

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

May 9, 2006
Council Chambers

Mayor Freitas called the meeting to order at 7:01 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

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

Mayor Freitas announced he had received a request to place a Proclamation for National Police Week and a Presentation from the Volunteers In Police Services (VIPS) on the agenda.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously added a National Police Week proclamation and a presentation from VIPS on the agenda.

PROCLAMATIONS

National Police Week, May 14-20, 2006
Be Kind to Animals Week, May 7 - 13, 2006
Affordable Housing Week, May 12 - 21, 2006
National Public Works Week, May 21 - 27, 2006

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

Councilmember Simonsen presented the proclamation proclaiming May 21-27, 2006 as *National Public Works Week* to Phil Harrington who thanked the Public Works employees for their professionalism and dedication to making Antioch a better place to live.

Councilmember Davis presented the proclamation proclaiming May 14-20, 2006 as *National Police Week* to Officer Cliff Rezentes, who accepted the proclamation on behalf of the Antioch Police Department.

Councilmember Conley presented the proclamation proclaiming May 7-13, 2006 as *Be Kind to Animals Week* to Barbara Sobalvarro and members of the Friends of Animals Services who accepted the proclamation and thanked the City Council for their support. She announced the "Be Kind to Animals Week" event would take place at the Antioch Animal Shelter on May 13, 2006 and the "Spring Flower" donation program was

currently underway. Contact information was given for anyone wishing to receive additional information.

Mayor Freitas stated the City would be mailing the proclamation for Affordable Housing Week.

PRESENTATION

Chief Moczulski introduced individuals representing (VIPS) Volunteers In Police Services who presented Councilmember Kalinowski with a "check" for \$500,000 representing the value of the volunteers' time and services provided to the City of Antioch.

Mayor Freitas acknowledged the volunteers for their support and contributions to the City.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Mayor Freitas announced the City had received a letter from the Contra Costa Transportation Authority stating Antioch was the first city certified to be in compliance with Measure J. Mayor Freitas went on to explain this compliance guarantees money for road/street repairs.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

Mayor Freitas 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.

PUBLIC COMMENTS

Dave Sanderson introduced the City's new Recreation Supervisor Matt Pfeiffer. Gina Lombardi-Gravert announced the Mayor's Golf Tournament would be held on June 4, 2006 to benefit various youth organizations. Contact information was given for anyone wishing to participate or make donations.

Victor Palombi, Antioch resident, spoke to the increased criminal activity occurring in his neighborhood and urged the City Council to set priorities to solve the murder that

occurred and increase police patrols in the community. He requested the City inform the public on the activities of the Police Department and questioned if there was adequate police training and coverage in Antioch.

Steven Larsen, Antioch resident, expressed concern regarding recent criminal activity occurring in his neighborhood.

Jesse Zuniga, Antioch resident, thanked the City Council for their positive responses related to increased criminal activity in their neighborhood. Several residents in the audience raised their hands acknowledging they were residents in the Bear Ridge community and committed to becoming part of the solution. He presented the City Clerk with an application for the Police Crime Prevention Commission and information regarding current staffing levels at the Antioch Police Department. He expressed concern the City is below POST recommendation for staffing levels.

Tomi and David Morelli, Brentwood residents, reported their daughter and her friends were victims of a random act of gang violence in Antioch. She feels police response to this issue was not adequate and urged the City Council to address this issue.

In response to Mr. Morelli, Chief Moczulski clarified a small percentage of police calls were reported in the newspaper and were reflective of the most significant issues that occur. He stated he would like to meet with Mr. and Mrs. Morelli regarding the accuracy of the information they have received.

In response to Councilmember Kalinowski, Chief Moczulski added the police activity boards are available to the press and the City has an SRU team.

Linda Pappas Diaz announced this was her last City Council meeting as Assistant City Manager in Antioch and thanked the community, staff and City Council for the opportunity to have served the residents of Antioch.

The City Council agreed to move agenda item #5 to follow agenda item #2.

- 1. COUNCIL CONSENT CALENDAR**
- A. APPROVAL OF COUNCIL MINUTES FOR MARCH 21, 2006 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIM #704-07**
 - 1. Kenneth Swenson, #05/06-1607 (vehicle damage)**
- D. LEGISLATION AND ADVOCACY #701-04**
- E. TELECOMMUNICATIONS: ASSEMBLY BILL 2987 #701-01**

- F. **CONSIDERATION OF BIDS FOR THE WATER TREATMENT PLANT SOLIDS HANDLING FACILITIES AND PLANT B EXPANSION (PW 551-4) #1201-01**
- G. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE JAMES DONLON BLVD. PAVEMENT REHABILITATION PROJECT (PW 368-3) #1102-04**
- H. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE REPAIR OF SIERRA CRETE STREETS (PW 392-23) #1102-04**
- I. **RESOLUTION NO. 2006/51 VACATING A PORTION OF OPEN SPACE PARCEL "C" (DIAMOND RIDGE PHASE III, SUBDIVISION 7537 [373 M 48]) AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT DEED TO THE OWNERS OF LOT 300 (DIAMOND RIDGE PHASE III, SUBDIVISION 7537 [373 M 48]) (PW 443-04-06) #802-02**
- J. **RESOLUTION NO. 2006/52 ACCEPTING THE ENGINEER'S REPORT AND SETTING THE DATE FOR A PUBLIC HEARING FOR THE KAISER MEDICAL CENTER PUBLIC FACILITY BENEFIT DISTRICT (PW 628-BD) #806-05**
- K. **2005-2006 OPERATING BUDGET - 3RD QUARTER REPORT #401-01**

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

Item E – Councilmember Simonsen requested the City Council adopt the policies the League of California Cities Board took from the task force, taking a position of opposing AB 2987.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council unanimously approved taking the positions of the League of California Cities and sending letters of opposition to the bill's author, and local representatives in the State Senate and Assembly. The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen, Freitas

Abstain: Kalinowski

Item F – Mayor Freitas requested this item be held over and directed staff to provide a more detailed explanation.

Item G – In response to Councilmember Conley, Associate City Engineer Abu-aly clarified the payment rehabilitation outlined in the staff report should be completed in October.

Councilmember Kalinowski expressed concern for the condition of the remainder of James Donlon Road from Lone Tree Way to Somersville Road and requested this item go back for staff to develop a comprehensive program and aggressive timeline for rehabilitation of the road.

Director of Community Development Brandt suggested the City Council allow this contract to go forward now with the development of an aggressive timeline for designing and constructing the remainder of the road for consideration during the CIP process.

Mayor Freitas stated there was an economy of scale based on how large the contract bids were awarded and suggested holding this item over for 2 weeks as Council wants a comprehensive plan.

Community Development Director Brandt agreed there was an economy of scale; however, the City was constrained by funds. He noted they would come back with the other scheduled projects and options for the possible funding of James Donlon.

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

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

Item J – In response to Mayor Freitas, Community Development Director Brandt reported he had heard from an attorney representing one of the parties who had indicated they may not be able to reach agreement. He noted if there was no agreement and the Council agreed the assessments were appropriate, as they came in for projects and building permits they would pay those fees. In addition he noted the improvements were built.

City Attorney Nerland added, when the property owners come forward to develop their projects, these are reimbursable costs, which will be a condition of approval to their going forward with their project.

Community Development Director Brandt clarified the costs were supported by paid invoices.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the City Council unanimously approved item J.

Item K – Mayor Freitas stated he pulled this consent calendar item and would be making his inquiry regarding the budget off the record.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously approved item K.

PUBLIC HEARINGS

- 2. HILLCREST VIEW CONDOMINIUM CONVERSION/HILLCREST VIEW INVESTORS/JIM BONES, BARRIER INSTALLATION BETWEEN KODIAK STREET AND MORRO DRIVE AT THE HILLCREST VIEW APARTMENTS WILL BE CONSIDERED. THE SITE IS LOCATED AT 3001 KODIAK DRIVE (APN 053-040-070) FILES: UP-06-02, PW-656 #202-10**

Community Development Director Brandt presented the staff report dated April 4, 2006 recommending the City Council adopt the resolution upholding the Planning Commission's recommendation to remove the barrier between Kodiak Street and Morro Drive.

Mayor Freitas opened the Public Hearing.

Antioch residents Thom Dyson, Shelley Daley, Ed Daley, Charles Wheeler, Victor Palombi, Veronica Dyson speaking on behalf of several residents of the area, Juan Carlos Galla, Cindy Newman, David Pfeiffer, Suzanne Pfeiffer, Phil Ohlson, Claude Mereau, Jesse Zuniga, and Brian Slaughter noted the barrier was a quality of life issue and had been effective in mitigating traffic flow as well as preventing additional criminal activity in the neighborhood. They urged the City Council to honor the agreement negotiated between the Hillcrest Neighborhood Coalition and the apartment developer's representatives. They explained the City Council had required a barrier as a condition of approval when the apartment project was approved. In addition they requested the City Council direct reinforcement of the barricade to prevent vehicles from illegally going around the barrier.

For the record, Mayor Freitas stated Mr. Brandt was one of the most honest individuals he has met personally and professionally and requested residents not attack him by inference.

Mayor Freitas read written comment provided by Ken Hughes, Antioch resident, urging the City Council to keep the barricade in place.

Mayor Freitas read written comments provided by Mike Kirby on behalf of several neighbors in support of removal of the barrier.

Mayor Freitas closed the Public Hearing.

Following discussion the City Council agreed they should honor their agreement with the residents by retaining the barricade.

RESOLUTION NO. 2006/53

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the City Council unanimously denied the Planning Commission's recommendation to remove the barrier between Kodiak and Morro Drive, required the developer to re-landscape the area that has been damaged and directed staff to develop a program to prevent vehicles from driving around the barriers.

Mayor Freitas declared a recess at 9:12 P.M. The meeting reconvened at 9:28 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

5. DISCUSSION OF DIRECTION TO STAFF REGARDING THE ESTABLISHMENT OF A LOCAL HOUSING AUTHORITY AND CONDUCTING A FORUM RELATED TO QUALITY OF LIFE ISSUES #709-02

Mayor Freitas stated he would be opening public comments on this item, to be followed by City Council discussion and direction to staff related to the issue of a local housing authority and quality of life issues.

Roger Henry Jr., President of and speaking on behalf of the East County NAACP, stated they wanted to see safe, well-maintained communities showing a reduction in crime, therefore they could support the City of Antioch having its own housing authority. He offered to work with the City to make sure all ordinances and permits were constructed in a non-discriminatory way.

Steve Larsen, Luis DeJesus, Gina Wagner, Barbara Herendeen, Jesse Zuniga and Claude Mereau spoke in support of the City taking action to form a housing authority to provide local control and ensure rental properties were in compliance with city codes and ordinances. In addition, Mr. Zuniga offered his services to the city and suggested the formation of a Rent Review Control Board.

Mayor Freitas noted the correspondence dated May 2, 2006 from Ms. Herendeen would become part of the record.

Rudy Tomayo, Executive Director of the Contra Costa County Housing Authority, announced they are going through changes related to HUD, staff turnover, technology as well as new laws from the state and federal government. He stated they are willing to work with city staff and the Antioch Police Department to be more responsive to the public and they should be able to meet an acceptable level of customer service.

In response to Council, Mr. Tomayo clarified if a Housing Authority office was needed locally, it could be set up in Antioch to field phone calls and perform investigations. In addition, he noted the city could develop codes and ordinances to assist the Housing Authority and landlords in evicting problem tenants. He further noted if Antioch formed their own Housing Authority the current vouchers would not be turned over to the City.

Councilmember Conley stated he felt the program should be restructured to address slumlords and with standards for garbage and water service. He noted local control over rental property would provide a higher quality of homeowners that rent.

Mayor Freitas felt the issue was there was not an expeditious process for removing tenants or landlords from the program that were in violation of codes and ordinances.

John B. Sapp Jr., Antioch resident stated he believed this issue was a result of unresponsive landlords and voiced his support of local control of rental housing. He offered his services to the city.

Julie Zmerzlekar, Antioch resident, encouraged the City Council to make Antioch a safe place to live.

Juan Carlos Gala and Damon Price, Antioch residents, agreed this has been an ongoing problem and voiced their support for a city controlled Housing Authority.

Gary Gilbert, Minister and former employee of the Contra Costa Housing Authority, stated the Housing Authority was not adequately staffed and the phone system had never worked properly. He felt the best way to handle the program was for the City to form a local Housing Authority.

Following discussion the City Council agreed to and voiced their support for the formation of a rental housing committee with a recommendation to return to the City Council in 90-days (focus to return on July 11, 2006) to study rental housing issues and the feasibility of the formation of an independent Housing Authority. The Committee meetings would be posted and the community would be encouraged to participate.

Mayor Freitas recommended appointing Councilmembers Kalinowski and Davis to the rental housing subcommittee.

Councilmember Conley suggested the County begin working immediately with the Antioch Police Department and Code Enforcement to determine if issues could be resolved at the County level.

Councilmember Kalinowski requested staff bring forward information on the business license fee for rental housing by the July 11, 2005 City Council meeting.

Mayor Freitas announced he would be meeting with staff, Antioch Police and Code Enforcement regarding the formation of a pilot program to address code enforcement violations. In addition, he noted he would be proposing faith based and non-profit organizations work together to address the issues related to the homeless in Antioch.

Following discussion, Councilmembers Kalinowski and Conley agreed to work with staff on a proposal for a crime/gang violence forum, including goals and objectives, for consideration at the May 23 City Council meeting.

Councilmember Kalinowski stated he felt the crime/gang violence forum should clearly articulate the City's priorities by a vote on the direction of the City Council.

Mayor Freitas requested a report back to Council monthly or at least every other month on the items discussed during this meeting and encouraged the community to participate,

Mayor Freitas declared a recess at 11:13 P.M. The meeting reconvened at 11:20 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

4. AMENDMENT TO THE MEMORANDUM OF AGREEMENT REGARDING ALIGNMENT OF SAND CREEK ROAD AMONG PULTE HOMES CORPORATION (dba DEL WEBB CORPORATION), ANTIOCH UNIFIED SCHOOL DISTRICT AND KAISER FOUNDATION HOSPITALS #1102-04

Community Development Director Brandt presented the staff report dated May 1, 2006 recommending the City Council approve and authorize the Mayor to sign the Amendment to the Memorandum of Agreement

Michael Serpa, representing Pulte Homes Corporation and Michael Minaldo representing Kaiser Foundation Hospitals, reported the purchasing sale agreement was now with Royal Fomosa and they believe there would be an agreement by the extension date.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved and authorized the Mayor to sign the Amendment to the Memorandum of Agreement.

PUBLIC HEARING

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**

Community Development Director Brandt presented the staff report dated May 4, 2006 recommending the City Council: A) adopt the resolution adopting the Negative Declaration as being adequate; B) introduce the ordinance by title only; and C) introduce the ordinance rescinding and re-enacting Title 9, Chapter 5, Article 31 of the Antioch Municipal Code, dealing with Residential Condominium Conversions.

Following discussion the City Council requested the following additions and revisions to the ordinance:

- Reference to California International Building Codes as defined in the Antioch municipal code
- Add language with regards to needing to be in compliance with applicable state and federal guidelines for redevelopment
- Page 4, 7b - remove refrigerator from list of built in appliances
- Page 7, A 1 - Add balcony
- Page 13, D – include property tax
- Page 2, paragraph 2, second line change “of” to “or”
- Page 2, section 9-5.3104. Incentives. (A) clarify obligations to the city
- Page 11, D, 1. consider changing to higher percentage

Mayor Freitas opened and closed the public hearing with no speakers requesting to speak.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council unanimously continued this item with the public hearing closed to the May 23, 2006 meeting.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the Board of Supervisors would be considering the closure of Empire Mine Road on May 16, 2006. A Study Session was scheduled for May 16, 2006 at 6:30 P.M. at the Maintenance Service Center to discuss the General Fund portion of the budget.

Arcadis had participated in their first weekly call on May 3 and the second weekly call would take place on Wednesday, May 10, 2004. They were aggressively moving ahead.

COUNCIL COMMUNICATIONS

Councilmember Conley discussed plans to convert a 4-bedroom 2.5 bath single family dwelling to a 7 bedroom 2.5 care facility. He requested Councilmembers who voted negatively on the urgency ordinance regarding home conversions to reconsider the emergency ordinance.

In response to Councilmember Simonsen, Community Development Director Brandt stated the urgency ordinance would have allowed the City to control the number of bedrooms and garages and would have reduced the level of service.

Councilmember Simonsen stated he would not have approved the conversion of the garage to bedrooms and he did not believe this issue pertained to the urgency ordinance.

Councilmember Kalinowski suggested formally agendizing the urgency ordinance for the next meeting.

Councilmember Davis stated he was not against the ordinance, however he felt it should not have been an urgency item and agreed to bring it back for consideration as a non-urgency item.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 11:46 P.M. to the Study Session meeting on May 16, 2006.

Respectfully submitted:

L. JOLENE MARTIN, City Clerk