

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

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

**November 12, 2002**  
**Council Chambers**

Pursuant to Government Code Section §54952.2 the City Council Agenda for October 22, 2002 was posted on the door of the City Council Chambers, 3rd and "H" Streets on October 17, 2002.

**6:30 P.M. – CLOSED SESSION**

- 1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation. One potential case. This closed session is authorized by Government Code §54956.9.

Mayor Freitas reported the outcome of the election was still unknown, absentee and provisional ballots will be counted. He congratulated Councilmember Davis for being re-elected to the Council and noted his desire for a speedy final count and stated the swearing -in would occur on December 10, 2002.

Mayor Freitas called the meeting to order at 7:06 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.

**PRESENTATION**

Homeless Awareness Month, November 2002

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

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Jim Kyle announced Holiday De-Lights would be held on December 7, 2002 at Waldie Plaza starting at 12:00 P.M. He provided contact numbers for anyone wishing to receive additional information or participate in the parade.

**PUBLIC COMMENTS**

Elvin Scott updated the public on his efforts to protect pension funds and provided information to the public regarding his television show on pension benefits, which airs on Channel 26, Monday nights.

Kent Bickford, Antioch resident, thanked Mayor Freitas and Councilmember Kalinowski for publicly denouncing the information from

    #A      
**11-26-02**

Prosperity Reinvestment and Opportunity PAC, pertaining to City Council candidate Reggie Moore and urged Councilmembers Conley, Davis and Simonsen to also publicly denounce it.

Councilmember Simonsen stated he was not informed of the press conference or he would have participated. He noted he had contacted the newspaper regarding this issue.

Ben Johnson, Pittsburg resident, spoke in support of Pittsburg and Antioch working together on infrastructure issues in order to benefit all communities in East Contra Costa County.

Councilmember Conley suggested sending a letter to the City of Pittsburg congratulating them on their new Council and requesting they renew their vision of regional cooperation by reconsidering the East County Regional Transportation fee.

Mayor Freitas announced letters had already been drafted and Councilmember Conley's request would be included.

Councilmember Kalinowski requested staff agendaize a discussion regarding setting dates for joint meetings with the new Pittsburg City Council for the November 26, 2002 Council meeting.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 26 and OCTOBER 8, 2002**  
#301-02
- B. APPROVAL OF COUNCIL WARRANTS**  
#401-02
- C. REJECTION OF CLAIM**  
#704-07
  - 1. Claim of EEN Property Management, #02/03-1328**
- D. CONSIDERATION OF BIDS FOR TRAFFIC SIGNAL IMPROVEMENTS AT DALLAS RANCH ROAD/MT. HAMILTON DRIVE, AND LONE TREE WAY AT THE DOBRICH PLAZA ENTRANCE, IN LONE TREE CORRIDOR ASSESSMENT DISTRICT NO. 27 (PW 555-TS)**  
#806-02
- E. RESOLUTION NO. 2002/167 APPROVING APPLICATION TO APPLY FOR GRANT FUNDS FOR THE ROBERT-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 (PW 658)**  
#1402-02
- F. RESOLUTION NO. 2002/168 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR EAST 18TH**

- STREET IMPROVEMENTS FROM WILLOW AVENUE TO HIGHWAY 4/160 (PW 225-20) #1102-04**
- G. RESOLUTION NO. 2002/169 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR SOMERSVILLE ROAD WIDENING FROM BUCHANAN ROAD TO CONTRA COSTA CANAL (PW 141-8) #1102-04**
- H. RESOLUTION NO. 2002/170 APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 010-M TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 04-5038 FOR FEDERAL AID PROJECTS FOR THE SOMERSVILLE ROAD PAVEMENT OVERLAY FROM THE SOUTHERN PACIFIC RAILROAD CROSSING TO WEST TENTH STREET (PW 392-18) #1102-04**
- I. RESOLUTION NO. 2002/171 ACCEPTING COMPLETED IMPROVEMENTS FOR DALLAS RANCH, UNIT 6, TRACT NO. 7966 (KB HOME SOUTH BAY, INC.) (PW 580-6) #802-02**
- J. RESOLUTION NO. 2002/172 ANNUAL REVIEW OF DEVELOPMENT AGREEMENT FOR THE SAND CREEK RANCH DEVELOPMENT AND DETERMINATION OF GOOD FAITH COMPLIANCE #802-02**
- K. LEGISLATION AND ADVOCACY #701-04**
- L. PUBLIC WORKS AND POLICE DEPARTMENT RADIO SYSTEM BUDGET INCREASE #106-01**
- M. LAKE ALHAMBRA RESIDENTS - TRAFFIC CONCERNS #1104-01**

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

**Item A** - Councilmember Conley stated he would not be voting on the item as he was not in attendance at the September 26, 2002 City Council meeting.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Council approved the minutes of September 26, 2002. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Freitas, Simonsen

Abstain: Conley

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved the minutes of October 8, 2002.

**Item L** – In response to Councilmember Simonsen, Administrative Police Manager Karste clarified it was possible a portion of the \$25,000 would go to the City of Ripon to resolve a frequency interference problem. He noted the County would investigate the issue and they did not anticipate it being a major problem.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously approved Item L.

## **COUNCIL REGULAR AGENDA**

### **4. CONSIDERATION OF RESOLUTION IN SUPPORT OF AMENDING TITLE 4 UNITED STATES CODE CHAPTER 1, SECTION 7 ON WHEN U.S. FLAG CAN BE FLOWN #701-01**

Acting City Manager Pappas Diaz presented the staff report dated November 6, 2002, recommending the City Council adopt the resolution in support of amending Title 4 United States Code Chapter 1 Section 7 on when the United States flag could be flown.

Councilmember Simonsen voiced his support of the resolution noting if passed, he would like to present it to the League of California Cities for their consideration.

Ms. Danielle, representing Congresswoman Tauscher, stated she would be happy to present the resolution to Congresswoman Tauscher and the Legislative Staff for introduction in the House of Representatives for consideration.

### **RESOLUTION NO. 2002/173**

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Council unanimously approved the resolution.

Mayor Freitas suggested a letter go out to all the new Mayors in Contra Costa County outlining the problem Antioch faced and include a copy of the resolution with a request each pass a similar resolution of support.

In response to Councilmember Simonsen, Mayor Freitas agreed to send the resolution to the League of California Cities.

Motion to adopt the resolution and present to Congresswoman Ellen Tauscher's office for introduction in House of Representatives for consideration

Acting City Manager Pappas Diaz introduced the City's new Personnel Director, Holly Brock-Cohn to the City Council.

Personnel Director Brock-Cohn thanked Acting City Manager Pappas Diaz for the introduction, noting she was looking forward to working in Antioch.

## **PUBLIC HEARINGS**

- 2. APPEAL OF DONALD AND NANCY BURKARD, ON BEHALF OF SIXTEEN CITIZENS, REGARDING THE PLANNING COMMISSION APPROVAL OF UP-00-11/A, AN AMENDMENT TO AN EXISTING USE PERMIT FOR CORNERSTONE (FORMALLY GATEWAY) CHRISTIAN CENTER, TO INCREASE THE NUMBER OF SCHOOL CHILDREN PERMITTED TO A MAXIMUM OF 240 STUDENTS LOCATED AT 1745 EAST EIGHTEENTH STREET FILE: UP-00-11/A #202-10**

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously continue the item to January 14, 2003.

- 3. EXTENSION OF DEVELOPMENT AGREEMENT FOR REAL PROPERTY GENERALLY KNOWN AS "NELSON RANCH," CONSISTING OF A PROPERTY SUBDIVIDED FOR RESIDENTIAL DEVELOPMENT CONTAINING APPROXIMATELY 354 LOTS (TRACT #6893) #202-03**

City Attorney Galstan presented the staff report dated November 7, 2002 recommending the City Council: A) Introduce the ordinance by title only; B) Introduce the ordinance approving First Amendment to Development Agreement between City of Antioch and UCLD Properties, LLC.

In response to Mayor Freitas, City Attorney Galstan clarified under the most desirable scenario some grading would occur which would require a grading permit and the agreement addresses the City of Antioch possibly being a co-applicant for the permit. He noted it was possible to construct the park with no grading.

Mayor Freitas stated at times negotiating with the Bureau of Reclamation was a difficult process and suggested any grading plan permit needed be applied for as soon as possible. He requested monthly reports from the applicant starting February 1, 2003 as well as amending language in the resolution stating the funds could be used toward the replacement of the Antioch High School swimming pool or other community project to be determined by the City Council.

Mayor Freitas opened the Public Hearing.

Bill Hamlin, representing UCLD Properties, LLC, owners of the property, stated he was in agreement with the staff report and was available to answer any questions. He reviewed the various scenarios plotted for the park and requested feedback regarding which community amenity the City Council chose, noting he would agree to provide monthly reports to the City Council.

Nordyn Anderson, President of the El Campanil Preservation Foundation, stated she supports \$1M for the new High School pool. She noted it was her understanding \$500,000

would be going to another project such as the El Campanil Theater. She voiced her support for keeping the theater project under consideration when allocating the funds.

Terry Ramus, Antioch resident, voiced his support for the agreement noting it was constructive and would provide funds for a community-wide benefit.

Mayor Freitas closed the public hearing.

Mayor Freitas voiced his support for the alternative park site and the entire \$1.5M going toward the Antioch High School pool with a written agreement between the City and School District ensuring the pool would be open to the general public. He noted he supports flexibility regarding the use of the funds premised on the ability of obtaining an agreement with the Antioch Unified School District.

Councilmember Conley stated this extension would send a message to all future development, clearly delineating the requirement to provide a community benefit. He commended the applicant for their support of the resolution.

Councilmember Simonsen discussed the importance of the School District and City working cooperatively to benefit the children of the community.

Councilmember Davis voiced his support of the alternative park location and resolution as well as the language additions proposed by Mayor Freitas.

In response to Councilmember Kalinowski, Mr. Hamlin clarified they were not associated in any way with PROPAC.

Councilmember Kalinowski stated until there was a public apology for the action taken by PROPAC, he would not support any business they bring present to the City of Antioch. He voiced his support for the alternative park location (exhibit A) as well as the greenbelt area maintained for the entire length of the park area. He stated he would support this project based to the fact it provides \$1.5M to the community pool for Antioch High School.

In response to Councilmember Kalinowski, Mr. Hamlin stated he would support advancing up to \$100,000 of the total \$1.5M to upfront money for the planning of the pool.

Mayor Freitas stated he would participate in the discussions with the Antioch Unified School District noting it was Council consensus to support the alternative park location.

On motion by Councilmember Conley, seconded by Councilmember Davis the Council unanimously: A) Introduced the ordinance by title only; B) Introduce the ordinance approving First Amendment to Development Agreement between City of Antioch and UCLD Properties, LLC with 1) Language inserted throughout the document where it says Antioch High School swimming pool to include "or other community project determined by the City Council." and; 2) page 6, 2A. Monthly status reports will be provided to the City Council commencing on February 1, 2003; 3) At the option of the City, up to \$100,000

could be expended for plans, studies, designs with regards to the swimming pool, and; 4) the addition of 6.1 as provided by City Attorney Galstan.

Mayor Freitas declared a recess at 8:23 P.M. The meeting reconvened at 8:33 P.M. with all Councilmembers present.

## **COUNCIL REGULAR AGENDA**

### **5. ORDINANCE ADDING SECTION 4-5.1217.1 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH VENDORS NEAR SCHOOLS #701-05**

City Attorney Galstan presented the staff report dated November 4, 2002, recommending the City Council: A) Introduce the ordinance by title only; B) Introduce the ordinance adding section 4-5.1217.1 to the Antioch Municipal Code, dealing with vendors near schools.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the Council unanimously: A) Introduce the ordinance by title only; and; B) Introduce the ordinance adding section 4-5.1217.1 to the Antioch Municipal Code, dealing with vendors near schools.

Mayor Freitas adjourned to the Antioch Development Agency with all Agencymembers present.

## **AGENCY CONSENT CALENDAR**

### **6. APPROVAL OF AGENCY WARRANTS #401-02**

On motion by Agencymember Conley, seconded by Agencymember Davis, the Agency unanimously approved the warrants.

### **7. WATERFRONT DEVELOPMENT ISSUES #902-07**

#### **A) PROPOSED EXCLUSIVE NEGOTIATION AGREEMENT FROM VINCENT MALFITANO**

Councilmember Simonsen stated he was the Councilmember who requested the items be placed on the agenda, and as such, he was requesting it be pulled.

City Attorney Galstan stated it was his opinion the public should be allowed to speak on this item.

Joe Parker, Antioch resident, urged the City Council to consider including a new launch ramp in the redevelopment plan noting the current ramp was too narrow and unsafe.

Mayor Freitas stated the General Plan subcommittee had focused on improving the Fulton Shipyard area.

Allen Payton, Antioch resident, expressed disappointment the agreement from Vincent Malfitano had been pulled from the agenda.

**B) RESOLUTION DIRECTING STAFF TO PREPARE REPORT FOR IMPLEMENTING OR UPDATING WATERFRONT PLAN**

City Attorney Galstan presented the staff report dated October 24, 2002, recommending the City Council adopt the resolution directing staff to prepare options and procedures for soliciting interest in the master planning and development of the Rivertown area.

Agencymembers Kalinowski and Conley spoke in support of the competitive bidding process to ensure the best product for Antioch.

Mayor Freitas clarified the resolution may include the hiring of special council as well as consultants involved in redevelopment issues.

**RESOLUTION NO. ADA-382**

On motion by Agencymember Kalinowski, seconded by Agencymember Simonsen, the Agency unanimously adopted the resolution.

Mayor Freitas adjourned to the Antioch City Council with all Councilmembers present.

**PUBLIC COMMENTS** - None

**COUNCIL REPORTS/COMMUNICATIONS**

Mayor Freitas congratulated Councilmember Davis on his successful campaign for City Council and offered his condolences to Councilmember Conley and Reggie Moore for the uncertainty as to who will win the seat on the City Council. He commended all who ran for public office.

Following discussion, the Council agreed that without the completed final Environmental Impact Report for the Sand Creek Specific Plan / FUA #1 and to allow the City Councilmembers sufficient time to review all the documents, the Council meeting scheduled for November 19, 2002 had been cancelled, the regularly scheduled City Council meeting would be held on November 26, 2002, if the outcome of the election was resolved the swearing in of new and/or reelected Councilmembers would be held on December 10, 2002 and the FUA # 1 public hearing would be rescheduled for January 21, 2003. Due to anticipating a large amount of public participation as well as the magnitude of the Sand Creek Specific Plan, Council directed staff to explore the option of having the meeting at Deer Valley High School or Beede Auditorium with a live remote.



Councilmember Davis reported the Veteran's Day celebration was well attended and thanked the City staff for helping to organize the event.

Councilmember Kalinowski reported on November 5, 2002 he had visited the Liberty Hotel in Pittsburg and congratulated new Pittsburg City Councilmembers, Nancy Parent and Michael Kee. He noted he briefly discussed a joint meeting between the Antioch and Pittsburg's City Councils.

Mayor Freitas announced he had attended the Mayor's conference and he spoke with Yvonne Beals regarding a joint meeting with Pittsburg's City Council noting he was optimistic that the City Councils of Pittsburg and Antioch could begin to work cooperatively. He stated the City Council would like to meet with the Planning Commission, Design Review Board and Parks and Recreation to clearly articulate the vision for the City of Antioch for the next two years.

Councilmember Conley announced he attended the Veteran's Day ceremony, which was well attended, he expressed concern the Contra Costa Times did not include Antioch in their City listings.

Jane Ramsey, speaking on behalf of the Contra Costa Newspapers, apologized for not covering the Veteran's Day event. She stated she would report directly with Councilmember Conley regarding his concerns about the newspaper.

Councilmember Simonsen reported he gave all pertinent information regarding the Veteran's Day ceremony to the appropriate reporter and it was still not printed in the Contra Costa Times. He stated he looks forward to working with the Pittsburg City Council and building better relationships. He thanked Councilmember Davis and Park Superintendent Palmeri for organizing the Veteran's Day ceremony. He announced he has been appointed to the League of California Cities' Housing Community Economic Development Policy Committee to establish League policies on those issues. He reported he attended the East County Water Manager Association meeting and received an update on East Bay Municipal Utility District underground storage and pumping study as well as an update on the proposals for the expansion of Los Vaqueros Reservoir. He provided a website for the public to review the studies. He noted if the federal or state government takes over the reservoir for expansion he feels the ratepayers should be reimbursed for their investment. He reported they also received an update on the multi-purpose pipeline. He stated that Antioch and Martinez were not included on a list of recipients for the bridge tax increase. He encouraged the residents of Antioch to contact Senators Torlakson and Perata as well as Assemblyman Canciamilla regarding the need for Antioch to be included as a recipient.

Mayor Freitas reported there needed to be more negotiations regarding the bridge toll recipients adding he had argued that there needs to be equity and parity within the region. He noted that as of last Thursday, \$100M was listed for rail service to Eastern Contra Costa County. He announced the Holiday De-lites events would be occurring on December

7, 2002 beginning at 12:00 P.M. He congratulated Joyce Seelinger and Bart Sandborn for being elected to the Antioch School Board.

### **STAFF COMMUNICATIONS**

Acting City Manager Pappas Diaz acknowledged the Councilmembers and City staff's participation at the Children's Memorial Tree Grove dedication in October. She noted residents wishing to participate in the Memorial Tree Grove programs could contact City Hall for additional information.

### **ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 9:25 P.M. to the next regular Council meeting on November 26, 2002.

Respectfully submitted:

\_\_\_\_\_  
L. JOLENE MARTIN, CITY CLERK

Approved:

\_\_\_\_\_  
DONALD P. FREITAS, MAYOR

Attest:

\_\_\_\_\_  
L. JOLENE MARTIN, CITY CLERK