

ANTIOCH CITY COUNCIL

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

**April 13, 2004
Council Chambers**

Mayor Pro Tem Davis called the meeting to order at 7:05 P.M., and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Conley, Simonsen and Mayor Pro Tem Davis
Absent: Mayor Freitas

Mayor Pro Tem Davis announced that Mayor Freitas is out of town on vacation.

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

Sponsors of the 2004 Safety Fair: Bart Sandborn presented plaques to the following sponsors in appreciation of their support of the 2004 Safety Fair:

Bay Alarms, Dow Chemical, Pleasant Hill Bayshore, Tri-Delta Transit, CARE, Magill Martin and Self, Somersville Towne Center, Kaiser Permanente, GWF and Contra Costa Newspapers

PROCLAMATIONS

NATIONAL LIBRARY WEEK, April 18-24, 2004
NATIONAL VOLUNTEER WEEK, April 18-24, 2004
CHILDRENS' MEMORIAL DAY, April 23, 2004
FAIR HOUSING MONTH - April 2004

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the Councilmembers present unanimously approved the proclamations.

Councilmember Conley presented the proclamation proclaiming April 18-24, 2004 as National Library Week to Patty Chan who accepted the proclamation and thanked the City for their continued support of the Antioch Library. She invited the community to attend the events held the week of April 18-24 and presented the City Council with magnets and bookmarkers. She provided the Library's website address for anyone wishing to receive additional information.

Councilmember Kalinowski presented the proclamation proclaiming April 18-24, 2004 as National Volunteer Week to Captain Cantando who accepted the proclamation on behalf of the volunteers.

Captain Cantando introduced members of the Antioch Police Department volunteers and thanked them for their service in the community. He recognized Explorer Lieutenant Steven Mello and presented him with a plaque honoring him for being voted Explorer of the Year - 2003.

Mayor Pro Tem Davis on behalf of the City thanked the volunteers for assisting the City and the Antioch Police Department.

Councilmember Simonsen presented the proclamation proclaiming April 23, 2004 as Children's Memorial Day to Park Superintendent Palmeri who accepted the proclamation on behalf of families who had lost children to acts of violence and thanked the City Council for honoring and remembering the children.

Mayor Pro Tem Davis encouraged the public to visit the Children's Memorial Tree Grove at Prewett Park.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Ron Rackley, Antioch Police Officer, announced there was a drive underway to erect a War Dog Memorial within the City of Antioch honoring Military Working Dogs and Antioch resident George Dietrick who was killed in Vietnam while working a dog. He reported they had run the videotape recognizing dogs in combat on the local cable channel and had received approximately \$6000.00 in donations. He announced forms for donations are available at the Antioch Police Department and City Clerk's Office and provided a contact number for anyone wishing to receive additional information.

Mayor Pro Tem Davis announced the videotape honoring working dogs would be shown following the City Council meeting and on April 15th and 19th, 2004 at 10:00 P.M. on channel 26.

Elvin Scott discussed his efforts to assist Veterans and their families in receiving their medals, certificates and benefits for serving in the military. He invited the public to attend a parade in Pittsburg on May 15, 2004.

Ken Lee, Fairview Terrace resident, expressed concern regarding the loud speakers from the Nokes Dealership project he felt were negatively impacting the neighborhood's quality of life and requested they be redirected and the volume be lowered. He reported the razor wire on the soundwall is catching debris and a three-ton box truck was continuing to drive through the neighborhood, which was posted "no trucks". He noted the Gadell Construction Company had escalated to physically manhandling him and the Nokes delivery van has attempted to run them down while they were attempting to cross the street. He expressed concern the new layout of the car dealership lot slopes onto West 18th Street and water would drain into an area where the sewers currently back up. He stated they hoped the new ordinance would address the future problems so he and the other concerned neighbors would not have to keep coming to the meetings to voice their concerns.

In response to Councilmember Conley, Director of Community Development Brandt stated staff had been unable to find the speakers and since Mr. Lee indicated they was still a problem staff would make another visit to the site to solve the problem.

Mayor Pro Tem Davis read written comments provided by the following residents of Crestview and Aster Drives, Bertha Grillo, Michael Tuck, Debbie Martin, S. Hail, Terry Benton, Fosters, Nicole Nelson, Jason Temples and Kirk Conkel who requested traffic calming measures and increased police patrols to eliminate speeding vehicles and scooters in their neighborhood.

Devi Lamphier, Antioch Chamber of Commerce, announced the State of the City luncheon would be held on May 12, 2004 at 11:30 P.M. at Tao San Jin and invited the public to attend.

City Attorney Galstan stated a resolution accepting work done on a water main and storm drain project had been placed on the dais that evening and requested the item be placed on the agenda as item #6.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski the City Councilmembers present unanimously approved addition of the above referenced resolution to the agenda as item #6.

PUBLIC HEARINGS

2. RESOLUTION APPROVING CHANGES TO MAINTENANCE DISTRICT, APPROVING ENGINEER'S REPORT WITHOUT MODIFICATION, AND ESTABLISHING MAXIMUM ASSESSMENTS FOR 2004/05 CITY OF ANTIOCH STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 10 (EAST LONE TREE) (PW 500)
..... **#806-03**

Administrative Analyst Hoffmeister presented the staff report dated April 1, 2004 recommending the City Council adopt the resolution confirming the changes to the East Lone Tree Street Light and Landscape Maintenance District No.10 (LLD No. 10).

In response to Mayor Pro Tem Davis, City Clerk Martin indicated the City was in possession of a certificate of mailing, and the assessment ballots would be counted as part of the April 13, 2004 meeting.

Mayor Pro Tem Davis opened the public hearing.

City Attorney Galstan stated if anyone had a ballot to present to the City Clerk, they would need to do so at that time, as the ballot collecting would be closed.

Mayor Pro Tem Davis closed the public hearing. He announced City Clerk Martin would be opening and counting the ballots in her office and anyone wishing to witness the count was welcome to do so.

Mayor Pro Tem Davis declared a recess at 7:39 P.M. The meeting reconvened at 8:00 P.M. with all Councilmembers present with the exception of Mayor Freitas who was absent.

City Clerk Martin reported the ballot Approving Changes to Maintenance District, Approving Engineer's Report Without Modification, And Establishing Maximum Assessments For 2004/05

City of Antioch Street Lighting And Landscape Maintenance District No. 10 (East Lone Tree) (PW 500) had passed.

RESOLUTION NO. 2004/43

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Councilmembers present unanimously adopted the resolution.

3. INTERIM URGENCY ORDINANCE EXTENDING THE EFFECTIVENESS OF ORDINANCE NO. 1016-C-S, PROHIBITING ELECTRIFIED FENCES DURING STUDY PERIOD #701-05

City Attorney Galstan presented the staff report dated April 1, 2004 recommending the City Council adopt the urgency ordinance extending Ordinance No. 1016-C-S.

Mayor Pro Tem Davis opened and closed the public hearing with no speakers requesting to speak.

ORDINANCE NO. 1020-C-S

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council members present unanimously adopted the urgency ordinance.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR MARCH 9, 2004 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2004 #401-02**
- D. REJECTION OF CLAIM #704-07**
 - 1. Alcindor Bennett-Williams, #03/04-1427**
- E. LEGISLATION AND ADVOCACY #701-04**
 - 1. Letter of Support for Senate Bill 1161**
 - 2. Letter in opposition of Torlakson's proposal to move the UII (SB 1266)**
- F. ORDINANCE 1019-C-S ADDING SECTION 4-6.02.1 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH IMITATION FIREARMS AT SCHOOLS (Introduced 3/23/04) #701-05**
- G. ORDINANCE 1018-C-S ADDING AN ARTICLE HEADING TO CHAPTER 3 OF TITLE 6 AND ADDING ARTICLE 2 TO CHAPTER 3 OF TITLE 6 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING (Introduced 3/23/04) #701-05**

- H. **RESOLUTION NO. 2004/38 APPROVING A COMMUNICATIONS SITE LEASE (VIA DORA WATER TANK SITE)#1001-05**
- I. **LEASE OF 1915 "D" STREET TO R.E.A.C.H. PROJECT, INC.#1001-05**
- J. **RESOLUTION NO. 2004/39 DECLARING SURPLUS A PORTION OF OPEN SPACE PARCEL "A" (DIABLO EAST UNIT 2, TRACT 7400) AND PARCEL "C" (DIABLO EAST UNIT 7, TRACT 8122) AND AUTHORIZING THE MAYOR TO EXECUTE GRANT DEEDS AND AN ASSOCIATED LOT LINE ADJUSTMENT WITH THE ANTIOCH UNIFIED SCHOOL DISTRICT (PW 443-8-03) #802-02**
- K. **CITY COUNCIL RECOMMENDATION TO MELLO ROOS BOARD FOR USE OF FUNDS AT PREWETT PARK #409-03**
- L. **RESOLUTION NO. 2004/40 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE "G" STREET PAVEMENT REHABILITATION BETWEEN WEST TENTH AND WEST EIGHTEENTH STREETS (PW 495-2)#1102-04**
- M. **RESOLUTION NO. 2004/41 ACCEPTING IMPROVEMENTS FOR BLACK DIAMOND ESTATES SUBDIVISION, UNIT 10, TRACT NO. 8472 (NEWRY DEVELOPMENT CORPORATION), (PW 599-10), and; RESOLUTION NO. 2004/42 ACCEPTING IMPROVEMENTS FOR BLACK DIAMOND ESTATES SUBDIVISION, UNIT 11, TRACT NO. 8567 (NEWRY DEVELOPMENT CORPORATION), (PW 599-11) #802-02**
- N. **APPROVAL OF CHANGE ORDER IN THE AMOUNT OF \$53,347.50 TO ANTIOCH PAVING COMPANY FOR REPAVING OF COSTCO WAY (PW 392-18)#1102-04**

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

Item E - Councilmember Simonsen reported the City had sent a letter in opposition to Assembly Bill 2702 pertaining to the second unit ordinance. He reported SB1266 by Senator Torlakson was a mandatory City annexation bill and expressed concern the bill violated the boundary agreement with the City of Brentwood, which was initiated in 1992. He noted paragraph three of the agreement contained termination procedures, which had not been exercised by the City of Brentwood or Antioch. He stated Senator Torlakson and the staff of the Senate Local Government Committee were unaware a boundary agreement existed. He noted the 2002 Brentwood General Plan and the 2003 Antioch General Plan each acknowledged the boundary agreement, although Brentwood's General Plan update indicates a special project area "R" which places a finger of project area into the eastern boarder of Antioch. He expressed concern the bill was special interest legislation. He was further concerned regarding the State putting mandatory conditions on a local annexation request. He noted the City of Antioch should have been contacted regarding their position on the bill prior to it being introduced as legislation.

City Attorney Galstan reported two letters had been received, both of which were requests by the property owner or his optionee to annex into the City of Brentwood, inviting the City of Brentwood to rescind the Boundary Agreement. Neither letter had been acted upon.

In response to Councilmember Simonsen, City Attorney Galstan clarified the 5-year review periods were an opportunity for both cities to fine-tune the existing agreement if necessary and did not mean the contract had been terminated if those reviews had not occurred. He further noted neither city had taken action to terminate the agreement, therefore the agreement was in full force and effect.

Councilmember Simonsen suggested the City of Antioch take a position in opposition to SB 1266.

Councilmember Conley stated he would be willing to support a change in the sphere of influence for the Ginocchio and Nunn properties for an amount of \$40M, which was the value of the property to Antioch. He noted the money could be used for much needed road improvements.

Councilmember Kalinowski voiced his opposition to SB 1266 noting it would only benefit the landowner and developer. He expressed concern regarding the State mandating and legislating how local land use will take place. He stated the land was in Antioch's planning area and was included in the City's General Plan and the General Plan Environmental Impact Report. He noted the only way to assure the development of the project would pay the full traffic mitigation fee was to assure it occurred within the City of Antioch.

Mayor Pro Tem Davis thanked Councilmember Simonsen for providing information regarding SB 1266.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski the City Councilmembers present unanimously: A) Directed the City Manager and City Attorney to send a letter signed by all Councilmembers in opposition of SB 1266 to Senator Torlakson and all members of the Senate Committee on Local Government with copies to the League of California Cities, Contra Costa LAFCO and Board of Supervisors, with an attachment of the memorandum of understanding concerning the Boundary/Open Space between the City of Antioch and City of Brentwood dated October 28, 1997 and the staff's assessment of the Boundary Agreement as noted in the Brentwood General Plan, and; B) Motion to authorize the City Manager to send a Letter of Support for Senate Bill 1161.

Councilmember Conley thanked Congresswoman Tausher for granting \$15M to widen Highway 4 to four lanes in each direction from Loverage to "G" Streets. He questioned if there were other jobs or transportation bills the City could obtain for finishing the widening of Highway 4. He urged the community to send letters of support to Congresswoman Tausher for the widening of Highway 4.

Item L - In response to Mayor Pro Tem Davis, Capital Improvements Director Scudero clarified the construction would consist of a crack seal, rubberized chip and a 2 inch asphalt overlay.

Councilmember Simonsen reported he had requested staff provide the PCI of roads coming before Council in future staff reports.

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

PUBLIC HEARINGS

4. PROPOSAL BY KNTV TELEVISION, INC (NBC11), TO INSTALL AND OPERATE A WEATHER STATION AT THE CITY'S MARINA#1402-06

Harbor Master Cruger-Hansen presented the staff report dated April 13, 2004 recommending the City Council authorize the City Manager to finalize a License Agreement with KNTV Television, Inc., to install and operate a weather station at Antioch's Marina.

Councilmember Simonsen voiced his support of a link from the weather page to the City's website.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the Councilmembers present unanimously authorized the City Manager to finalize a License Agreement with KNTV Television Inc., to install and operate a weather station at Antioch's Marina.

5. PROCEDURES FOR ADMINISTERING ORDINANCE IMPOSING FINES FOR VIOLATING LAND USE PERMIT #701-05

City Attorney Galstan presented the staff report dated March 26, 2004 recommending the City Council receive and file the report.

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

It was noted the additional item to authorize payment of retention to Carone & Sons, Inc. came up following the completion of the agenda.

**6. RESOLUTION ACCEPTING WORK AND DIRECTING CITY ENGINEER TO AUTHORIZE PAYMENT OF RETENTION TO CARONE AND SONS, INC. FOR WATER MAIN, SEWER MAIN AND STROM DRAIN INSTALLATION PW 503-8)
..... 1202-03**

RESOLUTION NO. 2004/44

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Councilmembers present unanimously approved the resolution.

PUBLIC COMMENTS - None

COUNCIL COMMUNICATIONS

Councilmember Kalinowski requested City Manager Jakel direct the Police Department to increase enforcement in the Fairview Terrace area to address the resident's concerns.

In response to Councilmember Simonsen, Director of Community Development Brandt stated he would report back to the City Council in a memorandum with regards to the appropriateness of speed bumps as traffic calming measures.

Councilmember Conley suggested a meeting be scheduled with the City Council, staff and residents of the Fairview Terrace area with regards to technical information as it pertains to the City and State standards for stop signs.

Mayor Pro Tem Davis announced he attended the Babe Ruth kick off event and thanked the sponsors and participants. He announced the War Dog programming would follow tonight's City Council meeting on Channel 26.

STAFF COMMUNICATIONS

City Manager Jakel announced budget meetings had been scheduled for May 18th and June 1, 2004 from 3:00 to 8:00 P.M. and a meeting with the Bedford Center had been scheduled prior to the end of April.

With no further business, Mayor Pro Tem Davis adjourned the meeting at 8:45 P.M. to the next regular Council meeting on April 27, 2004.

Respectfully Submitted

L. JOLENE MARTIN, CMC