

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting  
7:00 P.M.

March 26, 2002  
Council Chambers

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

**6:00 P.M. - CLOSED SESSION**

1. **LICENSE/PERMIT DETERMINATION.** Applicants: One. This closed session is authorized by Government Code §54956.7.
2. **CONFERENCE WITH LABOR NEGOTIATOR** - City Negotiator: Bill May. Employee Organization: All Negotiating Units. This closed session is authorized by Government Code §54957.6.
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Creation of evaluation form for City Manager. This Closed Session is authorized by Government Code §54957.

Mayor Freitas called the meeting to order at 7:11 P.M., and City Clerk Martin called the roll.

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

**PLEDGE OF ALLEGIANCE**

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

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Dave Sanderson announced the Mayor's Golf Tournament would take place on June 2, 2002 at the Lone Tree Golf Course at 11:30 a.m. and provided a contact number for anyone wishing to participate or volunteer for the event.

**PROCLAMATIONS**

Earthquake Preparedness Month, April 2002  
Week of the Young Child, April 1 - 6, 2002

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

Councilmember Kalinowski presented the proclamation proclaiming April 2002 as Earthquake Preparedness Month to Lonnie Karste, who thanked the Council for the proclamation and discussed the importance of Earthquake Preparedness. He distributed

disaster preparedness brochures to the Council and community. He announced that there would be a Disaster Preparedness Workshop on April 13 from 10-11 a.m. at the Antioch Police Department and provided a contact number for anyone wishing to receive additional information.

Councilmember Conley suggested the possibility of distributing the Disaster Preparedness brochures as a water bill insert.

Councilmember Conley presented the proclamation proclaiming April 1-6 2002 as Week of the Young Child to Michelle Mendoza and Lisa Finney representing the East County Regional Group thanked everyone who has given them the opportunity to honor young children. She announced the Contra Costa Children and Families Commission East County Regional Group would be sponsoring a Week of The Young Child event on April 6, 2002 from 10:00 a.m. to 2:00 p.m. at Antioch Community Park and invited everyone to attend.

## **PUBLIC COMMENTS**

Elvin Scott read a letter he received regarding his benefits from the Veteran's Affairs Regional Office. He reported he would be providing additional information from the Federal Government on his television show.

Martha Henry announced the East County Branch of the NAACP Membership Banquet would be held at the Concord Sheridan on May 4, 2002 at 6:00 p.m. She provided contact numbers for anyone wishing to attend.

Walter Ruehlig representing the Knights of Columbus announced the Season for Non-Violence, event A Silent Walk For "Peace At Home" would be held on April 7, 2002 from 2:15 p.m. to 4 p.m. at Waldie Plaza in Antioch.

Mayor Freitas announced that there were three items listed for closed session. He reported item #2 was deleted from the agenda and Council would be returning to closed session following this evening's agenda to deal with the public employee performance evaluation. He noted Council took no action.

City Manager Ramsey announced Steve Meyers is sitting in for City Attorney Galstan this evening.

City Manager Ramsey stated staff suggests that item #3 be continued to April 23, 2002 at the request of the applicant.

Mayor Freitas announced item #3 would be deleted from the Council agenda and will be agendized on April 23, 2002.

### **1. COUNCIL CONSENT CALENDAR**

#### **A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 26 and MARCH 12, 2002**

- #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER’S REPORT FOR FEBRUARY 2002 #401-02**
- D. REJECTION OF CLAIMS #704-07**
1. Claim of Kelly Damaj, #01/02-1296
  2. Claim of Charles R. Crowell, #01/02-1290
- E. RESOLUTION NO. 2002/43 ADOPTING THE STATEMENT OF INVESTMENT POLICY #101-04**
- F. CONSIDERATION OF BIDS FOR THE WILBUR AVENUE INTERTIE PUMPING STATION AND RESOLUTION NO. 2002/44 APPROVING A LICENSE AGREEMENT WITH DELTA DIABLO SANITATION DISTRICT FOR CONSTRUCTION OF THE PUMP STATION (PW 653) #1205-02**
- G. CONSIDERATION OF BIDS FOR STATE ROUTE 4 CORRIDOR TRAFFIC SIGNAL INTERCONNECT (PW 642) #1104-02**
- H. RESOLUTION NO. 2002/45 APPROVING THE MASTER PLAN AND NAME OF HEIDORN PARK (MEADOW CREEK VILLAGES SUBDIVISION) (PW 569-P) #1402-03**
- I. ORDINANCE ADDING SUBPARAGRAPH (10) TO PARAGRAPH (D) OF SECTION 4-5.411 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH ENFORCEMENT OF TRAFFIC REGULATIONS ON PRIVATE LOTS (Wal-Mart at Williamson Ranch Plaza) #1104-01**
- J. ACKNOWLEDGMENT OF DECISION BY PARK AND RECREATION COMMISSION TO HAVE GIL AZEVEDO CONTINUE TO SERVE AS THEIR REPRESENTATIVE TO THE GENERAL PLAN SUBCOMMITTEE #302-05**

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved the Council Consent Calendar with the exception of Item F, which was removed for further discussion.

*Item F* - Councilmember Kalinowski stated there were only 2 bids submitted for the Wilbur Avenue Pumping Station and both were in excess of the estimate. He suggested the possibility of this item going out for bid again. Director of Community Development Brandt stated this item could go out for bid again noting he feels the bids were are an indication of the current market and he does not recommend it.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved item F.

## **COUNCIL REGULAR AGENDA**

### **2. PRESENTATION FROM ECONOMIC DEVELOPMENT COMMISSION REGARDING PROJECT LABOR AGREEMENTS AND PREVAILING WAGE POLICY FOR THE ANTIOCH DEVELOPMENT AGENCY #302-11**

Vice Chairperson Vaughan representing the Economic Development Commission gave a brief presentation regarding Project Labor Agreements and Antioch Development Agency policy on Prevailing Wages. He stated the Economic Development Commission recommends that the City Council refrain from imposing the Project Labor Agreement upon any future development projects and that the Antioch Development Agency rescind its prevailing wage policy.

Sandy Henry, Garry Holman, Michele Copeland Chairman of the Board of the Antioch Chamber of Commerce, James Kyle, Jim Leonard and Norma Hernandez spoke in support of the recommendations of the Economic Development Commission to refrain from imposing Project Labor Agreements on any future development projects.

Councilmember Simonsen voiced his support for the Economic Development Commission's review of the impacts of Project Labor Agreements and current prevailing wage policy.

Councilmember Conley stated that he feels Project Labor Agreements are a business decision between a developer and a labor group. He noted he feels the city should not participate in the process.

Councilmember Davis stated he feels the city should not support or require Project Labor Agreements and he agrees with the position of the Economic Development Commission.

Councilmember Kalinowski stated there are areas within East Contra Costa County that participates in Project Labor Agreements and suggested that if the city continues to discuss this item a neutral third party become involved to objectively look at all the issues.

Mayor Freitas stated he supports Project Labor Agreements and the prevailing wage policy noting there are many benefits to both. He commended the Economic Development Commission for taking on a controversial issue and recommended that as they consider issues that fairness and equatability needs to be consistent on all sides before a recommendation is offered to the City Council.

Vice Chairperson Vaughan clarified the theories behind the Project Labor Agreement and prevailing wage policy were discussed at the Economic Development Commission meeting. He noted that he had represented the labor union's views during the discussion in an effort to have a fair hearing. He clarified that the language in the recommendation advises the Council to refrain from imposing any project labor agreements and does not preclude a developer from entering into their own agreement.

In response to Councilmember Davis, Mr. Vaughan stated that the Economic Development Commission meeting was properly noticed and the vote for their recommendation was 6-0.

Councilmember Conley requested the City Attorney provide additional information regarding SB-975 and the city's requirement on prevailing wage.

Mr. Vaughan stated that following the Economic Development Commission meeting he had a discussion with City Attorney Galstan and outlined the Commission's position that the language in SB-975 provides that public works projects would be included, however agency policy provides that private development also would be included. He reported City Attorney Galstan reviewed the Economic Development Commission's position and advised that they had correctly interpreted both laws.

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

Mayor Freitas declared a recess at 8:16 p.m., the meeting reconvened at 8:31 p.m. with all Councilmembers present.

## **PUBLIC HEARINGS**

- 10. APPEAL OF GREGORY ALAN TULLY TO THE PLANNING COMMISSION'S DECISION TO DENY A USE PERMIT TO ALLOW LIVE ENTERTAINMENT AND BANQUET RENTALS AT THE LONE TREE CAFÉ, AN EXISTING RESTAURANT LOCATED IN THE RALEY'S SHOPPING CENTER, 3620 LONE TREE WAY (APN 071-181-028) FILE: UP-01-30 #202-10**

City Manager Ramsey announced that Mr. Tully has requested to withdraw the application this evening in order to retain the opportunity to resubmit it at a later time. He noted if he submits a future application it would return to the Planning Commission for approval.

- 11. RESOLUTION APPROVING THE AMENDED 2001/2002 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL PLAN #709-01**

City Manager Ramsey presented the staff report dated March 15, 2002, recommending that the City Council approve the attached resolution amending the FY 2001-02 action plan.

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

Councilmember Simonsen voiced his support of the Opportunities for Technology Information Careers program and encouraged anyone who has not toured the facility to do so.

**RESOLUTION NO. 2002/47**

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously approved the resolution.

### **COUNCIL REGULAR AGENDA — Continued**

- 3. 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 this item has been rescheduled for April 23, 2002.

- 4. ANNUAL UPDATE ON DELTA 2000 BUILDING MANAGEMENT SERVICES #1001-04**

City Manager Ramsey presented the staff report dated March 18, 2002, recommending that the City Council receive and file the report. He requested that the Council concur with the rents that have been established by Delta 2000 for the tenants to be affective July 1, 2002.

The Council voiced their support for the rent structure and any cost deficiencies with the buildings to be handled by the Delta 2000 "Building Reserve Fund."

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

- 5. CONSTRUCTION OF BICYCLE LANES ON LONE TREE WAY #1102-04**

Director of Community Development Brandt presented the staff report dated March 15, 2002, recommending that the City Council receive and file the report.

Bonnie Flansburg, Kevin Miller and John Coker did not wish to speak and provided written comment in support for bicycle lanes on Lone Tree Way.

Bruce Ohlson representing the East Bay Bicycle Coalition and Delta Peddlers, Mary Engleton, Larry Upthegrove, Michael Boyce, Dave Campbell, Yehuqa Sherman, Leo Dubose, Joann Seaver, Tim McHugh, Kevin Allen, John Pascale and Jay Kleinwaks requested the designation of space along Lone Tree Way for the safe use of cyclists as well as the inclusion of cyclists on all streets in the city.

Director of Community Development Brandt clarified with the current project on Lone Tree Way there is no intention to restripe it to 6 lanes at this time.

Following discussion the Council agreed that with the restripping of Lone Tree Way not occurring for approximately 20 years the decision regarding the bicycle lanes would need

to be made at that time. They voiced their support for maintaining the shoulder area on Lone Tree Way for the safe route for cyclist to use.

Mayor Freitas stated the General Plan could incorporate provisions for the community to become bicycle friendly.

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

**6. TELEPHONE SURVEY TO BE CONDUCTED TO MEASURE CITIZEN SATISFACTION WITH CITY SERVICES #305-03**

Assistant to the City Manager Gegg presented the staff report dated March 20, 2002, recommending that the City Council authorize a citizen survey be conducted for an amount not to exceed \$8,000.

Councilmember Kalinowski requested that the survey include a question regarding the service of the city government at City Council meetings.

Councilmember Conley requested that the survey include all departments when asked about the public's interaction with the city.

Brad Senden stated he would structure the questions as efficiently and directly to move the survey more rapidly.

Assistant to the City Manager Gegg clarified that the questions in the survey that are dated would be updated to reflect the proper year.

Brad Senden clarified that the demographic questions are asked to make sure the city has an adequate reflection of the population. He added the city could adequately protect itself from using the data to violate any of the statutes of California. He stated that if the Council authorizes the survey to be conducted this evening the results would be provided back in 4-5 weeks.

Mayor Freitas cautioned the Council to be careful how much they read into the survey results noting that it would provide the broader conceptual realities of the community.

Following discussion the Council agreed that the interview pool should be increased to 400 people and the amount increased to \$12,000.

On motion by Councilmember Davis, seconded by Councilmember Conley, the Council unanimously authorized a citizen survey to be conducted of 400 completed surveys with the financial details and financial plans to be worked out with staff.

**7. RECONSIDERATION OF THE EAST-CENTRAL TRAFFIC MANAGEMENT STUDY #1101-01**

Community Development Director Brandt presented the staff report dated March 12, 2002, recommending that the City Council approve the East-Central Traffic Management Study.

Conley - concept regional traffic fee, show if Pittsburg collecting fee for regional improvements, don't know if this will answer that question,

Councilmember Simonsen expressed concern that the study includes costs for design and construction issues that Antioch should not contribute funds to.

In response to Councilmember Simonsen, Mayor Freitas clarified that the people who will directly benefit from the metering are the citizens of Antioch who use Buchanan Road. He stated that all the improvements would need to be considered to make the system work.

Martin Engleman reported that the regional model that they used to study this included the whole Bay Area and did not show any impacts of diversion. He noted the detailed model for traffic queuing analysis did not include the area of the Bypass along Lone Tree Way.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the East Central Traffic Management Study.

**8. RESOLUTION APPROVING FINAL MAP FOR BLACK DIAMOND ESTATES, SUBDIVISION UNIT 11, (RICHLAND DEVELOPMENT), TRACT NO. 8567 (PW599-1) #802-02**

In response to Councilmember Simonsen, Steve Johnson representing Richland Development on behalf of Black Diamond Knolls Limited clarified the open space dedication was part of the tentative map conditions agreed to in 1989.

Councilmember Simonsen expressed concern regarding the Park District's ability to maintain the land and stated he feels they should give something back to the developer for the land.

**RESOLUTION NO. 2002/46**

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

**9. LEGISLATION AND ADVOCACY #701-04**

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

1. Update on the status of AB680

Councilmember Simonsen requested a letter under the Mayor's signature be written to



State Senator Torlakson with copies sent to all members of the local government committee with regards to the Council's opposition to AB680.

Mayor Freitas requested the letter address Senator Torlakson's response to the city.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Council unanimously authorized correspondence be sent immediately under the Mayor's signature to State Senator Torlakson with regards to opposition to AB680 with all members of the local government committee receiving a courtesy copy.

Mayor Freitas adjourned to the Antioch Development Agency, with all Agencymembers present.

## **AGENCY REGULAR AGENDA**

### **12. RESOLUTION APPROVING FUNDS FOR STREET AND UNDERGROUNDING REPAIRS ASSOCIATED WITH THE DEVELOPMENT OF WEST RIVERTOWN APARTMENTS #902-06**

In response to Councilmember Simonsen, Administrative Analyst Heller stated the funds can be used to make improvements associated with the project itself.

#### **RESOLUTION NO. ADA-379**

On motion by Agencymember Conley, seconded by Agencymember Davis, the Council unanimously adopted the resolution.

Chairperson Freitas adjourned to the City Council.

**PUBLIC COMMENTS** - None

## **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Davis announced he and Councilmember Conley would be meeting with the Bedford Center, members of staff and all interested parties on March 27, 2002 and noted they had a very productive first meeting.

Councilmember Simonsen announced he would be attending the San Francisco Water Transportation Authority Advisory Committee meeting on March 27, 2002 and noted they are interested in the possibility of ferry service in Antioch.

Mayor Freitas announced the Council would be meeting on April 1, 2002, closed session on April 2, 2002 and a regular meeting on April 9, 2002.

**STAFF COMMUNICATIONS** - None

## **ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 10:29 p.m., to Closed Session.