

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting  
7:00 P.M.

May 8, 2001  
Council Chambers

**CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATOR** – City Negotiator: Bill May. Employee Organization: All Negotiating Units. This closed session is authorized by Government Code §54957.6.

Mayor Freitas announced no action was taken during the closed session.

Mayor Freitas called the meeting to order at 7:02 P.M., and City Clerk Martin called the roll, with all members present.

**PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS**

Day of the Teacher, May 10, 2001  
National Police Week, May 13–19, 2001  
Save a Life Week May 20–26, 2001  
Be Kind to Animals Week, May 6–12, 2001

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

Councilmember Conley presented Maria McClain with the proclamation proclaiming May 10, 2001 as "Day of the Teacher." Ms. McClain accepted the proclamation on behalf of the teachers of the Antioch Unified School District and thanked the Council for recognizing teaching and teachers.

Councilmember Kalinowski presented Chief Moczulski with the proclamation proclaiming May 13–19, 2001 as "National Police Week." Chief Moczulski accepted the proclamation on behalf of the men and women of the Antioch Police Department and thanked the Council for the recognition.

"Save a Life Week," May 20–26, 2001, there was not a representative to receive this proclamation.

Councilmember Davis presented Barbara Sobalvarro with the proclamation proclaiming May 6–12, 2001 as "Be Kind to Animals Week." Mrs. Sobalvarro accepted the proclamation on behalf of the animals in the shelter and thanked the Council for the recognition. Sandy Bartlett, Skip Bartlett, Darrell Powell, Nancy Ross introduced themselves as friends and board members of the Friend's of Animals Services.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved adding a "Barbara Sobalvarro Day" proclamation to the agenda.

Mayor Freitas presented Barbara Sobalvarro with the proclamation proclaiming May 8, 2001 as "Barbara Sobalvarro Day." Mrs. Sobalvarro accepted the proclamation and thanked the Council for the recognition and stated she would continue working on behalf of the animals at the shelter.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Paul Goulart reported he had attended the Celebration of Art 2001 at the Lynn House and Prospect High School and noted the art displayed was excellent, some of which was available for view on his web page, [www.cybercouncil.com](http://www.cybercouncil.com).

## **PUBLIC COMMENTS**

Christine Coughlin, representing Delta Memorial Hospital Foundation, reported their fund raising event at Schooner's Grill and Brewery had been a success. She thanked the Council and residents of East Contra Costa County for their support as well as Schooner's staff and owners for their support of the Foundation and community.

Elvin Scott updated the Council on his efforts to protect pension benefits of Veterans as well as receiving his federal tax-exempt status as a non-profit group. He stated he welcomes all help and thanked the public for their support.

Paul Goulart offered to help Mayor Freitas build a website and discussed the importance of the Councilmembers and the local business community creating their presence on the Internet. He encouraged the Council and City Hall to get involved and offered his support in this endeavor.

Sandie Bartlett and Darrell Powell, representing the Friends of Animal Services, announced a *Be Kind to Animals Week* celebration on May 10, 2001 beginning at 6:00 P.M. at the Antioch Animal Shelter.

Darnell Turner announced the NAACP membership and awards dinner on May 19, 2001 at the Concord Sheraton at 7:00 P.M. and encouraged the Council to attend. He noted his program "Turner and Company" would begin airing on May 10, 2001 at 9:30 P.M. on Channel 26.

## **COUNCIL REGULAR AGENDA**

### **1. PRESENTATION REGARDING USE OF ELECTRICAL GENERATORS IN RESIDENTIAL AREAS** #706-01

Chief Building Official Mesick presented the staff report dated May 3, 2001, recommending the City Council receive and file this report.

Councilmember Conley requested staff develop a regulation and safety handout for the residents.

Mayor Freitas suggested a stricter interpretation of the code noting he felt it was a quality of life issue and should be more strictly enforced. Chief Building Official Mesick clarified they are foreseeing resident's use of generators for only the period of the blackouts.

Mayor Freitas requested staff provide Council with a report in 60 days of activity and complaints received regarding the use of generators. Councilmember Simonsen requested staff provide additional information regarding decibel ratings.

Jean Kuberra suggested the City consider providing power to residents at the rate currently paid by the City under their agreement with ABAG as well as a requirement for developers providing solar panels on new housing for energy generation.

Mayor Freitas clarified the City agreement with ABAG had been revoked. Councilmember Simonsen clarified PG&E had not been providing rebates to ABAG and therefore had suspended the program.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council received and filed the report and directed the Chief Building Officer to report back to Council within 60 days with a more literal interpretation of the code regarding noise.

Mayor Freitas declared a recess at 7:45 P.M. The meeting reconvened at 7:52 P.M. with all Councilmembers present.

### **2. UPDATE REGARDING ANIMAL SERVICES BUREAU** #1302-01

Lieutenant McConnell presented the staff report recommending the City Council receive and file the report. He recognized the representatives from ARF, David Stegman, Leslie Bachman, and Karla Bissell.

Leslie Bachman thanked the City for their support of ARF's partnership with Antioch Animal Services and updated the Council on their volunteer outreach program.

In response to Councilmember Conley, Lieutenant McConnell stated Antioch Animal Services was in compliance with the Hayden Bill and noted the most essential components of the future development of the shelter was the development of the medical treatment program as well as the consideration of a full time animal care attendant.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council unanimously received and filed the report.

## **PUBLIC HEARINGS**

### **5. REQUEST FROM THE CONTRA COSTA COUNTY FIRE DISTRICT FOR GENERAL PLAN AMENDMENTS ADDING AND DELETING LOCATIONS FOR FUTURE FIRE STATIONS AND A USE PERMIT TO CONSTRUCT A NEW FIRE STATION AT VARIOUS LOCATIONS THROUGHOUT THE CITY (GP-00-1 AND UP-00-41/A)**

#202-04/202-10

Associate Planner Oshinsky presented the staff report dated May 1, 2001, recommending the City Council: 1. Motion to adopt the Negative Declaration as being adequate (ND-01-1); 2. Motion to adopt the resolution approving a General Plan Amendment adding and deleting locations for future fire stations throughout the City; and 3. Motion to adopt the resolution approving a Use Permit to construct a new fire station located on the south side of Bluerock Drive and west of the East Bay Municipal Utility District (EBMUD) right of way, Assessor's Parcel Number 072-012-089.

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

Rich Ryan, representing the Contra Costa Fire District, clarified fire station 82 located at Lone Tree and Putman would be closed when the new station at Bluerock opened; the relocation of the Lone Tree and Putman station would not negatively affect residents serviced by the current fire station location.

City Attorney Galstan stated the fire district makes abandon and surplus stations available for sale to the public and any private use would be required to comply with the zoning ordinance.

Mr. Ryan clarified the development of the East 18th and Cavallo Road location would be determined by population as well as industrial and commercial development.

Following discussion, the Councilmembers agreed to put approval of items A, B, D and E of the proposed resolution approving a General Plan Amendment adding locations for future fire stations on hold until the update of the General Plan. Councilmember Kalinowski requested staff provide information regarding adjusting fees to insure the City was receiving the proper amount of revenue for future fire stations.

**RESOLUTION NO. 2001/48**  
**RESOLUTION NO. 2001/55**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously: 1) adopted the Negative Declaration as being adequate; 2) adopted resolution items C, F and G approving a General Plan Amendment adding and deleting locations for future fire stations throughout the City; and 3) adopted the resolution approving a Use Permit to construct a new fire station located on the south side of Bluerock Drive and west of the East Bay Municipal Utility District (EBMUD) right of way, Assessor's Parcel Number 072-0120-089.

Mayor Freitas declared a recess at 8:32 P.M. The meeting reconvened at 8:45 P.M. with all Councilmembers present.

**6. PUBLIC HEARING RESPECTING THE CONTENTS OF THE ENGINEER'S REPORT FOR CITY OF ANTIOCH STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT (Reorganized Assessment District), INCLUDING, BUT NOT LIMITED TO, PROPOSED IMPROVEMENTS, DETERMINATION OF PARCELS SPECIALLY BENEFITTED, ESTIMATED COST AND EXPENSE OF PROPOSED IMPROVEMENTS FOR FY 2001–2002, AMOUNTS OF INDIVIDUAL ASSESSMENTS FOR FY 2001–2002 AND RELATED MATTERS AS SET OUT IN REPORT #806-03**

**7. PUBLIC HEARING RESPECTING THE CONTENTS OF THE CONSOLIDATED ENGINEER'S REPORT FOR CITY OF ANTIOCH STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT NUMBERS 1, 2A, 4, 5 and 9 (Existing Districts) INCLUDING, BUT NOT LIMITED TO, PROPOSED IMPROVEMENTS, DETERMINATION OF PARCELS SPECIALLY BENEFITTED, ESTIMATED COST AND EXPENSE OF PROPOSED IMPROVEMENTS FOR FY 2001–2002, AMOUNTS OF INDIVIDUAL ASSESSMENTS FOR FY 2001–2002 AND RELATED MATTERS AS SET OUT IN REPORT #806-03**

City Clerk Martin announced ballots would be counted in the basement of City Hall from 8:00 A.M. to 5:00 P.M. May 9–11 or until the tally was completed. She invited anyone interested in viewing the process to contact the City Clerk's office for further information.

Public Works Director Brandt presented the staff report dated April 27, 2001, recommending the City Council receive public comment on the Engineer's Report for a Reorganized Landscape and Lighting Maintenance District and its proposed assessments, close the public hearing, continue the closed public hearing on the Reorganized Landscape and Lighting Maintenance District to May 22, 2001, and direct the City Clerk to tabulate ballots for the approval/disapproval of the Reorganized District. It was further recommended Council continue the public hearing on the Engineer's Report and assessments for the Existing Landscaping Maintenance District to May 22, 2001.

Mayor Freitas opened the public hearing.

### **OPPONENT**

Jean Kuberra spoke in opposition to the formation of the City of Antioch's Street Lighting and Landscaping Maintenance District noting she felt the process was in violation of government codes, Proposition #218 and therefore illegal. She provided Council with her written complaint and reviewed the definition Council approved for special benefits to property.

Mayor Freitas closed the public hearing. Mayor Freitas continued the closed public hearing on the reorganized landscape and lighting maintenance district to May 22, 2001. Mayor Freitas continued the public hearing on the Engineer's Report and assessments for the Existing Landscape Maintenance District to May 22, 2001.

Councilmember Simonsen reported he had spoke to an attorney with Howard Jarvis Taxpayer's Association who had expressed concern regarding of the weighting of ballots in different zones as well as the terms "specific and general benefit."

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously directed the City Clerk to oversee the tabulation of the ballots for the Reorganized District and report the results at the May 22, 2001 City Council meeting.

### **COUNCIL REGULAR AGENDA (Continued)**

#### **3. RESOLUTION AUTHORIZING A LETTER TO THE COUNTY BOARD OF SUPERVISORS REQUESTING CONSIDERATION OF EAST CONTRA COSTA COUNTY CITIES REGARDING COUNTY SUPERVISORAL REDISTRICTING BOUNDARIES PLAN #301-01**

Mayor Freitas presented the staff report dated May 3, 2001, recommending the City Council adopt the resolution requesting the Board of Supervisors of Contra Costa County adopt a redistricting plan retaining in District 5 all of the area east of the community of Bay Point, thereby maintaining the current constitution of District 5.

Councilmember Simonsen suggested each Councilmember do similar resolutions through the organization they represent such as Tri Delta Transit, Fee and Finance Authority, Delta Sanitation and other organizations showing the relationship East County Cities have.

#### **RESOLUTION NO. 2001/47**

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously adopted the resolution amending the letter to include other

municipalities in East County and sending a copy of the letter to all Supervisors both individually and collectively.

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

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

**COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES – March 27, April 10 and 24, 2001 #301-03**

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

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

Mayor Freitas adjourned to the Antioch Development Agency, and City Clerk Martin called the roll with all Agency Members present.

**AGENCY REGULAR AGENDA**

**9. ADDITIONAL FUNDING FOR COMPLETION OF EAST EIGHTEENTH STREET SPECIFIC PLAN #1102-04**

Assistant to the City Manager Gegg presented the staff report dated May 2, 2001, recommending the City Council authorize approval of additional funding for completion of E. 18th Street Specific Plan.

In response to Mayor Freitas, Assistant to the City Manager Gegg clarified the contract was extended past the scheduled August 2000 deadline administratively.

Dick Loewke stated he had proceeded forward in tentative form with the traffic study noting the Planning Commission specifically requested this be undertaken. He clarified the work that had gone forward had been at his risk and he would take financial responsibility for should the Council choose to abandon the project.

Mayor Freitas expressed concern stating there were policy issues the Council should have addressed prior to any further expenditure of dollars. He added although an extension had been granted along with a decision to spend dollars, it had been done without any information coming to the Council. Mr. Loewke clarified staff had not authorized nor requested he receive money beyond the scope of the budget.

Mr. Loewke stated they anticipated the completion of the process in approximately 4–5 months.

Councilmember Kalinowski expressed concern regarding staff performance on this item and requested a closed session on this issue prior to any action by Council.

In response to Council questions, City Attorney Galstan affirmed Council's authority to add a closed session to the agenda with a 4/5 vote to discuss employee performance. However, since the employee whose performance they would want to discuss was not present, he felt such a discussion would be better undertaken at a later date.

Following discussion Councilmember Kalinowski stated Council could defer the closed session to May 13, 2001.

In response to Mayor Freitas, Mr. Loewke clarified a number of inter-related issues regarding the land use policy had delayed the process.

Jean Kuberra expressed concern for the lack of oversight on this project. She voiced her objection to Council going into a closed session noting staff should have the opportunity to respond. She suggested Council consider a policy regarding who pays for specific plans.

On motion by Agencymember Conley, seconded by Agencymember Davis the Agency approved additional funding for the completion of E. 18th Street Specific Plan with the understanding that any future increases be required to come before the City Council and clarified the prime rate used by the City was the federal prime rate for the west coast. The motion carried the following vote:

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

Mayor Freitas adjourned to the Antioch City Council, City Clerk Martin called roll with all Councilmembers present.

**PUBLIC COMMENTS** – None

### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Davis reported the Youth Council had elected Michelle Lockeri as their president. He stated the Community Facilities District met on May 7, 2001 and reported they had unanimously approved funding to proceed with the needs study for the new library.



Councilmember Kalinowski reported he had attended the breakfast forum for the current Supervisor noting there was a presentation from Assemblyman Canciamilla regarding the energy crisis. He noted he would be attending the meetings on a quarterly basis.

Councilmember Simonson reported he had attended the San Francisco Bay Area Water Transportation Authority Community Advisory Committee noting there was a healthy exchange of ideas among the representatives of the 9 counties. He expressed concern Antioch was not on the map and stated the issue would be rectified.

Councilmember Conley reported he had attended the "Ramble 'Round the Reservoir Dog Walk" at Contra Loma, and stated the event was a success.

Mayor Freitas thanked the Antioch Chamber of Commerce for hosting the State of the City Address, noting he appreciated the Councilmembers attendance at the event. He announced there would be a Council meeting on May 15, 2001 regarding transportation issues and the budget.

**STAFF COMMUNICATIONS** – None

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 10:00 P.M., to a closed session on May 14, 2001 at 6:00 P.M.

Respectfully Submitted:

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L. JOLENE MARTIN  
CITY CLERK