

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

July 10, 2007
Council Chambers

5:00 P.M. - CLOSED SESSION

- 1. CLOSED SESSION—CONFERENCE WITH LABOR NEGOTIATOR** – Employee Organizations: APOA (Antioch Police Officers Association) and Management Employee Group. This Closed Session is authorized by Government Code Section 54957.6.

Mayor Freitas called the meeting to order at 7:03 P.M., and City Clerk Martin called the roll.

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

Mayor Freitas reported the City Council had been in Closed Session; there was no reportable action.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Brian Nunnally, on behalf of the Rivertown Business District, invited the community to attend the Inaugural Second Saturday event on July 14, 2007 from 12:00 to 8:00 P.M.

Randy Fischback, representing Dow Chemical, invited the community to participate in the Pittsburg Blue Planet Run – a 5K run/1 mile fun walk and Water Expo on Thursday, August 2, 2007 to raise awareness for the global need for access to safe drinking water.

PRESENTATIONS

Update by Gina Lombardi-Gravert regarding Mayor's Cup Golf Tournament - This item was continued to the City Council meeting of July 24, 2007.

Mayor Freitas acknowledged Justin Spahn's personal, academic and community achievements. On behalf of the City Council and community, Mayor Freitas expressed his appreciation for his volunteerism.

Councilmember Davis presented Justin Spahn with a certificate of recognition for his involvement in the community and his participation in the City's Veterans and Memorial Day events.

Mr. Spahn thanked the City Council for the recognition.

PUBLIC COMMENTS

Linda Locke, Antioch resident, requested the City Council support the Mello Roos initiative which endows the library in the Mello Ross District with additional computers.

Ken Lee, Antioch resident, spoke to the quarterly sales tax refund to the Antioch Auto Dealerships and reported various code enforcement and safety issues in the City.

Emil Stein, Antioch resident, spoke to various code enforcement violations as well as illegal parking and unloading of vehicles on Somersville Road.

Matt Pfeifer, announced Leisure Services and the Antioch Police Activities League (PAL) are beginning the Jr. Giants Baseball program for children 8-13 year olds, opening day will be July 14, 2007.

Mayor Freitas requested Mr. Pfeifer email information regarding the date and time of the award ceremony for the Jr. Giants program.

Will LeRoy, Antioch resident, discussed the contamination occurring on the Chem Water property and suggested those responsible for the pollution clean up the site. He voiced his opposition to supplying PG&E with City water.

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR APRIL 26, JUNE 5 and 12, 2007 #301-02**
 - B. **APPROVAL OF COUNCIL WARRANTS #401-01**
 - C. **LEGISLATION AND ADVOCACY #701-04**
 - D. **ORDINANCE NO. 1095-C-S AMENDING THE REDEVELOPMENT PLAN TO EXTEND AND DELETE CERTAIN TIME LIMITS; AND ORDINANCE NO. 1096-C-S CONTAINING A DESCRIPTION OF THE ANTIOCH DEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN IN PROJECT AREA 1 #902-01**
 - E. **ORDINANCE NO. 1097-C-S AMENDING SECTION 3-7.05 OF THE ANTIOCH MUNICIPAL CODE TO INCREASE FIRE PROTECTION FACILITIES FEES #409-01**
 - F. **RESOLUTION NO. 2007/51 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE CURB, GUTTER AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AT MISCELLANEOUS LOCATIONS (P.W. 507-10) #1102-04**
 - G. **RESOLUTION NO. 2007/52 ACCEPTING IMPROVEMENTS FOR BERMUDA WAY 2 SUBDIVISION, MS 304-05 (JANIN ASSOCIATES) (PW 357-304-05) #802-02**
 - H. **RESOLUTION NO. 2007/53 APPROVING FREEWAY AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF ANTIOCH RELATING TO THOSE PORTIONS OF STATE HIGHWAY 4 FROM 0.6 MILES EAST OF HILLCREST AVENUE TO STATE HIGHWAY 160 AND STATE HIGHWAY 160 FROM STATE ROUTE 4 AND NORTH CITY LIMITS AT WILBUR AVENUE #1102-03**

- I. APPROVE AWARD OF SLURRY SEALING OF CITY STREETS PROJECT (2007) #601-02**
- J. APPROVE AWARD OF POLYMER MODIFIED ASPHALT RUBBER CHIP SEAL PROJECT (2007) #601-02**
- K. APPROVAL OF LETTER IN SUPPORT OF SCA 12 (TORLAKSON) – STORM WATER AND URBAN RUNOFF #814-03**

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of items D, E, J, and K, which were removed for further discussion.

Item D – Will LeRoy, Antioch resident, questioned how the community was served by the recommended action to adopt the ordinances.

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council unanimously approved Item D.

Item E – Councilmember Simonsen expressed concern the increase in fees was not based on the needs of Antioch, therefore he had pulled the item for a separate vote.

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

Ayes: Kalinowski, Davis, Moore, Freitas

Abstain: Simonsen

Item J – In response to Mayor Freitas, Acting Purchasing Agent Joseph, reported there was only one bidder for the Asphalt Chip Seal, stating very few vendors work with the product.

Mayor Freitas stated he could not support awarding the bid with only one vendor responding.

Public Works Director Scott clarified the proposed system had a history of working well and was a good system for its use.

Councilmember Simonsen suggested looking at state grant money to fund the project.

Councilmember Moore expressed concern regarding the bid process and stated he would not support awarding the bid.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council approved item J. The motion carried the following vote:

Ayes: Kalinowski, Davis, Simonsen

Noes: Moore, Freitas

Item K – Will LeRoy, Antioch resident, questioned the affect the action would make, specifically if it would result in a stricter policy as to what goes into the ponds.

Mayor Freitas clarified the action would authorize revenue to be generated to implement storm water urban runoff programs.

Councilmember Simonsen expressed concern SCA 12 would circumvent Proposition 218 and he could not vote to support a fee knowing this was a subject, on which the public had a right to vote.

Councilmember Moore stated he would support authorizing Mayor Freitas to sign the letter of support with some reservation, noting the intent of the bill was to assure the water and wastewater streams were managed appropriately.

Mayor Freitas clarified Proposition 218 exempts basic City services, however at the time it was created, stormwater management was not a stand alone, funded program. He stated the purpose of the legislation was to clarify language to allow cities to fund state and federal mandates pertaining to storm water and urban runoff without having to use General Fund monies.

On motion by Councilmember Moore, seconded by Mayor Freitas, the City Council approved Item K. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Moore, Freitas

Noes: Simonsen

PUBLIC HEARINGS

2. ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE REMEDIATION OF LANDFILL SITES ALONG MARKLEY CREEK PROJECT #202-09

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council unanimously continued Item #2 to July 24, 2007.

COUNCIL REGULAR AGENDA

3. PREWETT COMMUNITY PARK PROJECT #1402-03

Assistant City Manager Hildebrand and Project Manager Karste presented the staff report dated July 2, 2007 and gave a brief overhead presentation of the project recommending the City Council: 1) Determine project scope / Facility options; 2) Direct staff to hire an environmental consultant; 3) Direct staff to hire project design team; and, 4) Directed staff to hire a construction management firm.

Will LeRoy, Antioch resident, stated he would support the police substation being the first priority of the Prewett Park project; however for economic reasons he would suggest postponing the project.

Mayor Freitas read written comments from Ceci Chalasani, Antioch resident, who expressed her support of the new library location at Prewett Park.

Brandon Foster, Alexandra Nordhausen, Mary Ellen Heredia and Homeira Nabati, Antioch residents, spoke in support of a new library at Prewett Park and discussed the importance of providing the community with access to a free library system.

James Kyle, Antioch resident, suggested the City Council consider looking at forming a Park District, to be voted on by the residents to fund the construction, maintenance and operations of all the parks and reduce the burden on the General Fund.

Councilmember Simonsen voiced his support of Option D and suggested the City seek funding opportunities from the State Library Commission, as well as bond money.

Councilmember Kalinowski stated, although he was in support of Option E, he understood there were limited funds available; therefore, he would support Option D. He agreed the City should explore financing opportunities from the State Library Commission and operational revenues. He further stated he felt the Police Substation should be included in the first phase of the project.

Project Manager Karste reported the YMCA and the Bedford Center had expressed interest in developing a fitness facility and he was anticipating them coming before the City Council in September to discuss the project.

Councilmember Moore spoke in support of Option D, discussing the importance of providing services to improve the quality of life for all residents, and offered his assistance in the pursuit of State funding.

Councilmember Davis also stated he would support Option D.

Mayor Freitas suggested the City Council retain the environmental consultant, project design team and construction management firm for Option E. He expressed his concern regarding the action taken by the Mello Roos Board and discussed the provisions of the Mello Roos disclosure document. He noted he felt it was a moral, legal and financial obligation of the Mello Roos Board to fulfill their obligation to build public facilities. He suggested workshops for the Mello Roos property owners to discuss all the issues and sending a mail ballot with the notice for the workshops. He agreed with Councilmember Kalinowski, the police substation would be the first phase of the project. He requested the Mello Roos Board do what was best for the community, understand their duty, responsibilities and act accordingly.

Councilmember Simonsen clarified the disclosure document indicated the facilities mentioned may never be constructed. He stated he felt Option E was the best process to move the project forward, adding project completion would be a good time for the City Council to re-evaluate it's goals and objectives.

In response to Councilmember Simonsen, Daniel Bort, representing Orrick, Harrington and Suttcliffe LLP, Bond Council for the Mello Roos District, clarified there were some State reimbursements being used to retire the Mello Roos debt. However, the bulk of the reimbursements would be used to build additional projects and, in doing so, would reduce the remaining debt authorization.

Councilmember Kalinowski stated he was supporting Option "E" as the guide for the consultants and design team, adding he would look to the residents in the Mello Roos District to what would be acceptable.

Assistant City Manager Hildebrand expressed her concerns the cost of Option E would be prohibitive. Furthermore, in the event no additional funding became available, it would not leave enough to build any of the projects.

Project Manager Karste reported the California Parks and Recreation Society did not anticipate these types of projects would receive bond funding.

Anne Kane, Contra Costa County Librarian, stated there were two possibilities for State funding for the library; however, there was only a remote chance the City would receive any funding for the project. She encouraged the City to continue its pursuit of both options.

Following discussion, the City Council agreed to recommend to the Mello Roos Board, on August 6, 2007, for the City to engage consultants in the following principles: Design, Environmental issues, and Construction Management at a cost of approximately \$4.0M, presented in the staff report as Option "D". After which, staff would retain consultants to send every homeowner in the Mello Roos District a notification of the 2-3 workshops. The notification could also include a mail in survey to solicit information. Using this approach would also provide transparency to the process.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council unanimously directed staff to: A) Bring to the Mello Roos Board the hiring of the consultant, design team and construction management firm; B) Request the Mello Roos Board conduct community outreach/surveys for the project as it moved forward, and; C) Council directed staff to move forward with Option "D" with a projected cost of \$4.0M.

4. CONTRA COSTA COUNTY WORK ALTERNATIVE PROGRAM #502-01

Councilmember Kalinowski stated he supervised the Contra Costa County Work Alternative Program, however the City Attorney had indicated there would not be a conflict of interest, as there would be no exchange of funds or benefit to the Sheriff's Office.

Mayor Freitas requested Mr. Scott return to the City Council in nine months with a report regarding the costs of the supervisor and the purchase of the restaurant facilities.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously agreed to participate in the Contra Costa Work Alternative Program as soon as possible.

PUBLIC COMMENTS

Referring to Item "D" of the Consent Calendar, William LeRoy questioned the location of the property acquired by eminent domain. He requested the City allow the public to display photos on the projection screen, in Council Chambers during breaks. He questioned whether or not there was a conflict of interest for Mayor Freitas when voting on Clean Water items as

he was the manager of the program. He suggested using portable buildings in Southeast Antioch for library facilities.

Mayor Freitas requested City Manager Jakel provide Mr. LeRoy with a map of Area 1. In answer to Mr. Leroy's first question, he stated the public displaying pictures was not allowed.

Ken Lee, expressed his concern the agenda items were not indexed in packet provided at back of the Council Chambers. Additionally he questioned why the public did not have access to staff reports in Council Chamber and why the City was not properly noticing residents who lived within 300 feet of proposed projects.

Community Development Director Brandt clarified the required notification was 300 feet and confirmed the City was in compliance.

STAFF COMMUNICATIONS

City Manager Jakel announced the Quality of Life Forum would be held on July 14, 2007 from 9:00 A.M. –12:00 P.M. at the El Campanil Theater.

Following discussion the City Council agreed to hold one Council Meeting in the month of August, 2007. The City Council agreed to meet on August 14, 2007, the first Tuesday in August in compliance with the AMC, and cancelled the second meeting in August, which would have been August 28, 2007, returning to the regular schedule in September, 2007.

Mayor Freitas thanked Bill Galstan for filling in as City Attorney this evening, as the regular City Attorney was on vacation.

COUNCIL COMMUNICATIONS

Councilmember Davis announced the first meeting of the Animal Services subcommittee would be held on July 30, 2007 at 6:00 P.M. at a location to be determined.

Mayor Freitas requested information regarding the Mello Roos Board Meeting and staff reports be made available on the City's website.

Councilmember Moore stated he looked forward to working on the Animal Services committee to bring a resolution to the outstanding issues.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 9:15 P.M. to the Quality of Life forum, at the El Campanil Theater on July 14, 2007 at 9:00 A.M.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk