

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY  
ANTIOCH PUBLIC FINANCING AUTHORITY**

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

**February 26, 2008  
Council Chambers**

**5:30 P.M. - CLOSED SESSION**

- 1. CONFERENCE WITH LABOR COUNSEL – EXISTING LITIGATION** – This Closed Session is authorized by California Government Code §54956.9(a). Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board - Central Valley Region to the City of Antioch and Somersville-Gentry, Inc.; SPPI-Somersville, Inc. et al. v. TRC Companies, Inc. et al, Case No. C04-2648 SI, United States District Court, Northern District of California.
- 2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Title: City Manager. This Closed Session is authorized by Government Code §54957.
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Title: City Attorney. This Closed Session is authorized by Government Code §54957.
- 4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – This Closed Session is authorized by California Government Code §54956.9(a): Whiteside Construction Corporation v. J.K. Mertz Construction, Inc., Antioch Public Golf Corporation and the City of Antioch, et al.; Davidson Plastering, Inc. v. J.K. Mertz Construction, Inc., Contra Costa Superior Court, Case No. Consolidated C06-00730, City of Antioch, Travelers Casualty and Surety Company of America, et al.; J.K. Mertz Construction, Inc., v. First Republic Bank, et al., San Francisco Superior Court, Case No. CGC06-454761

Mayor Freitas called the meeting to order at 7:11 P.M., He reported the City Council had been in Closed Session; there was no reportable action. City Clerk Martin called the roll.

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

**PLEDGE OF ALLEGIANCE**

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

Councilmember Kalinowski reported he had attended the Contra Costa Board of Supervisors meeting earlier in the day and by a vote of 5-0 they have agreed to have no further discussion or studies regarding locating a jail facility in Contra Costa County.

Mayor Freitas, on behalf of the City Council and community, thanked Councilmember Kalinowski, along with those who took the time to either attend the meeting, or sent emails to either the Antioch City Council or the Board of Supervisors, expressing their opposition to the location site of the proposed new jail.

## **PRESENTATION**

### War Dog Memorial Committee Contribution

The War Dog Memorial Committee, represented by the following Committee Members: Councilmember Davis, Barbara Herendeen, Bari Costello and Susan Davis, presented Public Works Administrators, Pat Scott, Frank Palmeri and Phil Harrington, with a monetary contribution, specifying the funds were to be used for the reconstruction of the cul-de-sac selected to house the War Dog Memorial.

Barbara Herendeen stated the contribution, an expression of the Committee's gratitude to the City for its support in this endeavor, urged other organizations with excess funds, to follow their example by choosing a specific project within the City, and donate any excess funds for the betterment of the project, which in turn would be to the betterment of the City.

## **PROCLAMATION**

### *American Red Cross Month, March 2008*

On motion by Councilmember Moore, seconded by Councilmember Simonsen, the Council unanimously approved the proclamations as presented.

With no representatives present to accept the proclamation, Mayor Freitas announced the proclamation would be sent to a representative of the Red Cross.

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

## **ANNOUNCEMENTS OF BOARDS AND COMMISSION OPENINGS**

City Clerk Martin announced the following openings:

Parks and Recreation Commission – 3 expired and 1 unexpired terms, deadline to apply was March 21, 2008. Contact information was provided.

## **PUBLIC COMMENTS**

Emil Stein, Antioch resident, questioned whether or not a new Senior Center was being planned for the Prewett Park Community Center? If so, would eastbound bus service be provided? He spoke in opposition to a jail facility being located in Antioch.

Lonnie Karste clarified there would not be a Senior Center at Prewett Park; however, the Community Center could certainly be used for senior programming. He further stated Tri-Delta Transit was planning to use the current bus stop across the street from Prewett Park for service in the eastbound direction.

Councilmember Moore invited Mr. Stein to attend the Tri-Delta Transit Board meeting on February 27, 2008 to make his public comments and stated he would insure access was provided for Seniors.

Ken Lee, Antioch resident, announced the Red Cross would be hosting a CPR class Saturday March 8, 2008 and discussed Black History Month. He questioned whether the City had reached the cap with regards to quarterly payments to the Antioch Auto Dealerships.

Gary Agopian, Antioch resident, thanked the City for the Mayor's letter and resolution opposing the proposed location of the Prison Facility in Antioch. Addressing the *Cigarettes for Less* store in Deer Valley Plaza, and its' proximity to the High School, he suggested the City consider an ordinance preventing the sale of products related to drug use.

Mayor Freitas reported the City Council had directed the City Attorney to look at the issue and report back to the City Council.

Manuel Flores, Antioch resident, speaking in support of the Prewett Park Community Center project, urged the City to enter into a Project Labor Agreement specifying a preference to hire local residents to build the project.

Councilmember Moore presented a proclamation proclaiming March 2008 as *American Red Cross Month* to a Red Cross Representative, who accepted the proclamation and thanked the City Council on behalf of the American Red Cross. He invited the public to attend the CPR class scheduled for Saturday, March 8, 2008 at Los Medanos College.

### **COUNCIL RESPONSE TO PUBLIC COMMENTS**

Councilmember Moore reported he had met with Senior Leadership reps from Grace Bible Fellowship to discuss Black History in America. He thanked Mr. Lee and Mr. Flores for being active in the community and providing public comment this evening.

### **COUNCIL REGULAR AGENDA**

#### **3. PRESENTATION BY MARK DeSAULNIER RE: FUTURE LEGISLATIVE PLANNING (#202-01)**

Assembly Member DeSaulnier provided the City Council with a packet and reviewed legislative action that took place last year and current planning for next year.

Councilmember Moore thanked Assembly Member DeSaulnier for his presentation and offered his support.

Councilmember Simonsen thanked Assembly Member DeSaulnier for the presentation and his support; soliciting his assistance in moving the Delta Trails project forward and in preserving water quality for Antioch.

Councilmember Kalinowski thanked Assembly Member DeSaulnier for the comprehensive update. He discussed the impacts of parolees being placed into lodging facilities and suggested a more formal regulated process be developed by the state or federal government.

Mayor Freitas thanked Assembly Member DeSaulnier for the presentation. He requested Assembly Member DeSaulnier's assistance in insuring East County retains their transportation funds and in addressing the municipal regional permit issue

Councilmember Davis thanked Assembly Member DeSaulnier for the presentation and expressed concern for language in SB900 as it pertains to convicted individuals being released on probation.

- 1. COUNCIL CONSENT CALENDAR**
- A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 22, 2008 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-01**
- C. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2008 #401-02**
- D. REJECTION OF CLAIM #704-07**
  - 1. Daniel Vasquez, #07/08-1750 (damage/theft of personal property)**
- E. REQUEST FOR OVERNIGHT TRAVEL (TWO NIGHTS) LEAGUE OF CALIFORNIA CITIES POLICY COMMITTEE MEETING #301-01**
- F. LEGISLATION AND ADVOCACY #701-04**
- G. ORDINANCE 2010 C-S AMENDING TITLE 5, CHAPTER 2, ARTICLES 1 AND 2 OF THE MUNICIPAL CODE, RELATED TO PROPERTY MAINTENANCE; ABANDONED, UNSECURED OR PARTIALLY CONSTRUCTED BUILDINGS; AND VACANT LOTS USED FOR ILLEGAL DUMPING #701-05**
- H. ORDINANCE 2011 C-S AMENDING SECTION 9-5.3802 AND ADDING SECTION 9-5.3804 OF THE ANTIOCH MUNICIPAL CODE RELATED TO THE EXISTING "S" STUDY ZONE AND OIL DRILLING AND OPERATING AN OIL/GAS WELL AS A TEMPORARY USE ON A 158 ACRE PARCEL LOCATED SOUTH OF THE EXISTING HOMES ON MAMMOTH WAY, WEST OF DEER VALLEY ROAD, AND EAST OF EMPIRE MINE (SUNSET EXPLORATION) #202-10**
- I. ORDINANCE NO. 2012 C-S JUVENILE PROTECTION CURFEW #701-05**
- J. RESOLUTION NO. 2008/19 AGREEMENT WITH THE ANTIOCH BOCCE BALL FEDERATION REGARDING THE BOCCE BALL FACILITY AT CHICHIBU PARK #1402-03**

- K. REQUEST FOR PROPOSALS FOR COMPREHENSIVE CLASSIFICATION AND COMPENSATION STUDY #508-04**
- L. RESOLUTION NO. 2008/20 ACCEPTING COMPLETED IMPROVEMENTS FOR SAND CREEK RANCH, UNIT 8 (SHEA HOMES, LIMITED PARTNERSHIP), TRACT NO. 8951 AND AUTHORIZING THE MAYOR TO SIGN A DEFERRED IMPROVEMENT AGREEMENT (PW 639-8) #802-02**
- M. RESOLUTION 2008/21 CONTRACT WITH STATE ROUTE 4 BYPASS AUTHORITY TO PROVIDE LAW ENFORCEMENT SERVICES FOR SEGMENT 1 OF THE STATE ROUTE 4 BYPASS #1102-03**
- N. APPROVAL OF CHANGE ORDERS TO MCK SERVICES, INC. FOR ADDITIONAL ROADWAY REHABILITATION ON WEST LAKE DRIVE (P.W. 503-10 & 392-23) #1102-04**
- O. AMERICAN TOWER CORPORATION SITE LEASE FOR TELECOMMUNICATIONS FACILITIES ON CITY-OWNED PROPERTY AT 75 WALTON LANE (LONE TREE WATER TANK) #1001-05**
- P. RESOLUTION NO. 2008/22 SUBMITTAL OF GRANT APPLICATIONS TO ABAG (ASSOCIATION OF BAY AREA GOVERNMENTS) AND MTC (METROPOLITAN TRANSPORTATION COMMISSION) REQUESTING FUNDING FOR PLANNING STUDIES UNDER THE STATION AREA PLANNING PROGRAM FOR: 1) THE RIVERTOWN/FERRY TERMINAL STATION AREA, AND; 2) THE HILLCREST EBART STATION AREA #1107-03**

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the Council unanimously approved the Council Consent Calendar with the exception of item J and N which were removed for further discussion.

**Item J** – In response to Councilmember Simonsen, Park Superintendent Palmeri stated park maintenance would be observing the Bocce Ball facility during routine maintenance of the park, for potential maintenance issues.

Karin King, President of Antioch Bocce Federation on behalf of the Board of Directors and players thanked the City of Antioch and Leo Fontana for their support of the renovation of the Bocce Courts.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved Item J.

**Item N** – In response to Councilmember Moore, Director of Community Development Brandt speaking to the request from Mr. Parson for traffic calming on this street, clarified Mr. Parsons had informed him he does not believe it was an appropriate time to consider traffic calming

measures. Capitol Improvement Director Harrington added it was the final product for the completion of the infrastructure improvements and paving of the road.

On motion by Councilmember Moore, seconded by Councilmember Simonsen, the City Council unanimously approved item N.

## **PUBLIC HEARINGS**

- 2. DEER VALLEY ESTATES / ALLIED INVESTMENTS REQUESTS REVIEW OF A MASTER DEVELOPMENT PLAN AND A PLANNED DEVELOPMENT REZONE FOR THE DEVELOPMENT OF A 136 UNIT SINGLE FAMILY HOME SUBDIVISION ON AN APPROXIMATELY 38 ACRE PARCEL BOUNDED BY DEER VALLEY ROAD TO THE WEST AND WELLNESS WAY AND THE KAISER HOSPITAL MEDICAL FACILITIES TO THE SOUTH. ON JANUARY 16, 2008 THE PLANNING COMMISSION VOTED 6-1 TO RECOMMEND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PLAN, AND APPROVAL OF THE MASTER DEVELOPMENT PLAN AND REZONE. FILE: MDP-06-02 (#202-03)**

Planning Consultant Gillarde presented the staff report dated February 21, 2008 recommending the City Council a) adopt the Deer Valley Estates Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; b) introduce the ordinance by title only; c) introduce the Ordinance rezoning the project site from Study Zone (S) to Planned Development District (PD); and d) provide recommendations on the Deer Valley Estates Master Development Plan.

Mayor Freitas opened the Public Hearing.

### ***PROPONANT***

Paul Lopez, speaking on behalf of Allied Investments gave a brief history of the project and conceptual land plan. He requested the table within the staff report on page 3 be amended to indicate the correct dwelling units per gross developable acre. He reported they had received a favorable response from Kinder Morgan and he anticipated they would come to an agreement on the relocation of the pipeline.

In response to Councilmember Moore, Mr. Lopez stated he was in agreement with the PD standards and requested staff clarify several bullet points on the list of items that should be incorporated into the Final Development.

### ***GENERAL COMMENTS***

Troy Bristol, representing Save Mt. Diablo, provided Council with a letter dated February 26, 2008 stating while they do not oppose the project they felt the mitigation measures do not sufficiently offset the negative impacts of the project.

Michelle Fitzer, Antioch resident, speaking on behalf of her neighbors stated they were supportive of connecting to the project only through Oneida Way and recommended the park be removed from the plan due to maintenance and after hours activity concerns.

### ***REBUTTAL***

Mr. Lopez stated they would work with the neighbors to discuss through traffic and park issues as the site plan moved forward. Secondly, with respect to the Save Mt. Diablo, he indicated he concurred with the findings of the mitigated negative declaration.

Mayor Freitas closed the Public Hearing.

Director of Community Development Brandt requested the Development Standards be amended to indicate 3.58 dwelling units per gross developable acre. In response to Mr. Lopez, he clarified several bullet points on the list of recommended items that should be incorporated into the Final Development. With regards to the road connections, he stated staff felt it was important for access from Oneida and Mohave Way.

Director of Community Development Brandt reported due to the history of Kinder Morgan common practice is to relocate pipelines going through residential properties. City Attorney Nerland added the relocation of the pipeline would be a policy issue for the City Council in the future.

### **RESOLUTION NO. 2008/23**

On motion by Councilmember Simonsen, seconded Councilmember Moore the City Council approved a) adopt the Deer Valley Estates Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; b) introduce the ordinance by title only; c) introduce the Ordinance rezoning the project site from Study Zone (S) to Planned Development District (PD).

The motion carried by the following vote:

Ayes: Freitas, Davis, Simonsen, Moore

Noes: Kalinowski

Mayor Freitas declared a recess at 8:51 P.M. The meeting reconvened at 9:05 with all Councilmembers present.

### **COUNCIL REGULAR AGENDA - Continued**

#### **4. CONSIDERATION OF A YMCA AND THE BEDFORD CENTER COLLABORATIVE PROJECT TO BE LOCATED AT PREWETT PARK (#1402-01)**

Project Manager Karste presented the staff report dated February 11, 2008 recommending the City Council: 1) direct staff to continue working with the two groups on the development of the conceptual plan phase and a project timeline, 2) request the YMCA and Bedford Center collaborative to develop a funding plan and timeline for the capital development of the site for

council review, and 3) direct staff to begin the development of a "draft" operating agreement between both agencies and the City of Antioch for council review.

Margo Dutton, representing the Bedford Center, gave a brief overhead presentation of their history and concept for programming at the Bedford Center

Mike Erwin, representing the YMCA, gave a brief overhead presentation of the service in Contra Costa County, including a concept for programming at the YMCA.

In response to Mayor Freitas, Mr. Erwin stated they must first take a project to the financiers, after which they could seek tax-exempt revenue bond financing, in addition to private donors. He noted the timeline would be approximately 3-4 years from concept to completion.

Mayor Freitas spoke in support of exploring the project option and underwriting it with staffing.

Councilmember Simonsen agreed and encouraged the CDBG committee to consider funding sources to facilitate the project.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council unanimously approved: 1) direct staff to continue working with the two groups on the development of the conceptual plan phase and a project timeline; 2) request the YMCA and Bedford Center collaborative to develop a funding plan and timeline for the capital development of the site for council review; and 3) direct staff to begin the development of a "draft" operating agreement between both agencies and the City of Antioch for council review.

## **5. WATER AND WASTEWATER RATE STUDY: PRESENTATION OF FINDINGS (#1202-02)**

Ann Bui, Black & Veatch, gave a brief overhead presentation and presented the staff report dated February 14, 2008 recommending the City Council: Motion to receive report on Revenue Requirements, Cost of Service Allocations, Rate Design, and Connection Fees for the Water and Wastewater Utilities, and provide direction to staff regarding any implementation of the report.

Mayor Freitas discussed the importance of the City of Antioch maintaining the pre-1914 water rights on the San Joaquin River, and also requested a review of the current fee schedule, including the methodology used to develop the connection fee.

Following discussion, the City Council agreed to receive the report and hold the item over for further review of the staff report.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council unanimously received the report.

## **6. MID-YEAR ADJUSTMENTS TO THE 2007/08 FISCAL YEAR BUDGET (#410-02)**



Finance Director Merchant presented the staff report dated February 13, 2008 recommending the City Council adopt the resolution approving the updated revenues and appropriations for the 2007/08 fiscal year budget.

Councilmember Simonsen clarified the subsidy from the General Fund to Animal Control was actually approximately \$800K.

Councilmember Kalinowski stated it was his understanding staff was aware of the need to ensure the Police Department positions were filled.

**RESOLUTION NO. 2008/24**

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously adopted the resolution approving the updated revenues and appropriations for the 2007/08 fiscal year budget.

Mayor Freitas adjourned to the Antioch Public Financing Authority with all Authority Members present.

**PUBLIC FINANCING AUTHORITY**

**7. MID-YEAR ADJUSTMENTS TO THE 2007/08 FISCAL YEAR BUDGET (#410-02)**

**RESOLUTION NO. 2008/25**

On motion by Authority Member Simonsen, seconded by Authority Member Davis, the Public Financing Authority unanimously adopted the resolution approving the updated revenues and appropriations for the 2007/08 fiscal year budget

Chairperson Freitas adjourned the Antioch Public Financing Authority and convened as the Antioch Development Agency with all Agency Members present.

**8. AGENCY CONSENT CALENDAR**

**A. APPROVAL OF AGENCY WARRANTS (#401-01)**

**B. MID-YEAR ADJUSTMENTS TO THE 2007/08 FISCAL YEAR BUDGET (#410-02)**

**RESOLUTION NO. ADA-423**

On motion by Agency Member Simonsen, seconded by Agency Member Davis the Agency unanimously approved the Agency Consent Calendar.

Chairperson Freitas adjourned as the Antioch Development Agency and convened as the City Council with all Councilmembers present.

**PUBLIC COMMENTS - None**

**STAFF COMMUNICATIONS**

City Manager Jakel announced the Quality of Life Forum was scheduled on Saturday, March 29, 2008, at the Nick Rodriguez Center.

**COUNCIL COMMUNICATIONS**

Following discussion it was the consensus of the City Council to write a letter in support of AB1111.

Councilmember Moore reported he had a scheduling conflict on March 29, 2008 and would not be able to attend the Quality of Life Forum.

With no further business, Mayor Freitas adjourned the meeting at 10:30 P.M. to the next regular Council meeting on March 11, 2008.

Respectfully Submitted

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L. JOLENE MARTIN, CMC  
City Clerk