

## ANTIOCH CITY COUNCIL

Regular Meeting  
7:00 P.M.

March 13, 2001  
Council Chambers

**CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATOR** – City Negotiator: Bill May. Employee Organization: Antioch Police Officer's Association. This closed session is authorized by Government Code §54957.6.

Mayor Freitas called the meeting to order at 7:05 P.M., and City Clerk Martin called the roll.

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

### **PLEDGE OF ALLEGIANCE**

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

Mayor Freitas reported no action was taken during the closed session.

### **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Mike Malody, representing East County Ministries, announced Antioch Mayor's Prayer Breakfast would be held at Humphrey's on the Delta, April 5, 2001 from 7:00 A.M. to 9:00 A.M.

Nordyn Anderson updated the Council on the progress of the Campanil Theater project. She encouraged the community to participate in the focus group meetings on March 29, 2001 at the Campanil Theater. She provided a contact number and requested anyone interested in participating to call for the time schedule. She announced a Theater tour on March 15, 2001.

Jean Kuberra reported on an article in the Tri Valley Herald pertaining to collection notices from PG&E and encouraged the people who had received 15 day notices to contact PG&E to make arraignments to pay their past due bill.

Mayor Freitas announced the Senior Health and Wellness Fair on March 23, 2001 at the Antioch Senior Center.

### **PUBLIC COMMENTS**

Elvin Scott reviewed his efforts to obtain a non-profit designation with the Internal Revenue Service. He announced his website address for those wishing to receive further information, and encouraged Veterans to participate in an informational meeting on April 21, 2001 in Pittsburg.

Jean Kuberra expressed concern regarding the authority Governor Davis has to issue revenue bonds noting Article 16 Section 6 of the California Constitution does not support

his actions. She encouraged residents not to reelect Governor Davis or the legislative incumbents.

## **COUNCIL REGULAR AGENDA**

### **1. PROGRESS REPORT ON FOREIGN TRADE ZONE AND EDA GRANT #901-01**

Economic Development Director Naffah presented the staff report dated March 8, 2001, recommending the City Council receive and file the report.

Garrett Evans gave a brief overhead presentation defining Foreign Trade Zone and reviewed its economic benefits to businesses in the communities. He stated there would be a feasibility study regarding businesses who participate in export and import activities within the communities. He noted the Foreign Trade Zone consultant would be submitting a letter outlining the findings for the study with recommendations, which would be given to the City Managers of the Delta 5. He reviewed the timeline for submission of the Foreign Trade Zone application. He discussed the EDA grant funding for economic development activities and noted they had expressed interest in joint regional activities in economic development as well as focusing on job creation and browns field re-utilization.

In response to Councilmember Kalinowski, Economic Development Director Naffah stated the businesses identified as participating in import and export businesses provided various types of services. He stated the March 15, 2001 date for submittal of the information had been extended and suggested Council provide input regarding the type of business they would like to add to the list. Garrett Evans added the deadline had been pushed back approximately three weeks to provide the County and Oakley adequate time to participate.

Mayor Freitas requested information be provided to the Council regarding the businesses identified. Economic Development Director Naffah stated the underutilized industrial areas throughout the City were being focused on.

Councilmember Kalinowski suggested using Oakley's Bridgehead area along with the East 18th Street specific plan stating he felt Oakley would benefit from a combined effort. Economic Development Director Naffah stated he had met with the Redevelopment Director of Oakley regarding the Dupont Plant area.

City Manager Ramsey announced a meeting of the Delta 5 on March 28, 2001 in Oakley at 6:00 P.M. Garrett Evans stated the results of the feasibility study would be on the agenda.

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

### **2. LETTER FROM ANTIOCH UNIFIED SCHOOL DISTRICT REGARDING SCHOOL CAPACITY ISSUE #1401-02**

City Attorney Galstan presented the staff report dated March 6, 2001, recommending the City Council: A) receive and file City Attorney's report, and; B) Appoint Mayor Freitas, Mayor Pro Tem Kalinowski, and City Manager Ramsey to meet with School District officials.

Ron Rives, Corporate Council for Seeno Construction Company, presented Council with copies of the 1989 mitigation agreement. He reviewed the agreement noting the School District was receiving \$6.05 per square foot while legislation had stated \$2.05 was adequate payment for school fees. He voiced his support of staff's recommendation and requested the City and School District be mindful of its agreements and find out why the School District cannot provide adequate school facilities under the current arrangement. In response to Councilmember Kalinowski, he clarified the developer does not pay fees directly to the School District.

Joe Olenchak, Antioch School District Board of Education President, stated he felt the School District and City Council could achieve more working together. He announced the date of the next School Board meeting.

Councilmember Conley suggested joint meetings of the City Council and School Board on an ongoing basis.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously: A) received and filed the report, and; B) appointed Mayor Freitas, Mayor Pro Tem Kalinowski and City Manager Ramsey to meet with School District officials.

Councilmember Kalinowski introduced a video that would be played during recess regarding the County Police Agency's Program, "Avoid the 25", and its efforts to reduce deaths and injuries due to DUIs.

Mayor Freitas declared a recess at 8:10 P.M. The meeting reconvened at 8:24 P.M. with all Council Members present.

## **PUBLIC HEARINGS**

- 8. RESOLUTION APPROVING A REQUEST FROM GINOCHIO, LLC FOR A PRELIMINARY DEVELOPMENT PLAN FOR MASTER PLANNED SENIOR HOUSING DEVELOPMENT AND BUSINESS PARK LOCATED ON A 1,223 ACRE SITE LOCATED APPROXIMATELY ONE-HALF MILE SOUTH OF LONE TREE WAY AND GENERALLY BETWEEN THE BOUNDARIES OF HEIDORN RANCH ROAD AND THE CITY OF BRENTWOOD TO THE EAST, HILLCREST AVENUE AND FUTURE URBANIZATION AREA #1 (FUA 1) TO THE WEST, AND BALFOUR ROAD TO THE SOUTH (THE VINEYARDS) (PD-00-3) #202-03**

Community Development Deputy Director Carniglia presented the staff report dated March 6, 2001, recommending the City Council adopt the resolution approving a Preliminary Development Plan.

In response to Councilmember Conley, Community Development Deputy Director Carniglia clarified the specific plan for FUA1 must be completed before any entitlements with or needing a General Plan amendment would be considered. He further noted the only way this project could move forward would be either in conjunction with FUA1 or the applicant would have to request an amendment to the General Plan. In either case, it would be brought before the Council and/or the Planning Commission during a Public Hearing for consideration.

Councilmember Simonsen expressed concern the impact this project would have on the Lone Tree Valley service area annexation process agreement. Community Development Deputy Director Carniglia stated staff felt this project was in compliance with the language in the annexation agreements and General Plan. City Attorney Galstan added Council could determine if they wanted the specific plan completed first or proceed tonight and choose to approve or not approve the project clarifying approval of the resolution would not grant any rights.

Mayor Freitas opened the public hearing.

### ***PROPONENTS***

Bob Nunn presented a video outlining the proposed Vineyards Active Adult Community. He reviewed the letter from the Brentwood School District in support of the project.

Chris Kinzel, Traffic engineer with TJKM, discussed the traffic studies of active adult senior housing projects noting these types of projects have a far smaller impact than typical residential development.

Bob Nunn introduced project consultants Chris Kinzel, Greg Randall, Carlson Barbie Gibson, and Claude Gruen noting they would be available to answer any questions from Council.

### ***OPPONENTS***

Kathy Griffin representing the Citizen's Alliance for a Better Brentwood stated they support the Urban Limit Line and were opposed to the proposed development. She noted they felt this project would have a negative impact on community services and the environment. She expressed concern full disclosure had not be given, no EIR prepared nor was there a requirement for this project to produce jobs. She urged the Council not to support the proposal.

Jean Kuberra expressed concern regarding the fact this project was not in Antioch's sphere of influence and would not provide housing for seniors of all income levels. She discussed the need for medical facilities and public transportation for the area as well as a mitigation plan for the generation of electricity. She stated this proposal exceeded the threshold for multi-family exemptions under Measure U and urged the Council to consider carefully their support of this resolution.

### **REBUTTAL**

Bob Nunn stated he felt this project was a smart growth proposal and would be beneficial to Antioch. He further felt the economic benefits derived from the relocation of equity based clientele to the area, the positive impact the Mello Roos fees would provide to the school district, plus providing homes enabling the working class to move closer to job centers, was a supportive change in the patterns of growth in the area.

Mayor Freitas closed the public hearing.

In response to Councilmember Simonsen, Mr. Nunn reviewed the ULL boundaries.

Councilmember Kalinowski asked for clarification regarding senior housing and Measure U exemptions. He stated he did not support a project outside the Urban Limit Line, adding it would not address the Antioch School District's overcrowding issue or provide a solution to the transportation problems in East County. He further noted there were sphere of influence and general plan issues.

In response to Councilmember Conley, Mr. Nunn stated this type of project would bring new businesses as well as substantial tax revenues to Antioch. He noted they felt it would provide Antioch with a signature entry point and generate an increase in agriculture and property values.

Community Development Deputy Director Carniglia clarified the study results in the preliminary development plan were conservative and estimated this project at build out would generate \$1-2M a year in revenue.

Claude Gruen discussed the preliminary estimated fiscal and economic benefits from this project based on the benchmark study.

In response to Mayor Freitas, Mr. Nunn stated the traffic mitigation fee would be based on the impact of the project. Mayor Freitas stated the Fee and Finance Authority was considering developing a policy relating to senior housing. Mr. Nunn provided a break down of the fees currently paid in Brentwood.

Councilmember Simonsen voiced his support of this project and urged staff to assure it would comply with the Lone Tree Valley Service Area Annexation Agreement.

Mayor Freitas clarified the FUA1 specific plan was projected to be completed in 60-90 days with a recommendation to the Planning Commission and City Council.

Following discussion the Council majority agreed it was important to receive additional information and consider all options regarding this project.

### **RESOLUTION NO. 2001/26**

On motion by Councilmember Simonsen, seconded by Councilmember Davis the Council approved the resolution. The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen, Freitas

Noes: Kalinowski

Mayor Freitas declared a recess at 10:07 P.M. The meeting reconvened at 10:21 P.M. with all Council Members present.

#### **4. MID-YEAR BUDGET REVIEW AND FINANCIAL FORECAST #410-02**

This item was continued to March 27, 2001.

#### **5. RESOLUTION APPROVING LEASE AGREEMENT WITH DELTA 2000 FOR PROPERTY AT 1811 "C" STREET AND 301 WEST 10TH STREET #1001-05**

City Attorney Galstan presented the staff report dated March 7, 2001 recommending the City Council adopt the resolution approving the lease agreement.

Deputy Director of Leisure Services Wetmore provided a brief background describing his efforts to work with Antioch Human Resources regarding Delta 2000 becoming the new lessee of the properties and assuming overall management of the buildings.

Mayor Freitas requested the policy regarding payment of rents be strictly adhered to from this point forward.

Councilmember Simonsen requested a policy regarding past due rents be included in the resolution.

Deputy Director of Leisure Services Wetmore discussed the advantages of having onsite property manager to take care of the facilities.

Nancy Kaiser, Delta 2000, discussed their efforts to improve and diversify the services to non-profits in Antioch. She stated they had implemented systems to respond to tenant's concerns for both buildings in question and noted there was a handyman in place to address issues as quickly as possible. She further noted both facilities were aging and Delta 2000 would be discussing ways to upgrade them. In response to Mayor Freitas, she stated the issue of the heater needing repairs at the Bedford Center was referred to

Antioch Human Resources and clarified Delta 2000's focus was on providing programs and resource development opportunities aimed at helping non-profits build capacity to meet increasing demands.

Deputy Director of Leisure Services Wetmore stated he would insure responsiveness to all occupants of the facilities and they would be handled expeditiously.

Mayor Freitas read into the record a March 4, 2001 Antioch Women's Club correspondence to the City Council regarding the need for a Women's and children's shelter in Antioch, and requested the building at 10th and D Streets be considered for this use.

Jane Wilkins discussed the need for temporary shelter for women and children in Antioch noting the Antioch Women's Club felt it would be a better use of the facility at the West 10th Street property.

Jim Boccio, Board Member of Bedford Center, expressed concern for offsite management of the Bedford Center stating he felt the City had people qualified to manage it.

Elizabeth Rimbault stated Delta 2000 is not onsite and were not qualified to manage the buildings. She discussed an emergency situation regarding repairs to the heating system at the Bedford Center which she felt had not been adequately addressed by Delta 2000. As a result of Delta 2000's failure to act, she had taken it upon herself to contact Councilmember Simonsen directly. Delta 2000 had stated they would not be able to have the heating system repaired, or even looked at for approximately 4 weeks. Councilmember Simonsen had the system inspected within hours, and promptly made the \$64.00 repair. She stated she felt Denise Skaggs, a former property manager and current City employee was better qualified to manage the facilities in question.

James Kyle, former President of Antioch Human Resources, gave a brief history of their management of the facilities. He voiced his support of onsite management by Delta 2000. He noted the use of the old Antioch Police Station, as a Women's Shelter, would result in a large expense considering the requirement to comply with ADA.

In response to Councilmember Conley, Deputy Director of Leisure Service Wetmore clarified the rent was charged per square foot. He further stated the City was currently reviewing the rental rates, once completed new rental agreements depicting accurate square footage, appropriate rates for office and storage space would be prepared for signatures. He stated he would include the financial figures to Council during their review.

Following discussion, the Council agreed to reduce the term of the agreement stipulating Delta 2000 return to Council in 6 months for a management review.

Councilmember Kalinowski directed staff to address the concerns of the Antioch Women's Club regarding homelessness in Antioch. Mayor Freitas suggested when this item returned to Council as an agenda item, Council consider the appointment of a Council subcommittee to develop a strategic plan for the homeless issue.

### **RESOLUTION NO. 2001/25**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously adopted the resolution amending the lease agreement to a term of 6 months and amending item #16 of the lease, Default by Lessee, changing the termination clause to 30 days; management of this property shall be reviewed by Council in 90 days; staff to present Council with a long-term management plan for 501 West 10th Street and the C Street properties, and; consider the formation of a subcommittee to study the homeless issue.

### **3. FY 2001-02 LANDSCAPE AND LIGHTING DISTRICTS (PW 500) #806-03**

#### **A) RESOLUTION OF INTENTION, PRELIMINARILY APPROVING ENGINEER'S REPORTS, AND SETTING DATE FOR PUBLIC HEARING**

Public Works Director Brandt presented the staff report dated March 6, 2001, recommending the City Council adopt the attached resolution preliminarily approving the Engineer's Reports and setting May 8, 2001 as date for a Public Hearing.

#### **B) RESOLUTION ESTABLISHING PROCEDURES FOR ASSESSMENT BALLOTING IN LANDSCAPE AND LIGHTING DISTRICTS**

Public Works Director Brandt presented the staff report dated March 4, 2001, recommending the City Council adopt the resolution establishing procedures for assessment balloting in Lighting and Landscaping Districts.

Allen Payton voiced his support for 2 districts with 4 zones with the 2A districts as separate zones.

Mayor Freitas read comments from Wayne Steffan in support of the one district, 4-zone plan for lighting and landscaping.

In response to Councilmember Kalinowski, City Manager Ramsey stated the mid-year budget report would address the consideration of funds realized from the savings in the General Fund if the Lighting and Landscaping District was approved. He recommended the gas tax money be redirected toward road maintenance and Council consider a range of options to benefit the community for the remainder.

### **RESOLUTION NO. 2001/23**



On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously adopted the resolution.

Mayor Freitas stated if Councilmembers had any concerns regarding the street lighting notice of hearing they contact Public Works Director Brandt by 12:00 P.M. March 14, 2001.

#### **RESOLUTION NO. 2001/24**

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously adopted the resolution.

#### **6. UPDATE ON P.G.&E. RULE 20A UNDERGROUNDING FUNDING (PW 300) #1201-07**

Public Works Director Brandt presented the staff report dated March 7, 2001, recommending the City Council receive and file the report.

Mayor Freitas requested an update on this issue in 60-90 days. Director of Public Works Brandt clarified they would review funding resources.

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

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

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

#### **COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES – February 27, 2001 #301-03**

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

**C. REJECTION OF CLAIM #704-07**

1. Claim of James Schick (Allstate Insurance) #00/01-1200

**D. LEASE 1307 W. FOURTH STREET TO INSHORE DIVERS, INC. #1001-04**

**E. RESOLUTION NO. 2001/27 SUPPORTING THE PROPOSED eBART SERVICE IN EASTERN CONTRA COSTA COUNTY #1107-01**

**F. RESOLUTION NO. 2001/28 ESTABLISHING CLASS SPECIFICATION AND COMPENSATION FOR THE POSITION OF STOREKEEPER AND ADDING ONE**

**POSITION OF STOREKEEPER AND DELETING ONE POSITION OF  
STOREKEEPER LEADWORKER #508-04**

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

Item D – Councilmember Kalinowski requested a separate vote on this issue stating there was additional information regarding a change in the lease to \$2500.00.

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

Item E – Councilmember Kalinowski stated this was an important issue he felt warranted a separate vote. He noted the resolution had the additional information requested regarding eBART as a interim solution to a BART extension. Councilmember Simonsen stated he would have liked the resolution to include a request from the City to BART in support of the efforts to widen Highway 4.

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

**PUBLIC COMMENTS** – None

**COUNCIL REPORTS/COMMUNICATIONS**

Mayor Freitas requested staff fix the communication system in Council Chamber.

City Manager Ramsey stated there was a comprehensive proposal for fixing it in combination with other chamber improvements. He noted he would have another discussion with the Information Services Director regarding the improvements. He further noted the cost estimate was \$148,000 and would be discussed during the midyear budget review. Mayor Freitas requested the first item on the March 27, 2001 agenda be the mid year budget review.

Mayor Freitas thanked staff for the Boards and Commissions dinner, noting it was appropriate to recognize and thank those volunteers who serve in Antioch.

**STAFF COMMUNICATIONS** – None

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 11:44 P.M., to the next regular meeting on March 27, 2001.

Respectfully Submitted:

s/s L. Jolene Martin  
L. JOLENE MARTIN, City Clerk

Approved:

s/s Donald P. Freitas  
DONALD P. FREITAS, Mayor

Attest:

s/s L. Jolene Martin  
L. JOLENE MARTIN, City Clerk