

ANTIOCH CITY COUNCIL

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

**April 26, 2005
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Title: City Manager. This closed session is authorized by Government Code §54957

Mayor Freitas reported that Closed Session is being held over to the next regular City Council meeting due to the fact that Councilmembers Kalinowski and Conley are absent this evening.

Mayor Freitas called the meeting to order at 7:08 P.M., and City Clerk Martin called the roll.

Present: Council Members Davis, Simonsen and Mayor Freitas

Excused: Council Members Kalinowski and Conley

PLEDGE OF ALLEGIANCE

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

Mayor Freitas adjourned from the City Council and reconvened to the Antioch Development Agency with all Agency members present with the exception of Agency members Kalinowski and Conley who were excused.

ANTIOCH DEVELOPMENT AGENCY REGULAR AGENDA

1. REQUEST FOR PROPOSAL (RFP) PHASE OF DOWNTOWN WATERFRONT DEVELOPMENT PROCESS#902-06

Steven Meyers, on behalf of the Antioch Redevelopment Agency, presented the staff report dated April 19, 2005 recommending the City Council approve the Request for Proposal (RFP) document for issuance to begin the next phase of the downtown redevelopment of the Rivertown Waterfront Project.

Mayor Freitas amended the Request for Proposal as follows:

Page 1 - Include the deadline - June 8, 2005

Page 1 - address to specific individuals

Page 1 - paragraph 2, include working with owners of other properties

Page 1 - paragraph 3, include list of properties the City owns or controls and information in the General Plan

Page 1 - paragraph 5 - reference owner participation agreements as "obligations"

Page 2 - paragraph 1 - include section 4.4.6.1

Page 2 - paragraph 2 - clarify that any use of the lands has to be in conformity with the terms of the grant

Page 2 - paragraph 3 - include maps

- Page 2 - paragraph 5 - add a period after the word Area
Page 2 - paragraph 8 - bullet 1 - include description of Prospects School
Page 3- paragraph 4 - include description and contribution from the Agency for the El Campanil Theater
Exhibit A - provide a clear copy of the map with accurate information on the boundaries of the project area
Page 4 - item 8 - reword to "Listening to the public."
Page 4 - item 11 - include a description
Page 4 - item 12 - include list of historic areas
Page 4 - paragraph 1 - clarify staff will review the proposals and the formal selection committee is the City Council
Page 4 - bullet 5 - second sentence, insert "be" prior to "should"
Page 6 - #8 - clarify they need to provide instrument for credit worthiness
Page 6 - Final paragraph, second sentence, insert "BE" prior to "RECEIVED"

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously approved the Request for Proposal as amended.

Mayor Freitas adjourned from the Antioch Development Agency and reconvened as the City Council with all Councilmembers present with the exception of Councilmembers Conley and Kalinowski who were excused.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

PROCLAMATIONS

Arbor Day, April 29, 2005

West Nile Virus and Mosquito and Vector Control Awareness Week, April 25 - May 1, 2005

Be Kind to Animals Week, April 30 - May 7, 2005

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

Councilmember Davis presented the proclamation proclaiming April 29, 2005 as Arbor Day to Park Superintendent Frank Palmeri and members of the Riverview Garden Club, who invited the community to attend the celebration of Arbor Day with a tree planting at Williamson Ranch Park at 3:00 P.M. on April 29, 2005. In addition, they invited the community to attend their meetings and participate in the plant sale occurring on May 7, 2005 from 9:00 A.M. to 4:00 P.M. at the Antioch Library and provided a contact number for anyone wishing to receive additional information.

Councilmember Simonsen presented the proclamation proclaiming April 30- May 7, 2005 to Barbara Sobalvarro, representing Friends of Animal Services. She accepted the proclamation on behalf the animals at the shelter. She announced the following events:

- § Pet Adopt-A-Thon to be held on April 30, 2005 at from 10:00 to 4:00 P.M. at the Antioch Animal Shelter and 10:00 p.m. to 2:00 P.M. at the PETsMart at the Slatten Ranch Shopping Center
- § Be Kind to Animals Week Shelter Celebration to be held on May 7, 2005 from 10:00 to 3:00 P.M. at the Antioch Animal Shelter
- § Black or Black and White Cats Spring Adoption Project currently taking place at the Antioch Animal Shelter

Skip Swanlund, Antioch Animal Shelter Supervisor, thanked the City Council and community for their support of the shelter. He encouraged the community to participate in the Friends of Animal Services events and to volunteer at the shelter.

PUBLIC COMMENTS

Lyle Hatch, Antioch Parks and Recreation Commission member, announced members of the Commission and Park Superintendent Palmeri would be upgrading the Japanese Garden at Chichibu Park. He reported the designer would be attending the May 12, 2005 Parks and Recreation Commission meeting and invited the community to attend and provide input. He provided a contact number for anyone wishing to receive additional information on the project.

Ken Lee, Antioch resident, expressed concerns related to the Antioch Auto Dealership. He requested the results of the Grand Jury investigation of the last campaign.

Emil Stein, Antioch resident, reported there were poles leaning toward the road in the storage area at the lot near Costco. He asked if there was a condition of approval on the hotel being built on Somersville Road stating work was to stop at 5:00 P.M.

2. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR MARCH 22, 2005.....#301-02**
- B. APPROVAL OF COUNCIL WARRANTS#401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR MARCH 2005.....#401-02**
- D. REJECTION OF CLAIMS#704-07**
 - 1. Whiteside Concrete Construction, #04/05-1559 (stop notice)**
 - 2. Stephen and Beverly Palsa, #03/04-1481A (indemnity)**
 - 3. James and Martha Edwards, #04/05-1551 (sewer backup)(pulled)**
- E. LEGISLATION AND ADVOCACY.....#701-04**

- F. **CONSIDERATION OF BIDS FOR THE TRAFFIC SIGNS MODIFICATIONS ALONG STATE ROUTE 4, SOMERSVILLE ROAD AND AUTO CENTER DRIVE (PW 296-S).....#1104-02**

- G. **RESOLUTION NO. 2005/50 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE DALLAS RANCH ROAD AND DEER VALLEY ROAD MEDIAN ISLAND LANDSCAPE IMPROVEMENTS (PW 555-L5).....#806-02**

- H. **RESOLUTION ALLOWING THE TEMPORARY INCREASE IN THE MEDICAL AFTER RETIREMENT PLAN CAPS TO LAPSE.....#505-01**

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the City Council members present unanimously approved the Council Consent Calendar with the exception of items D and H, which were removed for further discussion.

Item D - City Attorney Galstan requested deleting item #3 from item D.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council members present unanimously denied items #1 and 2.

Item H - Personnel Director Brock-Cohn presented the staff report dated April 26, 2005 recommending the City Council adopt the resolution allowing the temporary increase in the medical after retirement plan caps to lapse.

Tom Fuhrmann, representing the Antioch Police Officers Association (APOA), stated the APOA believed the actuarial to be flawed and requested an increase in the cap while the Association sets up a committee and has dialog with the staff to determine a fair resolution.

Leroy Bloxsom, Antioch Police Officer, speaking on behalf of himself and other senior officers urged the City to maintain the 100% medical after retirement benefits that were promised officers when they were hired.

Mayor Freitas reported he had received written comment from John Fortner, Chris Walters, Desmond Bittner, Diane Jones, Cliff Rezentos, Vince Augusta, Matt Summers, Nathan Moeller, Scott Slinger, Jim Perkinson and two unidentified individuals indicating they were opposed to agenda item #2 H.

Mayor Freitas recommended in lieu of approving the resolution, Council give direction to the City Manager to provide a status report at the next Council meeting, insuring discussions were on going between the employee groups and staff and continue the \$5,780 per month for the next 60 days.

Councilmember Simonsen stated that without information supporting the cap amount and impact on the budget, he could not support the motion.

A motion by Councilmember Davis, seconded by Mayor Freitas to extend this item to June to allow for discussions between staff and the employee groups failed by the following vote:

Ayes: Davis, Freitas

Noes: Simonsen

City Attorney Galstan clarified three votes would be required to take action; the status quo would continue the matter until it could be brought back and received three votes to approve or deny.

Mayor Freitas stated as a result of the previous vote, the temporary cap will continue and the item will be placed on the May 10, 2005 City Council agenda. He suggested staff and the employee groups between now and May 10, 2005 meet with the actuary to review the report.

Councilmember Simonsen requested a report on the actual impact to each employee.

PUBLIC HEARINGS

3. RESOLUTION APPROVING PROGRAM YEAR (PY) 2005-2006 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN.....#709-01

Staff recommended the City Council continue item #3 to May 10, 2005.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council members present unanimously continued item #3 to May 10, 2005.

4. MARK MARCOTTE/PARK LAKE CONDOMINIUMS REQUESTS APPROVAL OF A USE PERMIT, A VARIANCE FROM MINIMUM SETBACK REQUIREMENTS, A TENTATIVE MAP AND A REZONE TO DEVELOP A 60 UNIT CONDOMINIUM COMPLEX ON APPROXIMATELY 3.2 ACRES LOCATED AT THE SOUTHEAST CORNER OF JAMES DONLON BOULEVARD AND TABORA DRIVE (APN 072-011-062). FILES: UP-04-19, Z-04-03, V-04-14..... #202-10

Staff recommended the City Council continue item #4 to June 28, 2005.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council members present unanimously continued item #4 to June 28, 2005.

5. MELVIN DONALDSON/FOUR-STORY MEDICAL OFFICE REQUESTS APPROVAL OF A FINAL DEVELOPMENT PLAN, PD REZONING, AND USE PERMIT FOR AN APPROXIMATELY 36,000 SQUARE FOOT, FOUR-STORY MEDICAL OFFICE BUILDING AND RELATED SITE IMPROVEMENTS. A VARIANCE FOR THE REDUCTION FROM THE REQUIRED NUMBER OF PARKING STALLS IS ALSO REQUESTED. THE PROJECT SITE IS LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF HILLCREST AVENUE AND WILDFLOWER

**DRIVE (APNS 052-370-011, 015, AND 016).PD-04-15, Z-05-04, UP-04-32, V-05-01
.....#202-03**

Associate Planner Albro presented the staff report dated March 18, 2005 recommending the City Council take the following actions: A) adopt the resolution approving the project; B) introduce the ordinance by title only, and; C) introduce the Ordinance rezoning approximately 2 acres, creating the four-story medical office project site to Planned Development District (PD)

Mayor Freitas opened the public hearing.

PROPONENT

Jim Burns, representing the applicants, clarified Dr. Donaldson, Ms. Kahn and himself were the owners of the project. He stated he was available to answer any questions on the project this evening.

Mayor Freitas closed the public hearing.

Councilmember Simonsen commended the applicants for bringing an excellent project to Antioch.

Mayor Freitas, on behalf of the City Council and community, thanked the applicants for an outstanding project and wished them good luck moving forward.

RESOLUTION NO. 2005/51

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously: A) Adopted the resolution approving the project; B) Introduced the ordinance by title only, and; C) Introduced the Ordinance rezoning approximately 2 acres, creating the four-story medical office project site to Planned Development District (PD)

- 6. THE BIXBY COMPANY, LLC/LAUREL RANCH REQUESTS APPROVAL OF A FINAL PLANNED DEVELOPMENT, REZONE TO THE PLANNED DEVELOPMENT DISTRICT AND VESTING TENTATIVE MAP IN ORDER TO SUBDIVIDE 217 LOTS INTENDED FOR SINGLE FAMILY HOME DEVELOPMENT AND APPROX. 130,000 S.F. OF COMMERCIAL SPACE. A SUBSEQUENT USE PERMIT APPLICATION(S) IS REQUIRED PRIOR TO FINAL MAP RECORDATION AND CONSTRUCTION OF HOMES OR COMMERCIAL SPACE. THE PROJECT SITE IS GENERALLY LOCATED AT THE NORTH END OF THE EAST LONE TREE SPECIFIC PLAN AREA, WEST OF THE FUTURE HIGHWAY 4 BYPASS. (APN 053-060-015) IN CONFORMANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, THE COUNCIL IS REQUESTED TO APPROVE AN ADDENDUM TO THE FUTURE URBAN AREA #2 SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT. PD-04-10, PW 670 #202-03**

At the recommendation of staff, the City Council continued item #6 to May 10, 2005.

The applicant indicated he concurred with the recommendation.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously continued item #6 to May 10, 2005.

7. BLUEROCK PARTNERS, LLC REQUESTS APPROVAL OF A MASTER USE PERMIT TO ESTABLISH PARAMETERS FOR DEVELOPMENT AS STIPULATED UNDER THE PREVIOUS PROJECT APPROVALS AND ENVIRONMENTAL IMPACT REPORT FOR THE BLUEROCK BUSINESS CENTER. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF THE LONE TREE WAY AND BLUEROCK DRIVE / GOLF COURSE ROAD INTERSECTION (APN 072-012-109) UP-05-2#202-10

Community Development Deputy Director Carniglia presented the staff report dated April 21, 2005 recommending the City Council adopt the alternative resolution.

Mayor Freitas opened the public hearing.

Mayor Freitas declared a recess at 8:34 P.M. the meeting reconvened at 8:47 P.M. with all Councilmembers present with the exception of Councilmembers Conley and Kalinowski who were excused.

PROPONENT

Mike Hurd, representing Reynolds and Brown, gave a brief history of the project, reviewed the site plan and noted with the requested flexibility, they could maintain the appropriate parking ratios. He noted the requested changes operate under the pre-approved guidelines established by the Planning Commission, Design Review Board and City Council, reducing the financial risks while allowing Reynolds and Brown to react to market opportunities, lessening the likelihood of vacant land next to completed buildings. He urged the City Council to approve their request and promised to deliver a quality business park.

Devi Lanphere, representing the Antioch Chamber of Commerce, voiced their support of the project, Reynolds and Brown and Mike Hurd.

Ken Lee, Antioch resident, expressed concern of the dust impacts on the project.

REBUTTAL

Mr. Hurd clarified the water truck was onsite at all times, however, during rain the ground was wet, and the truck was not in use.

Mayor Freitas closed the public hearing.

Councilmember Simonsen stated he agreed with the concept of providing flexibility to the developer, although he was concerned about the drive-thru component of the project.

Mayor Freitas agreed, noting he felt the drive-thru was inconsistent with a business park.

Following discussion the City Council consensus was to hold the item over to May 10, 2005 with direction to the applicant to work with staff to reconcile the resolution with Exhibit A and the Master Use Permit. Furthermore, staff would tighten the ratios for square footage on the individual building pads.

Councilmember Simonsen expressed concern regarding the proposed parking along Lone Tree Way.

COUNCIL REGULAR AGENDA

8. APPOINTMENTS TO BOARD OF ADMINISTRATIVE APPEALS (3 EXPIRED TERMS/1 UNEXPIRED TERM)#302-12

Mayor Freitas commended all the applicants for applying to the various Boards and Commissions. He acknowledged and thanked Martin Gonsalves and Marie Durkin for serving the City. He nominated Terri Lieder, James J. Lardieri and Consuelo Porto to the three expired terms to the Board of Administrative Appeals, and nominated Deborah Simpson to fill the unexpired term of the alternate.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously appointed Terri Lieder, James J. Lardieri and Consuelo Porto to the three expired terms to the Board of Administrative Appeals and Deborah Simpson to the unexpired term of the alternate.

9. APPOINTMENT TO CONTRA COSTA MOSQUITO ABATEMENT (1 UNEXPIRED TERM)#705-05

Mayor Freitas nominated Jose Saavedra to the one unexpired vacancy for the Contra Costa Mosquito Abatement.

On motion by Councilmember Davis, seconded by Councilmember Simonsen the City Council members present appointed Jose Saavedra to the one unexpired vacancy for the Contra Costa Mosquito Abatement.

10. APPOINTMENT TO CONTRA COSTA TRANSPORTATION AUTHORITY (1 UNEXPIRED TERM)#302-01

Mayor Freitas nominated David Pfeiffer to the one expired vacancy for the Contra Costa Transportation Authority.

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council members present unanimously appointed David Pfeiffer to the one expired vacancy for the Contra Costa Transportation Authority.

11. ARTS AND CULTURAL FOUNDATION REPORT AND RECOMMENDATION ON FIRST PHASE OF PUBLIC ART PROJECT IN THE HILLCREST AVENUE AND LONE TREE WAY ASSESSMENT DISTRICTS AND CREATION OF FUND FOR REPAIR OF PUBLIC ART#1407-03

Assistant to the City Manager Gegg presented the staff report dated April 21, 2005 recommending to the City Council: A) The Arts and Cultural Foundation request approval of Option 1, concerning the next steps in the public art project in the Hillcrest Avenue and Lone Tree Way Assessment Districts, and; B) The Arts and Cultural Foundation request approval of Option A, concerning the creation of a fund for the repair of public art

Joel Summerhill, Antioch resident and Treasurer of the Arts and Cultural Foundation, introduced Kathy Campbell, Diane Gibson-Gray and Art Consultant Lynne Baer.

Ms. Baer gave a brief overview of various public art projects and (Attachment B) the Public Art Plan Hillcrest Avenue and Lone Tree Way Assessment District.

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the City Council members present unanimously approved Option 1, concerning the next steps in the public art project in the Hillcrest Avenue and Lone Tree Way Assessment Districts.

Following discussion the City Council agreed to hold discussion for Option A, concerning the creation of a fund for the repair of public art to the budget hearings.

12. URGENCY ORDINANCE REQUIRING CONDITIONAL USE PERMITS FOR CONVENIENCE STORES DURING AN INTERIM STUDY PERIOD#701-05

City Attorney Galstan stated given the fact there was not a full City Council in attendance, he would suggest the item be treated as a regular ordinance with a recommendation to introduce the ordinance by title only and to introduce the ordinance. He noted if the previous action were passed, staff would come back to the next meeting with the urgency ordinance.

On motion by Councilmember Davis, seconded by Councilmember Simonsen the City Councilmembers present unanimously introduced by title only and introduced the ordinance with wording subject to review of the City Council.

2. E. LEGISLATION AND ADVOCACY#701-04

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously reconsidered item 2E.

Mayor Freitas reported the consensus at the Delta 6 meeting, which had been held the previous week, was each jurisdiction should pass a resolution supporting the mega-project.

RESOLUTION NO. 2005/52a

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously approved a resolution to be drafted by the City Manager for the Mayor's signature, advocating for federal dollars for the expansion of Highway 4.

Mayor Freitas announced there was an effort to go to Washington D.C. on May 4-6, 2005 to work with neighboring cities to lobby for federal dollars for the expansion of Highway 4 and due to work considerations he could not attend. Following discussion, the City Council agreed the importance of the issue warranted the authorization of City moneys to send both Councilmember Conley and Davis to Washington D.C. along with City Manager Jakel.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS

Mayor Freitas commended Tom Fuhrmann, the Antioch Police Department, and the volunteers who organized the Every 15 Minutes program at Antioch High School. He recommended all Councilmembers attend future programs.

Councilmember Davis reported he had attended the first segment of the Every 15 Minutes program, which had been well prepared and executed. He encouraged the Police Department to invite some of the private high schools to participate in future programs.

Mayor Freitas commended staff for working with the Antioch Unified School District to find a suitable location for the Magnet School.

Councilmember Simonsen announced the website finish4now.com had been created to collect names in support of expediting the completion of Highway 4, which would be given to Legislators. He reported he had attended the Water Transit Authorities community advisory meeting last week and noted they were very interested in Antioch's waterfront proposals.

Mayor Freitas stated thoughts and prayers go out to the family, friends and Pittsburg Police Department for the death of Officer Larry Lassiter.

With no further business, Mayor Freitas adjourned the meeting at 10:53 P.M. to the next regular Council meeting on May 10, 2005.

Respectfully Submitted:

L. JOLENE MARTIN, City Clerk