

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

September 25, 2007
Council Chambers

Mayor Freitas called the meeting to order at 7:04 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

PRESENTATION

Councilmember Simonsen gave a brief overview of the non-profit program *Herocare*, which provided housing and financial assistance to emergency, education and military personnel.

A representative of *Herocare* gave a brief history of the program and stated they would like to have the program available to Antioch employees.

Councilmember Simonsen requested City Manager Jakel and HR Director McHenry discuss the program for possible adoption by the City.

Following discussion, the City Council directed staff to discuss the program for possible adoption.

PROCLAMATIONS

DOMESTIC VIOLENCE AWARENESS MONTH, October 2007
SHELTER-IN-PLACE EDUCATION DAY, October 3, 2007
20TH ANNUAL EAST COUNTY HUNGER WALK, October 6, 2007
SPECIALIST ISAAC MORTON'S HERO'S WELCOME, September 25, 2007

On motion by Councilmember Moore, seconded by Councilmember Davis, the Council unanimously approved the proclamations.

Mayor Freitas announced the proclamation for *Domestic Violence Awareness Month* would be sent to the appropriate organization.

Councilmember Davis presented the proclamation proclaiming October 3, 2007 as *Shelter-In-Place Education Day* and October 2007 as *Domestic Violence Awareness Month* to Captain McConnell who accepted the proclamations.

Councilmember Moore presented the proclamation proclaiming October 6, 2007 as the *20th Annual East County Hunger Walk*. The representative accepting the proclamation, encouraged the community to participate in the event, and provided for anyone wishing to participate.

Councilmember Kalinowski and Chief Hyde presented the proclamation proclaiming September 25, 2007 as *Specialist Isaac Morton Day* to members of Mr. Morton's family who thanked the City Council for the recognition and their support. Mayor Freitas announced Mr. Morton had been presented with a City of Antioch flag and on behalf of the community, and he thanked the family of Mr. Morton.

Councilmember Kalinowski requested a permanent plaque be presented to Mr. Morton when he returned home.

Mayor Freitas announced upon the return of Mr. Morton, the City would host an event to honor those who have served in the Armed Forces.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Police Captain Cantando introduced student participants of the Police Activities League (PAL) program and presented a slide show of the PAL events held on September 21 and 23, 2007. He provided contact information for anyone wishing to receive additional information on the program and he thanked the parents who brought their children to the events.

Ken Lee, Antioch resident, announced a Historic Trip of the WWII Flying Tigers to China will be occurring in November and they would be accepting donations of memorabilia at their museums.

Devi Lanphere, Chamber of Commerce, announced the *Pride and Power of East County Economic Summit* would be held on September 28, 2007 from 8:00 A.M. to 2:00 P.M. Contact information was given for anyone wishing to receive additional information.

PUBLIC COMMENTS

Danny Campbell, Antioch resident, voiced his support of the Antioch Police Department and the City.

Mayor Freitas read written comments from Antioch residents Christel Hernandez, John Bodden, Karen Campbell, Tim Campbell, Esperanza Duran, Lanei Meza, Sharon Silliven-Relley, Pat Miller, Paul Hernandez, Nancy Fernandez, Martin Fernandez and Kathie and Rick Ingrassia who indicated their support of Police Chief Hyde and the Antioch Police Department's Community Action Team (CAT) team.

Emil Stein, Antioch resident, reiterated the Antioch Auto Dealership was continuing to unload vehicle transports on Auto Center Drive, which was both unsafe and illegal. He requested the City Council address the issue.

Mayor Freitas requested City Attorney Nerland and Chief Hyde provide the City Council with a report in October on the unloading of vehicle transports on Auto Center Drive.

Gary Gilbert, Antioch resident and Founder and Chairperson of United Citizens for Better Neighborhoods (UCBN), speaking on behalf of several members of the community, indicated

they were in support of Chief Hyde and the CAT team who, they felt, had done an outstanding job responding to complaints from Antioch residents.

Ken Lee, Antioch resident, spoke to the history of complaints he had made, stating he did not feel they had been addressed by the City Council.

Judy Lee, Antioch resident, spoke in support of the CAT team and the Antioch Police Department.

Devi Lanphere, Antioch resident, spoke in support of the CAT team and their efforts.

Julie Black, Antioch resident, spoke in support of Chief Hyde, the Antioch Police Department and CAT team.

Roger Henry, President of the East County NAACP, clarified they had taken no position on the issue. He urged all parties to tone down the rhetoric and be more tolerant while discussing the issues.

Willie Mimms, Pittsburg resident, representing the Black Political Association, stated he was here to support residents who believed they had been a victim of police misconduct. He requested the City Council create a system of checks and balances for the CAT team or create a citizen police review commission. He noted in the absence of those actions he would request the City Council disband the CAT team.

Victoria Pickett, Brentwood resident, thanked Councilmember Davis for the donation to her son's reward fund. She stated as the mother of Louis Stratten who was killed March 16, 2007 in Antioch she was requesting anyone with information regarding the case to come forward.

Tammy Weiss, Antioch resident, thanked PAL for their program. She expressed concern regarding the actions of the CAT team and their efforts to remove her from the Section 8 Program.

Alyce Payne Shivers, Antioch resident, expressed her concern regarding the actions of the CAT team and the negative impact of those actions on her quality of life.

Ms. Santeya Williams, Antioch resident, stated she had been a victim of false accusations by the CAT team and unfounded neighborhood complaints.

Priscilla Bunton, Antioch resident, stated she was a victim of false accusations by the CAT team, which had jeopardized her housing.

Mary Ruth Scott, Antioch resident, stated she had been victimized by the CAT team, who had harassed her family, jeopardized her housing and caused her physical harm.

Kirbie Bell, Antioch resident, stated she was also a victim of false accusation and harassment from the CAT team, stating she was responsible for the calls for service from her residence to the Antioch Police Department when a foster child had run away and regarding her niece's medical condition. She urged the City Council to stop the actions of the CAT team.

Monica Marshal, Oakland resident, stated she felt the CAT team was causing mental stress for Section 8 tenants and they needed to be stopped.

DeAnne Stokes, Antioch resident, stated she had been harassed by the Antioch Police Department and urged adults to help save the youth in the community.

Erika Hayes, Antioch resident spoke on behalf of the youth in Antioch urging parents to become more involved in raising their children and suggested the City provide additional youth programs.

Charles Glasper, Pittsburg resident and President of Black Political Association, speaking on behalf of section 8 tenants, spoke to citizen complaints regarding mistreatment and racism by the CAT team. He urged the City of Antioch to welcome all citizens in the community.

Darnell Turner stated they had invited some residents of the Section 8 program to share their stories of abuse and inappropriate conduct, and noted he was preparing a letter to the City Council with a recommendation toward a resolution and a request for further discussion on this topic. He further noted they would continue to carry the dialog forward in a professional manner.

Rick Nelson, Antioch resident, spoke in support of Chief Hyde and the CAT team, noting they had been an instrumental tool for the residents of the Knoll Park neighborhood to restore and reclaim their neighborhood. He encouraged all residents to talk to their neighbors and become involved in neighborhood watch.

Allen Payton, Antioch resident, encouraged peace among fellow citizens and thanked Roger Henry for his comments this evening. He suggested the City, Chamber of Commerce and Rotary Clubs help those on Section 8 mainstream back into jobs and self sufficiency.

Dan Stills, Antioch resident, spoke in support of the CAT team, their efforts to take back the Knoll Park neighborhood from the criminal element and their continued efforts to improve Antioch.

Johnny Ray Heard, Antioch resident, spoke in support of Antioch residents who, he felt, had been stereotyped. He stated him, himself, had been treated unfairly by the Antioch Police Department and made a victim of racism.

Mayor Freitas read written comment from Virginia Christiansen, who spoke to the importance of abiding by the rules and regulations for the Section 8 program.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Freitas stated he felt the item required further discussion and suggested it be agendized as either a Study Session item or as a discussion item for the regular agenda.

Councilmember Moore thanked everyone who had spoken and stated he hoped for a peaceful resolution. He stated he was committed to being a conduit for resolving the issues.

Councilmember Simonsen thanked the residents for speaking this evening and agreed a Study Session would be appropriate to discuss these issues.

Councilmember Kalinowski reported he had witnessed vehicle transports unloading on Somersville Road and agreed the issue should be revisited and addressed. He voiced his support for the CAT team along with the Antioch Police Department for their efforts to restore order in the community and for fulfilling their obligation to answer calls for service. He expressed his concern regarding speaker comments indicating mental stress equals disability and SSI. He stated he was not in a position to change his policy in the funding of the CAT team and Antioch Police Department.

Councilmember Davis thanked all the speakers, adding he would read all credible documentation he receives on the matter. He voiced his support of Chief Hyde, the CAT team and Antioch Police Department.

Mayor Freitas discussed the importance of children having proper supervision and a solid family structure. He reported the City Council has been proactive and supportive of Police Services, Chief Hyde and the CAT team. He further noted the City and School District need to work with the community to help resolve the issues, emphasizing the City Council would continue to have open dialog.

Mayor Freitas declared a recess at 9:13 P.M. The meeting reconvened at 9:34 P.M. with all Councilmembers present.

- 1. COUNCIL CONSENT CALENDAR**
- A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 12, 2007 #301-02 (Con't to 10/9/07)**
- B. APPROVAL OF COUNCIL WARRANTS #401-01**
- C. APPROVAL OF TREASURER'S REPORT FOR AUGUST 2007 #401-02**
- D. REJECTION OF CLAIMS #704-07**
 - 1. Joe Canepa, #07/08-1757**
 - 2. Kerry Booker, #06/07-1681**
 - 3. Carlos Ayala, #06/07-1725**
 - 4. Shannon Owens, #06/07-1742**
 - 5. Bianca Salguero, #06/07-1743**
- E. LEGISLATION AND ADVOCACY #701-04**
- F. REPORT ON STATUS OF MASSAGE THERAPY TECHNICIANS AND MASSAGE ESTABLISHMENT PERMITS #701-05**
- G. APPROVAL OF CONTRACT WITH TOWNSEND PUBLIC AFFAIRS TO PROVIDE STATE GOVERNMENT RELATIONS RELATED TO WATER AND INFRASTRUCTURE #301-01**

- H. **REQUEST FROM DELTA 2000 FOR LEASE EXTENSION #1408-05**
- I. **CONSIDERATION OF BIDS FOR THE LANDSCAPE IMPROVEMENTS AT VARIOUS LOCATIONS (P.W. 225-L) #601-02**
- J. **HILLCREST AVENUE WIDENING PROJECT #1102-04**
 - 1) **RESOLUTION NO. 2007/67** — Louis Olsen and Tami Olsen for 2100 Renwick Lane (APN 068-600-010)
 - 2) **RESOLUTION NO. 2007/68** — Rod Yoder and Chris Yoder for 2110 Hillcrest Avenue (APN 068-100-023)
- K. **RESOLUTION NO. 2007/69 AUTHORIZING THE CITY OF ANTIOCH TO JOIN INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES (ICLEI) FOR CLIMATE PROTECTION® CAMPAIGN PARTICIPATION #301-01**
- L. **REPORT ON THE FISCAL YEAR ENDED JUNE 2007 GENERAL FUND OPERATING BUDGET #410-02**
- M. **RESOLUTION NO. 2007/70 APPROVING THE APPROPRIATION OF ADDITIONAL EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING AS OF JUNE 30, 2007 TO THE 2007/08 FISCAL YEAR BUDGET #410-02**
- N. **JOINT POWERS AGREEMENT FOR (EBRCS) EAST BAY REGIONAL COMMUNICATIONS SYSTEM #106-01**
- O. **MARKLEY CREEK REMEDIATION DESIGN CONTRACT AMENDMENT NUMBER FIVE (#814-01)**
- P. **MOBILE HOME PARKS: PROPOSED AGREEMENT REGARDING VISTA DIABLO MOBILE HOME PARK AND REPEAL OF THE MORATORIUM ON CONVERSION OF ANY MOBILE HOME PARK FROM A SENIOR PARK TO AN ALL-AGE PARK #802-01**
- Q. **APPROVE AWARD OF BID NO. 658-0808-08F FOR WATER DISTRIBUTION AND SERVICE MATERIALS #601-02**
- R. **APPROVE AWARD OF PROPOSAL NO. 918-0904-08F FOR CONSULTING SERVICES FOR THE ANTIOCH POLICE DEPARTMENT YOUTH INTERVENTION NETWORK PROGRAM #1301-01**

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the Council unanimously approved the Council Consent Calendar with the exception of item F, K, N, O and P which were removed for further discussion.

Item F – Mayor Freitas requested a report back to the City Council regarding the coordinated institutionalized steps for enforcement to comply with business licenses.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council approved Item F.

Item K – Councilmember Moore volunteered to be appointed as the liaison to International Council for Local Environmental Initiatives (ICLEI).

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously approved Item K.

Mayor Freitas nominated Councilmember Moore to the ICLEI.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council unanimously approved Mayor Freitas nomination to appoint Councilmember Moore as the liaison to ICLEI.

Item N – Councilmember Simonsen stated he would not support adopting the agreement, noting he felt it was the wrong approach and not the best use of the taxpayer's money.

Police Lieutenant Willerford clarified joining the JPA did not obligate the City for any money and the City could withdraw at any time.

In response to Mayor Freitas, Lt. Willerford stated he would bring Councilmember Simonsen's issues up for discussion at either the subcommittee or at the Board level.

On motion by Councilmember Moore, seconded by Councilmember Kalinowski, the City Council adopted the East Bay Regional Communication System Joint Power Authority. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Moore, Freitas

Abstain: Simonsen

Item O – Mayor Freitas stated he would be voting no on the item due to his position regarding Brown and Caldwell.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the motion carried with the following vote:

Ayes: Kalinowski, Davis, Simonsen

Noes: Freitas, Moore

Item P – Lola Buck, representing the Vista Diablo Estate residents thanked the City Council and staff for all their hard work and support.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved item P.

PUBLIC HEARINGS

2. PULTE/DEL WEBB REQUESTS AMENDMENTS TO THEIR DEVELOPMENT AGREEMENT TO DEVELOP A SENIOR HOUSING COMMUNITY CONTAINING APPROXIMATELY 530 SINGLE STORY, SINGLE FAMILY HOMES TO THE APPROXIMATELY 204 ACRES LOCATED DIRECTLY SOUTH OF THE EXTENSION OF HILLCREST AVENUE AND EXISTING CHAPARRAL PARK #202-01

On motion by Councilmember Moore, seconded by Councilmember Simonsen the City Council continued this item with the public hearing open to October 9, 2007. The motion carried by the following vote:

Ayes: Davis, Moore, Simonsen, Freitas,

Noes: Kalinowski

COUNCIL REGULAR AGENDA

3. BALLOT MEASURE CLARIFYING WHEN THE STORAGE OF A RV, TRAILER, CAMPER, BOAT OR SIMILAR VEHICLE IS A PUBLIC NUISANCE #702-02

City Attorney Nerland presented the staff report dated September 20, 2007 recommending the City Council: 1) Adopt a resolution calling a Special Municipal Election on Tuesday, February 5, 2008 for the submission to the voters of a local ballot measure clarifying when the storage of a RV, trailer, camper, boat or similar vehicle is a public nuisance, and 2) Adopt the resolution requesting the Board of Supervisors of Contra Costa County to consolidate a Municipal Election on a local measure with other elections to be held on the February 5, 2008 regular election date.

Chris Valenta, Antioch resident, stated he was opposed to voting away his property rights and supported limiting the approval to one (1) RV as a reasonable compromise. He stated he had requested to be allowed two RVs to prevent future restrictions from completely eliminating RV parking on private property.

Mayor Freitas reported the City had received an email from Antioch resident, Richard Miller containing proposed amendments and requesting clarifications to Section 5-1.201(K).

Ken Lee, Antioch resident, stated he felt the issue should be dealt with on a case by case basis. He discussed the advantages of storing, maintaining and repairing RVs on private property.

Jim Smith, Antioch resident, reported all issues were agreed upon at the subcommittee level with the exception of how many RVs could be stored on private property. He stated he felt properties should be restricted based on the amount of parking area they had available. He urged the City Council to repeal the ballot measure noting their group was committed to taking this to a class action lawsuit.

Michele Kuslits, Antioch resident, stated she felt a ballot measure was an unnecessary burden to the taxpayers and she discussed the disadvantages of requiring RVs to be put in public storage facilities, adding she represented approximately 800 families who were requesting the City Council make a decision on whether to allow 1 or 2 legally registered vehicles to remain parked on an improved surface.

Mayor Freitas read written comments from Antioch residents Timothy Gross, Pat Scholderer, Jeff Yon, Jennifer Gross, Melody Holbrook, Richard Straub, Laura Erickson, Steven Gross, Ed Warthen, Buck Scholderer, Cornelius Buys, Joe Canepa, Sheri Gross, Jonathon Barton, Walter and Gigi Boss, Amos Watton, Judith Schultz, Kenneth Schultz, Jessica Kuslits, John Scholderer III, Richard McMillan, Debbie Smart, Robert Kuslits, Kathy Smith, who indicated they were opposed to a ballot measure on the RV ordinance, with comments including but were not limited to the following comments: the proposed action was a violation of property rights, decreased property values and there was insufficient local storage facilities available.

Chuck Kuslits, Antioch resident, reported the subcommittee could not agree on the amount of RVs allowed on driveways or on improved surfaces. He suggested ballot language "Should RV, Boats and Trailers owners only be allowed to park one vehicle on their private property as long as they are in compliance with the ordinance created by the subcommittee appointed by the City Council?" He urged the City Council to end the issue and make a decision from the subcommittee recommendations and vote whether 1 or 2 RVs (operable, registered and follow City regulations) should be allowed on driveways or improved surfaces.

Councilmember Simonsen provided the City Council with the several documents from the City of San Ramon pertaining to their RV ordinance and procedures for enforcement. He suggested this item be continued to October 9, 2007 to allow the City Council time to consider adopting similar language or he proposed an alternative ballot measure to be considered in conjunction with staff's recommendation.

In response to Councilmember Davis, Councilmember Moore clarified the subcommittee agreed on all issues with the exception of how many RVs should be allowed to be stored on private property.

Councilmember Kalinowski stated he offered the compromise of allowing one RV on private property or an improved surface, knowing at the time the offer would not be accepted. He noted once the offer was not accepted he went back to his original position which was RVs should be stored behind a fence or offsite. He noted the issue was divisive and there was no agreement, therefore he felt it was an issue for the residents of the City to decide.

In response to Council, Ms. Kuslits stated she had not approached the entire group to determine what their position would be regarding permitting one RV to be parked on private property on an improved surface. She noted if the item was continued she could poll the members and report back to Council on their position.

Councilmember Kalinowski stated he felt the issue before the City Council was clear and if more items were added to the ballot measure it would confuse the issue and cause additional problems. He noted therefore he could not support a continuation of the item.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council continued the item to October 9, 2007 to give staff the opportunity to provide additional information including costs and staff burden for a grandfathering ordinance, staff's review of the San Ramon model, and cost implications for a second ballot measure. The motion carried by the following vote:

Ayes: Davis, Moore, Simonsen,

Noes: Freitas and Kalinowski

Mayor Freitas adjourned to the Antioch Development Agency with all Agency members present.

4. AGENCY REGULAR AGENDA

A. APPROVAL OF AGENCY WARRANTS #401-01

On motion by Agency member Kalinowski, seconded by Agency member Moore, the Agency unanimously approved the Agency Warrants.

B. RESOLUTION APPROPRIATING ADDITIONAL EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING AS OF JUNE 30, 2007 TO THE 2007/08 FISCAL YEAR BUDGET #410-02

RESOLUTION ADA-422

On motion by Agency member Kalinowski, seconded by Agency member Moore the Agency unanimously approved the resolution.

Mayor Freitas adjourned to the City Council with all Councilmembers present.

PUBLIC COMMENTS

Chris Valenta, Antioch resident, stated he did not want the taxpayers to spend \$88,000 on a vote; however, if it came to a vote he would prefer Mr. and Mrs. Kuslits to provide the wording. He stated he would support allowing only one RV; however he would want it written in such a way to ensure the right could not be taken away.

Chuck Kuslits, Antioch resident, discussed the lack of available local RV storage.

STAFF COMMUNICATIONS

City Manager Jakel announced there was no Study Session scheduled for October 16, 2007.

COUNCIL COMMUNICATIONS

Mayor Freitas announced the Antioch Rivertown Jamboree is September 29-30, 2007 at "G" and 4th Streets and encouraged the community to participate. He reported the *March Against Hate* held last weekend was a very good event and he commended the Antioch Police Department and staff for assisting in the preparations. He announced October 21st there would be another event at St. Ignatius Church.

Councilmember Kalinowski reported Officer Scott Slinger with the Antioch Police Department was wounded off-duty and requested staff send flowers under the City Council's name.

Chief Hyde requested the City delay sending anything until Officer Slinger was out of the Intensive Care Unit.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 11:03 P.M. to the next regular Council meeting on October 9, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk