

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

April 8, 2008
Council Chambers

6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION.** Claims of Scott, Payne, Williams, Sameer, Coleman presented by Bay Area Legal Aid and Claims of Houseley presented by Attorney Jivaka Candappa and threat of litigation from Public Advocates related to the Community Action Team and the Contra Costa Housing Authority's Section 8 program pursuant to California Government Code section 54956.9(C).

Mayor Freitas called the meeting to order at 7:08 P.M., and City Clerk Martin called the roll.

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

Mayor Freitas reported Councilmember Kalinowski on an excused absence. He announced the City Council had been in Closed Session and there was no reportable action

PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

PROCLAMATION

Sexual Assault Awareness Month, April 2008

On motion by Councilmember Simonsen, seconded by Councilmember Davis the Council Members present unanimously approved the proclamations.

Councilmember Davis presented the proclamation proclaiming April 2008 as Sexual Assault Awareness Month to a representative of Community Violence Solutions who invited everyone to participate in the Shine Your Light event on April 18, 2008 at the Rivertown Center located 301 W. 10th Street in Antioch from 6:30-8:30.

Mayor Freitas reported the rededication of City Park was an outstanding event and he thanked everyone involved for seeing the project through to completion. He announced CAT Sergeant Mitch Schwitters of the Antioch Police Department would be receiving the State Award of Distinction on May 20, 2008 and he congratulated him as well as the CAT team for their accomplishments.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Ken Lee, Antioch resident, encouraged the City to provide pedestrian friendly street crossings. He questioned if the Super Walmart would be allowed to sell alcohol and reiterated past concerns.

Devi Lanphere, representing the Antioch Chamber of Commerce, spoke to the importance of Homeowners Associations allowing Home Occupancy Use Permits and discussed the laws in place to minimize the impacts of such businesses on neighboring property owners. She stated the Antioch Chamber of Commerce and ACLU are prepared to defend the rights of businesses that have HOUP.

Allen Payton, Antioch resident, spoke to the benefits of Home Occupancy Use Permits and stated he felt there were ordinances in place to regulate them properly.

Nola Whitburn, Secretary of the Antioch Hillcrest Homeowners Association, presented pictures to the City Council of the negative impacts of a HOUP. She stated they were currently updating their CCRs and were not opposed to HOUPs provided they work within the CCRs and laws.

Maryjane Carsten, Antioch resident encouraged the City to enforce all aspects of the RV ordinance immediately.

COUNCIL RESPONSE TO PUBLIC COMMENTS

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council Members present unanimously added an emergency item #6 - Discussion on Homeowners Association to the agenda.

- 1. COUNCIL CONSENT CALENDAR**
- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 26 and MARCH 11, 2008 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-01**
- C. LEGISLATION AND ADVOCACY #701-04**
- D. REJECTION OF CLAIMS #704-07**
 - 1. Frank Sanchez, 08/09-1801 (property damage)**
 - 2. Latasha Love, 08/09-1808 (personal injury, civil rights)**
- E. RESOLUTION NO. 2008/35 IN SUPPORT OF FY09 APPROPRIATIONS FEDERAL FUNDING REQUEST FOR \$500,000 FOR A LAW ENFORCEMENT MOBILE COMMAND POST #1301-01**

- F. **RESOLUTION NO. 2008/36 AUTHORIZING APPLICATIONS FOR ALL USED OIL AND FILTER RECYCLING GRANTS AND HOUSEHOLD HAZARDOUS WASTE GRANTS FOR THE PERIOD OF 2008/2009 THROUGH 2012/2013 #1206-03**
- G. **RESOLUTION NO. 2008/37 ESTABLISHING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2008-2009 #814-03**

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

Item A – Councilmember Moore requested the minutes be taken as separate items due to his excused absence at the March 11, 2008 meeting.

On motion by Councilmember Moore, seconded by Councilmember Simonsen, the City Council members present unanimously approved the minutes of February 26, 2008.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council approved the minutes of March 11, 2008.

The motion carried by the following vote:

Ayes: Freitas, Davis, Simonsen Abstain: Moore Absent: Kalinowski

Item G – Mayor Freitas recused himself from item G, turned the gavel over to Vice Mayor Davis and left the dais.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council approved item G. The motion carried by the following vote:

Ayes: Davis, Simonsen, Moore Absent: Kalinowski

Mayor Freitas returned to the dais.

PUBLIC HEARING

2. **RESOLUTION APPROVING PROPOSED MASTER FEE EFFECTIVE JULY 1, 2008 (FISCAL YEAR 2008/09) #409-01**

Finance Director Merchant presented the staff report dated April 1, 2008 recommending the City Council adopt the resolution with the following changes:

- Page 4 – Staff Report - All Vaccinations – clarify the fee is \$15.00 per vaccination
- Page 12 – Proposed Fee Schedule – Reroof – reference fee on table A-1 on pages 30-31

- Page 23 – Residency Definitions – Add wording to each definitions for addresses within the boundaries of the City of Antioch or the Antioch Unified School District

Mayor Freitas announced there were no speakers requesting to speak on the agenda item.

Councilmember Simonsen thanked Finance Director Merchant for responding to his inquiries in a timely manner.

Following discussion, the City Council requested staff take a sample of classifications and provide incrementals for every three years.

Councilmember Davis expressed concern for the increase in calls for service to the 19th Hole and stated at a later date he would like the Police Department to consider if those calls are related to the card room operation at the location.

RESOLUTION NO. 2008/38

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council members present unanimously adopted the resolution with the following changes.

- Page 4 – Staff Report - All Vaccinations – clarify the fee is \$15.00 per vaccination
- Page 12 – Proposed Fee Schedule – Reroof – reference fee on table A-1 on pages 30-31
- Page 23 – Residency Definitions – Add wording to each definitions for addresses within the boundaries of the City of Antioch or the Antioch Unified School District

COUNCIL REGULAR AGENDA

3. AGREEMENT WITH DELTA DIABLO SANITATION DISTRICT FOR THE OPERATION OF THE DELTA HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY #1205-02

Amanda Wong – Roa, Delta Diablo Sanitation District representative, presented the staff report dated March 13, 2008 recommending the City Council adopt the resolution.

In response to Councilmember Simonsen, Administrative Analyst Haas-Wajdowicz announced there were battery disposal buckets available at City Hall for residents.

RESOLUTION NO. 2008/39

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously adopted the resolution.

Mayor Freitas recognized Amanda Wong – Roa and Laura Wright from Pittsburg for the efforts to promote recycling.

4. GRAFFITI ORDINANCE DISCUSSION #701-05

Councilmember Davis stated he had requested the agenda item to address concerns related to the increase in graffiti and tagging in the community. He recommended the City Council consider establishing a subcommittee to address those issues and discuss the feasibility of implementing a reward program.

Ken Lee, Antioch resident, discussed the graffiti and tagging program in the City of San Francisco.

In response to Councilmember Simonsen, Councilmember Davis stated he felt funds for the program could be generated from restitution paid, the General Fund and Police Department budgets as well as from donations and sponsorships.

Councilmember Simonsen volunteered to serve on an adhoc committee dealing with the Graffiti Ordinance.

Councilmember Moore expressed concern for the method in which the City could recoup costs of a reward program and stated he supported the formation of a subcommittee to bring a recommendation back to the City Council. He requested data be made available to support the benefits of a reward program.

Councilmember Davis clarified other cities had experienced a cost savings with graffiti programs. He reported there were several members of the Antioch Unified School Board and public who had expressed interest in being involved in the subcommittee.

Mayor Freitas suggested the ordinance address parental responsibility for minors who are found guilty of tagging and graffiti. He discussed the importance of the Chamber of Commerce and the business community being financially involved in the program. He voiced his support for formation of a subcommittee.

Mayor Freitas suggested Councilmember Davis address the issue with the School District at their next meeting to determine if there was interest in joining the committee and proceed with adding the item on the next agenda. He stated if the issue came back to the City Council, he would appoint Councilmembers Davis and Simonsen to serve on the subcommittee.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present, with the exception of Agency Member Kalinowski who was previously noted as excused.

AGENCY REGULAR AGENDA

5. RESOLUTION APPROVING AN AGREEMENT WITH VISTA DIABLO MOBILE HOME ESTATES LLC REGARDING A MOBILE HOME RENT SUBSIDY PROGRAM AND TO ESTABLISH THE AMOUNT OF THE SUBSIDY.#802-01

Housing Coordinator Kennedy presented the staff report dated April 8, 2008 recommending the City Council adopt the resolution.

Mayor Freitas announced the City Council had received a supplemental report dated April 7, 2008 with the attached signature page of the proposed agreement signed by Lee Kort.

Mayor Freitas thanked Ms. Kennedy for the report and suggested the rent subsidy be increased to \$65.00 effective July 1, 2008.

Lola Buck, President of the Vista Diablo Home Owners Association and Al Ives, member of the Board of Directors of the Vista Diablo Homeowners Association, on behalf of the residents, requested the City Council approve the Mobile Home Rent Subsidy Agreement.

Archie Gore read excerpts from a letter presented to City Clerk Martin this evening requesting the subsidy renewed at \$65.00 and making the annual increase 100% of the CPI.

Freda Hargrove reported she received a rent adjustment notification which increased her rent from \$759.00 to \$895.69 which she was forced to sign due to the fact she could not sell her mobile home or afford to move. Additionally, she noted Mr. Arrogotti had refused to give her a \$43.00 subsidy this year.

Mayor Freitas requested Ms. Kennedy contact Ms. Hargrove to explore her options.

Councilmember Simonsen reported there were a number of Senate Bills dealing with Mobile Home Parks that could be detrimental to the City's efforts.

RESOLUTION NO. ADA-424

On motion by Councilmember Moore, seconded by Councilmember Davis, the City Council members present unanimously adopted the resolution with the following revisions:

- Increase the rent subsidy to \$65.00 per month effective July 1, 2008
- Increase the rent subsidy by an amount of 100% of the Consumer Price Index
- Cap increase at 5% with a minimum of 2%

Chairperson Freitas adjourned to the City Council with all Councilmembers present with the exception of Councilmember Kalinowski who was previously noted as excused.

Mayor Freitas declared a recess at 9:01 p.m. The meeting reconvened at 9:09 p.m. with all Councilmembers present with the exception of Councilmember Kalinowski who previously noted as excused.

#6 DISCUSSION REGARDING CC&R'S FOR HOMEOWNERS' ASSOCIATION AND HOME OCCUPANCY BUSINESSES (#408-01)

Councilmember Simonsen stated he wanted to bring the item forward as a discussion item this evening. He thanked Ms. Whitburn for providing the City Council with photos of violations of the City's RV parking ordinance and HOUP, which could be enforced by the city. He discussed the advantages and benefits of home based businesses.

Merle Whitburn, Antioch Hillcrest Homeowners Association, provided flyers being distributed to the residents of the HOA and noted there would be a meeting on April 9, 2008. She discussed the advantages and benefits of the HOA as well as the efforts of one home based business to defeat the proposed changes to the CC&Rs.

Maryjane Carsten, Antioch resident, discouraged the City from becoming involved in the issue and commended the HOA for maintaining a beautiful neighborhood.

Devi Lanphere, representing the Antioch Chamber of Commerce, clarified their concerns were the restriction of cars with signage and urged the HOA to address the issues with a specific business through the existing City codes and ordinances.

Councilmember Simonsen encouraged the HOA to review the City's ordinances and restrictions and work cooperatively with the Chamber of Commerce on these issues.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the April 15, 2008 Study Session would be cancelled. He reported he had sent a letter to the Board regarding the property tax administration charges levied, which may be agendized for a letter of support from the City Council. He announced the following schedule for City Council meetings:

Budget Study Sessions – April, 29, May 20
Regular City Council Meetings – April 22, May 13 and 27, 2008

COUNCIL COMMUNICATIONS

Councilmember Davis announced the Youth Council Annual Teen Summit would be held on April 26, 2008 from 8:00 a.m. to 3:00 p.m. at Freedom High School in Oakley. He reported the Youth Council would be in attendance at the April 22, 2008 City Council meeting for the Memorial Tree Grove Proclamation.

Councilmember Simonsen gave a brief report on the League of California Cities Policy Committee and Revenue Taxation Committee. He stated he would provide staff with the information from the Legislative Analyst Office to copy for all Councilmembers.

With no further business, Mayor Freitas adjourned the meeting at 9:35 p.m. to the next regular Council meeting on January 8, 2008.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk