

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

November 13, 2001
Council Chambers

6:00 P.M - 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 called the meeting to order at 7:07 P.M., and City Clerk Martin called the roll.

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

Mayor Freitas reported no action was taken during closed session.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None

PUBLIC COMMENTS

Jo Anne Zinn thanked Councilmember Simonsen for his efforts to provide Tri Delta bus service to San Francisco 49er Football Games. She provided a phone number for anyone wishing to donate tickets for the 49er Football Games.

Councilmember Simonsen reported the Tri-Delta bus provides service to Pac Bell Park for the 49er home games. The cost for a round trip ticket is \$10.00 . He requested anyone wishing to donate game tickets to contact Tri-Delta Transit's office.

COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 23, and 30, 2001 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR SEPTEMBER, 2001 #401-02**
- D. REJECTION OF CLAIM #704-07**

1. Josh Fanopoulos, #01/02-1261

A
11-27-01

- E. **RESOLUTION NO. 2001/135** APPROVING AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE CONTRA COSTA WATER DISTRICT TO PROVIDE TREATED WATER TO THE CITY FROM THE DISTRICT'S RANDALL-BOLD WATER TREATMENT PLANT #1202-01
- F. **RESOLUTION NO. 2001/136** APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR CONSTRUCTION OF BLUEROCK FIRE STATION NO. 82 (PW 357-2-93F) #202-04
- G. **RESOLUTION NO. 2001/137** APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CITY CLERK TO ADVERTISE FOR BIDS FOR INSTALLATION OF WATER MAIN AND SANITARY SEWER MAIN AT VARIOUS LOCATIONS (PW 503-8) #1202-03
- H. CONSIDERATION OF BIDS FOR EAST 18TH STREET WIDENING BETWEEN CAVALLO ROAD AND HILLCREST AVENUE (PW 225-12) #1102-04
- I. **RESOLUTION NO. 2001/138** ACCEPTING A PROPOSAL FROM BROWN AND CALDWELL FOR THE PREPARATION OF AN UPDATE OF THE CITY'S WATER RATES AND FEES (PW 362-5) #1202-02
- J. **RESOLUTION NO. 2001/139** APPROVING PROGRAM SUPPLEMENT TO AGREEMENT NO. 001-M TO ADMINISTER AGENCY-STATE AGREEMENT NO. 04-5038 FOR FEDERAL AID PROJECTS FOR THE CONSTRUCTION OF RAILROAD GATES AND CANTILEVER SIGNALS ON WILBUR AVENUE (PW 259-R) #1102-04
- K. **RESOLUTION NO. 2001/140** ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND ESTATES, UNIT 7, TRACT NO. 8318 (MERITAGE HOMES OF NORTHERN CALIFORNIA, INC.) (PW 599-7) #802-02
- L. **RESOLUTION NO. 2001/141** ACCEPTING COMPLETED IMPROVEMENTS FOR DALLAS RANCH, UNIT 2, TRACT NO. 7859 (CENTEX HOMES CORP.) (PW 580-2) #802-02
- M. **RESOLUTION NO. 2001/142** ACCEPTING COMPLETED IMPROVEMENTS FOR DALLAS RANCH, UNIT 3, TRACT 7860 (CENTEX HOMES CORP.) (PW 580-3) #802-02
- N. ORDINANCE AMENDING §2-2.06 (B)(2) OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH CITY MANAGER POWER AND DUTIES #701-05

O. REVIEW OF EXHIBIT "C" LOCAL PREFERENCE AGREEMENT OF THE DEVELOPMENT AGREEMENT FOR THE SAND CREEK RANCH DEVELOPMENT AND DETERMINATION OF GOOD FAITH COMPLIANCE - *Con't to 11/27/01*
#202-03

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved the Council Consent Calendar with the exception of items A, E, L and O, which were removed for further discussion.

Item A - Councilmember Simonsen stated he would be abstaining from the vote on the minutes noting he was not in attendance for those meetings. Councilmember Kalinowski added he would be abstaining from the vote for the October 23, 2001 meeting noting that he was not in attendance at that meeting.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council approved the minutes of October 23, 2001. The motion carried by the following vote:

Ayes: Freitas, Davis, Conley

Abstain: Kalinowski, Simonsen

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council approved the minutes of October 30, 2001. The motion carried by the following vote:

Ayes: Freitas, Davis, Conley, Kalinowski

Noes: Simonsen

Item E - In response to Councilmember Simonsen, Public Works Director Brandt clarified the Contra Costa Water District (CCWD) facility was a benefit to the City economically. Councilmember Freitas added the CCWD facility was an interim measure and all options were still available for the future and noted this agreement had nothing to do with service to FUA1.

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

Item L - On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously approved item L.

Item O - Councilmember Kalinowski stated he feels item O was important and requested a separate vote. He apologized to the City Manager for not seeing this item on the agenda.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Council unanimously approved item O.

COUNCIL REGULAR AGENDA

2. PRESENTATION OF THE VOLUNTEERS IN POLICE SERVICES (VIPS) PROGRAM #1301-01

Volunteer Coordinator Bernice Russ introduced the volunteers in the Police Services Program and gave a brief overhead presentation of the program as well as the positive impact the field and support services volunteers have had on the Antioch Police Department. She thanked the Council for supporting the program and provided a contact number for anyone wishing to participate.

The entire Council, speaking on behalf of the community, expressed their appreciation to the volunteers and coordinator noting the volunteers provided an extraordinary service to the residents of Antioch.

City Manager Ramsey requested the Council consider changing the order of the agenda by hearing item #7 after item #3. He noted BART Board Member Joel Keller was in attendance to provide an update on item #7.

3. PRESENTATION ON THE DRAFT COMPACT FOR A SUSTAINABLE BAY AREA #202-01

Surlene Grant, Local Government Liaison for Bay Area Alliance for Substantial Development, gave a brief overview of the Draft Compact for a Sustainable Bay Area. She requested the Council issue a letter or a statement through a resolution outlining their position regarding the concepts put forth in the draft compact.

In response to Councilmember Simonsen, Ms. Grant clarified social equity ensures everyone in the City receives equal access to services and benefits; she noted she would clarify language in the document to state the importance of involving all people in the process.

Mayor Freitas requested this item be put on a future agenda for a resolution of support.

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

Mayor Freitas announced Council would be suspending the order of the agenda and hearing item #7 as the next item of business.

7. DISCUSSION OF FUTURE BART EXTENSIONS TO ANTIOCH, LIVERMORE AND SAN JOSE #1107-03

BART Board of Director Keller gave a brief presentation of the adopted Valley Transportation Authority Agreement, Draft Regional Transportation Plan, RTEP and efforts to pursue a fair share of the future funding sources for East Contra Costa County. He requested the City Council advocate through the Metropolitan Transportation Commission within the next 30 days an additional enhancement of \$50 million dollars to the MTP. He reviewed language in the resolution executive staff would recommend to the BART Board of Directors.

Councilmember Conley thanked Mr. Keller for the presentation and voiced his support of the resolution. He suggested Antioch send letters to Oakley, Brentwood, Pittsburg, Livermore and Contra Costa County requesting they support the resolution noting he felt a regional approach would be the most affective.

In response to Councilmember Kalinowski, Mr. Keller clarified that access to the Bliss Avenue Park and Ride location was a dispute between Tri Delta Transit and the city of Pittsburg, and stated he could arrange a briefing for Councilmember Kalinowski on the issues.

Mayor Freitas expressed concern regarding both securing and the timing of the money becoming available noting he felt it was important to the process of the East County Transit Alternative study. He discussed the importance of the re-authorization of Measure "C" to provide funding for East County transit alternatives. He requested letters be sent to the Metropolitan Transportation Authority, as well as separate letters to Supervisor Mark DeSaulnier and Sharon Brown indicating the importance of the timing in securing the \$400 million in funds to be included as part of the proposed BART East County rail extension. He encouraged all East County jurisdictions to do the same.

Mr. Keller stated he felt this agreement was a good first step and reported the amount of money available for new rail starts was \$8.8 billion with \$1.2 billion of those funds coming from the federal government.

Allen Payton questioned why the BART board did not re-authorize bonds to allow the rest of the system to proceed with funding and build. He requested the BART Board of Directors consider a funding package, which would include a Santa Clara share, federal and state money as well as a bond issue for BART extensions to Livermore and Antioch.

BART Board Director Keller clarified they were reserving judgment on the re-authorization of a BART bond until the costs are known for the seismic retrofit.

Following discussion, Council consensus directed staff to send correspondence to federal, state and regional representatives regarding the Council's position that the \$400 million be secured for track one, the money should be spent on the East County BART rail within the next several years.

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

PUBLIC HEARINGS

9. THE CITY OF ANTIOCH IS PROPOSING THE FOLLOWING REVISIONS TO TITLE 9, CHAPTER 5 OF THE ANTIOCH MUNICIPAL CODE ZONING ORDINANCE TO SIMPLIFY AND EXPEDITE THE ISSUANCE OF LAND USE PERMITS (FILE: Z-99.2) #202-05

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council unanimously continued item 9 to the next Council meeting on November 27, 2001.

10. RESOLUTION DECLARING THE NECESSITY OF ACQUIRING PROPERTY BY EMINENT DOMAIN FOR RIGHT-OF-WAY FOR THE EAST EIGHTEENTH STREET IMPROVEMENT PROJECT (524 EAST EIGHTEENTH STREET) #1102-04

City Attorney Galstan presented the staff report dated November 7, 2001, recommending the Council adopt the resolution of necessity. He announced the City had reached an agreement with the property owner.

Mayor Freitas opened and closed the public hearing with no speakers requesting to speak.

RESOLUTION NO. 2001/143

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

Mayor Freitas declared a recess at 9:19 P.M. The meeting reconvened at 9:33 P.M. with all Councilmembers present.

4. PRESENTATION BY EAST BAY DELTA HOUSING FINANCING AGENCY RE (LEASE TO OWN) PROGRAM #709-02

Gloria Ortega provided a brief overview of the East Bay Delta Housing Finance Agency Lease to Own Program. She announced workshops were scheduled for November 26 and December 17, 2001, at 6:00 P.M. in Antioch Council Chambers. She provided a contact number and website address for anyone wishing to receive an application and program information. She provided the Council profiles of families who have participated in the program. She thanked staff for their support of the program.

In response to Mayor Freitas, Ms. Ortega stated she would coordinate with staff and make a presentation of the program to the Antioch Police and Fire Departments as well as the Antioch Unified School District.

Mayor Freitas discussed the benefits of the program to the community and directed Economic Development Director Naffah and the Economic Development Commission to become involved with outreach for the program.

Councilmember Conley suggested condominium complexes located within the City, in need of rehabilitation, could be redeveloped as part of a lease to own program.

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

5. CONSIDERATION OF PROCESS AND SCHEDULE FOR ADOPTION OF THE MEASURE "U" ORDINANCE #204-01

Community Development Director Ward presented the staff report dated November 8, 2001, recommending Council receive and file this report with direction to staff on processing of the Measure "U" ordinance and General Plan Amendment.

Mayor Freitas read a letter from Terry Ramus in support of full implementation of Measure "U".

Following discussion, Council directed staff to prepare and present a permanent Measure "U" ordinance to Council by April 2002. Staff was further directed to work with Councilmembers Conley and Kalinowski to develop a time schedule including direction on how to proceed with the various necessary meetings and return to Council on November 27, 2001 with the results.

6. UPDATE ON EAST EIGHTEENTH STREET UTILITY UNDERGROUNDING, CONFIRMATION OF POLICY ON PAYMENT FOR UNDERGROUNDING OF EXISTING OVERHEAD UTILITY SERVICES AND REVIEW OF UTILITY POLE LOCATIONS (PW 300-18) #1102-04

Public Works Director Brandt presented the staff report dated November 8, 2001, recommending the City Council adopt the resolution approving a policy for the payment of utility undergrounding connection costs and direct staff as to Council's desired course of action for the installation of the 60kv transmission line poles.

Discussion ensued regarding the importance of relocating the poles from the sidewalk to the right-of-way; Council voiced their support of relocating the poles to the north along the railroad tracks as the area is developed.

RESOLUTION NO. 2001/144

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved: 1) A 6 foot sidewalk with a 2 foot right-of-way for the location of transit facilities, street lighting and fire hydrants; 2) Wooden poles with the stipulation a report outlining the cost of relocating the poles to the railroad tracks be prepared and brought to Council for further consideration; 3) The policy for exemption of payment for utility undergrounding connection costs was established stating the exemption would only valid if the home was occupied by the "father, mother, son, daughter, grandfather, grandmother or deceased spouse thereof" of the legal owner.

8. LEGISLATION AND ADVOCACY

#701-04

Councilmember Simonsen gave a brief overview of ACA 4, a constitutional dedication of sales tax revenues on gasoline to permanently dedicate the monies to transportation. He requested staff agendize a position specific to Rule 20A. He reported on the status of SB975 Expansion of Prevailing Wage Requirements and requested Council review the Local Revenue Accountability act and provide support for the measure.

Councilmember Kalinowski stated he would be in favor of a prevailing or living wage ordinance.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council received and filed the report directing staff to agendize an analysis of Rule 20A for the November 27, 2001 Council meeting.

PUBLIC COMMENTS - None

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Davis reported the Veteran's Day Celebration on November 11, 2001 was a successful and well-attended event. He thanked the City of Antioch for helping to organize the event.

Councilmember Conley thanked Councilmember Davis for organizing the Veteran's Day Celebration noting it was a very moving tribute.

Councilmember Simonsen thanked Councilmember Davis for the organization of the Veteran's Day event. He thanked Mayor Freitas for allowing him to take his 3-week vacation and presented Council and staff with hats, shortbread and candy from Scotland. He presented City Manager Ramsey with an official stamp of his clan in Scotland.

Mayor Freitas reported the Celebrity Waiters event on November 3, 2001 was a fun and successful event, which raised money for Los Medanos Scholarship Foundation. He noted City Manager Ramsey raised the most money, \$1,186.00 in tips.

Councilmember Conley reported the Foundation received over \$11,000.00.

STAFF COMMUNICATIONS

City Manager Ramsey reported there are photos from the Celebrity Waiters event of Mayor Freitas's rendition of the Blues Brothers, which would be available for viewing at the Rotary Meeting on November 14, 2001 at 7:00 A.M. at Humphrey's on the Delta. He reported Mayor Freitas was one of the top 4 waiters.

Mayor Freitas wished Council, staff and the community a Happy Thanksgiving. He noted, while he felt a great deal of compassion for those affected by the recent events in the state of New York, he felt everyone should be thankful those events had not occurred in California.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:42 P.M., to the next regular Council meeting on November 27, 2001.

Respectfully Submitted:

L. Jolene Martin, CITY CLERK