

ANTIOCH CITY COUNCIL

Study Session
6:30 P.M.

May 15, 2007
Maintenance Services Center

5:45 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL** – Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9: Claim of William G. McCullough Co. regarding Downtown Trunk Sewer Improvements, Phase II.

Mayor Freitas called the meeting to order at 6:32 P.M., and reported the City Council had been in Closed Session and there was no reportable action.

City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

1. BUDGET DEVELOPMENT FISCAL YEAR 2007/2008 STUDY SESSION

Interim Finance Director Merchant presented the staff report dated May 9, 2007 recommending the City Council provide direction and feedback to staff regarding the budget information provided at the meeting.

Karen Kops, representing Homeless Animal Response Program, questioned if the City budget included program funding for the state and federal mandates pertaining to disaster preparedness for animal services.

Following discussion, the City Council requested staff give a briefing on the state and federal mandates as they relate to emergency preparedness for the Animal Shelter.

Barbara Sobalvarro, representing Friends of Animal Services, expressed concern the Animal Shelter was not adequately funded to provide sufficient services and health care for the animals. She recommended additional staffing and services as well as the formation of a committee to determine how to improve the services at the shelter.

Councilmember Moore volunteered to serve on a committee to engage the community on the issue.

Sherry Starks, volunteer at the Antioch Animal Shelter, spoke to the importance of providing sufficient staff, services and health programs for the animals at the shelter.

Chief Hyde responded the Shelter staff is in the process of evaluating medical care provided at the shelter and looking at options to provide the best medical services for the animals.

Captain Cantando reported they had been exploring opportunities to expand their programs by contracting services for the Animal Shelter and they would be coming forward in the future with a recommendation.

Councilmember Kalinowski discussed the importance of keeping the community safe. He noted he supported the recommendation from staff regarding the funding for Animal Services as it has more than doubled since FY 05/06.

Councilmember Moore thanked staff for the report and suggested the formation of an adhoc committee to inform the community of the details for the shelter.

Councilmember Simonsen inquired as to what the capital costs were for a spay and neuter clinic.

Mayor Freitas requested an update from Animal Services at mid-year regarding how they would be addressing medical services at the shelter.

Following review of the budget documents the City Council requested staff address the following questions:

- What is the decrease in revenue in Animal Control Service Charges attributable from FY06 to FY07?
- What are expenditures in the Civic Arts Fund for?
- What are expenditures in the Asset Forfeiture Fund for?
- Who are the renters accounted for in the Tidelands Fund, and how is the money spent?
- What is the split of the additional garbage franchise fee collected?
- Why is the fund balance so high in the Citywide 2A Maintenance Fund? Can we eliminate or reduce the General Fund support since the balance is so high?
- What is the expenditure detail of the Street Light and Landscape Maintenance District Administration Fund for FY08?
- How many meter transponders have been replaced?
- What is the breakdown of the 20% set-aside in the Low & Moderate Income Housing Fund?
- When will the final assessments be collected for Hillcrest and Lone Tree Assessment Districts?
- What is the balance of the replacement reserves for both vehicle and office equipment and what are our needs?
- Can we double the support of teen programs from the Child Care Fund? What can the money be spent on? Do we need to keep reserves for replacement and maintenance?
- What is the status of the annexations in the Wilbur Avenue area?

The City Council expressed a desire to see more detail overall for the funds presented.

Pat Scott gave a brief overview of the reorganization of the Water/Waterwater Divisions.

City Manager Jakel reported the next budget study session was scheduled for June 5, 2007.

Mayor Freitas declared a recess at 7:55 P.M. The meeting reconvened at 8:15 P.M. with all Councilmembers present.

PUBLIC COMMENTS

Nancy Fernandez stated she felt the rental inspection program needed income in addition to the fines and suggested the City Council consider rental unit business licenses in the amount of \$50.00 per unit for 3 or more units with an additional \$50.00 fee for absentee landlords.

Bob Martin expressed concern regarding the ability of code enforcement to keep apprised of building codes that have changed periodically. Speaking to internal inspections, he questioned how the City would perform inspections for tenants who are unable to provide access or what will occur if access was denied. He suggested the City reduce the costs of the program by performing inspections based on complaints and consider if the rental unit business license would be considered a tax.

Ralph Garrow stated he felt the program was designed to address blight, health and safety problems throughout the community therefore there was no need for interior inspections. He suggested the program concentrate on the exterior of property and limit interior inspections to complaints.

Theresa Karr, representing the California Apartment Association reviewed her feedback related to the Rental Inspection Program. She urged the City to proceed slowly, gather accurate information and then determine how to move forward with the program. She suggested the City Council consider 1) using an outside contractor for inspections, 2) using models from other programs for property identification and developing a database, 3) providing a form or affidavit to verify inspection infractions have been rectified, 4) Complaint driven re-inspections, 5) Revisit fees that are excessive, and, 6) pilot the Neighborhood Improvement Program, review data collected and then develop a Rental Inspection Program. Questions she had of staff were 1) Are the fees the same for single family and multifamily units, 2) How is it determined that 5 or more units could be self certified and how properties would qualify for self certification and 3) Why newly constructed multifamily are exempt but newly single family units are not?

2. RESIDENTIAL RENTAL UNIT INSPECTION PROGRAM STUDY SESSION (#203-04)

Assistant City Engineer Bernal presented the staff report dated May 10, 2007 recommending the City Council provide direction to staff in order to define the remaining program guidelines.

In response to Councilmember Simonsen, Director of Community Development Brandt clarified the City had building permits for legal work and code enforcement will have access to the information. He noted if a CEO had a question regarding building code they would be calling a building inspector for assistance.

NIP Coordinator Graham stated that generally speaking interior problems go unreported due to the tenant's fear of how it will affect his ability to remain in the rental unit.

City Attorney Nerland stated notice of interior inspections would be given to the property owners who would arrange for inspections and accompany City staff. She noted property owners typically retain that right however if there is a refusal the City could obtain an inspection warrant through the court process.

Ms. Karr clarified the City can charge a fee and it was not considered a tax. Additionally she reported landlords can not enter homes or allow the City enter homes for inspections without proper notice and the tenants permission.

Mayor Freitas stated he would consider business licenses for landlords with 3 or more units.

Councilmember Kalinowski suggested properties that are self-certified could receive an administrative license that the City would have the ability to revoke. He noted in the future he would consider contracting out interior inspections to maintain consistency with reduced costs.

Following discussion the City Council consensus agreed to an incremental program beginning with the creation of a database of rental units and addressing public safety, health and blight for the exterior of the units (including backyards). Additionally, they supported complaint driven internal inspections.

Councilmember Moore stated he would support internal inspections only if the complaints were received from the tenants. He expressed concern for including backyards in external inspections.

Michelle Hatch suggested the City's code mimic the Fire Department's code as it relates to weed abatement.

Bob Martin, in speaking to conserving water, suggested staff use a 10 inch high maximum allowable height for weeds.

The City Council agreed to use a 10-inch maximum allowable height for weeds, with a report back to the City Council in 6 months to review the issue.

In response to Ms. Graham, Director of Community Development Brandt clarified all issues would be documented and photographed. He noted if there are complaints, landlords have the ability to appeal to the Administrative Appeals Board.

NIP Coordinator Graham added staff works with property owners to allow the sufficient time to respond and correct violations.

City Attorney Nerland, speaking to fines and penalties stated language in the code was written to address extreme non-responsive property owners.

Following discussion the City Council agreed to a two-year inspection frequency revisiting the issue after the database was compiled and a 30-day time required for a response from property owner responding to the mailer, with a one time processing fee yet to be determined.

City Manager Jakel stated staff would bring back the information as directed from the City Council this evening with a recommendation of the budgetary needs for staffing.

Mayor Freitas stated he felt it would be appropriate to have a study session to review the rental inspection program every six months and directed City Manager Jakel to address the policy question as it related to combining the code enforcement and neighborhood improvement programs.

COUNCIL COMMUNICATION - None

STAFF COMMUNICATION

City Manager Jakel announced the next Quality of Life forum was scheduled for July 14, 2007.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 9:45 P.M. to the next regular Council meeting on May 22, 2007.

Respectfully submitted

L. JOLENE MARTIN, CMC, City Clerk