

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

September 26, 2006
Council Chambers

Mayor Freitas called the meeting to order at 7:01 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.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere representing the Antioch Chamber of Commerce announced The Pride and Power of East County Economic Summit would be held on September 29, 2006 and a Candidate Forum would be held on October 13, 2006 from 6:00 – 9:00 P.M. in Council Chambers. Contact information was given for both events.

Romano Marchetti, representing Lynwood Heights Neighborhood Association reported a meeting was held with the City regarding neighborhood issues and he commended staff for addressing their concerns in a timely manner. He questioned how the city collects on the fines levied against property owners.

Mayor Freitas stated this issue is being discussed with Neighborhood Improvement Service however his preference would be to educate the public, inform individuals of violations, issue citations if not corrected within one week followed by the city cleaning up the property and putting a lien on the property.

Mayor Freitas reported he and Councilmembers Kalinowski, Conley and Davis attended the Contra Costa County Board of Supervisors presentation by the Contra Costa Housing Authority. He announced within the next 30 days meetings will be conducted that involve the Police Department, Public Works, Code Enforcement, City Councilmembers and hopefully representatives from Congresswoman Tauscher, Congressman Pombo and Congressman Miller to coordinate a collaborative effort with regards to issues raised pertaining to section 8. In addition, the action of the Board of Supervisors is to have monthly meetings to focus on this issue. He thanked Council and staff who attended the meeting.

PROCLAMATIONS

Domestic Violence Awareness Month, October 2006
National Breast Cancer Awareness Month, October 2006
Shelter-in-Place Education Day, October 4, 2006
Driftwood Yacht Club Day and Make-a-Wish Day, October 7, 2006
19th Annual East County Hunger Walk, October 7, 2006

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

Mayor Freitas announced the proclamations proclaiming October 2006 as Domestic Violence Awareness Month and National Breast Cancer Awareness Month will be sent to the representatives.

Councilmember Kalinowski presented the proclamation proclaiming October 4, 2006 as Shelter-in-Place Education Day to Lieutenant Marchoke and Dave Kundert who on behalf of the Antioch Unified School Board and Superintendent accepted the proclamation and thanked the City Council for their support.

Councilmember Conley presented the proclamation proclaiming October 7, 2006 as Driftwood Yacht Club Day and Make-a-Wish Day to Jane Parsons who on behalf of the Driftwood Yacht Club and the Make a Wish Committee thanked the City Council for the recognition. Contact information was given for the event.

Mayor Freitas thanked the Yacht Club for providing an important service in the community.

Councilmember Davis presented the proclamation proclaiming October 7, 2006 as 19th Annual East County Hunger Walk to Brian and Vicki McCoy, representing Delta 2000 and the volunteers who presented t-shirts and thanked the City Council for the recognition. They invited the community to participate in the event. Contact information was given.

PUBLIC COMMENTS

Nancy Brandt, representing the Mayor's team for the Relay for Life 2006 announced the team raised over \$14,233 for the event. She thanked everyone who participated in the event.

Mayor Freitas recognized Mrs. Brandt for her dedication to the event and organizing the Mayor's team. He thanked all the Board and Commission members who participated and encouraged the community to participate in future events.

Betty Smith, Antioch Rivertown Jamboree, thanked the City Council and staff for supporting the Rivertown Jamboree as well as all those who volunteered. She reviewed the various activities provided and noted it was a very successful event. She noted she was very busy organizing the Jamboree and apologized for not coming before the Council prior to the event.

Manny Soliz, Antioch resident, congratulated the Chamber of Commerce for the re-design of their logo. He suggested the City Council conduct a feasibility study for requiring all new service stations dedicate one pump to alternative fueling sources.

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 8, 22 and SEPTEMBER 12, 2006 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-01**
- C. APPROVAL OF TREASURER'S REPORT FOR AUGUST 2006 #401-01**
- D. LEGISLATION AND ADVOCACY #701-04**
- E. ORDINANCE No. 1078-C-S DELETING §2-1.202 OF THE ANTIOCH MUNICIPAL CODE REGARDING THE POPULATION OF THE CITY #701-05**
- F. RESOLUTION NO. 2006/98 APPROVING THE AGREEMENT ESTABLISHING THE RATES, TERMS AND CONDITIONS FOR THE EXCHANGE OF TAX REVENUES BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA COUNTY FOR THE RODDY RANCH REORGANIZATION AREA #202-02**
- G. RESOLUTION NO. 2006/99 UPDATING THE CONFLICT OF INTEREST CODE, APPENDIX "B" DESIGNATED EMPLOYEES AND CONSULTANTS #707-02**
- H. APPROVE AWARD OF BIDS FOR VEHICLE PURCHASE CONTRACTS #601-02**
- I. APPROVE PURCHASE OF MAIL ROOM EQUIPMENT AND AMEND FY 2006-2007 CIP BUDGET #601-02**
- J. APPROVE CHANGE ORDER FOR ASPHALT RUBBER CHIP SEAL PROJECT #601-02**

- K. AWARD OF COPY MACHINE CONTRACT FOR ALL CITY DEPARTMENTS AND BUY-OUT OF REMAINING LEASE CONTRACT #601-02**
- L. EASTERN CONTRA COSTA COUNTY TRAIL PLANNING (#1402-02)**
- M. RESOLUTION NO. 2006/100 DECLARING AN EMERGENCY AND AUTHORIZING THE CITY MANAGER TO PROCURE SERVICES TO COMPLETE THE INTERIM SITE STABILIZATION WORK FOR MARKLEY CREEK WITHOUT COMPLYING WITH COMPETITIVE BIDDING REQUIREMENTS #814-03**

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

Item F – Deputy Director of Community Development Carniglia reported the Board of Supervisors approved the tax transfer agreement with changes related to format and organization. He noted he has provided the revised agreement with those changes on the dais to be adopted with the resolution.

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

Item M – Councilmember Simonsen stated he would have preferred if staff had provided the financial impacts of the costs on the general fund's projected revenues and expenditures.

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

COUNCIL REGULAR AGENDA

5. APPOINTMENTS TO POLICE CRIME PREVENTION COMMISSION (3 VACANCIES) #302-01

Mayor Freitas thanked the candidates for applying to the Police Crime Prevention Commission and encouraged them all to stay involved. He nominated the following candidates: Moses De Los Reyes to the unexpired term of June 2007, Jesus "Jesse" Zuniga Jr. to the vacancy of June 2007 and Iris Archueleta to the vacancy of June 2007.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the City Council unanimously appointed Moses De Los Reyes to the unexpired term of June 2007, Jesus "Jesse" Zuniga Jr. to the vacancy of June 2007 and Iris Archueleta to the vacancy of June 2008.

9. APPROPRIATION OF EXISTING AND ANTICIPATED AB 2885 MONIES RECEIVED FROM THE STATE OF CALIFORNIA EXCLUSIVELY FOR FUNDING OF FRONTLINE MUNICIPAL POLICE SERVICES #1301-01

Captain Cantando presented the staff report recommending the City Council approve appropriation for frontline police services as described in staff report.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously approved appropriation for frontline police services as described in staff report.

PUBLIC HEARINGS

2. THE CITY OF ANTIOCH PROPOSES TO RESCIND AND REENACT TITLE 9, CHAPTER 5, ARTICLE 3803 OF THE CITY OF ANTIOCH MUNICIPAL CODE, DEALING WITH TABLE OF LAND USE REGULATIONS #202-06

3. THE CITY OF ANTIOCH PROPOSES TO RESCIND AND REENACT TITLE 9, CHAPTER 5, ARTICLE 3831 OF THE CITY OF ANTIOCH MUNICIPAL CODE, DEALING WITH LIQUOR ESTABLISHMENTS, DELETING SUBSECTION (C) #202-06

On motion by Councilmember Simonsen seconded by Councilmember Conley the City Council unanimously continued Public Hearings items 2 and 3 to October 10, 2006.

4. CLARIFICATIONS TO AND EXTENSION OF THE TERM OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ANTIOCH, SECON FINANCIAL AND CONSTRUCTION CO., INC., AND DISCOVERY BUILDERS, INC. FOR BLACK DIAMOND RANCH LOCATED WEST OF SOMERSVILLE ROAD / JAMES DONLON BOULEVARD INTERSECTION 802-02

Senior Planner Morris presented the staff report dated September 18, 2006 recommending the City Council: A) Adopt the resolution that Black Diamond Land Investors LLC (Successor in interest to developer) has complied with Development Agreement, B) Introduce the ordinance by title only; and C) Introduce the ordinance approving amendment to the Development Agreement by and between the City of Antioch and Black Diamond Land Investors, LLC (successor in interest to Secon Financial and Construction Co., Inc. and Discovery Builders, Inc.) to make clarifications and extend the term.

Mayor Freitas opened the public hearing.

James Wang, representing Discovery Builders, announced they are working diligently with City staff to fulfill the community benefits in the Development Agreement and appreciate the City Council's approval of the three-year extension to complete all obligations.

Mayor Freitas closed the public hearing.

RESOLUTION NO. 2006/101

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the City Council unanimously A) Adopted the resolution that Black Diamond Land Investors LLC (Successor in interest to developer) has complied with Development Agreement, B) Introduced the ordinance by title only; and C) Introduced the ordinance approving amendment to the Development Agreement by and between the City of Antioch and Black Diamond Land Investors, LLC (successor in interest to Seecon Financial and Construction Co., Inc. and Discovery Builders, Inc.) to make clarifications and extend the term. Amending section 1 (C) 1) striking "with" replacing it with "that".

In response to Mayor Freitas, Director of Community Development Brandt clarified all development agreements would be coming before the City Council and subject to public review within the appropriate time.

COUNCIL REGULAR AGENDA

6. RESOLUTION APPROVING THE RODDY RANCH REORGANIZATION WATER SUPPLY ASSESSMENT PURSUANT TO WATER CODE SECTION 10910(g) #202-02

Deputy Director of Community Development Carniglia presented the staff report dated September 19, 2006 recommending the City Council adopt the resolution.

RESOLUTION NO. 2006/102

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council unanimously approved the resolution with the following correction: changing "Contra Costa County Local Area Formation Commission" to "Contra Costa County Local Agency Formation Commission".

7. RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE RODDY RANCH REORGANIZATION AREA AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE RODDY RANCH REORGANIZATION AREA #202-02

Deputy Director of Community Development Carniglia presented the staff report dated September 19, 2006 recommending the City Council adopt the resolution.

RESOLUTION NO. 2006/103

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously adopted the resolution with the following changes: A) Adding to the first "WHEREAS" on Page 3: *and, following annexation and preparation of a future project-level environmental impact report covering development plan and subdivision approvals for future development in the Roddy Ranch Reorganization Area, ensure that all parcel boundaries are coterminous with the boundaries of the City and the City's Urban Limit Line;*" B) Adding to Section 10 as follows: Section 10. Based on the entire record, the City Council hereby finds that City's projected water supplies are sufficient to satisfy the demands of the Project, including existing and planned future uses, as required by Water Code section 10911(c). to the resolution as presented on the dais; C) Inserting September 26, 2006 to pages 4 and 5 of the Findings; and, C) Delete second "cities" from section 11.

8. LIGHTING AND LANDSCAPE DISTRICTS STATUS REPORT #806-03

Park Superintendent Palmeri presented the staff report dated September 5, 2006 and gave a brief overview of the landscape districts recommending the City Council receive and file the report. He introduced and acknowledged Park Supervisor Jim Warburton.

In response to Councilmember Conley, Park Superintendent Palmeri stated they would follow up with landscape maintenance needed on Sagebrush.

Councilmember Kalinowski questioned if the City would be better served by a total comprehensive review of the most cost effective way to perform landscape maintenance.

Finance Director Brookshire reviewed the process for collecting on claims for vehicle accident repairs.

Councilmember Simonsen requested further information with regards to the comparison of landscaping services and associated costs for contracted and city services.

The City Council discussed the importance of a balanced approach and requested a study session in the January/February timeframe for reviewing additional information regarding the methodology used for the bidding process and how the decisions are made between privatization or in-house services.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously received and filed the report.

10. PREPARATIONS FOR FORUM ON DOWNTOWN REDEVELOPMENT EFFORTS #301-01

Economic Development Director Bjerke presented the staff report dated September 21, 2006 recommending the City Council schedule the Forum on Downtown Redevelopment for 7:00 P.M. on Tuesday, October 17th in the Council Chambers and direct staff to invite commissioners, stakeholders, interested residents and property owners to participate.

David Pfeiffer, representing the Economic Development Commission, reported they support staff's recommendation that this item be channeled to the Economic Development Commission and Planning Commission prior to the public forum to meet with special interest groups downtown and work on design guidelines.

Following discussion the City Council censuses supported scheduling a community forum to be held at 7:00 on October 17, 2006 in the Council Chambers. The focus of the forum will be detailed discussion regarding the Arcadis report, action to be taken to engage the public in the Economic Development and Planning Commission meetings and an overview by the Design Consultant.

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

11. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS #401-01

In response to Agency member Kalinowski, Finance Director Brookshire clarified the 2005/2006 Contribution to the Antioch Rivertown Jamboree was to pay last years volunteers.

Agency member Conley discussed the importance of the Agency to consider funding the non-profits who were not paid in whole followed by a discussion with the Jamboree Committee on how to proceed.

Agency member Simonsen suggested the Agency consider the economic development portion of the Community Development Block Grant to eliminate the impact on the City's General Fund.

Chairman Freitas suggested the mid-year budget review report on the costs and options for sponsorship for all city events. He requested staff notify all interested parties that the City council would be reviewing these issues.

On motion by Agency member Conley, seconded by Agency member Davis, the Agency unanimously approved the Agency Warrants.

Chairperson Freitas adjourned to the Antioch City Council.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel introduced the Arlene Hildebrand as the City's new Assistant City Manager.

Mayor Freitas welcomed Ms. Hildebrand to the city staff.

City Manager Jakel stated he would be working with Councilmembers Kalinowski and Conley to finalize the date for the Quality of Life Forum in November.

COUNCIL COMMUNICATIONS

Councilmember Kalinowski reported Sue Harrison's son-in-law was involved in a serious accident.

Councilmember Simonsen announced the birth of his granddaughter Isabella Sierra this afternoon at 2:35 P.M..

Mayor Freitas congratulated Councilmember Simonsen and reported he would be adjourning the meeting this evening in memory of Senator John Nejedly.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting in memory of Senator John Nejeley at 8:56 to the next regular Council meeting on October 10, 2006.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk