

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

February 26, 2002
Council Chambers

Pursuant to Government Code Section §54952.2, the City Council Agenda for February 26, 2002 was posted on the door of the City Council Chambers, 3rd and "H" Streets on February 21, 2002.

6:00 P.M. – CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION.** Significant exposure to litigation. (Three potential cases). This closed session is authorized by Government Code §54956.9(b)(1).
- 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 called the meeting to order at 7:05 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

Boy Scouts and Girl Scouts presented the flag and led the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS

92nd Anniversary of the Boy Scouts of America
Girl Scout Week 90th Birthday, March 10 – 17, 2002

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

Mayor Freitas presented the proclamation proclaiming the 92nd Anniversary of the Boy Scouts of America to Blaine Steiner, who thanked the Council for the recognition and stated Boy Scouts would continue to serve the community.

Mayor Freitas presented the proclamation proclaiming the week of March 10 – 17, 2002 as the Girl Scout 90th Birthday to Wanda Earl, who thanked the Council for the recognition.

PRESENTATION

Councilmember Kalinowski presented Police Officer of the Year Leroy Bloxsom with a plaque in recognition for his 13 years of service with the Antioch Police Department. Officer Bloxsom thanked the City Council for the recognition and stated it is an honor receive the award.

Councilmember Conley presented Antioch Police Department Non-Sworn Employee of the Year Ryan Decker with a plaque and thanked him for his dedication to the City and police department. Mr. Decker stated it was a great honor to receive the award and thanked the City Council, his family and peers for their support.

Councilmember Simonsen presented Firefighter of the Year Bruce Maclennan with a plaque in recognition for his years of service and dedication to the Contra Costa Fire Protection District. Firefighter Maclennan thanked the Council for the recognition as well as his fellow firefighters for the honor of representing them as their Firefighter of the Year.

Councilmember Davis presented Antioch Community Development Department Employee of the Year Frank Albro with a plaque in recognition for his service to the Antioch Community Development Department. Associate Planner Albro thanked the City Council for the recognition and fellow staff members for choosing him as the Employee of the Year.

Mayor Freitas on behalf of the City Council and community, thanked all the employees of the community for their dedication to the City.

SPONSORS GIFTS FOR THE 2002 SAFETY FAIRE

Mayor Freitas stated GWF and Long's Drugs Stores representatives were unable to attend the meeting. On behalf of the Council and Community, Mayor Freitas thanked the sponsors for their contributions and making the event a success.

Lonnie Karste, Bob Miller, Leroy Beck, and Vincent Manuel presented gifts to the following Corporate Sponsors of the 2002 Crime Prevention and Emergency Preparedness Faire in recognition for their support.

Bay Alarm
Calpine Pittsburg Power Plants
Contra Costa Care
Contra Costa Newspapers
County East Mall
Dow Chemical Company
Gaylord Container Papermill
McGill, Martin & Self
Mirant Corporation
Pleasant Hill Bayshore Disposal
Tri Delta Transit

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None

PUBLIC COMMENTS

Smoky Jones expressed his concern regarding the plans for developers to cut down a ridge at the corner of Lone Tree Way and Bluerock Drive. He read excerpts from the

hillside ordinance prohibiting the removal of the hills and urged the City to take steps to enforce the ordinance.

Dave Stoeffler, Knightsen, expressed concern for the lack of cooperation between Brentwood and Antioch in making a continuous safe route for cyclist on Lone Tree Way.

Elvin Scott discussed the Pension Benefit Guarantee Corporation's efforts to protect pension funds and thanked the community for their support.

John Pascale, Oakley, President of the Delta Peddlers Cycling Club, expressed his concern regarding the re-striping of Lone Tree Way which would eliminate a safe cycling route. He stated Lone Tree Way was the only viable street surface bike route between Antioch and Brentwood. He urged the City to maintain a bike lane on Lone Tree Way between James Donlon and the Highway 4 Bypass.

Jay Kleinwaks, Antioch, voiced his opposition in turning Lone Tree Way into a six-lane expressway with no shoulders and expressed concern for the safety of pedestrians and bicyclist. He stated various studies indicate larger roads are not a benefit to the community and urged the City to retain four lanes with a shoulder and bike lane on Lone Tree Way.

Following discussion the Council requested the issue of restriping Lone Tree Way return to the City Council as an agenda item for the March 26, 2002 City Council meeting. Councilmember Kalinowski requested an overview presentation of the East Contra Costa Bikeway Plan be included in the discussion.

Bruce Ohlson, Pittsburg, representing the East Bay Bicycle Coalition, clarified they had met with City staff and were told there was nothing they could do to prevent the restriping of Lone Tree Way. Speaking on behalf of the following individuals Donald Bierey of Pittsburg, Robert Raburn of Oakland, Larry Upthegrove, Mary Engleton, and Christine Wallace of Antioch, Dave Campbell of Berkeley, Leo DuBose of Oakland and Anna-Lisa Hoffman of Albany, Mr. Ohlson accepted the City Council's offer to agendize this item on March 26, 2002.

Joann Seaver of Discovery Bay and Richard Conn of Pittsburg did not wish to speak but left written comments in support of a safe bicycle path along Lone Tree Way.

**5. OWNER PARTICIPATION AGREEMENT BETWEEN CITY OF ANTIOCH AND REYNOLDS & BROWN, INC., PROVIDING INCENTIVES AND REQUIREMENTS FOR CONSTRUCTION OF OFFICE AND OTHER MIXED USES, INCLUDING MULTI-FAMILY RESIDENTIAL, FOR PARCELS IN THE LONE TREE CORRIDOR
#901-01**

Mayor Freitas announced agenda item #5 would be held over to March 26, 2002.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the City Council unanimously held agenda item #5 over to March 26, 2002.

Mayor Freitas announced City Attorney Galstan has recommended agenda item #13 be tabled.

Councilmember Conley requested agenda item #8 be moved to item #2A.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 29, 2002 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT - JANUARY 2002 #401-02**
- D. RESOLUTION NO. 2002/26 OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING TERMS OF AGREEMENT FOR THE MANAGEMENT UNIT #509-03**
- E. RESOLUTION NO. 2002/27 OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING TERMS OF AGREEMENT FOR THE CONFIDENTIAL UNIT #509-03**
- F. RESOLUTION NO. 2002/28 AMENDING THE 2001-02 BUDGET BY REALLOCATING ONE SECRETARY I/II POSITION AND ONE CUSTOMER SERVICE REPRESENTATIVE I/II POSITION TO TWO RECREATION OFFICE SPECIALIST POSITIONS, CREATING CLASSIFICATION SPECIFICATION, ESTABLISHING SALARY, AND RECLASSIFYING THE INCUMBENTS TO RECREATION OFFICE SPECIALIST #502-02**
- G. RESOLUTION NO. 2002/29 REQUESTING A GRANT IN THE AMOUNT OF \$8,500 FROM THE DEPARTMENT OF BOATING AND WATERWAYS FOR DEVELOPMENT OF A BOAT PUMPOUT/DUMP STATION FACILITY AT ANTIOCH MARINA #402-06**
- H. RESOLUTION NO. 2002/30 ACCEPTING COMPLETED IMPROVEMENTS FOR SANDHILL, UNIT 1, TRACT NO. 8247 (RICHLAND DEV. CORP.), (PW 643) #802-02**
- I. RESOLUTION NO. 2002/31 APPROVING REVOCABLE LICENSE AGREEMENT WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR THE MOKELUMNE TRAIL IMPROVEMENTS PROJECT (PW 404-7A) #1402-02**
- J. CONSIDERATION OF BIDS FOR THE SCHOOL ROUTE SAFETY IMPROVEMENTS PROJECT (PW 645) #1102-04**
- K. CONSIDERATION OF BIDS FOR THE DEMOLITION AND REMOVAL OF BUILDINGS AND STRUCTURES AT VARIOUS LOCATIONS (PW 469-18) #1001-02**
- L. RESOLUTION NO. 2002/32 APPROVING AN AMENDMENT TO THE AGREEMENT WITH WINZLER AND KELLY FOR SANITARY SEWER MASTER PLAN UPDATE TO INCLUDE PRELIMINARY DESIGN WORK FOR THE REHABILITATION OF THE DOWNTOWN SANITARY SEWER TRUNK LINE (PW 620) #1205-01**

- M. RESOLUTION NO. 2002/33 APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 007-M TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 04-5038 FOR FEDERAL AID PROJECTS FOR "L" ST. PEDESTRIAN WALKWAY UNDER HIGHWAY 4 (PW 234-13) #1402-04**
- N. RESOLUTION NO. 2002/34 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR EXPANSION OF THE LONE TREE WAY PUMPING STATION (PW 555-2B) #1202-01**
- O. PROPOSED FEE INCREASE AT LONE TREE GOLF COURSE #1402-01**

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

COUNCIL REGULAR AGENDA

2A. ORAL REPORT REGARDING PROGRESS OF WAL-MART STORE ON CODE ENFORCEMENT AND NEIGHBORHOOD ISSUES #202-03

Community Development Director Brandt reported there was one incidence on February 15, 2002 when a truck unloaded between the hours of 2:00 and 3:00 A.M. He noted the Wal-Mart District Manager informed staff he had discussed the importance of not unloading trucks in off hours with his late night management, as well as with Wal-Mart dispatch requesting off hour deliveries not be scheduled. He reported they have provided Wal-Mart with maps to the RV park at the Fair Grounds. Mr. Brandt stated one neighbor had indicated there had been four vehicles parked overnight in the parking lot since February 4, 2002, noting one vehicle was an out-of-state truck (probably resting from a long haul), two were most likely locals who were using the lot to park their trucks and one was an RV using the lot to spend the night. He reported during the meeting, Wal-Mart stated they would need 7 containers onsite to store their summer goods. At the time of the site visit, 12 storage containers remained on the west side of the building and were screened on the south, west and north sides with wire mesh. He reported an intermittent alarm was going off in the middle of the night; Wal-Mart stated they had modified the alarm. Mr. Brandt noted staff was unaware of any further alarm problems. He reported the outside storage of packaged fertilizer had been moved to the front and east side of the store and staff had heard no additional concerns from the neighbors regarding the issue.

He further stated the City is continuing to work with Wal-Mart to address the issue of temporary storage noting it would be clearly defined and brought back to the Planning Commission in April.

Should Wal-Mart's inability to comply with the prescribed hours for unloading their trucks continue, Councilmember Conley urged the City to be prepared to go to the next step to enforce the City's noise ordinances.

Councilmember Simonsen stated Wal-Mart had addressed a number of issues and he had received a good response from them. Furthermore, the City's letter to Wal-Mart stated this

item would come before Council on March 26, 2002 and he felt it was not business friendly to discuss it during this meeting as Wal-Mart's representatives were unable to attend.

Councilmember Kalinowski stated the issue had been discussed for several months and the City needed to find a resolution to mitigate the issues.

In response to Councilmember Davis, City Attorney Galstan clarified the next step would be for the Planning Commission to clarify the "conditions of approval" adopted in the Wal-Mart use permit; any subsequent violations could then be taken to court for enforcement.

Councilmember Davis suggested the City consider levying fees to Wal-Mart to recoup costs of Neighborhood Improvements Services investigating complaints.

Mayor Freitas summarized Council consensus as the need for the necessary tools to protect the interest of the residents while insuring Wal-Mart was treated in a fair and equitable manner. He requested the Planning Commission expeditiously reconsider the conditions of approval and if possible return to the City Council on March 26, 2002.

In response to Councilmember Simonsen, Mayor Freitas noted the issue dealt with Wal-Mart's noncompliance with their conditions of approval. A secondary issue was the conditions applicability to all other businesses, adding if necessary there could be two items on the agenda to discuss each item separately.

Sandra Golightly expressed her concern regarding the use of temporary storage on the Wal-Mart property, noting previously the City had only allowed containers for remodels. She stated that were specific conditions of approval limiting the hours Wal-Mart could unload trucks. She reported Wal-Mart encourages overnight RV parking in the lots nationwide and a Wal-Mart trailer parked in their parking lot denotes unlawful signage. She noted the store manager had responded negatively to her complaints.

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

PUBLIC HEARINGS

10. THE CITY OF ANTIOCH IS REQUESTING TO ADOPT 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

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

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously continued the item to April 9, 2002 and schedule a 6:00 P.M. Study Session on April 9, 2002 to examine the item

11. RESOLUTION EXPRESSING COMMUNITY SUPPORT FOR TAX-EXEMPT REVENUE BONDS TO ALLOW SUTTER DELTA MEDICAL CENTER, A LOCAL,

EXISTING MEDICAL FACILITY AT 3901 LONE TREE WAY TO EXPAND, WITHOUT COST OR FINANCIAL OBLIGATION OF THE CITY OF ANTIOCH

#1405-01

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

RESOLUTION NO. 2002/36

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

12. 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.

ORDINANCE NO. 992-C-S

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

13. RESOLUTION DECLARING THE NECESSITY OF ACQUIRING PROPERTY BY EMINENT DOMAIN FOR RIGHT-OF-WAY FOR THE EAST EIGHTEENTH STREET IMPROVEMENT PROJECT (CLEAR CHANNEL OUTDOOR) **#1102-04**

City Attorney Galstan reported the billboard had been removed and requested Council table this item.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously tabled this item.

Mayor Freitas declared a recess at 8:17 P.M. The meeting reconvened at 8:27 P.M. with all Councilmembers present with the exception of Councilmember Conley and Simonsen who arrived at 8:28 P.M.

REGULAR AGENDA – Continued

2. LIBRARY NEEDS ASSESSMENT REPORT **#1406-01**

Assistant to the City Manager Gegg presented the staff report dated February 15, 2002, recommending the Council receive and file the report.

Ann Marie Gold, a City consultant, gave a brief presentation of the Library Needs Assessment report.

Following discussion the Council thanked Ms. Gold for the thorough assessment and outstanding job with the Library Needs Report.

Mayor Freitas reported there was a recommendation for FUA1 to generate \$15 million for library construction and/or maintenance purposes.

Councilmember Davis discussed the importance for library services on both sides of town.

Councilmember Simonsen thanked the voters for supporting Proposition 14 and the recommendation from the FUA1 subcommittee to generate funds for the library.

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

3. DISCUSSION CONCERNING COUNCIL'S DESIRES REGARDING: 1) FUNDING SOURCE FOR THE LIBRARY BUILDING PROGRAM FOR NEW PUBLIC LIBRARY; 2) FUNDING SOURCE FOR CONCEPTUAL ARCHITECTURAL PLANS FOR NEW PUBLIC LIBRARY, AND; 3) SITE SELECTION FOR NEW PUBLIC LIBRARY
#1406-01

Assistant to the City Manager Gegg presented the staff report dated February 21, 2002, recommending the City Council direct staff to request, on Council's behalf, \$30,000 be allocated from Community Facilities District 89-1 for development of a Library Building Program; \$200,000 to be allocated from Community Facilities District 89-1 for conceptual architectural plans; and designate Prewett Family Water Park as the site for a new public library.

Councilmember Kalinowski suggested the architectural study consider the ability of a future expansion of the library.

Councilmember Simonsen requested the City consider the possibility of operating the library through a contractual firm.

Following discussion, Mayor Freitas stated Council's direction to staff was to take the necessary steps to ensure all items were in place for the City to meet the March 2003 deadline in applying for the second funding cycle. He directed staff to return to Council as soon as possible with any items they would need to consider for this application process.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously directed staff to request, on Council's behalf, \$30,000 to be allocated from Community Facilities District 89-1 for development of a Library Building Program: \$200,000 to be allocated from Community Facilities District 89-1 for conceptual architectural plans; and designate Prewett Family Water Park as the site for a new public library.

4. MID-YEAR BUDGET REVIEW FISCAL YEAR 2001-02
#410-02

Finance Director Tasker presented the staff report dated February 22, 2002, recommending the City Council receive and file the report.

In response to Councilmember Conley, Finance Director Tasker reported he would know on March 10, 2002, which stores K-Mart would be closing.

Councilmember Kalinowski stated he was confident, based on the projections of the City's fund balance, would be in good condition in 5 years.

City Manager Ramsey clarified the budget did not include the possible revenues the City could receive from a number of major retail centers the City has the potential to develop or the 25-30 additional police officers/community service officers needed over the next several years; however, budget did include 3 additional police positions per year.

Councilmember Conley provided City Manager Ramsey with an article from the Wall Street Journal regarding Shopping Malls. He encouraged City Manager Ramsey to show the article to Macerich when discussing potential improvements to County East Mall.

Mayor Freitas stated the budget took a conservative, fiscally responsible approach and there was a two-year opportunity to strategize and enhance the City's financial well being.

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

6. RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA HERITAGE FUND GRANTS PROGRAM (HARD HOUSE) #902-06

Assistant to the City Manager Gegg presented the staff report dated February 8, 2002, recommending the City Council adopt the resolution supporting the application for California Heritage Fund grant to either restoration or rebuild of the Hard House.

In response to Councilmember Conley, Assistant to the City Manager Gegg stated he would investigate whether a private business could finance the City's portion of the matching funds, with the caveat the company would lease the property, occupy and manage the building once it was rebuilt.

Councilmember Simonsen expressed concern for the financial impact to the City by allocating 50% of the funds for the rebuild.

Mayor Freitas clarified the application was the first step and once it was completed the City would have to determine if the project was viable. He stated there was an opportunity to do a commercial or private enterprise and discussed the historical significance of the Hard House to the City.

Following discussion the Council voiced their support for a resolution supporting application for California Heritage Fund grant for a rebuild of the Hard House.

RESOLUTION NO. 2002/35

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously adopted the resolution supporting application for California Heritage Fund grant for the rebuild of the Hard House.

7. SET DATE AND DISCUSS SELECTION PROCESS FOR FACILITATOR FOR ANNUAL GOAL SETTING WORKSHOP #301-01

City Manager Ramsey provided a calendar of meetings the Councilmembers were committed to attending and meetings of other agencies occurring in the Council Chambers. He recommended the Council select a date for the Annual Goal Setting Workshop and provide direction as to how they would like a facilitator selected for the work session.

Following discussion Council majority agreed to meet on April 1, 2002 from 6:00-10:00 P.M. in the Council Chambers for the Annual Goal Setting Workshop. They directed City Manager Ramsey to select a facilitator and have the facilitator work with Council regarding agenda items or issues they would like discussed.

8. ORAL REPORT REGARDING PROGRESS OF WAL-MART STORE ON CODE ENFORCEMENT AND NEIGHBORHOOD ISSUES #202-03

Council agreed to renumber this agenda item as 2A.

9. LEGISLATION AND ADVOCACY #701-04

Councilmember Simonsen stated if the Councilmembers were not receiving the Priority Focus Newsletter on a weekly basis to notify him and he would arrange to have it sent to them. He reported the Senate Committee was reviewing a proposal for a local government ballot measure, which would terminate the ERAF take-aways from the state to the cities. He noted the February 22, 2002 issue shows the actual amount of revenues.

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

PUBLIC COMMENTS - None

COUNCIL REPORTS/COMMUNICATIONS

Mayor Freitas reported the Women's Club of Antioch had their Centennial Celebration, which was an outstanding event with the First Lady of California Sharon Davis as a speaker.

Councilmember Kalinowski announced the Mayor's Cup Golf Tournament would be in June. He reported he had sent the Mayor and City Manager dates he would be unavailable and encouraged them to schedule important items when he would be able to attend.

Councilmember Simonsen reported he had attended the 2nd Anniversary of the Optic Program, Women's Club of Antioch Centennial Celebration noting they were great events.

He announced he had attended the East Bay Division of the League of California Cities meeting, which was very well organized. He encouraged all Councilmembers to visit downtown Pleasanton to view a good example of downtown restoration.

Mayor Freitas agreed a visit to downtown Pleasanton would be a great visioning experience.

Councilmember Conley stated downtown Pleasanton was full of barren buildings in the 1970's and they had passed ordinances, which prohibited anyone from building a bank in the mall unless there was a branch downtown. He reported the Women's Club luncheon was well attended and noted they were instrumental in the first water and sewer system, streets paving and the construction of the first library. He urged the Women's Club to support the new library in Antioch.

Mayor Freitas thanked Frank Palmeri for the plaque presented to the Women's Club in recognition of their 100-year celebration.

Mayor Freitas reported he had been selected as the Chairperson for Contra Costa Transportation Authority and they would be working on re-authorization of .05-cent sales tax.

STAFF COMMUNICATIONS

City Manager Ramsey requested Council select a couple of dates for a joint meeting with the Antioch Unified School Board of Education so he could forward them to the Superintendent of the School District who would share them with the Board of Education on February 27, 2002.

Following discussion, the Council agreed to be available April 15 or 16, 2002 at a time suitable to the School Board's needs.

City Manager Ramsey announced the Permit Streamlining was scheduled to come back to the City Council on April 9, 2002 at 6:00 P.M.

ADJOURNMENT

With no further business, Mayor Freitas adjourned to the Closed Session at 10:25 P.M.

Respectfully Submitted:

L. JOLENE MARTIN
CITY CLERK

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN
CITY CLERK