the neighborhood would be self sufficient and every unit in perpetuity would pay \$450+ annually into a Police Services fee. In addition, he noted the project was in the Brentwood School District.

Councilmember Ogorchock requested at least (50) fifty percent local hires work in the project area.

Mayor Harper closed the public hearing.

Director of Community Development Ebbs clarified they did not anticipate eminent domain and the City had not committed themselves through the development agreement or elsewhere.

Councilmember Rocha spoke in support of the infrastructure improvements for Dozier-Libby Medical High School and Kaiser Hospital.

Mayor Harper stated he appreciated the comments this evening and spoke in support of the project and applicant.

Councilmember Ogorchock stated the City needed to have a vision for the balance of FUA1.

RESOLUTION NO. 2016/11
RESOLUTION NO. 2016/12
RESOLUTION NO. 2016/13

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously 1) Adopted the Resolution certifying the Environmental Impact Report for the Vineyards at Sand Creek Project, adopting Findings of Fact, and adopting a Mitigation Monitoring and Reporting Program. 2) Adopted the Resolution approving a General Plan Amendment of the project site from Business Park, Public/Quasi-Public, and Open Space/Senior Housing designations to Medium Low Density Residential and Open Space as well as amendment to the text of the Sand Creek Focus Area of the General Plan (GP-14-01). 3) Introduced the Ordinance

approving a Development Agreement between the City of Antioch and GBN Partners, LLC. 4) Introduced the Ordinance approving a Rezone of the project site to Planned Development, approving a Master Development Plan, Final Development Plan, and Planned Development and Design Standards (PD-14-03). 5) Adopted the Resolution approving a Vesting Tentative Map/Final Development Plan and Resource Management Plan consisting of 641 units (Subdivision 9390).

Mayor Harper declared a recess at 9:47 P.M. The meeting reconvened at 10:05 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

5. ORDINANCE REGULATING SHOPPING CARTS

Director of Community Development Ebbs presented the staff report dated February 9, 2016 recommending the City Council Introduce the Ordinance Regulating Shopping Carts.

Lori Cook, Antioch resident, thanked staff for bringing the ordinance forward and urged Council to adopt and enforce the ordinance. She provided Council with photos of shopping carts discarded throughout the City.

Terry Ramus, Antioch resident, spoke in support of Ms. Cook and of Council adopting the ordinance.

Sean Wright, speaking on behalf of the Antioch Chamber of Commerce, urged Council to pass and enforce the ordinance.

In response to Councilmember Wilson, Director of Community Development Ebbs clarified the objective would be for laborers to pick up shopping carts; however, in the event they could not, the owner would be contacted for pick up.

Interim City Attorney Cole stated the City was required to give reasonable notice that the cart may be picked up.

Director of Community Development Ebbs stated oral boards for the laborer positions would occur on February 23, 2016.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously introduced the Ordinance Regulating Shopping Carts.

6. CONSIDERATION OF BIDS FOR THE COUNTRY HILLS DRIVE AND VISTA GRANDE DRIVE WATER MAIN REPLACEMENT, (PW 503-16)

Lynne Filson presented the staff report dated February 9, 2016 recommending the City Council award the Country Hills Drive and Vista Grande Drive Water Main Replacement contract and

authorize the City Manager to execute an agreement with the lowest, responsive bidder, A-S Pipelines, Inc. in the amount of \$983,690.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously awarded the Country Hills Drive and Vista Grande Drive Water Main Replacement contract and authorized the City Manager to execute an agreement with the lowest, responsive bidder, A-S Pipelines, Inc. in the amount of \$983,690.

7. CARD ROOM BALLOT INITIATIVE

Interim City Attorney Cole presented the staff report dated February 9, 2016 recommending the City Council: 1) Receive and file the Clerk's Certificate to Initiative Petition; and 2) Consider whether the City Council wishes to adopt the initiative ordinance or submit the matter to the voters.

Fred Hoskins, Antioch resident, spoke against the ordinance as written and suggested revising the ordinance to restrict or expand card room locations based on population.

Steve Scudero, owner of 19th Hole, stated he had no objection to the ordinance, as written.

John Whitehurst, Citizen's Initiative Against Gambling, BMWL Partners, stated they were the political consultants for the coalition that circulated the petition and the California Grand Casino was the main sponsor.

Councilmember Rocha suggested the group responsible for the initiative reimburse the City by donating costs incurred to the City's Community Foundation.

Interim City Attorney Cole responded the options for Council were to send it to an election or adopt the ordinance. He stated the City could ask to have the money for the initiative repaid; however, it could not be mandatory and there could not be any appearance of coercion or pressure.

Following discussion, City Council consensus felt tactics used by the proponents were an attempt to bully them into approving the ordinance. They also voiced concern for the manner in which the petition signatures were collected.

Councilmember Ogorchock suggested Council consider approving the resolution calling for the election and at the request of City Treasurer Conley; add an initiative to the ballot, to eliminate the City Treasurer's elected position. She noted the salary savings from the eliminated position could eventually offset the cost of the election.

In response to Council, Interim City Attorney Cole stated he would determine if there was a conflict with regards to an Economic Development Commissioner bringing this initiative item forward.

City Clerk Simonsen stated the City would need to check with the Secretary of State filings for a list of the initiative proponents. He noted the cost of adding the elimination of the City Treasurer item to the June ballot would be insignificant.

RESOLUTION NO. 2016/14

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously A) Received and filed the Clerk's Certificate to Initiate Petition; and, B) Adopted the resolution calling an initiative measure election.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the Mayor's Conference.

COUNCIL COMMUNICATIONS

Councilmember Ogorchock requested staff agendize a ballot measure to eliminate the elected City Treasurer position.

Councilmember Wilson reported on her attendance at the ribbon-cutting at the Southern Café, Neighborhood Cleanup and the opening ceremony for Black History Exhibit.

Councilmember Ogorchock reported on her attendance at the Black History Month Opening Ceremony.

Councilmember Tiscareno stated he was attending another event and was unable to attend the Black History Month opening ceremony. He stated he would attend a viewing during the week.

Mayor Harper reported Council attended many events throughout the community. He thanked Council for their participation in the discussions this evening and staff for preparing the agenda.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:57 P.M. to the next regular Council meeting on February 23, 2015.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk