

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting  
7:00 P.M.

April 24, 2001  
Council Chambers

Mayor Freitas called the meeting to order at 7:01 P.M., and City Clerk Martin called the roll.

Present: Councilmembers Davis, Kalinowski, Conley, Simonsen and Mayor Freitas

**PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS**

National Dance Week, April 20 – 27, 2001

Children's Memorial Day, April 27, 2001

Municipal Clerk Week, April 29 – May 5, 2001

Welcoming The California State Bowling Association Tournament, May 4 – August 26, 2001

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved the proclamations.

Councilmember Conley presented Mary Rocha with the proclamation, proclaiming April 27, 2001 as "Children's Memorial Day. " Mrs. Rocha accepted the proclamation on behalf of the children in the community whose lives have met with untimely, tragic deaths and their families. She thanked the Council for the proclamation.

Councilmember Davis presented the proclamation to City Clerk Martin proclaiming April 29 – May 5, 2001 as "Municipal Clerk Week." City Clerk Martin accepted the proclamation on behalf of all Municipal Clerks and thanked citizens of Antioch as well as the Council for the recognition.

Councilmember Simonsen presented the proclamation to Mr. Lewis "Welcoming The California State Bowling Association Tournament," May 4 – August 26, 2001. Mr. Lewis accepted the proclamation and thanked the Council for welcoming them to Antioch. He invited the community to attend opening night on May 4, 2001 at Delta Bowl in Antioch. He presented the Council with a schedule of events.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Mike Malody, representing East County Ministries, thanked those who participated in the Antioch Mayor's Prayer Breakfast. He encouraged the community to participate in the

National Day of Prayer event at 7:00 P.M. on May 3, 2001 at the Los Medanos College Gymnasium in Pittsburg.

Jean Kuberra announced her complaints regarding the Lighting and Landscape District Assessment had been posted on Paul Goulart's website. She stated the public was not informed they could withdraw their ballots. She discussed the Antioch Unified School District Board agenda, stating if they vote to approve the lighting and landscape the funds needed would remove the money from the General Fund needed for children's education and the District's rising utility bills.

### **PUBLIC COMMENTS**

Jean Kuberra reviewed her complaints regarding the Lighting and Landscape District assessment.

Don Peckham suggested Council reconsider the requirement of all applicants on the Economic Development Committee reside in Antioch, noting he felt applicants outside the City could attract successful people with proven ability.

Elvin Scott reported the Veteran's Benefit Faire was a very successful event. He noted his next effort would be starting litigation to protect pension benefits.

Karen Kops, President of HALO, invited the community to participate in the 3rd Annual Ramble Around The Reservoir Dog Walk and Trail Ride at Contra Loma Reservoir on May 6, 2001 from 10:00 A.M. to 2:00 P.M.

Mary Rocha invited the community to the Kiwana's Pasta Dinner at 6:30 P.M. on April 25, 2001 at the Antioch Senior Center.

Susan Davis announced applications were available for students interested in representing Antioch in Chichibu, Japan from July 16th–30th, 2001.

Councilmember Conley wished Chelsea Marie Price a very happy 9th birthday.

Mayor Freitas announced staff had requested agenda items #4 and #10 be held over to May 8, 2001.

### **COUNCIL REGULAR AGENDA**

#### **1. REPORT ON THE CHILDREN'S MEMORIAL TREE GROVE ALONG WITH AN ORAL PRESENTATION FROM THE ANTIOCH YOUTH COUNCIL #1402-03**

Gina Lombardi, representing the Antioch Youth Council, thanked the City Council for the opportunity to develop the Children's Memorial Tree Grove.

Michelle Lockeri, President of the Antioch Youth Council, and Kelly Spencer gave a brief overview of the proposed Memorial Tree Grove project design. Ms. Lockeri thanked Councilmember Davis and Park Superintendent Palmeri for their support.

Park Superintendent Palmeri presented the staff report dated April 24, 2001, recommending the City Council receive and file the report, and direct staff to continue working on the development of the Children's Memorial Tree Grove.

Councilmember Conley voiced his appreciation of the work that had been done, noting his support of one plaque representing all the children who have passed away as well as adhering to the original City contribution of \$40,000. Councilmember Simonsen stated he supports Councilmember Conley's suggestion of one plaque to represent all of the community's youth lost to tragedy.

Park Superintendent Palmeri clarified there would be one plaque in remembrance of all children with individual trees and plaques available for anyone requesting sponsorship.

Councilmember Davis challenged the individual sponsors to double their financial contributions. He urged the Council to support this project.

Councilmember Kalinowski thanked the Youth Council and staff for their hard work in developing the project design and voiced his support of the project as presented. He urged his fellow Councilmembers to contact individuals to seek additional donations. He stated he would like to support anyone who wished to sponsor an individual but did not have the financial ability to do so.

Park Superintendent Palmeri provided a contact number for anyone wishing to contribute to the Children's Memorial Grove. He clarified the original estimate was \$83,000 and the current cost was well below that.

Mary Rocha commended the Youth Council for their commitment to this project. She urged the Council to support this proposal.

Mayor Freitas thanked staff and the Youth Council for their time and effort. He stated if there was a shortfall of funds he would commit to raising the funds necessary. He voiced his support of establishing a time of remembrance as well as a plaque for all of the children who have met untimely deaths.

Mayor Freitas recommended staff return to Council with a final recommendation before this Youth Council leaves office May 2002. Mayor Freitas, speaking on behalf of the Council, thanked Councilmember Davis for his effort on this project.

Councilmember Simonsen requested fellow Councilmembers contact their campaign supporters to seek additional contributions.

On motion by Councilmember Davis, seconded by Councilmember Conley, the Council unanimously received and filed the report.

**2. BROWN ACT COMPLAINT DATED 4/3/01 RE LANDSCAPING AND LIGHTING PROCEEDINGS #701-04**

City Attorney Galstan presented the staff report dated April 13, 2001, recommending the Council receive and file the complaint and the report.

Jean Kuberra reviewed her written Brown Act Complaint regarding Landscape and Lighting proceedings.

Councilmember Simonsen complimented Ms. Kuberra on her efforts to relate her complaints to Council, staff and the community. He urged her to pursue legislation to rectify some of her concerns.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously received and filed the report.

Mayor Freitas declared a recess at 8:07 P.M. The meeting reconvened at 8:20 P.M. with all Councilmembers present.

**PUBLIC HEARINGS**

**6. RESOLUTION ADOPTING PROGRAM YEAR (PY) 2001–2002 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN #709-01**

Administrative Analyst Heller presented the staff report dated April 17, 2001, recommending the City Council adopt the resolution approving the PY 2001–2002 Annual Action Plan.

Steve Reid, Phyllis Gordon, Sharon Barone, Argentina Donita-Juenos, discussed the value of the Rape Crisis Center services to the residents of Antioch. They urged Council to show their support and reconsider allocating CDBG funds to the organization.

Dale Baxter, Development Director for the Contra Costa Child Care Council, speaking on behalf of the Board of Directors, staff, parents and childcare providers who utilize their services, thanked the City of Antioch for their support and the recommended funding of their program.

Councilmembers Simonsen and Davis clarified they had considered allocating funds to the Rape Crisis Center and recommended not to do so, due to the fact they are heavily funded through state and federal grants as well as contributions and donations. They felt other organizations were in greater need of the CDBG funds.

Mayor Freitas thanked Councilmembers Simonsen and Davis for their consideration and recommendations regarding the CDBG funds.

City Manager Ramsey recommended Council consider funding the Senior Citizen's Center from the General Fund, which would free up \$10,000 that could be allocated to other services.

Following discussion, the Council reviewed the summary of CDBG applications and agreed to allocate funds to the Rape Crisis Center as well as additional funds to STAND.

Councilmember Davis requested Council review the criteria for CDBG grant program and provide direction.

Upon making the motion, Mayor Freitas passed the gavel to Mayor Pro Tem Kalinowski to conduct the completion of Council's action.

**RESOLUTION NO. 2001/37**

On motion by Mayor Freitas, seconded by Councilmember Kalinowski, the Council unanimously adopted the resolution approving the PY 2001–2002 Annual Action Plan with the following changes: 1) Bay Area Legal Aid funding amount be reduced to \$3,000; 2) Contra Costa County Homeless Shelter Services funding amount be reduced to \$6,000; 3) Senior Citizen Center funding amount be reduced to \$0, with \$10,000 to be funded out of the General Fund for this fiscal year; 4) Rape Crisis Center be increased by \$10,000; and, 5) STAND be increased by \$6,000.

- 5. DHYANYOGA CENTERS, INC. REQUESTS APPROVAL OF A MAJOR SUBDIVISION TO SUBDIVIDE TWO EXISTING PARCELS INTO THIRTEEN LOTS, INCLUDING TWELVE SINGLE FAMILY LOTS AND ONE 3.44 ACRE LOT WHICH WILL HOUSE A FUTURE SPIRITUAL FACILITY PENDING USE PERMIT APPROVAL. THE PROJECT SITE IS LOCATED ON THE WEST SIDE OF CONTRA LOMA BLVD., APPROXIMATELY 1,100 FEET NORTH OF JAMES DONLON BLVD. (PW-652) #802-02**

Assistant Planner Wehrmeister presented the staff report dated April 19, 2001, recommending the City Council: 1) Adopt the Negative Declaration; and 2) Approve the proposed Tentative Map to subdivide two parcels into thirteen parcels subject to conditions contained in the staff reports and the resolution.

Councilmember Conley expressed his concern regarding the City being protected for their portion of the funding for Prewett Park. Director of Community Development Ward clarified this project would not be subject to Prewett Park fees. City Attorney Galstan added the City and developer could negotiate a development agreement to address funding for Prewett Park.

Councilmember Simonsen requested project specific condition #64 be amended to include language for a future economic development fee.

Councilmember Davis expressed concern Measure U had not been applied to this project. Community Development Director Ward clarified the impacts from this project were deemed insignificant through the Negative Declaration process.

Mayor Freitas opened the public hearing.

Bernard Mosbacher, speaking on behalf of the applicant, reviewed the proposed project. He stated the intent was to create 12 upscale custom home lots to be sold individually. He clarified the builder had requested a reduction in square footage to provide an opportunity for elderly who would be downsizing their homes for retirement. He stated a higher end and diverse architecture would maintain the property values in the area. He also explained the applicant was willing to provide an entryway monument to designate this project as a separate development, noting they were working with neighbors to preserve as many trees as possible on the property. He further noted they were in agreement with all conditions contained in the staff report and were willing to work with the City to mitigate any concerns regarding Measure U.

With no further speakers, Mayor Freitas closed the public hearing.

Councilmember Kalinowski expressed concern regarding the square footage reduction as well as the Council assuring funding was at the correct level regarding Measure U.

Mr. Mosbacher clarified the applicant did not want to be limited to higher square footage adding it was possible to make a 1700 square foot home look and fit into the concept of this subdivision using creative, upscale architecture. He stated he had designed parking in accordance with City standards.

In response to Councilmember Conley, Assistant Planner Wehrmeister clarified under the ordinance, single infill lot development does not require Design Review Board consideration and the architectural review guidelines will insure the development would have a high quality design.

Councilmember Conley voiced his support of Design Review Board review for approval of these homes. Mr. Mosbacher requested should these homes go before the Design Review Board, they be accompanied by their architectural guidelines to insure standards were maintained.

City Engineer Brandt clarified the cul-de-sacs have parking islands providing six parking spaces.

**RESOLUTION NO. 2001/38**

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously adopted the resolution and the negative declaration, with project specific conditions # 34 and 59, 60b, 60c and 64 amended to read:

#34 That all lots have a minimum of one on-street parking space located in front of the lot or in the cul-de-sac parking island.

#59 That a center cul-de-sac parking area be provided in each cul-de-sac.

#60b The minimum house size for this subdivision shall be 1800 square feet for up to four lots and 2000 square feet for the remaining six lots. Lots three and four the minimum square footage will be 1600–1800 square feet.

#60c Roofing material shall be concrete tile or high definition composition shingle roofing. Buildings shall be finished in stucco or real wood siding.

#64 The applicant shall pay an economic development fee as required by the Measure U Urgency Ordinance or any subsequent extension or replacement ordinance.

And the addition of project specific condition # 67 to read:

#67 The applicant will work with staff to negotiate a development agreement to determine an allocation to be granted as well as a contribution toward Prewett Park, prior to the final map being submitted to the City Council.

**3. FUNDING FOR COMMUNITY NEEDS ASSESSMENT FOR NEW PUBLIC LIBRARY #1406-01**

City Manager Assistant Gegg presented the staff report dated April 11, 2001, recommending the City Council request \$30,400 to be allocated from Community Facility District 89-1 funding for Community Needs Assessment of a new library.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved requesting \$30,400 to be allocated from Community Facility District 89-1 funding for Community Needs Assessment of new library.

**4. UPDATE REGARDING ANIMAL SERVICES BUREAU #1302-01**

Mayor Freitas announced Chief Moczulski was out of town and therefore this item would be continued to May 8, 2001.

**5. LEGISLATION AND ADVOCACY #701-04**

Councilmember Simonsen urged staff to consider the allocation of State Park Bond funds to rehabilitate existing facilities.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously received and filed the report.

**8. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES – March 27, 2001 #301-03
- B. APPROVAL OF COUNCIL WARRANTS #401-02
- C. APPROVAL OF TREASURER'S REPORT – March 2001 #401-02
- D. REJECTION OF CLAIM #704-07
  - 1) Claim of Lani Kochevar #01/02-1221
- E. RESOLUTION NO. 2001/39 REALLOCATING ONE (1) VACANT POSITION OF DATA ENTRY OPERATOR TO THE CLASSIFICATION OF CUSTOMER SERVICE REPRESENTATIVE I/II #502-02
- F. RESOLUTION NO. 2001/40 APPROVING FINAL MAP AND IMPROVEMENT PLANS AND ANNEXING TO THE LONE TREE LIGHTING AND LANDSCAPING DISTRICT 9, ZONE 3 AND RESOLUTION NO. 2001/41 ACCEPTING GRANT DEED FOR ONE-FOOT STRIP FOR BLACK DIAMOND ESTATES SUBDIVISION, UNIT 8, (MERITAGE HOMES, INC.), TRACT NO. 8319 (PW 599-8) #802-02
- G. RESOLUTION NO. 2001/42 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR BLACK DIAMOND ESTATES SUBDIVISION, UNIT 9, (MERITAGE HOMES), TRACT NO. 8320 AND ANNEXING TO THE LONE TREE LIGHTING AND LANDSCAPING DISTRICT 9, ZONE 3 (PW 599-9) #802-02
- H. RESOLUTION NO. 2001/43 AND RESOLUTION NO. 2001/46 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 21, (RICHLAND DEVELOPMENT/BLACK DIAMOND KNOLLS, LTD./SOUTH TERRA CORP.) TRACT 8466 AND ANNEXING TO THE LONE TREE LIGHTING AND LANDSCAPING DISTRICT 9 ZONE 2, (PW 581-21) #802-02
- I. RESOLUTION NO. 2001/44 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 17, TRACT NO. 8183 (MERITAGE HOMES OF NORTHERN CALIFORNIA, INC.), PW 581-17 #802-02
- J. RESOLUTION NO. 2001/45 AUTHORIZING AGREEMENT FOR ONE GARAGE SALES OFFICE CONVERSION IN MEADOW CREEK VILLAGE, UNIT 2 (SEENO CONSTRUCTION COMPANY), TRACT NO. 7947, LOT NO. 109 (PW #569-2) #802-02



**K. APPOINTMENT TO PARKS AND RECREATION COMMISSION – 1 VACANCY**  
**#302-05**

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved the Council Consent Calendar with the exception of items F, G, and H, which were removed for further discussion.

**Items F, G, and H** – In response to Councilmember Simonsen, City Engineer Brandt stated the base rates for District 9, Zones 2 and 3 was \$216.00.

Allen Payton requested information from staff on when the park in his development would be completed.

City Engineer Brandt clarified the park was currently in the plan review process and would be built in the near future. He noted the funding was available through a reimbursement agreement with the developer.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Council unanimously approved Items F, G and H.

Mayor Freitas adjourned to the Antioch Development Agency.

**9. AGENCY CONSENT CALENDAR**

**A. APPROVAL OF AGENCY WARRANTS** **#401-02**

On motion by Agencymember Conley, seconded by Agencymember Kalinowski, the Agency unanimously approved the Agency Consent Calendar.

**AGENCY REGULAR AGENDA**

**10. REQUEST FOR APPROVAL OF ADDITIONAL FUNDING FOR COMPLETION OF  
THE EAST EIGHTEENTH STREET SPECIFIC PLAN** **#1102-04**

Mayor Freitas announced Mr. Loewke was out of town and therefore this item would be continued to May 8, 2001.

**PUBLIC COMMENTS**

None

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Davis reported he had attended the Association of Bay Area Government meeting and announced action was taken to increase the dues from \$10,908 to \$11,725 on an annual basis noting the increase was based on the increasing population as well as the staffing cost of ABAG, operational costs and allotted money for the energy increase.

**STAFF COMMUNICATIONS**

None

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 10:28 P.M., to the next regular meeting on May 8, 2001.

Respectfully submitted:

s/s L. Jolene Martin  
L. JOLENE MARTIN, City Clerk

Approved:

s/s Donald P. Freitas  
DONALD P. FREITAS, Mayor

Attest:

s/s L. Jolene Martin  
L. JOLENE MARTIN, City Clerk