

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting  
7:00 P.M.

April 22, 2003  
Council Chambers

Pursuant to Government Code Section §54952.2 the agenda for the Antioch City Council meeting of April 22, 2003 was posted on the door of the City Council Chambers, 3<sup>rd</sup> and "H" Streets on April 18, 2003.

**5:30 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.
- 2. CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation. Noemi Berry v. City of Antioch, U.S. District Court #C02-3862. This closed session is authorized by Government Code §54956.9.
- 3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.** Property: that property lying generally easterly of the Delta Youth Sports Complex, southerly of Wilbur Avenue and easterly of Apollo Court, consisting of approximately 35 acres. Negotiating parties: Seller: Temple-Inland Corporation; Buyer: City of Antioch. Under negotiation: instruction to negotiator will concern price and terms of payment. This closed session is authorized by Government Code §54956.8.
- 4. CONFERENCE WITH LEGAL COUNSEL** – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9. (One case). This closed session is authorized by Government §54956.9.

Mayor Freitas announced there was no action to report from the agendized closed session. He stated he would be adjourning the Council meeting tonight in memory of slain Pittsburg Police Inspector Ray Giacomelli. He read the police officer's prayer and thanked Councilmember Kalinowski, Chief Moczulski and Antioch Police Officers who attended and participated on behalf of the City of Antioch.

Mayor Freitas called the meeting to order at 7:02 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.

**PRESENTATION**

Announcement of Wall of Heroes

Mayor Freitas reported the community rally held on April 8, 2003 honoring the men and women serving in Iraq and showing support for those here at home was an emotional and patriotic evening.

The Councilmembers read the names of the men and women from Antioch serving in the Armed Forces from the Wall of Heroes. Mayor Freitas encouraged anyone who has family members from the City of Antioch serving in the military to contact City Hall to add their name to the Wall of Heroes.

## **PROCLAMATIONS**

Support and Encouragement To Those Brave Men And Women Serving In The War  
Against Iraq

Appreciation of Travis Air Force Base Color Guard

Earth Day, April 22, 2003

Children's Memorial Day, April 25, 2003

National Volunteer Week, April 27 - May 3, 2003

Loyalty Day, May 1, 2003

Holy Cross Cemetery Day, May 3, 2003

Be Kind to Animals Week, May 4 - 10, 2003

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the proclamations.

Mayor Freitas presented the proclamation in *Support and Encouragement To Those Brave Men And Women Serving In The War Against Iraq* to the author of the proclamation Jean Kuberra who thanked the City Council for the proclamation.

Councilmember Davis presented the proclamation in *Appreciation of Travis Air Force Base Color Guard* to Chief Moczulski who accepted the proclamation and stated it would be an honor to present the proclamation to the Travis Air Force Base Color Guard.

Councilmember Kalinowski presented the proclamation proclaiming April 22, 2003 as *Earth Day, April 22, 2003* to Julie Haas-Wajdowicz who thanked the City Council for the proclamation and discussed the success of recycling programs.

Councilmember Conley presented the proclamation proclaiming April 25, 2003 as *Children's Memorial Day* to Frank Palmeri who thanked the City Council for the proclamation and gave a brief history of the Children's Memorial Tree Grove and provided a contact number for anyone wishing to participate in the program.

Councilmember Simonsen presented the proclamation proclaiming April 27 – May 3, 2003 as *National Volunteer Week* to Odette Mock who accepted the proclamation on behalf of the Antioch Library and thanked the volunteers.

Councilmember Davis presented the proclamation proclaiming April 27 - May 3, 2003 as *National Volunteer Week* to Joyce Lenhart, Frank Escarino, and Susan Davis who accepted the proclamation on behalf of the Volunteers In Police Services.

Mayor Freitas read the proclamation proclaiming May 1, 2003 as *Loyalty Day* and announced the proclamation would be delivered.

Councilmember Conley presented the proclamation proclaiming May 3, 2003 as Holy Cross Cemetery Day to Father La Salle of Holy Rosary Church and Mary Tabor, Superintendent of Holy Cross Cemetery who thanked the City Council for the proclamation.

Councilmember Kalinowski presented the proclamation proclaiming May 4-10, 2003 as *Be Kind to Animals Week* to Friends of Animal Services Representatives Barbara Sobalvarro, Sandy Bartlette, Susan Wild and Julia Harris, who then invited the community to attend the Be Kind To Animals Spring Celebration and Adopt-a-thon on Saturday May 3, 2003 at the Antioch Animal Shelter from 10:00 A.M. to 4:00 P.M. She provided a contact number for anyone wishing to receive additional information. Susan Wild read a poem in remembrance of animals.

#### **ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS**

City Clerk Martin announced the City was accepting applications for three openings on the Economic Development Commission and four openings on the Police Crime Prevention Commission. She urged anyone interested in applying to contact the City Clerks office for an application or to download an application from the City's website. She noted the deadline for submitting applications is 5:00 P.M. on May 30, 2003.

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

Jean Kuberra, in honor of Mother's Day read a poem from the newspaper written by a mother in honor of her son serving in the military. She announced a Measure "C" Workshop would be held on April 29, 2003 at the Antioch Senior Center from 7:00-9:00 P.M.

Mayor Freitas clarified Measure "C" was the half-cent sales tax used to construct traffic improvements, transit and rail. He encouraged the community to participate in the workshop and voice their support for Antioch and eastern Contra Costa County to receive funds for improvements in the area.

Councilmember Davis announced Operation Mom is collecting items to send to the troops worldwide and noted anyone wishing to participate can donate items on Sunday April 27, 2003 from 9:00 A.M. to 1:00 P.M. at County East Mall.

#### **PUBLIC COMMENTS**

Philip Weber, Antioch resident, expressed concern regarding the condition of the playground equipment at Hillcrest Park.

Mayor Freitas reported that agenda item #6 was a request from the Parks and Recreation Commission to the City Council to approve funds for playground improvements including those at Hillcrest Park.

Buzz Walker thanked the City Council and staff for the road improvements on Lone Tree Way and East 18th Street. He stated he was dismayed by the lack of press coverage regarding the Rally in Support of the Military and offered to support a good quality copy of the proclamation to each family of the military members on the Wall of Heroes. He stated he was proud of the community.

Mayor Freitas declared a recess at 7:55 P.M. The meeting reconvened at 8:03 P.M. with all Councilmembers present.

## **PUBLIC HEARINGS**

### **2. RESOLUTION APPROVING PROPOSED MASTER FEE SCHEDULE FOR FISCAL YEAR 2003-04 #409-01**

Finance Director Tasker presented the staff report dated April 15, 2003 recommending the City Council adopt the resolution of the City Council of the City of Antioch Approving the Proposed Master Fee Schedule 2003/2004 Fiscal Year.

In response to Councilmember Simonsen, Deputy Director of Community Development Carniglia clarified the Sign Review deposit of \$500.00 was reflective of the costs associated with the procedures required for Design Review Board approval. He added any deposit balance remaining when the project is completed is refunded to the applicant.

City Engineer/Community Development Director Brandt answered questions regarding the proposed charge for encroachment permits, stating if the value of the work was over \$100,001 the charge would revert to "Time & Materials Only".

In response to Councilmember Conley, City Engineer/Community Development Director Brandt stated the fees charged for sign approval vary depending on the complexity of the project, design and appeals; therefore charging a deposit assures the City would not be paying costs of development. He noted staff clearly identifies the hourly rate to customers, which would now be \$98.00.

Mayor Freitas corrected the encroachment permit value of work to read: \$501-10,000, \$10,001-\$100,000 and Over \$100,001.

Councilmember Simonsen stated he did not support the significant increase in rental fees for the Jensen Family Picnic Grove picnic rental areas noting he felt the costs should be kept down to encourage maximum usage.

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

***RESOLUTION NO. 2003/55***

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council unanimously approved the Master Fee Schedule 2003/2004 Fiscal Year with the following changes: 1) *Page 2*, Sign Approval: Sign Review - Design Review Board Approval \$500.00; 2) *Page 2*, Encroachment Permit: Value of Work: \$501.00 - \$10,000, \$10,001 - \$100,000, Over 100,001; 3) Value of Work over \$100,001 would be for Time & Material; and 4) Excluding Jensen Family Picnic Grove.

**RESOLUTION NO. 2003/55A**

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council approved the Master Fee Schedule 2003/2004 Fiscal Year Page 3, increasing rental fees for the Jensen Family Picnic Grove as presented by staff. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Conley, Freitas

Noes: Simonsen

**3. RESOLUTION APPROVING THE ONE-YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR THE 2003-2004 PROGRAM YEAR #410-05**

Administrative Analyst Heller presented the staff report dated April 11, 2003 recommending the City Council adopt the resolution approving the FY 2003-2004 Annual Action Plan as recommended by the Council CDBG subcommittee (CDBG Committee) on March 13, 2003 (Version A) or alternatively, adopt the revised resolution which adopts all the recommendations excluding the transfer of \$5,000 from the General Management Program to Victims of Violent Crime (Version B).

Mayor Freitas opened the public hearing

Sidney Baird, representing the Family Stress Center thanked the City Council for their support.

Patricia Bell, representing Victims of Violent Crimes, gave a brief background of the services they provide in East County and reported they had proved they can work within the CDBG guidelines. She provided the City Council with photos of a victim and urged them to consider funding their organization.

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

In response to Councilmember Kalinowski, Ms. Bell clarified Victims of Violent Crimes was an agency offering help to individuals who have been the victim of a violent crime (their clients) to fill out applications required by the State, who determines whether to aid the victim with funds from State administered programs. She added they had been approved to be an agency representative for Sacramento. Additionally, she noted the organization assists victims to receive mental health counseling and support when needed. She further noted should Victims of Violent Crimes receive the requested funds, they would be used to fund administrative personnel to handle the clientele.

Charles Coleman, Director of Holistic Achievement for the Victims of Violent Crimes, stated Victims of Violent Crimes provide support and holistic counseling to help clients overcome their traumatic experiences.

Councilmember Simonsen expressed concern the Victims of Violent Crimes program was funded through grants with no outside support as well as the fact there was redundancy with Rape Crisis, Community Violence Solutions, STAND Against Domestic Violence. Mr. Coleman stated the organization goes beyond helping the victims by providing support to the individuals who have committed the crimes.

Councilmember Davis stated he fully supports Victims of Violent Crimes adding it was his desire for the program to succeed. He noted Administrative Analyst Heller had determined the organization had the capacity to administer the program and voiced his support of the City to provide the organization with \$5000.

In response to Mayor Freitas, Ms. Bell stated should the City Council reconsider funding the \$5,000 they would ensure the funds were spent within the CDBG guidelines.

In response to Councilmember Kalinowski, Ms. Bell explained they receive referrals from STAND as well as Sutter Delta Medical Center to provide services not covered by other agencies.

In response to Councilmember Simonsen, Ms. Bell detailed how the organization would be able to function within the CDBG guidelines and stay within the \$5,000.

Canya Coleman, Manager of Housing and Personal Assistance, Victims of Violent Crimes, responded both employees and volunteers have provided food, shelter and clothing to victims out of their private pockets.

Administrative Analyst Heller stated due to the fact Victims of Violent Crimes was a new agency, a formal audit would be conducted soon after approval. He added it had been determined it would take place as if they did have the capacity to have client files acceptable to CDBG regulations. He stated if the quarterly reports were complete, the first quarter increment would be dispersed. He further stated the \$5,000 could be taken from the City's general management fund to reduce the impact.

Councilmember Conley stated he would not support the Victims of Violent Crimes program, noting the photos presented to Council at the beginning of the report were actually photos taken by the instigator of a violent event. He noted he felt the organization had not made a thorough investigation prior to bringing the act of violence before the City Council.

Councilmember Simonsen clarified the purpose of increasing the City's General Management fund was to shift funding for the Economic Development Director, therefore if the funds were taken for allocation from the fund it could affect the amount to the General Fund.

Councilmember Kalinowski stated he did not support the following motion and noted he felt it would be more appropriate to provide a \$5,000 place holder for Victims of Violent Crimes and direct staff to do a thorough audit to determine their eligibility. Should it be determined they would qualify for the \$5,000 allocation, return to Council for approval by placing the item on the Consent Calendar for action.

A motion by Councilmember Conley, seconded by Councilmember Simonsen, recommending approval of the resolution approving the Program Year 2003-2004 Annual Action Plan (Version A) failed with the following vote:

Ayes: Conley, Simonsen

Noes: Kalinowski, Davis, Freitas

Councilmember Davis stated he felt the Victims of Violent Crime program was worth supporting.

***RESOLUTION NO. 2003/56***

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council elected to revise the recommendations adopted during the public hearings on March 5, March 6 and March 12, 2003 by amending the 2003-2004 One-Year Action Plan to transfer \$5,000 from the General Management program to the Victims of Violent Crime Program. (Version B). The motion carried by the following vote:

Ayes: Kalinowski, Davis, Freitas

Noes: Conley, Simonsen

**COUNCIL REGULAR AGENDA**

**4. RESOLUTION OF INTENT CONCERNING USE OF CITY OWNED LAND FOR CONSTRUCTION OF A NEW BEDFORD CENTER #1001-04**

Assistant to the City Manager Gegg presented the staff report dated April 15, 2003 recommending the City Council approve the resolution of intent concerning the use of City owned land for construction of the new Bedford Center.

***RESOLUTION NO. 2003/57***

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the resolution.

**5. RESOLUTION APPROVING THE CONSOLIDATED ENGINEER'S REPORT AND DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500) #806-02**

City Engineer/Community Development Director Brandt presented the staff report dated April 9, 2003, recommending the City Council adopt the resolution approving the Engineer's report and setting June 10, 2003, as the date for the Public Hearing.

Following discussion the Council consensus supported increasing all Streetlight and Landscaping Maintenance Districts' assessments to the maximum base rates incrementally for three (3) years.

***RESOLUTION NO. 2003/58***

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved the resolution and set June 10, 2003, as the Public Hearing date.

**6. RESOLUTION APPROVING PARKS AND RECREATION COMMISSION  
RECOMMENDATION FOR EXPENDITURE OF PROPOSITION 12 AND  
ROBERTI-Z'BERG-HARRIS GRANT FUNDS (PW 394 and PW 658) #302-05**

City Engineer/Community Development Director Brandt presented the staff report dated April 15, 2003 recommending the City Council approve the expenditure of \$1,086,843 in Proposition 12 and Roberti-Z'Berg-Harris grant funds for park and recreation facilities.

Nancy Duarte, Chairperson of the Parks and Recreation Commission, stated Park Superintendent Palmeri removed Almondridge Park from the list of park improvements. She stated she understood staff's concerns regarding a funding source for a Community Center at Prewett Park and noted the intent was to show support for moving forward with projects that were part of the Prewett Park Master Plan. She noted should the purchase of land for the Antioch Youth Sport's Complex move forward, additional money's could be allocated for the engineering or design work of that facility.

Following discussion, Council consensus indicated it would be advantageous to identify and spend the money as quickly as possible to avoid erosion of the funds through inflation. They requested Parks and Recreation agendize the issue and return to Council within 45 to 60 days with a complete list of recommendations.

Councilmember Kalinowski stated he felt it was important to upgrade and replace existing facilities before moving forward with new facilities.

Mayor Freitas requested funds be considered for the conceptual design of a Bocce Ball Court.

Capital Improvement Director Scudero stated the Bocce Ball Court design would be a standard court size and could be moved elsewhere if the proposed downtown location did not prove feasible.

***RESOLUTION NO. 2003/59***



On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved \$400,000 for playground equipment upgrades at Hillcrest, Fairview and Knoll Parks, \$20,000 for conceptual design of a Bocce Ball Court.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR MARCH 25, 2003 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT - MARCH 2003 #401-02**
- D. REJECTION OF CLAIMS #704-07**
  - 1. John Robert Snow, Jr., #03/04-1388
  - 2. J. D. Nguyen, #02/03-1366
- E. LEGISLATION AND ADVOCACY #701-04**
- F. CONDOMINIUM CONVERSION ORDINANCE INTERPRETATION #701-05**
- G. RESOLUTION NO. 2003/52 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZE THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE RECONSTRUCTION OF CONTRA LOMA BLVD. FROM FITZUREN ROAD TO PUTNAM STREET AND INSTALLATION OF A TRAFFIC SIGNAL AT CONTRA LOMA BLVD. AND JAMES DONLON BLVD (PW 271-13 AND PW 271-TS) #1102-04**
- H. EXTRATERRITORIAL SANITARY SEWER AGREEMENT, G.P. GYPSUM, INC. #1205-01**
- I. RESOLUTION NO. 2003/53 SUPPORTING THE PROCESS TO PLACE THE REAUTHORIZATION OF MEASURE "C" ON FUTURE BALLOTS #204-02**
- J. RESOLUTION NO. 2003/54 AUTHORIZING STAFF TO BEGIN RECRUITMENT OF ECONOMIC DEVELOPMENT DIRECTOR #502-01**
- K. RESOLUTION CLARIFYING THE PROCESS FOR CHANGING CLASSIFICATION SPECIFICATIONS (*pulled*) #502-02**
- L. REQUEST FOR DEFERRAL OF FEES FOR NEW ANTIOCH AUTO CENTER #901-01**

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously approved the Consent Calendar with the exceptions of items G, I, K and L, which were removed for further discussion.

**Item G** - In response to Bruce Ohlson, representing Delta Peddlers and the East Bay Bicycle Coalition, City Engineer/Community Development Director Brandt clarified there would be no changes to the stripping and the bicycle lanes would be maintained through the intersection.

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

**Item I** - Councilmember Conley stated he supports the process of putting the item on the ballot and noted he has yet to determine if he can support Measure "C". He stated he does not believe that East County is getting their fair share of funding.

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

**Item K** - At the request of staff, Mayor Freitas announced the item had been pulled.

**Item L** - In response to the Council, City Attorney Galstan clarified the purpose of the agenda item was to garner the intent of the Council. Should Council be generally supportive of the idea, direction would be to return with an agreement integrating the City's obligation to pay incentive monies in conjunction with Mr. Nokes repaying the funds when the end of the prescribed 18 month hiatus. He added this was a City project and the action was to provide incentive.

Mayor Freitas requested examples of other businesses for whom the City had provided similar incentives. He expressed concern regarding the precedence being set and the impacts to cash flow for financing and budgeting of personnel.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council delayed this item to allow staff to return to the City Council with a finalized agreement, examples of fee deferrals and a cash analysis.

**Item F** - Mayor Freitas apologized regarding item F and stated for the record he was in disagreement with the recommendation as presented.

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

## **AGENCY CONSENT CALENDAR**

### **7. APPROVAL OF AGENCY WARRANTS**

**#401-01**

On motion by Agencymember Conley, seconded by Agencymember Davis, the Development Agency unanimously approved the Warrants.

**8. RESOLUTION APPROVING THE ALLOCATION OF \$427,370 FOR HOUSING RELATED REHABILITATION AND SOCIAL SERVICES PROGRAMS DURING THE FISCAL YEAR 2003-2004 #410-05**

***RESOLUTION NO. ADA-387***

On motion by Agencymember Conley, seconded by Agencymember Davis, the Development Agency unanimously approved the resolution.

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

**PUBLIC COMMENTS**

Sandy Henry on behalf of the Antioch Chamber of Commerce thanked the City Council.

**COUNCIL COMMUNICATIONS**

Councilmember Simonsen announced Councilmember Davis has received a presidential appointment to the Public Safety Policy Committee for the League of California Cities. He thanked Mayor Freitas and everyone who participated in the Penney's demolition.

Councilmember Davis reported he attended the service for Pittsburg Police Inspector Giacomelli on behalf of the City. He thanked the Antioch Police Officers who aided in providing services to the City of Pittsburg.

Discussion ensued regarding the upcoming budget hearings with the Council agreeing to budget meetings on May 13, 20 and 27, 2003. They requested Council be provided the proposed budget as soon as possible with any changes highlighted. Councilmember Kalinowski reminded Council and staff he would not be available on May 27, 2003 due to a work training conflict.

Mayor Freitas requested a report regarding the activity of Economic Development in Antioch, specifically the status of Nanomuscle and the progress of a referral regarding a manufacturer of window coverings. He requested the items be added to the agenda as soon as possible.

**STAFF COMMUNICATIONS**

City Attorney Galstan announced the professional recruiter would like to schedule two dates, one to give a briefing on applications received and secondly to interview top candidates.

Acting City Manager Pappas Diaz announced a joint meeting with the Antioch Unified School District was scheduled for June 17, 2003. Mayor Freitas stated if there were items to discuss with the School District, Council would support the June 17, 2003 meeting.

With no further business, Mayor Freitas adjourned the meeting in memory of Pittsburg Police Inspector Giacomelli at 10:13 P.M., to the next regularly scheduled meeting on May 13, 2003.

Respectfully Submitted

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L. JOLENE MARTIN, City Clerk

Approved:

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DONALD P. FREITAS, Mayor

Attest:

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L. JOLENE MARTIN, City Clerk