

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

October 23, 2001
Council Chambers

6:00 P.M. - CLOSED SESSIONS

- 1. CONFERENCE WITH LEGAL COUNSEL; EXISTING LITIGATION.** Michael H. Clement Corporation v. Joel Keller, et al., California Court of Appeal, First Appellate District #A090584. This closed session is authorized by Government Code §54956.9.
- 2. 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 called the meeting to order at 7:04 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Barbara Sobalvarro, speaking on behalf of Don Oliphant, announced Delta Beauty College would be donating 100% of all money from haircuts and styles to the Antioch Youth Sports Complex on November 6, 2001. She urged anyone wishing to participate to call Delta Beauty College for an appointment.

PROCLAMATIONS

80th Anniversary of the National Association of Retired Federal Employees
Animal Shelter Appreciation Week, November 4 – 10, 2001
Hospice Month 2001

On motion by Councilmember Davis, seconded by Councilmember Conley, the Council members present unanimously approved the proclamations.

Councilmember Davis presented the proclamation proclaiming the 80th Anniversary of the National Association of Retired Federal Employees to Mark Martinez, Bob May, Lou Cincotta, representing Salute NARFE Chapter 1718, who thanked the Council for the recognition and encouraged retired and current federal employees to join their organization and its efforts to protect benefits.

11-13-01

Councilmember Conley presented the proclamation proclaiming November 4 –10, 2001 as Animal Shelter Appreciation Week to Director of Animal Services Pena, who thanked the Council for the proclamation and introduced shelter staff members. He announced the Friends of Animal Services would be providing refreshments to visitors at the shelter on November 10, 2001 and invited the community to attend.

Councilmember Davis presented the proclamation proclaiming November 2001 as Hospice Month to Lamont Campbell who invited the community to attend the Tree of Light Ceremony at East County Mall on November 29, 2001 at 4:00 P.M. He thanked the City for their support of Hospice and their assistance in the recent relocation of the Hospice Thrift Store.

Mayor Freitas, on behalf of the community, thanked Mr. Campbell and volunteers for providing services to the community.

PUBLIC COMMENTS

Derek Sagehorn and Tim Anderson, representing Boy Scout Troop #450 announced they were currently working on the citizenship and community merit badge and requested a copy of the City Budget.

Jimmy Gale, Mike Hover, Rob Lighting, and Sarah Pennis announced Antioch and Deer Valley High School's joint production of *The Man Who Came To Dinner* on October 25-27 and November 1st and 3rd at 7:00 P.M. at the Deer Valley Theater. They provided complimentary tickets to Council and noted tickets would be sold at the door.

Elvin Scott announced he would be providing information on his efforts to protect pension funds on his television show, airing Mondays on channel 26 at 6:00 P.M. He requested assistance to obtain a non-profit status.

Elizabeth Rimbault announced the Antioch Women's Club would be celebrating 100 years of community support. She announced a rock monument had been created by the local chapter of E Clampus Vitas for the Women's Club House and invited the community to join the Women's Club members for a breakfast and dedication ceremony scheduled for November 3, 2001, beginning at 9:00 A.M. at their clubhouse. She also announced December 9, 2001 would be the 47th Annual Women's Club House Tour. All proceeds would go into the scholarship fund to benefit young Antioch women.

PUBLIC HEARINGS

- 10. THE CITY OF ANTIOCH REQUESTS THE CITY COUNCIL APPROVE A SPECIFIC PLAN (KNOWN AS THE EAST EIGHTEENTH STREET SPECIFIC PLAN) FOR A PLANNING AREA CONSISTING OF APPROXIMATELY 192 ACRES BETWEEN EAST EIGHTEENTH STREET AND THE A.T.&S.F. RAILROAD RIGHT-OF-WAY, AND FROM VIERA AVENUE ON THE WEST TO DRIVE-IN WAY ON THE EAST (NOT INCLUDING THE UNINCORPORATED RESIDENTIAL PROPERTIES FROM VINE LANE TO THE NORTH). THE CITY COUNCIL WILL ALSO BE ASKED TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THIS PROJECT#202-07**

- 11. FRED DILLETT (OAKLEY KNOLLS) REQUESTS APPROVAL OF A FINAL DEVELOPMENT PLAN TO SUBDIVIDE AN APPROXIMATELY 5.5 ACRE PARCEL INTO 16 PARCELS, EACH APPROXIMATELY 3 ACRE IN SIZE. IF APPROVED, THE APPLICANT INTENDS TO SELL THE FINAL SUBDIVISION TO A SINGLE DEVELOPER WHO WOULD CONSTRUCT SINGLE-FAMILY RESIDENCES ON EACH PARCEL. THE PROJECT SITE IS LOCATED ON THE NORTH SIDE OF OAKLEY ROAD, APPROXIMATELY 1,300 FEET WEST OF PHILLIPS LANE (APN: 057-180-014) (PD-00-4) #202-03**

Mayor Freitas announced Public Hearing items #10 and #11 of the agenda would be held over to November 27, 2001.

COUNCIL REGULAR AGENDA

- 1. APPOINTMENT TO THE PARKS AND RECREATION COMMISSION (1-UNEXPIRED TERM) # 302-05**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Councilmembers present unanimously appointed Nancy Duarte to fill the unexpired term on the Parks and Recreation Commission.

- 2. APPOINTMENT TO THE ECONOMIC DEVELOPMENT COMMISSION (UNEXPIRED TERMS) #302-11**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Councilmembers present unanimously appointed Garry Holman and Phillip Arndt to the Economic Development Commission.

Mayor Freitas announced items #5 and #6 would be heard next to accommodate speakers in the audience.

- 5. EAST-CENTRAL TRAFFIC MANAGEMENT STUDY, FINAL REPORT #1101-01**

Public Works Director Brandt presented the staff report dated October 17, 2001 recommending the City Council receive and file the report.

Martin Engelmann, representing Contra Costa Transportation Authority, provided newsletters, copies of the presentation slides and the executive summary of the final report for members of the audience. He gave a brief overhead presentation reviewing the purpose and objectives of the study.

Debra Dagang, representing DKS Associates, gave a brief overhead presented of the executive summary including the Policy Advisory Committee's recommendations as well as the impacts and benefits of control point metering in East County. She stated the cost estimate for implementation of the recommendations would be approximately \$600,000.

Based on the effectiveness of the implementation of the preferred alternative, Councilmember Conley suggested it be studied in the P.M. peak hours in the eastbound direction.

In response to Councilmember Davis, Mr. Engelmann clarified CCTA initiated this study at the request of TRANSPLAN in East County. Mayor Freitas added that as a result of Concord's attempt to do metering at Clearbrook, TRANSPLAN requested the study be expanded to East County.

Councilmember Davis requested staff review the signal at Loveridge Road and Highway 4 noting the offramp traffic is backing up onto the highway in the morning and causing a safety hazard.

Mayor Freitas stated the recommendation would bring order to chaos and guarantee the avoidance of gridlock at Somersville and Buchanan Roads as well as save commute time.

He recommended the Council move forward with option #1, accepting the recommendation and proceeding toward implementation of the preferred alternative with careful consideration of the financing mechanism.

A motion by Councilmember Conley to support option #1 failed for a lack of a second.

On motion by Councilmember Davis, seconded by Councilmember Conley, the Councilmembers present received and filed the report.

**6. PRESENTATION BY JULIE PIERCE CONCERNING THE COUNTY WIDE
"SHAPING OUR FUTURE" PROJECT #202-01**

Julie Pierce, Chairperson of the City/County Relations Committee, gave a brief overview of the "Shaping Our Future" proposal. She stated the cost for Antioch to participate in the project would be \$54,319.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Councilmembers present unanimously approved the City of Antioch becoming a full participant in the "Shaping Our Future" project including attachment "C", and allocated up to \$54,319 in funding.

Mayor Freitas declared a recess at 8:31 P.M. The meeting reconvened at 8:41 P.M. with all Councilmembers present with the exception of Councilmember Kalinowski and Simonsen, who were excused.

3. UPDATE ON EAST EIGHTEENTH STREET UTILITY UNDERGROUNDING, CONFIRMATION OF POLICY ON PAYMENT FOR UNDERGROUNDING OF EXISTING OVERHEAD UTILITY SERVICES, AND REVIEW OF UTILITY POLE LOCATIONS (PW 300-18) #1102-04

Public Works Director Brandt presented the staff report dated October 17, 2001, recommending the City Council direct staff as to Council's desired course of action regarding the East 18th Street utility undergrounding project, the policy on future payment for undergrounding of existing overhead utility services, and current City utility pole locations.

Barbara Price, representing PG&E, stated she would be reviewing the issue of utilizing metal poles in lieu of wood with PG&E and provide staff with a timetable for the project. She noted she would follow through with staff to move the item along as expediently as possible. In response to Councilmember Conley, Ms. Price stated she would provide additional information regarding the alternative for the city to hire a private engineering firm to complete the project.

In response to Mayor Freitas, Steve Scudero stated he would review whether the undergrounding could move forward if the relocation of the 60kv line is delayed.

Mayor Freitas stated Council's concern is that the project be done correctly and requested the following items be provided for the November 13, 2001 Council meeting; photo simulations of metal utility poles, a list of locations metal poles are currently being used, a report from PG&E on how they will accelerate the project and schematics outlining the concerns of staff regarding the placement of the utility poles in relation to the sidewalk.

Following discussion the Council directed staff to include rental units occupied by family members as residences in which the City would assume the cost of undergrounding the utilities. Mayor Freitas stated the policy should include the definition of family member.

4. REVIEW OF OPTIONS FOR EXPANSION OF TREATED WATER SUPPLY #1202-01

Deputy Director of Public Works Harrington presented the staff report dated October 23, 2001, recommending the City Council provide direction regarding the treated water supply option the Council wants staff to pursue.

Bill Faisst, representing Brown and Caldwell, reviewed options for modifying the existing water treatment plants to address upcoming regulations and optimize performance. He provided a brief overview of options #2 and #3 for increasing service capacity for the City's future treated water needs.

Following discussion regarding the various options available for expansion of the treated water supply, Council consensus agreed option #1 was the most viable.

Public Works Director Brandt stated he welcomes comments from Council regarding the proposed agreement with Contra Costa Water District and noted he would continue negotiations and bring a final agreement back to Council for review and approval.

7. RESOLUTION TO ADOPT THE EAST CONTRA COSTA COUNTY BIKEWAY PLAN #1402-02

RESOLUTION NO. 2001/133

On motion by Councilmember Davis, seconded by Councilmember Conley, the Councilmembers present unanimously adopted the resolution.

8. PARKS SUBCOMMITTEE RECOMMENDATIONS #1402-03

Assistant City Engineer Bernal presented the staff report dated October 17, 2001, recommending the City Council receive and file the report.

Mayor Freitas requested the review of the current fee of \$70,000 per acre for land cost reimbursement be fast tracked particularly while the City moves forward with FUA1.

Public Works Director Brandt explained the items would be returning to Council for comments and this issue would be incorporated in the General Plan update. He noted \$70,000 per acre was a good fee and further noted it would need to be revisited in FUA1.

Councilmember Conley requested information regarding cost of a Bocce Ball court in City Park.

On motion by Councilmember Davis, seconded by Councilmember Conley, the Councilmembers present unanimously received and filed the report.

9. LEGISLATION AND ADVOCACY #701-04

A. Letter Requesting Statewide Ban on Fireworks

City Attorney Galstan presented the staff report dated October 15, 2001, recommending the City Council decline to seek statewide legislation.

Elizabeth Rimbault expressed concern the staff report had failed to provide a report of police calls from July 4, 2001, or any other pertinent information. She outlined her requests to the City Council which included their support of increasing the misdemeanor of the county law for the use of fireworks to a felony, tripling the resulting property damages and requesting state legislation banning sale and use in all California counties except for commercially organized displays by professionals in safe areas.

Discussion ensued regarding the hazards of fireworks to people and property with Council supporting Ms. Rimbault's requests.

On motion by Councilmember Davis, seconded by Councilmember Conley, the Councilmembers present unanimously directed staff to obtain a report from the State Fire Marshal regarding the pros and cons of statewide legislation, request the County to review the existing County law; change the current law for the sale and use of fireworks making infractions felonies rather than misdemeanors; request an increase in property damage to triple the damage cost; request State Senator Torlakson and Assemblyman Canciamilla, as well as others in the Contra Costa delegation, to help sponsor legislature based on the information received from the State Fire Marshal.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council members present unanimously received and filed the report with the above directions.

12. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 25 AND OCTOBER 9, 2001 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR AUGUST, 2001 #401-02**
- D. REJECTION OF CLAIMS #704-07**
 - 1. Claim of Joyce Fox, #01/02-12365**
 - 2. Julie Downing (State Farm Insurance), #01/02-1269**
 - 3. Diana Ray, #01/02-1263**
 - 4. Helen Martinez d.b.a. Lou's Bar, #01/02-1246**
- E. DESIGNATION OF "STAND-BY" COUNCILMEMBERS FOR MEMBER ARNE SIMONSEN #301-01**
- F. RESOLUTION NO. 2001/134 ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE EAST EIGHTEENTH STREET SANITARY SEWER PROJECT (PW 225-20S) #1102-04**

**G. APPROVAL TO PLACE THE CONSENT CALENDAR IMMEDIATELY BEFORE THE
REGULAR AGENDA ON FUTURE CITY COUNCIL MEETING AGENDAS**

#301-02

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

Item B - In response to Councilmember Conley, Director of Finance Tasker noted he would find out if Clayton Valley Medical Group provides services in Antioch.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Councilmembers present unanimously approved item B.

PUBLIC COMMENTS – None

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Conley expressed his appreciation to Animal Services noting he had attended the Black Cat Ball, which was a great event.

Councilmember Davis congratulated the Antioch Police Department for their apprehension and arrest of the suspects in the recent drive-by murder.

Mayor Freitas reported the Community Townhall meeting focusing on substance abuse in Antioch was an excellent program. He thanked the Councilmembers for their attendance and Acting Captain Marchoke for REACH Project Incorporated's participation in the event.

STAFF COMMUNICATIONS – None

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:16 P.M., to a work session on October 30, 2001.

Respectfully Submitted:

L. JOLENE MARTIN
CITY CLERK