

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

June 12, 2001
Council Chambers

CLOSED SESSION-CONFERENCE WITH LABOR NEGOTIATOR - City Negotiator: Bill May. Employee Organization: All Negotiating Units. This closed session is authorized by Government Code §54957.6.

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

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

Mayor Freitas announced no action was taken during closed session.

PLEDGE OF ALLEGIANCE

Joe Marks led the Council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS—NONE

PROCLAMATIONS—Flag Day, June 14, 2001

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

Councilmember Kalinowski presented Joe Marks with the proclamation proclaiming June 14, 2001 as Flag Day. Mr. Marks on behalf of the Pittsburg Elks thanked the Council for their support and recognition.

PUBLIC COMMENTS—NONE

COUNCIL REGULAR AGENDA

Mayor Freitas announced items #2 and 3 will be held over to June 26, 2001.

**1. APPOINTMENT OF MEMBERS TO THE ECONOMIC DEVELOPMENT
COMMISSION-TWO AND FOUR YEAR TERMS #302-11**

Mayor Freitas stated his nominations to the Economic Development Commission are Eric Clare, Donald R. Bunakin III, Robert V. Kalafate and Nancy McCaffrey to the four-year terms and Fran M. Vaughan Janet Zacharatos and Rick Carraher to the two-year terms.

Councilmember Kalinowski requested a future agenda item to discuss the process of appointments of Boards and Commissions members. Councilmembers Davis voiced his support for Mayor Freitas nominations and supported an agenda item to discuss the process. Councilmember Simonsen stated he supports the current process and requested that when applications have been received copies be made available to all Councilmembers.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously appointed Eric Clare, Donald R. Bunakin III, Robert V. Kalafate and Nancy McCaffrey to the four-year terms and Fran M. Vaughan Janet Zacharatos and Rick Carraher to the two-year terms.

Mayor Freitas requested a discussion on the appointment process of Boards and Commissions members be agendized for the first Council meeting in July.

4. LEGISLATION AND ADVOCACY #701-04

Councilmember Simonsen requested the Council consider action in the future regarding opposition of NFPA 1710 or 1720.

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

COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES—May 22, 2001 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIMS #704-07**
 - 1. Claim of Heath Nunes, #00/01-1202**
 - 2. Claim of Daryla Gullatt, #01/02-1225**
- D. CONSIDERATION OF BIDS FOR THE RIDGEROCK DRIVE STREET IMPROVEMENTS (PW 227-1A) #1102-04**
- E. RESOLUTION NO. 2001/56 APPROVING AGREEMENT WITH P.G.& E. FOR ELECTRICAL EXTENSION ON THE "A" STREET PROJECT (PW 516-A) #1102-04**
- F. RESOLUTION NO. 2001/57 APPROVING AGREEMENT WITH LOVING & CAMPOS ARCHITECTS FOR CONSTRUCTION DOCUMENTS FOR THE DESIGN PHASE OF THE BLUEROCK FIRE STATION NO. 82 (PW 357-2-93F) #202-04**
- G. UPDATE REPORT ON DELTA 2000's MANAGEMENT OF TWO CITY-OWNED PROPERTIES #1001-04**
- H. RESOLUTION NO. 2001/58 ACCEPTING IMPROVEMENTS FOR MEADOW CREEK VILLAGES, UNIT I (SEENO CONSTRUCTION COMPANY), TRACT NO. 7862 (PW 569-1) #802-02**

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

Item A - Councilmember Conley amended the minutes of May 23, 2001, page 3, paragraph 6 to read: " Councilmember Conley requested the City support the extension of AB2829 to provide a payback period of 10 years."

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the Minutes of May 23, 2001 were unanimously approved as amended.

Item D - In response to Councilmember Kalinowski, Director of Public Works Brandt stated the timeline for the completion of Ridge Rock Drive would be approximately five months. He clarified Ridge Rock Drive would be blocked off to local traffic only during the work day and opened up to through traffic in the evenings. He stated the trees would be left in place and the median will be widened so they will not disrupt the curb and gutter.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council unanimously approved item #D.

Item G - Councilmember Simonsen thanked staff for meeting with representatives of the Bedford Center and Brown Bag Program. He requested staff continue working with the owners of the Bedford Center in their efforts to relocate. Councilmember Conley requested that when this item comes back to Council that they be provided with an accounting of how money that was transferred over to Golden Hills Church was expended.

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

PUBLIC COMMENTS

Elvin Scott updated the Council on his efforts to protect pension benefits. He reported that millions of dollars have been stolen from many pension plans in the United States, Canada and Mexico and he is attempting to retrieve the lost funds through litigation.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Simonsen announced Tri Delta Transit would be providing express bus service from Antioch to Hacienda Business Park and to the Ace Train Station beginning in two weeks for a one way fee of \$5.00. He noted currently trial runs are free to the public. He stated \$40 million has been allocated for additional bus purchases in the Bay Area and Tri Delta Transit will be eligible for seven more express busses within the next 12-18 months. He noted they are looking at additional express bus services for the Giants and Forty Niner Games. He expressed concern regarding a newspaper article reporting the Metropolitan Transit Authority's funding of \$10.5 million for changing the off and on ramp structures for Alcosta Blvd. He stated he believes the money would be better spent in the

East County region and urged the community to contact Governor Davis objecting to the expenditure of these funds as well as the proposed budget that will take transportation funds for relief in the State budget.

Mayor Freitas announced the Contra Costa Transportation Authority Administrative Policy Committee has communicated to Lobbyist to oppose Governor Davis's action regarding taking from the transportation fund for relief in the State budget.

Councilmember Kalinowski reported he had attended and played in the Mayor's Cup Golf Tournament on May 3, 2001 and thanked staff, the Parks and Recreation Department staff as well as the Golf Course staff for a successful event.

Mayor Freitas stated the Mayor's Cup Golf Tournament was an outstanding event.

Councilmember Davis reported he had attended the graduation ceremonies at Antioch and Deer Valley High Schools and congratulated the staff, city administration and police department for a well-done event. Mayor Freitas added that traffic control for both graduation ceremonies was outstanding and commended Public Works and the Police Department.

Mayor Freitas reported that East County Fee and Finance Authority held a joint meeting on June 5, 2001 recommending raising the transportation fee for new homes to \$7,500. He stated the discussion should result in a decision on June 14, 2001 at 6:30 P.M. at the Tri-Delta Office complex on Wilbur Avenue. He encouraged anyone interested in transportation issues to attend. He announced on June 18th and 19th the Council would be reviewing the 2001-2002 budget at meetings in Council Chambers at 7:00 P.M. He reported he had spoken with Rick Carraher regarding a presentation to the Council with regards to the July 4th Celebration program. He stated the community is anxious to use the "A" Street extension facility and urged the community to participate in the event.

Councilmember Kalinowski requested staff review the feasibility of canceling the last Council meeting in August to accommodate summer vacations. Mayor Freitas suggested that unless there were extraordinary circumstances the second meeting in August would be cancelled.

STAFF COMMUNICATIONS

City Attorney Galstan discussed his meeting with the Management Staff of the Daily Ledger who announced their new publication schedule beginning July 1, 2001. He reported the Ledger would become a 3-day a week paper, publishing on Wednesday, Thursday and Friday Although it would be less frequent it would be a larger section including a new column entitled "Where We Live" featuring Antioch. He announced staff had met with School District Officials regarding traffic concerns at the new Middle School and reported City Engineer Brandt had come up with a solution, which was relatively inexpensive and easy to accomplish. He noted the School District was happy with the solution as the School could proceed on schedule. He further noted he believed the award

of bid would occur at the next school board meeting.

Mayor Freitas declared a recess at 7:41 P.M. The meeting reconvened at 8:02 P.M. with all Councilmembers present.

PUBLIC HEARINGS

1. INTERIM ORDINANCE CONTINUING THE EFFECTIVENESS OF ORDINANCE NO. 975-C-S, ESTABLISHING GROWTH RATE LIMITATIONS DURING A STUDY PERIOD (MEASURE 'U') #204-01

City Attorney Galstan presented the staff report dated May 29, 2001 recommending the Councils adopt one of the two options of the ordinance as an urgency measure.

PROPONENT

Terry Ramos voiced his support of the extension of Measure "U" with modifications to make it more legally defensible. He reviewed the results of the implementation of principals regarding Measure "U." He suggested working to tighten up the exemptions and renegotiate the development agreements to mitigate for infrastructure. He suggested Council consider zoning land to be set aside for job centers.

Allen Payton provided a brief history of Measure "U" adding he also supported tightening the exemptions and reducing the cap to 300 homes per year. He stated he did not believe Measure "U" was an urgency ordinance and suggested Council take action to implement it.

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

In response to Councilmember Conley, City Attorney Galstan clarified the recent agreement negotiated with an infill development could be used as a standard for other infill development.

Councilmember Conley voiced his support of increasing the transportation fee to \$7,500 and recommended extending Measure "U" until June 2002 to provide additional time to tie it in with the General Plan update.

Councilmember Kalinowski stated he was opposed to continuing with Measure "U" as an urgency ordinance, exemptions on Senior Housing for the Active Adult spectrum, multi-family housing or the extension of any development agreement not renegotiated to properly mitigate for infrastructure. He voiced his support of lowering the cap for residential units per year and developers providing the required funding for school construction.

Councilmember Davis voiced his support of Measure "U" along with lowering the cap to 300 units per year as well as including Senior Housing development under the ordinance.

Councilmember Simonsen stated he supports metering new development to demonstrate improvements in infrastructure, an economic development tax, and exemptions for Senior Housing. He noted he did not support exemptions for multi-family housing nor the extension of the urgency ordinance.

In response to Mayor Freitas, Community Development Deputy Director Carniglia clarified there was a provision indicating the action of this ordinance should not impede the city meeting housing rules.

City Attorney Galstan stated staff's recommendation to Council was to adopt the ordinance extending 975-C-S with the amendment outlined in attachment 3 of the staff report, returning during the year with a permanent ordinance based on the General Plan Update and the incorporation of the consultants concepts or staff could come back in 90 days with a permanent ordinance that could in the future incorporate amendments.

Councilmember Kalinowski expressed concern the ordinance be in place when FUA1 comes out of subcommittee.

Mayor Freitas stated he could not support the motion as proposed noting FUA1, FUA2, General Plan Update, 18th Street Specific Plan, creation of the Economic Development Commission and the increase in the Fee and Finance Authority Traffic Mitigation Fee were all looking at infrastructure issues. He voiced his support for allowing the recommendation from the FUA1 subcommittee to come before the Council noting the concepts of Measure "U" have been involved and Council would have the opportunity to reject any recommendations at that time. He stated he was in support of extending the urgency ordinance to June 22, 2002 to allow Council the ability to think the process through logically and rationally. He noted if Measure "U" became a permanent ordinance, the recommendation from the FUA1 subcommittee would have to be reconsidered, which could extend the process out for another year.

Councilmember Kalinowski stated section #5 of the amended ordinance specifically addresses how the developer could establish a method to achieve their goal for economic development.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, a motion to extend the urgency ordinance to September 25, 2001 failed by the following vote:

Ayes: Kalinowski, Davis

Noes: Conley, Simonsen, Freitas

After passing the gavel to Mayor Pro Tem Kalinowski, Mayor Freitas seconded the motion made by Councilmember Conley to adopt the ordinance 975-C-S extending the modification to Section 5 as outlined in the staff report.

Discussion ensued regarding the motion, City Attorney Galstan clarified if there was not a 4/5 vote on this motion, staff would return at the next Council meeting with the first increment of a permanent ordinance for Council consideration. He added it would then go

to the Planning Commission for a Public Hearing and return to Council for adoption, creating a 60-day hiatus when there would be no regulation on the books.

The motion failed by the following vote:

Ayes: Freitas, Conley

Noes: Davis, Kalinowski, Simonsen

Councilmember Simonsen directed staff to review the videotape of the Public Hearing and provide Council with an interim ordinance capable of achieving a sufficient vote count to structure the permanent ordinance. Mayor Freitas added staff should provide the urgency ordinance options to consider on June 19, 2001 for Council direction and noted the ordinance would be crafted for Planning Commission consideration.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council directed staff to return with other amendments and options including the option to accept the original ordinance on June 19, 2001. The motion carried the following vote:

Ayes: Simonsen, Kalinowski, Davis

Noes: Freitas, Conley

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 9:50 P.M., to the study session on June 18, 2001.

Respectfully Submitted:

L. JOLENE MARTIN, City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN, City Clerk