

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting  
7:00 P.M.

May 22, 2001  
Council Chambers

**CLOSED SESSION—CONFERENCE WITH LABOR NEGOTIATOR**—City Negotiator: Bill May. Employee Organization: All Negotiating Units. This closed session is authorized by Government Code §54957.6.

Mayor Freitas stated no action was taken at the closed session and nothing to report.

Mayor Freitas called the meeting to order at 7:07 P.M., and City Clerk Martin called the roll.

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

**PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS**

Animal Abuse-Domestic Violence Awareness Month, May 2001

2001 National Safe Boating Week, May 19 – 25, 2001

National Public Works Week, May 20 – 26, 2001

Affordable Housing Week, June 1 – 10, 2001

Twelfth Annual Mayor's Cup Golf Tournament, June 3, 2001

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

Councilmember Kalinowski presented Karen Kops, representing HALO (Homeless Animals Lifeline Organization), with a proclamation proclaiming May 2001 as Animal Abuse-Domestic Violence Awareness Month. Ms. Kops discussed the connection between animal abuse and domestic violence and stated they were trying to raise community awareness regarding this issue. She provided a contact number for anyone wishing to volunteer.

Councilmember Conley presented Public Works Director Brandt with the proclamation proclaiming May 20-26, 2001 as National Public Works Week. Public Works Director Brandt thanked Mayor Freitas, Council and City Manager Ramsey for their support.

Councilmember Simonsen presented John Cruger-Hansen with the proclamation proclaiming May 19-25, 2001 as National Safe Boating Week. Mr. Cruger-Hansen, on behalf of boaters of Antioch, the Delta and the state of California, thanked the Council for recognizing the importance of Safe Boating Week.

Councilmember Davis presented Gina Lombardi with the proclamation proclaiming June 3, 2001 as Twelfth Annual Mayor's Cup Golf Tournament. Ms. Lombardi thanked the Golf Board, Pat Cain and Jack Oakley as well as the community for supporting this event. She provided a contact number for anyone needing additional information and presented golf shirts to the Councilmembers.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Councilmember Davis announced the City of Antioch and VFW Post 6435 would be presenting a Memorial Day Ceremony at Oak View Cemetery on May 28, 2001, and invited the public to attend.

## **PUBLIC COMMENTS**

Elvin Scott announced he had attended a town hall meeting and met a Congresswomen who would be helping him with his efforts to protect pension benefits. He discussed his efforts to provide information on services available to Veterans and becoming a non-profit organization.

Judy Trapanese, representing the American Cancer Society, announced the *Relay for Life* on July 21-22, 2001 at Antioch High School. She stated they were recruiting teams and volunteers for this event and provided contact numbers for anyone wishing to participate.

Councilmember Davis thanked Ms. Trapanese, Terry Johnson and the committee for their commitment to the American Cancer Society.

Martha Henry, representing East Contra Costa NAACP, thanked the Council for the proclamation sent to the NAACP banquet. She thanked Jim and Donna Conley and Mark and Robin Moczulski for attending the banquet.

## **PUBLIC HEARING**

### **10. RESOLUTION DECLARING THE NECESSITY OF ACQUIRING PROPERTY BY EMINENT DOMAIN FOR RIGHT-OF-WAY FOR THE EAST EIGHTEENTH STREET IMPROVEMENT PROJECT (PG&E) #1102-04**

Mayor Freitas announced this item would be held over until June 26, 2001.

## **COUNCIL REGULAR AGENDA**

### **1. PRESENTATION ON THE LEAGUE OF CALIFORNIA CITIES GRASSROOTS NETWORK #701-01**

Assistant to City Manager Gegg presented the staff report dated April 30, 2001, recommending the City Council approve the addition of Article XVI to the League of California Cities Bylaws and in the event Article XVI was approved by two-thirds of the voting cities, approve funding for the Grassroots network.

Councilmember Simonsen stated the League of California Cities had little impact in Sacramento and felt this was a chance to have several lobbyists representing Eastern Contra Costa County in Sacramento who would address local issues.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the addition of Article XVI to the League of California Cities Bylaws and in the event Article XVI was approved by two-thirds of the voting cities, approved funding for the Grassroots network.

### **3. REPORT ON STATE AND FEDERAL FUNDING FOR MAJOR HIGHWAY PROJECTS #1102-03**

Traffic Engineer Franzen presented the staff report dated May 16, 2001, recommending the City Council receive and file the report.

Mayor Freitas announced there would be a meeting on June 5, 2001 of the East County Fee and Finance Authority, which would include all City Councils in Eastern Contra Costa County to receive the staff report and recommendation to increase the fee for a new home from \$5000.00 to \$7500.00.

Councilmember Conley requested the City support the extension of AB2829 to provide a payback period of 10 years.

On behalf of the Mayor and City Council, Mayor Freitas thanked Traffic Engineer Franzen for his efforts to advocate for the City of Antioch. He encouraged the community to support Senator Torlakson in his efforts to keep the gasoline sales tax as transportation funds.

Councilmember Simonsen stated public involvement was important and requested the City's website list contact information for Antioch's elected officials, i.e. County Supervisor, State Assemblyman and Senator, etc., and encouraged the community to contact their representatives and tell them input. He further requested the map and timeline be provided to the press to inform the public of the funding for major highway improvements.

Councilmember Kalinowski stated he was opposed track money being used for eBART until roadway improvements on Highway 4 were completed.

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

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Mayor Freitas declared a recess at 8:02 P.M. The meeting reconvened at 8:11 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who arrived at 8:12 P.M.

## **PUBLIC HEARINGS**

- 8. PUBLIC HEARING RESPECTING THE CONTENTS OF THE ENGINEER'S REPORT FOR CITY OF ANTIOCH STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT (Reorganized Assessment District), INCLUDING, BUT NOT LIMITED TO, PROPOSED IMPROVEMENTS, DETERMINATION OF PARCELS SPECIALLY BENEFITTED, ESTIMATED COST AND EXPENSE OF PROPOSED IMPROVEMENTS FOR FY 2001-2002, AMOUNTS OF INDIVIDUAL ASSESSMENTS FOR FY 2001-2002 AND RELATED MATTERS AS SET OUT IN REPORT #806-03**

City Clerk Martin reported the results of the 2001 Lighting and Landscape Assessment District Election indicating the ballot failed with 30.6% of the ballots being yes votes, and 69.4% of the ballots being no votes. She recommended the City Council certify the results.

Mayor Freitas opened and closed the Public Hearing with no one from the public wishing to speak.

### **RESOLUTION NO. 2001/49**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously 1) adopted the resolution certifying balloting results; 2) took no further action regarding district reorganization.

- 9. PUBLIC HEARING RESPECTING THE CONTENTS OF THE CONSOLIDATED ENGINEER'S REPORT FOR CITY OF ANTIOCH STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT NUMBERS 1, 2A, 4, 5 and 9 (Existing Districts) INCLUDING, BUT NOT LIMITED TO, PROPOSED IMPROVEMENTS, DETERMINATION OF PARCELS SPECIALLY BENEFITTED, ESTIMATED COST AND EXPENSE OF PROPOSED IMPROVEMENTS FOR FY 2001-2002, AMOUNTS OF INDIVIDUAL ASSESSMENTS FOR FY 2001-2002 AND RELATED MATTERS AS SET OUT IN REPORT #806-03**

Public Works Director Brandt presented the staff report dated May 16, 2001 recommending the Council hold the public hearing on the Engineer's Report and assessments for the Existing Landscape Maintenance District and levy maximum base rates for all affected parcels.

Mayor Freitas opened the public hearing.

Nancy Duarte suggested a proposal involving local businesses paying for the right to advertise on our local roads and parks and the money would be used to light and landscape those roadways and parks. She urged Council to alleviate the division within the City stating she felt the burden of the City's maintenance was currently on the residents of Southeast Antioch.

Barbara Sobalvarro, speaking on behalf of herself, encouraged Council to consider levying maximizing developer fees to bring in money for lighting and landscaping to lessen the impact on other services paid for through the General Fund and Measure C.

Allen Payton spoke in opposition to maximizing the assessments on the community and suggested the Council consider solutions other than raising taxes.

Mayor Freitas closed the public hearing.

Following discussion the Council majority voiced their support for funding alternative #3 provided in attachment "C" of the staff report which states in part:

*“ . . . provides landscape maintenance service similar to what exists in the City today. However, instead of assessing the maximum base rate, it assesses an amount up to the assessment a property paid in FY 2000-01. This revision in assessment methodologies reduces the revenue received from assessments to \$947,000 and increases the demand on the General Fund to \$1,568,012. Gas Tax contributions remain at \$450,000 per year. This alternative would have the largest impact on the General Fund of any alternative provided.”*

Councilmember Conley discussed FUA1 and the positive impact tax dollars will have to the General Fund adding he felt if planned correctly could fund lighting and landscaping in Antioch.

City Attorney Galstan suggested Council continue this item with the public hearing open and direct the City Engineer to amend the report consistent with Council direction.

Councilmember Kalinowski requested staff explore the feasibility of an option to decrease lighting in the City.

Councilmember Simonsen requested staff to provide an option for alternative #2 as well as input from Finance Director Tasker regarding the impact on the budget to decrease lighting within the City. He stated he could not support a motion without keeping the option for alternative #2 available.

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On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council moved to consider alternative #3 with the following options: 1) Freezing the rates to the 2000-2001 rate and/or providing the 2001-2002 rate with the cost of inflation; 2) moving the \$450,000 gas tax money to the General Fund; 3) Reducing the lighting on the major arterials and parks. The motion carried the following vote:

Ayes: Conley, Davis, Kalinowski, Freitas

Noes: Simonsen

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously continued the public hearing to June 26, 2001.

## **2. INFORMATIONAL PRESENTATION REGARDING ANNEXATION FEASIBILITY STUDY FOR ANTIOCH'S NORTHEAST SPHERE OF INFLUENCE #704-12**

Assistant to City Manager Gegg presented the staff report dated May 14, 2001 recommending Council provide direction regarding Council's interest in preparing an analysis for potential annexation of properties in the vicinity of Wilbur Avenue in northeast Antioch.

Dick Loewke discussed the scope of work involved in the preparation of the analysis, which would include an Inventory of Land Resources and Existing Conditions, Assessment of Opportunity and Constraints, and Development of a Strategic Plan.

City Manager Ramsey clarified the funding for the analysis would be provided from the redevelopment agency and would not affect the General Fund deficit. He recommended staff provide a structured agreement for Council to consider regarding an annexation for this area.

Tina and Rich Trabold, Douglas Tokes and Johnny Ray requested the Council notify the property owners of issues that involve their property so they can address them before decisions were made. They stated they did not support the annexation and felt the City should invest the money on road improvements. They urged the Council to not include their properties in the annexation.

Don Peckham stated the City had already invested in a water line, street improvements and the East 18th Street specific plan.

Councilmember Conley requested staff inform property owners of any future meetings regarding their parcels. He felt the City should move forward and annex in the parcels allowing the City to have local control of the waterfront.

Following discussion several members of the Council stated they were in support of moving forward with the study, clarifying support of the study did not mean support of the

annexation. They stated they do/would respect the rights of the property owners who do not wish to participate in the annexation.

Mayor Freitas suggested the City send a ballot to the residential owners in the area informing them of the feasibility study and asking if they want to be included. He noted if they indicated they did not want to be included, his vote would be to exclude them. He stated he felt the residents should support the study noting there would be no cost to them and they would derive information.

Councilmember Kalinowski requested the ballot be extended to commercial property owners.

Councilmember Conley stated he felt the benefit to the City was in industrial and commercial property but every landowner would benefit from the study.

Mr. Loewke stated he felt it was important for the City to look at the regulatory issues, opportunities and constraints at the local level for the entire area even if the City focuses on commercial and industrial properties.

Mayor Freitas clarified going forward with the feasibility study would not taint the Council to move forward with annexation. He stated he would not vote for annexation for the residential parcels unless the owners came forward and indicated they would want to be included.

Community Development Deputy Director Carniglia clarified if the City goes to LAFCO after it has not included the residential properties in the feasibility study, LAFCO would request a registered voter ballot and they would have to go back and poll the area.

Don Burkard stated he felt it was important for the residents to have the information from the feasibility study so they can be aware of the process.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council authorized staff to request a formal proposal from Mr. Loewke to perform the feasibility study for the annexation of properties in the vicinity of Wilbur Avenue in northeast Antioch with every property owner in the study area informed of every meeting and a scope of work, and deliverable to the Council quarterly. The motion carried the following vote:

Ayes: Freitas, Davis, Conley, Simonsen

Noes: Kalinowski

Mayor Freitas declared a recess at 9:49 P.M. The meeting reconvened at 9:55 P.M. with all Councilmembers present.

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**4. DISCUSSION AND DIRECTION REGARDING ANTIOCH'S PARTICIPATION IN THE  
EAST CONTRA COSTA COUNTY HABITAT CONSERVATION PLAN  
ASSOCIATION #205-01**

City Manager Ramsey presented the staff report dated May 17, 2001, recommending the City of Antioch join the Contra Costa Habitat Conservation Association and participate in the habitat conservation plan effort undertaken by that group.

Dennis McCormac provided a brief presentation updating the City Council on the status of the project. Mr. McCormac reported all cities have approved the principles of participation and the agreement indicates there would be no liability to the participating cities for funding shortfalls. In response to Mayor Freitas, Mr. McCormac stated the principles of participation and the Contra Costa Council's recommendations were approved by the other cities.

Mr. McCormac reported the County had considered this item a year ago and Supervisor Canciamilla was not in favor of the County joining. He noted the Board stipulated this item be reviewed next month when the new Supervisor could consider it.

Mayor Freitas expressed concern that a year had passed and the HCP was still not fully funded. He stated he does not understand why the Contra Costa Water District had not underscored the financial obligations.

Mr. McCormac stated the District had discussions but there was never a financial commitment or any act by the Board of Directors regarding that.

Mayor Freitas disagreed stating he was on the CCWD Board and present when this issue was before that board and it was always understood the Contra Costa Water District would move forward with the HCP and they would be the financial arm. He noted in his previous motion, the Council approved the Contra Costa Water District underwrite the costs and he did not feel the City could move forward knowing at sometime in the future there may be a request for funds to finish the HCP.

Mr. McCormac clarified the association agreement does not call for that and there was an estimated budget and if they run out of money they would quit working on the HCP.

In response to Councilmember Kalinowski, Deputy Director of Community Development Carniglia clarified the Contra Costa Water District includes FUA1 properties. He stated if Antioch does not participate in the preparation of the HCP, the cities of Pittsburg, Brentwood and Oakley would be preparing a plan that would include the geographic area around FUA1. He clarified from a staff standpoint he felt it was important for Antioch to be a part of the process.

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Councilmember Kalinowski stated with the City not having a vested interest with the exception of possibly FUA1, which the City was mitigating through their planning process, he does not feel Antioch needs to participate.

Councilmember Simonsen expressed concern if Antioch did not participate in the HCP, the regulatory agencies would set up roadblocks for the City's planning process.

Carl Wilcox representing the Department of Fish and Game urged the Council to participate in the HCP process and within the planning association. He clarified if Antioch chooses not to participate in the process the agencies would not target applicants and would evaluate projects on their merits. He stated from the Departments and the Services perspective there were serious biological issues with development in the FUA1 area and the benefit of the City's participation in the larger conservation planning effort was the mechanisms for offsetting the impacts are greatly expanded.

In response to Mayor Freitas, Mr. Wilcox stated there could potentially be a locally driven project, lasting for years and costing millions of dollars that the Department of Fish and Wildlife Services could determine was not acceptable.

Councilmember Conley stated he felt the information would benefit the City and he would be willing to participate if the City of Antioch receives a letter from the Contra Costa Water District or the Department of Fish and Wildlife Services indemnifying the City from all future financial obligations. Mayor Freitas stated such a request was made a year ago and the Water District has refused to provide the letter.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council approved joining the Contra Costa County Habitat Conservation Association and participation in the habitat conservation plan effort undertaken by that group with letters of indemnification from Contra Costa Water District or Fish and Wildlife with regards to future cost. The motion carried the following vote:

Ayes: Davis, Kalinowski, Conley

Noes: Simonsen, Freitas

**5. UPDATE ON MEASURE "U" ORDINANCE ESTABLISHING GROWTH RATE LIMITATIONS ON UNENTITLED RESIDENTIAL DEVELOPMENT AND JOB CREATION REQUIREMENT #204-01**

Mayor Freitas requested this item be brought back to the Council at a future meeting for discussion.

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

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**6. ORDINANCE ADDING PARAGRAPH (H) TO SECTION 2-4.103, AND AMENDING SECTIONS 2-4.103(A), 2-4.114 AND 2-4.115 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH THE BOARD OF ADMINISTRATIVE APPEALS #302-12**

City Attorney Galstan presented the staff report dated May 14, 2001, recommending the City Council: A) Motion to introduce the ordinance by title only; B) Motion to introduce the ordinance adding paragraph (h) to section 2-4.103, and amending sections 2-4.103(A), 2-4.114 and 2-4.115 of the Antioch Municipal Code, dealing with the Board of Administrative Appeals

Mayor Freitas requested a provision be added to the ordinance stating confidential memos regarding the Board of Administrative Appeals issues and outcomes be provided to Council by the City Attorney as well as no term limits with members reapplying every 4 years.

Tom Berglund stated the Board of Administrative Appeals was in support of the changes to the ordinance.

City Attorney Galstan stated he would bring the ordinance back with the revisions at the next Council meeting.

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

Mayor Freitas directed the City Attorney to write a correspondence for the Mayor regarding AB2829 requesting the 4 year loan repayment package be increased to 10 years.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council directed staff to draft a letter from the Mayor requesting AB2829 4-year loan repayment package be increased to 10 years.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously directed staff to draft a letter from the Mayor to Assemblyman Glover and State Senator Torlakson with a copy to the League of California Cities opposing AB1050.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council directed the City Attorney to draft a possible amendment to AB1050 from the City of Antioch under the Mayor signature.

**COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES-MAY 8, 2001 #301-03**

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- B. APPROVAL OF COUNCIL WARRANTS #401-02
  - C. APPROVAL OF TREASURER'S REPORT—April 2001 #401-02
  - D. CONSIDERATION OF BID FOR INSTALLATION AND TESTING OF UPGRADED RADIO SYSTEM #106-01
  - E. RESOLUTION NO. 2001/50 ADOPTING THE STATEMENT OF INVESTMENT POLICY #101-04
  - F. CONSIDERATION OF BIDS FOR THE INSTALLATION OF RESTROOMS AT MOUNTAIRE PARK AND ANTIOCH COMMUNITY PARK (PW 394-16A)#1402-03
  - G. RESOLUTION NO. 2001/51 ADDING POLICE DEPARTMENT TO RECORDS RETENTION SCHEDULE AND AUTHORIZING DESTRUCTION OF CERTAIN RECORDS #104-01
  - H. RESOLUTION NO. 2001/52 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 15, TRACT NO. 8181 (RICHLAND DEVELOPMENT/BLACK DIAMOND KNOLLS LTD./SOUTH TERRA CORP.) (PW 581-15) #802-02
  - I. RESOLUTION NO. 2001/53 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 16, TRACT NO. 8182 (MERITAGE HOMES OF NORTHERN CALIFORNIA, INC.) (PW 581-16) #802-02
  - J. RESOLUTION NO. 2001/54 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND ESTATES SUBDIVISION, UNIT 4, TRACT NO. 8194 (MERITAGE HOMES OF NORTHERN CALIFORNIA, INC.) (PW 599-4) #802-02

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved the Council Consent Calendar with the exception of item D and E , which were removed for further discussion.

**Item D**—Councilmember Kalinowski reported the project completion date for Antioch was proposed to be June 1, 2004.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved item D.

**Item E**—Mayor Freitas directed staff to provide Council with an investment policy for LAIF.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved item E, with the following amendment to section VI, item 3 to read; "The City will not invest in any companies that produce alcohol for public consumption or tobacco products."

### **PUBLIC COMMENTS**

None

### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Davis announced the Memorial Day Celebration at Oakview Cemetery was scheduled for Monday, May 28, 2001 at 12:00 P.M.

Councilmember Conley reported he had attended a Townhall Meeting on May 19, 2001, which was well attended. He encouraged Mayor Freitas to invite the Senator, Assemblymen and representatives to quarterly meetings.

### **STAFF COMMUNICATIONS**

City Attorney Galstan introduced Mr. Tim Duncan as the City's summer intern.

### **ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 11:14 P.M., to the next regular meeting on June 12, 2001.

Respectfully Submitted:

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L. JOLENE MARTIN  
City CLERK