

ANTIOCH CITY COUNCIL

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

**April 8, 2003
Council Chambers**

Mayor Freitas called the meeting to order at 7:11 P.M., and apologized to the audience for the delay this evening due to the community rally in support of the men and women fighting in the Iraqi conflict on behalf of the U.S.A. He announced 1,000 people had attended the function. He thanked the City Council and community for their support. 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.

Mayor Freitas indicated the Wall of Heroes display in the Council Chambers, stating it was in recognition of those soldiers from Antioch serving in the Armed Services, fighting in Iraq. He requested anyone wishing to add a name contact the City Clerk or City Manager.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Martin announced the City was accepting applications for three expired terms on the Economic Development Department and three expired terms on the Police Crime Prevention Commission. She requested anyone wishing to apply contact the City Clerks' office for an application or download one from the City's website. She noted the deadline for submitting applications was May 30, 2003 at 5:00 P.M..

PROCLAMATIONS

Earthquake/Disaster Preparedness Month, April 2003

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

Councilmember Davis presented the proclamation proclaiming April 2003 as Earthquake/Disaster Preparedness Month to Lonnie Karste who thanked the City Council for the proclamation and discussed the importance of Earthquake/Disaster Preparedness. He provided a contact number and website for anyone wishing to receive additional information.

PUBLIC COMMENTS

Bill Glynn, Pittsburg City Councilmember, representing the United Veteran's Council of Pittsburg and the American Legion Post 151 of Pittsburg stated he had attended Antioch's

rally in support of the Armed Services serving in Iraq earlier in the evening in and commended the City Council and community for planning and executing an excellent event.

Mayor Freitas recognized Recreation Services Manager Sanderson and staff, thanking them for their effort and hard work in planning, organizing and orchestrating the rally event.

Recreation Services Manager Sanderson thanked Mayor Freitas for the recognition and acknowledged the community, staff and City Council working together.

Allen Payton, representing the Antioch Press, announced reporter Brian Poyezdala was moving out of state and the April 22, 2003 City Council meeting would be his last. He publicly thanked him for covering the Antioch City Council, Boards and Commissions meetings for the Antioch Press.

A Pittsburg resident, Elvin Scott, provided information regarding his television show on pension benefits airing on channel 26. He noted Walnut Creek and San Francisco were providing additional programs for airing. He further noted he had applied for a federal nonprofit designation, thus enabling him to provide the public with information on pension benefits.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR MARCH 25, 2003 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIM #704-07**
 - 1. Claim of John Huber, #02/03-1367**
- D. RESOLUTION NO. 2003/47 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR WILLIAMSON RANCH, UNIT 9, TRACT NO. 8565 (KIPER DEVELOPMENT) PW 574-9 #802-02**
- E. RESOLUTION NO. 2003/48 ACCEPTING COMPLETED IMPROVEMENTS FOR LONE TREE ESTATES, PHASE VI, TRACT NO. 8366 (DAVIDON HOMES), PW 572-6 #802-02**
- F. STATE ROUTE 4 CORRIDOR SIGNAL COORDINATION PROJECT (PW 642) #1102-03**
- G. RESOLUTION NO. 2003/49 APPROVING AN AGREEMENT WITH TY-LIN INTERNATIONAL TO PROVIDE ENGINEERING SERVICES FOR DESIGN OF THE SOMERSVILLE ROAD BRIDGE ACROSS CONTRA COSTA CANAL (PW 141-B)**

#1102-04

**H. RESOLUTION NO. 2003/50 APPROVING PURCHASE OF 412 "L" STREET AND
1103 W. 4TH STREET (Alex G. and Eva C. Greenhouse) **#1001-03****

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

Item A – Mayor Freitas announced the approval of the City Council minutes for the March 25, 2003 meeting had been continued to April 22, 2003.

Item H – Bruce Ohlson, representing the East Bay Bicycle Coalition and Delta Peddlers, discussed the importance of bicycle lanes to the quality of life in Antioch and requested a bicycle lane for each side of the "L" Street widening project.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved item H as presented.

COUNCIL REGULAR AGENDA

**2. REQUEST BY THE JOHN MARSH HISTORIC TRUST TO CHANGE THE NAME OF
THE HIGHWAY 4 BYPASS TO JOHN MARSH PARKWAY **#1102-03****

Acting City Manager Pappas Diaz presented the staff report dated April 2, 2003, recommending the City Council consider the request to rename the State Route 4 Bypass and provide direction to the State Route 4 Bypass Authority's Board of Directors

Councilmember Conley stated John Marsh was a pioneer in the area; therefore he would support changing the name of the State Route 4 Bypass to John Marsh Parkway. He stated he would like support from the John Marsh Historical Trust in funding the bypass and suggested they write letters of support to East Bay Regional Parks, Save Mount Diablo and the Greenbelt Alliance for additional funding.

Councilmember Simonsen voiced his concern regarding information provided to him by local Native Americans regarding John Marsh's involvement in Indian politics. He suggested the information be taken under consideration and requested the Historical Societies provide him with any information pertaining to the issue.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council supported the renaming of the State Route 4 Bypass to John Marsh Parkway and requested the John Marsh Historical Trust write letters of support for an East County funding program for the Highway 4 Bypass to Eastbay Regional Park District, Greenbelt Alliance and Save Mount Diablo not exclusive. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Conley, Freitas,

Abstain: Simonsen

3. RESOLUTION ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2003/04 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 #814-03

Mayor Freitas recused himself due to a conflict of interest as the manager of the Contra Costa Clean Water Program and turned the gavel over to Mayor Pro Tem Davis.

Administrative Analyst Hoffmeister presented the staff report dated March 27, 2003, recommending the City Council adopt the resolution establishing a rate of twenty-three dollars (\$23) per equivalent runoff unit (ERU) for FY 2003-2004.

In response to Councilmember Conley, Administrative Analyst Hoffmeister reviewed the National Pollution Discharge Elimination System program.

Following discussion, Councilmember Simonsen stated he would not support the motion due to the fact there was no expenditure information provided within the staff report.

Community Development Director Brandt stated he would provide any information requested to Councilmember Simonsen pertaining to the expenditures.

In response to Councilmember Simonsen, Administrative Analyst Hoffmeister reviewed the State legislation as it related to the increase in NPDES permits fees.

RESOLUTION NO. 2003/51

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council adopted the resolution establishing a rate of twenty-three dollars (\$23) per equivalent runoff unit (ERU) for fiscal year (FY) 2003-2004.

The motion carried by the following vote:

Ayes: Kalinowski, Davis, Conley,

Noes: Simonsen

Mayor Pro Tem Davis declared a recess at 8:00 P.M. Mayor Freitas reconvened the meeting at 8:10 P.M. with all Councilmembers present.

4. PRESENTATION OF NORTHEAST ANTIOCH ANNEXATION FEASIBILITY STUDY #202-02

Assistant to the City Manager Gegg presented the staff report dated March 3, 2003 recommending the City Council instruct staff and a consultant to develop a scope of work, detailing the necessary additional studies and entitlement actions needed to initiate annexation proceedings for option #2.

Dick Loweke, consultant for the City, provided a brief overview of the feasibility study and annexation options for consideration by the City Council. He noted the next step in the process was based on the City Council's determination of interest and would involve studies and entitlement actions needed to initiate annexation.

In response to Councilmember Conley, Mr. Loweke stated the 15-acre area outlined in option #1 fronting East 18th could be included in option 2A.

In response to Mayor Freitas, Mr. Loweke stated the City Council chooses option 2A/2B and 2B is not supported by registered voters, 2A could move forward with annexation.

In response to Councilmember Kalinowski, Mr. Loweke clarified new development would be the principal source of funding infrastructure, adding there may be additional funds available through IRP opportunity zone. He stated they had provided a preliminary overview of public service related costs and noted there were areas requiring more service. He noted they needed an in depth examination in order to determine the existence of supplemental funding through special assessments to offset the costs.

Councilmember Kalinowski expressed concern the service related costs provided for police services were understated.

In response to Mayor Freitas, Mr. Loweke clarified infrastructure improvements for the existing residences could be obtained through an assessment charge and industrial developing properties could help underwrite some costs for the capital improvements. He noted the existing residents would be provided with a plan for services as a part of the application to LAFCO prior to voting for annexation. He noted options 2A and 2B would be concurrent applications and if registered voters do not support 2B, 2A could move forward with annexation.

Mr. Loweke clarified voting would be restricted to property owners (who are registered to vote) within the boundaries in question, being registered voters are people who live on the property.

Councilmember Simonsen stated, should the City proceed, his request would be for the consultant to provide information acknowledging the costs of infrastructure improvements as well as costs to run service lines to the individual properties.

Mr. Loweke clarified they were confident less than 12 registered voters were residing in the areas designated for options 1 and 2A and assured final documentation would be provided when the City was ready to proceed.

James Kinnard spoke in opposition to the annexation of his property into the City of Antioch. He questioned who would be responsible for the septic tank removal if they were to annex and connect to the sewer system as well as the time frame involved in implementing annexation. He expressed concern regarding the fees involved to the existing property owners. He stated he was in support of the item being determined by a vote of the residents.

Marci Kinnard questioned the benefit of annexation to the existing residents as well as the associated costs. She requested additional information regarding the road improvements and potential zoning changes.

City Attorney Galstan clarified the zoning could remain the same until there was a significant change on the property.

Councilmember Simonsen requested should the City move forward with the next phase of the annexation, the consultant be required to address the zoning changes as well as private streets within the area.

Darlene Dawson, speaking on behalf of the Sportsman's Yacht Club, read a letter written by Bill Sorrell voicing the concerns of the Yacht Club's members regarding property annexation.

Bill Worrell requested the City Council table the item to allow additional time to further study the issues.

John Mitosinka spoke in opposition to annexation and requested clarification regarding an annexation vote. He questioned who would be allowed to vote, the residents or the property owners. He expressed concern regarding maintaining privacy for the existing residents and the costs associated with infrastructure improvements. He further requested clarification of how 2A could move forward without 2B, if defeated in a vote.

Ken Wentworth discussed the importance of maintaining his quality of life and spoke in opposition to the annexation.

In response to Mr. Mitosinka, Mr. Loweke clarified that 2A and 2B would have to move forward simultaneously. He further explained a provision in the document which states should the registered voters within the legally inhabited area decline annexation, the residents could remain an island of non-annexed properties.

Mr. Loweke stated that if the City Council proceeded forward the second report should be available within 6 months. He stated the individuals residing on the properties and registered to vote at the property address will vote on an inhabited annexation; however, if there were less than 12 registered voters, the vote would be calculated by assessed value.

Councilmember Kalinowski stated he would not be supporting the project any further noting he felt the data provided in the preliminary study pertaining to law enforcement was under represented and he would not support piecemeal annexations.

Following discussion, the Council majority stated further study of the issue could provide the residents with the necessary information and ultimately the opportunity to vote on the feasibility of annexation. They noted the annexation of the industrial property is important to future economic development in Antioch and legally options 2A and 2B need to move forward concurrently.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council instructed staff and the consultant to develop a scope of work, detailing the necessary additional studies and entitlement actions needed to initiate annexation proceedings for option 2A and 2B modifying option 2A to include the 15 acres on East 18th Street.

The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen, Freitas

Noes: Kalinowski

5. LEGISLATION AND ADVOCACY

#701-04

A. MAYORS LETTER OF SUPPORT SENATE BILL 114, SENATOR TORLAKSON FISCAL ASSISTANCE: RELOCATION OF AUTO DEALERSHIP AND BIG BOX RETAILERS

Council Member Simonsen reported the Senate Bill was currently being revised and requested the City Council receive and file the oral report and the letter of support be tabled until further consideration had been received from the policy committee and Senator Torlakson.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council unanimously tabled the City of Antioch's position on Senate Bill 114.

PUBLIC COMMENTS – None

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Davis reported he had attended the opening of the Babe Ruth League on April 4, 2003. He congratulated the players and volunteers for their participation.

Councilmember Simonsen thanked Mayor Freitas for organizing the rally in support of the military and noted it was an outstanding event.

Mayor Freitas announced he had attended the opening of the Delta Peanut League, which was an extraordinary experience. He stated he was proud of the community and thanked

the City Council, staff, the Daily Ledger staff, Rivertown Business Association and clergy for their participation as well as Jean Kuberra for authoring most of the Proclamation.

STAFF COMMUNICATIONS – None

With no further business, Mayor Freitas adjourned the meeting at 9:31 P.M., to the next regular scheduled meeting on April 22, 2003.

Respectfully Submitted

L. JOLENE MARTIN
ANTIOCH CITY CLERK

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN
ANTIOCH CITY CLERK