

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

October 8, 2002
Council Chambers

Mayor Freitas called the meeting to order at 7:02 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.

PROCLAMATIONS

Help People With Mental Retardation Days, October 18, 19 & 20, 2002

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

Councilmember Kalinowski presented the proclamation proclaiming October 18, 19 & 20, 2002 as *Help People With Mental Retardation Days* to Frank Weber who thanked the Council for the proclamation and announced the Knights of Columbus would be conducting their annual state-wide Fund Raising Drive in the community.

PRESENTATION - by Muscular Dystrophy Association

Lou Paulsen, President of the Contra Costa Firefighters on behalf of Muscular Dystrophy, thanked the Council for the presentation and the opportunity to participate in the *Fill the Boot Campaign*. He presented the City Council with a plaque in recognition of their support.

Denny, Susan and Alex Lantrip thanked the City Council and Firefighters for supporting the Muscular Dystrophy Association.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Mike Thomas, on behalf of the staff of the Antioch Police Department, invited the public to attend the Open House on October 19, 2002 at 10:00 A.M. at the Antioch Police Department.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 10, 2002

#301-02

- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIM #704-07**
1. Claim of John and Rosamaria Heygood, #02/03-1321
- D. LEGISLATION AND ADVOCACY #701-04**
- E. CONSIDERATION OF BIDS FOR THE LONE TREE GOLF COURSE CLUBHOUSE PROJECT (PW 176-11) #1402-01**
- F. RESOLUTION NO. 2002/154 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE INSTALLATION OF TRAFFIC SIGNALS AT THE MT. HAMILTON/DALLAS RANCH ROAD AND LONE TREE WAY/DOBRICH SHOPPING CENTER INTERSECTIONS (PW 555-TS) #1104-02**
- G. RESOLUTION NO. 2002/155 AUTHORIZING CITY STAFF TO INITIATE A COMMUNITY PARK FEE STUDY TO ESTABLISH A COMMUNITY PARK FEE FOR PROPERTIES NOT IN CFD 89-1 (COMMUNITY FACILITY DISTRICT) #409-03**
- H. RESOLUTION APPROVING REIMBURSEMENT AGREEMENTS FOR SLATTEN RANCH REGIONAL SHOPPING CENTER PROJECT (*Con't to 10/22/02*) #901-05**
- I. RESOLUTION NO. 2002/156 AUTHORIZING MAYOR TO SIGN PURCHASE AGREEMENT FOR 606-608 "L" STREET (James and Carol McGee) #1001-03**
- J. RESOLUTION NO. 2002/157 APPROVING LEASE AGREEMENT WITH TERRY HOUSHOLDER FOR LEASE OF #3 MARINA PLAZA #1402-06**
- K. RESOLUTION NO. 2002/158 AMENDING THE 2002-03 BUDGET BY DELETING THE METER TECHNICIAN POSITION AND CLASSIFICATION AND REALLOCATING THE POSITION TO THE CLASSIFICATION OF PIPEFITTER I/II #502-02**

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

Item A - Councilmember Conley amended the minutes of September 10, 2002, page 2, paragraph 9, to read: "Councilmember Conley wished his grandson Tyler Wristen a happy 3rd birthday. "

Item E - Councilmember Kalinowski stated he pulled this item from the Consent Calendar in response to a letter filed indicating an issue regarding the lowest bidder and therefore he wanted a separate vote.

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

Item G - In response to Mayor Freitas, Director of Community Development Brandt clarified the City may purchase additional property to maintain the 40-50 acres of recreation area. He stated for the C3 component, flood control staff would be primary with Public Works Director Harrington working on issues as the advisor with Gates and Associates. He further explained there would be a low flow channel and most of the flow would be contained within the channel.

Councilmember Simonsen requested Mayor Freitas provide him with the constraints placed on new construction in future FUA #1 projects prior to the Council meeting, as well as the information explaining how the water run off would be handled. He suggested the Planning Commission be informed of the requirements.

Mayor Freitas requested Councilmember Simonsen's request be scheduled and reported that the San Francisco Bay Region Water Control Board will be taking action on the amendment

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved Item G.

Item H - City Engineer/Community Development Director Brandt requested the item pulled noting it is scheduled to come back to the Council on October 22, 2002. Mayor Freitas requested that staff provide exhibit "A" when the item returns and requested language be inserted into attachment 2, item 3, that indicates the licensed general contractor is required to be acceptable to the city.

Item I - In response to Mayor Freitas, Acting City Manager Pappas Diaz stated she would attempt to contact City Attorney Galstan during the break and determine if there are relocation expenses associated with the purchase and if so, what those expenses would be.

Bruce Ohlson, East Bay Bicycle Coalition, requested the City include bicycle lanes in the piece of infrastructure development during the widening of "L" Street between 10th and 4th Streets noting it is a critical segment in the City's bicycle network.

3. PRESENTATION BY THE EAST COUNTY TRANSIT POLICY ADVISORY COMMITTEE REGARDING EAST COUNTY TRANSIT ALTERNATIVES #1102-03

Susan Miller, Contra Costa Transportation Authority, reported the Policy Advisory Committees had made an unanimous decision on the recommendations pertaining to the East County transit alternatives. She stated they were putting together a draft report with the recommendations the committee would consider for adoption at a public hearing scheduled for November 14, 2002 followed by the final adoption in December.

Bill Hurl and Wilbur Smith, provided a brief overview of the BART, EBART, Bus Rapid Transit and Express Bus alternatives including project comparisons on costs, timelines, ridership, travel times, revenue and funding sources. He reported there was a unanimous decision by the Policy Advisory Committee to proceed with BART package C-2 with the idea C-1 could be implemented as a possible first stage, which included grade separations in Antioch at Somersville Road, A Street and Hillcrest Avenue, seamless transfer between the two modes and moving forward to secure the railroad right of way as soon as possible. He stated the public hearing would be held on November 14th, followed by further planning and environmental studies.

Kevin Conley, BART Senior Planner, gave a brief overview of the State Route 4 East Corridor Transit-Oriented Development Potential for residential and commercial land use. He recommended cities develop station area specific plans to adequately address the future station areas.

Councilmember Simonsen expressed concern regarding the presentation from BART discussing transit oriented development noting he felt requiring such development for Antioch was not consistent with BART stations throughout the systems. He stated he was opposed to the use of the County Fair Grounds as a BART facility. He voiced his support for the C-1 and C-2 options as an interim step to a full BART system and discussed the importance of any system put in place to be seamless.

Councilmember Conley stated he felt the money available should be used to acquire the right of way. He noted people were looking for a commitment from BART on the services to be provided and the anticipated opening date.

In response to Councilmember Davis, Susan Miller stated once the decision was made regarding the alternatives they could refined the designs they were working on to consider development along Highway 4.

Mayor Freitas added the Contra Costa Transportation Authority working in collaboration with the local agencies had identified the alignment for Highway 4 but there was no guarantee the local jurisdictions would hold to the alignment. He stated there were instances where right-of-way was identified and development occurred which becomes a very expensive item for us.

Ms. Miller stated that with regards to Loverage Road, Pittsburg was working very closely with her on establishing a dedication line for the future freeway projects.

Councilmember Kalinowski discussed the importance of assuring there was not disruption to the service when the C-2 upgrades occur. He stated with regards to the fairground issue, he felt it should be up to the voters to approve its usage for a BART facility. He noted he was not taking a position with regards to EBART noting he was concerned with the upgrades and the seamless transfer.

Mr. Hurl stated part of their plan would include interim improvements to deal with the issue of the timeframe it takes to implement project C-1.

Mayor Freitas stated the best way to show there was ridership in East County was to bring transit into the area and the purchase of the Mococo right-of-way would provide the flexibility to bring real BART to Eastern Contra Costa County while providing the relief to traffic congestion. He noted grade separations were important to avoid interrupts to the internal circulation of traffic within the City. Regarding parking it was recommended all four cities along with the county unincorporated area designate land for future parking or development. He stated when he sat on the Fair Board it was always a sentiment it would be advantageous to relocate the fairgrounds to a more rural location. He further noted it was not their intent to close the fair grounds and noted it was a viable location for a station and development. It should be understood it would only occur or be considered if there was an understanding the existing fairgrounds would be relocated within Contra Costa County. He noted the advantages of Measure C passing was there would be possible funding for the expansion of Highway 4 and bringing rail to Eastern Contra Costa County as well as bringing the improvements sooner.

Councilmember Kalinowski stated he supported Transit Oriented Development but he would not support the residential component to be built in advance of the actual transit solution. He noted if there was a relocation of the fairgrounds he would support it being moved more toward the population center, such as the Naval Weapon Station.

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

CONSENT CALENDAR - Continued

Item I - Mayor Freitas announced staff had clarified the issue regarding the relocation, noting it was a mute issue.

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

Mayor Freitas declared a recess at 8:32 P.M. The meeting reconvened at 8:50 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

2. STUDY SESSION ON RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM #204-01

Associate Planner Oshinsky presented the staff report dated September 30, 2002, recommending the City Council review and provide direction to staff.

In response to Councilmember Simonsen, Mayor Freitas stated the ranking system would be subjective and the committee members would need to be consistent throughout the process.

Infrastructure

In response to Mayor Freitas, Associate Planner Oshinsky clarified the last category of infrastructure pertained to infill projects.

Steve Garrett, Castle Companies, questioned whether an infill project would only be allocated a maximum of 10 points.

Following discussion, the Council agreed what distinguished a project was what, in addition to the core submittals, were they providing. Furthermore the enhancements would define their importance. They requested a category specifically for infill, suggesting the City designate areas that would fit the criteria for infill projects.

Community Development Deputy Director Carniglia stated staff could provide a form utilizing a checkmark approach to meet the core requirements, a staff function.

Mayor Freitas stated once the core criteria was reviewed and accepted by Council it would be staff's responsibility to review the submittals to ensure the RDA met the core program.

Merle Gilliland, Richland Development Corporation, suggested further consideration regarding category 3 of the infrastructure ranking; noting the initial developers in the FUA #1 area would be committing to an extensive infrastructure program and therefore providing a benefit for future development.

Public Safety

Councilmember Conley requested the City Council agendize an ordinance requiring automatic earthquake shut off valves for gas service for every house built after January 1, 2003. Council consensus supported Councilmember Conley's request.

Councilmember Kalinowski suggested the last category of public safety be increased from 0 to 10 in light of the under-funding of some public safety services.

School Impacts

Councilmember Conley stated there was a mitigation agreement for FUA #1 and he supported it for any future development.

Community Development Deputy Director Carniglia clarified with the passage of SB 50, the City could not make mitigation agreements, a requirement and the criteria listing is a way to address that issue.

Merle Gilliland, Richland Development Corporation, stated the third category does not address a developer who is providing residents with no contribution to the student generation.

Following discussion, Deputy Director of Community Development Carniglia stated he would add language in School Impacts category 2 to make it explicit that senior housing is included in that item.

Local traffic

Bruce Ohlson, East Bay Bicycle Coalition, requested bicycle lanes and/or trails mentioned and given a potential score particularly for connecting to the existing network outside of the project's area.

Mayor Freitas suggested the third category under local traffic/transportation include bicycle lanes and/or trails and the second category be eliminated noting he felt it is redundant. He further noted public safety measures near the schools are important and should be included and the financing of identified signalization needs from the master plan.

Deputy Director of Community Development Carniglia noted it was the intent for signalization to be included under the infrastructure contributions to the Capital Improvement Program and he would clarify language to include specific infrastructure contributions.

Merle Gilliland, Richland Development Corporation, suggested including shuttle bus service and contributions toward traffic signalization funds in the local transportation category.

Mayor Freitas stated that a shuttle service would need to be a sustained activity and suggested a possible 2-year period of time.

Regional Traffic/Transportation

In response to Mayor Freitas, Director of Community Development Brandt clarified the category related to locating the project within .25 mile of existing or planned transit station or park and ride lot is to encourage transit-oriented development.

Following discussion the Council was divided as to .25 and .50 mile as well as the points for category 1 and requested the item return to Council for further discussion.

Steve Garrett, Castle Companies, suggested there be a weighting between the amount of the improvement and the size of the project when considering a contribution towards the construction of improvements.

Mayor Freitas agreed with Mr. Garrett and suggested clarifying the contribution does not only apply to a financial contribution.

Merle Gilliland, Richland Development Corporation, stated with regard to regional traffic/transportation, if a project was being built that contributed much less with regard to the peak hour traffic, he felt it should be entitled to bonus points.

Mayor Freitas clarified for Mr. Gilliland whereas a senior citizen project would normally pay 60% of the traffic mitigation fee, but instead paid 100%, they would fall under the criteria and receive up to 10 points.

Bruce Ohlson, East Bay Bicycle Coalition, requested the City specifically mention and give a reasonable score for the inclusion of bicycle lanes or trails that connect with the regional bicycle network and facilities as articulated by the East County Bikeway Plan and the countywide bicycle and pedestrian plan.

Mayor Freitas stated the City Council had adopted a bicycle master plan and agreed as a City policy, if a developer were to build trail systems they should get credit.

Design Quality

Mayor Freitas discussed the difficulty of the subcommittee to set the criteria exemplifying "excellent design".

Community Development Deputy Director Carniglia stated he would provide additional language making the design qualities more specific.

Mayor Freitas felt varied streetscapes and walkable subdivisions were important issues.

Councilmember Simonsen stated he felt the Design Quality section was too detailed, noting at the time these projects come forward they would require approval by the Planning Commission and Design Review Board.

Community Development Deputy Director Carniglia clarified the intent was to set a meaningful benchmark regarding the level of detail.

Councilmember Conley suggested bonus points be considered for developers who increase setbacks to equal the heights of the individual houses as well as increased overhangs to increase heating and cooling efficiency.

Discussion ensued regarding the Development Allocation Process with the City Council agreeing to staggered terms for the City Council and Planning Commission members on the RDAC. With regards to the Allocation Evaluation Rating Form, they agreed that all projects should meet the core requirements; furthermore, to receive an allocation they must meet 50% of the ranking criteria points for the enhancements. They also noted if they met the 50% it would not guarantee an allocation.

Councilmember Conley suggested streamlining the review process to allow the applicants to know where they stood on the evaluations, enabling them to make changes and still assure completeness prior to the deadlines.

Councilmember Simonsen suggested limiting the appeal to a 4/5 vote of the City Council.

Mayor Freitas stated Council should clearly articulate what was acceptable for submittal with staff reviewing applications for completion within an established period of time.

Councilmember Kalinowski suggested all submissions remain confidential until such time when they all go to the subcommittee forum and become public documents. Councilmember Simonsen concurred with Councilmember Kalinowski and suggested an exception only for staff's review of the submittals for completion.

Community Development Deputy Director Carniglia stated he would provide further information regarding procedures used by other cities for adding to their submittals once they go to subcommittee.

Following discussion the City Council agreed they would develop and take action on the policy with the finished product going to the Planning Commission.

Mayor Freitas requested a study session in 30-45 days starting at 6:00 P.M. specifically addressing the Residential Development Allocation Ranking Criteria. He discussed the importance of keeping the process as simple as possible to facilitate the process.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Conley requested a staff report from Finance Director Tasker regarding what was left to build and the realistic payout term of the bonds pertaining to Mello Roos.

Councilmember Simonsen announced he had attended the American Public Transit Association Annual Convention on behalf of Tri Delta Transit and the League of California Cities regarding parking lots noting they were very important particularly when considering the waterfront as well as the transit hubs. He noted he was researching options to get them done at no cost to the City. He reported he would be attending the San Francisco Water Transit Authorities meeting and would bring information regarding their process. He thanked Supervisor Glover for his support of the Ferry Service.

STAFF COMMUNICATIONS

Acting City Manager Pappas Diaz updated the public on road construction in Antioch reporting the Lone Tree Way overlay would be completed by early November and would include new traffic signal loops and median island modifications. She reported the left turn lanes at Lone Tree Way and James Donlon project would be completed by November 28th, and there would be traffic signal modifications at the Hillcrest/Davison/Deer Valley intersection to allow northbound traffic to merge easily. She stated various sections of East 18th Street were being completed and sections from Evergreen to Cavallo and Hillcrest to Viera had been rehabbed and work was continuing. She announced City Attorney Galstan was not in attendance this evening due to the death of his mother and sent both Council and staff's condolences to him.

PUBLIC COMMENTS - None

PUBLIC COMMENTS for Closed Sessions - None

CLOSED SESSIONS

1. **CONFERENCE WITH LABOR NEGOTIATOR** - City Negotiator: Bill May. Employee Organization: All Negotiating Units. This Closed Session is authorized by Government Code §54957.6.
2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation. (One potential case). This closed session is authorized by Government Code §54956.9.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:31 P.M., to the next regular Council meeting on October 22, 2002.

Respectfully submitted:

L. JOLENE MARTIN, CITY CLERK

Approved:

DONALD P. FREITAS, MAYOR

Attest:

L. JOLENE MARTIN, CITY CLERK