

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

November 24, 2003
Council Chambers

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation (one case). This closed session was authorized by Government Code §54956.9.
- 2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.** Property:"Tommy's Harbor," being located northerly of the BNSF railroad line, westerly of Roger's Point and McElheny Road, bounded on the north by the San Joaquin River, consisting of 2.08 acres and being APN 066-031-001. Negotiating parties: City of Antioch/John Chism and Zocchi family. Under negotiation: Instruction to negotiator will concern price and terms of payment. This closed session was authorized by Government Code §54956.8.

Mayor Freitas announced the City Council had been in closed session and had nothing to report.

Mayor Freitas called the meeting to order at 7:17 P.M., and City Clerk Martin called the roll.

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

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

Tri Delta Transit, American Public Transportation Association, "Best of the Best".

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

Councilmember Kalinowski presented the presentation to Jeannie Kreig who introduced the members of the Tri Delta Transit rodeo team who won first place in the competition and thanked the City Council for the recognition. Councilmember Simonsen presented certificates of recognition to the team members.

Mayor Freitas thanked the team members for representing the City of Antioch during the competition.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Mayor Freitas explained the process of creating a draft General Plan. He informed the audience regular subcommittee meetings had been held over the past several years to create the draft General Plan presented this evening. Mayor Freitas emphasized the fact each of the subcommittee meetings, along with the previous public hearings had been properly noticed to the public. He further noted the public hearing had been closed after public comments were heard at the last meeting. Mayor Freitas asked City Attorney Galstan to address the issue for the public.

City Attorney Galstan affirmed the public hearing had been closed at a previous meeting. Furthermore, although the public hearing had been closed, the Council allowed it to be opened for the meeting held at the Nick Rodriguez Community Center and took an hour and a half of public testimony on a particular issue. He noted the current status of the Public Hearing on the General Plan had been closed. He further clarified the primary issue discussed at the previous meeting by speakers related to future goals for the A Street and Lone Tree Way corridor. He further explained the goals were reflective of the goals in the existing General Plan and were conceptual ideas which may or may not be acted upon at some future date. He stated there had been no intention to rezone the property or acquire the properties in the foreseeable future. He further noted, should Council choose to move forward and acquire or re-zone the property in question, public hearings would be required, with proper official notification to the owner of each property in question. He further noted the redevelopment process would take 2-3 years to complete.

Mayor Freitas explained several of the public comment requests he had received for the meeting related to FUA#1. He stated FUA#1 would be scheduled for a public hearing, at which time the public would be afforded the opportunity to speak on the issue. He then reiterated the public hearing regarding the General Plan had been closed.

Gary Francis, Antioch resident, expressed his concern regarding the lack of crosswalks between East 18th Street to the north and south to the railroad tracks. He noted in past years they had crosswalks, which have now been paved over and not repainted. He stated he felt this was a safety issue and urged the City to repaint the crosswalks at those locations.

City Engineer/Community Development Director Brandt suggested Mr. Francis provide Assistant City Engineer Bernal with a phone number and he would be contacted regarding the issue.

Seth Adams, representing Save Mount Diablo, stated that although the public hearing had been closed he was requesting the City Council to allow the public to speak on the General Plan. He stated people were in the audience who had come to speak on FUA#1, and requested they be allowed to speak during public comments. He voiced his concern regarding development proposals within the City, noting the absence of adequate analysis resulting in high impact levels on Black Diamond Mines, adding Save Mount Diablo fully intended to challenge the approvals.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 28 and 29, 2003

#301-02

- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2003 #401-02**
- D. REJECTION OF CLAIMS #704-07**
1. Orlando Arroyo, Teresa Arcaya, Robert Arroyo, and Orlando Arroyo, Jr., #02/03-1413
 2. James Brandt, #03/04-1434
 3. Vladimir Rosell & Christeen Treacy, #03/04-1433
 4. Marvin Daniels, #02/03-1374
- E. LEGISLATION AND ADVOCACY #701-04**
1. WORKER'S COMPENSATION REFORM
- F. RESOLUTION NO. 2003/132 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE "L" STREET/CONTRA LOMA BICYCLE AND PEDESTRIAN IMPROVEMENTS UNDER STATE HIGHWAY 4 (PW 234-13) #1401-02**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of item E, which was removed for further discussion.

Item E - Councilmember Kalinowski expressed concern regarding the specificity articulated in the letter from the City and the legal issues associated with the bulleted items. He noted he would not be voting for approval of the item.

Mayor Freitas stated he had not authored the letter and would not support as he felt the Council needed to have more discussion regarding the specific impacts. He noted there were items in the letter he did not support.

Councilmember Simonsen clarified the letter was a list of items to be considered to control the costs of workman's comp and he felt it was a positive step to provide input to the process.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the City Council approved item E. The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen

Noes: Kalinowski, Freitas

COUNCIL REGULAR AGENDA

2. **RESOLUTION APPROVING THE MASTER PLAN AND NAME OF BLACK DIAMOND RANCH PARK (MARKLEY CREEK PARK) (PW 512-P) #1402-03**

Assistant City Engineer Bernal presented the staff report dated November 19, 2003 recommending the City Council adopt the resolution approving the Black Diamond Ranch Park Master Plan and Park Name (Markley Creek Park).

Mayor Freitas expressed concerned regarding the height of the fence, public safety and dogs getting out of the fenced area.

Justin Ware, Odyssey Landscaping, stated the City was welcome to establish rules for the park. He noted the fence height in that area could be increased to specifically allow for off leash activity and further noted most dog park facilities are self-policing. He clarified the staff report was incorrect; they were required to begin construction of the park at the time the 125th building permit was pulled and completed by the before the 225th building permit was pulled.

In response to Councilmember Kalinowski, Mr. Seeno stated they anticipated the 225th building permit to be pulled in approximately 1 year.

Councilmember Simonsen discussed the possibility of a separate section for smaller dogs.

Salvatore Evola stated they would be agreeable to increasing the height of the fence and requested if that was to be City Council's direction, the details be worked out during the meeting.

Nancy Duarte, Chairperson of the Parks and Recreation Commission, commended Discovery Builders for modifying the park to include the dog park. She stated that as a Commission or as a subcommittee, they would be happy to work with Discovery Builders and staff on the specific design amenities.

Mayor Freitas requested the architect provide information regarding how many dogs could use the facility at one time.

Robin Hunt voiced her support for the proposed dog park and stated she felt a minimum of one acre of the Markley Creek Park should be set aside for the specific use.

Councilmember Kalinowski thanked Albert Seeno Jr. for recognizing the needs of the community.

RESOLUTION NO. 2003/133

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved the resolution with direction to form a subcommittee comprised of Parks and Recreation Commission Chairperson Duarte along with two other members to meet with city staff and Discovery Builders to consider the following issues: how many dogs, the size of the dog park, fencing of the area and surface material.

Community Development Deputy Director Carniglia presented the staff report dated November 20, 2003 recommending the City Council: A) Adopt the resolution and findings certifying the Final Environmental Impact Report for the Comprehensive General Plan Update, and adopting the Statement of Overriding Considerations for the significant environmental impacts that cannot be fully mitigated; and B) Adopt the resolution and findings approving the Comprehensive Update to the City's General Plan.

Chapter #1 - No changes

Chapter #2 - No changes

Chapter #3 - Councilmember Kalinowski reviewed attachment "D" of the staff report regarding his General Plan build out proposal. He stated he felt it was important to take a leadership role regarding the issue of regional roads. He noted should the City Council choose to not support his proposal he would vote in support of Shaping Our Future due to the fact it was the last planning document capable of protecting future development.

Councilmember Simonsen stated Shaping Our Future did not reduce the number of homes; it concentrated development required ABAG and HCD housing requirements. He noted he felt Councilmember Kalinowski's proposals could be implemented through the City Council's action on individual projects.

In response to Councilmember Conley, Councilmember Kalinowski clarified this issue was tied to the Urban Limit Line and expressed concern as past development had been approved without adequate infrastructure for Highway 4.

Councilmember Conley stated he felt Councilmember Kalinowski's proposal should be addressed at the Specific Plan level adding there was existing housing stock throughout the City that could be affected by this plan.

Councilmember Kalinowski clarified the city had not extended themselves for infrastructure improvements for areas outside Southeast Antioch and FUA#2.

In response to Councilmember Conley, Director of Community Development Brandt stated if FUA#1 were approved in January and they received all the necessary city approvals, it would be approximately the middle or end of 2005 before a model home would be built. Community Development Deputy Director Carniglia added the EIR and fish and game process could add an additional year and a half to the process.

Mayor Freitas stated the most important issue was traffic mitigation on Highway 4 and regional growth had congested all transportation systems in the region. He noted the city had controlled the rate of growth using the guidelines of the growth management ordinance which were in compliance with ABAG requirements and had reduced the number of residential units to be built in FUA#1. He further noted they have addressed the transportation issues with the traffic mitigation fee and by requesting the re-authorization of Measure C include funding for the expansion of Highway 4, State Route 4 Bypass, BART/EBART and Vasco Road. He stated he believed this City Council had set the example and he felt the growth ordinance and proposed

General Plan would be an example for other public agencies. He noted he would support a citizen's initiative going to state and federal representatives informing them the level of congestion on Highway 4 was unacceptable and relief was needed now.

Councilmember Kalinowski stated he felt the City Council was working to address the issues although he was looking for a safety mechanism to protect the current residents. He noted his proposal would help the process and through discussions he felt it could be implemented to allow the improvements to catch up with the residential development.

The following motion was made by Councilmember Kalinowski: 1) FUA1 - Development to occur with improvements to Highway 4 through the Somersville Road interchange. Specifically development can begin when the improvements through the interchange were complete. Additionally, the bypass segment from Lone Tree Way and Highway 4 would be open to traffic; 2) Roddy Ranch - Timing of development could occur when improvements through Lone Tree Way interchange were complete. Councilmember Kalinowski wanted it noted he agreed the land should be placed within the sphere of influence for the City of Antioch after the adoption of the General Plan; 3) Ginocchio property - Timing of development could occur when the improvements of Highway 4 through the bypass interchange were complete, giving Antioch a full service eight lane freeway. He felt the land should be placed within Antioch's sphere of influence after the adoption of the General Plan. The motion died for a lack of a second.

Chapter #4

4-15 Table 4.B - Correct East Lone Tree Specific Plan Single Family (Dwelling Units) to 1100 and amend the subtotal and total to reflect the change.

4-60 m - Add staff proposed wording "That given the significant environmental topographic constraints in the portion of the focus area west of Empire Mine Road the minimum lot size for executive estate housing in this area shall be a minimum of 10,000 square feet. This would allow additional development flexibility in situations where executive estate housing needed to be clustered in order to preserve existing natural features. In no case shall the 10,000 square foot minimum lot size constitute more than 20% of the total number of executive estate housing units in the area west of Empire Mine Road."

4-61 s - Amend wording to "Buffers established adjacent to existing open space areas shall be of an adequate width to minimize light/glare, noise, fire safety, public safety, habitat, public access and buffer impacts within the existing open space areas, consistent with the provisions of Section 10.5, Open Space Transitions and Buffers Policies of the General Plan.

4-61 t - delete the word potential

10-62 u - Add continuous to first sentence prior to grassland.

10-62 u - insert *boundary* between "this open space area" and "the hillside and estate residential area shown on figure 4.8."

10-62 u - It is anticipated there will be only minor adjustments to the boundary between the open space area and the hillside and estate residential area shown on figure 4.8.

10-62 u - Minor adjustments may be made to this boundary provided: a) adjustments shall not

create islands of residential development within the area designated as "open space" and figure 4.8.

Zeka/Higgins Requests - Council supports request #1 and not #2 or 3.

A motion by Councilmember Kalinowski, seconded by Councilmember Davis to designate the frontage of Sand Creek Road (approximately 40 acres) between the school and business park as business park designation. The motion failed by the following vote:

Ayes: Freitas, Conley, Simonsen

Noes: Kalinowski, Davis

4-67 d - Councilmember Simonsen stated that he would not be supporting the following motion due to the fact he felt the message should be sent indicating the City expects the School District to address the need for the third high school as soon as possible.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council deleted "in a timely manner as provided in state law" from item 4-67d. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Conley, Freitas

Noes: Simonsen

Chapter 8

Page 8-10 - Emergency Medical Service

A motion by Councilmember Simonsen to delete existing language and replace with the following: "Emergency Medical Services (EMS) is provided to the citizens of Antioch with a cooperative response from the Contra Costa County Fire Protection District (CCCFPD) as the first responder providing basic life support care and in some instances advanced life support. Continuing care and transport to acute care facilities is provided by American Medical Response which provides primary advanced life support to all 911 calls except isolated incidences and calls triage to warrant the use of basic life support. American Medical Response is a private ambulance firm contracted by Contra Costa County to provide these services." The motion died for a lack of a second.

Chapter 10

Page 10-14 - Lettering change to reflect the deletion of item I.

A motion made by Councilmember Conley, seconded by Councilmember Simonsen to adopt the resolutions with the amendments approved this evening, was withdrawn for further discussion.

Councilmember Davis stated he could not support the previous motion with the inclusion of Section 4.4.6.5, page 4-49 pertaining to the "A" Street vision noting he felt there were no finances to develop the area and it was detrimental to the residents of the area to include the item in the General Plan.

Councilmembers Simonsen and Conley discussed the importance of maintaining a vision and

goal for future development of business and office development. They noted it would be several years before the city would consider holding public hearing to rezone the area and it was important to let the residents know it could occur.

A motion by Councilmember Davis, seconded by Councilmember Kalinowski to remove section 4.4.6.5, page 4-49, and figure 4.6 from the General Plan failed by the following vote:

Ayes: Kalinowski, Davis

Noes: Conley, Simonsen, Freitas

Councilmember Kalinowski thanked the subcommittee, staff and Mr. Zola for participating in the General Plan process and noted he would not be supporting the motion because the General Plan designates land for Business Park use in the Dow Wetlands will not be developed and does not include additional business parks in FUA#1.

RESOLUTION NO. 2003/134

RESOLUTION NO. 2003/135

A motion made by Councilmember Conley, seconded by Councilmember Simonsen the City Council adopted the resolutions with the amendments as indicated in these minutes with the following changes to attachment "A"; 1) Page 4 changing "he" to "the"; 2) Page 7, change "working" to "workers", and; 3) Page 8, correct the repeated paragraph.

The motion carried by the following vote:

Ayes: Freitas, Davis, Conley, Simonsen

Noes: Kalinowski

Mayor Freitas stated he felt it was an accomplishment of the City Council and embraces many ideas, including smart growth. He thanked everyone involved in the process.

Mayor Freitas declared a recess at 9:46 P.M. The meeting reconvened at 10:00 P.M. with all Agencymembers present.

ANTIOCH DEVELOPMENT AGENCY

4. RESOLUTION APPROVING AN EXTENSION OF INCENTIVE PACKAGE TO ATTRACT NEW RESTAURANTS INTO THE ANTIOCH RIVERTOWN BUSINESS DISTRICT

#901-01

Acting City Manager Pappas Diaz presented the staff report dated November 19, 2003 recommending the City Council adopt the resolution.

Agencymembers Conley and Simonsen voiced their support of the extension at this time although they felt after this extension, alternatives should be discussed.

RESOLUTION NO. ADA-392

On motion by Agencymember Kalinowski, seconded by Agencymember Davis the Agency unanimously adopted the resolution.

Chairperson Freitas adjourned to the Antioch City Council with all Councilmembers present.

PUBLIC COMMENTS - None

COUNCIL COMMUNICATIONS

Councilmember Conley stated he had the opportunity to go to Mimi's Café for dinner, noting it was very good. He noted he had also visited Barnes and Noble Bookstore; a conversation with an employee had indicated there were several employees who were pleased they live and work locally.

Councilmember Simonsen stated he had attended the ribbon cutting ceremony for A-1 Rental Space, Pier 1 and Beverages and More where employees voiced their appreciation for the opportunity to work and live locally. He reported that the Senior Vice President of Beverages and More complimented staff and the permitting process in Antioch noting it was an easy and supportive process. He announced that he attended the swearing in of Governor Schwarzenegger along with Councilmembers Davis and Conley on November 18, 2003.

STAFF COMMUNICATIONS

Acting City Manager Pappas Diaz announced there would not be a meeting of the City Council on December 23, 2003 however December 16, 2003 had been held open. She noted the item that was to be heard would be held over until next year.

Following discussion the City Council agreed to hold December 16, 2003 as a City Council meeting date and determine if it was needed on December 9, 2003.

With no further business, Mayor Freitas adjourned the meeting at 10:10 P.M. to the next regular Council meeting on November 25, 2003.

Respectfully Submitted

L. JOLENE MARTIN, CMC

Approved

DONALD P. FREITAS, Mayor

Attest

L. JOLENE MARTIN, CMC