### ANTIOCH CITY COUNCIL ANTIOCH DEVELOPMENT AGENCY

# Regular Meeting 7:00 P.M.

### May 27, 2003 Council Chambers

MayorMayor Freitas called the meeting toMayor Freitas called the meeting to order at 7:07 P.M., and, an

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

MayorMayor Freitas announced Councilmember Kalinowski wasMayor Freitas announced Councilmem thethe meeting. He announced Councilmember Davis was representing the City at a civic event and would be arriving shortly.

### PLEDGE OF ALLEGIANCE

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

### ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS None

### PROCLAMATIONS

Contra Costa County Fair, May 29 June, 1, 2003 Affordable Housing Week, May 31 June 8, 2003 U.S. Post Master Dennis P. Gonzales Day, June 4, 2003 Recognition of Green Businesses

OnOn motionOn motion byOn motion by Councilmember Conley, seconded by Councilmember Councilmembers present unanimously approved the proclamations.

CouncilmemberCouncilmember Simonsen presCouncilmember Simonsen presented tCouncilmember Walnut Creek proclaiming May 29 June 1, Walnut Creek proclaiming May 29 June 1, 2003 as Con ChrisChris Baldwin who accepted the proclamation and Chris Baldwin who accepted the procla

MayorMayor Freitas announced the proclamations forMayor Freitas announced the proclamations for Master Dennis P. Gonzales Day would be presented at a later date.

JulieJulie Haas-WJulie Haas-WajdowJulie Haas-Wajdowicz discussed the importance of the Green encouraged encouraged other businesses to participate. She presented the proclamations recognizing thethe following participathe following participants in the Green Busin AntiochAntioch Automotive Transmission, Antioch Firestone, Auto DiagnosAntioch Automotive Trans S&SS&S Import Service. She notedS&S Import Service. She noted a representative from Dave'sS&S Care were unable to attend; she would deliver their proclamations at a later date.

### PRESENTATION

InIn recognition of Jazzmin Boo, 2<sup>nd</sup> Place Winner, Mr. Funnelhead Magne Place Winner, Mr. Fun

PromotingPromoting UsedPromoting Used Motor Oil Recycling Program, CouncilmemberPromoting Used with a signed proclamation honoring her efforts.

Mr.Mr. Funnelhead Mr. Funnelhead vMr. Funnelhead voiced his appreciation to the City of Antioch program efforts to keep the environment clean.

MattMatt BollenderMatt Bollender presentedMatt Bollender presented the picture Ms. Boo had created. aa TV show on June 5tha TV show on June 5th and 12tha TV show on June 5th and 12th at 6:30 P.M. would be used on next years calendar.

MayorMayor Freitas read a letter from an AntiochMayor Freitas read a letter from an Antioch rMay appreciationappreciation to the Antioch Police Depaappreciation to the Antioch Police Departmation volunteers whovolunteers who aided in the safe return of his missingvolunteers who aided in the Antioch Police Department for doing an outstanding job.

MayorMayor FreMayor Freitas repMayor Freitas reported the Memorial Day events at Quail Lodge and ParkPark were outstanding events and thanked everyone responsiblePark were outstanding events and readread aread a letter from Staff Sergeant Steven Maze whoread a letter from Staff Sergeant Steven I forfor showing their support of the men and women serving in thfor showing their support of the men SupportSupport Our Troops Community Rally. He announcedSupport Our Troops Community Rally. He aa flag to the City and had requested it be flown over the City to remema flag to the City and had record died in a combat mission.

MayorMayor Freitas thanked everyone who helped organizeMayor Freitas thanked everyone who helped Rally.

### ANNOUNCEMENT OF WALL OF HEROES

CouncilmembersCouncilmembers Simonsen,Councilmembers Simonsen, Councilmember Conley and names to be added to the Wall of Heroes.

### PUBLIC COMMENTS

HowardHoward Churchill, representing the First Family Church, stated Howard Churchill, representing shortlyshortly and requested they be added to a future City Council shortly and requested they be added a temporary variance to relocate their facility to property at 18th and Vineyard.

MayorMayor Freitas directed Mr. Mayor Freitas directed Mr. ChurchhillMayor Freitas directed Mr. discuss the process to apply for a City variance.

Councilmember Davis arrived at 7:42 P.M.

JeanJean Kuberra discussed herJean Kuberra discussed her fundraisingJean Kuberra discussed her to spearheadingspearheading to provide a living memorial honoring those whospearheading to provide a living serveserve as military personnel. She thanked theserve as military personnel. She thanked the Cityse ofof the military and provided a of the military and provided a cof the military and provided a conta information regarding the memorial fund. AlanAlan Kernoff, Antioch resident, Alan Kernoff, Antioch resident, introducAlan Kernoff, Antioch resi interests in public causes.

AgencyAgency Chairperson Freitas adjourned to the AnAgency Chairperson Freitas adjourned to AgencymembersAgencymembers present witAgencymembers present with tAgencymembers present previously excused.

### AGENCY REGULAR AGENDA

### 1. MOBILE HOME RENT SUBSIDY AGREEMENT#802-01

CityCity Attorney Galstan presented the staff report dated May 14, 2003 recCity Attorney Galstan pre City Council adopt the resolution approving the agreement

CityCity Attorney Galstan reviewed theCity Attorney Galstan reviewed the letter from Sierra Corporate Marequested changes to the agreement. He noted that withrequested changes to the agreement inin their letter he felt there should be an exception for items in their letter he felt there should be endorsedendorsed acceptance with the noted changes. The Agencymembers agreed they didendorsed supportsupport items #2, 3 and 5 as referenced insupport items #2, 3 and 5 as referenced in the support besbestbest ibest interest of the residents and they could not support the recommendation. With regardsregards to #7, City Attorney Galstan recorregards to #7, City Attorney Galstan recommended by the choice of eitherwording "to be cancelled wording "to be cancelled by the choice of eitherwording "to be cancelled the recill Attorney Galstan.

LolaLola Buck, President Vista Diablo Homeowners Association speakiLola Buck, President Vista I residents, residents, Allen Ives, Vice President Viresidents, Allen Ives, Vice President Vista resider Lemar, Lemar, Antioch resident discussed the impact oLemar, Antioch resident discussed the impact other ability to market their homes. They thanked the Agencytheir ability to market their homes. They thanked the past and assisting them on this project. The resolution and urged the Agency to approve the agreement.

DiscussionDiscussion ensuedDiscussion ensued regarding the agreement withDiscussion ensued regar waswas dedicatedwas dedicated for the purpose of assisting low and moderate-income housing.was of the CPI adjustment would be reviewed the CPI adjustment would be reviewed annually, the CPI adjust opportunityopportunity to determine if apportunity to determine if any adjust mopportunity doceligibility documentateligibility documentation needed to be brought back to wheneverwhenever the City provides a subside thwhenever the City provides a subside the eligibility midtermmidterm adjmidterm adjusmidterm adjustment review provided Council the opportunity institutionalized a review.

InIn response to Agencymember Simonsen, Finance Director TaskerIn response to Agencymember S waswas inwas in thewas in the proposed budget and there were sufficient funds for the low and m housing projects.

CouncilmemberCouncilmember Conley dCouncilmember Conley discussed tCouncilmember Conle purpose of purpose of developing a senior mobile home park withpurpose of developing a senior

increases.increases. increases. He requested staff investigate the possibility and come back to theincre with a report.

### **RESOLUTION NO. ADA-388**

OnOn motion by Agencymember Simonsen, seconded by Agencymember Conley, the AgencyAgency members present adopted the resolution approving the agreemAgency members modificationsmodifications remodifications requestmodifications requested in the correspondence fro 1,1, 4 and 7 as modified by City Attorney Galstan and with1, 4 and 7 as modified by City Attorney Galsta

MayorMayor FMayor Freitas Mayor Freitas declared a recess at 8:50 P.M. The meeting reconvened a allall Agencymembers present wall Agencymembers present with all Agencymembers present with excused.

### 2. APPROVAL OF AGENCY WARRANTS

# OnOn motion by Agencymember ConleOn motion by Agencymember Conley, seconOn m Agencymembers present approved the Agency Warrants.

AgencyAgency Chairperson Freitas adjourned to the Antioch City Council with aAgency Chairperson Freit present with the exception of Councilmember Kalinowski.

## 3. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 22 AND MAY 6, 2003 #301-03
- B. APPROVAL OF COUNCIL WARRANTS #401-02
- C. APPROVAL OF TREASURER'S REPORT APRIL 2003 #401-02
- D. LEGISLATION AND ADVOCACY #701-04 1) SB 802 (Torlakson)
- E. <u>RESOLUTION NO. 2003/68</u> APPROVING PURCHASE OF 1100 W. 7TH STREET #1001-03
- F. CONSIDERATIONCONSIDERATION OF BIDS FOR THE "L" STREET/CONTCONSIDERAT BICYCLEBICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECTBICYCLE AND PEDESTRI
- G. <u>RESOLUTRESOLUTIRESOLUTIONRESOLUTION NO. 2003/69</u> APPROVING A CHANGE OR CONSTRUCTIONCONSTRUCTION FOR THE RECONSTRUCTION CONSTRUCTION FOR SECOND AND FIFTH STREETS (PW 648-A) #1102-04
- H. <u>RESOLUTIONRESOLUTION NO. 2003/70</u> ACCEPTING WORK AND AUTHORIZING THE CIT ENGINEERENGINEER TO FILE A NOTICEENGINEER TO FILE A NOTICE OF COMPLETION FO PLANT SEDIMENTATION BASINS (PW 246-22) #1202-01

Page 4 of 7

#401-01

Page 5 of 7

- I. <u>RESOLUTIONRESOLUTION NO. 2003RESOLUTION NO. 2003/71</u> A APPROVING THE AGRAGREEMENTAGREEMENT FOR AQUATIC PESTICIDES WITH ALAMEDA COUNTY PU WORKSWORKS AGENCY; ZONEWORKS AGENCY; ZONE 7-ALAMEDA COUNTY FLOOD CON CONSERVATIONCONSERVATION CONSERVATION DISTRICT; CONSERVATION DISTRICT; C PUBLIC WORKS DEPARTMENT #1204-01
- J. <u>RESOLUTIONRESOLUTION NO. 2RESOLUTION NO. 2003/72RESOLUTION NO. 2003/7</u> PORTIONPORTION OF MEDANOS STREET BETWEEN 11thPORTION OF MEDANOS STRE AND SETTING A PUBLIC HEARING #1102-04

### K. ORDINANCEORDINANCE AMENDING VARIOUS PORTIONS OORDINANCE AMENDING SESECTIONSECTION 8-SECTION 8-16.01 TO THE ANTIOCH MUNICIPAL CODE, DEALING UNIFORM BUILDING CODES (Introduced) #706-01

OnOn motion by Councilmember Conley, seconded by CounciOn motion by Councilmember Conley membersmembers prmembers present unanimously approved the Consent Calendar with the exceptitems D and I, which were removed for further discussion.

<u>ItemItem D</u> - Councilmember Simonsen requested that the Mayor's - Councilmember Simonsen requested the addition of Vasco Road to SB802.

OnOn motion by Councilmember SimoOn motion by Councilmember SimonsOn motion by Cou CouncilmembersCouncilmembers present unanimously approved item D with the inclusionCouncilmem

<u>ItemItem I</u> - Administrative - Administrative Analyst Hoffmeister clarified the resolution would pertain to maintained waterways.

OnOn motion by CouncilmembeOn motion by Councilmember SOn motion by Councilmember Councilmembers present unanimously approved Item I.

### PUBLIC HEARINGS

### 4. THETHE CITYTHE CITY OF ANTIOCH REQUESTS CONSIDERATION OFTHE CITY OF ANTIO THETHE ZONITHE ZONINGTHE ZONING THE ZONING ORDINANCETHE ZONING ORDINANCE ORDINANORDINANCEORDINANCE ORDINANCE (SORDINANCE (SECTION 9-5.3805) TO COM Z-03-01 #701-05

CityCity Attorney Galstan presented the staff report dated May 27, 2003 recCity Attorney Galstan pre CityCity Council: A)City Council: A) Introduce theCity Council: A) Introduce the ordinance by title only; andand re-enacting Section 9-5.3805 of and re-enacting Section 9-5.3805 of the Antiand re-enacting Residential Units.

Mayor Freitas opened the public hearing.

LloydLloyd Harris stated he had attempted to provide Lloyd Harris stated he had attempted to provid encouraged the City Council to support the amendment to the zoning ordinance.

There being no other speakers, Mayor Freitas closed the public hearing.

MayorMayor Freitas stated he would not be supporting the motion as he felt it was bad public policypolicy to approve second unit applications ministerial without public notification or a public hearing. He stated he would like to consider a phearing. He stated he would like to consider a wouldwould further erode the power of local government. In the event the itwould further erode the requested requested the item be agendized to discuss agendizing future second requested the item be a City Council agenda.

CouncilmemberCouncilmember Simonsen requested aCouncilmember Simonsen requested a position Council meeting.

OnOn motion by Councilmember Conley, seconded byOn motion by Councilmember Conley, seconded IntroduceIntroducedIntroduced the ordinance by title only; B) Introduced the ordinance deleting re-enacting re-enacting Section 9-5 3805 of thre-enacting Section 9-5 3805 of the Antiore-enacting Residential Units. The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen Noes: Freitas

Absent: Kalinowski

### COUNCIL REGULAR AGENDA

### 5. PRESENTATIONPRESENTATION BY DELTA DIABLO SANITATIONPRESENTATION BY RESTAURANT FEES #1205-02

GregoryGregory BaatrupGregory Baatrup, Gregory Baatrup, Technical Services Manager for Delta overview of the Delta Diablo Restaurant Fees.

InIn response to Councilmember Conley, Mr. BaatruIn response to Councilmember Conley, Mr. Baa restaurants were developed based on historical flow data based on square footage.

In In response to Councilmember Simonsen, Mr. Battrup clarified In response to Councilmember Simonser appapplicantsapplicants to capplicants to compare the estimating tools with factual data, which of compromisecompromise in unit flow and strength factors. He stated the board would like tcompromis ideasideas regarding how to help overcome the fee without viideas regarding how to help overcome statestate Water Resources Control Board, which state Water Resources Control Board, which they co

InIn response to CouncilmemberIn response to Councilmember Conley, Mr. Battrup statedIn response permit it, permit it, they could explore the possibility of permitting the credit to cross property lines within the redevelopment district in the event the City displaces a restaurant.

### STUDY SESSION

### 6. OVERVIEWOVERVIEW OFOVERVIEW OF ECONOMIC DEVELOPMENTOVERVIEW OF ECON FUND, FUND, COMMUNITY DEVELOPMENT BFUND, COMMUNITY DEVELOPMENT

### DEVELOPMENT AGENCY, AND ANTIOCH PUBLIC FINANCING AUTHORITY #410-02

MayorMayor FreitasMayor Freitas announced, due to the late hour and closed sessionMayor Freitas a evening's evening's meeting, the City Council had agreed to hold the Studyevening's meeting, the City (2003.

### PUBLIC COMMENTS - None

### **COUNCIL REPORTS/COMMUNICATIONS**

CouncilmemberCouncilmember Davis announcedCouncilmember Davis announced he was Coun attendanceattendance on attendance on behalf of the City Council at the Antioch High School Award Ce studentsstudents who had achieved a 4.0 GPA. He announced the Memorial Daystudents who had ach well-attended well-attended and thanked Park Superintendent Palmeri and Peggy Flynn for their organizational help.

CouncilmemberCouncilmember Simonsen thanCouncilmember Simonsen thankedCouncilmember Palmeri for organizing the Memorial Day Service.

STAFF COMMUNICATIONS - None

PUBLIC COMMENTS for Closed Session - None

CLOSEDCLOSED SESSION - PUBLICCLOSED SESSION - PUBLIC EMPLOYEE APPOINTMENT/E Manager. This closed session is authorized by Government Code §54957.

WithWith noWith no further business, Mayor Freitas adjourned the meeting at 10:00 P.M., to the closed sessionsession immediatelysession immediately following and thesession immediately following and the 6:00 P.M.

Respectfully Submitted:

L. JOLENE MARTIN, City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN, City Clerk