

ANTIOCH CITY COUNCIL

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

**February 24, 2004
Council Chambers**

6:30 P.M. B CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Property: Old Towne House Hotel parcel, southwest corner of 2nd and "I" Streets. Negotiating parties: City of Antioch and Joseph Martinez. Under negotiations: 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 7:00 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 BOARDS AND COMMISSIONS

City Clerk Martin announced the City was seeking candidates to fill two vacancies on the Park and Recreation Commission and three vacancies on the Police Crime Prevention Commission. She urged those interested in applying to contact the City Clerks office for an application or download an application from the City's website. The deadline to submit an application was March 19, 2004, 5:00 P.M.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Pricilla Friermering, representing East County Ministries, introduced Lonnie Karste, Roxanne Palmer and Art Maharis as members of the committee and announced the 2004 Antioch Mayor's Prayer Breakfast to be held on March 18, 2004 from 7:00 B 9:00 A.M. at Humphrey's on the Delta.

On behalf of the committee, she thanked Council for the opportunity to organize the event and quoted a passage from the bible that inspired them to pray for the City and it's leaders. She presented Mayor Freitas with an award recognizing the City of Antioch as a city of distinction. She provided a contact number and email address for anyone wishing to purchase tickets to the event.

Mayor Freitas, on behalf of the City Council and community, thanked Ms. Friermering for organizing the event and the presentation this evening.

Lonnie Karste announced the Senior class of Antioch High School was raising funds for the Senior All Night Party and provided a contact number for anyone wishing to contribute to the event.

PUBLIC COMMENTS

Elvin Scott discussed his organization's efforts to assist Veterans and their families in receiving pension benefits and military medals. He announced they will be opening an office in Pittsburg and thanked everyone for their support.

Emil Stein, Antioch resident, stated he had not received a response regarding his request for stop signs on Fairview Terrace. He noted City Manager Jakel had provided him with a business card earlier in the evening and indicated he would contact him. He expressed concern regarding the safety of the children in the neighborhood.

City Engineer/Community Development Director Brandt reported the staff had completed the analysis for the stop sign and he would provide the information to the resident who made the initial request as well as the City Council.

Mary Chapman, Antioch resident, representing *An Elderly Wish Foundation* thanked the community for their support of the Heart to Heart Ball. She provided a contact number for anyone in need of their services.

Councilmember Davis thanked Ms. Chapman and her husband for donating their time to the event.

Elizabeth Magill, Antioch resident, speaking on behalf of the families of the children attending Bidwell School, requested the City Council support for the residence in their efforts to keep Bidwell School open.

Dee Vieira, Antioch resident discussed questions she had regarding the referendum on the Blue Rock Business Park. She stated she would be emailing her questions to the city and requested they be responded to via email.

Mayor Freitas requested Ms. Vieira email her questions to City Manager Jakel and noted that Mr. Jakel, City Attorney Galstan and staff would respond.

Devi Lamphere, on behalf of the Antioch Chamber of Commerce, invited the community to attend a welcome reception sponsored by the Chamber of Commerce and Kaiser Permanente for Economic Development Director Uriyu on March 11, 2004 at the Deer Valley Kaiser Facility from 5:00 B 6:30 P.M.

Tom McNell, Antioch resident, stated the Participation Agreement between the City of Antioch and Reynolds and Brown Owner contractually required them to only build 30,000 square feet of office space, which would equate to 120 jobs. He felt the Cypress Meadow office complex should receive precedence due to the fact it would not impact the schools or traffic and would not receive any subsidies from the city.

Mayor Freitas announced the Closed Session garnered no reportable action.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 27, 2004 #301-02

B. APPROVAL OF COUNCIL WARRANTS#401-02

- C. REJECTION OF CLAIMS..... #704-07
 - 1. Claim of Douglas and Beth Walt, #03/04-1406
 - 2. Claim of Amy Censoplano, #03/04-1440A
 - 3. Claim of Sarah Censoplano, #03/04-1440B
 - 4. Claim of John Censoplano, #03/04-1440C

- D. ORDINANCE No.1015-C-S AMENDING SECTIONS 9-5.2307(A) and 9-5.4007(E) OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH DEVELOPMENT ALLOCATIONS (Introduced 2/10/04)#204-01

- E. LEGISLATION AND ADVOCACY..... #701-04
 - 1. SB 744 - Opposition to State Appeals of Local Land Use Decisions
 - 2. Resolution No. 2004/15 supporting Propositions 57 and 58 on Statewide Ballot

- F. RESOLUTION NO. 2004/16 and 2004/17 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR SAND CREEK RANCH SUBDIVISION , UNIT 4, (MCBAIL HOMES) TRACT NO. 8640 (PW 639-4) #802-02

- G. RESOLUTION NO. 2004/18 ACCEPTING IMPROVEMENTS FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 14, TRACT NO. 8110 (BLACK DIAMOND KNOLLS LTD./SOUTH TERRA CORPORATION), (PW 581-14) #802-02

- H. RESOLUTION NO. 2004/19 VACATING RIGHT-OF-WAY BUT RETAINING A STORM DRAIN EASEMENT AND AUTHORIZING THE MAYOR TO SIGN A QUIT CLAIM DEED TO MCBAIL COMPANY, SAND CREEK RANCH, UNIT 4, TRACT NO. 8640 (PW 639-4) #802-02

- I. RESOLUTION NO. 2004/20 APPROVING STREET NAME CHANGE FROM "SHOPPING CENTER" TO "HILLCREST TERRACE COURT" #1102-04

- J. RESOLUTION NO. 2004/21 ACCEPTING WORK AND DIRECTING CITY ENGINEER TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL PAYMENT TO NORTH BAY CONSTRUCTION OF PETALUMA FOR THE WEST RIVERTOWN STREET ENHANCEMENTS (PW 648-A)..... #1102-04

- K. RESOLUTION NO. 2004/22 REVISING PUBLIC HEARING DATE FOR CHANGE PROCEEDINGS IN STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT NO. 10 #806-03

- L. RESOLUTION NO. 2004/23 APPROVING CLASS SPECIFICATIONS AND ESTABLISHING SALARIES FOR THE POSITIONS OF FLEET SUPERVISOR, FLEET SERVICE TECHNICIAN, AND GENERAL LABORER, AMENDING THE 2003 04 BUDGET, AND

**AUTHORIZING STAFF TO FILL THE FLEET SUPERVISOR AND FLEET SERVICE
TECHNICIAN POSITIONS #502-02**

**M. RESOLUTION NO. 2004/24 AUTHORIZING THE CITY MANAGER TO FINALIZE
NEGOTIATIONS WITH GBA MASTER SERIES, INC. AND SIGN AGREEMENTS FOR
REPLACEMENT OF COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM
.....#106-01**

**N. RESOLUTION NO. 2004/25 DIRECTING THE CITY ENGINEER TO EXECUTE THE
FUNDING AGREEMENT BETWEEN THE BAY AREA AIR QUALITY MANAGEMENT
DISTRICT AND THE CITY OF ANTIOCH FOR HILLCREST AVENUE BICYCLE FACILITIES
.....#1402-02**

**O. RESOLUTION NO. 2004/26 APPROVING APPROPRIATION OF \$1,050,000 FOR EAST
COUNTY BASEBALL GROUP (ECBG)#1402-01**

**P. LETTER TO CONTRA COSTA TRANSPORTATION AUTHORITY (CCTA) REGARDING
DRAFT COUNTYWIDE TRANSPORTATION PLAN AND EXPENDITURE PLAN
ALTERNATIVES#1107-01**

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

Item F - In response to Mayor Freitas, City Engineer/Community Development Director Brandt clarified the City takes a one-foot strip in front of all roads that have not reached their full length to maintain control of the access and avoid a situation with spike strips.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved item F.

Item O - Councilmember Simonsen stated although he applauds Councilmember Kalinowski's effort to seek funding for the project, he felt the current needs within the City were considerable and not the right time to move forward with the project.

Mayor Freitas stated he felt dedicated revenue for youth was one of the greatest needs within the community and voiced his supports of the collaborative effort between all the east county communities as well as the community college to provide family entertainment for the community. In addition, he noted when profits were made, it would be distributed to all those participating communities. He commended Councilmember Kalinowski's for generating \$2.6M for the project.

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

Ayes: Kalinowski, Davis, Conley, Freitas

Noes: Simonsen

PUBLIC HEARINGS

2. RESOLUTION EXPRESSING COMMUNITY SUPPORT FOR TAX EXEMPT OBLIGATIONS TO ALLOW CONSTRUCTION OF A HOSPITAL AND A 67 PROVIDER MEDICAL OFFICE BUILDING (KAISER PERMANENTE) AT 5601 DEER VALLEY ROAD, TO EXPAND, WITHOUT COST OR FINANCIAL OBLIGATION OF THE CITY OF ANTIOCH #202-03

City Manager Jakel presented the staff report dated February 17, 2004 recommending the City Council approve the resolution authorizing issuance of up to \$1.6 billion in Tax Exempt Obligations; the issuance to be accomplished through the California Statewide Communities Development Authority for the purpose of upgrading and construction of Kaiser facilities through the State of California, and specifically for the purpose of construction of a hospital and a 67-provider medical office building in Antioch.

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

RESOLUTION NO. 2004/27

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

COUNCIL REGULAR AGENDA

3. RESOLUTION DEALING WITH CALL OF REFERENDUM ELECTION..... #702-02

City Attorney Galstan presented the staff report dated February 18, 2004 recommending the City Council: A) Adopt the resolution calling a special election for June 8, 2004, or B) Adopt the resolution calling a referendum election at the November 2, 2004 regular election.

Mayor Freitas opened the floor to public comments.

Hans Ho, Antioch resident, thanked the City Council, City Attorney and City Clerk for honoring the wishes of the citizens by calling for the referendum election and congratulated in the acceptance of the democratic process.

Tom McNell, Antioch resident, stated they had a disagreement with the proposed wording of the ballot measure noting the proponents of the referendum did not feel it followed the election code. He requested the wording be corrected so that the public votes to approve or deny Reynolds and Browns request for the General Plan amendment.

Wendy Williamson, Antioch resident, requested the City Council consider the wording on the ballot measure and follow the State election code by using the proposed wording as provided by Attorney

Flashman. Councilmember Conley stated he felt it was important to get the issue resolved as soon as possible and voiced his support for the resolution calling a special election on June 8, 2004.

In response to Councilmember Kalinowski, City Attorney Galstan clarified he had written the language for the ballot measure several weeks ago. He stated his intent was to write an easily understood measure that reflects the concept of the referendum. He noted Reynolds and Brown and Stuart Flashman have submitted suggestions for changes to the wording, which he did not accept.

Councilmember Kalinowski stated that although he had concern for the cost of a special election he understood he was outvoted on the issue and therefore he would support the following motion so it was clear he was in support of the residents voting on the issue.

RESOLUTION NO. 2004/28

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved Option "A" adopting the resolution calling a special election for June 8, 2004 as provided in the yellow packet of the staff report.

4. DISCUSSION OF UTILITY UNDERGROUNDING POLICY (PW 300).....#1201-07

City Engineer/Community Development Director Brandt presented the staff report dated February 18, 2004 recommending the City Council direct staff as to Council's desired course of action.

In response to Mayor Freitas, Capital Improvement Director Scudero clarified PG&E would not begin any preliminary work until the underground district was formed and there was a project specific resolution for the undergrounding. He stated staff could review and determine if there was anything they could do to prepare for the undergrounding work.

City Engineer/Community Development Director Brandt added Council had identified and approved a project through the Capital Improvement Program and staff should begin the undergrounding process to reduce the timeframe.

Councilmember Kalinowski stated when the issue was previously discussed he had requested the City Manager agendaize a discussion of funding the road maintenance backlog. He suggested that in the future the maintenance backlog and utility undergrounding be blended together for the purpose of setting policy. He voiced his support for undergrounding the utilities with major road construction and widening projects.

Following discussion, Mayor Freitas stated it was Council's preference to underground all utilities and urged staff to be more creative with a strategic plan. They voiced their support to update the Council priority list for road maintenance projects and with regards to "L" Street, they felt as a signature entry into the downtown it should move forward.

Director of Community Development Brandt suggested Council authorize Giaccalone Design, Inc. to begin the design on "L" Street so that no more time was lost on the project. He stated staff would come back with more information on the current backlog of road maintenance.

Councilmember Conley stated he would like to know what other options the City had for funding the undergrounding of utilities for "L" Street and voiced his support for funding the design.

Councilmember Simonsen stated he would support offering the ability to create assessment districts to neighborhoods for undergrounding of the utilities.

Following discussion , Council censuses was to include undergrounding of the utilities and project reviews on an annual 5-year basis. They agreed Council should prioritize the projects needing more time and material. He further requested the process be speeded up to allow a heavier re-occurrence rate.

Councilmember Kalinowski questioned whether there was additional bond capacity within any particular redevelopment area while the rates were still low to secure additional funding. He stated if there was money available it should go to the road maintenance and redevelopment undergrounding.

Mayor Freitas stated the priority of undergrounding projects was an important issue and needed to be discussed by the City Council along with the design of sidewalks. Council consensus supported moving forward with the design for "L" Street and combining road construction with undergrounding utilities. They directed staff to bring back to the City Council a discussion of schedule, cost and maintenance.

5. CONSIDERATION OF MEDIAN ISLAND ALTERNATES FOR THE WIDENING AND RECONSTRUCTION OF "L" STREET BETWEEN WEST FOURTH AND WEST TENTH STREETS (PW 234B9)#1102-04

City Engineer/Community Development Director Brandt presented the staff report dated February 17, 2004 recommending the City Council direct staff as to their preferred alternative and approve the resolution adopting the Mitigated Negative Declaration for the project. He reported Bruce Ohlson had requested bicycle lanes on the east side of "L" Street. Staff preferred to provide parking for the residents who live there.

Discussion ensued with the Council majority voicing their support for option B.

Mayor Freitas expressed concern for alternative B regarding access for the residents who live on 6th and 7th Streets.

Following discussion the City Council supported a community meeting with the impacted neighbors to allow them to provide input to the City Council.

RESOLUTION NO. 2004/29

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously recommended alternative B and approved the resolution adopting the Mitigated Negative Declaration with direction to staff to hold a community meeting with the impacted neighbors.

PUBLIC COMMENTS - None

COUNCIL COMMUNICATIONS

Councilmember Kalinowski recognized Mr. and Mrs. Carroll for the contribution of their VLF refund to the City and suggested it be pledged toward the utility undergrounding on "L" Street.

In response to Mayor Freitas, staff indicated they were writing a letter on behalf of the City Council thanking the Carroll's for the contribution.

Mayor Freitas reported the *Heart to Heart* dinner had been an outstanding event and urged the community to continue to support their annual fund raising event. On behalf of the community, he thanked Councilmember Davis for helping to organize the event.

Councilmember Conley reminded the community to vote on March 2, 2004 noting it was important to read the ballot initiatives and make informed decisions.

STAFF COMMUNICATIONS - None

With no further business, Mayor Freitas adjourned the meeting at 8:30 P.M. to the next regular Council meeting on March 9, 2004.

Respectfully submitted

L. JOLENE MARTIN, City Clerk