

## ANTIOCH CITY COUNCIL

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

**March 12, 2002**  
**Council Chambers**

Pursuant to Government Code Section 54952.2, the City Council Agenda for March 12, 2002 was posted on the door of the City Council Chambers, 3<sup>rd</sup> and "H" Streets on March 7, 2002.

### **6:00 P.M. – CLOSED SESSION**

- 1. CONFERENCE WITH LABOR NEGOTIATOR – City Negotiator:** Bill May. Employee Organization: All Negotiating Units. This closed session is authorized by Government Code §54957.6.
- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant exposure to litigation. (2 potential cases.) This closed session is authorized by Government Code §54956.9(b)(1).

Mayor Freitas called the meeting to order at 7:09 P.M., and City Clerk Martin called the roll.

Present: Council Members 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 – None**

### **PROCLAMATIONS**

#### **MAYOR'S PRAYER BREAKFAST, March 21, 2002**

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

Councilmember Kalinowski presented the proclamation proclaiming March 21, 2001 as the Mayor's Prayer Breakfast to Mr. Peacock, who thanked the Council for the proclamation and invited the public to attend the breakfast on March 21, 2002 at Humphrey's on the Delta from 7:00-9:00 A.M. He provided a contact number for anyone wishing to purchase tickets.

Mayor Freitas urged the community to support the event and expressed his appreciation to those involved in the program.

### **PUBLIC COMMENTS**

    #A      
**3-26-02**

Elvin Scott discussed his efforts to collect interest for people who receive delayed disability and pension benefit payments, and noted he would be providing additional information on his television program.

Mary Soto and Heidi Atwal, representing the Antioch City Youth Council announced applications were available at the Nick Rodriguez Community Center for voting and non-voting positions on the Antioch Youth Council. They reported they would be starting a pilot program with HALO to inform the community on animal violence in direct coalition to violence on a broader scale.

Nancy Roberts, Executive Director of the Arts and Cultural Foundation of Antioch, reported the Celebration of Art and the opening of the Young Artist Showcase at the Lynn House Gallery on March 9, 2002, was a success. She noted the Young Artist Showcase would be on display through April 27, 2002 and presented the City Council with a poster thanking them for supporting the Arts and Cultural Foundation of Antioch.

Buzz Walker, representing his family and Sylvia's Country Kitchen, stated he had purchased property in Brentwood on the Antioch border and expressed concern both Brentwood or Antioch had been unresponsive to his request for an access plan to his property. He noted he and the adjacent property owners were willing to allow additional access through their properties. He urged the City Council to help expedite the process.

Mayor Freitas stated if it is acceptable to Council he would call the Mayor of Brentwood tomorrow and suggest a meeting take place within a week with the Mayors, City Managers, Community Development Directors and City Engineers to resolve some of the problems, which would be followed by a meeting with the property owners to expedite the process. The Council found this request acceptable.

**1. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 5, and 11, 2002 #301-03**

**B. APPROVAL OF COUNCIL WARRANTS #401-02**

**C. REJECTION OF CLAIMS #704-07**

**1. Claim of Olga Bowen-Demotte, #01/02-1238**

**2. Claim of Helen Bates, #01/02-1273**

**D. RESOLUTION NO. 2002/37 APPROVING REVISION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE ANTIOCH POLICE OFFICER'S ASSOCIATION (APOA) AND THE CITY OF ANTIOCH #509-02**

**E. RESOLUTION NO. 2002/38 AUTHORIZING APPLICATION FOR USED OIL AND HOUSEHOLD HAZARDOUS WASTE GRANTS #1206-03**

**F. RESOLUTION NO. 2002/39 APPROVING CONTRACT WITH MAXIMUS CORPORATION TO ASSIST WITH PREPARATION OF BID SPECIFICATIONS AND**

**EVALUATION OF RESPONSES FOR POLICE, FINANCE, HUMAN RESOURCES  
AND UTILITY SYSTEMS #106-01**

- G. RESOLUTION NO. 2002/40 ACCEPTING COMPLETED IMPROVEMENTS FOR MIRA VISTA HILLS, UNIT 14, TRACT NO. 6824, (ALBERT D. SEENO CONSTRUCTION CO.) (PW 365-14) #802-02**
- H. RESOLUTION NO. 2002/41 APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 006-M TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 04-5038 FOR FEDERAL AID PROJECTS FOR THE SAFE ROUTES TO SCHOOL PROGRAM (PW 645) #1102-04**
- I. CONSIDERATION OF BIDS FOR THE WILBUR AVENUE INTERTIE PUMPING STATION AND RESOLUTION APPROVING AN AGREEMENT WITH DELTA DIABLO SANITATION DISTRICT FOR CONSTRUCTION OF THE PUMP STATION (PW 653) #1205-02**
- J. RESOLUTION NO. 2002/42 APPROVING AN AGREEMENT WITH HARRISON ENGINEERING FOR DESIGN OF RETAINING WALL AND SIDEWALK ON "L" STREET UNDER STATE HIGHWAY 4 (PW 234-13) #1102-04**

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

**Item I** - Mayor Freitas stated staff requested this item be pulled and held over to March 26, 2002.

**Item J** - In response to Mayor Freitas, City Engineer Brandt stated he would provide Council with the schismatics for the retaining wall and sidewalk on "L" Street under State Highway 4.

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

**COUNCIL REGULAR AGENDA**

**2. APPOINTMENT TO THE PARKS & RECREATION COMMISSION - 3 VACANCIES #302-05**

Mayor Freitas thanked those citizens who applied for consideration on the Parks and Recreation Commission as well as Chairperson Azevedo and Superintendent of Parks Palmeri for participating in the interview process. He then nominated Wayne Steffen and Gerald Lieder to full terms and William Kennamore to the unexpired term.

On motion by Councilmember Conley, seconded by Councilmember Davis the Council unanimously appointed Wayne Steffen and Gerald Lieder to full terms and William Kennamore to the unexpired term on the Parks and Recreation Commission.

**3. DISCUSSION REGARDING ADDITIONAL LIBRARY HOURS**

**#1406-01**

Assistant to the City Manager Gegg presented the staff report dated March 5, 2002, recommending the City Council provide direction to Contra Costa County Library staff regarding additional library hours.

In response to Councilmember Simonsen, County Librarian Ann Kane clarified the City of Antioch would not have to contribute additional funding to receive the County match as the City had been contributing toward additional library hours.

Mayor Freitas recommended schedule #1 noting more Library hours during the week appeared to be preferable.

Councilmember Simonsen suggested using both schedules based on the schedule of the local high schools, Schedule #1 when the high schools were not in session, and #2 when the high schools were in session.

Councilmember Kalinowski stated he felt schedule #2 would benefit the commuters who are unable to use the library during the week. He voiced his support to allow the Library staff to determine the schedule best suited to the needs of this community.

Patty Chan reported Sunday hours at the San Ramon and Orinda libraries were busy. However, she also noted the needs assessment survey for the new Library indicated Sunday service was not a high priority and added she felt if Sunday hours were available the community would utilize them.

Councilmember Davis voiced his support for schedule #1 noting he felt four hours on Sunday would not be the best use of the hours.

Councilmember Conley requested whichever option was selected, it be in affect for a minimum of six months prior to a change in the hours by the Library staff.

On motion by Councilmember Davis, seconded by Councilmember Conley, the Council indicated their preference for Library hours was option #1, while indicating their support of the ultimate decision being made by the Library.

Due to the scheduled Public Hearing at 8:00 P.M., the Council agreed to hold item #4 and move to item #5.

**5. AUTHORIZE A RECRUITMENT SIGNING BONUS FOR LATERAL POLICE OFFICERS AND POLICE DISPATCHERS**

**#509-02**

Personnel Director May presented the staff report dated March 7, 2002, recommending the Council authorize a recruitment signing bonus of \$2000 for qualified lateral police officers and police dispatchers.

In response to Mayor Freitas, Chief Moczulski clarified the recommendation regarding an applicant, who was a former Antioch officer or dispatcher seeking to return to the Department, must be separated from employment with the City for a minimum of eighteen

(18) months to quality. This provision was incorporated to discourage individuals from leaving the department with the intention of returning to take advantage of the signing bonus.

Mayor Freitas stated he felt it would be advantageous to the City to receive employees returning prior to eighteen (18) months.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council authorized a recruitment signing bonus of \$2000 for qualified lateral police officers and police dispatchers.

## **6. LEGISLATION AND ADVOCACY #701-04**

### **1. AB2863 – HOUSING ELEMENT LEGISLATION**

City Attorney Galstan presented the staff report dated March 12, 2002, recommending the City Council grant authorization to send a letter supporting AB 2863, Housing Element Reform.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously authorized the Mayor to sign a letter supporting AB 2863, Housing Element Reform.

Councilmember Simonsen recommended a second letter be sent continuing to oppose AB 680 regarding the establishment of a model tax sharing plan.

The Council directed staff to send a second letter in opposition of AB 680.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously receive and filed the report.

Mayor Freitas declared a recess at 7:55 P.M., the meeting reconvened at 8:06 P.M. with all Councilmembers present.

## **PUBLIC HEARINGS**

### **7. APPEAL OF GREGORY ALAN TULLY TO THE PLANNING COMMISSION'S DECISION TO DENY A USE PERMIT TO ALLOW LIVE ENTERTAINMENT AND BANQUET RENTALS AT THE LONE TREE CAFÉ, AN EXISTING RESTAURANT LOCATED IN THE RALEY'S SHOPPING CENTER, 3620 LONE TREE WAY (APN 071-181-028) FILE: UP-01-30 #202-10**

City Attorney Galstan stated staff received additional information just prior to the meeting, and requested Council continue this item to March 26, 2002, to allow staff to discuss the issues with the applicant and allow the applicant time to discuss the issues with the City Council.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously continued this item to March 26, 2002.

**4. DISCUSSION REGARDING USE OF CITY LAND BY THE BEDFORD CENTER  
#1402-03**

Assistant to the City Manager Gegg presented the staff report dated March 5, 2002, recommending the City begin preliminary development plans for use of a portion of City Park by the Bedford Center.

Cara Hoxie, President and CEO of the Rehabilitation Services of Northern California, reviewed the services provided to the elderly and Alzheimer's victims at the Bedford Center. She explained the organization's need regarding expansion within the community and desire to build a facility capable of serving the growing senior population in a location suitable for both their clients and the City. She urged the Council to consider the motion this evening and she provided flyers to the City Clerk outlining their program.

City Attorney Galstan clarified a title report had been completed and a Notice of Intent to Preserve an Interest in Real Property had not been recorded and therefore the reversionary clause is invalid and not an issue with the City should the park be chosen as the site for the Bedford Center.

Recreation Services Manager Sanderson stated they had focused on how to increase uses at City Park and reported the grass area of the park was one of the few lit fields available in Antioch for adult sports programs at night. He further reported he had met with the Latin American Soccer League, which had expressed interest in using the City Park as a soccer field and were willing to volunteer their time to help renovate the facility.

In response to Councilmember Conley, Mr. Sanderson stated there would not be enough room for a soccer field, without a major remodeling of the park, if the Bedford Center were to build as indicated in the staff report.

In response to City Manager Ramsey, Mr. Sanderson stated the soccer field could work at the baseball field site with minor costs to the City for the modifications if the Bedford Center were shifted its location to the east side of the park.

Mayor Freitas expressed concern regarding the safety of clients being dropped off at the facility if it was located at the City Park location.

City Manager Ramsey clarified City Park was of interest due to the fact it is on an existing bus route and the park itself would be reconfigured with a half circle driveway with a large drop off area in front of the center.

In response to Mayor Freitas, City Manager Ramsey stated he would provide Mayor Freitas with information regarding ownership of the vacant lot on Park Lane on the southeastern edge of City Park.

Cara Hoxie stated she had discussed with Bernard Mosbacher the issue of proper circulation of the site for the safety of the clients noting an access road from the side could

be used off of 18th Street with a one-way entrance. She stated they had been looking for a location to build for approximately 3 years and she would build a facility in any location the City indicated was appropriate.

Jim Boccio, Laura Zuerner, Dick Cunningham, Leanna Bedford, Toni Bennett and Brenda Helmka spoke in support of the Bedford Center and requested the City Council's support in finding an appropriate location for a facility to meet the needs of the elderly population.

The Council voiced their support of the Bedford Center and discussed the importance of finding a viable location as soon as possible to expand their services to the elderly population in Antioch. The possibility of using land within Prewett Park, the County Fair Grounds or the City-owned parcel on the north side of Delta Fair Blvd. were suggested.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved the creation of a Council subcommittee consisting of Councilmember Conley and Davis to look for a suitable site, public or private, in the City of Antioch within the next 3-6 months. The subcommittee would also include the City Manager, City staff, and members of Leisure Services, as well as the Bedford Center Board of Directors.

**PUBLIC COMMENTS** – None

### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Davis reported he had attended the Reverend Samuel Billy Kyle's address in the Pittsburg City Council Chambers, noting it was a wonderful speech. He thanked the East Bay NAACP and Pittsburg City Council for the invitation. He reported the Youth Council met on March 11, 2002 and noted they were accepting application for new Board Members.

Councilmember Kalinowski requested Council consider, at the City Council goal setting session, organizing an annual event to be held during the first Council meeting in September to memorialize the September 11<sup>th</sup> terrorist attacks.

Councilmember Simonsen reported he had attended the CDBG hearings with Councilmember Davis on March 6th and 7th. He announced they would be meeting again on March 14, 2002 and requested any Council input be provided to Councilmember Davis or himself prior to their recommendations. He thanked Chief of Police Moczulski and the Antioch Police Department for resolving an issue dealing with a stalker of a client of the Optic Center. He noted the Optic Center graduation was postponed due to the issue and had been rescheduled.

Following discussion, Council agreed to meet in a closed session on March 26, 2002 to review the form for the evaluation of the City Manager, which was tentatively scheduled for Tuesday, April 2, 2002 at 6:00 P.M. The Goal Setting Session was confirmed for Monday, April 1, 2002 from 6:00 to 10:00 P.M.

Mayor Freitas requested City Manager Ramsey confirm on March 13, 2002 the availability of the Councilmembers for the April 2, 2002 closed session meeting.

Councilmember Kalinowski stated he had a conflict with the date for the June 4, 2002 Budget Study Session. He noted arrangements had been made with the City Manager through the Finance Director for a separate meeting and he would provide written comments.

### **STAFF COMMUNICATIONS**

City Attorney Galstan announced Mike Ribach would be filling in for him at the next meeting on March 26, 2002. He stated he did not know if he would be available for the April 2, 2002 closed session evaluation; if the Council felt they would need legal counsel to let him know and he would make appropriate arraignments, adding it was not normal practice for the City Attorney to attend the City Manager's evaluation.

### **ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 9:12 P.M., to the next regular Council meeting on March 26, 2002.

Respectfully submitted:

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L. JOLENE MARTIN, City Clerk