

ANTIOCH CITY COUNCIL

Adjourned Regular Meeting
Council Chambers

June 19, 2007
7:00 P.M.

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of the California Government Code section 54956.9: (1 case)
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – This Closed Session is authorized by California Government Code §54956.9(a). Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board - Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. and SPPI-Somersville, Inc. et al. v. TRC Companies, Inc. et al, Case No. C04-2648 SI, United States District Court, Northern District of California.

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

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

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS - None

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

1. REPORT FROM RECREATIONAL VEHICLE (RV) COMMITTEE

Councilmember Moore thanked those who served on the Recreational Vehicle Committee and reported on the details of the ordinance agreed upon, however, they were unable to reach a consensus on the number of RVs allowed to be stored on individual private properties.

Councilmember Kalinowski stated City Council had before them (Attachment "A" of the staff report) items to be discussed. He stated it was his position RVs should be stored in the side yard, behind a 6-foot wooden fence. He had, however, in an effort to reach a compromise, suggested allowing one item be allowed to remain in public view. Unfortunately, the issue had become quite controversial and a consensus could not be reached, leading him to believe the issue was larger than the City Council and should be determined by a vote of the people.

Neighborhood Improvement Program Coordinator Graham presented the staff report dated June 11, 2007 requesting the Council provide direction to staff.

Craig Fulcher, Antioch resident, suggested making the ordinance restrictions apply to all vehicles, adding three impartial subcommittee members and basing the amount of RV parking on the number of existing parking spaces on the property. He provided the City Council with written comments on Attachment "A" of the staff report.

Dick Van Rooyen, Antioch resident, felt a registered, operational RV should be allowed on private property. He provided the Council with a photograph of his RV, which he uses for business and for out of town company.

Mayor Freitas read written comments from Antioch resident Pat Jacobs, who indicated he was in support of the RV ordinance. He discussed democracy, and the need to be equally respectful of both RV and non-RV owners rights.

Chuck Kuslits, Antioch resident, discussed the history of the RV ordinance and the formation of the RV committee. He felt a vote of the electorate was not necessary, "due to the fact" that the majority of the citizens did not support the ordinance.

Bob Martin, Antioch resident, stated Antioch was a developing recreational community without sufficient side yards, therefore he felt this was a special case. He stated there were many people still out of compliance in protest to the ordinance and urged the City Council to repeal the ordinance.

Mayor Freitas read written comment from Antioch resident, Freddy Fernandez, who was in opposition to the ordinance, and requested the City Council allow RVs and Boats on private property.

Emil Stein, Antioch resident, spoke to the votes taken at the subcommittee meeting, noting the majority voted to allow 2 RVs to be parked on private property.

Chris Valenta, Antioch resident, spoke to personal property rights, noting if the item went to a vote, it would be a waste of taxpayer's money. He urged the City Council to require the developers to provide adequate RV storage in side yards.

In response to Councilmember Kalinowski, Mr. Valenta clarified there had not been a majority vote during the subcommittee meeting regarding the number of RVs allowed to be parked on private property.

Mayor Freitas read written comments from Antioch resident Susan Welch, encouraging the City Council to vote against any RV presence in public view and requiring they be located behind fences in side or back yards.

Sherri Del Chiairo, Antioch resident, stated she remained a resident of Antioch for the convenience of using her recreational vehicles. She requested the City Council vote to allow residents to keep their RVs on their personal property.

Maryjane Carsten, Antioch resident, discussed personal attacks that had occurred during the subcommittee process, and urged the City Council to call an election, placing the decision of whether or not recreational vehicles could be parked in public view with the citizens of Antioch. Mayor Freitas read written comment from Antioch resident Sharon Vela, who was in support of the RV ordinance.

Donald Bright, Antioch resident, suggested the item be decided by the electorate.

Rick Carsten, Antioch resident, stated he was in support of living within the restrictions of the RV ordinance and suggested the issue be decided by the electorate.

Don Jackson, Antioch resident, spoke in opposition of the ordinance and urged the City Council to repeal it.

Joette Bright, Antioch resident, discussed the importance of ordinances to improve the quality of life for residents and suggested the issue be decided by the electorate.

Lisa Finch, Antioch resident, discussed the importance of residents abiding by the existing ordinance and agreed the issue should be decided by the electorate.

Joe Zamora, Antioch resident, expressed concern residents did not have adequate side yards to store RVs and requested the ordinance be amended to allow storage on private property.

Jim Smith, Antioch resident, discussed the importance of maintaining property rights and urged the City Council to repeal the ordinance.

Mayor Freitas read written comments from Antioch resident Darlene Marchetti Hendricks, who urged the City Council to enforce the RV ordinance.

Randy Del Chiaro, Antioch resident, spoke to individual property rights and expressed his concern the storage of his recreational vehicles would be prohibitive. He urged the City Council to repeal the RV ordinance.

Cyndie Sanford, Antioch resident, spoke to individual property rights, noting RVs should be allowed on private property, provided they were operational and registered.

Mayor Freitas read written comment from Antioch resident, Nordyn Anderson, who urged the City Council to actively enforce the RV ordinance as written and if not, vote to either "grandfather in" qualified RVs currently parked in public view with qualifications and a timeframe to be specified or place the matter on a future ballot.

Romano Marchetti, Antioch resident, voiced his support of the issue being decided by the electorate.

Bari Costello, Antioch resident, spoke to the quality of life of all residents and urged the City Council to support the ordinance as it was written.

Richard Sickler, Antioch resident, discussed to property rights, noting as long as the RVs were registered and operational they should be allowed on private property.

Mayor Freitas read written comment from Antioch residents John Rice and Bill Levy who spoke in support of the RV ordinance as written and suggested the City Council put the issue to a vote of the electorate.

Mary Dodson, Antioch resident, spoke in support of the RV ordinance to address blight within Antioch.

Thomas E. Judge, Antioch resident, spoke in opposition to enforcement of the RV ordinance for operational, registered and compliant vehicles parked on private property.

Pastor Victor Wayne, Antioch resident, spoke in opposition to the RV ordinance and urged the City Council to put the issue to a vote of the electorate.

Mayor Freitas read written comment from Antioch resident Billie Oliver, who indicated she was opposed to the RV ordinance.

Mayor Freitas read written comment from Antioch residents Lynn and Roger Broom who indicated they were in favor of the RV ordinance to improve the quality of life for all residents.

Mayor Freitas read written comments from Antioch resident Loren Rhodes who indicated he was opposed to the RV ordinance.

Mayor Freitas read written comment from Antioch resident Scott Lewis who indicated he was in support of the RV ordinance.

Mayor Freitas read written comment from Antioch resident Noah Burt, who urged the City Council to adopt all compromises from the subcommittee and make a decision based on how many RVs would be allowed to continue to park on public view.

Michele Kustlits, Antioch resident, clarified the first vote out of the subcommittee was unanimous and every city along the delta allows Boats and RVs to be parked on private property. She spoke to property rights and requested the RV ordinance as currently written be repealed.

Lori Hendren, Antioch resident, spoke in opposition to the RV ordinance being applied to operational, registered and compliant vehicles.

Janelle Mota, Antioch resident, spoke in opposition to the RV ordinance for operational, registered and compliant vehicles.

Henry Lantzy, Antioch resident, voiced his support for having the issue be decided by the electorate. He suggested there be an exception for residents who had received the approval of their neighbors.

Sandra Golightly, Antioch resident, spoke in support of the RV ordinance as written and urged the City Council to have it enforced.

Michael Isham, Antioch resident, discussed using trailers for community service and business uses, noting requiring them to be in storage would be both cost and time prohibitive. He stated RVs that were operational, registered and compliant should be allowed on private property.

Will LeRoy, Antioch resident, spoke to maintaining property rights and urged the City Council to repeal the ordinance.

Nick Texeira, Antioch resident, spoke to property rights and voiced his support of RVs being allowed on private property, as long as they were operational, registered and code compliant.

Thayer Johnson, Antioch resident, voiced his support of allowing recreational vehicles to be parked on private property, provided they were licensed, operational and code compliant.

Douglas Tokes, Antioch resident, voiced his support to put the issue to a vote of the electorate and urged the City Council to require developers to provide more RV accessible lots within their developments. Additionally, he suggested the ordinance grandfather in residents who were now in compliance.

Mayor Freitas read written comment from Antioch resident Pat Suriano, who discussed property rights and urged the City Council to repeal the ordinance.

Mayor Freitas read written comment from Antioch resident Jason Carter, who urged the City Council to allow residents to park their RVs on their own private property.

Mary Laufer, Antioch resident, spoke in opposition to the RV ordinance citing property rights; she further noted if the vehicle was operational and registered they were in compliance.

Marilyn Woosy, Antioch resident, spoke in opposition to the RV ordinance and urged the City Council to repeal the ordinance tonight.

Butch Richardson, Antioch resident, spoke in opposition to the RV ordinance and urged the City Council to cast an affirmative vote to its repeal.

Norma Hernandez, Antioch resident, spoke in opposition to the RV ordinance and noted if the right to park an RV on her property was taken away, she deserved compensation for the value of the use and resale value of her property. She stated she would not support the issue being decided upon by the electorate.

Iris Archuletta, Antioch resident, spoke in support of the ordinance and requested the City Council make a fair decision based on the needs of the City and law.

Richard Miller, Antioch resident, spoke in support of the RV ordinance and requested the issue be decided by the electorate.

Conrad Yu, Antioch resident, spoke in opposition to the RV ordinance and urged the City Council to repeal it.

Mayor Freitas read written comments from Antioch resident David Heredia who indicated he was in opposition of the RV ordinance and urged the City Council to repeal it.

Mayor Freitas read a written comment from Antioch resident Richard Del Chiaro who indicated he was opposed to the RV ordinance.

Mayor Freitas declared a recess at 9:21 P.M. The meeting reconvened at 9:33 P.M. with all Councilmembers present.

Councilmember Simonsen stated he felt it was the City Council's responsibility to determine whether to repeal the ordinance and he would not support placing the item on the ballot due to the financial impact on the Antioch taxpayers. He noted it was his opinion the ordinance, as written, was flawed. He reviewed attachment "A" and stated he could support items #1, 3, 4, 5, 9, 13 and 18, but not the remaining items.

Councilmember Moore stated he was in support of modifying the existing ordinance to meet the needs of the community. Referring to attachment "A", he stated he would support items #1, 3, 4, 5, 6, 10, 12, 13, and 19. He further noted he would not support spending money on a special election, and urged the City Council to act on this issue the evening to correct and cure the situation.

Councilmember Davis stated he was in support of residents being able to store their RVs on private property provided the vehicle was operational, registered and did not pose a safety issue. He voiced his concern regarding, what he perceived to be, unfair treatment of the subcommittee members. He stated the issue was a quality of life issue for all members of the community, therefore, he was in support of the issue being placed on the ballot to allow the community to decide.

In response to Mayor Freitas, City Manager Jakel stated if it was the desire of the City Council to go to a vote of the people, he would report back with the details of costs and regulations governing the election.

Councilmember Kalinowski stated he felt the public needed to decide how they would like to address the issue; therefore, he would support a public vote and if possible combine it with a regularly called election.

Mayor Freitas, on behalf of the community, apologized to Maryjane Carsten for the personal attacks made to her while serving on the subcommittee. He commended everyone who offered their opinion on the subject and urged them to continue to stay involved in community issues. He thanked the members of the subcommittee for attempting to work out a compromise, and stated he would support a motion to put the issue to a public vote. He felt the question before the public should read: "Shall the existing ordinance be repealed or sustained?"

Mayor Freitas declared a recess at 10:11 P.M. The meeting reconvened at 10:13 P.M. with all Councilmembers present.

In response to Councilmember Simonsen, Councilmember Kalinowski clarified the following motion would be a specifically worded ordinance to be voted on by the public and the City Attorney would present suggested ballot language to the City Council for approval.

Councilmember Simonsen encouraged the public to stay involved in the ballot initiative process.

Councilmember Moore expressed his concern the public who supported the ordinance had not shown their support. He further stated, until he understood the details of the proposed ordinance and election he could not support the motion. He noted while it was his desire to have the voters make the decision, he also understood the voters' expectation for their elected officials to make the tough decisions, and that was the only direction he could support.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council moved to take the RV ordinance to the voting public via the ballot, and directed staff to return to Council with ballot language, along with rewrite suggestions they felt would clear up any ambiguous language contained in the current ordinance. Staff was further directed to return with date options as well as the projected costs to the City to conduct said election.

The motion carried by the following vote:

Ayes: Kalinowski, Davis, Freitas,

Noes: Moore, Simonsen,

In response to Mayor Freitas, Neighborhood Improvement Coordinator Graham clarified the following motion would direct staff to not pursue any enforcement on AMC 5-1.201 (k) related to the storage of RVs on private property.

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council motioned to direct staff to hold AMC 5-1.201(k) in abeyance until the public provided guidance to the City Council through the results of the election called in the previous vote of Council.

The motion carried by the following vote:

Aye: Davis, Moore, Simonsen, Freitas,

Abstain: Kalinowski

COUNCIL COMMUNICATIONS - None

STAFF COMMUNICATIONS

City Manager Jakel reminded the Council the next regular meeting of the City Council would be on June 26, 2007.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:27 P.M. to the next regular Council meeting of June 26, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN, CMC
City Clerk