

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**March 9, 2004
Council Chambers**

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

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

Mayor Freitas announced Councilmember Simonsen was on an excused absence.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Martin announced the City was accepting applications to fill two vacancies on the Park and Recreation Commission and three vacancies on the Police Crime Prevention Commission. She stated applications were being accepted and urged those interested in applying to contact the City Clerks office for an application or download an application from the City's website. She noted the deadline to submit an application was March 19, 2004, 5:00 P.M.

PROCLAMATIONS - Mayor's Prayer Breakfast

On motion by Councilmember Conley, seconded by Councilmember Davis the Council members present unanimously approved the proclamation.

Councilmember Davis presented the proclamation proclaiming March 18, 2004 as the day for the Mayor's Prayer Breakfast to Roxanne Palmer who accepted the proclamation and provided a contact number for anyone wishing to purchase tickets for the event.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Elvin Scott discussed his efforts to assist the public in applying for and receiving military pension benefits. He announced there were five organizations seeking volunteers to assist in building their Pittsburg office and providing equipment.

John Campbell announced he was the operator of the flea market at the Antioch Fair Grounds and in an effort to serve the community they were providing spaces to non-profit organizations free of charge. He provided a contact number for anyone wishing to receive additional information.

Sandra Golightly, Chairperson of the Design Review Board, thanked Kitty Eiden for her work with the Board and presented her with a plant in appreciation for providing accurate and detailed minutes for the Design Review Board.

Mayor Freitas stated it was a nice gesture and well deserved.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 10 and 17, 2004 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR JANUARY, 2004 #401-02**
- D. REJECTION OF CLAIM #704-07**
 - 1. Maribel Montes, #03/04-1446**
- E. LEGISLATION AND ADVOCACY #701-04**
- F. RESOLUTION NO. 2004/30 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE POLICE FACILITY REMODEL (PW 590-2)#1001-04**
- G. RESOLUTION NO. 2004/31 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE RECONSTRUCTION OF BUCHANAN ROAD FROM CONTRA LOMA BLVD. TO LUCENA WAY AND CAVALLO ROAD FROM PARKER LANE TO EAST TREGALLAS ROAD (PW 392-21)#1102-04**
- H. RESOLUTION NO. 2004/32 AUTHORIZING STAFF TO FILL FOUR VACANT GENERAL FUND POSITIONS - THREE POLICE OFFICERS AND ONE POLICE DISPATCHER #410-02**
- I. ACKNOWLEDGMENT OF INCREASE IN GREEN FEES AT LONE TREE GOLF COURSE#1402-01**
- J. DISPOSITION OF SURPLUS RIGHT-OF-WAY PARCEL, VICINITY OF CAVALLO ROAD#1001-02**
 - A. Resolution No. 2004/33 contingently approving summary vacation of public street, vicinity of Cavallo Road, APN 068-514-004; and**
 - B. Resolution No. 2004/34 approving Option Agreement and Vacant Land Purchase Agreement for right-of-way strip, vicinity of Cavallo Road**

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

Item I - Councilmember Kalinowski stated he did not support the request for the increase in green fees at Lone Tree Golf Course.

Jack Oakley, General Manager of the Lone Tree Golf Course, clarified they were requesting an increase to support increasing operational expenses and to service debt acquired for the clubhouse. He reported the clubhouse was a little behind schedule and their goal was to complete it prior to the Mayor's conference.

Mayor Freitas requested Mr. Oakley keep the Council informed on the progress of the clubhouse construction.

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

Ayes: Davis, Conley, Freitas,

Noes: Kalinowski

Absent: Simonsen

COUNCIL REGULAR AGENDA

3. INTERIM URGENCY ORDINANCE PROHIBITING ELECTRIFIED FENCES DURING STUDY PERIOD #701-05

City Attorney Galstan presented the staff report dated February 27, 2004 recommending the City Council adopt the interim urgency ordinance.

ORDINANCE NO. 1016-C-S

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

4. RESOLUTION APPROVING REQUEST TO MODIFY OWNER PARTICIPATION AGREEMENT WITH REYNOLDS & BROWN BY ELIMINATING ALL MONETARY INCENTIVES #901-05

City Attorney Galstan presented the staff report dated March 3, 2004 recommending the City Council adopt the resolution approving the request to rescind the incentive provisions.

Alison McNell voiced her support of the resolution. She noted Reynolds and Brown did not need neither the subsidy nor to double the density of the residential development. She read a poem crediting the residents who collected the signatures and signed the petition for saving the City the subsidy money.

Hans Ho thanked Mr. Hurd and Reynolds and Brown for requesting to modify the Owner Participation Agreement and questioned why the City Council, Planning Commission and Chamber of Commerce supported the rent subsidy agreement. He urged Mr. Hurd to change the apartment component back to the original zoning density requirements and requested the City Council consider opposing the entire Owner Participation Agreement.

Mayor Freitas read written comment from Councilmember Simonsen, who was out of the Country vacationing, in support of the resolution.

Mike Hurd, President of Reynolds and Brown, reviewed his letter (attachment #2 of the staff report). He stated they were requesting the City Council eliminate all monetary incentives due to significant interest shown in the live/work model presented to potential employers as well as the fact they believe in the philosophy of giving back to the community.

Councilmember Conley thanked Mr. Hurd and Reynolds and Brown for eliminating all monetary incentives of the Owner Participation Agreement and noted the project would benefit the City in numerous ways.

Mayor Freitas stated he had opposed the Owner Participation Agreement and thanked Mr. Hurd and Reynolds and Brown for stepping forward and showing their commitment to the City.

Councilmember Conley discussed the importance of job creation and thanked Reynolds and Brown for their cooperation. He cautioned that if financial incentives were considered in the future he would want the money to come to the City as set aside money to eliminate any impact to the General Fund.

RESOLUTION NO. 2004/35

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council members present unanimously adopted the resolution approving request to rescind provisions.

PUBLIC HEARING

- 2. ORDINANCE RESCINDING PARAGRAPH "C" OF SECTION 9-5.2707 OF THE ANTIOCH MUNICIPAL CODE AND ADDING SECTION 9-5.2707.1 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH VIOLATION OF DESIGN REVIEW USE PERMITS OR VARIANCES**
..... **#701-05**

City Attorney Galstan presented the staff report dated March 3, 2004 recommending the City Council: A) Introduce the ordinance by title only, and; B) Introduce the ordinance rescinding paragraph "C" of Section 9-5.2707 of the Antioch Municipal Code and adding section 9-5.2707.1 to the Antioch Municipal code, dealing with violation of design review, use permits or variances.

Councilmember Conley suggested the City determine a specified time period for a business to comply prior to revocation of the use permit.

In response to Councilmember Conley, City Attorney Galstan stated staff could send out a notice to the business owner indicating they were subject to the fine, which would be followed up by the proposal to be presented to the Planning Commission. He noted the Planning Commission would then make the decision regarding the amount of the fine, which could be appealed to the City Council.

Mayor Freitas expressed concern regarding the subjectivity and suggested an administrative policy be developed within 30 days to assist the Planning Commission with parameters being equitable with the amount of fines to be imposed for violations.

In response to Mayor Freitas, City Attorney Galstan clarified there would be oral, written and a formal letter sent from code enforcement to the business regarding compliance with the conditions of approval prior to the issue going to the Planning Commission. He stated he felt the administrative policy would assist the Planning Commission in determining the level of fine to impose.

In response to Councilmember Kalinowski, City Attorney Galstan stated the Neighborhood Improvement Coordinator would recommend a fine to the Planning Commission under the supervision of Director of Community Development Brandt.

When questioned about the time element, City Attorney Galstan stated the existing ordinance indicated the permit could be revoked within 30 days.

Mayor Freitas opened and closed the public hearing with no speakers requesting to speak. On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council: A) Introduced the ordinance by title only; B) Introduced the ordinance rescinding paragraph "C" of section 9-5.2707 of the Antioch Municipal Code and adding section 9-5.2707.1 to the Code, dealing with violation of design review, user permits or variances, and; C) Stipulating that staff develops administrative policy of the parameters to apply the fee prior to effectiveness of the ordinance.

Councilmember Kalinowski requested the administrative policy include wording to indicate the Director of Community Development would make a recommendation regarding the fees prior to the item being heard at the Planning Commission level.

Mayor Freitas declared a recess at 7:56 P.M.; the meeting reconvened at 8:05 P.M. all present with exception of Simonsen who was excused.

COUNCIL REGULAR AGENDA

- 5. CONSIDERATION OF ALTERNATIVES FOR THE DOWNTOWN BOCCE BALL COURTS AND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATED MONITORING PROGRAM (PW 660)#1402-01**

Community Development Director/City Engineer Brandt presented the staff report dated February 23, 2004 recommending the City Council provide direction to staff as to Council desired course of action.

John Nance, Architect for the project reviewed the three alternatives for the Downtown Bocce Ball Courts (attachments A, B and C of the staff report).

Capital Improvement Director Scudero stated maintenance would be handled through the rents collected to defray a portion of the costs and the recreation department would determine who would have access.

Karin King, President of the Antioch Bocce Federation, voiced their support of the outdoor Bocce complex and thanked the City for everything they have done to have a new Bocce complex. She reported the Federation had planned fundraisers to assist in maintaining the facility and noted they were committed to working with the City to make the construction of the courts and clubhouse a success.

In response to Mayor Freitas, she stated the Antioch Bocce Federation would maintain the courts.

In response to Councilmember Kalinowski, Nancy Duarte, Chairperson of the Parks and Recreation Commission spoke to the September 11, 2003 minutes of the Parks and Recreation meeting clarifying a Commissioner had questioned why the existing courts were not adequate nor had they been properly maintained. She stated there had not been a project specifically identified "the recreational facility" that would be of greater need in Antioch.

City Attorney Galstan stated staff could work with the Bocce Federation to develop an agreement to be brought back to the City Council clarifying the operations and maintenance obligations prior to their award of a contract for the construction of the facility.

Councilmember Kalinowski stated if the City Council moved forward he felt the concerns of the Parks and Recreation Commission regarding operations and maintenance, as well as recreational facilities in Antioch, that were in greater need, should be addressed. He expressed concern as there was no sponsorship support or revenue sources identified with the Bocce Federation for the project.

Mayor Freitas clarified he had made it clear with the Bocce Federation there would need to be fundraising activities to provide capital as well as the operations and maintenance of the facility. He noted his vote to support the facility would be contingent on working out such an agreement with financial consideration. He clarified there was an estate donation from John Nicols to be used in the downtown area and he felt it would be an honor to spend the funds for the Bocce facility and bring residents to the downtown area. He stated the Delta Fair funds and Roberi/Z'Berg funds were restricted for recreation activities and no funds for the project would come from the General Fund. He indicated his preference was alternative "C", which was contingent on developing an operational maintenance agreement with the Bocce Ball Federation.

Councilmember Conley agreed to support alternative "C" with the requirement of a maintenance agreement. He stated he felt the project would attract residents to the downtown area.

In response to Councilmember Conley, Community Development Director/City Engineer Brandt stated he believed the Bocce Facility at Chichibu Park would cease to operate and become a turf area or be used for another recreational use the Parks and Recreation Commission had identified.

RESOLUTION NO. 2004/36

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the City Councilmembers present unanimously approved alternative "C", adoption of the mitigated negative declaration and mitigated monitoring program contingent upon a successful operation and maintenance agreement between the City of Antioch and the Bocce Federation, dedicating the facility to John Nicols.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present.

ANTIOCH DEVELOPMENT AGENCY

6. RIVERTOWN RESTAURANT INCENTIVE PROGRAM - REVIEW OF ECONOMIC DEVELOPMENT COMMISSION'S REPORT AND RECOMMENDATIONS FOR IMPLEMENTATION #901-01

Economic Development Consultant Netter presented the staff report dated March 4, 2004 recommending the City Council ratify the Economic Development Commissions recommendations and authorize staff to negotiate with the selected Restaurant Operator's with final details to be approved by the Antioch Development Agency Members.

In response to Councilmember Conley, Economic Development Consultant Netter stated the City could negotiate with Mark Yekta regarding the consideration of property value in lieu of funds; and time limits would be part of the negotiations as a protection for the City funds.

Councilmember Conley expressed his concern regarding the loan portion of the Brand 'N Iron restaurant noting the City did not have the expertise to finance private loans.

Economic Development Consultant Netter stated should the Council selected the Brand 'N Iron for grant funds, he would recommend the funds come from private financing.

Councilmember Conley stated if the City Council moved forward with any applications, a parking policy would need to be developed.

Commissioner Kalafate, representing the Economic Development Department, reported the subcommittee was concerned regarding the appearance of 100% financing in the Brand 'N Iron proposal. He reported each proposal spoke to the parking issue and it was discussed at length. He stated he was not comfortable with the description for the Café and Nightclub noting he felt it

had a negative connotation. He noted the Commission felt the Milano application was the strongest, as it represented all of the components the City was seeking.

In response to Mayor Freitas, Commissioner Kalafate stated they were going to attempt to get a commitment within 30 days.

Susan Pederson reviewed the proposed plans for the Brand 'N Iron restaurant and stated she believed it would be in Antioch's best interest to approve all three projects as a catalyst for attracting more business and people to the downtown area. She stated if the grant were approved for their project, she could anticipate completion within 2-3 months and reported the finances were currently being processed.

Following discussion, the Council consensus was Restorante Milano as the preferred choice although they directed staff continue to work with all the applicants simultaneously in the next 60 days, specifically with regards to the Restorante Milano business plan and options for using the property equity to lower the \$500,000 grant. They requested clarification regarding the priority given to the nightclub component of the proposed project on 4th and G Streets. They directed staff work with the applicant regarding the source of funding for the Brand' N Iron proposal as well as the design of the facility.

Councilmember Kalinowski clarified the grant funds came from redevelopment money and there would be no impact to the General Fund.

Mayor Freitas thanked Economic Development Consultant Netter, Economic Development Commission and staff for developing the Rivertown Incentive Program. He thanked the applicants for their proposals noting three new restaurants in downtown Antioch was an exciting proposition and would act as a catalyst for other development in the downtown area.

Terry Karp, applicant for the project at 4th and "G" Streets, stated he understood Council's concerns regarding the nightclub component of the project and clarified it would be conducted in a professional manner. He noted he would support a conditional use permit that would require the nightclub component of the project be renewed.

Chairperson Freitas adjourned to the Antioch City Council with all Councilmember present with the exception of Simonsen who was excused.

PUBLIC COMMENTS

Alison McNell clarified the residents who had signed the petition for the referendum did so to voice their opposition to the doubling of density of the residential component of the Reynolds and Brown project.

COUNCIL COMMUNICATIONS

Councilmember Kalinowski stated he would be late for the March 23, 2004 City Council meeting, as he had a conflict created by need to attend the Brentwood City Council meeting on that evening to discuss a reconsideration of the minor league baseball project.

Following discussion, the Council agreed to move the regularly scheduled April 13, 2004 City Council meeting to April 6, 2004.

Mayor Freitas reported he had attended the 94th Boy Scout of America Blue and Gold Dinner as well as the Eagle Scout Ceremony and noted it was exciting to see the City's youth participating in such a positive event.

STAFF COMMUNICATIONS - None

With no further business, Mayor Freitas adjourned the meeting at 9:31 P.M. to the next regular Council meeting on March 23, 2004.

Respectfully submitted:

L. JOLENE MARTIN, City Clerk