

## CITY COUNCIL MEETING

**Regular Meeting**  
**7:00 P.M.**

**October 10, 2017**  
**Council Chambers**

Mayor Wright called the meeting to order at 7:00 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Tiscareno, Ogorchock and Mayor Wright  
Absent: Council Members Wilson and Thorpe

Mayor Wright announced Council Member's Thorpe and Wilson were attending the Tri Delta Conference on behalf of the City of Antioch, in Atlanta.

### **PLEDGE OF ALLEGIANCE**

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

### **PROCLAMATION**

*Bicentenary of the Birth of Baha'u'llah, October 22, 2017*

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council unanimously approved the Proclamation.

Mayor Wright presented the proclamation to members of the Baha'i faith who thanked Council for the recognition.

### **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Mayor Wright read written comment from Jennifer Faddis, East County Alcohol Policy Coordinator for the Center of Human Development, announced that Reach Project and ECAP were hosting a forum regarding underage alcohol and drug use at 5:30 P.M. on October 12, 2017, at the Antioch Police Department Community Room.

Nancy Kaiser announced the following events:

- Halloween Rocks 4:00 P.M. – 6:00 P.M. October 13, 2017, Antioch Community Center
- Free Kids Fishing Derby - 9:00 A.M. October 14, 2017, Antioch Marina

She also announced the Antioch Council of Teens were accepting nominations for the Teen Friendly Business Award.

JR Wilson recognized Council for their support of Stand Down on the Delta and presented them with certificates from Senator Desaulnier, Congressman McNerney, Supervisor Burgis, Supervisor Mitchoff, Assemblyman Frazier, Assemblyman Grayson and the Delta Veterans Group.

City Clerk Simonsen announced October 13, 2017 was U.S. Navy's birthday.

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## **ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS**

City Clerk Simonsen announced the following Board and Commission openings:

- *Police Crime Prevention Commission: Three Full-term (3) vacancies and One Partial-term vacancy; deadline date is October 13, 2017*
- *Planning Commission: One Partial-term (1) vacancy; deadline date is October 13, 2017*

He reported applications would be available in Council Chambers, online at the City's website and at the City Clerk's and Deputy City Clerks offices.

## **PUBLIC COMMENTS**

Marty Fernandez, Antioch resident, presented photos of blighted areas in his neighborhood and requested City staff address the issue.

Merle Whitburn, President of Friends of the Antioch Library, discussed their fundraising efforts and requested Council allow them to relocate their book sales to the Prewett Park Community Center.

Beverly Knight, expressed concern regarding her efforts to contact Republic Waste to schedule a large garbage pickup. She requested Council intervene and create a process that would be less complicated.

Marian Ferrante, Friend of the Antioch Library and Delta Wordweavers, reported several organizations would be displaced when the Antioch Library Community room was converted for a Warming Center Program for the homeless. She requested that they be allowed to move their book sales to the Prewett Park Community Center. She suggested the County and City consider alternative locations for the program.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Tiscareno stated that since his neighborhood was addressed, he would comment and share Mr. Fernandez's concerns regarding neighborhood blight. He clarified one area of concern was Balboa Court and he assured Mr. Fernandez that issues would be addressed by City staff.

Mayor Wright reported on his attendance at the Mayor's Conference.

## **MAYOR'S COMMENTS**

Mayor Wright discussed fires occurring in the North Bay and on behalf of the City, offered his prayers and condolences to the victims.

## **PRESENTATION**

Liz Fuller, Senior Community Library Manager, Contra Costa County Library gave an Antioch Library Update PowerPoint presentation. She announced free monthly music concerts would be held at the library and Ruth Boyer had been hired as the permanent full-time Library Manager in Antioch.

In response to Councilmember Ogorchock, Ms. Fuller, County Librarian, discussed their outreach efforts to the Hispanic Community and The Warming Center Program.

**2. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 26, 2017**

**B. APPROVAL OF COUNCIL WARRANTS**

**C. REJECTION OF CLAIM: TROY KING**

**D. APPROVAL OF TREASURER'S REPORT FOR AUGUST 2017**

**E. RESOLUTION NO. 2017/118 CONSIDERATION OF BIDS FOR CITY WIDE JANITORIAL SUPPLIES (BID 485-0913-18A)**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar.

**COUNCIL REGULAR AGENDA**

**3. BOARD OF ADMINISTRATIVE APPEAL APPOINTMENT FOR ONE (1) PARTIAL-TERM VACANCY EXPIRING MARCH 2020**

Mayor Wright nominated Farideh Faraji for one (1) partial-term vacancy on the Board of Administrative Appeals expiring March 2020.

In response to Councilmember Ogorchock, City Clerk Simonsen clarified that a resume was suggested to enhance the application.

**RESOLUTION NO. 2017/119**

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council appointed by resolution, Farideh Faraji, to one (1) partial-term vacancy on the Board of Administrative Appeals expiring March 2020.

**4. ECONOMIC DEVELOPMENT COMMISSION APPOINTMENT FOR ONE (1) PARTIAL-TERM VACANCY EXPIRING JUNE 2019**

Mayor Wright nominated Tracey Nicks for one (1) partial-term vacancy on the Economic Development Commission expiring June 2019.

**RESOLUTION NO. 2017/120**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the Council appointed by resolution, Tracey Nicks, to one (1) partial-term vacancy to the Economic Development Commission expiring June 2019.

**5. PLANNING COMMISSION APPOINTMENT FOR THREE (3) FULL-TERM VACANCIES EXPIRING OCTOBER 2021**

Mayor Wright nominated Janet Zacharatos, Martha Parsons, and Bob Martin to three (3) full-term vacancies on the Planning Commission expiring October 2021.

In response to Councilmember Tiscareno, Mayor Wright explained that he had a great interview with former Councilmember Rocha; however, Janet Zacharatos and Martha Parsons asked to be reappointed to a second term and he chose Mr. Martin for the vacancy because in discussing the applicants with staff, they indicated when he had previously served on the Commission he was thorough in his examination of all the materials provided.

**RESOLUTION NO. 2017/121**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, Council appointed by resolution, Janet Zacharatos, Martha Parsons and Bob Martin, to (3) three full-term vacancies to the Planning Commission for expiring October 2021.

**6. CONSIDERATION AND FINAL DETERMINATION OF BOARD OF ADMINISTRATIVE APPEALS DECISION REGARDING: ANTIOCH MUNICIPAL CODE VIOLATIONS AT 701 WILBUR AVENUE, ANTIOCH, OWNED BY JOSEPH AND DEBRA BOSMAN (CE CASE CD1701-026)**

City Manager Bernal introduced Regular Agenda Item #6.

Interim City Attorney Cole explained the manner in which the quasi-judicial hearing would be conducted.

Director of Community Development Ebbs presented the staff report dated October 10, 2017 recommending the City Council uphold the Board of Administrative Appeals decision regarding the Notice of Violation issued to Joseph Bosman for violations of the Antioch Municipal Code.

City Clerk Simonsen reported that staff received a letter from David Larson representing Mr. Bosman dated October 10, 2017. He noted copies were sent to Council, staff and were also available in Council Chambers this evening.

Mayor Wright opened the floor to public comment.

David Larsen, representing Joe Bosman, requested staff incorporate by reference Mr. Bosman's written presentation to the Board of Administrative Appeals, the attachments as well as the oral

comments and written responses. He questioned if this process would open a new statute of limitations. He reported his client had great rapport with tenants and the site was safe, sanitary and secure. He stated each unit was code compliant and a considerable amount of time and money had been on improvements. He gave a brief history of the property and their efforts to resolve the issues with City staff. Additionally, he discussed their conceptual plans for potential future development of the site. He requested Council direct staff to work with the Mr. Bosman on a mutually beneficial solution and allow tenants to remain on site until June 1, 2018. He noted if a project did not move forward by that time, the City could consider adopting a residential vehicle overlay zone for the property. He requested the City incorporate by references pages #3 and #4 of his letter which were issues they would litigate if it became necessary.

Joe Bosman, read written comment regarding his property and discussed the importance of having his tenants remain on site until HUD approved financing for the project or an alternative site was located for residents. He commented that a previous developer for the site backed out due to the Community Facilities District (CFD) fees associated with the project.

Jimmy Gordon, on behalf of Joe Bosman, stated he was a tenant on the property and it was a secure and well maintained property. He expressed concern regarding his ability to find another location to move his recreational vehicle to, should the City require him to do so.

Rick Story agreed with Mr. Gordon and reported that he had been a tenant for many years. He stated other facilities would not accept his recreational vehicle due to its age.

Mayor Wright closed the floor to public comment.

Interim City Attorney Cole clarified Council could only address whether there were violations of the Antioch Municipal Code as outlined in exhibits C3 and D1 in the staff report. He added that applications for development of the property could be filed by and processed by staff. He explained that if the Board of Administrative Appeals decision was affirmed, staff would not initiate evictions immediately. He stated that whatever the decision was this evening, staff would continue to work with the property owner to resolve the issues.

In response to Councilmember Tiscareno, Mr. Bosman clarified all tenants had been made aware of a potential housing project for the site and that it may be necessary for them to relocate in the future.

In response to Councilmember Tiscareno, Director of Community Development Ebbs stated this site had not received approval from the City or the State to operate as a recreational vehicle park and none of the units were approved for permanent habitation. He added that the owner had not paid development impact fees.

Councilmember Ogorchock clarified that she had brought this item forward because she had received a call from a mutual friend of Mr. Bosman who requested Council review the decision of the Board of Administrative Appeals. She stated she had visited the property and she sympathized with the residents; however there were violations on the site. She expressed concern that Mr. Bosman had not provided the residents with information on how to proceed with

vacating the site, should they be required to do so. She voiced her support for staff working with the property owner on an effort to resolve the issues.

Interim City Attorney Cole stated it was acceptable for Council to express sympathy or a desire for staff to work with the property owner; however, legally their decision was to affirm or deny the appeal.

Mayor Wright reported he had visited the property and when the notice was issued there were violations on the property. He stated he was happy to hear that if Council affirmed the violations immediate eviction would not occur. He directed staff to work with the property owner's Attorney to see if a future project could be developed on the site.

In response to Mayor Wright, Interim City Attorney Cole clarified enforcement actions would be lengthy and require Council approval. He noted that he did not want the City to get into that process unless it became absolutely necessary. He stated that he hoped the property owner understood that something needed to occur quickly and the onus was on staff to work with him. He explained that if the City exhausted all possibilities, staff would come to Council in an appropriate litigation setting.

Director of Community Development Ebbs added that he anticipated the issues could be resolved short of litigation, with a common sense approach, in cooperation with the property owner.

Councilmember Tiscareno stated it was clear there were violations on the property. He voiced his support for staff and the applicant attempting to resolve the issues on the property.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council members present unanimously upheld the Board of Administrative Appeals decision regarding the Notice of Violation issued to Joseph Bosman for violations of the Antioch Municipal Code.

## **PUBLIC COMMENTS**

Bob Martin thanked the City Council for appointing him to the Planning Commission and stated it was a privilege and honor to have been chosen.

## **STAFF COMMUNICATIONS**

City Manager Bernal stated that he believed Bob Martin was an excellent choice for the Planning Commission. He reminded Council and the community of the following upcoming events:

- Halloween Rocks 4:00 P.M. – 6:00 P.M. October 13, 2017, Antioch Community Center
- Free Kids Fishing Derby - 9:00 A.M. October 14, 2017, Antioch Marina
- Food Truck Thursdays – 5:00 P.M. – 9:00 P.M. extended through October 26, 2017, Prewett Park
- Red Sand Project - 4:00 P.M. – 7:30 P.M. October 19, 2017, Antioch Community Center

**COUNCIL COMMUNICATIONS**

Councilmember Ogorchock stated she would be hosting a Senior Walk at the Somersville Towne Center on November 3, 2017 to provide resources to seniors and raise awareness on Alzheimer's.

**ADJOURNMENT**

With no further business, Mayor Wright adjourned the meeting at 8:43 P.M. to the next regular Council meeting on October 24, 2017.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk