

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

May 22, 2007
Council Chambers

5:30 P.M. - CLOSED SESSION

- 1. 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 LEGAL COUNSEL – ANTICIPATED LITIGATION:** Significant exposure to litigation pursuant to Subdivision (b) of §54956.9: 1 potential case

Mayor Freitas called the meeting to order at 7:10 P.M., and City Clerk Martin called the roll.

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

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Davis led the Council and audience in the Pledge of Allegiance.

PRESENTATIONS

By California Water Environment Association to City of Antioch

Tom Herlihy, representing the California Water Environment Association, presented Water/Wastewater Supervisor Tom Sains, representing the City of Antioch Water Division, with a plaque in recognition of their continued education and professional development of Wastewater individuals.

Mayor Freitas on behalf of the City Council and community thanked Mr. Herlihy for acknowledging staff.

Mayor Freitas introduced Kirk Conkel to the City Council and community as an example of someone who had accomplished an incredible job through his adoption of Fairview Park.

Park Superintendent Palmeri commended Mr. Conkel for his unparalleled service to the community and tireless efforts by his adoption of Fairview Park as part of the Park Adoption Program.

Councilmember Moore presented Mr. Conkel with a Certificate of Recognition for his service in the community.

Mr. Conkel thanked the City Council and Mr. Palmeri for recognizing and supporting his efforts.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Greg Borden, representing Oak View Memorial Park, invited the public to attend the Memorial Day program and dedication of the 911 monument on May 28, 2007 at 12:00 P.M. Regular Meeting
7:00 P.M. May 22, 2007
Council Chambers

Mayor Freitas encouraged the community to attend and bring children to the Memorial Day program. He thanked Mr. Borden and the City for all of their work on the endeavor.

Councilmember Davis announced Boy Scout Troop 450 was accepting and would be properly disposing of unusable flags.

Josee Monohan, Antioch Military Families and Friends extended an invitation to military families and supporters to attend the event.

Norm Leva, representing the Veterans of Foreign Wars, thanked Councilmember Davis and Greg Borden for coordinating the event and announced the police department and fire fighters would also be honored. He noted following the ceremony there would be a Barbeque at the VFW Hall from 1:00 to 4:00 P.M.

Ken Lee presented the City Council with an emergency response card to be used at City Hall and provided contact information for anyone wishing to receive additional information on the Community Emergency Response Team (CERT) program.

PUBLIC COMMENTS

Ken Lee, Antioch resident, discussed the history of the Chinese immigration in Antioch and announced the Bancroft Library would be celebrating its 100th birthday.

Chip Stein, Antioch resident, spoke to a recent email authored by Mayor Freitas and noted he disagrees with the statements made within and in response to the document. He requested the item be agendized for possible action.

Craig Fulcher, Antioch resident, reported he had received two letters stating he was in violation of the municipal code related to a boat and a broken down truck parked on his driveway and overgrown grass. He stated he had contacted NIP Coordinator Graham who had not responded to which vehicle was in violation. Additionally he contacted Code Enforcement indicating he had taken care of the grass. He expressed concern there was a lack of community between Code Enforcement and Neighborhood Improvement, as it appears they do not correspond with one another. He requested a notification stating the violation on his truck be removed. He expressed concern notifications imply guilt and requested any infractions be responded to from the City notifying compliance.

Jeff Wilding and Annette Beckstrand thanked the City Council for working in cooperation with the Church of Jesus Christ of Latter-Day Saints on the Emergency Preparedness Fair and noted it had been a very successful event. Ms. Beckstrand thanked those who participated and contact information was given for anyone wishing to receive additional information. She provided the City Council with photos and a news story of the event.

Mayor Freitas thanked Mr. Wilding and Ms. Beckstrand and stated the program had been extraordinary.

Joe Zamora, Antioch resident, announced his organization would have a booth at the fair to raise money to send Hispanic students to college. He suggested the Rental Inspection Program fines be reduced and minor infractions dealt with by warning residents to correct defects. He felt the program should have been voted on by the residents of the community prior to implementation.

Mary Dotson, Antioch resident questioned if the next public Antioch forum was taking place on July 14, 2007. She requested clarification as to why an invitation only forum was held in downtown Antioch in which many civic minded people were not invited.

Mayor Freitas clarified the invitation only forum was hosted by Supervisor Glover.

Gary Gilbert, Antioch resident, speaking on behalf of United Citizens for Better Neighborhoods (UCBN) announced they would be hosting a Barbeque at Jensen Family Park for the Antioch Police Department on June 2, 2007. He provided contact information for anyone wishing to sign up to attend the event.

Mayor Freitas, on behalf of the City Council and community thanked UCBN for hosting a positive event for the community.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Freitas voiced his appreciation to the comments made by Mr. Fulcher and reported during a study session on the rental inspection program some of his issues were addressed by the City Council.

- 1. COUNCIL CONSENT CALENDAR**
 - A. APPROVAL OF COUNCIL MINUTES FOR APRIL 10, 2007 #301-02**
 - B. APPROVAL OF COUNCIL WARRANTS #401-01**
 - C. APPROVAL OF TREASURER'S REPORT FOR APRIL 2007 #401-02**
 - D. REJECTION OF CLAIMS #704-07**
 - 1. Liwayway Marquez, #06/07-1677 (slip and fall, personal injury).**
 - 2. Raymond Toothaker, #06/07-1721 (property damage).**
 - 3. Lisa Rogers, #06/07-1728 (vehicle tow)**

- E. **LEGISLATION AND ADVOCACY #701-04**
- F. **RESOLUTION NO. 2007/38 ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE 2007-2008 FISCAL YEAR #410-01**
- G. **RESOLUTION NO. 2007/39 ACCEPTING COMPLETED IMPROVEMENTS FOR MEADOW CREEK VILLAGES UNIT 5 TRACT 7897 (WEST COAST HOME BUILDERS) PW 569-5 #802-02**
- H. **AMEND THE FY 2006-2007 COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING DIVISION BUDGET BY TRANSFERRING FUNDS IN THE AMOUNT OF \$40,000 FROM TEMPORARY HELP –AGENCIES (1005130.63225) BUDGET TO THE CONTRACTS-PROF/COMMERCIAL (1005130.63010) BUDGET #410-02**
- I. **CITY ATTORNEY’S EMPLOYMENT CONTRACT #502-01**
- J. **REIMBURSEMENT FOR OVERNIGHT TRAVEL (ONE NIGHT) LEAGUE ACTION DAYS #301-01**

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

Item A – On motion by Councilmember Moore, seconded by Councilmember Davis the City Council approved item A. The motion carried the following vote:

Ayes: Moore, Davis, Freitas

Abstain: Kalinowski, Simonsen

Item B – Ken Lee, requested clarification on warrant #101985 Antioch Auto Dealership Jan-Mar 2007 Sales Taxes in the amount of \$99,020.

Mayor Freitas requested City Manager Jakel respond to Mr. Lee’s inquiry

In response to Councilmember Simonsen, City Manager Jakel clarified warrant #102157 is the last payment for a phone that had been disconnected.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved item B.

COUNCIL REGULAR AGENDA

- 2. **MOBILEHOME PARK: AGREEMENT WITH THE OWNERS OF VISTA DIABLO MOBILEHOME PARK AND CONSIDERATION OF ADOPTION OF AN INTERIM URGENCY ORDINANCE PLACING A MORATORIUM ON THE CONVERSION OF ANY MOBILE HOME PARK CURRENTLY EXISTING IN THE CITY FROM A SENIOR PARK TO AN ALL-AGE PARK #802-01**

City Attorney Nerland presented the staff report dated May 17, 2007 recommending the City Council: A) Provide direction regarding agreement with owners of Vista Diablo Mobile Home Park; and /or B) Consideration of an Interim Urgency Ordinance,

- 1) Motion to approve by motion the reading of the ordinance by title only; 2) Motion to adopt an urgency ordinance placing a moratorium on the conversion of any mobile home park currently existing in the City from a senior designated park to an all-age park (4/5ths vote required).

Mayor Freitas opened the floor to public comment.

Lola Buck, President of Vista Diablo Homeowners Association, on behalf of Erma Castine and Freda Hargrove thanked the City Council for their continued support. She discussed the difficulty residents have in marketing their homes due to the unreasonable rental rates which has resulted in selling below market rate or having to turn a property over to park management. She reported the park office is quoting inaccurate rents preventing buyers from considering purchasing homes. She noted residents whose leases are expiring are very concerned with how much rents will be increased. She reported an attorney has suggested the park implement a program that will defer rents for mobile homes on the market until after the home sells. On behalf of the residents she thanked city and urged them to support the proposed moratorium.

Mayor Freitas requested those residents in attendance this evening stand. He informed the residents that their emails were received and read.

Archie Gore, Vice President of the Vista Diablo Homeowners Association thanked the City Attorney for the staff report. He noted residents moved into this park to live in a safe and quiet senior facility and the management group is continuing to promote the park as a senior facility. He reported park ownership has a similar history at their other properties of raising rents, forcing people out of their homes and threatening conversion. He suggested a proposed amendment to the penal code section on elderly abuse that speaks to financial harm and loss of private property. He stated he would focus his efforts to lobby the state and federal government for changes in the legislature to address these issues.

Allen Ives, spoke in support of the moratorium and urged the City Council to take action to bring resolution as quickly as possible. He stated they would like to live in peace and discussed the need for more lower cost senior housing.

Councilmember Simonsen expressed disappointment there was no representative from Sierra Corporate Management in attendance this evening. He encouraged Mr. Gore to lobby Senator Torlakson and Assemblymember DeSaulnier with his suggested amendments and noted there were local organizations offering legal services. He stated he would be supporting the urgency ordinance and stated he would be requesting this issue be placed on the agenda for the June meeting of the League of California Housing Community Economic Development meeting.

Councilmember Moore stated he believes in corporate responsibility and he would support the urgency ordinance.

Mayor Freitas commended the action committee for their diligence and patience with these issues. He expressed concern the residents are dealing with financial uncertainty and noted he feels it is the obligation of the City Council, staff and the community to assist the residents as much as possible. He noted Assemblymember DeSaulnier has a bill holding for whatever request the City of Antioch has regarding this issue and he along with Senator Torlakson were very concerned about this situation. He stated he was hopeful the ordinance will pass and the owners would be able to negotiate in good faith, however if there was no agreement in 45-60 days with what was outlined in January, he would bring back a rent ordinance. Speaking to the agreement (exhibit A), he noted the intent was to have the rent decrease for a two year period, commencing at the time the agreement was signed: He also requested striking "or at the very least, capped at 5% or CPI (Bay Area) whichever was higher." Additionally, he clarified the fence should be been constructed of masonry. He requested City Attorney Nerland write up the agreement with the changes discussed and send it to the ownership with a date certain to have it return signed.

Councilmember Kalinowski requested staff work with the Homeowners Association to ensure they have appropriate contacts moving forward and voiced his support for the urgency ordinance.

Councilmember Davis expressed concern regarding the actions of the Management Company and their mistreatment of the senior residents in this Mobile Home Park. He voiced his support for the ordinance.

ORDINANCE NO.1092-C-S

On motion by Councilmember Davis, seconded by Councilmember Moore the City Council unanimously 1) Approved by motion the reading of the ordinance by title only; 2) Adopted an urgency ordinance placing a moratorium on the conversion of any mobile home park currently existing in the City from a senior designated park to an all-age park.

Mayor Freitas declared a recess at 8:32 P.M. The meeting reconvened at 8:47 P.M. with all Councilmembers present.

3. RESOLUTION APPROVING THE CONSTRUCTION OF A PUBLIC ART WATER FEATURE LOCATED IN THE LONE TREE LANDING RETAIL CENTER AT THE NORTHEAST CORNER OF HILLCREST AVENUE AND LONE TREE WAY (APN 056-012-024, 025) #1407-03

Senior Planner Oshinsky presented the staff report dated May 7, 2007 recommending the City Council adopt the resolution.

Tom Wilson, Project Architect, stated they were prepared to build the water feature and he was available to answer any questions this evening.

Mayor Freitas stated he felt the water feature was an outstanding public art piece however he preferred the design incorporating the concrete seat wall.

Councilmember Simonsen requested staff review the use permits to assure the project was abiding by the restrictions.

In response to Mayor Freitas, Senior Planner Oshinsky stated if directed by the City Council, the design of the concrete seat wall would be reconciled between staff and the project architect.

Councilmember Kalinowski stated he is disappointed with the results of the overall project noting the tenant mix is not what was envisioned and expressed concern a concrete seating wall that is not gradually elevated will provide too much seating and create a policing problem.

RESOLUTION NO. 2007/40

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council adopted the resolution with standard conditions #1-15 as written, project specific conditions #16-18 as written, project specific condition #20 deleted and the following changes to project specific conditions #19, 21 and 22,

- #19 That a concrete seat wall will be used, that skateboard blocks be installed in color coordinated with the scheme of the art installation subject to Planning Division approval.
- #21 renumbered #20
- #22 renumbered #21

The motion carried the following vote:

Ayes: Freitas, Davis, Simonsen, Moore

Noes: Kalinowski

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

4. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS #401-01

On motion by Agency member Davis, seconded by Agency member Simonsen the Agency unanimously approved the Agency Consent Calendar.

Chairperson Freitas adjourned to the Antioch City Council.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the next budget study session was scheduled for June 5, 2007 at 6:30 P.M. with a discussion on the Capital Improvement Program.

City Attorney Nerland added there would be closed session items prior to 6:30 P.M. on June 5, 2007.

COUNCIL COMMUNICATIONS

Councilmember Kalinowski announced he would be unavailable next week, however he would be reachable through email. He expressed his appreciation to Councilmember Davis for organizing the Memorial Day presentation on May 28, 2007.

Councilmember Moore stated there would be a meeting on May 23, 2007 of the RV Subcommittee at the Maintenance Service Center.

Councilmember Simonsen thanked Mayor Freitas for the State of the City message and the opportunity to feature the Bluerock Business Center at the event. He reported he attended the League of California Cities Action Days in Sacramento and he would be in Sacramento on May 23 and 24, 2007 for the Delta Vision Stakeholders Coordination Group. He announced there was a large city that was not going to proceed with a grant they received for library funding and he would be contacting state officials to determine the availability of the monies.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 9:16 P.M. to the study session on June 5, 2007.