

ANTIOCH CITY COUNCIL

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

**January 25, 2005
Council Chambers**

Mayor Freitas called the meeting to order at 7:00 P.M., and City Clerk Martin called the roll.

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

Excused: Council Member Simonsen

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Lonnie Karste announced the Safety Faire would be held on February 5, 2005 from 10:00 - 3:00 P.M. at the Somersville Towne Center. He provided a contact number for anyone wishing to receive additional information and thanked the sponsors of the event.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Martin announced the following Board and Commission openings for the City of Antioch and Contra Costa County:

- ! Three expiring terms on Administrative Appeals Board meeting in Antioch
- ! One unexpired term on Economic Development Commission meeting in Antioch
- ! One vacancy on Transportation Authority Citizens Advisory Committee meeting in Walnut Creek
- ! One vacancy on the Contra Costa County Vector and Mosquito Control District meeting in Martinez

The filing deadline for applications was February 18, 2005 at 5:00 P.M., with the exception of the Contra Costa Vector Control District, which was March 11, 2005. Ms. Martin encouraged anyone interested in receiving additional information to contact the City Clerks office at 779-7009.

PUBLIC COMMENTS - None

PRESENTATIONS - Rivertown Preservation Society

Don Bright, Rivertown Preservation Society Chair, introduced and reviewed the goals of the Rivertown Preservation Society. He presented petitions from the Women's Club of Antioch and the Antioch Historical Society in support of the resolution recognizing the Rivertown District of the City of Antioch as a Historic District. He requested the City Council support and adopt the resolution.

Mayor Freitas suggested appointing a Councilmember to work with the Rivertown Preservation Society. He commended the participants for their dedication to downtown Antioch and requested the resolution be placed on the February 22, 2005 agenda.

Councilmember Conley stated he felt it was important that new architecture blend in with the existing structures in the downtown area.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR DECEMBER 7 and 14, 2004....#301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER REPORT FOR DECEMBER 2004..... #401-02**
- D. REJECTION OF CLAIM#704-07**
 - 1. Damon J. Gambrell, #04/05-1527 (dog injured in park)**
- E. LEGISLATION AND ADVOCACY..... #701-04**
 - 1. H.R. 728, AB 2594 (American With Disabilities Act)**
- F. RESOLUTION NO. 2005/06 APPROVING THE PROPOSAL FOR CALTRANS BICYCLE TRANSPORTATION ACCOUNT, (BTA) GRANT APPLICATION#1402-02**

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

Item #A - Councilmember Conley requested the minutes of December 7 and 14, 2004 be considered separately due to his absence at the December 14, 2004 City Council meeting.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council members present unanimously approved the minutes of December 7, 2004.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the City Council approved the minutes of December 14, 2005. The motion carried the following vote:

Ayes: Freitas, Davis, Kalinowski Abstain: Conley Absent: Simonsen

Item #E1 - Mayor Freitas requested the item be held over for additional information from the League of California Cities regarding their position on H.R 728 and AB 2594 as well as copies of the federal and state legislation.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Councilmembers present unanimously received and filed the Legislative Report.

COUNCIL REGULAR AGENDA

4. APPOINTMENT TO THE ANTIOCH CRIME PREVENTION COMMISSION - 2 UNEXPIRED TERMS #302-01

Mayor Freitas nominated Georgia Koch and Rocky McCants to the unexpired terms on the Antioch Crime Prevention Commission.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Councilmembers present unanimously appointed Georgia Koch and Rocky McCants to the unexpired terms on the Antioch Crime Prevention Commission.

Mayor Freitas thanked all the applicants who applied for those positions.

5. APPOINTMENT TO THE DESIGN REVIEW BOARD - 2 FULL TERMS #302-09

Mayor Freitas nominated Frederick Edwards and Richard Reynoso to the full terms on the Design Review Board. He thanked Peter Holliday for his years of service on the Design Review Board.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the City Councilmembers present unanimously appointed Frederick Edwards and Richard Reynoso to the two full terms on the Design Review Board.

6. RESOLUTION IMPLEMENTING THE PUBLIC AGENCY RETIREMENT SYSTEM (PARS) SEPARATION INCENTIVE PLAN (SIP)#502-01

Personnel Director Brock-Cohn presented the staff report dated January 18, 2005 recommending the City Council adopted the resolution.

In response to Mayor Freitas, Personnel Director Brock-Cohn stated the date of the first action clause of the resolution should be changed to read January 25, 2005.

Mayor Freitas requested the following action clause be added to the resolution: "The City's PARS Administrator shall provide immediate notice to City Council detailing any SIP activities and delineating the source of funds."

RESOLUTION NO. 2005/09

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council approved the resolution changing the date in #1 to January 25, 2005 and adding #5 to read:

"The City's PARS Administrator shall provide immediate notice to City Council detailing any SIP activities and delineating the source of funds." The motion carried by the following vote:

Ayes: Freitas, Davis, Conley

Noes: Kalinowski

Absent: Simonsen

PUBLIC HEARINGS

- 2. THE CITY COUNCIL WILL CONSIDER A REQUEST TO AMEND THE ENVIRONMENTAL HAZARDS SECTION OF THE GENERAL PLAN TO MODIFY THE MAXIMUM ALLOWABLE EXTERIOR NOISE LEVEL FOR NEW SINGLE FAMILY AND NEW MULTIPLE FAMILY RESIDENTIAL UNITS LOCATED ADJACENT TO PLANNED EXPRESSWAYS from 60 CNEL to 65 CNEL AND PERMIT FLEXIBLE STANDARDS FOR EXISTING OUTDOOR RESIDENTIAL LIVING AREAS ADJACENT TO PLANNED FREEWAY EXPANSIONS WITH NO SIGNIFICANT (5 CNEL OR GREATER) INCREASE IN CURRENT NOISE LEVELS. A CORRESPONDING CHANGE IS ALSO PROPOSED TO THE ZONING ORDINANCE (Z-04-04)#202-05**

At the request of staff the City Council agreed to continue the item to February 8, 2005.

In response to Mayor Freitas, Director of Community Development Brandt stated he would provide information via email regarding the status of the Park Dedication and Zoning Ordinance Update.

- 3. CITY OF ANTIOCH WILL CONSIDER APPROVAL OF NOTICE OF EXEMPTION UNDER CEQA FOR APPROVAL OF A WASTEWATER RATE STUDY ADDENDUM #1 AND APPROVAL AND CONFIRMATION OF WASTEWATER RATES AND CHARGES#409-01**

Director of Public Works Harrington presented the staff report dated January 18, 2005 recommending the City Council: 1) Adopt the resolution approving the Notice of Exemption for the Wastewater rate study and imposition of wastewater charges; and, 2) Adopt the resolution approving the Wastewater Rate Study Addendum #1, rescinding Resolution No. 2003/109 and re-enacting and confirming the description of fees for sewer and water connection, both residential and nonresidential, and the sewer service charge.

In response to Councilmember Kalinowski, Director of Public Works Harrington stated West Coast Builders was due a rebate and he believed they would seek the \$102k.

Councilmember Conley stated he felt the City should consider whether or not to use Winzler and Kelly in the future, and whether or not the firm should be responsible for a portion of the \$102k as well as Attorney's fees.

Public Works Director Harrington stated staff intended to work with the City Attorney to determine Winzler and Kelly=s proportionate share of the costs.

Mayor Freitas stated he felt Winzler and Kelly had a requirement to make the City whole, noting the firm had indicated in the past they were comfortable defending the fee and hopefully a settlement would come forward regarding the rebate as well as legal fees. He suggested the City Council include in the resolution an annual review of the fee, capital expenditures and fund balances.

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

RESOLUTION NO. 2005/07
RESOLUTION NO. 2005/08

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Councilmembers present unanimously adopted the resolutions, which included verbiage stating the fees would be reviewed on an annual basis.

7. DISCUSSION OF ALTERNATE URBAN LIMIT LINE (ULL) PROPOSALS, AND DIRECTION TO CITY COUNCIL REPRESENTATIVE ON EAST COUNTY URBAN LIMIT LINE TASK FORCE#204-01

Community Development Deputy Director Carniglia presented the staff report dated January 19, 2005 recommending the City Council direct staff as to Council's desired course of action.

Mayor Freitas read into the record correspondence from Councilmember Simonsen who voiced his support of Plan B with additional transportation milestones as well as a discussion on local job creation.

Mayor Freitas read into the record correspondence from David Reid representing Greenbelt Alliance in support of Plan C.

Councilmember Conley stated he felt if the County wanted to hold the Urban Limit Line they needed to stop developing east of the current Highway 4 widening project. He discussed the importance of all jurisdictions being treated equally.

Councilmember Kalinowski voiced his support for plan B noting it required the necessary infrastructure improvements to the Buchanan and Highway 4 Bypasses prior to accommodating additional growth. He stated due to requests from other cities varying their proposals, he suggested and supported the City Council consider preparing a plan for the ULL to be moved by a vote of the people in the City of Antioch.

Councilmember Davis stated he would support Plan B with the additional milestone requests as outlined by Councilmember Simonsen. He agreed with Councilmember Conley's comments pertaining to the County residential development as well as Councilmember Kalinowski's suggestion for Antioch preparing a plan for the ULL to be voted on locally.

Mayor Freitas discussed the importance for all jurisdictions to come to a compromise for an ULL that will not expire until 2034. He agreed Plan B was workable with discussions regarding the transportation milestones and felt Contra Costa County should get out of the development business. He suggested all cities be discouraged from moving forward with their development plan. He stated he felt the citizens of the County wanted an Urban Limit Line that would remain fixed for the next 30 years with any future development tied in with appropriate infrastructure.

Councilmember Kalinowski stated should the process fail to move forward, the City of Antioch could conceivably consider moving forward independently to resolve the ULL issue.

Councilmember Conley suggested the County Board of Supervisors be reminded that LAFCO could move the line at the request of a property owner and transportation money would not be withheld.

Following discussion the Council agreed the boundary agreement with the City of Brentwood should be honored until Brentwood produces an alternate proposal for Antioch to consider.

8. EXTENSION OF SERVICES AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE ARTS AND CULTURAL FOUNDATION OF ANTIOCH FOR SERVICES PROVIDED BY THE ARTS AND CULTURAL FOUNDATION #1407-03

Assistant to the City Manager Gegg presented the staff report dated January 20, 2005 recommending the City Council adopt the resolution approving the extension of the services agreement between the City of Antioch and the Arts and Cultural Foundation of Antioch.

Mayor Freitas stated he felt it was important to define administrative costs within the agreement.

Assistant to the City Manager Gegg clarified the Board felt administrative costs should be related to the curator for the Lynn House and the Executive Director of the Arts and Cultural Foundation. He stated in the future if there were no reserve funds the City Council should not be obligated to fill the shortfall.

Finance Director Tasker added there was \$203k in the TOT and assuming \$100k in income there was sufficient funds for 10 years assuming the Council's contribution remained at a total of \$120k.

Curtis Holtzer, representing the Antioch Rivertown Business Association, spoke in support of the Arts and Cultural Foundation and urged the City Council to approve the agreement.

Mokanna Madden, Arts and Cultural Foundation Volunteer Coordinator, invited the community to attend the St. Valentines Day Masquerade on February 12, 2005 from 5:00 to 9:00 P.M.

Tonya McKenzie, Arts and Cultural Foundation Board Member, discussed the importance of the services provided to the community and urged the City Council to approve the agreement.

Valerie Bennett Lewis, President of the Arts and Cultural Foundation, gave a brief overview of the history, services and events of the Arts and Cultural Foundation and Rivertown Arts Center. She requested input and direction from Council regarding the agreement.

Mayor Freitas stated he felt it was important for the Foundation to develop both a financial and business plan and offered his assistance. He stated he felt it was important for the City to move forward with funding.

Councilmember Kalinowski voiced his support of the Arts and Cultural Foundation and commended Ms. Bennett Lewis on their outreach to the community. He added he felt working with Mayor Freitas on their financials would be beneficial to the organization.

Mark Roberts stated he would be bringing high quality art exhibits to the Lynn House through invitational and open shows.

Justine Perez, Board Director, announced they were inviting the five East Bay Contra Costa cities to attend the Release The Beat Within event.

Mayor Freitas stated he would make himself available and work with staff and the ACFA regarding a finance, business and outreach plan.

Councilmember Conley requested the business plan consider long-term funding particularly as it relates to the TOT.

RESOLUTION NO. 2005/10

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council members present unanimously approved the resolution with the following changes:

- Change Attachment "M" to Attachment "C" within the agreement
- Include a definition of the "Administrative category" within the agreement
- Include compensation to the City of \$5k per year for the audit within the agreement

9. EXTENSION OF LEASE AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE ARTS AND CULTURAL FOUNDATION OF ANTIOCH FOR LEASE OF THE LYNN HOUSE LOCATED AT 809 1ST STREET#1407-03

RESOLUTION NO. 2005/11

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Councilmembers present unanimously adopted the resolution.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

Assistant City Manager Pappas Diaz announced the February 1, 2005 Economic Development Commission meeting had been rescheduled for January 31, 2005 and the City Council would be meeting for regularly scheduled meetings on February 8 and 22, 2005 with a scheduled Study Session to be held on February 15, 2005.

COUNCIL COMMUNICATIONS

Mayor Freitas reported the Antioch Chamber of Commerce Inaugural Ball was held on January 21, 2005 at the Lone Tree Golf Club. He commended John Slatten, and Cypress Meadows for being recognized as Citizen and Business of the Year.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 9:30 P.M. to the next regular Council meeting on February 8, 2005.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk