

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

July 24, 2001
Council Chambers

6:30 P.M. - **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 REAL PROPERTY NEGOTIATOR. Property: Approximately 1.6 acres of undeveloped City-owned land immediately northerly of the Contra Costa Landfill in the vicinity of Somersville Road. Negotiating parties: City of Antioch and Contra Costa Waste Services. Under negotiation: Instruction to negotiator will concern price and terms of payment. This closed session is authorized pursuant to Government Code §54956.8.

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

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

Mayor Freitas announced Councilmember Davis is in Chichibu, Japan with the Sister City exchange.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Mayor Freitas announced the Relay for Life was an amazing fundraising event, raising over \$120,000 for the American Cancer Society. He reported Steve Wilson, who had carried the torch last year, had succumbed to cancer. He noted Steve's twin brother carried the torch this year along with his family, friends and classmates. He thanked the sponsors, organizers and City employees who participated and encouraged the community to participate next year.

Councilmember Conley read a list of City employees who had participated and volunteered for the Relay for Life, thanking them for their contribution.

Mayor Freitas announced he attended the 2-year Anniversary Celebration of the African American Academic Achievement Committee noting Robert Kilbourne and Richard Shay had done an outstanding job and he congratulated them on their 2-year anniversary.

Councilmember Simonsen announced he had attended Marina Paddock's 100th birthday celebration on July 18, 2001 and had presented a proclamation and bouquet to her. He reported the celebration would be played on Channel 26.

PUBLIC COMMENTS

Elvin Scott updated the Council and community on his efforts to retrieve pension funds. He noted

information was available on his current and new website as well as on his television show.

Councilmember Conley encouraged Mr. Scott to contact the County District Attorney, Federal Attorney and Grand Jury regarding his concerns.

Jenna Shirar expressed concern regarding the amount of track housing in Antioch, noting she felt it was important to maintain open space.

Mayor Freitas encouraged Ms. Shirar to participate in the FUA1 study session on Sept 17, 2001 as well as the General Plan meetings on the third Thursday of each month at 6:00 P.M. in the Police Department Community Center. He stated the City's website also provides information on the General Plan.

Jim Boccio congratulated Mayor Freitas, Council and staff on the completion of the "A" street extension. He expressed concern regarding the homeless camping at Roger's Point and noted the area is deteriorating. He urged the Council to address his concerns.

Mayor Freitas requested Mr. Boccio's concerns be put on the agenda and suggested Councilmembers visit Roger's Point as well as the Boat Launch area and provide direction.

PROCLAMATIONS

National Night Out, August 7, 2001

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council members present unanimously approved the proclamation.

Mayor Pro Tem Kalinowski presented Thomas Rood with the proclamation proclaiming August 7, 2001 as National Night Out. Mr. Rood thanked Council for the proclamation and invited the community to participate. He provided a contact number for anyone wishing to join Neighborhood Watch.

COUNCIL REGULAR AGENDA

1. UPDATE ON SUCCESS 2000, AFTER SCHOOL/MIDDLE SCHOOL PROGRAM

#1401-02

City Manager Ramsey announced Delores Long had recently been appointed as Principal with the Byron School District. He congratulated her on her new job.

Recreation Services Manager Sanderson gave a brief oral presentation summarizing the impacts and results of Success 2000 in the first two years of operation.

Delores Long outlined the positive impacts the program has had on the students and community. She noted Success 2000 focuses on academics and monitors report cards, while working on a structured assessment program. She announced Marianne Neugebauer would be the program

Director adding she would remain as a program consultant.

Mayor Freitas commended Ms. Long on her commitment to various Citywide programs and thanked her for her efforts.

Gina Lombardi updated Council on the City's participation in the leisure activities provided for Success 2000.

Recreation Services Manager Sanderson stated the program would continue for the next three years and they would be looking for additional funding. He noted they would be providing annual updates to the City Council.

Ms. Long stated they are currently seeking mentors for the children and noted anyone wishing to volunteer could contact Antioch Middle School.

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

2. RESOLUTION APPROVING THE MASTER PLAN AND NAME OF THE BLACK DIAMOND ESTATES PARK (PW 599- P) #1402-03

Assistant City Engineer Bernal presented the staff report dated July 19, 2001, recommending the City Council adopt the resolution approving the Black Diamond Estates Park Master Plan and Park Name.

Steve Johnson, Vice President of Richland Development Corporation, provided a brief background of the project. He noted they were in support of naming the park Hansen Park. He stated they had designed a neighborhood park as a passive use area as indicated in the disclosure provided to homeowners. He requested Council approve the park design as submitted.

John Westfall spoke in support of the park being named after the Hansen family and expressed concern for light pollution noting full cut off light fixtures would address his concerns.

Edward Westfall spoke in support of the park being named Hansen Park and requested Council consider pathway access to the lower side of the park.

Wayne Phillips Sr., speaking on behalf of residents in the Black Diamond Estates subdivision, requested Council consider a multi-sport play court to address the residents diverging interests.

Marni Goulding stated she was informed when she purchased her home the park would be a family park and expressed concern regarding excessive noise and vandalism occurring if a full court basketball were included in the park design.

Jim Flynn requested any play courts be positioned to allow access from all roads.

Nita and George Glover presented a petition to the City Council in support of a half court basketball at the location. They voiced their support of a tennis court and moving the half court basketball to the center of the property as well as keeping lighting impacts to a minimum. Mr. Glover suggested adding a par course at sections of the path that circle the park.

Mr. Phillips presented the City Council with a petition in support of a full court basketball at the park location.

Allen Payton suggested Council consider Dallas Ranch Middle School would be built in the neighborhood to meet some of the needs of the residents. He thanked Richland Development for fulfilling their commitment to provide a half court basketball named after Larry Keipert Jr.

Sandra Golightly stated she felt parks should be built with the model homes or money should be set aside for parks at the beginning of the development project. She voiced her support for shielded lighting and naming the park after the Hansen family. She stated she did not agree with naming parks after tragic events noting the City provides a Memorial Tree Grove for that purpose.

In response to Council, Steve Johnson noted an access point from Nortonville Way could be incorporated into the park design. John Nicol, the projects Landscape Architect, clarified multi-use play courts could present an ongoing problem regarding management and expressed concern regarding the cost of the maintenance required for a par course. Public Works Director Brandt clarified the proposed basketball court location had been designed to have the least impact to the residents.

Following discussion, the Council consensus voiced their support to include an access point from Nortonville Way, a half court basketball area, deleting condition #6 and #9 and naming the facility "Hansen Park." Due to a lack of consensus, they requested condition #7 be deleted and brought back to Council at a future meeting. They requested the addition of a condition to provide full cut off light fixtures.

RESOLUTION NO. 2001/79

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council members present unanimously adopted the resolution with the following changes: #4) Revise the pedestrian entries on Heacock Way at the southeast and southwest corners of the park, providing ramped walkways in lieu of steps. *An access point from Nortonville Way will be provided subject to the approval of the City Engineer.* The revised walkway plan shall use features and/or appropriate landscape planting to discourage "cut-through" pedestrian traffic, to the satisfaction of the City Engineer; #5) A half court basketball area will be provided; #10) That the park be named "Hansen Park"; the addition of #11) Lighting will be full cut off light fixtures; deletion of #6 and #9 and #7 brought back to a full Council.

Mayor Freitas declared a recess at 9:00 P.M.. The meeting reconvened at 9:17 P.M. with all Councilmembers present with the exception of Councilmember Davis.

PUBLIC HEARINGS

6. **THE CITY OF ANTIOCH COMMUNITY DEVELOPMENT DEPARTMENT REQUESTS AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN/TENTATIVE MAP FOR THE PREVIOUSLY APPROVED MEADOW CREEK VILLAGES PLANNED DEVELOPMENT TO REMOVE PROPOSED STREET ACCESS TO HEIDORN RANCH ROAD FROM MEADOW CREEK VILLAGES UNIT 5. THE PROJECT IS LOCATED WEST OF HEIDORN RANCH ROAD, NORTH OF THE EDMUD RIGHT-OF-WAY, EAST OF VISTA GRANDE DRIVE, AND GENERALLY SOUTH OF LONE TREE WAY. FILE: PD-88-4.3 #202-03**

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Councilmembers present unanimously continued this item to September 11, 2001, leaving the public hearing open .

8. **ADOPTION OF AN AGREEMENT ADOPTING THE COMMUNITY PARK FEES PAYABLE AT THE TIME OF BUILDING PERMIT APPLICATION FOR THE SAND CREEK RANCH DEVELOPMENT, PD-98-2 (MCBAIL COMPANY). THE SAND CREEK RANCH DEVELOPMENT IS LOCATED IN FUA 2, NORTH OF LONE TREE WAY, AT THE TERMINUS OF COUNTRY HILLS DRIVE #202-03**

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Councilmembers present unanimously continued this item to September 11, 2001.

7. **TRIENNIAL REPORT ON ANTIOCH'S WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS #1202-01**

Public Works Deputy Director Harrington presented the staff report dated July 6, 2001, recommending Council receive and file the report.

Mayor Freitas opened and closed the public hearing with no speaker requests.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Councilmembers present unanimously received and filed the report.

COUNCIL REGULAR AGENDA (Continued)

3. **HILLCREST CROSSROADS APPLICANT FOR THE SHOPPING CENTER REQUESTS AN INTERPRETATION TO A PREVIOUSLY APPROVED CONDITION OF APPROVAL TO CONSTRUCT A SECOND DRIVE THROUGH RESTAURANT AT THE SHOPPING CENTER LOCATED AT THE SOUTHEAST CORNER OF HILLCREST AVENUE AND LARKSPUR DRIVE (UP-96-37/A/V/S) #202-10**

Associate Planner Oshinsky presented the staff report dated July 12, 2001, recommending the

Council uphold the Planning Commission's decision requiring a second sit down restaurant be constructed prior to construction of a second fast food restaurant pursuant to the original conditions of approval.

Michael Sagehorn, Sam Blittman, Kevin Woodling and Jenna Shirar stated they did not support a fast food restaurant at this location. They voiced concerns regarding waste and traffic generated from this project negatively impacting the neighborhood.

Eric Hasseltine, representing the applicant and owner of the development, clarified the fast food restaurant had previously been approved. He stated the applicant had attempted for 4 years to bring in the second sit down restaurant and providing relief to allow the fast food restaurant to be constructed would help the economics of this site and make it more marketable for a sit down restaurant. He requested Council grant the appeal.

Mr. Fishel provided a list of contacts he previously made and discussed his efforts to market the sit down restaurant pad. He reviewed the demographic standards for restaurant companies, noting in most cases restaurants declined to locate on the site due to the lack of daytime employment in the area. He requested Council deny the Planning Commission's decision.

Discussion ensued regarding the original agreement, with Council consensus supporting the Planning Commission's decision denying the applicants request to put the fast food restaurant in prior to the sit down restaurant. They discussed the possibility of a financial incentive program to offset cost and entice an upscale restaurant into the development as well as Williamson Ranch.

Council directed the Economic Development Commission to immediately address a restaurant incentive program particularly targeted to sit down upscale restaurants and provide Council with a recommendation.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council upheld the decision of the Planning Commission and denied the applicant's request. The motion carried by the following vote:

Ayes: Conley, Kalinowski, Freitas

Noes: Simonsen

**4. ORDINANCE AMENDING SECTION 4-5.1207 OF THE ANTIOCH MUNICIPAL CODE,
DEALING WITH PARKING ON STREETS FOR PURPOSES OF VEHICLE REPAIR
#701-05**

City Attorney Galstan presented the staff report dated July 6, 2001 recommending Council: A) Introduce the ordinance by title only; B) Introduce the ordinance amending §4-5.1207 of the Antioch Municipal Code.

Councilmember Simonsen stated he was not in support of increasing the number of red zone areas.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the

Councilmembers present unanimously: A) Introduced the ordinance by title only, B) Introduce the ordinance amending §4-5.1207 of the Antioch Municipal Code.

5. LEGISLATION AND ADVOCACY #701-04

Councilmember Simonsen reported 94% of the cities had voiced their support of the League of California Cities Grass Roots program. He encouraged the City to consider applying for a grass roots coordinator being located within the City of Antioch noting it was an opportunity for Antioch to become more involved in municipalities dealing with State Government. Mayor Freitas expressed concern should the City of Antioch have to pay for all the costs of the office.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Councilmembers present received and filed the report.

9. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES OF JULY 10, 2001 #301-03

B. APPROVAL OF COUNCIL WARRANTS #401-02

C. ORDINANCE NO. 982-C-S AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF ANTIOCH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM #509-02

D. RESOLUTION NO. 2001/80 APPROVING EXTENSIONS OF AGREEMENTS BETWEEN THE CITY OF ANTIOCH AND THE MANAGEMENT, CONFIDENTIAL, AND UNIT III, TREATMENT PLANT EMPLOYEES' ASSOCIATION, UNITS #509-02

E. RESOLUTION NO. 2001/81 APPROVING LEASE AGREEMENT WITH ANTIOCH RIVERTOWN THEATRE FOR USE OF A CITY BUILDING AT 225 FULTON SHIPYARD ROAD (BOAT RAMP BUILDING) #1001-05

F. RESOLUTION APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR HO PROPERTY, UNIT 10, (WOODSIDE HOMES OF CALIFORNIA, INC) TRACT NO. 8232 (PW 568-10)(Con't to 8/14/01) #802-02

G. RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR HO SUBDIVISION, UNIT 2, TRACT NO. 7974 (WOODSIDE HOMES) (PW 568-2)(Con't to 8/14/01) #802-02

H. RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR HO SUBDIVISION, UNIT 7, TRACT NO. 8216 (WOODSIDE HOMES) (PW 568-7)(Con't to 8/14/01) #802-02

**I. RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR HO SUBDIVISION,
UNIT 6, TRACT NO. 8102 (HOFMANN COMPANY) (PW 568-6)(Con't to 8/14/01)**

#802-02

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Councilmembers present unanimously approved the Council Consent Calendar with the exceptions of items C,F,G,H and I, which were removed for further discussion.

Item C - In response to Councilmember Simonsen, City Manager Ramsey clarified the City did not have any local miscellaneous members who would be eligible for the benefit under the agreement Council reached with the Antioch Police Officer's Association. Councilmember Simonsen requested staff provide information identifying the safety members and local miscellaneous members.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Councilmembers present unanimously approved item C.

Items F-I - Mayor Freitas stated he would not accept the resolutions without a guarantee the landscaping fronting the property on Deer Valley Road would be completed. Public Works Director Brandt stated the landscaping would be completed and suggested continuing these items to the next meeting when he could provide Council with the schedule for completion.

The Council agreed to hold items F-I over to the next regular meeting.

Mayor Freitas adjourned to the Antioch Development Agency; all Agencymembers were present, with the exception of Agencymember Davis.

10. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS

#401-02

In response to Councilmember Simonsen, Economic Development Director Naffah clarified check # 55720 was related to the National Business Incubator Conference in San Jose.

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

AGENCY REGULAR AGENDA

**11. PROPOSAL TO CONTRACT SERVICES FOR A FEASIBILITY STUDY OF ANNEXING
LAND NORTHEAST OF ANTIOCH'S CITY LIMITS AND WITHIN ANTIOCH'S SPHERE OF
INFLUENCE**

#704-12

City Manager Ramsey presented the staff report dated July 17, 2001, recommending Council authorize contracting with Dick Loewke in an amount not to exceed \$55,750 for an Annexation

Feasibility Study of land northeast of Antioch's City limits and within Antioch's sphere of influence.

Agencymember Kalinowski voiced his support of the expenditure for the feasibility study, clarifying support did not mean he would support the annexation of the area.

Chairman Freitas clarified the approval of the feasibility study did not mean that Council would agree annexation should take place. He noted it was strictly a feasibility study providing more information to allow the decision making process to move forward.

On motion by Agencymember Conley, seconded by Agencymember Simonsen, the Agencymembers present unanimously approved the proposal to contract services for a feasibility study of annexing land northeast of Antioch's City limits and within Antioch's sphere of influence.

12. RESOLUTION TO AUTHORIZE AND DESIGNATE AN AGENCY OFFICIAL TO DECLARE THE INTENT OF THE AGENCY TO REIMBURSE CAPITAL EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS #902-01

City Manager Ramsey presented the staff report dated July 16, 2001, recommending Council adopt the resolution.

RESOLUTION NO. ADA-377

On motion by Agencymember Kalinowski, seconded by Agencymember Conley, the Agencymembers present unanimously adopted the resolution.

Chairperson Freitas adjourned to the Antioch City Council; all Councilmembers were present, with the exception of Councilmember Davis.

PUBLIC COMMENTS – None

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Kalinowski stated he would not be in attendance at the next Council meeting on August 14, 2001, as he would be on vacation.

STAFF COMMUNICATIONS

City Manager Ramsey announced National Night Out would pre-empt the work-study session scheduled for August 7, 2001 to allow Councilmembers to attend the various event.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:33 P.M., to the Regular meeting on August 14, 2001.

Respectfully Submitted

JANET CHALK, Deputy City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN, City Clerk