

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

July 10, 2001
Council Chambers

6:30 P.M.—CLOSED SESSION—CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property: Approximately 1.6 acres of undeveloped City-owned land immediately northerly of the Contra Costa Landfill in the vicinity of Somersville Road. Negotiating parties: City of Antioch and Contra Costa Waste Services. Under negotiation: Instruction to negotiator will concern price and terms of payment. This closed session is authorized pursuant to Government Code § 54956.8.

Mayor Freitas called the meeting to order at 7:04 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

Mayor Freitas acknowledged the Rivertown Business Association and City Staff for their hard work on the City's 4th of July Celebration. On behalf of the City Council and community, he thanked City Engineer Brandt, staff and the construction company for completing the "A" Street extension on schedule.

PUBLIC COMMENTS

Elvin Scott discussed alterations made to information he is attempting to provide the community through his website. He read a letter from Congresswoman Tauscher commending him on his efforts to educate veterans of their benefits.

Patsy Phillips, speaking on behalf of residents in Black Diamond Estates, voiced their united support of a tennis court being constructed at the Black Diamond Estates Park location. She requested negotiations with the developer take their request under consideration.

Chief of Police Moczulski introduced the new Animal Services Director, Bob Pena, to the Council and community. He stated the department is looking forward to working with Mr. Pena and the expertise and knowledge he was bringing to the organization.

Animal Services Director Pena thanked Chief of Police Moczulski and stated he was looking forward to working with the City and shelter staff.

COUNCIL REGULAR AGENDA

1. DISCUSSION REGARDING THE INTERVIEW PROCESS OF BOARD AND COMMISSION APPOINTMENTS #302-01

City Manager Ramsey presented the staff report dated July 5, 2001, recommending the City Council review their process for determining the qualifications of applicants for Council appointed Commissions and Committees and direct the City Manager on how they wished to conduct interviews for future candidates.

City Clerk Martin provided a brief overview emphasizing the broad spectrum of processes neighboring City's employed to select their Board and Commission members.

Following discussion, the Council supported including all requirements in the applications, including the meeting dates and approximate time commitment involved. They agreed current members whose terms had expired would be required to reapply and go through the interview process, as well as establishing firm dates when terms of office begin and end.

Councilmember Kalinowski stated if the Council continued with the current process he would be personally interviewing applicants on an individual basis.

Mayor Freitas stated for the next 4 interviews he would be inviting Mayor Pro Tem Kalinowski, Councilmembers Davis, Simonsen and Conley to observe the process.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council received and filed the report directing staff: to revise the applications, detailing all the requirements for each Commission and Board including meeting dates and times, FPPC requirements, i.e. Form 700; disperse copies of all applications to the Councilmembers upon their closing dates; provide the City Clerk's office with a completed packet of the applications for public review; list all applicants names on the Council Agenda, and review and revise the terms of office and affirmatively recruit applicants.

Mayor Freitas declared a recess at 7:59 P.M. The meeting reconvened at 8:08 P.M. with all Councilmembers present.

PUBLIC HEARINGS

5. A) RESOLUTION APPROVING FINANCING PROCEEDINGS TO FINANCE AND REFINANCE CAPITAL IMPROVEMENTS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE CITY OF ANTIOCH (LONE TREE GOLF COURSE CONSTRUCTION), APPROVING ISSUANCE OF REVENUE BONDS BY THE

**ASSOCIATION OF BAY AREA GOVERNMENTS FOR SUCH PURPOSE, AND
APPROVING RELATED DOCUMENTS AND OFFICIAL ACTIONS**

**B) AMENDMENT TO AGREEMENT FOR THE OPERATION AND MANAGEMENT
OF THE ANTIOCH MUNICIPAL GOLF COURSE #1402-01**

Jack Oakley reported after reviewing the project, the Golf Course Board of Directors approved increasing the budget to 4.9 million to accommodate the plans for the Clubhouse, Restaurant and Banquet Facilities as presented.

Ralph Caputo, representing RGM and Associates, reviewed the initial design and provided a brief overview of the proposed clubhouse design, site plan, road improvements and floor plan. He provided a timeline for the project, noting the project would be completed approximately one year from the onset of construction in the spring of 2002.

Finance/Leisure Service Director Tasker presented the staff report dated July 3, 2001, recommending Council approve: 1) Item A – Resolution approving financing proceedings to finance and refinance Capital Improvements within the geographic boundaries of the City (Lone Tree Golf Course), approving issuance of revenue bonds by the Association of Bay Area Governments (ABAG) for such purpose, and approving related documents and official actions; 2) Item B – Agreement for the operation and management of the Antioch Municipal Golf Course.

Scott Aldridge, representing Sutro and Co. Incorporated, stated the low interest rates of the current market would be to the City's advantage. He stated the bonds would be AAA rated and insured.

Mayor Freitas requested a definition of "net-net-net lease." Mr. Aldridge clarified the lease is such that it is netting out of all the additional costs and he would define the term "net-net-net lease" under definitions.

Mayor Freitas suggested the City workout a proprietary agreement with the Board of Directors for use of the facilities to conduct City functions.

In response to Councilmember Conley, Director of Finance Tasker clarified any net received from the bond proceeds would be used to reduce debt or provide capital items thus reducing operating expenses.

Mayor Freitas thanked Mr. Oakley and the Board of Directors for their efforts and for segregating the lounge from the banquet facility.

RESOLUTION NO. 2001/71

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved the resolution and the agreement for the operation and management of the Antioch Municipal Golf Course.

- 6. THE CITY OF ANTIOCH COMMUNITY DEVELOPMENT DEPARTMENT REQUESTS AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN/TENTATIVE MAP FOR THE PREVIOUSLY APPROVED MEADOW CREEK VILLAGES PLANNED DEVELOPMENT TO REMOVE PROPOSED STREET ACCESS TO HEIDORN RANCH ROAD FROM MEADOW CREEK VILLAGES UNIT 5. THE PROJECT IS LOCATED WEST OF HEIDORN RANCH ROAD, NORTH OF THE EDMUD RIGHT-OF-WAY, EAST OF VISTA GRANDE DRIVE, AND GENERALLY SOUTH OF LONE TREE WAY. (PD-88-4.3) #202-03**

Community Development Deputy Director Carniglia presented the staff report dated July 3, 2001 recommending the City Council adopt the resolution approving the amendment to the Final Development Plan/Tentative Map to remove proposed street access to Heidorn Ranch Road from Meadow Creek Villages Unit 5.

Mayor Freitas open the public hearing.

Scott Dalia, representing A.D. Seeno Construction Company, requested project specific condition #6 be revised to read: "That the number of lots shall not cause a net increase to the tentative map." He clarified the tentative map was originally approved with 434 lots and currently 431 lots were being proposed.

Following discussion, Council continued this item over to the July 24, 2001 City Council meeting leaving the public hearing open, and requested staff provide the amount of residential units approved for the tentative map as well as a response to the applicants request to modify project specific condition #6. Councilmember Kalinowski expressed concern regarding the approval of 4500 sq. ft. lots, noting he would support increasing the lot size if Council had the ability to do so. Mayor Freitas requested staff provide an opinion regarding Council's approval of tentative maps and property vesting.

Mayor Freitas declared a recess at 9:02 P.M. The meeting reconvened at 9:11 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

- 2. RESOLUTION APPROVING SECOND AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY #1102-03**

Public Works Director Brandt presented the staff report dated July 2, 2001, recommending Council approve the resolution authorizing the Second Amendment to the Joint Agreement for East Contra Costa Regional Fee and Financing Authority.

Discussion ensued regarding the efforts of the East Contra Costa Regional Fee and Financing Authority to provide Pittsburg with funds for a feasibility study for the Buchanan bypass as well as funds for additional road improvements within Pittsburg's city limits. They expressed concern regarding Pittsburg's recent action to not approve the proposed amendment and requested Pittsburg disband from the East County Fee and Financing Authority to provide the East County Region's remaining jurisdictions to expand and accelerate improvements to all possible transportation modalities.

RESOLUTION NO. 2001/70

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved the original concept increasing the fee and deleting all language as it pertains to the City of Pittsburg with direction to Mayor Freitas to specifically request the East County Fee and Finance Authority dissolve participation with Pittsburg.

3. REVIEW OF EFFECTIVENESS OF REGULATIONS FOR ELECTRICAL GENERATORS IN RESIDENTIAL AREAS #706-01

Chief Building Official Mesick presented the staff report dated July 5, 2001, recommending the City Council receive and file the report.

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

4. LEGISLATION AND ADVOCACY #701-04

City Manager Ramsey provided Council with a depiction of the redistricting alternatives to be discussed by the Board of Supervisors. He stated a letter with the Mayor's signature had been sent to the Board of Supervisors requesting they reconsider the reconfiguration of the districts for lands within the City of Antioch and land contiguous fall under one Supervisorial District.

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

7. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES - June 19 and 26, 2001 #301-03

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- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIM #704-07**
1. Claim of Karen Costa, #00/01-1220 (vehicle damage)
- D. ORDINANCE NO. 981-C-S ADDING PARAGRAPH (H) TO SECTION 2-4.103, AND AMENDING SECTIONS 2-4.103, 2-4.114 AND 2-4.115 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH THE BOARD OF ADMINISTRATIVE APPEALS #302-12**
- E. LANDSCAPING AGREEMENTS FOR WILLIAMSON RANCH PLAZA #202-03**
- F. UPDATE OF ORDINANCE PERTAINING TO OUTDOOR RETAIL SALES #701-05**
- G. RESOLUTION NO. 2001/72 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE PUTNAM STREET OVERLAY PROJECT (PW 392-20) #1102-04**
- H. RESOLUTION NO. 2001/73 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE OVERLAY OF LONE TREE WAY BETWEEN JAMES DONLON BLVD. AND THE SOUTHERN PACIFIC RAILROAD TRACKS, AND EAST 18TH STREET FROM EVERGREEN AVENUE TO CAVALLO ROAD AND HILLCREST AVENUE TO VIERA AVENUE #1102-04**
- I. RESOLUTION NO. 2001/74 APPROVING FINAL MAP AND IMPROVEMENT PLANS AND ANNEXING TO THE LONE TREE LIGHTING AND LANDSCAPING DISTRICT 9, ZONE 3 FOR BLACK DIAMOND ESTATES SUBDIVISION, UNIT 10, (NEWRY DEVELOPMENT CORP.), TRACT NO. 8472 (PW 599-10) #802-02**
- J. RESOLUTION NO. 2001/75 APPROVING FINAL MAP AND IMPROVEMENT PLANS AND ANNEXING TO THE LONE TREE LIGHTING AND LANDSCAPING DISTRICT 9, ZONE 2 AND RESOLUTION NO. 2001/76 ACCEPTING GRANT DEED FOR ONE-FOOT STRIP FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 23, (MERITAGE HOMES), TRACT NO. 8525 (PW 581-23) #802-02**
- K. RESOLUTION NO. 2001/77 AUTHORIZING AGREEMENT FOR ONE GARAGE SALES OFFICE CONVERSION IN BLACK DIAMOND KNOLLS SUBDIVISION, UNIT**

**18 (BLACK DIAMOND KNOLLS, LTD.), TRACT NO. 8324, LOT 626 (PW #581-18)
#802-02**

**L. RESOLUTION NO. 2001/78 AMENDING THE 2001/02 BUDGET BY ADDING THE
POSITIONS OF ASSISTANT CITY MANAGER AND ADMINISTRATIVE SECRETARY
AND APPROVING THE CLASSIFICATION SPECIFICATION AND SALARY FOR
ASSISTANT CITY MANAGER #502-02**

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of items B, E, F, G, H, I and J, which were removed for further discussion.

Item B – Councilmember Kalinowski requested Finance Director Tasker review check #55831 in the amount of \$2,326.32 and check #56188 in the amount of \$2326.32 to assure they were not duplicate payments.

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

Item E – Mayor Freitas requested an agenda item to review and discuss the history and feasibility of the Public Art proposed at Hillcrest Avenue and Lone Tree Way be scheduled for September or October.

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

Item F – Councilmember Conley stated this item should not have been listed on the Council Consent Calendar as it offered three options. In response to Councilmember Conley, City Attorney Galstan clarified there had been no change to the ordinance.

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

Item G – In response to Councilmember Davis, Public Works Director Brandt reviewed the time frame for the project. Councilmember Davis expressed concern regarding children crossing Putnam during the project. Public Works Director Brandt noted the contractors would work around the issue. Councilmember Simonsen requested staff consider and include any undergrounding needs in the area before the overlay work was done. Public Works Director Brandt stated the Capital Improvement Director works with other utilities. Mayor Freitas requested staff contact all fiber optic companies to assure undergrounding needs would be completed prior to the overlay. Councilmember Simonsen stated there was an underground spring in the middle of Putnam Street.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Council unanimously approved item G.

Item H – Councilmember Simonsen noted he had the same concerns with this project as stated above.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously approved item H.

Item I and J – Councilmember Simonsen stated he would not support approving the resolutions noting they would not be assessed the full assessments for maintenance of the lighting and landscaping in the area.

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

Ayes: Conley, Kalinowski, Davis, Freitas

Noes: Simonsen

PUBLIC COMMENTS–None

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Davis announced he would be representing the City of Antioch in Chichibu, Japan on July 16th for the 35th anniversary, noting he would be bringing a painting commissioned and painted by Art Coordinator Nancy Roberts. He stated all attending adults would travel at their own expense. The Mayor excused his absence for the meeting of July 24, 2001.

Councilmember Kalinowski announced he would be serving as Chair of Tri Delta Transit.

Councilmember Conley stated the 4th of July Celebration was a wonderful family event, noting he was looking forward to next year's celebration and encouraged the community to participate.

Councilmember Simonsen stated he also enjoyed the 4th of July Celebration and noted several overnight boaters had attended. He reported Tri-Delta Transit was thankful to the Antioch Police Department for the street routing to allow buses to transport attendees.

Mayor Freitas reported it was nice to have all Councilmembers together and participating in the event, noting it was a good perception and projection of the City. He thanked the Councilmembers for their participation.

Councilmember Kalinowski challenged the Councilmembers to the Fun Run prior to next year's July 4th celebration.

Councilmember Davis reminded the Council and Community of the American Cancer Societies Relay For Life on July 21-22 at Antioch High School. He encouraged the community to participate. Mayor Freitas and Councilmember Kalinowski stated they would be participating in the Relay For Life.

In response to Mayor Freitas, City Attorney Galstan clarified there was an agreement with the garbage company stipulating the company must come before Council every three years for a full rate review and during the intervening years, the company was entitled to an automatic 60% of the cost of living index.

Mayor Freitas announced Council would be meeting on July 24, August 7 and 14, 2001.

STAFF COMMUNICATIONS

City Manager Ramsey announced a tour of the City's Office of Emergency Services. Following discussion, Council agreed to meet for the tour at the Police Department on August 7, 2001.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:13 P.M., to the next regular Council meeting on July 24, 2001.

Respectfully Submitted:

L. JOLENE MARTIN
CITY CLERK

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN
City Clerk