

## ANTIOCH CITY COUNCIL

Regular Meeting  
7:00 P.M.

July 11, 2006  
Council Chambers

### 5:45 P.M.- CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATOR** - Employee Organization: APOA (Antioch Police Officers Association). This Closed Session is authorized by Government Code §54957.6
2. **AGENCY/COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS** - Negotiations with the City Manager/Executive Director and Economic Development Director concerning a Master Disposition and Development Agreement with Arcadis/Rivertown Development LLC regarding the terms of any conveyance of City and/or Agency property in the downtown area and along the Antioch waterfront (Redevelopment Agency Project Area No. 1 plus some adjoining areas). This Closed Session is authorized by Government Code §54956.8
3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation, one case. This closed session is authorized by Government Code §54956.9(b)(1).

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  
Excused: Council Member Kalinowski (arrived at 7:33 P.M.)

Mayor Freitas announced Councilmember Kalinowski would be arriving late this evening due to job obligations.

### PLEDGE OF ALLEGIANCE

Mayor Freitas led the Council and audience in the Pledge of Allegiance.

Mayor Freitas reported the City Council had been in Closed Session; there was no reportable action. He introduced Simon Reed, Contra Costa Times reporter and welcomed the City of Antioch's new Police Chief, Jim Hyde.

City Manager Jakel introduced Chief of Police Jim Hyde who thanked the City for their support and discussed the areas of focus for the Antioch Police Department.

### ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Suzanne Nocco and Josie Monaghan invited the public to attend a picnic, rally and a free screening of the film "My Child – Mother of War", at Waldie Plaza and the El Campanil Theater beginning at 11:00 A.M. on July 30, 2006. They urged the community to support those who serve in the military and their families. Contact information was given for anyone wishing to receive additional information or make a donation.

Councilmember Davis encouraged the community to support this event.

Devi Lanphere, Antioch Chamber of Commerce, announced the East County Economic Summit would be held on September 29, 2006 at the Lone Tree Event Center. Contact information was given for anyone wishing to receive additional information.

## **PUBLIC COMMENTS**

Andrea Rodmond-Jones, Brianna Spearman, James Nelson representing the Nadawn Brown Benefit Fund voiced their concerns regarding the challenges facing the youth and the need for a community center for the student population of Antioch. They reported as a non-profit organization they had obtained computers, landscaping and enrichment classes for the center. Contact information was given for anyone wishing to participate. They invited the community to attend fundraising carwashes every weekend at the Deer Valley Plaza and Got Game Madden Bowl on July 23, 2006 at Prewett Family Park.

Ken Lee, discussed the history of the Chinese in Antioch and noted there was no record of these facts in the library. He reported there were piles of garbage located on Verne Roberts Drive.

Willie Mims, Pittsburg resident, representing the Black Political Association and member of the NAACP expressed their interest in establishing a working relationship with Police Chief Hyde.

Councilmember Kalinowski arrived at 7:33 P.M.

## **PRESENTATION - UPDATE FROM ARCADIS REGARDING REDEVELOPMENT PLANNING EFFORTS FOR THE RIVERTOWN WATERFRONT PLANNING AREA**

Steve Stewart, representing Arcadis, gave a brief update of the redevelopment planning efforts for the Rivertown Waterfront planning area. He noted they had completed the visual and physical analysis and were in the final stages of the economic study. In addition, they had started the study of the general principles for development and they were determining the real estate opportunities. He noted they had reviewed the findings with staff and were on target to bring the findings for redevelopment to the City Council at the end of August.

In response to Mayor Freitas, Mr. Stewart acknowledged it was their intent to have the entire package presented on August 22, 2006, in final form for a decision.

### **1. COUNCIL CONSENT CALENDAR**

#### **A. APPROVAL OF COUNCIL MINUTES FOR JUNE 13, 2006 #301-02**

#### **B. APPROVAL OF COUNCIL WARRANTS #401-02**

**C. REJECTION OF CLAIMS #704-07**

1. Adriana J. Berdiago, #06/07-1634 (vehicle damage)
2. Rhonda Hunter, #06/07-1632 (lost property)
3. Laura Griffin, #06/07-1644 (vehicle towing)
4. George Economou, #06/07-1642A (property damage)
5. Justin Economou, #06/07-1642B (personal injury)
6. Deshaun Hackett, #05/06-1616 (property damage)
7. Tashawna Thomas, #06/07-1641 (vehicle damage)

**D. LEGISLATION AND ADVOCACY #701-04**

**E. ORDINANCE 1074-C-S AMENDING SECTIONS 5-4.01 AND 5.4.11 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH CARD ROOM EMPLOYEES #701-05**

**F. RESOLUTION NO. 2006/76 SUPPORTING SENATE BILL NO. 1556 (TORLAKSON), ESTABLISHING A CONTINUOUS RECREATION CORRIDOR AROUND THE DELTA #701-01**

**G. APPROVAL OF TRAVEL TO WASHINGTON DC FOR MAYOR FREITAS #301-01**

**H. RESOLUTION NO. 2006/77 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE HILLCREST WATER TANK REHABILITATION (PW 487-T2) #1202-01**

**I. RESOLUTION NO. 2006/78 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A REIMBURSEMENT AGREEMENT BETWEEN CITY OF ANTIOCH AND BLACK DIAMOND RANCH LAND INVESTORS LLC, FOR THE CONSTRUCTION OF MARKLEY CREEK PARK, TRACT NO. 7487 (PW 512-P) #1402-03**

**J. APPROVE AWARD OF CONTRACTS FOR ROAD IMPROVEMENT PROJECTS**

1. Slurry Seal of Various Streets Located in Antioch (Sierra Crete): Graham Contractors, of San Jose - \$269,064.
2. Asphalt Rubber Chip Seal of Various Streets Located in Antioch (Sierra Crete): International Surfacing Systems, Modesto - \$530,090.
3. Drake Street Roadway Improvements: Granite Construction Company, Watsonville, CA,- \$187,612.00.

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

*Item B* – Councilmember Conley stated he would be abstaining from the vote on the Council Warrants as item #96065 was payable to his wife, City Treasurer, Donna Conley.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council approved Item B. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Simonsen, Freitas

Abstain: Conley

Following discussion the City Council agreed to move agenda item #5 to the end of the Council's regular agenda to accommodate residents who wish to speak on agenda items #6 and 7.

## **PUBLIC HEARINGS**

### **2. RESOLUTION FINDING NO MAJORITY PROTEST, ESTABLISHING THE BOUNDARIES OF THE AREA OF BENEFIT, ESTABLISHING THE COSTS AND METHOD OF ALLOCATION OF COSTS AND FEE APPORTIONMENT FOR THE KAISER MEDICAL CENTER PUBLIC BENEFIT DISTRICT AND RESOLUTION APPROVING REIMBURSEMENT AGREEMENT WITH KAISER FOUNDATION HOSPITALS FOR ROADWAY IMPROVEMENTS ON DEER VALLEY ROAD, WELLNESS WAY AND SAND CREEK ROAD (PW 628 BD) #806-05**

Assistant City Engineer Bernal presented the staff report dated July 5, 2006 recommending the City Council adopt the two resolutions.

Mayor Freitas opened the public hearing.

Michael Monaldo, representing Kaiser Permanente, thanked the City staff for facilitating the process and the adjacent property owners for their cooperation. He gave a brief overview of the costs associated with the roadway improvements and the rebate program they were offering to the adjacent property owners.

Richard Norris, representing Allied Investments, thanked Kaiser for their cooperation and staff for facilitating the process. He noted they had submitted a letter voicing their concerns with the process and requested the City ask Kaiser to reduce the cost demands to match a reasonable value of the improvements.

Mr. Monaldo reiterated the scope of work determined for what they had to build was based on entitlements required and competitively bid; therefore they felt the bids reflected fair market value of the costs.

Mayor Freitas closed the public hearing.

In response to Mayor Freitas, Assistant City Engineer Bernal reported City staff had reviewed the numbers in detail and with the exception of the joint trench, which was high due to the utility company requirements; the remainder of the costs were in line with industry standards. He stated staff had reviewed the letter from Mr. Norris and they felt comfortable the costs were appropriate for the construction involved and the allocation of the costs were fair and equitable.

City Engineer/Community Development Director Brandt added Kaiser had completed all the work prior to bringing forward a benefit district to establish reimbursement and with that they had brought forth the actual costs of construction along with paid receipts. He added the development agreement has a clause that specifically indicates that interest will be included in the benefit district.

Finance Director Brookshire stated she had done an analysis with the City's financial advisors and they felt the rate of 3.5% was a competitive rate.

**RESOLUTION NO. 2006/79**  
**RESOLUTION NO. 2006/80**

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the City Council unanimously approved the resolutions.

**3. RESOLUTION VACATING A PORTION OF MEDANOS STREET RIGHT-OF-WAY BETWEEN LOMA LANE AND WEST TENTH STREET #1102-04**

Assistant City Engineer Bernal presented the staff report recommending the City Council conduct a public hearing and adopt the resolution to vacate a portion of Medanos Street right-of-way between Loma Lane and West Tenth Street.

Assistant City Engineer Bernal reported the property owner had indicated he intended to develop the property although there had not been a firm commitment.

Following discussion the City Council consensus was to support the resolution, however they agreed to hold this item over to address the transfer of the property and for the property owner to provide assurance it would be developed in a definitive time.

Mayor Freitas opened the public hearing and this item was continued to an unspecified date.

**4. RESOLUTION ORDERING IMPROVEMENTS AND LEVYING ANNUAL ASSESSMENTS FOR LANDSCAPE MAINTENANCE DISTRICTS FOR THE 2006/2007 FISCAL YEAR (PW 500) #806-03**

Mayor Freitas opened the public hearing.

On motion by Councilmember Conley and seconded by Councilmember Kalinowski the City Council unanimously continued this item to July 25, 2006.

Mayor Freitas declared a recess at 8:12 P.M. The meeting reconvened at 8:17 P.M. with all Councilmembers present.

**COUNCIL REGULAR AGENDA**

**7. REPORT FROM CITY COUNCIL SUBCOMMITTEES REGARDING THE QUALITY OF LIFE FORUM AND RENTAL HOUSING #301-01**

Councilmembers Kalinowski and Conley presented the staff report dated July 5, 2006 regarding the Quality of Life Forum and Rental Housing Subcommittee.

Councilmember Simonsen reported he would be unable to attend the forum due to a previous obligation to attend the Mayors and Councilmembers forums.

Councilmember Davis stated, based on the information he had received, he was in support of a Section 8 Housing Authority in Antioch.

Janet Kennedy gave a brief overview of the process, factors to be considered and the impacts of setting up a Housing Authority in Antioch.

Councilmember Conley stated he felt it was morally wrong for individuals to have vouchers for excessive amounts and there are no time limits.

Mark Stevenson, Acting Deputy Executive Director of the Housing Authority of Contra Costa, stated the payment is set at 90% fair market rate across the County. He noted if individuals obey the program rules and maintain eligibility the vouchers are open ended, however there are changes being made in Congress for time limits on participants that are not disabled or elderly. He added tenants are certified once a year.

Councilmember Simonsen encouraged the residents to report individuals to the local Housing Authority office, who are in violation of the terms of their housing voucher contract.

In response to Councilmember Davis's suggestion of the creation of a "tool lending library," Mr. Stevenson stated he was reluctant to take on the liability of such a venture, however they would be willing to be part of a partnership that works toward that goal.

Mayor Freitas urged participants of the forum to be constructive in their comments and stated Council had read the emails from concerned residents and they are cognizant of the issues. He noted the goal was to have more power, authority and accountability with all rental housing. He further noted he would like to move forward with a citywide effort to inform residents of the standards the City expects tenants and landlords to uphold, followed by systematically going through the entire community and issuing citations for non-compliance. He reported the City Council increased City staffing to address some of these issues.

Willy Mims, member of the NAACP and representing the Black Political Association, voiced his support for a community forum and cautioned the City Council to not discriminate. He noted the forum should be positive and constructive.

Roger Henry, President of the East County NAACP, stated he had viewed and is concerned regarding the tenor of some of the emails regarding this issue. He urged the discussions to focus on property owner and tenant responsibility as well as non-discriminatory code enforcement. He expressed his concern, as the NAACP had asked

to be included in the discussions for the Quality of Life forum and had not been contacted.

Darnell Turner stated he could support the staff report although he felt the penalties for non-compliance were too low. He urged the City Council to keep the agenda for the quality of life forum refined and schedule a series of meetings to properly address the many residential concerns.

Robert Kilbourne Sr. stated he was in support of the forum, however, he felt there were too many items on the July 22, 2006 agenda. He suggested the City Council review the items and determine if the agenda should be revised, or pole those present at this meeting to identify 1-3 discussion topics.

Gary Gilbert, Founder and Chairman of United Citizens for Better Neighborhoods, thanked the City Council for hiring additional police officers. He noted they felt this issue was behavior and urged residents of the community to abide by the City's codes and ordinances or leave the community. He stated they would be happy to work with the City to make positive changes in the community.

Mayor Freitas reiterated the Community Forum would be held on July 22, 2006 from 8:30 A.M. to approximately 1:00 P.M. He urged the citizens to be as constructive as possible. He stated he was impressed with the position of United Citizens For Better Neighborhoods and urged them to stay involved in the process.

Councilmember Conley clarified the existing members of the City Council would never violate individual's rights. He stated that due to limited parking, he encouraged people to carpool to the Community Forum on July 22, 2006.

Mayor Freitas declared a recess at 9:09 P.M. to 9:18 P.M. The meeting reconvened at 9:18 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who arrived at 9:23 P.M.

At the request of Mr. Kilbourne, and following a poll of the audience, the consensus supported the Community Forum be focused on the following issues:

- Code Enforcement / Public Safety
- Rental Housing
- Youth Activities

## **6. STUDY SESSION RE: RENTAL INSPECTION PROGRAM #203-01**

City Engineer/Community Development Director Brandt presented the staff report dated July 5, 2006 recommending the City Council review, comment and provide direction to staff.

Following review of the Rental Inspection Program outlined in the staff report the City Council provided the following direction:

- Page 2 – Identification of Residential Rental Properties – reduce the response time to 30 days from the date of mailing the letter to an identified property. Add a penalty charge for property owners that fail to respond.
- Page 2 – Registration and Self-Certification – Consider adding a technician with data base manipulation skills in lieu of the secretary I/II position.
- Page 3 – Inspections – Consider options for inspecting all properties within the first 6 months to 1 year and a rotational program for re-inspections.

Councilmember Conley suggested a special Volunteer in Police Services unit could assist in helping code enforcement with inspections.

Mayor Freitas stated he did not feel self-certification or drive-by inspections were sufficient.

- Page 4 – Penalties - Initial non-compliance should have no penalty, if not corrected a substantial fine, and the third action should be legal.
- Contact state representatives with regards to increasing maximum fines allowed by the City
- Options from staff for increasing the fines to have as much financial impact as possible

Councilmember Simonsen requested a time limit established for correcting violations.

Mayor Freitas requested Councilmember Simonsen, as the City's representative to the California League of Cities, make increasing fines a league issue.

Councilmember Conley requested, as protection for City staff, if there was a dangerous animal limiting access to the property, the issue should go immediately to legal action and/or police department assistance.

Following review of Attachment "A" of the staff report the City Council provided the following direction:

- A2 – Substandard Conditions - Assure this applies to the building code at the time the building was built or at the time of the latest major renovation
- A3 – Exemptions – (B) Clarify that the exemption does not include residential hotels and motels.
- A4 – Site Maintenance Standards - Clarify vegetation, add concrete staining and fencing
- A5 – Refuge enclosure - Clarify refuge containers will be screened from public view

- Duplicate ordinance as it relates to abandon vehicles
- A7 – Re-inspections - Flexibility that allows for items inspected and signed off by the building department sufficient for re-inspections

Joe Zamora stated he did not support the Rental Inspection Program, as it would increase the costs to property owners. He further stated he did not feel the current laws were enforced in an equitable manner.

Theresa Karr, Regional Division Director of the California Apartment Association, spoke in support of self-certification and noted they would like to assist in reworking the program so it would be effective. She spoke to the concerns as outlined in her email, as provided to the City Council and presented brochures on their programs.

Willie Mims clarified the staff report indicates this program had been brought to the Council and public as a working document. He expressed concern frivolous complaints could overburden staff with unnecessary costs and time. He noted he felt the legal assistance fees were not reasonable.

Darnell Turner stated he was in agreement with the basic recommendation from staff and some of the comments. He noted he felt more discussion was needed to address the issues and a lot could be accomplished by enforcement of the City's current codes and ordinances.

Roger Henry, NAACP stated he supports thorough inspection of a portion of the units with a goal of all units being inspected within 2-3 years. He urged the City Council to consider that it may be difficult for tenants to find space to screen all trash receptacles from view and noted he looks forward to working with the City Council as this program is developed.

Jesse Zuniga (for Shelley Kind/Bear Ridge Community) presented the City Council with photos of properties he believed were in violation of the City's codes and ordinances. He noted he had notified the property owner who responded that if the City of Antioch were not involved they would not respond. He requested the City become involved in addressing these issues. He suggested using the Police Department overlap days to address code enforcement issues and offered his services to the City.

Dee Vieira commended the City Council for attempting to address the issues. She questioned how the program would be implemented, how the guidelines would be developed and if the City had considered a rental tax. In addition, she questioned who would be performing inspections and if the City had considered the use of volunteers.

Ken Lee gave a brief history of his experience as a Section 8 landlord and encouraged landlords to hire professional management companies. He suggested the City have an anonymous complaint line, utilize satellite imagery and provide a checklist to landlords. In addition he questioned if there would be a process to verify tenant problems and notification of repeated police action to the agency. He suggested landlord workshops and non-discriminatory enforcement.

Devi Lanphere, Antioch resident, speaking as a renter, reminded the City Council poorly managed properties were owned by a small percentage of landlords. She urged the City Council to create an enforceable program and suggested the posting of properties requiring legal action. In addition, to protect the tenants privacy she suggested only insured City employees perform inspections.

Betty Tran-Redmond stated she was against this program, noting those self-certifying owners are those who abide by the codes. She noted it was difficult to determine if properties were rentals and locate property owners. She encouraged the City to enforce the existing codes and ordinances and questioned why the County was not putting controls in place to lower the concentration of Section 8 Housing in Antioch.

Terry Ramus complimented the City and Council for attempting to address the issues and agreed the program needed to be clearly stated and comprehensive.

City Engineer/Community Development Director Brandt stated he would be working with others to refine the program and bring it back to the City Council.

#### **5. REPORT ON HILLCREST AVENUE MEDIAN LANDSCAPE PROJECTS #1102-04**

Park Superintendent Palmeri presented the staff report dated July 5, 2006 recommending the City Council receive and file report.

Mayor Freitas requested Design Review Board be consulted on landscaping along the major thoroughfares. He expressed concern regarding the overuse of society garlic and urged staff to be more creative with more diversity in the planting.

**PUBLIC COMMENTS** - None

#### **STAFF COMMUNICATIONS**

City Manager Jakel reported the City Council would not be meeting on July 18, 2006.

#### **COUNCIL COMMUNICATIONS**

In response to Councilmember Conley, City Manager Jakel reported staff had requested the last three years of financial records from the Rivertown Jamboree Committee, which would include the non-profits paid and unpaid. He noted he would get the information as soon as possible.

Councilmember Davis thanked everyone who participated in the 4<sup>th</sup> of July celebration. He thanked Councilmember and Mrs. Conley for decorating the City Council float.

#### **ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 10:55 P.M. to the next regular Council meeting on July 25, 2006.

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L. JOLENE MARTIN, CMC  
Antioch City Clerk

Approved:

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DONALD P. FREITAS, Mayor

Attest:

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L. JOLENE MARTIN, CMC  
Antioch City Clerk