

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY  
PUBLIC FINANCING AUTHORITY**

Regular Meeting  
7:00 P.M.

March 13, 2007  
Council Chambers

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

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

**PLEDGE OF ALLEGIANCE**

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

**ANNOUNCEMENTS OF BOARDS AND COMMISSION OPENINGS**

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

- Three expiring terms, one unexpired term and three alternate members on the Board of Administrative Appeals
- One unexpired term and two expired terms on the Economic Development Commission

Contact information was given for those interested in applying. Filing deadline is March 16, 2007 at 5:00 P.M.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Barbara Sobalvarro, representing Friends of Animal Services, invited the community to attend the Saint Patrick's Day Spring Celebration at the Antioch Animal Shelter on March 17, 2007 from 12:00 – 3:00 P.M. Contact information was given for those seeking additional information.

**PROCLAMATIONS**

*2007 Mayor's Prayer Breakfast*

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously approved the proclamation.

Councilmember Davis presented the proclamation, proclaiming March 23, 2007 as the date of the "2007 Mayor's Prayer Breakfast" to Priscilla Friemering, who accepted the proclamation and provided contact information for anyone wishing to attend.

Mayor Freitas, on behalf of the community, thanked Ms. Friemering for organizing the event.

Antioch Police Chief Hyde discussed an incident involving the arrest of several juveniles at Deer Valley Plaza and announced the Antioch Police Department (APD) was proactively responding to help the youth in the community through several avenues including:

- APD and Antioch Unified School District (AUSD) representatives were meeting with the Deer Valley Plaza business owners regarding safety in and around the shopping center
- REACH project had expanded their services
- APD was working with the John Muir Foundation on a proposal for a grant program to deal with youth intervention and health services
- Creation of a Police Activities League and the solicitation of volunteers for the program
- Creation of a crime suppression unit (PACT)
- Creation of an *East County Law Enforcement* alliance actively working on issues related to violent crime, auto theft, truancy and gang intervention on a monthly basis
- Creation of a Youth Intervention Network

## **PUBLIC COMMENTS**

Citing the opinion of California Attorney General John K. Van de Camp, Thomas Judge, Antioch resident, urged the City Council to repeal the RV/Boat ordinance scheduled for the March 27, 2007 City Council meeting.

Ken Lee, Antioch resident, discussed what he felt were flaws in Antioch's Code Enforcement Program regarding City-owned property and the Antioch Auto Dealership property.

Emil Stein, Antioch resident, stated he felt the City Council had approved excessive fines related to garbage service.

Douglas Tokes, Antioch resident, expressed his concern regarding RV storage on private property, noting it was a safety issue for the entire City.

Mary Dotson, Antioch resident, addressed the recent denial of Wal-mart's application to build a "Super Center" in Antioch.

De Anne Stokes, Antioch resident, relayed police actions observed at Deer Valley Plaza Shopping Center, stating she felt the children were treated unfairly and the use of excessive force was unjustified.

David Ridolfi, Antioch resident, stated he had experienced difficulty in getting the City to issue a permit to allow him to make the necessary repairs to restore water service to his residence following a recent water main break.

Mayor Freitas requested City Manager Jakel look into Mr. Ridolfi's concerns and report back to the City Council.

Mark Justice, Antioch resident, stated he felt the RV Ordinance 1082c, Section K, should be repealed and reworded to address safety and encroachment issues only.

Dr. William Uy, Antioch resident, stated all residents were against blight and unsafe issues; however, the ordinance restricting RV and boat storage on private property was, in his opinion, unreasonable and unlawful.

Joe Zamora, Antioch resident, read a letter from Senator Barbara Boxer in support of increased federal funding for low-income housing programs.

Tanesha Lacy voiced her objection to the City revoking her sister's Section 8 Housing Voucher; forcing her and her children out of their rented home.

Mayor Freitas clarified the Contra Costa County Housing Authority was the responsible entity for Section 8 Housing, not the City of Antioch.

Ms. Lacy stated she felt the Antioch Police were harassing children leaving school and suggested the City provide resources for children after school.

Danita Davis, Antioch resident, stated she had witnessed the incident with the Antioch Police Department at the Deer Valley Plaza shopping center. She questioned why the police failed to take statements from witnesses, or read the Miranda Rights to those who were arrested. She expressed concern the police had used excessive force when dealing with the children.

Barbara Herendeen, Antioch resident, reminded the community they could call the Allied Waste and request an extra pickup service two times per year free of charge. She questioned the legality of RV storage in a backyard if the unit was visible behind the fence. She noted it was both difficult and costly to find RV storage. She reminded the Council, RVs could be used for emergency shelter in the event of a natural disaster.

Francesca Bruno, Antioch resident, stated she felt Antioch's rapid rate of growth was responsible for the negative issues in the City and noted she felt the RV ordinance was illegal.

#### **COUNCIL RESPONSE TO PUBLIC COMMENTS - None**

- 1. COUNCIL CONSENT CALENDAR**
  - A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 13, 2007 #301-02**
  - B. APPROVAL OF COUNCIL WARRANTS #401-01**
  - C. LEGISLATION AND ADVOCACY #701-04**
  - D. ORDINANCE NO.1088-C-S RESCINDING AND REENACTING ARTICLE 1 OF CHAPTER 3 OF TITLE 6 OF THE ANTIOCH MUNICIPAL CODE DEALING WITH SOLID WASTE COLLECTION AND RECYCLING #1206-03**
  - E. RESOLUTION NO. 2007/21 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND RANCH UNIT 1, TRACT 7487 (DISCOVERY HOMES) PW 512-1 #802-02**

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council members present unanimously approved the Council Consent Calendar with the exception of item A, which was removed for further discussion.

Item A – Councilmember Simonsen amended the minutes of February 13, 2007 page 9, did not pass on page 9, the last sentence to read: “The motion did not pass.”

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously approved the minutes of February 13, 2007.

## **PUBLIC HEARINGS**

### **2. TIERRA VILLAS / MISSION PEAK HOMES, INC. REQUESTS APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN, FOR THE DEVELOPMENT OF 122 SINGLE FAMILY HOMES ON APPROXIMATELY 20.3 ACRES LOCATED ON THE WEST SIDE OF HEIDORN RANCH ROAD, AT THE EASTERN TERMINUS OF PREWETT RANCH DRIVE (APNS 056-130-013, 015, 017) PDP-06-05 #202-03**

Senior Planner Morris presented the staff report dated March 9, 2007, recommending the City Council provide feedback to the applicant and staff regarding the proposal, and adopt the resolution providing direction to the applicant for the Final Development Plan submittal.

In response to Councilmember Simonsen, Senior Planner Morris clarified the applicant had agreed to the requirement of establishing a Home Owners Association.

Steve Allen, representing The Mission Peak Company, thanked the City Council for their review of the application, adding he was available to answer any questions.

Jill Williams, representing the KGBY Group, gave a brief overhead presentation of the conceptual site plan for the Tierra Villas Development Plan.

Mayor Freitas opened and closed the Public Hearing with no speakers requesting to speak.

Councilmember Simonsen stated the floor plan incorporates adequate storage space and questioned if there would be garage and attic storage space. He suggested fencing be located behind the meters and voiced his support for the design of the project and the establishment of a HOA. He urged the applicant to give consideration in the CCRs for amateur radio operators. In summary, he felt the project should allow flexibility regarding driveway size based on the parcel configuration.

Mayor Freitas stated he felt the density was too high and requested wording be amended to indicate the HOA shall, not should, be responsible for enforcing parking restrictions.

Councilmember Kalinowski stated he felt the lot sizes were too small. Furthermore, the lack of single story units in the plan was also a concern.

With regards to the site plan, Mr. Allen stated the quality of the project mitigates for the small lots.

Following the review of Attachment B of the staff report, Council provided the following input:

- 20 ft driveways were appropriate
- Voiced concern regarding lots dead ending into the soundwall
- Requested dedicated areas on each street for garbage cans
- Requested one larger open space area with security lighting and appropriate landscaping
- Requested the applicant redesign the road to provide enough back up distance and adequate space for turning around
- Requested removal of the two parking spaces at the end of each central driveway
- Elimination of as much stucco siding as possible
- Provide a level of architectural detail that closely matches the overhead presentation
- Incorporation of a single story home into the project

### **COUNCIL REGULAR AGENDA**

#### **3. APPOINTMENTS TO PARKS AND RECREATION COMMISSION – 2 VACANCIES #302-05**

Mayor Freitas thanked those involved in the interview process and who applied to the Parks and Recreation Commission. He encouraged those not appointed this evening to continue to stay involved in the process. He nominated Jim Bonwell to the Parks and Recreation Commission.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously appointed Jim Bonwell to the Parks and Recreation Commission.

Mayor Freitas nominated Roy Immekus to the Parks and Recreation Commission.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the City Council members present unanimously appointed Roy Immekus to the Parks and Recreation Commission.

#### **4. AUTHORIZATION TO PURCHASE SECURITY GLASS FOR THE ANIMAL SHELTER FACILITY FRONT COUNTER #1302-01**

Police Chief Hyde presented the staff report dated February 21, 2007 recommending the City Council authorize the Police Department to purchase security glass for the Animal Shelter Facility front counter.

Christina Garcia, Pam VanZandt, Stephanie Ke-A, speaking as employees of the Antioch Animal Shelter discussed the need to provide a safe environment for the employees of the animal shelter. They encouraged the City Council to authorize the Police Department to purchase the security glass for the facility's front counter.

Barbara Sobalvarro, President of the Friends of Animal Services, stated they were concerned the security glass would appear to be a barrier rather than a boundary; they were, however,

concerned for the shelter staff. She suggested the City Council consider reinstating hours from 7:00 - 8:00 P.M. on Tuesday and Thursday or the addition of 2-3 hours on Sunday afternoons.

Councilmember Kalinowski thanked the employees of the Antioch Animal Shelter for their testimony.

Regards the addition of hours of operation, Mayor Freitas requested the police department review this request and report back to the City Council.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council members present unanimously authorized the Police Department to purchase security glass for the Animal Shelter Facility front counter in the amount of \$15,000.

**5. RESOLUTION APPROPRIATING ADDITIONAL REVENUES AND APPROPRIATIONS TO THE 2006/07 FISCAL YEAR BUDGET #410-02**

Interim Finance Director Merchant presented the staff report dated February 22, 2007 recommending the City Council adopt the resolution.

Mayor Freitas thanked Interim Finance Director Merchant for the outstanding report.

Councilmember Kalinowski suggested the City Council consider approval of PDA's to allow members to access their emails from remote locations.

Mayor Freitas stated he would be willing to discuss the PDA use; however, he was concerned about the mixing of personal and City business.

Councilmember Simonsen agreed with Councilmember Kalinowski and suggested revisiting the Council's communication allowance.

City Manager Jakel stated he would bring back a PDA cost and use policy for Council consideration.

Barbara Sobalvarro questioned when it would be appropriate to discuss a budget request, noting she was concerned about filling of two key positions at the Antioch Animal Shelter.

City Manager Jakel reported the budget would be discussed in April and May.

Captain Cantando reported the Police Department was in the process of reviewing the Manager and Veterinary Technician positions. He felt the new positions could come before Council for approval of classification and salary within 2-3 weeks.

Councilmember Simonsen thanked Interim Finance Director Merchant for the report.

**RESOLUTION NO. 2007/22**

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the City Council members present unanimously approved the resolution.

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

## **AGENCY CONSENT CALENDAR**

### **6. RESOLUTION APPROPRIATING ADDITIONAL REVENUES TO THE 2006/07 FISCAL YEAR BUDGET #410-02**

On motion by Agency Member Kalinowski, seconded by Agency Member Davis the Antioch Development Agency members present unanimously adopted the resolution.

#### **RESOLUTION NO. ADA - 417**

Chairperson Freitas adjourned to the Public Financing Authority (PFA) with all Public Financing Authority members present with the exception of Public Financing Authority Member Moore who was excused.

## **PUBLIC FINANCING AUTHORITY**

### **7. RESOLUTION APPROPRIATING ADDITIONAL REVENUES TO THE 2006/07 FISCAL YEAR BUDGET #410-02**

#### **RESOLUTION NO. 2007/23**

On motion by Public Financing Authority member Kalinowski, seconded by Public Financing Authority member Davis the Public Finance Authority members present unanimously adopted the resolution.

Chairperson Freitas adjourned to the Antioch City Council with all Councilmembers present with the exception of Councilmember Moore who was excused.

**PUBLIC COMMENTS** - None

## **STAFF COMMUNICATIONS**

City Manger Jakel announced the joint meeting of the Antioch City Council and Antioch Unified School District was tentatively scheduled for April 25 or 26, 2007. He requested Councilmembers with any scheduling conflicts notify him by email or phone. Additionally, he reported the City Council would be holding an additional regular City Council meeting on March 20, 2007. He questioned if the March 17, 2007 community meeting scheduled by Councilmember Moore would need to be posted.

Following discussion, the City Council stated that due to the lack of an agenda, list of goals and objectives or knowing who would be participating, they felt it was not appropriate to

officially participate in the community meeting. Additionally, they agreed past practice was been to hold a discussion at the Council level prior to scheduling a community event and due to this being a volatile issue in the community, they agreed it would be more appropriate to discuss it at a citywide forum.

Mayor Freitas requested at a future date, the City Council consider outlining the protocol for Council sponsored events.

In response to Councilmember Kalinowski, City Manager Jakel stated those attending were salaried and it would not put any burden on staff.

Mayor Freitas requested City Clerk Martin provide Councilmember Moore with this part of the audio tape so that he would be aware of the dialogue that occurred.

### **COUNCIL COMMUNICATIONS**

Councilmember Simonsen reported he had been appointed to the Delta Vision Stake Holders of ABAG. He requested Mayor Freitas attend the ABAG General Assembly meeting in April on his behalf as he would be on vacation. He further requested Mayor Freitas adjourn the meeting in honor of former Antioch resident, Joseph Gallo.

Mayor Freitas reported he had an extensive discussion with Secretary Sunny McPeak on water issues, noting he had received a call from Congresswomen Tauscher, with whom he would be meeting to discuss transportation issues as they relate to Contra Costa County.

Councilmember Davis reported, on behalf of Mayor Freitas, he had attended the Delta 6 meeting where the pending Byron Airport expansion had been discussed, adding he had voiced Antioch's support of the project. He announced he would be attending a Public Safety Committee meeting seminar on Sexual Predators on March 19, 2007 in Sacramento for the League of California Cities.

### **ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 9:25 P.M. in memory of Joseph Gallo to the next adjourned regular Council meeting on March 20, 2007.

Respectfully submitted:

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L. JOLENE MARTIN, CMC  
City Clerk