ANTIOCH CITY COUNCIL ANTIOCH DEVELOPMENT AGENCY

Regular Meeting 7:00 P.M.

October 14, 2003 Council Chambers

MayorMayor Freitas called the meeting to Mayor Freitas called the meeting to order at Mayor Freitas cal

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

PLEDGE OF ALLEGIANCE

The The Honor Guard presented by BoyThe Honor Guard presented by Boy Scout TroopThe Honor Guard in the Pledge of Allegiance.

OnOn behalf of the City Council and community, Mayor FreitasOn behalf of the City Council and community, and recognized Patrol Leader Evan Martin who lead the Pledge of Allegiance.

PROCLAMATIONS

Reflex Sympathetic Dystrophy (RSD) Disease Help People with Mental Retardation Days, October 17, 18, and 19, 2003 Make a Difference Day, October 26, 2003

OnOn motiOn motioOn motion by Councilmember Conley, seconded by Councilmember Davis the unanimously approved the prodamation.

Councilmember Councilmember Davis presented the Councilmember Davis presented the proclamC HelpHelp People with Mental Retardation Days to Manny Soliz who accepted to Manny Manny Manny Manny Manny Manny Manny Manny Manny Manny

PRESENTATIONS

ChiefChief BuChief Building Inspector Donald Griebling, Economic Partnership Award: Linda Best ContraContra Costa Economic Partnership, Contra Costa Economic Partnership, congratulated the City InspectorInspector Griebling for receiving the awardInspector Griebling for receiving the award for *Most County*.

MayorMayor Freitas, on behalf of the City Council Mayor Freitas, on behalf of the City Council InspectorInspector Griebling and staffInspector Griebling and staff for improving service in Antioch from in 2002 to being 2nd in 13 of the cities in 2003.

CCouncCouncilmemberCouncilmember Conley presented the award to Chief Building Inspector Gri stated the direction given by the Citystated the direction given by the City Councilstated the direction the necessary tools earn the award.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

MayorMayor Freitas stated due to the number of people in attendance this evening wishMayor Freita speakspeak on Agenda item #8, hespeak on Agenda item #8, he suggested moving agenda items #5 2003.

OnOn motion by CouncilmemberOn motion by Councilmember Conley, seconded by Councilmember Da unanimously continued Item #5 to October 28, 2003.

OnOn motion by Councilmember Conley, seconded by COn motion by Councilmember Conley, second council unanimously continued Item #7 to October 28, 2003.

PUBLIC COMMENTS

ElvinElvin Scott thankedElvin Scott thanked the public for their help and discussed his efforts toElvin Scot regarding veterans, social security, pension and retirement benefits.

TrudyTrudy Martinez, Antioch residentTrudy Martinez, Antioch resident requested informationTrudy M discussed at the neighborhood meeting pertaining to the Nokes Dealership project.

CityCity Attorney Galstan repoCity Attorney Galstan reporCity Attorney Galstan reported bids subm provided to Acting City Manager Pappas-Diaz who was reprovided to Acting City Manager source for the project.

Ms.Ms. Martinez stated she had contacted code enforcement regardingMs. Martinez stated she had con wallwall of Sycamore, which has not been repaired. wall of Sycamore, which has not been repaired. She and people are still walking through it.

JuanJuan Elias, AntiocJuan Elias, Antioch Juan Elias, Antioch resident reported on September 7, break-inbreak-in on his property and the police department had indibreak-in on his property and the noted thenoted the front door was left open until he returned home at 4:00 and thenoted the front doo on.on. Heon. He further stated he had attempted to follow procedure as to what action take. He noted he had spoken with Captain Cantando, Lieutenant McConnelltake. He noted he had Moczulski, Moczulski, CouncilmembeMoczulski, Councilmember ConMoczulski, Councilmember Conreachedreached a conclusion of the investigation. He questionedreached a conclusion of the investigation this issue.

ActingActing City Manager PappaActing City Manager PappasActing City Manager Pappas Diaz re scenescene had been in training lastscene had been in training last week; the Police Chiefscene had be the officers to provide Mr. Elias with information regarding the issue this week.

Mr.Mr. EliaMr. Elias provided staff with documentation of the security companies findings aMr. recordings.

MikeMike Lillard, Antioch resident expresseMike Lillard, Antioch resident expressedMike Lillard, Antioch resident expressed ex

AllenAllen Payton, Antioch resident, congratulated the Allen Payton, Antioch resident, congratulate newlynewly appointed City Manager, Jim Jakel, noting and economic development.

TomTom McNell, Antioch resident, reported the Reynolds and Brown project wasTom McNell, Antioch rethethe Planning Commission with a vote of 6-0 despite overwhelming concerns presented by reresidentresident on a number of issues—they believed would affect their quality of life. He expressed concern regarding the potential \$2.3 Mexpressed concern regarding the potential \$ thethe city should not subsidize develop enterprise.

COUNCIL REGULAR AGENDA

1. APPROVAL OF EMPLOYMENT AGREEMENT FOR NEW CITY MANAGER #502-01

MayorMayor Freitas thanked Ms. Pappas-Diaz for doing a great job as Acting CityMayor Freitas thanked notednoted it was Council's belief the combination of noted it was Council's dynamic team for the city.

OnOn motion by Councilmember Davis, secoOn motion by Councilmember Davis, seconded Or Council unanimously approved the agreement.

Mr.Mr. Jakel thanked the City Council for giving him the opportunity to be AntiMr. Jakel thanked t ManagerManager noting it was an honor and he wasManager noting it was an honor and he was looking elected officials, staff and the community.

Mayor Freitas announcedMayor Freitas announced Mr. Jakel would begin employment with the cityM 1, 2003.

F. ORDINANCEORDINANCE NO. 1007ORDINANCE NO. 1007 C-S APPROVING A APPROVING A

FRED AND ANN DILLETT/ OAKLEY KNOLLS#202-03

2. COUNCIL CONSENT CALENDAR

A.	APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 23, 2004 #301-02
В.	APPROVAL OF COUNCIL WARRANTS#401-02
C.	APPROVAL OF TREASURER'S REPORT FOR AUGUST 2003#401-02
D.	REJECTION OF CLAIMS
E.	LATE CLAIM APPLICATION OF ANA HENRIQUEZ#704-07

G.	RESOLURESOLUTIONRESOLUTION NO. 2003/114 AUTHORIZING TRANSFER OF GRANT ANTIOCH YOUTH SPORTS COMPLEX, INC
Н.	LEGISLATION AND ADVOCACY#701-04
I.	RESOLUTIONRESOLUTION NO. 2003/115 AUTHORIZING REIMBURSE SIGNALIZATION FEES PAID BY THE CENTER AT SLATTEN RANCH, LLC. #202-03
J.	RESOLUTIONRESOLUTION NO. 2003/116 ACCEPTING IMPR ACCEPTING IMPROVEME A PARK AT WILLIAMSON RANCH SUBDIVISION, TRACT NO. 7619 (KB HOME) PW 574-P2#1402-03
K.	RESOLUTIONRESOLUTION NO. 2003/117 ACCEPTING ACCEPTING IMPROVEMENTS FOR A ATAT BLACK DIAMOND ESTATES SUBDIVISION, TRACT NO. 7515 (BLAAT BLACK DIAMOND KNOLLS LTD./SOUTH TERRA CORPORATION) PW 599-P #1402-03
L.	CONSIDERATIONCONSIDERATION OF BIDS FCONSIDERATION OF BIDS FOR CONSID

- L. CONSIDERATIONCONSIDERATION OF BIDS FCONSIDERATION OF BIDS FOR CONSID PLANT "B" (PW 551-3)#1202-01
- N. <u>RESOLUTIONRESOLUTION NO. 2003/118</u> APPROVING ASSISTANT CITY APPROVING ASSISTANT APPROVING ASSISTANT CITY APPROVING ASSISTANT APPROVI

OnOn motion by Councilmember Conley, seconded by CouncilmembOn motion by Councilmemb CouncilCouncil unanimously approved the Council Consent CalendarCouncil unanimously approved the K and M, which were removed for further discussion.

<u>IteltemItem K</u> - Co - Councilmember Simonsen encourage the City Council to give guidance to city staffstaff to allow a memorial plaque to honor the staff courtcourt at Hansen Park. Mayor Freitas requested staff bring this mattercourt at Hansen Park. A Council on October 28, 2003.

OnOn motion On motion by CounCilmember Simonsen, seconded by Councilmer Council approved Item K.

<u>ItemItem M</u> - Mayor Freitas suggested this item - Mayor Freitas suggested this item be held over - Ma on the agenda as an action item.

OnOn motion by CouncilmemberOn motion by Councilmember Conley, seconded byOn motion by Councilmember Conley, seconded by Councilmember Councilmember Conley, seconded by Councilmember Cou

CouncilmemberCouncilmember Conley requested staff include an option for a landscape maintenan agreementagreement to be created and approved by staff prioragreement to be created and approved this item.

PUBLIC HEARINGS

3. RESIDENTIAL DEVELOPMENT APPLICATIONS#204-05

RDA-03-1/RDA-03-1/ DAVIDON HOMES REQUESTS ANRDA-03-1/ DAVIDON HOMES REQUESTS RESIDENTIAL RESIDENTIAL UNITS OVER A FIVERESIDENTIAL UNITS APPROXIMATELY APPROXIMATELY 170 ACRES LOCATED WEST OF THE FUTURE STATE ROUBYPASS, BYPASS, APPROXIMATELY 2,600 FEET NORTH OF LONE TREE WAY AND 1,150 FEETFEET FROM THE CURRENT EASTERNFEET FROM THE CURRENT EASTERN TERMINUSF (APN 053 060 021 AND A PORTION OF 053 072 013).

AssociateAssociate PlanAssociate Planner Wehrmeister presented the staff report date rerecommercommending commending the City Council deny all Residential Development Allo RDA-03-01.RDA-03-01. The applicant may resubmit an RDARDA-03-01. The applicant may resubmit January 2004.

Mayor Freitas opened the public hearing.

JeffreyJeffrey Thayer, representing Davidon HomesJeffrey Thayer, representing Davidon Homes gave theythey were encouraged by city stthey were encouraged by city stafthey were encouraged by city highligh school site. He stated they increased the acreagehigh school site. He stated they increased significant significant benefit to the community. He noted they continued to offer the gradisignificant improvements for the school site at their costs, and they were now offimprovement non-reimbursable contribution for infrastruction-reimbursable contribution for infraction for infrastruction-reimbursable contribution for infrastruction-reimbursable con

TerryTerry Ramus, Antioch resident discussed the need for the new high school in Antioch. He notednoted most of the builders went through the RDA pmoted most of the builders went through infrastructureinfrastructure needs associated with the projects.infrastructure needs associated with the new standards without exception the City Council should deny the allocation.

ChristinaChristina Lawson, Miller, Christina Lawson, Miller, Starr & RegaliaChristina Lawson, Miller, Starr oppositionopposition to the opposition to the RDA application noting the proposal would cap theopposition toward toward the cost of itoward the cost of infrastructure at \$4M without project, project, therefore any cost overage project, therefore any cost overage would be bproject, the orientedoriented businesses. She stated the proposal was inconsistent with the adopted Specific Plan and the General Plan.

Mr.Mr. Thayer stated with regardsMr. Thayer stated with regards to theMr. Thayer stated with regards wwerewere potential new changes in the draft General Plan which would give twere potential new valuevalue and with the infrastructure contribution they were making, he felt it value and with the infras valuable than some of the vehicles being contemplated in the Specific Plan.

CouncCouncilmembCouncilmemberCouncilmember Conley stated the underlying premise of FUA# subsidizesubsidize business. He subsidize business. He voiced his support for an agreement to sepa propertyproperty from this proposal, sellingproperty from this proposal, selling it to the School District at waswas a burden on other developers of \$8000-\$10,000 per lotwas a burden on other developers of \$

Mr.Mr. Thayer stated the SpecifiMr. Thayer stated the Specific Plan anMr. Thayer stated the subsidizationsubsidization of the employment areas, it addresses fronting costs reimbursement through benefit benefit districts. He benefit districts. He noted the financial plan talks extensively about benefit district, district, which would result in every dollar spent in infrastruct it was not feasible for the School District to buy the property and proceedit was not without without surroundiwithout surrounding development occurring at the same time of coordinated coordinated grading plan. Coordinated grading plan. He stated he believed they had offered city.

MayorMayor Freitas expressed concern Mayor Freitas expressed concern the 27.5Mayor Freitas expressed at no charge, would now be sold to them due to this proposal.

Mr.Mr. ThayeMr. ThayerMr. Thayer stated they would support deleting the High School from their preturning to the open space plan.

MayorMayor Freitas stated there were very few Mayor Freitas stated there were very few 50 acr needed for the High School.

Mr.Mr. Thayer clarified when they began the process, it was their opinion the 27.5 acres had nono development value; therefore, they offered to give it to theno wholewhole thrust of their ability to make a community benefit offer given the scenario therefore greatly reduced. He furththerefore greatly reduced. He furthetherefore greatly reconcerned concerned with the purchase price of the land, which gave them the ability to offer more toto the city. He stated thto the city. He stated they proceed the city. He stated they proceeded wis sugsuggestion of city staff and the High School site took precedence over the opesuggestarea. He noted area. He noted they were prepared to abide by the letter agreementarea. He no property.

InIn respIn response to Councilmember Kalinowski, City Engineer/Community Development DirectorDirector Brandt quotedDirector Brandt quoted the following fromDirector Brandt quoted the following fromDirector Brandt quoted the following jumpstart job producing land uses in this area, the comprovements of Sunset Drive, (which is now Slatter SR4SR4 - 160 interchangeSR4 - 160 interchange with temporary connection at the earliest time needed. In in this program will be a condition of development of housing in the planning aring this program will be benefit district or benefit district or assessment benefit district or assessment district may be reimbursement of infrastructure costs advanced to the emploreimbursement of infrastructure that the level of such reimbursement shall be determited account infrastructure costs of other employers.

He stated his opinion of theHe stated his opinion of the intent of the previously language was to have properties front the costs of the infrastructure to allow the employment commercial properties in FUA#2 to develop properties in FUA#2 to develop at a competitive rate. He noted by Davidon is \$1-3M short by Davidon is \$1-3M short of profonding the \$6-8M of infrastructure costs necessary for fronting the \$6-8M of infrast employment and commercial properties. He further noted those monies would be reimbursed to some degree at the discretion of the City Council.reimbursed to some degree PlanPlan shows an 8-acre park and through the tentative subdivision map, staff would recorecommend recommend to the City Council they require the dedication of the development of the parcel. He noted the park land would typically development of the parcel the park and lieu fee, which is based on \$70,000 per acre.

InIn response to Councilmember Simonsen, Mr. Thayer clarified thereIn response to Councilmember Si agreementagreement outlining the obligation of agreement outlining the obligation of the city and the own openopen space. He stated what was envisioned by the open space. He stated what was development development surrounding the area was findevelopment surrounding the area was finalized meetsmeets and bounds description of the area and meets and bounds description of the area and composity.city. He noted the framework was an irrevocable offer of a gift and further noted it city. He noted the fupup to the developer and the city to dispose of the open space. He stated if it is for the greatergreater public good, the city could abandon the offer of the gift and they cougreater public good the use of the property, as the city deemed appropriate.

InIn response to Councilmember Simonsen, Mr. ThayerIn response to Councilmember Simonsen, Mr. tolerancetolerance on infrastructure coststolerance on infrastructure costs for the school site, however t coordinated ordinated with the commercial site and the buildin believed believed could not be achieved with the funding of thebelieved could not be achieved we proceeded proceeded without an assessment district due to the fact the properproceeded without an interested in participating, which now leaves them with a smaller district. He nointerested believed an assessment district is an inefficient way to provide the improvements.

CityCity Attorney Galstan stated whenCity Attorney Galstan stated when anyone wishes to convey prhashas to accept it by as written document, which is recorded. He noted if the property accepted, accepted, theaccepted, the underlying property owner would continue toaccepted, the underlyicity wcity would record acity would record a notice saying it had rejected the gift. He further note wwouldwould not be available and was unrestricted from the open space offer. He stawould not be agreementspecified as each subdivision is submitted for approagreementspecificarved out as the boundaries were established, none of which had occurred.

WilsonWilson Wendt, MillerWilson Wendt, Miller Starr and Regalia representing Rudy Jacuzzi clarified waswas the residential and commercial developers abide by the prwas the residential and comme Plan and Financial Plan, which they did not believe was happening with this proposal.

InIn response to In response to CouncilmemberIn response to Councilmember In response to Councilmember

responsible responsible for approximately \$4.99M and there was responsible for approximately \$4.99M are toto go into the employe go into the employment of t

Mayor Freitas closed the public hearing.

CoCouncilmeCouncilmemberCouncilmember Kalinowski stated he would not support the proposal du residential growth did not provide the necessary infrastructure improvements residential grow community benefit equal to the other developers who received allocations.

Councilmember Councilmember ConleyCouncilmember Conley stated growth occurring in AntiochCounthirdthird high school was importantiand Davithird high school was important and Davithird high school was important and Davithird high school was imported he would not support this proposal until there was a community \$10,000 per lot, the high school site and full mitigation for the infrastructure in FUA#2.

CouncilmemberCouncilmember Simonsen stated he did not support the followingCouncilmember Simon building of the third high school site.

CouncilmemberCouncilmember Kalinowski sCouncilmember Kalinowski staCouncilmember Kalinows infrastructure costs for this property.

RESOLUTION NO. 2003/119

OnOn motion by Councilmember Conley, secondedOn motion by Councilmember Conley, seconded by Councilmember Co

Ayes: Kalinowski, Davis, Conley, Freitas Noes: Simonsen

- 4. BLACK DIAMOND RANCH PROJECT
- A. URGENCYURGENCY ORDINANCE APPROVING DEVELOPMURGENCY ORDINANCE A SEECONSEECON FINASEECON FINANSEECON FINANCIAL AND CONSTRUCTION C BUILDERS, INC. FOR BLACK DIAMOND RANCH SUBDIVISION#802-02

ORDINANCE NO. 1008 C-S

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

MayorMayor FreitasMayor Freitas opened and closed the public hearing with noMayor Freitas opened an

RESOLUTION NO. 2003/120

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

5. COMPREHENSIVE UPDATE TO THE CITY'S GENERAL PLAN #204-01

Mayor Freitas announced this item had been delayed to October 28, 2003.

COUNCIL REGULAR AGENDA

6. APPOINTMENT TO PLANNING COMMISSION - 2-YEAR PARTIAL TERM#302-06

Mayor Freitas nominated Mike Langford to the Planning Commission.

OnOn motion by CouncilmemberOn motion by Councilmember Conley, seconded by Councilmember Da unanimously unanimously appointed Mike Langford to theunanimously appointed Mike Langford to the

Mayor Freitas announced this item has been delayed until October 28, 2003.

STUDY SESSION

8. ORALORAL PRESENTATION OF GUIDIVILLE BAND OF POMO INDIANS RORAL PRESENT PROJECT IN ANTIOCH#901-05

ActingActing City Manager Pappas Diaz Acting City Manager Pappas Diaz presenteActing City Manager Pappas Diaz Pappas Diaz

RodRod Wilson, representing the Guidiville Band of Pomo Indians, introduced the elected represerepresentatives representatives frepresentatives from the Guidiville Band of Pomo Indians, presentation presentation of tribal history, representation of tribal history, regulatory presentation of benefitsbenefits to local economy as well as the presentation of Inlin conclusion, Mr. Wilson stated to local economy as well as the presentation of Inlin conclusion, Mr. Wilson stated they felt tribal government gaming confort the city of Antioch, bringing thousands of jobs and contributing hundreds of millions of dollars to the local economy and city revenues.

InIn response to Councilmember Simonseln response to Councilmember Simonsen, In response to Council with the number of casinos who serve alcohol.

InIn response to Mayor Freitas, Mr. In response to Mayor Freitas, Mr. WilsonIn response to Mayor Freitas itit was an individual tribal choice. He noted if smokingit was an individual tribal choice. He noted if sn of the art air systems, re-circulating the air every 60 seconds.

InIn response to Councilmember Davis, Mr. WilsonIn response to Councilmember Davis, Mr. Wilson state filedfiled by the MiWok Tribe for stop the Tribal State Compact, filed by the MiWok relatedrelated to the Redding Rancheria. He clarified it was customary when a tribe begins gaming to hire a management company for a term of 7 years togaming to hire a management compart thethe facility. He noted there were 109 federally recognized tribes who could to casinoscasinos in California, however some were in remote loccasinos in California, however some marmarketmarket or population to support it. He clarified part of the process is to assuremarket community meets the criteria and fits in with the tribes long term planning and viability.

InIn response to Councilmember Kalinowski, Mr.In response to Councilmember Kalinowski, Mr. Wilson waswas valid for 20 years andwas valid for 20 years and therefore they would enter into Municipal Servi forfor 20 years. He stated the Tribe would have controlfor 20 years. He stated the Tribe would have contaken in the trust. He noted in addition to the taken in the trust. He noted in addition to the casino, the on the land.

InIn response to CouncilmeIn response to Councilmember In response to Councilmember Conley Mandlesslandless in California. He noted taking the land was a lolandless in California. He noted taking the land was a lolandless in California. He noted taking the hadhad to be within their ancestral lands. He furthhad to information regarding which tribes were pursuing sites at this time.

Michael Michael Darry, Economic Development Michael Darry, Economic Development Director fMic consist of several discontinuous parcels.

InIn response In response to Councilmember In response to Councilmember Conley, Mr. Wilson clarified hadhad established federally recognized tribes as sovere rightright to maintain and operate it's own government and establish it's right to maintain and operate it's reservation. He noted the tribe had agreed to reservation. He noted the tribe had agreed to into an MSA, which would allow the city to enter into arbitration if theyinto an MSA, which would allow ababiding by the agreement. He noted Indian gaming in California began in 1980, andabiding 1999, 29 tribes were operating casinos.

InIn responseIn response to Mayor Freitas, Mr. Wilson clarified the environmental processIn response to to the public and to the public and all information was provided to the public for reforfor thefor the trust process would take approximately 9-12 months. for the trust process would take appartpart of the fee to trust process and prior to taking the lpart of the fee to trust process and process and process are government would need to be assured it was environmentally clean.

InIn response to Could response to CouncilmeIn response to Councilmember Conley, Mr. Wilson proceedproceed without the approval of the Cproceed without the approval of the City Councilmemter to look for a community who wanted to be a part of this proposacommir recognized the benefits and would be supportive of the project.

Liz Mahoney, Liz Mahoney, Oakley resident, Liz Mahoney, Oakley resident, stated she lived near the p thethe citythe city of Antioch would address the negative impacts of this project on the city of Antioch would address the negative impacts of this project on the city of Antioch would necessary the negative impacts of this project on the city of Antioch would necessary the negative impacts of this project on the city of Antioch would necessary the negative impacts of this project on the city of Antioch would necessary the negative impacts of this project on the city of Antioch would necessary the negative impacts of this project on the city of Antioch would necessary the negative impacts of this project on the city of Antioch would necessary the negative impacts of this project on the city of Antioch would necessary the negative impacts of this project on the city of Antioch would necessary the necessary the necessary the necessary the necessary the necessary that the necessary the necessary the necessary the necessary that the necessary the necessary that the necessary that the necessary that the necessary the necessary that the neces

SandySandy Henry, Antioch resident urged the community to keep an open mind noting she felt it was early n the process to make determinations on this proposal.

TomTom Herink, Antioch resident, Tom Herink, Antioch resident, stated thisTom Herink, Antioch reside hishis belief gambhis belief gambling was wrong. He noted statistics and studies showed neighborhood would be destroyed and urged the Council to take a stand for families.

KennethKenneth Jones, Antioch resident, spoke against the casKenneth Jones, Antioch resident negativenegative inegative impacts would exceed the need for the revenue generated from this prop HeHe stated he believed most of the jobs generated from theHe stated he believed most of the jobs generated the City Council to not give the project further consideration.

MayorMayor Freitas read writtenMayor Freitas read written commentsMayor Freitas read written corproject: Patty Hoyle, C. Denise Stewart, Christ Grillo, Kerri Neel HeHe read written comments from W. Mikormic who stated he would onlyHe read written comments from if they were required to fund the BART extension to Antioch.

Grant Basan, Antioch resident, provided the Council with a booklet comprisedGrant Basan, Antioch reconn gaming. He expressed concern regarding gaming. He expressed concern regarding the increase the the casino. He urged the City Council to read the repthe casino. He urged the City Council to figures.

MannyManny Soliz, Antioch resident, reported some ofManny Soliz, Antioch resident, reported some of himhim and requested he chair the Antioch Citizens Against thhim and requested he chair the Abelievedbelieved the casino project was not good for Antiochbelieve compensationcompensation did not apply to reservations. He noted it would be a Sovereign Nationcor subjectsubject to local laws; furthermore, businesses onsubject to local laws; furthermore, businesses on advantage over any competing non-Indian businesses in Antioch. advantage over any compethethe reservation was created under federal regulations the tribethe reservation was created under federal addadd to the the reservation regardless of city approval. He urgedadd to the reservation regardless of city approval.

RomeoRomeo Benosa Jr, Antioch resident statedRomeo Benosa Jr, Antioch resident stated he was not had concerns regarding the additional traffic generated from the project.

AllenAllen Payton, Antioch resident encouraged theAllen Payton, Antioch resident encouraged the City Impact Report and research community gambling impacts onImpact Report and research community felfeltfelt the federal representatives needed to consider alternatives to this type of econfelt the feder development for the tribes that would bring positive development to communities.

MikeMike Morelli, AntiochMike Morelli, Antioch resident, expressed concern regarding the project's neg onon traffic and noted he felt there were on traffic and noted he felt there were better locations outside local law enforcement would have no right to enforce laws on the reservation.

JulieJulie Cullimore, Antioch resident spoke in opposition toJulie Cullimore, Antioch resident spoke in onegativelynegatively impact families and increase negatively impact families and increase traffic and criwant to become community partners with the Tribe.

BobBob Blackhall, AntioBob Blackhall, Antioch reBob Blackhall, Antioch resident spoke in opposition increase crime and create negative socialincrease crime and create negative social conseque against this proposal at the federal and state level.

Mayor Freitas read written comment from Joy Squires in opposition to the project.

JonathanJonathan Squires, AntiochJonathan Squires, Antioch resident discussed the negative impacts and and stated he would and stated he would leave the community if this projectand stated he would leave indicate indicate gambling attracts crime and the city would be unable to indicate gambling attracts of the reservation. He urged the city to keep the family community.

JeanJean Last, Brentwood residen,t expressed concern Jean Last, Brentwood resident, and Brentwood resident property and Brentwood reside

RonaldRonald Lee, Antioch resident, spokeRonald Lee, Antioch resident, spoke inRonald Lee, Antioch lowlow paying withlow paying with little or no benefits, which would produce alow paying with little or no thethe money in the casino, the money in the casino, they would eventually control the citythe money is stated at the state would control the funds produced by the patient he felt the state was associated associated with approving the project should register theiassociated with approving the oversight group for 20 years.

TeresaTeresa Greenwell, Antioch resident, stated this Teresa Greenwell, Antioch resident, stated this wantwant thewant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring towant the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would bring toward the social effects of what gambling would be social effects of what gambling would bring toward the social effec

MayorMayor Freitas read written comments from Diane and DennisMayor Freitas read written comments project.

JeffJeff Allendorf, Antioch resident, voiced hJeff Allendorf, Antioch resident, voiced his Jeff environmentenvironment noting there would be environment noting there would be anenvironment noting thethe land was trusted over it would no longer be governed bythe land was trusted over it would no lo occurringoccurring on or offsite would burden the legal system. He urged the city occurring on or off Contra Contra Contra Costa District Attorney's office and ask how this proposal would affect the caseloads. Caseloads. He noted the state was in opposition to to caseloads. He noted the state was in opposition proposition #1 wasproposition #1 was to allow Indian tribes to conduct gaming proposition #1 trusttrust prior to Indian Gaming regulatorust prior to Indian Gaming regulatory act of 1988tr understanding understanding the Guidiville Band of Pomo Indians was not landless, but have acreaged inin Mendocino County, which he believed win Mendocino County, which he believed was their and Council to proceed with caution and research this issue thoroughly.

SusanSusan O'Connor, Antioch resident, Susan O'Connor, Antioch resident, stated Antioch wasSusar concerned concerned for the project's impact to home values and increased crime and traffic generated generated from the casino. generated from the casino. She squestioned who would be responsible after time.

BenBen Johnson, Pittsburg resident, Ben Johnson, Pittsburg resident, expressed his concern regardin impactimpact on traffic and the quality of life in East County. impact on traffic and the quality of life consider this proposal carefully.

MichaelMichael Schull, stated he was considering moving to Antioch and theMichael Schull, stated he evening would be taken into consideration. He noted he feltevening would be tax on the poor and urged the City Council to have a better vision for Antioch.

DonDon Sturke, Antioch resident, voiced his opposition to the casino Don Sturke, Antioch resident, vollandland had already been designated for BART, EBART or lighland had already been designated for light industrial or commercial use of the land would be a more appropriate in the area.

PatrickPatrick D'Arcy, AntiochPatrick D'Arcy, Antioch resident, echoed the concerns of the previous spe thethe Tribe to withdrawal their proposal. the Tribe to withdrawal their proposal. He stated if the City Coutoto begin negotiations, they would do so without the consento begin negotiations, they would community.

KarenKaren Karen Rogge, Karen Rogge, BrKaren Rogge, Brentwood resident, expressed of viableviable opportunity and noted viable opportunity and noted the state of California had determined SheShe reported a gambling casino was currently being coShe reported a gambling casino was of there was no need for another casino in the area.

MayorMayor Freitas read written comment provided by JilMayor Freitas read written comment provid

SueSue Brooke, Antioch resident, spoke in opposition to theSue Brooke, Antioch resident, spoke in createcreate social problems and costs associated with compucreate social problems and costs associated with compucreate social problems and costs associated with compucreate social problems and costs associated with computered social problems and costs as a social proble

DaleDale Trinidad, Antioch resident, spoke in opposition to the casino due to the negative impacts on the community from the project.

MiMichaelMichael Carney, Antioch resident, discussed the importance of developing a long-teMichaevisionvision for Antioch and expressed concern this larvision for Antioch and expressed concern this General Plan.

AlanAlan Hand, Antioch resident, recognized the natAlan Hand, Antioch resident, recognized the na andand spoke in opposition toand spoke in opposition to the project noting the onlyand spoke in opposit be financial, while producing a number of negative impacts.

Jeannette Jeannette Abrams, AntJeannette Abrams, Antioch Jeannette Abrams, Antioch resident vollocal, local, state and federal governmentslocal, state and federal governments will have nolocal, state and added traffic congestion and she feels it would destroy the image of Antioch.

MayorMayor Freitas announced the City CouncilMayor Freitas announced the City Council received a Complex signed by 15 Antioch residents.

HaroldHarold Nay, Antioch resident stated heHarold Nay, Antioch resident stated he believes when the gaming they thought gaming they thought it would occur in an undeveloped at City Council approving this proposal it be on a ballot for the residents approval.

KarKarenKaren Teaster, Antioch resident spoke in opposition to the project due to it'sKaren Teaster impactsimpacts on traffic and the increased crime generated from impacts on traffic and the increased crime as member of member of hera member of her family was addicted to gambling and urged the City Cothe impact this development would have on the community.

GreggGregg Winchester, Oakley resident spoke Gregg Winchester, Oakley resident spoke in opposition traffictraffic and noted the overwhelming opposition indicates the community does not want this proposal proposal to move forwaproposal to move forward. He discussed other types o revenuerevenue for therevenue for the Pomo Indians and have a positive impact onrevenue for the Pomo City Council to deny the request.

Joe Zamora, Antioch resident stated heJoe Zamora, Antioch resident stated he and hisJoe Zamora, A thethe Tribe to support themselvethe Tribe to support themselves and ththe Tribe to support themselves their land to the Indians.

MayorMayor FreitasMayor Freitas read written comments provided by Laura Batoni in opposition to thell project.

ClintonClinton Fields, Antioch resident spoke in opposition to the casinoClinton Fields, Antioch resident important issues it should be working on to improve growth within the city.

MichaelMichael Sagehorn, Antioch resident statedMichael Sagehorn, Antioch resident stated the legace Americans is not a good one. He noted the NativeAmericans is not a good one. He noted the Native federalfederal property to meet their cufederal property to meet their cultural assure the impacts from the project are mitigated.

MayorMayor Freitas readMayor Freitas read written comment provided by Gina Oltman, Davin Lal andMa in opposition to the casino project.

SteveSteve Benner, Antioch resident questioned if the city wasSteve Benner, Antioch resident question associated associated with casinos and associated with casinos and on behalf of associated with casino request.

Michelle Benner, Antioch resident questioned if the city hMichelle Benner, Antioch resident of supportsupport this support this project. She further questioned if the developer would have the abilitys thethe project after the original 20-year agreement. She statedthe project after the original 20-year rerevenuerevenue would be generated for the city with this proposal and she did not sproject in Antioch.

TerryTerry Ramus, Antioch resident stated Terry Ramus, Antioch resident stated while working through KerleyKerley property was discussed as a BART and EBART stationKerley property was discussed dedevelopment. He urged the city to be patient in their planning and fai indicating indicating tonight the city is not interested so indicating tonight the city is not interested so indicating tonight.

InIn response toln response to CouncilmemberIn response to Councilmember Kalinowski, Mr. Wilson inin phone polling of the residents and he had no knowledgein phone polling of the residents and he had Byron Hot Springs location.

Councilmember Councilmember Kalinowski stated he felt it was Councilmember Kalinowski stated he fer a allall the facts and study the issues related to this project, just as they would for all othall the facts project brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration. He noteproject brought to the City Council for consideration and city Council for consideration and

CouncilmemberCouncilmember Davis agreed it was incumbent as elected officials to hearCouncilmem issue issue brought before the City Council and he felt this item should be rescheduled in anotheranother venueanother venue to hear all issues. He voiced his supportanother venue to hear and noted he was opposed to the citys financial participation in the study.

CouncilmemberCouncilmember ConleyCouncilmember Conley stated without the improvementsCoun bypassbypass bypass he would not consider a casino in East County noting without the improvement patronspatrons could not get to the facility. Hepatrons could not get to the facility. He further noting mitigated and the citymitigated. He stated if the city moves forward, the cost of the studeveloper developer and the consultant should be chosen by the city developer.

CouncilmCouncilmemCouncilmemberCouncilmember Simonsen stated he had heard the message responded to every responded to every citizen who contacted him. He noted the Tribe had he ofof the residents and it was up to them to decide if they wanted to proceed within the community. He stated in the community. He stated the city would need to look the the best interests of the residents. He thanked the Tribe for comin mannermanner and noted he supported moving forward with the proposal with no costsmanner and not the developer.

InIn response to In response to Mayor Freitas, Mr. Wilson stated the cost of the studies related to the E and Municipal Services Agreement will be borne by the City.

MayorMayor Freitas suggested this item be held over to October 28, 2003 and requested the Tribe correspond to him prior to meeting regarding how or whether they wishTribe correspond to him withwith their proposal. He nwith their proposal. He noted threwith their proposal. He noted three forwardforward with a subcommittee realiforward with a subcommittee realizing tforward with a subcommittee realizing of a Municipal Services Agree the the Tribe. He announced this would the Tribe. He announced this would be an openthe Tribe. He announced the proposal was; therefore it was difficult for him to approve or deny committee committee was formed and negotiations took place, there would be a public meeting comallow the community to see what was being discussed.

The City Council majority agreed Mayor Freitas suggestion was acceptable.

MayorMayor Freitas apologized he did not respondMayor Freitas apologized he did not respond to all fromfrom the community and reported 70% were against the proposal, 30% were for tfrom the community and reported 70% were against the proposal, 30% were for tfrom the community and reported 70% were against the proposal.

proposal. He clarified no moneyproposal. He clarified no money was being transferred from the Tribe staffstaff and all fivestaff and all five members staff and all five members of Council were motivated to try interest. He stated theyinterest. He stated they had the obligationinterest. He stated they had CouncilCouncil and address the Council and address the resident's concerns. He voiced his appreciatio participated participated in the process. He participated in the process. He stated if the cparticipated going to attend this evening they would have chosen a larger venue.

MayorMayor Freitas declared a recess at 11:54 P.M. The. The meeting. The meeting reconvened at 12 all Councilmembers present.

9. STUDYSTUDY SESSION FOR THE PROPOSED CONSTRUCTION OF DALLAS RANCH ELEMENTARYELEMENTARY SCHOOL AT THE SITE OF THE PLANNED DALLAS RELE NEIGHBORHOOD PARK#1402-03

AssistantAssistant City Engineer Bernal presented the staff report dated SeptAssistant City Enginer recommending recommending the City Council conduct a study ses conconstruct anconstruct an elementary school at the approved Dallas Ranch Park site direction to staff.

DeniseDenise Wakefield gave a presentaDenise Wakefield gave a presentatDenise Wakefield gave proposal for a fifteenth elproposal for a fifteenth elementary scproposal for a fifteenth e

MayorMayor FrMayor Freitas announced he received written a comment from Dan and Day O'Callaghan, O'Callaghan, Enrique Pasos, Maribel Florentes, O'Callaghan, O'Callaghan, Enrique Pasos, Maribel Florentes, O'Callaghan, O'Callaghan, O'Callaghan, O'Callaghan, O'Callaghan, O'Callaghan, O'Callaghan, O'Callaghan,

Stephen Stephen GStephen Gotelli, speaking on behalf of residents in the area neighborhood Dallas Dallas Ranch Road and Prewett Park Drive, voiced their opposition to the school construction at this site and requested disconstruction at this site and requested discussion construction on the park begin immediately. In response to Mr. Gotelli, several audience members raised their hand in opposition to the building of the elementary school identified as agenda item #9.

FranciscoFrancisco Garcia, Kenny Sokoya, Gina Pagan, Janet Mitchell, Stacy Royal and Dezeree DeGuzmanDeGuzman spoke in opDeGuzman spoke in opposition to thDeGuzman spoke in opposmove forward as soon as possible, with the park as promised by the developer.

TerryTerry Ramus clarified at this time there was bond money availableTerry Ramus clarified at this time prostponing postponing the building of the school to a time when bond money willpostponing the available.

StacyStacy Royal, DezereeStacy Royal, Dezeree DeGuzman and Nicole Rychen spoke in oppositionSta school at this site and urged the city to move forward with the proposed park asschool at this site and possible.

MayorMayor Freitas statedMayor Freitas stated due to the fact the neighborhood and community didM proposal, proposal, he suggests they not change the designation proposal, he suggests they not change

toto immediately contact KB Homes tomorrowto immediately contact KB Homes tomorrow to start the addedadded the Cityadded the City Council would continue to work with the school district inadded the in this area. He commended the School District for being creative with their proposal.

CouncilmemberCouncilmember Kalinowski agreed wCouncilmember Kalinowski agreed withCouncil old Hispanic rodeo property.

CouncilmemberCouncilmember Conley Councilmember Conley agreeCouncilmember Conley agreed suggested the suggested the school district suggested the school district use the city's GIS syssite.

MayorMayor Freitas stated there was an urgency to Mayor Freitas stated there was an urgency to move financing and noted the City Council would assist the School District in every way.

CouncilmemberCouncilmember Simonsen stated he agreed with theCouncilmember Simonsen stated and and noted he did not support schools being siand note parks.

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

AGENCY CONSENT AGENDA

10. RESTAURANT CONSULTANT FOR DOWNTOWN FACILITIES#902-01

AgencymemberAgencymember Simonsen expressed concernAgencymember Simonsen expressed concernAgency

OnOn motOn motion by AOn motion by Agencymember Conley, seconded by Agencymember Davis approved approved allocation from Agency's approved allocation from Agency's restaurant incentive fur following vote.

Ayes: Kalinowski, Davis, Conley, Freitas Noes: Simonsen

ANTIOCH DEVELOPMENT AGENCY STUDY SESSION

11. ORALORAL PRESENTATORAL PRESENTATIONORAL PRESENTATION BY COUNCILM MINOR LEAGUE BASEBALL PROJECT#1402-01

AgencymemberAgencymember Kalinowski reported six months ago the Council earmarked \$100,000 thethe feasibility study and a plan had been developed ballball field. He noted ball field. He noted they were lookball field. He noted they were looking at statedstated he was considering coming to the City Council tostated he was considering coming

FollowingFollowing discussion the Agency majority supFollowing dis

AgencymemberAgencymember Kalinowski stated he would be looking to Chairperson Freitas on Octob 22, 2003 at the Delta 6 meeting to convey the city's position on this item.

Chairperson Freitas adjourned Chairperson Freitas adjourned Chairperson Freitas adjourned to present.

PUBLIC COMMENTS - None

COUNCIL COMMUNICATIONS

CouCouncilmemberCouncilmember Kalinowski requested the Finance Director's report on the state of th general fund as soon as possible.

ActingActing City Manager Pappas Diaz reported they were considering bringingActing City Manager OctoberOctober 28, 2003 but considering the items on agendaOctober 28, 2003 but considering the it 12, 2003.

MayorMayor FreitasMayor Freitas stated the City Council would not be meeting on Veteran's Mayor Freitas, 2003); the meeting was scheduled for November 12, 2003.

STAFF COMMUNICATIONS

ActingActing City Manager PappasActing City Manager Pappas Diaz expressed theActing City Manage to the community and family of Dave Williamson.

WithWith no further business, With no further business, MWith no further business, Mayor Freitas ad regular Council meeting on October 28, 2003.

	Respectfully Submitted:
Approved:	L. Jolene Martin CMC, City Clerk
DONALD P. FREITAS, Mayor	Attest:
	L. JOLENE MARTIN CMC, City Clerk