

ANTIOCH CITY COUNCIL

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

**April 12, 2005
Council Chambers**

Mayor Freitas called the meeting to order at 7:03 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

National Volunteer Week, April 17 - 23, 2005

Children's Memorial Day, April 22, 2005

Fair Housing Month, April 2005

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

Lonnie Karste introduced Volunteers who work through the Police Department. He reported 19,500 hours and \$325,000 worth of volunteer time has been provided to the City through the various programs. He thanked the volunteers, City Council, Department Heads, Chief Moczulski and Coordinators for their support of the programs.

Julia Harris, Tom Wynn and Sunshine Thomas thanked the City Council for the recognition.

Mayor Freitas on behalf of City Council and community thanked the Volunteers for improving the quality of life in Antioch.

Councilmember Kalinowski presented the proclamation proclaiming April 17-23, 2005 as *National Volunteer Week to the Volunteers*.

Councilmember Davis presented the proclamation proclaiming April 22, 2005 as *Children's Memorial Day* to Frank Palmeri who accepted the proclamation on behalf of the families and friends of children who have lost their lives to violence. He provided a contact number for anyone wishing to receive additional information on the Children's Memorial Tree Grove program.

Mayor Freitas announced that following the publication of the agenda, the City received a request for proclamation honoring the Antioch Church Family for their 10th Anniversary. Following discussion the City Council agreed to make the presentation and add the proclamation to a future agenda.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, representing the Antioch Chamber of Commerce, announced the Ribbon Cutting for

the Small Business Information center would be held on April 20, 2005 at 8:30 A.M. She provided a contact number and website address for anyone wishing to receive additional information. She announced the *Home Town Heroes Awareness Bracelet Program* would be launched on May 14, 2005 in Slatten Ranch and available for fundraisers. She noted a portion of the proceeds would be going towards people, parks and potholes of each city that participates. She provided a contact number and website address for any group wishing to participate in the program. She reported businesses supporting Home Town Heroes would have a discount program for individuals who patronize the shops wearing their bracelets.

Nancy Brandt, representing the American Cancer Societies Relay for Life, announced the event would be held on June 25-26, 2005 at Antioch High School.

Mayor Freitas acknowledged Ms. Brandt for doing an outstanding job organizing the Mayor's team for the Relay for Life.

PUBLIC COMMENTS

Dee Vieira, Antioch resident, requested the City clear grass on the hilltop to encourage the burrowing owls to relocate from the parking lot at Prewett Park. She offered to loan the Recreation Department a picture of a western burrowing owl to post at the Water Park.

Emil Stein, Antioch resident, expressed concern the concertina wire was still on the wall and the wall had not been painted at the Antioch Dealership and again questioned when it would be removed.

Ken Lee, Antioch resident, reported an existing hazard at the Dodge/Chrysler Dealership, noting there a 30-foot sign with a permanent exposed ladder and the exposure of liability.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR MARCH 8, 2005#301-02

B. APPROVAL OF COUNCIL WARRANTS#401-02

C. REJECTION OF CLAIMS#704-07

1. Noelle Arrendondo, #04/05-1545 (property damage)
2. Maliq Manning (minor), #04/05-1550 (personal injury)
3. Roger Smith, #04/05-1522 (property damage)
4. Edwin Quecan, #04/05-1544 (property damage)

D. LEGISLATION AND ADVOCACY#701-04

E. ORDINANCE NO. 1044-C-S RESCINDING AND RE-ENACTING ARTICLE 40 OF CHAPTER 5 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH RESIDENTIAL DEVELOPMENT ALLOCATION#204-01

- F. **ORDINANCE NO. 1045-C-S ADDING SECTIONS 3-5.303.1 and 3-5.309.1 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH THE TRANSIENT OCCUPANCY TAX#409-01**
- G. **RESOLUTION NO. 2005/43 APPROVING CITY ATTORNEY SALARY ADJUSTMENT#501-02**
- H. **RESOLUTION NO. 2005/44 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR BERMUDA WAY SUBDIVISION (JANIN ASSOCIATES, INC.), TRACT NO. 8848 AND ANNEXING THE SUBDIVISION INTO THE CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 2A, ZONE 3, (PW 669)#80202**
- I. **RESOLUTION NO. 2005/45 AUTHORIZING THE CITY MANAGER TO FINALIZE NEGOTIATIONS WITH AMERICAN TELESOURCE, INC. AND SIGN AGREEMENTS FOR AN AMOUNT NOT TO EXCEED \$ 80,000.00 FOR INSTALLATION OF AN INTERACTIVE VOICE RESPONSE SYSTEM FOR WATER UTILITY ACCOUNT INFORMATION#106-01**
- J. **RESOLUTION NO. 2005/46 TO APPROVE AND AUTHORIZE MAYOR TO SIGN CONTRACT WITH CONCEPT MARINE ASSOCIATES, INC. FOR DESIGN OF THE NEW BOAT LAUNCHING RAMP AND RELATED FACILITIES AT THE ANTIOCH MUNICIPAL MARINA (PW 523-16)#1402-06**
- K. **EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - FY 2005....#1301-01**
- L. **FEE INCREASE AT LONE TREE GOLF COURSE.....#1402-01**

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

Item J - In response to Mayor Freitas, Public Works Director Harrington stated the design team had been very successful and had a very good resume in their recent history. He noted they were considering the wind, silt loading and depth of the water in the current design of the boat ramp.

In response to Councilmember Conley, Mr. Harrington clarified one task in moving forward would be to consider the existing layout and determine if it was appropriate. He noted they could develop a timeline and begin environmental work during the process of hiring the Rivertown Developer.

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

Item L - In response to Councilmember Simonsen, Mr. Oakley clarified that in an effort to provide an upscale appearance, they did not sell bottled or canned beer in the clubhouse. He stated they would provide glasses to patrons wishing to consume those beverages in the facility.

Mayor Freitas requested Mr. Oakley meet with Councilmember Simonsen to have his concerns addressed.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously approved Item L.

PUBLIC HEARINGS

2. URGENCY ORDINANCE EXTENDING THE EFFECTIVENESS OF ORDINANCE NO. 1042-C-S, PROHIBITING MEDICAL MARIJUANA DISPENSARIES DURING AN INTERIM STUDY PERIOD#701-05

City Attorney Galstan presented the staff report dated April 6, 2005 recommending the City Council adopt the extension ordinance.

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

ORDINANCE 1046-C-S

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously adopted the urgency ordinance.

3. SHEA HOMES, LP, TOPAZ CREEK INVESTORS, AND RICHLAND DEVELOPMENT CORPORATION (TRILOGY SENIOR COMMUNITY DEVELOPMENT) REQUEST APPROVAL OF RESIDENTIAL DEVELOPMENT ALLOCATIONS FOR A PROJECT WHICH WILL INCLUDE 1,432 AGE RESTRICTED SINGLE FAMILY HOMES AND 50 CUSTOM / SEMI-CUSTOM NON-AGE RESTRICTED UNITS. THE PROJECT SITE IS GENERALLY LOCATED IMMEDIATELY SOUTH OF THE DEVELOPED AREA BETWEEN DEER VALLEY ROAD AND EMPIRE MINE ROAD (APN 057-010-001 THROUGH -004; 057-021-001, AND 057-060-006) FILE: RDA-04-3.....#204-05

Senior Planner Wehrmeister presented the staff report dated April 7, 2005 recommending the City Council adopt the resolution.

Mayor Freitas clarified the Council action this evening was not an entitlement issue. He noted environmental review and a grading plan would need to be conducted.

Mayor Freitas opened the Public Hearing.

PROPONENT

Skip Spieiring stated the project had received a very high score through the RDA committee and stated he was available to answer any questions from Council. He clarified the project would contribute \$1.5M to the School District for their determination of the best use of the funds.

OPPONENT

Clinton Fields, representing Citizens for a Better Antioch (C.B.A.), stated the Mayor had indicated they would hold workshops with members of the community regarding traffic, schools, the development of the Rivertown District and the Urban Limit Line, and, to his knowledge, the meeting had not transpired. Mr. Fields stated they would not support the project moving forward until the City's infrastructure was improved.

Mayor Freitas clarified the City Council had held Study Sessions and invited the public on the issues in questions.

Rod MacGregor and Danielle Fowler, Antioch residents, stated they live adjacent to the proposed development and the residents of their community are opposed to the project due to the fact it would reduce property values, decrease quality of living, increase traffic and have a negative environmental impact. They expressed concern regarding the health effects of a 6-year construction project and noted the current infrastructure was not sufficient to support this density of development.

Bradford Hoyt, Antioch resident, stated he lived adjacent to the proposed development and expressed concern regarding the increase in traffic from the proposed development. He noted the community did not need another golf course and suggested the golf course land be left as open space. He requested a focus group be formed to further study the proposal.

David Reid, East Bay Field Representative for Greenbelt Alliance, stated they were opposed to developing land outside the urbanized areas, noting they felt the impact associated with the project outweighed the benefits to the community.

Dee Vieira, Antioch resident, stated she could not support the project due to the inclusion of the 50 non-age restricted custom home lots. She questioned if there would be ramifications to the City from other developers wanting to build residential homes in FUA#1 if they were approved. She was also concerned that unless the developer designated the funds strictly for a music endowment, there would be no guarantee how the money would be spent. She urged the City Council to not support any housing other than senior homes in FUA#1 until highway 4 was widened through Antioch.

PROPONENT

Mary Peinado, representing Residents of Antioch for Improved Schools and Education (RAISE), stated she was speaking on behalf of herself and members of the coalition who were in support of the senior gated community. She noted the contributions from the developer will be an enormous benefit to the community. She discussed her proposal to start a Music Supplemental Endowment Fund with the \$1.5M contribution designated to the Antioch Unified School District. She read a letter from Antioch Resident, Peggy Wonderly, who indicated she would support the project with a written guarantee for the new library and the \$1.5M community benefit designated for a Music Endowment fund for the Antioch School District.

Mayor Freitas requested the written letter from Ms. Peinado regarding the Funding Concept for Instrumental Music in the Antioch Unified School District become part of the public record.

OPPONENT

Nell Chadwick, Antioch resident, spoke in opposition to any new development noting the infrastructure is insufficient to support more growth.

Rick Carsten, Antioch resident, questioned if there were guarantees in place stating this project would not be modified to a non-senior project.

PROPONENT

Terry Ramus, speaking on behalf of himself and Tom McNell, voiced their support for the project noting the contributions of civic infrastructure were superior. He urged residents to study the project and consider the benefits the project was offering to the City through the RDA benefits. He stated this project would be a model for quality development in the future.

REBUTTAL

Mr. Spieiring clarified the 50 custom lots were a result of discussions during the RDA committee meetings, are a very small portion of this development and would be placed in an area beneficial to the City. He further clarified any project of this magnitude had raised property values and he was representing the one half of the Cowan interest in the land.

Mayor Freitas closed the public hearing.

In response to Councilmember Simonsen, City Attorney Galstan stated should the project change to anything other than a Senior project, it would have to go back through the RDA process for a re-evaluation of its scoring. He added the senior project would be deed restricted and therefore could not be changed by the City Council once approved.

Mayor Freitas clarified there were best management practices being implemented to radically reduce or eliminate impacts related to irrigation or run off related to pesticides, herbicides and fertilizer use at golf courses.

Speaking to project specific conditions #17 and 18, Director of Community Development Brandt clarified the total contributions would remain constant at \$9,633,000 regardless of the unit count.

Councilmember Conley clarified the 50 custom lots were added at the request of the City, to benefit Antioch by providing unique housing stock on the best piece of property in the development.

Following discussion the City Council consensus supported deleting the last sentence of project specific condition #16 regarding the recommendation to the Antioch Unified School District on where funding should be applied. They agreed the substantial benefits provided by the project through RDA contributions would help resolve some of the current infrastructure issues in the City. In addition, the project would provide senior housing and custom home lots with very minimal impacts to the community. They stated through the entitlement process and environmental review of the project, the

community would have the opportunity to study the facts of the proposal and have their concerns addressed.

Following discussion the City Council consensus agreed the project should be considered age-restricted housing for the determination of lot sizes.

RESOLUTION NO. 2005/47

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved the resolution with the following changes:

- § Project Specific Condition #16: Delete the last sentence *"It is recommended that \$500,000 be applied toward new field turf at the Antioch High School. @*
- § Project Specific Conditions #17 and 18: To be amended to indicate the contribution would remain at \$9,633,000 regardless of the unit count.
- § Lot size was to be determined as age restricted.

Mayor Freitas declared a recess at 9:21 P.M. The meeting reconvened at 9:38 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

4. RESOLUTION OF THE CITY OF ANTIOCH CITY COUNCIL APPROVING A MODIFICATION TO CONDITIONS OF APPROVAL FOR THE COMMONS AT DALLAS RANCH ASSISTED LIVING FACILITY (PD-04-6; UP-04-6).....#202-03

Senior Planner Wehrmeister presented the staff report dated April 7, 2005 recommending the City Council adopt the resolution.

Brigid Flanigan, representing Shamrock Holdings, LLC, discussed her efforts to sell the office parcel to a developer and requested the City Council approve the modifications to the conditions of approval.

Following discussion the City Council consensus, based on the due diligence of Ms. Flanigan, supported the modification request to project specific condition #52, provided the City Council receives quarterly reports regarding efforts made to sell the parcel.

Ms. Flanigan agreed to provide staff and the City Council with quarterly reports.

RESOLUTION NO. 2005/48

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously approved the resolution approving the modification to project specific condition #52 with the stipulation there be quarterly updates.

5. RESOLUTION RECOMMENDING AN AMENDMENT TO CONDITION OF APPROVAL #49 FOR PD-03-05, UP-03-23, Z-04-01 AND PW 668 (LOS VINEDOS SUBDIVISION/BLACKSMITH HOMES LLC (CASTLE COMPANIES)).....#802-02

RESOLUTION NO. 2005/49

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council unanimously adopted the resolution.

6. UPDATE OF URBAN LIMIT LINE DISCUSSIONS#204-01

Mayor Freitas announced he was representing the City of Antioch at a meeting on the Urban Limit Line, and a straw vote of 14 cities was taken for Plan C Worth Amendment East County proposal. He noted 11 cities were in favor of the East County proposal and 3 cities were somewhat favorable, pending more negotiations. He stated he had requested the item be placed on the agenda for discussion and for approval of the Plan C Worth Amendment East County Proposal, as a Countywide meeting on the Urban Limit Line was scheduled for April 28, 2005.

David Reid, representing the Greenbelt Alliance, reported Plan C would hold the Urban Limit Line for the time being, as it was a rational growth management process. In addition to the roadway improvements, he stated the proposal would need to provide a plan to meet all infrastructure needs prior to expansion of the City. He stated if the line was to be held for 30 years, then it should not be an amendment to Plan C, but it should be a different plan.

In response to Councilmember Kalinowski, Mr. Reid stated the Greenbelt Alliance position does not address the necessity of moving the Higgins property with any change to the Urban Limit Line.

Mayor Freitas stated his position had always been that Plan C Worth Amendments and East County proposal should be within the study range of the EIR.

Manny Soliz, Antioch resident, expressed concern outside agencies were not supportive of the City's efforts to control growth. He spoke in support of Mayor Freitas' position on the Urban Limit Line and encouraged the City to remain strong and do the right thing for the community.

Terry Ramus, Antioch resident, stated he felt the people of Antioch should define how growth would occur in the City and voiced his support for the City Council's position on the Urban Limit Line.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council unanimously agreed the City Council's position was in support of the Plan C Worth Amendments and the East County Proposal with all proposals included in the EIR.

7. POSSIBLE RECONSIDERATION OF BASEBALL STADIUM FUNDING AT LOS MEDANOS COLLEGE.....#1402-01

Councilmember Davis stated he was requesting reconsideration of Baseball Stadium Funding due to

the fact he felt the funds could be better spent locally for Public Safety and other areas. Manny Soliz, Antioch resident, stated he felt there were capital projects within the City more in need of the funds than the Baseball Stadium. He recommended Antioch hold any additional funding until other communities involved contribute their financial commitment and the outcome of grant proposal submitted to the California State Parks and Recreation Commission was determined.

Councilmember Simonsen suggested freezing any additional payments until the other jurisdictions had spent an equal percentage of their allocated funding for the project.

City Attorney Galstan clarified as the lead agency, a policy was implemented stating the project could draw from the City's pledge of \$1,050,000 for a portion of the advanced costs. He noted the other agencies had not been asked to pay their money, but would be asked when the project was ready to move forward.

Councilmember Simonsen stated the City had agreed to provide up to \$150K in upfront costs for the initial study and that amount had been exceeded.

Councilmember Kalinowski clarified all monies pledged were a part of one pool that was available to the non-profit. He stated they were never in a position to collect the money and put it into one account due to the fact they needed to get a Federal IRS clearance for the 501C3, which had not been received until February. He stated since the item was requested to be placed on the agenda for reconsideration, it would not be proper to collect any money from the other jurisdictions with a risk of Antioch backing out of the funding process. He clarified when the item came before the City Council for funding, it was made clear it was for a Collegiate League and the City Council was aware of all the budgetary challenges the City would face. He noted nothing had changed since that time. He reported the State had delayed the grant process and LMC determined they needed an EIR, which they have paid for themselves. He noted \$268,000 had been spent out of the \$457,000 marked for the work they had done to date. He clarified the City of Oakley had pledged \$150,000 with \$50,000 from their General Fund and the remainder coming from an individual contributor. He stated Antioch paid the up front costs, however, it was all part of the pool of money designated for the project's completion. He reported the bid had come in higher than the estimate, which was being addressed by applying for a grant while attempting to seek private funding. He added the monies were specifically earmarked by the developer for a community enhancement project, therefore they could not be spent for any City operation.

In response to Councilmember Davis, Councilmember Kalinowski clarified the only ongoing costs being spent on behalf of the non-profit was a consulting fee of \$1000.00 per month to Centerfield Management.

A motion by Councilmember Davis to reconsider funding of the Baseball Stadium was seconded by Councilmember Simonsen for discussion.

In response to Councilmember Kalinowski, Councilmember Davis clarified he was requesting the reconsideration to stop any additional monthly funding until the grant is announced.

Mayor Freitas stated he would be voting no on the motion for reconsideration as the purpose was to

work collaboratively with the East County jurisdiction for a family entertainment Collegiate Baseball franchise in the hope money would be generated and return on a pro-rated basis, based on the contributions to youth activities. He stated he had supported \$1,150,000 total contributions from the City of Antioch and requested a business plan to assure there was an ongoing revenue source for the operation and maintenance of the facility. He noted he felt a \$1000.00 retainer for the next several months, pending the outcome of the state grant, was acceptable. He further noted the money expended would allow the non-profit to seek additional public and/or private funding.

Councilmember Conley clarified the \$1000.00 per month was to keep a consultant, familiar with the project, on a retainer.

In response to Councilmember Simonsen, Councilmember Kalinowski reiterated it would not have been feasible to collect the monies from the other jurisdictions pending the outcome of Councilmember Davis's request for reconsideration of the item.

Councilmember Simonsen expressed concern the ongoing costs were being borne by the City of Antioch and he was withdrawing his second on the motion.

A motion by Councilmember Davis to reconsider funding of the Baseball Stadium failed for lack of a second.

Councilmember Kalinowski again expressed concern he would not be able to collect monies from the other jurisdictions, if there was the potential Antioch would reconsider the funding of the project. Mayor Freitas clarified with non-action the City of Antioch would retain the status quo and continue paying the \$1000.00 per month retainer to the consultant, which would continue pending a decision from the state on grant funding. He clearly noted the action did not indicate the City would be asking the other jurisdictions to contribute a prorated share at this time. He stated when such time arrives, he would be happy to bring the item back for consideration. He stated from his perspective, there was a capital issue and ongoing operation and maintenance costs.

On behalf of Councilmember Simonsen, Mayor Freitas directed the City Attorney and City Clerk provide the City Council with a full packet of all minutes, records and staff reports presented to the City Council from the onset of the project. He questioned whether the City Council took action for the amount discussed this evening.

PUBLIC COMMENTS - NONE

STAFF COMMUNICATIONS

City Manager Jakel reminded the City Council there was a Study Session on the Fiscal Year 2005-06 Budget scheduled for April 19, 2005 at 7:00 P.M.

COUNCIL COMMUNICATIONS

Councilmember Conley announced he had attended a great event, the Opening Day Ceremony for Little League. He reported Land O' Frost sponsored 20 teams and felt they needed to be thanked.

With no further business, Mayor Freitas adjourned the meeting at 11:03 P.M. to the next regular Council meeting on April 26, 2005.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk