

# ANTIOCH CITY COUNCIL

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

**January 8, 2002**  
**Council Chambers**

## **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.

Mayor Freitas reported no action was taken during closed session.

Mayor Freitas called the meeting to order at 7:08 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**

Martin Luther King Day, January 21, 2002

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

## **PUBLIC COMMENTS**

Michele Copeland, Chairman of the Board of the Antioch Chamber of Commerce, presented the City Council with the new Chamber of Commerce directory and noted they will be available at the Antioch Chamber Office, City Hall and the Antioch Unified School District Office. She announced the Chamber Installation Dinner at Humphrey's on January 18, 2002 and invited the community to attend.

Alvin Scott updated the Council on his efforts to provide the public with information on pension funds through his television program. He read his letter from City Attorney Galstan and noted he would be contacting the United States Attorney and District Attorney regarding the enforcement of the pension issues he had raised.

Mayor Freitas announced that Antioch residents Randy Clark and Max Gonzalez would be carrying the torch for the Winter Olympic games and requested that they be recognized

at a future City Council meeting. He suggested the Antioch Daily Ledger write an article regarding their participation in the event.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 27 AND DECEMBER 11, 2001 #301-03
- B. APPROVAL OF COUNCIL WARRANTS #401-02
- C. REJECTION OF CLAIM #704-07  
Claim of Cheryl Oxonian, #01/02-1280
- D. **ORDINANCE 988-C-S** AMENDING SECTIONS 4-5.411 AND 4-5.411.1 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH TRAFFIC ENFORCEMENT ON PRIVATE PARKING LOTS, ROADS AND STREETS (Terrace Shopping Center; Alleyway at Police Facility) #1104-01
- E. REPORT ON CONTRA COSTA COUNTY OPEN SPACE BOND MEASURE FUNDING AND DESIGNATION OF PROJECTS #412-01
- F. **RESOLUTION NO. 2002/1** APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CITY CLERK TO ADVERTISE FOR BIDS FOR INTERSECTION WIDENING AND IMPROVEMENTS AT LONE TREE WAY AND JAMES DONLON BLVD (PW 555-11) #1102-04
- G. **RESOLUTION NO. 2002/2** APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE CHILDREN'S MEMORIAL TREE GROVE AT PREWETT FAMILY PARK (PW 567-3) #1402-03
- H. **RESOLUTION NO. 2002/3** APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR SAFETY IMPROVEMENTS ON WEST EIGHTEENTH STREET AT ANTIOCH HIGH SCHOOL (PW 645) #1102-04
- I. **RESOLUTION NO. 2002/4** APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE WILBUR AVENUE INTERTIE PUMPING STATION (PW 653) #1202-01
- J. **RESOLUTION NO. 2002/5** AMENDING THE 2001-2002 BUDGET BY ALLOCATING ONE ADDITIONAL PIPEFITTER LEADWORKER AND TWO ADDITIONAL PIPEFITTER I POSITIONS #509-02

- K. RESOLUTION NO. 2002/6** APPROVING FINAL MAP AND IMPROVEMENT PLANS AND AUTHORIZING A DEFERRED IMPROVEMENT AGREEMENT FOR VIERA RANCH II, PHASE 3, TRACT 7220, (KB HOMES) AND ANNEXING TO THE HILLCREST AVENUE LIGHTING AND LANDSCAPING DISTRICT 1, ZONE 1 (PW 553-2C) #802-02
- L. RESOLUTION NO. 2002/7** DETERMINING COMPLAINT REGARDING McBAIL COMPANY'S COMPLIANCE WITH TERMS OF DEVELOPMENT AGREEMENT #202-03
- M. RESOLUTION NO. 2002/8** EXPRESSING THE CITY'S INTENT TO ADOPT AN EAST COUNTY TRANSPORTATION IMPROVEMENT IMPACT FEE TO FUND REGIONAL IMPROVEMENTS #1102-03
- N.** REVIEW OF THE REVISED ARCHITECTURE OF THE KAISER PHASE ONE MEDICAL OFFICE BUILDING #202-04
- O.** CONTRIBUTION OF UP TO \$5,000.00 TO PUBLIC MANAGERS' ASSOCIATION TO HIRE LOBBYIST TO PROTECT VEHICLE LICENSE FUNDS (VLF) #701-01
- P. RESOLUTION NO. 2002/9** APPROVING TERMS OF AGREEMENT FOR AFSCME, LOCAL 2575, REPRESENTATIONAL UNIT 1 #509-02

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Councilmembers unanimously approved the Council Consent Calendar with the exception of items H, J, K, L, M, N, and O, which were removed for further discussion.

**Item H** - In response to Councilmember Kalinowski, Director of Public Works Brandt clarified the project would be funded by two grants.

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

**Item J** - In response to Councilmember Kalinowski, Public Works Deputy Director Phil Harrington clarified all positions are funded out of the enterprise accounts and will be directly related to the savings from overtime requests.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved item J.

**Item K** - In response to Councilmember Kalinowski, Director of Public Works Brandt clarified the map did not have a development agreement and a 5 year extension was granted in 1998. He stated he would provide Council and the City Manager with a list of all active projects, including development agreement expiration date or tentative map expiration date.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously approved item K.

**Item M** - In response to Councilmember Simonsen, City Attorney Galstan clarified the resolution was notification to the development community that the City Council will be adopting the fee. He reported he would provide information regarding how the funds could be spent in his report when the ordinance comes forward.

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

**Item O** - Councilmember Simonsen announced Governor Davis gave his state address to the legislature and pledged to assure that the cities, counties and districts are held whole on the vehicle license fees and has requested no reduction in the reimbursements. He requested a text of the Governor's speech be provided to the Councilmembers.

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

**Item N** - Following discussion, the Council requested the applicant move the north stair tower closer to the exterior of the building.

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the Council unanimously approved this item with direction to the applicant to move the north stair tower element as close to the exterior of the main building as practical.

**Item L** - Craig Andersen speaking on behalf of McBail and Thomas Plumbing urged the Council to move them into a compliance state and reported they have a proposal to employ an apprentice from Local 159. He provided Council with a copy of the letter of response from Local 159 and the attached agreement. He noted if the documentation were satisfactory to the Council, they would agree to execute it and move forward.

Arram Hodess reported the Union had agreed to dispatch an apprentice to Thomas Plumbing upon completion of the documentation. He voiced his support for adoption of the resolution based upon the vote at the December 11, 2001 City Council meeting.

Nancy McCaffrey commended McBail, Thomas Plumbing and the Union for working toward a resolution in this matter.

Robert Hansen spoke in support of the resolution and requested Councilmember Simonsen excuse himself from voting on this item noting he felt there is a possible conflict of interest.

City Attorney Galstan clarified that there would be a conflict of interest if a Councilmember receives income from McBail or the Union. Councilmember Simonsen stated he did not

have any contractual agreement with McBail or any other developer in the City of Antioch thereby removing any question of conflict on interest on his behalf.

Gary Cortes requested the Council support the resolution and provided them with daily logs and absence policies for apprentices.

Greg Feere spoke in support of the resolution.

City Attorney Galstan recommended the City Council adopt the resolution and instructed staff upon the City Attorney's satisfaction the appropriate agreements were signed, Council would then find Thomas Plumbing and McBail in compliance, which would result in building permits issued.

Councilmember Simonsen stated he would be abstaining from the vote as he felt McBail had been in compliance at the previous City Council meeting. Furthermore, he stated language in the resolution regarding a "formal" apprenticeship program does not appear in exhibit 5, paragraph 5a.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council approved item L, with direction to staff to review the contract and upon approval of City Attorney Galstan, find McBail in compliance and allow work to continue. Council directed City Attorney Galstan to report back to the City Council on his determination. The motion carried by the following vote:

Ayes: Kalinowski, Conley, Freitas

Abstain: Davis, Simonsen

Mayor Freitas declared a recess at 7:58 P.M. The meeting reconvened at 8:10 P.M. with all Councilmembers present.

## **COUNCIL REGULAR AGENDA**

### **2. PARKS AND RECREATION COMMISSION RECOMMENDATION ON MELLO ROOS DISCOUNT FOR WATER PARK ADMISSION FEES AT PREWETT PARK #1402-03**

Leisure Services Deputy Director Wetmore presented the staff report dated December 18, 2001, recommending the City Council approve the proposed 2002 rate structure (Option 1). The option maintains the same season pass rates and structure as set forth in 1999.

Gil Azevedo, speaking on behalf of the Parks and Recreation Commission, read a letter in support of the City Council's approval of the proposed rate structure (Option 1) noting they felt it was a fair and equitable proposal.

Councilmembers Conley, Simonsen and Davis voiced their support of Option 1 and discussed the importance of providing unilateral rate for all residence within the City.

Councilmember Kalinowski voiced his support in recognizing the Mello Roos taxpayers and providing them with something for the additional tax they pay.

Mayor Freitas stated he felt the Mello Roos taxpayers deserved appropriate representation in the fee structure and should receive a discount.

On motion by Councilmember Davis, seconded by Councilmember Conley, the Council approved the proposed rate structure (Option 1). The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen

Noes: Kalinowski, Freitas

**3. RESOLUTION CONSIDERING THE NAMING OF THE BASKETBALL COURT AT HANSEN PARK IN MEMORY OF LARRY KEIPERT, JR (PW 599-P) #1402-03**

Assistant City Engineer Bernal presented the staff report dated January 2, 2002, recommending the City Council not name the basketball court at Hansen Park in memory of Larry Keipert Jr.

Following discussion, Mayor Freitas, Councilmembers Conley and Simonsen voiced their support to memorialize Larry Keipert Jr. at the Memorial Tree Grove noting they felt it would be a more appropriate location to honor him.

Gil Azevedo stated the Parks and Recreation Commission has provided Council with a list of their concerns. He stated he felt it would be more appropriate to provide a place for family and friends to reflect, as the Memorial Grove had been specifically created for that purpose.

Parks Superintendent Palmeri clarified the Police Department and Public Works would bare the cost for a plaque at the request of the family at the Memorial Tree Grove for a child who has lost their life in a violent crime.

***RESOLUTION NO. 2002/10***

On a motion by Councilmember Kalinowski, seconded by Councilmember Davis to approve the naming of the basketball court at Hansen Park in memory of Larry Keipert Jr. failed by the following vote:

Ayes: Davis, Kalinowski

Noes: Conley, Simonsen, Freitas

**5. APPOINTMENT OF COUNCIL MEMBER TO THE BOARD OF THE EAST COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY #302-10**

Mayor Freitas nominated Mayor Freitas to serve as the City of Antioch representative on the Board of the East County Transportation Improvement Authority.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council unanimously appointed Mayor Freitas to serve as the City of Antioch representative on the Board of the East County Transportation Improvement Authority.

**6. RESOLUTION APPROVING THE MASTER PLAN OF DIABLO WEST PARK (MOKELUMNE PARK) BY SILVEROAK DEVELOPMENT CORP./RICHLAND DEVELOPMENT CORP. (PW 579-P) #1402-03**

Public Works Director Brandt presented the staff report dated December 27, 2001, recommending the City Council adopt the resolution approving the Diablo West Park Master Plan.

Councilmember Conley requested staff work with the School District for a common completion time of the school and park. Public Works Director Brandt clarified the park was not constructed by the school, but rather the developer. He stated he would forward Councilmember Conley's request on to the both the developer and the AUSD.

City Manager Ramsey reported the City was close to completing a maintenance and joint operation agreement with the Antioch Unified School District.

***RESOLUTION NO. 2002/11***

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

**4. GROWTH MANAGEMENT WORKSHOP (MEASURE U) #204-01**

Associate Planner Oshinsky and General Plan Consultant Lloyd Zola presented the staff report dated January 4, 2002, recommending the Council review the report on the Growth Management Allocation System and provide comments and direction to staff.

In response to Councilmember Simonsen, Mr. Zola suggested Council not have a system where the allocations could be bought and sold on the private market and voiced his support of a time limit for the approval process and if not met, the allocations would return back into the system.

Councilmember Simonsen requested language within the proposed residential development allocation system Item A. 2. be further defined and include measurable steps to mitigate impacts.

Terry Ramus discussed the importance of the City to be in control of the development that would be occurring. He voiced his support to remove the proposed 7% multifamily along with the senior housing market recommendation as part of the exemption.

John Gentile stated he felt there had been a lack of progress in the City regarding the jobs and housing balance.

Skip Speiring suggested the City Council be able to determine if individual senior housing projects should be exempt from the allocation system based on the merits of each project. He voiced his support of a 2 year window for permits to expire, thus allowing the development community sufficient time to file tentative and final maps. He noted he felt the allocations should not be subject to the open market.

Allen Payton suggested lowering the allocation cap with incentives to the developers to provide the needed improvements. He voiced his support of an exemption on senior housing and expressed concern for the exemption for multifamily housing.

Guy Bjerke stated the American Building Associate appreciated the fact the City was regulating the allocations at the beginning of the process and noted they were looking forward to working with the City to develop criteria for determining the allocations. He voiced his support of an objective, timely allocation process.

Councilmember Conley suggested the Council consider a per house developer fee, refundable as long as all the developers stayed within the proposed annual housing benchmark of 500 units per year or 2,500 during a floating 5-year period. He noted if they built more than the proposed housing cap, the City would keep the money and spend it on needs directly connected to growth.

Councilmember Simonsen requested Councilmember Conley's suggestion be considered with inclusion of the legal aspects regarding nexus.

Councilmember Kalinowski expressed concern regarding the exemptions for the senior housing and multi-family market rate. He suggested the City devise a mechanism enabling senior/multifamily units to equal a specific percentage of a single-family unit. He requested the Council discuss the existing development agreements and their affect on the allocation system as well as the number of units the City will need to provide infrastructure for in FUA1.

Mayor Freitas discussed the importance of Council attaining control over future residential development to provide the infrastructure needed for the City. He stated Council's criteria should be to make the administration of this process as simple as possible to avoid litigation. Furthermore, when considering the exemption for market rate senior housing, the City should take into consideration they will be required to pay the full traffic impact fee to generate money for highway improvements.

In response to Mayor Freitas, Mr. Zola clarified before adopting Measure "U" the City Attorney should assure rational basis for every provision of the ordinance.



Following discussion, the Council agreed to continue the Measure "U" study session on January 29, 2002 at 6:30 P.M. in an informal setting such as the Antioch Senior Citizen Center, which would be a delayed broadcast.

Mr. Zola stated that along with the growth management ordinance, the General Plan would include public service facilities performance standards for every project approved.

Councilmember Kalinowski requested documentation on the financing prior to the January 15, 2002 study session.

**PUBLIC COMMENTS** — None

### **COUNCIL REPORTS/COMMUNICATIONS**

Mayor Freitas announced a Council meetings on January 15, 2002 at 7:00 P.M., January 22, 2002 at 7:00 P.M. in Council Chambers and a Measure "U" study session on January 29, 2002 at 6:30 P.M. tentatively scheduled at the Antioch Senior Citizens Center. Following discussion, the Council agreed to reschedule the February 12, 2002 City Council meeting, which falls on a City holiday, to February 5, 2002.

Councilmember Davis reported the Mello Roos Board reorganized on January 7, 2002 with the following changes: Larry Osario President, Joe Ollenchalk Vice President. He further noted the Board was doing great, looking forward to next year.

Mayor Freitas requested staff notify the Council of the date of the joint meeting of the Antioch Unified School Board and City Council.

Councilmember Conley expressed concern regarding the increase in storage containers on the WalMart property. City Attorney Galstan stated he would provide information at the next regular Council meeting on an action to remedy the situation.

Councilmember Simonsen requested Public Works provide information regarding the sidewalk repairs in the 5th, 6th, C and D Street areas noting they have been marked in orange for quite some time and are still in need of repair. He expressed concern for public safety and requested a staff report regarding a remedy to the situation and addressing the City's liability. Mayor Freitas requested the sidewalk repairs be an item for the mid-year budget review. Councilmember Simonsen requested the Police Department enforce the law regarding vehicles parked on the sidewalks in the downtown area.

Mayor Freitas announced 36 college graduates internships for the Assembly and Executive Fellowship programs would be available beginning in October 2002 and requested the information be available through the City's webpage for students wishing to participate. He expressed his appreciation to staff for their support and the general public who participates in the process. He reported the Council would continue with their aggressive action noting there were many goals they would like to accomplish.

## **STAFF COMMUNICATIONS**

City Attorney Galstan reported there was a settlement in the Lowe's eminent domain matter, which would be directly paid by Lowes. He further stated there was an agreement dated March 2000 stating the City and Antioch Redevelopment Agency would reimburse Lowes with a portion of the funds generated through property and sales taxes over the next 13 years.

## **ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 10:27 P.M., to a work session on January 15, 2002.

Respectfully Submitted,

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L. JOLENE MARTIN  
City Clerk