

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

November 14, 2006
Council Chambers

6:00 P.M. - CLOSED SESSION

1. **CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL** – EXISTING LITIGATION Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board - Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. and SPPI-Somersville, Inc. et al. v. TRC Companies, Inc. et al, Case No. C04-2648 SI, United States District Court, Northern District of California. This Closed Session is authorized by Government Code §54956.9(a)
2. **CONFERENCE WITH LABOR NEGOTIATOR** – Employee Organization: APOA (Antioch Police Officers Association). This Closed Session is authorized by Government Code §54957.6

Mayor Freitas called the meeting to order at 7:15 P.M., and Deputy City Clerk Chalk called the roll. No reportable action was taken at the Closed Session.

Present: Council Members Davis, Kalinowski, Conley, Simonsen, and Mayor Freitas

PLEDGE OF ALLEGIANCE

Representing the Boy Scouts of America, Troop #159 led the Council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Douglas Tokes, Antioch resident, reported parking at Cornerstone Christian Center was causing unsafe conditions along East 18th Street. He suggested the City put up no parking signs and a crosswalk to enhance safety. He questioned if the Taco Bell Restaurant received approval for their new paint colors.

Director of Community Development Brandt stated he does not believe Taco Bell received approval for their color scheme and noted he would look into the matter.

Gene Paris, Antioch resident, provided photos of unsafe conditions on the bike path along East Tregallas and requested the City provide maintenance.

Mayor Freitas requested staff provide council with a report on this issue.

Ken Lee, Antioch resident, spoke to the duties of the City Clerk's office and offered suggestions to facilitate the public.

Chip Stein, Antioch resident, congratulated everyone on the outcome of the election.

Devi Lanphere, Antioch Chamber of Commerce, announced they were accepting nominations for business, citizens and youth of the year. She noted the winners would be recognized at the Annual Gala on January 19, 2007 at Lone Tree Event Center. She requested Mayor Freitas consider emceeding the event.

Walt Bartlette, Antioch resident, acknowledged the City's repaving of Deer Valley Road. He expressed concern no gates have been installed at Empire Mine Road and truck traffic and parking along Deer Valley Road.

Mayor Freitas requested staff look into the issue and report back to Council.

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

1. PRESENTATION BY CONTRA COSTA WATER DISTRICT (CCWD) BOARD MEMBERS BETTE BOATMUN AND KARL WANDRY #1202-01

Karl Wandry, representing the Contra Costa Water District Board of Directors, Division 5, reviewed the effects of the last election and the passing of propositions 84 and 1E.

Bette Boatmum, representing the Contra Costa Water District Division 4, gave a brief overhead presentation of the services, projects and programs offered by the water district.

In response to Mayor Freitas, Ms. Boatmum stated she would inquire as to the position of Contra Costa Water District as it relates to the cooling of Pacific Gas and Electric's proposed power plant #8.

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 10, 2006 #301-02

B. APPROVAL OF COUNCIL WARRANTS #401-01

C. REJECTION OF CLAIMS #704-07

- 1. Radhakrishnan Giroh, #06/07-1679 (vehicle damage)**
- 2. Kimberly LaBonté, #06/07-1682 (property damage)**
- 3. Joseph/Josephine LaDuke, #06/07-1688 (water leak)**

D. LEGISLATION AND ADVOCACY #701-04

- E. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE LANDSCAPE IMPROVEMENTS AT VARIOUS LOCATIONS WITHIN THE CITY OF ANTIOCH (PW 225-L) #1402-03**
- F. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE LONE TREE WAY/JAMES DONLON BOULEVARD WIDENING AND MEDIAN ISLAND IMPROVEMENTS (PW 555-12) #1102-04**
- G. **APPROVAL OF THE CONSULTANT PROPOSAL FOR ENVIRONMENTAL SERVICES FOR ABANDONING THREE WATER WELLS AT CITY PARK AND AMENDING THE CIP BUDGET FOR THE CITY PARK RENOVATION PROJECT (PW 205-F) #1402-03**
- H. **RESOLUTION NO. 2006/110 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE EAST ANTIOCH CREEK TRAIL AND MAINTENANCE ROADWAY IMPROVEMENTS (PW 555-L6) #1402-02**
- I. **APPROVE AWARD OF REBIDS FOR PURCHASE OF (11) POLICE VEHICLES AND (2) SUPERCAB PICKUP TRUCKS #601-02**
- J. **RESOLUTION NO. 2006/111 ESTABLISHING CLASS SPECIFICATION AND SALARY FOR THE POSITION OF DEPUTY CITY ATTORNEY #502-02**
- K. **RESOLUTION NO. 2006/112 APPROVING REVISIONS TO THE CLASS SPECIFICATION OF ASSISTANT, ASSOCIATE PLANNER AND ESTABLISHING SALARY RANGE FOR JUNIOR PLANNER #502-02**
- L. **RESOLUTION NO. 2006/113 AMENDING THE 2006-2007 BUDGET BY REALLOCATING ONE NETWORK ADMINISTRATOR I POSTION ASSIGNED TO THE INFORMATION SYSTEMS DEPARTMENT TO COMPUTER TECHNICIAN I/II #509-02**
- M. **RESOLUTION NO. 2006/114 ESTABLISHING CLASS SPECIFICATION AND SALARY FOR THE POSITION OF PAYROLL SPECIALIST AND APPROVING RECLASSIFICATION OF ACCOUNT TECHNICAL #502-02**
- N. **RESOLUTION NO. 2006/115 AMENDING THE 2006-2007 BUDGET BY REALLOCATING ONE FINANCIAL ADMINISTRATIVE ASSISTANT POSITION TO ONE ADMINISTRATIVE ANALYST II, UPDATED CLASS SPECIFICATION, AND RECLASSIFYING THE INCUMBENT TO ADMINISTRATIVE ANALYST II #502-02**

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- O. **RESOLUTION NO. 2006/116 ESTABLISHING CLASS SPECIFICATION AND SALARY FOR THE POSITION OF RECYCLING ASSISTANT #502-02**
 - P. **GRANT AGREEMENT BY AND BETWEEN THE CITY OF ANTIOCH AND THE EL CAMPANIL PRESERVATION FOUNDATION FOR \$40,000 #901-01**
 - Q. **APPROVE AWARD OF PROPOSAL FOR WATER AND WASTEWATER RATE AND FEE STUDY #1202-01**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of items E, J and P, which were removed for further discussion.

Item E – Douglas Tokes questioned if landscaping would be occurring on East 18th Street from Blossom to K-Mart.

Director of Community Development Brandt indicated the landscaping would be occurring on East 18th Street.

Mayor Freitas requested in the future, staff provide photos for the proposed plantings.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council unanimously authorized the City Clerk to advertise for bids for the landscape improvements with the stipulation the Buchanan Road project would use option #1 with increased costs of \$9,900 per year.

Item J – Mayor Freitas suggested the position be full-time with the understanding approximately half of the time would be devoted to code enforcement. He requested Human Resources Director McHenry provide Council with definitions for senior management and confidential unit employees.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously adopted the resolution for a full-time Deputy City Attorney, noting approximately up to one half of this position's time would be devoted to code enforcement.

Item P – Councilmember Kalinowski requested the City Council consider the \$40,000 as a grant.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council unanimously approved a Grant for the sum of \$40,000 to the El Campanil Preservation Foundation specifically for roof repair.

Rick Carraher, Executive Director of the El Campanil Theater Preservation Foundation and Theater Manager, thanked the City Council and community for their support. He noted he would provide documentation to the City on actual costs of the repairs.

PUBLIC HEARINGS

3. ORDINANCE AMENDING SECTION 3-705 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH FIRE PROTECTION FACILITY FEES #701-05

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the City Council unanimously continued this item to a date uncertain.

4. SAKURAI STREET PROJECT #1102-04

a. RESOLUTIONS OF NECESSITY TO ACQUIRE ROADWAY SEWER AND PUBLIC UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS BY EMINENT DOMAIN, SAKURAI STREET PROJECT

Mayor Freitas announced the City Council had received a letter dated November 9, 2006 from Jenny, Jenny & Jenny, LLP, which would become part of the public record.

Director of Community Development Brandt presented the staff report dated November 9, 2006 recommending the City Council adopt the resolutions of necessity:

1. APN 051-052-101 and 051-052-107 (Bellecci et al.)
2. APN 051-052-073 (Vineyard Business Park)
3. APN 051-052-007 (Evangelho et al.)
4. APN 051-052-056 (Gaylord Container Corp.)
5. APN 051-052-006 (PG&E)
6. APN 051-052-024 (PG&E)

Mayor Freitas opened the public hearing.

Frank Evangelho, discussed the history of the property and the impact of the project on the vines and their ability to farm the vineyards. He requested the burden of the road be shared with the adjacent property owner and that it be constructed with the sewer line. He urged the City to try to minimize the damage to the vines.

Mayor Freitas closed the public hearing.

City Attorney Nerland stated with regards to acquiring the road, the City has indicated they would be interested in negotiating an agreement with the property owner.

In response to the City Council, Capital Improvement Director Scudero clarified staff has worked with Mr. Evangelho for the road alignment and to minimize the impacts to the vineyards.

In response to Councilmember Kalinowski, Director of Community Development Brandt stated if the Council directed, staff could look into the ability to re-align the road to split the burden between the property owners.

RESOLUTION NO. 2006/117

RESOLUTION NO. 2006/118

RESOLUTION NO. 2006/119

RESOLUTION NO. 2006/120

RESOLUTION NO. 2006/121

RESOLUTION NO. 2006/122

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Council approved the resolutions. The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen, Freitas

Noes: Kalinowski

**b. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE SAKURAI STREET
SANITARY SEWER (PW 528-SP1)**

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously authorized the City Clerk to advertise for bids for the Sakurai Street sanitary sewer.

Mayor Freitas declared a recess at 8:30 P.M. The meeting reconvened at 8:45 P.M. with all Councilmembers present.

**5. THE CITY OF ANTIOCH REQUESTS CONSIDERATION OF AMENDMENTS
TO SECTIONS 2-5.201 AND 9-5.2603 OF THE ANTIOCH MUNICIPAL CODE,
DEALING WITH THE MEMBERSHIP OF THE DESIGN REVIEW BOARD AND
NOMINATIONS AND APPOINTMENTS TO THE BOARD (Z-06-02) #202-05**

Senior Planner Morris presented the staff report dated October 31, 2006 recommending the City Council: A) introduce the ordinance by title only; B) introduce the ordinance rescinding and reenacting Title 2, Chapter 5, Article 2, Section 201 Nominations and Appointments; and C. Motion to introduce the ordinance rescinding and reenacting Title 9, Chapter 5, Article 26, Section 2603 Membership Qualifications.

Mayor Freitas opened the public hearing.

Ken Lee spoke in support of the Design Review Board and a requirement that all members be citizens of Antioch.

Mayor Freitas closed the public hearing.

Mayor Freitas voiced his support for option #1 and appointing the two existing Design Review Board members and Planning Commission members to serve as an adhoc committee, with all members voting. In addition, to clarify staff's intent, he recommended omitting "professional licensed" from the 4th and 5th line of the ordinance, section #2.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the City Council unanimously: A. Introduce the ordinance by title only; B. Introduce the ordinance rescinding and reenacting Title 2, Chapter 5, Article 2, Section 201 Nominations and Appointments, and; C. Introduce the ordinance rescinding and reenacting Title 9, Chapter 5, Article 26, Section 2603 Membership Qualifications, with the following changes:

Ordinance #2, Section 2, lines #4 and 5: two members who are architects, engineers or persons possessed of competent knowledge.....

Option #1, amended to indicate the two existing Design Review Board members and Planning Commission members will serve as an adhoc committee.

COUNCIL REGULAR AGENDA

6. INITIATION OF A NEIGHBORHOOD IMPROVEMENT PROGRAM #203-04

Director of Community Development Brandt presented the staff report dated November 1, 2006 recommending the City Council provide direction to staff.

Councilmember Simonsen voiced his support for the additional code enforcement officer positions; however, he did not support what is being referred to as "operation clean sweep."

Following discussion the City Council consensus agreed on the following:

- Support of the Interim Neighborhood Improvement Program with the Rental Inspection Program to come before the City Council by March
- Staff will continue to address the enforcement of requiring garbage service
- Provide the public a means to report issues
- Provide the public with information detailing the concerns of Council and intention to address those concerns.
- Following citation, if non-compliant after one week, the City should take legal action
- Hire Code Enforcement personnel (with related costs) as soon as possible
- Survey residents to identify and prioritize top 3-5 issues

Councilmember Kalinowski thanked Ms. Karr for the information she provided the City Council this evening.

Director of Community Development Brandt stated he would bring back the item for action at the next City Council meeting.

7. AMENDMENTS TO MULTIPLE SECTIONS OF THE MUNICIPAL CODE RELATED TO PROCEDURES AND REMEDIES FOR CODE ENFORCEMENT #701-05

City Attorney Nerland presented the staff report dated November 6, 2006 recommending the City Council: A) Introduce the ordinance by title only, and, B) Introduce an Ordinance amending Multiple Sections of the Municipal Code related to Special Assessment Liens for Administrative Fines, Creating Uniform Appeal and Lien Procedures, Updating Penalty Provisions, Increasing Number of Alternates for Board of Administrative Appeals, Incorporating Relevant Changes in State Laws, and Other Amendments Related to Procedures and Remedies for Code Enforcement.

Mayor Freitas requested the City look at the ability to provide accounting information. He requested the City Attorney to provide semi-annual reports of decisions rendered.

City Attorney Nerland agreed to provide reports of decisions rendered.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously A) Introduced the ordinance by title only, and; B) Introduced an Ordinance amending Multiple Sections of the Municipal Code related to Special Assessment Liens for Administrative Fines, Creating Uniform Appeal and Lien Procedures, Updating Penalty Provisions, Increasing Number of Alternates for Board of Administrative Appeals, Incorporating Relevant Changes in State Laws, and Other Amendments Related to Procedures and Remedies for Code Enforcement.

8. ENTRY SIGNAGE LOCATION PRIORITIZATION #202-01

Director of Community Development Brandt presented the staff report dated November 9, 2006 recommending the City Council prioritize three locations for installation of new entry signage.

Following discussion the City Council agreed to delay the freeway signage until the design of Highway 4 expansion was affirmed. They further agreed on the following locations for signs:

- State Route 4 Bypass at Lone Tree Way
- Somersville Road at Buchanan Road
- East 18th Street at Kmart

- Lone Tree Way at Empire Road
- Downtown location at 6th and A Streets

Director of Community Development Brandt stated he would put the item on the City Council agenda as a consent calendar item.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the following meeting schedule:

- Quality of Life Forum, November 18, 2006 at El Campanil 8:30-12:30
- ABAG Executive Board, November 16, 2006 at 7:00 P.M. in Oakland
- City Council meeting, on November 28, 2006 at 7:00 P.M.
- City Council Swearing In Ceremony, December 12, 2006 at 7:00 P.M.
- Regular City Council meeting, December 19, 2006 at 7:00 P.M.

COUNCIL COMMUNICATIONS

City Councilmember Conley reminded the City Council that he would be out of town the following weekend and unable to attend the Quality of Life forum.

Councilmember Kalinowski reported the Housing Authority was to make a report to the Board of Supervisors, however the item was pulled and would be coming back in December. Mayor Freitas suggested the press might want to access the original staff report from the County.

Councilmember Davis requested staff to look into the need to continue 10th Street as a truck route as well as issuing parking permits for residents on Merrill Lane between Almond and Orchard and report back to the City Council on these issues after the first of the year.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:00 P.M. to the next regular Council meeting on November 28, 2006.

Respectfully Submitted:

JANET CHALK
Deputy City Clerk