

## ANTIOCH CITY COUNCIL

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

**March 11, 2003**  
**Council Chambers**

### **6:30 P.M. - CLOSED SESSION**

**1. CONFERENCE WITH LABOR NEGOTIATOR** – Agency negotiator: Holly Brock-Cohn. Employee organization: Management employees. This closed session is authorized by Government Code §54957.6.

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant exposure to litigation (one case). This closed session is authorized by Government Code §54956.9(b).

Mayor Freitas called the meeting to order at 7:08 P.M., and City Clerk Martin called the roll.

Present: Councilmembers Kalinowski, Davis, Simonsen, and Mayor Freitas

Absent: Councilmember Conley

Mayor Freitas announced no action was taken by the Council regarding closed session Item #1: CONFERENCE WITH LABOR NEGOTIATOR. Item #2: CONFERENCE WITH LEGAL COUNCIL would be heard during closed session following the evening's meeting.

### **PLEDGE OF ALLEGIANCE**

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

### **PROCLAMATIONS** — In Recognition of Jimmie D. Webb

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the Councilmembers present unanimously approved the proclamation.

Mayor Freitas read a poem authored by Brett Baker in honor of Jimmie D. Webb.

Mayor Freitas presented the proclamation to Jimmie D. Webb in recognition of his contribution to the community and music industry. Mr. Webb thanked Council for the recognition and the community for supporting his business throughout the years.

Mayor Freitas encouraged the community to notify the City Council or City Manager if there were individuals who should be recognized. He suggested the newspaper reporters write an article on Mr. Webb's experience with the music industry. He congratulated and thanked Mr. Webb on his accomplishments as well as Mr. Baker for bringing this recognition to his attention.

### **PRESENTATION** — Safety Fair Sponsor Awards for 2003

**A**  
**3/25/03**

Lonnie Karste and Bart Sandborn presented the sponsors of the Annual Safety Fair with gifts in recognition of their participation in the Safety Fair and thanked the City Council for their support.

Bay Alarm  
CAER  
Calpine  
Contra Costa Newspapers  
County East Mall  
Dow Chemical

GWF  
McGill Martin and Self  
Mirant Corporation  
Pleasant Hill Bayshore  
Tri-Delta Transit

Lonnie Karste thanked Bart Sandborn for organizing the event.

Mayor Freitas, on behalf of the City, thanked the sponsors and Bart Sandborn for their participation in the event.

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

#### **PUBLIC COMMENTS**

Jean Kuberra, Antioch resident, announced the Rivertown Art Center Gallery, provides an array of exhibits, classes and events for the community to enjoy. She provided the hours of operation and a phone number for anyone wishing to receive additional information. She commended the City Council and Assistant to the City Manager Gegg for approval of funding for the center.

Tim Donahue, Antioch resident, expressed concern regarding the condition of Somersville Road and the old fencing on the Seeno property impeding access for vehicles, bicycles and pedestrians to Black Diamond Mines Park. He suggested removal of the fencing to provide safe access. He further requested information on the status of the funds and the committee established to provide landscaping for the East County Dump site.

Mayor Freitas suggested Mr. Donahue provide Community Development Director Brandt with a phone number so staff could contact him regarding the issue.

City Attorney Galstan stated he would contact Mr. Donahue regarding the landscaping and provide a report to Council on the issue.

#### **1. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 11 and 25, 2003 #301-02**

**B. APPROVAL OF COUNCIL WARRANTS #401-02**

- C. REJECTION OF CLAIMS #704-07**
1. Claim of Grace Webster, #02/03-1385
  2. Claim of Audrey Mihell, #02/03-1362
  3. Claim of Shayne Ferguson, #02/03-1363
  4. Claim of Somnuk C. Pitak, #02/03-1369
  5. Claim of Robert Wrinkle, #02/03-1364
- D. LEGISLATION AND ADVOCACY #701-04**
1. MAYORS LETTER OF SUPPORT SENATE BILL 114, SENATOR TORLAKSON  
FISCAL ASSISTANCE: RELOCATION OF AUTO DEALERSHIP AND BIG BOX  
RETAILERS (*Con't to 3/25/03*)
- E. RESOLUTION NO. 2003/31 APPROVING PURCHASE OF 500 "L" STREET  
(MARTINS/KNOBELOCH) #1001-03**
- F. RESOLUTION NO. 2003/32 ACCEPTING WORK AND AUTHORIZING CITY  
ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE WILBUR AVENUE  
INTERTIE PUMPING STATION (PW 653) #1202-01**
- G. RESOLUTION NO. 2003/33 APPROVING PLANS AND SPECIFICATION AND  
AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR REMODEL OF  
CITY HALL AND OTHER CITY FACILITIES (PW 247-K) #1001-04**
- H. RESOLUTION NO. 2003/34 ACCEPTING COMPLETED IMPROVEMENTS FOR HO  
PROPERTY, UNIT 10, TRACT NO. 8232 (WOODSIDE HOMES OF CALIFORNIA  
INC.) (PW 568-10) #802-02**
- I. RESOLUTION NO. 2003/35 ACCEPTING COMPLETED IMPROVEMENTS FOR  
BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 25, TRACT NO. 8528 (RICHLAND  
DEVELOPMENT/SOUTH TERRA CORPORATION) (PW 581-25) #802-02**
- J. RESOLUTION 2003/36 RESCINDING A PORTION OF RESOLUTION 2000/130 AND  
ACCEPTING A PORTION OF DEER VALLEY ROAD (KAISER FOUNDATION  
HOSPITALS, INC.) (PW 628-1) #202-03**

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously approved the Consent Calendar with the exceptions of items D, E and G, which were removed for further discussion.

**Item D** – Councilmember Simonsen requested the item be held over to March 25, 2003 to allow time for him to receive input from City Attorney Galstan with regards to "shall"

being replaced with "may" as well as the strikeouts and how they impact Mazzai Cadillac procedures.

Mayor Freitas stated Item D would be pulled and held over to March 25, 2003.

***Item E*** – Bruce Ohlson, Delta Peddlers, requested Council direct staff to include bicycle lanes on both sides of "L" Street noting the current plan did not follow the draft General Plan or guidelines of Contra Costa Transportation Authority.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Councilmembers present unanimously approved Item E.

***Item G*** – Councilmember Kalinowski stated given the current state of the budget and the potential negative impact of the Vehicle License Fee he requested the item be tabled with the exception of the conversion of the construction trailer to a Police Substation at Prewett Park. He voiced his support of the project based on practicality and enhancement of police response to the south side of the City. He requested Council approve the Police Substation for \$44,000 and table the remaining CIP funds until the next budget cycle.

Councilmember Simonsen stated there was a financial benefit to the City for all projects moving forward at the same time. He urged the Council to move forward noting it was a part of the previously approved CIP program.

City Engineer/Community Development Director Brandt urged Council to approve the doors on the Police Department firing range and discussed the advantages of increasing the workspace for the 2nd floor employees. He clarified there is a typographical error on the staff report and the actual amount is \$254,000.

Following discussion Mayor Freitas requested a break down of all the specific items from staff.

Mayor Freitas declared a recess at 7:39 P.M. The meeting reconvened at 7:50 P.M. with all Councilmembers, in attendance, present.

Mayor Freitas stated staff had provided the City Council with a breakdown of the following items: City Hall Remodel – \$100,000; Police Department Substation – \$44,000; Police Department Firing Range Doors – \$10,000; and Carnegie Library – \$100,000 as well as a copy of the fiscal year 2002-2003 approved budget by category. He noted the previous items were approved in the budget.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council approved the City Hall Remodel in the amount of \$100,000. The motion carried by the following vote:

Ayes: Davis, Simonsen, Freitas

Noes: Kalinowski

Absent: Conley

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the City Councilmembers present unanimously approved the Police Department Substation in the amount of \$44,000.

Councilmember Kalinowski stated he would support the following motion due to the fact it was an OSHA requirement.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Councilmembers present unanimously approved the Police Department Firing Range doors in the amount of \$10,000.

A motion by Councilmember Simonsen to approve the Carnegie Library expenditure in the amount of \$100,000 failed for a lack of a second.

Mayor Freitas stated he would be returning to Public Comments at this time noting there was an individual who requested to address the City Council.

## **PUBLIC COMMENTS**

Mr. Lucca, speaking on behalf of his father, Sal Lucca, read a letter to the City Council regarding a retaining wall he had installed in his front yard. He noted the City of Antioch had requested he remove it due to its location on the property. He provided photographs and noted many houses in his neighborhood had similar retaining walls. He requested clarification as to why his retaining wall is not approved by the City and how it differed from the other retaining walls in the neighborhood. He urged the City Council to address his concerns noting the City was expecting immediate action on the removal of the retaining wall.

Following discussion, Mayor Freitas directed the City to take no action while staff reviewed the issue and requested it be placed on the agenda for March 25, 2003 for possible action if necessary. He directed staff meet with Mr. Lucca and discuss the situation with him.

## **COUNCIL REGULAR AGENDA**

- 2. RESOLUTION APPROVING THE SUBMITTAL OF A LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2000 GRANT APPLICATION; AND CERTIFYING THE PROJECT BUDGET, THE LOCAL FUNDING COMMITMENT, THE COMMITMENT OF SUPPLEMENTAL FUNDS, AND THE COMMITMENT TO PUBLIC LIBRARY OPERATION; AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PREWETT LIBRARY PROJECT (MND 03-03)  
#1406-01**

Assistant to the City Manager Gegg presented the staff report dated March 6, 2003 recommending the City Council adopt the resolution authorizing the City of Antioch to apply for funding, from proceeds from the 2000 Library Construction and Renovation Bond Act,

for construction of a new library at Prewett Park, and adopting the Mitigated Negative Declaration and approving the Mitigation Monitoring and Reporting Program for the Prewett Library project and authorizing the City Manager to make minor changes to the application.

Mayor Freitas expressed his appreciation to receive the application and noted he looks forward to hearing the City of Antioch's application has been approved.

**RESOLUTION NO. 2003/37**

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Councilmembers present unanimously approved the resolution authorizing the City of Antioch to apply for funding from proceeds from the 2000 Library Construction and Renovation Bond Act, for construction of a new library at Prewett Park; and adopting the Mitigated Negative Declaration and approve the Mitigation Monitoring Reporting Program for the Prewett Library project and authorizing the Acting City Manager to make minor changes in the application.

**3. APPOINTMENT TO PLANNING COMMISSION (1 UNEXPIRED TERM) #302-06**

Mayor Freitas announced there would be openings on the Planning Commission in September, 2003 and encouraged those applicants not selected to reapply for consideration. He nominated Gil Azevedo to complete the unexpired term on the Planning Commission.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Councilmembers present unanimously appointed Gil Azevedo to the unexpired term on the Planning Commission.

**4. DELTA 6 SUBCOMMITTEE ON BASEBALL SPORTS FACILITY NOMINATIONS  
#302-10**

Mayor Freitas nominated Councilmembers Kalinowski and Conley to the Delta 6 Subcommittee.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Councilmembers present unanimously appointed Councilmembers Kalinowski and Conley to the Delta 6 Subcommittee.

**5. APPOINTMENTS TO BOARD OF ADMINISTRATIVE APPEALS (3 VACANCIES, 2 FULL TERMS/1 UNEXPIRED TERM) #302-12**

Mayor Freitas nominated G. Maurice Jennings and Denis Mills to the full, Terri Lieder to the unexpired term, and Gerald Richards as an alternate to the Board of Administrative Appeals.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Councilmembers present appointed G. Maurice Jennings and Denis Mills to the full terms, Terri Lieder to the unexpired term, and Gerald Richards as an alternate to the Board of Administrative Appeals.

Councilmember Simonsen suggested at some future date, the Council discuss consideration of alternate members for the other Boards and Commissions.

**PUBLIC COMMENTS** - None

### **COUNCIL COMMUNICATIONS**

Councilmember Simonsen announced the dedication of the new fire station at Bluerock, would be held on March 15, 2003. He reported they had submitted an application for the removal of the no right turn sign for those heading eastbound on Putnum Street turning onto Lone Tree Way. He announced he would be attending the Water Transit Authority Community Advisory Committee meeting on March 12, 2003 and he attended the graduation from Optic. He stated he attended the Antioch Sister City meeting on March 10, 2003 and congratulated the members elected to the Board. He expressed concern regarding cars blocking the intersections at Century Plaza and Somersville, Highway 4 westbound offramp and Somersville and Delta Fair and Somersville and requested staff come back to the Council with options for stripping, signage and enforcement. He noted a number of residents are receiving inaccurate dog license renewals and urged residents to contact the Antioch Animal Services.

Mayor Freitas reported on the opening of Sun Graphics, located on Vineyard, noting it was very successful and he felt the City would receive an outstanding return on their investment of public dollars for this business. He encouraged the community to tour the facility.

Mayor Freitas announced the Council would be returning to closed session.

### **STAFF COMMUNICATIONS**

City Attorney Galstan reminded the Council that closed session would begin at 5:30 P.M. on March 25, 2003.

With no further business, Mayor Freitas adjourned the meeting at 8:15 P.M., to the next regular scheduled meeting on March 25, 2003.

Respectfully Submitted:

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L. JOLENE MARTIN

Approved:

CITY CLERK

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DONALD P. FREITAS, Mayor

Attest:

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L. JOLENE MARTIN  
CITY CLERK