

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

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

**May 14, 2002  
Council Chambers**

Pursuant to Government Code Section §54952.2 the City Council Agenda for May 14, 2002 was posted on the door of the City Council Chambers, 3rd and "H" Streets on May 9, 2002.

**6:00 P.M. – CLOSED SESSION**

- 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. PUBLIC EMPLOYMENT** – Interim City Manager. This closed session is authorized by Government Code §54957.

Mayor Freitas called the meeting to order at 7:17 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.

**PROCLAMATIONS**

National Police Week, May 12–18, 2002  
National Bike Month and Bike to Work Day, May 16, 2002  
National Public Works Week, May 19–25, 2002

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

Councilmember Kalinowski presented the proclamation proclaiming May 12–18, 2002 as *National Police Week* to Chief Moczulski, who accepted the proclamation on behalf of the men and women of the Antioch Police Department and Law Enforcement Officials nationwide and thanked the City for the recognition.

Councilmember Simonsen presented the proclamation proclaiming May as *National Bike Month* and May 16, 2002 as *Bike to Work Day* to Bruce Ohlson, who thanked the Council for the proclamation.

Councilmember Davis presented the proclamation proclaiming May 19–25, 2002 as National Public Works Week to Phil Harrington, who accepted the proclamation on behalf of all Public Works employees and stated it was a pleasure to serve the residents of Antioch.

## PRESENTATIONS

Jason Gonzalez  
Police Captain Alan Cantando  
Mike Kelly, Pipefitter I

Councilmember Conley presented Jason Gonzalez with a letter in recognition of his volunteer efforts and organization of a clean up event at Sage Brush and Indian Hills Drive. Jason thanked the City Council for the recognition as well as Krispy Kreme Donuts, Al's Donuts, Albertsons, Safeway, Round Table Pizza and Costco for donating food and the volunteers for participating in the event.

Chief Moczulski introduced Allan Cantando who was recently promoted to Captain of the Antioch Police Department. Captain Cantando stated he was looking forward to his career as Captain of the Antioch Police Department.

Chief Moczulski recognized Mike Kelly, a City of Antioch Pipefitter I, for his assistance in apprehending a felon in the community.

## ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Judy Trapanese, Denise Skaggs and Tammy Leach announced the *American Cancer Society Relay for Life* event scheduled for June 29–30, 2002 at the Antioch High School Football Field and provided a contact number for those wishing to participate. They also announced Straw Hat Pizza in Antioch, was holding a *Relay for Life* fundraiser, and urged the community to participate.

Karen Kops, representing the East Contra Costa County Homeless Animal Lifeline Organization (HALO), invited the community to attend the *Ramble 'Round the Reservoir Dog Walk and Pet Information Fair* on May 19, 2002 at Contra Loma Regional Park from 10:00 A.M. to 2:00 P.M. She provided a contact number for anyone wishing to participate in the event.

Councilmember Davis announced the recognition of both Antioch High School on May 20, 2002 and Deer Valley High School on May 21, 2002 to recognize graduating seniors who have achieved a 4.0 grade point average. He invited the community to attend the Memorial Day Program in recognition of Veterans on May 27, 2002 at 12:00 P.M. at the Oak View Cemetery on 18th Street in Antioch.

## PUBLIC COMMENTS

Charles Twinam, an Antioch resident, expressed concern regarding a neighbor who had erected a canvas garage in her driveway noting it blocks the view from his property and stated when he moved into his home he was informed that no buildings could be erected from the porch area to the sidewalk. He further noted there are roosters on the property behind him waking him up during the night. Mayor Freitas requested Community Development Director Brandt discuss this matter with Mr. Twinam as well as City Attorney

Galstan with regards to the legal issues. Councilmember Davis requested all correspondence be provided to the Councilmembers.

Elvin Scott reported he would have a speaker on his public access television program to provide information to Veterans on how to collect their pension benefits.

Antioch resident, Alexander Schonfeld, speaking on behalf of himself and his wife, discussed the importance of the City of Antioch attracting upscale retail and restaurants.

Councilmember Simonsen urged Mr. Schonfeld to contact Assemblyman Canciamilla, Senator Torlakson, Congresswomen Tausher and respective transportation committees to lobby for transportation mitigation. He suggested the community contact their employers and request that they consider relocating to East Contra Costa County.

Mayor Freitas stated the City was aggressively pursuing every strategy at their disposal to bring businesses to Antioch. He encouraged citizens to participate by attending the Economic Development Commission meetings.

Sandra Golightly presented City Manager Ramsey with a bulletin board for his new office.

Jim Zirkel stated he was aware the Reynolds and Brown Proposal for the development on Lone Tree Way and Golf Course Road was on the next City Council agenda noting many residents were present this evening and have concerns regarding high density residential at the proposed location. He stated he would be providing a petition in opposition to the project at the next City Council meeting.

## **1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES OF APRIL 23, 2002 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. ORDINANCE NO.995-C-S ADDING ARTICLE 39 TO CHAPTER 5 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE, THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM (MEASURE "U") #202-04/204-01**
- D. RESOLUTION NO. 2002/62 ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR WATER MAIN REPLACEMENT AT VARIOUS LOCATIONS (PW 503-7) #1202-03**
- E. RESOLUTION NO. 2002/63 ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE "A" STREET EXTENSION PROJECT (PW 516-A) #1102-04**
- F. RESOLUTION NO. 2002/64 APPROVING A COOPERATION AGREEMENT OF THE CONTRA COSTA HOME CONSORTIUM FOR THE PURPOSE OF PARTICIPATING IN THE HOME PROGRAM #903-01**

- G. RESOLUTION NO. 2002/65 ACCEPTING COMPLETED IMPROVEMENTS FOR HO PROPERTY, UNIT 8, TRACT NO. 8230 (WOODSIDE HOMES) (PW 568-8) #802-02**
- H. RESOLUTION NO. 2002/66 ACCEPTING COMPLETED IMPROVEMENTS FOR HO PROPERTY, UNIT 1, TRACT NO. 7973 (WOODSIDE HOMES) (PW 568-1) #802-01**
- I. RESOLUTIONS NO. 2002/67, 2002/68 and 2002/69 INITIATION OF THE FORMATION OF THE EAST LONE TREE STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 10 (PW 500) #806-03**
- J. RESOLUTION NO. 2002/70 AUTHORIZING THE CITY ENGINEER TO SIGN THE GRANT AGREEMENT WITH THE DEPARTMENT OF CONSERVATION'S DIVISION OF RECYCLING FOR THE LONE TREE GOLF COURSE RECYCLING PROGRAM #1402-01**

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

**Item A** – Councilmember Simonsen amended the minutes of April 23, 2002, page 11, paragraph 1, the second sentence to read: " He announced the San Francisco Water Transit Authority staff visit was scheduled for May 17, 2002, at 10:00 A.M. at Humphrey's and encouraged the Council to attend."

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council unanimously approved item A as amended.

Mayor Freitas declared a recess at 7:59 P.M.; the meeting reconvened at 8:13 P.M. with all Councilmembers present.

## **PUBLIC HEARINGS**

- 7. SLATTEN RANCH PARTNERS, LP REQUESTS THE FOLLOWING APPROVALS FOR AN APPROXIMATELY 42.5 ACRE SITE LOCATED ON THE NORTH SIDE OF LONE TREE WAY, 580 FEET WEST OF EMPIRE AVENUE, (APN 056-120-012, 013, 037 AND PORTIONS OF 056-120-039, 040, 042) FILE: PD-02-1, UP-02-5/A (PW 655) #202-03**

Associate Planner Wehrmeister presented the staff report dated May 2, 2002 recommending the City Council take the following action: a) adopt the resolution making findings in relation to entitlements for the Slatten Ranch Project; b) adopt the resolution approving a Final Planned Development, Tentative Map, Use Permit and adopting an addendum to the FUA #2 (East Lone Tree) Specific Plan EIR; c) introduce the ordinance by title only; and d) introduce the ordinance rezoning approximately 42.51 acres making up the Slatten Ranch project site to the Planned Development District (PD).

Brent Aasen, representing Slatten Ranch Partners, LP, stated it had taken several years of hard work to get a center of this magnitude complete with decision structures in place to create the synergy and make a long-term positive project. He commended staff for their professionalism in providing a workable schedule capable of keeping this project on time. He gave a brief company background of Slatten Ranch Partners. He confirmed Target and Mervyns had made a commitment to this site and noted they were currently in negotiations with several other national major tenants. He announced the current plan was to break ground on this project in the fall of 2002.

Herb Horowitz provided the City Council with brochures and gave a detailed overview of the site plan and elevations for the Slatten Ranch Project.

Mayor Freitas opened the public hearing.

Antioch resident, Karen Rogge, stated she felt the addendum to the 1995 EIR did not address the significant impacts the City would get from this project, and recommended the City approve a full-signalized intersection at the west Slatten Ranch entrance.

Sandra Golightly voiced her support of the Slatten Ranch project noting she was looking forward to this well designed project bringing upscale retail development to Antioch.

Mayor Freitas closed the public hearing.

Following discussion, the applicant agreed to amend project specific condition #22 to include the wording *"½ of the trees along the street frontages be committed to 15 gallon and the other ½ committed to 24-gallon box or larger trees."*

Mayor Freitas requested staff provide the City Council with a clear legal understanding about the particular requirements of the City contribution to the public works project and the issue of prevailing wages as it pertains to SB975.

In response to Mayor Freitas, Mr. Aasen clarified there would be no fast food restaurants on the site; some of the restaurant pads may require adjustments to comply with the national retailers specific footprints.

Mayor Freitas requested project specific condition #70 be amended to indicate specifically which building pads could be adjusted.

John Sexor clarified to accommodate the type of tenants approved by the Planning Commission they may need to relocate major #3 with majors #6 and 7, which would reflect the 10% change in footprint discussed in project specific condition #70.

City Attorney Galstan suggested the City Council strike wording in project specific condition #70 "of the shopping center" and adding to the last sentence " and does not change the orientation or fenestration of the buildings". Council accepted the proposed wording.

Herb Horowitz stated should the back of a restaurant face the street, the articulation would be such that it would not look like the back of a building.

Councilmember Kalinowski suggested a sign indicating the Slatten Ranch center was located in Antioch.

Councilmember Conley voiced his support of a fully-signalized intersection at Slatten Ranch Road.

In response to Councilmember Conley, Mr. Assen clarified they were anticipating all the site work to be build out at once.

Mayor Freitas directed staff to incorporate all changes to conditions #22 and #70 of as previously discussed into the following motion as well as providing the City Council with specific direction pertaining to project specific condition #59 as it relates to SB 975.

**RESOLUTION NO. 2002/71**  
**RESOLUTION NO. 2002/72**

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously voted to: a) Adopt the resolution making findings in relation to entitlements for the Slatten Ranch Project; b) Adopt the resolution approving a Final Planned Development, Tentative Map, Use Permit and adopting an addendum to the FUA #2 (East Lone Tree) Specific Plan EIR, and; c) Introduce the ordinance by title only; and d) Motion to introduce the ordinance rezoning approximately 42.51 acres making up the Slatten Ranch project site to the Planned Development District (PD).

Mayor Freitas declared a recess at 9:26 P.M. The meeting reconvened at 9:41 P.M. with all Councilmembers present.

**COUNCIL REGULAR AGENDA**

**2. APPOINTMENT TO INVESTMENT ADVISORY COMMITTEE #101-04**

Mayor Freitas nominated Connie Valentine to the Investment Advisory Committee.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously appointed Connie Valentine to the Investment Advisory Committee to fill the unexpired term of Mr. Tuioti.

**3. APPEAL OF CITY ENGINEER'S DECISION REGARDING ACCESS TO LONE TREE WAY IN THE VICINITY OF THE EASTERN CITY LIMITS OF ANTIOCH #1102-04**

Community Development Director Brandt stated he had been in discussion with Mr. Walker and they had reached an agreement regarding access to Lone Tree Way in the vicinity of the eastern city limits of Antioch. Mr. Brandt stated he had agreed to a right in and right out intersection at Jeffrey Way with the ability for Mr. Walker to perform a traffic study in the future to determine if a full intersection at this location would be functional. In the event Caltrans did not approve the Jeffrey Way intersection, he had committed the City to

approve an additional left turn into the common property line between the Walker property and Golden Hills Church.

Mr. Walker stated he was in agreement with Community Development Director Brandt and thanked the residents who were in attendance this evening for their support.

Mayor Freitas clarified the first recommendation was for Caltrans to approve the State Route 4 bypass turnoff lane at Jeffery Lane and should it fail, as an alternate, the City would provide a fully signalized intersection at the site.

Community Development Director Brandt clarified a full intersection at Jeffrey Way would perform at a level of service "D", adding should Caltrans approve the bypass turnoff lane, it would perform at a higher level of service.

Councilmember Kalinowski expressed concern for the traffic flow and suggested a turnout in front of the property that allows the access.

In response to Councilmember Conley, Community Development Director Brandt clarified Mayor Freitas had been involved in working with Fee and Financing Authority staff and they would be working with Senator Torlakson prior to the City approaching Caltrans.

Lynne Price and Pastor Gregory Bell representing New Beginnings Christian Center, Frank Gibson representing the Church of Jesus Christ of Latter-Day Saints and Mary Engleton an Antioch resident, discussed the importance that Jeffrey Way remains an access road to Mr. Walker's and the church properties. In addition, Mary Engleton requested a bicycle lane be considered on the north side of Lone Tree Way.

Mr. Walker withdrew the appeal without prejudice, thus ensuring his right to approach the City Engineer at a later date to reopen the appeal in the event Caltrans denies the request to keep Jeffery Way open.

#### **4. CONSIDERATION OF BIDS FOR CONSTRUCTION OF FIRE STATION NO. 82 ON BLUEROCK DRIVE (PW 357-2-93F(1)) #1303-01**

City Attorney Galstan presented the staff report dated May 7, 2002 recommending the City Council award the bid to apparent second low bidder Sausal Corporation.

Jim Odom, General Building Contractor, reviewed the letter he submitted to the City of Antioch withdrawing his bid for the construction of Fire Station No. 82 on Bluerock Drive.

Mayor Freitas and Councilmember Kalinowski stated they could not support the following motion due to the fact Sausal Corporation had indicated they would be performing 29.5% of the work by its own forces, rather than the required 30%.

Councilmembers Conley, Simonsen and Davis stated "rounding up" was customary in the bidding process and thus the 29.5% would in most general contexts be "rounded up" to 30% and actually meet the requirement.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council awarded the bid to second low bidder Sausal Corporation. The motion carried by the following vote:

Ayes: Conley, Simonsen, Davis

Noes: Kalinowski, Freitas

**5. CONSIDERATION OF BIDS FOR POLICE AND ANIMAL CONTROL FACILITY INTERIOR ALTERATIONS AND BUILD OUT (PW 590-2) #1301-02**

Community Development Director Brandt presented the staff report dated May 7, 2002 recommending the City Council award the project to the low bidder for Bid Items 1 and 2 in the amount of \$448,000 and direct staff to put bid item #3 in the 2004-2005 Capital Improvement Budget.

Councilmember Simonsen requested future Engineer estimates include endsurly costs.

In response to Mayor Freitas, Capital Improvements Director Scudero clarified the spreadsheet provided to the City Council reflected actual cost quotations.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the Council unanimously awarded the project to McNely Construction the low bidder for Bid Items 1 and 2 in the amount of approximately \$448,327, which will require a General Fund infusion of \$62,869.

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

**1. AB 2100, Property Tax Shift; AB 1865, Property Tax Shift**

Assistant City Manager Pappas Diaz presented the staff report dated May 14, 2002 recommending the City Council support the League of California Cities' position on the bills and direct staff to send letters of support to the authors of the bills.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously supported the League of California Cities' position on AB 2100 and AB 1865 and directed staff to send letters in support to the authors of the bills.

Following discussion the Council requested future Council consideration of any bill and Legislation and Advocacy be placed on the Council Consent Calendar for action.

Councilmember Simonsen advised the Council that AB 2031 regarding the funeral processions through the cities was amended on April 22, 2002, would only apply to Los Angeles County. He announced Antioch had been designated as an Urbanized Area.

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

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



AGENCY REGULAR AGENDA

**8. APPROVAL OF AGENCY WARRANTS**

**#401-02**

On motion by Agencymember Kalinowski, seconded by Agencymember Conley, the Agency unanimously approved the Agency Warrants.

**9. RESOLUTION APPROVING AN INCENTIVE PACKAGE TO ATTRACT NEW RESTAURANTS TO THE ANTIOCH RIVERTOWN BUSINESS DISTRICT #901-01**

Assistant to the City Manager Gegg presented the staff report dated May 6, 2002 recommending the Antioch Development Agency adopt the resolution approving an incentive package to be offered to attract new restaurants to the Antioch Rivertown Business District.

Rick Carraher discussed the importance of being flexible regarding the amount of funds available to individual establishments thus allowing the City Council to determine which restaurants would be the best investments. He noted the Economic Development Committee had agreed that the coffeehouses and bakeries should be included to provide for a variety of establishments in the Rivertown area.

Following discussion the Council majority agreed to eliminate establishments such as coffee houses and bakeries from the list of restaurants eligible to participate in the incentive program. They voiced their support for the funds to be used for the demolition of buildings to start new construction for restaurants.

**RESOLUTION NO. ADA-380**

On motion by Agencymember Kalinowski, seconded by Agencymember Simonsen, the Agency adopted the resolution deleting the second sentence of item #2 on page 3 from the program.

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

**PUBLIC COMMENTS** — None

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Davis stated he had attended, on behalf of the City, the groundbreaking of the Children's Memorial Tree Grove, which had been well attended and thanked Frank Palmeri and the Antioch Youth Council for their participation in planning the event. He reported he attended the March for the Stand Against Violence, which was also a well-attended event and noted Roger Henry and Kim Schwartz Garcia were the public speakers. He announced April 26, 2002 was the Volunteer Police Graduation Program and commended Chief Moczulski, Lonnie Karste, Sergeant Hopwood and Captain Condando for an excellent program. He added his wife was one of the newest volunteers in the program and was enjoying it. He reported he had attended the groundbreaking on

the extension of Highway 4 with Mayor Freitas on May 3, 2002. He announced he had also attended the NAACP annual membership and scholarship banquet program on May 4, 2002 in Concord and congratulated Roger Henry for being awarded the first African American elected to public office in the City of Antioch.

Councilmember Simonsen announced he would be attending the League of California Legislative Action Days on May 14 and 15, 2002 with Assistant City Manager Pappas Diaz. He reported the San Francisco Water Transit Authority Staff would be meeting on May 17, 2002 at 10:00 A.M. at Humphrey's. He requested City Clerk Martin provide him with a tape of the Mayor's City Address. He presented the Councilmembers, City Manager Ramsey and City Attorney Galstan with gifts from his recent vacation.

Mayor Freitas thanked the Antioch Chamber of Commerce and their governmental committee for hosting the City Address. He announced he participated in the Antioch Little League East and West Hometown Heroes, which honored police, fire, emergency workers as well as military. He expressed his appreciation of Chief Moczulski attending the event with him.

In response to Mayor Freitas, City Manager Ramsey stated he was not aware of the City receiving information from the Antioch Unified School District pertaining to a subcommittee of the City Council and School District regarding the replacement of the swimming pool at Antioch High School. He noted he would be discussing the issue with the Superintendent and would bring it back to the City Council for formal consideration. Mayor Freitas directed staff to prepare a letter under his signature to the President of the School Board as a follow up to find out if they would like to pursue the issue.

In response to Mayor Freitas, City Manager Ramsey stated there would be an item on the agenda to discuss issues regarding the golf course.

Mayor Freitas announced the groundbreaking for the new extension of Highway 4 was held on May 10, 2002 noting the extension would start at Railroad Avenue and continue through Loveridge Road. He stated it was a \$98 million project and would be phased in various elements. He noted the first phase would focus on the frontage road followed by renovation of the Harbour overpass, which will have some impact on the traveling public and commuters. He stated the next phase would be Railroad Avenue, which would be followed by Loveridge Road. He noted it will be eight lanes with a BART median that will go through the Loveridge Interchange and then begin to taper down to 6 lanes. He reported the environmental work had been started on the expansion of Highway 4 from Loveridge to Somersville Road and they were accelerating as much of the work as possible. He announced work was beginning regarding the re-authorization of the .05 cent sales tax Measure "C" and there was a specific expenditure committee, in which Supervisor Glover and he were both appointees. He reported the idea was to go to the voters with a .05 cent sales tax renewal at the November 2004 election. He stated an agreement regarding the expenditure committee's expenditures and support from the business community and public would be needed for this item. He thanked Roger and Martha Henry for inviting him to be the Master of Ceremonies at the NAACP Banquet and reported the event's speaker, Judge Smith, was outstanding.

**STAFF COMMUNICATIONS** — None

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 11:23 P.M. to complete the unfinished closed session.

Respectfully Submitted

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L. Jolene Martin, City Clerk