

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**July 24, 2007
Council Chambers**

6:30 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – This Closed Session is authorized by California Government Code §54956.9(a). 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.; SPPI-Somersville, Inc. et al. v. TRC Companies, Inc. et al, Case No. C04-2648 SI, United States District Court, Northern District of California.

Mayor Freitas called the meeting to order at 7:06 P.M. and City Clerk Martin called the roll.

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

Councilmember Kalinowski requested the City Council open the evening's meeting in honor of Captain Matt Burton and Fire Engineer Scott Desmond who passed away while responding to a structure fire. He announced a public memorial would be held on August 11, 2007 at the Concord Pavilion. The City Council stepped down to the podium with Chief of Police Hyde who led the Council and audience in a moment of silence.

PLEDGE OF ALLEGIANCE

Chief Hyde led the Council and audience in the Pledge of Allegiance.

Mayor Freitas reported the City Council had been in Closed Session and there was no reportable action

PROCLAMATIONS

National Night Out, August 7, 2007
Responsible Dog Ownership Day, August 11, 2007

On motion by Councilmember Davis, seconded by Councilmember Moore, the Council unanimously approved the proclamations.

Councilmember Davis presented the proclamation proclaiming August 7, 2006 at National Night Out to Lieutenant Marchoke and Chief Hyde who encouraged the community to participate in the National Night Out events on August 7, 2007 from 6:00 – 9:00 P.M. and provided contact information for anyone wishing to receive additional information.

Councilmember Moore presented the proclamation proclaiming August 11, 2007 as Responsible Dog Ownership Day to Brian Nunnally who encouraged the community to participate in the Dog Event to be held on August 11, 2007 at Waldie Plaza.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council added a presentation for the 2007 Mayor's Cup Tournament to the agenda.

PRESENTATION

Gina Lombardi-Gravert and Matt Pfeiffer presented a brief overhead photomontage of the Mayor's Cup Tournament.

Mayor Freitas thanked the event sponsors and organizers and presented checks to the beneficiaries of the tournament.

Gina Lombardi-Gravert presented Mayor Freitas with the photo scrapbook of the tournament.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Chip Stein, Antioch resident, thanked the person responsible for having the trees cut down at the Antioch Auto Dealership.

Ken Lee, Antioch resident, discussed the low attendance at the Rivertown Jamboree, banner signage at various locations throughout the city and garbage cans stored on City property.

Chris Valenta, Antioch resident speaking on behalf of himself, discussed property rights and requested the City Council reconsider putting the RV ordinance to a vote. He further requested information regarding storage facilities and a timeline for the vote on the issue.

Willie Mims, representing the Black Political Association, voiced his concern regarding complaints received from Section 8 recipients against the (CAT) Community Action Team.

Pat Arellano, Antioch resident, expressed concern regarding an advertisement, which was taped to her front door, noting the posting had created a safety issue by indicating the occupants were not home. She asked the City Council if they would be able to stop this type of action, and preserve the safety of the community.

Mary Dodson, Antioch resident, speaking on behalf of herself, announced the Antioch Classical Theater Company would be performing two Shakespeare plays at the El Campanil Theater the weekend of July 27-29, 2007§.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Ryan Graham reported the City's advertising ordinance requires advertising to be hand to hand and staff was attempting to contact those responsible to correct the issue.

Mayor Freitas requested a report back to the City Council regarding the response of the company responsible for the advertising.

Police Chief Hyde reported the CAT team was working within the law and with the Contra Costa Housing Authority on issues pertaining to their voucher properties, and; he felt the

allegations against the County were groundless, adding they would continue to address the community's concerns and respond to neighborhood problems for all residential properties.

Councilmember Moore voiced his support for code enforcement addressing the advertising issue.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR JUNE 19, 2007 #301-02**
 - B. **APPROVAL OF COUNCIL WARRANTS #401-01**
 - C. **APPROVAL OF TREASURER'S REPORT FOR JUNE 2007 #401-02**
 - D. **REJECTION OF CLAIMS #704-07 - *denied***
 1. **Maria Avalos, #06/07-1731 (personal injury)**
 2. **Robert Bradford, #07/08-1738 (vehicle tow)**
 - E. **LEGISLATION AND ADVOCACY (#701-04)**
 - F. **REQUEST FOR OVERNIGHT TRAVEL (TWO NIGHTS) LEAGUE OF CALIFORNIA CITIES #301-01**
 - G. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE SOMERSVILLE ROAD BRIDGE REHABILITATION (P.W. 141-B) #1102-04**
 - H. **CONSIDERATION OF BIDS FOR THE CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE HANDICAPPED ACCESSIBLE RAMPS AT MISCELLANEOUS LOCATIONS 2007-2008 (P.W. 507-11) #1102-04**
 - I. **EXTENSION OF CONTRACT FOR AUDITING SERVICES FOR THE 2007-2008 AND 2008-2009 FISCAL YEARS#402-02**
 - J. **RESOLUTION ESTABLISHING CLASS SPECIFICATION FOR PURCHASING AGENT POSITION AND ABOLISHMENT OF BUYER I/II CLASSIFICATION SERIES #502-02 (*Continued to 8/14/07*)**
 - K. **RESOLUTION 2007/54 ESTABLISHING CLASS SPECIFICATION FOR WATER DISTRIBUTION SUPERINTENDENT AND COLLECTION SYSTEMS SUPERINTENDENT; ABOLISHING THE CLASS SPECIFICATION FOR WATER/WASTEWATER SUPERINTENDENT #502-02**
 - L. **ARTIFICIAL TURF FIELDS REPORT: INFORMATIONAL UPDATE #1402-03**

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

Item G – Mayor Freitas requested City Attorney Nerland report back to the City Council regarding flexibility for RDA portion of funding should it be 100% City funded.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council unanimously approved item G.

Item J – Councilmember Kalinowski requested the item be continued to allow him to receive additional information.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council unanimously continued item J to August 14, 2007.

PUBLIC HEARINGS

2. ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE REMEDIATION OF LANDFILL SITES ALONG MARKLEY CREEK PROJECT #202-09

Assistant City Engineer Bernal presented the staff report dated July 19, 2007 recommending the City Council adopt the resolution.

Mayor Freitas opened and closed the Public Hearing with no speakers requesting to speak.

RESOLUTION NO. 2007/55

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council unanimously adopted the resolution.

3. TERRY JENSEN APPROVAL TO REZONE FROM “HIGH DENSITY RESIDENTIAL” (R-20) TO “COMMERCIAL ZONING DISTRICT, CONSISTENT WITH THE ANTIOCH GENERAL PLAN, LOCATED ON THE WEST SIDE LONE TREE WAY, APPROXIMATELY 197 FEET SOUTH OF PUTNAM STREET (APN 071-101-022). (Z-07-02) #202-05

Community Development Technician Stahl presented the staff report dated July 19, 2007 recommending the City Council: A) adopt the resolution adopting the Addendum to the Final Environmental Impact Report, B) introduce the ordinance by title only; and C) introduce the ordinance rezoning approximately 0.23 acres to Commercial Office District (C-O)

Mayor Freitas opened the public hearing.

Mayor Freitas read written comment from Antioch resident Allen Loomis who indicated he was in favor of rezoning the property. He requested the developer contact the adjacent property owners to address their concerns regarding the project.

Don Strong, speaking on behalf of Mr. Jensen, stated they would contact the residents and hold a community meeting before submittal for the Design Review process. On behalf of Mr. Jensen, he thanked staff for their cooperation while developing their project.

Mayor Freitas closed the Public Hearing.

City Attorney Nerland stated Councilmembers Simonsen and Davis had indicated they live in excess of 500 feet of the project and they would gain no benefit, therefore there was no conflict of interest.

RESOLUTION NO. 2007/56

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously: A) adopt the resolution adopting the Addendum to the Final Environmental Impact Report, B) introduce the ordinance by title only; and C) introduce the ordinance rezoning approximately 0.23 acres to Commercial Office District (C-O).

4. TRIENNIAL REPORT ON ANTIOCH SYSTEM'S WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS #1202-01

Public Works Director Scott presented the staff report dated July 7, 2007 recommending the City Council receive and file the report.

Lori Sarti, Water Quality Analyst, reported the Water District adheres to all standards as set by the State and Environmental Protection Agency.

Mayor Freitas opened the public hearing.

Will LeRoy, Antioch resident, expressed his concern regarding water contamination.

Mayor Freitas clarified the City meets or exceeds all water quality standards.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously received and filed the report.

COUNCIL REGULAR AGENDA

6. STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT - CONTRACT MAINTENANCE #806-03

Public Works Director Scott presented the staff report dated July 16, 2007 recommending the City Council direct staff: to complete negotiations with TruGreen LandCare for Contract maintenance; and meet and confer with appropriate bargaining units.

Public Works Director Scott clarified the cost savings for TruGreen was largely attributed to labor and benefits costs. He stated, in the event the City's maintenance contract should be outsourced through the bidding process, the permanent employees would be reassigned to other departments.

Mayor Freitas stated if the City Council were to approve moving forward with the issue, he would like change orders to be considered.

Arlyn Erpman requested the City Council to consider long term employees dedicated to the City, from other departments, who may be threatened by the outsourcing of City Services. He suggested assurance be given to those employees the City would not be laying off in other departments and requested the City Council not pursue the matter.

Wayne Burgess, representing City Employees Local Unit 1, suggested the City Council consider the lowest bid may be for the lowest quality and quantity. He questioned who would clean up if the City decided not to continue with the contract, and questioned the affect it would have on the quality of life in Antioch and the safety issues it could pose, not to mention the additional traffic. He urged Council to award the contract to the City's Park's Department.

Martin Becker, Branch Manager with Tru Green Landcare, stated they had done their due diligence in putting the bid together. He discussed the history of their company noting the only change order would be for items not included in the specifications. He further stated any change order requests would be the result of items not listed in the plans and specs. He further noted they would provide the City with an option to take advantage of a tremendous savings, based on the company's track record with cities in the region.

In response to Councilmember Simonsen, Mr. Becker stated they were fully licensed, insured and certified. He further stated they had made provisions to deal with emergencies. Additionally, there was a possibility of services they could provide for the emergency response team. He stated they had provided information to staff on the prevailing wage.

In response to Councilmember Moore, Mr. Becker reviewed the training and certification process, as well as the benefits provided to their employees. Additionally, he discussed how they determined the bid process and their retention rate. He urged the City Council to visit job sites they were currently maintaining.

Brandy Brooks expressed concern regarding the contracting out of City jobs and requested the City Council not pursue the issue.

Will LeRoy voiced his support of the City workers maintaining their jobs.

Councilmember Simonsen stated he was impressed with the level of landscape maintenance TruGreen is responsible for in Fairfield. He supported staff's recommendation provided the current city employees are retained.

In response to Councilmember Davis, Director of Public Works Scott clarified if approved by the City Council, the next step would be to meet with Mr. Becker regarding the potential for

additional savings while concurrently working with the bargaining unit. He noted staff would return with a contract as soon as possible with implementation in 90-120 days to allow for a seamless transition.

Councilmember Kalinowski suggested if the City Council were to move forward any savings would be reused back into the Public Works budget to increase or better projects within the City. Additionally, he stated he supported a response team to address immediate safety issues. He discussed the need for increased maintenance along the trails.

Councilmember Moore expressed his concern of contracting out essential City services noting, he felt in the long term it could be done in house more effectively and efficiently. He further noted, should the City Council majority support moving forward with the contract, he would support the meet and confer process be completed with a report back to the City Council. If appropriate, he would encourage the employees to contact him personally to discuss the process.

Mayor Freitas stated he would not support moving forward if it resulted in the layoff of any current City employee.

Following discussion, the City Council consensus was to move forward with the negotiation process with TruGreen LandCare for contract maintenance, outlining the level of service and staff, articulating the advantages and disadvantages for City Council consideration. Additionally, they directed staff to meet and confer with the appropriate bargaining unit as soon as possible to help facilitate the transfer of employees to other positions with no employee layoffs.

Representatives from Local 1 requested the report back to the City Council include prevailing wage information.

Mayor Freitas declared a recess at 9:15 P.M. The meeting reconvened at 9:31 P.M. with all Councilmembers present.

5. RESIDENTIAL RENTAL INSPECTION PROGRAM #203-04

Neighborhood Improvement Program Coordinator Graham presented the staff report dated July 17, 2007, recommending the City Council: A) introduce the ordinance by title only, B) introduce the ordinance establishing the Residential Rental Inspection Program; and C) approve the resolution amending the Master Fee Schedule to adopt fees related to the Residential Rental Inspection Program.

Ken Lee, Antioch resident, questioned what the impact of the rental inspection program would be on property owners.

Willie Mims, Black Political Association, felt the program could be challenged in court as a violation of property rights and suggested a grandfather clause be added.

Will LeRoy spoke in opposition to the rental inspection program noting he felt it was invasive and unfair.

Julie Evans spoke in support of the residential rental inspection program noting it would hold landlords accountable.

Councilmember Simonsen spoke in support of the rental inspection program and suggested the following changes to Attachment "B":

- Site Maintenance Standards – Clarify Introduction "in addition to not being in a substandard condition."
- (A) Clarify overgrown vegetation
- (B) Add lighting
- (D) Specify Multifamily dwelling unit as 2 or more units

Councilmember Moore stated he supported the program to assure properties were maintained appropriately and tenants were treated fairly; In any case, there were laws in place to address those issues.

City Attorney Nerland clarified the process to obtain an inspection warrant from the court.

In response to Councilmember Moore, City Attorney Nerland reviewed the process to obtain an inspection warrant and clarified the focus of the program was the perimeter of the property. She noted there was no interest in pursuing the interior unless there was the existence of a health or safety issue.

RESOLUTION NO. 2007/57

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council approved: A) introduce the ordinance by title only; B) introduce the ordinance establishing the Residential Rental Inspection Program; and C) approve the resolution amending the Master Fee Schedule to adopt fees related to the Residential Rental Inspection Program. With the following changes to attachment "B" in the staff report:

- Site Maintenance Standards – Clarify Introduction "in addition to not being in a substandard condition."
- (A) Clarify overgrown vegetation
- (B) Add lighting
- (D) Specify Multifamily dwelling unit as 2 or more units

The motion carried by the following vote:

Ayes: Kalinowski, Davis, Simonsen, Freitas,

Noes: Moore

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present.

AGENCY CONSENT CALENDAR

7. APPROVAL OF AGENCY WARRANTS #401-01

On motion by Agency member Kalinowski seconded by Agency member Simonsen the Agency unanimously approved the Agency Warrants.

Chairperson Freitas adjourned to the Antioch City Council.

PUBLIC COMMENTS

Chris Valenta discussed personal property rights, stating ordinances could be based on health, fire and safety codes, and requested code enforcement photos no longer be presented publicly.

Will LeRoy announced he had made a film of Markley Creek which would be available on the public access channel. He spoke in opposition to the rental inspection program and offered his video taping services to the community.

Willie Mims spoke in opposition to the rental inspection program.

STAFF COMMUNICATIONS

City Manager Jakel announced Council would only meet once in August, on the 14th.

COUNCIL COMMUNICATIONS

Councilmember Davis announced the Animal Services committee would be meeting on July 30, 2007 at 7:00 P.M. in the community room at the Antioch Police Department.

Councilmember Simonsen gave a brief report on the Governor's Delta Vision Blue Ribbon Task Force and provided a website for anyone wishing to receive additional information.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting in honor of Captain Matt Burton and Fire Engineer Scott Desmond at 10:39 P.M. to the next regular Council meeting on August 14, 2007.

Respectfully Submitted,

L. Jolene Martin, CMC, City Clerk