

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

August 14, 2007
Council Chambers

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR – Employee Organizations: APOA (Antioch Police Officers Association). This Closed Session is authorized by Government Code Section 54957.6.**

Mayor Freitas called the meeting to order at 7:04 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

Councilmember Davis 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

PRESENTATION - Chichibu *Sister City*

Councilmember Davis announced the delegation from Antioch attended the 40th Anniversary of the Sister City Program, in Chichibu, Japan. He introduced David Massey, Vice President of the Sister City Program and the delegation members in attendance this evening and thanked the City of Antioch for their support. He then presented the City with a photo and wood carving of Chichibu.

Student members of the delegation indicated they had a great time visiting Chichibu and thanked the City of Antioch for the opportunity.

Councilmember Davis thanked the delegation for representing Antioch and invited the community to participate in the Sister City Program. Contact information was given.

PROCLAMATIONS

Save A Life Month, September 2007

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council unanimously approved the proclamation.

Mayor Freitas announced the proclamation would be sent to the organization.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Mayor Freitas announced Contra Costa Mosquito and Vector Control District would be spraying in Antioch on August 15, 2007. Contact information was given for anyone wishing to receive additional information

Jason Miller, Delta Academy for the Performing Arts, invited the community to attend their Gala Event to celebrate Arts Education on August 26 at the El Campanil Theater. He announced they would be bringing a free performing Arts High school to Antioch in September of 2008.

PUBLIC COMMENTS

Jaime Cader announced he was attending the meeting to show his solidarity to the Muslim community of East Contra Costa County for the incident which had occurred at the Antioch Mosque the previous weekend. He discussed the importance of educating the public and protecting houses of worship.

Abdul Rahman, Chairman of the Board of Trustees for the Islamic Center of East Bay, discussed the incident which had occurred at the Antioch Mosque the previous weekend and offered to work with the City to educate the public on the Muslim faith. He thanked the City Council for their cooperation.

Mayor Freitas, on behalf of the community, apologized for the acts of violence against the Mosque. He offered the services of the City Council and staff to assist in dealing with the issues.

In response to Mayor Freitas, Mr. Rahman reported there would be a press conference on August 15, 2007 at the Mosque location to provide additional information on how the community can help with the reward fund.

Naveed Ahmed stated he was in agreement with the previous speakers regarding the attack on the Mosque and requested the City Council and Antioch Police Department work to bring the community together.

Chip Stein, Antioch resident, requested information regarding the installation schedule for handicapped ramps throughout the city.

Mayor Freitas clarified the City installs handicapped ramps throughout the year and within 6 months the City will provide Mr. Stein with the information on their locations.

Ken Lee, Antioch resident, suggested the formation of a Citizens Police Academy in Antioch to improve communication and benefit the community.

William LeRoy, Antioch resident, spoke to the RV ordinance and Rental Inspection Program, noting it was his opinion they violate laws pertaining to property rights.

Amer Araim, speaking on behalf of the Interfaith Council of Contra Costa County, representing the Muslim community, expressed his appreciation to those who had expressed solidarity of

the faith community and support of the Muslim community. He requested public education against terrorism and violence.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Simonsen voiced his appreciation to those who spoke on behalf of the Islamic Center in Antioch.

1. COUNCIL CONSENT CALENDAR

**A. APPROVAL OF COUNCIL MINUTES FOR JUNE 26, JULY 10, 14 and 24, 2007
(#301-02)**

B. APPROVAL OF COUNCIL WARRANTS (#401-01)

C. LEGISLATION AND ADVOCACY (#701-04)

- 1) SB 1210 PROPOSED CHANGES TO EMINENT DOMAIN LAW (2006) delivery of transportation projects in a timely fashion**

D. REJECTION OF CLAIMS (#704-07)

- 1. Donald Priebe, #07/08-1759**
- 2. William Grier, #06/07-1734**
- 3. Mojukhan Hampton, #05/06-1744.**

E. ORDINANCE NO.1098 C-S REZONING APPROXIMATELY 0.23 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF LONE TREE WAY APPROXIMATELY 197 FEET SOUTH OF PUTNAM STREET, (APN-071-101-022) TO THE PROFESSIONAL OFFICE DISTRICT (C-O) (JENSEN REZONE) (#202-05)

F. ORDINANCE NO. 1099 C-S ADOPTING CHAPTER 19 OF TITLE 5 OF THE MUNICIPAL CODE TO ESTABLISH A RENTAL DWELLING UNIT MAINTENANCE AND INSPECTION PROGRAM (#203-04)

G. OVERNIGHT TRAVEL TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE IN SACRAMENTO SEPTEMBER 5 THROUGH SEPTEMBER 8 (3 NIGHTS HOTEL STAY) (#301-01)

H. DESIGNATION OF VOTING DELEGATE FOR LEAGUE ANNUAL CONFERENCE (#102-03)

I. RESOLUTION NO. 2007/59 APPROVING THE CONTRACT TO RETAIN GOODWIN CONSULTING GROUP TO PREPARE AN UPDATE TO THE CITY'S PARK FEE PROGRAM (#409-01)

J. RESOLUTION ESTABLISHING CLASS SPECIFICATION FOR PURCHASING AGENT CLASSIFICATION AND ABOLISHMENT OF BUYER I/II CLASSIFICATION SERIES (#502-02) (Con't)

- K. **RESOLUTION NO. 2007/60 APPROVING TERMS OF AGREEMENT FOR THE ANTIOCH POLICE OFFICERS' ASSOCIATION (#509-02)**
- L. **APPROVE BID AWARD FOR PURCHASE OF ONE (1) 10-WHEEL DUMP TRUCK (#601-02)**
- M. **APPROVE AWARD FOR PURCHASE/INSTALLATION OF RUBBERIZED SAFETY PLAYGROUND SURFACING AT ANTIOCH CITY PARK (#601-02)**
- N. **REGIONAL HOUSING NEEDS ALLOCATION UPDATE (#202-01)**
- O. **REPORT ON ANTIOCH CHILDREN'S HEALTH PROJECT GRANT AWARD BY THE JOHN MUIR/MT. DIABLO COMMUNITY HEALTH FUND (#1408-09)**
- P. **AMEND THE FY 2007-2008 COMMUNITY DEVELOPMENT DEPARTMENT/RESIDENTIAL RENTAL INSPECTION PROGRAM BUDGET TO INCLUDE A SECRETARY I/II POSITION (#410-02)**
- Q. **AWARDING OF CONSULTANT CONTRACTS FOR THE PREWETT PARK PROJECT DESIGN (#1402-03)**
- R. **APPROVE PROPOSAL AWARD FOR PURCHASE AND INSTALLATION OF NEW RESTROOM/CONCESSION FACILITY AT ANTIOCH CITY PARK (#601-02)**
- S. **AUTHORIZE CITY MANAGER TO ENTER INTO AGREEMENT FOR DISPATCH SERVICES WITH THE CITY OF BRENTWOOD (#1301-01)**

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of items A, C, F, G, I, J, K, L and O and which were removed for further discussion.

Item A – City Clerk Martin reviewed corrections to Council Minutes of June 26, 2007 and the Quality of Life Forum on July 14, 2007(attachment A).

William LeRoy felt the minutes did not accurately reflect his comments.

Ken Lee questioned why the minutes were not available at the next City Council meeting.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously approved Item A as amended in attachment A.

Item C1 – William LeRoy spoke in opposition to imminent domain and the rental inspection program.

Mayor Freitas clarified the request is the California Legislature review changes made to Senate Bill 1210 and remove them to eliminate a delay for projects moving forward.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved item C1.

Item F – William LeRoy spoke in opposition to the Rental Inspection Program and suggested the issue go to the courts for a determination of whether forced inspections were legal without a search warrant or proper procedure.

In response to Councilmember Simonsen, Director of Community Development Brandt clarified Mr. Graham had taken Council direction and made the changes to Exhibit B.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council approved Item F. The motion carried the following vote:

Ayes: Kalinowski, Davis, Simonsen, Freitas

Noes: Moore

Item G – In response to Mr. LeRoy, Councilmember Simonsen clarified the City of Oakley made travel arraignments for a trip to the airport, which was more cost efficient than a taxi or long-term parking.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the City Council unanimously approved Item G.

Item I – In response to Mr. LeRoy, Mayor Freitas clarified the item would not increase taxes.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved Item I.

Item J – Mayor Freitas announced the item was being held at request of the union.

Item K – Councilmember Kalinowski stated he had pulled the item for a separate vote, noting they had negotiated a fair and equitable contract. He reported he had requested City Manager Jakel and Police Chief Hyde to consider pay differentials for non-sworn for longevity and/or education.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously approved Item K.

Item L – In response to Councilmember Simonsen, Director of Public Works Scott reviewed the points of exception to the requested specifications.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved Item L.

Item O – Chief Hyde, Chris Hiroshima, and Mickie Marchetti reviewed the staff report dated August 7, 2007. Mr. Marchetti introduced Dr. Sims, Grace Caliendo, and Lillian Roselin as partners in the endeavor.

Mayor Freitas thanked the John Muir / Mt. Diablo Community Health Fund for their commitment to East County.

Grace Galindo stated she hoped the project would be a model for other cities.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council unanimously approved Item O.

PUBLIC HEARINGS

2. HOWARD BEATTIE (BARNES) REQUEST TO RESCIND A RESOLUTION COMBINING PROPERTIES LOCATED SOUTH OF EAST EIGHTEENTH STREET AT EVERGREEN AVENUE AND HELMUTH LANE (APN 068-017-010; 068-017-013; 068-041-002; AND 068-041-026) FILE: Z-07-03 #202-05

Community Development Technician Stahl presented the staff report dated August 9, 2007, recommending the City Council: A) Adopt the resolution denying the request; or B) If Council wished to rescind the resolution staff recommends the Council provide direction to staff to take the following actions: 1) Process a rezone 1803 Evergreen Avenue, 1807 Evergreen Avenue, and 2 Helmuth Lane from professional office (C-O) to single family residential (R-6) 2); 2) Process lot size variances for 100 East Eighteenth Street and 1803 Evergreen Avenue (this is necessary to allow a Lot Line Adjustment allowing the parking to be on the office property, and; 3) Bring forward a resolution rescinding Resolution 3468-A (said resolution would not be effective until the close of escrow for the Lot Line Adjustment and the rezoning and variances become effective)§.

Mayor Freitas opened the public hearing.

Brian Swisher, representing the property owners, gave a brief history and reviewed their request to separate the property, enabling one property owner to sell their parcel. He discussed the lack of economic development occurring on East 18th Street; he noted they do not plan to build commercial on the site. He requested the City Council rescind resolution 3468-A.

Mayor Freitas closed the public hearing.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously directed staff to: 1) Process a rezone 1803 Evergreen Avenue, 1807 Evergreen Avenue, and 2 Helmuth Lane from professional office (C-O) to single family residential (R-6); 2) Process lot size variances for 100 East Eighteenth Street and 1803 Evergreen Avenue to allow a Lot Line Adjustment that would enable parking on the office property, and; 3) Return with a resolution rescinding Resolution 3468-A. This resolution would not be effective until the close of escrow for the Lot Line Adjustment until the rezoning and variances become effective.

Mayor Freitas declared a recess at 8:19 P.M. The meeting reconvened at 8:31 P.M. with all Councilmembers present.

City Clerk Martin called the roll, all City Council and Agency members were present.

COUNCIL / AGENCY REGULAR AGENDA

4. INITIATION OF A PROJECT STUDY REPORT (PSR) FOR THE PROPOSED PHILLIPS LANE INTERCHANGE (ADA PROJECT AREA 3) #902-01

Economic Development Director Bjerke presented the staff report dated August 9, 2007 recommending the City Council/Agency Board agree to City / Agency sponsorship of a Project Study Report (PSR) for the proposed Phillips Lane Interchange and commit up to \$250,000 of Agency funds toward an estimated \$500,000 in PSR preparation costs in partnership with, and at the request of, the majority landowner – FKP Inc. c/o Brosamer & Wall, LLC (Brosamer).

On motion by Councilmember / Agency member Simonsen, seconded by Councilmember / Agency member Kalinowski the City Council / Antioch Development Agency unanimously agreed to City / Agency sponsorship of a Project Study Report (PSR) for the proposed Phillips Lane Interchange and commit up to \$250,000 of Agency funds toward an estimated \$500,000 in PSR preparation costs and directed staff to: 1) Finalize the PSR funding agreement with Brosamer; 2) Use the engineering and traffic proposals collected by Brosamer as the basis for selection BKF and Fehr & Peers Transportation Consultants as the primary project team, and; 3) Confirm the required scope of work and finalize all appropriate agreements for Council / Agency Board action at the September 11, 2007 City Council / Antioch Development Agency meeting.

Mayor Freitas adjourned the Antioch Development Agency, convened as the Antioch City Council. City Clerk called roll confirming all City Council Members were present.

COUNCIL REGULAR AGENDA

5. CONSIDERATION OF PRIOR COMMITMENT OF \$1.5 MILLION CITY CONTRIBUTION TO THE ANTIOCH HIGH SCHOOL SWIMMING POOL #1401-02

Community Development Director Brandt presented the staff report dated August 6, 2007, recommending the City Council receive the staff report and provide direction to staff.

Discussion ensued regarding the failure of the swimming pool project to move forward. It was the consensus of the City Council to rescind the City's commitment of a \$1.5M contribution to help fund the Antioch High swimming pool. Consideration of committing the funds to an artificial all-turf field ensued.

Councilmember Simonsen also suggested consideration of committing the funds to an Olympic sized pool at Prewett Park.

Following discussion, on a motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council unanimously rescinded the offer of \$1.5 Million City Contribution for the Antioch High School Swimming Pool.

City Clerk Martin called the roll with all City Council and Agency members present.

COUNCIL / AGENCY REGULAR AGENDA

3. MOBILE HOME RENT STABILIZATION ORDINANCE #802-01

City Attorney Nerland presented the staff report dated August 14, 2007 recommending the City Council: A) Provide direction on the Mobile Home Rent Stabilization Ordinance (Attachment A of the staff report); B) If the ordinance was in final form and the City Council was prepared to act on it, the recommendation was: i) Introduce ordinance by title only; and ii) Introduce the Mobile Home Rent Stabilization Ordinance; C) Provide direction to staff regarding related fiscal matters including staffing, current Agency subsidy, fees (administrative fee, hearing fee, mediation fee) to be brought back in a resolution amending the Master Fee Schedule if applicable.

Archie Gore, representing the Vista Diablo Homeowners, commended City Attorney Nerland for her summarization of the matter before the City Council. He spoke to the management of the park, i.e. harassing residents through noticing, etc. He recommended the City Council continue the item to allow the residents to review the proposed ordinance and return to the City Council with a recommendation.

Lola Buck, President of the Vista Diablo Homeowners Association, thanked City Attorney Nerland and staff for the summary provided in the staff report. She updated the City Council on recent sales of the mobile homes within the park, as well as the rent amounts being charged, and quoted by park management. She requested Council consideration of the rent control ordinance and voiced her support to hold the item over to September 11, 2007 to allow dialog with the City regarding the details of the ordinance.

Councilmember Simonsen requested staff provide information as to the year and square footage of the mobile homes sold.

Donna Harpham expressed her concern regarding the continuation of negotiations with the management company and park ownership, both of whom had shown no regard for the residents. She urged the City Council to protect the residents.

Councilmember Simonsen responded, while he agreed the rents are extreme, he was concerned the City could waste taxpayer's dollars on an ordinance that was not legally defensible, which could well result in litigation. Additionally, he noted the rent control ordinance would not protect those residents who were in existing long-term leases. He provided the City Council with a copy of AB1111, which dealt with mobile home issues, and reported the League of California Cities Housing Community Economic Development had decided to create a special task force to further examine mobile home policy.

Councilmember Kalinowski commended Councilmember Simonsen for his work on the League of California Cities in furthering the issues, however, he noted the history of the legislative process indicated the State would not be dealing with the issue in the near future and in the short term he felt a rent control ordinance was necessary.

Willie Mims, representing the Black Political Association, stated he was in agreement with the staff report and the residents of Vista Diablo Mobile Home Park.

Mayor Freitas expressed his frustration with the management company's failure to sign the agreement, which had been negotiated and agreed upon by all parties. He further noted it was important the City have the most legally defensible rent control ordinance.

Following further discussion, Council consensus was to direct the action committee to continue discussions between the action committee and City staff to go over the details of the rent control ordinance. Following the action, the City Council would hold a Study Session on September 18, 2007 at 6:00 P.M. to discuss the issue and bring back formal action for the City Council.

In response to City Manager Jakel, the City Council agreed to hold the Study Session in an alternate location and if needed consult with outside assistance regarding the legal issues.

Mr. Gore suggested the City research other rent control ordinances, as well as the legal history pertaining to the same. He requested advanced notice of the rent control ordinance the City would be considering.

The residents in attendance indicated their support of the direction provided to staff by the City Council during the meeting.

Mayor Freitas declared a recess at 9:31 P.M. The meeting reconvened at 9:41 P.M. with all Councilmembers present.

6. HISTORIC PRESERVATION ORDINANCE #202-06

Community Development Deputy Director Wehrmeister presented the staff report dated August 9, 2007, recommending the City Council provide direction to staff as to whether or not to prepare a historic preservation ordinance.

Mayor Freitas read into the record written comment from Pat Janzen and Don Bright, representing the Rivertown Preservation Society who indicated they were in support of a Historic Preservation Ordinance.

Mary Dodson, Antioch resident, spoke in favor of the Historic Preservation Ordinance.

William LeRoy discussed the history of Fulton Shipyard and urged the City to preserve the structures on the property.

Don Bright discussed the need for a Historic Preservation Ordinance to protect historic structures that do not qualify for historic designation. He noted the City needed an accurate and complete inventory of its historical sites and requested the City Council direct staff to work with RPS and the Historical Society to develop an ordinance protecting their historical resources.

Following discussion, the City Council agreed to begin a dialog and process for the details of the historical preservation issue with the Historical Society and RPS and bring back a resolution for Council consideration.

Councilmember Simonsen requested information as to how the City and State determined historical significance.

PUBLIC COMMENTS

Ken Lee, Antioch resident, discussed the success of the Fremont Street Festival and suggested the City of Antioch stop charging admission to the Rivertown Jamboree to increase attendance.

Mayor Freitas clarified the City of Antioch did not sponsor the Rivertown Jamboree and suggested Mr. Lee contact Betty Smith regarding his suggestions.

William LeRoy, Antioch resident, read an excerpt from the Cal-Tax Digest pertaining to property tax and noted he felt the rental inspection program was circumventing Propositions #218 and 13.

STAFF COMMUNICATIONS

City Manager Jakel announced the City was working on video streaming future City Council meetings. He urged residents interested in subscribing via email to the City Council agendas could do so through the City's website. He stated the next City Council meeting would be held on September 11, 2007.

COUNCIL COMMUNICATIONS

In response to Councilmember Davis, City Attorney Nerland stated she would update the City Council on the Massage Therapy License issue.

In response to Mayor Freitas, Community Development Director Brandt reported the "No Trucks" signs have been ordered for 10th Street.

Councilmember Simonsen provided the City Council with the minutes from the League of California Cities policy committee meetings. He discussed the negative impacts of the billboard the City of Pittsburg constructed on the south side of highway 4 and reported the appeal the City of Antioch filed to the Pittsburg Planning Commission and City Council had been denied.

Mayor Freitas requested staff make the letter of his response to the denial of the appeal available to the City Council.

Councilmember Simonsen requested the meeting be adjourned in memory of Concord City Councilmember Michael Chavez.

Councilmember Moore reported the Animal Service subcommittee had met twice, adding the meetings had been very productive. He encouraged more public participation, announced the meetings were held the 2nd and 4th Monday of each month at the Police Facility community room.

Mayor Freitas requested the information be put on the City's website.

Mayor Freitas announced Connie Cordone had passed away from cancer. He thanked everyone who had participated in the American Cancer Society's Relay for Life to raise money for cancer research.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting in honor of Concord Councilmember Chavez at 10:20 P.M. to the next regular Council meeting on September 11, 2007.

Respectfully Submitted,

L. JOLENE MARTIN, CMC
City Clerk