

## ANTIOCH CITY COUNCIL

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

**April 9, 2002**  
**Council Chambers**

Pursuant to Government Code Section §54952.2 the City Council Agenda for April 9, 2002 was posted on the door of the City Council Chambers, 3rd and "H" Streets on April 4, 2002.

### **6:00 P.M. – CLOSED SESSIONS**

- 1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9 (One case).
- 2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION.** McBail Company vs. City of Antioch mediation. This closed session is authorized by Government Code §54956.9.

Mayor Freitas reported no action had been taken in Closed Session.

Mayor Freitas called the meeting to order at 7:00 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.

### **PUBLIC COMMENTS**

Elvin Scott discussed the Pension Benefit Guarantee Corporation's effort to protect pension funds and thanked the community for their support.

J. Gomez, an Antioch resident, expressed her concern regarding neighboring dogs she contended were unrestrained and digging under a common fence into her yard. She stated she had made several complaints to the City's Animal Control, as well as the police department, and requested Council intervene to correct violations to the City's Municipal Code. She further expressed her concern regarding neighboring properties with children, stating the aggressive manner in which the dogs had acted in the past put those children in jeopardy. Mayor Freitas requested City Attorney Galstan look into the situation and report back to the Council in written form, as well as involve the police department.

City Manager Ramsey introduced the City's new Assistant City Manager, Linda Pappas Diaz and provided a brief background of her expertise. Assistant City Manager Pappas Diaz introduced herself to the Council and briefly spoke to her background in City government. Mayor Freitas noted a reception would be held on Wednesday, April 10, 2002 for Assistant City Manager Pappas Diaz at the Antioch Chamber of Commerce.

#A

4-23-02

At Council's request, Mayor Freitas pulled Items E and F for further discussion.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR MARCH 26, 2002 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. ORDINANCE NO. 993-C-S ADDING SUBPARAGRAPH (10) TO PARAGRAPH (D) OF SECTION 4-5.411 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH ENFORCEMENT OF TRAFFIC REGULATIONS ON PRIVATE LOTS (Wal-Mart at Williamson Ranch Plaza) (Introduced 3/26/02) #1104-01**
- D. CONSIDERATION OF BIDS FOR LONE TREE BOOSTER PUMPING STATION 2 AND ZONE IV AND III WATER PRESSURE REGULATING STATION, LONE TREE CORRIDOR A.D. NO. 27/31R (PW 555?2B) #806-02**
- E. CONSIDERATION OF BIDS FOR CHILDREN'S MEMORIAL TREE GROVE AT PREWETT FAMILY PARK (PW 567-3) #1402-03**
- F. RESOLUTION 2002/48 CREATING THE CLASSIFICATION SPECIFICATION FOR INFORMATION SYSTEMS PROJECT MANAGER, ESTABLISHING SALARY, AND AMENDING THE 2001-02 BUDGET BY ADDING ONE POSITION TO THE INFORMATION SYSTEMS DEPARTMENT, STIPULATING ONLY FOR 3 YEARS FOR THE LENGTH OF THE PROJECT #502-02**

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

***Item E*** - Community Development Director/City Engineer Brandt noted there were errors in the Staff Report; the first, under Financial Impact the amount should be \$5,000, and not \$15,000 as stated, and the second being a deposit of \$35,000 from a committed donation.

On motion by Councilmember Conley and seconded by Councilmember Davis, the Council unanimously approved Item E.

***Item F*** - Mayor Freitas requested clarification ensuring this position would be classified as a "project position," with a three year budget allocation.

On motion by Councilmember Davis and seconded by Councilmember Conley, the Council unanimously approved Item F with the stipulation it was a three-year project position.

**COUNCIL REGULAR AGENDA**

- 2. PRESENTATION BY THE CONTRA COSTA WATER DISTRICT BY DIRECTORS NOBLE ELCENKO AND BETTY BOATMUN #1202-02**

Noble Elcenko, Vice President of the Contra Costa Water District Board of Directors, representing Antioch east of Contra Costa Boulevard, and Bette Boatmun, representing Contra Costa Water District and President of the Association of the California Water Agency, each presented the Council with an update regarding water quality, Los Vaqueros Reservoir and various ongoing projects. Bette Boatmun referred to information previously given to Council regarding the ongoing efforts of the Contra Costa Water District stating the packet also contained photographs of various projects. Ms. Boatmun briefly introduced Jim Freshi, Public Relations/Information for the Contra Costa Water District to the Council.

Councilmember Simonsen expressed concern regarding the possibility of contamination of the Contra Costa Canal. Ms. Boatmun assured Councilmember Simonsen she would keep Council updated, noting water quality was of the utmost importance, and stated a full presentation on water quality would be scheduled for a later date.

**3. RESOLUTION ESTABLISHING THE NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM RATE PER EQUIVALENT RUNOFF UNIT FOR FY  
2002-2003 #814-03**

Mayor Freitas excused himself due to a conflict of interest.

City Manager Ramsey briefly spoke to the importance of the elimination of storm water pollutants.

Administrative Analyst Hoffmeister presented the staff report, and spoke to the background of the National Pollution Discharge Elimination System (NPDES) program. Per a request from Councilmember Simonsen, Administrative Analyst Hoffmeister further explained issues pertaining to funding, responsibility issues of the enforcement for clean water and inspection issues.

Community Development Director/City Engineer Brandt explained the current rate structure would drive down the reserve while incrementally increasing the fees. He anticipated a rate would be brought in 2003-2004 for \$23 and a \$25 fee for the year 2004-2005.

Councilmember Conley stressed the importance of preserving the Delta and further questioned the method of allocating fees. Manager of the Contra Costa Clean Water Program, Don Freitas, responded stating the Group Program was on a pro-rata basis, based on population throughout the 19 Contra Costa County cities. He also spoke to future projects, liability issues, downstream calculations, and watershed jurisdictions.

Councilmember Simonsen requested additional information be brought back to the Council regarding the allocation of fees, and requested information regarding the new mandates levied by the Federal Government.

**RESOLUTION NO. 2002/49**

On motion by Councilmember Conley and seconded by Councilmember Davis, the Council approved the resolution by the following vote:

Ayes: Davis, Kalinowski, Conley

Noes: Simonsen

Abstain: Freitas

Mayor Freitas declared a recess at 8:08 P.M., the meeting reconvened at 8:21 P.M. with all Councilmembers present.

## **PUBLIC HEARING**

### **5. THE CITY OF ANTIOCH IS REQUESTING TO ADOPT REVISIONS TO TITLE 9, CHAPTER 5 OF THE ANTIOCH MUNICIPAL CODE ZONING ORDINANCE TO SIMPLIFY AND EXPEDITE THE ISSUANCE OF LAND USE PERMITS (FILE: Z-99.2) (Con't from 9/25/, 11/13, 11/27/01 and 1/22/02) #202-05**

Associate Planner Wehrmeister provided a summary of the Staff Report and introduced Larry Cannon, Project Consultant, who spoke further to the streamlining of zoning requirements.

In response to Mayor Freitas' comments regarding a Memorandum dated February 4, 2002, Mr. Cannon explained he felt a City with a dependable and reasonably streamlined planning process was better equipped to attractive more business developers than those with cumbersome, time consuming procedures. Based on his experience and discussions with others, he did not feel Antioch possessed a user friendly system noting the problem seemed to be with the Planning Commission and the Design Review Board and their inability to transition smoothly.

Councilmember Conley expressed the importance of protecting the public, in terms of providing an avenue for the public to express their concerns on specific projects and noted streamlining the process may inhibit this to occur. Mr. Cannon responded City Staff could handle most issues, giving the Zoning Administrator the authority to pass items on to the Planning Commission, should the need arise.

Mayor Freitas noted changes would need to be made to reflect wording indicating the adoption of the Negative Declaration.

Mayor Freitas opened the Public Hearing calling for comments.

John Hall expressed his concern the proposed ordinance would give additional power to Staff, in terms of the decision making process, and felt that the ultimate authority should lie in the hands of the governing bodies.

Sandra Golightly spoke in favor of the Planning Commission reviewing projects, and not having Staff handling the decision, due to the low number of Staff versus the higher number of Commissioners. As a Design Review Board member, she requested a more specific outline of responsibilities be presented to the Planning Commissioner and Design Review Board. Ms. Golightly commended City Staff and requested a joint Workshop be held with the Planning Commission, City Council and Design Review Board for further discussions.

Mayor Freitas closed the Public Hearing.

Following Staff clarification, Mayor Freitas stated he could not support the proposed recommendations, as presented in the Staff Report, and expressed his concerns regarding the proposed procedures. He agreed a meeting of the City Council, Planning Commission and Design Review Board would be beneficial, in terms of understanding public policy, and felt the public input process should be safeguarded.

Councilmember Kalinowski stated he did not support the zoning amendment, as proposed, referring to previous projects and the concern they had created; adding he also recommended Council review the guidelines of the Planning Commission and Design Review Board, due to recent concerns expressed.

Councilmember Conley spoke in favor of the proposed Resolution, specifying the provision allowing administrative review of variance requests for up to 25% of required front, side and rear setbacks. In terms of public safety he recommended a committee be formed consisting of City Staff and possibly a City Councilmember and Planning Commissioner as a first review board, giving the public additional input. Regarding subparagraphs 9 and 10, Councilmember Conley stated he was not in favor of Staff's recommendation.

Councilmember Simonsen agreed with Councilmember Conley regarding the City forming some type of review panel to review a project at the beginning of an application process. However, he did not think it was necessary to involve a Councilmember or Commissioner, but possibly other City Staff.

Councilmember Kalinowski requested this item be tabled and brought back in a study session format, giving the Council an opportunity to discuss specific items with Staff.

**RESOLUTION NO. 2002/50**

On motion by Councilmember Conley and seconded by Councilmember Davis, the Council unanimously adopted the resolution with changes to indicate the adoption of the Negative Declaration only.

On motion by Councilmember Kalinowski and seconded by Councilmember Conley, the Council introduced the ordinance by title only unanimously agreeing to Section 3, Article 39: Reasonable Accommodation and to Section 4 Administrative Variance.

City Manager Ramsey suggested this be brought back in a work-study format, should staff identify the need to take this issue further in addressing Sections 9 and 10.

Mayor Freitas requested Council further review those issues pertaining to the Planning Commission, along with the terms limits pertaining to the Design Review Board, and requested this be brought back to the Council within 30-45 days. He further stated it would be beneficial to have a joint meeting before the conclusion of the calendar year, and after the General Plan Committee had concluded their work, to include the Planning Commission, City Council and Design Review Board.

Councilmember Simonsen spoke to SB 2100, and requested the City Council's support. Mayor Freitas directed this item be placed on the April 23, 2002 Council agenda. Councilmember Simonsen requested AB 3052 also be agendized for the next Council meeting. Mayor Freitas so directed. Councilmember Simonsen then spoke to AB 2031 requesting the Police Chief and the Finance Director review this issue, reporting back to Council with comments and/or recommendation regarding the fiscal impacts to the City. Mayor Freitas concurred.

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

**PUBLIC COMMENTS—None**

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Conley reported on the *Walk for Peace at Home* and *Get Hooked on Fishing Not Drugs*. He also noted on April 13 *One Planet All For Peace* would be held at County East Mall.

Councilmember Davis reported on the opening of the *Delta Peanut League, Kids Fest, Get Hooked on Fishing Not Drugs*, field trip with the Bedford Center Sub-Committee and a rally for non-violence.

Mayor Freitas spoke on the opening of the *Delta Peanut League* and an *Eagle Scout* ceremony. He further noted the Chamber of Commerce, in conjunction with Rick Marchoke of the Antioch Police Department would be planning a ceremony to be held on September 11, 2002, and requested the Council's attendance. Mayor Freitas reminded the Council the Mayor's Conference, hosted by the City of Antioch, would be held on May 2.

Councilmember Simonsen reported he had attended the Water Transportation Authority Community Advisory Committee meeting held in March, and noted this committee would be visiting Antioch in the near future. He noted Kimball Elementary would be celebrating their 50th anniversary with a re-dedication on April 12, and on April 13 a By Pass celebration would be held on Sand Creek Road.

**STAFF COMMUNICATIONS**

Responding to City Manager Ramsey, Mayor Freitas noted the City Council meeting of August 27 was cancelled.

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 9:55 P.M. to the next regularly scheduled meeting of April 23, 2002.

Respectfully Submitted

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L. Jolene Martin, City Clerk