

## ANTIOCH CITY COUNCIL

Regular Meeting  
7:00 P.M.

September 11, 2007  
Council Chambers

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

- 1. CONFERENCE WITH LABOR COUNSEL – EXISTING LITIGATION** – This Closed Session is authorized by California Government Code §54956.9(a). Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board - Central Valley Region to the City of Antioch and Somersville-Gentry, Inc.; SPPI-Somersville, Inc. et al. v. TRC Companies, Inc. et al, Case No. C04-2648 SI, United States District Court, Northern District of California.

Mayor Freitas called the meeting to order at 7:09 P.M., and City Clerk Martin called the roll.

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

Mayor Freitas reported the City Council had been in Closed Session and there was no reportable action. He discussed the terrorist attacks occurring on September 11, 2001 and announced he would be lighting a candle in honor of the victims and heroes of those events.

Reverend Roger Keen led the audience in an invocation.

Captain Cantando, on behalf of Public Safety Officers, honored those dedicated to protect the citizens of the United States of America and thanked the City Council for honoring and remembering the men and women of September 11, 2001.

Mayor Freitas thanked the Knights of Columbus, St. Ignatius and Holy Rosary Churches for holding a Blue Mass to honor public safety officers. He reported a dinner was held to honor Sergeant Anthony (Tony) Morefield as Police Officer of the Year and Captain Thomas Oakley as Firefighter of the Year. On behalf of the Antioch City Council and community, Mayor Freitas thanked Captain Cantando and Councilmember Kalinowski for serving as public safety officers.

Mayor Freitas lit a candle and led the audience in a moment of silence.

### PLEDGE OF ALLEGIANCE

Mayor Freitas led the Council and audience in the Pledge of Allegiance.

### PRESENTATION

Rod Talavera, Walter Ruelig, and Rudy Fernandez representing the United Filipino-American Association, thanked the City Council and accepted the certificate of recognition for the donation of the funds to the Antioch Police Department for the purchase of an Automated External Defibrillator.

Mayor Freitas thanked Mr. Talavera and the United Filipino-American Association for the donation.

## **PROCLAMATIONS**

**BRIGHTER BEGINNINGS, ANTIOCH FIRST 5 CENTER  
NATIONAL PREPAREDNESS MONTH, September 2007  
COASTWEEKS, September 15 – October 7, 2007  
and CALIFORNIA CLEANUP DAY, September 15, 2007  
FAMILY DAY, September 24, 2007  
RIVERTOWN JAMBOREE DAYS, September 29 – 30, 2007  
DRIFTWOOD YACHT CLUB DAY and MAKE-A-WISH DAY, October 6, 2007**

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the Council unanimously approved the proclamations.

Councilmember Moore presented the proclamation recognizing *Brighter Beginnings, Antioch First 5 Center* to Mary Rocha who thanked the City Council for the proclamation and for helping fund the program through the Community Development Block Grant program. She invited the community to attend the celebration on September 15, 2007.

Councilmember Simonsen presented the proclamation proclaiming September 2007 as *National Preparedness Month* to Lt. Marchoke who thanked the City Council for the proclamation and encouraged residents to assemble a 3-day disaster preparedness kit in the event of an emergency. Contact information was given for anyone wishing to receive additional information.

Councilmember Davis presented the proclamation proclaiming September 15 – October 7, 2007 as *Coastweeks* and September 15, 2007 as *California Cleanup Day* to Park Superintendent Palmeri, who thanked the City Council for the recognition. He gave a brief overview of the program and thanked those who support the event. He announced the various East Bay events, locations and encouraged the community to participate on Saturday, September 15, 2007 from 9:00 A.M. to 12:00 P.M. at the foot of "L" Street.

Councilmember Moore presented the proclamation proclaiming September 29 – 30, 2007 as *Rivertown Jamboree Days* to Betty Smith, Frank Lozano and members of the committee who accepted the proclamation and gave a brief overview of the events taking place during the Rivertown Jamboree. They presented V.I.P. passes to the City Council and encouraged the community to participate in the event.

Councilmember Simonsen presented the proclamation proclaiming October 6, 2007 as *Driftwood Yacht Club Day and Make-A-Wish Day* to Jane Parsons and Dawn McCain, representing the Driftwood Yacht Club who thanked the City Council for the proclamation and invited the community to attend the Boating Cruise and Bar-B-Que on October 6, 2007 at 9:00 A.M. Contact information was given for anyone wishing to receive additional information.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Walter Ruelig, representing the Interfaith Council, announced they would be sponsoring Marching Together Against Hate in East County on September 23, 2007. He provided a schedule for the event and encouraged the community to attend.

Ken Lee, Antioch resident, discussed the benefits of the CERT program and provided contact information for anyone wishing to receive additional information.

## **PUBLIC COMMENTS**

Devi Lanphere announced the Pride and Power of East County Economic Summit would be held on September 28, 2007 from 8:00 A.M. to 2:00 P.M. Contact information was given for anyone wishing to receive additional information.

Dan Stills, Antioch resident, commended the CAT team, under the Antioch Police Department, sighting the positive changes that had taken place in the Knoll Park neighborhood, as a result of their efforts. He stated the citizens of Antioch support the efforts of the CAT team and the Antioch Police Department.

Darnell Turner, Pittsburg resident, thanked the City Council for recognizing the events of September 11, 2001. He stated he was representing Section 8 families who had been adversely and negatively impacted by the Antioch Police Department's CAT team. He noted the cases he was referring to had been documented and there was evidence to support the allegations. He urged the City Council to discuss police policy and conduct with him.

Nancy Fernandez, Antioch resident, reported she had attended a Mello Roos Board meeting on September 10, 2007, and noted the Board, with the exception of Councilmembers Davis and Moore, lacked decorum and professionalism; she felt they owed Lonnie Karste an apology.

Emil Stein, Antioch resident, expressed his concern regarding transport trucks unloading vehicles on Auto Center Drive, noting, the action was in violation of the conditions of the project and illegal.

Ken Lee, Antioch resident, urged the City Council to respond professionally to public comments. He stated leaving trucks with the engines running for longer than 5 minutes is against the law and he requested the City address the issue at the local level.

## **COUNCIL RESPONSE TO PUBLIC COMMENTS**

Mayor Freitas directed the Antioch Police Department and the City Engineer provide a report to the City Council regarding trucks unloading on Auto Center Drive. He urged the Antioch Police Department to issue citations, if necessary. He reported the Council Consent Calendar was for non-controversial items and he would continue to stop speakers whose comments were inappropriate.

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

#### **A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 14, 2007 (#301-02)**

- B. APPROVAL OF COUNCIL WARRANTS (#401-01)
- C. APPROVAL OF TREASURER'S REPORT FOR JULY 2007 (#401-02)
- D. REJECTION OF CLAIMS (#704-07)
  - 1. Barbara Hanson, #07/08-1746
  - 2. Richard Ingrassia, #07/08-1751
  - 3. Ricardo Lopez, #07/08-1764
  - 4. Mary Ruth Scott, #07/08-1749
- E. LEGISLATION AND ADVOCACY (#701-04)
  - 1. SB 375 Preferred Growth Scenarios (oppose)
- F. PREWETT PARK PROJECT PUBLIC INFORMATION MAILER: MAILED TO RESIDENTS IN THE MELLO-ROSS COMMUNITY FACILITIES DISTRICT (#1402-03)
- G. TELECOMMUNICATION USES AT CITY OWNED PROPERTY NEAR 3900 BANBURY WAY/HILLCREST AVENUE (APN 052-333-020): AGREEMENT MODIFYING AN EASEMENT WITH PG&E (#1001-05)
- H. LICENSE AGREEMENT WITH PACIFIC GAS AND ELECTRIC COMPANY (PG&E) FOR INSTALLATION OF SMARTMETER EQUIPMENT ON CITY OWNED POWER POLES (#1201-02)
- I. RESOLUTION NO. 2007/61 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE REMODEL/EXPANSION OF THE COMMUNITY ROOM AT THE ANTIOCH POLICE FACILITY, (PW 590-3) (#1001-04)
- J. RESOLUTION NO. 2007/62 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSENT AGREEMENT BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA WATER DISTRICT REGARDING THE RELOCATION OF LATERAL 7.3 ON WILD HORSE ROAD FOR NELSON RANCH UNIT 1, SUBDIVISION 6893 (PW 547-1) (#802-02)
- K. RESOLUTION NO. 2007/63 PUBLIC EMPLOYEE RETIREMENT SYSTEM (PERS) CONTRACT AMENDMENT FOR MISCELLANEOUS EMPLOYEES (#505-03)

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

**Item F** – Councilmembers Davis and Moore presented a report on the September 10, 2007 meeting of the Mello Roos Board stating it had been contentious and they did not approve of the mailer as presented. They noted a subcommittee had been created to reformat the document and would be establishing their own website for the dispersal of information to the public.

Mayor Freitas apologized on behalf of the City to Mr. Karste for working through a contentious meeting.

A motion by Councilmember Simonsen to reject the report died due to the lack of a second.

Following discussion the City Council agreed to agendaize the Prewett Park / Mello Roos Board issues for discussion at the September 18, 2007 City Council meeting.

**Item H** – In response to Councilmember Moore, Mr. Guarino, representing PG&E, clarified the dollar figure had been authorized by the Public Utilities Commission. He reviewed the benefits for the customers in Antioch. Additionally, he noted the program had the support of the unions and any individual impacted was guaranteed a job within the company.

Councilmember Simonsen requested Mr. Jakel make sure the implementation of the program and notification to customers be coordinated with the City.

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

Ayes: Davis, Moore, Simonsen

Noes: Freitas

Absent: Kalinowski

## **PUBLIC HEARINGS**

### **2. ADOPTION OF THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION TO CONSTRUCT A BOAT LAUNCH RAMP AND ASSOCIATED FACILITIES AT THE BARBARA PRICE MARINA PARK ADJACENT TO THE EXISTING ANTIOCH MARINA AT THE TERMINUS OF "L" STREET (PW 523-16) (#1402-06)**

Associate Engineer Abu-Aly presented the staff report dated August 29, 2007, recommending the City Council approve the resolution adopting the final Initial Study/Mitigated Negative Declaration to construct a boat launch ramp and associated facilities at the Barbara Price Marina Park adjacent to the existing Antioch Marina at the terminus of "L" Street

Mayor Freitas opened the public hearing.

Frank Lozano, representing Inland Marine discussed the benefits of locating the boat ramp at the Barbara Price Marina Park and urged the City Council to approve the resolution.

Mayor Freitas closed the Public Hearing.

### **RESOLUTION NO. 2007/64**

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

### **3. RESOLUTION APPROVING THE COMMERCIAL/MULTI-FAMILY RECYCLING IMPLEMENTATION PLAN AND SETTING MAXIMUM COMMERCIAL RECYCLING RATES (#1206-03)**

Administrative Analyst Haas-Wajdowicz presented the staff report dated August 8, 2007 recommending the City Council adopt the resolution.

Mayor Freitas opened and closed the Public Hearing with no speakers requesting to speak.

In response to Councilmember Simonsen, Administrative Analyst Haas-Wajdowicz discussed the rate structure and advantages for implementing the commercial/multi-family recycling plan.

**RESOLUTION NO. 2007/65**

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

- 4. PULTE/DEL WEBB REQUESTS AMENDMENTS TO THEIR DEVELOPMENT AGREEMENT TO DEVELOP A SENIOR HOUSING COMMUNITY CONTAINING APPROXIMATELY 530 SINGLE STORY, SINGLE FAMILY HOMES TO THE APPROXIMATELY 204 ACRES LOCATED DIRECTLY SOUTH OF THE EXTENSION OF HILLCREST AVENUE AND EXISTING CHAPARRAL PARK (#202-01)**

Mayor Freitas opened the Public Hearing.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council members present unanimously continued the item to September 25, 2007.

- 5. ALMONDRIDGE / KB HOME SOUTH BAY, INC. IS REQUESTING A ONE YEAR EXTENSION OF THE FINAL PLANNED DEVELOPMENT, VESTING TENTATIVE MAP, AND USE PERMIT FOR THE CONSTRUCTION OF 81 SINGLE-FAMILY HOMES ON 21.56 ACRES LOCATED ON THE EAST SIDE OF PHILLIPS LANE, SOUTH OF EAST EIGHTEENTH (APNS: 051-200-015 AND 051-200-053). FILE: PD-04-14, UP-04-30, PW 485-10 (#202-03)**

Assistant Planner Gentry presented the staff report dated September 7, 2007 recommending the City Council adopt the resolution.

Mayor Freitas opened and closed the Public Hearing with no speakers requesting to speak.

**RESOLUTION NO. 2007/66**

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

**COUNCIL REGULAR AGENDA**

- 6. HANDICAPPED ACCESSIBLE RAMPS INSTALLATION PROGRESS REPORT (P.W. 507-10) (#1102-04)**

City Manager Jakel presented the report dated August 29, 2007, recommending the City Council receive and file the report.

In response to the City Council, Associate Engineer Buenting stated the handicapped ramp installation had been evenly dispersed throughout the community and he would provide a report to the City Council on the cost effectiveness of purchasing the equipment for cutouts.

Emil Stein, Antioch resident, expressed his concern at the difficulty of traversing downtown when curb cutouts are not provided adjacent to each other for use by handicapped persons.

Mayor Freitas requested Associate Engineer Buenting meet with Mr. Stein and correct any situation in which handicapped cutouts were not adjacent to each other.

Ken Lee, Antioch resident, discussed the importance of providing handicapped ramps throughout the City. He suggested painting them so they would be clearly visible, eliminate potholes, align ramps adjacent to each other and prioritize to the large arterials.

In response to Councilmember Moore, City Attorney Nerland clarified the City had adopted an ADA transition plan to prioritize roadways. Currently, the City responds to complaints and the provision of new facilities.

Motion by Councilmember Davis, seconded by Councilmember Moore, the City Council members present unanimously received and filed the report.

## **PUBLIC COMMENTS**

Ken Lee, Antioch resident, reported trash enclosures were not constructed at the Antioch Auto Dealerships.

## **STAFF COMMUNICATIONS**

City Manager Jakel announced the following meeting schedule:

- City Council Study Session September 18, 2007 at 7:00 p.m. in Council Chambers
- Mello Roos subcommittee meeting on September 18, 2007 at 6:00 P.M. in the City Hall conference room
- Regular City Council meeting, September 25, 2007 at 7:00 P.M.

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## **COUNCIL COMMUNICATIONS**

In response to Councilmember Moore, Director of Community Development Brandt and Director of Public Works Scott clarified the parking lot across from City Hall was a public lot; therefore, enclosing it was not feasible.

Councilmember Simonsen reported on the Delta Visions Stakeholders Coordination Group meeting and the League of California Annual Convention. Additionally, he noted he would be attending the San Francisco Water Transit Authority Community Advisory meeting on September 12, 2007. He announced he had received an email indicating the Rivertown Business Association was dissolving and suggested they form as a subgroup of the Chamber of Commerce.

Mayor Freitas requested Councilmember Simonsen undertake, through the East Bay Division of the League of California Cities and/or local representatives, a bill to address the issue of metals being stripped out from construction sites and sold illegally to salvage yards.

Councilmember Simonsen reported a bill to address the issue had not made it through, however, the Antioch Police Department had been working with the recycling organizations and there was a meeting of the Recycling Association in California in two weeks to discuss the issue. He further stated he would bring the issue to the attention of the ABAG Legislation Government Operations meeting

Mayor Freitas reported there would be a Study Session on September 18, 2007 on the Vista Diablo Mobile Home Rent Control Ordinance and Mello Roos. He announced, Bob Miller had passed away and he would be adjourning the meeting in his memory.

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting in honor of Bob Miller at 9:10 P.M. to the next regular Council meeting on September 18, 2007.

Respectfully submitted:

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L. JOLENE MARTIN, CMC  
City Clerk

Approved:

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DONALD P. FREITAS, Mayor

Attest:

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L. JOLENE MARTIN, CMC, City Clerk