

ANTIOCH CITY COUNCIL

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

**April 27, 2004
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. **LICENSE/PERMIT DETERMINATION.** (One Applicant.) This closed session is authorized by Government Code §54956.7.

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

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

Mayor Freitas announced Mayor Pro Davis was on vacation and therefore excused from the meeting. He reported the City Council had been in closed session, which resulted in a tentative ruling by unanimous decision to deny the appeal of the applicant.

PLEDGE OF ALLEGIANCE

Councilmember Kalinowski led the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS

Earth Day, April 22, 2004
Be Kind to Animals Week, May 1 - 8, 2004
Municipal Clerks Week, May 2 - 8, 2004
National Police Week, May 9 - 15, 2004

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

Councilmember Conley presented the proclamation proclaiming April 22, 2004 as Earth Day to Administrative Analyst Julie Haas-Wajdowicz who encouraged the community to recycle. Josh Stuart and Christina Roark, representing Antioch High School, discussed the benefits of their recycling program and thanked the City Council for the proclamation.

Mayor Freitas, on behalf of the community, thanked the students for their participation in the recycling program.

Councilmember Kalinowski presented the proclamation proclaiming May 9-15, 2004 as *National Police Week* to Captain Cantando and Reserve Officer Chris Ming who thanked the City Council, Chief Moczulski and the administration for recognizing police officers. He announced the annual ceremony would take place on May 7, 2004 at 9:00 A.M. at the State Capitol. Speaking on behalf of those who had lost a loved one in the line of duty, Officer Ming thanked the community for their support.

Councilmember Simonsen presented the proclamation proclaiming May 1 -8, 2004 as *Be Kind to Animals Week* to Barbara Sobalvarro who accepted the proclamation on behalf of the animals and staff of the Antioch Animal Shelter and the Antioch Police Department. She announced a Pet Adopt-A-Thon would be held on May 1, 2004 at the Antioch Animal Shelter beginning at 10:00 A.M. She announced they were taking donations of \$10.00 to benefit the shelter animals and provided an address and phone number for anyone wishing to receive additional information. She introduced Shelter Volunteer Justin Barns from Brentwood who donated his birthday money to the shelter last year. Ms. Sobalvarro reported the funds were matched by an employee where his mother works and in total it came to \$700.00. Bernadette Garcia, Jane Golobet, Julia Harris introduced themselves as members of the Friends of Animal Services. Bob Pena encouraged the community to bring their pets to the shelter for micro-chipping.

Mayor Freitas stated he would be honored to take Justin to lunch and to Toys-R-Us.

Mayor Freitas presented a proclamation proclaiming May 2-8, 2004 as *Municipal Clerks Week* to City Clerk Martin who accepted the proclamation and thanked the City Council for the proclamation. Mayor Freitas, on behalf of the City Council and community thanked Ms. Martin for doing an outstanding job.

City Clerk Martin announced there was an election in both June and November of 2004 and encouraged residents to register to vote.

Mayor Freitas announced the scheduled public hearings for the agenda had been continued, therefore, Council would not be conducting any public hearings for the agenda.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Gary Reiman, President of Arts and Cultural Foundation of Antioch, announced the Rivertown Arts Center had reopened, following a shutdown to perform necessary repairs. He noted they had openings for some of their summer art classes. A Grand Opening was scheduled for May 22, 2004 at 6:00 P.M. He reported Barnes and Noble was displaying one artist's work each month with a presentation from that artist occurring on the third Thursday of the month. He announced there would be a kick-off meeting for public art in the Lone Tree Way and Hillcrest Avenue area on May 10, 2004 at 7:00 P.M. and encouraged residents of Southeast Antioch to participate. He updated the community on the restoration of the El Campanil Theater and encouraged residents to visit the theater.

Gina Lombardi Gravert invited the community to participate in the 15th Annual Mayor's Cup Tournament on June 6, 2004 at 11:30 A.M. and noted all proceeds would benefit several youth and non-profit organizations. She provided a contact number for anyone wishing to sponsor, donate or volunteer for the event.

Mayor Freitas requested the community participate in the Golf Tournament, noting all proceeds go to community-based organizations. He thanked staff for their participation in organizing the event.

Elvin Scott invited the community to attend an Armed Forces Day parade in Pittsburg on May 15, 2004. He invited the City Council to attend a planning meeting for the event on April 28, 2004 at 10:30 A.M. at 186 East Leland Road in Pittsburg,

PUBLIC COMMENTS

Emil Stein expressed concern regarding mud and construction signs remaining on West 18th Street and Tulip Drive from road construction. He questioned whom he should contact regarding the issue.

In response to Mayor Freitas, he noted the Planning Department had been unresponsive to his requests for additional handicapped ramps.

Bruce Ohlson, representing the East Bay Bicycle Coalition, requested a multi-use trail be built from the baseball park, through the parking lot of the Golf Course to access lanes on Golf Course Road to be created during the widening of Lone Tree Way to 6-lanes. He felt it would provide a safe crossing of Lone Tree Way for bicyclists.

Mayor Freitas announced the American Legion would be honoring World War II Veterans on National Dedication Day, May 29, 2004 at the Veteran's Hall on 6th Street at 10:00A.M. He noted there would be awards given to all World War II Veterans and provided a contact number for anyone wishing to receive additional information.

1. COUNCIL CONSENT CALENDAR

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|--|----------------|
| A. APPROVAL OF COUNCIL MINUTES FOR MARCH 23, 2004 | #301-02 |
| B. APPROVAL OF COUNCIL WARRANTS | #401-02 |
| C. APPROVAL OF TREASURER'S REPORT - MARCH 2004 | #401-02 |
| D. REJECTION OF CLAIMS - <i>Denied</i> | #704-07 |
| 1) Irene Pozo, #04/05 - 1477 | |
| 2) Brandi Buckner, #03/04-1461-B | |
| 3) Yvonne Cabral, #03/04-1470 | |
| E. LEGISLATION AND ADVOCACY | #701-04 |
| 1. Letter of opposition to Assembly Bill 3007 | |
| F. <u>RESOLUTION NO. 2004/45</u> APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR MEADOW CREEK VILLAGES, UNIT 5, (WEST COAST HOME BUILDERS INC.), TRACT NO. 7897 AND ANNEXING TO THE CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 9, ZONE 4, (PW 569-5) | #802-02 |

- G. RESOLUTION NO. 2004/46 DIRECTING STAFF TO ENTER INTO AN AGREEMENT TO PREPARE A NEXUS REPORT FOR THE ADOPTION OF COMMUNITY PARK FEES #409-01**
- H. RESOLUTION NO. 2004/47 APPROVING THE CONSOLIDATED ENGINEER'S REPORT AND DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500) #806-03**
- I. RESOLUTION NO. 2004/48 PARTIALLY RESCINDING RESOLUTION NO. 1399-A, DEALING WITH AN ACCEPTANCE OF DEED FOR PORTION OF "BOAT RAMP PROPERTY" #1001-02**
- J. CITY OF ANTIOCH, SINGLE AUDIT REPORTS, YEAR ENDED JUNE 30, 2003 #402-02**

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

Item E - Councilmember Simonsen stated the Council had voted at the April 20, 2004 meeting to oppose SB1266 by Senator Torlakson, which could possibly allow for a violation of the boarder agreement with the City of Brentwood. He noted he and Mayor Freitas had met with Senator Torlakson regarding the issue and they would be tracking the status of the legislation. In addition he reported they were continuing to oppose AB2702 dealing with second units noting Antioch was in compliance with the existing law. He further noted they had opposition to AB3007 dealing with closed session meetings by local government. He further noted the Contra Costa Transportation Authority discussed the re-authorization of measure C. He invited the community to attend a meeting on May 1, 2004 at the Sheraton Hotel, which was critical to the cities in determining the half-cent sales tax that expires in 2009 and which was critical in providing funds for road improvements. He discussed the importance of informing the community on the Council's position as well as the benefits of the reauthorization of Measure C.

Mayor Freitas discussed the importance of the reauthorization of the half-cent sales tax. He noted the recommendations include the extension of Highway 4 receiving a \$125M East County Rail, BART, EBART \$150M, East County Major Arterials \$95M, 18% return to source to be divided among the 19 cities at \$360M, which Antioch could use to repair and enhance the local transportation grid in the community. He stated there were other issues still being debated. He noted the meeting on May 1, 2004 was important as it was primarily targeted to hear the elected officials from the 19 cities and board of supervisors. He noted the extension of the half-cent sales tax was very favorable to Eastern Contra Costa County and he hoped as they moved forward the community would become much more involved. He stated once the Transportation Authority made a decision, hopefully on May 19, 2004, he would be having

public meetings to allow the public to participate. He noted the tentative recommendation was the matter would go to the public at the November 2004 election. Councilmember Simonsen encouraged commuters to become involved.

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

PUBLIC HEARINGS

- 2. TAIT AND ASSOCIATES, INC. REQUESTS APPROVAL OF A FINAL DEVELOPMENT PLAN, USE PERMIT, MINOR SUBDIVISION AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION TO ALLOW THE CONSTRUCTION OF AN APPROXIMATELY 65,600 S.F. NEIGHBORHOOD SHOPPING CENTER AND OFFICE COMPLEX LOCATED NORTHEAST CORNER OF HILLCREST AVENUE AND WILDFLOWER DRIVE (APN 052-140-002) PD-04-03, UP-03-16, PW 357-301-04 #202-03**

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council members present unanimously continued the item indefinitely.

- 3. JANIN ASSOCIATES REQUESTS AN ALLOCATION OF SIX SINGLE FAMILY RESIDENTIAL UNITS FOR 2004 UNDER THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM (RDA), THE APPROXIMATELY 1.01 ACRE SITE IS LOCATED AT THE CURRENT EASTERN TERMINUS OF BERMUDA WAY, DIRECTLY SOUTH OF EAST EIGHTEENTH STREET (APN 051-170-049, 051-170-050) (RDA-03-09) #204-05**

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council members present unanimously continued the item to May 11, 2004.

- 4. MARCOTTE DEVELOPMENT REQUESTS AN ALLOCATION OF 38 MULTI-FAMILY RESIDENTIAL UNITS FOR 2004 UNDER THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM (RDA), THE 3.2 ACRE SITE IS LOCATED AT THE SOUTHEAST CORNER OF JAMES DONLON BOULEVARD AND TABORA DRIVE (APN 072-011-062) (RDA-03-08) #204-05**

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council members present unanimously continued the item to May 11, 2004.

The Council adjourned to the Regular Agenda. City Clerk Martin called the roll and all members were present.

COUNCIL REGULAR AGENDA

5. RESOLUTION ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2004/05 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM (NPDES) #814-03

Mayor Freitas announced that due to a conflict of interest, he would be stepping down from the dais and turning the gavel over to Councilmember Kalinowski.

Administrative Analyst Hoffmeister presented the staff report dated March 15, 2004 recommending the City Council adopt the resolution establishing a rate of twenty-five dollars (\$25) per equivalent runoff unit (ERU) for fiscal year (FY) 2004-2005.

In response to Councilmember Conley, Mr. Hoffmeister stated it was his responsibility to assure the mud created from street construction was cleaned up by the developers and the storm drains were protected from the runoff. He stated he would follow up with regards to the Mr. Stein's concerns on West 18th and Tulip Drive.

RESOLUTION NO. 2004/49

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council adopted the resolution. The motion carried by the following vote:

Ayes: Kalinowski, Conley, Simonsen

Absent: Davis

Mayor Freitas returned to the dais.

**6. ANTIOCH AUTO CENTER - NISSAN/TOYOTA PROJECT - HISTORY OF STAFF RESPONSES TO NEIGHBORHOOD COMPLAINTS (UP-03-05 and UP-03-08)
#901-01**

City Manager Jakel and Director of Community Development Brandt presented the staff report dated April 5, 2004 recommending the City Council receive and file the report.

In response to Council, Director of Community Development Brandt stated both the Engineering and Police Departments were conducting an analysis regarding the traffic in the area and he did not believe there was traffic in a volume warranting additional stop signs. He reported ramps were installed at the request of Mr. Stein. He noted the developer had made efforts to maintain dust control in the area and had provided pool cleaning and carwash vouchers for the residents in the area. He clarified lighting was an issue during the initial construction phase but he did not believe it was still an issue. He added the Public Address system for the new building was directed toward the dealership property and at the request of staff, the developer had turned the volume down.

In response to Mayor Freitas, City Engineer/Community Development Director Brandt and City Manager Jakel agreed staff had worked diligently and spent an extraordinary amount of time

to address the concerns of the neighbors regarding the construction of the project. They added City staff had done as much as they could, adding they would remain vigilant to address issues as they arose.

Councilmember Conley clarified it was important for the residents to understand the local roads were public streets.

The following paraphrased comments were given to Council in writing, as the authors did not wish to speak: 1) Ed Haun: Being a day sleeper, Mr. Haun felt the speakers were exceptionally loud, and asked the volume be lowered; 2) Thomas and Mary Judge: in addition to past complaints of noise and debris, they objected to the razor wire on top of the sound wall, as it made their yard look like a prison yard, and; 3) Randy Powers, who stated, he felt the treatment of the residents who complained about the Nokes project was typical of the way citizens vs. big business, i.e. Council catered to big business to the detriment of Antioch's citizens.

Ken Lee, Antioch resident, stated over the last year they had been attending City meetings to voice their concerns regarding the project. He provided photos of the razor wire and a speaker which was directed into the neighborhood and requested the speakers be redirected and access between the neighboring properties and the retaining wall be eliminated.

Emil Stein, Antioch resident, provided photos of mud from the project impacting West 18th Street and expressed concern Mr. Nokes had installed razor wire along the retaining wall without the approval of the City. He questioned why the construction company and Mr. Nokes had not been sanctioned with regards to the violations.

Lance Gidel, President of Gidel & Kocal Construction Company the General Contractor for the project reported they were hoping to receive their final inspections latter in the week which would alleviate the complaints the City had been receiving. He stated it had been a very positive experience and City staff had gone to great lengths in trying to resolve the issues between the citizens and the construction project. He noted they had tried to do their part to resolve the issues to the best of their abilities.

In response to Mayor Freitas, Mr. Gidel stated he would have his staff look at the issue of mud in the street and would contact staff tomorrow to inform them if it had been removed.

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

7. RESOLUTION REQUIRING CITY CLERK TO COLLECT, AT THE TIME OF FILING, COSTS FOR CANDIDATES' STATEMENTS #702-02

City Clerk Martin presented the staff report dated March 23, 2004 recommending the City Council adopt a resolution changing procedures for collecting the publication fee for all future Candidate Statements associated with Antioch Municipal Elections.

City Clerk Martin stated it would be difficult to include the fee in the fee schedule as the amount was determined by the County Election Department before each election based on the number of cities participating, number of items on the ballot, etc. She added this year the candidate fee would be higher as candidates would be required to print their statements in both English and Spanish, which would double the fee.

Mayor Freitas requested the requirement for English and Spanish be researched and clarified.

City Clerk Martin clarified that candidates could still run for office for the fee of \$25.00, as in the past. The difference would be the payment of the candidate's statement fee which would henceforth be collected at the time of candidate's filing. The amount collected would be based on the County's projected dollar amount.

Mayor Freitas requested City Attorney Galstan confirm with the Election Department as to whether there would be a legal requirement to publish the candidate statements in English and Spanish and if so, to bring the item back to the City Council.

RESOLUTION NO. 2004/50

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council members present unanimously adopted the resolution.

8. TELEPHONE SURVEY TO BE CONDUCTED TO MEASURE CITIZEN SATISFACTION WITH CITY SERVICES #102-07

Assistant to the City Manager Gegg presented the staff report dated April 21, 2004 recommending the City Council authorize a citizen's survey to be conducted for an amount not to exceed \$10,500.

Bruce Ohlson stated the example of the survey did not have an option for residents who were dissatisfied.

Following discussion the City Council agreed the survey would be a valuable tool in providing feedback for economic benefits to the City, however, they agreed it would be more appropriate to include this item in next year's budget, for a non-election year. They requested the item return to the City Council for consideration in early 2005.

PUBLIC COMMENTS - None

COUNCIL COMMUNICATIONS

Mayor Freitas reported he had attended the PASS program at Antioch High School on April 24, 2004 and commended Antioch High School as well as the Teachers and school Administrators for taking the step to help the students. He voiced his appreciation for the City Council's participation at the graduation ceremony for Volunteers in Police Services. He also noted the ceremony honored all volunteers had included Barbara and Estrado Sobalvarro and

Smokey and Jody Jones, both couples had volunteered for 25 years at the Animal Shelter. He thanked Chief Moczulski, Captain Cantando, Antioch Police Department, Crime Prevention Commission, Explorers, Friends of Animal Services and volunteers in Police Service noting it was an excellent community event. He announced the Contra Costa Transportation Authority would be conducting a meeting regarding the re-authorization of the half-cent sales tax on May 1, 2004 at 8:30 a.m. at the Concord Sheraton and urged the community to participate.

Councilmember Simonsen announced an event on June 5, 2004 at Beede Auditorium in honor of former Antioch resident Michael Semanick, who received an Academy Award Oscar for his work on the film Lord of the Rings.

Mayor Freitas added Eddie Bodine had contacted him regarding professional baseball player, Erin Miles. Mr. Bodine stated he was working on an event to be presented at the City Council in honor of Mr. Miles, a former Antioch resident.

STAFF COMMUNICATIONS

City Manager Jakel announced budget sessions would be occurring on May 18, 2004 and June 1, 2004 from 4:00 - 9:00 P.M.

With no further business, Mayor Freitas adjourned the meeting in honor of the deceased Jim Webb of Webb's Music at 8:52 P.M. to May 1, 2004 at 8:30 A.M. at the Concord Sheraton.

Respectfully Submitted

L. JOLENE MARTIN, CMC

Approved

DONALD P. FREITAS, Mayor

Attest

L. JOLENE MARTIN, CMC