

ANTIOCH CITY COUNCIL

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

**October 26, 2004
Council Chambers**

6:30 P.M. - CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR. Agency Negotiator: Holly Brock-Cohn; Employee Organization: All represented groups. This Closed Session is authorized by Government Code §54957.6.

Mayor Freitas called the meeting to order at 7:00 P.M., and City Clerk Martin called the roll.

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

Mayor Freitas reported there was no reportable action taken in Closed Session.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Davis led the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS

National Animal Shelter Appreciation Week, November 7 - 13, 2004
Hospice Month - November 2004

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

Mayor Freitas congratulated Barbara Sobalvarro and the Friends of Animal Services for their continued dedication to the Shelter and their dedication in organizing the Black Cat Ball.

Barbara Sobalvarro reported the 9th *Annual Black Cat Ball* and celebration of the 25-year anniversary of the Friends of Animal Services was held on October 23, 2004, noting the event was a sellout, making it the most successful Black Cat Ball to date. She thanked Mayor Freitas and Councilmembers Conley and Davis for their support of the event.

Councilmember Davis presented the proclamation proclaiming November 7-13, 2004 as *National Animal Shelter Appreciation Week* to Barbara Sobalvarro and Skip Swanlund. Ms. Sobalvarro thanked the City Council for the proclamation and announced in honor of *Animal Shelter Appreciation Week*, a workshop would be held at the Police Department Community room on Saturday, November 13, 2004. She provided a contact number for anyone wishing to participate in the workshop.

Mayor Freitas stated the proclamation for Hospice Month would be delivered to the organization.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Martin announced there was currently one vacancy on the Police Crime Prevention Commission. She stated applications were being accepted and urged anyone interested in applying to contact the City Clerks office for an application or download an application from the City's website. She noted the deadline to submit an application was 5:00 P.M., November 5, 2004.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Walter Ruehlig reported that this morning he and Patti Chan turned over 4,100 adult signatures and a 25-yard block of children's signatures as well as 123 letters in support of the library grant. He congratulated the citizens who contributed to the effort and reported they would be taking the signatures and letters to Sacramento next week. He noted on November 29 and 30, 2004, Patti Chan, himself and possibly Mayor Freitas would be going to Sacramento for the 2 day hearing and decision on the grant process. He reported 61 members of St. Ignatius Church went to Tijuana Mexico and built a house this weekend. He announced the Wizard of Oz was playing at the El Campanil Theater this weekend and encouraged the community to attend and participate in the Halloween costume party on Saturday.

PUBLIC COMMENTS

Charles Dubois read a letter pertaining to Reggie Moore and his involvement in causing his termination with East Bay Municipal Utilities District. He stated he had documentation of the issues available for anyone interested in viewing it.

James Kyle spoke on behalf of Measure J and discussed the importance of improving transportation in Contra Costa County. He urged the citizens to support Measure J on November 2, 2004.

Emil Stein, Antioch resident stated the concertina wire had remained on the Nokes' Dealership sound wall and City Manager Jakel informed him the City was in negotiations with Mr. Nokes to have it removed. Mr. Stein questioned why negotiations were necessary when the wire was installed illegally and urged the City to invoke the ordinance for removal.

Walt Bartlett, Antioch resident, spoke in opposition to a proposal by Ron Nunn to install a well in FUA#1. He noted the visual and noise impacts would negatively affect the quality of life for residents in the area. He further noted the project had been before the Planning Commission and he did not receive a notification of the meeting.

Mayor Freitas directed City Manager Jakel to notify the City Council and neighbors through correspondence regarding to the well proposal by Mr. Nunn.

Ken Lee, Antioch resident questioned who would represent the citizens to solve their concerns pertaining to the Nokes Dealership, Cornerstone Christian Church and Silicon Valley projects.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 14 and 28, 2004 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS#401-02**
- C. APPROVAL OF TREASURER'S REPORT - SEPTEMBER 2004#401-02**
- D. REJECTION OF CLAIMS#704-07**
 - 1. Sterlina Barnum/Lionel Barnum, #03/04-1511 (unlawfully detained) 2.**
 - 2. Tim Vieira, #04/05-1516 (vehicle damage)**
 - 3. Erika Thomas by her mother and guardian Vicki Reed, #04/05-1506 (personal injury)**
 - 4. Robert Bay, Jr., #04/05-1515 (personal injury)**
- E. LEGISLATION AND ADVOCACY.....#701-04**
- F. RESOLUTION NO. 2004/133 ACCEPTING WORK AND DIRECTING CITY ENGINEER TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL PAYMENT TO TOP GRADE CONSTRUCTION, INC. FOR THE CONTRA LOMA BOULEVARD PAVEMENT REHABILITATION AND TRAFFIC SIGNALIZATION (PW 271-13)#1402-04**
- G. APPROVAL OF PROPOSAL AND AUTHORIZATION FOR THE MAYOR TO SIGN A CONTRACT WITH MARK THOMAS AND CO. FOR DESIGN SERVICES FOR THE WIDENING AND RECONSTRUCTION OF HILLCREST AVENUE FROM EAST EIGHTEENTH STREET TO SUNSET DRIVE (PW 276-8).....#1102-04**
- H. RESOLUTION NO. 2004/134 AUTHORIZING THE CITY ENGINEER TO SIGN THE SAFE ROUTES TO SCHOOL-FOURTH CYCLE 2003/2004 GRANT PROGRAM SUPPLEMENT AGREEMENT#1402-02**
- I. RESOLUTION NO. 2004/135 TO AMEND THE 2004/05 CAPITAL IMPROVEMENT BUDGET TO ALLOCATE \$80,000 IN DELTA FAIR FUNDS FOR THE REFURBISHING OF THE CHICHIBU PARK BOCCCE BALL COURTS (PW 113-P8)#1402-03**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of items B, F, G and I, which were removed for further discussion.

Item B - Councilmember Simonsen amended City Council item #117440 to read "Dinner, Simonsen/Davis".

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council unanimously approved Item B as amended.

Item F - Councilmember Simonsen thanked the residents for their patience during the delay of construction of Contra Loma Boulevard due to issues related to the relocation of a PG&E main.

Mayor Freitas stated the City repeatedly encounters problems with PG&E, which adds to the costs of projects. He questioned whether or not there was legal action the City could take to recover costs.

City Attorney Galstan stated he would provide a report back to Council regarding the City's liability and legal options for recovering costs from PG&E.

Mayor Freitas suggested Barbara Price, consultant with PG&E, be consulted regarding the issue.

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

Item G - In response to Councilmember Simonsen, Capital Improvement Director Scudero, stated the potholing of the facilities would be part of the preliminary engineering process and would include sidewalks on the westerly side.

In response to Mayor Freitas, Capital Improvements Director Scudero, stated the original proposal produced three or four firms submitted bids for the project; Mark Thomas was chosen.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the City Council unanimously approved item G.

Item I - Councilmember Simonsen stated page 2 of the staff report incorrectly indicated the financial impact at \$90,000. He requested the issue be corrected and indicate \$80,000. In response to Councilmember Simonsen, Finance Director Tasker stated after the project was deducted, approximately \$300,000 would remain in the Delta Fair Fund.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council unanimously approved Item I and amended the Financial Impact in the staff report to indicate \$80,000.

PUBLIC HEARINGS

- 2. BERMUDA WAY SUBDIVISION/JANIN ASSOCIATES REQUESTS APPROVAL OF A NEW PLANNED DEVELOPMENT, USE PERMIT, DESIGN REVIEW, AND TENTATIVE SUBDIVISION MAP FOR THE CONSTRUCTION OF SIX SINGLE FAMILY HOMES. THE PROJECT SITE IS APPROXIMATELY 1.01 ACRES AND IS LOCATED AT THE CURRENT EASTERN TERMINUS OF BERMUDA WAY, DIRECTLY SOUTH OF EAST EIGHTEENTH STREET (APN 051-170-049, 051-170-050). PD-04-07, UP-04-17, PW 669 #202-03**

Associate Planner Morris presented the staff report dated October 12, 2004 recommending the City Council approve the Final Planned Development / Tentative Map and Use Permit.

Mayor Freitas opened the public hearing.

Andrew Morse, representing Janin Associates Inc., thanked City staff for their work on the application along with City Council, Planning Commission and Design Review Board for their consideration of the project. He stated Janin Associates Inc. had accepted the staff report and resolution as written.

Douglas Tokes expressed his concern regarding the increased traffic generated by the expansion of Cornerstone Christian Church, adding the subdivision would create further safety issues with turn lanes on East 18th Street.

Mayor Freitas closed the public hearing.

Assistant City Engineer Bernal clarified the left hand turn lane would be decreased and the dual left turn lane would be extended to accommodate the left turn volumes. He noted the project would add six peak hour trips, which is a negligible amount of traffic.

In response to Councilmember Simonsen, Mr. Morse speaking to project specific condition #51 D. d. clarified they were using a combination of higher SEER air conditioners to meet or exceed Energy Star requirements.

Councilmember Simonsen suggested, in the future, he might request Title 24 reports.

RESOLUTION NO. 2004/136

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

- 3. SIERRA VISTA/SUNCREST HOMES REQUESTS APPROVAL TO DELETE A PRIVATE COMMON RECREATION AREA ORIGINALLY PROPOSED WITH THE SIERRA VISTA SUBDIVISION FINAL DEVELOPMENT PLAN. THE SITE OF THE 50 UNIT CUSTOM LOT SUBDIVISION IS LOCATED APPROXIMATELY 3/4 MILE SOUTH OF JAMES DONLON BLVD, BEYOND THE SOUTHERLY EXTENSION OF WARBLER DRIVE AND FINCH COURT AND SOUTH OF MIRA VISTA HILLS UNIT 13, CURRENTLY UNDER DEVELOPMENT. (APN 074-052-016 AND 017) (UP-04-28) #202-10**

Deputy Director of Community Development Carniglia presented the staff report dated October 18, 2004 recommending the City Council approve the deletion of the private common recreation area originally proposed with the Sierra Vista Subdivision Final Development Plan.

Councilmember Simonsen stated, when issues such as the item were forwarded to the City Council for a decision, he would like a transcript of the Planning Commission meeting be provided for Council's information.

Mayor Freitas opened the public hearing.

Gordon Gravelle reported they were considering the maintenance of the open space area to be provided by the Homeowners Association and were working with the East Bay Regional Park District regarding the provision of providing maintenance on the portion of open space gifted or donated to them. He clarified in addition to the issues raised in the staff report, marketing of the project did not warrant the cost to the homeowners for the benefit of having a common recreational area.

In response to Councilmember Simonsen, Mr. Gravelle clarified the parcel previously designated as a recreational facility would remain open space with a detention basin. He noted there would be minimal landscaping along the roads by the detention basin and the remainder would have natural landscaping.

Mayor Freitas closed the floor to public comment.

RESOLUTION NO. 2004/137

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

Mayor Freitas declared a recess at 7:58 P.M. The meeting reconvened at 8:05 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

4. DISCUSSION OF URBAN LIMIT LINE (ULL)

#204-01

Community Development Deputy Director Carniglia presented the staff report dated October 26, 2004 recommending the City Council provide comments and direction on the Urban Limit Line (ULL) proposals currently being discussed by the "East County Task Force on the ULL."

Councilmember Kalinowski reported the direction of the Task Force was to keep the Urban Limit Line where it is currently located until the year 2011. He noted Oakley and Pittsburg agreed and Brentwood and Antioch representatives returned to their City Councils for direction.

City Manager Jakel reported the next meeting of the East County Task Force was scheduled for October 28, 2004 from 6:30-8:30 P.M. at the Pittsburg Senior Center.

Dale Watson, Antioch resident, stated if the City Council supported slowing growth in Antioch there would be no need to move the Urban Limit Line. He urged the Council to give direction to Councilmember Kalinowski to support maintaining the current ULL until 2011.

Clinton Fields speaking on behalf of the Citizens for a Better Antioch, urged the City Council to not support any movement of the Urban Limit Line noting he felt movement would increase residential growth and negatively impact the taxpayers of the community.

Devi Lanphere, representing the Antioch Chamber of Commerce, clarified moving the Urban Limit Line secured the edges of the city now and for future generations. She noted the voters approved the 1999 line and the current plans are for less than those voted.

David Reid, representing the Greenbelt Alliance, stated he felt it was important to know where the City boundaries were, however, that is the specific task of LAFCO. He questioned why the City of Antioch had not made its position known as to where they would like the ULL and suggested that the delay could be politically motivated. He urged the City Council to direct Councilmember Kalinowski to accept the proposal of the Task Force and support keeping the current ULL until 2011.

Mayor Freitas clarified Antioch has had a proposal on the table for the past four years. The proposal was approved by the City Council in May 2003. He added he had attended many meetings and explained the City of Antioch's proposal, maps and history.

Councilmember Kalinowski clarified the issue at the last Task Force meeting was metering growth and he did indicate the majority of the Antioch City Council supported moving the ULL to the 1990 voter approved line. He added after researching with County staff and the proposals from Antioch and Brentwood, nearly mirrors the 1990 voter approved ULL. He stated the issue is the criteria for moving the ULL and how future development will occur.

In response to Councilmember Conley, Mr. Reid stated he would propose land on Bethel Island be outside the Urban Limit Line.

Councilmember Simonsen stated he felt Councilmember Kalinowski represented the City Council appropriately when he advocated for the development of the criteria for moving the Urban Limit Line prior to a discussion of where that line should be located.

In response to Mayor Freitas, Mr. Reid clarified that LAFCO would determine which city would have sphere of influence and which city may develop a particular parcel.

Councilmember Kalinowski clarified the subcommittee direction was to hold the Urban Limit Line as it currently is until the year 2011 at which time there would be the first of the proposed 5-year reviews. He noted Oakley and Pittsburg supported that proposal. He requested direction as to whether the City Council would support the proposal to hold the Urban Limit Line until 2011 with a 5-year review.

Councilmember Davis voiced his support for the Urban Limit Line up to Horse Valley Ranch including Roddy Ranch. He stated he would not vote for anything less than having Roddy Ranch inside the Urban Limit Line.

Mayor Freitas stated he felt a long term solution for the Urban Limit Line should be found. As for Antioch's proposal, he would support a 30-year line. He stated the real issue for the subcommittee was determining whether or not the ULL would be moved, along with defining the criteria delineating the metering land use and transportation. He noted his support of the 30-year plan and felt Contra Costa County should get out of the development business.

Councilmember Conley stated he did not support freezing the ULL until 2011 noting determination of the criteria should be a priority before a date specific is determined.

Councilmember Simonsen suggested Councilmember Kalinowski provide the Task Force with the maps of properties the City is proposing be located inside the Urban Limit Line. He stated he disagreed with freezing the Urban Limit Line to 2011 with a five-year review noting the issue needed to be resolved for next 30 years.

Councilmember Kalinowski stated his attempt to discuss the criteria was a priority to establish credibility with the public. He voiced his concerns regarding the lack of infrastructure and growth negatively impacting the residents' quality of life. He proposed until the issue of criteria was addressed, there should be no discussion of moving the Urban Limit Line. He noted if Measure J did not pass, the City Council should consider hosting its own growth boundary issue.

Following discussion, the City Council directed staff to make a brief presentation to the subcommittee on the May 2003 approved proposal. Council consensus voiced their support for a permanent long-term solution based on a 30 year Urban Limit Line until 2034. Councilmember Kalinowski stated he could not support the 30-year time frame with the criteria

unknown. Council consensus indicated the proposal should be a secondary issue and establishing a balanced criteria and metering of the infrastructure was the issue Council felt the committee should be working to resolve.

PUBLIC COMMENTS

Douglas Tokes spoke in opposition to Bond Measure AA noting Contra Costa County had paid property taxes for BART, which had failed to provide service to East Contra Costa. He urged citizens to vote no on Measure J noting Measure C would not expire until 2008 and there was sufficient time to write a more appropriate measure.

Mayor Freitas clarified the reason Measure J was on the November 2, 2004 ballot, was to jumpstart improvements in Contra Costa County.

COUNCIL COMMUNICATIONS

Councilmember Kalinowski encouraged the community to vote on November 2, 2004.

Councilmember Simonsen reported a rally had been held in San Francisco with Governor Schwarzenegger and members of the League of California Cities in support of proposition 1A. He encouraged the community to vote on November 2, 2004.

STAFF COMMUNICATIONS - None

With no further business, Mayor Freitas adjourned the meeting at 9:15 P.M. to the next regular Council meeting on November 9, 2004.

Respectfully submitted,

L. JOLENE MARTIN, CMC
City CLERK