

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**May 25, 2004
Council Chambers**

Mayor Freitas called the meeting to order at 7:02 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.

Mayor Freitas congratulated Councilmember Kalinowski and his wife Jena on the birth of their son, Matthew Cade.

PROCLAMATIONS

Affordable Housing Week, June 5 - 13, 2004

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

Councilmember Davis presented the proclamation proclaiming June 5-13, 2004 as Affordable Housing Week to Manny Soliz who accepted the proclamation and thanked the City Council on behalf of Shelter Inc., as well as other organizations who assist low income and homeless families for the recognition. He discussed the goals and accomplishments of Shelter Inc. as well as the various ways the community could assist the homeless. He announced a golf Fundraiser to benefit the low income and homeless families would be held on July 26, 2004 at the Contra Costa Country Club in Pleasant Hill.

PRESENTATIONS

Mayor Freitas announced there would be a ceremony on June 5, 2004, at 6:00P.M. in Beede Auditorium to recognize and honor Michael Semanick, Antioch High School graduate for having received three Academy Award nominations and for going on to win an Oscar on February 29, 2004. He announced Mr. Semanick would be presented with a proclamation and key to the City during the ceremony.

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

Councilmember Kalinowski presented the proclamation proclaiming June 5, 2004 as Michael Semanick Day to Linda Wenneker, a representative of Mr. Semanick, who accepted the proclamation and thanked the City Council for the recognition on behalf of Mr. Semanick. She invited the community to attend the event honoring Mr. Semanick on June 5, 2004 at Antioch High School's Beede Auditorium, and announced following the event at Beede Auditorium, there would be an autograph signing at Schooners Restaurant. She reported he had received

the Academy Award for *Lord of the Rings Return of the King*. She provided a website address for anyone wishing to receive additional information on his accomplishments. She announced the formation of a scholarship fund to benefit a student at Antioch High School who were going to college to pursue any aspect of theatrical work.

Mayor Freitas thanked Ms. Wenneker and encouraged the community to attend the event.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Karen Kopps, representing H.A.L.O. (Homeless Animal Lifeline Organization) invited the community to attend the 6th Annual Ramble Around the Reservoir Dog Walk and Pet Fair on June 13, 2004 from 10:00 A.M. to 2:00 P.M. at Contra Loma Regional Park. She provided a contact number and website for anyone wishing to receive additional information.

PUBLIC COMMENTS

James Kyle, Antioch resident, spoke in support of the Reynolds and Brown project and requested the community vote no on Measure "C". He stated he felt the project would benefit the community and provide much needed quality jobs and housing needed in Antioch.

Dee Vieira, Antioch resident spoke in support of Measure "C" noting the high density housing component of the project would further overburden local schools and infrastructure. She encouraged the voters to vote yes on Measure "C" on June 8, 2004.

Devi Lamphere, representing the Antioch Chamber of Commerce, presented Mayor Freitas and members of the City Council with personalized chocolate bars in appreciation of the speech given by Mayor Freitas at the State of the City luncheon.

Emil Stein, Antioch resident, voiced his concern regarding the transporters from the Nokes Dealership who were unloading vehicles in his neighborhood. He reported the police spoke with the driver who indicated the dealership had instructed them to park there. He noted they had contacted the police regarding the issue, and they had indicated they could not site the vehicle as they had been told not to site the transporters. He further noted the police have indicated it was a political issue as Mr. Nokes was a powerhouse within the City.

Terry Ramus, Antioch resident, spoke in support of the Bluerock Business Park for the high quality jobs it would provide Antioch. He further stated it would allow people to work locally without driving on Highway 4. He urged the residents to vote "No" on Measure "C".

Ken Lee, Antioch resident, expressed concern the speakers from the Nokes Dealership were directed into the neighborhood and suggested they be redirected and the volume be lowered to lessen the impact on the residents. He reported the employees of the dealership were violating the "no right turn" from the their driveway; they were also test-driving through the neighborhood. He added the garbage bin was directly behind his residence and negatively impacts his quality of life. He stated the razor wire along the top of the fence remains visible

and is unsightly. He requested the City Council direct staff to resolve some of those problems, administer the new ordinance or possibly conduct an unbiased meeting of all involved parties to bring those issues to a resolution.

Mayor Freitas stated the problems were repetitive in nature and should be resolved. He requested City Manager Jakel report back to the City Council regarding the issues of the speakers and the razor wire.

Michael Sagehorn, Executive Director of the Delta Youth Rugby and Coach of the Antioch High Rugby Club, introduced Dannelle Guevera, a Junior at Antioch High School who had been named to the United States Women's Under 19 National Team. He reported she would be representing the United States and Antioch in the competition in Wales and Great Britain this summer. He appealed to the community to support Ms. Guevera and noted any help in raising the funds to assist her in getting to Wales would be greatly appreciated. He provided a website and phone number for anyone wishing to help. He reported Travis Jacobs, Eric Jacobs and Chris Romo had been placed on the Northern California All Star Team and the Contra Costa Conference had defeated the Sacramento Conference for the Northern California Title. He announced two of the boys would most likely be attending the University of Nevada Reno on Rugby Scholarships.

Mayor Freitas, on behalf of the City of Antioch, congratulated Ms. Guevera and Mr. Sagehorn for their accomplishments.

Ms. Guevera stated it was an honor to be representing the City and she was looking forward to the competition.

Mayor Freitas announced the City Council would be contributing \$500.00 and encouraged the community to be equally as generous with their donations.

Councilmember Simonsen congratulated Ms. Guevera and wished her the greatest success in Wales.

- 1. COUNCIL CONSENT CALENDAR**
- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 27, 2004#301-02**
- B. APPROVAL OF COUNCIL WARRANTS.....#401-02**
- C. APPROVAL OF TREASURER=S REPORT FOR APRIL 2004#401-02**
- D. REJECTION OF CLAIMS#704-07**
 - 1) Li-Chi Leland Yee DDS, #03/04-1461**
 - 2) Martin Land Company, #03/04-1466**

- E. LEGISLATION AND ADVOCACY#701-04
- F. ORDINANCE NO. 1021-C-S AMENDING THE ALMONDRIDGE FINAL DEVELOPMENT PLAN BY REZONING APPROXIMATELY 6.11 ACRES TO PLANNED DEVELOPMENT (PD) (Blacksmith Homes/Los Vinedos) ...#202-03
- G. RESOLUTION NO. 2004/57 ACCEPTING IMPROVEMENTS FOR MEADOW CREEK VILLAGES, UNIT 4, TRACT NO. 7971 (WEST COAST HOME BUILDERS INC.), AND AUTHORIZING THE MAYOR TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR THE SLURRY SEAL OF CERTAIN STREETS (PW 569-4)#802-02
- H. RESOLUTION NO. 2004/58 REQUESTING OF THE METROPOLITAN TRANSPORTATION COMMISSION AND ALLOCATION OF FISCAL YEAR 04/05 TRANSPORTATION DEVELOPMENT ACT. ARTICLE 3. PEDESTRIAN/BICYCLE PROJECT FUNDING#1402-02
- I. RESOLUTION NO. 2004/59 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE DEMOLITION OF VARIOUS STRUCTURES ON "L" STREET (PW 234-9D)#1001-02
- J. RESOLUTION NO. 2004/60 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE LONE TREE WAY WIDENING AND IMPROVEMENTS PROJECT AT THE INTERSECTION OF LONE TREE WAY AND JAMES DONLON (PW 555-11)#1102-04
- K. RESOLUTION NO. 2004/62 APPROVAL OF CONTRACT WITH FEHR AND PEERS TO PROVIDE ENGINEERING SERVICES FOR THE NORTHEAST ANTIOCH (KERLEY PROPERTY) CIRCULATION AND ACCESS STUDY (PW 530-B) #1101-01
- L. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE CITY'S ANNUAL CONCRETE REPLACEMENT CONTRACT (PW 507-10)#1102-04
- M. CONSIDERATION OF BIDS TO DECOMMISSION THE DIGESTERS AT THE ABANDONED WATER TREATMENT PLAN ON FULTON SHIPYARD ROAD#1202-01

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

Item M - In response to Councilmember Simonsen, Superintendent of Water Pat Scott stated the water would be treated and they would be monitoring it from the fire hydrant outside the complex.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the City Council unanimously approved item M.

Item A - Councilmember Davis requested the item be pulled for separate action due to his absence at the April 27, 2004 meeting.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council approved item A. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Conley, Freitas

Abstain: Davis

Item E - Mayor Freitas announced the item would be held until the end of the City Council meeting for a discussion of the reauthorization of Measure "C".

COUNCIL REGULAR AGENDA

2. CITY OF ANTIOCH RESPONSE TO DRAFT URBAN LIMIT LINE BALLOT MEASURE#204-01

Community Development Deputy Director Carniglia presented the staff report dated May 17, 2004 recommending the City Council direct staff as to Council's preferred course of action.

Mayor Freitas stated the Urban Limit Line was controversial and had become involved in the discussions regarding the extension of the half-cent sales tax for transportation projects in Contra Costa County. He stated this would be one of many proposals from elected and appointed officials, the environmental community, labor and business.

Councilmember Kalinowski suggested drafting a letter to the County stating consideration of the proposal was, in the Council's opinion, a poor use of time and a potential for wasting the taxpayers money. He stated the Board of Supervisors were elected to make decisions based on the best interests of the County and they needed to do so. He noted if it had to go to a vote, he felt it should be done by geographical area.

Following discussion, the City Council agreed to oppose the proposal and agreed with staff's assertion. They stated more discussion regarding the cost of an election would be necessary, adding should the proposal move forward and require a vote, it should be done by sub-regional areas.

Councilmember Conley stated he felt if the Board of Supervisors could request a change by a 3/5 vote, the cities should also be allowed to request a change by a 3/5 vote. He suggested

the county, and cities of Pittsburg, Brentwood and Oakley be mandated to implement a growth management measure.

Councilmember Simonsen stated if the proposal were approved, he would suggest wording to indicate that 25 acres was not appropriate due to the cost considerations.

Councilmember Conley stated the proposal was an attempt to take away local control from the cities by the Board of Supervisors and he resisted turning over the authority of the local jurisdictions to the County.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously directed staff to draft a response to the County Board of Supervisors and City Council members of all 18 cities, outlining Mr. Carniglia's letter including more discussion with regards to the cost of an election, voting done by sub-regional areas, cities changes by a 3/5 vote, mandate for the county and cities of eastern Contra Costa County to implement a growth management measure and indicating 25 acres is not appropriate due to cost considerations.

**3. APPOINTMENT TO INVESTMENT ADVISORY COMMITTEE ONE (1)
UNEXPIRED TERM#101-04**

Mayor Freitas accepted the Investment Advisory Committee recommendation and nominated Robert Temen to the unexpired turn on the Investment Advisory Committee.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously appointed Robert Temen to the Investment Advisory Committee.

**4. RESOLUTION APPROVING WIND-UP AGREEMENT WITH ASSOCIATION OF
BAY AREA GOVERNMENTS (ABAG) POWER#705-04**

Finance Director Tasker presented the staff report dated May 19, 2004 recommending the City Council adopt the resolution approving the wind-up agreement.

City Attorney Galstan stated the statute of limitation would expire on July 1, 2004, therefore, any suit(s) brought against the City would have to be filed by that date.

In response to Mayor Freitas, Finance Director Tasker stated there had not been any indication there would be any lawsuits filed by the creditors and reported there was adequate money set aside to cover the exposure.

City Attorney Galstan stated ABAG was divesting itself of all funds to its members, therefore, should there be a challenge, the members of ABAG would share in the responsibility.

Finance Director Tasker stated, if approved, 50% of the \$824,494 would be distributed into the General Fund, the majority of the remaining would be put into the water fund, and approximately \$150,000 would be set aside as reserves to cover the exposure.

Mayor Freitas suggested \$321,540 be set aside as reserves in the General Fund and Water Fund.

RESOLUTION NO. 2004/61

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously approved the resolution with the stipulation \$321,540 be set aside as reserves for the General Fund and Water Fund.

5. ECONOMIC DEVELOPMENT COMMISSION INITIATION OF BUSINESS RETENTION PROGRAM / BUSINESS OUTREACH (VISITATION, INTERVIEW, AND BUSINESS SURVEY) #901-01

Director of Economic Development Uriyu introduced members of the Economic Development Commission.

Chairperson Holman and Commissioner Agopian of the Economic Development Commission presented the staff report dated May 19, 2004 recommending the City Council review and approve the Economic Development Business Retention Program: Business Outreach.

Councilmember Simonsen thanked the members of the Economic Development Commission for designing the Business Retention Program. He stated it would provide useful data for planning the future needs of the business community.

Mayor Freitas thanked the Economic Development Commission for their recommendation, noting it solidified the reasoning behind the creation of the Commission. He stated the proposal was well thought out and felt it would be well executed. He discussed the importance of follow up and feedback of the information to the business owners.

Corey Sater suggested building a campground near the waterfront to bring people into downtown Antioch. He urged the community to show their support for local jobs by voting no on Measure "C".

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the City Council unanimously approved the Economic Development Business Retention Program: Business Outreach.

Mayor Freitas declared a recess at 8:54 P.M. The meeting reconvened at 9:02 P.M. with all Councilmembers present.

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

AGENCY CONSENT CALENDAR

6. APPROVAL OF AGENCY WARRANTS#401-02

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

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

Chairperson Freitas nominated himself and Councilmember Davis to represent the Agency on the Downtown Redevelopment / Waterfront Plan subcommittee.

Agencymember Conley stated the Waterfront Plan for the City was important enough to involve all Councilmembers and in doing so, he felt it would promote greater public participation.

Councilmember Simonsen voiced his support of the creation of the subcommittee noting they would be bringing information back to the City Council for full public participation.

On motion by Agency member Simonsen, seconded by Agencymember Kalinowski, the Agency appointed Mayor Freitas and Vice Mayor Davis to the Waterfront Plan Subcommittee. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Simonsen, Freitas, Noes: Conley

Chairperson Freitas adjourned to the Antioch City Council with all Councilmembers present.

COUNCIL CONSENT CALENDAR (Continued)

Item E - Councilmember Simonsen provided reports to the City Council regarding the proposed language to be included in the growth management plan under the Urban Limit Line.

Mayor Freitas reviewed Antioch's proposal for the Urban Limit Line and reported he had been advocating the proposal since the City Council had supported it at a previous Council meeting. He reported Supervisor Glover had indicated his infrastructure milestone for modifications to the Urban Limit Line was to expand Highway 4 from Loveridge Road to Hillcrest Avenue at a cost of approximately \$225M. Mayor Freitas stated he suggested to Supervisor Glover a reasonable approach for a milestone would from Loveridge Road to Somersville Road. Supervisor Glover rejected that approach. Mayor Freitas expressed concern no one could live with the proposal without knowing the criteria needed to negotiate. It was equally difficult to negotiate knowing the criteria was unachievable. He reported he was prepared to suggest to

the CCTA Board they strip out the Urban Limit Line issue based solely on the Board of Supervisors unwillingness to resolve the issue.

Councilmember Kalinowski stated he felt the issue for the community was based on whether or not the "superfunding" for Highway 4 improvements becomes available.

Councilmember Conley stated it was a control issue and he wanted the City of Antioch in control of how and when Roddy Ranch and the Nunn/Ginocchio properties were developed. He voiced his support for stripping out the Urban Limit Line and any type of funding for high density housing from the reauthorization of the 2 cent sales tax.

Allen Payton thanked Mayor Freitas for his leadership on the issue and tying new growth to highway improvements. He felt the Board of Supervisors were being unreasonable and voiced his support of modifying the Urban Limit Line to reflect the wishes of the voters.

Councilmember Simonsen reported there were proposed changes in the language to reduce the plan for 4 lanes on Vasco Road and restrict Highway 237. He commended Mayor Freitas for speaking on behalf of the City Council and other cities within Contra Costa County.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council unanimously received and filed item E.

PUBLIC COMMENTS

Allen Payton thanked the City Council for the presentation to Michael Semanick. He presented petitions to the City Council regarding the money being spent on the ballpark in Pittsburg. He stated while the project is a good idea, he was concerned a developer could challenge the nexus for using RDA monies for a project outside of the City.

COUNCIL COMMUNICATIONS

Mayor Freitas encouraged the community to recognize the men and women who had died for our liberties on this Memorial Day weekend. He announced an event would be held on May 29, 2004 at 10:00 **A.M.** at the Veteran's Hall coinciding with the national campaign for the new World War II Memorial located in Washington D.C.

Councilmember Davis announced the City of Antioch, Veteran's Post and the Oakview Cemetery in conjunction with the City of Oakley would participate in an event at the Oakview Cemetery at 12:00 P.M. on May 31, 2004 to pay tribute to the men and women who had given their lives in protection of this country.

Councilmember Kalinowski responded to Mr. Payton clarifying the baseball proposal was using RDA money, which would be going directly to the community college and would benefit the athletic programs at LMC. He noted the project was a true regional partnership for the communities in East County. He stated he felt it was a good project benefitting the youth and

all proceeds would be going back to the participating communities. He reported the Boys and Girls Club in Pittsburg were considering an expansion in East County and had contacted him requesting a meeting.

Councilmember Conley announced he had attended the Open House held at the Public Works Department with his grandsons, and everyone had a great time. He noted it had been well attended and was a good outreach program for the City.

STAFF COMMUNICATIONS

City Manager Jakel announced the second budget study session would be held on June 1, 2004 at 4:00 P.M. at the Police Department Community room.

Councilmember Simonsen requested a proclamation for the County Fair be added to the June 1, 2004 City Council agenda. He announced the County Fair would be held on June 3-6, 2004 in Antioch and encouraged the community to attend. He reported he had attended the Local Legislative Action Days on May 12-13, 2004 with Councilmember Davis, Chief Moczulski, and Assistant City Manager Pappas Diaz. He announced there would be a new state librarian and encouraged Councilmember Conley to become involved in the library application process. He reported he had attended many ribbon-cuttings for new businesses in the City of Antioch and encouraged the City Council to participate in the upcoming ribbon-cutting events.

Mayor Freitas thanked the Chamber of Commerce for presenting him with the personalized candy bar. He congratulated Councilmember Kalinowski and his wife Jen on the birth of their healthy baby boy.

With no further business, Mayor Freitas adjourned the meeting at 10:03 P.M. to a Study Session on June 1, 2004 at the Police Department Community room.

Respectfully Submitted

L. JOLENE MARTIN, CMC

Approved

DONALD P. FREITAS, Mayor

Attest

L. JOLENE MARTIN, CMC