

ANTIOCH CITY COUNCIL

**Regular Meeting
7:00 P.M.**

**March 28, 2006
Council Chambers**

6:45 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR** - Employee Organization: Local 1 (Maintenance). This Closed Session is authorized by Government Code §54957.6

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

Present: Council Members Davis, Kalinowski, Conley, 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 Kalinowski led the Council and audience in the Pledge of Allegiance.

PRESENTATIONS

Lonnie Karste thanked and presented the following sponsors of the Child Safety Faire with gifts honoring their participation.

- Kaiser Permanente – Ron Wetter
- Pleasant Hill Bayshore Disposal – Susan Hurl
- Dow Chemical – Lonnie Karste
- Sutter Delta Medical Center – Mary Benotti
- Tri Delta Transit – Anne Hutchinson
- CAER – Lorrie McDonald / Tony Semenza
- Sommersville Towne Center – Dave Mace / Lauren Pierovich

PROCLAMATIONS

Earthquake Preparedness Month, April 2006
Sexual Assault Awareness Month, April 2006

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

Councilmember Kalinowski presented the proclamation proclaiming April 2006 as Earthquake Preparedness Month to Lonnie Karste who accepted the proclamation and thanked the City Council for the recognition. He provided brochures and calendars pertaining to disaster preparedness. Contact information was given for anyone wishing to receive additional information.

In response to Mayor Freitas, Mr. Karste explained in the event of a disaster, residents should stay in their homes until informed of designated shelter locations.

In response to Councilmember Conley, Mr. Karste explained should the community need to be evacuated, both the east and westbound lanes on Highway 4 could be utilized.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Mark Peterson, Scout Master of Troop #28, introduced the members and Assistant Troop Master. He stated they were working on their city government merit badge.

Mayor Freitas welcomed and thanked Troop #28 for attending.

In response to Mayor Freitas' question, the only troop member wearing a green uniform explained the green uniform symbolized he was a Varsity Scout.

Dee Vieira, introduced Key Club students, Sarah and Jessica, who were representing the Deer Valley and Antioch High School Key Clubs respectively. She thanked them, as well as members of the Kiwanis Club, who had helped clean up an area on Sunset Drive March 25, 2006. She presented photographs and a map of the area to the City Council, and reported the existence of a homeless encampment located on the other side of Sunset Drive. She stated she had informed both the Public Works Department and the Mosquito Vector Control District of the encampment location.

Councilmember Simonsen thanked the Key Club members and Ms. Vieira for participating in the clean up. He reported he would contact Neighborhood Improvement to have the debris removed.

Ms. Vieira suggested the surrounding businesses clean up the area and install a fence.

Councilmember Conley thanked everyone who had participated in the clean up efforts.

Mayor Freitas stated the City Council needed to schedule a meeting to discuss code enforcement. He stated property owners need to be made aware of environmental concerns, and correct them immediately.

Raul Mendoza and Mauricio Ulloa, representing the Antioch Youth Commission, provided a brief update of the Youth Commission's business and noted they would be attending City Council meetings monthly to provide the City Council with an update.

Mayor Freitas welcomed the Antioch Youth Commission and noted they should be added to the agenda for monthly reports.

Sarah Starks, representing the Deer Valley High School Key Club reported the Safety Fair was very successful event and she thanked the community for their support.

Mayor Freitas suggested a letter to the editor specifically recognizing those who participated in the Safety Fair.

Mayor Freitas announced Consent Calendar items *H* and *I* as well as Public Hearing Item #3, "Amendment to the Municipal Code relating to Condominium Conversions..." had been requested to be continued to April 11, 2006. In addition he noted the bollard issue for the Hillcrest View Condominium Conversion would be heard on April 25, 2006.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 21, 2006 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIMS #704-07**
 - 1. John McGuffick, #05/06-1606 (water usage)**
 - 2. Emilia B. Anyanwu, #05/06-1603 (trip and fall)**
 - 3. Pacific Gas and Electric Co., #05/06-1604 (property damage)**
- D. LEGISLATION AND ADVOCACY #701-04**
 - 1. RESOLUTION NO. 2006/33 SUPPORTING CURRENT INITIATIVE EFFORT TO ENSURE IMPLEMENTATION OF PROPOSITION 42**
- E. APPROVAL OF DESIGN CONSULTANT FOR COMMUNITY BUILT PLAYGROUND AT CITY PARK (PW 205-F) #1402-03**
- F. RESOLUTION NO. 2006/34 ACCEPTING WORK AND DIRECTING CITY ENGINEER TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL PAYMENT TO W. BRADLEY ELECTRIC, INC. FOR THE BUCHANAN ROAD/MISSION DRIVE TRAFFIC SIGNAL INSTALLATION (PW 392-22TS) #1104-02**
- G. RESOLUTION NO. 2006/35 ACCEPTING WORK AND DIRECTING CITY ENGINEER TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL PAYMENT TO WILLIAM G. MCCULLOUGH CO. FOR THE WATER/SEWER MAINS/PAVEMENT REHABILITATION IN VARIOUS LOCATIONS (PW 503-9) #1202-03**
- H. RESOLUTION ACCEPTING THE ENGINEER'S REPORT AND SETTING THE DATE FOR A PUBLIC HEARING FOR THE KAISER MEDICAL CENTER PUBLIC FACILITY BENEFIT DISTRICT GENERALLY LOCATED IN THE PROPERTY BOUNDED BY DEER VALLEY ROAD, SAND CREEK ROAD AND WELLNESS WAY (PW 628-BD) (Con't to 4/11/06) #806-05**

- I. **RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF ANTIOCH AND SUNCREST HOMES 26, LLC FOR THE COST DIFFERENCE BETWEEN BURIED CONCRETE WATER TANK AND ABOVE GROUND STEEL WATER TANK LOCATED IN SIERRA VISTA SUBDIVISION, (PW 584-T) (Con't to 4/11/06)** #802-02
- J. **APPROVAL OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - FY 2006** #1301-01
- K. **RESOLUTION NO. 2006/36 TO REALLOCATE UNIT DESIGNATION FOR THE POSITION OF GEOGRAPHICAL INFORMATION SYSTEM (GIS) COORDINATOR** #509-02

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

Item H – Continued to April 11, 2006.

Item I - Continued to April 11, 2006.

PUBLIC HEARINGS

- 2. **HILLCREST VIEW CONDOMINIUM CONVERSION/HILLCREST VIEW INVESTORS/JIM BONES, REQUESTS APPROVAL OF A MAJOR SUBDIVISION AND USE PERMIT FOR THE CONVERSION OF THE HILLCREST VIEW APARTMENTS TO RESIDENTIAL CONDOMINIUMS LOCATED AT 3001 KODIAK DRIVE. (APN 053-040-070). (File: UP-06-02, PW 656)** #202-10

Senior Planner Oshinsky presented the staff report dated March 15, 2006 recommending the City Council approve the Condominium Subdivision and Use Permit subject to the conditions contained in the staff report..

City Attorney Nerland stated staff prefers the Home Owners Association enforce the CC&Rs, however the City could put pressure the HOA to take action if necessary.

Eric Hasseltine, representing Hillcrest View Investors, gave a brief history of the project. He urged the City Council to approve the Condominium conversion and requested all of the conditions related to the roadway and bollards be dealt with together at the Public Hearing in April.

Terry Ramus, Antioch resident, urged the City to properly notice the residents in the area for the Public Hearing on the bollard issue. He suggested the City develop a policy to assure there was sufficient apartment stock prior to any conversions. He questioned the enforceability of the CC&Rs, and suggested a stronger mechanism for enforcing restrictions.

City Engineer/Community Development Director Brandt clarified staff was doing an expanded notice for the Public Hearing on the bollard issue, which would include Bear Ridge subdivision and the subdivision to the west.

Robert Brooke, Antioch resident, discussed the importance of providing a starting market for home ownership.

Mayor Freitas closed the public hearing.

In response to Councilmember Kalinowski, City Attorney Nerland clarified the CC&Rs were recorded against the property and specifically handed to the homeowner when they purchase their home.

City Engineer/Community Development Director Brandt suggested an additional condition on the project directing the HOA to provide the Community Development Department with an annual report detailing the rental percentages within the project.

Councilmember Simonsen clarified vacancy rates of apartment complexes citywide were considered with every application for condominium conversion. He suggested the condition requiring an annual report become part of the existing ordinance and applied uniformly.

Following discussion, the City Council consensus supported the annual report and directed such verbiage be included in the future condominium conversion ordinance. In addition they felt it was appropriate to address the damaged landscaping at this time.

City Attorney Nerland cautioned Council, the City would not be able to put a mechanism in place to make the applicant pay for the landscaping, if it was not added at this time.

Councilmember Simonsen stated he felt the mechanism for repairing the landscaping should fall on the street lighting and landscape district, therefore he suggested project specific condition #39 be continued to the Public Hearing in April.

RESOLUTION NO. 2006/37

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously approved the Condominium Subdivision and Use Permit subject to the conditions contained in the staff reports, with the addition of project specific condition 40d to read:

40d. The homeowners association shall provide an annual report to the Community Development Director for the City of Antioch on compliance with the owner occupancy program outlined in this condition.

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**

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski the City Council unanimously continued item #3 to April 11, 2006.

COUNCIL REGULAR AGENDA

4. **URGENCY ORDINANCE DECLARING AN INTERIM STUDY PERIOD FOR AND PROHIBITING APPROVAL OF SINGLE-FAMILY RESIDENCES WITH FIVE OR MORE BEDROOMS IN AREAS ZONED PLANNED DEVELOPMENT (PD) AND IN THE R-4 AND R-6 SINGLE-FAMILY RESIDENTIAL DISTRICTS UNLESS CERTAIN CONDITIONS ARE MET #701-05**

City Attorney Nerland presented the staff report dated March 22, 2006 recommending the City Council approve by motion the reading of the ordinance by title only; and adopt the urgency ordinance. She reported a letter was received a few hours before this hearing, from the Home Builders Association of Northern California (HBANC), urging the City Council not to adopt the ordinance. Staff agreed consulting with the HBANC on the issue would be beneficial and would simply be asking to freeze matters to allow study and discussion of the fee issue to occur. She added it was staff's intent to bring forward a comprehensive proposal in 45 days, if possible.

A motion was made by Councilmember Conley, seconded by Councilmember Kalinowski to approve by motion the reading of the ordinance by title only; and adopt the urgency ordinance. The result of the vote is as follows:

Ayes: Kalinowski, Conley, Freitas

Noes: Davis, Simonsen

A 4/5th vote was required for the urgency ordinance, therefore the motion failed.

Councilmember Simonsen stated he did not feel this item should have been brought forward as an urgency item.

Mayor Freitas stated he intended to appeal, automatically, any approvals for residential projects from the Planning Commission and Design Review Board to the City Council and noted he intended to vote against them, until this issue is resolved. He further noted this urgency ordinance was a response to direction from the City Council and Planning Commission at the joint Study Session.

Councilmember Kalinowski agreed with Mayor Freitas and stated he did not intend to vote for any residential development project until this specific item was resolved at the City Council level or by a vote of the residents of the community.

Councilmember Conley stated he felt 45 days would allow for the City to work with the Home Builders Association to resolve everyone's concerns. He noted his primary concern was with existing residences converting to multi-family.

Councilmember Simonsen discussed the importance of providing housing for large families and executives.

Mayor Freitas clarified this issue was directly related to residential homes large enough to house 2 or 3 separate distinct families and provide staff with the ability to properly address the impacts. He commended staff for their immediate response, noting he had received numerous complaints on this issue. He reiterated the motion failed due to a 3/2 vote.

City Attorney Nerland stated this item could be brought forward as a non-urgency item.

5. NEW STATE ETHICS LAWS: ETHICS TRAINING, EXPENSE REIMBURSEMENT POLICY AND COUNCIL MEMBER COMPENSATION
#704-01

City Attorney Nerland presented the staff report dated March 22, 2006 recommending the City Council provide direction to staff.

Councilmember Simonsen stated the training could be done in conjunction with other agencies to save on costs and there was also an option to complete it online at the Secretary of State's and FPPC website.

City Manager Jakel recommended all management and middle management employees participate in the training. He stated the scale of those participating would be large enough he would recommend training being held here.

Following discussion the City Council agreed all members of the City Council, Boards and Commissions as well as all City Employees who file a form 700 should attend Ethics Training to be held in November following the election. They recommended holding one day and one night session and inviting the Youth Council.

Councilmember Conley suggested anyone unable to attend the sessions complete the training online.

In response to City Attorney Nerland, the City Council agreed appointed commissions/board members were allowed to seek reimbursement for expenses only if on official travel.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reported the Board of Supervisors would consider the closure of Empire Mine Road at a Public Hearing to be held on April 4, 2006. He noted city staff would be representing Antioch and would be noticing property owners in the area.

COUNCIL COMMUNICATIONS

Councilmember Conley requested staff provide a timeline for the EIR process for BART and options for rapid transit in Antioch.

Mayor Freitas requested staff contact Tom Yarborough and Ellen Smith from BART and Susan Miller, James Coreless from Metropolitan Transportation Commission to provide an overview and timeline for BART/eBART as soon as possible.

Mayor Freitas thanked everyone who assisted in the organization of, as well as those who attended, the Mayor's Prayer Breakfast noting it was a very successful event. He noted the microphones in the Council Chambers are extremely improved and thanked those responsible. He questioned why a facility on 10th and A Street had been allow to be under construction for more then 1 year and requested staff look at ordinances relating to enforcing the completion of projects in a timely manner.

City Manager Jakel stated there would be Study Sessions scheduled on the third Tuesdays of April, May and June.

With no further business, Mayor Freitas adjourned the meeting at 9:00 P.M. to the regular Council meeting of April 11, 2006.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk