

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

March 27, 2007
Council Chambers

Mayor Freitas called the meeting to order at 7:07 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.

2. PREFERRED COOLING SOURCE FOR PG&E'S PLANNED GATEWAY GENERATION STATION ON WILBUR AVENUE #1201-02

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council unanimously continued item #2 to April 2007.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, Antioch Chamber of Commerce, announced the East County Women's Conference would be held on April 5, 2007 at Los Medanos College and the State of the City Luncheon will be held on May 9, 2007 at the Bluerock Center. Contact information was given for anyone wishing to attend.

PUBLIC COMMENTS

Annette Beckstrand, representing the Church of Jesus Christ of Latter-day Saints, thanked the City of Antioch for their cooperation and support in the development of an Emergency Preparedness Fair to be held on April 14, 2007 from 10:00 A.M. – 2:00 P.M. at the Latter-day Saints Church on Rio Grande Avenue in Brentwood.

Chuck Kauslits stated he felt fines for code enforcement violations were too severe and expressed concern the City Council would enact an overly restrictive noise ordinance.

Martin Fernandez expressed his concern, as the Police Activities League (PAL) meeting was attended by only three members of the community.

Chip Stein, Antioch resident, discussed the use of profanity during City Council meetings and public posting of the Police Commission meeting.

In response to Mr. Stein, Mayor Freitas responded the filing just closed on the Police Crime Prevention openings and interviews would be conducted within the next few weeks.

Ken Lee, Antioch resident, reported the City had corrected his perceived code violations and discussed various responsibilities of the City Clerk.

Joseph Zamora, Antioch resident, spoke to the importance of the Section 8 program and read a letter from Senator Feinstein offering her support of the program. He noted he has a list of 75 landlords who are willing to rent to section 8 families in need of affordable housing.

Mickie Marchetti representing the Reach program announced a fundraising event would be held on April 27, 2007 with funds going specifically toward Youth For Positive Change at Lone Tree Golf and Event Center. Contact information was given for anyone wishing to receive additional information. Additionally, he announced the 37th anniversary of the establishment of REACH will be April 1, 2007 and the thanked everyone for their support.

William LeRoy, Antioch resident, discussed previous ordinances approved by the Council.

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL TO CONTINUE COUNCIL MINUTES FOR MARCH 13, 2007 (*Con't to April 10, 2007*) (#301-02)**
- B. APPROVAL OF COUNCIL WARRANTS (#401-01)**
- C. APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2007 (#401-02)**
- D. LEGISLATION AND ADVOCACY (#701-04)**

On motion by Councilmember Moore, 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 – In response to Councilmember Simonsen, City Manager Jakel stated he would look into warrant 100987 AT&T MCI for the amount of \$14.36 and report back.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council unanimously approved item B with the exception of warrant 100987 AT&T MCI.

Mayor Freitas announced item #2 is deferred to April with the exact date to be determined by the City Manager.

COUNCIL REGULAR AGENDA

- 3. REVIEW OF ENFORCEMENT OF THE ANTIOCH MUNICIPAL CODE REGARDING TRAILER, CAMPER, BOAT, OR OTHER MOBILE EQUIPMENT STORED IN PUBLIC VIEW #203-04**

Neighborhood Improvement Program Coordinator Graham presented the staff report dated March 19, 2007 and gave a brief overhead presentation recommending the City Council receive and provide direction to staff.

In response to Councilmember Simonsen, NIP Coordinator Graham clarified there were 146 responses to the survey regarding the RV ordinance and the enforcement standard he had been directed to adhere to was if the RV was behind a 6 ft fence it is in compliance with the code.

OPPONENTS

Mayor Freitas read written comment from Antioch residents Larry and Colleen Schuster, Terry Bava, Bill Pellegrini, indicating they are opposed to the RV ordinance.

The following Antioch residents spoke in opposition to the RV ordinance: Emil Stein, Larry Upthegrove, Robert Fulcer, Ted Moss, Bob Johns, Thomas Cooney, William Uy, Joe Horn, Yvonne Townsend, David Doyle, Mandie Doyle, Bob Martin, Fred Glaser and Sherri Del Chiaro. The consensus was the ordinance was too subjective and based on esthetics, was an encroachment of civil rights and therefore unconstitutional. Additionally residents noted they had improved or purchased their properties to be in compliance with the City ordinances for proper storage of their RVs. Furthermore, they noted that requiring them to be moved to storage facilities would affect their ability to use them and negatively impact their quality of life.

Suggestions from those who spoke in opposition included:

- Formation of a committee to survey property complaints to determine if there is a devaluation of property or a health and safety concern
- Putting the ordinance on the ballot for a vote of the residents
- Determine if there are adequate and affordable storage facilities in the community
- Repeal the ordinance
- Redistribute funds from Code Enforcement to Police Department and Police Services
- Proper notification to residents for changing of any City ordinances
- Compensation to residents who are denied the right to park their RVs on their properties
- Forming a committee of RV owners to work with the City to rework the ordinance
- Consider changing the fence line to 8 ft to screen RVs from public view
- Consider RV use as emergency shelter in the event of a disaster
- Revise building codes to provide lots that will accommodate RV storage behind fencing
- Consider RVs, which are used daily for personal transportation

GENERAL

Bob Miller, Antioch resident stated he would like the RV ordinance settled as soon as possible.

PROPONENTS

Mayor Freitas read written comment provided by Antioch residents Susan Welch and Brenda Kauffman, speaking in support of the ordinance.

The following Antioch residents spoke in favor of the RV ordinance: Mary Dotson, Don Bright, Ralph Garrow Jr., Maryjane Carsten, Fernando Peniche and Nordyn Anderson. The consensus was the ordinance would improve the quality of life, increase property values, improve safety for all Antioch

residents and eliminate blight. Additionally residents noted that the ordinance would be consistent with other local jurisdictions. They urged the City Council to strictly enforce the ordinance as it is currently written.

Mayor Freitas declared a recess at 8:47 P.M. The meeting reconvened at 9:02 P.M. with all Councilmembers present.

PUBLIC COMMENT - Continued

OPPONENTS

Joe Canepa, Jason Carter, DeAnna Moss, Jim Odom, Mark Christie, William LeRoy, Charles Voss, Walter Black, Donald Williams, Rebecca Reed, Mike Chiffolleau, Jim Smith, Chuck Edmonds, Larry Oberg, Alexis Oberg, Teresa Greenwell, Charles Coan, Steve Bava, Lisa Cox, Chrishan Ross, Ken Lee, Karen Nixon, David Redford, Thomas Judge, Chris Oberg, Jim Walden, Roger Burton, Richard Dorman, Dr. Jack Srivastava, Charles Bradshaw, Chuck Kuslits, Lori Hendren, Alfred Jones, Conrad Yu, Walter Machado, Linda Turner, Gary Adams, James Morton, Chris Valenta and Norma Hernandez spoke in opposition to the RV ordinance, concerns and suggestions are noted above. They urged the City Council to repeal the ordinance.

Written comment was provided by Antioch residents Irene Ackerman, Sandra Jones, Noah Bart, Amos Watton, Steve Huddleston and Sharon Ang indicating they were opposed to the ordinance.

PROPONENTS

Mayor Freitas read written comment provided by Terry Conger, Bill and Betty Duarte, in support of the ordinance. Mr. Conger provided the City Council with photos of violations in the City.

David Yount spoke in support of the RV ordinance noting it will increase property values. He provided photos to the City Council of violations of the ordinance.

The City Council received correspondence from Antioch residents Linda Davis, Romano Marchetti and Rogna Haley in support of the ordinance.

Mayor Freitas declared a recess at 10:53 P.M. The meeting reconvened at 11:02 P.M. with all Councilmembers present.

OPPONENT

Thayer Johnson, Antioch resident spoke in opposition to the RV ordinance citing concerns as previously discussed this evening.

Councilmember Davis stated he supported limiting the parking of recreational vehicles in driveways provided they are operable, currently registered and do not pose a safety hazard.

Councilmember Kalinowski stated he felt the intent of the ordinance was to address the non-use and storage of RVs in driveways. He noted RVs registered non-operational as well as the use of

appropriate covers needs to be addressed when dealing with RV and Boat issues. He voiced his support to form a subcommittee to update and revise the ordinance. With regards to the garbage ordinance he noted he fully supports receptacles being stored out of public view.

Councilmember Moore stated he felt the ordinance was flawed and needed to be reworked to address the concerns of the citizens. He voiced his support for the formation of a subcommittee made up with a majority of citizens to craft an ordinance that respects property rights of the residents of the community.

Councilmember Simonsen thanked the community for their input. He felt the ordinance was flawed and pits neighbor against neighbor. He expressed concern for the lack of available storage facilities and noted zoning for esthetics was not valid power. He agreed that fitted covers would be more proper and noted emergency preparedness is an important service to provide the community.

A motion was made by Councilmember Simonsen to amend the Antioch Municipal Code 5-1-201 subparagraph K deleting all wording after "stored" and adding the words to make it read: "Any trailer, camper, boat or mobile equipment parked on the City easement." The motion died for the lack of a second.

Mayor Freitas stated he would not support the following motion. He noted the citizens had raised pertinent issues and while it would not be financially feasible to put this to a vote of the people he suggested a City Council subcommittee formed of Councilmembers Kalinowski, Moore, Antioch PD, City Attorney and a cross section of citizens to discuss and come back to the City Council within 90 days with an ordinance that was as enforceable as possible. He clarified there had been four quality of life issues, all issues were discussed, agendaized and properly noticed.

A motion was made by Councilmember Simonsen, seconded by Councilmember Moore: 1) Cease all enforcement of AMC 5-1.201K for properly registered and insured RVs, Boats and trailers parked in driveways and paved gravel side RV/Boat/Trailer spaces within public view on private property, provided they do not encroach on City easement; and 2) Direct staff to bring back all necessary amendments to the AMC to exempt any RV/Boats and Trailers parked as noted above provided the City easement is not encroached upon at the April 24, 2007 City Council meeting with guidance from the subcommittee of the City Council.

Following discussion, Councilmember Simonsen amended the previous motion and Councilmember Moore agreed to the amendment as follows:

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council: 1) Ceased all enforcement of AMC 5-1.201K for properly registered and insured RVs, Boats and trailers parked in driveways and paved gravel side RV/Boat/Trailer spaces within public view on private property, provided they do not encroach on City easement, and 2) Direct staff to bring back all necessary amendments to the AMC to exempt any RV/Boats and Trailers parked as noted above provided the City easement is not encroached in 60 days with guidance from the subcommittee.

The motion carried by the following vote:

Ayes: Kalinowski, Davis, Moore, Simonsen

Noes: Freitas

**4. RESIDENTIAL RENTAL DWELLING UNIT INSPECTION PROGRAM STUDY SESSION
#203-04**

This item was held over to April 10, 2007.

PUBLIC COMMENTS

William LeRoy, Antioch resident, expressed concern regarding the timelines of the RV ordinance.

Thomas Judge, Antioch resident, volunteered to represent the RV owners on the subcommittee.

Norma Hernandez, Antioch resident, stated the City had only cited residents who had weeds growing under their RVs or not registered. She stated handicapped and senior citizens have to pay the garbage company to bring garbage cans out and put them away. She further stated the citizens should have been informed they would be required to locate garbage cans behind fencing when the contract was negotiated, and it should have been agendized.

Chuck Kuslits, Antioch resident, expressed concern the City wants to implement a rental inspection program for Section 8 Housing when there was a state program currently in place. He noted residential complaints could be referred to the Housing authority for follow-up.

Chris Valera, Antioch resident, volunteered to be on the RV subcommittee.

William Uy, Antioch resident, stated the facts do not support the claim that RVs depreciate property,

Janelle Mota, Antioch resident, spoke to the importance of the Section 8 Program and the inspection process performed by the Housing Authority. She requested the City Council consider traffic calming on Boulder Drive.

Dana Wilcox, Antioch resident, stated she has been on Section 8 and she properly maintained her property.

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS

Councilmember Simonsen reiterated for the public, the Rental Inspection Program was put into place for all housing units in the City of Antioch, and was not to intended to primarily target rental units, nor was it intended to target just Section 8. He conceded the City does have substantial issues and problems with Section 8 Housing, but many of those problems are mirrored in non-section 8 homes.

Councilmember Simonsen also requested staff work with LAFCO to get an update on the application the City had submitted for action. He clarified he was referring to the application submitted by the City and LAFCO wanted to split into three sections. Mayor Freitas requested City Manager Jakel look into this matter and see if can we move this forward, or at least get an update on the progress.

Councilmember Simonsen stated he would be on vacation and not able to attend the April 10, 2007 City Council meeting.

City Manager Jakel reported there would be a City Council meetings on April 10th, 24th and 26th. He noted the April 26 meeting would be a joint meeting with the Antioch Unified School District at Lone Tree Elementary.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the City Council unanimously added the appointments to the RV subcommittee to this agenda.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council unanimously appointed the Mayor's nomination of Councilmember Kalinowski and Councilmember Moore to the RV subcommittee.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 12:14 A.M.. to the next regular Council meeting on April 10, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk