

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

April 25, 2006
Council Chambers

Mayor Freitas called the meeting to order at 7:03 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

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

City Manager Jakel introduced Debra McHenry as the City's new Personnel Director.

Ms. McHenry stated she was happy to be here and looked forward to working with staff, City Council and the community.

PROCLAMATIONS

Arbor Day, April 28, 2006
Children's Memorial Day, April 28, 2006

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the proclamations.

Councilmember Kalinowski presented the proclamation proclaiming April 28, 2006 as Children's Memorial Day to Frank Palmeri who accepted the proclamation on behalf of the families who have lost children to a violent crime. Contact information was given for anyone wishing to receive additional information on the Children's Memorial Tree Grove program.

Councilmember Conley presented the proclamation proclaiming April 28, 2006 as Arbor Day to Frank Palmeri and members of the Riverview Garden Club, who thanked the City Council for the proclamation and invited the community to attend the tree-planting event at 3:00 P.M. on April 28, 2006 at Williamson Ranch Park. They presented the City Council with trees and an article pertaining to the legacy of a tree.

Frank Palmeri introduced the CDF Fire Department of Forestry representative and Smokey the Bear representing the U.S. and State Forest Service, who on behalf of the National Arbor Day Foundation presented Mayor Freitas with a National Arbor Day Tree Flag and an award naming Antioch "Tree City U.S.A."

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06/13/06

Mayor Freitas, on behalf of City Council and community, thanked the CDF Fire Department of Forestry representative and Smokey for the recognition.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Ken Lee, Antioch resident, discussed the contributions of the Chinese community after the 1906 earthquake and the importance of earthquake preparedness.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Martin announced the following Board and Commission openings for the City of Antioch:

- Four expired terms and one unexpired term on the Parks and Recreation Commission
- Two unexpired terms on the Police Crime Prevention Commission
- One unexpired term on the Design Review Board

The filing deadline for all applications is June 9, 2006 at 5:00 P.M. Contact information was given for those interested in applying.

ANTIOCH YOUTH COUNCIL MONTHLY REPORT

Raul Mendoza, Mauricio Ulloa, and members representing the Antioch Youth Commission provided a brief update of the Commissions business and presented the City Council with a planter box of flowers.

PUBLIC COMMENTS

Elvin Scott, representing the Union All Pension and Democratic Research Center, discussed his efforts to assist individuals in receiving their pension benefits. Contact information was given for anyone wishing to receive additional information.

Devi Lanphere, representing the Antioch Chamber of Commerce, gave a brief update on the Dublin, Ireland Study Mission and partnerships started abroad as well as with the Sacramento region.

Allen Payton gave an update on the Dublin Ireland Study Session and suggested Antioch establish an International Free Trade Zone and a sister city relationship with a city in Ireland. He provided the City Council with information on Irish history and a newspaper from Ireland.

Shelley Daley and Ed Daley, Antioch residents, discussed criminal activity occurring in their neighborhood and requested the Antioch Police Department become more proactive in making the City safe and secure. Mr. Daley stated he would be willing to assist the City in crime prevention efforts.

Councilmember Kalinowski directed City Manager Jakel to place an item on the next agenda establishing a date within the next 60 days for a Public Safety Summit for the community.

Douglas Tokes, Antioch resident, provided photographs and discussed parking violations and noise impacts occurring in his neighborhood by individuals attending activities at the Cornerstone Christian Center. He urged the City Council to have this issue resolved.

Ken Lee, Antioch resident, questioned where light intrusion definitions could be found in the City's code book and requested the City mitigate light impacts from the Nokes Auto Dealership.

Jesse Zuniga, Antioch resident and retired Law Enforcement officer, presented the City Council with section 8 statistics for the Bay Area and photos. He discussed criminal activities occurring in his neighborhood and offered to serve as a consultant to the Antioch Police Department.

Councilmember Davis proposed City Manager Jakel and City Attorney Galstan consider Antioch beginning their own or Section 8 or Housing Authority to allow for local control. He stated he would personally be contacting Mr. Zuniga regarding these issues.

Eve Diamond, Antioch resident, discussed the importance of earthquake preparedness and suggested Antioch become involved in the (NERT) Neighborhood Emergency Response Team program.

Mark Starr, Antioch resident, voiced his support for local control of Section 8 Housing and noted he felt it was a component for independent living.

Carolyn Wheeler, Antioch resident, discussed recent criminal activities that had occurred in her neighborhood. She requested both a stronger police presence in the area and for the barrier at the end of Kodiak to remain. She suggested city property be maintained to prevent fires caused by illegal fireworks.

Juan Gala, Antioch resident, discussed criminal activity occurring in his neighborhood and the need for the City to oversee Section 8 housing. He felt it was important for the City Council and community to be involved in improving public safety.

Mayor Freitas discussed the importance of community participation in addressing safety concerns in Antioch and suggested scheduling public meetings for the community on police services, code enforcement, earthquake preparedness and Section 8 housing. He announced he would be working with staff on developing a program.

Following discussion the City Council held over Public Hearing Item #3 Proposed Amendment to the Antioch Municipal Code dealing with Condominium Conversions.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR MARCH 28, 2006 #301-02
- B. APPROVAL OF COUNCIL WARRANTS #401-02
- C. APPROVAL OF TREASURER'S REPORT FOR MARCH 2006 #401-02
- D. REJECTION OF CLAIM #704-07
 - 1. St. Paul Travelers Insurance/TRC Companies, #05/06-1609 (dangerous condition)
- E. LEGISLATION AND ADVOCACY #701-04
- F. REQUEST FOR OVERNIGHT TRAVEL LEAGUE OF CALIFORNIA CITIES #301-01
- G. RESOLUTION NO. 2006/41 INITIATING AN ANNEXATION APPLICATION TO BE MADE TO THE CONTRA COSTA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR THE ANNEXATION OF A PORTION OF L STREET BETWEEN WEST TENTH STREET AND THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY #1102-04
- H. RESOLUTION NO. 2006/42 ACCEPTING COMPLETED IMPROVEMENTS FOR MIRA VISTA HILLS SUBDIVISION NO. 15, TRACT NO. 6920 (ALBERT D. SEENO CONSTRUCTION CO.) PW 365-15 #802-02
- I. RESOLUTION NO. 2006/43 ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2006/07 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM #814-03
- J. RESOLUTION NO. 2006/44 APPROVING TERMS OF AGREEMENT FOR LOCAL UNION ONE (UNIT ONE) #509-02
- K. RESOLUTION NO. 2006/45 APPROVING RECLASSIFICATION OF POSITION OF LANDSCAPE MAINTENANCE WORKER I/II ASSIGNED TO THE WATER TREATMENT PLANT IN LOCAL 1, UNIT L, TO WATER TREATMENT MAINTENANCE WORKER I/II IN UNIT 3 #509-02
- L. MEMORANDUM OF UNDERSTANDING WITH CONTRA COSTA COUNTY OFFICE OF EMERGENCY SERVICES - TELEPHONE EMERGENCY NOTIFICATION SYSTEM / COMMUNITY WARNING SYSTEM #1304-01
- M. RESOLUTION NO. 2006/46 ACCEPTING A GRANT IN THE AMOUNT OF \$100,000 FROM THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS FOR THE REPLACEMENT OF THE 100 FOOT GUEST DOCK

ON THE SAN JOAQUIN RIVER AND UPGRADING THE BOAT FUELING FACILITY AT THE ANTIOCH MARINA #1402-06

**N. RESOLUTION NO. 2006/47 APPROVING PROPERTY PURCHASE #1001-02
AGREEMENT (APN 072-380-082)**

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

Item B – Emil questioned how the City was benefiting from the sales tax paid to the Antioch Auto Dealership, noting, he felt could have been used to hire additional Police Officers.

In response to Mayor Freitas, City Manager Jakel confirmed that several Police Officers were hired each year from the revenue generated from the Antioch Auto Dealerships, which was a 300% rate of return on the City's investment.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council members present unanimously approved item B.

Item E – Mayor Freitas announced Councilmember Simonsen had requested the City Council consider taking a position on Bill 2987, therefore he was suggesting staff place this item on the agenda for the next meeting and for Council consideration under the budget summary.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council members present unanimously approved item E.

Item I – Mayor Freitas announced he would be recusing himself from this matter as it was directly related to his professional job salary at Contra Costa County. He turned the gavel over to Mayor Pro Tem Kalinowski and left the dais.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council members present approved item I. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley Recused: Freitas Absent: Simonsen

Mayor Freitas returned to the dais.

Item J – Councilmember Kalinowski stated he would be voting against this resolution noting it was his position a 6-year MOU was not acceptable.

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Council approved item J. The motion carried by the following vote:

Ayes: Davis, Conley, Freitas, Noes: Kalinowski Absent: Simonsen

PUBLIC HEARINGS

2. RESOLUTION APPROVING PROGRAM YEAR (PY) 2006-2007 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN #709-01

Administrative Analyst Janet Kennedy thanked Councilmembers Davis and Simonsen for sitting as CDBG and Housing Subcommittee Members. She introduced CDBG Coordinator Sharon Cohen who presented the staff report dated April 20, 2006 recommending the City Council adopt the resolution approving the Program Year 2006-07 Annual Action Plan. She reported FUNEN had withdrawn their application for economic development. She stated it was her opinion the estimated funds from HUD were accurate and should more cuts be necessary, she would be working closely with any changes to the allocations.

In response to Councilmember Conley, Ms. Kennedy stated should the City have problems with tenants in the apartment buildings listed in the Contra Costa Consortium plan, she should be immediately informed and she would investigate and take the appropriate action. She reported Neighborhood Services and Police Department hold monthly meetings with apartment managers to review calls for service information.

Mayor Freitas stated, if the apartment managers for projects receiving money were unable to attend monthly meetings with Neighborhood Improvement and the Police Department, they should not be receiving any funds.

Councilmember Davis thanked Ms. Kennedy and Ms. Cohen for their assistance in reviewing the applications. He stated there were two errors in the staff report and clarified the address for the Perinatal Council was 512 W. 5th Street, Antioch and the recommendation for Pacific Community Services for Comprehensive Housing Counseling was \$10,000.

Mayor Freitas opened the Public Hearing.

Mayor Freitas read written comments provided by Alissa Friedman, representing OPTIC, thanking the City Council for their support and providing contact information for anyone wishing to receive additional information on the program.

Claude Battaglia, Independent Living Resource, thanked the City for continuing to fund their program. He further requested reconsideration to restore funding to \$5,000. He discussed their efforts of Independent Living Resource to serve Antioch residents.

Myrna Johnson and Willa Parsons representing WW Ministries Inc. thanked the City Council for funding their organization, reviewed the services they provide and requested the amount funded be increased to cover a rent increase and new dressing rooms.

Wanda Remmers, Executive Director of Housing Rights Incorporated, thanked the committee for recommending continuation of funding their program. She offered their services in dealing with tenant/landlord issues within the city.

Councilmember Kalinowski invited Ms. Remmers to participate in the public forum regarding public safety issues.

Candida Duperroir, representing the Contra Costa Childcare Council, thanked the City Council for supporting their program.

Lorin Waxman, representing Senior Outreach Services, Meals on Wheels, Care Management and Home Chore Registry Service, thanked the Council for considering funding their programs.

Mayor Freitas closed the Public Hearing.

Following discussion the City Council determined the New Connection allocation was a duplication in services with REACH project and recommended redirecting those funds as follows:

- Independent Living Resource of Contra Costa County – Living Safely at Home – \$6,000
- WW Ministries – The Positive Edge – \$7,000
- The Bedford Center – Adult Day Health Care Program – \$15,400
- STAND – \$20,000

Councilmember Kalinowski requested future reports have the current allocations listed and discussed the need for future consideration of youth programs.

RESOLUTION NO. 2006/48

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council members present unanimously adopted the resolution approving the Program Year 2006-07 Annual Action Plan with the following changes:

- Independent Living Resource of Contra Costa County – Living Safely at Home – increased to \$6,000
 - New Connections – Substance Abuse Services – eliminated funding
 - WW Ministries – The Positive Edge – increased to \$7,000
 - The Bedford Center – Adult Day Health Care Program – increased to \$15,400
 - STAND – increased to \$20,000
3. **THE CITY OF ANTIOCH PROPOSES TO AMEND TITLE 9, CHAPTER 5 ARTICLE 31: CONDOMINIUM CONVERSIONS (RESIDENTIAL) OF THE MUNICIPAL CODE TO BRING THE ARTICLE INTO CONFORMANCE WITH STATE OF CALIFORNIA LAW, AND TO ADDRESS APPLICATION SUBMITTAL REQUIREMENTS, PROPERTY DEVELOPMENT STANDARDS AND MINIMUM PROPERTY IMPROVEMENTS, AND HOME OWNER ASSOCIATION FORMATION, FUNDING, AND RELATED TOPICS. THE AMENDMENT WILL BE APPLICABLE CITYWIDE FOR REQUESTS TO**

**CONVERT MULTIPLE FAMILY RENTAL UNITS TO OWNER OCCUPIED
CONDOMINIUMS. (Z-05-03) #202-05**

The City Council held this item over to May 9, 2006.

Mayor Freitas declared a recess at 9:03 P.M. The meeting reconvened at 9:17 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who was absent.

**4. DISCUSSION OF PROPOSED CHANGES TO THE MASTER FEE SCHEDULE
AND RESOLUTION APPROVING MASTER FEE SCHEDULE FOR FISCAL
YEAR 2006/07 #409-01**

Finance Director Brookshire presented the staff report dated April 19, 2006 recommending the City Council adopt the resolution approving the Master Fee Schedule effective 7/1/2006.

Mayor Freitas requested City Attorney Nerland determine if it was legally defensible to cite or charge business owners for staff time to remove illegal signage.

Mayor Freitas opened the Public Hearing.

Devi Lanphere, Antioch Chamber of Commerce, expressed concern the fees for transportation services may be too high, which would cause them to locate in another city. She stated she would like the fees kept to actual administration fees. She reported she had been contacted by two members who were told by the planning department, signs required were \$2,000 deposits.

Acting Deputy Director of Community Development Wehrmeister added the sign program deposit is \$500 and larger projects are \$2,000 deposit. She clarified the deposit stays on file with the City and the applicant is charged a monthly time and materials billing, once the applicant receives their Certificate of Occupancy, and all bills are paid in full, they can request the deposit back.

Mayor Freitas closed the Public Hearing.

RESOLUTION NO. 2006/49

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council members present unanimously adopted the resolution approving the proposed changes to the City of Antioch Master Fee Schedule as presented this evening effective July 1, 2006.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present with the exception of Agency member Simonsen who was absent.

5. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS

#401-02

On motion by Agency Member Conley, seconded by Agency Member Davis the Agency members present unanimously approved the Agency Warrants.

Mayor Freitas requested the spelling of Economic Development Director Bjerke be corrected.

AGENCY REGULAR AGENDA

6. RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH RIVERTOWN DEVELOPMENT LLC (ARCADIS G&M, Inc) REGARDING THE PROPOSED REDEVELOPMENT EFFORT FOR THE RIVERTOWN WATERFRONT PROJECT AREA

#902-06

Economic Development Director Bjerke stated he had provided the Agency with a copy of the original September 2005 MOU and presented the staff report dated April 20, 2006 recommending the Agency Board consider adoption of the resolution amending the MOU with Rivertown Development LLC regarding the proposed redevelopment effort for the Rivertown Waterfront Project Area.

Erhardt Werth representing Arcadis G&M, Inc. stated they were ready to aggressively begin a 120-day program and they were committed to creating conceptual planning in a cooperative partnership with the City and Agency. In addition, he noted they will be implementing financing arraignments, preparing partnering agreements and finalizing the elements of the MDDA. He further noted the goal at the end of 120 days would be to have an economic analysis, clear understanding of the vision, and move towards implementation of the vision with possibly a project on city owned property. He reported there would be external and city communication plans and they would be present at all Council meetings as well as provide written documentation with additional briefings at key milestones. He stated they would like to involve as many stakeholders in the creation of the vision.

In response to Councilmember Conley, Economic Development Director Bjerke clarified should the project fail to move forward, any work completed would become the property of the City.

Mayor Freitas stated regarding an extension of the negotiation period, he would consider a 30 day extension if an agreement had been reached and there was need for a review of the mechanics, however, it was his expectation the MDDA would be a priority and he would not be looking favorably if the negotiations were not completed by the end of the 120 days period.

RESOLUTION NO. ADA-410

On motion by Agency member Conley, seconded by Councilmember Davis the Agency members present unanimously adopted the resolution.

7. HOUSING TRUST FUND INITIATIVE

#903-01

Housing Coordinator Kennedy presented the staff report dated April 25, 2006 recommending the City Council direct staff as to Council's desired course of action.

Agency member Conley stated he believes being involved in the process is important however it is no indication of further funding or enforcement of the program.

On motion by Agency member Conley, seconded by Agency member Kalinowski the Agency approved funding of \$5000 from Redevelopment Agency housing set aside funds. The motion carried by the following vote:

Ayes: Kalinowski, Conley, Freitas

Noes: Davis

Absent: Simonsen

Chairperson Freitas adjourned to the Antioch City Council.

COUNCIL REGULAR AGENDA

8. RESOLUTION ADOPTING A REVISED TRAVEL AND EXPENSE POLICY FOR ELECTED AND APPOINTED OFFICIALS

#401-01

City Attorney Nerland presented the staff report dated April 18, 2006 recommending the City Council adopt the resolution adopting the revised Travel and Expense Policy for Elected and Appointed Officials.

Following review of the Travel and Expense Policy proposed revisions the City Council supported all revisions proposed with the following direction:

- Personal Vehicle Use – First Alternative
- Communication Equipment and Services - as worded with the exception of “and subscriptions to local newspapers.” which shall be deleted.
- Lodging – delete language “The City will pay for a double room only if two Elected or Appointed Officials share a room.”

City Attorney Nerland stated she would work with the Finance department to develop a form to minimize paperwork for expense reports with the expectation that in January 2007, the City Council will consider a salary increase to cover communication expenses.

Mayor Freitas suggested the Council contact the author and ask the author to reconsider Communication allowances for computer expenses.

RESOLUTION NO. 2006/50

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously approved the revised Travel and Expense Policy as outlined above.

PUBLIC COMMENTS

Mayor Freitas read written comment from Allen Payton inviting the public to attend the Spring 2006 East Contra Costa Home & Garden Show on May 5-7, 2006 at the Antioch Fairgrounds. Mr. Payton provided passes to the City Council and staff. For the record, Mayor Freitas indicated he would not be taking any passes.

STAFF COMMUNICATIONS

City Manager Jakel announced staff was meeting on April 26, 2006 to discuss Section 8 issues. He reported he attended a Delta 6 meeting with Mayor Freitas in which a representative of MTC and ABAG made a presentation regarding a new initiative that potentially had interesting implications for Eastern Contra Costa County. He noted this presentation would be given again on April 27, 2006 at the Mayor's conference.

COUNCIL COMMUNICATIONS

Councilmember Davis reported he attended the following outstanding events on April 22, 2006:

- Youth Summit in Oakley
- "Get Hooked On Fishing Not Drugs" Fishing Derby
- Eagle Scout Court of Honor
- Youth Dance at a local church

Councilmember Conley reported he attended the Delta Baseball League opening events at Deer Valley High School. He requested staff:

- Provide him information on the time and location for the staff discussion on section 8 issues
- Communicate with the individuals overseeing Section 8 housing in Contra Costa County and inform them of the Council's displeasure with the program and their consideration for local control of the program.
- Communicate with Senator Dick Rainey HUD relating concerns regarding the County's oversight of Section 8 housing in Antioch.
- Ensure any neighborhood improvement or police calls for service have a sliding scale for an increase in fees for those units.

Mayor Freitas reported he had attended a tour of the transit system in Portland Oregon, which was very informative and may be brought into the planning process for the establishment of eBART stations in Eastern Contra Costa County.

City Manager Jakel announced there would be a City Council Study Session held on May 16, 2006 on the budget.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:07 P.M. to the next regular Council meeting on May 9, 2006.

Respectfully submitted

L. JOLENE MARTIN, CMC, City Clerk