

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

October 23, 2007
Council Chambers

6:15 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Gloria Vaughn, Yvonne White and George Louie for themselves and on behalf of all others similarly situated v. City of Antioch et al., Contra Costa County Superior Court, Case No. C07-00045. This Closed Session is authorized by Government Code §54956.9(a).
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to subdivision (c) of Government Code §54956.9: 1 potential case.

Mayor Freitas called the meeting to order at 7:00 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

Councilmember Davis led the Council and audience in the Pledge of Allegiance.

Mayor Freitas reported the City Council had been in Closed Session and there was no reportable action

PROCLAMATIONS

National Family History Month, October 2007
World Diabetes Day, November 14, 2007

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

Councilmember Davis presented the proclamation proclaiming October 2007 as *National Family History Month* to Phil Walker and representatives from the Antioch Family History Center, who accepted the proclamation and provided information on how to begin researching family history.

Mayor Freitas announced the proclamation for World Diabetes Day would be sent to the appropriate organization.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

ANNOUNCEMENTS OF BOARDS AND COMMISSION OPENINGS

City Clerk Martin announced there was one unexpired position available on the Board of Administrative Appeals. The last date to apply for the position was November 21, 2007.

PUBLIC COMMENTS

Josy Miller, representing the Hapgood Theatre Company, invited the community to attend a performance of “*A Moon for the Misbegotten*” being presented at the Nick Rodriguez Center Theater. She further announced the Hapgood Theatre Company had received a \$20K grant from the Dean and Margaret Lesher Foundation.

Chip Stein, Antioch resident, reported auto transports were continuing to unload vehicles on Auto Center Drive.

Ken Lee, Antioch resident, spoke to the following issues: public’s use of the projection screen for presentations in Council Chambers; auto transports unloading vehicles on Auto Center Drive; his upcoming trip to China, and; his family’s history in Antioch.

Mary Dodson, Antioch resident, urged the community to attend the performance of “*A Moon for the Misbegotten*” being performed at the Nick Rodriguez Community Theater.

Chris Valenta, Antioch resident, discussed his request for data pertaining to RVs parked on private property and rent control for RV storage facilities. He stated he felt there should not be fees for administering the RV grandfathering ordinance. He also felt the position of a City of Antioch Councilmembers should be fulltime with term limits.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Freitas announced the National Guard had honored Chief Hyde with the *California State Medal of Merit* and the *Patrick Henry Award* for his work on peer-counseling military personnel serving in Iraq.

Chief Hyde thanked Mayor Freitas for the recognition and discussed the awards.

Mayor Freitas thanked Chief Hyde for the counseling services he provides servicemen and women.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 18, 2007 #301-02

B. APPROVAL OF COUNCIL WARRANTS #401-01

C. APPROVAL OF TREASURER’S REPORT FOR SEPTEMBER 2007 #401-02

D. REJECTION OF CLAIMS #704-07

1. Alyce Denise Payne, #07/08-1778.

2. Onita Tuggles-Housley, #07/08-1776.

3. Michael Housley, #07/08-1775.

4. Natalia Housley, #07/08-1777.

- E. LEGISLATION AND ADVOCACY #701-04**
- F. RESOLUTION NO. 2007/73, 2007/74 PULTE/DEL WEBB REQUESTS AMENDMENTS TO THEIR DEVELOPMENT AGREEMENT TO DEVELOP A SENIOR HOUSING COMMUNITY CONTAINING APPROXIMATELY 530 SINGLE STORY, SINGLE FAMILY HOMES TO THE APPROXIMATELY 204 ACRES LOCATED DIRECTLY SOUTH OF THE EXTENSION OF HILLCREST AVENUE AND EXISTING CHAPARRAL PARK AND THE ALIGNMENT OF SAND CREEK ROAD AGREEMENT #202-01**
- G. ORDINANCE NO. 2002 C-S DELETING SECTION 5-1.201(K) AND ADDING SECTION 5-1.201.1 OF THE ANTIOCH MUNICIPAL CODE, CLARIFYING WHEN THE STORAGE OF A RECREATIONAL VEHICLE (RV), TRAILER, BOAT OR SIMILAR VEHICLE IS A PUBLIC NUISANCE AND ALLOWING ONE "GRANDFATHERED" RV, TRAILER, BOAT OR SIMILAR VEHICLE IN THE FRONT YARD (INCLUDING THE DRIVEWAY) UNDER CERTAIN CONDITIONS AND IF REGISTERED WITH THE CITY WITHIN SIX (6) MONTHS OF THE EFFECTIVE DATE OF THE ORDINANCE #701-05**
- H. RESOLUTION NOS 2007/75, 2007/76, 2007/77 HILLCREST AVENUE WIDENING PROJECT: RESIDENTIAL RIGHT-OF-WAY PURCHASE AND RIGHT OF ENTRY AGREEMENT #1102-04**
1. Steven and Sharon Leach for 2016 Hillcrest Avenue (APN 068-091-032)
 2. Matthew and Kristine Cordova for 1908 Hillcrest Avenue (APN 068-091-028)
 3. Irvn and Edna Tegtmeier for 2100 Hillcrest Avenue (APN 068-100-003)
- I. CONSIDERATION OF BIDS FOR THE "L" STREET WIDENING AND UTILITIES UNDERGROUNDING FROM FOURTH STREET TO TENTH STREET (PW 234-9) #1102-04 (Con't to 11/13/07)**
- J. RESOLUTION NO. 2007/78 APPROVING AN AGREEMENT WITH PB AMERICAS FOR CONSULTANT SERVICES FOR THE SOMERSVILLE ROAD BRIDGE OVER CONTRA COSTA CANAL, (P.W. 141-B) #1102-04**
- K. APPROVE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND MONIES #1301-01**
- L. RESOLUTION 2007/79 FINDING SHEA HOMES (SAND CREEK RANCH DEVELOPMENT) IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE 2006 CALENDAR #802-02**
- M. RESOLUTION NO. 2007/80 FINDING WILLIAM LYON HOMES, INC. (SAND CREEK RANCH DEVELOPMENT) IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE 2006 CALENDAR YEAR #802-02**

- N. APPROVE AWARD OF CONTRACT FOR CHRISTMAS TREE LOT RENTAL AT DELTA FAIR AND CENTURY BLVD #1001-02**
- O. RESOLUTION NO. 2007/81 APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD SOLID WASTE CLEANUP PROGRAM FOR THE REMEDIATION LANDFILLS ALONG MARKLEY CREEK #814-01**
- P. ACQUISITION OF SOIL FOR THE MARKLEY CREEK REMEDIATION PROJECT #814-01**

Mayor Freitas reported the date for Consent Calendar Item F#3 would be changed from November 14, 2007 to November 13, 2007 and Consent Calendar Item #I be pulled and brought back on November 13, 2007.

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

Item G – Maryjane Carsten requested the RV issue go to a vote of the residents; however, if the grandfathering ordinance was approved, she would like the City to address property lines and views from neighboring properties.

Rick Carsten provided written comment requesting the City Council address various issues in the grandfathering ordinance.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council unanimously approved item G.

Item P – Ken Lee spoke in support of cleaning up and maintaining Markley Creek.

On motion by Councilmember Moore, seconded by Councilmember Davis, the City Council unanimously approved Item P.

COUNCIL REGULAR AGENDA

2. PREWETT PARK COMMUNITY FACILITIES PROJECT DISCUSSION #1402-03

City Manager Jakel presented the staff report dated October 27, 2007 recommending the City Council hold a discussion per City Council request to agendize the item.

Trisha Meikle, Antioch resident, spoke in opposition to Mello Roos being extended beyond 2017 and requested it be paid off sooner, if possible. She suggested using developer funds or putting a measure on the ballot for all Antioch residents to pay for the facilities.

Jerry Swanson, Antioch resident, spoke in opposition to Mello Roos being extended and in support of the City pursuing alternate financing to complete the construction of the Prewett Park project.

Mayor Freitas reported the City was working on alternative funding for the Prewett Park project.

Dee Vieira, Antioch resident, requested clarification on the discrepancies of the payoff date for Mello Roos and spoke in opposition for additional funding from Mello Roos for the Prewett Park project.

Councilmember Simonsen stated he had requested the item be agendized to clarify whether the City Council was requesting additional funding beyond \$50M from the Mello Roos Board for the Prewett Park project. He provided the City Council and staff with a draft copy of the informational flyer being developed by the Mello Roos subcommittee and expressed concern at the implication staff was directed to seek additional Mello Roos funding, as there had been no such request from the City Council. He voiced his support for pursuing park grant money and hiring a professional grant writer to seek alternative funding sources for the project.

Daniel Bort, representing Orrick, Harrington and Sutcliffe LLP, Bond Council for the Mello Roos District, clarified the bond pay off dates had changed due to a lack of building permits being pulled within the Mello Roos District. Additionally, he noted the authority to levy the tax rests with the Mello Roos Board until 2032. He also explained the Mello Roos Board would determine the level of funding for Prewett Park. He further clarified the Mello Roos District was formed to insure new development would not financially burden existing residents. He noted very specific and detailed disclosure documents are given to anyone purchasing a home in the Mello Roos District. He further noted there was not a legal obligation to build out the list of authorized facilities.

Councilmember Moore stated he felt new facilities would be a catalyst for increasing property values and attracting quality employment opportunities in the community. He discussed the importance for public outreach and feedback as the process moved forward.

Councilmember Kalinowski voiced his support to request the Mello Roos Board use their discretion and authority to poll the residents of the Mello Roos District to determine their level of support for additional capacity to build out Prewett Park. Additionally, he voiced his support for looking into alternative funding sources for the project. He spoke to the importance of the police substation component of the project.

Councilmember Davis stated the subcommittee was in the process of working on the draft flyer document, however, there was not a final product at this time. He noted a Mello Roos meeting was scheduled for November 5, 2007 and the final draft would be submitted to the public for comment. He offered to agendize the opinion poll for discussion at the Mello Roos Board meeting.

Councilmember Simonsen expressed concern poll data could be inaccurate. He did, however, note his support of a vote of the Mello Roos District residents.

Mayor Freitas stated the City Council was in support of Option D, the \$45M community center, library and police substation project and had made a request to the Mello Roos Board for funding which was denied. He noted it was then followed up by a request for \$4M for a master plan which was approved by the Mello Roos Board. He noted until the design work was completed the City would not have the answers needed to determine the feasibility of the project. He further noted, it was Council's policy not to intrude on the duties of the Council appointees on the Mello Ross Board. He stated the City Council would be determining the scope of the project in 45 days based on \$26M in available funding.

City Manager Jakel clarified the City was simultaneously pursuing State and Federal Grants, foundation support and cooperation with non-profits for alternate funding sources for the build out of Prewett Park.

Councilmember Kalinowski reiterated the City Council should request the Mello Roos Board to conduct a vote of the Mello Roos taxpayers as to whether or not they were in support of the build out of Prewett Park.

Mayor Freitas discussed the importance of providing services needed to improve the quality of life for current residents and future generations living in Antioch. He urged the community to let the process move forward and commended Lonnie Karste for doing an outstanding job as a manager of this process. He stated he felt Councilmember Simonsen had raised questions the Mello Roos Board should take under consideration. Regarding a vote of the Mello Roos taxpayers, he would support requesting it be considered.

Councilmember Simonsen agreed Lonnie Karste had done an excellent job working on the project.

The City Council agreed if the City was successful in finding alternative funding for the build out of Prewett Park, the money could be used to pay down the Mello Roos bonds.

Councilmember Moore discussed the importance of letting the process move forward and receiving public input as to how to proceed.

Mayor Freitas adjourned as the City Council and convened as the Antioch Development Agency, with all Agency Members present.

AGENCY REGULAR AGENDA

3a. APPROVAL OF AGENCY WARRANTS #401-01

On motion by Agency Member Kalinowski, seconded by Agency Member Davis, the Antioch Development Agency unanimously approved the Agency Warrants.

Mayor Freitas adjourned the Antioch Development Agency and reconvened the City Council with all Councilmembers present.

PUBLIC COMMENTS

Trisha Meikle, Antioch resident, stated she had spoken to many people in Antioch who were concerned regarding the amount of crime occurring in Antioch and supported a Police Substation in Southeast Antioch. She suggested the City Council consider renting a property for the facility in an effort to reduce costs.

Dee Vieira, Antioch resident, stated she supported the Prewett Park project however she requested the City Council spend only the \$26M available.

STAFF COMMUNICATIONS

City Manager Jakel announced the City Employee Appreciation Lunch would be held on October 24, 2007, and the next City Council meeting would be held on November 13, 2007.

COUNCIL COMMUNICATIONS

Mayor Freitas reported he would be attending a Funeral Service for Mary Carlson and would not be able to attend the Employee Appreciation Lunch.

Councilmember Kalinowski reported there was a Police Substation in a trailer at Prewett Park.

Councilmember Moore announced the American Legion Post #161 was hosting a Veteran's Day Appreciation Barbeque on November 11, 2007 at 1:00 P.M. at 6th and E Streets. He provided contact information for anyone wishing to attend.

Following discussion, City Manager Jakel stated staff would provide a report regarding maintenance of foreclosure properties.

City Attorney Nerland requested residents report stagnant pool water to Mosquito and Vector Control District.

PUBLIC COMMENT - Continued

Chris Valenta, Antioch resident, discussed the importance of disaster preparedness and urged the City Council to repeal the grandfathering ordinance for RVs.

City Manager Jakel responded the City had a comprehensive emergency plan.

With no further business, Mayor Freitas adjourned the meeting at 9:20 P.M. to the next regular Council meeting on November 13, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk