

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

January 9, 2007
Council Chambers

6:00 P.M. - CLOSED SESSION

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Title: City Manager. This Closed Session is authorized by Government Code §54957.
2. **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 7:05 P.M., wishing everyone a Happy New Year, and Deputy City Clerk Chalk called the roll.

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

Mayor Freitas reported the City Council had been in Closed Session; there was no reportable action.

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

National Blood Donor Month, January 2007

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the Council unanimously approved the proclamation.

Councilmember Davis presented the proclamation proclaiming January 2007 as *National Blood Donor Month* to Trina Brajkovick, Account Manager of Northern California Blood Services Region. Ms. Brajkovich thanked the City Council for recognizing the importance of National Blood Donor Month and provided contact information for those interested in donating blood.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Frank Palmeri, Park Superintendent, announced the completion of the volunteer project at the Carnegie Library and introduced the Rivertown Preservation Society President, Don Bright.

Mr. Bright gave a brief update on the renovation of the Carnegie Library grounds. He reported the Women's Club of Antioch and City Parks Department donated funds to supplement the project. He acknowledged all of the volunteers.

Mayor Freitas, on behalf of the City Council and community, thanked Mr. Bright and the volunteers.

Devi Lanphere, representing the Antioch Chamber of Commerce, announced the Business, Citizen and Youth of the Year would be honored at the Inaugural Gala on January 19, 2007 at the Lone Tree Event Center. Contact info was given for those wishing to attend.

PUBLIC COMMENTS

Bob Martin, Antioch resident, expressed his concern in the hiring of new two code enforcement officers and a coordinator and the lack of sufficient employees in the field.

Emil Stein and Ken Lee, Antioch residents, expressed concern the Design Review Committee and Planning Commission meetings were not being run efficiently.

Mary Dobson, Antioch resident, thanked the City Council for the Antioch Christmas Tree and questioned if it would be possible to have the lights on display on Christmas Eve and Christmas Night.

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR DECEMBER 12, 2006 #301-02

B. APPROVAL OF COUNCIL WARRANTS #401-01

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

- 1. Ken Sorrick, #06/07-1699 (vehicle damage)**
- 2. Lubomir Skokan, #06/07-1704 (towing fees)**

D. LEGISLATION AND ADVOCACY #701-04

E. 2006-2007 GENERAL FUND OPERATING BUDGET – 1ST QUARTER REPORT #410-02

F. RESOLUTION NO. 2007/01 FINDING SHEA HOMES (SAND CREEK RANCH DEVELOPMENT) IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE 2005 CALENDAR YEAR #802-02

G. REGIONAL HOUSING NEEDS ALLOCATION METHODOLOGY #903-01

H. AMENDMENT OF PLANNING COMMISSION TERM EXPIRATIONS #302-06

I. REQUEST FOR OVERNIGHT TRAVEL (2 NIGHTS) LEAGUE OF CALIFORNIA CITIES #301-01

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

Item G – Deputy Director of Community Development Wehrmeister provided the City Council with a summary of the revised income allocation methodology and comment letter, as provided to Council on the dais.

Councilmember Kalinowski and Mayor Freitas recognized former Councilmember Conley for bringing this item to the attention of the Association of Bay Area Governments to insure the City received satisfaction in the methodology.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council unanimously authorized the Mayor to sign the revised letter to the Association of Bay Area Governments commenting on the proposed 2007– 2014 Regional Housing Needs Allocation methodology.

PUBLIC HEARINGS

2. APPEAL OF THE WAL-MART FINAL ENVIRONMENTAL IMPACT REPORT AND DESIGN REVIEW APPROVAL TO LOCATE IN THE WILLIAMSON RANCH PLAZA #202-03

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously continued item #2 to February 13, 2007.

COUNCIL REGULAR AGENDA

3. UPDATE ON THE PROVISION OF INFRASTRUCTURE AND UTILITIES TO THE MAGNET SCHOOL SITE #1401-02

Deputy Director of Community Development Carniglia gave a brief update on Kaiser Permanente and Williamson's negotiations with the Antioch Unified School District regarding the provision of infrastructure and utilities to the Magnet School site.

In response to Councilmember Kalinowski, Deputy Director of Community Development Carniglia stated staff anticipated finalization of the necessary paperwork for the next Council meeting.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council received and filed the report.

4. ORDINANCE REGARDING MASSAGE ESTABLISHMENTS, OUT-CALL MASSAGE THERAPY AND MASSAGE THERAPY TECHNICIANS; RESOLUTION ESTABLISHING A MASSAGE ESTABLISHMENT PERMIT FEE, A MASSAGE THERAPY TECHNICIAN PERMIT FEE AND RENEWAL FEES FOR EACH CATEGORY TO BECOME EFFECTIVE UPON ADOPTION OF THE ORDINANCE #701-05

City Attorney Nerland presented the staff report dated December 18, 2006 recommending the City Council: 1) Introduce the ordinance by title only; 2) Introduce the ordinance regarding massage establishments, out-call massage therapy and massage therapy technicians; and 3) Adopt the resolution establishing a Massage Establishment Permit fee, a Massage Therapy Technician Permit fee and renewal fees for each category to become effective upon adoption of the Ordinance. She requested the ordinance define the term outcall and suggested the City Council consider whether to amend the ordinance allowing online courses to count toward educational hours.

Mayor Freitas stated the City Council had received a letter from Sherry Starks, date stamped January 9, 2007 as part of the official record.

Captain Cantando reviewed the Police Department process for the issuance of massage establishment or massage therapy technician permits.

In response to Council, Captain Cantando clarified that temporary permits were issued based on the merit of the preliminary background checks and the Police Department could track the time dedicated to background checks to determine the real costs. Additionally, he noted they could request the Department of Justice notify the Police Department if individuals applying for renewals have been arrested.

Councilmember Moore stated that while he supports the recommendations regarding unlocked doors, he was concerned for protecting the employees and customers in a situation where there are not others in the establishment.

Roshelle Le Va, American Institute of Natural Healing, expressed concern regarding prohibiting locking of the door, noting that in some instances, it is needed to provide safety.

City Attorney Nerland clarified currently through this ordinance or the City's current planning process, this is not an allowable home occupation use.

Ms. Le Va stated she felt home-based businesses would be a good opportunity for employment with the proposed screening method. She suggested individuals with 250 hours carry the name of massage practitioner until they receive 500 hours. Additionally, she reported they offer continued education and felt experience factored into the education requirements.

Councilmember Simonsen stated he could support massage therapy as a home based business with massage performed on an outcall basis.

Christine Stephens spoke in support of the ordinance, as it relates to education, however she felt it should apply to home based business.

Ben Caball acknowledged the City Council for working with the professionals to make the business legitimate.

Ms. Stephens expressed concern the ordinance, as written, prohibits some message techniques that are medicinally necessary.

Delia Lorenzetti stated she agrees with continued education, however she was concerned regarding her ability to take time from her practice to do so. She questioned how experience would factor into the education.

Sally Rhodes stated she locks her door to provide privacy and safety for her clients and during couples massage there are same sexes changing in the same room. She expressed concern the ordinance prohibits some massage techniques that are medically required.

Bona Nkasi expressed concern the ordinance as written prohibits massage techniques needed for medical conditions and reported his clients prefer the door locked for privacy.

City Attorney Nerland clarified the ordinance would allow for home based business with outcall services, however it is a planning issue that home based occupations do not have clients coming into the home due to traffic and other neighborhood issues.

Councilmember Kalinowski stated the ordinance could clarify that massage for legitimate medical treatment could be an exception. Additionally, he supported adoption of the ordinance with a 6-month review.

Councilmember Moore stated based on public testimony, he suggested staff address the impacts on full-time employees to meet the continuing education unit requirements.

Councilmember Simonsen stated he supported moving forward with a review in 6 months to consider increasing the education requirements and crediting for work experience.

Mayor Freitas requested the speakers this evening put their concerns with identified sections in writing and provide them to the City Attorney.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council: 1) Introduced the ordinance by title only; 2) Introduced the ordinance regarding massage establishments, out-call massage therapy and massage therapy technicians; 3) Adopted the resolution establishing a Massage Establishment Permit fee, a Massage Therapy Technician Permit fee and renewal fees for each category to become effective upon adoption of the Ordinance, and 4) Direction staff to return to the City Council with a follow-up study 6 months from adoption of the ordinance. The motion carried by the following vote:

RESOLUTION NO. 2007/02

Ayes: Kalinowski, Davis, Simonsen, Freitas,

Noes: Moore

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

Economic Development Director Bjerke introduced Economic Development Analyst Brian Nunnally as a new member of City staff.

Mayor Freitas welcomed Mr. Nunnally.

Assistant City Manager Hildebrand introduced Dawn Merchant as Interim Finance Director.

Mayor Freitas welcomed and congratulated Ms. Merchant.

City Manager Jakel announced a City Council Study Session was scheduled on January 16, 2007 at 7:00 p.m.

Councilmembers Simonsen and Kalinowski stated they had a scheduling conflict and would be unable to attend the Study Session.

City Manager Jakel announced there would be City Council Study Session scheduled every third Tuesday through June, and there is a Quality of Life Forum was scheduled for January 27, 2007 at the Senior Center on 2nd Street.

COUNCIL COMMUNICATIONS

Councilmember Moore reported he would be meeting with the Water Transit Authority.

Mayor Freitas requested staff provide an attendance roster for all Councilmembers. Councilmember Kalinowski reported he received information regarding the business practices of Sierra Corporate Management and he would bring information regarding these issues forward to the City Council.

Mayor Freitas reported he had received several calls, indicating Mr. Arrogotti, representing Sierra Corporate Management had been attempting to meet with the Board of Directors of the Vista Diablo Mobile Home Park without City representatives present.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 8:44 P.M. to the next regular Council meeting on January 23, 2007.

Respectfully submitted:

JANET CHALK, Deputy City Clerk