

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

April 10, 2007
Council Chambers

6:15 P.M. - CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Title: City Attorney. This Closed Session is authorized by Government Code §54957

Mayor Freitas called the meeting to order at 7:12 P.M., and reported the City Council had been in Closed Session and there was no reportable action.

City Clerk Martin called the roll.

Present: Council Members Davis, Moore and Mayor Freitas
Excused: Council Member Kalinowski and Simonsen

Mayor Freitas announced Councilmember Simonsen was absent this evening due to a scheduled vacation and Councilmember Kalinowski was absent due to a death in his family.

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

2007 Safety Faire Sponsors

Lieutenant Marchoke, Chief Hyde and Councilmember Davis presented awards to the sponsors of the 2007 Safety Faire, held on February 3, 2007 at Somersville Towne Center. He announced April 14-21, 2007 would be Disaster Preparedness Week. He thanked the Church of Jesus Christ of Latter-day Saints for organizing a Safety Fair on April 14, 2007. The following sponsors were also recognized:

- ! Allied Waste
- ! Dow Chemical
- ! East County Times
- ! Kaiser Permanente
- ! Tri-Delta Transit
- ! Somersville Towne Center
- ! CARE
- ! GWF Power Systems
- ! McGill Martin Self

PROCLAMATIONS

Disaster Preparedness Week, April 14 – 23, 2007
Earth Day, April 22, 2007
Arbor Day, April 27, 2007

On motion by Councilmember Davis, seconded by Councilmember Moore, the City Council members present unanimously approved the proclamations.

Mayor Freitas presented the proclamation proclaiming April 14 – 21, 2007 as *Disaster Preparedness Week* to Kent Wiser and Annette Beckwith, representing the Church of Jesus Christ of Latter-day Saints. They thanked the Council for their support and announced the Safety Faire would be held on April 14, 2007 from 10:00 A.M. – 2:00 P.M. They encouraged the public to attend the event and thanked those responsible for organizing the Emergency Preparedness Fair.

Councilmember Davis presented the proclamation proclaiming April 22, 2007 as Earth Day to Recycling Assistant R.C. Ferris and a representative of Starbucks who accepted the proclamation announcing they would be supporting Earth Day with the *"I Make Change Happen Campaign."*

Councilmember Moore presented the proclamation proclaiming April 27, 2007 as Arbor Day to Park Superintendent Palmeri and members of Riverview Garden Club who accepted the proclamation, introduced members of the Antioch Riverview Garden Club and gave a brief oral history of their club. They announced the tree-planting event would be held on April 27, 2007 at Fairview Park. Contact information was given and Redwood trees were presented to the City Council.

Mayor Freitas thanked the Garden Club for hosting the event and beautifying Antioch.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Frank Lozano, representing Inland Marine, requested the City consider a red zone in front of his business to eliminate vehicles creating an unsafe parking situation.

Mayor Freitas responded the City Clerk would be in contact with Mr. Lozano regarding his request.

Ken Lee, Antioch resident, reported there was a property at 3rd and G Streets with exposed garbage cans. He urged the City to respond to his request for information regarding the

contribution from the City to the Antioch Auto Dealerships; if the City did not intend to provide the requested information, Mr. Lee requested this issue be agendaized.

Emil Stein, Antioch resident, thanked Chief Hyde and Lt. Marchoke for the CERT certificate.

Victoria Pickett, introduced herself as the mother of Louis Straiten, a Brentwood resident, who was murdered at the Deer Valley shopping plaza the night of March 17, 2007. She requested the City provide a safe place for children, stop the violence and use a reward to apprehend the person responsible for the crime.

William LeRoy, Antioch resident, speaking on behalf of the Citizens for Democracy, announced they would be co-sponsoring a meeting with RV owners on April 16, 2007 at the VWF Hall.

Willie Mimms, representing the Black Political Organization, expressed concern his association was receiving complaints of police abuse associated with code enforcement. He questioned if there was a process of the police department to review complaints and if not he suggested the City form a citizens police review commission.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Moore thanked Ms. Pickett for coming forward this evening. He suggested the City Manager look into establishing a reward to assist the Police Department in finding the perpetrator of this crime.

Mayor Freitas expressed his condolences to Ms. Pickett and requested staff provide a report at the April 24, 2007 City Council meeting for possible action.

- 1. COUNCIL CONSENT CALENDAR**
 - A. APPROVAL OF COUNCIL MINUTES FOR MARCH 13, 2007 #301-02 (Con't)**
 - B. APPROVAL OF COUNCIL WARRANTS #401-01**
 - C. LEGISLATION AND ADVOCACY #701-04**
 - D. LETTER OF OPPOSITION TO SB 303 (DUCHENY) #701-01**
 - E. AGREEMENT WITH THE EASTERN CONTRA COSTA TRANSIT AUTHORITY REGARDING AND BUS SHELTERS AND POLES #1107-02**
 - F. LONE TREE GOLF COURSE GREEN FEES #1402-01**
 - G. APPROVE AWARD FOR THE ANTIOCH MARINA GUEST DOCK REPLACEMENT**

PROJECT, PROPOSAL REBID NO. 959-0214-07F #601-02

- H. **RESOLUTION NO. 2007/24 AUTHORIZING AGREEMENT FOR TWO GARAGE SALES OFFICE CONVERSIONS IN NELSON RANCH SUBDIVISION (STANDARD PACIFIC HOMES) TRACT NO. 6893, LOT 47 AND LOT 100 (PW 547-1) #802-02**
- I. **REQUEST COUNCIL RECOMMENDATION TO MELLO ROOS BOARD TO SUPPORT FUNDING FOR PUBLIC ART INFRASTRUCTURE AT PREWETT FAMILY PARK AND COMMUNITY CENTER #1402-03**

On motion by Councilmember Moore, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of item #A and #B, which were removed for further discussion.

Item A – Due to lack of a quorum to vote on the Minutes of March 13, 2007, they were held over to April 24, 2007.

Item B – Chief Hyde requested warrant #101430 be pulled from Item B, noting he would like to bring the item back with more information in the near future.

On motion by Councilmember Davis, seconded by Councilmember Moore the City Council unanimously approved Item B with the exception of warrant #101430 Kirker Creek Apartments – Academy Housing 4/07 in the amount of \$860.00.

PUBLIC HEARINGS

2. **RESOLUTION APPROVING PROPOSED MASTER FEE SCHEDULE EFFECTIVE JULY 1, 2007 (FISCAL YEAR 2007/08) #409-01**

Interim Finance Director Merchant presented the staff report dated April 2, 2007 recommending the City Council adopt the resolution.

Mayor Freitas expressed concern as the Card Dealer Application fees and Police Conference Room Rental fees were not sufficient to recover the direct costs of providing those services.

In response to Mayor Freitas, Captain Cantando clarified the rental fees were consistent with other City departments.

City Manager Jakel stated staff could bring back additional information regarding the Card Dealer Application and Police Conference Room Rental fees, if Council needed more information.

Mayor Freitas declared a recess at 7:53 P.M. The meeting reconvened at 7:54 P.M with all Councilmembers present.

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

RESOLUTION NO. 2007/25

On motion by Councilmember Davis, seconded by Councilmember Moore the City Council members present unanimously adopted the resolution with the exception of the following with direction to staff to bring those items for further discussion:

- ! Card Dealer Application Fee
- ! Police Conference Room Rental

3. EXTENSION OF TEMPORARY CLOSURE OF EMPIRE MINE ROAD BETWEEN MESA RIDGE DRIVE AND DEER VALLEY ROAD #1102-04

Assistant City Engineer Bernal presented the staff report dated March 13, 2007, recommending the City Council conduct a public hearing and adopt the resolution.

Mayor Freitas opened the public hearing.

Jay Sheen, representing Milani and Associates and speaking on behalf of Louisa Zee Kao, expressed their objection to the closure of Empire Mine Road as currently designed. He noted the location of the gate posed a significant access constraint to their property and requested the gate be relocated to south of the Higgins Ranch house to provide unrestricted access to the Zeka property. He reported the Zeka group was willing to pay for the relocation of the gate.

Louisa Zee Kao, read the letter she provided to the City Council regarding her objection to extending the temporary closure of Empire Mine Road at Mesa Ridge Drive.

With no further speakers, Mayor Freitas closed the public hearing.

Following discussion the City Council agreed the extension was appropriate, however staff was directed to contact Ms. Kao and schedule a meeting to determine if there was an alternative regarding the barrier.

RESOLUTION NO. 2007/26

On motion by Councilmember Davis, seconded by Councilmember Moore, the City Council members present unanimously adopted the resolution.

4. THE POINTE/DISCOVERY BUILDERS, INC. REQUESTS APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR 72 SINGLE FAMILY HOMES ON APPROXIMATELY 21 ACRES LOCATED EAST OF THE INTERSECTION OF

SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD (PDP-06-03) #202-03

This item was continued to 4/24/07

COUNCIL REGULAR AGENDA

5. PRESENTATION ON THE EAST BAY REGIONAL COMMUNICATION SYSTEM (EBRCS) #1301-01

Police Lieutenant Scott Willerford presented the staff report dated March 19, 2006, recommending the City Council support the program.

Retired Commander Jim Nickels gave a brief overview of the East Bay Regional Communications System (EBRCS) and the staff report dated March 19, 2007 recommending the City Council: 1) Adhere to the EBRCS Task Force timeframes for presentation and consideration; 2) Support the proposed JPA structure; 3) Establish an accurate radio count (Antioch Has 463 Radios); 4) Authorize the City Manager to sign the Letter of Intent and contribute a good faith contribution of \$100 per radio (\$46,300), and; 5) Provide a technical point of contact to work with operational committees on system implementation issues.

Councilmember Davis voiced his support of the EBRCS and discussed the importance of providing public safety agencies with the proper tools to communicate effectively. He noted there was a national program Siren Call which was petitioning the FCC to widen the spectrum available within California.

In response to Councilmember Moore, Mr. Nickels stated conversations with East Bay Municipal Utilities District, as well as other service agencies, have to participate.

Mayor Freitas questioned what the exposure would be for the local jurisdictions.

Mr. Nickels clarified it had been discussed that once the JPA was established they would be pursuing bonds and the number of users would determine the cost per city.

City Manager Jakel reported the issues of governance and funding was being discussed regularly among City Managers.

On motion by Councilmember Moore, seconded by Councilmember Davis the City Council members present unanimously 1) Adhere to the EBRCS Task Force timeframes for presentation and consideration, 2) Support a JPA structure, 3) Establish an accurate radio count (Antioch Has 463 Radios), 4) Authorize the City Manager to sign the Letter of Intent and contribute a good faith contribution of \$100 per radio (\$46,300), 5) Provide a technical point of contact to work with operational committees on system implementation issues.

Mayor Freitas declared a recess at 9:02 p.m. The meeting reconvened at 9:17 p.m. with all Councilmembers present with the exception of Councilmembers Simonsen and Kalinowski who were excused.

Following review of the agenda and due to Councilmembers Kalinowski and Simonsen's excused absences this evening the City Council members present agreed to hold item #7 over to May 2007. The exact meeting date would be determined by City Manager Jakel.

6. PREWETT PARK PROJECT SITE LOCATION AND ESTIMATED FACILITY SIZE AND PROGRAM SPACE ALLOCATION #1402-03

Project Manager Karste recognized members in the audience who had contributed to the development process. He then presented the staff report dated April 4, 2007 recommending the City Council provide direction to staff as to Council's preferred course of action: A) Locate the new facility in the area designated for the community center on the master plan, taking advantage of existing facilities and maximizing future site development; B) Determine Facility type, i.e. Community center including a Police substation with limited service; C) Pursue an expanded service option, i.e. increase project funding to increase Library size with a Community center and Police substation; or C) Direct staff to begin the RFP process for design and environmental study for the previously approved facility option only.

Following discussion the City Council agreed with staff's recommendation regarding the proposed site for the facility.

Lauren Livingston, Sports Management Group discussed the methodology used to determine facility options costs and revenue.

Deputy Director of Leisure Services Sanderson discussed the concept developed for youth programming needs.

Mayor Freitas discussed the importance of providing meeting rooms and a computer lab for the community. Additionally, he requested the issue of providing transportation to and from the community center as well as ingress and egress for the buses be discussed with Tri-Delta Transit and Para Transit.

Katherine Billeci, Antioch resident and teacher at Deer Valley High School, spoke in support of a new library and discussed the importance of providing library services for students in the community.

Project Manager Karste reported he had met with Dr. Simms and would continue meeting with Contra Costa Library and AUSD, visiting Deer Valley High School library to look at possibilities as to what could be done with the facility in the interim.

Mayor Freitas suggested Mr. Karste discuss the issue with the Antioch Unified School District Board of Education, noting when the subject was raised in years past, it was soundly rejected due to the fact they did not want the public coming onto the campus.

Sue Brooke, Antioch resident, voiced her support for the new library and noted family programming would make a positive impact on the community.

Linda Locke, Antioch resident, spoke in support of a new library in Antioch noting the current library was no longer sufficient to serve the increased population in the City. She requested the City Council support the new library for Southeast Antioch.

Michael Sagehorn, Antioch resident, agreed with Ms. Locke's comments and reminded the City Council the park design should include spaces for casual outdoor education.

Project Manager Karste clarified it was a 100 acre park site and it was anticipated that less than 30% would be utilized for physical spaces.

Mayor Freitas voiced his support of option D, for 68,000 square foot - \$45M – Expanded Service – Preferred Option Library. He suggested Ms. Fontana be recognized for her years of support of the library and the new library dedicated in her honor. He noted should the City move forward with option D, the concept was it would be a phased development with infrastructure to accommodate future expansion. Additionally, he supported staff moving forward with the RFP process commencing immediately and engagement of the Mello Roos Board with a financial strategy plan. He thanked Mr. Karste for moving the project forward.

Councilmember Davis agreed with Mayor Freitas' support for option "D" and noted he felt it was essential the library on East 18th Street remains open. He further noted he was hopeful the Mello Roos Board could schedule a special meeting in May to discuss this issue. He stated he would like staff to identify what services would be available at the police substation.

Councilmember Moore voiced his support of Option "D" as he felt it would best serve the residents of the community. He suggested the police substation be manned and their goals be identified, noting he was hopeful the Mello Roos Board could schedule a special meeting in May to discuss the issue.

Mayor Freitas requested staff focus on developing a plan for operation and maintenance costs, adding there might be an opportunity to utilize interest from community benefit moneys from FUA1.

In response to Mayor Freitas, Mr. Karste reported they were continuing to explore all options for profit and non-profit uses as well as commercial partnerships.

7. RESIDENTIAL RENTAL DWELLING UNIT INSPECTION PROGRAM STUDY #203-04

This item was held over to May.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the City Council would be meeting on April 24, 2007 and a joint meeting of the Antioch Unified School District and City Council would be held on April 26, 2007.

Mayor Freitas stated he would be unavailable for the April 24, 2007 City Council meeting.

COUNCIL COMMUNICATIONS

Councilmember Davis reported Senate Bill 266, motor vehicle speed contest forfeiture, which would allow cities to seize vehicles found to be in violation of drag racing on City streets. He requested the item be brought back on the next agenda for the Mayors' signature in support.

Councilmember Moore reported Councilmember Kalinowski and staff met to frame the subcommittee going forward on the RV ordinance. He noted they had set the date of April 25, 2007 as the first meeting, at 6:30 p.m., location to be determined. Staff was directed to contact those who had volunteered to participate on the subcommittee and inform them of the date, time and location of the meeting.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:17 P.M. to the next regular Council meeting on April 24, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk