

ANTIOCH CITY COUNCIL

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

**November 25, 2003
Council Chambers**

Mayor Freitas called the meeting to order at 7:02 P.M., and 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.

PROCLAMATIONS

National Drunk and Drugged Driving Prevention Month, November 2003
Holiday De-lites Celebration, December 6, 2003

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

Councilmember Conley presented the proclamation proclaiming November 2003 as National Drunk and Drugged Driving Prevention Month to Mr. Marchetti who thanked the City Council for the proclamation.

Councilmember Davis presented the proclamation proclaiming December 6, 2003 as Holiday De-lites Celebration to Betty Smith who thanked the City Council for the proclamation and presented the Council and staff with candy canes. An invitation was given to the community to attend the Holiday De-lites Celebration on December 6, 2003 beginning at 11:00 A.M. The sponsors were each thanked; a review of the event schedule; a contact number was provided for anyone wishing to volunteer or participate in the event.

PRESENTATION

Kim Hardister, Theatre Ballet of San Francisco, thanked the City Council for their support of the yearly performance of the *Nutcracker*. Ms. Hardister introduced several members of the cast emphasizing the use of talent, both dancers and performers. She announced the Theatre Ballet of San Francisco, in cooperation with the Academy of Arts Ballet, would be performing the Nutcracker on December 6, 2003 at the Pittsburg Creative Arts Theater. She provided information on where to purchase tickets and provided a contact number for anyone wishing to attend the event and presented the City Council with complimentary tickets.

Mayor Freitas stated this was an extraordinary event and encouraged the community to attend.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None

PUBLIC COMMENTS

Tom McNell expressed concern regarding FUA#1 and Reynolds and Brown project. He stated they were going through the approval process and he felt they were inconsistent with Measure "U" objectives. He felt the City's infrastructure should be improved prior to the development of those projects. He voiced his opinion stating if the City Council was not going to follow Measure U, it might be time for the residents to write a new initiative. One allowing the citizens to cast a direct vote on the infrastructure projects affecting their daily lives.

Ken Lee discussed the speaker system from the Nokes Dealership project and the negative impact they were having on the residents in the neighborhood. He requested more speakers be placed on site and be redirected toward the property to lessen the noise in the neighborhood.

Emil Stein expressed concern regarding the Nokes dealership's cars and delivery trucks stating they were parking and driving in their neighborhood. He questioned when the ordinance adopted to address those issues would take affect.

City Attorney Galstan reported the ordinance had been drafted and would be scheduled for a public hearing at the Planning Commission in the near future.

Acting Senior Planner Wehrmeister added it would be heard in late January or early February. In response to Mayor Freitas, Acting Senior Planner Wehrmeister stated she would contact the affected individuals with a specific date.

Randy Powers expressed concern the Nokes Dealership was violating the conditions of approval for their use permit and nothing could be done at the time to assure the conditions were met. He requested the bathrooms at the park in the Fairview Terrace neighborhood be unlocked and the park receive maintenance.

Mayor Freitas requested that the Park Superintendent be notified of Mr. Power's concerns tomorrow.

Councilmember Conley wished his wife Donna a Happy 33rd Anniversary.

Mayor Freitas announced the Public Hearing for agenda item #5 would begin at 7:30 P.M. He reviewed the public hearing speaker rules and stated following public testimony the public hearing would be closed to the public. He reported he had been informed a technical legal issue had been raised on the item following the publication of the agenda and Council had requested a closed session be added to the agenda.

City Attorney Galstan explained the need to address Council in Closed Session, adding the matter had arisen earlier in the day, after the agenda had been finalized, and requested

Council to add a closed session to the agenda before hearing item #5, the Reynolds and Brown project.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously added a closed session on the agenda.

Mayor Freitas adjourned to closed session at 7:27 P.M. The meeting reconvened at 7:42 P.M. with all Councilmembers present.

PUBLIC COMMENTS - Continued

Mr. Marks thanked the City Council and staff for the pins given out in remembrance of the Veterans.

Mayor Freitas announced the City Council had determined during closed session Council would receive the presentation, reopen and take public comments under the Public Hearing. After which the Public Hearing would be closed. The matter would then be held over for Council consideration on Dec 9, 2003. He noted staff would incorporate the comments heard during the meeting and incorporate them into the findings.

PUBLIC HEARINGS

- 5. REYNOLDS & BROWN REQUESTS APPROVAL OF A GENERAL PLAN, ZONING, AND SPECIFIC PLAN AMENDMENT, PLANNED DEVELOPMENT, TENTATIVE MAP, AND USE PERMIT TO CONSTRUCT 240 APARTMENTS, AND APPROXIMATELY 260,000 S.F. OF COMMERCIAL/OFFICE-FLEX SPACE ON THREE PARCELS TOTALING APPROXIMATELY 33.5 ACRES, LOCATED ON THE NORTHWEST, NORTHEAST AND SOUTHEAST CORNERS OF LONE TREE WAY AND BLUEROCK DR./GOLF COURSE RD. (APN 072-012-087, 072-012-088 AND 072-012-109) (GP-02-2, Z-02-3, SP-02-1, PD-03-2, PW-666, UP-03-17) #202-03**

Acting Senior Planner Wehrmeister presented the staff report dated November 12, 2003 recommending the City Council take the following actions: A) Adopt the resolution making findings in relation to entitlements for the Bluerock Business Center project; B) Adopt the resolution approving General Plan amendments for the project; C) Adopt the resolution approving Specific Plan amendments for the project; D) Adopt the resolution approving a Final Planned Development, Tentative Map, Use Permit and Certification of the Environmental Impact Report; E) Introduce the ordinance by title only, and; F) Introduce the ordinance rezoning approximately 33.5 acres making up the Bluerock Business Center project site to the Planned Development District (PD).

Drew Nickle, representing Reynolds and Brown, thanked the City Council for allowing them to present the project this evening and thanked staff, Planning Commission, Design Review and the community for their support throughout the application process. He introduced members of their design team and gave a brief overview of the project.

Ed McCoy, representing Fairfield Development, gave a brief overview of their company and the apartment project.

Dave Gates, landscape architect reviewed the landscape elements and gave a brief overview of the site plan for the Blue Rock Business Center and the apartment project.

Ernesto Vasquez gave a brief overview of the architecture and overall site plan for the apartment project.

Teri Flynn gave a brief overview of the architecture and overall site plan for the Business Center (parcels B and D).

David Gates, landscape architect reviewed the landscape elements for Business Center (parcels B and D).

Teri Flynn presented a video image of the project.

Captain Mike Thomas, Antioch Police Department stated he had run comparison calls for service for the year 2002 at Twin Creeks Apartment, Mira Vista Development, Ridge Rock and Eagles Ridge developments, which indicated the residential neighborhoods generate calls for service at approximately three times the rate of the upscale apartment complex. He noted it was therefore his opinion the proposed apartments would be less of a drain on police resources than a comparable number of single-family homes. Therefore, the impact on the police department would be negligible.

Denise Wakefield, Antioch School District, stated under current proposal, the demographer had indicated the student generation rate would be .23 students per unit which would yield approximately 55 students from the complex. She reported that the .23 student generation rate for the project was conservative due to the fact they did not have data on high-end apartments.

Mayor Freitas opened the public hearing.

Mayor Freitas reported the City Council had received a telephone message from Barry Ford, representing Brown Cow, and John Slatten, Slatten Ranch Shopping Center, as well as letters from Senator Torlakson and the City of San Leandro in support of Reynolds and Brown. He noted letters in opposition were received from James Biggs, the law firm of Stuart Flashman, Craig Breon and Dee Vieira.

Proponent:

Mike Herd, President of Reynolds and Brown, gave a brief history and provided an overview of the benefits of the Bluerock Business Center project. He stated they had created a personal relationship with the City through the process. He noted the EIR indicated the proposed project was superior to the current general plan designations and would generate fewer traffic trips and fewer student impacts. He further noted the project fell within the residential development cap, would provide jobs and bring upscale apartment homes to the community.

Opposition:

Tom McNell, Antioch resident, spoke in opposition to the Reynolds and Brown project noting he felt it was in direct opposition to the spirit of Measure "U" by overburdening the schools, highway 4, local roads and city services. He expressed his concern that potentially millions of dollars in construction costs and the renting back of vacant space would come directly from the city's General Fund. He noted one office building would be built with the apartment complex and there was no guarantee the remainder of the business park would be built. He further noted he had requested the petitions in opposition to the project be included in the public document. He stated he believed in the concept of the Business Park although he felt it was not the right location. He discussed the letter from Stuart Flashman indicating the approval tonight would have taken away the public's right to a referendum.

Linda Best, representing the Contra Costa Economic Partnership, spoke in support of the proposed project noting it would provide employment opportunities, affordable housing adjacent to the jobs and was consistent with the objectives of the General Plan.

James Kyle, Antioch resident, spoke in support of the Reynolds and Brown project, noting he felt it was a well-coordinated project, with good long term planning. He urged the City Council to approve the project.

Oscar Marmo Lejo, Antioch resident, spoke in opposition to the apartment project and urged the City Council to consider the impact of the project on schools and traffic.

Dan Vieira, Antioch resident, stated he understood the proposal for the office development at the location although he was in opposition to the apartment project and requested the City Council refrain from contributing to the overcrowded schools and roads. He expressed concern the City was subsidizing the developer by leasing unused office space.

Dave Walters, Antioch resident, stated the residents expected the City Council to vote no on the high-density apartment complex and adhere to the current zoning. He noted if they did not answer the demands of the residents they would have no alternative but to take out of control development into their own hands.

Linda Crossen, Antioch resident, expressed concern regarding the negative traffic and school impacts from the project. She stated the City was risking thousands of dollars in the

OPA, which could result in the apartment project being build without the office complex. She urged the City Council to serve the citizens and oppose the project at the location.

Craig Graifman, Antioch resident, spoke in support of the project noting it would bring jobs and the opportunity for professionals to live and work in the community where they live reducing traffic on Highway 4.

Wendee Williamson, Antioch resident, spoke in opposition to the project due to its negative impacts on City services and infrastructure. She expressed concern Reynolds and Brown would not be held accountable to build the entire Business Center and for the potential of City funds being used to rent un-leased office space. She urged the City Council to keep the property as it was currently zoned.

Gary Holman, speaking on behalf of the Economic Development Commission, spoke in favor of the Reynolds and Brown project. He noted it was the opinion of the Commission the Bluerock Business Center effectively addresses local Economic Development needs and would provide high quality housing for Antioch residents. He urged the City Council to approve the project.

Dee Vieira, Antioch resident, read a letter presented to the City Council and authored by Craig Breon regarding the projects cumulative impacts to the burrowing owls and recommendations for addressing those impacts.

Sandy Henry, representing the Antioch Chamber of Commerce, voiced the Chamber's support of the project due to Reynolds and Brown's proven track record and the creation of a balance of jobs within the City. She urged the City Council to approve the project.

Jim Zirkel, Antioch resident expressed concern the Owner Participation Agreement only required Reynolds and Brown to build the first 30,000 sq ft of office space. He requested Mayor Freitas direct City Attorney Galstan review the agreement and provide feedback to the public regarding the issue.

Hans Ho, Antioch resident read his letter in opposition to the Reynolds and Brown project.

Craig Cheslog, representing Senator Torklakson, reviewed his letter provided to the City Council in support of the Reynolds and Brown project and urged the City Council to support the project.

Greg Fisher, Antioch resident, spoke in opposition to the apartment project due to its negative impacts on traffic congestion. He stated if the apartment project was approved he would do what he could to make sure the City Council was not re-elected.

Mayor Freitas read written comments provided by Carol Conner, Russell Jeter and Frank and Marianne Lattuca in opposition to the proposed Reynolds and Brown project.

Kristi Slavens, Antioch resident, spoke in opposition of the proposed apartment project noting it would impact traffic and suggested the property maintain its current zoning.

Mayor Freitas read written comment provided by Chris Finwick in support of the apartment project.

Clinton Fields, Antioch resident, spoke in opposition to the apartment complex noting they would not bring jobs into the community. He stated there were 20,000 citizens in the city who would go with the Mayor to lobby state officials for funding for Highway 4 improvements. He requested the City Council reconsider the plan and focus on what the residents want.

Sherry Starks, Antioch resident, spoke in opposition to the Reynolds and Brown development. She stated, with no guarantee that the residents of the apartments would work at the business park, there was the potential for additional impacts to Highway 4. She expressed concern any additional students would impact the current students in each classroom. She suggested in the future the City Council seek developers from within Antioch. She urged the City Council to oppose the development noting if it was approved she would do whatever she could to fight it. She offered to bring 50 people to the state to lobby funding improvements for highway 4.

Paul Rothbard, CEO of InShape Health Clubs and partner in Inshape Development Company, spoke in support of the project noting they have purchased 18 acres directly east of the Business Park component of the project and plan on developing a shopping center with a full service high-end health club. He reported it had been a pleasure working in conjunction with Reynolds and Brown for a Master Planned development along Lone Tree Way. He stated they believed the project was something the citizens of Antioch needed and requested the City Council approve the project on December 9, 2003.

Carey Ross, Antioch resident, spoke in opposition to the Reynolds and Brown project. He expressed concern the City was financially supporting the developers and not addressing the needs of the School District and roadway improvements. He felt the project had already been approved and urged the City Council to reconsider the plan for low-income jobs in Antioch. He expressed concern for the personal relationship between the Mayor and developer.

Nancy McCaffrey, President and CEO of the Antioch Chamber of Commerce and Economic Development Commissioner, voiced her support of the previous comments of those representatives supporting the project. She commended Reynolds and Brown for their willingness to address the need for a variety of business inventory in the City and provide the opportunity for residents to find local well paying jobs in the community. She noted the apartments would address the need for housing which was currently in short supply in the City. She complimented the development team for their reputations of developing superior projects and urged the City Council to approve the development.

Terry Ramus, Antioch read his letter in support of the Reynolds and Brown project. He questioned why those apartments are an issue when there was no opposition to the Cross Point development and noted there had been proposal for an additional free elementary school, which was also opposed by the residents in the development area. He stated the issue is Highway 4 and the money for those improvements comes from the state and federal government. He urged the citizens to vote out the current state and federal representatives so that the improvements would be built.

Mayor Freitas requested anyone wishing to address the City Council on the issue to come forward at that time noting the public hearing would be closed and on December 9, 2003 the item will come before the City Council and there would not be the opportunity for the public to speak.

REBUTTAL:

Mike Herd stated Reynolds and Brown had recently performed a traffic analysis and the allegations tonight were incorrect. He noted there were significant fees associated with holding the property, therefore it was their intention to build the project as soon as possible. He stated the City was one elementary school short of being able to go back to traditional programming and the residents of the development area soundly defeated that school. He noted many residents had suggested he build the apartment complex in downtown, which negates the argument of the school and traffic impacts. He stated there was an inequity of upscale apartments and single-family homes. He reported they had potential interest in over half of the office buildings and a portion of the retail building and it was his goal and hoped enough interest would be generated to enable Reynolds and Brown to be able to build one of the flex buildings and the office building as part of the initial development. He stated guarantee of the Owner Participation Agreement only applies to the first phase and after that it was solely dependant on whether there were funds available.

In response to Councilmember Simonsen, Mr. Herd clarified he was the President of Reynolds and Brown, he lived in Antioch and had taught ten years in the Antioch Unified School District. He noted should the project be approved they were quoting a January 1, 2005 delivery date.

In response to Councilmember Conley, Mr. Herd stated they were asking the City Council for flexibility with a master set of guidelines for the development of the project allowing them to work with staff and enabling them to be able to react in a timely manner. He noted if the project deviates from the proposed product type they would want to come back through the Planning Commission and Design Review Board process.

In response to Mayor Freitas, Mr. Herd clarified he was a teacher at Antioch High School in 1970-1973 when Mayor Freitas was a student. He further stated there was no personal relationship between Mayor Freitas and himself.

Mayor Freitas reported the Owner Participation Agreement came to the City Council on a 4/1 vote and he voted against it.

In response to City Attorney Galstan, Mr. Herd noted when he referenced a personal relationship between Reynolds and Brown and the city, he was referring to the assignability clause within the Owner Participation Agreement.

Mayor Freitas closed the public hearing and announced the matter would be before the City Council on Tuesday, December 9, 2003. He thanked all the speakers this evening for being respectful.

PUBLIC COMMENTS - None

COUNCIL COMMUNICATIONS

Mayor Freitas on behalf of the City Council wished everyone a Happy Thanksgiving,

STAFF COMMUNICATIONS - None

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:22 P.M. to the next regular Council meeting on December 9, 2003.

Respectfully Submitted

L. JOLENE MARTIN, CMC

Approved

DONALD P. FREITAS, Mayor

Attest

L. JOLENE MARTIN, CMC