

## CITY COUNCIL MEETING

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

**January 14, 2014**  
**Council Chambers**

### **6:30 P.M. - CLOSED SESSION**

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(2): City of Brentwood v. Campbell, California Court of Appeal, First District, Case Number A138268

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Direction was given to the City Attorney.

Mayor Harper called the meeting to order at 7:01 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.

### **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Beverly Knight, Antioch resident, announced she had started a facebook page, *Empower Antioch Today* and encouraged everyone to like the page and participate.

Mayor Harper announced the Martin Luther King Scholarship program would be held from 1:00 P.M. – 3:00 P.M. on January 20, 2014, at Deer Valley High School.

### **ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS**

City Clerk Simonsen announced the following Board and Commission openings.

- *Sales Tax Citizen's Oversight Committee: Four (4), four-year terms and three (3), two-year terms; deadline date is January 16, 2014*
- *Board of Administrative Appeals - One (1) Board Member partial term vacancy and One (1) Alternative Board Member, 2-year term; deadline January 30, 2014*
- *Parks and Recreation Commission: Four (4) vacancies; deadline date is January 30, 2014*
- *Contra Costa Mosquito & Vector Control District Board, One (1) Antioch Citizen Representative; deadline January 30, 2014*
- *Contra Costa County Library Commission, One (1) Antioch Citizen Representative; deadline January 30, 2014*

He noted all applications and information about the positions were available on the City's website and at the City Clerk's and Deputy City Clerk's offices.

## **PUBLIC COMMENTS**

Bailey Neff, Brentwood resident, presented the Council with a letter that reiterated his concerns regarding the City's contracted waste hauler/garbage service and questioned when he would receive a response from staff regarding these concerns.

City Attorney Nerland reported the response letter was sent out on January 14, 2014.

Bailey Neff questioned when this item would be placed on the agenda.

Mayor Harper encouraged Mr. Neff to view the response, determine if it was adequate in addressing his concerns, and work with the City Manager regarding these issues.

Lee Balasaros, Secretary for the Drama Factor, presented written comments and reviewed her concerns related to her request for booking dates for the facility rental at the Nick Rodriguez Theater.

Mayor Harper stated City Clerk Simonsen would provide her contact information to City Manager Duran to respond to her concerns. He thanked the speaker for sharing her concerns.

Mark Jordan, Antioch resident, welcomed City Manager Duran to the City and presented the City Council with documents regarding implementation of a municipal minimum wage. He requested the City Council motion to direct staff to begin working on the proposed municipal ordinance.

City Attorney commented that it was not an agendized item so it was not an item Council could act on however, if there was support, Council could direct the item be agendized in the future.

Council consensus agreed to direct staff to place a discussion regarding this issue on a future agenda.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Tiscareno wished everyone a Happy New Year.

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

## **MAYOR'S COMMENTS**

Mayor Harper reported on his attendance at the following meetings: Local Agency Formation Commission (LAFCO), Mayor Conference, Revitalizing Contra Costa County's Northern Waterfront forum and Delta Diablo Sanitation District. He wished everyone a Happy New Year. He encouraged the community to participate in the City of Antioch Strategic Planning Project Community Café meetings and provided the following meeting schedule:

- January 23, 2014 at 6:30 P.M. at the Prewett Water Park, Community Room
- January 25, 2014 at 10:00 A.M. at the Prewett Water Park, Community Room
- January 27, 2014 at 6:30 P.M. at the Nick Rodriguez Community Center
- January 29, 2014 at 6:30 P.M. at the Nick Rodriguez Community Center

**PUBLIC COMMENT - Continued**

Fred Hoskins, Antioch resident, encouraged the City Council to do away with all deficit spending and expressed concern regarding the City's financial liabilities. He suggested the City hire Code Enforcement Officers.

**PRESENTATION**

*Donations for APD's K-9 Vests, presented by Chief Cantando*

Chief Cantando introduced Lieutenant John Vanderklugt, Officer Matthew Harger and his K9 Donna, and Officer Ryan White and his K9 Chopper. He recognized Antioch Citizen Hailey Hartrick's fundraising efforts for the Antioch Police Department canine program.

Lieutenant Vanderklugt reported Hailey rallied the community and stated their intention is to purchase bullet resistant vests for each member of the Antioch Police Department's canine unit.

Hailey Hartrick discussed the importance of protecting the members of the Antioch Police Department canine program and presented the Antioch Police Department with a check in the amount of \$11,672 to pay for vests for the police canines.

Lieutenant VanderKlugt, on behalf of the City of Antioch and the Antioch Police Department, Chief Cantando, and the Canine Unit, as an expression of gratitude, presented Hailey with an Antioch Police Department Canine Unit t-shirt and portraits of the Canine Unit handlers and dogs.

Tom Hartrick stated he was very proud of his daughter.

The Council stated they were proud of Hailey and thanked her for taking the initiative and being an excellent example of leadership.

**COUNCIL CONSENT CALENDAR**

- A. MINUTES FOR NOVEMBER 12, 2013: KELLY'S CARD ROOM**
- B. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 26, 2013 AND DECEMBER 10, 2013**
- C. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR JANUARY 7, 2014**
- D. APPROVAL OF COUNCIL WARRANTS**

- E. APPROVAL OF TREASURER'S REPORT FOR NOVEMBER 2013
- F. ADOPTION OF A REVISED ORDINANCE TITLE 6, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE REGARDING ANIMALS (*Introduced on 12/10/13*)
- G. APPROVAL OF EAST CONTRA COSTA COUNTY INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) PLAN AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE PLAN
- H. RESOLUTION NO. 2014/01 APPROVING THE THIRD AMENDMENT TO THE STORMWATER UTILITY AGREEMENT BETWEEN CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF ANTIOCH FOR COMMERCIAL/INDUSTRIAL STORMWATER INSPECTION SERVICES
- I. APPROVE AMENDMENT NO. 4 TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH MARK THOMAS AND COMPANY, INC. FOR CONSTRUCTION SUPPORT SERVICES FOR THE WILBUR AVENUE OVERHEAD WIDENING PROJECT (P.W. 259-B)
- J. RESOLUTION NO. 2014/02 OF LOCAL SUPPORT AND AUTHORIZING THE FILING OF A GRANT APPLICATION TO METROPOLITAN TRANSPORTATION COMMISSION (MTC) REQUESTING AN ALLOCATION OF THE TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDS FOR NEW HANDICAP RAMPS AND PEDESTRIAN IMPROVEMENTS ALONG EAST TREGALLAS ROAD FROM LONE TREE WAY TO HILLCREST AVENUE (P.W. 409-3)
- K. EXTENDED ABSENCE BY AN ELECTED OFFICIAL

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council unanimously approved the Council Consent Calendar with the exception of Items F and K, which were removed for further discussion.

With Council consent, the Council held discussion of Items F and K until after Agenda Item #2.

## **COUNCIL REGULAR AGENDA**

### **2. NORTHEAST ANTIOCH ANNEXATION AREA UPDATE**

City Consultant Carniglia gave a brief overhead presentation of the Northeast Antioch Annexations Area Update recommending the City Council receive and file oral report.

Following discussion, Council agreed that with the importance of the annexation, it would be appropriate to hold a study/session workshop to discuss the area in detail. They recognized City Consultant Carniglia and the subcommittee for their hard work during the annexation process.

On motion by Councilmember Wilson, seconded by Councilmember Agopian, the Council unanimously directed staff to hold a study session and receive and file report.

Mayor Harper declared a recess at 7:58 P.M. The meeting reconvened at 8:08 P.M. with all Councilmember's present with the exception of Councilmember Agopian who was absent.

## **COUNCIL CONSENT CALENDAR**

City Attorney Nerland reviewed the speaker rules for Consent Calendar items.

Mayor Harper announced that due to the high level of speaker cards submitted for Item F; all speakers would be allowed two (2) minutes. He reported that he had received and read numerous emails regarding the ordinance. City Clerk Simonsen announced additional materials were placed on dais for Council and copies were available for the public, in Council Chambers.

### ***F. ADOPTION OF A REVISED ORDINANCE TITLE 6, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE REGARDING ANIMALS (Introduced on 12/10/13)***

Sherry Starks, spoke to the value of animal rescue and against amending the ordinance regarding animals. She presented the City Council with a book on chickens and roosters.

Doug Knowles, Oakley resident, Pennie McCarty, Antioch resident, Mary Lou Wood, Antioch resident, Bill Coaker, Brentwood resident, Julie Linford, Founder of Outcast Cat Help spoke against amending the ordinance, as proposed and suggested alternatives in dealing with the feral cat population.

Nancy Fernandez, Antioch resident, spoke in support of the ordinance and discussed the negative impacts of the feral cat population and at-large canines.

Donald Spaugy, Mount Diablo Beekeeping Association, presented Council with a book and reviewed written comment encouraging the City to permit backyard beekeeping in Antioch. He donated a beekeeping book to the City.

Karen Kops President of Homeless Animal Response Program (HARP), proposed the creation of an Animal Welfare Commission that would report directly to the City Council and tasked with researching, vetting solutions and recommending implementation.

Joanne Magdaleno discussed the importance of providing appropriate locations for beekeeping.

Elizabeth Dodge, Fix-Our-Ferals, spoke against amending the ordinance, as proposed and recommended the City include a requirement that every cat or dog must be spayed or neutered unless they are a registered breeder and suggested alternatives in dealing with the feral cat population.

Barbara Sobalvarro, Friends of Animal Services, spoke against amending the ordinance, as proposed and suggested elimination of the household limit for cats and offered suggestions on how to deal with the feral cat population.

Fred Hoskins, Antioch resident, spoke in support of the ordinance as proposed and discussed the negative impacts of the feral cat population. He suggested the Animal Control Department acquire some additional income by licensing cats at a reasonable rate.

Jesse Wilson, Antioch resident, spoke against the ordinance, as proposed and urged the City to support and work with rescue organizations. He urged the City to focus on puppy and kitten mills.

Lisa Kirk, Bethel Island resident, stated she encouraged feeders to be responsible for the feces and suggested alternatives in dealing with the feral cat population. She suggested the ordinance be amended that dogs and cats release from impoundment are required to be spayed or neutered.

Jacob Miner, Antioch resident, spoke in opposition to the ordinance as it relates to rabbits and expressed concern that it could prevent him the ability to participate in his 4-H projects.

Richard Stirrat, Antioch resident, President of Delta Animal Save Haven, spoke in opposition to the ordinance, as proposed and urged the Council to rescind the provisions banning the feeding of feral cats and suggested an exception on the limitation of pets per household for families involved with fostering animals for rescue groups.

Mayor Harper read written comment with petitions signed from senior citizens who indicated they were against a mass round-up and euthanization of the feral cats and suggested the City consider alternatives in dealing with the feral cat population.

Mayor Harper read written comment from Janine Hendrickson, Antioch resident, who spoke against the ordinance as it pertained to limits for chicken and rabbits. She suggested existing residents be grandfathered in.

Lieutenant Aguinaga clarified that the Antioch Animal Services was not planning on trapping and/or euthanizing any of the feral cat colonies. She encouraged rescue groups to trap, spay or neuter and release the animals. She commented that the ordinance as it pertained to bees and rabbits had not been changed. Speaking to concerns regarding puppy and kitten mills, she noted that the ordinance was an attempt to address those situations by requiring citizens with more than five, to obtain a permit.

In response to Mayor Harper, Lieutenant Aguinaga stated the City did not have trap and release or spay and neuter program for feral cats.

Animal Supervisor Helgemo added that only sick, injured or cats causing a health hazard would be impounded. She added that cats were not required to have license or proof of rabies.

Lieutenant Aguinaga stated rescue organizations and citizens are welcome to relocate feral cats to their own property where they may feed, care and bring them into adoption programs. She noted residents, rescue groups, and those fostering were allowed up to 30 days to have more than 5 cats or 3 dogs and after the 30 days, a multiple pet permit would be required. Animal Supervisor Helgemo noted the cost of the permit was \$108 per year.

With regards to public comment expressing concern the ordinance was unconstitutional, City Attorney Nerland stated she was not aware of anything in the ordinance that would be unconstitutional.

Chief Cantando reported that the City lacked the shelter staff to participate in the Animal Welfare Commission, however, rescue groups had been encouraged to move forward on their own and bring their issues to Council.

Animal Shelter Supervisor Helgemo added the rabbit ordinance had been in effect since 1980 and should not affect 4-H projects.

Following discussion, the City Council voiced their support for the ordinance with the exception of the feral cat issue and multiple pet permits. They requested staff bring back additional information regarding costs and coordination of programs to address the feral cat population.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously continued Item F with direction to staff to look at whether an ordinance that does not address the multiple pet permit and feral cat issues could be brought forward for Council consideration.

Mayor Harper declared a recess at 9:08 P.M. The meeting reconvened at 9:13 P.M. with all Councilmembers present with the exception of Councilmember Agopian who was absent.

**K. RESOLUTION NO. 2014/03 EXTENDED ABSENCE BY AN ELECTED OFFICIAL**

Karl Dietzel thanked Councilmember Rocha for bringing this issue forward and requested the City's elected officials provide monthly itemized expense reports. He stated he supports the City Clerk reimbursing his compensation and suggested he resign from the position.

In response to Councilmember Tiscareno, City Attorney Nerland clarified under State Code, an elected official's compensation was set during their term and could not change without adoption of an ordinance that would be applicable on the next term.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved Item K and directed the City Attorney to bring back an ordinance indicating it was mandatory for future terms of elected officials to return the salary, car allowance, and communication allowance (if received) to the City for the absent period for more than one month unrelated to his or her own medical condition.

**PUBLIC COMMENTS**

Jeff Belle, Antioch resident, discussed the importance of the flu vaccinations and encouraged everyone who had not received one, do so immediately.

**STAFF COMMUNICATIONS - None**

**COUNCIL COMMUNICATIONS**

Councilmember Wilson wished everyone a Happy New Year and reported on her attendance at a Girl Scout meeting and the reopening of the Multisensory room. She noted she had donated \$100 to the multisensory room and challenged fellow Councilmembers to do the same. She stated she met with various community groups who had expressed their excitement over Measure C passing, the new City Manager, and the annexation of northeast Antioch. She discussed the importance of economic development and voiced her support for the City hiring a dedicated Economic Development Director. She requested the City Manager look at other City's best practices as it relates to Economic Development.

Councilmember Rocha stated she was looking forward to the City of Antioch Strategic Planning Project Community Café meetings. She reported on her attendance at a Kwanzaa event and the Special Haven opening.

Councilmember Tiscareno reported on his attendance at the Relay for Life meeting and announced the event would be held on July 26, 2014, at Deer Valley High School. He noted City Manager Duran committed to putting together a team from the City. He reported on his attendance at the Leadership and Public Service program at Antioch High School.

Mayor Harper commented that Director of Human Resources/Economic Development Director Fitzer had developed a business friendly database of available properties in Antioch. He noted, before the City brings in a full time Economic Development Director, all employees should be brought back to a full-time work week. He requested City Manager Duran thank Deputy Director of Community Development/Recreation Graham and staff for doing an excellent job preparing for the Revitalization meeting at the Prewett Park Community Center. He reminded the Council and community that the Martin Luther King celebration would be held from 1:00 P.M. – 3:00 P.M. on January 20, 2014 at Deer Valley High School.

**ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 9:36 P.M. to the next regular Council meeting on January 28, 2014.

Respectfully submitted:

Kitty Eiden  
KITTY EIDEN, Minutes Clerk