

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**August 9, 2005
Council Chambers**

Mayor Freitas called the meeting to order at 7:03 P.M., and City Clerk Martin called the roll.

Present: Council Members Simonsen, Conley, Kalinowski, Davis 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 - None

PRESENTATIONS - Sworn and Non-Sworn Officers of the Year

Chief Moczulski acknowledged Officer Bergerhouse as the Sworn Officer of the Year.

Councilmember Kalinowski presented the proclamation to Officer Bergerhouse who thanked the City Council for the acknowledgment and his parents for their support. He noted it was an honor to be selected to represent the Antioch Police Department.

Chief Moczulski acknowledged Lisa Sorgenfrei and Ruth Tia as the Non-Sworn Officers of the Year.

Mayor Freitas, on behalf of the City Council thanked Officer Bergerhouse for his service to the community.

PUBLIC COMMENTS

Terrilyn Gallagher, James Hargrave Jr., Nell Chadwick, Tina Davis, Charles Cagle and Chris Lein spoke to a recent accident involving an automobile that struck a child attempting to cross West 14th Street. Petitions were presented to the City Council and the citizens urged the City Council to install appropriate traffic calming measures to prevent additional accidents from occurring in the area.

Mayor Freitas reported the Council had been informed of the situation and staff would be reporting back at the next City Council meeting on the issue. Director of Community Development Brandt requested the residents meet with him during the break and appoint 3-4 citizens staff can work with to determine the appropriate traffic calming measures.

Emil Stein, Antioch resident, stated he was continuing to have problems with the Antioch Auto Center Dealership regarding the sound wall and expressed concern the City had not responded to his concerns.

Mayor Freitas clarified there had been reports to the City Council apprising them of various actions pertaining to his concerns. He directed the City Manager to provide a report on the agenda regarding the matter with a date specific on when the items would be completed.

Ken Lee, Antioch resident, reported the City's property at Delta Fair and Century Blvd was in need of weed abatement and removal of refuse. In addition, he noted there were still unresolved issues at the Antioch Auto Center and he questioned why the City of Antioch was paying for the replacement signs for the renaming of Somersville Road.

A young gentleman, Matthew (no last name given), requested the City construct a Skate Park in the downtown area noting the existing Park in southeast Antioch was too far away for residents of the downtown area to access.

Mayor Freitas suggested Councilmember Davis contact Matthew to begin the process of discussing the issue with the Youth Council.

Devi Lanphere, representing the Antioch Chamber of Commerce, announced the East County Economic Conference would be held on September 30, 2005 from 7:30 A.M. to 1:30 P.M. at the Lone Tree Golf Course Event Center. She provided contact information for anyone wishing to receive additional information.

Dee Vieira, Antioch resident, provided the City Council with a photo collection of areas within the City which she felt were in need of maintenance and improvements.

Tim Donahue, Antioch resident, expressed his concern regarding the disrepair of the Antioch Marina and the area around Humphrey's restaurant. He questioned several items and asked to be informed of the reason the area was being neglected.

Walt Bartlett, Antioch resident, expressed concern as truck traffic had been restricted on the Highway 4 Bypass, which was diverting them onto Deer Valley Road. He requested the City consider traffic calming measures and/or a no passing zone to provide safe access for the residents to their properties.

Donnie Mitchum, Antioch resident, expressed concern as she had been unable to enter Lone Tree Way to access the freeway in the morning hours and suggested the City install a three way stop sign or stop light at Terranova Way.

- 1. COUNCIL CONSENT CALENDAR**
 - A. APPROVAL OF COUNCIL MINUTES FOR June 14, 2005#301-02**
 - B. APPROVAL OF COUNCIL WARRANTS#401-02**
 - C. LEGISLATION AND ADVOCACY#701-04**
 - D. ORDINANCE NO. 1054-C-S RESCINDING AND RE-ENACTING CHAPTER 9 OF TITLE 3 OF THE ANTIOCH MUNICIPAL CODE DEALING WITH REGIONAL TRANSPORTATION IMPACT FEES.....#1102-03**

- E. **RESOLUTION #2005/94 STATEMENT OF INVESTMENT POLICY#404-01**
- F. **RESOLUTION 2005/81 APPROVING CITY MANAGER SALARY ADJUSTMENT
#508-03**
- G. **AUTHORIZE CITY MANAGER TO A SIGN PROFESSIONAL SERVICES
AGREEMENT WITH PECKHAM & MCKENNEY TO RECRUIT A CITY ATTORNEY
AND FINANCE DIRECTOR.....#503-03**
- H. **RESOLUTION NO. 2005/82 - APPROVING PROPOSAL AND AUTHORIZING THE
MAYOR TO SIGN A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC.
FOR TRAFFIC ENGINEERING SERVICES FOR TRAFFIC SIGNAL
INSTALLATION AT MISCELLANEOUS (4) LOCATIONS 2005 (P.W. 636-4)
.....#1104-02**
- I. **RESOLUTION NO. 2005/83 - ACCEPTING WORK AND AUTHORIZING CITY
ENGINEER TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL
PAYMENT TO RIVER CITY CONSTRUCTORS FOR THE TRAFFIC SIGNS
MODIFICATIONS ALONG STATE ROUTE 4 SOMERSVILLE ROAD AND AUTO
CENTER DRIVE (P.W. 296-S)#1104-02**
- J. **RESOLUTION NO. 2005/84 - APPROVAL AND AUTHORIZATION FOR THE
MAYOR TO SIGN A CONTRACT WITH BROWN AND CALDWELL FOR
CONSTRUCTION MANAGEMENT SERVICES FOR THE WATER TREATMENT
PLANT SOLIDS HANDLING FACILITIES AND PLANT B EXPANSION PROJECT
(P.W. 551-4)
.....#1203-02**
- K. **RESOLUTION NO. 2005/85 - ACCEPTING COMPLETED IMPROVEMENTS FOR
DALLAS RANCH SUBDIVISION, UNIT 7, TRACT NO. 7377 (KB HOME) (PW
580-7)
.....#202-03**
- L. **RESOLUTION NO. 2005/86 - ACCEPTING IMPROVEMENTS FOR DALLAS
RANCH PARK AT DALLAS RANCH SUBDIVISION, TRACT NO. 7377 (KB HOME)
(PW 580-P)#1402-07**
- M. **RESOLUTION NO. 2005/87 - APPROVING THE PROPOSAL FOR CONTRA
COSTA TRANSPORTATION AUTHORITY TRANSPORTATION PLANNING AND
LAND USE SOLUTIONS (T-PLUS) GRANT#1101-01**
- N. **RESOLUTION NO. 2005/88 - ACCEPTING WORK AND AUTHORIZING CITY
ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE AG@ STREET AND
CAVALLO ROAD ROADWAY PAVEMENT REHABILITATION (P.W. 392-21)
.....#1102-03**

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

Item I - Emil Stein, Antioch resident questioned the City's spending of \$95k for the traffic sign modification along State Route 4/Somerville Road and Auto Center Drive for the Antioch Auto Center.

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

Mayor Freitas declared a recess at 7:41 P.M. The meeting reconvened at 7:50 with all Councilmembers present.

PUBLIC HEARINGS

2. RESOLUTION APPROVING A FINAL PLANNED DEVELOPMENT AND ASSOCIATED PD REZONING, VESTING TENTATIVE MAP AND USE PERMIT TO ALLOW CONSTRUCTION OF 81 SINGLE-FAMILY HOMES - KB HOME SOUTH BAY, INC - ALMONDRIDGE EAST PD-04-14; UP-04-30; PW-485-10.... #202-03

Associate Planner Albro presented the staff report dated August 1, 2005 recommending the City Council adopt the resolution.

Mayor Freitas reminded staff the unanimous direction of the City Council was all projects must go through the Design Review Board prior to coming before the Council. He stated he would like the design of the project to return to the City Council following action of the Design Review Board.

Mayor Freitas reported he had received written comments from David Ornoa expressing concern and requesting a one-story house be built behind his property. He suggested the applicant contact Mr. Ornoa regarding his request.

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

Mayor Freitas announced the City Council had received correspondence from Timothy Forester recommending the repaving of the Bidwell School parking lot be completed as a community benefit.

In response to Councilmember Kalinowski, the applicant indicated that he would support Tri-Delta Transit if their request were for vendor specific bus shelters.

The Council voiced their appreciation to KB Homes for coming back to the City Council with an improved project that would benefit the community.

RESOLUTION NO. 2005/89

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Council unanimously approved the resolution with the following changes to project specific conditions #53 and 87.

#53 Subject to City Attorney Galstan=s wording that the project will adhere to the original RDA recommendation for the Bidwell School site.

#87 That only a single story unit shall be placed on lot 40.

3. URGENCY INTERIM ORDINANCE EXTENDING THE EFFECTIVENESS OF ORDINANCE 1034-C-S, PROHIBITING APPROVAL OF CONDOMINIUM CONVERSIONS DURING STUDY PERIOD (Z-05-03)#701-02

This item was continued to September 13, 2005.

4. ADOPTION OF INTERIM ORDINANCE MAKING THE REGIONAL TRANSPORTATION DEVELOPMENT IMPACT MITIGATION FEE EFFECTIVE IMMEDIATELY#1102-03

Community Development Director/City Engineer Brandt presented the staff report dated August 2, 2005 recommending the City Council: 1) Adopt the interim urgency ordinance making the fee effective immediately, 4/5 vote required; and 2) Direct staff to prepare another interim urgency ordinance for the September 6, 2005 City Council meeting.

Mayor Freitas opened the public hearing.

Bill Glynn, Pittsburg City Councilmember, speaking on behalf of himself reported the Pittsburg City Council had approved the interim urgency ordinance on a 4-1 vote. He congratulated the City of Antioch on being a partner in the concept of regionalism throughout the county and urged them to take a positive vote this evening.

Mayor Freitas thanked Mr. Glynn for working with the City of Antioch on a regional approach and vision.

Mayor Freitas announced the Council had received correspondence from the Home Builders Association requesting the City Council not adopt the urgency ordinance.

With no further requests to speak, Mayor Freitas closed the public hearing.

ORDINANCE NO. 1055-C-S

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski the City Council unanimously: 1) Adopted the interim urgency ordinance making the fee effective

immediately; and, 2) Directed staff to prepare another interim urgency ordinance for the September 6, 2005 City Council meeting.

- 5. UP-05-09 - MR. PREM SAGAR ARORA IS APPEALING THE PLANNING COMMISSION'S DECISION TO PROHIBIT ALCOHOL SALES AT 611 E. 18TH STREET AND TO LIMIT CONVENIENCE STORE HOURS TO 7:00 AM TO 10:00 PM. THE APPELLANT IS REQUESTING THAT THE STORE HOURS BE EXTENDED TO 11:00 PM. (PROJECT SITE APN 065-142-023)#704-13**

This item was continued to September 13, 2005.

- 6. NEW AGREEMENT FOR COLLECTION SERVICES WITH ALLIED WASTE SYSTEMS, INC, (FORMALLY PLEASANT HILL BAYSHORE DISPOSAL, INC.) IMPLEMENTING AUTOMATED SINGLE STREAM RECYCLING COLLECTION FOR RESIDENTIAL CUSTOMERS, ESTABLISHING A NEW RESIDENTIAL RATE STRUCTURE, AND PROVIDING EXCLUSIVE COLLECTION SERVICE UNTIL 2015#1201-05**

Administrative Analyst Haas-Wajdowicz presented the staff report dated July 29, 2005 recommending the City Council adopt the resolution.

Mayor Freitas reported the City Council had received correspondence from the Contra Costa Taxpayers Association urging the City Council to reject the contract until such time as it was put to a vote.

Mayor Freitas opened the public hearing.

Donnie Mitchum, Antioch resident, stated she was opposed to the Allied Waste Systems contract as presented due to the fact Antioch was paying more for service than the surrounding cities and Antioch was being denied two clean up days per year.

Ms. Haas-Wajdowicz assured Council any resident of the City of Antioch could call Allied 2 times per year to schedule AClean Up@ day, free of charge.

Mr. Argente, representing Pleasant Hill Bayshore Disposal, clarified the agreement maintains 2 Clean-Up days per year and a brochure was sent out annually outlining all services as well as contact numbers for further information. In addition, he noted all cities had similar parameters regarding the amount and content of items allowed on pickup days. He further noted by request, on a case-by-case basis, they could provide larger recycling containers.

Ken Lee questioned what the hours of operation were for commercial pick-ups adjacent to residential developments and who is the contact for residents concerns.

Ms. Haas-Wajdowicz stated residents with concerns should first address customer service at Bayshore Disposal and noted she is also available to assist. She noted typically they

restrict commercial service adjacent to residential to after 6:00 A.M. and if there are issues she would be happy to address them.

Mayor Freitas closed the Public Hearing.

Councilmember Simonsen stated he would be voting no on the following motion due to the increase in the franchise fee from 5 to 12% without putting it to a vote of the residents.

RESOLUTION NO. 2005/93

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council adopted the resolution. The motion carried the following vote:

Ayes: Davis, Kalinowski, Conley, Freitas
Noes: Simonsen

Mayor Freitas adjourned to the Antioch Development Agency, announcing item #11 would be heard under the Agency Calendar. Agency Secretary Martin called the roll with all Agency Members present.

ANTIOCH REDEVELOPMENT AGENCY CALENDAR

- 7. RESOLUTION APPROVING THE EXPENDITURE OF LOW AND MODERATE INCOME HOUSING FUNDS FOR THE CONTINUATION OF HOUSING REHABILITATION LOANS FROM CONTRA COSTA COUNTY NEIGHBORHOOD PRESERVATION PROGRAM#206-03**

Janet Kennedy, CDBG and Housing Consultant presented the staff report dated August 9, 2005 recommending the City Council adopt the resolution.

Chairperson Freitas suggested, in the future, the Agency be provided a more comprehensive report on the financials.

RESOLUTION NO. ADA-404

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

- 11. HOUSING TRUST FUND INITIATIVE REQUEST206-01**

On motion by Agency Member Kalinowski, seconded by Agency Member Simonsen the Antioch Development Agency unanimously directed the item return for consideration with the full draft Housing Trust Fund Proposal.

**8. ANTIOCH CHAMBER OF COMMERCE CONTRACT FOR SUPPORT SERVICES TO CITY/AGENCY
#1408-01**

Assistant City Manager Pappas Diaz presented the staff report dated August 1, 2005 recommending the Agency approve the contract and authorize the Agency Chair to Sign for the support services for the City/Agency.

Devi Lanphere reviewed the Service And Programs To Be Provided By Antioch Chamber of Commerce 2004-05 update.

Chairperson Freitas requested future discussion on the item be heard by the Economic Development Commission for a recommendation prior to coming before the City Council.

On motion by Agency Member Conley, seconded by Agency Member Davis, the Agency unanimously approved the contract and authorized the Agency Chair to sign for support services for the City/Agency.

Chairperson Freitas adjourned to the Antioch City Council, with all Council Members present..

Mayor Freitas declared a recess at 8:56 P.M. The meeting reconvened at 9:06 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who arrived at 9:07 P.M.

COUNCIL REGULAR AGENDA

9. INITIATIVE PETITION RELATING TO RODDY RANCH AREA#702-01

City Attorney Galstan presented the staff report dated July 28, 2005 recommending the City Council: 1) Receive and file the Clerk's Certificate to Initiative Petition; and, B) Adopt the initiative ordinance; or, C) Adopt the resolution setting a special election on the initiative for November 8, 2005 and determine whether Council wishes to submit an argument against the initiative; or, D) Adopt the resolution referring initiative to staff for report on various impacts.

Dan Boatwright, representing Roddy Ranch PBC LLC/Castle Companies, spoke in support of the initiative measure noting it would put infrastructure before growth, provides significant contributions to schools and road improvements as well as upscale housing and would reflect the 1990 voter approved Urban Limit Line. He urged the City Council to adopt the measure this evening.

Clinton Fields spoke in opposition to the initiative noting the signature gatherers for the petition distributed misleading information to the citizens and the contributions were inadequate. He urged the City Council to not adopt the initiative and if approved he requested he be provided all documents so a referendum could be filed.

Devi Lanphere, Antioch Chamber of Commerce, reiterated the Chamber's support of the public vote and the City's position on the Urban Limit Line. She reported this was land zoned for development and it was important for Antioch to control growth in the project area.

Duane Ballentine, Brentwood resident, spoke in support of the initiative moving forward.

Reggie Moore, Antioch resident, expressed concern the signature gatherers were disingenuous and the integrity of the initiative process was at stake; therefore, he felt the item should be placed on the ballot for voter approval.

Mayor Freitas read written comments from Antioch residents, David Casipit and Terry Ramus in support of the initiative project noting as proposed it was a high quality project that would provide significant benefits to the City of Antioch.

Nancy Bachmann, Antioch resident, discussed the deceptive nature of the signature gathering and urged the City Council to place the item on the ballot for a vote of the citizens.

Allan Moore, Land Use Attorney, representing Zeka property, stated they did not want the moratorium, if adopted, to prevent Zeka from going forward with their plans in the future. The Zeka Group was looking forward to working with the City to complete their application.

Peter Jacoway voiced his support of the upscale housing and benefits the initiative would bring to the City of Antioch.

Mike Daley, Conservation Director of the Sierra Club, speaking on behalf of their members requested the City Council give no more benefits to the developer than they would give to any other group that would come with a signature gathering effort. He requested the City perform a 30-day study and noted if they enact the ordinance they would begin the signature effort to begin the referendum action and under Government Code 6250, they would like all records pertaining to their decision.

Nell Chadwick, Antioch resident, spoke in opposition of moving the Urban Limit Line and requested the City Council reconsider and take the item off the table.

Mayor Freitas clarified this was not the City Council's initiative.

Steve Vincak, Antioch resident, spoke in support of approving the Roddy Ranch proposal this evening.

Tim Donahue, Chair of the Delta Group of the Sierra Club, expressed concern the initiative process allowed 15% of the population to speak on behalf of the citizens of Antioch and

noted previous Council=s had approved development to improve the City=s infrastructure, which had only exasperated the problems.

Norma Hernandez, Antioch resident, discussed the importance of putting the issue on the ballot to ensure the City received their return to source money. She suggested the Council request a study on the fiscal impacts of the entire project.

Tom Anderson, Antioch resident, stated the \$1M provided by the developer to improve Vasco Road was much needed and would attract additional funds, therefore he was in total support of the Roddy Ranch project.

Dee Vieira, Antioch resident, requested the City commission the 92-12 report for the Roddy Ranch initiative and it be performed by an independent consultant and made available for public review. She voiced her support for the initiative going to the ballot, however she does not support it being adopted.

Paul Janicki, Antioch resident, spoke in support of placing the initiative on the November ballot to allow the vote of the people to make the decision. He questioned the integrity of the signature gathering process.

Tom Brumleve voiced his support of the process moving forward and noted he felt there was a correlation between high-end housing and business being drawn to the community.

Ralph Hernandez, Chairperson Citizens for Democracy, stated they were against the movement of the Urban Limit Line. He discussed the importance of providing all information including project impacts to the public for review and allowing them to vote on the approval of the initiative. He stated he felt the signature gathering process for the petition was flawed.

Mary Peinado, Antioch resident, stated she felt the type of housing product proposed would increase housing prices and revenue to the City as well as encourage more businesses to locate in Antioch. She spoke in support of the contributions from the developer and requested the School District portion be placed into an endowment fund and the developer increase the contribution through the RDA process.

Manny Soliz Jr., Antioch resident, spoke in support of the Roddy Ranch proposal and urged the City Council to approve it this evening.

Dale Watson, Antioch resident, stated he felt the signature gathering process for the petition was flawed. He urged the City Council to send the issue to a vote of the people and follow through with the Government Code Section 9212 process.

Thomas McNell, Antioch resident, discussed the contributions the Roddy Ranch developer had offered as well as the reduction in the number of residential units from the original plans.

Michele Copeland, Oakley resident, stated the land was zoned and voiced her support for Antioch having control of the growth that would occur in the area. She noted Antioch citizens had previously approved the Urban Limit Line and urged the City Council to adopt the initiative this evening.

James Tarabini, speaking on behalf of the Delta Youth Soccer League, discussed the importance of Antioch having control over how and when growth occurred in the City and the benefits of the project to the community.

Mayor Freitas read into the record written comment from Jeff Clark, voicing his opposition to any growth outside of the Urban Limit Line and expressing concern regarding the legitimacy of the signature gathering process for the petition.

Walt Bartlett, Antioch resident, spoke in support of Antioch having control over how and when the Roddy Ranch property should be developed.

Councilmember Davis stated he was in support of the adoption of the ordinance due to the fact the Urban Limit Line, as proposed, had been previously approved by the voters and he felt Antioch should have control of the planning for the Roddy Ranch property.

Councilmember Kalinowski stated he was in support of this item being voted on by the citizens of Antioch. He agreed there were flaws in the initiative based processes and he would support an independent review of the projects impacts.

Councilmember Simonsen stated this initiative was in compliance with Antioch's General Plan and the City Council's position regarding the Urban Limit Line, therefore he was supportive of this item going to ballot.

Councilmember Conley stated he was in support of this project, noting it would provide a much needed housing stock in the City and significant community enhancements. He further noted this was an opportunity for the residents in the City of Antioch to vote for the movement of the Urban Limit Line to determine who would control the development of the Roddy Ranch property.

Mayor Freitas stated he was in support of the inclusion of Roddy Ranch and Nunn/Ginochio within the City's incorporated boundaries and noted the premise of the initiative process was that the people have the right to vote on the issue. He discussed the importance of the development of Roddy Ranch to economic development as well as resolution regarding a voter approved Urban Limit Line.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously: A) Received and filed the Clerk's Certificate to Initiative Petition; and, B) Adopted the resolution setting a special election on the initiative for November 8, 2005, consolidating the election with other measures.

RESOLUTION NO. 2005/91

RESOLUTION NO. 2005/92

Mayor Freitas declared a recess at 11:03 P.M. The meeting reconvened at 11:06 P.M. with all Councilmembers present.

10. DESIGNATION OF DELEGATE FOR 2005 LEAGUE ANNUAL CONFERENCE

.....#705-03

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council appointed Councilmember Simonsen as voting delegate and Councilmember Davis and alternative voting delegate for 2005 League Annual Conference.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

Following discussion the City Council agreed to meet for a special meeting on September 6, 2005 at 6:00 P.M.

Assistant City Manager Pappas Diaz reminded the Council the Business Partnership breakfast would be held on August 25, 2005 at 7:30 A.M.

COUNCIL COMMUNICATIONS

In response to Councilmember Conley, Devi Lanphere reported Pittsburg and Oakley have been unable to participate in the bracelet sales to the level they anticipated and noted there was approximately \$1200.00 in the account from bracelets sold in this area. She further noted there were three major school groups who would be launching their programs in the fall.

Councilmember Simonsen announced he had been appointed to the League of California Cities resolution committee and he would be providing the City Council with a written report on the Leagues activities. He reported Mayor Cooke from the City of Fortuna had passed away and requested this evenings meeting be adjourned in his memory.

In response to Councilmember Conley, Councilmember Davis gave a brief update on the War Dog Memorial project.

With no further business, Mayor Freitas adjourned the meeting in memory of Mayor Tom Cooke from the City of Fortuna at 11:15 P.M. to the next Council meeting on September 6, 2005 at 6:00 P.M.

Respectfully Submitted

L. Jolene Martin, Antioch City Clerk