

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

April 24, 2007
Council Chambers

Mayor Pro Tem Davis called the meeting to order at 7:05 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Children's Memorial Day, April 27, 2007
West Nile Virus and Mosquito and Vector Control Awareness Week, April 23 - 29, 2007
Be Kind to Animals Week, May 6 - 12, 2007

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the Council members present unanimously approved the proclamations.

Councilmember Kalinowski presented the proclamation proclaiming April 27, 2007 as *Children's Memorial Day* to Park Superintendent Palmeri and Antioch Youth Council members Robert Hart, Brett Brown and Kimberly Sheard who accepted the proclamation in remembrance of children who had lost their lives through acts of violence. Contact information was given for anyone wishing to receive additional information regarding the Memorial Tree Grove program.

Councilmember Moore presented the proclamation proclaiming April 23 - 29, 2007 as *West Nile Virus and Mosquito and Vector Control Awareness Week* to Jose Saavedra who accepted the proclamation on behalf of the Contra Costa Mosquito and Vector Control District. He thanked the City Council for the proclamation and for recognizing their District efforts to educate the public on how to reduce the risk of contracting West Nile Virus. .

Councilmember Simonsen presented the proclamation proclaiming May 6 – 12, 2007 as *Be Kind to Animals Week* to Barbara Sobalvarro and Margie Waldhaus, representing the Friends of Animal Services, Karen Kops and Ray Zeeb, representing Homeless Animals Response Program, and Zandra Rafael, Shelter volunteer who accepted the proclamation on behalf of the animals of the Antioch Animal Shelter. Ms. Sobalvarro invited the community to attend the celebration at the Antioch Animal Shelter on May 5, 2007 at 11:00 A.M. and provided a calendar of upcoming events being held to benefit the animals of the Animal Shelter.

ANNOUNCEMENTS OF BOARDS AND COMMISSION OPENINGS

City Clerk Martin announced the following Commission openings for the City of Antioch:

- Four expiring terms of the Police Crime Prevention Commission
- Three expired term on the Economic Development Commission

Contact information was given for those interested in applying.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, representing the Antioch Rotary Club, announced the annual golf tournament was scheduled for May 11, 2007. Proceeds from the fundraising tournament would go to Antioch Historical Society - Sports Legends program, Dictionary Program, International Vision and Dental Volunteers, and the PolioPlus Program. Contact information was given.

Walter Ruehlig announced the Antioch Collegiate Jazz Festival would be held on May 5, 2007 at 1:00 P.M. at the El Campanil Theater.

PUBLIC COMMENTS

Kimberley Sheard, President of the Antioch Youth Council, thanked Councilmembers Jim Davis and Reggie Moore for their support and guidance in their role as representatives of the City Council to the Youth Council. Brett Brown, Antioch Youth Council Vice President, announced the Contra Costa Youth Summit would be held on April 28, 2007 at Los Medanos College. Marisa Del Prado, Antioch Youth Council Vice President, Melissa Herrick, Youth Council Treasurer and Melissa Emmons, voting member, also introduced themselves as members of the Antioch Youth Council.

Matt Pfeiffer, Antioch Youth Council, representing Antioch Leisure Services, invited the community to attend the Mayor's Golf Tournament on June 3, 2007 at the Lone Tree Golf Course. Contact information was given for anyone wishing to participate or sponsor the event.

Mary Dotson, Antioch resident, reported she had attended the California Symphony performance at the El Campanil Theater on April 21, 2007, stating it was a wonderful community event. She thanked the City Council for contributing to the preservation of the Rivertown District.

Emil Stein, Antioch resident, thanked the Church of Jesus Christ of Latter-day Saints for sponsoring the Safety Fair. He reported it had been a very successful event and the Community Emergency Response Team (CERT) program had signed 75 new volunteers.

Ralph Hernandez, representing Citizens for Democracy, reviewed a letter dated April 19, 2007, signed by representatives of Citizens for Democracy and Antioch RV & Boat Owners addressed to the Antioch City Council outlining their concerns regarding the RV & Boat ordinance and urged the Council to focus on public safety.

Ed Warthen, Antioch resident, urged the City Council to increase their vigilance in prioritizing the community needs and alleviate the serious criminal activity impacting the community.

Chuck Kuslits, Antioch resident, spoke in opposition to Ordinance 1082 C-S, and reported all Councilmember's homes were in violation of one or more of the City's ordinances. He urged the City Council to inform the residents of the ordinances and fines involved. He volunteered to work with the City Council to create an ordinance that would be constitutional.

Joe Canepa, Antioch resident, spoke in opposition to Ordinance 1082 C-S. He urged the newspaper to print the facts regarding the ordinance and requested code enforcement officers drive within the speed limits. Addressing the noise ordinance, he noted loud pipes on motorcycles save lives.

Michele Kuslits, Antioch resident, spoke to the formal letter they had sent requesting the City Council repeal Ordinance 1082 C-S. She urged the citizens of Antioch to familiarize themselves with Antioch's municipal codes. She commended members of the Armed Forces, Peace Officers and Firefighters.

Norma Hernandez, Antioch resident, urged the City Council to host an educational program to explain the enforcement of municipal codes.

Karen Kopps, representing Homeless Animal Response Program (HARP), announced their coalition would be hosting a low cost spay and neuter event on April 29, 2007. Contact information was given for anyone wishing to make a reservation or receive additional information.

Mayor Pro Tem Davis read written comment from Antioch resident Steven Gross, requesting the City Council repeal Ordinance 1082 C-S,

Mark Justice, Antioch resident, urged the City Council to repeal Ordinance 1082 C-S as adopted and work with residents to reasonably address the issues within the City.

William LeRoy, Antioch resident, expressed concern regarding the lack of availability of staff reports for the public and for Ordinance 1082 C-S as it was currently written. He announced he would be organizing a new group to oppose the development of additional affordable housing in Antioch.

Terry Ramus, Antioch resident, spoke to the vast improvements in his neighborhood due to the new City ordinances and voiced his support for the direction the City has taken to enact ordinances with guidelines and fines that were enforceable.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Pro Tem Davis reported Ordinance 1082 C-S had been referred back to a subcommittee, with Councilmembers Kalinowski and Moore representing the Council. He noted at this time there had been no fines or citations issued in regards to boats and RV's.

Councilmember Kalinowski reported Ordinance 1082 C-S was the enforcement tool to be used for code compliance within the City, adding he had every intention of continuing his support of Ordinance 1082 C-S. He reported the silent majority within the City was demanding there be enforcement on the problem properties exhibiting gross neglect, and the Council was attempting to come to an agreement within the subcommittee; however if an agreement could not be met, he was prepared to take the issue to the ballot, and allow the voting members of the community to decide the issue.

Councilmember Moore announced there was a public meeting scheduled for April 25, 2007, at the Nick Rodriguez Community Center to revisit the RV & Boat ordinance adding, he was looking forward to the process.

Councilmember Simonsen discussed the importance of the City having enforcement tools in place to address problem properties. He noted he was looking forward to a recommendation from the subcommittee on those issues.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR MARCH 13, 20, 27 and APRIL 10, 2007 #301-02 (Continued)

B. APPROVAL OF COUNCIL WARRANTS #401-01

C. APPROVAL OF TREASURER'S REPORT FOR MARCH 2007 #401-02

D. LEGISLATION AND ADVOCACY #701-04

1. SB266 (Motor Vehicle Speed Contest, Forfeiture)

E. REJECTION OF CLAIMS #704-07

1. John & Shirley Nelson, #06/07-1708 (Property Damage).

2. Chanrith Chuon, #06/07-1720 (Property Damage).

3. Juan Castillo, #06/07-1716 (property damage)

- F. **RESOLUTION NO. 2007/27 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE JAMES DONLON BOULEVARD ROADWAY REHABILITATION (PW 368-3) #1102-04**
- G. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE JAMES DONLON BOULEVARD ROADWAY REHABILITATION, PHASE 2 (PW 368-4) #1102-04**
- H. **CONSIDERATION OF BIDS FOR THE SANITARY SEWER INSTALLATION WITHIN FUTURE SAKURAI STREET (PW 528-SP1) #1102-04**
- I. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE “L” STREET WIDENING PROJECT (PW 234-9) #1102-04**
- J. **RESOLUTION APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR BLACK DIAMOND RANCH SUBDIVISION, UNIT 3, (DISCOVERY BUILDERS), TRACT 8586 AND ANNEXING TO THE CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 2A, ZONE 10, AND AUTHORIZING THE MAYOR TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR SOMERSVILLE ROAD WIDENING (PW 512-3) #802-02 (Continued)**
- K. **RESOLUTION NO. 2007/28 ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2007/08 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM #814-03**
- L. **APPROVE EXTENSION OF CONTRACTS FOR ROAD IMPROVEMENTS – CHIP SEAL AND SLURRY SEAL OF SPECIFIED STREETS #601-02 (Con’t)**
- M. **ANTIOCH POLICE DEPARTMENT RECRUITMENT UPDATE #509-02**
- N. **POLICY AND PROCEDURES REGARDING LAW ENFORCEMENT REWARD FUNDS #1301-01**
- O. **AUTHORIZATION OF AN ADDITIONAL POTABLE WATER SUPPLY CONNECTION FOR THE PACIFIC GAS AND ELECTRIC GATEWAY GENERATING STATION ON WILBUR AVENUE #1201-02**

On motion by Councilmember Moore, seconded by Councilmember Kalinowski, the City Council members present unanimously approved the Council Consent Calendar with the exception of items A, D, J, L, M and N, which were removed for further discussion.

Item A – Councilmember Kalinowski requested a report back to the City Council explaining the delay in finalizing the minutes.

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council continued the approval of minutes for March 13, 20, 27 and April 10, 2007 to May 8, 2007. The motion carried by the following vote:

Ayes: Simonsen, Moore, Davis

Noes: Kalinowski

Absent: Freitas

Item D – Mayor Pro Tem Davis reported the item was a letter under the Mayor’s signature to Senate Member Darrell Steinberg in support of SB 266.

In response to Mayor Pro Tem Davis, City Manager Jakel indicated he would report back to the City Council as requested.

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council members present unanimously approved item D.

Item J – On motion by Councilmember Moore, seconded by Councilmember Kalinowski the City Council members present unanimously continued item J.

Item L – On motion by Councilmember Moore, seconded by Councilmember Simonsen the City Council members present unanimously continued item L.

Item M – Mayor Pro Tem Davis reviewed the staff report dated April 16, 2007.

In response to Councilmember Moore, Chief Hyde stated he did not have historical information regarding the number of black colleges had been contacted for each recruitment, however during a recent trip to Mississippi he had recruited a diverse work force from the California Army National Guard.

Councilmember Moore stated while being mindful to proposition 209, he was hopeful the City was reaching out to historically black colleges.

Councilmember Kalinowski congratulated Chief Hyde and his staff for the success of their recruiting process.

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council members present unanimously received and filed the report.

Item N – Ms. Pickett questioned whether or not the City agreed to assist in the establishment of a reward for information related to the murder of her juvenile son, Louis Straiten.

Ernestine Watts introduced herself as the grandmother of Louis Straiten, a Brentwood resident, who was murdered at the Deer Valley shopping plaza the night of March 17, 2007 and questioned why the issue was placed at the end of the agenda. She urged the City Council, School Officials and Police Department to listen to the children.

At the request of Council, Chief Hyde presented the staff report dated April 16, 2007.

Mayor Pro Tem Davis stated he had pledged \$1000.00 from his campaign contributions to the reward fund.

Chief Hyde stated the Police Department would work with the City Manager and City Attorney to help facilitate the family in working toward creation of the reward fund process working with the active leads in the investigation.

Councilmember Kalinowski requested the City Council be updated weekly on the issue.

Councilmember Simonsen requested Ms. Pickett receive a copy of the staff report and encouraged her to begin establishing a reward fund.

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

Mayor Pro Tem Davis declared a recess at 8:33 P.M. The meeting reconvened at 8:47 P.M. with all Councilmembers present with the exception of Mayor Freitas who was previously excused.

PUBLIC HEARINGS

2. THE POINTE/DISCOVERY BUILDERS, INC. REQUESTS APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR 72 SINGLE FAMILY HOMES ON APPROXIMATELY 21 ACRES LOCATED EAST OF THE INTERSECTION OF SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD (PDP-06-03) #202-03

Mayor Pro Tem Davis opened the closed the public hearing with no speakers requesting to speak.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore the City Council continued item #2 to May 8, 2007.

3. LAUREL RANCH PROJECT/ RW HERTEL AND SONS, INC. REQUESTS APPROVAL OF A ONE YEAR VESTING TENTATIVE MAP EXTENSION FOR 209 MEDIUM DENSITY SINGLE FAMILY HOME LOTS LOCATED AT THE NORTH END OF THE EAST LONE TREE SPECIFIC PLAN AREA, WEST OF THE FUTURE HIGHWAY 4 BYPASS (APN 053-060-015) (PW 670) #202-03

Senior Planner Morris presented the staff report dated April 20, 2007 recommending the City Council adopt the resolution approving a one-year time extension for the tentative subdivision map.

Mayor Pro Tem Davis opened and closed the public hearing with no speakers requesting to speak.

Councilmember Simonsen reported there was a process in which RDA allocation had been received in 2003 and requested the RDA committee revisit the issue as to how to address the accumulation of unused allocations.

RESOLUTION NO. 2007/29

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council members present unanimously adopted the resolution.

- 4. RIVERTOWN VILLAGE PRELIMINARY DEVELOPMENT PLAN / FPA ANTIOCH ASSOCIATES LP REQUESTS THE APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN, WHICH IS NOT AN ENTITLEMENT, FOR 202 SINGLE FAMILY ATTACHED AND DETACHED HOMES ON APPROXIMATELY 16.45 ACRES LOCATED AT THE NORTHWEST CORNER OF AUTO CENTER RD AND FOURTH ST (APN 074-040-047) (PDP-06-04) #202-03**

Mayor Pro Tem Davis opened the public hearing.

On motion by Councilmember Moore, seconded by Councilmember Kalinowski the City Council members present unanimously continued item #4 to the meeting of May 8, 2007.

In response to City Attorney Nerland, Mayor Pro Tem Davis clarified the public hearing would be continued to May 8, 2007.

City Attorney Nerland clarified the RV & Boat Subcommittee meeting would be focusing on substantive issues related to RV storage.

COUNCIL REGULAR AGENDA

- 5. JUVENILE CURFEW: EXTENDING THE URGENCY ORDINANCE AMENDING THE EXISTING ORDINANCE REGARDING LOITERING BY MINORS #601-05**

City Attorney Nerland presented the staff report dated April 18, 2007 recommending the City Council: 1) approve by motion the reading of the extension of the urgency ordinance by title only; and 2) approve the extension of the Urgency Ordinance amending Article 2 of Chapter 10 of Title 5 of the Antioch Municipal Code related to loitering by minors to address the immediate preservation of the public health, safety and welfare due to increased violence related to minors.

Nancy Fernandez, Antioch resident, thanked the City Council and Chief Hyde for addressing the issue and enacting the urgency ordinance. She suggested the curfew be amended to 9:00 P.M. on weeknights and 10:00 P.M. on weekends.

Mayor Pro Tem Davis read written comments from Gary Gilbert, representing United Citizens for Better Neighborhoods, recommending approval of teen curfew with a suggestion of 10:00 P.M. Monday – Friday and 11:00 P.M. weekends.

Councilmember Kalinowski reported the City Council had received 32 emails in support of the curfew ordinance and in some cases suggesting more stringent enforcement and timelines. He commended Chief Hyde on his efforts to provide additional security enforcement at Deer Valley Plaza and discussed the importance of enforcing the curfew equally throughout the City. He asked for clarification on the possibility and process to amend the curfew hours.

Councilmember Simonsen discussed the improvement seen throughout the City and noted he would support the curfew hours amended to be earlier Sunday through Thursday nights with the exception of holidays. He reported the State had set different time frames for work permits on school nights. Therefore he felt it would be both appropriate and legally defensible for the City to base its curfew on the same premise. He noted his support of extending the urgency ordinance and bringing forward a permanent ordinance as soon as possible. He requested #4 under the exceptions to the curfew read “on the sidewalk abutting the juvenile’s residence and with a parent or legal guardian present.”

Councilmember Moore stated he was looking forward to continuing discussion on the issue and an enforceable recommendation from staff, one that would not place an undo burden on the Antioch Police Department, but would allow the City to resolve the critical issue. He noted his support of extending the urgency ordinance.

Mayor Pro Tem Davis stated he agreed with comments from the City Council, noting, in his opinion, the curfew was effective. He noted a majority of students at the high schools were in support of the curfew and Delta 6 representatives were also addressing the curfew issues in their jurisdictions. He thanked Antioch resident Dan Stills for bringing the issue forward.

ORDINANCE NO. 1090-C-S

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council members present unanimously adopted the ordinance with: 1) Motion to approve the reading of the extension of the urgency ordinance by title only; and 2) Motion to approve the extension of the Urgency Ordinance amending Article 2 of Chapter 10 of Title 5 of the Antioch Municipal Code related to loitering by minors to address the immediate preservation of the public health, safety and welfare due to increased violence related to minors.

6. AT&T PROJECT LIGHTSPEED REVISED STANDARD CONDITIONS #1201-04

Assistant City Engineer Bernal presented the staff report dated April 18, 2007 recommending the City Council provide input on and approve the revised AT&T Project Lightspeed Standard Conditions document prior to issuance of encroachment permits.

Mr. Rigney, Director of External Affairs for AT&T, thanked staff for their assistance and encouraged the City Council to support the revised AT&T Project Lightspeed Standard Conditions document. He reviewed the project, construction timeframe and process for the notification and elimination of graffiti.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council members present unanimously approved the revised AT&T Project Lightspeed Standard Conditions document.

Agency Vice Chairperson Davis adjourned to the Antioch Development Agency with all Agency Members present with the exception of Agency Chairman Freitas.

7. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS #401-01

On motion by Agency member Simonsen, seconded by Agency member Kalinowski the Agency members present unanimously approved the Agency Warrants.

Vice Chairperson Davis adjourned to the Antioch City Council.

PUBLIC COMMENTS

Mayor Pro Tem Davis read a written statement provided by Loren Rhodes Jr. suggesting residents who do not publicly raise their voice or vote where the majority rules are the minority.

Mayor Pro Tem Davis read written comment provided by Michele Kuslits stating the RV sub-committee was a separate issue from 1082 C-S and requested Council note the differentiation.

STAFF COMMUNICATIONS

City Manager Jakel reminded the City Council of the following meetings;

- Joint City Council and Antioch Unified School District on April 26, 2006 at Lone Tree Elementary School at 7:00 P.M.
- Budget Study Session May 1, 2007
- Regular City Council meeting on May 8, 2007.

COUNCIL COMMUNICATIONS

Councilmember Moore thanked City Manager Jakel and staff for their aggressive protection of water rights. He offered his support to staff to help ensure the water rights for the City of Antioch.

Councilmember Simonsen agreed with Councilmember Moore and suggested the letter be sent out as a press release. He voiced his appreciation to staff for keeping him informed while he was traveling abroad.

Mayor Pro Tem Davis reported a member of the community had approached him recently regarding the California Animal Response System. He noted as the City begins the budget process they should be mindful of any money needing to be dedicated to the program. He welcomed Councilmember Simonsen back from his vacation.

Councilmember Kalinowski suggested the City clarify during the budget process, the consideration of having community service workers provide services in the City of Antioch.

ADJOURNMENT

With no further business, Mayor Pro Tem Davis adjourned the meeting at 9:31 P.M. to the joint Antioch Unified School District and City Council meeting at Lone Tree Elementary School on April 26, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk