

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

September 28, 2004
Council Chambers

5:45 P.M. OFFICE OF EMERGENCY SERVICES STUDY SESSION

6:00 P.M. - CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR. Agency Negotiator: Holly Brock-Cohn; Employee Organization: All represented groups. This Closed Session is authorized by Government Code §54957.6.

Mayor Freitas called the meeting to order at 7:18 P.M., and City Clerk Martin called the roll.

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

Mayor Freitas apologized for Council's tardiness in starting the meeting, but stated Council had been in Closed Session regarding a conference with the Labor Negotiator. He added there was no reportable action.

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS B East Bay Vipers

Richard Watson introduced the Assistant Coach and members of the East Bay Vipers Softball team and thanked the City Council for the recognition. He reported they placed ninth in the Western World Series and fifth in the Super World Series. He urged the community to support the team by participating in their car washes and candy sales.

Mayor Freitas thanked the East Bay Vipers for representing the City of Antioch in the competition.

Councilmember Davis presented the East Bay Vipers with a Certificate of Recognition recognizing their representation of Antioch at the Western World Series and Super World Series.

PROCLAMATIONS

STAND! Against Domestic Violence, October 2004
Hunger Walk, October 2, 2004
Shelter in Place Education Day, October 6, 2004
Lawsuit Abuse Awareness Week, October 4 - 9, 2004

On motion by Councilmember Conley, seconded by Councilmember Simonsen the Council

unanimously approved the proclamations.

Councilmember Kalinowski presented the proclamation proclaiming October as *Domestic Violence Awareness Month* to Julie Mason representing STAND Against Domestic Violence who thanked the City Council for the proclamation and their support. She reviewed the services they provided to the community and invited the City Council to attend the Rebuilding Lives luncheon, which will be held on October 24, 2004.

Councilmember Conley presented the proclamation proclaiming October 6, 2004 as *Shelter in Place Education Day* to Administrative Police Manager Lonnie Karste and Dave Kundert, representing the Antioch Unified School District who accepted the proclamation and thanked the City Council for the recognition.

In response to Mayor Freitas, Mr. Kundert stated the School District coordinates their program with the City of Antioch's.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Walter Ruehlig thanked the public for their response in signing the library petition at the Rivertown Jamboree, noting the petition would be available at the Antioch Library on 18th Street for anyone wishing to sign it. He stated the vote for library funding would occur in early November and reported a bill had been passed for a new round of funding. He announced the Holy Rosary Church will be holding a fund-raiser dinner dance on October 2, 2004 and encouraged the community to attend.

PUBLIC COMMENTS

Ralph Hernandez, Byron Campbell and Norma Hernandez representing the Citizens of Democracy and Alliance of California Taxpayers spoke in opposition to Measure J noting they felt there was weaknesses regards growth management and expenditure plans. They urged the community to vote no on Measure J during the November 2, 2004 election.

Allen Payton announced the Home and Garden Gift Show would be held on October 8,9 and10, 2004 at the Antioch Fairgrounds and provided a phone number and website address for anyone wishing to receive further information.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 10, 2004..... #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER REPORT FOR AUGUST 2004 #401-02**
- D. REJECTION OF CLAIM..... #704-07**

1. **Jacob McCracken #04/05-1492**
- E. **LEGISLATION AND ADVOCACY..... #701-04**
- F. **ORDINANCE NO. 1032-C-S REZONING APPROXIMATELY 4.51 ACRES, MAKING UP THE HILLCREST PROFESSIONAL CENTER PROJECT SITE, TO A PLANNED DEVELOPMENT DISTRICT (PD).....#202-03**
- G. **ORDINANCE NO. 1033-C-S AMENDING THE DESIGNATIONS IN THE SOUTHEAST SPECIFIC PLAN OF APN 072-012-087 (PARCEL A) FROM LOW DENSITY RESIDENTIAL TO OFFICE COMMERCIAL AND APN 072-012-110 (PARCEL B) FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL (REYNOLDS AND BROWN).....#202-07**
- H. **RESOLUTION NO. 2004/122 APPROVING TERMS OF AGREEMENT FOR THE ANTIOCH CITY EMPLOYEES ASSOCIATION, (ACEA) UNIT IV #509-02**
- I. **UPDATE OF CONFLICT OF INTEREST CODE.....#707-02**
- J. **RESOLUTION NO. 2004/123 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR MIRA VISTA HILLS SUBDIVISION, UNIT 13, (A.D. SEENO CONSTRUCTION CO.), TRACT NO. 6708 AND ANNEXING TO THE CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 2A, ZONE 8, (PW 365-13)#802-02**
- K. **RESOLUTION NO. 2004/124 APPROVING SUMMARY VACATION OF A PORTION OF LONE TREE WAY #1102-04**
- L. **RESOLUTION NO. 2004/125 AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDING FOR JAMES DONLON BOULEVARD PAVEMENT REHABILITATION AND COMMITTING THE NECESSARY NON-FEDERAL MATCH FOR THE PROJECT(S) AND STATING THE ASSURANCE OF CITY OF ANTIOCH TO COMPLETE THE PROJECT (PW 368-3)#1102-04**

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

COUNCIL REGULAR AGENDA

2. **PRESENTATION BY DELTECH REGARDING THEIR PROPOSAL FOR USE OF FULTON SHIPYARD, FOR STORAGE OF CONSTRUCTION EQUIPMENT AND CONCURRENT CLEANUP OF THE SITE #901-01**

Assistant to the City Manager Gegg presented the staff report dated September 23, 2004

recommending the City Council provide direction to staff regarding a presentation by Deltech on their proposal for use of Fulton Shipyard for storage of construction equipment and concurrent cleanup of the site.

Ron Bianchini, Managing Member of Deltech LLC, gave a brief overview of the process to perform a contamination assessment and cleanup of toxic materials on the property.

Dan Condon, Project Manager representing Deltech LLC, stated their main goal was to identify the soil's content and conduct preliminary testing.

Kent Reynolds, principal geologist representing the Source Group, stated they had been hired by Deltech to perform the environmental investigation required to identify potential or existing environmental hazards existing on the property. He stated they would be involved with the Department of Toxic Substances, Regional Water Quality Control Board and Contra Costa County Environmental Health. He reviewed the site plan indicating the potential areas of concern on the property and nearby river sentiment as well as a flow chart of the regulatory process.

In response to Mayor Freitas, Mr. Condon clarified the approximate timeline consisted of a site characterization taking 6 months, site evaluation 6 months, voluntary cleanup plan 18 months, obtaining cleanup and approval from the Fulton family 3 months and monitoring of the site for up to 36 months.

In response to Mayor Freitas, Director of Community Development Brandt and City Manager Jakel stated staff did not have any concerns regarding moving forward with the project. City Manager Jakel clarified if approved, the Community Development Department would review the specifics of the use Deltech would be conducting on the site and there would be a more detailed operational plan developed.

Mr. Reynolds stated there was a cap on the Fultons portion of the cleanup and if the characterization indicated the cleanup would exceed the cap, they would consult with the City on how to proceed.

In response to Mayor Freitas, Mr. Reynolds stated the characterization of testing on sedimentation throughout the site and in the water would be provided to the City.

Mr. Condon added they believed there was sufficient money in the contracts for the remediation and noted they did not believe there was nuclear contamination, although they would be testing for such contamination.

Following discussion, the City Council directed staff to continue negotiations with the proponents regarding a 5-year agreement with 2-year approvals based on conditions or triggers. They agreed sharing the information with the City was critical to the agreement. They requested an escape clause based on the characterization study and agreement with the Fulton Family be included in the agreement in the event the property was too toxic. Mayor Freitas clarified should the property be cleaned up, entitlement to the property was a separate

and distinct issue that would be determined by the Planning Commission and City Council.

Councilmember Kalinowski requested the agreement include conditions to maintain a timeline and discussed the importance of working together in a timely manner to determine how the site would be developed based on the General Plan and the City's vision for the property.

Mr. Condon stated once the site characterization and evaluations were completed and the clean up proceeded, they could work with Council and staff to determine the most appropriate use of the property.

Mayor Freitas stated the agreement needed to include language delineating the process for entitlement discussions.

3. RESOLUTION IN SUPPORT OF PROPOSITION 1A DEALING WITH THE PROTECTION OF LOCAL GOVERNMENT REVENUES.....#701-01

Assistant City Manager Pappas Diaz presented the staff report dated September 23, 2004, recommending the City Council adopt the resolution in support of Proposition 1A dealing with the protection of local government revenues.

Councilmember Simonsen discussed the importance of proposition 1A noting it would provide constitutional protection for property, sales tax as well as vehicle licensing money.

Councilmember Davis thanked Councilmember Simonsen for his diligent effort to lobby in support of the proposition.

RESOLUTION NO. 2004/126

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

Mayor Freitas declared a recess at 8:25 The meeting reconvened at 8:40 with all Councilmembers present.

5. CONSIDERATION OF ADDITIONAL ALLOCATIONS OF MELLO-ROOS FUNDING FOR THE PREWETT PARK PROJECTS INCLUDING THE EVENT TENT, AIR STRUCTURE AND HOSPITALITY AREA #409-03

Acting Deputy Director of Leisure Services Sanderson presented the staff report dated September 15, 2004, recommending the City Council approve permanent structure upgrade and site mitigation and request the Mello-Roos board to allocate additional funds for the upgrades to the previously approved projects from the City of Antioch's portion for development of Prewett Family Park.

Councilmember Simonsen expressed concern the canvas structures for events and the hospitality area as proposed appeared temporary.

Councilmember Conley agreed tent structures do not fit the ambiance of Prewett Park

although he felt it was important to extend the usage time period of the facility. He suggested considering quality tables and chairs for the event area.

Acting Deputy Director of Leisure Services Sanderson responded they were considering upgraded tables and chairs made of durable high impact fiberglass and resin for the event area. He noted the proposal included \$30,000 in contingency funds and staff felt they had all expenses covered.

Mayor Freitas stated he felt the concept was good; however, he expressed concern a plastic tent structure would get dirty and the community would not utilize it. He suggested retaining the services of Myers and Associates to consider permanent alternatives to the event and hospitality area tents.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council unanimously requested the Mello Roos Board allocate up to \$50,000 for architectural review of Myers and Associates with regards to permanent structures at Prewett Family Park.

In response to Mayor Freitas, Finance Director Tasker clarified the Mello-Roos Board approved up to \$200,000 with the criteria being a 5-year useful life and capital outlay.

Council directed the landscaping mitigation for the air structure be included in the architects review.

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Council unanimously appropriated up to \$80,000 of the Mello Roos \$200,000 allocation for an air structure (Plunge).

4. ALLOCATION OF HOUSING SET ASIDE FUNDS FOR THE DEVELOPMENT OF AFFORDABLE HOUSING AND RELATED PROGRAMS#709-01

CDBG and Housing Consultant Janet Kennedy presented the staff report dated September 23, 2004, recommending the City Council provide direction to staff regarding allocation of funds for the development of affordable housing related programs.

Councilmember Kalinowski reminded the City Council there was a Christian Homes Inc. project through the Committee on Aging for a senior project, which would encumber future funds of approximately \$1.5M.

Walter Zhovreboff, representing the Wise program, announced they had successfully united with Government Service Enterprises with regards to the homebuyer program, which raised the subsidy for down payments to \$95,000. He gave a brief overview of their program and noted they offered homebuyer education and counseling as well as the opportunity to leverage other funds available after successful completion of their program.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council unanimously approved a \$10,000 allocation to WISE Program for fiscal year 2004-05.

Ms. Kennedy suggested until all the conditions were met, the City not release any funds.

Ross Ojeda, Forward Planning Manager for Mt. Diablo Habitat for Humanity, reviewed their proposal to construct four single-family detached homes in the West Rivertown neighborhood.

Linda Mandolini, Executive Director of Eden Housing, reviewed their proposal to construct the West Rivertown Apartments, Phase II, a 40-unit apartment development located at 7th and I Streets.

Tara Celkis, representing Simpson Housing Solutions, reviewed their proposal to construct Lakeside Terrace Apartments, a 69-unit family apartment development located 701 and 705 Wilbur Avenue.

In response to Councilmember Conley, Mr. Ojeda reviewed the budgetary issues and clarified they were required to follow the selection guidelines through HUD.

Alex Krell, President of the Board for Habitat for Humanity, reviewed the selection process and criteria for families.

In response to Mayor Freitas, Ms. Kennedy stated if the City Council were to spread the funding over 4 years it could be worked out and noted the estimated set aside of the Antioch Development Agency for the next five-year period is \$4M. Ms. Celkis stated spreading the funds over 2 years for the Simpson Housing project would be acceptable. Mr. Ojeda clarified that \$260,000 of their request is the property and the financial commitment of the City would be \$120,000.

Councilmember Kalinowski expressed concern regarding the density created with 4 bedroom apartments in the Simpson Housing proposal.

Ms. Celkis stated they could revise their proposal and eliminate 4 bedroom apartments, although they felt the project would provide a much-needed housing stock for the community. She added there would be an onsite manager on the property at all times to assure the project was run effectively.

Mayor Freitas directed staff to reconsider the feasibility of 4 bedroom apartments in the Simpson proposal and once the issue was decided, hold a discussion with the Antioch Unified School District regarding the potential student population generated from the project.

Following discussion the City Council supported:

- \$120,000 allocation for Mt. Diablo Habitat for Humanity with the transfer of assets of the property from the redevelopment agency
- \$1.5 allocation for Eden Housing spread out to fiscal years 2005-2008.
- \$550,000 allocation for Simpson Housing spread out to fiscal years 2006-2008.

Councilmember Conley suggested the City consider the feasibility of directing the future

monies toward rehabilitation of existing facilities to improve the City.

Mayor Freitas stated the City Council was favorable to all proposals while attempting to spread out the dollars to include the Christian Homes project.

City Manager Jakel stated staff would prepare a staff report with resolution to come back to the City Council at the second meeting in October.

6. INTERIM URGENCY ORDINANCE PROHIBITING APPROVAL OF CONDOMINIUM CONVERSIONS DURING STUDY PERIOD#701-05

City Attorney Galstan presented the staff report dated September 10, 2004 recommending the City Council adopt the urgency ordinance.

ORDINANCE NO. 1034-C-S

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously adopted the urgency ordinance.

7. RESOLUTION SUPPORTING THE FORMATION OF A CITIZEN CORPS COUNCIL TO CREATE OPPORTUNITIES FOR VOLUNTEERS TO ASSIST THE COMMUNITY IN PREPARING FOR AND RESPONDING TO EMERGENCIES#302-01

Administrative Police Manager Karste presented the staff report dated September 7, 2004 recommending the City Council approve the resolution in support of the formation of a Citizen Corps Council.

Ken Lee, Antioch resident spoke in support of the Citizens Emergency Response Team (CERT) program.

RESOLUTION NO. 2004/127

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

8. ORDINANCE RESCINDING AND RE-ENACTING CHAPTER 9 OF TITLE 6 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH STORMWATER MANAGEMENT#814-03

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously: A) Introduced the ordinance by title only, and; B) Introduced the ordinance dealing with Stormwater and Discharge Control.

9. CITY OF ANTIOCH STATE OF THE STREETS PRESENTATION..... #1102-04

Following discussion the City Council unanimously agreed to hold the item over to a City Council meeting in October.

PUBLIC COMMENTS – None

COUNCIL COMMUNICATIONS

Councilmember Kalinowski encouraged the community to support the El Campanil theater and purchase season tickets to the Playhouse West - Force of Nature production.

Mayor Freitas announced there were currently almost 100 season ticket holders.

STAFF COMMUNICATIONS - None

With no further business, Mayor Freitas adjourned the meeting in honor of John Hall at 10:22 P.M. to the next regular Council meeting on October 12, 2004.

L. JOLENE MARTIN, City Clerk