ANTIOCH CITY COUNCIL ANTIOCH DEVELOPMENT AGENCY

Regular Meeting 6:30 р.м. July 8, 2003 Council Chambers

5:30 P.M. - CLOSED SESSION

- CONFERENCECONFERENCE WITH LEGAL CONFERENCE WITH LEGAL COUNSEL --- Anticip toto litigation pursuant to subdivision (b) of Government to litigation pursuant to subdivision (b) of C This closed session is authorized by Government §54956.9.
- PUBLICPUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT. Tit. Title: . Title: City Manager. closed session is authorized by Government Code §54957.
- PUBLICPUBLIC EMPLOYEE PERFORMANCE EPUBLIC EMPLOYEE PERFORMANCE EVA closed session is authorized by Government Code §54957.

MayorMayor FreitaMayor Freitas apologizeMayor Freitas apologized for the meeting starting late, n closed session; he announced there was no action to report.

MayorMayor Freitas called the meeting to order at 7:22 P.M., and, 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.

WALL OF HEROES

MayorMayor Freitas announcedMayor Freitas announced the addition of another AntiochMayor Freitas encouraged anyone wishing to add a name(s) to contact City Hall.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

CityCity Clerk Martin announced the City was accepting applications for theCity Clerk Martin announce Commission. Commission. SheCommission. She urged anyone interested in applyingCommission. Sh anan application or to download an application or t

PROCLAMATIONS

Honoring Paul H. Causey, Delta Diablo Sanitation District

OnOn motion by Councilmember Conley, seconded byOn motion by Councilmember Conley, secon unanimously approved the proclamation.

MayorMayor FreitasMayor Freitas presented the proclamation honoring Paul H. Causey onMayor Freita the Delta Diablo Sanitation District. Mr Causey stated itthe Delta Diablo Sanitation District. Mr Cause the district and thanked the City for the proclamation.

PRESENTATIONS

Presentation of Certificates of Appreciation to Outgoing City Commissioners

1. Police Crime Prevention Commission

TomTom Rood, Chairperson of the Police Crime PreventionTom Rood, Chairperson of the Police Crime and and Bob Miller for and Bob Miller for serving on the Police Crime Prevention Commission. On beha Commission, Commission, Police Department and community, Mr. Rood presented Mr. Miller with a gift inin appreciation of his service. Mr. Miller thain appreciation of his service. Mr. Miller thanked every statedstated he had enjoyed his time onstated he had enjoyed his time on thestated he had enjoyed his tinvolved in the Neighborhood Watch Program.

JimJim Davis presented cJim Davis presented certificatJim Davis presented certificates of apprece Commissioners Robert Miller and Tony Suggs.

2. Economic Development Commission

MayorMayor FMayor Freitas on bMayor Freitas on behalf of City Council and community, thanked VaughanVaughan and Janet Zacharatos for their participation on tVaughan and Janet Zacharato Commission.

RichRich Carraher, Janet Zacharatos and Fran Vaughan thanked the CounRich Carraher, Ja opportunity to serve on the Commission.

CouncilmeCouncilmemberCouncilmember Conley presented certificates of appreciation to outgoir Development Commissioners Rick Carraher, Fran Vaughan and Janet Zacharatos.

3. AntiochAntioch Rivertown Business AssociAntioch Rivertown Business AssociatiAntio Celebration

CouncilmemberCouncilmember KalinowskiCouncilmember Kalinowski presented certificates of apprece ReimanReiman and Sgt. Larry Hopwood. Reiman and Sgt. Larry Hopwood. Rick CarraherReiman and AntiochAntioch Rivertown Business Association, and announced the eventAntioch Rivertown Business HeHe thanked the PoliceHe thanked the Police Department, as well as Tri-Delta Transit,He thanked the F servicesservices to the community. services to the community. He reported theyservices to the community reimbursereimburse the City foreimburse the City for the fireimburse the City for the fireworks and p thathankedthanked Rick thanked Rick Carraher for organizing the event. Sgt. Hopwood stated it pleasure to participate in organizing the event.

MayorMayor FreMayor Freitas recoMayor Freitas recognized the Public Works employees for do cleaning up the City following the 4th of July Celebration.

4. PresentationPresentation of \$500,000 from CalPine to thPresentation of \$500,000 fr Foundation

NordynNordyn Anderson gave a brief history of the El Campanil Preservation Foundations efforts to acquire and restore the Theater.

BillBill Ferguson, on behalf of CalPine, presented theBill Ferguson, on behalf of CalPine, presented th membersmembers Rick Carraher, Nordyn Anderson andmembers Rick Carraher, Nordyn Anderson and Ms. Anderson thanked Mr. Ferguson for CalPine's donation.

MayorMayor FrMayor Freitas, Mayor Freitas, on behalf of the community, thanked Mr. Ferguson Calpine had given to the City of Antioch for community enhancement projects.

PUBLIC COMMENTS

KarlKarl Wandry, DirectorKarl Wandry, Director of theKarl Wandry, Director of the Contra Costa Water D membermember of the Contra Costa Water District representingmember of the Contra Costa Water Dist and and Brentwood. He stated he would beand Brentwood. He stated he would be providing an updat regarding the Los Vaqueros project and he wasregarding the Los Vaqueros project and he was looking

GGarGaryGary Reiman announced the Arts and Cultural Foundation was seeking new board membersmembers and provided contact information for those wishing to receive addmembers information. He reported the Arts and Cultural Foundationinformation. He reported the Arts concert series to be held at Prewett Park each Saturday in August from 6:00 - 8:00 P.M.

ElvinElvin Scott updated the community on his effortsElvin Scott updated the community on his efforts to Democrat Research Center Inc. and thanked everyone for their support.Democrat Research Center In he was now supporting the Visits for Vets program.

AlanAlan Kurnoff announcedAlan Kurnoff announced he had concluded negotiations with BART, andAla permissionpermission to use the Hillcrest Park and Ridepermission to use the Hillcrest Park and Ride a vehiclesvehicles on the weekends. He noted he would be applyvehicles on the weekends. He note business license, and requested the City's help with those endeavors.

1. COUNCIL CONSENT CALENDAR

Α.	APPROVAL OF COUNCIL MINUTES FOR JUNE 10, 2003	#301-02
В.	APPROVAL OF COUNCIL WARRANTS (Con t to 7/22/03)	#401-02
C.	REJECTION OF CLAIMS 1. Jordan Pacello (a minor), #02/03-1349 <i>(Tabled)</i> 2. Alycia LaRose, #02/03-1399	#704-07
D.	LEGISLATION AND ADVOCACY	#701-04

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E. <u>RESOLUTIONRESOLUTION NO.RESOLUTION NO. 2003/84</u> APPROVING THE AGREEMENT E OFOF ANTIOCH AOF ANTIOCH AND OF ANTIOCH AND THE CONTRA COSTA COUNT WATER CONSERVATION DISTRICT #1202-05

F. <u>RESOLUTIONRESOLUTION NO. 2003/85</u> APPROVING PROPERTY PURCHASE APPROVING LONE TREE WAY PARCEL, APN 071-151-008 #1001-03

OnOn motion by Councilmember Kalinowski, seconded by Councilmember On motion by Counc CouncilCouncil unanimously approved the CouncilCouncil unanimously approved the Council Consent C-1, D and E, which were removed, for further discussion.

Item C1 - City Attorney Galstan requested to table the claim of Jordan Pacello.

OnOn motion by Councilmember Conley, seconded by CounciOn motion by Councilmember Conley unanimously tabled C1.

ItemItem D - Following - Following discussion the Council agreed to hold - Following discussion the Council

<u>ItemItem E</u> - Mayor Freitas stated he would - Mayor Freitas stated he would be excusing himself from the of interest and turned the gavel over to Mayor Pro Tem Davis.

OnOn motion by On motion by CouncilmemberOn motion by Councilmember On motion by Councilmember approved item E. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley and Simonsen

Mayor Pro Tem Davis turned the gavel back to Mayor Freitas.

PUBLIC HEARINGS

8. RESOLUTION VACATINGRESOLUTION VACATING A PORTION OF MEDANOS STREET BET STREET AND LOMA LANE #1102-04

CityCity Engineer/Community Development Director BranCity Engineer/Community Development Dir JulyJuly 8, 2003 recommendiJuly 8, 2003 recommending the July 8, 2003 recommending the City resolutionresolution to vacate a portion of Medanos Street between resolution to vacate a portion of Med Lane.

FollowingFollowing discussion City Attorney Galstan stated CouncilFollowing discussion City Attorney G the recordation of the vacation until the fences were moved.

MayorMayor Freitas open and closed the public hearing with no speakers requesting to speak.

MaMayorMayor Freitas directed staff to communicate to the property owners the City Council's position on the fencing issue.

RESOLUTION NO. 2003/88

OnOn motion by Councilmember Kalinowski, seconded by Councilmember Davis the Council unanimously unanimously approved the resolution directing staff to hold off on the unanimously approved vacation until the fences were moved.

COUNCIL REGULAR AGENDA

2. REVIEW OF ANTIOCH POLICE DEPARTMENT DISPATCH CENTER #1301-01

CouncilmemberCouncilmember Kalinowski excused himself from the podium stating heCouncilmembe potential potential for a contral for a conflict of ipotential for a conflict of interest due to his employ Costa County Sheriff's office, and item 2A.

ChiefChief MoczulskiChief Moczulski introduced Lieutenant Marchoke, AdministrativeChief Moczulski InformationInformation Systems Director PavlicekInformation Systems Director Pavlicek as well as Com from the Contra Costa County Sheriff's office.

LieutenantLieutenant Marchoke and AdministrativeLieutenant Marchoke and Administrative Police Man dateddated July 2, 2003 and gave a brief overhead presentation of the Antdated July 2, 200 DepartmentDepartment Dispatch CeDepartment Dispatch Center ODepartment Dispatch Center O maintainmaintain the current dispatch operations for the City of Antioch by the Antiomaintain the o Department.

InIn response to Mayor Freitas, AdministrativeIn response to Mayor Freitas, Administrative Police Mana toto provide dispatch services to the cities ofto provide dispatch services to the cities of Antioch andto pro Brentwood reimburses \$385,000 to the City of Antioch.

InIn response to CouncilmemberIn response to Councilmember Conley, Administrative PoliceIn response waswas \$117,000 in the replacement fund for hardware,was \$117,000 in the replacement fund for hard MayorMayor Freitas stated iMayor Freitas stated irrespectMayor Freitas stated irrespective of the discussdiscuss the equipment replacement fundsdiscuss the equipment replace hehe felt it was important to set asidehe felt it was important to set aside funds for the capital impre-

InIn response to Mayor In response to Mayor FreIn response to Mayor Freitas, Administrative Poli DepartmentDepartment would provide Council with a quarterly report on Police respoDepartment wo service.

CouncilmembersCouncilmembers Davis and ConleyCouncilmembers Davis and Conley stated they me appreciated appreciated the presentation on their dispatch services. appreciated the presentation on the felt the City currently provided the same services the Sheriff's Department offered.

CommanderCommander Clansey clarified the discussion on the dispatch services was not an attempt toto take over the City services by the Sheriff's Office, noting to take over the City services by the participateparticipate in the discussions regarding professional dispatch services. He thanked the City for considering their services as an option.

RonRon Rackley, representing the Antioch PoliceRon Rackley, representing the Antioch Pol CouncilmemberCouncilmember Kalinowski s decision to remove himselfCouncilmember Kalinowski s d

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forfor a conflict of interest. Hefor a conflict of interest. He statedfor a conflict of interest. He stated recommendation to maintain the City's communication system.

Following discussion the Council majority agreed it would be in Antioch's best interestFollowing discuss maintainmaintain local contraintain local control, noting the dispatchers know the community and t provide a safer community.

OnOn motion by Councilmember Simonsen, secondedOn motion by Councilmember Simonsen, second unanimously unanimously approved maintaining the currentunanimously approved maintaining the currentunaning the currentunanin

Ayes: Davis, Conley, Simonsen, Freitas

Recuse: Kalinowski

ChiefChief Moczulski thanked the City Chief Moczulski thanked the City Council for tChief Moczu request Commander Clancey had evaluated the option of providing services to the City.

OnOn motion by Councilmember Conley, seconded by Councilmember Davis, On motion by Counci unanimouslyunanimously aunanimously apprunanimously approved the expenditure of approximat Antioch Police Department dispatch center. The motion carried by the following vote:

Ayes: Davis, Freitas, Conley, Simonsen

Recuse: Kalinowski

3. AWARDAWARD AWARD OFAWARD OF AWARD OF CONTRACTAWARD OF CONTRACT AWA SYSTEM #106-01

BobBob Zimmerman presentedBob Zimmerman presented the staff report dated JulyBob Zimmerman presentation recommending the City Council adopt the resolution.

In response to CouncilmemberIn response to Councilmember Kalinowski, Administrative PoliceIn resp the total project costs would be \$1.8M.

InIn response to CouncilmemIn response to CouncilmemberIn response to Councilmember Kalir resolutionresolution the Council was making a policy decisiresolution the Council was making a policy (VHL), (VHL), noting he felt the vehicle locator system would identify the closest available unit, thusthus reducing response time for emergency service calls.thus reducing response time for emergency services are go forward with the dictation servisystem go forward with the dictation servisystem go forward with the dictation servisystem go forward with the dictation service, notins moremore involved crime reports wmore involved crime reports witmore involved crime reports with the dictation service.

GeorgeGeorge Grotz, Director of Software Operations for Data 911, stated he had calculated it would take approximately nine monthswould take approximately nine months towould take approximately nine continue to provide service, maincontinue to provide service, maintcontinue to provide service service, maintcontinue to provide service.

RonRon Rackley, represenRon Rackley, representing theRon Rackley, representing the Au Association sAssociation s support of Chief Moczulski's recommendation Association s support of Ch City Council to proceed with the hiring of the dispatchers.

CouncilmeCouncilmemCouncilmemberCouncilmember Kalinowski stated he did not support the A programprogram noting he felprogram noting he feltprogram noting he felt it would not reduce resconcernconcern for the potential misuses of the system. concern for the potential misuses of the saction on the AVL program.

FollowingFollowing discussionFollowing discussion the Council agreed to take separate action on the a locator.

RESOLUTION NO. 2003/86

OnOn motionOn motion On motion by Councilmember Conley, seconded by Councilmember Davis unanimouslyunanimously adunanimously adopted the resolution as presented, with the exclusion of Vehicle Locator.

CouncilmemberCouncilmember ConleyCouncilmember Conley statedCouncilmember Conley stated h tools necessary to reduce response times.

RESOLUTION NO. 2003/86A

OnOn On mOn motion by Councilmember Conley, seconded by Councilmember Davis the Council approved the automatic vehicle locator. The motion carried by the following vote:

Ayes: Davis, Freitas, Conley, Simonsen

Noes: Kalinowski

MayorMayor Freitas declaredMayor Freitas declared a recess at 9:24 P.M. The The meeting reconvener CouncilmemberCouncilmember presentCouncilmember present withCouncilmember present with the e P.M. and Councilmember Simonsen who arrived at 9:35 P.M.

4. SUGGESTEDSUGGESTED NAMESSUGGESTED NAMES FOR NEWSUGGESTED NAMES FO MALL) #901-05

ActingActing City MaActing City ManagActing City Manager Pappas Diaz presented the staff recommendingrecommending the City Council review the namerecommending the City Council review the name for consideration and choose one name for consideration and choose one name the submitted for consideration.

MayorMayor Freitas stated he suggested theMayor Freitas stated he suggested the Black Diamond Plaz an accurate reflection of the area s history.

CouncilmemberCouncilmember Simonsen stated heCouncilmember Simonsen stated he did not support feltfelt it indicated anfelt it indicated an open-air facility. He voiced hisfelt it indicated an open-air facility. or Somersville Mall.

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CouncilmemberCouncilmember DavisCouncilmember Davis voiced his supportCouncilmember Davis

CouncilmemberCouncilmember Kalinowski voiced his support for Black Diamond CenterCouncilmember hehe did an informal survey, which resulted he did an informal survey, which resulted an informal survey is a support for Black Diamond CenterCouncilmember hehe did an informal survey.

5. RESOLUTION APPROVING CITY ATTORNEY SALARY ADJUSTMENT

#502-01

MayorMayor Freitas reported that the Council was inMayor Freitas reported that the Council was in dose review of the City Attomey.

RESOLUTION NO. 2003/87

OnOn motion by Councilmember Kalinowski, seconded by Councilmember Davis the Council unanimouslyunanimously approved the unanimously approved the resolution adjusting the salary for the per month.

MayorMayor Freitas adjourned to the Antioch Development Agency with Mayor Freitas adjourned to present.

PUBLIC HEARINGS Continued

9. RESIDENTIAL DEVELOPMENT APPLICATIONS #204-05

CommunityCommunity Development Deputy Director Carniglia presented the staff reportCommunity E 1,1, 2003, recommending the City Council direct staff1, 2003, recommending the City Council direct staff1 regardingregarding the Residential Development Allocation applications and grant or deny the allocations they deem most appropriate.

A. RDARDA 03 05 Dhyanyoga Centers Inc. requests an allocation of twelve single family residresidentialresidential unitsresidential units for 2004 on approximately 6.6 acres located or ContraContra Loma Blvd., approximately 1,100 feet north ofContra Loma Blvd., approximate immediatelyimmediately north of the existingimmediately north of the existing Centennial Park sub-076 031 038).

AssociateAssociate Planner Albro gave a brief overview of RDA-0Associate Planner Albro gave a project application.

ChrisChris Beckwith stated his home was adjacent to the properChris Beckwith stated his home was regardregarding regarding the type of wall structure proposed between the new facility, residence existing existing facilities. He noted precast walls fail and suggested the issue go before the DesignDesign ReviDesign Review BoarDesign Review Board for consideration. He provided the oprecast precast wall failures precast wall failures in the area and expressed hisprecast wall failures in the buildout buildout the project as webuildout the project as well as the potent religious facility purchasing the properties. He suggested limiting gating of the project area.

CommunityCommunity Development Deputy Director Carniglia clarified the issue of the masonryComm relatedrelated to the spiritual facility could related to the spiritual facility could be be prize permit approval. PlanningPlanning Commission for use permit approval. Planning Commission for use permit approval. He be maintained through the City's standard weed abatement process.

BernardBernard Mosbacher, Bernard Mosbacher, representing Dhyanyoga Centers Inc., stated they wer withwith the staff report. He clarified with the staff report. He clarified they would be coming before the C 20032003 2003 to re2003 to request 3 lots be amended to 2-story structures regrading the development.development. He clarified development. He clarified the soundwdevelopment. He cla wouldwould be discussed in the future, however Dhyanyoga Centers Inc. were willing two whateverwhatever was necessary. He stated they could not controlwhatever was necessary. He stated and noted they anticipate doing the major grading to the and noted they anticipate doing the major grading to the and maintaiHe added any vacant lots would be controlled and maintaiHe added any vacant lots would association.association. He association. He clarified there was association. He stated they had provided thenot be gated. He stated they had provided the maxim the project to provide quality architecture.

MayorMayor Freitas requested the resolution clarify the EconomicMayor Freitas requested the resolut payablepayable at the time the building permit was pulled. payable at the time the building permit was pulled anytimeanytime the spiritual facility was scheduled to come before Planning Commissianytime the spi City Council, thus allowing Mr. Beckwith full participation in the process.

Inln responseln response to Mayor Freitas, Mr. Mosbacher stated the Architectural ReviewIn response wouldwould be comprised of a 3-member board consisting of members appointed by the developer, developer, one member of which would be adeveloper, one member of which would be a licer wouldwould take place until there are 4 homes in the subdivision awould take place until there are 4 wouldwould comewould come from homeowners fromwould come from homeowners from within the sub reviewreview all architectural designs and would have the ability treview all architectural designs a decision.

ForFor For the record, Mayor Freitas clarified City staff also had the power to oveFor the record Architectural Review Committee.

CityCity Attorney Galstan added the decision coCity Attorney Galstan added the decision coul CommissionCommission or Design Review Board. MayCommission or Design Review Board. May articulated.

CouncilmemberCouncilmember Simonsen requesCouncilmember Simonsen requestedCouncilmember bebe reformatted prior to the next round of RDA approvals.be reformatted prior to the next round of RDA formatted in such a way as to allow easy comparisons of one project to another.

InIn response In response to Mayor Freitas, City Attorney Galstan clarified thein response to Mayor Freitas, City Attorney Galstan clarified thein response to Mayor Freitas, fee was a condition of the tentative map approval.

InIn response to Councilmember In response to Councilmember SimIn response to Councilmem CarnigliaCarniglia clarified the Economic Development Fee goes directly inCarniglia clarified the Ec Fund, Fund, for Council to designate as they deemFund, for Council to designate as they deem appropr werewere mutuallywere mutually agreed upon by the developers; thus, the inconsistencies inwere mut HeHe clarified any unused allocationsHe clarified any unused allocations for the project wouldHe clar within 5 years and will be counted against the 5-year allocation average.

RESOLUTION NO. 2003/89

OnOn motion by Councilmember Conley, seconded by Councilmember DavisOn motion by Councilmeml unanimously unanimously approved the resolution with additional wording be inserted into unanimo "payable at the time of pulling the building permit."

B. RDARDA 03 06 Castle Companies re requests requests an allocation of twenty five single fair residential units for 2003 on approximately 6.11 acres located approximately 600 feet south of East 18th Street and east of Wilson Street (APN 051 190 032).

AssistantAssistant Planner MorAssistant Planner Morris gave aAssistant Planner Morris gave a brief application.

Mr.Mr. Boatwright stated it was a 25-unit infill project surrounded by existing develoMr. Boatwright st HeHe clarified thHe clarified they would be making an attempt to hire local residents to construction.

In In response In response to Councilmember Simonsen, City Attorney Galstan stated thein response to C at the McBail agreement as it pertains to local hire for guidance on the issue.

CommunityCommunity Development Deputy DirectorCommunity Development Deputy Director Co benefitbenefit offerebenefit offered by the applicant and would return to Council as part of the tentativ process.

EllisEllis Keys expressed concern his family had previously entered into an agreed with McBail toto exchange the completion of Wilsonto exchange the completion of Wilson Street for the completion hehe had made several attehe had made several attempts to contahe had made

MikeMike Gallagher clarified they had responded three times to Mr. Keyes andMike Gallagher clarified whenwhen Castle Companies received their conditions of approval, those things prewhen Castle Committed, but not covered by their conditions of approval, would be completed.

InIn response In response to Councilmember Simonsen, CityIn response to Councilmember Simonsen, "fee" be eliminated from the community benefits.

RESOLUTION NO. 2003/90

OnOn motion by Councilmember Conley On motion by Councilmember Conley secoOn motion by Council approved the resolution deleting the word "fee" from item #4

CouncilmemberCouncilmember Conley Councilmember Conley amended Councilmember Conley community community benecommunity benefit fcommunity benefit fee is a lump sum that will c determination at a later date. Councilmember Kalinowski seconded the amendment.

The motion was unanimously approved.

C. RDARDA 03 4 The Bixby Company reque requeste requested an allocation of 217 single residential residential units over a three residential units over a three year period from 2003 through 2 acresacres located on theacres located on the north endacres located on the north end of the E futurefuture Highway 4 Bypass, approximatelyfuture Highway 4 Bypass, approximatelyfu

AssistantAssistant Planner Morris gave a brief overview of RDA-03-04 Bixby CompAssistant Plann application.

MayorMayor Freitas clarified the SchoolMayor Freitas clarified the School District would purchaseMayor hadhad indicated they wouldhad indicated they would provide the improvements. He added the difference priceprice paid and the public improvements would come back to the Cprice paid and the public in enhancementenhancement regardless of the price. He noted, at enhancement regardless of the priwas used for illustrative purposes only.

CouCouncilmembCouncilmemberCouncilmember Conley stated the District would receive hardship fut the the State would fund 100% of the State would fund 100% of the purchase price for the acreage. Hether the \$1M to go toward the City's General Fund.

BrentBrent Little, representing Bixby Company, Brent Little, representing Bixby Company, Brent Little, thatthat proposed for thethat proposed for the East Lone Tree Specificthat proposed for the East Lone and and stated it was theand stated it was the Bixby Company s understanding to calculate and stated it wouldwould pay the City as would pay the City as community benefit, theywould pay the City as community the land for the school site, and subtract that number from \$1M.

MayorMayor Freitas stated with the discussion from the RDA he was comfortable with the \$1.3M asas true community enhancement minus \$200,000-\$300,000 for the improvements on the 1.31.3 acres 1.3 acres school site. He further stated1.3 acres school site. He further stated he would li actionsactions to insure the Cactions to insure the City actions to insure the City receives the community benefit.

CityCity Attorney Galstan suggested continuing theCity Attorney Galstan suggested continuing the item smithing of the resolution to meet the satisfaction of both Council and applicant.

MayorMayor Freitas stated Council would return to the item following the next item and a recess.

D. RDARDA 03RDA 03 07 McBail Company requests an allocation of 109 single family residential uniunits ounits over a three year period from 2004 through 2006 on approximately 21.5 acre locatedlocated approximately 700 feet south of East 18thlocated approximately 700 feet south of E 051 200 015 and 051 200 053). AssAssistantAssistant Planner Morris gave a brief overview of RDA-03-07 McBail Company project application.

MikeMike Gallagher, representing McBail Company, darified the total contributions for the projectproject was \$654,000 and summarizeproject was \$654,000 and summarized the commpro oppositionopposition to staff's proposal to rezone the property opposition to staff's proposal to rezone the CityCity Council consider what theyCity Council consider what they were offering in the application andC

InIn response to Counciln response to CouncilmeIn response to Councilmember Simonsen, Mr. Ga were offered to meet the standards for regional transportation improvements.

FollowingFollowing discussion, Mr. Gallagher agreedFollowing discussion, Mr. Gallagher agreed to inc perper lot for the 109per lot for the 109 units, which would meet their communityper lot for the 109 units, v of the McBail Company, he requested McBail s contributions be visible to the public.

CityCity Engineer/Community Development Director Brandt reviewed the list of community benefitsbenefits and clarified benefits and clarified fubenefits and clarified full funding of the traffic therefore it was in itself an enhancement offered by the applicant.

CommunityCommunity Development DeputyCommunity Development Deputy Director Carniglia stated considered the property to be a commercial site.

CouncilmemberCouncilmember Kalinowski stated he did not support the project due to the quaCouncilmemberCouncilmember Kalinowski stated he did not support the project due to the quaCouncilmemberCouncilmember Kalinowski stated he did not support the project due to the quaCouncilmemberCouncilmember Kalinowski stated he did not support the project due to the quaCouncilmemberCouncilmemberCouncilmember Kalinowski stated he did not support the project due to the quaCouncilmemberCouncilmemberCouncilmemberCouncilmember Kalinowski stated he did not support the project due to the quaCouncilmemberCouncilmemb

MayorMayor Freitas stated he was in agreement with CouMayor Freitas stated he was in agreem statement.

Mr. Gallagher stated he had no objection to the following motion.

RESOLUTION NO. 2003/91

OnOn motion by Councilmember Conley, secondOn motion by Councilmember Conley, second CoCouncilCouncil approved the resolution increasing the community benefit to \$7000.00 per lot to bebe used for items as provided by McBail A-D ofbe used for items as provided by McBail A-D of the standand F for community enhaand F for community enhancemenand F for community enhance proposed resolution to correctly indicate the action taken by the proposed resolution to correct Allocation Committee. The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen

Noes: Kalinowski, Freitas

MayorMayor Freitas declaredMayor Freitas declared a recess at 11:40 P.M. The meeting reconvened a all Councilmembers present.

MayorMayor FreitasMayor Freitas announced RDA-03-4 would be held overMayor Freitas announced meeting.

E. RDARDA 03 3 Discovery Builders, Inc. requests an allRDA 03 3 Discovery Builders, Inc. residentialresidential units over a four year periodresidential units over a four year period from 2004 acresacres located on the west side of the Somersville Rd. / James Donlon Blvd. intersection (APN 089 160 002, 003, 005, 006 and 089 150 001).

AssociateAssociate Planner Wehrmeister gave aAssociate Planner Wehrmeister gave a brief overviewA project application.

EdwarEdwardEdward SEdward Shaffer, representing Seecon Financial and Construction, presenter CouncilCouncil with a letter putting the Council with a letter putting the City on Council with a letter processprocess on the project. He added Seeconprocess on the project. He added Seecon does not thethe City new contributions and requested the City new contributions and requested the City follow star the allocations as requested by Discovery Builders.

MayorMayor Freitas stated Mr. Mayor Freitas stated Mr. ShaffMayor Freitas stated Mr. Shaffer had therefore therefore discussion could cease on the therefore discussion could cease on the therefore discussion could cease on the project and it with Council providing a legal response.

Mr.Mr. Shaffer requested the Council proceed and allowMr. Shaffer requested the Council proceed and a approvals for development.

CityCity Attorney GalstanCity Attorney Galstan stated he had received a copy of City Attorney Galstan and he recommended the City Council consider theand he recommended the City Council consider th aandand should tand should they choose to grant the allocation the issues would becomes moot; if deny the application he could research the questions and return atdeny the application he could research session to advise Council.

Councilmember Kalinowski requested Albert Seeno III come forward to the podium.

AlbertAlbert Seeno III clarified he was the applicant and theAlbert Seeno III clarified he was the applicant thethe City to approve his application noting hethe City to approve his application noting he hoped the ac upon him personally.

CityCity Engineer/ComCity Engineer/Community DeCity Engineer/Community Development Director Mr. Seeno and was supportive of the application.

FollowingFollowing discussion, the CouncilFollowing discussion, the Council expressed concern regardi their their legal representative as discussed in the letter pretheir legal representative as discussed eveningevening and noted theevening and noted the City would not do business in evening and noted they they recognized Athey recognized Albert Sethey recognized Albert Seeno III willingness to work proposal.

RESOLUTION NO. 2003/92

OnOn motion by Councilmember Kalinowski, seconded by Councilmember Davis the Council unanimously approved the resolution for a total of 286 units.

F. RDARDA 03 1 Davidon Homes re requests requests an allocation of 549 single family resider unitsurbiteer a five year period from 2003 throughover a five year period from 2003 through 2007 on approve westwest of the future State Route 4 Bypass, approximately 2,600 feet north of Lone TreeTree Way and 1,150 feet from the current eastern terminus Tree Way and 1,150 feet Antioch (APN 053 060 021 and a portion of 053 072 013).

AssociateAssociate Planner Wehrmeister gave a briefAssociate Planner Wehrmeister gave a brief over of Davidon Homes.

JeffJeff Thayer clarified the school site, item #4 of the resolutionJeff Thayer clarified the school site, item item #5 oitem #5 occurred. He stated they were encouraged by City staff to develop titem #5 schoolschool site and noted they had accommodated the site, which he felt wschool site and noted benefitbenefit to the community. He reviewed additionalbenefit to the community. He reviewed additionalbenefit to the community. He reviewed additionalbenefit to the community. He reviewed addition a different product linestated they were providing a different forfor variance in widths and setbacks. He clarified they were infor variance in widths and setbacks. the architecture now.

CouncilmemberCouncilmember Kalinowski stated there was noCouncilmember Kalinowski stated there diddid not support of support the additional market rate homes. Indid not support the additional market homes. Indid not support the additional market homes a community who would be giving up the openCity who would be giving up the openCity who would be giving up the open space shouldCity who would be supporting the lack of quality and community benefit, he would not be supporting

CouncilmemberCouncilmember Conley stated he felt there could beCouncilmember Conley stated he is spacespace being used for a high school site. However, space being used for a high school site. How waswas not a benefit. He stated he would like a varwas not a benefit. He stated he would like a varwas not a benefit. He stated he would like a varwas not a benefit.

Mr.Mr. Thayer stated Mr. Thayer stated he felMr. Thayer stated he felt the contribution was signif school site, which would be purchased for a minimum price.

CouncilmemberCouncilmember Simonsen stated there was an urgent needCouncilmember Simonsen s it would be a benefit to the City. Heit would be a benefit to the City. He noted it would move forward, i givinggiving Davidon Homes the opportunity to work through the issues and bring it backgiving Davidon 22, 2003 with revisions.

MayorMayor Freitas voiced his Mayor Freitas voiced his consenMayor Freitas voiced his consent discusdiscussion on this application. He expressed his concern the proposal, as provided provided 500 provided 500 cookie cutter houses, would produce 1200 children, acresacres of open space and the remaining 10 acres would acres of open space and the remaining 10 a result of the community alle noted the third high school was important to the community alle noted the third high school movingmoving forward to try to find a solution to provide a project commoving forward to try to find district, homebuyers and community.

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AA motionA motion by Councilmember Kalinowski, seconded by Mayor Freitas toA motion by Councilme forfor RDA -03-01for RDA -03-01 was withdrawn due to a request fromfor RDA -03-01 was withdrawn of JulyJuly 22, 2003 to give himJuly 22, 2003 to give him the opportunJuly 22, 2003 to give him regarding the application.

OnOn motion by Councilmember Kalinowski, seconded by Councilmember ConlOn motion by Co CouncilCouncil unanimously continued RDA-03-01 to July 2Council unanimously continued RDA-0 communicatecommunicate with the School District and City and communicate with the School District application.

Mayor Freitas adjourned to the Antioch Development Agency.

AGENCY REGULAR AGENDA

6. APPROVAL OF AGENCY WARRANTS

#401-02

OnOn motion by Agencymember Simonsen, seconded by Agencymember Conley, the Agency unanimously continued item #6 to July 22, 2003.

7. RESOLUTIONRESOLUTION RESOLUTION APPROVINGRESOLUTION APPROVINGRESOLUT TO PROVIDE ADVICE FOR WATERFRONT DEVELOPMENT #902-07

CityCity Attorney Galstan presented the staff report dated JulyCity Attorney Galstan presented Het

MayorMayor Freitas stated the WaterfrontMayor Freitas stated the Waterfront Redevelopment PlanMa to start a new course of action to provide development in the downtown area.

Resolution No. ADA-391

OnOn motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously approved the resolution.

Chairperson Freitas adjourned to the Antioch City Council.

COUNCIL CONSENT CALENDAR (Item *D* cont from the beginning of meeting)

ItemItem D - CouncilmCouncilmember SimCouncilmember Simonsen announced the League of C CloudyCloudy Skies Over CalCloudy Skies Over CalifoCloudy Skies Over California Cities was play requestedrequested it be requested it be playedrequested it be played during the next City Co Advocacy.

FollowingFollowing discussion the Council agreed to play the videoFollowing discussion the Council agr meeting.

PUBLIC COMMENTS - None

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COUNCIL COMMUNICATIONS - None

STAFF COMMUNICATIONS - None

WithWith no further business, MayorWith no further business, Mayor Freitas adjWith no further bus regular Council meeting on July 22, 2003.

Respectfully Submitted,

L. JOLENE MARTIN, City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN, City Clerk