

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**June 9, 2009
Council Chambers**

6:15 P.M- CLOSED SESSIONS

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Evangelho v. City of Antioch; William G. McCullough Co., Contra Costa Superior Court, Case 07-02205; City of Antioch v. Evangelho et al., Contra Costa Superior Court, Case Nos. C06-02345, C06-02391, C06-02392. This Closed Session is authorized by California Government Code §54956.9(a)

- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One potential case.

Mayor Pro Tem Rocha called the meeting to order at 7:03 P.M., and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Moore, Parsons and Mayor Pro Tem Rocha.

PLEDGE OF ALLEGIANCE

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

City Attorney Nerland stated the City Council had been in Closed Session, and provided the following report: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, no reportable action, and: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, direction was given to City Attorney Nerland.

PRESENTATIONS

1. Senator Desaulnier

Senator Desaulnier provided the City Council with his legislative package and gave a brief update on the status of the State Budget.

2. Concord Naval Weapon Station

Bruce Knopf, Project Manager Reuse Project gave a brief overview of the Concord Community Reuse Project Plan for the Concord Naval Weapons Station site.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Councilmember Rocha announced Antioch Senior Citizens Club luncheon would be held on June 19, 2009 at 11:30 A.M. and Brenda's Love for Seniors Activities Grand Opening would be on June 12-13, 2009 from 10:00 A.M. – 2:00 P.M. She announced Leo Fontana would be receiving an honorary degree at California State East Bay on June 13, 2009.

Mayor Davis arrived at 7:46 P.M.

PUBLIC COMMENTS

Scott Freier, President of the Antioch Police Officers Association (APOA), Rodger McKeon, APOA Board Member, and Tom Fuhrmann, representing APOA, discussed the negative impacts on police services, public safety, programming and officer safety should there be a reduction of sworn and non-sworn officers.

Mayor Davis read written comments from the following individuals who indicated their opposition to reducing the staffing level for Police Officers: Steve Bias, Erika Macas-Leal, Theresa McBride, Karen Rhoades and Katie Cook

Rick Ingrassia, representing United Citizens for Better Neighborhoods (UCBN), reiterated the negative impacts which would result with a reduction in staffing levels at the Police Department. He requested the City Council delay action on further cuts until September, when a decision regarding the City obtaining a federal grant had been made.

The following individuals provided speaker cards and deferred their comments for the APOA: Rick Smith, Christopher Kidd, Jason Joannides, Jason Vanderpool, Preston Garcia, Stacey Malsom, Nicole Gackowski, Nahleen Cloninger, Mike Hulse, Trevor Sounitzers, B.J. Hewitt, Stephanie Easterwood, R Geis, Candance Keds, Rock Huddleston, Adrian Gonzalez, Jiseok Jeong, Brian Rose, Kevin Rogers, Mike Mortimer, Daniel Kunkel, Chris Lewellyn, Dean Pfeiffer, Cory Brady, Ryan White, Chris Martin, Jason Stenger, Cliff Rezendes, Matt Summers, Angela Lagasse, Jimmy Wisecarver, Steve Aiello, Connie and Ron Komar, Diane Freier, Bob Fromme, Susan Welch and Leon Mendes.

Chris Ming, APOA, discussed the importance of effective staffing level for the safety of police officers.

Veronica McMoth, Antioch resident, spoke in support of the Antioch Police Department and urged the City Council to maintain the current staffing levels.

Gary Agopian, Antioch resident, discussed the statistics related to violent crimes and noted Antioch was significantly higher than several California cities similar in size. He proposed the City use their reserves, reduce City services, freeze wage increases and consider dedicated police revenue.

Donna Wilson, Antioch resident, expressed concern the Police Department program cuts would be eliminating opportunities for the children of the community.

Maryjane Carsten, Antioch resident discussed the negative impacts of eliminating positions within the Antioch Police Department. She suggested reducing management positions within City Hall and assessing fees for the use of City parks.

Mary Dotson, Antioch resident, discussed the current need for more law enforcement and reminded the City Council they were elected to their positions for their concerns related to public safety.

Pat Jansen, Antioch resident, member of Volunteers in Police Services (VIPS) and the Rivertown Preservation Society provided the City Council with, and read a letter in opposition to possible layoffs and/or demotions in the Antioch Police Department. She thanked public safety officers for their dedication to the safety of the residents of Antioch.

Martin Fernandez, Antioch resident, spoke in support of the Antioch Police Department.

Devi Lanphere, Antioch Chamber of Commerce, spoke to the potential of increasing overtime costs with the reduction in staffing levels for the Police Department. She thanked Mayor Davis and Councilmembers Rocha and Parsons for participating in the Rivertown walk and reported information would be coming forth regarding how best to utilize volunteer efforts. She introduced new Chamber staff member Grant Thornton to the City Council.

Wayne Harrison provided the City Council with written comment urging the City Council to keep Police Services as a top priority.

Alan Lloyd, President of Stand Together Youth Association, gave a brief history of his program which assists at risk youth. He provided contact information for anyone wishing to receive additional information.

Gregory Cantrell, representing Mass Media Telecommunications Inc. informed the City Council he had difficulty obtaining information from the Planning Department regarding the use of the Antioch Ford Building for charitable fundraising activities. He noted they would continue to apply for a license and requested fairness in the process moving forward regarding the matter.

Mayor Davis stated the City Council had received a copy of his letter and they would review it independently.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Kalinowski stated he appreciated the dialog from Antioch Police Officers Association. He reported the Budget subcommittee was developing a recommendation for addressing the budget deficit. He stated he does not support any layoffs in the Police Department, additional layoffs citywide or furloughs every Friday at City Hall. He noted public protection was the responsibly of the City Council. He suggested the City Manager and staff reconsider with regards to the layoff notices anticipated.

Councilmember Rocha thanked all the public speakers for voicing their concerns this evening and spoke in support of dedicated funds for the APD.

Councilmember Parsons thanked the Police Officers in attendance and those that emailed her regarding the budget issue.

Mayor Davis voiced his appreciation for the comments and ideas expressed this evening. He committed to public safety in Antioch.

In response to Councilmember Parsons, Councilmember Kalinowski advised closing City Hall every Friday would be a 10% pay reduction for City employees.

Mayor Davis declared a recess at 8:59 P.M. The meeting reconvened at 9:24 P.M. with all Councilmembers present.

MAYOR'S COMMENTS - None

- 1. COUNCIL CONSENT CALENDAR**
 - A. APPROVAL OF COUNCIL MINUTES FOR MAY 12, 2009**
 - B. APPROVAL OF COUNCIL WARRANTS**
 - C. REJECTION OF APPLICATION FOR LATE CLAIMS AND REJECTION OF CLAIMS**
 1. Renwick U. Lampkin 09/10-1890 (personal injury) (*removed*)
 2. Jackie Turner 09/10-1887 (property damage)
 3. John Rossi 09/10-1872 (vehicle damage).
 4. Manuel Samaniego 09/10-1885 (property damage).
 5. Aida Bell 09/10-1879 (property damage)
 6. Jordan E. Taitano 09/10-1888 (personal injury)
 - D. ORDINANCE 2029 C-S TO ADD SECTION 9-5.3308 TO THE ANTIOCH MUNICIPAL CODE TO REFERENCE THE HILLCREST STATION AREA SPECIFIC PLAN (Introduced 5/26/09)**
 - E. RESOLUTION NO. 2009/43 TO APPROVE THE CITY OF ANTIOCH'S 2009 ENERGY EFFICIENCY BLOCK GRANT APPLICATION AND THE PROJECTS DESCRIBED THEREIN TO THE FEDERAL DEPARTMENT OF ENERGY REQUESTING FUNDS TOTALING \$885,000.00 AS MADE AVAILABLE THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009**
 - F. APPROVAL TO INCREASE FUNDS FOR THE "L" STREET WIDENING AND UTILITIES UNDERGROUNDING FROM FOURTH STREET TO TENTH STREET (P.W. 234-9)**
 - G. RESOLUTION NO. 2009/44 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE POLICE FACILITY REPAIRS (P.W. 590-4)**
 - H. APPROVE AWARD OF SLURRY SEALING OF CITY STREETS PROJECT (2009)**
 - I. APPROVE AN AGREEMENT WITH BARBARA GRYGUTIS FOR PUBLIC ART AT PREWETT PARK AND COMMUNITY CENTER**

J. APPROVE AN AGREEMENT WITH ROBERT ELLISON FOR PUBLIC ART AT THE CORNER OF DALLAS RANCH ROAD AND ROCK SPRINGS DRIVE

On motion by Councilmember Moore, seconded by Councilmember Rocha, the Council unanimously approved the Council Consent Calendar with the exception of item C1 which was removed from the agenda and items E and F which were removed for further discussion.

Item E – In response to Councilmember Kalinowski, City Manager Jakel stated staff would look to fill the Climate Action Specialist position internally prior to hiring an additional employee.

Lonnie Karste clarified the energy savings from the program would go to pay down the loan and approximately \$290k will be cost avoidance to the General Fund.

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

Ayes: Davis, Kalinowski, Rocha, Parsons

Abstain: Moore

Item F – In response to Councilmember Kalinowski, Director of Capital Improvements/Water Rights Harrington reviewed the scope of work for the project and reported the bid was approximately 14% below the engineers estimate.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously approved item F.

PUBLIC HEARINGS

2. STREET LIGHT AND BUILDING ENERGY RETROFIT PROGRAM WITH HONEYWELL INCORPORATED

On motion by Councilmember Rocha, seconded by Councilmember Moore the City Council unanimously continued item #2 to July 14, 2009.

3. LAKEVIEW CENTER / REYNOLDS AND BROWN REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, REZONE, FINAL DEVELOPMENT PLAN/VESTING TENTATIVE MAP, USE PERMIT, AND DESIGN REVIEW TO ALLOW A PHASED PROJECT CONSISTING OF APPROXIMATELY 50,000 SQUARE FEET OF RETAIL SPACE AND APPROXIMATELY 150,000 SQUARE FEET OF OFFICE SPACE. AN ADDENDUM TO THE FINAL BLUEROCK BUSINESS CENTER EIR WILL ALSO BE CONSIDERED. THE SUBJECT PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF LONE TREE WAY AND GOLF COURSE ROAD (APN 072-012-087). (FILE: GP-07-01, PD-09-01, SP-07-01, UP-08-17, AR-08-14)

Senior Planner Morris presented the staff report dated June 3, 2009 recommending the City Council 1) adopt the resolution adopting the addendum to the Bluerock Business Center EIR, 2) adopt the resolution approving a General Plan amendment (GP-07-01) and Specific Plan

amendment (SP-07-01), 3) introduce the Ordinance by title only, 4) introduce the Ordinance rezoning approximately 12.94 acres comprising the Lakeview Center Project from Low Density Residential (R-6) to Planned Development District (PD) (PD-09-01); and 5) adopt the resolution approving a Vesting Tentative Parcel Map/Final Development Plan (PW 357-301-09), Use Permit (UP-08-17) and Design Review Application (AR-08-14).

At the request of the City Council, City Attorney Nerland reviewed the 2004 referendum of the Reynolds and Brown project at Bluerock.

Drew Mickel, representing Reynolds and Brown, gave a brief overhead presentation of their company history and the proposed project site plans and elevations. With regards to the request for a continuance he received today, he stated he was willing to discuss any outstanding issues, however he had an obligation with tenants therefore they could not entertain a continuance. He introduced the development team in attendance this evening. In addressing the conditions of approval, he provided the following feedback:

- #72 He stated they were willing to hydrate and maintain the area between their property line and the City's chain link fence. Additionally, he noted they would like to thin the trees to open up the views along the reservoir.
- #78 He requested if they had a tenant that takes up two spaces, they be allowed to increase the square footage for signage to 40 square feet.
- #80 He requested they be allowed the option for special one-time events in their plaza.
- Additionally, he requested they be allowed to increase the office building height from 35 to 40 feet.

In response to Councilmember Moore, Mr. Mickel clarified generally speaking their projects were owner built and approximately 70% of their jobs are union. He stated they would entertain and try to focus on hiring local contractors.

Councilmember Moore expressed concern regarding the lack of an economic study for the project and the duplicity of retailers in the area.

William McDermott, Armstrong Development Properties Inc., representing CVS Pharmacies, stated they had analyzed sales in the area and this would be a new location. He noted local hiring was a product of the environment and requested they be allowed to retain the right to pursue 24 hour operation, if and when there was a demand in the community.

Devi Lanphere, Antioch Chamber of Commerce, spoke in support of the project and urged the City Council to approve the project and consider a 24 hour operation for the pharmacy.

Dee Viera, Antioch resident, expressed concern they were not notified of the project and on behalf of the authors of Measure "C" and local residents in her neighborhood, she requested the item be tabled to allow the public to review the proposed changes.

Senior Planner Morris stated the project was properly noticed with mailings to property owners within a 300 foot radius of the project boundaries and notices in the Contra Costa Times.

Mayor Davis closed the Public Hearing.

Speaking to the requested modifications to the project specific conditions, Director of Community Development Brandt, suggested adding "*or as approved by the City Engineer*" to project specific condition #72, which would give staff the opportunity to work with the applicant on the hydro seeding and tree trimming issue. Senior Planner Morris added increasing signage to 40 square feet for applicants taking up two store fronts was appropriate and suggested the City Council could clarify condition #80 relates to ongoing events.

Councilmember Rocha spoke in support of the project with the above mentioned changes to the conditions of approval.

Councilmember Kalinowski spoke in support of the project and requiring any 24 hour operations apply for a use permit.

Councilmember Moore stated he could not support the project without the benefit of an Economic Impact Study and until additional public input had been considered as requested this evening.

Mayor Davis voiced his support of the project. He expressed concern a guarantee was made by a prior City employee to the Measure "C" group that they would be notified independently if the matter was to come back before the City Council. However, he noted, the City had acted legally to notify the public of the project.

Mr. Mickel stated if the project were delayed they could lose the project and he discussed the negative impacts which may result.

Mr. McDermott reported they were nearing their execution of the lease and they had committed to CVS based on the timelines provided by Mr. Mickel and Reynolds and Brown the process. He noted they had allocated their resources via the hiring of architects and production of construction documents, permitting, hiring and merchandising and to delay at this point over an issue that was not the applicants fault seemed unfair. He noted they had committed to the project and they were ready to move forward.

Councilmember Kalinowski voiced his support for the project noting its success was based on design and maintenance of the parcel and the company had a vested interest in having an upscale approach to the overall development. He noted with shopping center issues afterhours, he does not envision the need to expand to a 24 hour operation at the pharmacy.

RESOLUTION NO. 2009/45
RESOLUTION NO. 2009/46
RESOLUTION NO. 2009/47

On motion by Councilmember Rocha, seconded by Councilmember Parsons the City Council
1) adopted the resolution adopting the Addendum to the Bluerock Business Center EIR, 2)

adopted the resolution approving a General Plan amendment (GP-07-01) and Specific Plan amendment (SP-07-01), 3) introduced the Ordinance by title only, 4) introduced the Ordinance rezoning approximately 12.94 acres comprising the Lakeview Center Project from Low Density Residential (R-6) to Planned Development District (PD) (PD-09-01); and 5) adopted the resolution approving a Vesting Tentative Parcel Map/Final Development Plan (PW 357-301-09), Use Permit (UP-08-17) and Design Review Application (AR-08-14) with the following modifications to project specific conditions #70, 72, 78 and 80 to read as follows:

- #70 - If 24-hour operations is desired, the applicant will need to come back for a use permit.
- #72- That there shall be no hydro seeding on City property or as approved by the City Engineer.
- #78- That tenants signage for the retail/storefront office building shall fit within a two foot high x sixteen foot wide sign envelope and shall not exceed 32 square feet for one tenant/one store front and 40 square feet for one tenant occupying two storefronts.
- #80 -That live music and/or entertainment shall require a use permit subject to the approval of the Planning Commission other than onetime events subject to administrative review per the existing municipal code.

The motion carried by the following vote:

Ayes: Davis, Kalinowski, Rocha, Parsons

Noes: Moore

7. ESTABLISH CARBON EMISSIONS REDUCTION TARGETS FOR ANTIOCH

On motion by Councilmember Moore, seconded by Councilmember Rocha the City Council unanimously continued item #7 to June 23, 2009.

4. BLACK DIAMOND RANCH / DISCOVERY BUILDERS REQUESTS APPROVAL OF MODIFICATIONS TO THE SINGLE FAMILY HOME PRODUCTS FOR THE REMAINING 150 UNITS OF THE BLACK DIAMOND RANCH SUBDIVISION, A 286-UNIT SUBDIVISION LOCATED SOUTHWEST OF THE SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD INTERSECTION. (FILE: UP-09-03/AR-09-02)

Community Development Technician Stahl presented the staff report dated June 4, 2009 recommending the City Council adopt a resolution to approve or deny the request to modify the home size and unit mix.

Mayor Davis opened the public hearing.

Louis Parsons representing Discovery Builders, gave a brief overview of the proposal to add two plan types to their existing product mix.

Dana Owyong, Development Director Discovery Builders, gave a brief overhead presentation of the proposed elevations.

Devi Lanphere, Antioch Chamber of Commerce, spoke in support of the project.

Mayor Davis closed the public hearing

In response to Councilmember Kalinowski, Mr. Parsons stated they would offer the architectural enhancements outlined by staff as options for the buyers.

RESOLUTION NO. 2009/48

On motion by Councilmember Moore, seconded by Councilmember Rocha the City Council unanimously adopted a resolution to approve the request to modify the home size and unit mix.

COUNCIL REGULAR AGENDA

5. DISCUSSION OF PROPOSED CONTRA COSTA COUNTY LIBRARY OPERATIONAL COST TRANSFER TO THE CITY OF ANTIOCH

Project Manager Karste presented the staff report dated June 1, 2009, recommending the City Council review and approve operational hours and funding plan, if needed, for the Antioch library.

Ann Kane stated the hours of operation for the library were flexibility and could be determined by the needs of the community.

Kathy Middleton, Acting Community Library Manager stated library usage had increased and they were busiest up until 7:00 P.M..

Merle Whitburn, Antioch resident, member of the Board of Friends of the Library, Linda Locke, Antioch resident and President of the Friends of the Antioch Library, Katrina Miller, Antioch resident, Linda Stingily, Teacher AUSD, Neil MacCallister, Antioch resident, Terri Courtney, Antioch resident, Mary Ellen Heredia, Antioch resident, Friends of the Antioch Library, Ceci Chalasani, Antioch resident, Neil Kenkel, Antioch resident, Antioch Library Project Second Chance, Janice Caggola, Antioch Rivertown Garden Club, Roderick and Nicholas Kraber, Antioch resident, expressed concern for the reduction of library hours, spoke to the value of Library services and urged the City Council to fund the hours of operation at the highest level possible.

Sandra Kelly provided written comment requesting the City Council keep the Library open as many hours as possible.

Mayor Davis read written comments from Melissa Welter, Pittsburg resident, and Mary Dotson Antioch resident, in support of fully funding the library hours.

Devi Lanphere, Antioch Chamber of Commerce discussed lack of equality among Contra Costa cities as it related to the funding available from the County for Library services. She urged the City Council to request the County Board of Supervisors ensure funding was fair and equitable among all cities.

Ann Cain, Contra Costa County Librarian clarified the plan addressed each community had 35 hours of funding for each existing community library and if they choose to spend it on the

facility related costs the funded hours will be reduced to 28 per week. In response to Councilmember Rocha, she reported the satellite Library facility at the community center in Antioch was not in the current budget.

Councilmember Kalinowski expressed concern for equity issues across the County and the disbursement of per capita money.

Councilmember Moore stated he felt the City Council had an obligation to the community to fund the Library hours.

Mayor Davis agreed with the public speakers this evening, however, he was not prepared to support funding any Library hours prior to the City receiving the tax dollar figure from the County Assessor's Office.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council supported the amount of \$140,000 (currently budgeted) for Library services to the Antioch Library which would include a baseline of 35 hours, the difference between the baseline and the residual amount of \$40k will be used to buy up to 52 hours for as long as possible with direction to the County Library to inform the City how long 52 hours would be funded.

The motion carried by the following vote:

Ayes: Kalinowski, Rocha, Parsons, Moore

Abstain: Davis

Mayor Davis declared a recess at 12:15 P.M. The meeting reconvened at 12:18 P.M. with all Councilmembers present.

6. PROVIDE DIRECTION TO CITY STAFF AND THE ANTIOCH PUBLIC GOLF CORPORATION BOARD OF DIRECTORS REGARDING REQUEST FOR FINANCIAL RELIEF DURING THE CURRENT ECONOMIC DOWNTURN

Assistant City Manager Mornick presented the staff report dated May 26, 2009 recommending the City Council: 1) Provide direction to the request from Antioch Public Golf Corporation to change the current agreement between that entity and the City as regards to the payment of the ABAG loan, and 2) Provide direction to the request to waive payment of the irrigation water bill at the Golf Course

Dave Van Fossen, General Manager of the Lone Tree Golf Course, gave a brief presentation of the request from Antioch Public Golf Corporation to change the current agreement regarding the payment of the ABAG loan, and waive payment of the irrigation water bill at the Golf Course

Devi Lanphere, Antioch Chamber of Commerce, discussed the value of the community facility and urged the City Council to support.

Councilmember Kalinowski expressed concern the Golf Course was becoming a burden to the City.

Following discussion Assistant City Manager Mornick recommended the City Council waive the water bill for one year, and come back to the City Council if there was a need for a loan from the water fund.

Gordon Gravelle reviewed the terms of the management agreement with the City to operate the Golf Course. He suggested once their budget had been approved, they meet with the City and review the financials.

Following discussion, the City Council directed staff to come back to the City Council with direction on the loan out of the water fund with regards to the payment to the ABAG loan, when or if it becomes necessary.

On motion by Councilmember Moore, seconded by Councilmember Kalinowski, the City Council unanimously waived payment of the irrigation water bill at the Golf Course for the period of one year.

7. ESTABLISH CARBON EMISSIONS REDUCTION TARGETS FOR ANTIOCH

This item was continued to 6/23/09.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reported entry monuments were beginning to be installed in the City.

Following discussion, Council agreed to meet at 5:30 pm on June 23, 2009 for a Budget Study Session.

COUNCIL COMMUNICATIONS

Councilmember Parsons reported the Mayor's Golf Tournament was nice and she participated in the Rivertown walk.

Councilmember Moore announced his daughter was getting married on June 13, 2009.

Councilmember Parsons announced Antioch High School graduation would be held on June 10 and Deer Valley on June 11, 2009.

With no further business, Mayor Davis adjourned the meeting at 1:03 P.M. to the next special Council meeting on June 23, 2009.

Respectfully Submitted

L. Jolene Martin, CMC

L. JOLENE MARTIN, City Clerk