

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

**Regular Meeting
7:00 P.M.**

**May 11, 2004
Council Chambers**

Mayor Freitas called the meeting to order at 7:00 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Day of the Teacher, May 12, 2004

National Association of Insurance Women's Week, May 16 - 22, 2004

National Public Works Week, May 16 - 22, 2004

World War II Veterans Recognition Day, May 29, 2004

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

Councilmember Davis presented the proclamation proclaiming May 12, 2004 as Day of the Teacher to Bart Sandborn who accepted the proclamation and on behalf of the Board of Education thanked the City Council for recognizing the teachers. He stated he would be presenting the proclamation to a representative of the teacher's organization at the Board meeting on May 12, 2004. He announced the Teacher of the Year was Jeff Adkins, Science Teacher from Deer Valley High School, was announced along with the four runners up, as well as the classified employee of the year.

Councilmember Kalinowski presented the proclamation proclaiming May 16 - 22, 2004 as National Public Works Week to Phil Harrington, Director of Public Works, representing the Public Works Department. Mr. Harrington thanked the City Council and invited the public to attend the Annual Open House at the Maintenance Service Center on May 19, 2004 from 11:00 A.M. - 1:30 P.M.

Councilmember Simonsen presented the proclamation proclaiming May 29, 2004 as World War II Veterans Recognition Day to Bill Hall, who thanked the City Council for the proclamation, and invited the City Council to attend the World War II Veteran's Recognition Day on May 29, 2004 at 10:00 A.M. at the American Legion Hall. Mr. Hall introduced members of the American Legion Post in attendance.

Mayor Freitas encouraged the community to participate in honoring the men and women who died in service fighting for our freedom.

Mr. Hall urged families of deceased World War II Veteran's to participate in the event.

Cindy Wetherby, Counselor for the Citizenship in the Community merit badge for Boy Scout Troop #159 of Antioch, introduced those members in attendance.

PUBLIC COMMENTS

Emil Stein, Antioch resident, commended City Manager Jakel for his assistance in solving the resident's concerns regarding the Nokes Dealership project.

Gary Holman, Antioch resident, spoke in support of the Bluerock Business Center and Luxury Apartment homes and urged a "NO Vote on Measure C" on the June 8, 2004 ballot. He stated the project would have a positive affect on the economic welfare and quality of life in Antioch.

Douglas Tokes expressed concern Prewett Water Park was not turning a profit and suggested the City consider selling it to a private enterprise.

Barbara Sobalvarro, representing the Friends of Animal Services, thanked Mayor Freitas and Councilmember Conley for their attendance and financial support during the celebration honoring Be Kind To Animals Week at the Antioch Animal Shelter. She reported there had been 17 adoptions that day and they were aiming for 100 adoptions in May. She presented the City Council with the editorial from their Paw Print newsletter authored by Ron Parker, regarding adoptions at the Antioch Animal Shelter for the past 3 years. She encouraged the City and those preparing the budget not to harm their program noting it was performing very well at that time.

Elvin Scott invited the public to attend the Veteran's parade in Pittsburg on May 15, 2004 at 10:00 A.M. beginning at Marina and Third Streets. He announced the city of Albany had agreed to air his television show on pension benefits and he would be attempting to have it aired in San Francisco.

Ken Lee, Antioch resident, invited the citizens of Antioch to attend the citizens' forum on May 12, 2004 at the Dallas Middle School.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 13, 2004#301-02**
- B. APPROVAL OF COUNCIL WARRANTS#401-02**
- C. REJECTION OF CLAIM#704-07**
 - 1. Jamie Martinez, #04/05-1474**
- D. LEGISLATION AND ADVOCACY#701-04**

- E. **RESOLUTION APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR MIRA VISTA HILLS SUBDIVISION, UNIT 13, (A.D. SEENO CONSTRUCTION CO.), TRACT NO. 6708 AND ANNEXING TO THE CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 2A, ZONE 8, (PW 365-13) (*Con't Indefinitely*).....#802-02**

- F. **RESOLUTION NO. 2004/51 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR GOLDEN BOW ESTATES SUBDIVISION (DHYANYOGA CENTERS, INC.), TRACT NO. 8538 AND ANNEXING THE SUBDIVISION INTO THE CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 2A, ZONE 6, (PW 652).....#802-02**

- G. **RESOLUTION ESTABLISHING CLASS SPECIFICATION AND SALARY FOR THE POSITION OF SENIOR TRAFFIC ENGINEER AND APPROVING RECLASSIFICATION OF ASSOCIATE CIVIL ENGINEER/TRAFFIC (*Con't to the budget process with changes*).....#502-02**

- H. **RESOLUTION NO. 2004/52 AUTHORIZING STAFF TO FILL ONE VACANT GENERAL FUND POSITION - COMMUNITY SERVICES OFFICER#410-02**

- I. **CONSIDERATION OF BIDS TO DECOMMISSION THE DIGESTERS AT THE ABANDONED WATER TREATMENT PLANT ON FULTON SHIPYARD ROAD (*Con=t to May 25, 2004*).....#1202-01**

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

Item D - Councilmember Simonsen reported the City Council had taken a position in opposition to SB1266 dealing with LAFCO (Local Agency Formation Commission), which had been amended in committee. He reported they had removed Sections 1 and 3, which were the sections the City Council had objected to and requested the City Council authorize the Mayor to sign a letter changing the City Council's position from opposition to support.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council unanimously moved to rescind the City Council's previous opposition to SB1266 and take a position of support.

Councilmember Simonsen reported he would be providing information to the City Council on AB2634 dealing with LAFCO and a change of State law in relation to abiding by growth boundary or the Urban Limit Line.

Councilmember Simonsen reported the Contra Costa Transportation Authority had requested the City Council provide written input regarding Measure "C".

Mayor Freitas gave a brief overview and history of Measure "C" (1/2 cent sales tax) and reported the Contra Costa Transportation Authority is considering an extension of the half cent sales tax for a period of 25 years, which would provide approximately \$2B for transportation improvements. He reported they received requests for transportation improvements totaling \$5B for projects the various cities, counties and special interest groups would like funded. He noted it was significant for Eastern Contra Costa County with projects, including the expansion of Highway 4, east county rail, major arterioles and Tri-Delta transit. He stated the question was whether or not the modification to the Urban Limit Line from the Board of Supervisors would be acceptable. He noted he felt approximately 900 to 1000 acres should be included in the Urban Limit Line and announced he had worked with elected and appointed officials as well as special interest groups in trying to resolve the Urban Limit Line. He provided and reviewed a draft proposal and requested the City Council provide input regarding the document. He stated unless the Urban Limit Line issue was resolved he would most likely be voting against the extension of Measure "C".

Councilmember Simonsen commented he felt the proposal should take under consideration the City's sphere of influence. He stated he felt the cities should have concurrence and input regarding future modifications the Board of Supervisors might make to the Urban Limit Line.

Councilmember Conley stated he felt if the proposal was attached to Measure "C" it would fail and therefore suggested the Urban Limit Line be removed from the Measure. He noted an agreed on Urban Limit Line until the year 2034 was proper planning and reasonable.

Mayor Freitas suspended discussion of item D as well as the remaining consent calendar to move forward with the public hearings.

PUBLIC HEARINGS

2. JANIN ASSOCIATES REQUESTS AN ALLOCATION OF SIX SINGLE FAMILY RESIDENTIAL UNITS FOR 2004 UNDER THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM (RDA), ON 1.01 ACRE SITE LOCATED AT THE CURRENT EASTERN TERMINUS OF BERMUDA WAY, DIRECTLY SOUTH OF EAST EIGHTEENTH STREET (APN 051-170-049, 051-170-050) (RDA-03-09)

.....#204-05

Assistant Planner Morris presented the staff report dated May 7, 2004 recommending the City Council approve an allocation of six residential units for RDA-03-09, subject to conditions in the staff reports and resolution.

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

In response to Councilmember Simonsen, Assistant Planner Morris clarified that the applicant would build homes to Energy Star specifications, reducing the annual energy usage by at least 10% by including many of the energy saving measures listed in item #6.

Councilmember Simonsen requested item 6e be corrected to read "Ninety Percent AFUE furnaces." He noted in the future should a project come to the City Council that is all electric the COP factor for a heat pump should be included.

Following discussion the City Council agreed to remove the bus shelter at the proposed location as Tri-Delta did not support the shelter at the location.

RESOLUTION NO. 2004/53

On motion by Councilmember Davis, seconded by Councilmember Simonsen the City Council unanimously approved an allocation of six residential units for RDA-03-09 amending item #6e to read: "Ninety Percent AFUE furnaces."

3. MARCOTTE DEVELOPMENT/PARK LAKE APARTMENTS REQUESTS AN ALLOCATION OF 38 MULTI-FAMILY RESIDENTIAL UNITS FOR 2004 UNDER THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM (RDA), ON 3.2 ACRE SITE LOCATED AT THE SE CORNER OF JAMES DONLON BOULEVARD AND TABORA DRIVE (APN 072-011-062) (RDA-03-08)#204-05

Assistant Planner Morris presented the staff report dated May 7, 2004 recommending the City Council approve 38 residential development allocations for a 60-unit apartment complex, RDA-03-08, subject to conditions in the staff reports attached resolution.

Mayor Freitas opened the public hearing.

Norm Dyer, architect for the project, stated the Marcotte family would build and hold these apartments for their own portfolio and were committed members of this community. He added the project included 36 garages and 24 carports. The Marcotte and their contribution for the 60 units was \$7000.00 and with improvements and community enhancements it would translate to \$10,000 when using the equivalent units.

Mayor Freitas closed the public hearing.

Mayor Freitas directed staff to amend item #7e to "no development in the area." Assistant Planner Morris people stated people were traveling under the speed limit therefore she felt houses fronting Wilson Street would not be impacted by traffic. She recommended the City Council approve the project as presented.

Following discussion, the Council agreed with the Planning Commission's recommendation to allow houses to front Wilson Street. Mayor Freitas recommended project specific condition #48 be revised to allow homes to front on Wilson Street, noting he was concerned with about site distance on the curve of the street as it related to lots #6 and 8.

Community Development Director Brandt stated although he disagreed with the City Council's direction he would work with the applicant to determine the exact layout and configuration of the required map.

Councilmember Simonsen stated he did not agree with the removal of lot #7 noting he felt they were appropriate front yard setbacks to provide sight distance from vehicles traveling on Wilson Street.

Following discussion the City Council consensus was to delete lot #7, reword project specific condition #48 to delete "do not" and replace it with "can", with the remaining lots reconfigured.

In response to Mayor Freitas, City Attorney Galstan stated with regards to the Electro Magnetic Fields, the City could require the applicant to record a disclosure on all the lots.

Mr. Boatwright indicated he agreed to record a disclosure on all the lots and provide oak trees on lots 14-22 and 25.

Councilmember Conley suggested staff consider the placement of planting bulbs in the street to determine if they would benefit the residents whose houses would front Wilson Street.

RESOLUTION NO. 2004/55

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously: 1) Adopted the resolution approving a Final Planned Development, Tentative Map and Use Permit and adopting a Negative Declaration; 2) Introduced the ordinance by title only, and; 3) Introduced the ordinance rezoning approximately 6.11 acres making up the project area to Planning Development District (PD). With the following amendments to project specific conditions #48, 58, 59 and 60 to read:

#48 That the subdivision shall be redesigned so that lots can front on Wilson Street. The exact layout and configuration of the required map shall be subject to the approval of the Director of Community Development.

#58. The applicant will record a disclosure regarding the health issues of Electro Magnetic Field (EMF) exposure and other exposure profiles from overhead transmission lines.

#59. That the oak tree identified as #10 shall be removed.

#60. That a minimum 15 gallon native California Oak species shall be planted along the rear of lots 14-22 and 25 at 30-foot intervals, subject to Planning Staff approval. The tree shall be setback far enough from the rear property line to prevent the tree from overhanging the adjacent property at maturity.

And the addition of project specific conditions #63-65 to read:

#63. That Lot #7 all be removed and the placement of the house on Lots #6-8 shall not interfere with sight distance.

#64 That the retaining walls depicted at the rear of Lots 17 through 21 shall be omitted and a slope easement shall be processed with PG&E (APN 050-190-021), or as approved by the City Engineer.

#65 That masonry sound walls shall be provided along the property lines of Lots 1, 14, 15, and 16.

5. RESOLUTION APPROVING PROPOSED MASTER FEE SCHEDULE FOR FISCAL YEAR 2004-05 #409-01

City Manager Jakel presented the staff report dated April 22, 2004 recommending the City Council adopt the Resolution Approving the Proposed Master Fee Scheduled for 2004/05 Fiscal Year.

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

In response to Councilmember Conley, City Attorney Galstan clarified it would require an ordinance change to require owners of vicious and dangerous dogs to provide proof of liability insurance. He noted they could bring it back to the City Council as an ordinance change.

Councilmember Conley directed staff to bring back the ordinance change for City Council consideration.

RESOLUTION NO. 2004/56

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously approved the resolution effective July 1, 2004.

Mayor Freitas declared a recess at 9:00 P.M. The meeting reconvened at 9:13 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

6. APPOINTMENT OF RESIDENTIAL DEVELOPMENT ALLOCATION COMMITTEE MEMBER #204-01

Mayor Freitas presented the staff report dated May 4, 2004 nominating Councilmember Conley to serve for a two year term on the Residential Development Allocation Committee. On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously appointed Councilmember Conley to the Residential Development Allocation Committee.

Director of Community Development Brandt requested that Mayor Freitas and Councilmember Conley contact staff with regards to scheduling meetings.

7. INTRODUCTION TO THE "EVERY 15 MINUTE" PROGRAM

#1301-01

Mayor Freitas stated he requested the item following his participation in the program and commended the Antioch Police Officers, Volunteers in Police Services as well as all volunteers who participate in the program.

Chief Moczulski introduced Tracy Jones and Police Corporal Fuhrmann, coordinators for the "Every 15 Minute" program.

Police Corporal Fuhrmann presented the staff report dated May 4, 2004 recommending the City Council receive and file the report.

Mayor Freitas spoke to the merits of the "Every 15 Minute" program noting it was an extraordinary experience to participate in the event. He stated he put the item on the agenda to inform the City Council and community of the program noting he felt it would influence students and save lives. He thanked everyone who participated in the program.

Ms. Jones thanked Mayor Freitas for participating in the program and stated it had been an honor and a privilege to be a coordinator.

Councilmember Kalinowski requested the City Manager provide information at the May 18, 2004 Budget Study Session with regards to setting aside \$5000.00 to apply to the traffic safety program for the Antioch Police Department if CHP funding becomes unavailable.

Councilmember Conley suggested running the program through reach to receive block grant funding.

In response to Councilmember Simonsen, Corporal Fuhrmann stated that MADD has participated in the program although they have not come forward with funding.

Councilmember Simonsen suggested seeking contributions for funding from businesses that hold liquor licenses in the City of Antioch.

Councilmember Davis stated the program had made a difference in his children's lives and thanked the coordinators for all their efforts.

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

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

AGENCY CONSENT CALENDAR

8. APPROVAL OF AGENCY WARRANTS

#401-02

On motion by Agencymember Kalinowski, seconded by Agencymember Conley the Agency unanimously approved the Agency Warrants.

**9. CREATION OF DOWNTOWN REDEVELOPMENT / WATERFRONT PLAN
SUBCOMMITTEE #302-10**

Chairperson Freitas requested the Agency hold the item over to allow him to meet with the City Manager to delineate between the subcommittees and City Council's duties and responsibilities.

Chairperson Freitas adjourned to the Antioch City Council.

CONSENT CALENDAR - *Continued*

Item E - Mayor Freitas clarified the written agenda indicated motion to adopt the resolution although staff had indicated they would like the item held over for future Council consideration.

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

Item G - Councilmember Kalinowski requested the position be established and brought back to Council during the Budget sessions in June for approval. He further stated he would like the item to be agendized with the Budget with the understanding the salary would be retroactive. Council concurred.

Item H - Councilmember Kalinowski suggested holding the item over for consideration in conjunction with the budget.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council approved a resolution authorizing staff to fill one vacant General Fund position (Community Service Officer). The motion carried by the following vote:

Ayes: Simonsen, Davis, Conley

Noes: Freitas, Kalinowski

Item I - Staff requested the item be carried over to May 25, 2004.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council continued item I to May 25, 2004.

Item D - Councilmember Conley stated the City had implemented measure "U" and decreased housing starts by over 80% and suggested reaching out to the county and other cities in Eastern Contra Costa to assist in curbing rapid growth. He noted the Mayor's proposal this evening would allow for planned growth for the next 25 years, therefore he felt it

was important for all cities to work together to get the Urban Limit Line resolved for the long-term benefit of East County.

Councilmember Kalinowski stated he could not support the proposal due to the fact that it does not speak specifically to when development would occur on the Roddy Ranch property so that it could be timed with the appropriate transportation infrastructure. He expressed concern the reauthorization of Measure "C" would not be approved if it were tied to the movement of the Urban Limit Line.

Mayor Freitas clarified the cities would prefer to separate the Urban Limit Line from the reauthorization of Measure "C" although labor, environmentalist and business had indicated they would not support the extension unless the Urban Limit Line was part of the measure. He stated they were trying to fashion a measure that would be broad enough in support to get a 2/3 approval. He discussed the importance of the City to have the ability to plan for future development.

Councilmember Conley stated he felt it was important for the City to plan when, what, how and who will develop around the city.

Councilmember Kalinowski stated he felt if the issue was the City wanted to retain the revenue and plan for future growth, it should be included in the proposal.

Mayor Freitas stated from his perspective was a local control, economic development and planning issue. He noted with the existing Urban Limit Line, Antioch was harmed and he was attempting to avoid the problems with it expiring in 2010. He clarified his proposal indicated there should be an Urban Limit Line that would be valid until the year 2034.

Councilmember Kalinowski suggested the proposal include that when taking the 995 acres for future development, it would not occur until a mutually agreed upon point for infrastructure improvements, primarily on Highway 4.

Mayor Freitas clarified if the Urban Limit Line were to be moved, the property would still need to be annexed into the City, which was an open process.

Councilmember Simonsen stated he agreed with metering development with infrastructure improvements.

Mayor Freitas suggested a Council meeting be devoted to a discussion on the issue.

Councilmember Simonsen suggested supporting Danville Town Council's letter and indicating the City would not accept any further reduction of Capital Improvement Projects in the expenditure plan.

The Council agreed to support Councilmember Simonsen's suggestion. Mayor Freitas clarified one caveat, that \$10M would be identified for the East Bay Regional Park District Trail System.

Councilmember Simonsen provided Councilmember Kalinowski with the staff report from Senator Torlakson regarding the steps from LAFCO for annexation.

Mayor Freitas summarized the correspondence to the CCTA stating it would include his proposal and agreement with the expenditure plan as well as acceptance of the Danville language for the growth management plan.

PUBLIC COMMENTS – None

COUNCIL COMMUNICATIONS

Councilmember Simonsen announced he would be traveling to Sacramento with Councilmember Davis, Chief Moczulski, Assistant City Manager Pappas Diaz to attend a meeting with Senator Torlakson and Assemblyman Canciamilla to discuss a number of issues, particularly Highway 4.

STAFF COMMUNICATIONS

City Manager Jakel announced the first study session on the budget was scheduled for May 18, 2004 at 4:00 P.M., followed by the second study session on June 1, 2004.

With no further business, Mayor Freitas adjourned the meeting at 10:23 P.M. to the next regular Council meeting on May 25, 2004.

Respectfully Submitted

L. JOLENE MARTIN, CMC

Approved

DONALD P. FREITAS, Mayor

Attest

L. JOLENE MARTIN, CMC