

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

November 12, 2003
Council Chambers

Mayor Freitas called the meeting to order at 7:00 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

National Family Week, November 23 - 29, 2003

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

Councilmember Davis presented the proclamation proclaiming November 23 - 29, 2003 National Family Week to the Hawkins Family who accepted the proclamation and thanked the City Council for the honor of being recognized.

Councilmember Davis thanked the Hawkins family for their attendance and for accepting the proclamation.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Terry Ramus, Antioch resident and co-author of Measure U, expressed concern regarding action taken by the City Council during the General Plan hearing on the Williamson property noting it was previously agreed the determination of the appropriate land use would be made at the Sand Creek Specific Plan level. He noted the Economic Development Commission, Planning Commission and Antioch Chamber of Commerce were in support of expanding the business park on the Williamson property. He felt the Business Park should be retained in the Specific Plan and suggested the property be designated as residential / commercial business park to allow flexibility to address the property at the specific plan level. He urged the City Council to remedy the situation.

Emil Stein, Antioch resident, provided photos and expressed concern regarding the trucks and cars from the Antioch Auto Dealership continuing to unload vehicles in his neighborhood and on Somersville Road. He noted the Police Department was not enforcing the conditions of approval. He further noted he had possums, displaced by the project, on his property.

Randy Powers, Antioch resident, requested the City unlock the bathrooms at the park in his neighborhood; he further expressed concern regarding truck traffic from the Nokes Dealership speeding through his neighborhood.

Douglas Tokes, Antioch resident, expressed his disappointment regarding the City Council=s decision to stop negotiations regarding the Indian Casino. He noted the City would not have incurred any costs to explore the possibly results. He further noted it could have gone to a vote of the people, to find their true wishes. He stated he did not feel the action taken was fair as the decision was made on the remarks of a few residents.

Kenneth Lee, Antioch resident, stated that if the City should decide to buy Tommy's Cove, he would suggest they consider dedicating the park in memory of the Chinese families who lived in the area

Thomas McNell reported there was an error in the draft General Plan indicating the northeast parcel (Parcel b) of the Reynolds and Brown project was high density residential. He noted this property is currently zoned as medium density residential, and urged Council to correct the error prior to action being taken on the General Plan.

With regards to the Nokes Dealership concerns, City Attorney Galstan clarified a violation of a condition of approval is not something for which the Police Department could issue a citation. He stated in an attempt to respond to the issue, he was drafting an ordinance which would allow the Planning Commission to impose a fine of \$25.00 per day for a violation of any condition of approval of a use permit. He stated the public hearing on the issue would probably be set in December.

In response to Councilmember Conley, City Attorney Galstan stated the City could create an ordinance requiring car dealers to obtain a permit from the City designating where cars could be unload.

Mayor Freitas requested those speakers who had came before the Council on the item be noticed when the item comes before the Planning Commission.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 14, 2003 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIMS #704-07**
 - 1. Claim of Albert J. Solis, #03/04-1417**
 - 2. Claim of SBC Pacific Bell, #03/04-1396**
- D. ORDINANCE NO. 1009-C-S REZONING APPROXIMATELY 13 ACRES, MAKING UP THE EMPIRE SHOPPING CENTER PROJECT SITE, TO THE PLANNED DEVELOPMENT DISTRICT (PD) #202-03**
- E. LEGISLATION AND ADVOCACY #701-04**

1. **RESOLUTION NO. 2003/129 SUPPORTING A STATEWIDE BALLOT INITIATIVE TO REQUIRE VOTER APPROVAL BEFORE STATE GOVERNMENT MAY TAKE LOCAL TAX FUNDS**

- F. **RESOLUTION NO. 2003/130 ACCEPTING IMPROVEMENTS FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 24, TRACT NO. 8526 (BLACK DIAMOND KNOLLS LTD./SOUTH TERRA CORPORATION), AND AUTHORIZING THE MAYOR TO SIGN A DEFERRED IMPROVEMENT AGREEMENT TO SLURRY SEAL ALL STREETS FOR BLACK DIAMOND KNOLLS SUBDIVISION (PW 581-24). #802-02**

- G. **RESOLUTION NO. 2003/131 AUTHORIZING EXECUTION OF A GRANT AGREEMENT TO SECURE A JHBP GRANT FROM THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT/JOBS HOUSING BALANCE GRANT #1001-04**

On motion by Councilmember Conley, seconded by Councilmember Davis, 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 October 14, 2003, page 16, paragraph 3, the last sentence to read: "He thanked the tribe for coming to the City in a positive manner and voiced his support of moving forward with the proposal with no costs borne by the City." And page 18, Agency Consent Agenda to reflect that he voted in opposition to the motion.

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

COUNCIL REGULAR AGENDA

5. **APPLICATION FOR 3RD CYCLE OF CONSTRUCTION FUNDING FROM THE LIBRARY BOND ACT OF 2000 FOR CONSTRUCTION OF A LIBRARY AT PREWETT PARK..... #1406-01**

Assistant to the City Manager Gegg presented the staff report dated November 6, 2003 recommending the City Council provide direction to staff regarding the application for the 3rd Cycle of Construction Funding from the Library Bond Act of 2000, for construction of a library at Prewett Park.

Councilmember Conley expressed concern that in an attempt to provide a service and not burden the school district, the City ranked low in joint use facility in the application. He felt it was important the City move forward with their application without burdening the City=s schools.

Councilmember Kalinowski suggested the City look for a lobbyist to represent the City and deal specifically with the issue. He further suggested looking at possible funding from Mello Roos or RDA funding for the project.

Councilmember Simonsen suggested the City further investigate the possibility of joint use with the school district and whether Antioch is being served well by the Contra Costa County Library system who=s interests in other City's in Contra Costa County had received funding.

Councilmember Davis voiced his support of improving the application; and he would welcome the application returning to the Mello Roos Board for consideration of additional funding.

Mayor Freitas stated he felt the City had an outstanding application and agreed with all comments made. He offered to make himself available to staff to reexamine and strengthening the application. He discussed the importance of continuing to have dialog with the decision makers so they were familiar with Antioch=s interests.

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Council unanimously directed staff to aggressively pursue the 3rd Cycle of Construction Funding from the Library Bond Act of 2000, for construction of a library at Prewett Park including the possibility of looking for a second consultant.

Mayor Freitas thanked Councilmember Simonsen for representing him and the City of Antioch at the proceedings.

PUBLIC HEARINGS

- 2. RAVINDER PADDA REQUEST APPROVAL OF AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION DENIAL OF A REQUEST FOR A USE PERMIT TO SELL GASOLINE AND A VARIANCE FROM THE SITE REQUIREMENTS FOR AN AUTOMOBILE SERVICE STATION LOCATED AT 418 EAST 18TH STREET (APN 068-514-002) (UP-03-03, V-03-03) #202-10**

City Attorney Galstan announced staff was recommending a continuance of the item to provide adequate time to clarify the City code pertaining to the application. He noted it would require a Use Permit but under a different criteria than the one presented tonight.

On motion by Councilmember Davis, seconded by Councilmember Conley, the City Council continued item #2 to January 27, 2004.

COUNCIL REGULAR AGENDA B Continued

- 3. UPDATE OF THE ANTIOCH AREA PUBLIC FACILITIES FINANCING AGENCY1989-1/MELLO ROOS #409-03**

Finance Director Tasker presented the staff report dated November 5, 2003 recommending the Council receive and file the report.

The Council agreed Mello Roos had been an extraordinary asset to the citizens of Antioch and provided exceptional school facilities. They expressed their gratitude to Finance Director Tasker. They further agreed elimination of the assessment early was newsworthy and encouraged the Ledger reporter to cover the issue in the newspaper.

Mayor Freitas encouraged Finance Director Tasker to make a presentation to the school district and suggested staff consider providing the information in the water bill newsletter.

Finance Director Tasker cautioned the City Council the revenue stream in question does not include new projects which would need to be paid for out of the General Fund.

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

4. FY 2003-04 BUDGET UPDATE, DISCUSSION ON VARIOUS POSITIONS, AND CONSIDERATION OF A CONTRACT PROPOSAL WITH THE CITY OF OAKLEY TO PROVIDE HUMAN RESOURCES SERVICES #410-02

Acting City Manager Pappas Diaz presented the staff report dated November 3, 2003 recommending the City Council: 1) Receive and file FY 2003-04 information; 2) Allow staff to fill six of the 10 >frozen= positions and proceed with any future openings as outlined in the report; 3) Direct staff to prepare job descriptions and salary resolutions for other personnel proposals for Council approval, and; 4) Direct staff to finalize an agreement with the City of Oakley for contract HR services for Council approval by both the cities of Antioch and Oakley.

In response to Councilmember Simonsen, Chief Moczulski clarified past experience working with the California Highway Patrol on Commercial Vehicle Enforcement had lead to numerous safety and weight violations. He noted any fines derived from those violations would go directly into the City coffers.

Councilmember Simonsen suggested reviewing the recommendation for retaining the freeze on the CSO positions in January.

In response to Councilmember Davis, Personnel Manager Brock-Cohn clarified the contract with Oakley, the time needed would not be excessive. Training would occur in conjunction with Antioch employees and marginal time would be needed to assist them with larger employee issues.

In response to Councilmember Simonsen, Director of Community Development Brandt clarified the Community Development Technician was part of the analyses and the revenues were available to fund the position.

Councilmember Conley stated due to the uncertainty of the state budget with a new Governor, he does not feel it is prudent to hire employees if they could potentially be laid off.

Councilmember Kalinowski voiced his support to fill the police officers positions noting if they are sent to the academy the City is not required to hire them and he felt Chief Moczulski could assist them in finding other positions locally. He further supported using one of the traffic positions as a commercial vehicle enforcement specialist noting he felt it was important to provide the service locally. He suggested a policy decision from the City Council that they achieve the goal of each canine officer having their own take home vehicle noting it is important for call out services, professionalism and the officers should be provided with the necessary equipment.

Mayor Freitas stated he agreed with Councilmember Conley with regards to the fiscal integrity of the budget.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council approved the hiring of 4 police officer positions. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Simonsen, Freitas

Noes: Conley

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council unanimously approved 1) Upgrading the Administrative Analyst position and 2) Conceptually approved contracting for human resources services with the City of Oakley.

A motion by Councilmember Simonsen, seconded by Councilmember Davis to freeze the Community Services positions with a review at the midyear budget review failed by the following vote:

Ayes: Simonsen, Davis

Noes: Freitas, Kalinowski, Conley

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council approved freezing the Community Officer positions during the fiscal year 2003-2004. The motion carried by the following vote:

Ayes: Conley, Kalinowski, Davis, Freitas

Noes: Simonsen

Following discussion, Director of Public Works Harrington stated that a mid-year budget review of the Park Maintenance Leadworker and Maintenance Worker II positions is acceptable noting they are currently in negotiations and do not anticipate filling the positions until February or March.

The City Council supported holding those positions until negotiations have occurred.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council approved the upgrade for the Community Development Technician. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Simonsen, Freitas

Noes: Conley

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the City Council unanimously approved the Police Records/Dispatch Supervisor (reorganization).

Councilmember Kalinowski stated he supported the following motion due to the fact the position was paid through Water and Sewer funds.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski the City Council unanimously approved the Community Development Technician (Public Works) (new).

A motion was made by Councilmember Simonsen and seconded by Councilmember Davis, to accept staffs recommendation with regards to the following policy: As to future openings due to retirements or resignations, staff recommends that the affected department head review the individual situation with the City Manager, determine if any reorganization, delay in hiring or other alternative can be achieved, and then a course of action can be determined. This allows the regular process to continue with the caveat of continual review regarding impact to the General Fund.

Following discussion, Councilmember Simonsen amended his motion and Councilmember Davis accepted the following motion:

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved the following policy: As to future openings due to retirements or resignations, staff recommends the affected department head review the individual situation with the City Manager, determine if any reorganization, delay in hiring or other alternative can be achieved, for recommendation to the City Council.

Mayor Freitas clarified if there was current vacant positions (excluding the four CSO and two Park Maintenance Workers), the Personnel Director was authorized to move forward based on the approval of the City Manager and the previous motion pertains to new (as of today) retirements or resignations.

Councilmember Kalinowski suggested that in the future the City Council discuss a policy with regards to a take home patrol car for each canine officer.

Mayor Freitas requested a more thorough report at mid-year on this issue.

PUBLIC COMMENTS - None

COUNCIL COMMUNICATIONS

Councilmember Kalinowski provided the City Council a list of his issues related to the General Plan, FUA#1 Specific Plan and Shaping Our Future.

Councilmember Davis reminded staff that he had not received a traffic study for Lone Tree Way, Dallas Ranch Road in the Eagles Ridge area. He noted he is concerned regarding safety in the area. He reported that November 11, 2003 there was a Veteran=s Day

program at the foot of >L= Street, which was well attended. He thanked staff for their assistance and noted next year he would like the City to participate in the parade.

Councilmember Simonsen thanked Councilmember Davis for organizing the Veteran=s Day program and suggested next year the event be held at a different time so residents could participate in the Pittsburg events also. He thanked Councilmember Kalinowski for providing written comments on the General Plan, Specific Plan and Shaping Our Future this evening and noted he had concerns the General Plan should be more specific.

STAFF COMMUNICATIONS

Acting City Manager Pappas Diaz announced that the City would be participating in a staff emergency operation drill on November 13 2003.

Mayor Freitas requested that if it is possible the November 24 and 25, 2003 meetings had only the General Plan and Reynolds and Brown items on the agendas. He announced the evenings meeting was recorded for future playback.

With no further business, Mayor Freitas adjourned the meeting at 9:22 P.M. to the next regular Council meeting on November 24, 2003.

Respectfully Submitted

L. JOLENE MARTIN, CMC

Approved

DONALD P. FREITAS, Mayor

Attest

L. JOLENE MARTIN, CMC