

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Adjourned Regular Meeting
7:00 P.M.

March 20, 2007
Council Chambers

6:00 P.M. - CLOSED SESSION

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Title: City Attorney.
This Closed Session is authorized by Government Code §54957

Mayor Freitas called the meeting to order at 7:08 P.M., and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Moore, Davis, 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.

Mayor Freitas announced tonight's City Council meeting would be broadcast on the public access channel on March 22, 2007 at 8:00 P.M.

ANNOUNCEMENTS OF BOARDS AND COMMISSION OPENINGS - None

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

Councilmember Kalinowski requested the City Council consider adding a discussion item with possible action this evening or possible direction to the City Attorney related to Chapter 5, Article 2, Loitering By Minors, specifically Chapter 5-10.201 – 5-10.205.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously approved adding the discussion item as stated, noting the possibility of either action being taken this evening or direction given to the City Attorney related to Chapter 5, Article 2, Loitering By Minors, specifically chapter 5-10.201 – 5-10.205.

PUBLIC COMMENTS

Richard Burkett and Mike Hoffman, Antioch residents, expressed their concern regarding vehicles driving at speeds in excess of 50 M.P.H on their street. They requested the City provide traffic calming measures to increase the safety of residents in the area.

Mayor Freitas requested Police Hyde Chief and Traffic Engineer Franzen review the situation in the neighborhood and report back to the City Council.

Charles Edmonds, Antioch resident, spoke of children walking against green lights and not using bicycle helmets, encouraging the City to issue citations to increase awareness and public safety.

Captain Allen Cantando, representing the Police Activities League announced a volunteer meeting would be held on March 26, 2007 at 7:00 P.M. in Council Chambers. Contact information was provided for anyone wishing to receive additional information.

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 20 and 27, 2007 (#301-02)**
- B. LEGISLATION AND ADVOCACY (#701-04)**
- C. ALLOCATION OF FUNDS FOR THE COMMUNITY BUILT PLAYGROUND AT CITY PARK (#1402-03)**
- D. REQUEST FOR OVERNIGHT TRAVEL (TWO NIGHTS) LEAGUE OF CALIFORNIA CITIES (PLANNING COMMISSIONER TRAVERS) (#302-06)**

On motion by Councilmember Moore, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar.

COUNCIL REGULAR AGENDA

2a. CURFEW – Chapter 5-10.202 – 5.10.205

Councilmember Kalinowski stated he requested the item be added to the agenda in response to recent violent crimes occurring in the community. He felt the first step in the process should be bringing about a change in the conduct of those committing the criminal acts. To that end he was requesting the City Council consider modifying Section 5-10.204 under an urgency ordinance. He felt 11:00 P.M. was a reasonable hour for curfew, based on the California vehicle code for children under the age of 18 years. He noted children in transit to/from work or in the presence of a legal guardian should be exempt from the curfew.

Councilmember Simonsen agreed immediate action was necessary and noted he would support a 10:00 P.M. curfew on weeknights for youth 15 and under. He encouraged City staff determine how the City could hold parents and legal guardians responsible for their children.

Councilmember Moore, speaking to a recent newspaper article, regarding his comments on amending the curfew noted the newspaper article did not accurately

reflect his position. He clarified he would consider revising the curfew hours, after he received all information necessary to make an informed decision.

Willie Mimms, representing the Black Political Association, questioned how the Antioch Police Department would enforce the curfew. He reported they had received complaints regarding children who had been targeted by certain Police Officers and he urged the City to guard the rights of minors.

Nancy Fernandez, Jim Conley, Con Johnson, Roger Henry, Al Harvey, Dan Stills, Terry Ramus, Dianne Sensley, Allen Payton, Diane Hands, Patrick D'Arcy, Rhonda Jones, Jay Rand, current and former Antioch residents, spoke in support of amending the curfew ordinance noting they felt it was the City's job to protect the residents. Suggestions for items to be considered by the City Council were as follows:

- Consideration of an earlier curfew on weeknights
- Letter sent to the District Attorney indicating the City's support for cases being prosecuted
- Cinema taking a more proactive role protecting patrons
- Fines for parents whose children were in violation of curfew restrictions
- High-resolution videos installed in business centers, parks and schools
- Adequate police funding to enforce curfew and improve safety
- Creation of procedures for equitable treatment of minors in transit
- Insure enforcement of the ordinance to be made fairly and consistently
- Formation of a task force to work with the youth
- Increase funding for youth programs within the budget

Cameron Jones, Antioch resident, stated lowering the curfew for those students abided by the rules in an effort to keep the students whose behavior was disruptive was unfair, adding he felt the Antioch Police had used excessive force during an incident at Deer Valley Plaza,.

DeArmand Ellis stated he felt a curfew would not deter violent crime as most incidences occurred prior to 11:00 P.M. He suggested increasing police patrols to address the issue.

Mayor Freitas stated the City Council had made the Police Department and Police Services top priority and the City had been as proactive as possible. He was aggrieved and expressed concern for having to spend taxpayer's dollars for children who do not have proper parental supervision and questioned how the City could make parents responsible for their children. He voiced his support for changing the curfew and commended the Police Department for protecting the community as well as the residents who spoke this evening.

Chief Hyde stated he believed amending the curfew ordinance would be effective and benefit the entire community. The strategy would be to conduct coordinated curfew operations at target locations. He reviewed the Police Departments' involvement in

several programs for long and short-term crime suppression. He expressed concern the Regal Theater was not being proactive in protecting their patrons.

Mayor Freitas suggested Councilmember Moore participate in the Youth Intervention Network and requested regular reports be made to the City Council.

Councilmember Moore commended Chief Hyde on his efforts to address violent crime in the community and offered his assistance with establishing vocational and apprenticeship training programs.

Councilmember Simonsen suggested the City Council consider the following:

- Curfew information clearly indicates anyone under the age of 18 must be in their place of residence by 11:00 P.M.
- That the curfew be posted at key locations throughout the City
- That the ordinance address the issue of juveniles in the custody of older siblings
- That a letter be sent under the Mayor's signature to the District Attorney's office requesting enforcement of the ordinance
- That the School District remains cooperative with the Antioch Police Department regarding investigations.

Mayor Freitas voiced his appreciation to Antioch School Board Member Terry Shaw for taking the time to be present at the meeting, representing the Antioch Unified School Board.

Councilmember Kalinowski thanked those who had voiced their support and noted he had brought the item forward to protect the youth in the community. He suggested the City Council consider modifying the exceptions and changing the curfew to 11:00 P.M. – 5:00 A.M. Sunday – Saturday.

Councilmember Simonsen suggested the curfew pertain to youth 15.5 to 18 and those under 15.5 be 10:00 P.M.

Councilmember Kalinowski suggested staff comeback to the City Council after 45 days to explore the issue of further restricting youth 16 and under.

City Attorney Nerland stated the City would encourage the schools, religious institutions and youth groups make sure events are over by 10:30 P.M. She recommended Section 10.205 regarding violations by minor penalty be stricken noting it was superceded by the welfare and institution code for juveniles. She reviewed the findings for the urgency ordinance and noted it would be effective for 45 days with direction for staff to seek more input from the youth intervention groups.

Mayor Freitas declared a recess at 9:05 P.M. the meeting reconvened at 9:20 P.M. with all Councilmembers present.

Councilmember Davis agreed to support the motion as presented with review of the options and the enforceability of an earlier curfew for weeknights.

Councilmember Simonsen discussed the importance of the School District properly notifying students of the ordinance. He suggested when the ordinance comes back, the curfew be clearly defined and the Antioch Fair be addressed since it occurs on state property.

ORDINANCE NO. 1089-C-S

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council unanimously approved the urgency ordinance revisions and findings as follows:

Section 5-10.204

Exceptions – The provisions of this article shall not apply where the minor is attending a bonafide meeting, dance or party at a religious institution, school or youth group and is using a public street to return directly home from such events.

Section 10.205 - Deleted

Section 10.203

Add the word “Theaters” in the heading after “Halls”

It shall be unlawful within the city for any proprietor, keeper, clerk or any other person having charge or control of any café, tavern, restaurant, bar, eating place, public dance hall, theater or other similar public entertainment establishment to permit any persons under the age of 18 years to remain in any such public place between the hours of 11:00 P.M. and 5:00 A.M. unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of such minor.

Findings –

The City of Antioch has been conducting several quality of life forums and the issue of teen violence has been raised repeatedly by community members. The City Council and Antioch Police Department statistically and anecdotally the incidence and severity of teen violence and teen crime has been increasing within the City. Overall the percentage of property and violent crimes has increased 18.8% over the last year and a portion of that increase is attributable to juveniles. The number for the calendar year 2006, 33 juveniles were victims of violent crimes in the City of Antioch. A significant number of these were victims of robberies and assault and all these crimes occurred after 11:00 P.M. On the evening of March 3, 2007 a minor was a victim of unprovoked attack in which he was shot in the leg while walking home with friends. That incident occurred at approximately 11:18 P.M. And in the first three months of 2007, four minors have been shot with two of the victims succumbing to their injuries. Although, some of these incidences have occurred prior to curfew, the assaults have occurred where

juveniles have congregated. When juveniles congregate they are prone to victimization. The ordinance is adopted as an urgency measure because the City Council has determined that a consistent nighttime curfew for minors is needed for the immediate preservation of the public peace, health and safety pursuant to California Government Code Section 36937 and that the City Council in adopting the urgency ordinance directs staff to seek input from the effected communities including school district, religious institutions, youth organizations in the community regarding this matter to report back to the City Council.

Mayor Freitas thanked Dan Stills for raising the issue with the City Council and Antioch Police Department and the citizens who participated this evening.

2. AMENDMENT OF CHAPTER 17 OF TITLE 5 OF THE ANTIOCH MUNICIPAL CODE RELATED TO COMMUNITY NOISE (DISTURBING THE PEACE) #701-05

The City Council held this item over to April 10, 2007.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present.

AGENCY REGULAR AGENDA

3. CONSIDERATION OF FUNDING REQUEST FROM USA PROPERTIES FUND FOR THE ACQUISITION AND REHABILITATION OF MEADOWOOD APARTMENTS LOCATED AT 2200 SYCAMORE DR #903-01

Housing Coordinator Kennedy presented the staff report dated March 20, 2007 recommending the City Council adopt a resolution to conditionally approve funding request from USA Properties Fund for the acquisition and rehabilitation of 136 apartment units at the Meadowood Apartments in the amount of \$2,250,000 from the Low/Moderate Housing Fund and authorize the Executive Director to execute all documents necessary to complete the transaction.

Art May, USA Properties Fund, Inc., gave a brief overhead presentation of their background as an affordable housing developer and of the Meadowood Family Apartments project.

Bill Berdan speaking to Section 8 vouchers, clarified they would not be signing a contract with (HUD) the Department of Housing and Urban Development or the local Housing Authority.

Councilmember Simonsen requested a copy of the management guidelines for the project. He expressed concern the project would not provide new housing stock and the loan would not be repaid for 15 years.

In response to Councilmember Simonsen, Stacy Ultman stated their budget included a line item for the social services program, which comes out of their operating income before calculating debt service.

Councilmember Simonsen requested staff provide information to Council clarifying whether or not the project's location was in an ADA area, including the project's impact on the ADA budget and terms of the agreement.

Janet Kennedy clarified Section 8 tenants could be residing in the development, however they would go through the same application process as other tenants. She noted when the units become affordable they become new units in affordable housing.

Michael Sagehorn, Antioch resident, stated he did not believe the Antioch Development Agency should be in the business of subsidizing for-profit ventures. He suggested the best solution would be to demolish and rebuild the project.

Ms. Kennedy clarified the funds were, by law, set aside to increase, preserve or protect affordable housing and housing activities. She reported the cost to renovate a project was considerable less than to demolish and rebuild. She further noted this project assists the City in reaching the federal, state and regional requirements for Antioch to provide these units.

Stacy Ultman clarified subsidies were needed because the rents were capped and they must maintain ownership for a minimum of 15 years.

In response to Councilmember Moore, Mr. May clarified it was customary to hire locally when possible. He reviewed the standards and conducts for tenants. He noted the company's relationship with local police agencies was strong due to their long-term investment in the affordable projects and they were very involved within the community.

Ms. Kennedy stated they have a monthly managers meeting and she expects them to be active participants.

Councilmember Kalinowski requested the City Council be provided the standards and conduct for the project.

Councilmember Simonsen requested the City Council be provided the project finances for the public finance agency portion of the ADA increment set aside. He requested staff work with the applicant to insure a good line of communication between the applicant and City services.

Ms. Kennedy stated she would provide the City Council with the items previously requested.

RESOLUTION NO. ADA-418

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the City Council unanimously approved a resolution (staff report dated March 20, 2007 and noted as "revised") to conditionally approve the funding request from USA Properties Fund for the acquisition and rehabilitation of 136 apartment units at the Meadowood Apartments in the amount of \$2,250,000 from the Low/Moderate Housing Fund and authorize the Executive Director to execute all documents necessary to complete the transaction.

Chairperson Freitas adjourned to the Antioch City Council with all members present.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the City Council March 27, 2007 agenda would include a discussion on Code Enforcement and Rental Inspection Program.

COUNCIL COMMUNICATIONS

Councilmember Moore reported he had attended meetings with Congresswoman Tauscher and Congressman McNerney and staff from Senator Boxer and Feinstein's offices in Washington D.C. to lobby for funding of Park-and-Ride lots.

Councilmember Simonsen reported he attended the Delta Division Workshop and Governors Schwarzenegger Sexual Predator Summit, both of which were informative events. He noted Councilmember Davis and Lieutenant Welch were also in attendance at the Governor's summit.

Mayor Freitas reminded the community of the Mayor's Prayer Breakfast to be held on March 23, 2007. He reported he would be out of State and unable to attend the City Council meeting on April 24, 2007. He requested staff provide the City Council with the agenda for the joint School District and City Council meeting.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:30 P.M. to the next regular Council meeting on March 27, 2007.

Respectfully Submitted,

L. JOLENE MARTIN, CMC
City Clerk