

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

**Regular Meeting
7:00 P.M.**

**January 13, 2004
Council Chambers**

6:30 P.M. - CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Property: "Tommy's Harbor", being located northerly of the BNSF Railroad line, westerly of Roger's Point and McElheny Road, bounded on the north by the San Joaquin River, consisting of 2.08 acres and being APN 066-031-001. Negotiating parties: City of Antioch/John Chism and Zocchi family. Under negotiation: Instruction to negotiator will concern price and terms of payment. This closed session is authorized by Government Code §54956.8.
2. PROPERTY: Parcel located at the northeast corner of Lone Tree Way and Heidorn Ranch Road, being APN 056-120-034. Negotiating parties: Contra Costa County and 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.

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

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

Mayor Freitas reported during closed session the City Council unanimously decided due to environmental considerations they are not interested in the purchase of the "Tommy's Harbor" property. He further reported with regards to closed session item #2, the City Council voted 5-0 they are not interested in the property.

PLEDGE OF ALLEGIANCE

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

City Manager Jakel introduced Donna Uriyu as the new Economic Development Director. He welcomed Ms. Uriyu and noted she comes to the City with excellent economic development credentials.

Ms. Uriyu thanked the City for the opportunity to serve as the Economic Development Director and stated she looks forward to achieving their goals in economic development.

Mayor Freitas on behalf of the Antioch City Council and community welcomed Donna Uriyu to the City.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Mayor Freitas asked Trudy Martinez if the item she wished to discuss was the same issue agendized for Council consideration later in the meeting in item #4? In response to Mayor Freitas, Trudy Martinez stated she would hold her comments to agenda item #4.

Emil Stein, Antioch resident, requested clarification as to why stop signs or crosswalks had not been installed in his neighborhood near the park. He also requested a timeline for the installation of handicapped ramps in his neighborhood, noting he was unable to cross the street without receiving a ticket for jaywalking.

Ken Lee, Antioch resident, discussed the contributions of the Chinese to the City of Antioch and requested the historical society add the printed materials regarding the information to the library to replace the missing documentation.

Mayor Freitas requested City Manager Jakel make an inquiry regarding the issue.

Frederico Martinez Jr. reported the approved color for the masonry wall for the Nokes project was light gray, which had been confirmed by Chairperson Golightly from the Design Review Board. He noted City of Antioch Building Official Griebing had indicated the color of the wall was changed. Mr. Martinez, Jr. asked if it had been approved by the City Council and if not, he would like to know how it was allowed to happen. He noted there were not many black walls in Antioch; therefore, to state it was changed as an anti-graffiti purpose was not valid. He further noted he had concluded it was changed out of spite. He reported it had been four months since the joint meeting with City Attorney Galstan and their issues had not been addressed. He was concerned the City had been unable to find funding for a fence noting drug dealers and users were entering his front yard. He was in possession of eight months of documentation and efforts to get their concerns addressed and there had been a lack of action on behalf of the City. He announced he would no longer be attending the City Council meetings to voice his concerns, instead, he would go to a governmental official higher than the City Council or through a third party. He urged the City Council to act responsibly and contact them to resolve the issues.

Douglas Tokes, Antioch resident, requested the City Council consider lighting the Antioch Bridge noting it would look outstanding and set the community apart from the Delta. He suggested the City consider rotating the signals faster at the freeway on ramps to provide metering of the vehicles entering the highway, which would help mitigate traffic congestion on Highway 4.

Jim Boccio reported the surveyors for the Santa Fe Railroad had informed him they would be laying a second railway line through Antioch. He suggested the Engineering department request lengthening the trestle on McElheny Road to incorporate the road and Antioch creek. He suggested the City insist the trestle along the waterfront by the lumberyard have an eight-foot walkway on the river side. He encouraged the City to improve the road in an effort to force the railroad to acknowledge the need.

Mayor Freitas directed City Manager Jakel to make arraignments to meet with the property owners regarding the issues pertaining to the Nokes Dealership. He requested the item be placed on the agenda at the end of January or beginning of February for a report to the City Council. He directed staff to research the feasibility of lighting the Antioch bridge and report back to the City

Council. He further directed staff to research the railroad's consideration of another line through Antioch and if true, provide a report discussing the improvements could occur.

PROCLAMATION

National Volunteer Blood Donor Month, January 2004

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

Mayor Freitas urged all those capable of donating blood to do so on January 26, 2004 at the Church of Christ from 1:30 to 6:30 P.M.

Councilmember Kalinowski announced the Red Cross had reported less than a one day supply of blood remaining in the local blood bank adding an urgency to need for donators.

Mayor Freitas directed City Manager Jakel to make a concerted effort among City employees permitting them time to donate blood.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 12 and 24, 2002 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIMS #704-07**
 - 1. Claim of Linda Rhodes, #03/04-1444**
 - 2. Claim of Stephanie Harvey, #03/04-1463**
- D. LEGISLATION AND ADVOCACY..... #701-04**
- E. ORDINANCE NO. 1012-C-S AMENDING SECTION 4-14.05(A) OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH FALSE ALARM CHARGES #701-05**
- F. ORDINANCE NO. 1013-C-S AMENDING THE REDEVELOPMENT PLANS FOR REDEVELOPMENT PROJECTS NO. 1, 2, 3, 4 AND 4.1 TO EXTEND BY ONE YEAR THE TIME LIMITS ON THE EFFECTIVENESS OF EACH SUCH REDEVELOPMENT PLAN AND THE TIME LIMITS TO PAY INDEBTEDNESS AND RECEIVE PROPERTY TAXES; AND RELATED MATTERS..... #902-01**
- G. RESOLUTION NO. 2004/1 DECLARING SURPLUS A PORTION OF OPEN SPACE PARCEL "B" (MEADOW CREEK ESTATES UNIT 4, TRACT 7125) AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT DEED, SIGN A DRAINAGE RELEASE AND MAINTENANCE ACCESS AGREEMENT, AND LOT LINE ADJUSTMENT WITH THE**

ANTIOCH UNIFIED SCHOOL DISTRICT, OWNER OF PARCEL "A" MEADOW CREEK ESTATES UNIT 4, TRACT 7125 (PW 443-5-03) #802-02

H. CONSIDERATION OF BIDS FOR THE DEMOLITION OF MISCELLANEOUS STRUCTURES ON "L" STREET AND RODGER'S POINT (PW 234-9D)#1001-02

I. CONSIDERATION OF BIDS FOR THE SOMERSVILLE ROAD PAVEMENT REHABILITATION PROJECT (PW 392-18).....#1104-02

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

Item G - Councilmember Simonsen stated he could not support giving a portion of the parcel to the school district at any cost considering the budgetary impacts from the State on municipalities. City Engineer/Community Development Director Brandt clarified the property had been dedicated to the City at no cost. The City could charge the school district, however given their budget situation, he doubted they would be able to purchase it. Councilmember Conley explained had it not been for the school district's interest, the City would not sell the property; therefore it had no value other than open space. He noted he felt it would benefit the City and School District to put the property to use and not have to maintain it. Mayor Freitas voiced his respect for Councilmember Simonsen's position, however, he felt this was an opportunity for the City to work collaboratively with the School District with the primary beneficiary being the children. He noted if nothing was done with the property it would most likely be left vacant and become a burden for the City, therefore he would prefer the property to be transferred and utilized by the School District.

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

Ayes: Kalinowski, Davis, Conley, Freitas Noes: Simonsen

Item H - Bruce Ohlson representing the East Bay Bicycle Coalition and the Delta Peddlers Bicycle Club requested the bicycle lanes on both sides of "L" Street be constructed between 4th and 10th Streets when it is widened. He stated they support a 12-foot wide bicycle path along the railroad and encouraged the City to pursue it.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously approved item H.

COUNCIL REGULAR AGENDA

2. REPORT ON THE RIVERTOWN ART CENTER 1ST YEAR STATUS #1407-03

Assistant to the City Manager Gegg presented the staff report dated January 6, 2004 recommending the City Council receive and file the report.

Gary Reiman, President of the Arts and Cultural Foundation of Antioch, presented a status report to Council on the first year of operation for the Rivertown Arts Center. He reported they currently offer a retail gallery, art instruction, rental of studio space, events and activities, as well as outreach to the community.

Mayor Freitas, on behalf of the City Council, thanked Mr. Reiman for the report and noted the Rivertown Art Center had exceeded the expectations of the City Council.

Mr. Reiman introduced Pat Putnam, Executive Director, Nancy Roberts, Curator of the Lynn House and members of the Board, Justine Perez, Joel Summerhill, Valerie Bennett-Lewis and Amity O'Neil.

In response to Councilmember Simonsen, Mr. Reiman reported the involvement with Los Medanos College had not come to fruition due to a breakdown in communication.

Councilmember Simonsen suggested Mr. Reiman involve Mayor Freitas to communicate their desire to coordinate classes with LMC.

Mr. Reiman provided the Rivertown Art Center address and contact number for anyone wishing to become involved. He announced they were currently looking for members for the Board of Directors and urged anyone interested in applying to contact the Lynn House Gallery.

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

3. DISCUSSION OF PEDESTRIAN CROSSWALKS ON "A" STREET BETWEEN EAST EIGHTEENTH STREET AND RAILROAD AVENUE #1102-04

Traffic Engineer Franzen presented the staff report dated January 13, 2004 recommending the City Council receive and file the report.

In response to Councilmember Simonsen, City Engineer/Community Development Director Brandt clarified the City code provided the Traffic and City Engineers authority over traffic related issues with the ultimate decision being the City Council. He noted typically staff does not inform the City Council or residents of the area when crosswalks will be removed. He reported he and Traffic Engineer Franzen agree a crosswalk at this location is not safe.

Councilmember Simonsen suggested noticing the residents of the neighborhood prior to removing the crosswalks. He expressed concern the City was stripping bicycle lanes but not crosswalks for pedestrian safety.

City Engineer/Community Development Director Brandt clarified the City was attempting to provide the safest possible route for bicycles and pedestrians.

In response to Councilmember Kalinowski, City Attorney Galstan clarified if a crosswalk were in a location that violated the standards and was not approved by the City Engineer it could be a liability issue. He agreed the ordinance was set up due to the fact the City defers to the experts in the field regarding the proper placements of crosswalks.

Councilmember Davis stated he was concerned with the false sense of security crosswalks create.

Councilmember Simonsen requested this item be continued and staff provide information on what other cities provide as a standard for crossing facilities as well as a policy regarding notification of neighbors prior to approval of an overlay project with crosswalk removal.

Councilmember Kalinowski expressed concern the City Council is getting into an issue which was specifically addressed in the City ordinance. He further noted he was concerned the City was looking at other communities for traffic safety, giving the impression Antioch does not have the same concerns.

Bruce Ohlson discussed the importance of bicycle lanes and noted local bikers would support 3-4 foot bicycle lanes. He further noted more crosswalks might encourage motorists to slow down.

Following discussion the Council consensus agreed the staff report was thorough and did not support continuing the item for further information. They requested staff provide a report regarding the 300 ft. public noticing requirement, if a crosswalks was going to be eliminated and supported a crosswalk at Railroad Avenue on the north side of the railroad tracks.

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

Mayor Freitas declared a recess at 8:20 P.M. The meeting reconvened at 8:32 P.M. with all Councilmembers present with exception of Councilmember Simonsen who arrived at 8:33 P.M.

4. DISCUSSION OF MAINTENANCE RESPONSIBILITY FOR CHANNEL AREAS LOCATED WITHIN THE CITY OF ANTIOCH #1203-01

Director of Public Works Harrington presented the staff report dated January 5, 2004 and gave a brief overhead presentation of the channel areas recommending the City Council receive and file the report.

Public Works Director Harrington discussed the possible funding mechanisms involved to fund the projects. He noted at this time the primary concern for the City was to complete the 10th and "O" Street area improvements.

Mayor Freitas reported he had received an email from Trudy Martinez requesting a response regarding fencing along Markley Creek and cleaning out the creek and trees.

Public Works Director Harrington clarified the specific maintenance conditions of the easement was to remove obstructions and vegetation to increase and help with the flow capacity through the

area. He reported they did respond to Ms. Martinez and removed a box spring out of the channel. He noted at that time there was not a concern regarding the creek leaving the channel. He further noted there was a balance between performing proper maintenance of the channel area and abiding by the Memorandum of Understanding with the California Department of Fish and Game.

Trudy Martinez questioned whether the Nokes project and overgrowth of trees were contributing to the flooding experienced on December 29, 2003 and January 2, 2004. She provided photographs of flooding that had occurred in her yard, which she noted had not occurred prior to the construction of the Nokes project. She stated the creek had not been cleaned out for three years. She noted they had been told there were going to be holding tanks on the property to trap the water and release it gradually into the creek and further noted they had since been told there were no holding tanks on the lot and water drains directly into the creek. She stated when she purchased her home, she was not informed she was in a flood zone nor was she told she would need flood insurance. She questioned which steps would be taken prior to the rains commencing to avoid flooding of her property. She further questioned who approved the charcoal gray color of the retaining wall and who had the authority to override the conditions of approval. She voiced her frustration for the time and expense it had taken for her to come to the meetings to voice her concerns.

Mayor Freitas requested City Manager Jakel address Ms. Martinez's concerns when he met with the residents of the area.

In response to Councilmember Kalinowski, Public Works Director Harrington clarified the definition of flooding was when water leaves the creek banks and there had not been flooding of the residential units in Ms. Martinez's area. He stated he doubts they were in the flood plane and if she were they would have been required to have flood insurance. He noted he would check the FEMA maps and work with staff to provide the information to Ms. Martinez. He clarified the area was considered a natural creek, which is protected by the regulatory agencies. He added the tules do not obstruct the flow and the city attempts to maintain the clear channel area by removing trees and debris.

City Engineer/Community Development Director Brandt clarified the parking lot drainage collected into an onsite storm drain system and discharged into the creek.

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

5. REPORT ON RESIDENTIAL DEVELOPMENT ALLOCATION CONTRIBUTIONS #204-05

Following discussion the City Council scheduled a special meeting on February 3, 2004 from 6:00 - 8:00 P.M.

Mayor Freitas reported other companies have provided community enhancements not specific to the RDA process. He requested staff review the terms of office on the RDA committee so they can have a discussion regarding the issue.

Due to a scheduling conflict, Mayor Freitas announced the City Council would meet on February 17, 2004 from 6:00 P.M. - 8:00 P.M.

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

6. RESOLUTION APPROVING A SERVICES AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE ARTS AND CULTURAL FOUNDATION OF ANTIOCH FOR DEVELOPMENT OF PUBLIC ART IN THE HILLCREST AVENUE AND LONE TREE WAY ASSESSMENT DISTRICTS #1407-03

Assistant to the City Manager Gegg presented the staff report dated January 6, 2004 with a brief overhead presentation and recommended the City Council approve the resolution authorizing the Mayor to sign a services agreement with the Arts and Cultural Foundation of Antioch for the development of public art in the Hillcrest Avenue Assessment District and Lone Tree Way Assessment District.

Nancy Roberts stated she was available to answer questions.

In response to Councilmember Simonsen, Ms. Roberts stated they were looking at possibly three or more structures, which would be determined with community input.

Councilmember Conley stated he felt the art structures were important for the community, however he was concerned with the public perception of spending the funds at a time when the City had major budgetary issues. He further stated he was aware those funds were dedicated to the assessment districts and noted they could be spent to provide other improvements in those areas, and he could not support staff's recommendation at the time.

Gary Reiman clarified the Arts and Cultural Foundation was informed by staff they had the funds and wanted to pursue the issue. He stated they had spent many hours preparing the proposal.

Ms. Baer stated the first phase of the project would involve members of the community and neighborhoods. She noted during economic downturns the residents were looking for projects in which to engage outside the workplace and art and culture had served the function.

Councilmember Kalinowski stated he understood Councilmember Conley's concerns however those were restricted funds and spending them for other improvements could result in added maintenance costs for the City. He noted after phase 1 was complete the City Council could revisit the issue to determine if they would like to pursue the project.

Mayor Freitas noted since the funds had been collected and dedicated to these particular geographical areas he was willing to start the process. He expressed concern delaying the projects would erode the funds due to inflationary issues. He added it was a quality of life issue and public art was good for the community. He noted it would be the City Council's decision to proceed to phase #2.

In response to Council, City Attorney Galstan stated he would clarify in the agreement the City Council's approval was required to continue to phase #2.

RESOLUTION NO. 2004/2

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council approved the resolution with clarification phase #2 would require City Council approval.

7. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2003 AND REPORT TO MANAGEMENT FOR THE FISCAL YEAR ENDED JUNE 30, 2003 (MANAGEMENT LETTER) #402-02

Financial Services Director Tasker presented the staff report dated January 6, 2004 recommending the City Council receive and file the Comprehensive Annual Financial Report For The Fiscal Year Ended June 30, 2003 and Report to Management For The Fiscal Year Ended June 30, 2003.

In response to Councilmember Kalinowski, Financial Services Director Tasker stated he would provide information regarding the decreased allocations for public works due to reduced usage of paving materials as well as breakdown of what additional money was spent from the General Fund to fund the \$912,651 post employment medical benefits.

Mayor Freitas stated he was concerned about issues raised in the management letter and noted he would reserve judgment until he received his response. He requested the item be placed back on the agenda for the mid-year budget review with staff's response to the management letter.

Mayor Freitas reported the representative for the auditor had indicated the City had three clean audits.

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

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

AGENCY CONSENT CALENDAR

8. INDEPENDENT AUDITOR'S REPORTS, MANAGEMENT'S DISCUSSION AND ANALYSIS, BASIC FINANCIAL STATEMENTS, AND REQUIRED SUPPLEMENTARY INFORMATION FOR THE FISCAL YEAR ENDED JUNE, 30, 2003 #402-02

On motion by Agencymember Conley, seconded by Agencymember Simonsen the Agency unanimously received and filed the report.

9. APPROVAL OF AGENCY WARRANTS #401-02

On motion by Agencymember Conley, seconded by Agencymember Davis the Agency unanimously received and filed the report.

In response to Councilmember Kalinowski, Linda Pappas-Diaz stated she would email the City Council the estimated costs to complete the process of creating a new city logo.

10. REDEVELOPMENT AGENCY BLIGHT REPORT

#902-01

On motion by Agencymember Conley, seconded by Agencymember Davis the Agency unanimously received and filed the report.

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

PUBLIC FINANCING AUTHORITY REGULAR AGENDA

11. INDEPENDENT AUDITOR'S REPORTS, MANAGEMENT'S DISCUSSION AND ANALYSIS, BASIC FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION FOR THE FISCAL YEAR ENDED JUNE 30, 2003

#402-02

On motion by Authority Member Conley, seconded by Authority Member Davis, the Authority unanimously received and filed the report.

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

PUBLIC COMMENTS

Joe Weber reviewed a letter provided to the City Council from City Attorney Galstan. He thanked City Attorney Galstan for responding promptly to a comment made at the Planning Commission meeting specifically identifying him as the instigator of a conflict under election code 18620. He noted the letter had identified his constitutional right to step forward as a member of the community and become involved in an action taken by the City Council and Planning Commission on the Reynolds and Brown development. He expressed concern some individuals within the community would sign their name to an email based on innuendos and hearsay. He noted the City Council had received an inflammatory email that was not based on fact. He stated he had a clear conscience regarding his involvement as a resident and further stated he took his role as a Planning Commissioner seriously. He urged the members of the community and those signing petitions to be diligent in learning the facts regarding the issues. He requested the City Council's support in his continued efforts to serve the community.

Councilmember Kalinowski stated based on the allegations he had sent a letter to Mayor Freitas voicing his concern any Board, Commission or Council members would be inserting themselves into the drama of the situation and apologized to Mr. Weber for reacting to the email in that manner. He stated he was not motivated to make any changes on the Commission and noted Mr. Weber had his support as Chair of the Planning Commission.

Councilmember Conley stated he respected Mr. Weber for not speaking out on a project prior to hearing all testimony related to the item. He noted he also respected his willingness to support an issue he supported and wished him continued success on the Planning Commission.

Mayor Freitas stated freedom of speech should not be abridged. He noted Reynolds and Brown as a project was outstanding and would bring significant benefits to the community. He further noted Mr. Weber's rights as an individual should not be abridged and he had the support of the City Council.

Chairperson Weber stated he was in attendance to protect the rights of the other various boards and commission members and thanked the City Council for their support.

COUNCIL COMMUNICATIONS

In response to Councilmember Conley, City Engineer/Community Development Director Brandt clarified Jim Clay had indicated work on his building would begin soon and the beauty building on railroad was close to being finalized.

Councilmember Conley requested staff consider donating the City's used computers to the Senior Center and suggested the City play emergency preparedness videos during the break of the City Council meetings.

In response to Councilmember Conley, City Manager Jakel reported Senator Torlakson and Assemblyman Canciamilla were unable to attend this evening and might attend a meeting in February or March.

Councilmember Davis reported he attended a Youth Council meeting on January 12, 2004 and they had voiced concern regarding the potential for injuries occurring at the Dallas Ranch, Eagle Ridge and Lone Tree Way intersection. He requested the City consider traffic mitigation measure at this location. He thanked the city for responding quickly to remove the graffiti in southeast Antioch.

Councilmember Simonsen stated he was impressed with the efforts made by the Neighborhood Improvement personal. He reported he had attended the installation of the Mayor and Mayor Pro Tem in Oakley and suggested Antioch consider providing proclamations to the outgoing Mayors in the future.

Mayor Freitas reported there were several vacancies on the Parks and Recreation Commission, Board of Appeals and Crime Prevention Commissions and encouraged anyone interested to apply.

STAFF COMMUNICATIONS

City Manager Jakel gave a brief summary of the state budget impacts.

With no further business, Mayor Freitas adjourned the meeting at 10:34 P.M. to the next regular Council meeting on January 27, 2004.

Respectfully submitted

L. JOLENE MARTIN, City Clerk