

## ANTIOCH CITY COUNCIL

Adjourned Regular Meeting  
6:30 P.M.

October 16, 2007  
Council Chambers

Mayor Freitas called the meeting to order at 6:33 P.M., and City Clerk Martin called the roll.

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

### **PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENTS** - None

**COUNCIL RESPONSE TO PUBLIC COMMENTS** - None

### **COUNCIL REGULAR AGENDA**

#### **1. BALLOT MEASURE OR COUNCIL ADOPTED ORDINANCE CLARIFYING WHEN THE STORAGE OF A RECREATIONAL VEHICLE (RV), TRAILER, BOAT OR SIMILAR VEHICLE IS A PUBLIC NUISANCE #702-02**

Recommended Action: The following items were presented to the City Council for consideration:

1) Resolutions for Ballot Measure:

- a) Resolution Calling a Special Municipal Election on Tuesday, February 5, 2008 for the Submission to the Voters of a Local Ballot Measure Clarifying When the Storage of a RV, Trailer, Boat or Similar Vehicle is a Public Nuisance; and
- b) Resolution Requesting the Board of Supervisors of Contra Costa County to Consolidate a Municipal Election on a Local Measure with Other Elections to be Held on the February 5, 2008 Regular Election Date

**OR**

2) Ordinance clarifying when the storage of a RV, Trailer, Boat or similar vehicle is a public nuisance:

- a) Motion to introduce the ordinance by title only,
- b) Motion to introduce the ordinance clarifying when the storage of a RV, Trailer, Boat or similar vehicle is a public nuisance

#### **2. BALLOT MEASURE CLARIFYING WHEN THE STORAGE OF A RECREATIONAL VEHICLE (RV), TRAILER, BOAT OR SIMILAR VEHICLE IS A PUBLIC NUISANCE**

The resolutions or ordinances for consideration include:

- a) Prohibiting RV's in the front yard (including driveway);
- b) Allowing one RV in the front yard under certain conditions,
- c) Allowing one "Grandfathered" RV in the front yard under certain conditions.

Mayor Freitas reported the City Council had received written comments from David and Susan Younce requesting RVs be stored out of public sight. He further stated Council had received similar written comments from the following Antioch residents and would become part of the public record: Ralph and Norma Hernandez, Mr. and Mrs. Poe, Wes Russell and Richard Miller.

Mary Dodson, Antioch resident, requested the City Council yield to the quiet majority who were in support of keeping RVs out of the public view.

Margo Salatich, Antioch resident, discussed similar regulations in other cities which did not permit RVs to be stored on private property in public view.

George Hughes, Antioch resident, stated he had purchased a home with side yard access where he was currently storing his RV, and expressed his concern the City might require offsite RV storage.

Councilmember Simonsen requested the ordinance include any requirements of the Municipal Code would not supersede CCRs. He expressed concern moving RVs to storage facilities outside of the city would reduce tax revenues. He voiced his support for allowing one RV to be parked on private property, in public view, on an improved surface. Additionally, he noted there should be restrictions as to how close storage can occur to the property line and public right of way.

City Attorney Nerland clarified if the City's ordinance were more restrictive than the CC&Rs, the City ordinance prevails, if the CCRs are more restrictive then they would prevail therefore, it was not necessary to address the issue in the ordinance.

In response to Mayor Freitas, Councilmember Simonsen, speaking to the following motion, noted he was still looking at adopting the San Ramon ordinance and the Council could at a later time give those specific conditions to Code Enforcement and Neighborhood Improvement Services as a separate amendment to the ordinance.

Neighborhood Improvement Program Coordinator Graham stated the registration procedure could be maintained on a data base that would be cross referenced prior to pursuing an RV case. He noted a grandfathering ordinance would be enforceable with existing staff.

Councilmember Kalinowski stated he would not support the following motion due to the fact it was not the concept he envisioned. He noted he would support Option C with grandfathering using the San Ramon model.

Mayor Freitas stated he felt the better alternative to a ballot measure was attachment C and suggested specific conditions be articulated this evening with whichever ordinance was adopted.

Councilmember Moore stated he supported option B noting it was a fair balance and would control blight for the community. Additionally, he noted the RV must be parked on an improved surface and the issue of setbacks from the easements needed to be discussed.

Following discussion, City Council consensus did not support the item going to an election in February 2008.

In response to Councilmember Simonsen, Mayor Freitas stated if the City were to send out an informational flyer regarding the RV ordinance, it would explain the issue of CCRs.

A motion by Councilmember Simonsen, seconded by Councilmember Moore to approve attachment 1.B adding the following sentence to paragraph #1 "unless prohibited by CCRs", was amended by Councilmember Simonsen and accepted by Councilmember Moore to:

- Delete "unless prohibited by CCRs."
- To get a sense of the City Council for the approval of attachment 1.B

The motion failed by the following vote:

Ayes: Moore, Simonsen,

Noes: Kalinowski, Davis, Freitas

Councilmember Moore felt the enforcement of attachment 1.C would be difficult and it seemed unfair to future property owners; however he would support the following motion due to the fact it protected existing RV owners.

Councilmember Simonsen stated he would support the following motion as a compromise.

Mayor Freitas reported Councilmember Simonsen provided the San Ramon ordinance to the City Council with a request it be considered and with the approval of 1.C the City would be granting the residents the right to park their RV on private property.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the City Council unanimously moved to get a sense of the City Council for the approval of 1.C and if it gets a majority vote specifics would be added.

In addition to the following revisions the City Council requested the issue of enforcement of the municipal code as it related to on street parking of recreational vehicles in residential districts be brought back for consideration. Additionally, they requested staff bring back any applicable application or processing fees at the second reading of the ordinance.

Discussion ensued regarding Attachment 1.C with the City Council making the following revisions:

1. Recreational vehicle is parked or stored in a side or rear yard, on an improved surface (concrete, asphalt, pavers, or gravel) and behind a legally constructed opaque fence not less than six (6) feet in height; or
2. For the purpose of loading and unloading, not to exceed 24-hours before or after a trip, using the recreational vehicle with a "trip" not referring to daily use of the recreational vehicle but to an extended use requiring additional preparation time.
- 4.b. The parking of such recreational vehicle shall be on an improved surface of concrete or pavers and not of asphalt or gravel and not encroach in the sidewalk or roadway or violate any other requirements of the Municipal Code. Any recreational vehicle if covered shall be with a tight fitting single cover. The recreational vehicle shall not be parked parallel to the front of the house.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously approved the reading, by title only, of an ordinance of the City of Antioch deleting Section 5-1.201(K) and adding Section 5-1.201.1 of the Antioch Municipal Code clarifying when the storage of a RV, Trailer, Boat or Similar Vehicle was a public nuisance with the following revisions:

1. Recreational vehicle is parked or stored in a side or rear yard, on an improved surface (concrete, asphalt, pavers, or gravel) and behind a legally constructed opaque fence not less than six (6) feet in height; or
2. For the purpose of loading and unloading not to exceed 24-hours before or after a trip using the recreational vehicle with a "trip" not referring to daily use of the recreational vehicle but to an extended use requiring additional preparation time.
4. b. The parking of such recreational vehicle shall be on an improved surface of concrete or pavers and not of asphalt or gravel and not encroach in the sidewalk or roadway or violate any other requirements of the Municipal Code. Any recreational vehicle if covered shall be with a tight fitting single cover. The recreational vehicle shall not be parked parallel to the front of the house.

## **PUBLIC COMMENTS**

Janelle Mota requested the City Council adopt an ordinance to address indecent exposure.

## **COUNCIL COMMUNICATIONS**

Councilmember Moore reported he had attended a Transit Conference in Charlotte N.C., which had been a very informative event.

Councilmember Simonsen, responding to Ms. Mota, reported there were court cases involving the first amendment addressing the issue of indecent proposal and he requested the City Attorney provide feedback to the City Council on Consent Calendar. He requested the City Council agendize whether they were directing staff to request from the Mello Roos Board additional funds for the Prewett Park project.

Mayor Freitas directed staff to agendize a discussion on the Prewett Park Community Facilities Project.

**STAFF COMMUNICATIONS**

City Manager Jakel reported staff would be making a presentation to the WTA Board on October 25, 2007 to provide an update on the parking study, pursue funding for the EIR and reiterate the City's interest in moving forward in Water Transit service to San Francisco. He stated a discussion on the Prewett Park Community Facilities project would be on the October 23, 2007 agenda, which would also include a Closed Session.

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 8:26 P.M. to the next regular Council meeting scheduled for October 23, 2007.

Respectfully submitted:

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L. JOLENE MARTIN, CMC, City Clerk

Approved:

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DONALD P. FREITAS, Mayor

Attest:

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L. JOLENE MARTIN, CMC, City Clerk