

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

February 5, 2002
Council Chambers

6:00 P.M. – CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9. (One case.) This closed session is authorized by Government Code §54956.9.
- 2. CONFERENCE WITH LABOR NEGOTIATOR** – City Negotiator: Bill May. Employee Organization: Management, Confidential and Antioch Police Officers Association (APOA). This Closed Session is authorized by Government Code §54957.6.

Mayor Freitas announced the Council would be returning to closed session at the conclusion of the regular Council agenda to a conference with labor negotiator.

Mayor Freitas called the meeting to order at 7:17 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

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

City Attorney Galstan requested Council add agenda item 6.1 *Ordinance Dealing with the Regional Traffic Fee* for the second reading and adoption of the regular ordinance.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously approved the amendment to the agenda with the addition of item 6.1.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Barbara Sobalvarro announced the Friends of Animal Services Valentine Celebration on February 19, 2002 from 6:00 – 8:00 P.M. at the Antioch Animal Shelter. She provided a contact number for anyone wishing to receive additional information.

PUBLIC COMMENTS

Elvin Scott updated the City Council on his efforts to inform the public on how to protect their pension funds. He announced his television show schedule and noted he would be providing additional information on his shows. He provided his address and contact numbers for anyone wishing to get further information.

Clay Baskin representing the Antioch Youth Sports Complex Inc. presented Council with a check for \$2,500 as the first annual payment on the loan repayment to the City. He

announced they were currently looking for donations of money, equipment and material for a new playground at the facility and provided a contact number for anyone wishing to participate. He presented Council with a picture of the improvements to the sports complex and read the letter to the Council from the Antioch Youth Sports Complex Inc. Board thanking the Council and everyone who supports the Antioch Youth Sports Complex.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 15 and 22, 2002 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. CONSIDERATION OF BIDS FOR WATER MAIN, SEWER MAIN, AND STORM DRAIN INSTALLATION AT VARIOUS LOCATIONS (PW 503-8) #1202-03**
- D. RESOLUTION NO. 2002/20 ACCEPTING COMPLETED IMPROVEMENTS FOR DALLAS RANCH SUBDIVISION, UNIT 11, TRACT NO. 8109 (KB HOME) (PW 580-11) #802-02**
- E. RESOLUTION NO. 2002/21 REJECTING AN OFFER OF DEDICATION FOR EMPIRE RANCH, INC. (PW 357-3-01, ZEKA RANCH) #802-02**
- F. RESOLUTION NO. 2002/22 DIRECTING ENGINEER OF WORK TO PREPARE CONSOLIDATED REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR STREET LIGHT AND LANDSCAPE DISTRICTS FY 2002/2003 #806-03**
- G. RESOLUTION NO. 2002/23 APPROVING VACATION OF SURPLUS STREET RIGHT-OF-WAY ON ALCALA AVENUE NORTH OF WEST TREGALLAS ROAD #1102-04**
- H. RESOLUTION NO. 2002/24 ENDORSING MEASURE "K", EAST BAY REGIONAL PARK DISTRICT'S PARCEL TAX MEASURE FOR PUBLIC SAFETY AND ENVIRONMENTAL MAINTENANCE #705-04**

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

Item B – In response to Councilmember Conley, Finance Director Tasker stated he would provide Council with information on 212 Housing Community Development Fund expenditure item #60780 for \$142,976.80 to Bay Area Credit Service Inc.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved item B, with the exception of item #60780.

Item H – Councilmember Simonsen requested a separate vote on item H.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the Council approved item H. The motion carried the following vote:

Ayes: Davis, Kalinowski, Conley and Freitas

Noes: Simonsen

COUNCIL REGULAR AGENDA

2. REAPPOINTMENT TO THE BOARD OF ADMINISTRATIVE APPEALS – 3 VACANCIES, 4-YEAR TERMS #302-12

Mayor Freitas stated he felt it was important for staff to remain neutral and let the nomination and approval process go forward.

Councilmember Conley requested the appointments be made individually.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the Council unanimously appointed Martin T. Gonsalves to the Board of Administrative Appeals to a four-year term to expire March 2006.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the Council unanimously appointed Marie Durkin to the Board of Administrative Appeals to a four-year term to expire March 2006.

Councilmember Conley stated he does not support one individual serving on two Commissions in Antioch.

City Clerk Martin provided the advertisement schedule and clarified the only 3 applications received were from the existing members.

Councilmember Simonsen suggested Council set a policy that no one serve on more than one Board or Commission in the City.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the Council appointed F. Tom Berglund to the Board of Administrative Appeals to a four-year term to expire March 2006. The motion carried by the following vote:

Ayes: Freitas, Davis, Kalinowski, Simonsen

Noes: Conley

3. AUTHORIZATION FOR BUDGET AND PROGRAM CHANGES BENEFITTING POLICE SERVICES #509-02

Police Chief Moczulski presented the staff report dated January 30, 2002, recommending the City Council: A) Authorize the hiring of an additional five (5) community service officers

(CSO); B) Amend the approved allocation of vehicles authorized for the police department adding two (2) vehicles and authorize the expenditure from the vehicle replacement fund; C) Authorize the hiring of one (1) additional police dispatcher; D) Authorize a budget adjustment to increase police department training budget by an additional \$40,000, and; E) Motion to authorize the police department to enter into a contract with a dictation reporting writing service.

Following discussion there was Council consensus to fund the recommended expenditures to improve public safety and provide support for the Antioch Police Department. Council commended Police Chief Moczulski and City Manager Ramsey for the recommendations as well as the Police Officer's who work in the City of Antioch.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously: A) Authorized the hiring of an additional five (5) Community Service Officers (CSO); B) Amend the approved allocation of vehicles authorized for the police department adding two (2) vehicles and authorize the expenditure from the vehicle replacement fund; C) Authorize the hiring of one (1) additional police dispatcher; D) Authorize a budget adjustment to increase police department training budget by an additional \$40,000, and; E) Motion to authorize the police department to enter into a contract with a dictation reporting writing service.

4. ORAL REPORT REGARDING REMOVAL OF OUTSIDE STORAGE CONTAINERS AT WALMART #202-03

Councilmember Simonson reported he had attended a meeting with Councilmember Conley, City Manager Ramsey, City Attorney Galstan, Community Development Director Ward, Neighborhood Improvements Coordinator Skaggs and Wal-Mart's District Manager, Community Affairs Manager and Risk Management as well as residents north of the Wal-Mart property.

Councilmember Simonsen reported Wal-Mart had agreed to post a notice inside the store notifying RV users of authorized overnight parking locations and to relocate where the fertilizer containers were stored, contact the sweeping company to arrange sweeping of the north side of the property between the hours of 7:00-8:00 A.M., review the alarm log for malfunctions with the system, notify managers of proper alarm procedures and enforce the 7:00 A.M. to 7:00 P.M. hours for loading and unloading trucks. He noted the City had given Wal-Mart 90 days to consider a long-term solution for additional storage and further noted the City would expedite any planning approval necessary to expand their warehouse area. He stated if Wal-Mart did not consider a long-term solution, the containers would be removed and only allowed as temporary seasonal storage.

Councilmember Conley thanked the public who had attended the meeting with WalMart. He requested Wal-Mart be reminded in 60-days of their agreement to report back to the City 90 days from the February 4, 2002 meeting (May 4, 2002) with a plan to solve the storage issue. He encouraged residents to contact him if their concerns are not resolved.

Councilmember Simonsen thanked the residents for their participation at the meeting.

Mayor Freitas thanked Councilmember Conley and Simonsen, City staff and the residents for their participation at the meeting. He requested follow up reports be added to the March 26, 2002 and April 23, 2002 City Council agendas. He further requested quarterly reports for the next year to assure the problems have been resolved.

Following discussion the Council requested standard conditions regarding the hours for parking lot sweeping/leaf blowers as well as a definition of temporary storage containers be brought back to Council.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously authorized staff to send letter in 60 days to remind Wal-Mart that they have 30 days to comply; agendaize status reports for the March 26, and April 23, 2002 City Council meetings, and quarterly reports to the City Council for 1 year.

PUBLIC HEARINGS

6. URGENCY ORDINANCE EXTENDING THE EFFECTIVENESS OF ORDINANCE NO. 989-C-S, DEALING WITH THE EASTERN CONTRA COSTA SUB-REGIONAL TRANSPORTATION FEE #1102-03

Mayor Freitas opened and closed the Public Hearing with no speakers requesting to speak.

Councilmember Simonsen requested Mayor Freitas, as a representative on both authorities, assure no money is spent within the City of Pittsburg until they join the Authority.

Councilmember Davis stated he would welcome Pittsburg to join the Authority.

ORDINANCE NO. 990-C-S

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously adopted the ordinance.

6.1 ORDINANCE ADDING SECTION 3-9.03.1 TO THE ANTIOCH MUNICIPAL CODE AND AMENDING SECTIONS 3-9.05 AND 3-9.09, DEALING WITH THE EASTERN CONTRA COSTA SUB-REGIONAL TRANSPORTATION FEE #1102-03

In response to Mayor Freitas, City Attorney Galstan clarified this item was properly noticed and staff neglected to include it in the packet.

Mayor Freitas opened and closed the Public Hearing with no speakers requesting to speak.

ORDINANCE NO. 991-C-S

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously adopted the regular ordinance.

5. LEGISLATION AND ADVOCACY #701-04

A. AB 680–SALES TAX DISTRIBUTION FORMULA

City Attorney Galstan presented the report dated January 28, 2002, recommending the Council adopt the resolution indicating conceptual approval and requesting amendments.

Councilmember Simonsen thanked City Attorney Galstan for the report and stated Assembly Bill 680 would not benefit Antioch and the City could not afford to lose any sales tax revenue.

RESOLUTION NO. 2002/25

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously adopted the resolution opposing AB 680.

COUNCIL CONSENT CALENDAR–continued

Item B – City Manager Ramsey reported Bay Area Credit Service participated in the incentive program funded by Community Development Block Grant program and has no impact on the development agency or general fund. He stated Bay Area Credit Service had met all the requirements and were eligible to receive the incentive payment as a loan, which would be forgiven 25% per year with the principal and interest deferred to the end of the agreement. He noted they have now submitted a request that the City issue the \$142,976.80 authorized by the City Council in April of 2000.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved item #60780 of Council Warrants.

PUBLIC COMMENTS – None

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Conley reported he had attended the Safety Fair at the County East Mall noting it was a well-attended event providing pertinent community information.

Mayor Freitas reported Transplan had conducted a study with Contra Costa Transportation Authority as well as BART regarding transportation alternatives in East Contra Costa County. He stated a well attended tour of East Contra Costa County was conducted on February 2, 2002, resulting in the introduction of transportation alternatives at the next Transplan meeting.

STAFF COMMUNICATIONS

City Manager Ramsey reported the Sutter Delta Medical Center 35th Anniversary was celebrated at a well attended reception, noting it was heartening to see the broad level of community support. He commended the hospital on the service they provide to the community and the expansion to meet Antioch's health needs.

Mayor Freitas announced Council would be adjourning to closed session for a conference

with the labor negotiator. He stated there would be a closed session on Monday, February 11, 2002 as Council would not be in session on February 12, 2002, due to the holiday. He announced the next regular Council meeting would be on February 26, 2002.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 8:32 P.M., to the next regular Council meeting on February 26, 2002.

Respectfully Submitted:

L. JOLENE MARTIN
CITY CLERK

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN
City Clerk