

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**December 14, 2004
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR. Agency Negotiator: Holly Brock-Cohn; Employee Organization: All represented groups. This Closed Session is authorized by Government Code §54957.6.
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Evaluation for City Manager. This Closed Session is authorized by Government Code '54957.

Mayor Freitas called the meeting to order at 7:10 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

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

At the request of the applicant, Mayor Freitas announced agenda item #2 would be held over to January 11, 2005 along with item #8.

Mayor Freitas announced there was no reportable action from Closed Session.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, President of the Antioch Chamber of Commerce, announced they were accepting nominations for Antioch's Citizen and Business of the Year. She noted forms were available on the Chamber's website and in their offices. She announced awards would be presented at the Annual Gala on January 21, 2005 at Lone Tree Golf Course. Secondly, forms were available at the Chamber's Office for businesses interested in becoming part of the database for the small Business Information Center.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Martin announced three openings were available on the Board of Administrative Appeals and one opening was available on the Economic Development Commission; applications must be received in the City Clerk's Office no later than 5:00 P.M. February 4, 2005.

ANNOUNCEMENT OF COMMUNITY EVENTS

Julie Haas-Wajdowicz announced the Holiday Tree Recycling event would be held on January 1, 2, 8 and 9, 2005 with drop off locations at both Prewett Water Park and the Marina.

PUBLIC COMMENTS

Mayor Freitas read written comment from Ralph Hernandez, Chairperson of the Citizens for Democracy, informing the Council and community they had filed complaints and requested investigations regarding election "hit piece" flyers distributed during the election in October.

Elvin Scott announced he was providing information on Veteran's pension benefits on television shows. He stated his Pittsburg office would be open 5 days a week and they were seeking volunteers to assist people in receiving their benefits.

Emil Stein, Antioch resident, the auto transports were unloading on Somersville Road, and he felt was unsafe and illegal. Secondly, he suggested the City Council become actively involved in stopping a child molester from being released in Antioch.

Mayor Freitas reported Chief Moczulski and City Attorney Galstan had been attending court proceedings and monitoring the activities surround the possible release of a sexual deviant in Antioch.

Mary Rocha stated due to the recent passing of Estuardo Sobalvarro, she was extending her thoughts to Barbara Sobalvarro. Delmar Aldino presented the City Council with candy canes, while representing the Family Resource Center and Perinatal Council along with Ms. Rocha and Dr. Barbara Bunn McCullough, who discussed their intentions to build a center in downtown Antioch allowing much needed services to local families.

Keith Glenn spoke in opposition of Antioch contributing funds for the minor league ballpark in Pittsburg and noted he felt the money would be better spent locally.

Ken Lee, Antioch resident, commended the City Council for listening to the residents concerns and urged them to address the issue of the Nokes Dealership public address speakers.

City Manager Jakel stated he would speak with the owner of the dealership regarding the speaker issue.

Councilmember Kalinowski stated he had witnessed a speaker issue at the dealership and if they were directed toward residences they should be addressed.

Mayor Freitas recognized Estuardo Sobalvarro and Helen Bates, both of who had recently passed away, noting their passing was a significant loss to the community. He encouraged the community to send prayers and good wishes to their families.

Councilmember Kalinowski spoke to Supervisor Glover who had extended his congratulations to himself, Councilmember Simonsen and Mayor Freitas on their re-election. He noted Supervisor Glover had been unable to attend the swearing in ceremony and the current City Council meeting due to his mother's illness and recent passing. Councilmember Kalinowski announced effective January 18, 2005 he would be holding office hours at City Hall on Tuesdays from 2:00-5:00 P.M. for anyone who wished to discuss issues before the City. He provided a contact number for anyone wishing to schedule an appointment.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 9, 2004#301-02**
- B. APPROVAL OF COUNCIL WARRANTS#401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR NOVEMBER, 2004#401-02**
- D. LEGISLATION AND ADVOCACY#701-04**
- E. ORDINANCE NO. 1037-C-S REZONING APPROXIMATELY 11 ACRES, MAKING UP THE RENAISSANCE AT BLUEROCK PROJECT SITE, TO A PLANNED DEVELOPMENT DISTRICT (PD)#202-03**
- F. RESOLUTION NO. 2004/147 AUTHORIZING INVESTMENT OF CITY MONIES IN THE STATE OF CALIFORNIA LOCAL AGENCY INVESTMENT FUND (LAIF)#401-01**
- G. CONSIDERATION OF BIDS FOR THE DOWNTOWN SEWER TRUNK LINE IMPROVEMENTS, PHASE II (PW 514-S2)#1205-01**
- H. CONSIDERATION OF BIDS FOR THE LONE TREE GOLF COURSE PARKING LOT IMPROVEMENTS (PW 176-12)#1402-01**
- I. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE REHABILITATION OF THE DEERFIELD WATER TANK (PW 487-T2)#1202-03**
- J. RESOLUTION NO. 2004/148 ACCEPTING WORK AND DIRECTING CITY ENGINEER TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL PAYMENT TO TOP GRADE CONSTRUCTION, INC. FOR THE MOKELUMNE TRAIL IMPROVEMENTS (PW 404-7A)#1402-02**

- K. **RESOLUTION NO. 2004/149 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR LOS VINEDOS SUBDIVISION, (BLACKSMITH HOMES LLC), TRACT NO. 8783 AND ANNEXING TO THE ALMONDRIDGE LIGHTING AND LANDSCAPING DISTRICT 5, ZONE 1, (PW 668).....#802-02**

- L. **RESOLUTION NO. 2004/150 AUTHORIZING AN AGREEMENT FOR A GARAGE SALES OFFICE CONVERSION WITH A.D. SEENO CONSTRUCTION, IN MEADOW CREEK VILLAGES, UNIT 5, TRACT 7897, LOT 350 (PW 569-5)#802-02**

- M. **RESOLUTION NO. 2004/151 APPROVING AGREEMENT TO DISSOLVE THE CRIMINAL JUSTICE AGENCY OF CONTRA COSTA COUNTY.....#1301-01**

- N. **MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ANTIOCH AND THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT#814-01**

- O. **RESOLUTION NO. 2004/152 APPROVING TERMS OF AGREEMENT FOR TREATMENT PLANT EMPLOYEES' ASSOCIATION (TPEA).....#509-02**

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council members present unanimously approved the Council Consent Calendar with the exception of items G, H, and N, which were removed, for further discussion.

Item G - In response to Mayor Freitas, Finance Director Tasker clarified the sewer fund deficit would be made up from service fees and noted there was a sewer reserve fund. He stated if the City were to borrow from the water fund, they would be repaid with interest giving 25 basis points or exactly what the City received in interest income with the intent to make it revenue neutral. He noted borrowing from the water fund would not negatively impact the water fund's capital improvement projects.

Mayor Freitas expressed concern regarding the veracity of the report due to the fact the CIP and rate structure was based on assumptions and now the consultant had indicated the work could be delayed for 2 years. He stated he would continue discussions with Finance Director Tasker regarding how reimbursement should occur.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council members present unanimously approved Item G with reimbursement being 25 basis points above the average interest rate of return to the City.

Item H - In response to Mayor Freitas, Capital Improvement Director Scudero clarified six light standards are included in the project.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council members present unanimously approved Item H.

Item N - In response to Mayor Freitas, Director of Public Works Harrington clarified there were no immediate fiscal or project impacts to the City of Antioch and therefore he was in support of staff's recommendation to the City Council.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council members present unanimously approved Item N.

PUBLIC HEARINGS

- 2. ALMONDRIDGE EAST / MCBAIL COMPANY REQUESTS APPROVAL OF THE FINAL PLANNED DEVELOPMENT AND ASSOCIATED AMENDMENT OF THE PLANNED DEVELOPMENT ZONING DISTRICT, TENTATIVE MAP, AND USE PERMIT, TO ALLOW THE CONSTRUCTION OF 102 SINGLE FAMILY HOMES ON APPROXIMATELY 21.5 ACRES LOCATED APPROXIMATELY 700 FEET SOUTH OF EAST 18TH STREET AND EAST OF PHILLIPS LANE (APN 051-200-015 AND 051-200-053) (PD-04-14)..... #202-03**

This item was continued to January 11, 2005.

- 3. ORDINANCE ADDING SECTION 9-5.1001.1 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH LANDSCAPING AND MAINTENANCE OF NON-RESIDENTIAL PROJECTS..... #701-05**

City Attorney Galstan presented the staff report recommending the City Council: A) Introduce the Ordinance by title only; B) Introduce the Ordinance adding Section 9-5.1001.1 to the Antioch Municipal Code, dealing with landscaping and maintenance of non-residential projects.

Mayor Freitas opened and closed the public hearing with no speakers requesting to speak.

Mayor Freitas voiced his concern the standard for maintenance was too generalized and felt the levels of maintenance should be identified. He questioned why the City was not enforcing landscaping maintenance and how the City would be reimbursed should they perform the maintenance at the owner's expense.

City Attorney Galstan stated the City could take civil action against the property owner, issue an administrative citation, initiate a lawsuit or lien the property for code violations. He stated staff could bring back additional criteria for the City Council's consideration.

Councilmember Kalinowski stated he felt litter control should be clarified.

Mayor Freitas stated the City Council should consider whether Neighborhood Improvement was in need of additional authority to enforce the code and whether or not the exemption for existing structures less than 2500 square feet was appropriate.

Following discussion the item was continued to February 8, 2005.

COUNCIL REGULAR AGENDA

4. RESOLUTION APPROVING A MASTER PLAN FOR NELSON RANCH PARK (NELSON RANCH SUBDIVISION) (PW 547-P)..... #1402-03

Assistant City Engineer Bernal presented the staff report dated December 1, 2004 recommending the City Council adopt the resolution approving the Nelson Ranch Park Master Plan. Speaking to the conditions of approval, he stated staff recommended deleting "Sweet Water Street" from condition #20.

Michael Cady, DUC Housing Partners, stated they could incorporate a full court if it was the City Council's direction. He clarified they designed a half court to allow for north/south positioning.

In response to Mayor Freitas, Assistant City Engineer Bernal stated staff could work with the applicant to reorient the court to allow for it to be full sized.

Don Rose, Landscape Architect, stated at the direction of the Parks and Recreation Commission they had expanded the parking and designed the half court basketball area. He stated they could reduce the width of the court and put it in the same area or relocate it between the baseball and soccer field.

In response to Mayor Freitas, Mr. Rose stated as currently designed he was not concerned about baseballs being hit into the street.

Mayor Freitas suggested the path tie into the tot lot area.

Nancy Brandt, Park and Recreation Commission Member, stated the initial plan had two hard courts that were to the left of the 20-space parking lot so in adding 5 spaces the option for basketball was reduced to a half court. She stated it was her personal opinion the additional parking was not needed in the area based on the grading issues, however the remainder of the Commission had felt additional parking was needed.

In response to Mayor Freitas, Mr. Rose indicated the following revisions and addition were acceptable and would be implemented.

RESOLUTION NO. 2004/153

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council members present unanimously adopted the resolution approving the Nelson Ranch Park Master Plan with project specific conditions #20 and 23 revised to read:

#20 Locate parking lot entrances across from Le Conte Circle.

#23 Construction of one full basketball court.

And the addition of project specific condition #25 to read:

#25 That the trail from Menona Court will connect into the tot lot area.

5. RESOLUTION PROVIDING DIRECTION TO STAFF CONCERNING THE CITY'S RESIDENTIAL DEVELOPMENT ALLOCATION ORDINANCE (RDA) AND THE REQUIREMENTS OF THE SAND CREEK FOCUS AREA, AND ESTABLISHING A REVISED PROCESSING SCHEDULE FOR BOTH THE CURRENT AND UPCOMING RDA PROCESSING CYCLE#204-01

Deputy Director of Community Development Carniglia presented the staff report dated December 14, 2004 recommending the City Council adopt the resolution.

Michael Milani, representing Zeka Ranch, stated they looked forward to working on the planning process with staff and would be submitting an RDA application in March.

In response to Mayor Freitas, Deputy Director of Community Development Carniglia stated the Zoning Ordinance was scheduled to go to Planning Commission at their second meeting in February and would be at the Commission for a number of meetings.

Mayor Freitas requested the City Manager resolve the Zoning Ordinance issue as quickly as possible.

Councilmember Kalinowski stated he could not support an alternative planning process for FUA#1 due to the fact he felt the build out of the location was not appropriate until the infrastructure was present.

In response to Mayor Freitas, Deputy Director of Community Development Carniglia indicated the alternative planning process could tie in infrastructure development with residential development and would come back to the City Council for consideration.

RESOLUTION NO. 2004/154

On motion by Councilmember Davis, seconded by Councilmember Simonsen the City Council members present unanimously approved the resolution directing staff to prepare an update/cleanup to the City's Residential Development Allocation (RDA) Ordinance. The primary goal would be to bring the ordinance updates to the City Council for action by March 2005, revising the schedule for the submittal and processing of RDA applications and address the issue of the City being almost an entire RDA cycle behind in the processing of RDA applications.

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the City Council approved the resolution directing staff to formulate an "alternative planning process" for the Sand Creek Focus Area (FUA#1) as called for in the City's General Plan. This alternative planning process would be prepared in conjunction the RDA Ordinance

update/cleanup, with the goal of bringing this issue to City Council for action by March 2005. The motion carried by the following vote:

Ayes: Freitas, Davis, Simonsen

Noes: Kalinowski

Absent: Conley

6. DISCUSSION OF A PROPOSAL BY SUNSET EXPLORATION TO DRILL A GAS/OIL WELL WITHIN FUTURE URBANIZATION AREA #1(FUA#1) #202-02

Deputy Director of Community Development Carniglia presented the staff report dated December 14, 2004 recommending the City Council provide comment on the proposal.

Bob Nunn, representing Sunset Exploration, stated they were requesting the City Council lift or waive the moratorium on Gas/Oil Well drilling in FUA#1 to allow them to come back to the Council in the future with a specific proposal for consideration.

In response to Councilmember Kalinowski, Mr. Nunn stated he was unaware of any other location in Northern California with a moratorium on drilling. He provided the City Council with a noise study conducted by an Acoustical Engineer noting at 1000 feet their operation is quieter than the native state. He stated with staff's direction they would design an operation with specific mitigation for noise and view impacts.

Walt Bartlett, Antioch resident, living on Deer Valley Road, stated they had oil and gas wells in the area, which he felt were noisy, contaminated soil and water and increase traffic in the area.

Tim Donahue, Antioch resident, Chair of the Delta Group of the Sierra Club, stated he was opposed to proposals for oil/gas drills in residential/commercial areas noting there was no benefit to the City and oil was a toxic product.

Councilmember Simonsen stated with the elimination of the FUA#1 Specific Plan, the purpose of the moratorium no longer existed and he felt it was appropriate for the City Council to move forward and determine the feasibility of drilling proposals for the area.

Councilmember Davis stated he agreed with Councilmember Simonsen adding the noise, visual and contamination issues were regulated and could be mitigated in such a way as to have no impact.

Councilmember Kalinowski expressed concern for setting a policy that would tie the hands of future City Councils as well as having a blanket moratorium in FUA#1. He stated he did not have enough information to render a decision regarding the feasibility of drilling. He voiced his support of lifting the moratorium and allow the City Council to conduct a thorough study on the issue; therefore allowing Council to make a decision based on the resulting information.

Mayor Freitas stated without a plan for FUA#1, he felt the reasons for the moratorium were still valid and lifting it would be premature and inappropriate. He expressed concern

regarding the explosive oil and gas that were not compatible within the incorporated boundaries of the City. He further stated there were too many risks, and not enough benefit to the City and they would not be compatible with the goals and objectives of the City Council. He stated he was against lifting the moratorium and suggested putting the item on a future agenda in January/February as a Public Hearing. In the event the item should move forward, he requested staff explore what would be in the best interest of Antioch.

In response to Councilmember Simonsen, Mr. Nunn stated they had completed the seismic operation and there was no requirement of consent other than from the landowners. He stated he would like the moratorium lifted to allow for discussions on the feasibility of drilling in FUA#1.

Councilmember Kalinowski clarified he felt the City Council should have all the information to assist them before taking a formal vote, to insure it was in the best interest of the community.

Mayor Freitas stated he felt the moratorium was still valid as the City did not know how FUA#1 would be developed.

In response to Councilmember Simonsen, Mr. Nunn stated he was requesting the City Council direct staff to agendize this item for a future hearing to allow Council to consider continuing or canceling the moratorium. He stated if the moratorium were canceled they would bring forward an application for review and consideration.

Following discussion, Council consensus was to agendize consideration of lifting the moratorium on oil/gas exploration in FUA#1 in the January/February timeframe.

7. JOINT MEETING BETWEEN THE ANTIOCH CITY COUNCIL AND THE ANTIOCH UNIFIED SCHOOL DISTRICT #301-02

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council members present determined to meet Tuesday, January 18, 2005 at 7:00 P.M. for a Joint Session with the Antioch Unified School District.

The City Council requested the following topics be placed on the agenda:

- ! Demographics
- ! After School Activities
- ! School population issue at Deer Valley High School
- ! School Crossing Guard Program and REAP Officers

Mayor Freitas reported he would continue to have discussions with the merchants, Police Department and School Districts regarding the student population at Deer Valley High School and the impacts on commercial businesses on Lone Tree Way.

8. APPOINTMENT TO DOWNTOWN REDEVELOPMENT/WATERFRONT COMMITTEE#302-01

This item was continued to January 11, 2005.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present with the exception of Agency Member Conley who was excused.

9. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS.....#401-02

**B. RESOLUTION NO. ADA-399 AUTHORIZING INVESTMENT OF CITY MONIES IN
THE STATE OF CALIFORNIA LOCAL AGENCY INVESTMENT FUND (LAIF)
..... #401-01**

On motion by Agency Member Kalinowski, seconded by Agency Member Davis the Agency members present unanimously approved the Agency Consent Calendar.

Chairperson Freitas adjourned to the Antioch City Council with all Councilmembers present with the exception of Councilmember Conley who was excused.

PUBLIC COMMENTS - None

Mayor Freitas reminded City Clerk Martin to revise future agendas placing Staff Communications prior to Council Communications.

STAFF COMMUNICATIONS

City Manager Jakel announced the City Hall Offices would be closed from Dec 22, 2004 to January 3, 2005 to save revenue for the City.

COUNCIL COMMUNICATIONS

Councilmember Simonsen suggested parents be notified of attempted abductions at Marsh Elementary School and that VIPS and CSO be made available if necessary. He requested the item be added to the agenda for the School Board meeting. He voiced his appreciation for closing the meeting in honor of Estuardo Sobalvarro and noted he would be greatly missed. He wished everyone a happy, healthy holiday and safe New Year.

Councilmember Kalinowski directed staff re-initiate phone calls to the City Council for high profile issues. He wished everyone a Happy Holiday and thanked Mayor Freitas for the gift.

Mayor Freitas directed City Manager Jakel to assure the speaking system works in Council Chambers. He suggested the City Council consider meeting on the third Tuesdays of the month for Study Sessions. He wished everyone a happy, healthy and prosperous New Year. He felt the City Council was moving forward in a positive fashion and he was looking forward to working hard for the betterment of Antioch.

With no further business, on behalf of the City Council and community, Mayor Freitas adjourned the meeting in honor of Estuardo Sobalvarro at 9:26 P.M. to the next regular Council meeting on January 11, 2005.

Respectfully Submitted:

L. JOLENE MARTIN, CMC