

## ANTIOCH CITY COUNCIL

Special Adjourned Meeting  
7:00 P.M.

September 18, 2001  
Council Chambers

**6:00 P.M. - CLOSED SESSIONS - 1. CONFERENCE WITH LABOR NEGOTIATOR** - City Negotiator: Bill May. Employee Organization: All Negotiating Units. This closed session is authorized by Government Code '54957.6.

**2. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION.** Review of all significant pending litigation (17 matters). This closed session is authorized by Government Code §54956.9.

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

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

In honor of the victims of the tragic events in New York, Washington D.C., and Philadelphia, Mayor Freitas amended the agenda, noting Council felt it was important to come together during the evening in prayer to promote patriotism and learn how they may help those in need.

Mayor Freitas led the Council and audience in the Pledge of Allegiance.

Ron Molina presented the Antioch Music Masters who sang the "Star Spangled Banner".

Pastor Roger Kean, Norman Dritch, President of the Jewish Congregation, Pastor Peacock and Father Vicente of Holy Rosary Church, offered prayers and voiced their support for action taken by Council in the efforts to provide financial aide to the victims of the tragic event.

Chief Moczulski and Battalion Chief Heisen introduced fellow policemen and firefighters in attendance. They paid tribute to the Firefighters and Police Officers who lost their lives in the line of duty and solicited the community to show their support and offer contributions to the New York City Police and Fire Widows and Orphan Fund. He stated anyone interested in making a contribution could mail a check to the Antioch Community Federal Credit Union.

On behalf of the entire community, Mayor Freitas thanked Chief Moczulski and Battalion Chief Heisen for all their work with the Police and Fire Department.

Roger McKeon, President of the Antioch Police Officer's Association, expressed his sorrow for the public safety officers who lost their lives and offered his condolences to the families they left behind. He presented Mayor Freitas with a donation from the Association for the NYC Police and Fire Widow and Orphan Fund in New York City.

Mayor Freitas lit a candle and declared a moment of silence in memory of the victims, their families, friends and all those who helped and who in that effort gave their lives.

Frank Ball and Jack Bahalla, speaking on behalf of Indian Businesses, voiced their support and

loyalty toward America and presented Mayor Freitas with a donation for the families of the victims. Mayor Freitas encouraged the community to embrace those who are here and have accepted the United States of America as their country.

Michael Green, President of the Delta Advocacy Foundation, presented Mayor Freitas with a donation in support of the Police and Fire Relief Funds in New York City. He provided an address for anyone wishing to donate funds.

Mayor Freitas thanked the Delta Advocacy Foundation for their contributions. He announced Dennis Delgado of Black Diamond Printing, would be producing 5000 12x18 replicas of the flag, to be available free of charge on September 19, 2001.

The Antioch Music Masters sang "America the Beautiful."

Councilmember Simonsen thanked Mayor Freitas for his efforts in bringing the community event together for the meeting. He stated the Koran teaches and preaches peace and reminded the community prejudice would not be tolerated.

Councilmember Conley stated he prays for the leaders of the country for the wisdom to make the right choices and the strength to carry them out.

Councilmember Davis thanked Mayor Freitas for putting the event together for the evening. He stated random acts of violence should not be tolerated but random acts of love and kindness are encouraged. He urged everyone to reach out to his or her friends, relatives and neighbors.

Councilmember Kalinowski stated he was taking the liberty as Chairman of the Deputy Sheriff Association Golf Tournament, to direct all proceeds of the tournament go towards the Public Safety Officers in New York and Washington D.C.

Mayor Freitas thanked everyone who helped put the event together and the participants. He stated the American Citizens had lost their innocents but he hoped and prayed only good would come out of it.

Mayor Freitas declared a recess at 7:45 P.M.. The meeting reconvened at 8:04 P.M. with all Councilmembers present.

#### **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None**

#### **PROCLAMATIONS**

Coastweeks and California Cleanup Day, September 15 - October 6, 2001  
National Hispanic Heritage Month, September 15 - October 15, 2001  
Domestic Violence Awareness Month, October 2001

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

Councilmember Davis presented the proclamation proclaiming September 15 - October 6, 2001 as Coastweeks and California Cleanup Day to Parks Superintendent Palmeri, who presented

Councilmember Davis with a certificate of participation for Coastal Cleanup Day and thanked those who participated in the event.

Councilmember Kalinowski presented the proclamation proclaiming September 15 - October 15, 2001 as National Hispanic Heritage Month to Domingo Casanas, who accepted the proclamation on behalf of Carmen Ochoa and *Give Always to Others and Company*. He invited the community to participate in the 8th Annual National Hispanic Heritage Celebration at County East Mall on October 14, 2001 from 11:00 A.M. to 3:00 P.M.. He announced *Give Always to Others and Company* was the recipient of the 2001 Arts and Cultural Recognitions Awards presented by Contra Costa County Arts and Cultural Commission.

### **PUBLIC COMMENTS**

Mr. Christy stated he felt BART should come to Antioch or the fees collected should be returned to the taxpayers with interest.

Allen Payton announced his son was selling laminated paper flags at Walmart during the week for a small donation to the American Red Cross Disaster Relief Fund. He requested Council consider an agenda item at the next Council meeting for matching reward funds to locate the killer of Oscar Velasquez. He provided a contact address for anyone wishing to contribute to the reward fund.

Councilmember Simonsen requested the consideration of a reward fund be agendized for September 25, 2001.

Evan Jacobs, Field Representative for Congresswoman Taucher, introduced himself and announced Congress was ready to assist President Bush in his efforts to bring the terrorists to justice and insure terrorists attacks do not happen again. He stated Congresswoman Taucher was proud of the community.

City Manager Ramsey recommended the City Council continue agenda items #2 to October 23, 2001, and agenda items #4, #7-9 to October 9, 2001, and Consent Calendar item #G to September 25, 2001.

Mayor Freitas announced items #7-9 would be held over to October 9, 2001.

### **COUNCIL REGULAR AGENDA**

#### **1. INFORMATION SYSTEMS STRATEGIC MASTER PLAN REPORT #106-01**

Information Services Director Pavlicek and Consultant Steve Ferguson, representing Maximus presented the staff report and a brief overview of the Information Systems Strategic Master Plan recommending the City Council receive and file the report.

Mayor Freitas thanked Mr. Ferguson for an outstanding report.

In response to Councilmember Kalinowski, City Manager Ramsey reviewed the current funding available for the Information System equipment and noted he was continuing to work with Finance Director Tasker to identify other funding, including grants. He discussed the importance of defining a business practice to provide the best organizational implementation of the system.

City Manager Ramsey stated staff would be refining some of the costs and returning to Council within 60 days with a recommendation for the staging implementation of the program.

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

**2. EAST-CENTRAL CONTRA COSTA COUNTY TRAFFIC MANAGEMENT PLAN PRESENTATION BY CONTRA COSTA TRANSPORTATION AUTHORITY AND DKS CONSULTANTS #1101-01**

Mayor Freitas announced the item would be held over to October 23, 2001.

**3. UPDATE ON RODGERS' POINT AREA #1402-06**

Neighborhood Improvement Coordinator Skaggs presented the staff report dated September 5, 2001, recommending Council direct staff to continue monitoring and addressing the issues in the area.

Councilmember Conley suggested the City Council develop a specific plan for the Rodger's Point area.

In response to Councilmember Simonsen, Ms. Skaggs clarified the land at Rodger's Point was being held for a planned development park.

Discussion ensued regarding the fencing of the Rodger's Point area with City Manager Ramsey clarifying the area was fenced to keep the public out of an area that was unsafe.

Mayor Freitas recommended the Council visit Rodger's Point for a tour and meet with adjacent business and property owners to provide Council with a comprehensive view of the issues and concerns in the area. He urged Council to remain flexible with the possibilities of future development of the area.

Following discussion, Council and staff agreed to tour the Rodger's Point area on October 9, 2001. On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously received and filed the report.

**4. ANNUAL REVIEW OF DEVELOPMENT AGREEMENT FOR THE SAND CREEK RANCH**

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**DEVELOPMENT AND DETERMINATION OF GOOD FAITH COMPLIANCE #202-03**

Mayor Freitas announced item #4 has been held over to October 9, 2001.

**5. AUTHORIZE STAFF TO REAPPOINT OR ADVERTISE FOR DESIGN REVIEW BOARD - ONE (1) FOUR-YEAR TERM #302-09**

City Manager Ramsey stated to be consistent with Council's previous comments, he recommended Council authorize staff to advertise for the Design Review Board's vacant seat.

Following discussion, Council directed staff to agendize the appointment process for Boards and Commissions for the next Council meeting.

Mayor Freitas requested item #5 be held over to September 25, 2001 as a separate agenda item. City Manager Ramsey clarified if Council took action to advertise, the incumbent would continue to serve until such time as a replacement was appointed.

**6. LEGISLATION AND ADVOCACY #701-04**

**1) AB 63**

City Attorney Galstan presented the staff report dated August 30, 2001, recommending Council authorize the Mayor to sign a letter supporting AB 63.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously authorized the Mayor to sign a letter supporting AB63 with direction if AB63 passed both houses the letter should be written to Governor Davis, if it is still in one house or needs to have a joint committee meeting the letter will go to the author and all affected parties including Governor Davis.

**2) Restoration of State Funding for Community Colleges**

City Attorney Galstan presented the staff report dated September 5, 2001, recommending Council determine whether to support restoration of funding.

Councilmember Simonsen stated he could not support the motion noting he felt the money was being used in a discriminatory manner.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council authorized the Mayor to sign a letter supporting restoration of funding. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley, and Mayor Freitas

Noes: Simonsen

City Manager Ramsey reported a request was received at the Mayor's Conference for all the Cities in Contra Costa County to support ACA10.

Councilmember Simonsen stated the Council may have previously taken action in support of ACA10.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously authorized the Mayor to sign a letter supporting ACA10.

### **PUBLIC HEARINGS**

7. **THE CITY OF ANTIOCH COMMUNITY DEVELOPMENT DEPARTMENT REQUESTS AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN/TENTATIVE MAP FOR THE PREVIOUSLY APPROVED MEADOW CREEK VILLAGES PLANNED DEVELOPMENT TO REMOVE PROPOSED STREET ACCESS TO HEIDORN RANCH ROAD FROM MEADOW CREEK VILLAGES UNIT 5. THE PROJECT IS LOCATED WEST OF HEIDORN RANCH ROAD, NORTH OF THE EDMUD RIGHT-OF-WAY, EAST OF VISTA GRANDE DRIVE, AND GENERALLY SOUTH OF LONE TREE WAY. FILE: PD-88-4.3 #202-03**
8. **RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERIM FEE AGREEMENT LEVYING COMMUNITY PARK FEES FOR THE SAND CREEK RANCH DEVELOPMENT (PD-98-2) LOCATED IN FUA 2, NORTH OF LONE TREE WAY, AT THE TERMINUS OF COUNTRY HILLS DRIVE. (McBAIL COMPANY) #202-03**
9. **APPROVAL OF THE URBAN WATER MANAGEMENT PLAN 2000 #1202-01**

Mayor Freitas announced all Public Hearings had been held over to October 9, 2001.

### **10. COUNCIL CONSENT CALENDAR**

- A. **APPROVAL OF COUNCIL MINUTES OF AUGUST 14, 2001 #301-03**
- B. **APPROVAL OF COUNCIL WARRANTS #401-02**
- C. **REJECTION OF CLAIMS #704-07**
  1. **Claim of Monty Paniagua, #01/02-1224**
  2. **Claim of Anthony Martinez, #00/01-1215**
  3. **Claim of Clayton Steacker, #00/01-1199**
- D. **LATE CLAIM APPLICATION OF LOU & NATHANIEL STANDIFER FOR JAMES STANDIFER #704-07**
- E. **RESOLUTION NO. 2001/102 AUTHORIZING MAYOR TO EXECUTE QUITCLAIM DEED**

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- TO ADJOINING PROPERTY OWNER OF CESA LANE (Railroad Avenue Church of Christ) #1102-04
- F. DESIGNATION OF "STAND-BY" COUNCILMEMBERS FOR MEMBER CONLEY #301-01
- G. EXTENSION OF RENTAL AGREEMENT WITH DELTA 2000 FOR 1811 "C" STREET AND 301 WEST TENTH STREET BUILDINGS (*Con't to 9/25/01*) #1001-04
- H. AMENDMENT TO AGREEMENT WITH CONTRA COSTA WASTE SERVICES REGARDING LANDSCAPING MITIGATION FUND AT CONTRA COSTA LANDFILL #1206-02
- I. ORDINANCE AMENDING SECTION 5-13.05 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH POLICE SERVICES FEES (*to 10/9/01 for adoption*) #701-05
- J. RESOLUTION NO. 2001/103 APPROVING A CONSULTING SERVICES AGREEMENT WITH STEWART ENTERPRISES II FOR FIRE STATION #82 ON BLUEROCK DRIVE (PW 357-2-93F) #1303-01
- K. RESOLUTION NO. 2001/104 ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE DELTA FAIR BLVD./FAIRVIEW DRIVE TRAFFIC SIGNALS (PW 636-2) #1104-02
- L. RESOLUTION NO. 2001/105 ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE NEW PARKING LOT AT ANTIOCH COMMUNITY PARK (PW 394-7P) #1402-03
- M. RESOLUTION NO. 2001/106 ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR RIDGEROCK DRIVE STREET IMPROVEMENTS AND MEDIAN RECONSTRUCTION (PW 227-1A) #1102-04
- N. RESOLUTION NO. 2001/107 APPROVING THE SUBMITTAL OF THE 2001 PARK PLAYGROUND ACCESSIBILITY AND RECYCLING GRANT APPLICATION #1402-03
- O. RESOLUTION NO. 2001/108 APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND ACT OF 2000 #412-01
- P. RESOLUTION NO. 2001/109 APPROVING FINAL MAP AND IMPROVEMENT PLANS AND RESOLUTION NO. 2001/110 ACCEPTING GRANT DEEDS FOR ONE-FOOT STRIPS FOR MEADOW CREEK VILLAGE, UNIT 3, (MEADOW CREEK ESTATES), TRACT NO. 7967 (PW 569-3) #802-02

**Q. RESOLUTION NO. 2001/111 APPROVING FINAL MAP AND IMPROVEMENT PLANS AND ANNEXING TO THE LONE TREE LIGHTING AND LANDSCAPING DISTRICT 9 ZONE 2 AND RESOLUTION NO. 2001/112 ACCEPTING GRANT DEED FOR ONE-FOOT STRIP FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 24, (RICHLAND DEV./SOUTH TERRA CORPORATION), TRACT NO. 8526 (PW 581-24)**

**#802-02**

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

**Item G** - City Manager Ramsey requested this item be continued to September 25, 2001, to allow him to provide additional information.

Mayor Freitas announced item G would be held over to September 25, 2001.

**Item H** - In response to Mayor Freitas, City Attorney Galstan clarified each contract was submitted to the operator for funding and if it is inconsistent with the Gates Plan the operator could voice their concerns. Mayor Freitas expressed concern the City could be involved in an adversarial relationship that could delay the completion of the project. City Attorney Galstan clarified if there was mediation, the time limit to complete the project would stop as a result of arbitration.

Councilmember Conley stated the City agreed to use the Gates Plan for landscaping and felt there was not a problem.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council approved item H. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley, Simonsen

Noes: Freitas

**Item I** - In response to Councilmember Simonsen, City Attorney Galstan clarified criteria for the collection of the funds.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously approved item I.

**Item M** - In response to Councilmember Kalinowski, Assistant City Engineer Bernal clarified the City would be within the contract price if the project was completed. He noted it would be a savings of approximately \$15,000 if the City waited until spring. Councilmember Kalinowski stated he could not support the completion letter without the final work being done at the time.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council approved item M. The motion carried by the following vote:



Ayes: Davis, Conley, Simonsen, Freitas

Noes: Kalinowski

**PUBLIC COMMENTS - None**

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Davis reported the Delta Blues Festival was well organized and many residents attended the event.

Councilmember Kalinowski reported he attended a Regional Express Bus Plan meeting noting a JPA with the 4 bus operators was being considered. He stated he expressed concern regarding the formation of the JPA considering recent issues with the Fee and Finance Authority. He expressed support for the success of the new Verde Restaurant on East Eighteenth Street.

Councilmember Conley reported he had attended the Christian Women's Organization Dinner on September 14, 2001, the Delta Advocacy meeting on September 15, 2001 and the Elderly Wish Golf Tournament on September 16, 2001, he noted they were all wonderful events.

Councilmember Simonsen reported that due to the recent events in New York and Washington D.C., the League of California Cities Conference was postponed and rescheduled for the week before Christmas. He stated he attended the Delta Advocacy Foundation at the Roddy Ranch, which was a great event. He recognized the members of the Hindu and Sikh temples, as well as their community for their contribution in the city.

Mayor Freitas reported the Delta Advocacy and Elderly Wish functions were wonderful events. He thanked Donna and Jack Roddy for their support and participation. He reported he had attended the dedication of the Calpine Generation Los Medanos Energy Plant with City Manager Ramsey and Chief Moczulski on September 17, 2001. He announced the recommendation for FUA1 was completed on September 17, 2001 and the recommendation would be going to the Planning Commission and Council with workshops to be held. He thanked Councilmembers Davis and Conley, Commissioners Henry and Weber as well as City staff, property owners, and developers for their participation in the process. He reported the Fee and Finance Authority had been unsuccessful in reaching an agreement with the City of Pittsburg for the increase in the traffic mitigation fee and the issue would be discussed at the Fee and Finance Authority meeting on October 8, 2001. He stated he had pushed for a resolution to the issue noting with every month that goes by the Fee and Finance Authority losses approximately \$500,000 in revenue. He thanked staff and Chief Moczulski for their assistance in the events at the beginning of the Council agenda.

**STAFF COMMUNICATIONS**

City Manager Ramsey thanked Parks Superintendent Palmeri, Ed McMunn and County East Mall for providing flags for this evening's event.

With no further business, Mayor Freitas adjourned the meeting at 10:00 P.M., to the next regular

meeting on September 25, 2001.

Respectfully submitted:

JANET CHALK, Deputy City Clerk