

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY**

Regular Meeting
7:00 P.M.

January 28, 2003
Council Chambers

6:30 P.M. – CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR – Agency negotiator: Holly Brock-Cohn. Employee organization: Management employees. This closed session is authorized by Government Code§54957.6.**

Mayor Freitas welcomed City Clerk Martin back to work and announced there would be a joint meeting of the Antioch City Council and Antioch Unified School District at 7:00 P.M. on January 29, 2003 at Edna Grant School. He reported no action was taken during closed session.

Mayor Freitas called the meeting to order at 7:11 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.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Martin announced there were two four-year terms open on the Board of Administrative Appeals and one unexpired term on the Planning Commission, which runs to September 2005. She requested anyone wishing to apply contact the Office of City Clerk for an application by January 31, 2003.

PUBLIC COMMENTS

Pastor Lonnie Anderson representing the New Day Christian Church announced they were holding non-denominational services at the Regal Deer Valley Theater every Sunday at 9:30 A.M. and their grand opening would be in February. He provided a contact number for anyone wishing to participate in their programs.

Sandy Henry, Chairperson of the Board of the Antioch Chamber of Commerce, presented the City Council with the 2003 business directory. She announced the Chamber of Commerce had recognized Mirant LLC as Antioch's business of the year and Roger Henry Jr. Antioch's as Antioch's citizen of the year. She provided a contact number and thanked Mayor Freitas for being the Master of Ceremonies at the chamber event.

 #1A
2-11-03

- 1. COUNCIL CONSENT CALENDAR**

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- A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 14, 2003 #301-02
- B. APPROVAL OF COUNCIL WARRANTS #401-02
- C. APPROVAL OF TREASURER'S REPORT - DECEMBER 2002 #401-02
- D. ORDINANCE NO.1002-C-S ADDING CHAPTER 5 TO TITLE 2 OF THE ANTIOCH MUNICIPAL CODE, AND ADDING CHAPTER 12 TO TITLE 3 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH BOARDS AND COMMISSIONS (Introduced 1/14/03) #701-05
- E. REJECTION OF CLAIMS #704-07
1. Joe Malolo, #02/03-1347
 2. Renee Gallardo, #02/03-1348
 3. Edward Guillory, #02/03-1372
- F. LEGISLATION AND ADVOCACY #701-04
- G. RESOLUTION NO. 2003/19 APPROVING SUMMARY VACATION OF PARK EASEMENT (2118 VAQUERO WAY) FOR APN 075-262-027 (STEVE REPP) #1102-04
- H. CONSIDERATION OF BIDS FOR THE SOMERSVILLE ROAD WIDENING PROJECT FROM BUCHANAN ROAD TO THE CONTRA COSTA CANAL (PW 141-8) #1102-04
- I. RESOLUTION NO. 2003/20 AUTHORIZING THE CITY MANAGER TO FINALIZE NEGOTIATIONS WITH INCODE AND SIGN AN AGREEMENT FOR AN AMOUNT NOT TO EXCEED \$230,000 FOR REPLACEMENT OF UTILITY BILLING SYSTEMS #106-01
- J. RESOLUTION NO. 2003/21 VACATING A WATER LINE EASEMENT LOCATED TO THE EAST OF SOMERSVILLE ROAD IN THE VICINITY OF SYCAMORE DRIVE AND MAHOGANY WAY, VACATING A STREET RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF SOMERSVILLE ROAD AND MAHOGANY WAY, AUTHORIZING THE MAYOR TO SIGN QUIT CLAIMS OF TITLE INTEREST BACK TO THE UNDERLYING FEE OWNER (LOWE'S HIW, INC.) (PW 656) #1102-04
- K. RESOLUTION NO. 2003/22 TRANSFERRING A PORTION OF OPEN SPACE PARCEL (PARCEL "A" SUBDIVISION 8231, HO PROPERTY UNIT 9) AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT DEED TO THE OWNER OF LOT 234, SUBDIVISION 8231 (PW 443-9-02) #802-02

L. EARLY PAYOFF OF LOWE'S CONTRACT

#902-06

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of item L, which was removed for further discussion.

Item L – Finance Director Tasker clarified the City of Antioch had a large amount money in the compensated absences fund which provides a fund balance to continue with the program and fund the early payoff of the Lowe's contract. In response to Councilmember Conley, Finance Director Tasker stated he would provide a cash flow analysis for all the capital projects during the budget process.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Council unanimously approved item L.

PUBLIC HEARING

- 2. MARK MARCOTTE REQUESTS APPROVAL OF A REZONE OF THE SITE FROM PLANNED DEVELOPMENT (PD) ALLOWING AN ASSISTED SENIOR LIVING FACILITY TO PLANNED DEVELOPMENT (PD) ALLOWING HIGH DENSITY RESIDENTIAL FOR AN APPROXIMATE 3.15-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF JAMES DONLON BLVD. AND OIL CANYON RD. (APN 072-011-062) (Z-02-2) #202-05**

Senior Planner Oshinsky presented the staff report dated January 14, 2003, recommending the City Council adopt the resolution approving the Negative Declaration and amending the zoning for the 3.15 acre parcel located at the southwest corner of James Donlon Boulevard and Tabora Drive from Planned Development District (PD) to High Density Residential (R-20).

Mayor Freitas opened the public hearing.

Dave Boosta, Architect representing Loving and Compos and the applicant, presented the site plan for the high-density residential project.

In response to Mayor Freitas, City Attorney Galstan clarified the City's ordinance required the apartments meet the condominium construction standards in order to be converted in the future. He noted they would then need a subdivision map approval of the City as well as a notification period to the tenants before the conversion.

Mayor Freitas stated he felt consideration should be given to lighting the trail system and working with the police department regarding visibility to insure the safety of the residents and users of the trail system.

Councilmember Conley stated he felt all residential development projects should provide a community benefit to Antioch.

Councilmember Simonsen suggested the applicant consider the residential development allocation criteria for areas of community benefits. He stated the lighting for the trail system would need to be compatible with the Twin Creeks project.

City Attorney Galstan clarified it was not a legal requirement to wait 10 years before a conversion of apartments to condominiums could be made, although it was practical for the developer due to the fact defect lawsuits could not be made after 10 years.

Mr. Boosta stated they were willing to work with the Planning Department on the issues raised.

Mayor Freitas closed the public hearing.

A motion by Councilmember Simonsen to approve the resolution died for a lack of a second.

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Council unanimously tabled Z-02-2.

Mayor Freitas suggested to staff and the applicant they address public enhancement and security of the trail system, noting the action taken provided an option to bring the item back for Council consideration at a future date.

Mayor Freitas declared a recess at 7:53 P.M. The meeting reconvened at 8:01 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who arrived at 8:02 P.M.

COUNCIL REGULAR AGENDA

6. CITY OF ANTIOCH - COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2002 AND REPORT TO MANAGEMENT FOR THE FISCAL YEAR ENDED JUNE 30, 2002 (MANAGEMENT LETTER) #402-02

Financial Services Director Tasker presented the staff report dated January 17, 2003, recommending the City Council receive and file the report.

Mayor Freitas stated with regards to Project Area #1 and the long-term debt, the first item on the February 18, 2003 be a discussion pertaining to the project's history, indebtedness and how it will be handled in the future.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously receive and filed the Comprehensive Annual Financial Report For Fiscal Year Ended June 30, 2002.

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

AGENCY REGULAR AGENDA

7. ANTIOCH DEVELOPMENT AGENCY - INDEPENDENT AUDITOR'S REPORTS, GENERAL PURPOSE FINANCIAL STATEMENTS, AND SUPPLEMENTARY INFORMATION FOR THE FISCAL YEAR ENDED JUNE 30, 2002 #402-02

Financial Services Director Tasker presented the staff report dated January 17, 2003, recommending the Antioch Development Agency receive and file the report.

On motion by Agencymember Conley, seconded by Agencymember Davis, the Agency unanimously received and filed the Independent Auditor's Reports General Purpose Financial Statements and Supplementary Information For Fiscal Year Ended June 30, 2002.

Chairperson Freitas adjourned to the Public Financing Authority with all Authority members present.

PUBLIC FINANCING AUTHORITY REGULAR AGENDA

8. ANTIOCH PUBLIC FINANCING AUTHORITY – INDEPENDENT AUDITOR'S REPORTS, GENERAL PURPOSE FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION FOR THE FISCAL YEAR ENDED JUNE 30, 2002 #402-02

Director of Financial Services Tasker presented the staff report dated January 17, 2003, recommending that the Public Financing Authority receive and file the report.

On motion by Authoritymember Conley, seconded by Authoritymember Davis, the Public Financing Authority unanimously received and file the Public Financing Authority Independent Auditor's Reports, General Purpose Financial Statements and Supplemental Information for the Fiscal Year ended June 30, 2002.

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

COUNCIL REGULAR AGENDA

3. PRESENTATION BY HAMMEL, GREEN AND ABRAHAMSON ARCHITECTS (HGA) AND WILL BRUDER ARCHITECTS ON CONCEPTUAL DRAWINGS FOR PREWETT LIBRARY #1406-01

Assistant to the City Manager Gegg presented the staff report dated January 16, 2003, recommending the City Council receive and provide comments.

Fred Sherman stated it was a unique opportunity to be able to design a special project for Antioch and introduced Will Bruder to present the project.

Will Bruder, HGA Architects, gave a brief history of the process, reviewed the site plan and presented the images for the conceptual Library.

In response to Mayor Freitas, Mr. Bruder clarified the building area to the north was a provision for approximately 2500 square feet mixed use possibly commercial in nature.

In response to Councilmember Simonsen, Mr. Bruder clarified all the mechanical equipment would be out of sight.

In response to Councilmember Conley, Mr. Bruder clarified the project would be coordinated with the Prewett Park architects and made comments with regards to logical and complementary buildings in the area.

The Council voiced their support of the conceptual library design noting it was exciting and innovative. They noted it would be a focus of the community and provide residents with an important amenity. They thanked the architects for addressing the issues and being creative in their design.

Sandra Golightly, speaking on behalf of the Design Review Board, stated they were in support of the project noting the design was innovative. She further noted once the design was finalized she felt it would be important for everyone to support it.

Jasmine Anais Powell, Deer Valley High School student and volunteer at the present Antioch Library, spoke in support of the new library and discussed the need for the High School students to have additional resources for their education.

Diana Walcot, Antioch High School student, spoke in support of the new library and discussed the need for students to have additional resources for their education.

Susan Brooke, Antioch resident, spoke in support of the new library. She suggested areas for displays to enhance learning as well as meeting rooms used for author events and writers workshops. She thanked the Council for listening to the residents and noted this was a unique opportunity for the community.

Colleen Fulkerson, speaking on behalf of Book Addicts Anonymous, stated the Antioch library had done a great job supplying their books and noted she was in supports of a new library, adequate for the size of the Antioch community.

James Finnie, Jasmine Finnie and Kili Moore spoke in support of the new library.

Bernard Mosbacher, Chairperson Design Review Board, voiced his support for the quality and uniqueness of the proposed architecture for the new library.

Ann Cain, County Librarian, reported the City Council had approved an operating budget of 64 hours a week, 7 days a week for the new library. She announced the County volunteer coordinator would be in Antioch for several months while the library was under construction. She thanked the City Council for their support.

Mayor Freitas, on behalf of the City Council and community thanked all the individuals who had participated with the library project.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council unanimously received and filed the report.

4. APPOINTMENTS TO DESIGN REVIEW BOARD – 3 FULL TERM POSITIONS
#302-09

Mayor Freitas nominated the following applicants to fill 3 full term positions on the Design Review Board, Mark Devine, Sandra Golightly Martinez and Brian Miller.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously appointed Mark Devine, Sandra Golightly Martinez and Brian Miller to fill the 3 full terms on the Design Review Board.

Mayor Freitas acknowledged Bernard Mosbacher as an outstanding member and Chairman of the Design Review Board.

Mayor Freitas declared a recess at 9:01 P.M., the meeting reconvened at 9:07 P.M. with all Councilmembers present.

5. RESOLUTION APPROVING A REQUEST BY REYNOLDS AND BROWN FOR EXEMPTION FROM THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM
#901-05

Senior Planner Oshinsky presented the staff report dated January 14, 2003, recommending the City Council exempt the requested units from the Residential Development Allocation Program ranking process under the exception for special allocations.

Mayor Freitas read written comment from Tom McNeil in opposition of the request by Reynolds and Brown for the exemption from the residential allocation program.

Councilmember Simonsen stated he felt it was appropriate for the City Council to provide this exemption based on the commitments made in the owner participation agreement, to help the City to attain its goal to provide additional office space, coupled with the fact the properties had been paying into the assessment districts for several years.

Councilmember Conley stated the City had entered into an agreement with Reynolds and Brown to build the office building and apartment complex and he felt the City was obligated to honor that agreement by approving the request for the exemption.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously adopted the resolution approving a request by Reynolds and Brown for exemption from the residential development allocation program.

PUBLIC COMMENTS – None

COUNCIL REPORTS

Councilmember Simonsen reported he had attended the League of California City Policy Committee meetings on behalf of the City, having participated in discussions pertaining to the model building code and tax collection on remote sales. He announced Assemblyman Canciamilla presented his legislative reform plan, which was unanimously supported by the Revenue and Taxation Policy committee. He further noted Assemblyman Canciamilla would be speaking to the East Bay division on February 20, 2003. He announced there was an apology to the California State Association of Counties and League of California Cities from State Finance Director regarding a comment he had made pertaining to the vehicle license fee. He encouraged the Council to follow the Priority Focus from the League of California Cities and be vigilant in following the proposed legislation.

Mayor Freitas reported the Antioch Chamber of Commerce had done an excellent job at their annual event to install their new directors and officers, and announce the Citizen and Business of the year, Roger Henry Jr. and Mirant LLC. respectively. He stated he welcomed the Chamber of Commerce's participation and recommendations to the City Council and he thanked them for the invitation to participate at the event. He announced the Safety Fair event sponsored by the Antioch Police Department, County East Mall, Contra Costa Newspapers, Tri-Delta, Bay Alarm, CARE, Calpine, Bayshore, Dow, GWF, McGill Martin and Self and Mirant would take place on February 1, 2003 at County East Mall from 10:00 P.M. to 3:00 P.M. He announced the volunteers in police program would be graduating a class on February 1, 2003 at 12:00 P.M. and encouraged Councilmembers to attend.

Councilmember Davis requested the water bill for the historical society be agendaized for discussion at the next available meeting.

STAFF COMMUNICATIONS

Acting City Manager Pappas-Diaz announced the joint meeting of the City Council and Antioch Unified School Board would be held at 7:00 P.M. on January 28, 2003 and a study session scheduled for February 18, 2003 from 6:00 – 8:00 P.M.

Mayor Freitas added the City Council would be meeting on February 11, 18 and 25, 2003 and noted the 11th and 25th would be televised. He stated the workshop on 18th would not be televised adding the workshop on the 18th would be a discussion on the financial condition of the City and the impact of the state budget.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 9:34 P.M., to the next regular scheduled meeting on February 11, 2003.

Respectfully Submitted:

L. Jolene Martin
Antioch City Clerk

