

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

October 10, 2006
Council Chambers

Mayor Freitas called the meeting to order at 7:00 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.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, representing the Antioch Chamber of Commerce, thanked the City for their support of the Economic Summit. She made the following announcements: a Candidate Forum, sponsored by the Chamber of Commerce, would be held on October 13, 2006 from 6:00 – 9:00 P.M. in the Council Chambers; Sam Wallace, the newly appointed California Small Business Enterprise Officer, would be introduced to the public on October 27, 2006 from 1:00 – 3:00 P.M. at the Chamber of Commerce office. Representing Delta Quilters, Ms. Lanphere announced a quilt convention would be held on October 21-22, 2006 at the Antioch Fair Grounds.

PROCLAMATIONS:

HELP PEOPLE WITH INTELLECTUAL DISABILITY DAYS, October 20, 21 and 22, 2006 JACKIE HOOKE - HOLY ROSARY CHURCH PASTORAL ASSOCIATE

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

Councilmember Kalinowski presented the proclamation proclaiming October 20- 22, 2006 as *Help People with Intellectual Disability Days* to representatives of the Knights of Columbus who thanked the City Council for the recognition and members of the community for their contributions.

PUBLIC COMMENTS

Douglas Tokes, Antioch resident, expressed concern regarding noise impacts from motorcycles with illegal modification and suggested the City address this issue through a disturbing the peace ordinance. He encouraged the City to be cognizant of the land being taken off of the City's tax rolls by non-profits. He spoke in opposition of Proposition 86.

Ken Lee, Antioch resident, reported the Planning Commission has been very responsive to the concerns of residents and noted he believes there are inconsistencies when dealing with noise impacts for auto dealerships.

Emil Stein, Antioch resident, stated he had a tape available for viewing on Manny Soliz's website.

Barbara Sobalvarro, representing the Friends of Animal Services, thanked Mayor Freitas and Councilmembers Conley and Davis for attending the dedication of Rambo's Romp and reported there were 9 adoptions. She announced the October promotion had begun with the Friends of Animal Services paying \$50.00 toward the first 50 pet adoptions at the Animal Shelter and the Black Cat Ball would be held on October 28, 2006 at 6:30 P.M. at the Lone Tree Golf Course. Contact information was given for the event. Mayor Freitas reported Rambo's Romp was a fun event and would be a great addition to the Animal Shelter.

Melissa Herrick and Marisa Delprado, representing the Antioch Youth Council, reported they were currently working on ideas for the new community center and a "So You Think You Can Dance" contest.

COUNCIL RESPONSE TO PUBLIC COMMENTS – None

STUDY SESSION

5. RESIDENTIAL PROJECT APPLICATION PROCESS #204-01

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council unanimously continued item #5 to a future date.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 26, 2004 (Con't)..... #301-02

B. APPROVAL OF COUNCIL WARRANTS #401-01

C. LEGISLATION AND ADVOCACY #701-04

D. REJECTION OF CLAIMS #704-07

- 1. Kayla Adams, #06/07-1667 (vehicle damage)
- 2. Tammy & Scott Kaida, #06/07-1672 (vehicle damage)
- 2. Steve Zuerner, #06/07-1673 (vehicle damage)
- 4. Steve Steinbeck, #06/07-1674 (vehicle damage)
- 5. Ranulfo Poblete, #06/07-1675 (vehicle damage)
- 6. Vincent Vera, #06/07-1678 (vehicle damage)

Deny the application for leave to present a late claim:

- 1. Judy Daversa & Aaron Timbal, #05/06-1669 (vehicle damage)

- E. **ORDINANCE NO. 1079-C-S APPROVING AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ANTIOCH AND BLACK DIAMOND LAND INVESTORS, LLC (SUCCESSOR IN INTEREST TO SEECON FINANCIAL AND CONSTRUCTION CO., INC. AND DISCOVERY BUILDERS, INC.) TO MAKE CLARIFICATIONS AND EXTEND THE TERM (Introduced 9/26/06) #802-02**

- F. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE RENOVATION OF CITY PARK (PW 205-F)..... #1402-03**

- G. **AWARDING A CONTRACT FOR CONSULTING SERVICES TO ASSIST IN THE DEVELOPMENT OF DESIGN GUIDELINES #202-01**

- H. **QUARTERLY FINANCIAL REPORT – FOURTH QUARTER 2005-06#410-02 (Con’t to 10/24/06)**

- I. **RESCIND BID AWARDS AND REJECT BIDS FOR PURCHASE OF ELEVEN POLICE PATROL VEHICLES AND TWO SUPERCAB PICKUP TRUCKS..... #204-02**

- J. **PHASE III CONSTRUCTION AMENDMENT FOR THE ANTIOCH MARINA BOAT LAUNCHING FACILITY GRANT PROJECT WITH DEPARTMENT OF BOATING AND WATERWAYS..... #1102-06**

- K. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE LANDSCAPE IMPROVEMENTS AT VARIOUS LOCATIONS WITHIN THE CITY OF ANTIOCH (P.W 225-L)#1102-04 (Con’t to 10/24/06)**

- L. **RESOLUTION NO. 2006/104 APPROVING LEASE AGREEMENT WITH ROGER L. BUNDY FOR LEASE OF #3 MARINA PLAZA #1005-05**

- M. **RESOLUTION NO. 2006/105 DESIGNATING A BOARD MEMBER AND AN ALTERNATIVE BOARD MEMBER TO THE MUNICIPAL POOLING AUTHORITY #705-04**

- N. **RESOLUTION NO. 2006/106 APPROVING AGREEMENT FOR WATER TREATMENT PLANT EMPLOYEES SALARIES AND SALARY SCHEDULES #503-03**

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

Item G – Douglas Tokes expressed concern the City spent significant money on the 1977 studies for the redevelopment of downtown, which had not been implemented. He discussed the importance of a contiguous path along the waterfront.

Mayor Freitas reported the City had reviewed and acted on several recommendations from the 1977 study. He encouraged Mr. Tokes to participate in the Study Session focused on the development / redevelopment of the downtown scheduled for October 17, 2006.

In response to Councilmember Simonsen, Community Development Director/City Engineer Brandt clarified the consulting services would assist in developing design guidelines for the entire city.

Economic Development Director Bjerke reported both the Economic Development Department and Redevelopment Agency had anticipated the need for additional studies, and had budgeted accordingly.

Mayor Freitas stated the development of design guidelines would improve the city's standards for future development and suggested increasing the allocation to \$100,000 and approve the Downtown Solutions for \$88,490.

In response to Councilmember Simonsen, Community Development Director/City Engineer Brandt clarified approximately 10% of the funds would be dedicated to downtown.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously awarded a contract to Downtown Solutions in the amount of \$88,490 for consulting services for the development of design guidelines and increased the allocation to \$100,000.

Item H – Mayor Freitas thanked Finance Director Brookshire for the report and recommended the item be put on the October 24, 2006 agenda for discussion.

The City Council agreed to agendize this item for October 24, 2006.

Item K – Following discussion the City Council requested this item be held over to allow the City Council to view the landscaping and maintenance plan.

Item L – Councilmember Simonsen stated he felt the contracts should reflect the City's association with the index for the Central Valley area.

Councilmember Conley stated he felt the index that profits the City of Antioch should be used due to the fact the City has baring legal requirements by institutions working in Antioch that use the San Francisco index.

Councilmember Kalinowski stated the issue had not been brought forward by the individual paying the rent, therefore he would not consider changing the index.

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

Mayor Freitas requested staff provide the City Council with a comparison of the Bay Area CPI with the Sacramento/Stockton CPI for the last three years.

PUBLIC HEARINGS

2. THE CITY OF ANTIOCH PROPOSES TO RESCIND AND REENACT TITLE 9, CHAPTER 5, ARTICLE 3803 OF THE CITY OF ANTIOCH MUNICIPAL CODE, DEALING WITH TABLE OF LAND USE REGULATIONS #202-06

Senior Planner Oshinsky presented the staff report dated October 2, 2005 recommending the City Council: A) Introduce the ordinance by title only; and B) Introduce the ordinance amending Title 9, Chapter 5, Article 38, and Section 3803, Table of Land Use Regulations of the Antioch Municipal Code.

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

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski the City Council unanimously: A) Introduced the ordinance by title only; and B) Introduced the ordinance amending Title 9, Chapter 5, Article 38, and Section 3803, Table of Land Use Regulations of the Antioch Municipal Code.

3. THE CITY OF ANTIOCH PROPOSES TO RESCIND AND REENACT TITLE 9, CHAPTER 5, ARTICLE 3831 OF THE CITY OF ANTIOCH MUNICIPAL CODE, DEALING WITH LIQUOR ESTABLISHMENTS, DELETING SUBSECTION #202-06

Senior Planner Oshinsky presented the staff report dated October 2, 2006 recommending the City Council: A) Introduce the ordinance by title only; and B) Introduce the ordinance amending Title 9, Chapter 5, Article 38, Section 3831, of the City of Antioch Municipal Code, Liquor Establishments, deleting subsection (C).

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

Following discussion the City Council directed the City Attorney to look at the possibility of providing flexibility in the ordinance for restaurants serving alcohol in downtown Antioch.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the City Council unanimously: A) Introduced the ordinance by title only; and B) Introduced the ordinance amending Title 9, Chapter 5, Article 38, Section 3831, of the City of Antioch Municipal Code, Liquor Establishments, deleting subsection (C).

COUNCIL STUDY SESSION

4. RENTAL INSPECTION PROGRAM..... #203-04

Assistant City Engineer Bernal presented the staff report dated October 2, 2006 recommending the City Council conduct the study session and provide direction to staff.

Bob Martin, Antioch resident, questioned if the proposal included interior inspections, and if so, what would be the measure of standards and process for enforcement. In addition, he questioned if the program registration fee would be applicable to properties added at a later date. He requested the City Council consider self-certification for well-maintained single-family units.

Theresa Karr, Regional Division Director of the California Apartment Association Contra Costa County, thanked the City Council for allowing them to be part of the process. She requested clarification regarding the self-certification process, re-inspection fees and the annual charges to property owners who have an affidavit of compliance. She noted she would be sending all comments to staff in writing and informed the City Council that by state law, property owners cannot arbitrarily go into property to perform inspections. She reported the city of Pinole performed 400 inspections and they have 96% compliance.

Mayor Freitas thanked staff for aggressively going forward and noted he wanted to create a program that would achieve the City's goals and objectives. He requested clarification regarding how the database would be created to identify rental properties, definition of the standards, public education/notification process and who would administer the program.

In addition, he noted he felt the inspection process is too lengthy and suggested the following:

- Properties found to be in non-compliance on their first physical inspection and requiring a re-inspection – no penalty
- Properties found to be in non-compliance on their first re-inspection – violation
- Properties found to be in non-compliance on their second re-inspection – legal action

Councilmember Simonsen suggested the program consider how it will address tenant issues, timeframes for re-inspections according to the violations, consistency with other Eastern Contra Costa jurisdictions, administration of the program and grandfathering under building codes.

Councilmember Kalinowski stated he felt the program should be coordinated with Neighborhood Improvement Services for commercial and/or owner occupied parcels. He requested consideration of the four-plex units and suggested they not be afforded self-certification.

Mayor Freitas suggested the possibility of bringing a project manager forward at the inception.

Community Development Director/City Engineer Brandt stated they had hired additional code enforcement officers and this would be a separate unit in Community Development working closely with Neighborhood Improvement Services and the Building Department.

Councilmember Conley stated he felt the program should move forward immediately with the City's existing ordinances beginning with existing violation locations and sending letters to rental units notifying them of the program. He noted the property owners who do not respond should be fined and not eligible for self-certification. He further noted 4 unit complexes should not be self-certification. He stated interior inspection should occur only if complaint driven and discussed the importance of enforcing the requirement for garbage service.

Councilmember Davis thanked staff and the public speakers on this item. He agreed the process for penalties of non-conformance were too drawn out and four-plex developments should be excluded from self-certification.

Following discussion the City Council consensus requested the following:

- Keep this item on the agenda for discussion October – January with goal of starting program in January
- Provide information with how the program will work organizationally
- Data collection
- Standards and checklists
- Write a proposed bill, meet with Senator Torlakson and request he sponsor legislation
- Consideration of hiring a supervisor as project manager
- How will the program coordinate with local, state and federal agencies.
- Exclude 4 unit complexes from self-certification and discuss how change of ownership will be addressed
- Include subsidized housing, section 8 housing and non-profit housing
- Clarification of penalties and add violation for property owners who do not attend inspections
- Timeline for re-inspections based on violations

Ms. Karr reviewed the inspection process for Section 8 housing and the importance of coordination between the city and county. She reminded the City Council that the penalties are per violation. She reported they have information available on their website that can assist the City in developing their program.

In response to Community Development Director/City Engineer Brandt, Mayor Freitas indicated the City Council would consider a request for additional employees.

The City Council agreed it was important to move forward with the ordinance and requested it be added to the Quality of Life Forum in November.

Councilmember Conley requested the Finance Department review the impacts of the program.

Mayor Freitas requested the City Council have discussions with regards to the Administrative Appeal Board procedure and notifying them of the impacts.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reported the bids for procuring services to complete the site stabilization work for Markley Creek are coming in higher than anticipated and he will be contacting contractors in an attempt to improve on the prices. He noted the contract will be awarded by Friday and if the price is not reduced he will be coming back to the City Council with a budget amendment. He announced there is a City Council meeting scheduled for October 21, 2006 with a focus on the Rivertown area.

COUNCIL COMMUNICATIONS

In response to Councilmember Conley, City Manager Jakel reported the City had received a check for approximately \$100,000 from the city of Pittsburg for the reimbursement for the East County Baseball Group expenditure related to the stadium.

Councilmember Conley reported he would be attending the ABAG meeting on October 12, 2006 to discuss the distribution of low and low/moderate income housing throughout the County.

Mayor Freitas reported the methodology for distribution of low and low/moderate income housing is the topic for the November Mayor's conference. He encouraged the City Councilmembers to attend.

Councilmember Kalinowski reported Congresswoman Tauscher's office has indicated the Post Office had a week to respond with a landscaping plan. He requested the Subcommittee for Housing be put on the next agenda for an update. He suggested the November Quality of Life Forum be scheduled for November 18, 2006 to allow time for the Housing Authority to report back to the Board of Supervisors prior to the event.

City Manager Jakel reported the facilitator and the El Campanil would be available for the Quality of Life Forum on November 18, 2006.

Councilmember Conley stated he would be out of town on November 18, 2006.

Mayor Freitas stated he had been notified by the Diablo Vista Mobile Home Park Board of Directors that they would like to have an item placed on the agenda for the October 24, 2006.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 9:21 P.M. to the next regular Council meeting on October 24, 2006.

Respectfully submitted:

L. JOLENE MARTIN,
CMC, City Clerk