

# ANTIOCH CITY COUNCIL

Regular Meeting  
7:00 P.M.

July 9, 2002  
Council Chambers

Pursuant to Government Code Section §54952.2 the City Council Agenda for July 9, 2002 was posted on the door of the City Council Chambers, 3rd and "H" Streets on July 3, 2002.

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

Lonnie Karste announced the *Antioch Bulldogs Baseball Club 16 and Under Baseball Team* had qualified to play in the World Series in Oklahoma City on July 21-28, 2002. He provided a contact number for anyone wishing to make contributions toward their trip. Coach Terry Stewart introduced the members of the team.

Mayor Freitas, on behalf of the entire City Council, pledged \$500.00 to the Antioch Bulldogs. He congratulated the team for their effort and announced the City would be honoring the Antioch Little League East and West on July 23, 2002.

## ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

Library Commission - One (1) Vacancy

City Clerk Martin announced the City of Antioch has an opening on the Contra Costa County Library Commission for the term of July 1, 2002 - June 3, 2004. She provided a contact number for anyone wishing to apply and noted the deadline for applications is August 2, 2002.

## PROCLAMATIONS – National Night Out, August 6, 2002

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

Councilmember Conley presented the proclamation proclaiming August 6, 2002 as *National Night Out* to Crime Prevention Commissioner Rood and Captain Cantando, who accepted the proclamation and encouraged everyone to participate in the event. They provided a list of block captains to the Council and a contact number for anyone wishing to attend.

## PRESENTATION

Captain Cantando announced the Antioch Police Department had promoted the following Officers: Corporal Kelly Ouimet, Corporal Don Ladew, Sergeant Robin Kelley, and Sergeant John Vanderklugt. He introduced Bruce Moore and Pat Welch as newly promoted Lieutenants of the Antioch Police Department and noted they would be assigned to Field Services as Watch Commanders.

Lieutenants Bruce Moore and Pat Welch thanked Chief Moczulski for the opportunity and stated they look forward to serving the City in their new capacity.

Mayor Freitas congratulated Lieutenants Moore and Welch on their promotions.

### **PUBLIC COMMENTS**

Chelsea Bookout-Ozment expressed concern regarding the poor condition of the play equipment at Hillcrest Park. She presented the Council with a petition signed by 100 residents who share her concerns and requested updated play equipment at the Hillcrest Park location.

Mayor Freitas thanked Ms. Bookout-Ozment for being a positive role model in the community and bringing her concerns to the Council. He requested a discussion regarding this issue be added to the August 13, 2002 City Council agenda.

### **COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR MAY 28 AND JUNE 4, 2002 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIMS #704-07**
  - 1. Claim of Michelle Bowerman, #02/03-1306**
  - 2. Claim of Brian & Tracy Sawyer, #01/02-1297B**
- D. RESOLUTION NO. 2002/105 APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 008-M TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 04-5038 FOR FEDERAL AID PROJECTS FOR THE SOMERSVILLE ROAD BRIDGE (PW 141-B) #1102-04**
- E. RESOLUTION NO. 2002/106 APPROVING AN AGREEMENT WITH BROWN AND CALDWELL FOR MODIFICATIONS TO THE CITY OF ANTIOCH WATER TREATMENT PLANT (PW 246-22) #1202-01**

- F. **RESOLUTION NO. 2002/107 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 25, (RICHLAND DEVELOPMENT/BLACK DIAMOND KNOLLS, LTD./SOUTH TERRA CORP.) TRACT 8528 AND ANNEXING TO THE LONE TREE LIGHTING AND LANDSCAPING DISTRICT 9 ZONE 2, (PW 581-25) #802-02**
- G. **RESOLUTION NO. 2002/108 ACCEPTING COMPLETED IMPROVEMENTS FOR LONE TREE ESTATES UNIT 3 TRACT NO. 7900 (DAVIDON HOMES) PW 572-3 #802-02**
- H. **RESOLUTION NO. 2002/109 APPROVING THE SUBMITTAL OF THE 2002 BATTERY BACKUP SYSTEM GRANT APPLICATION #1201-06**
- I. **LEGISLATION & ADVOCACY #701-04**
1. **Increase in State Bridge Tolls for Increased Ferry Service**

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

***Item I*** - Following discussion Council majority stated they were not in support of a \$1.00 increase in bridge tolls to be used for expanded ferry service noting they feel it will dilute local revenue for the expansion of highways and rails. Councilmember Simonsen stated he would inform the San Francisco Transit Authority Community Advisory Committee the City Council opposes the \$1.00 increase in bridge tolls.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council received and filed Item I.

## **COUNCIL REGULAR AGENDA**

2. **PROJECT LABOR AGREEMENT ISSUES #901-01**
- A. **ORDINANCE ADDING CHAPTER 5 TO TITLE 2 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH LABOR AFFILIATION NON-DISCRIMINATION**

City Attorney Galstan presented the staff report dated June 27, 2002, recommending the City Council take no action or table the items.

- B. **RESOLUTION EXPRESSING THE SENSE OF THE COUNCIL IN OPPOSITION TO CITY-REQUIRED PROJECT LABOR AGREEMENTS AND SIMILAR CITY-IMPOSED REQUIREMENTS**

City Attorney Galstan presented the staff report dated June 28, 2002, staff had no recommendation.

Argentina Davila-Luevano spoke in opposition of blanket project labor agreements and urged the Council to consider specific project labor agreements for each individual construction project.

Kevin Dayton, representing the Golden Gate Chapter of Associated Builders and Contractors, spoke in opposition of project labor agreements and urged the Council to support the resolution.

Greg Feere representing Contra Costa Building Trades Council and Steve Umbenhowe representing Steamfitters Local Union 342, spoke in support of required project labor agreements and urged the Council to oppose the resolution. In addition, Mr. Feere provided a conflict of interest statement to the Council noting they felt Councilmember Simonsen was not qualified to vote on this issue.

Antioch residents, Ronald and Teresa Greenwell discussed the added expense to be involved in project labor agreements and noted the short-term workers on projects do not benefit from participating.

Reggie Moore, Antioch resident, spoke in opposition to any ordinance that would preclude project labor agreements in Antioch.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Councilmembers tabled the ordinance adding chapter 5 to Title 2 of the Antioch Municipal Code, Dealing with labor affiliations non-discrimination. The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen, Freitas

Noes: Kalinowski

Councilmember Simonsen clarified he had spoken with Fair Political Practices Commission and had been advised he did not have a conflict of interest on the agenda item.

Mayor Freitas urged the Council not to support the resolution noting he felt it was meaningless and divisive.

**RESOLUTION NO. 2002/110**

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Councilmembers approved the resolution expressing the sense of the Council in opposition to City-required project labor agreements and similar City-imposed requirements. The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen

Noes: Kalinowski, Freitas

Mayor Freitas declared a recess at 8:09 P.M., the meeting reconvened at 8:25 P.M. with all Members present.

City Clerk Martin announced an issue pertaining to the candidate's statements had come up following the publication of the agenda and requested the Council reconsider the Council's action related to candidate statements for the November 5, 2002 election.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously placed a reconsideration of the Council's action related to candidate's statements on the agenda as item # 9.

## **PUBLIC HEARINGS**

**7. RESOLUTION DECLARING FORMATION OF MAINTENANCE DISTRICT, APPROVING ENGINEER'S REPORT WITHOUT MODIFICATION, LEVYING ASSESSMENTS FOR 2002-03, AND ORDERING MAINTENANCE SERVICES FOR ANTIOCH STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 10 (PW 500) #806-03**

Administrative Analyst Hoffmeister presented the staff report dated June 28, 2002, recommending the Council adopt the Resolution confirming the formation of the East Lone Tree Street Light and Landscape Maintenance District No. (LLD No. 10), order the improvements and levy the annual assessments for Fiscal Year 2002/2003.

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

City Clerk Martin opened the ballot and announced the sole property owner had voted yes.

### **RESOLUTION NO. 2002/113**

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

**8. RESOLUTION RESCINDING DECISION REGARDING SECOND DWELLING UNIT AT 448 CHRISTINA COURT AND APPROVING USE PERMIT (UP-01-11) #202-10**

City Attorney Galstan reported the neighbors had requested a meeting with the applicant to discuss a minor change in the proposal and recommended the Council continue this item to July 23, 2002.

In response to Councilmember Conley, City Attorney Galstan stated staff would send notification to residents within 300 feet of the exterior property line, indicating the public hearing would be continued to July 23, 2002.

## **COUNCIL REGULAR AGENDA - Continued**

**3. PRESENTATION ON THE ECONOMIC DEVELOPMENT AND LAND PLANNING  
GEOGRAPHICAL INFORMATION SYSTEM #106-01**

Assistant to the City Manager Gegg gave a brief overview of the Economic Development and Land Planning Geographic Information System.

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

**4 EAST LONE TREE COMMUNITY FACILITIES DISTRICT 2002-1 INTENTION TO  
ESTABLISH DISTRICT, LEVY SPECIAL TAX AND ISSUE SPECIAL TAX BONDS,  
INTENTION TO INCUR BONDED INDEBTEDNESS #409-03**

Assistant City Engineer Bernal presented the staff report dated July 2, 2002, recommending the City Council: A) adopt the Resolution declaring its intension to establish East Lone Tree Community Facilities District No. 2002-1 and to authorize the levy of a special tax and issuance of special tax bonds to finance the construction of certain facilities, set public hearing on the establishment of CFD No. 2002-1 for August 13, 2002; B) Adopt the Resolution declaring its intension to incur bonded indeptedness to pay for the construction of certain facilities in East Long Tree Community Facilities District No. 2002-1, and; C) set public hearing on proposed issuance of bonds for CFD No. 2002-1 for August 13, 2002.

Sam Sperry, representing Orrick, Harrington and Sutcliff, clarified all property owners within the entire integrated financing district would participate.

In response to Mayor Freitas, City Engineer Brandt clarified the Integrated Finance District (IFD) was a mechanism enabling the Slatten Ranch and McBail property owners to be reimbursed for the improvements they construct in front of other properties.

Following discussion, Mayor Freitas suggested Incidental Expenses and Bond Issuance Costs (exhibit "B") indicate capitalized interest be capped for an 18 month period of time at the issuance of the bonds and the inclusion of capitalized interest under definition of terms (exhibit "C").

**RESOLUTION NO. 2002/111**  
**RESOLUTION NO. 2002/112**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously: A) Adopted the Resolution declaring its intension to establish East Lone Tree Community Facilities District No. 2002-1 and to authorize levy of a special tax and issuance of special tax bonds to finance the construction of certain facilities, and set public hearing on the establishment of CFD No. 2002-1 for August 13, 2002, and; B) Adopted the Resolution declaring its intension to incur bonded indeptedness to pay for the construction of certain facilities in East Long Tree Community Facilities District No. 2002-1, and; C) set

public hearing on proposed issuance of bonds for CFD No. 2002-1 for August 13, 2002. The following addendum to the resolution: Incidental Expenses and Bond Issuance Costs (exhibit "B") indicate capitalized interest be capped for an 18 month period of time at the issuance of the bonds; and the inclusion of "capitalized interest" under definition of terms (exhibit "C").

**5. FUNDING OF RIVERTOWN ART CENTER – ADDITIONAL INFORMATION  
REQUESTED BY COUNCIL #1407-03**

Assistant to the City Manager Gegg presented the staff report dated July 1, 2002 recommending the Council approve additional details provided by the Arts and Cultural Foundation of Antioch, for funding of an art center in the Antioch Rivertown Business District.

Nancy Roberts discussed the positive feedback the ACFA has received regarding the proposed Rivertown Art Center and noted they would be self-supporting through grants and fundraising. Responding to Mayor Freitas, she stated once they receive Council approval they would be applying for the grants and organizing fundraising. She added Nancy Chin had indicated \$50,000 was the low end of grant monies available to the Arts and Cultural Foundation, adding grant money could be available within a couple months.

Following discussion the Council stated while they support the project they were concerned regarding the budget, particularly the revenues projected from grants, artists, fundraising and LMC. In addition, they discussed the possibility of a longer lease option to provide a return on the \$100k commitment to the building.

Councilmember Conley requested the Council agree upon a dollar amount they were willing to contribute to the project and include an exit strategy, which would indicate if the Art Center fails there is no lease payment from the time the building is vacated. He further requested the budget consider increases for salaries, benefits, insurance and utilities.

Council consensus was to direct Mayor Freitas to meet with staff and the Arts and Cultural Foundation to articulate the Council's concerns and bring this item back to the Council for consideration on July 23, 2002.

Mayor Freitas declared a recess at 9:41 P.M. The meeting reconvened at 9:55 P.M. with all Councilmembers present.

**6. STUDY SESSION ON RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM  
#204-01**

Deputy Director of Community Development Carniglia presented the staff report dated July 3, 2002 recommending the Council review and provide direction to staff.

Discussion ensued regarding the Residential Development Allocation Rating Matrix with the Council voicing their support for the establishment of a baseline program and then identifying what the individual projects provide beyond the program.

Councilmember Kalinowski suggested a point scale in which a project would have to meet prior to being considered. In regards to job creation, he suggested a higher priority if jobs are created prior to residential units. He further suggested an additional criteria category for the City's immediate needs as well as consideration of the architectural design of the project. He stated he felt the definition of infill projects were projects developed in areas currently undeveloped.

Mayor Freitas requested a definition of terms be provided and discussed the importance of architectural and energy efficient design. He expressed his concern regarding the 30% bonus given for very low or low income housing noting those projects would be build to meet the City's housing requirements. He suggested the proximity to public transit be reduced and requested the infrastructure category indicate those items are in addition to the requirements of the master plan.

Councilmember Simonsen concurred with Mayor Freitas and Councilmember Kalinowski's comments.

Mayor Freitas requested two Councilmembers be members of the Residential Development Allocation Committee and rotate to allow all Councilmembers to serve 1-year terms. He recommended the processing timeline be revised to allow the City Council approval of Development Allocations scheduled for December 1–December 31 to be scheduled for November to avoid conflicting with the election. He noted both filing periods for applications should have the same format.

## **9. CONSIDERATION OF THE LENGTH OF THE CANDIDATE STATEMENTS FOR THE NOVEMBER 5, 2002 ELECTION #702-02**

City Clerk Martin reported the County Election Office had informed her of a new regulation regarding candidate's statements exceeding 300 words. The Election Office had determined candidate statements containing 300 words or less would be charged the projected \$743 and printed in 10 pt. type. The overflow for statements containing over 300 words would be printed on a separate page, in 10 pt. The extra 301-400 words would be printed on an additional page, also using a 10 pt. type set, and double the fee to \$1,486.00.

Mayor Freitas requested if the above was the procedure of the election department and they affirm it in writing and suggested if it is not, the Council consider the 300-word limit.

Following discussion the City Council voiced their support for maintaining the 400-word limit noting they felt the option should be available for the candidates. They requested all candidates receive a clear written explanation of the rate structure.



On motion by Councilmember Kalinowski, the Council unanimously approved the word allocation to remain at 400, contingent on written confirmation from the County, stating those candidates wishing to use 300 words or less would be charged the lesser amount. If the County does give written confirmation, the Clerk is authorized to certify a resolution stating the statement limit will be 300 words.

**PUBLIC COMMENTS - None**

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Davis reported the 4th of July and Relay for Life were very successful events. He announced the sister city delegation from Chichibu, Japan would be arriving in Antioch on July 24, 2002 and invited the public to attend the Open House and Welcoming Party at the Lynn House on July 25, 2002 from 6:00 - 8:00 P.M.

Councilmember Kalinowski requested Council and Staff Communication be moved to the beginning of the agenda. He reported he threw out the first pitch for the Tournament of Champions Little League Majors East and West in Concord, walked 4 hours in the Relay of Life and attended the Music of the Minds Delta 2000 benefit. He announced the Deputy Sheriffs Association donated \$500.00 to the honorary 75th Relay for Life team, which was organized by Mike Ramsey.

Councilmember Conley reported the Relay for Life was a great event. He expressed concern regarding wood retaining walls being built in FUA2, which were conditioned by the Planning Commission to be of masonry material. Director of Community Development Brandt reported he has had discussions with the previous Chief Building Inspector and it is his understanding as the building permits are issued, the wood walls were being replaced with masonry. He noted he would check on the issue again and report back to Council if the wood fencing was not temporary.

Councilmember Simonsen announced the Antioch Chamber of Commerce Golf Tournament would be held on July 12, 2002 at 11:00 A.M.

Mayor Freitas recommended the Council consider having Public Hearings at 7:30 P.M. The Council supported Mayor Freitas' recommendation. Acting City Manager Pappas Diaz stated she was researching if such an agenda change would require Council action and will report back to the Council regarding the issue.

**STAFF COMMUNICATIONS**

Acting City Manager Pappas Diaz thanked the City Staff and everyone involved in the Relay for Life and 4th of July events noting it was an outstanding Event.

Mayor Freitas announced the Council would be meeting on July 23, and August 13; the meeting of August 27, 2002 was cancelled.

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 10:57 P.M., to the next regularly scheduled meeting on July 23, 2002.

Respectfully Submitted

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L. Jolene Martin, City Clerk