

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

April 23, 2002
Council Chambers

Pursuant to Government Code Section §54952.2 the City Council Agenda for April 23, 2002 was posted on the door of the City Council Chambers, 3rd and "H" Streets on April 18, 2002.

6:30 P.M. – 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 called the meeting to order at 7:04 P.M., and reported no action had been taken in Closed Session. City Clerk Martin called the roll.

Present: Councilmembers 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 announced there would be a *Take Back the Night March* on April 26, 2002 from 6:00-9:00 P.M. starting at the Lone Tree Café.

PROCLAMATIONS

Children's Memorial Day, April 26, 2002
Soroptimist International of Antioch Day, May 2, 2002
Be Kind to Animals Week, May 5 -11, 2002

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

Councilmember Kalinowski presented the proclamation proclaiming April 26, 2002 as *Children's Memorial Day* to Frank Palmeri who announced that there would be a ground-breaking ceremony at the Prewett Water Park for the Children's Memorial Tree Grove on April 26, 2002 at 10:00 A.M.

Councilmember Conley presented the proclamation proclaiming May 2, 2002 as *Soroptimist International of Antioch Day* to Christine Caughlin who thanked the Council for their recognition and support.

Councilmember Davis presented the proclamation proclaiming May 5-11, 2002 as *Be Kind to Animals Week* to Friends of Animal Services Board Member, Nancy Ross, who introduced several members of the Friends of Animal Service. Barbara Sobalvarro, FOAS

President, announced a Concert Reception would be held on May 5, 2002 at the Community Theater and an Open House on May 11, 2002 from 10:00-3:00 P.M. at the Antioch Animal Shelter. On behalf of the animals, she thanked the Council for the proclamation.

PUBLIC COMMENTS

Elvin Scott discussed the Pension Benefit Guarantee Corporation's efforts to protect pension funds and thanked the community for their support.

COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 9, 2002 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR MARCH 2002 #401-02**
- D. REJECTION OF CLAIMS #704-07**
 - 1. Claim of Nicole Musa, #01/02-1267
 - 2. Claim of Lake Alhambra Property Owners Association, #01/02-1292
 - 3. Claim of Jacob Maldonado, #01/02-1283
- E. ORDINANCE NO. 944-C-S ADDING ARTICLE 39 TO TITLE 9, CHAPTER 5 OF THE ANTIOCH MUNICIPAL CODE, TO INCLUDE A PROCEDURE FOR HANDLING REQUESTS FOR REASONABLE ACCOMMODATION AND ADDING SECTION 9-5.2703.1 TO THE CODE, DEALING WITH ADMINISTRATIVE REVIEW OF CERTAIN VARIANCES (Introduced 4/9/02) #202-05**
- F. CONSIDERATION OF BIDS FOR POLICE AND ANIMAL CONTROL FACILITY INTERIOR ALTERATIONS AND BUILD OUT (PW 590-2)(Con't to 5/14/02) #1301-02**
- G. RESOLUTION NO. 2002/51 ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR DEMOLITION AND REMOVAL OF BUILDINGS AND STRUCTURES AT VARIOUS LOCATIONS PW 469-18 #1001-02**
- H. RESOLUTION NO. 2002/52 VACATING A LANDSCAPE AND PUBLIC ART EASEMENT AND AUTHORIZING THE MAYOR TO SIGN AN ABANDONMENT OF EASEMENT TO SOUTHLAND CORPORATION (Lone Tree Way and Hillcrest Avenue) (PW357-305-97) #1407-03**
- I. RESOLUTION NO. 2002/53 ESTABLISHING A VOLUNTARY CONTRIBUTION CHECK-OFF PROGRAM #701-01**

- J. **RESOLUTION NO. 2002/54 APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, AND LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500) #806-03**
- K. **RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR HO PROPERTY, UNIT 8, TRACT NO. 8230 (WOODSIDE HOMES) (PW 568-8) (Con't to 5/14/02) #802-02**
- L. **RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR HO PROPERTY, UNIT 1, TRACT NO. 7973 (WOODSIDE HOMES) (PW 568-1) (Con't to 5/14/02) #802-02**
- M. **RESOLUTION NO. 2002/55 AUTHORIZING THE FILING OF AN APPLICATION FOR 2002/2003 TRANSPORTATION DEVELOPMENT ACT (TDA) PROGRAM FUNDING OF A PEDESTRIAN AND BICYCLE PROJECT (PW 234-13) #1402-02**
- N. **APPROVAL OF GOALS AND OBJECTIVES FROM APRIL 1, 2002 MEETING #301-01**
- O. **RESOLUTION NO. 2002/56 CREATING THE CLASSIFICATION SPECIFICATION AND ESTABLISHING SALARY FOR CROSS-CONNECTION CONTROL SPECIALIST I/II, DELETING THE CLASSIFICATION OF CROSS-CONNECTION CONTROL SPECIALIST, AND REVISING CLASSIFICATION SPECIFICATION FOR CROSS-CONNECTION CONTROL SPECIALIST LEADWORKER #502-02**

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

Item F – In response to Councilmember Simonsen, Capital Improvements Director Scudero clarified the project would be completed as originally specified with a pneumatic controls system. Following discussion the Council directed staff to hold this item over to May 14, 2002 and requested be provided a detailed explanation regarding the heating and air conditioning systems as well as additional information regarding the recommendation to not to fund the expansion of the Police Facility Community Room/Emergency Operation Center.

Items K and L – Mayor Freitas requested these items be held over to May to allow him time to view the park improvements.

COUNCIL REGULAR AGENDA

2. ORAL QUARTERLY REPORTS FROM THE CHAIRPERSON FROM EACH OF THE CITY'S BOARDS AND COMMISSIONS #302-01

Heidi Atwall, Secretary of the City of Antioch Youth Council announced applications were available at the Nick Rodriguez Community Center for anyone wishing to join the Youth Council. She reported they were currently working on a summer program for youth and starting a anti-marijuana campaign in the local schools. She announced a groundbreaking ceremony for the Children's Memorial Tree Grove would be held at Prewett Family Water Park on April 26, 2002 at 10:00 A.M. and invited all members of the City Council to attend.

Councilmember Conley suggested applications for the Youth Council also be made available at Antioch and Deer Valley High Schools.

Tom Rood, Chairperson of the Antioch Police Department Crime Prevention Commission, reported the Safety and Preparedness Faire was held in February and was a successful event. He announced they had established 8 new Neighborhood Watch Groups, a webpage and a quarterly newsletter. He noted one Neighborhood Watch group attend three events and provided information to the community. He reported all Commissioners have gone through a training program for presentations on Neighborhood Watch. He stated a quarterly block captains meeting was held on April 2, 2002 in which an identity theft presentation was provided as well as ten disaster preparedness presentations. He provided applications and information sheets for the National Night Out program on August 6, 2002 and provided a contact number for anyone wishing to participate in the event.

Roger Henry, Chairperson of the Antioch Planning Commission, reported the Planning Commission had approved the Slatten Ranch project, Lowe's Home Improvement Center, Kaiser Hospital, improvements to the Sutter Delta Hospital and participated in the General Plan Subcommittee and FUA1 Subcommittee. He noted they had provided recommendations to the City Council pertaining to the Permit Streamlining Process and Growth Ordinance. He further noted they would be working on an Economic Development Study. He stated the Planning Commission had denied use permits for a gasoline facility at Food 4 Less and the expansion of the Lone Tree Café.

Nancy Duarte, Vice Chairperson of the Parks and Recreation Commission, reported the Commission had developed a Park Watch video and all Commissioners participate in their Park Oversight Subcommittee. She noted they hosted a booth at the Crime Fair in February. She further noted they provided input in regards to the design and name for Heidorn Park and announced all future parks will have a rubberized surface underneath all play structures. She stated the Commission would be attending a city-wide park tour in May. She noted they have provided the City Council with recommendations for Prewett Family Water Park fee structure and hours. She presented Park Watch magnets to the City Council.

Nancy McCaffrey, Chairperson of the Economic Development Commission announced they would be having a planning session on April 27, 2002 in Council Chambers and facilitated by an employee from Los Medanos College. She noted they would continue to discuss project labor agreements on May 6, 2002 and provide the Council with a

recommendation. She noted they are continuing to talk about restaurant incentives and are working with a consultant from the Restaurant Association.

Sandra Golightly, Vice Chairperson of the Design and Review Board, reported they had worked on the Lowe's signage and were looking forward to the Slatten Ranch project. She noted they were working at reducing signage on buildings and designing buildings to get the best product for Antioch. She requested all developers be referred to Frank Palmeri to obtain a list of plants that thrive in Antioch. She noted their notebooks tattered and need to be replaced.

Mayor Freitas requested staff provide new notebooks to the Design and Review Board members.

Councilmember Conley requested the list of plants be sent out in the water bill.

City Manager Ramsey added that Mr. Palmeri was considering providing that information on the city's webpage.

Tom Berglund, Board of Administrative Appeals complimented Council on the recent reappointment of three of their members as well as the appointed of Jolene Martin as their staff representative. He reported they had met once to discuss a minor personnel matter.

PUBLIC HEARINGS

7. LONE TREE GOLF COURSE CLUB HOUSE/JACK OAKLEY, LONE TREE GOLF COURSE GENERAL MANAGER, REQUESTS APPROVAL OF A NEW CLUB HOUSE AND BANQUET FACILITY AT THE LONE TREE GOLF COURSE (AR-01-6) #1402-01

Jack Oakley, Lone Tree Golf Course General Manager, introduced Al Burrell, representing Dahlin Group Architects who reviewed the revisions to the Clubhouse and Banquet Facility for the City Council.

Mayor Freitas expressed concern for exterior noise conflicting with the bridal court.

Mr. Oakley clarified the bridal court was for photographs and weddings would be conducted at a different location.

RESOLUTION NO. 2002/58

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the Council unanimously adopted the Negative Declaration approving final plans and specifications and authorizing to advertise for bids for the Lone Tree Golf Course Club House.

8. ADOPTION OF PROGRAM YEAR (FY) 2002-2003 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN #709-01

Administrative Analyst Heller presented the staff report dated April 16, 2002, recommending that the City Council adopt the attached resolution approving the PY 2002-2003 Annual Action Plan.

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

RESOLUTION NO. 2002/59

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved the resolution approving the PY 2002-2003 Annual Action Plan.

9. RESOLUTION APPROVING AN AMENDMENT TO THE PROGRAM YEAR 2001/2002 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL PLAN TO ESTABLISH A REVOLVING FUND LOAN FOR THE OWNER OCCUPIED HOUSING REHABILITATION PROGRAM #709-01

Administrative Analyst Heller presented the staff report dated April 16, 2002, recommending that the Council approved the resolution amending the FY 2001-02 action plan.

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

Councilmember Simonsen requested that once the program starts Mr. Heller report back to the City Council as to how the program operates.

RESOLUTION NO. 2002/60

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the resolution amending the FY 2001-02 action plan.

Mayor Freitas declared a recess at 8:22 P. M. , the meeting reconvened at 8:37 with all Councilmembers present.

Following discussion Council agreed to hear item #5 in conjunction with item #10 noting they issues are inter-related.

5. REPORT ON IMPACTS OF GROWTH AND DEVELOPMENT #202-01

- a) EXPIRATION OF DEVELOPMENT AGREEMENTS
- b) IMPACT OF MEASURE "U" ON FEE AND FINANCE AUTHORITY REVENUE
- c) BUILD OUT STATUS OF PREVIOUSLY APPROVED PROJECTS

City Attorney Galstan presented the staff report dated April 16, 2002, recommending that the Antioch City Council receive and file the report.

Community Development Deputy Director Carniglia presented the staff report dated April 18, 2002, recommending that the City Council receive and file the report.

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

10. CONSIDERATION OF AMENDMENTS TO THE GENERAL PLAN AND ZONING ORDINANCE (RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM/ MEASURE "U") (GPA-02-1, Z-02-1) #202-04 / 204-01

Associate Planner Oshinsky presented the staff report dated April 17, 2002, recommending that the City Council 1) Adopt the resolution approving the Negative Declaration with the Mitigation Monitoring Program (MND-02-04); 2) Adopt the resolution approving the General Plan Amendment implementing the Residential Development Allocation Program; 3) Introduce the ordinance by title only; and 4) Introduce the Zoning Ordinance Amendment to add Article 39 to Chapter 5 of Title 9 of the Antioch Municipal Code, Residential Development Allocation Program which limits the rate of residential growth to a maximum of 600 units/year

Director of Community Development Brandt clarified if the Council approves staff's recommendation for . 63 on apartment complexes that the allocation be raised from 52 to 75 to allow a full build out of apartment complexes.

Mayor Freitas opened the public hearing.

Michael Heckathorn questioned the affect of the allocation system on lots sold for custom homes.

Mayor Freitas clarified that Measure "U" was specifically targeted to FUA1 and if the Council takes action, projects that are 2-3 years out will have no problem going through the allocation process.

City Attorney Galstan clarified if the ordinance is introduced one way for Mr. Heckathorn to proceed would be to apply for an allocation to the Planning Commission.

Terry Ramus, speaking on behalf of Measure "U", Tom McNeil and himself voiced his support of the Residential Development Allocation Program noting it will control growth rates and account for market flexibility while allowing the city to catch up with infrastructure.

He encouraged the Council to hold the unit cap at 600. He noted the final element of Measure "U" would be the creation of job centers within the city.

Mayor Freitas closed the public hearing.

In response to Councilmember Simonsen, City Attorney Galstan stated staff would clarify within the ordinance that the intent is for the numerical limits to occur for a rolling 5-year period, which would constantly renew itself.

Following discussion the Council majority supported . 63 ratio for multifamily with a cap of 75 units per year.

All Councilmembers commended Terry Ramus and Tom McNeill for authoring Measure "U" and following the public process through to impact public policy defining how the city of Antioch will grow in the future. They encouraged Mr. Ramus and Mr. McNeill to continue their efforts throughout East County.

Mayor Freitas thanked the members of the City Council, Terry Ramus, Tom McNeill, staff and the public for following this process through to a produce an allocation program the city can be proud of.

RESOLUTION NO. 2002/61

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously 1) Adopted the Negative Declaration with the Mitigation Monitoring Program (MND-02-04); 2) Adopted the resolution approving the General Plan Amendment implementing the Residential Development Allocation Program; 3) Introduced the ordinance by title only; and 4) Introduced the Zoning Ordinance Amendment to add Article 39 to Chapter 5 of Title 9 of the Antioch Municipal Code, Residential Development Allocation Program which limits the rate of residential growth to a maximum of 600 units/year; and 5) Multiple Units will be . 63 ratio with a cap of 75.

Mayor Freitas declared a recess at 9:30 P. M. , the meeting reconvened at 9:41 with all Councilmembers present.

3. CONSIDERATION OF BIDS FOR CONSTRUCTION OF FIRE STATION NO. 82 ON BLUEROCK DRIVE (PW 357-2-93F(1)) #1303-01

City Attorney Galstan recommended this item be continued to May 14, 2002 to give all bidders an opportunity to submit any arguments, with submittals to be received at City Attorney Galstan's office by May 6, 2002.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council unanimously continued this item to May 14, 2002 to allow bidders to respond, with submittals to be received at City Attorney Galstan's office by 5:00 P. M. on May 6, 2002.

4. ANIMAL SERVICES SHELTER REORGANIZATION #1302-01

Animal Services Manager Pena introduced Volunteer Coordinator Theresa Sitro and presented the staff report dated April 18, 2000, recommending the City Council approve the following: a) Resolution amending the 2001-02 Budget by adding the position of Registered Veterinary Technician and establishing classification specification and salary; b) Resolution amending the 2001-02 Budget by reallocating one (1) Animal Control Officer to Animal Control Aide and establishing classification specification and salary; and c) Freeze the vacant Licensing Technician position and authorize Animal Services to enter into a contract with a private animal licensing company.

In response to Councilmember Conley, Animal Services Manager Pena clarified the part time license technician would be offered the opportunity to return to a position in the kennels. In addition, he explained an Animal Control Aide could take on the tasks within the office to allow officers to spend their time in the field and provide one additional person to respond to emergency calls.

Mayor Freitas expressed concern the Council had approved resources to Animal Services premised on revenue generation from the spay and neuter clinic.

Chief Moczulski clarified the veterinarian terminated her contract with the city and they had since have been unsuccessful in obtaining the services of another veterinarian to conduct the spay and neuter clinics.

Councilmember Kalinowski expressed concern regarding the request of \$42,000 so close to the budget review and without seeing the result of increase revenues.

Councilmember Simonsen expressed concern regarding the request to amend the budget, adding the position of Registered Veterinary Technician noting the Hayden Bill was an unfunded mandate, therefore the City did not have to comply. He stated he felt it was important for the Animal Shelter to be self-sufficient.

Karen Kopps, President of HALO (East Contra Costa Homeless Animals Lifeline Organization), expressed concern regarding outsourcing dog licensing duties noting that when licensing occurs within the City it promotes the Animal Shelter. She spoke in opposition to the proposal to eliminate an Animal Control Officer position.

Barbara Sobalvarro, speaking on behalf of herself commended Animal Services Manager Pena for his effort to creatively use the limited resources of the shelter. She expressed concern for the need of a spay and neuter clinic and suggested the Shelter consider additional ways to raise revenue. She suggested if the Animal Control Aide position is approved, the third Animal Control Officer position be frozen. She offered to help in anyway possible.

Michael Burns, Director of Sales for Pet Data, urged the City to consider Pet Data noting they would be providing a service and assisting the City with no upfront costs. He reported their average increase in pet licensing after one year had been 30%, which would equate to \$58,600 for Antioch.

City Manager Ramsey clarified they had not been able to locate a veterinarian to provide a low cost spay and neuter clinic due to the fact they offer those services through their practices. He stated they were continuing to look for veterinary services from the community or through UC Davis. He noted to keep the program as low cost it would in all likelihood require being subsidized from the General Fund. He noted staff was attempting to offset the loss of the \$50,000 in revenue from the spay neuter clinic by bringing in Pet Data, which has the potential to produce additional revenue. He urged Council to give serious consideration to the approval of the Veterinary Technician position noting it impacts the health and care of the shelter animals.

Animal Services Director Pena stated a Veterinary Technician on staff would improve the health of the animals and therefore a better opportunity to adopt out more animals, which reduces cost of treatment and euthanasia.

Councilmember Simonsen stated he would not be supporting the resolution to add the position of Registered Veterinary Technician.

RESOLUTION NO. 2002/57

There was a motion by Councilmember Conley, seconded by Councilmember Davis, to approved 1) Resolution amending the 2001/2002 budget by adding the position of Registered Veterinary Technician and establishing classification specification and salary. 2) Freeze the vacant Licensing Technician position and authorize Animal Services to enter into a contract with a private animal licensing company for a period of 1 year.

The second was withdrawn by Councilmember Davis.

Councilmember Kalinowski stated he could not support the following motion due to budgetary concerns.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council approved the resolution amending the 2001/02 budget by adding the position of Registered Veterinary Technician and establishing classification specification and salary. The motion carried the following vote:

Ayes: Freitas, Davis, Conley

Noes: Simonsen, Kalinowski

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved to freeze the vacant Licensing Technician position and authorize Animal Services to enter into a contract with a private animal licensing company for a period of 1 year.

6. LEGISLATION AND ADVOCACY #701-04

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

a) POSITION REGARDING AB2100, PROPERTY TAX REVENUE SHIFT

Following discussion, the Council directed staff to provide an analysis for Council consideration on AB2100 at the May 14, 2002 City Council meeting.

Councilmember Simonsen provided the City Council and community with information on the Local Leave Our Community Assets Local program and requested they consider becoming involved.

PUBLIC COMMENTS – None

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Simonsen reported he had attended the East Bay Division of the League of California Cities with Assistant City Manager Pappas Diaz who sits on the League of California Cities Administrative Policy Committee. He announced the San Francisco Water Transportation Authority staff visit would be May 17, 2002, at 10:00 A. M. at Humphrey's and encouraged the Council to attend. Mayor Freitas stated if a majority of Councilmembers plan to attend this event, inform City Clerk Martin for proper noticing.

Councilmember Simonsen reported several of the older elementary schools had their play equipment removed due to the fact it did not meet federal standards. He stated he had worked with the California Contractors Alliance and last year they installed the playground equipment at Belshaw Elementary. He stated he contacted Richland Development who provided playground equipment at Turner Elementary School. He announced there would be a dedication ceremony at Turner Elementary School on May 1, 2002 and encouraged the Councilmembers to attend. He stated he would continue to look for donations of playground equipment for the remaining schools.

Councilmember Conley announced Mayor Freitas officially opened the Highway 4 bypass between Balfour Road and Lone Tree Way on April 20, 2002. He reported the Peace for One Planet event at County East Mall was a very good. He stated he had attended the Bedford Center fund raiser which was a great event. He reported he had attended a dinner at the Historical Society and they spoke of the John Muir Stone House and the East County restoration project. He noted they are having a Mystery dinner on May 18, 2002 and anyone wishing to attend can call the historical society.

Mayor Freitas reported the State Route 4 bypass officially opened on April 19, 2002 and within approximately 5 minutes of opening the road to the public; they ticketed one of the truck drivers.

STAFF COMMUNICATIONS – None

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 11:07 P. M. , to the next regular Council meeting on May 14, 2002.

Respectfully Submitted

L. Jolene Martin, City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. Jolene Martin, City Clerk