

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting  
7:00 P.M.

April 10, 2001  
Council Chambers

**CLOSED SESSION—CONFERENCE WITH LABOR NEGOTIATOR** – City Negotiator: Bill May. Employee Organization: Antioch Police Officer's Association. This closed session is authorized by Government Code §54957.6.

Mayor Freitas called the meeting to order at 7:01 P.M., and City Clerk Martin called the roll.

Present: Councilmembers Davis, Kalinowski, Conley, Simonsen and Mayor Freitas

**PLEDGE OF ALLEGIANCE**

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

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Gary Reiman, representing the Antioch Historical Society, announced Antioch Appraisal Day at the Museum on April 22, 2001 and the Spring House Tour scheduled for June 3, 2001. He provided a contact number for anyone wishing to participate in either of these events.

Carmen Ochoa representing *Give Always To Others and Company* invited the Council and community to One Planet All For Peace on April 21, 2001 from 10:00 A.M. to 4:00 P.M. at the County East Mall. She thanked their sponsors and provided a contact number for anyone wishing to receive further information. She thanked Council Member Davis, stating his daughter had danced at the event and congratulated him on his daughter's recent appointment as Miss Contra Costa County Fair.

Jean Kuberra announced she had amended her original Brown Act complaint regarding the Lighting and Landscaping Assessment and had two copies available for a nominal fee to anyone interested.

**PROCLAMATIONS**

Earthquake Preparedness Month, April 2001

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

Councilmember Kalinowski presented Lonnie Karste with the proclamation, proclaiming April 2001 as Earthquake Preparedness Month. Mr. Karste accepted the proclamation and encouraged the community to prepare themselves for earthquakes. He provided a

contact number for anyone wishing to receive additional information or requesting a presentation on earthquake preparedness. He thanked the Council for the proclamation.

### **PUBLIC COMMENTS**

Anthony Garcia stated he was in the process of developing a business plan and was interested in leasing the property at 602 W. 2nd Street. He requested Council review his business plan.

Mayor Freitas referred Mr. Garcia to City Manager Ramsey and Economic Development Director Naffah.

Ted Vomaka suggested the City review a feasibility study regarding a public beach at the base of G Street to promote economic development. He expressed concern regarding the Lighting and Landscape assessments stating he was informed by staff the rate he currently pays could increase if the ballot is not passed. He noted he felt the City should advertise the possibility of rate increases if the ballot does not pass.

Public Works Director Brandt clarified information regarding the fall back position for base rates was not included as part of the ballot due to the fact they did not want the information to be perceived as a threat to the public.

City Attorney Galstan clarified the second engineer's report was subject to Council's confirmation and approval at a public hearing. He noted the amount in the engineer's report is the maximum the Council could levy and there would be an option to levy less or nothing.

Elvin Scott announced the Veteran's Health Benefits Faire on April 21, 2001 from 10:00 A.M. to 3:00 P.M. at the Veterans Memorial Building in Pittsburg. He discussed his efforts to help people receive pension benefits.

Peter Lincoln Draper stated he recently received a ticket in Antioch for a traffic violation regarding a lane change adjustment. He felt the ticket was trivial and requested Council review the City's policy regarding these types of small traffic violations.

Jean Kuberra, referencing her comments during Public Announcements, stated she amended her complaint regarding the Lighting and Landscaping ballots. She further noted she felt Councilmembers, acting in their official capacities to cast votes in support of assessments on City owned property, was a public act of advocacy, as it allocates the assessment be paid out of the General Fund.

### **COUNCIL REGULAR AGENDA**

#### **1. ORAL PRESENTATION BY POSTMASTER DANIELS REGARDING NEW ZIP CODE**

**#1408-00**

Postmaster Daniels announced effective May 1, 2001 the Rivertown Post Office would be open during the lunch hour and the Main Post Office would be open on Saturdays from 9:30 A.M. to 2:00 P.M. He noted the Antioch Main Post Office would be open on tax day, April 16, 2001, until 12:00 A.M. He stated to improve service to the customers there would be a zip code split, utilizing the 94531 zip code. He stated residents and business affected by the change would receive flyers advising them of the boundary changes. Postal Services automated equipment was programmed to recognize the both zip codes for one year. In response to Mayor Freitas he reviewed the boundary lines for the new zip code area.

**2. PRESENTATION BY SEREN INNOVATIONS, INC., A CABLE TELEVISION, INTERNET SERVICES AND TELEPHONE SERVICES PROVIDER #1201-04**

City Manager Ramsey presented the staff report dated April 3, 2001, recommending the City Council receive and file the report.

Patty Freeze, representing SEREN Innovations, provided a brief overhead presentation reviewing the company's history and services. She explained their proposal was to build a fiber optic network in Antioch and offer the residents and businesses digital cable, highspeed Internet and local/long distance phone services. She noted they currently offered this service in Concord and were building a system in Walnut Creek, while concurrently negotiating possible deals with Pleasant Hill, Martinez, Pittsburg and the County. She further noted they felt the competition would have a positive impact on the community.

In response to various Councilmember concerns, Ms. Freeze stated the company typically decides on programming, however, public input was an important part of the selection process. She noted a public access channel would be provided. She noted the energy crisis had caused some temporary delays with the company's construction of their system and they were working with PG&E to resolve those issues.

City Attorney Galstan clarified they were currently negotiating a franchise agreement for cable television services and there was a possibility of forming a consortium to jointly negotiate that agreement. He noted once the agreement was negotiated it would come back to the Council for approval.

Councilmember Simonsen expressed concern regarding the negative impact to the roads from the installation of the fiber optics lines and requested staff work with the City Engineer Brandt to mitigate road construction issues.

Ms. Freeze stated she had met with City Engineer Brandt and SEREN Innovations, was aware of the importance of not disrupting residents during the installation of their product.

In response to Mayor Freitas, Ms. Freezen stated they were currently negotiating with Pittsburg and their intent was to arrive in Antioch in 12-18 months.

Jean Kuberra stated she was looking forward to the RFP going out and providing competition in cable services for residents and businesses in Antioch.

Allen Payton stated if all the roads would be impacted by the construction of the fiber optic network, he felt it would be a good opportunity to secure a bond to improve the roads.

Ms. Freezen clarified their proposal was to provide service to every resident and business, build their own fiber optic network system, adding every premise would be affected. She stated they would be interested in joining other utilities or developers on joint projects to minimize the impact to the community.

Paul Goulart suggested the City review wireless technologies noting they would not impact the streets. He further suggested the fiber optics system be considered during the "A" Street extension process.

Mayor Freitas declared a recess at 8:07 P.M. The meeting reconvened at 8:17 P.M. with all Councilmembers present with the exception of Councilmember Davis who arrived at 8:18 P.M.

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

### **3. FUNDING FOR NEEDS ASSESSMENT OF NEW PUBLIC LIBRARY #1406-01**

City Manager Assistant Gegg presented the staff report dated April 2, 2001, recommending the City provide funding for a Community Needs Assessment for new library.

In response to Councilmember Kalinowski, City Manager Ramsey stated the funds for the needs assessment would come from the General Fund reserve.

City Manager Assistant Gegg clarified the first priority for the grant application would go to communities who have an agreement with their School District for joint use facilities.

Ann Keen clarified the current Antioch Library building was owned by the County and noted the Board of Supervisors' policy stated each local community was responsible for providing its own library with the caveat the County would be responsible for its operation, adding a joint use agreement with Antioch Unified School District would be supported.

City Manager Ramsey stated informal discussions with Superintendent Goestch had taken place along with a site tour of the library facility at Deer Valley High School, as well as discussion regarding the joint use of a library facility, adding those types of details would be looked at during a needs assessment. He clarified the General Fund reserves could

provide funds for the needs assessment and stated the Council should be prepared for the fact the City of Antioch may have to bare the full cost of operating the library once it was constructed.

Ann Keen stated Senator Torlakson introduced a bill to provide approximately \$3,000,000 to the Contra Costa County Library, and it had passed the Senate Local Government Committee and would be going to the Appropriations Committee. She noted due to the State's energy crisis there was a serious issue regarding the State's ability to fund SB94. She further noted the Board of Supervisors unanimously voted to attempt to find significant ongoing funding from the General Fund for the library during their budget process.

Councilmember Davis posed the possibility of the City splitting the cost of the needs assessment with the school district since the Library would be a joint use between the two entities. He further noted he would be willing to redirect the moneys for the improvements to the Council Chambers to the needs assessment.

City Manager Ramsey clarified there would be three different funding cycles for this grant and the Council could consider waiting for the needs assessment until after the budget is reviewed.

Allen Payton suggested including in the needs assessment the option of providing a regional library at Prewett Park funded by the four cities in East County and their respective School Districts.

Councilmember Conley stated he felt the City was not prepared to move with the first cycle for the grant and requested staff provide information on other alternatives.

Councilmember Kalinowski expressed concern the City would not commit to opening the current library more than 41 hours a week.

In response to Councilmember Simonsen, Ann Keen reviewed the application process, which would include a needs assessment, building program and architectural work. She noted it was a highly competitive process and projects not accepted for the first cycle would be able to compete again in another cycle.

Mayor Freitas discussed the importance of providing library services for the residents in the community. He stated he felt delaying the needs assessment would put Antioch at a serious disadvantage to receive a grant. He voiced his support for moving forward on the feasibility study.

In response to Mayor Freitas, Finance/Leisure Services Director Tasker stated he would provide the Council with information regarding the possible utilization of Mello Roos funds to pay for the needs assessments.

Mayor Freitas discussed the need for meeting rooms and the possibility of a joint commercial use with the Library to produce revenue to offset operation and maintenance costs.

Councilmember Kalinowski stated he could support the needs assessment if it were not funded through the General Fund

Following discussion the Council directed staff to come back on April 24, 2001 with additional information regarding the feasibility and accessibility of using Mello Roos dollars for the needs assessment. If acceptable, staff would recommend it to the Mello Roos Board and a joint meeting with the City Council and Antioch School Board would be scheduled.

**4. APPOINTMENT TO ANTIOCH POLICE CRIME PREVENTION COMMISSION – 1 VACANCY #302-01**

Mayor Freitas recommended Lisa Bazan to fill the vacancy on the Antioch Police Crime Prevention Commission.

Councilmember Davis voiced his support of Mayor Freitas' recommendation and requested the Council agendaize the interview process of Board and Commission vacancies.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously appointed Lisa Bazan to the Antioch Crime Prevention Commission.

**5. APPOINTMENTS TO PARKS AND RECREATION COMMISSION – 3 VACANCIES #302-05**

Mayor Freitas recommended Tom Menasco, Janet Wilson and James Bonwell be appointed to the Parks and Recreation Commission vacancies.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously appointed Tom Menasco, Janet Wilson and James Bonwell.

**6a. RESOLUTION AUTHORIZING CITY MANAGER TO CAST AFFIRMATIVE BALLOTS ON BEHALF OF CITY OF ANTIOCH-OWNED PARCELS IN THE LANDSCAPING AND LIGHTING PROCEEDINGS #806-03**

Public Works Director Brandt presented the staff report recommending Council adopt the resolution authorizing City Manager Ramsey to cast "yes" ballots.

Jean Kuberra expressed concern the Council had not agendaized an item to publicly determine whether or not the City-owned parcels received a special benefit. She stated she felt the City Council was the agent to make decisions on behalf of the City.

City Attorney Galstan stated the benefit was determined for the City-owned parcels in the engineers report and he felt it was appropriate for the City Manager to cast the ballots noting there was no requirement as to which person casts the ballots on behalf of the City.

Councilmember Simonsen voiced his opposition to approval of the resolution stating he felt the Council should maintain an unbiased position and advocate for the Lighting and Landscape assessment.

**RESOLUTION NO. 2001/34**

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council adopted the resolution. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley, Freitas

Noes: Simonsen

**b. DIRECTION TO CITY MANAGER REGARDING BUDGET PRIORITY FOR GAS TAX FUNDS FREED UP BY AFFIRMATIVE VOTE ON THE LANDSCAPING AND LIGHTING DISTRICT BALLOT #806-03**

City Manager Ramsey presented the staff report dated April 5, 2001, recommending the City Council provide direction to the City Manager regarding the services or activities to which \$500,000 of the \$820,000 of revenue realized from a successful Landscape and Lighting District vote would be budgeted in the 2001-2002 fiscal year.

Councilmember Kalinowski stated in addition to supporting the option to direct \$500,000 toward the road maintenance budget, he would suggest \$45,000 be used to open the library for five hours on Sundays and the remaining fund balance be allocated for public safety.

Councilmember Simonsen expressed concern this item was being considered before the Lighting and Landscape assessment was approved.

Following discussion Council agreed to support directing \$500,000 toward the road maintenance budget.

Councilmember Simonsen stated he could not support the motion for the City to subsidize additional hours at the library.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved \$500,000 be earmarked for the road maintenance budget assuming successful passage of Proposition #218.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council approved \$45,000 be earmarked for increasing library services with a preference

for hours of operation on Sunday with an additional \$275,000 to be allocated during the budget process.

Ayes: Davis, Kalinowski, Conley, Freitas

Noes: Simonsen

Mayor Freitas stated the \$275,000 would remain uncommitted at this time, but would be discussed during budget deliberations.

## **7. LEGISLATION AND ADVOCACY**

**#701-04**

### LEGISLATION AND ADVOCACY; SB 910

City Attorney Galstan presented the staff report dated March 30, 2001 recommending Council send a letter to the legislative delegation opposing SB910.

Mayor Freitas noted William C. Roaric III had provided Council with a speaker card in support of SB910.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously approved sending a letter under the Mayor's signature to the legislative delegation opposing SB910.

## **8. COUNCIL CONSENT CALENDAR**

### **A. APPROVAL OF COUNCIL MINUTES – March 13, 2001**

**#301-03**

### **B. APPROVAL OF COUNCIL WARRANTS**

**#401-02**

### **C. APPROVAL OF TREASURER'S REPORT – February 2001**

**#401-02**

### **D. RESOLUTION NO. 2001/35 DESIGNATING REPRESENTATIVES TO THE CONTRA COSTA RISK MANAGEMENT JPA**

**#704-01**

### **E. RESOLUTION NO. 2001/36 ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2000/01 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM**

**#814-03**

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

**Item E** – Mayor Freitas stated he had a conflict of interest and excused himself from any discussion on this item. In response to Councilmember Simonsen, Public Works Director Brandt explained the fees for this program contributes to the public outreach, catch basin cleaning, channel maintenance, storm water cleanup and reduced pollutants going into the river.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council adopted the resolution. The motion carried the following vote:

Ayes: Davis, Kalinowski, Conley, Simonsen

Abstain: Freitas

Mayor Freitas adjourned to the Antioch Development Agency.

## **9. AGENCY CONSENT CALENDAR**

### **A. APPROVAL OF AGENCY WARRANTS**

**#401-02**

On motion by Agencymember Davis, seconded by Agencymember Simonsen, the Agency unanimously approved the Agency Consent Calendar.

## **AGENCY REGULAR AGENDA**

### **10. RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR TO CAST AFFIRMATIVE BALLOTS ON BEHALF OF ANTIOCH DEVELOPMENT AGENCY-OWNED PARCELS IN THE LANDSCAPING AND LIGHTING PROCEEDINGS #806-03**

Agencymember Simonsen stated he could not support the resolution stating he was willing to live by the decision of the property owners.

### **RESOLUTION NO. ADA-384**

On motion by Agencymember Conley, seconded by Agencymember Kalinowski, the Agency approved the resolution. The motion carried the following vote:

Ayes: Davis, Kalinowski, Conley, Freitas

Noes: Simonsen

Mayor Freitas adjourned to the Antioch City Council.

## **PUBLIC COMMENTS**

Paul Goulart stated he had received a request from Jean Kuberra to post her government code complaint on his web site. He clarified he was making the document public and did

not have a personal opinion regarding the information, noting he had cast his ballot in favor of the Lighting and Landscape assessment.

### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Simonsen announced he had toured the Gillig factory and viewed the assembly of Tri Delta Transit buses. He reported he had attended the Tri Delta Transit Marketing Information committee meeting noting for ease and to reduce forgeries they would be consolidating and changing the bus tickets. He stated they were considering the possibility of using the Tri Delta Transit buses for trips from the area to the Giant's game.

Councilmember Davis reported he had met with the Youth Council and they would be bringing a program to the Council on April 24, 2001. He invited the Council to attend Youth Council meetings on the first Tuesday of each month at the Nick Rodriquez Center.

Councilmember Kalinowski reported he attended the Challenger Division of the Little League, noting there was an excellent turnout. He stated he was a judge for the Yacht Club Opening Day, and would be sitting in as Vice Chairperson for the Tri Delta Transit Board of Directors.

Mayor Freitas reported he had attended the Mayor's Prayer Breakfast on April 5, 2001 and thanked the organizers for an excellent event. He announced the Mayor's State of the City Address on May 4, 2001 at Tao San Jin Restaurant in Antioch. He provided a contact number for anyone wishing to attend. He reported the Mayors of Brentwood, Oakley and Antioch met with Congresswoman Ellen Tausher on April 6, 2001 to discuss issues related to Contra Costa County. He stated eBART was well received and noted Congresswoman Tausher would be pursuing the feasibility of the Byron Airport as an economic hub for the East County area. He further noted there would be a Town House meeting in Antioch in May. He reported the Delta 5 had a meeting to discuss transportation and economic development. He announced the full Councils of Brentwood, Oakley, Antioch and Pittsburg and the East County Supervisor would meet on April 17, 2001 at 7:30 P.M. at the Antioch Senior Center to discuss increases in traffic mitigation fees. He stated if an increase were adopted it would accelerate the Highway 4 expansion, State Route 4 and internal transportation projects. He urged all Councilmembers to attend. He stated they were focused on regionalism and opportunities to benefit all the communities. He noted his primary objectives were eBART to East County, expansion of Highway 4 and the State Route 4 bypass.

He announced the Goals and Objectives Study Session would be rescheduled for 6:00 P.M. on April 17, 2001.

### **STAFF COMMUNICATIONS**

In response to Councilmember Conley, City Manager Ramsey stated the School Board had appointed their Vice President to meet with the Mayor, Vice Mayor, Superintendent and himself in a meeting to be scheduled as soon as possible.

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 10:02 P.M., to the next regular meeting on April 24, 2001.

Respectfully Submitted:

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L. JOLENE MARTIN, City Clerk

Approved:

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DONALD P. FREITAS, Mayor

Attest:

\_\_\_\_\_  
L. JOLENE MARTIN, City Clerk